AGENDA

JAMES CITY COUNTY BOARD OF SUPERVISORS

REGULAR MEETING

COUNTY GOVERNMENT CENTER BOARD ROOM

101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185

June 11, 2024

5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leader - Lillian Martyn, a 2nd grade student at James River Elementary School

E. PUBLIC COMMENT

F. CONSENT CALENDAR

G. PUBLIC HEARING(S)

1. Z-24-0002/SUP-24-0002. Bright Beginnings Pre-K Center at Clara Byrd Baker Elementary School
2. Z-24-0003/SUP-24-0003. Bright Beginnings Pre-K Center at Norge Elementary School
3. Z-24-0005. Clark Talley Residential Rezoning
4. Lease of 6197 Old Mooretown Road - James City County Real Estate Tax Map Parcel No. 3220100038
5. An Ordinance of Vacation Regarding Catalpa Drive
6. Lease Agreement with Williamsburg Area Medical Assistance Corporation
7. An Ordinance to Amend and Reordain Chapter 10, Garbage and Refuse, of the Code of the County of James City, Virginia
8. An Ordinance to Amend and Reordain Chapter 8, Erosion and Sediment Control, Article I, Erosion and Sediment Control and Article II, The Virginia Stormwater Management Program

H. BOARD CONSIDERATION(S)

1. Moses Lane - 2024 Community Development Block Grant Application
2. HW-23-0001. Ford's Village Retirement Center Height Waiver
3. Purchase of a Portion of the Property at 215 Curry Drive

I. BOARD REQUESTS AND DIRECTIVES

J. REPORTS OF THE COUNTY ADMINISTRATOR

K. CLOSED SESSION

1. Discussion of the award of a public contract involving the expenditure of public funds, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711(A)(29) of the Code of Virginia and pertaining to the contract for the joint operation of schools between the County and the City of Williamsburg.

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

3. Certification of Closed Session

L. ADJOURNMENT

1. Continue until 11 am on June 12, 2024 at Freedom Park for the County's Juneteenth Celebration

    a. The next business meeting of Board of Supervisors will be held at 1 pm on June 25, 2024 in the Government Center Board Room

SUMMARY FACTS

Applicant:	Ms. Holly Adams, Alpha Corporation
Landowners:	Williamsburg-James City County (WJCC) School Board James City County
Proposal:	Rezoning of 3175 Ironbound Road from R-8, Rural Residential to PL, Public Lands, and a Special Use Permit (SUP) to allow a 41,326-square-foot Pre-K Center.
Locations:	3175 Ironbound Road 3131 Ironbound Road
Tax Map/Parcel Nos.:	4710100057 4710100058
Project Acreage:	± 25.38 acres
Current Zoning:	R-8, Rural Residential (4710100057) PL, Public Lands (4710100058)
Proposed Zoning:	PL, Public Lands
Comprehensive Plan:	Low Density Residential (4710100057) Federal, State, or County Land (4710100058)
Primary Service Area: (PSA)	Inside
Staff Contact:	Ben Loppacker, Planner

PUBLIC HEARING DATES

Planning Commission: May 1, 2024, 6:00 p.m.

Board of Supervisors: June 11, 2024, 5:00 p.m.

FACTORS FAVORABLE

1. The proposal is consistent with *Our County, Our Shared Future: James City County 2045 Comprehensive Plan*.

2. With the proposed conditions, the proposal is compatible with surrounding zoning and development.

3. The proposal passes the Traffic Impact Analysis (TIA) Submittal Requirements Policy Test.

4. The proposal is consistent with the Primary Principles for the Five Forks Area.

5. Impacts: Please see Impact Analysis on Pages 4-6.

FACTORS UNFAVORABLE

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

SUMMARY STAFF RECOMMENDATION

Staff recommends that the Board of Supervisors approve the subject Rezoning and SUP applications, subject to the proposed conditions.

PLANNING COMMISSION RECOMMENDATION

At its May 1, 2024, meeting, the Planning Commission voted to recommend approval of this application by a vote of 6-0. The Planning

Commission also approved, by a vote of 6-0, a resolution to find the proposal consistent with the Comprehensive Plan in accordance with Section 15.2-2232 of the Code of Virginia (Attachment No. 8).

PROPOSED CHANGES MADE SINCE THE PLANNING COMMISSION MEETING

There have been no changes made since the Planning Commission meeting on May 1, 2024.

PROJECT DESCRIPTION

Ms. Holly Adams of Alpha Corporation, on behalf of WJCC Public Schools, has submitted a request to rezone approximately 1.98 acres located at 3175 Ironbound Road from R-8, Rural Residential to PL, Public Lands. Ms. Adams has also applied for a corresponding SUP to allow the use of schools, libraries, museums, and similar institutions in an approximately 41,326-square-foot standalone Pre-K school at 3131 and 3175 Ironbound Road. The school would provide a new 252-student center for ages 2-5, including classrooms, meeting rooms, offices, multipurpose space, indoor and outdoor play areas, and administrative space.

PUBLIC IMPACTS

The scale of this proposal requires the submittal of a TIA. The TIA examines the existing conditions of vehicular traffic, including Level of Service (LOS), with a focus on the roads and intersections serving and impacted by the proposed development.

Per the TIA Submittal Requirements Policy, all Rezoning and SUP applications are subject to the adequate transportation facilities test. A proposed Rezoning or SUP application will pass the test if:

- No off-site improvements are required by the TIA that is approved by both the Planning Director and the Virginia Department of Transportation (VDOT); or
- All off-site improvements recommended by a TIA that are approved by both the Planning Director and VDOT are guaranteed in a form approved by the Planning Director and the County Attorney.

The TIA (Attachment No. 6) analyzed the AM peak hour traffic estimating that the new Pre-K Center will generate 313 total vehicles trips per day. There is an estimated 155 AM peak hour trips entering the site and 158 AM peak hour trips exiting the site. This represents a net increase of 54 AM peak hour trips entering the site and 55 AM peak hour trips exiting the site. The following intersections were studied:

John Tyler Highway at Ironbound Road

The John Tyler Highway and Ironbound Road intersection currently operates at an overall LOS D. With the proposed development, the LOS overall would improve to LOS C, which is still considered to be an acceptable LOS.

Ironbound Road at Harris Teeter Driveway/Proposed School Driveway

The intersection along Ironbound Road at the proposed Pre-K Center egress driveway and Harris Teeter parking ingress/egress after build-out under the redistricting scenario has all individual turning movements operating at LOS C or above. Under a build-out no redistricting scenario, the LOS for left-turning movements would operate at a LOS D but all other turning movements would be at LOS C or above.

Ironbound Road at Service Driveway/School Driveway

The intersection along Ironbound Road at the existing school and the Harris Teeter rear delivery service ingress/egress currently has all

individual turning movements operating at LOS C or above. After build-out with or without redistricting, the LOS would operate at a LOS D or higher for all individual movements.

Based on the results of the TIA, the study concluded that all studied intersections would operate with acceptable queueing and delay with the recommended improvement of constructing the proposed one-lane egress driveway at the intersection adjacent to the Harris Teeter parking ingress/egress.

Staff finds that the impacts stated in the TIA are mitigated for the proposed development and all intersections will operate at an acceptable LOS, subject to proposed SUP conditions and Master Plan showing the recommended improvement of one egress lane. VDOT has reviewed and approved the traffic study subject to the proposed SUP conditions and Master Plan with the Pre-K Center egress driveway, as warranted in the TIA as well as approved by the Planning Director.

Ironbound Road Corridor Signalized Intersection LOS - AM Peak Hour	2023 Existing Conditions	Projected 2025 ("No-Build")	Projected 2025 with Bright Beginnings ("Build with Redistricting")	Projected 2025 with Bright Beginnings ("Build with No Redistricting")
	LOS	LOS	LOS	LOS
John Tyler Highway	D	C	C	C
Harris Teeter Driveway	C	C	C	D
School Driveway	C	C	D	D

PLANNING AND ZONING HISTORY

- Clara Byrd Baker Elementary School did not require an SUP when it was opened in 1989; however, when the property was rezoned to Public Lands in 2007, it required SUPs for schools and similar institutions.
- In 2015, SUP-0005-2015 was approved for additions and improved parking on the site, as well as bringing the existing school use into conformance with the Zoning Ordinance.
- SUPs for additional classrooms in trailers and learning cottages were approved on the Clara Byrd Baker Elementary School property in 1990, 1991, 1995, 2000, 2002, 2003, 2004, 2005, 2006, 2007, and 2021.

SURROUNDING ZONING AND DEVELOPMENT

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

	ZONING DESIGNATION	EXISTING LAND USE	FUTURE LAND USE DESIGNATION
NORTH	MU, Mixed Use District	Commercial	Mixed Use and Moderate Density Residential
SOUTH	R-8, Rural Residential District	Single-family Residential	Low Density Residential
EAST	B-1, General Business District, LB, Limited Business District, and R-2, General Residential District	Single-family Residential and Commercial	Low Density Residential and Mixed Use
WEST	R-8, Rural Residential District	James City Service Authority (JCSA) Desalination Treatment Plant	Federal, State, or County Land

Impacts/Potentially Unfavorable Conditions	**Status** *(No Mitigation Required/Mitigated/Not Fully Mitigated)*	**Considerations/Proposed Mitigation of Potentially Unfavorable Conditions**
Public Transportation: Vehicular	Mitigated	- The new development would take access from Ironbound Road via a shared intersection with the adjacent Clara Byrd Baker Elementary School. - Condition No. 4 requires the improvement identified in the TIA to be bonded prior to final site plan approval and installed prior to the issuance of a Certificate of Occupancy. The proposed improvement includes a one-lane egress from the proposed Bright Beginnings bus drop-off driveway onto Ironbound Road. - The application passes the County's TIA Submittal Requirements Policy Test. - VDOT has reviewed and approved the traffic study.
Public Transportation: Bicycle/Pedestrian	Mitigated	- Per the Pedestrian Accommodation's Master Plan, a sidewalk is required along the west side of Ironbound Road. The adopted Regional Bikeways Master Plan specifies bike lanes along Ironbound Road. The site is located within the Five Forks Community Character Area (CCA) Sidewalk Inclusion Zone and sidewalks shall be constructed on the north or east side of internal roads. The existing sidewalk along the west side of Ironbound Road will be maintained and improved as shown on the Master Plan. All improvements are required to be constructed at the construction plan stage.
Public Safety	No Mitigation Required	- Fire Station 3 on John Tyler Highway serves this area of the County, approximately 1.7 miles from the proposed development. - Staff finds this project does not generate impacts that require mitigation to the County's Fire Department facilities or services.
Public Schools	Mitigated	- The proposal would accommodate existing and future Bright Beginnings students in a dedicated building. Currently, the Bright Beginnings program is split amongst multiple elementary schools across the County. This proposal would consolidate the Bright Beginnings program, opening classroom space at existing elementary schools.

Impacts/Potentially Unfavorable Conditions	**Status** *(No Mitigation Required/Mitigated/Not Fully Mitigated)*	**Considerations/Proposed Mitigation of Potentially Unfavorable Conditions**
Public Parks and Recreation	No Mitigation Required	- The proposal does not generate impacts that require mitigation to the County's parks and recreation services or facilities.
Public Libraries and Cultural Centers	No Mitigation Required	- Staff finds this project does not generate impacts that require mitigation.
Groundwater and Drinking Water Resources	No Mitigation Required	- The property is served by public water and sewer. - JCSA has reviewed the proposal and noted items that will need to be addressed at the development stage.
Watersheds, Streams, and Reservoirs Project is located in the Powhatan Creek Watershed.	Mitigated	- This project will need to demonstrate full compliance with environmental regulations at the development plan stage and evidence that the development will not negatively affect the existing off-site facilities. - Stormwater and Resource Protection Division reviewed and approved the application with proposed SUP Condition Nos. 7 and 8 regarding the use of Special Stormwater Criteria, and wet and dry pond fencing.
Cultural/Historic	No Mitigation Required	- A Phase 1 Archaeological Study was completed for the site in 1987 and found no archaeological sites located in the area of the proposed Pre-K Center. The Pre-K Center is also located in a moderate sensitivity area, which does not require a Phase 1A Archaeological Study per Section 24-23 of the Zoning Ordinance.
Nearby and Surrounding Properties	Mitigated	- Staff finds that this proposal is generally consistent with the character of the existing surrounding development, which is generally commercial in nature. - Proposed SUP Condition No. 6 addresses the requirement for proper screening of dumpsters and roof and ground-mounted HVAC and mechanical units from adjacent properties and right-of-way.
Community Character The project is located along the Ironbound Road Community Character Corridor (CCC).	Mitigated	- The Comprehensive Plan designates Ironbound Road as a CCC. Ironbound Road is characterized as an "Urban and Suburban" CCC. Urban and Suburban CCCs have high to moderate traffic, commercial, and some residential uses. The predominant visual character of these areas should be the built environment

Impacts/Potentially Unfavorable Conditions	**Status** *(No Mitigation Required/Mitigated/Not Fully Mitigated)*	**Considerations/Proposed Mitigation of Potentially Unfavorable Conditions**
		and the natural landscape, with parking and other auto-related areas as a secondary component. - This parcel also falls within the Five Forks CCA and the Sidewalk Inclusion Zone. - The Master Plan incorporates the required 50-foot CCC landscape buffer along Ironbound Road and has included additional architectural features on the east elevation of the proposed structure, which faces Ironbound Road.
Covenants and Restrictions	No Mitigation Required	- The applicant has verified that she is not aware of any covenants or restrictions on the property that prohibit the proposed use.

COMPREHENSIVE PLAN

3131 Ironbound Road is designated Federal, State, or County Land on the Comprehensive Plan Land Use Map.

- Lands designated Federal, State, or County Land are publicly owned lands, such as Eastern State Hospital, military installations, County offices and facilities, and larger utility sites such as the Hampton Roads Sanitation District treatment plant. Development in these areas should follow applicable development standards listed in the charts.

  Staff finds this project consistent with the Comprehensive Plan, which lists County offices and facilities as a recommended use in areas designated Federal, State, or County Land.

3175 Ironbound Road is designated Low Density Residential on the Comprehensive Plan Land Use Map.

- Lands designated Low Density Residential are located in the PSA where public services and utilities exist or are expected to be expanded to serve the sites over the next 20 years. Sites shall have natural characteristics such as terrain and soils suitable for residential development.

- The primary uses include single-family and multifamily units, accessory units, cluster or cottage homes on small lots, recreation areas, schools, places of public assembly, very limited commercial, community-oriented facilities, timeshares, and retirement and care facilities and communities.

- Uses in Groups 2 and 3 should only be approved in these designations when the following standards are met:

  - Maintain the residential character of the area;
  - Have traffic, noise, lighting and other impacts similar to surrounding residential uses;
  - Generally be located on collector or arterial roads at intersections;
  - Act as a transitional use between residential and commercial areas or, if located within a residential community, be integrated with the residential character of the area rather than altering its nature;
  - Provide adequate screening and buffering to protect the character of nearby residential areas; and
  - Generally intended to support the residential area in which they are located (for Group 2 Uses only).

  Staff finds this project consistent with the Comprehensive Plan, which lists schools as a Group 2 recommended use in areas designated Low Density Residential. The proposal appears to meet the standards required for Group 2 and 3 uses for areas designated Low Density Residential through maintaining the 50-foot Community Character buffering and the conditioning of design elevations for the structure. The structure also has adequate buffering from nearby residential uses and acts as a transitional use between residential uses to the south and more commercial uses surrounding the John Tyler Highway and Ironbound Road intersection.

The property is located along the Ironbound Road CCC, an Urban/Suburban CCC.

- Characterized as having high to moderate traffic, commercial uses, and some residential uses.

- Predominant visual character should be the built environment and natural landscape.

- Buffer treatments should incorporate existing and new vegetation, berms, and other desirable design features to complement and enhance the visual quality of the corridor.

- Vehicle-related activities such as parking lots, deliveries, and outdoor operations should be screened.

  Staff finds this proposal satisfies the requirements in the Comprehensive Plan for Urban/Suburban CCCs through preservation of existing buffering and screening of vehicle-related activities from adjacent properties and right-of-way.

The property is also located within the Five Forks CCA.

- Development at the intersection of John Tyler Highway (Route 5) and Ironbound Road primarily serves nearby residential neighborhoods. The principal suggested uses are community-scale and neighborhood commercial and office uses. Moderate density residential development is encouraged as a secondary use. Development should tie into the larger Five Forks Area with complementary building types and connections to surrounding commercial and residential development.

  Staff finds that the proposed Pre-K Center will serve the surrounding residential neighborhoods, with the conditioned elevations complimenting existing development surrounding the school.

PRIMARY PRINCIPLES FOR THE FIVE FORKS AREA

The Board of Supervisors adopted Primary Principles for the Five Forks Area of James City County in 2004. These Principles act as a guide for future development. Staff finds this proposal to be consistent with the Principles as follows:

Transportation Principles:

- While not one of the specific recommended actions, staff finds that the roadway improvements shown on the Master Plan "Capitalize on and Enhance the Existing Roadway Network" with the proposed addition of one egress lane for the Bright Beginnings bus drop-off. Staff also finds that the Pedestrian and Bicycle facilities that will be provided during the construction plan stage "Promote pedestrian and bicycle facility interconnectivity within Five Forks Area" with the improvement of the existing sidewalk and the construction of a bike lane along Ironbound Road.

Environmental Principles:

- This proposal attempts to maintain and improve water quality and reduce flooding risk in the Mill Creek and Powhatan Creek Watersheds and treat existing and additional stormwater runoff by minimizing impervious cover where possible and implementing permeable pavers in parking areas as mentioned in the Community Impact Statement.

Land Use Principles:

- This proposal identifies and utilizes the vacant property at 3175 Ironbound Road that was formerly occupied by a single-family residence. The proposal also promotes mixed use, pedestrian-friendly land-use patterns through contributing to a healthy mix of uses.

  Overall staff finds this application to be generally consistent with the Primary Principles for the Five Forks Area.

FINDING OF CONSISTENCY

Section 15.2-2232 of the Code of Virginia states, in part, that no public facility may be constructed, established, or authorized unless and until the Planning Commission, unless overruled by the Board of Supervisors, finds the location, character, and extent of the facility "substantially" in accord with the Comprehensive Plan. As previously stated, in the *Our County, Our Shared Future: James City County 2045 Comprehensive Plan* Land Use Map, Bright Beginnings Pre-K Center at Clara Byrd Baker Elementary School is designated as Low Density Residential. Schools are considered a Group 2 recommended use in in the Comprehensive Plan. Also, staff finds this proposal consistent with the Comprehensive Plan since schools are a recommended use in land designated Low Density Residential and the Bright Beginnings Pre-K Center at Clara Byrd Baker Elementary School will serve County students and because it is a public facility. At its May 1, 2024, meeting, the Planning Commission approved, by a vote of 6-0, a resolution to find the proposal consistent with the Comprehensive Plan in accordance with Section 15.2-2232 of the Code of Virginia.

STAFF RECOMMENDATION

Staff recommends that the Board of Supervisors approve this rezoning and SUP application, subject to the proposed conditions.

BL/md
RZ-SUP24-2BrtBegCBB

Attachments:
1. Ordinance
2. Resolution
3. Location Map
4. Master Plan
5. Building Elevations
6. Community Impact Statement
7. Traffic Impact Analysis Resolution
8. Signed Resolution for Consistency with the Adopted Comprehensive Plan
9. Unapproved Minutes from the May 1, 2024, Planning Commission Meeting

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE ZONING DISTRICT MAPS OF JAMES CITY COUNTY, VIRGINIA, TO REZONE APPROXIMATELY 1.98 ACRES LOCATED AT 3175 IRONBOUND ROAD (JAMES CITY COUNTY REAL ESTATE TAX MAP NO. 4710100057), FROM R-8, RURAL RESIDENTIAL TO PL, PUBLIC LANDS.

WHEREAS, Ms. Holly Adams, of Alpha Corporation, on behalf of Williamsburg-James City County Public Schools, has applied to rezone approximately 1.98 acres as described above; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. Z-24-0002; and

WHEREAS, the Planning Commission of James City County, Virginia, following its consideration on May 1, 2024, recommended approval of Case No. Z-24-0002 by a vote of 6-0; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds Case No. Z-24-0002 to be required by public necessity, convenience, general welfare, and good zoning practice.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that Case No. Z-24-0002 is hereby approved as described therein.

_____
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 11th day of June, 2024.

RZ-SUP24-2BrtBegCBB-ord

R E S O L U T I O N

CASE NO. SUP-24-0002. BRIGHT BEGINNINGS PRE-K CENTER AT CLARA BYRD BAKER

ELEMENTARY SCHOOL REZONING AND SPECIAL USE PERMIT

WHEREAS, the Board of Supervisors of James City County, Virginia, has adopted by Ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, Ms. Holly Adams of Alpha Corporation, has applied on behalf of Williamsburg-James City County Public Schools, for an SUP on properties located at 3175 and 3131 Ironbound Road and further identified as James City County Real Estate Tax Map Parcel Nos. 4710100057 and 4710100058 (collectively the "Property"); and

WHEREAS, the requested SUP on the Property would allow the use of schools, libraries, museums, and similar institutions, in an approximately 41,326-square-foot standalone Pre-K school; and

WHEREAS, the Planning Commission, following its public hearing on May 1, 2024, recommended approval of Case No. SUP-24-0002 by a vote of 6-0; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-24-0002; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with good zoning practices and the Comprehensive Plan Land Use Map designation for the Property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after consideration of the factors in Section 24-9 of the James City County Code, does hereby approve the issuance of Case No. SUP-24-0002 as described herein with the following conditions:

1. *Master Plan.* This Special Use Permit ("SUP") shall apply to property consisting of parcels located at 3175 Ironbound Road and 3131 Ironbound Road and further identified as James City County Real Estate Tax Map Parcel Nos. 4710100057 and 4710100058, respectively (together, the "Property"). The SUP shall be valid for the operation of an approximately 41,326-square-foot Pre-K Center (the "Project"). All final development plans for the Project shall be consistent with the Master Plan entitled, "Bright Beginnings Pre-K Center Clara Byrd Baker Elementary School Conceptual Master Plan Update" prepared by Alpha Corporation and dated March 2024 (the "Master Plan"), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.

2. *Subdivision.* Prior to final site plan approval for the Project, a plat of subdivision shall be recorded for the Property to allow the Project to be on one parcel of property.

3. *Architectural Review*. The design and materials of the Project shall be consistent with the elevations, titled "Pre-K Center at CBB ES Exterior Elevations," dated April 1, 2024 (the "Elevations"), and submitted with Z-24-0002/SUP-24-0002, as determined by the Director of Planning. Prior to final site plan approval, all architectural elevations, building materials, colors, signage, site lighting, and hardscapes shall be submitted to the Director of Planning for the Director of Planning's approval for consistency with the Elevations.

4. *Traffic Improvements*. Prior to final site plan approval, the recommended improvement and mitigation measures listed within the Traffic Impact Analysis titled "Traffic Impact Analysis Bright Beginnings at Clara Byrd Baker Elementary School" prepared by Gorove Slade, sealed April 2024, shall be guaranteed in a manner acceptable to the County Attorney. The recommended improvement shall be installed prior to the issuance of any Certificate of Occupancy for the Project.

5. *Lighting*. All new exterior light fixtures on the Property, including new building lighting, shall have recessed fixtures with no lens, bulb, or globe extending below the casing. All new light poles shall not exceed 20 feet in height from finished grade. No light trespass, defined as 0.1-foot-candle or higher shall extend across any property line. A lighting plan shall be approved by the Director of Planning or designee prior to final site plan approval.

6. *Screening of Site Features*. All dumpsters and roof and ground-mounted HVAC and mechanical units located on the Property shall be screened by an enclosure composed of masonry, closed-cell PVC, prefinished metal, or cementitious panels, in detail and colors to blend with adjacent building materials. Such features and enclosures shall be shown on the site plan and shall be reviewed and approved by the Director of Planning or designee for consistency with this condition prior to final site plan approval.

7. *Special Stormwater Criteria*.

    a. The application of Special Stormwater Criteria ("SSC") practices is required for the Project and shall be shown on the site plan. The number of practices required shall be per Table SSC-1 of the Stormwater Resource Protection Division's form entitled, "Stormwater-Special Criteria SSC in James City County, Virginia". Practices to be used for the Project shall be approved by the Director of Stormwater and Resource Protection Division.

    b. If permeable pavement is used on the Project, it must be counted toward needed SSC credit and not as part of a Virginia Runoff Reduction Method treatment train. Permeable pavement, if used, may only be applied to parking stalls.

8. *Pond Fencing*. Any wet or extended detention dry ponds included on the site plan will be completely surrounded by a fence that shall be black or of a neutral color and shall be between four feet and five feet in height with adequate gated width for vehicular access to the pond for maintenance. The fencing must be of such a material and installed in such a manner as to prevent unauthorized entry into the pond area. If chain-link fencing is used, it shall be black in color.

9. *Commencement for Construction*. If construction has not commenced on the Project within 36 months from the issuance of the SUP, the SUP shall become void. Construction shall be defined as (i) obtaining permits for building construction, and (ii) installation of footings and/or foundations.

10. *Severance Clause.* This SUP 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
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LARSON	____	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of June, 2024.

RZ-SUP24-2BrtBegCBB-res

JCC SUP-24-0002/Z-24-0002
Bright Beginnings Pre-K Center at Clara Byrd Baker

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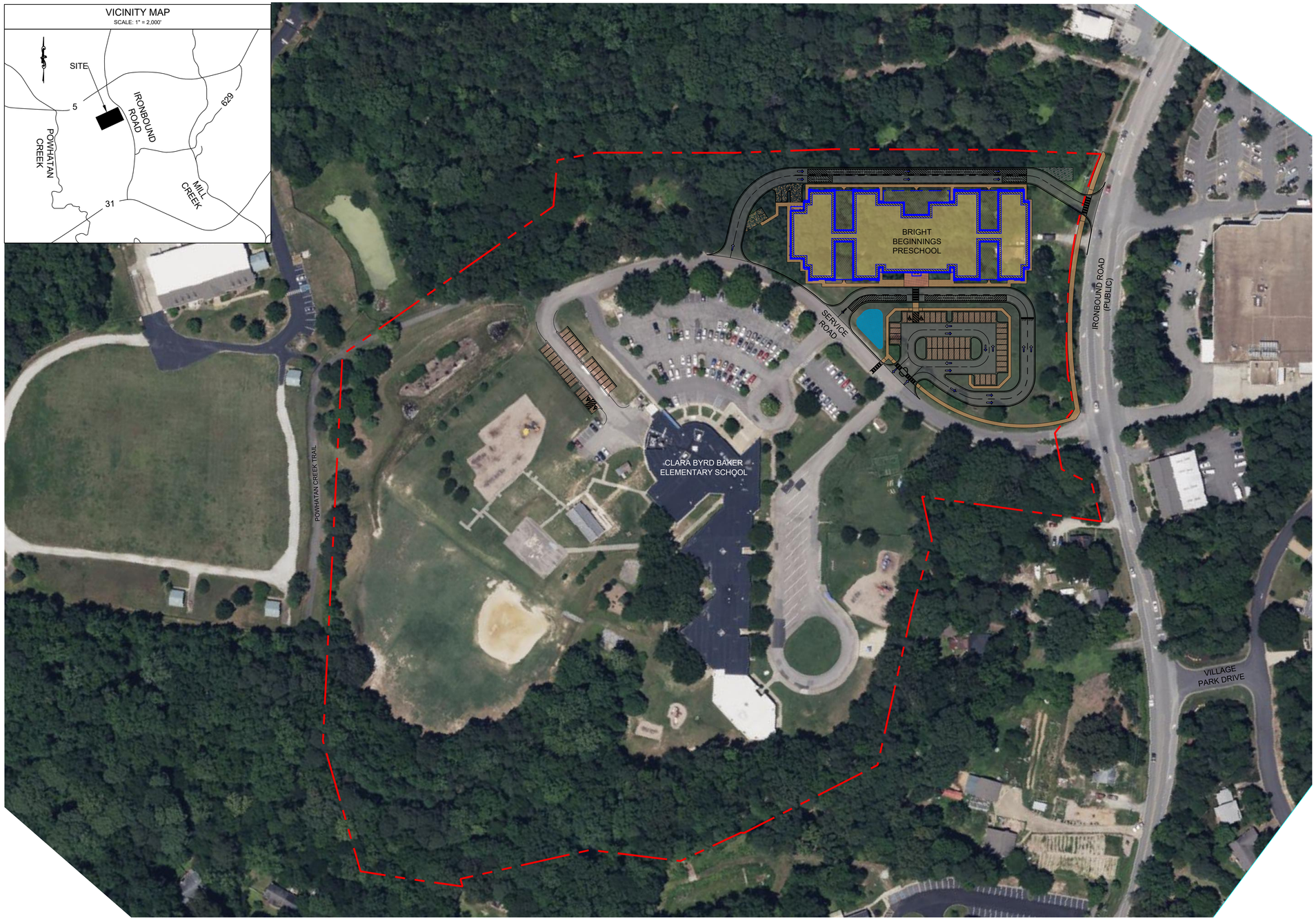

SITE DATA

LEGAL REFERENCE	
OWNER	WILLIAMSBURG JCC PUBLIC SCHOOLS
TAX PARCEL	4710100058
ADDRESS	3131 IRONBOUND RD. WILLIAMSBURG, VA 23185
PARCEL AREA	1,120,364 SF / 25.72 AC
ZONING	
EXISTING	PUBLIC LANDS SUP
PROPOSED	PUBLIC LANDS SUP
CORRIDORS	IROUNDBOUND RD COMMUNITY CHARACTER FIVE FORKS COMMUNITY CHARACTER
USE	
EXISTING	PUBLIC SCHOOL
PROPOSED	PUBLIC SCHOOL
SETBACKS	
FRONT	50 FT
SIDE	15 FT
REAR	15 FT
BUILDING	15 FT FROM PERIMETER BUFFER
LAND USE SUMMARY	
EXISTING IMPERVIOUS AREA	
BUILDING	52,800 SF / 1.21 AC / 4.71%
SF RESIDENCE	3,472 SF / 0.08 AC / 0.31%
OTHER	130,391 SF / 2.99 AC / 11.64%
TOTAL	186,663 SF / 4.29 AC / 16.66%
PROPOSED IMPERVIOUS AREA	
BUILDING	94,800 / 2.18 AC / 8.46%
ENCLOSED PLAY YARD	11,472 SF / 0.26 AC / 1.02%
OTHER	203,587 SF / 4.67 AC / 18.17%
TOTAL	309,859 SF / 7.11 AC / 27.666%
OPEN SPACE AREA	
EXISTING	933,701 SF / 21.43 AC / 83.34%
PROPOSED	810,505 SF / 18.61 AC / 72.34%
UTILITIES	
WATER	PUBLIC
SEWER	PUBLIC
SCHOOL CAMPUS SUMMARY	
EXISTING STUDENTS	551 (K-5 = 473, PRE-K = 78)
PROPOSED STUDENTS	725 (K-5 = 473, PRE-K = 252)
PARKING SUMMARY	
EXISTING	
PARKING	152, INCLUDING 6 ACCESSIBLE
BUS	15
PROPOSED	
PARKING	219, INCLUDING 9 ACCESSIBLE
BUS	21

GENERAL NOTES

1. THE PURPOSE OF THIS REQUEST IS TO PROVIDE A NEW 252-STUDENT PRESCHOOL CENTER AT THE EXISTING SCHOOL SITE.
2. THIS CONCEPTUAL PLAN IS A GRAPHIC REPRESENTATION SHOWING APPROXIMATE BUILDING SIZES, ROADWAYS, PARKING, AND OTHER KEY SITE DESIGN ELEMENTS TO SHOW THE INTENT OF THIS PROJECT.
3. HATCHING SHOWN IS FOR GENERAL INFORMATIONAL PURPOSES.
4. BUILDING FOOTPRINTS SHOWN ARE WITH RESPECT TO OUTER WALL LINES.
5. DIMENSIONS SHOWN ARE FROM FACE OF CURB, EDGE OF PAVEMENT, OR FACE OF STRUCTURE UNLESS OTHERWISE NOTED.
6. ALL BUILDING ENTRANCES, SIDEWALKS, CURB RAMPS, RAMPS AND ACCESSIBLE PARKING SPACES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CURRENT ADAA AND ABAA GUIDELINES AS THEY PERTAIN TO THE REQUIRED GRADES, CONSTRUCTION MATERIALS, SPECIFICATIONS, AND SIGNAGE.
7. ALL ROADWAY AND PARKING STRIPING AND SIGNAGE SHALL BE IN ACCORDANCE WITH THE LATEST MUTCD.
8. ALL NEW ELECTRICAL, COMMUNICATIONS, AND GAS ALIGNMENTS, INCLUDING LOCATIONS FOR ACCESS/MANHOLES, SHALL BE COORDINATED WITH ALL FRANCHISE UTILITY PROVIDERS.
9. STORMWATER MANAGEMENT, INCLUDING LOW IMPACT DEVELOPMENT (LID) FEATURES SUCH AS BIORETENTION AND PERMEABLE PAVERS, WILL BE IMPLEMENTED AS FEASIBLE TO ENSURE THE REQUIREMENTS OF THE VIRGINIA NPDES STORMWATER PROGRAM AND ALL OTHER LOCAL AND STATE REGULATIONS ARE MET.
10. WHERE EXISTING SOILS DO NOT MEET MINIMUM INFILTRATION RATES FOR THE USE OF SELECTED INFILTRATION FEATURES, SOIL MATERIAL IS EXPECTED TO BE REMOVED AND REPLACED WITH SUITABLE MATERIAL TO SUPPORT THE MINIMUM DESIGN INFILTRATION RATES IN CONJUNCTION WITH UNDERDRAIN SYSTEMS WHERE NECESSASRY.
11. STORMWATER DETENTION SYSTEMS UNDER ROADWAYS AND PARKING LOTS ARE ANTICIPATED.

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BRIGHT BEGINNINGS PRE-K CENTER

CLARA BYRD BAKER ELEMENTARY SCHOOL

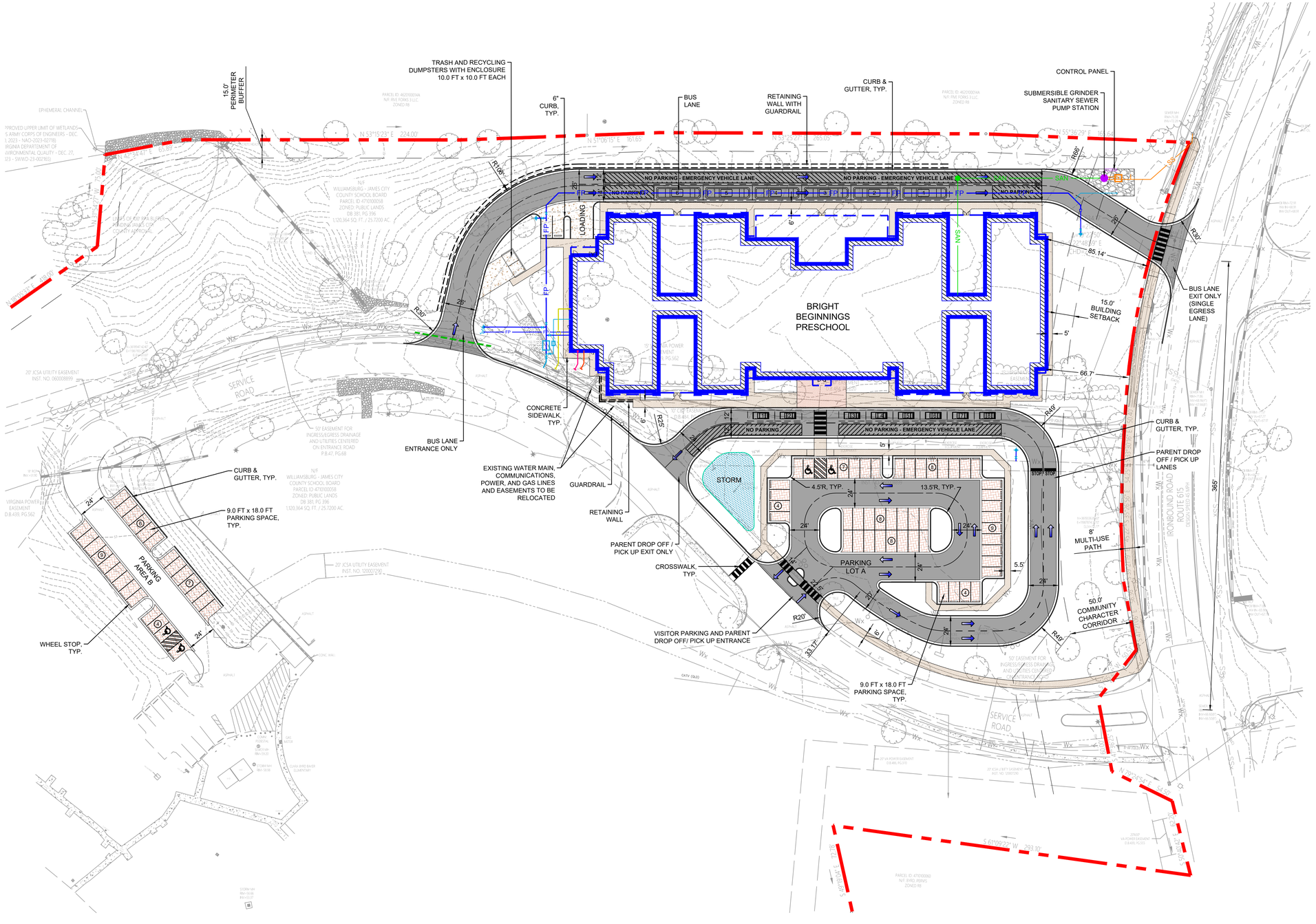
WILLIAMSBURG JAMES CITY COUNTY

CONCEPTUAL MASTER PLAN UPDATE

REV. MARCH 2024

0 80 160 240

GRAPHIC SCALE IN FEET



PROJECT INFORMATION

LEGAL REFERENCE	
TAX PARCEL	4710100058
ADDRESS	3131 IRONBOUND RD. WILLIAMSBURG, VA 23185
PROJECT AREA SUMMARY	
DISTURBED AREA	
WETLANDS	0.00 AC
SURFACE WATERS	0.00 AC
UPLAND AREA	5.00 AC +/-
TOTAL	5.00 AC +/-
FIRM MAP	51095C0182D, 12/16/15
FLOOD ZONE(S)	X
FLOOD ELEVATION	N/A
WATERSHED	POWHATAN CREEK
STORMWATER MANAGEMENT	LOW IMPACT DEVELOPMENT (LID)
BUILDING SUMMARY	
NO. STORIES	1
MAX. HEIGHT	25' - 7 3/8"
CONSTRUCTION TYPE	II-B
FOOTPRINT	42,000 SF
F.F.E.	75.50 +/-
DESCRIPTION	PUBLIC PRESCHOOL
PARKING SUMMARY	
STAFF PARKING	19, INCLUDING 1 ACCESS. & 7 EX. RELOCATED
VISITOR PARKING	48, INCLUDING 2 ACCESSIBLE
TOTAL PARKING	67, INCLUDING 3 ACCESSIBLE
BUS LOOP QUEUE	375 LF
PARENT DROP OFF QUEUE	640 LF

LEGEND

- PROPERTY LINE
- PERIMETER BUFFER
- CENTERLINE ROAD/ AISLE
- ASPHALT PAVEMENT
- CONCRETE PAVEMENT
- CONCRETE SIDEWALK
- DECORATIVE CONCRETE
- PERMEABLE PAVERS
- STORMWATER MANAGEMENT
- WTR — DOMESTIC WATER
- FP — FIRE SERVICE
- SAN — GRAVITY SANITARY SEWER
- SS — SANITARY SEWER FORCE MAIN
- G — GAS
- E — ELECTRIC
- COMM — COMMUNICATIONS
- STORM

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BRIGHT BEGINNINGS PRE-K CENTER

CLARA BYRD BAKER ELEMENTARY SCHOOL

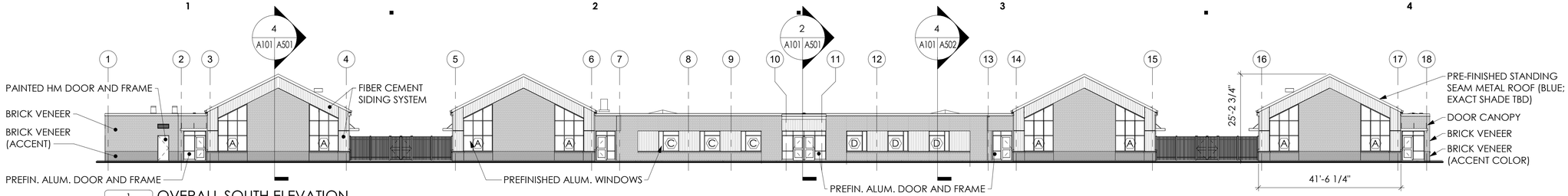
WILLIAMSBURG JAMES CITY COUNTY

CONCEPTUAL PRESCHOOL ADDITION

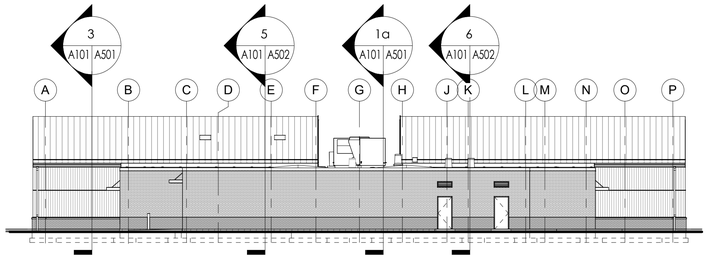
REV. MARCH 2024

0 40 80 120

GRAPHIC SCALE IN FEET



1 OVERALL SOUTH ELEVATION
A101 | A401 1/16" = 1'-0"



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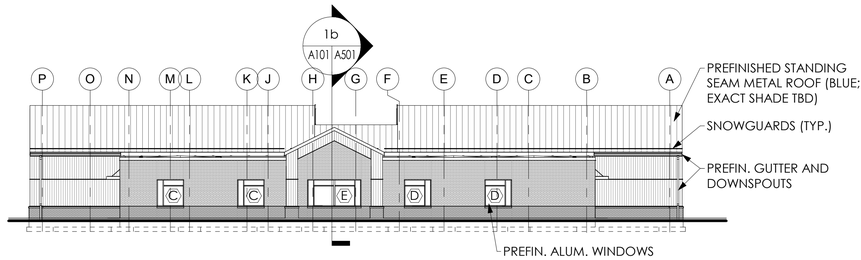
A101 | A401 1/16" = 1'-0"



3 OVERALL EAST ELEVATION
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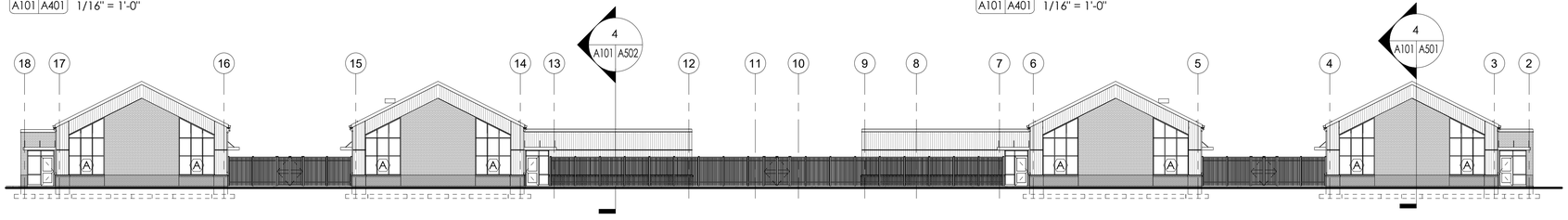

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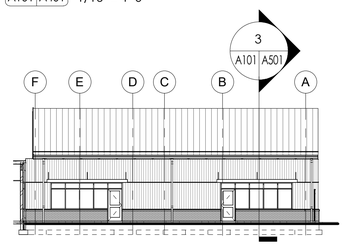
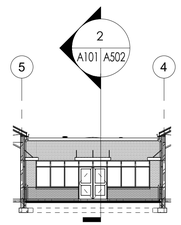
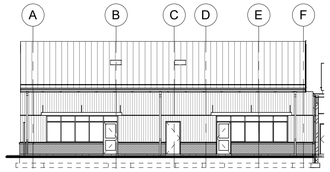


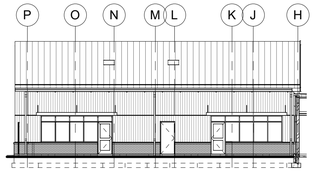
PARTIAL EAST ELEVATION - PLAY AREA A1
5 | A101 | A401 1/16" = 1'-0"



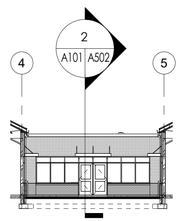
PARTIAL NORTH ELEVATION - PLAY AREA A1
6 | A101 | A401 1/16" = 1'-0"



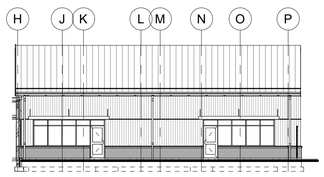
PARTIAL WEST ELEVATION - PLAY AREA A1
7 | A101 | A401 1/16" = 1'-0"



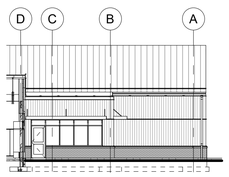
PARTIAL EAST ELEVATION - PLAY AREA A2
8 | A101 | A401 1/16" = 1'-0"



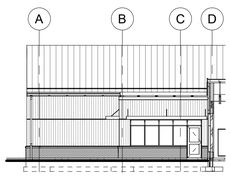
PARTIAL SOUTH ELEVATION - PLAY AREA A2
9 | A101 | A401 1/16" = 1'-0"



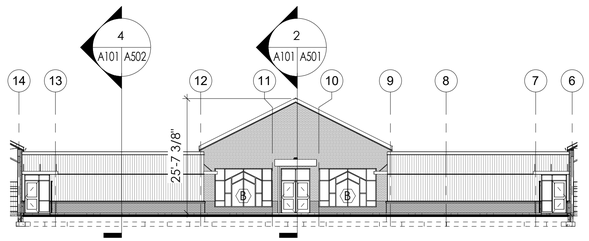
PARTIAL WEST ELEVATION - PLAY AREA A2
10 | A101 | A401 1/16" = 1'-0"



PARTIAL EAST ELEVATION - PLAY AREA B1
11 | A101 | A401 1/16" = 1'-0"



PARTIAL WEST ELEVATION - PLAY AREA B1
12 | A101 | A401 1/16" = 1'-0"



PARTIAL NORTH ELEVATION - PLAY AREA B1
13 | A101 | A401 1/16" = 1'-0"

NOTE: FENCING NOT SHOWN, FOR CLARITY.

GRAPHIC SCALE 0' 4' 8' 16'
SCALE: 1/8" = 1'-0"

DISCLAIMER: GRAPHIC INFORMATION IN DRAWING MAY NOT NECESSARILY BE TO SCALE. USE DIMENSIONAL TEXT FOR ACCURACY. DO NOT SCALE.

WILLIAMSBURG JAMES CITY COUNTY PUBLIC SCHOOLS

Williamsburg James City County Public Schools

Pre-K Center at CBB ES

Clara Byrd Baker ES
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Williamsburg, VA 23185

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Key Information

No:	Revision	Date

Sheet Title:
EXTERIOR ELEVATIONS

Drawn By:	Author
Issue Date:	April 1, 2024
Scale:	As Noted
BJUA Project No.:	23002.00
SDE No.:	131-04-00-100
Sheet No.:	A401

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March 20, 2024

Bright Beginnings Pre-K Center
Clara Byrd Baker Elementary School
Civil Design Narrative – Special Use Permit Application
Williamsburg James City County, Virginia

1.0 Project Summary

The intent of this narrative is to identify key civil engineering design standards that will be used throughout the project design process. The information presented in this narrative is preliminary and based on the Special Use Permit Design Documents. This narrative will be refined as the project design progresses.

1.1 Project Description

The purpose of this project is to provide a new 252-student preschool center at the existing Clara Byrd Baker Elementary School site. The project site is located at 3131 Ironbound Road, Williamsburg, Virginia.

The one-story stand-alone building will be approximately 42,000 sf and includes classrooms, restrooms, meeting rooms, offices, multipurpose space, indoor and outdoor play areas, and administrative space for students ages 2-5. Supporting facilities include site development, visitor parking lot, parent drop off/pick up lanes, staff parking area, bus lanes, retaining walls, sidewalks, utilities, lighting, landscaping, green spaces, storm drainage, and stormwater management.

Approximately 5.0 acres will be disturbed for this work.

1.2 Site Layout

The preschool building is situated at the entrance to the existing elementary school site and fronts Ironbound Road. The building has been placed as placed as far north as possible on the undeveloped portion of the site while maintaining perimeter buffers and the community character corridor while providing emergency access along the rear of the building as coordinated with the fire department.

The site supports 252 preschool students along with 78 staff. Separate entrances have been provided to separate parents and visitors from buses and staff. It is the intention for staff of the preschool to use spaces in the existing parking lot across the existing school service road and construct additional staff parking for the elementary school near the elementary school service entrance.

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Convenient and safe pedestrian access will be provided throughout the project site to facilitate pedestrian access and accessibility between buildings, bus lanes, parent drop off lanes, and parking areas. The existing sidewalk along Ironbound Road is to be removed and replaced with a wider sidewalk to promote walkability. Crosswalks will be provided where possible to promote designated pedestrian paths to make pedestrians more visible to motorists and increase driver recognition when crossing lanes of traffic.

All building entrances, sidewalks, curb ramps, ramps, and accessible parking spaces will be constructed in accordance with the current ADAA and ABAA guidelines as they pertain to the required grades, construction materials, specifications, and signage.

2.0 Existing Site Conditions

A topographic survey has been provided by Vanasse Hangen Brustlin, Inc. (VHB), sealed January 18, 2024.

The existing topography varies throughout the project area. The area to the south and southeast is mostly open turf grass with minor development including fitness equipment, landscaping, fiber hut with gravel drive, and other miscellaneous items. Elevations range from 68.0 to 76.0. The area to the northeast was a single-family residential structure that has since been demolished. Remnants of the development, including driveway, remain. The area to the north and west is heavily wooded and contains steep elevations ranging from 44.0 to 76.0. A RMA buffer is located along the western edge. This area also contains an unpermitted stormwater pond. Utilities and utility easements run throughout the site in the area of the project.

3.0 Grading and Drainage Impact Statement

The site will be graded to promote positive drainage away from the proposed building and the proposed grade surrounding the building is to slope away from the finished floor. The grade elevations immediately adjacent to the building in areas without patios or walkways will be a minimum of 6.0 to 8.0-inches below the finished floor elevations and slope away from the building at a minimum of 5.0% over ten (10.0) feet.

Slopes across the parking lots are expected to vary from 1.0%-3.0%, except at ADA accessible parking areas and crosswalks which will not exceed 2.0% slopes. Areas of permeable pavers will also not exceed 2.0% slopes to promote infiltration.

Significant fill will be required for the Clara Byrd Baker building foundation due to significant differences in elevation under the building footprint, which will extend into the adjacent bus/fire lanes and will require a structurally designed retaining wall between the roadway and the perimeter buffer that could exceed 10.0 feet in height total. A lower retaining wall will also be required at the southwest corner of the building due to the proximity of the building to the existing service road.

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On-site stormwater drainage collection systems will be designed to convey runoff from the design storm event to stormwater management facilities that will maintain, to the maximum extent technically feasible, the predevelopment hydrology of the project areas.

4.0 Stormwater Management Impact Statement

Stormwater management facilities will be selected based upon the subsurface conditions, permeability of soils, and groundwater elevations found while considering topographic conditions and existing stormwater management facilities. Stormwater management, including low impact development (LID) features, such as bio-retention and permeable pavers, will be implemented as feasible to ensure the requirements of the Virginia NPDES Stormwater Program and all other local and state regulations are met.

Permeable pavers are anticipated to be used in parking areas and will be the primary treatment for proposed parking lots. Roadways, including bus lanes, and building roof drainage are anticipated to be treated by infiltration methods, such as bio-retention and underground storage systems used to detain the volume of runoff prior to release. Stormwater detention systems under the proposed roadways and parking areas is anticipated. The stormwater runoff will be collected, retained, treated, and infiltrated as required and conveyed to the northwest corner of the project site where it will discharge to the existing ephemeral channel.

Geotechnical results show Hydrologic Soil Group Class D soils at the Clara Byrd Baker project site. Class A, B, and some Class C soils are suitable for infiltration. Class D soils are not considered suitable. Where existing site soils do not meet minimum infiltration rates for the use of selected infiltration features, soil material is expected to be removed and replaced with suitable material to support the minimum design infiltration rates in conjunction with underdrain systems where necessary.

Rails or fencing will surround any stormwater management facility with standing surface water.

5.0 Water and Sewer Impact Statement

5.1 Water Supply - Domestic and Fire Protection

The proposed water system improvements for the new sprinklered preschool building will be designed to provide both domestic water and fire protection services extending from the existing 16” ductile iron water main currently running through the project site. Based on the October 2023 fire hydrant flow test results, the 16” main has adequate pressure and flow to support the proposed development. Results show a static pressure of 70 psi and a residual pressure of 60 psi at fire hydrant FHL120032 with a flow of 1,893 gpm at fire hydrants FHL120036 and FHL120037 off of Ironbound Road in the area of the project.

The existing 16” water main running through the project site is anticipated to be relocated to the perimeter of the project with a new 20.0-foot JCSA easement and the existing easement through the site will be vacated. Alpha will work with JCSA during the site plan design phase on the relocated alignment to ensure that it meets all JCSA standards.

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Fire hydrants will be provided throughout the preschool site as required to meet manual fire protection requirements. A fire department connection (FDC) is to be located a minimum of 40 feet from the building and within 50 feet of a fire hydrant.

Separate domestic and fire meters will serve the new preschool building. Domestic and fire backflows are anticipated to be installed within the buildings.

The Total Fixture Units projected for the preschool = 430.

TYPE	QTY
Water Closet	26
Lavatory	30
Sink	22
Mop sink	4
Shower	2
Drinking Fountains	5

Additionally, the building will have 12 hose bibs/ wall hydrants. Water meter sizing calculations will be provided during the Site Plan design stage.

Approximately 280 gpm is the estimated fire sprinkler demand for the building.

JCSA staff has verified that the proposed project can tie to the public water system.

5.2 Sanitary Sewer

Flows are estimated at 10 gpd/ student with a total of 252 students and 10 gpd/ faculty with a total of 78 staff.

Based on the proximity of the new preschool to the nearest point of connection, the wastewater discharge at Clara Byrd Baker is anticipated to be collected by gravity sanitary sewer lines to an onsite submersible grinder pump station that will pump to an existing 8" gravity sanitary sewer main that is part of the sewer distribution system in Ironbound Road. The building generator for the new preschool will also supply backup power for the pump station.

All sanitary sewer service laterals from the proposed buildings will be a minimum of 6-inches with a minimum slope of 1.04%.

JCSA staff has verified that there is adequate capacity available in the gravity sanitary sewer mains and receiving pump station. As excess capacity is available, a capacity analysis of the system is not provided.

All water and sanitary sewerage facilities to be dedicated to JCSA will be designed in accordance with HRPDC Regional Standards, dated June 2016, and the JCSA Design and Acceptance Criteria for Water Distribution and Sanitary Systems dated September 2023.

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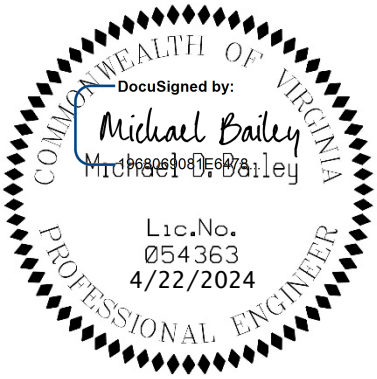
Traffic Impact Analysis

Bright Beginnings at Clara Byrd Baker Elementary School

James City County, Virginia

April 2024

Prepared for:
Mr. Daniel Hayes
Alpha Corporation
21000 Atlantic Boulevard
Dulles, Virginia



GOROVE SLADE
Transportation Planners and Engineers

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Prepared by:

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Transportation Planners and Engineers

Richmond, VA

Fairfax, VA

Alexandria, VA

Washington, DC

Bethesda, MD

www.goroveslade.com

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Appendix F – Synchro Output – Build 2025 Conditions – without Redistricting

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Executive Summary

This report summarizes the findings of the Traffic Impact Analysis (TIA) that was performed for the proposed Bright Beginnings pre-school on the northwest corner of the Ironbound Road at Clara Byrd Baker Elementary School driveway in James City County, Virginia. The development plan includes a pre-school with 252 students. The access plan includes constructing one exit-only driveway on Ironbound Road, directly across from the Harris Teeter shopping center driveway, and making two connections to the existing elementary school driveway. If approved, the pre-school is expected to be complete in 2025.

In addition to the proposed pre-school, Williamsburg-James City County Public Schools (WJCCPS) is in the process of redistricting, and they are planning to increase the enrollment of Clara Byrd Baker Elementary School by approximately 120 students. This study accounts for all anticipated increases in enrollment, including those resulting from the proposed pre-school and the planned redistricting. The proposed exit-only driveway would serve school buses only, seeking to segregate bus traffic from passenger cars driven by teachers and parents. The additional access will help to alleviate any added internal congestion from the proposed pre-school, while also providing safer conditions for students and drivers by separating bus traffic.

This study was performed based on the TIA scope meeting with the Virginia Department of Transportation (VDOT) on November 17.

Site Location and Study Area

The site is located on the west side of Ironbound Road, adjacent to the existing Clara Byrd Baker Elementary School. Based on discussion with the County and VDOT, the following scenarios were analyzed:

- Existing 2023 conditions
- No-Build 2025 conditions
- Build 2025 conditions

The weekday AM peak hour was studied for the following intersections:

1. John Tyler Highway at Ironbound Road
2. Ironbound Road at Harris Teeter Driveway / Proposed School Driveway
3. Ironbound Road at Service Driveway / School Driveway

Recommendations

Based on the results of the analysis, all study intersections will operate with acceptable queueing and delay with the following improvement:

<u>Ironbound Road at Proposed Site Driveway:</u>

- Construct the site driveway with one egress lane

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Introduction

This report summarizes the findings of the Traffic Impact Analysis (TIA) that was performed for the proposed Bright Beginnings pre-school on the northwest corner of the Ironbound Road at Clara Byrd Baker Elementary School driveway in James City County, Virginia. The development plan includes a pre-school with 252 students. The access plan includes constructing one exit-only driveway on Ironbound Road, directly across from the Harris Teeter shopping center driveway, and making two connections to the existing elementary school driveway. If approved, the pre-school is expected to be complete in 2025.

In addition to the proposed pre-school, Williamsburg-James City County Public Schools (WJCCPS) is in the process of redistricting, and they are planning to increase the enrollment of Clara Byrd Baker Elementary School by approximately 120 students. This study accounts for all anticipated increases in enrollment, including those resulting from the proposed pre-school and the planned redistricting. The proposed exit-only driveway would serve school buses only, seeking to segregate bus traffic from passenger cars driven by teachers and parents. The additional access will help to alleviate any added internal congestion from the proposed pre-school, while also providing safer conditions for students and drivers by separating bus traffic.

This study was performed based on the TIA scope meeting with the Virginia Department of Transportation (VDOT) on November 17.

Scope of the Traffic Study

Based on discussions with the County and VDOT, the following intersections were analyzed:

1. John Tyler Highway at Ironbound Road
2. Ironbound Road at Harris Teeter Driveway / Proposed School Driveway
3. Ironbound Road at Service Driveway / School Driveway

Figure 1 shows the site location and study intersections and Figure 2 shows the preliminary site plan.

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Figure 1: Site Location and Study Intersections

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Figure 2: Preliminary Site Plan

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Existing Conditions

Existing Roadway Network

Existing lane configurations and turn lane storage lengths were collected in the field by Gorove Slade and signal timing information was provided by VDOT. A description of the major roadways within the study area is presented below in Table 1. The existing lane configuration is shown in Figure 3.

Table 1: Existing Roadway Network

Roadway	RTE #	VDOT Classification	Legal/Design Speed Limit (mph)	AADT (vpd)
Ironbound Road	615	Major Collector	45	5900*
John Tyler Memorial Highway	5	Minor Arterial	35	7200*
* VDOT 2021 ADT Traffic Data				

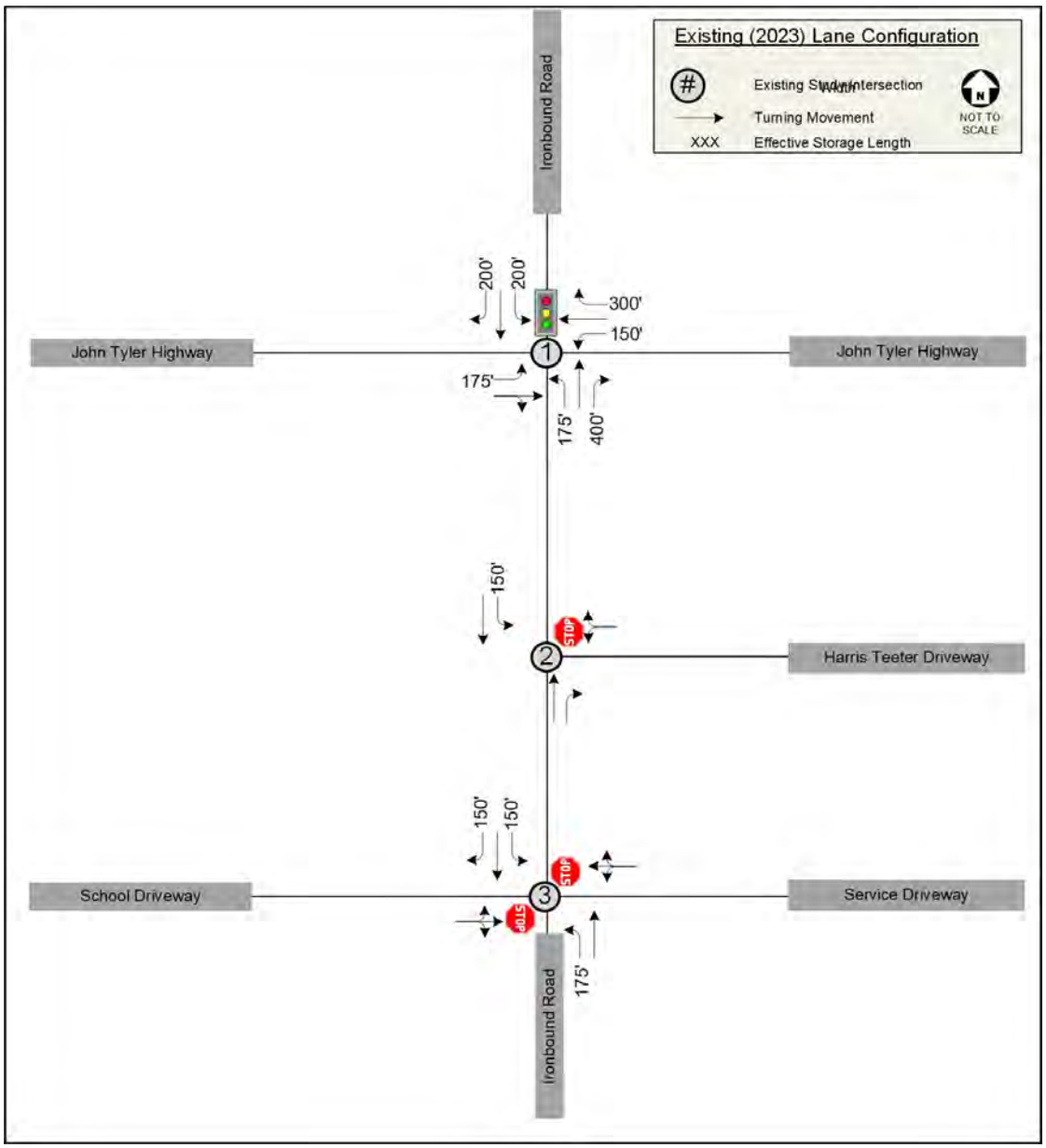

Figure 3: Existing (2023) Lane Configuration

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Existing Traffic Volumes

Clara Byrd Baker Elementary is open from 8:55 AM – 3:25 PM, so the intake / dismissal of students does not align with standard AM peak hour (7:00 – 9:00) and PM peak hour (4:00 – 6:00) times of the adjacent roadway network. To properly capture the peak hour traffic volumes related to the school, the weekday AM peak hour (8:30 to 10:30 AM) was collected. It should also be noted that the PM peak hour was not analyzed because staff leave the school over a longer period of time which is less impactful to the surrounding roadway.

Turning movement counts were conducted by Burns Service Inc. (BSI) during the week of November 15 at the following intersections:

1. John Tyler Highway at Ironbound Road
2. Ironbound Road at Harris Teeter Driveway / Proposed School Driveway
3. Ironbound Road at Harris Teeter Driveway / School Driveway

The existing peak hour traffic volumes are shown in Figure 4, and the turning movement count data is included in the Appendix.

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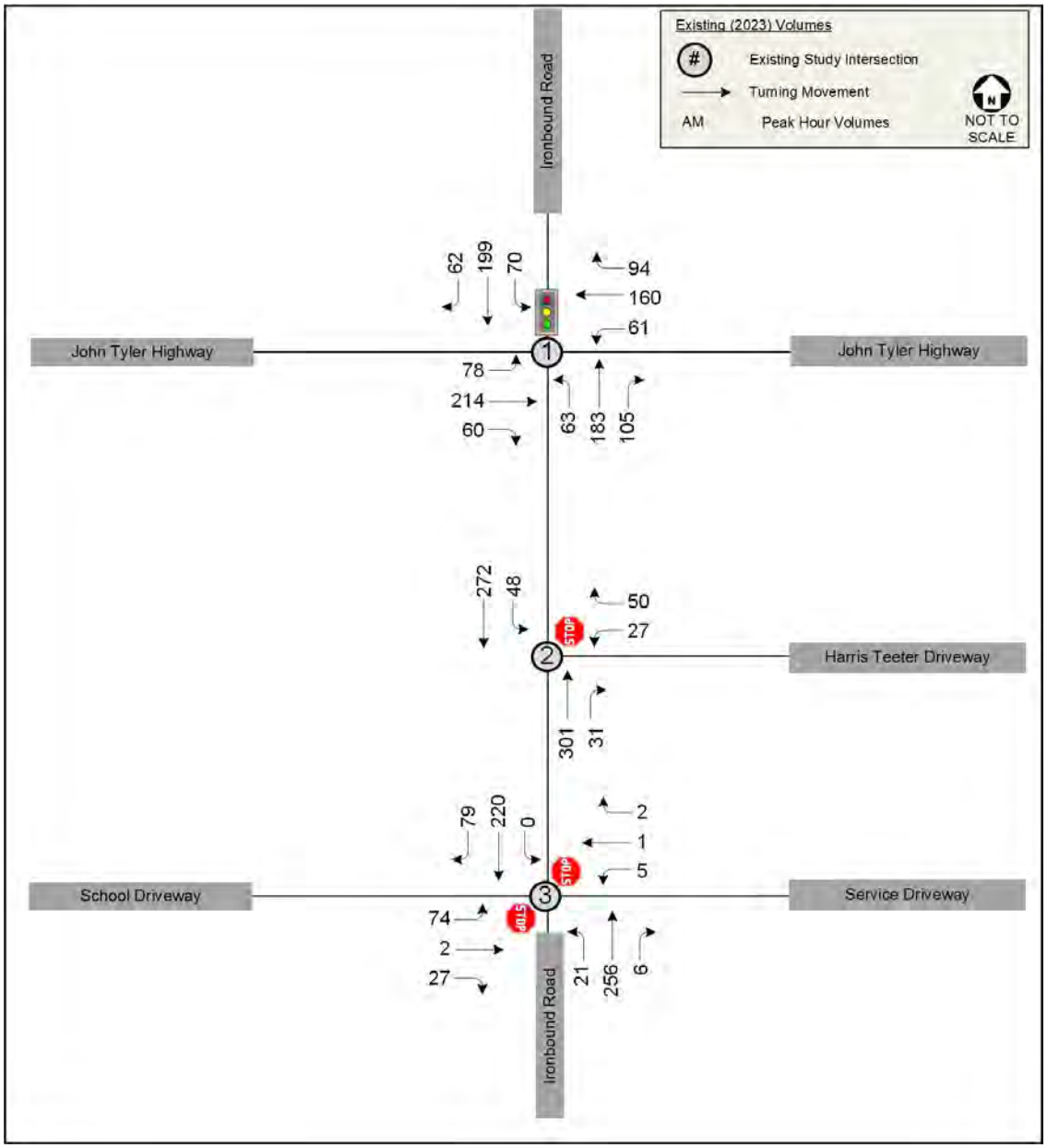

Figure 4: Existing (2023) Peak Hour Traffic Volumes

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No-Build Conditions

In order to determine the traffic impact of the proposed pre-school, a comparison of the future conditions of the study intersections must be made. This is achieved by analyzing the horizon year (2025) with the traffic generated by the proposed pre-school. The future year condition without construction of the pre-school is called the no-build condition, and it is determined by projecting the existing traffic to the build-out year using an annualized growth rate and adding it to the traffic from approved (but not yet built) developments in the study area. One approved development was identified during the scope meeting to be included in this study.

Background Traffic Growth

As discussed in scope meeting, an annual traffic growth rate of 1.0% was applied to the 2023 traffic count volumes for two years to estimate the background traffic growth.

The Governors Grove Self-Storage Facility was the only approved development identified in the scope meeting to be included in the analysis. The approved development trips were obtained from Exhibit 14a (found on page 35) of the Traffic Analysis for Proposed Governors Grove Section 3 TIA, which was performed by DRW Consultants, LLC in May of 2023. The exhibit is included in the appendix.

The approved development trips are (shown in Figure 5) were added to the background traffic growth to estimate the No-Build 2025 traffic volumes, which are shown in Figure 6.

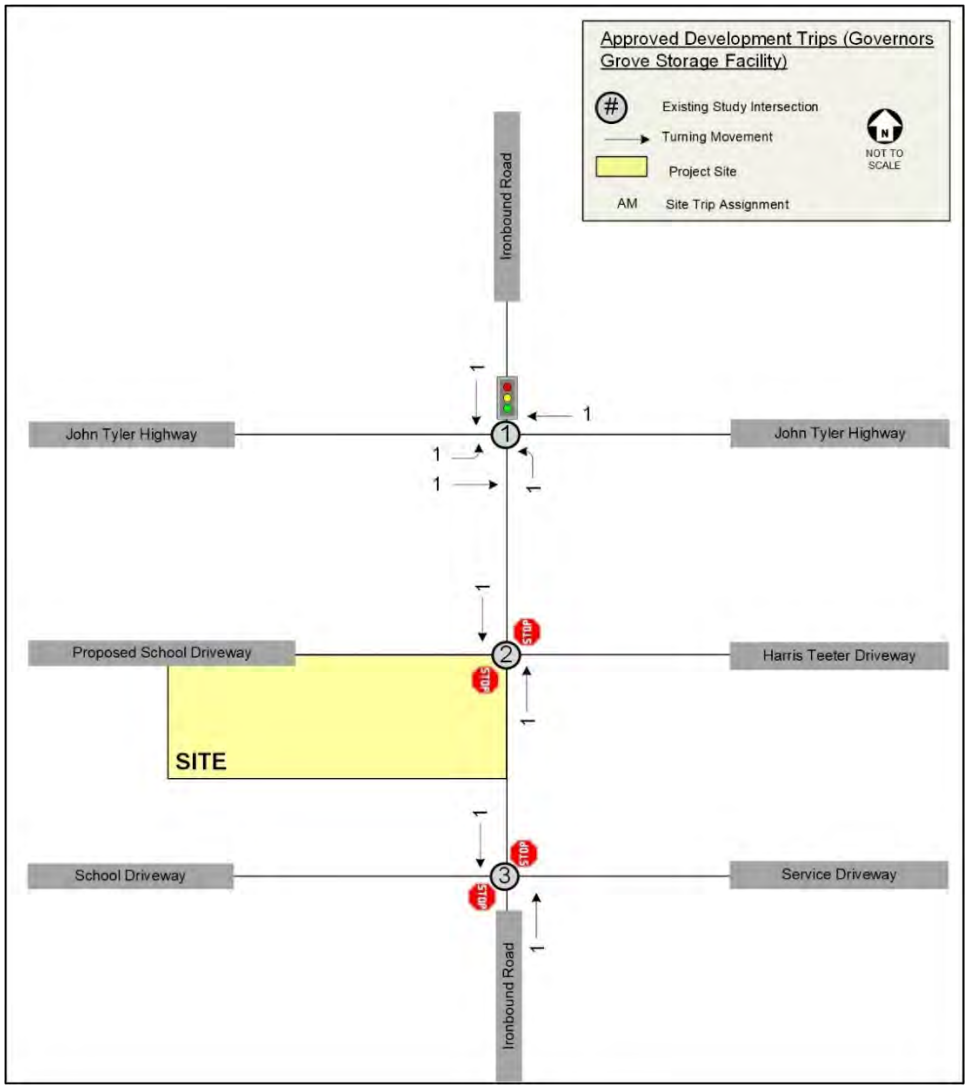

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Figure 5: Approved Development Trips

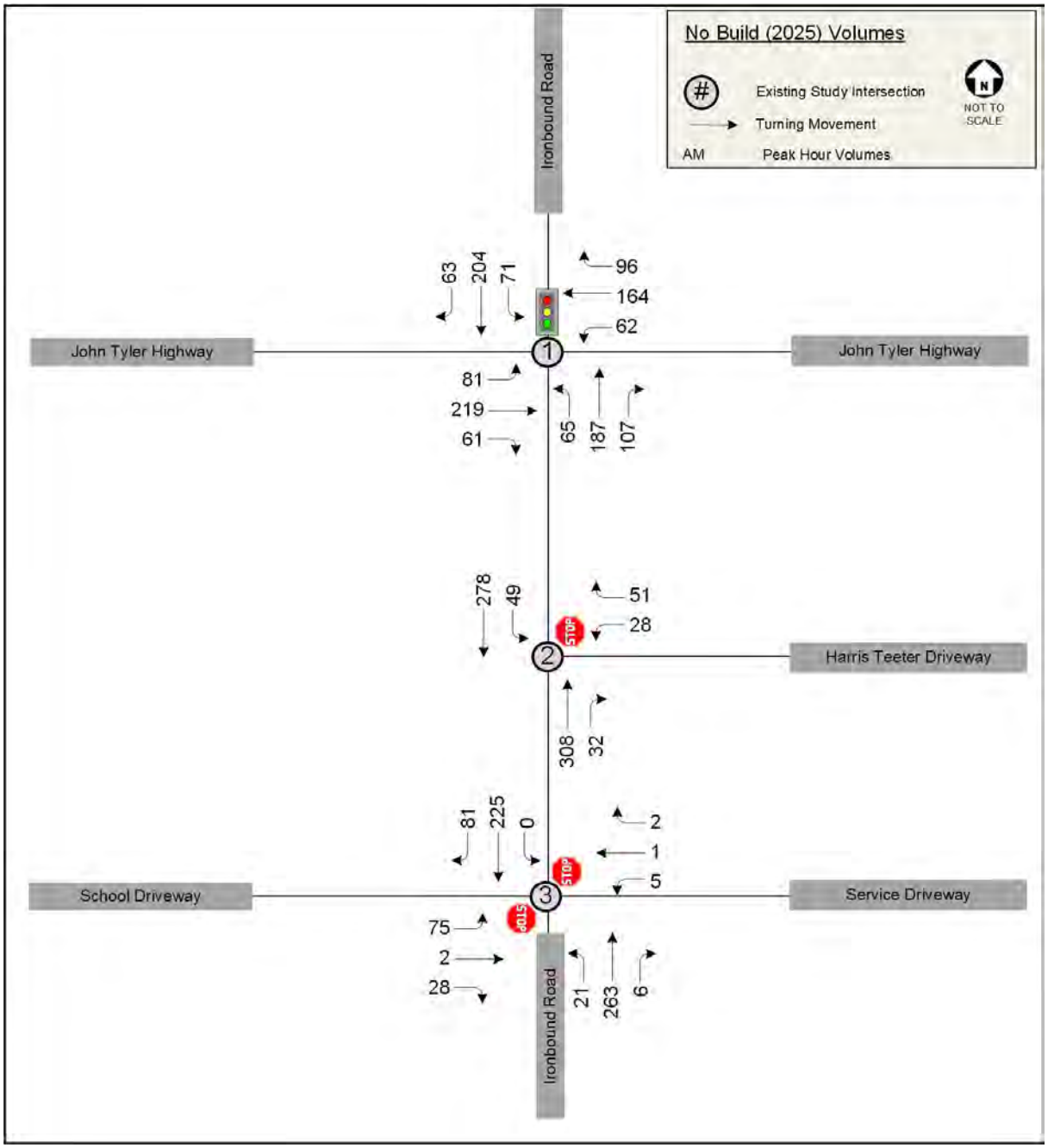

Figure 6: No-Build (2025) Peak Hour Traffic Volumes

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Build Conditions

Site Trip Generation

Table 2 shows the anticipated trip generation potential of the proposed pre-school during the weekday AM peak hour based on the current traffic count data, current school enrollment, and the projected increase in school enrollment.

Table 2: Elementary Pre-School – Trip Generation

Land Use	Size	AM Peak Hour	
		Enter	Exit
Current Enrollment[1]	551 students	101	103
Parents and Staff[2] = 78		85	87
Buses[2] = 16		16	16
Future Enrollment	845 students	155	158
Parents and Staff[3] = 120		130	133
Buses[3] = 25		25	25
Net Difference		54	55
Net Staff / Parent Trips		45	46
Net Bus Trips		9	9

[1]Site trip generation based on traffic count volume data
[2]Site trip data provided by WJCC PS
[3]Buses and staff were scaled proportionally to accommodate future enrollment

The existing traffic count data was used to determine the entering and exiting trips (Current Enrollment) for Clara Byrd Baker Elementary School during the AM peak hour. In conjunction with construction of the proposed Bright Beginnings pre-school, WJCCPS is in the process of redistricting, which is projected to increase the overall number of students at Clara Byrd Baker Elementary School. The Future Enrollment trip generation accounts for all projected increases in school trips, including those generated by the pre-school, and these numbers were determined by proportionally increasing the number of trips based on the projected increase in student enrollment. Total trips are further separated into staff / parent and bus trips. It is assumed that 100% of the buses will arrive / leave during the peak hour.

Of the 551 current students enrolled at Clara Byrd Baker Elementary, 78 students will be relocated to the proposed Bright Beginnings school addition. The redistricting is anticipated to add an additional 120 new students to the current enrollment. The total future school population will be 845 students (551 existing + 252 new Bright Beginnings + 120 from redistricting – 78 existing students to be relocated to the proposed school addition).

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Site Trip Distribution

The site trip distribution was determined based on discussion with VDOT, a review of existing traffic patterns, surrounding land uses, and engineering judgement. The following primary site trip distribution was applied:

- 15% to / from the north on Ironbound Road
- 15% to / from the east on John Tyler Highway
- 10% to / from the west on John Tyler Highway
- 60% to / from the south on Ironbound Road

Figure 7 shows the trip distribution for staff and parents, while Figure 9 shows the distribution for buses only. The trip assignment for staff and parents is shown in Figure 11 and assignment for buses is shown in Figure 13. Total site trips, combining parent and staff trips with bus trips, is shown in Figure 15.

Additionally, when redistricting is not taken into consideration, following primary site trip distribution is applied to match the existing count:

- 75% to / from the north on Ironbound Road
- 25% to / from the south on Ironbound Road

Figure 8 and Figure 10 show the trip distributions with no redistricting for parents and staffs, and bus respectively. Figure 12 and Figure 14 show the trip assignment with no redistricting for parents and staffs, and bus respectively. Total site trip combining parent and staff trips with bus trips with no redistricting is shown in Figure 16.

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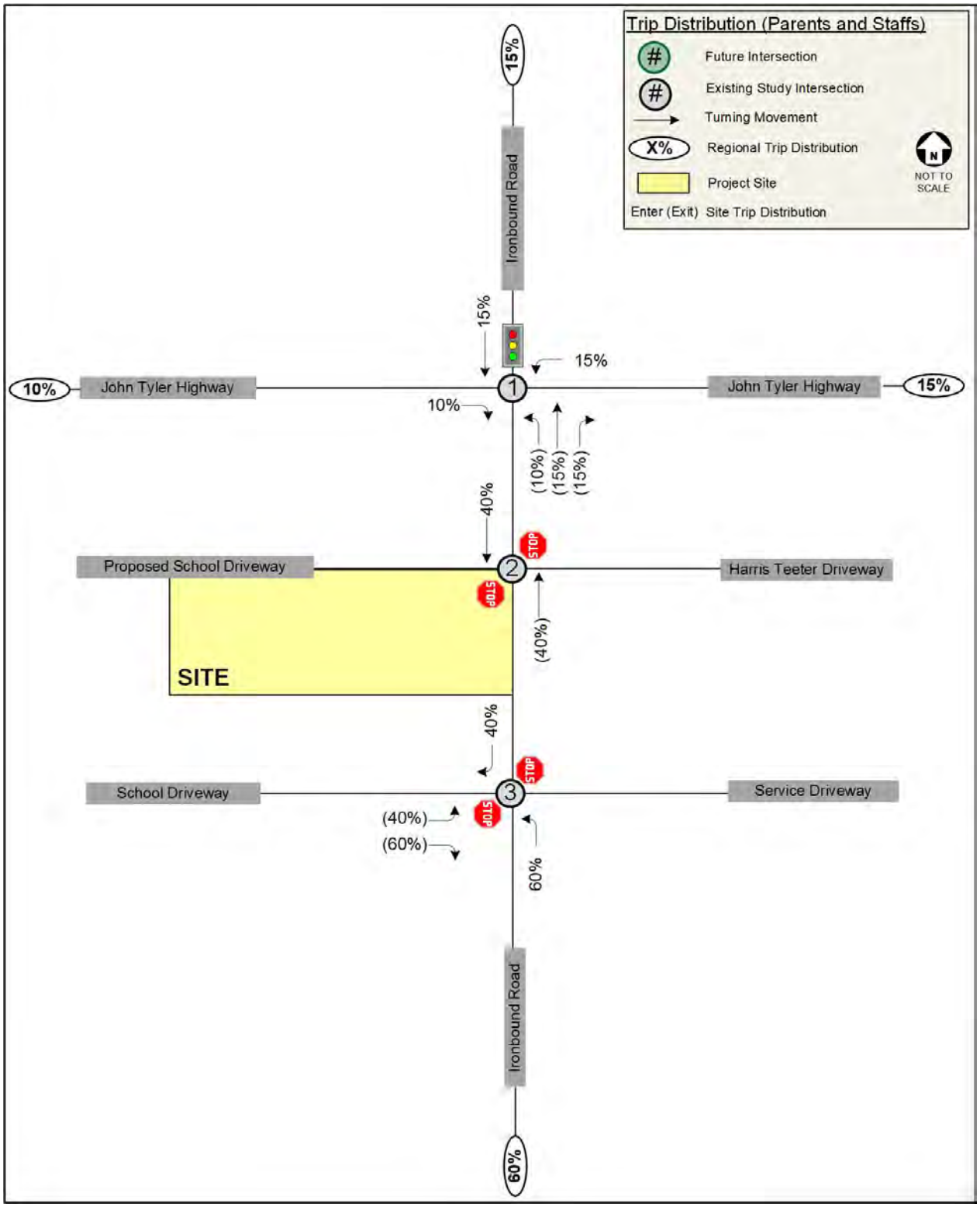

Figure 7: Trip Distribution (Parents and Staffs)

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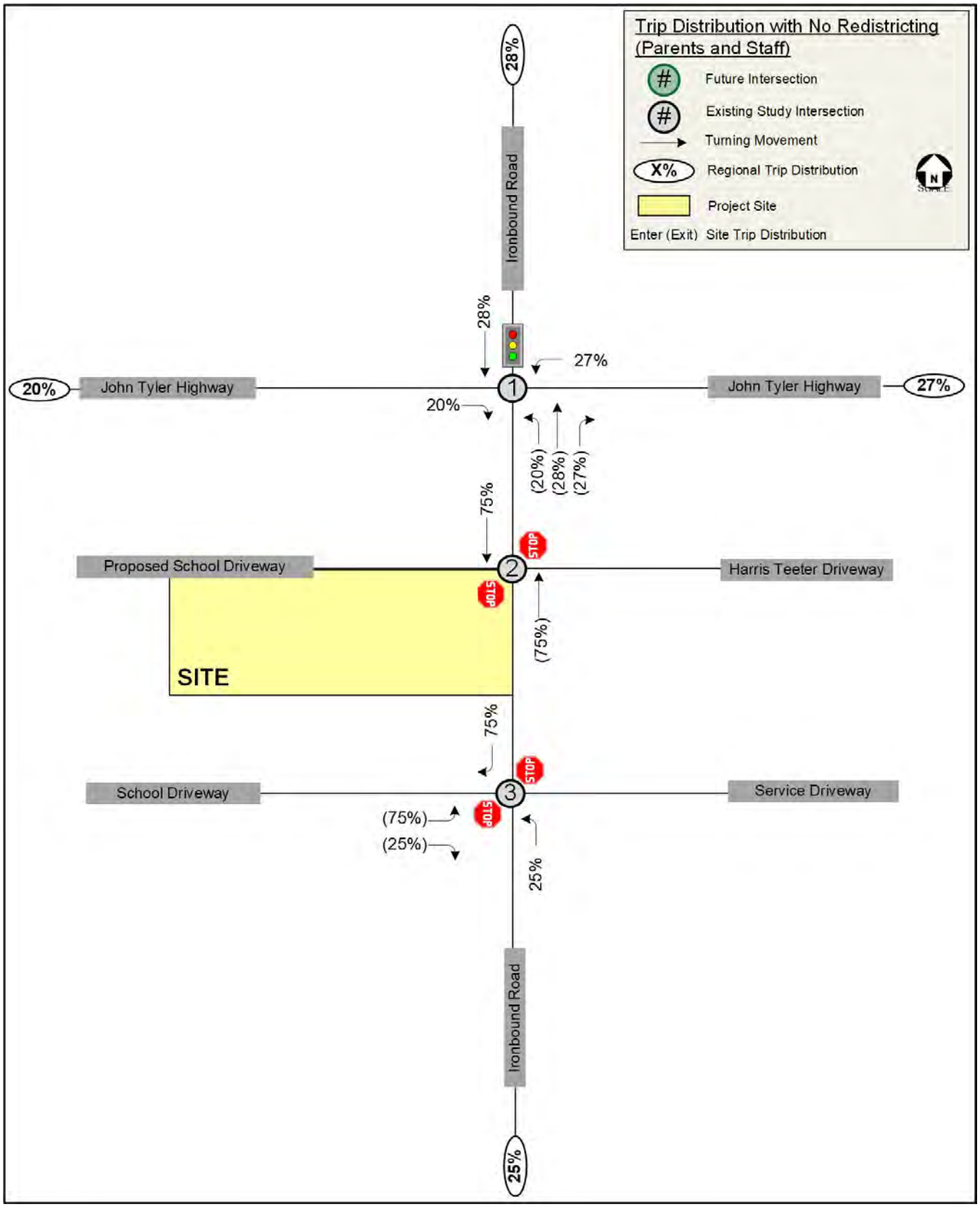

Figure 8: Trip Distribution with No Redistricting (Parents and Staffs)

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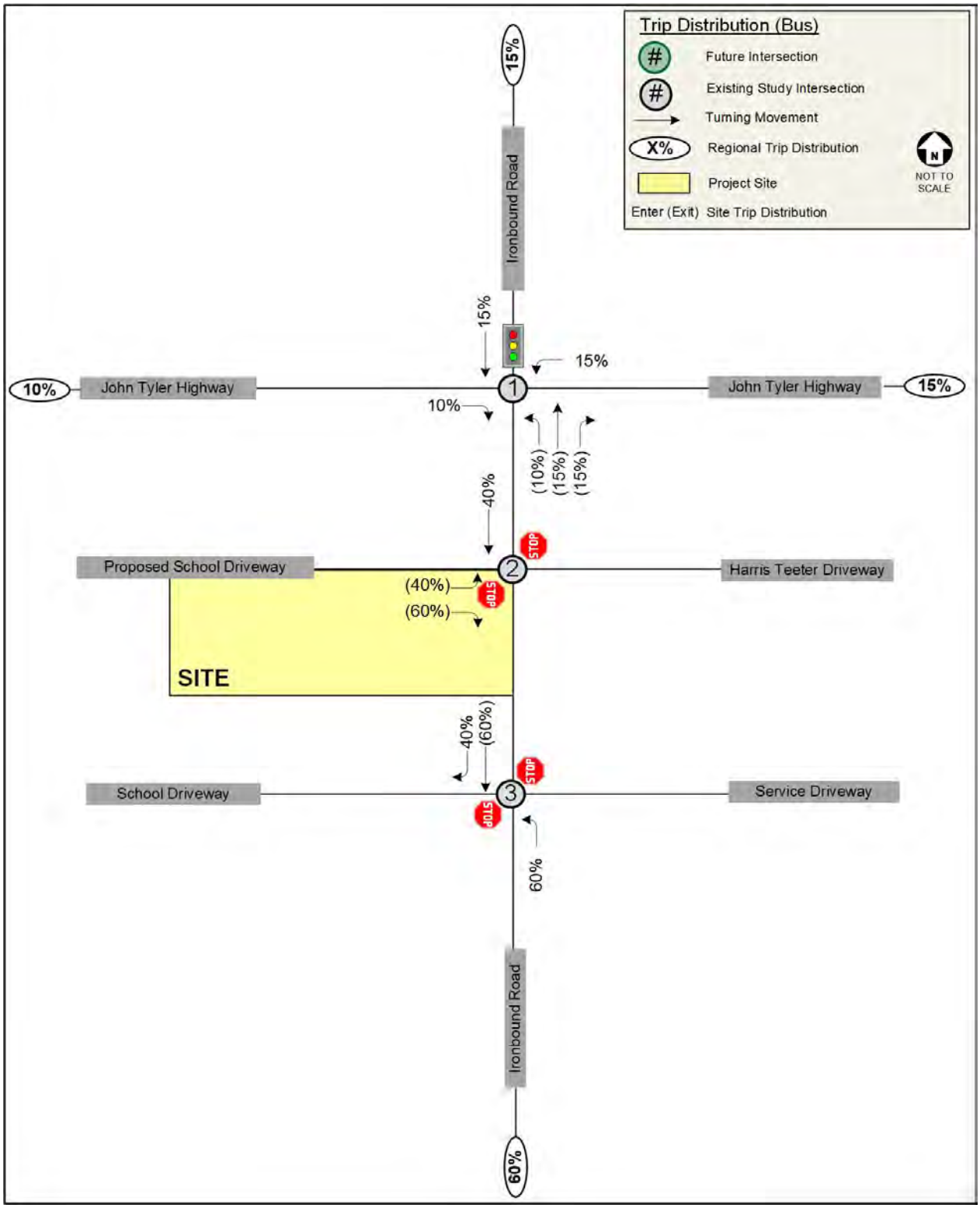

Figure 9: Trip Distribution (Bus)

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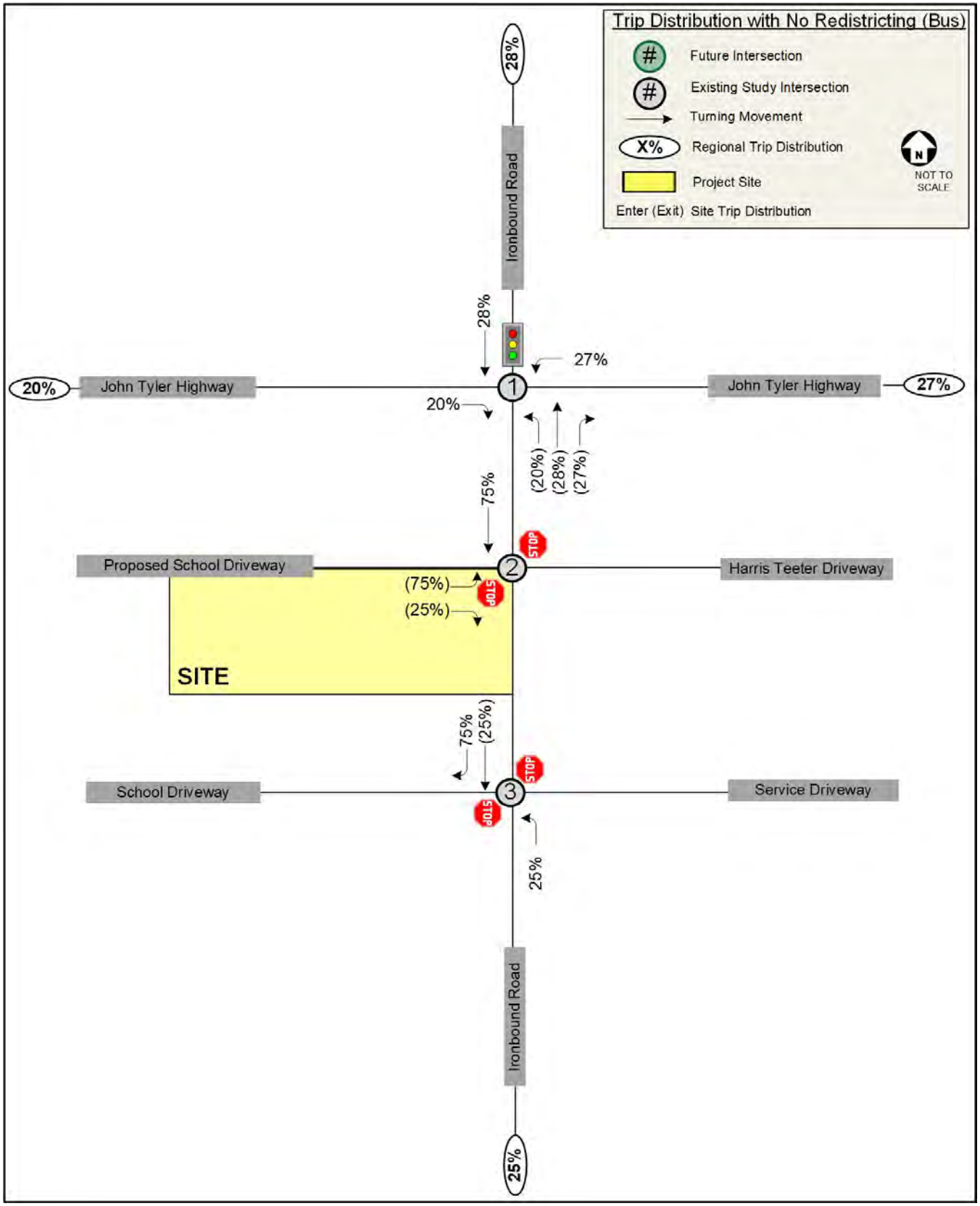

Figure 10: Bus Distribution with No Redistricting

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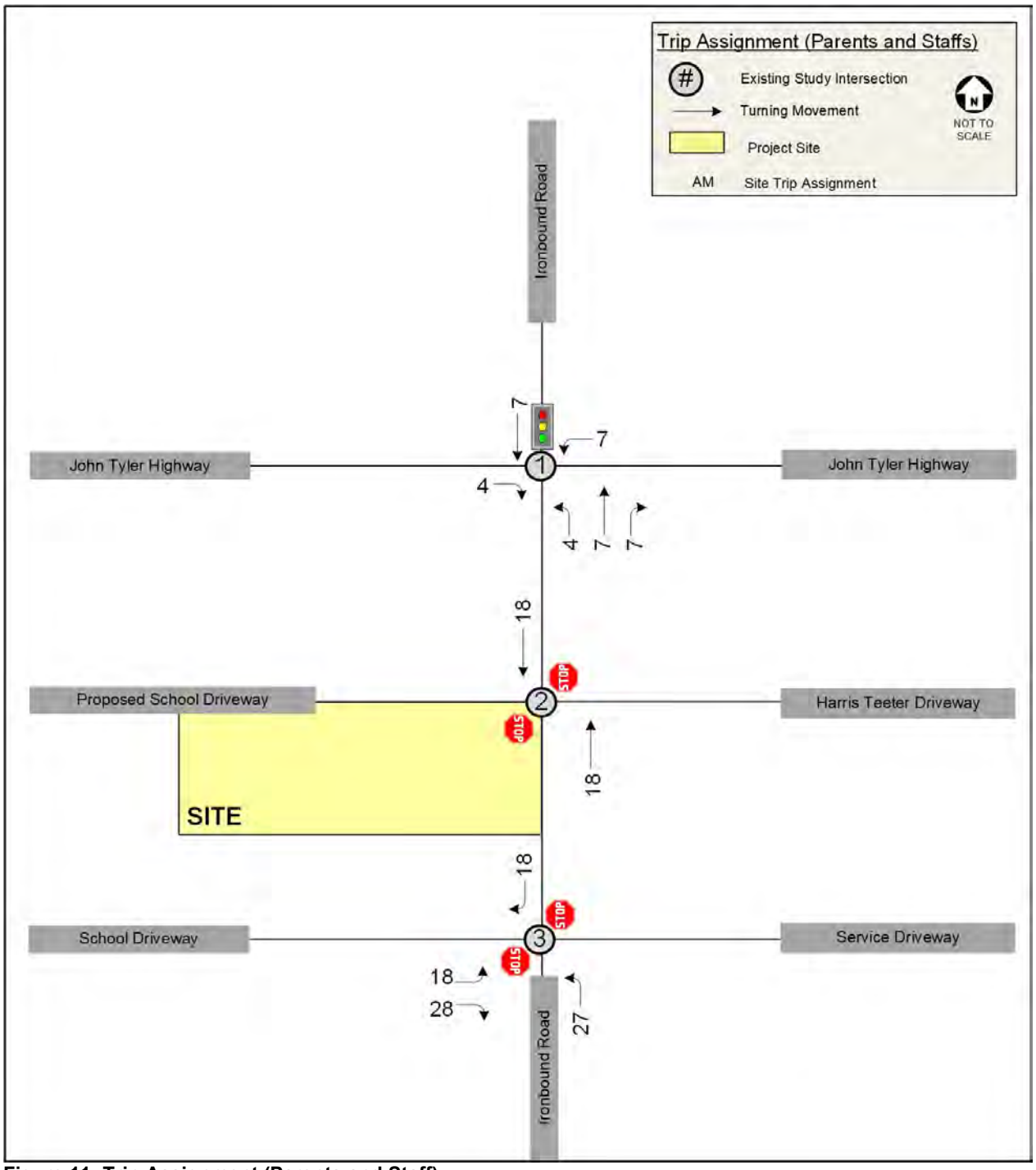

Figure 11: Trip Assignment (Parents and Staff)

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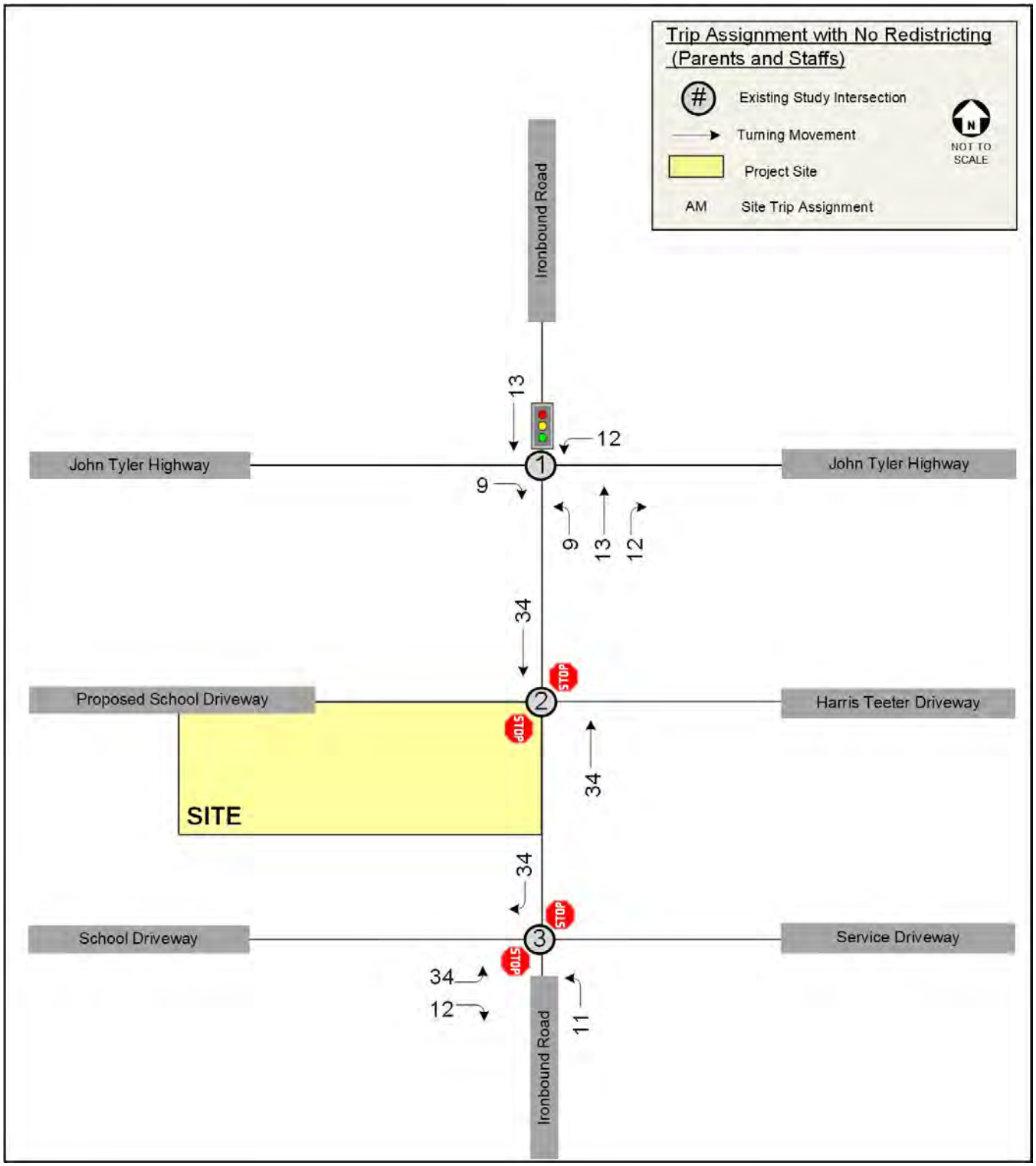

Figure 12: Trip Assignment with No Redistricting (Parents and Staffs)

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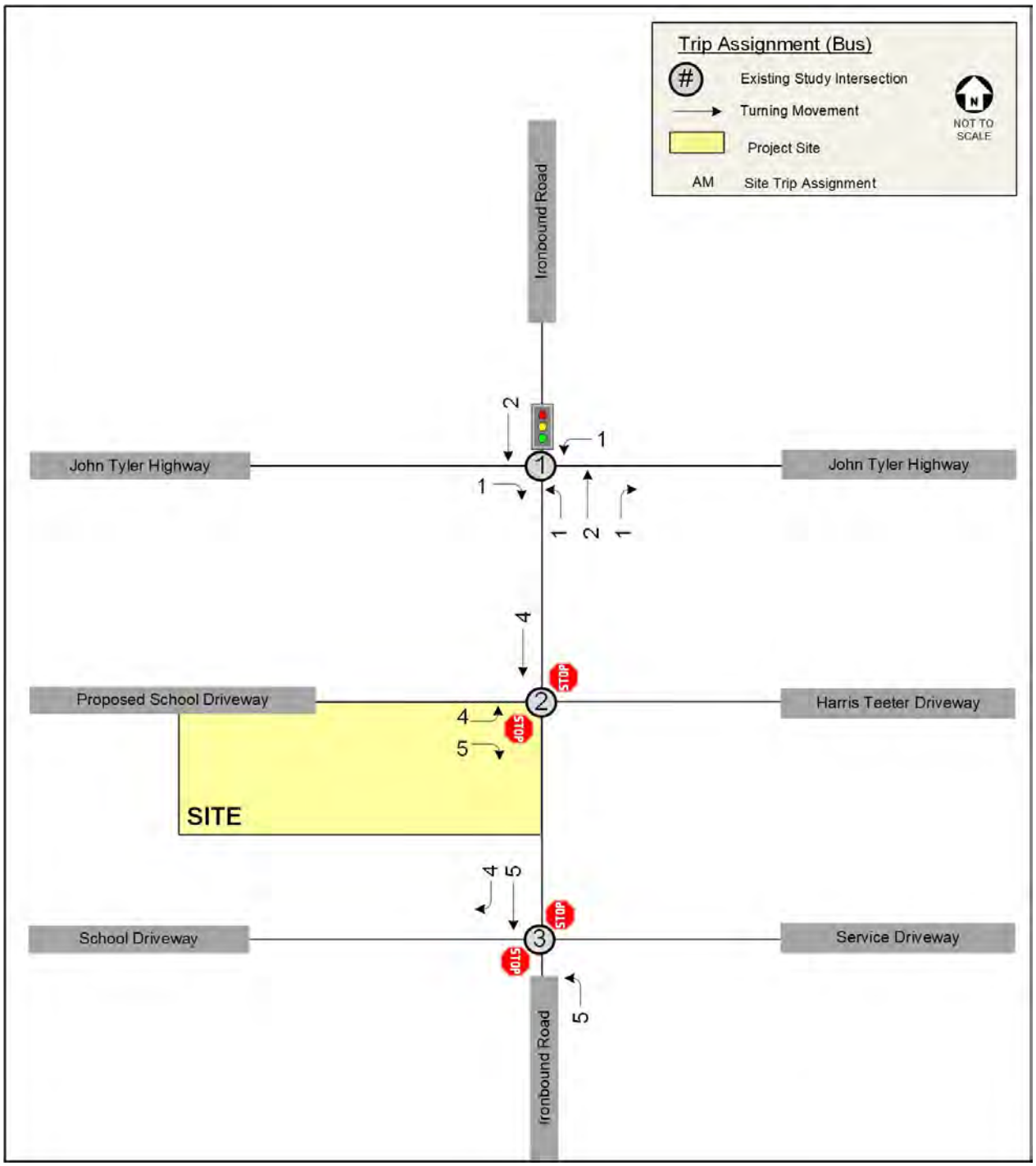

Figure 13: Trip Assignment (Bus)

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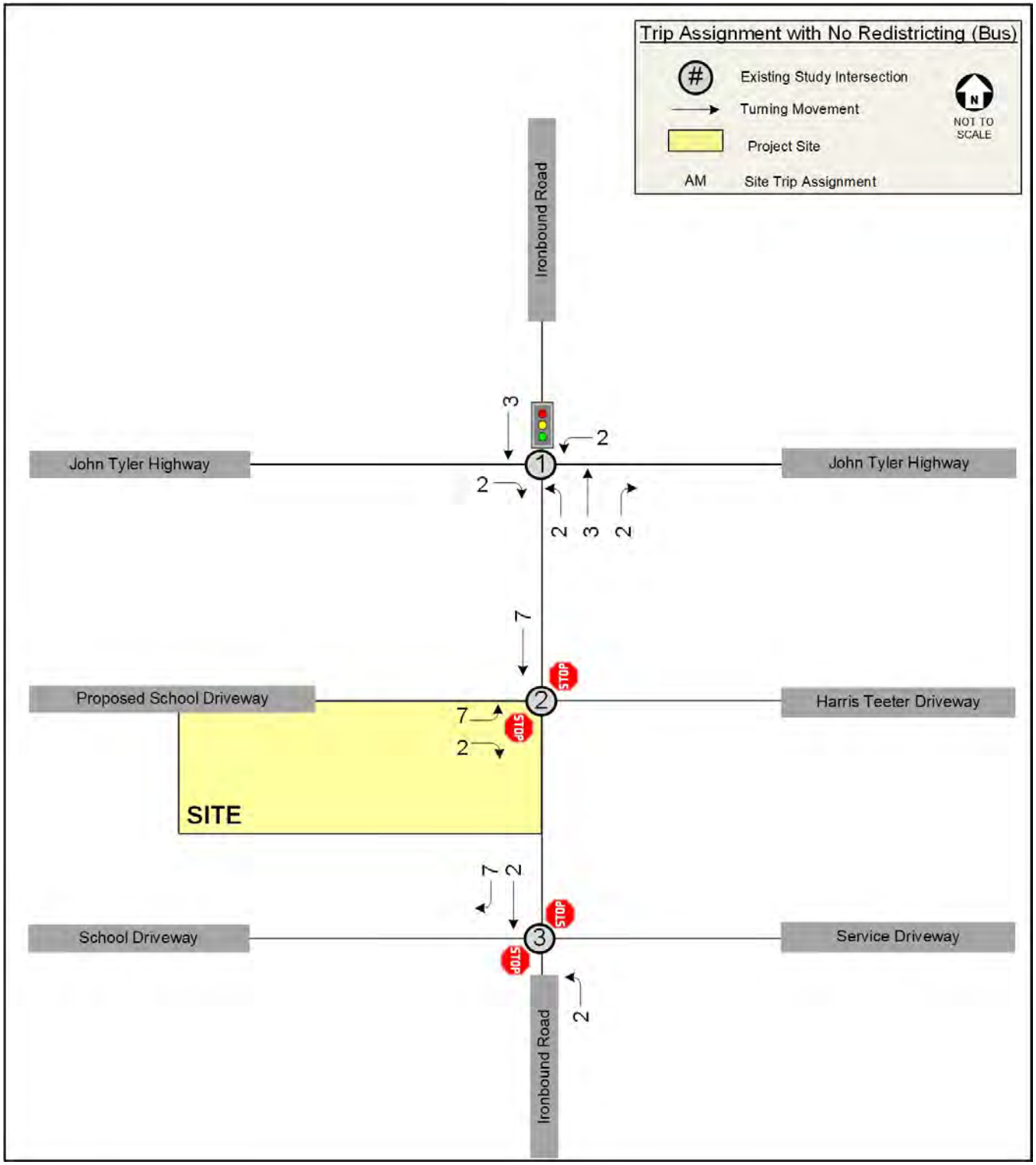

Figure 14: Trip Assignment with No Redistricting (Bus)

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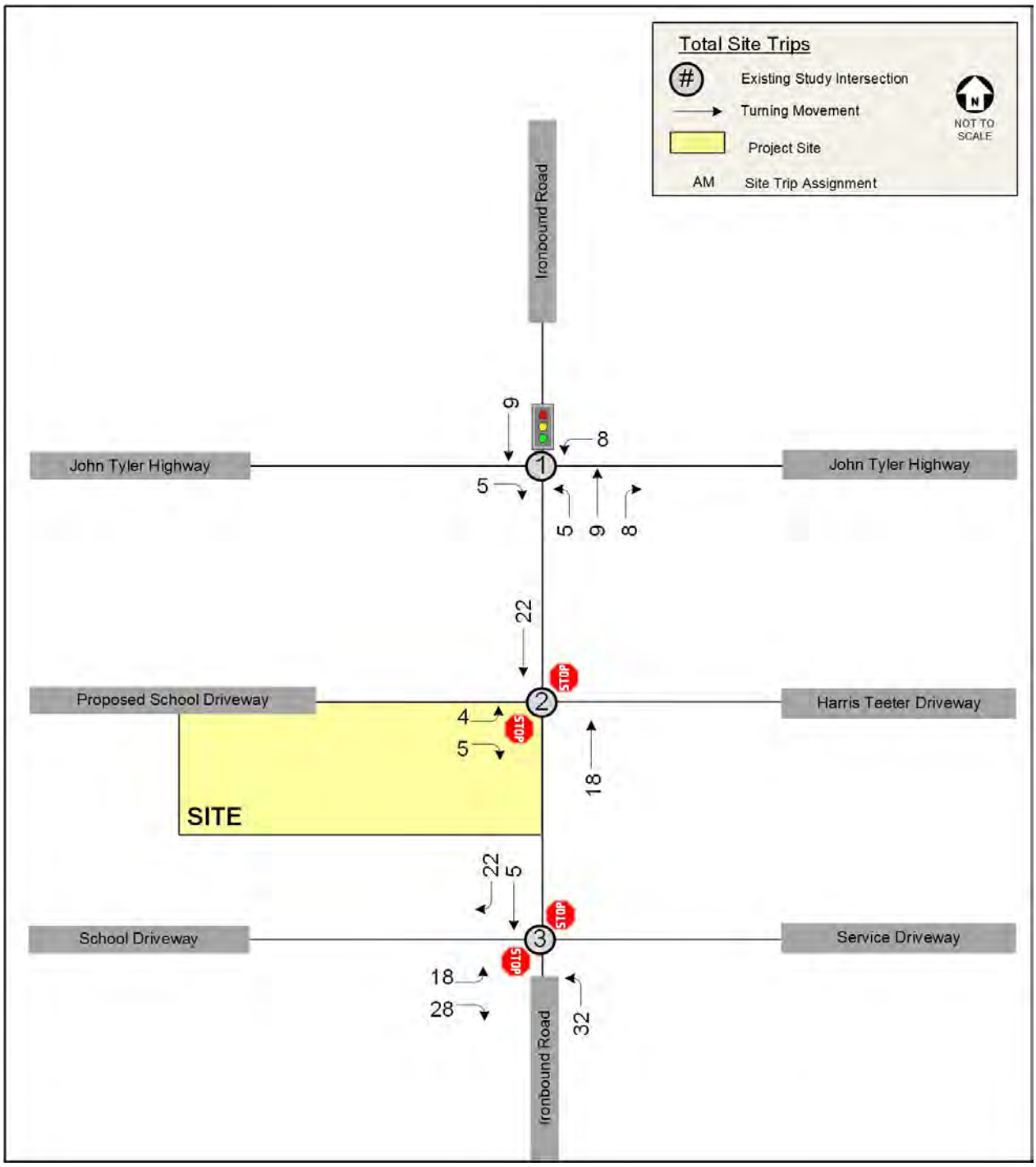

Figure 15: Total Site Trips

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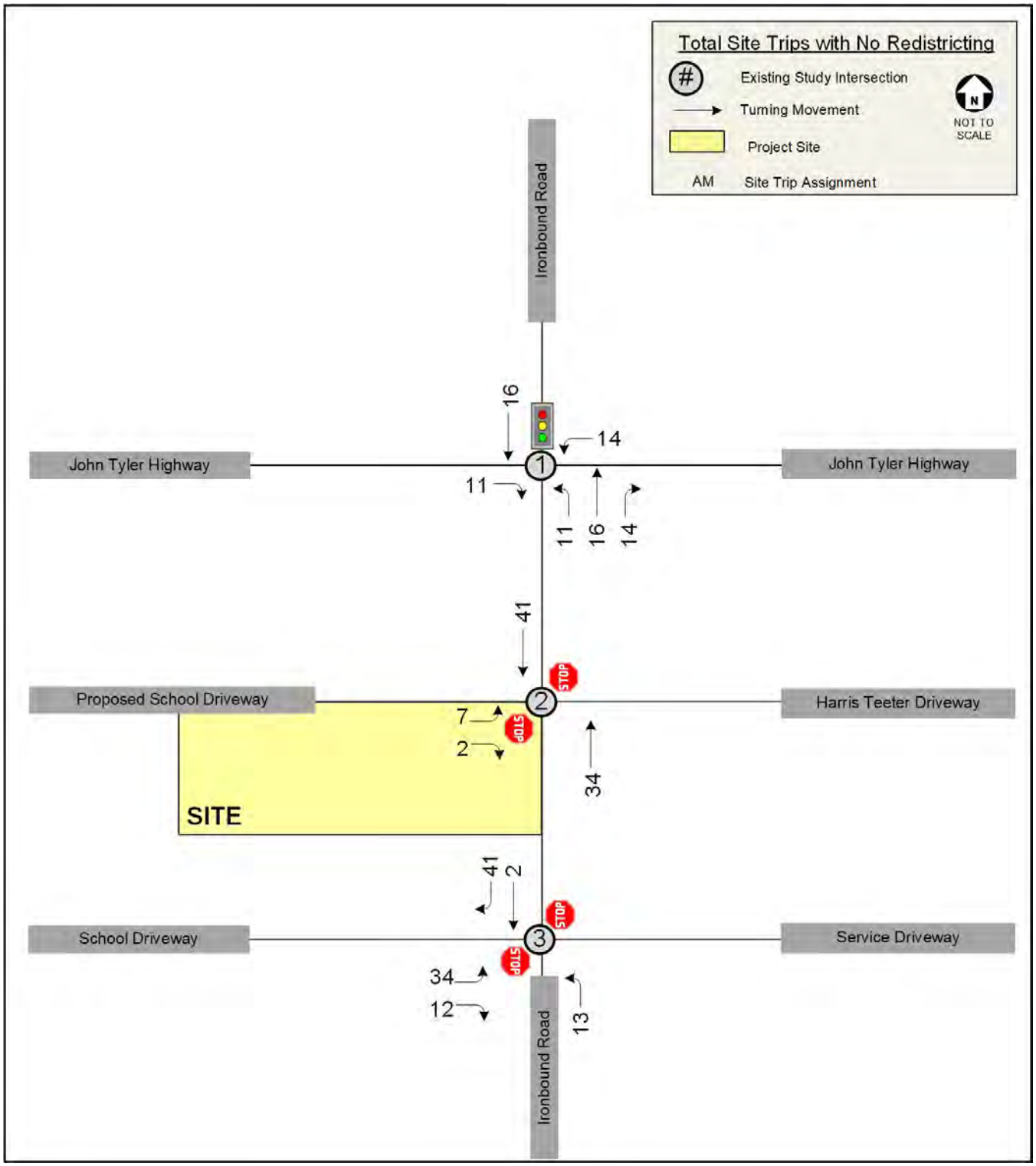

Figure 16: Total Site Trips with No Redistricting

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Build 2025 Traffic Volumes

The Build 2025 traffic volumes were estimated by adding the No-Build 2025 volumes (Figure 6) and total site trips (Figure 15). Figure 17 shows the Build 2025 peak hour traffic volumes. All buses exiting the site under the future condition will use the proposed exit-only driveway across from the Harris Teeter Driveway, hence all the bus trips will be redirected as shown in Figure 19.

Figure 21 shows the Build 2025 traffic volumes after redirection, which was calculated by adding the trips shown in Figure 17 and Figure 19.

Additionally, the Build 2025 traffic volumes with no redistricting were estimated by adding the No-Build 2025 volumes (Figure 6) and total site trips with no redistricting (Figure 16). Figure 18 shows the Build 2025 peak hour traffic volumes. As part of the school's redistricting, all buses exiting the site under the future condition will use the proposed exit-only driveway across from the Harris Teeter Driveway, hence all the bus trips will be redirected as shown in Figure 20.

Figure 22 shows the Build 2025 traffic volumes with no redistricting after redirection, which was calculated by adding the trips shown in Figure 18 and Figure 20.

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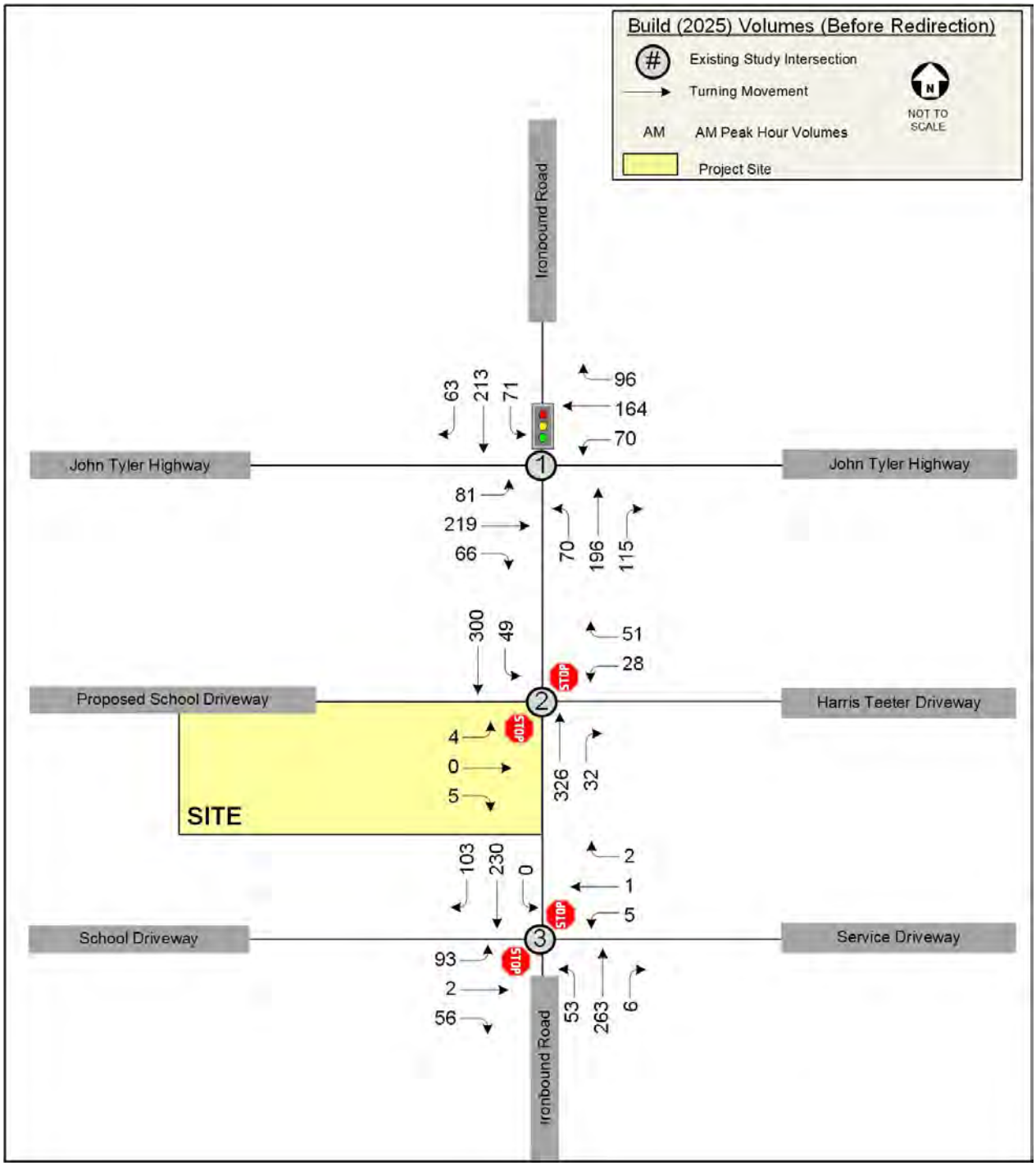

Figure 17: Build (2025) Peak Hour Traffic Volumes (Before Redirection)

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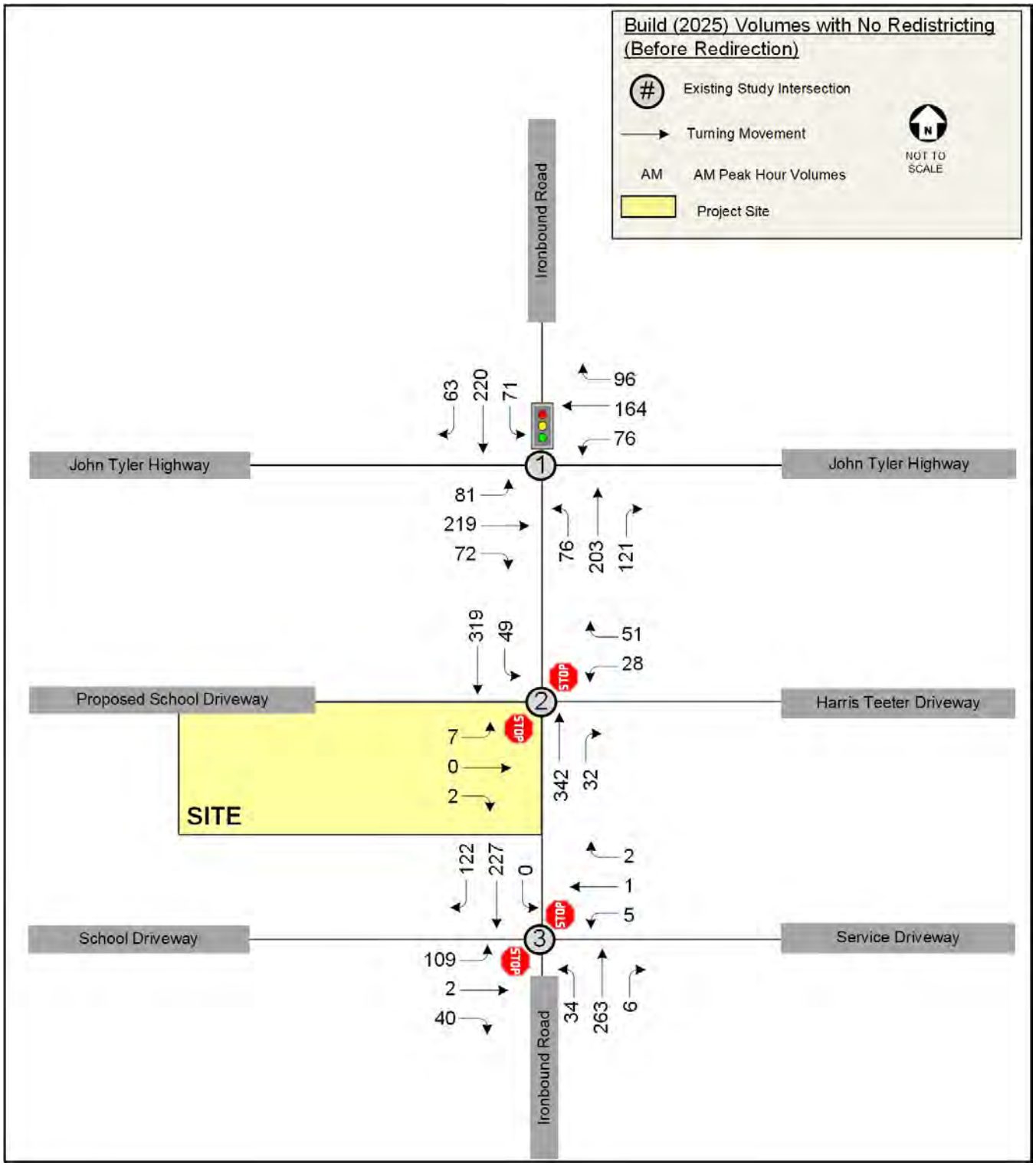

Figure 18: Build (2025) with No Redistricting (Before Redirection)

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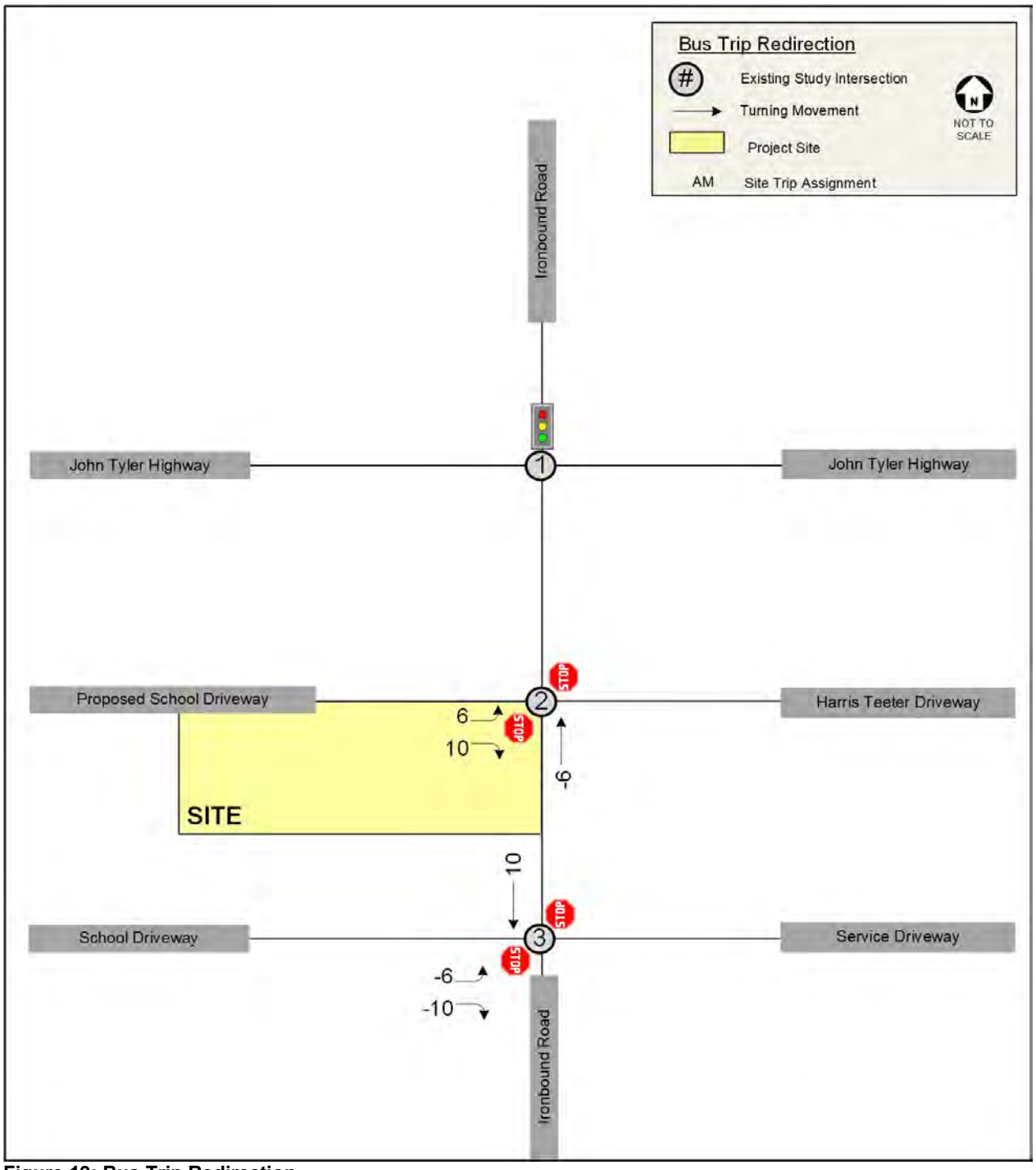

Figure 19: Bus Trip Redirection

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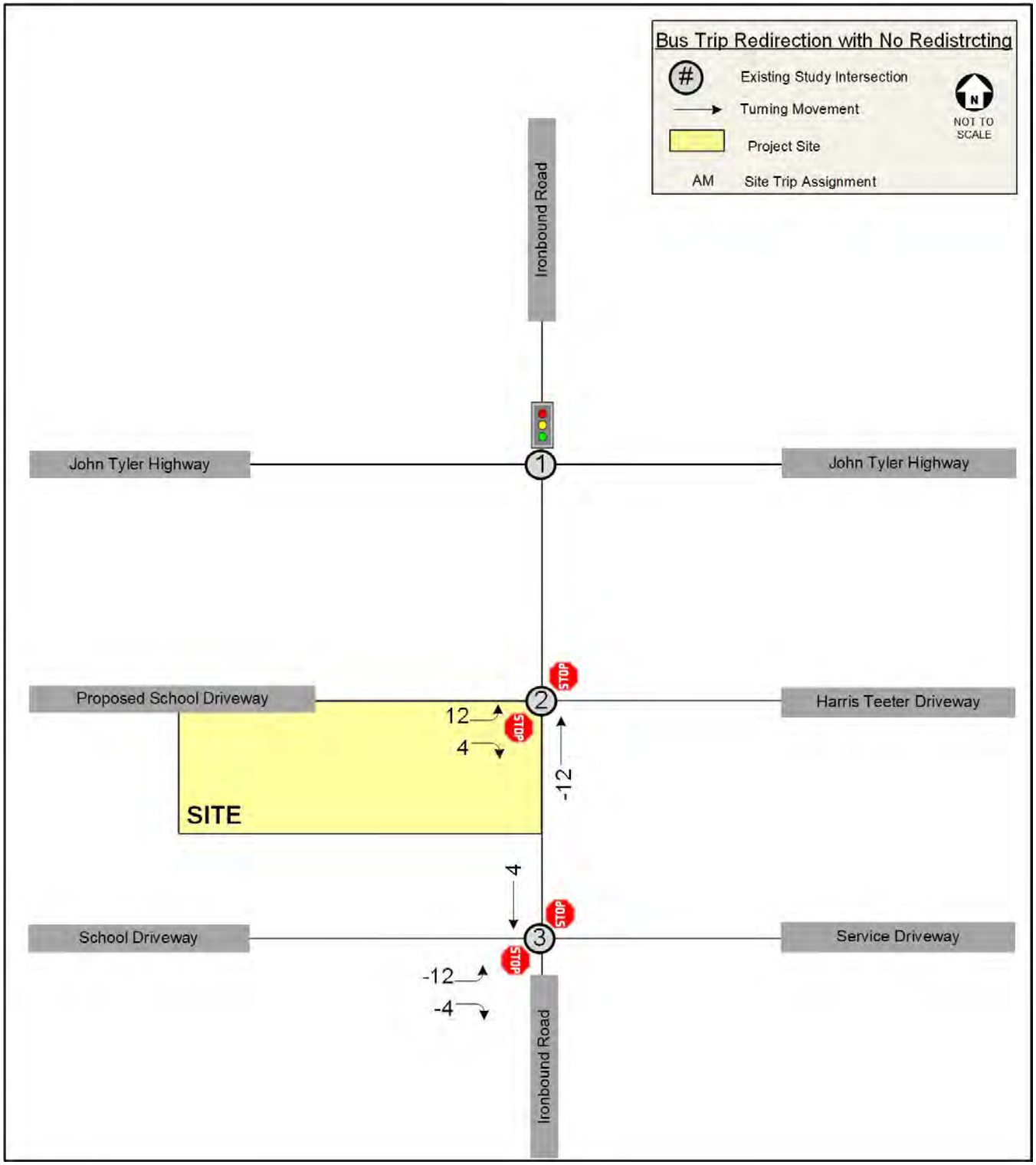

Figure 20: Bus Trip Redirection with No Redistricting

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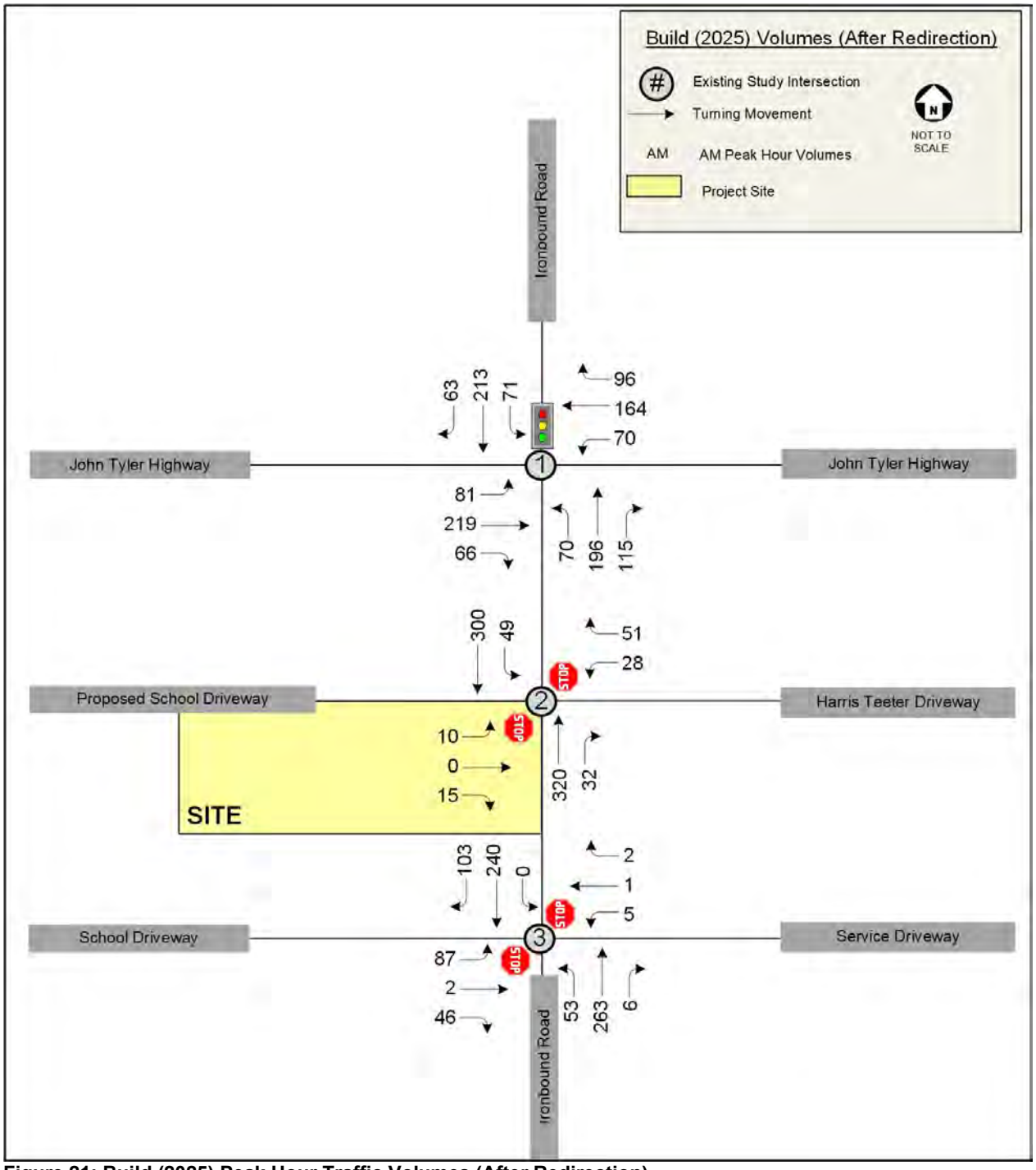

Figure 21: Build (2025) Peak Hour Traffic Volumes (After Redirection)

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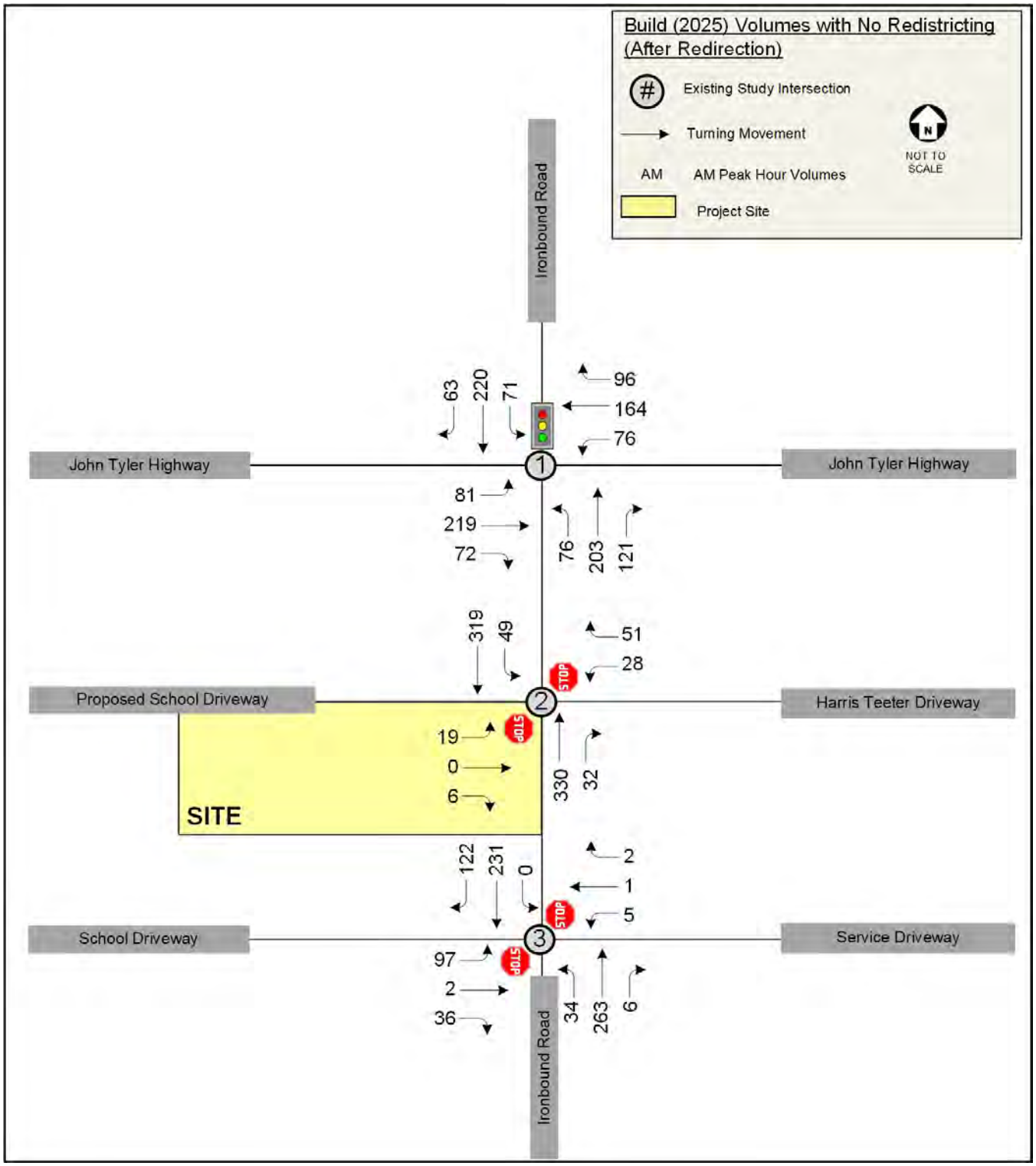

Figure 22: Build (2025) with No Redistricting (After Redirection)

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Capacity Analysis

Capacity Analysis Procedure

Capacity analyses were performed at the study area intersections during the weekday AM and PM peak hours. Synchro 11 was used to analyze the study intersections based on the Highway Capacity Manual (HCM) methodology and include level of service, delay, and queue length comparisons for the turning movements analyzed. SimTraffic queues were based on the maximum of an average of 10 microsimulation runs. The Synchro and SimTraffic outputs are included in the Appendix.

Capacity Analysis Results

For unsignalized intersections, the average delays for the minor street left-turn movement are described as short delays (less than 25 seconds), moderate delays (between 25 and 50 seconds), and long delays (greater than 50 seconds). It is not uncommon for side street movements and left turns to experience long delays during the peak hours at intersections with major thoroughfares. Capacity analysis results are summarized below.

Table 3 shows the LOS, average delays, and queue lengths for the signalized intersection of John Tyler Highway at Ironbound Road. The results shown are based on HCM 6th Edition methodology.

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Table 3: Level-of-Service Summary – John Tyler Highway at Ironbound Road

Analysis Scenario	Lane Group	Effective Storage Length (ft.)	AM Peak Hour				
			LOS	Delay (sec/veh)	95th % Queue (ft.) [2]	SimTraffic Ave. Max Queue (ft.)	Overall LOS
Existing 2023 Traffic Conditions	NBL	175	D	36.4	63	119	D 37.7
	NBT	-	E	57.1	#211	223	
	NBR	-	D	44.1	0	58	
	SBL	200	D	36.5	68	143	
	SBT	-	E	67.7	#239	231	
	SBR	200	D	41.1	0	123	
	EBL	175	B	17.2	57	174	
	EBT/R	-	C	25.4	250	254	
	WBL	150	B	18.0	47	120	
	WBT	-	C	22.1	151	174	
	WBR	300	C	21.1	0	76	
No-Build 2025 Traffic Conditions	NBL	175	D	35.6	60	148	C 34.3
	NBT	-	D	47.2	190	243	
	NBR	-	D	42.5	0	62	
	SBL	200	D	35.6	64	148	
	SBT	-	D	52.5	208	239	
	SBR	200	D	40.1	0	117	
	EBL	175	B	17.9	64	140	
	EBT/R	-	C	26.5	263	287	
	WBL	150	B	18.8	52	125	
	WBT	-	C	23.1	158	193	
	WBR	300	C	22.0	0	67	
Build 2025 Traffic Conditions (with Redistricting)	NBL	175	D	35.1	63	153	C 34.8
	NBT	-	D	47.0	200	233	
	NBR	-	D	42.0	0	62	
	SBL	200	D	35.2	64	127	
	SBT	-	D	53.3	217	228	
	SBR	200	D	39.5	0	121	
	EBL	175	B	18.4	64	174	
	EBT/R	-	C	27.8	264	305	
	WBL	150	B	19.4	57	136	
	WBT	-	C	23.6	153	192	
	WBR	300	C	22.5	0	66	
Build 2025 Traffic Conditions (with No Redistricting)	NBL	175	C	34.7	67	152	C 34.8
	NBT	-	D	45.5	202	239	
	NBR	-	D	41.3	0	75	
	SBL	200	C	34.7	63	156	
	SBT	-	D	51.5	218	231	
	SBR	200	D	38.9	0	134	
	EBL	175	B	18.9	66	174	
	EBT/R	-	C	29.0	270	344	
	WBL	150	C	20.2	63	143	
	WBT	-	C	24.4	158	199	
	WBR	300	C	23.2	0	71	

Capacity Analysis indicates that this intersection currently operates at LOS D. Under No-Build 2025 conditions, the intersection is expected to operate at LOS C with signal timing optimization.

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Under Build 2025 conditions, with and without redistricting, the intersection is expected to continue to operate at LOS C, with all movements operating similar to No-Build conditions. No improvements are warranted or recommended at this intersection upon build-out of the proposed pre-school.

Table 4 shows the LOS, average delays, and queue lengths for the unsignalized intersection of Ironbound Road at the existing Harris Teeter Driveway and the proposed exit-only School Driveway. The results shown are based on HCM 6th Edition methodology.

Table 4: Level-of-Service Summary – Ironbound Road at Proposed School Driveway / Harris Teeter Driveway

Analysis Scenario	Lane Group	Effective Storage Length (ft.)	AM Peak Hour			
			LOS	Delay (sec/veh)	95th % Queue (ft.)	SimTraffic Ave. Max Queue (ft.)
Existing 2023 Traffic Conditions	NBT	-	-	-	-	-
	NBR	-	-	-	-	-
	SBL	150	A	8.3	5	39
	SBT	-	-	-	-	-
	WBL/R	-	C	15.1	20	68
No-Build 2025 Traffic Conditions	NBT	-	-	-	-	-
	NBR	-	-	-	-	-
	SBL	150	A	8.3	5	30
	SBT	-	-	-	-	-
	WBL/R	-	C	15.4	20	70
Build 2025 Traffic Conditions	NBT	-	-	-	-	-
	NBR	-	-	-	-	-
	SBL	150	A	8.4	5	37
	SBT	-	-	-	-	-
	EBL/T/R		C	21.2	10	105
	WBL/T/R	-	C	16.6	23	85
Build 2025 Traffic Conditions (with No Redistricting)	NBT	-	-	-	-	-
	NBR	-	-	-	-	-
	SBL	150	A	8.4	5	38
	SBT	-	-	-	-	-
	EBL/T/R		D	32.0	18	101
	WBL/T/R	-	C	16.9	23	70

Capacity analysis indicates that the minor street left-turn movement currently operates with short delays. Under No-Build conditions, the minor street left-turn movement is expected to continue operating with short delays.

Under Build conditions with redistricting, the minor street left-turn movement is expected to operate with moderate delay and under build without redistricting, the minor street left-turn movement is expected to operate with short delay. No improvements are warranted or recommended at this intersection upon build-out of the proposed pre-school.

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Table 5 shows the LOS, average delays, and queue lengths for the unsignalized intersection of Ironbound Road at the proposed School Driveway / Service Driveway. The results shown are based on HCM 6th Edition methodology.

Table 5: Level-of-Service Summary – Ironbound Road at School Driveway / Service Driveway

Analysis Scenario	Lane Group	Effective Storage Length (ft.)	AM Peak Hour			
			LOS	Delay (sec/veh)	95th % Queue (ft.)	SimTraffic Avg. Max Queue (ft.)
Existing 2023 Traffic Conditions	NBL	175	A	8.4	3	43
	NBT/R	-	-	-	-	-
	SBL	150	-	-	-	-
	SBT	-	-	-	-	-
	SBR	150	-	-	-	-
	EBL/T/R	-	C	20.9	45	113
	WBL/T/R	-	C	16.2	3	34
No-Build 2025 Traffic Conditions	NBL	175	A	8.4	3	45
	NBT/R	-	-	-	-	-
	SBL	150	-	-	-	-
	SBT	-	-	-	-	-
	SBR	150	-	-	-	-
	EBL/T/R	-	C	21.7	48	118
	WBL/T/R	-	C	16.5	3	29
Build 2025 Traffic Conditions	NBL	175	A	8.7	5	67
	NBT/R	-	-	-	-	-
	SBL	150	-	-	-	-
	SBT	-	-	-	-	-
	SBR	150	-	-	-	-
	EBL/T/R	-	D	31.7	90	131
	WBL/T/R	-	C	20.0	3	33
Build 2025 Traffic Conditions (with No Redistricting)	NBL	175	A	8.7	3	54
	NBT/R	-	-	-	-	-
	SBL	150	-	-	-	-
	SBT	-	-	-	-	-
	SBR	150	-	-	-	-
	EBL/T/R	-	D	28.9	83	162
	WBL/T/R	-	C	18.2	3	31

Capacity analysis indicates that the minor street left-turn movement currently operates with short delays. Under No-Build conditions, the minor street left-turn movement is expected to continue operating with short delays.

Under Build conditions with or without redistricting, the minor street left-turn movement is expected to operate with moderate delays. No improvements are warranted or recommended at this intersection upon build-out of the proposed pre-school.

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Recommendations

Based on the results of the analysis, all study intersections will operate with acceptable queueing and delay with the following improvement:

Ironbound Road at Harris Teeter Driveway / Proposed School Driveway:

- Construct the site driveway with one egress lane

Figure 23 shows the recommended lane configuration.

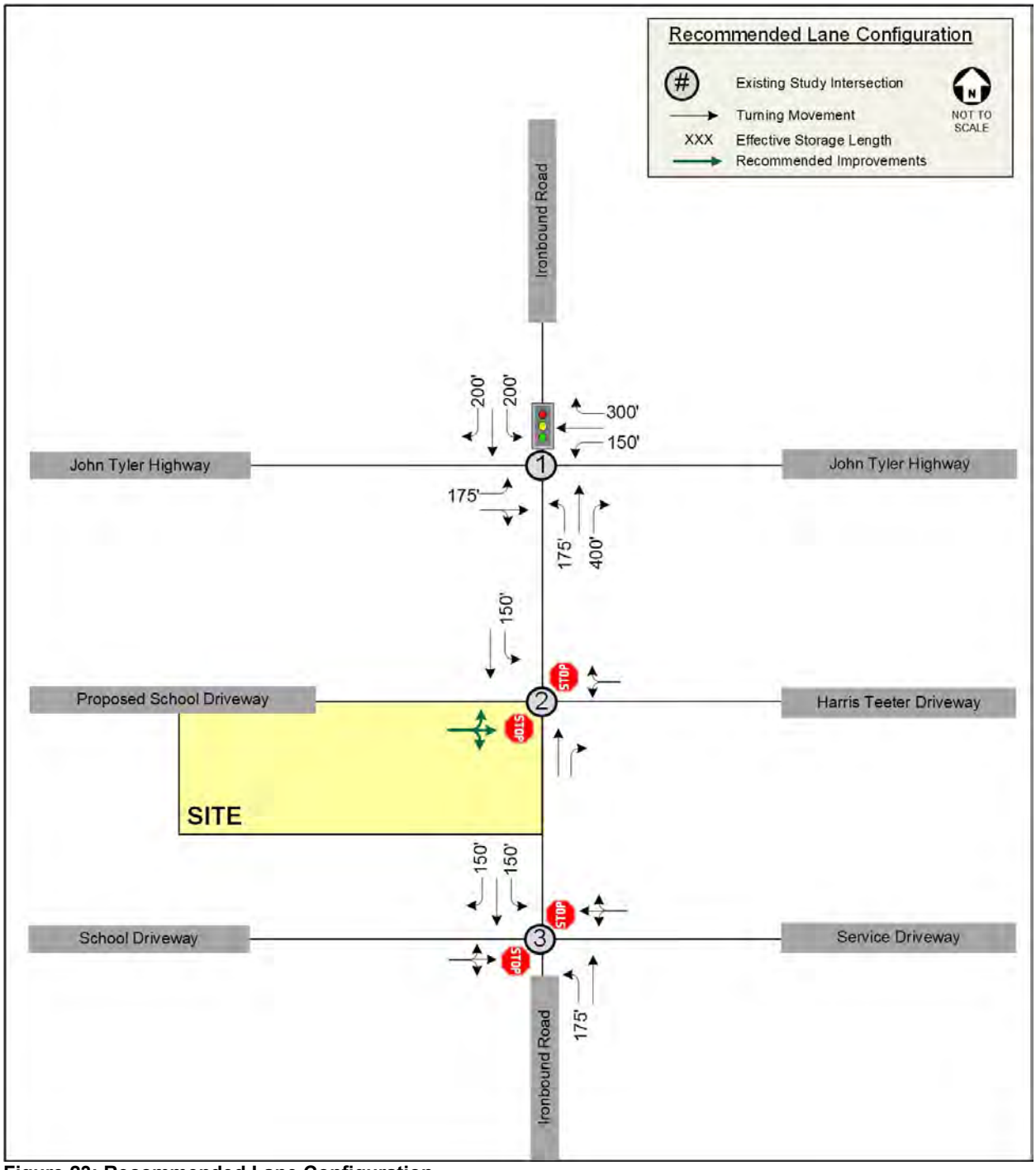

Figure 23: Recommended Lane Configuration

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APPENDIX

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APPENDIX A: VDOT TIA SCOPE FORM

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VDOT Virginia Department of Transportation

PRE-SCOPE OF WORK MEETING FORM

Information on the Project
Traffic Impact Analysis Base Assumptions

The applicant is responsible for entering the relevant information and submitting the form to VDOT and the locality no less than three (3) business days prior to the meeting. If a form is not received by this deadline, the scope of work meeting may be postponed.

Contact Information				
Consultant Name: Tele: E-mail:	Michale Bailey, P.E., RSP1 - Gorove Slade (804) 362-0578 mb@goroveslade.com			
Developer/Owner Name: Tele: E-mail:	Mr. Daniel Hayes, P.E., PMP (571) 469-6459 daniel.hayes@alphacorporation.com			
Project Information				
Project Name:	Bright Beginnings at Clara Byrd Baker Elementary	Locality/County:	James City County	
Project Location: (Attach regional and site specific location map)	Refer to Figure 1			
Submission Type	Comp Plan ☐	REZ/SUP ☒	Site Plan ☐	Subd Plat ☐
Project Description: (Including details on the land use, acreage, phasing, access location, etc. Attach additional sheet if necessary)	The development plan includes a pre-school with 252 students in the northwest corner of the Ironbound Road at Clara Byrd Baker Elementary School driveway. The access plan includes one exit-only driveway on Ironbound Road, across from the Harris Teeter shopping center driveway and connections to the existing elementary school road network.			
Proposed Use(s): (Check all that apply; attach additional pages as necessary)	Residential ☐	Commercial ☐	Mixed Use ☐	Other ☒
	Residential Uses(s) N/A		**Commercial Use(s)** See Trip Table	
Total Peak Hour Trip Projection:	Less than 100 ☐	100 – 499 ☒	500 – 999 ☐	1,000 or more ☐

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Traffic Impact Analysis Assumptions

Study Period	Existing Year: 2023		Build-out Year: 2025		Design Year: 2025
Study Area Boundaries (Attach map)	North: Refer to Figure 1			South:	
	West:			East:	
External Factors That Could Affect Project (Planned road improvements, other nearby developments)	Governors Grove Section 3 self-storage facility				
Consistency With Comprehensive Plan (Land use, transportation plan)	The existing zoning is Public School which allows the proposed use				
Available Traffic Data (Historical, forecasts)	Ironbound Road – 6,900 vpd in 2016 / 5,900 vpd in 2021				
Trip Distribution	Road Name: See Figure 1			Road Name:	
	Road Name:			Road Name:	
Annual Vehicle Trip Growth Rate:	1.0 %		Peak Period for Study (Check all that apply)	☒ AM ☐ PM ☐ SAT	
			Peak Hour of Generator		
Study Intersections and/or Road Segments (Attach additional sheets as necessary) **(Please refer to attached Figure 1.)**	1.	John Tyler Highway at Ironbound Road		7.	
	2.	Ironbound Road at Harris Teeter Driveway / Proposed Pre-School Driveway		8.	
	3.	Ironbound Road at CBB Elementary School Driveway / Harris Teeter Service Driveway		9.	
	4.			10.	
	5.			11.	
	6.			12.	
Trip Adjustment Factors	Internal allowance ☐ Yes ☒ No Reduction: N/A			Pass-by allowance ☐ Yes ☒ No Reduction: ITE	
Software Methodology	☒ Synchro ☐ HCS (v.2000/+) ☐ SIDRA ☐ CORSIM ☒ Other SimTraffic				
Traffic Signal Proposed or Affected (Analysis software to be used, progression speed, cycle length)	Analysis Software: Synchro / SimTraffic 11				

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Improvement(s) Assumed or to be Considered	The need for turn lanes and other off-site improvements will be determined based on the results of the TIA.
Background Traffic Studies Considered	Governors Grove Section 3 TIA by DRW dated May 2023
Plan Submission	☐ Master Development Plan (MDP) ☒ Generalized Development Plan (GDP) ☐ Preliminary/Sketch Plan ☐ Other Plan type (Final Site, Subd. Plan)
Additional Issues to be Addressed	☒ Queuing analysis ☒ Actuation/Coordination ☐ Weaving analysis ☐ Merge analysis ☐ Bike/Ped Accommodations ☒ Intersection(s) ☐ TDM Measures ☐ Other (_____)

NOTES on ASSUMPTIONS:

The TIA will include three analysis scenarios:

- Existing 2023 Conditions (with current school districting)
- No-Build 2025 Conditions (with revised school districting)
- Build 2025 Conditions (with revised school districting)

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Figure 1: Site Location and Trip Distribution

Table 1: ITE Trip Generation – Typical Weekday – 11th Edition

Land Use	Size	Average Weekday Daily Traffic (vpd)		AM Peak Hour	
		Enter	Exit	Enter	Exit
Current Enrollment[1]	551 students	408	408	101	103
Staff[2] = 78		344	344	78	8
Buses[2] = 16		64	64	16	16
(Parents/Other)		0	0	7	79
Future Enrollment	845 students	626	626	155	158
Staff[3] = 120		104	104	120	12
Buses[3] = 25		100	100	25	25
(Parents/Other)		422	422	10	121
Net Difference		**218**	**218**	**54**	**55**

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APPENDIX B: TRAFFIC COUNT DATA

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VDOT Virginia Department of Transportation

PRE-SCOPE OF WORK MEETING FORM

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The applicant is responsible for entering the relevant information and submitting the form to VDOT and the locality no less than three (3) business days prior to the meeting. If a form is not received by this deadline, the scope of work meeting may be postponed.

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Consultant Name: Tele: E-mail:	Michale Bailey, P.E., RSP1 - Gorove Slade (804) 362-0578 mb@goroveslade.com			
Developer/Owner Name: Tele: E-mail:	Mr. Daniel Hayes, P.E., PMP (571) 469-6459 daniel.hayes@alphacorporation.com			
Project Information				
Project Name:	Bright Beginnings at Clara Byrd Baker Elementary	Locality/County:	James City County	
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Total Peak Hour Trip Projection:	Less than 100 ☐	100 – 499 ☒	500 – 999 ☐	1,000 or more ☐

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	West:			East:	
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Consistency With Comprehensive Plan (Land use, transportation plan)	The existing zoning is Public School which allows the proposed use				
Available Traffic Data (Historical, forecasts)	Ironbound Road – 6,900 vpd in 2016 / 5,900 vpd in 2021				
Trip Distribution	Road Name: See Figure 1			Road Name:	
	Road Name:			Road Name:	
Annual Vehicle Trip Growth Rate:	1.0 %		Peak Period for Study (Check all that apply)	☒ AM ☐ PM ☐ SAT	
			Peak Hour of Generator		
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	4.			10.	
	5.			11.	
	6.			12.	
Trip Adjustment Factors	Internal allowance ☐ Yes ☒ No Reduction: N/A			Pass-by allowance ☐ Yes ☒ No Reduction: ITE	
Software Methodology	☒ Synchro ☐ HCS (v.2000/+) ☐ SIDRA ☐ CORSIM ☒ Other SimTraffic				
Traffic Signal Proposed or Affected (Analysis software to be used, progression speed, cycle length)	Analysis Software: Synchro / SimTraffic 11				

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- Build 2025 Conditions (with revised school districting)

DocuSign Envelope ID: FCB1D247-8CFC-4B24-B9D5-C6E705B34C9A

File Name : JamesCity(Ironbound and John Taylor)
Site Code :
Start Date : 11/15/2023
Page No : 1

Groups Printed- Cars + - Trucks

	Ironbound Road Southbound					John Taylor Hwy Westbound					Ironbound Road Northbound					John Taylor Hwy Eastbound					
Start Time	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Int. Total
08:30 AM	10	35	18	0	63	21	51	24	0	96	17	42	19	1	79	15	61	19	1	96	334
08:45 AM	9	36	15	0	60	19	30	11	0	60	22	54	16	0	92	20	63	16	0	99	311
Total	19	71	33	0	123	40	81	35	0	156	39	96	35	1	171	35	124	35	1	195	645
09:00 AM	9	30	8	0	47	22	32	10	0	64	10	30	12	0	52	19	55	20	0	94	257
09:15 AM	9	36	16	0	61	9	38	26	0	73	24	21	15	0	60	20	37	19	0	76	270
09:30 AM	16	50	11	0	77	39	45	21	0	105	44	51	14	0	109	26	65	19	0	110	401
09:45 AM	14	51	18	0	83	23	31	18	0	72	26	63	17	0	106	12	45	24	0	81	342
Total	48	167	53	0	268	93	146	75	0	314	104	165	58	0	327	77	202	82	0	361	1270
10:00 AM	16	40	22	0	78	22	38	11	0	71	15	35	19	0	69	11	52	15	0	78	296
10:15 AM	16	39	19	0	74	10	46	11	0	67	20	34	13	0	67	11	52	20	0	83	291
Grand Total	99	317	127	0	543	165	311	132	0	608	178	330	125	1	634	134	430	152	1	717	2502
Apprch %	18.2	58.4	23.4	0		27.1	51.2	21.7	0		28.1	52.1	19.7	0.2		18.7	60	21.2	0.1		
Total %	4	12.7	5.1	0	21.7	6.6	12.4	5.3	0	24.3	7.1	13.2	5	0	25.3	5.4	17.2	6.1	0	28.7	
Cars +	94	312	125	0	531	162	301	119	0	582	169	322	122	1	614	128	414	151	1	694	2421
% Cars +	94.9	98.4	98.4	0	97.8	98.2	96.8	90.2	0	95.7	94.9	97.6	97.6	100	96.8	95.5	96.3	99.3	100	96.8	96.8
Trucks	5	5	2	0	12	3	10	13	0	26	9	8	3	0	20	6	16	1	0	23	81
% Trucks	5.1	1.6	1.6	0	2.2	1.8	3.2	9.8	0	4.3	5.1	2.4	2.4	0	3.2	4.5	3.7	0.7	0	3.2	3.2

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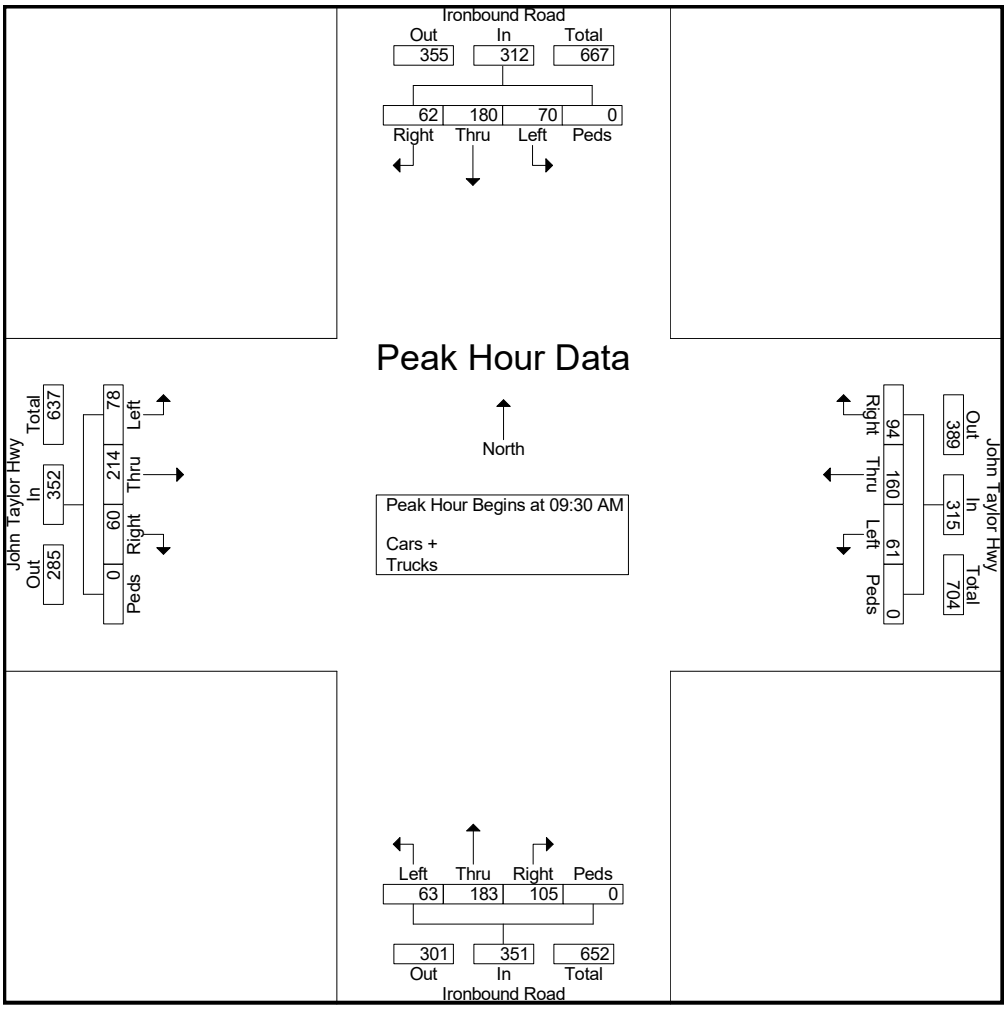
TRAFFIC DATA COLLECTION

File Name : JamesCity(Ironbound and John Taylor)
Site Code :
Start Date : 11/15/2023

	Ironbound Road Southbound					John Taylor Hwy Westbound					Ironbound Road Northbound					John Taylor Hwy Eastbound					
Start Time	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Int. Total
Peak Hour Analysis From 08:30 AM to 10:15 AM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 09:30 AM																					
09:30 AM	**16**	50	11	0	77	**39**	45	**21**	0	**105**	**44**	51	14	0	**109**	**26**	**65**	19	0	**110**	**401**
09:45 AM	14	**51**	18	0	**83**	23	31	18	0	72	26	**63**	17	0	106	12	45	**24**	0	81	342
10:00 AM	16	40	**22**	0	78	22	38	11	0	71	15	35	**19**	0	69	11	52	15	0	78	296
10:15 AM	16	39	19	0	74	10	**46**	11	0	67	20	34	13	0	67	11	52	20	0	83	291
Total Volume	62	180	70	0	312	94	160	61	0	315	105	183	63	0	351	60	214	78	0	352	1330
% App. Total	19.9	57.7	22.4	0		29.8	50.8	19.4	0		29.9	52.1	17.9	0		17	60.8	22.2	0		
PHF	.969	.882	.795	.000	.940	.603	.870	.726	.000	.750	.597	.726	.829	.000	.805	.577	.823	.813	.000	.800	.829



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File Name : JamesCity(Ironbound and Shopping)
Site Code :
Start Date : 11/15/2023
Page No : 1

Groups Printed- Cars + - Trucks

	Ironbound Road Southbound				Shopping Center Driveway Westbound				Ironbound Road Northbound				
Start Time	Thru	Left	UTrn	App. Total	Right	Left	UTrn	App. Total	Right	Thru	UTrn	App. Total	Int. Total
08:30 AM	68	10	0	78	13	8	0	21	6	73	0	79	178
08:45 AM	53	14	0	67	11	9	0	20	13	79	0	92	179
Total	121	24	0	145	24	17	0	41	19	152	0	171	357
09:00 AM	48	17	0	65	14	7	0	21	4	38	0	42	128
09:15 AM	67	13	0	80	15	7	0	22	2	62	0	64	166
09:30 AM	89	10	0	99	6	4	1	11	13	97	0	110	220
09:45 AM	67	13	0	80	12	9	0	21	6	85	0	91	192
Total	271	53	0	324	47	27	1	75	25	282	0	307	706
10:00 AM	48	12	0	60	17	6	0	23	10	44	0	54	137
10:15 AM	43	17	0	60	16	6	0	22	12	51	0	63	145
Grand Total	483	106	0	589	104	56	1	161	66	529	0	595	1345
Apprch %	82	18	0		64.6	34.8	0.6		11.1	88.9	0		
Total %	35.9	7.9	0	43.8	7.7	4.2	0.1	12	4.9	39.3	0	44.2	
Cars +	460	105	0	565	103	55	1	159	65	510	0	575	1299
% Cars +	95.2	99.1	0	95.9	99	98.2	100	98.8	98.5	96.4	0	96.6	96.6
Trucks	23	1	0	24	1	1	0	2	1	19	0	20	46
% Trucks	4.8	0.9	0	4.1	1	1.8	0	1.2	1.5	3.6	0	3.4	3.4

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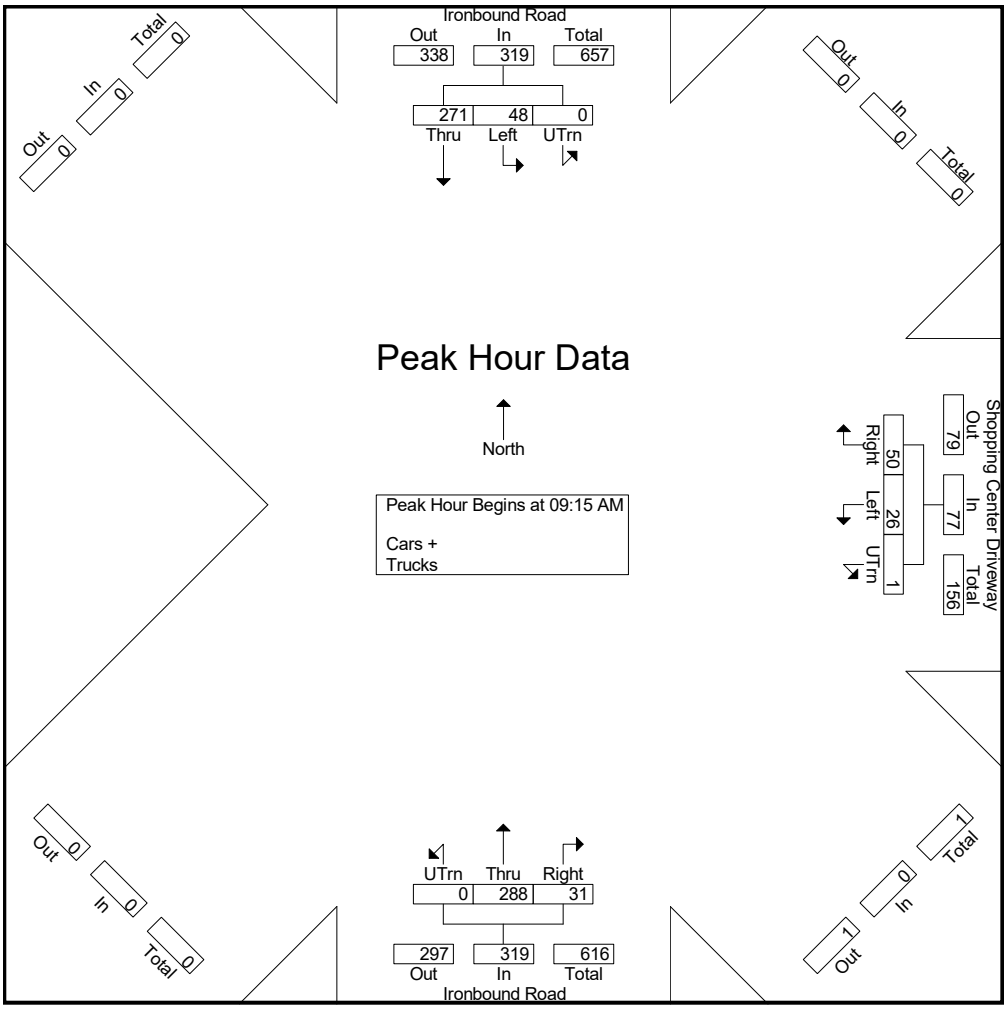
TRAFFIC DATA COLLECTION

File Name : JamesCity(Ironbound and Shopping)
Site Code :
Start Date : 11/15/2023

	Ironbound Road Southbound				Shopping Center Driveway Westbound				Ironbound Road Northbound				
Start Time	Thru	Left	UTrn	App. Total	Right	Left	UTrn	App. Total	Right	Thru	UTrn	App. Total	Int. Total
Peak Hour Analysis From 08:30 AM to 10:15 AM - Peak 1 of 1													
Peak Hour for Entire Intersection Begins at 09:15 AM													
09:15 AM	67	**13**	0	80	15	7	0	22	2	62	0	64	166
09:30 AM	**89**	10	0	**99**	6	4	**1**	11	**13**	**97**	0	**110**	**220**
09:45 AM	67	13	0	80	12	**9**	0	21	6	85	0	91	192
10:00 AM	48	12	0	60	**17**	6	0	**23**	10	44	0	54	137
Total Volume	271	48	0	319	50	26	1	77	31	288	0	319	715
% App. Total	85	15	0		64.9	33.8	1.3		9.7	90.3	0		
PHF	.761	.923	.000	.806	.735	.722	.250	.837	.596	.742	.000	.725	.813



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File Name : JamesCity(Ironbound and Elementary)
Site Code :
Start Date : 11/15/2023
Page No : 1

Groups Printed- Cars + - Trucks

	Ironbound Road Southbound						Secondary Shopping Center Driveway Westbound						Ironbound Road Northbound						Elementary School Entrance Eastbound						
Start Time	Right	Thru	Left	UTrn	Peds	App. Total	Right	Thru	Left	UTrn	Peds	App. Total	Right	Thru	Left	UTrn	Peds	App. Total	Right	Thru	Left	UTrn	Peds	App. Total	Int. Total
08:30 AM	21	55	0	0	0	76	0	0	0	0	0	0	0	78	5	0	1	84	0	0	2	0	0	2	162
08:45 AM	18	41	1	0	0	60	0	0	0	0	0	0	1	89	8	0	0	98	0	0	2	0	0	2	160
Total	39	96	1	0	0	136	0	0	0	0	0	0	1	167	13	0	1	182	0	0	4	0	0	4	322
09:00 AM	11	45	0	0	0	56	0	0	1	0	1	2	0	43	1	0	0	44	1	0	0	0	0	1	103
09:15 AM	29	48	0	0	0	77	0	1	0	0	0	1	1	56	10	0	0	67	2	1	12	0	0	15	160
09:30 AM	40	51	0	0	0	91	0	0	2	0	0	2	4	63	11	0	1	79	20	1	44	0	0	65	237
09:45 AM	9	69	0	0	0	78	1	0	2	0	0	3	0	78	0	0	0	78	3	0	12	0	0	15	174
Total	89	213	0	0	0	302	1	1	5	0	1	8	5	240	22	0	1	268	26	2	68	0	0	96	674
10:00 AM	1	52	0	0	0	53	1	0	1	0	0	2	1	48	0	0	0	49	2	0	6	0	1	9	113
10:15 AM	3	46	0	1	0	50	0	0	2	0	0	2	1	61	0	0	0	62	0	0	0	0	0	0	114
Grand Total	132	407	1	1	0	541	2	1	8	0	1	12	8	516	35	0	2	561	28	2	78	0	1	109	1223
Apprch %	24.4	75.2	0.2	0.2	0		16.7	8.3	66.7	0	8.3		1.4	92	6.2	0	0.4		25.7	1.8	71.6	0	0.9		
Total %	10.8	33.3	0.1	0.1	0	44.2	0.2	0.1	0.7	0	0.1	1	0.7	42.2	2.9	0	0.2	45.9	2.3	0.2	6.4	0	0.1	8.9	
Cars +	119	397	0	1	0	517	2	1	8	0	1	12	8	509	31	0	2	550	25	2	65	0	1	93	1172
% Cars +	90.2	97.5	0	100	0	95.6	100	100	100	0	100	100	100	98.6	88.6	0	100	98	89.3	100	83.3	0	100	85.3	95.8
Trucks	13	10	1	0	0	24	0	0	0	0	0	0	0	7	4	0	0	11	3	0	13	0	0	16	51
% Trucks	9.8	2.5	100	0	0	4.4	0	0	0	0	0	0	0	1.4	11.4	0	0	2	10.7	0	16.7	0	0	14.7	4.2

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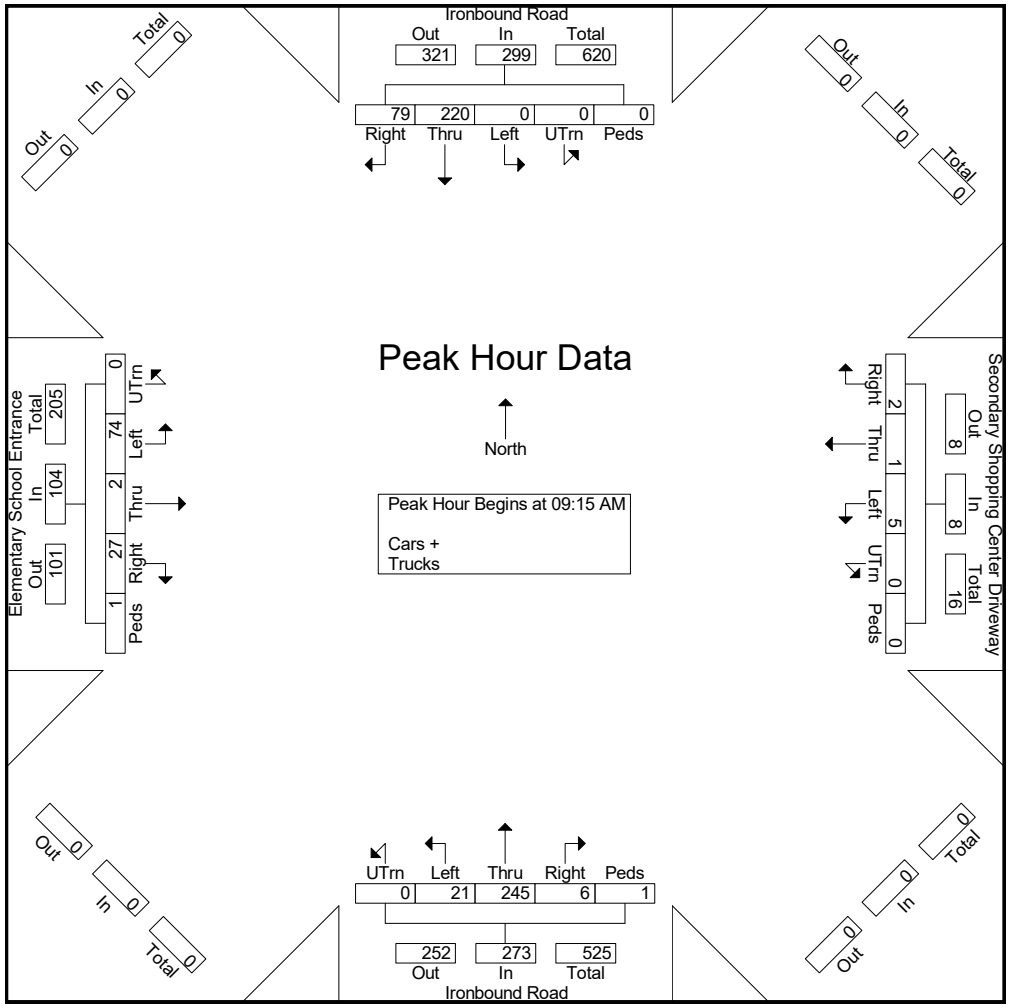
TRAFFIC DATA COLLECTION

File Name : JamesCity(Ironbound and Elementary)
Site Code :
Start Date : 11/15/2023

	Ironbound Road Southbound						Secondary Shopping Center Driveway Westbound						Ironbound Road Northbound						Elementary School Entrance Eastbound						
Start Time	Right	Thru	Left	UTrn	Peds	App. Total	Right	Thru	Left	UTrn	Peds	App. Total	Right	Thru	Left	UTrn	Peds	App. Total	Right	Thru	Left	UTrn	Peds	App. Total	Int. Total
Peak Hour Analysis From 08:30 AM to 10:15 AM - Peak 1 of 1																									
Peak Hour for Entire Intersection Begins at 09:15 AM																									
09:15 AM	29	48	0	0	0	77	0	**1**	0	0	0	1	1	56	10	0	0	67	2	**1**	12	0	0	15	160
09:30 AM	**40**	51	0	0	0	**91**	0	0	**2**	0	0	2	**4**	63	**11**	0	**1**	**79**	**20**	1	**44**	0	0	**65**	**237**
09:45 AM	9	**69**	0	0	0	78	**1**	0	2	0	0	**3**	0	**78**	0	0	0	78	3	0	12	0	0	15	174
10:00 AM	1	52	0	0	0	53	1	0	1	0	0	2	1	48	0	0	0	49	2	0	6	0	**1**	9	113
Total Volume	79	220	0	0	0	299	2	1	5	0	0	8	6	245	21	0	1	273	27	2	74	0	1	104	684
% App. Total	26.4	73.6	0	0	0		25	12.5	62.5	0	0		2.2	89.7	7.7	0	0.4		26	1.9	71.2	0	1		
PHF	.494	.797	.000	.000	.000	.821	.500	.250	.625	.000	.000	.667	.375	.785	.477	.000	.250	.864	.338	.500	.420	.000	.250	.400	.722



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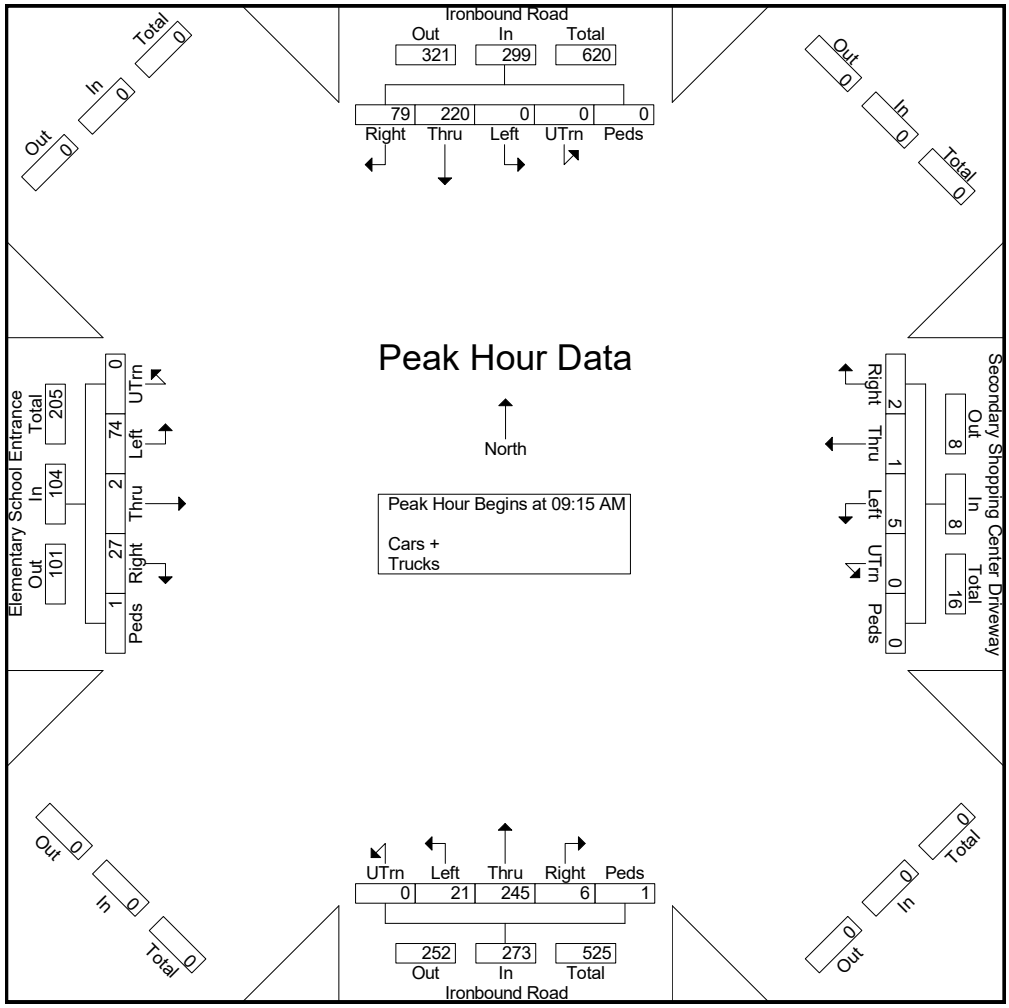
APPENDIX C: SIGNAL PLANS AND TIMING

DocuSign Envelope ID: FCB1D247-8CFC-4B24-B9D5-C6E705B34C9A

TRAFFIC DATA COLLECTION

File Name : JamesCity(Ironbound and Elementary)
Site Code :
Start Date : 11/15/2023

	Ironbound Road Southbound						Secondary Shopping Center Driveway Westbound						Ironbound Road Northbound						Elementary School Entrance Eastbound						
Start Time	Right	Thru	Left	UTrn	Peds	App. Total	Right	Thru	Left	UTrn	Peds	App. Total	Right	Thru	Left	UTrn	Peds	App. Total	Right	Thru	Left	UTrn	Peds	App. Total	Int. Total
Peak Hour Analysis From 08:30 AM to 10:15 AM - Peak 1 of 1																									
Peak Hour for Entire Intersection Begins at 09:15 AM																									
09:15 AM	29	48	0	0	0	77	0	**1**	0	0	0	1	1	56	10	0	0	67	2	**1**	12	0	0	15	160
09:30 AM	**40**	51	0	0	0	**91**	0	0	**2**	0	0	2	**4**	63	**11**	0	**1**	**79**	**20**	1	**44**	0	0	**65**	**237**
09:45 AM	9	**69**	0	0	0	78	**1**	0	2	0	0	**3**	0	**78**	0	0	0	78	3	0	12	0	0	15	174
10:00 AM	1	52	0	0	0	53	1	0	1	0	0	2	1	48	0	0	0	49	2	0	6	0	**1**	9	113
Total Volume	79	220	0	0	0	299	2	1	5	0	0	8	6	245	21	0	1	273	27	2	74	0	1	104	684
% App. Total	26.4	73.6	0	0	0		25	12.5	62.5	0	0		2.2	89.7	7.7	0	0.4		26	1.9	71.2	0	1		
PHF	.494	.797	.000	.000	.000	.821	.500	.250	.625	.000	.000	.667	.375	.785	.477	.000	.250	.864	.338	.500	.420	.000	.250	.400	.722



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DocuSign Envelope ID: FCB1D247-8CFC-4B24-B9D5-C6E705B34C9A

APPENDIX C: SIGNAL PLANS AND TIMING

DocuSign Envelope ID: FCB1D247-8CFC-4B24-B9D5-C6E705B34C9A

PROJECT MANAGER KEISHA WILKINS (VDOT) (757) 956-3110
SURVEYED BY, DATE TIMMONS GROUP (804) 200-6500, 04/2019
DESIGN BY TIMMONS GROUP (804) 200-6500
SUBSURFACE UTILITY BY, DATE TIMMONS GROUP (804) 200-6500, 04/2019

ANDREW LANE SMITH
Lic. No. 053606
COMMONWEALTH OF VIRGINIA
PROFESSIONAL ENGINEER

Timmons Group
Richmond, Virginia
TRAFFIC ENGINEER

REVISED	STATE	STATE ROUTE	STATE PROJECT	SHEET NO.
	VA.	615	EN18-047-723 M501	6(3)

DESIGN FEATURES RELATING TO CONSTRUCTION OR TO REGULATION AND CONTROL OF TRAFFIC MAY BE SUBJECT TO CHANGE AS DEEMED NECESSARY BY THE DEPARTMENT

Signal Pole & Controller Legend

(ALL DIMENSIONS ARE TO CENTER OF POLE)

⟨1⟩ EXISTING CONTROLLER CABINET, UPS, & FOUNDATION (CF-1)

⟨A⟩ EXISTING METAL STRAIN POLE
Install Pedestrian Signal Head, SP-8, on Existing Pole (SMB-3)
Install Accessible Ped. Push Button, PA-2, on Existing Pole with 1' Mounting Arm

⟨B⟩ EXISTING METAL STRAIN POLE

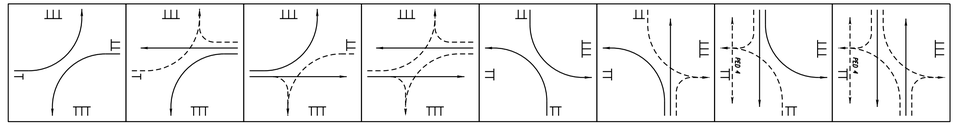
⟨C⟩ EXISTING METAL STRAIN POLE

⟨D⟩ EXISTING METAL STRAIN POLE
Install Pedestrian Signal Head, SP-8, on Existing Pole (SMB-3)
Install Accessible Ped. Push Button, PA-2, on Existing Pole with 1' Mounting Arm

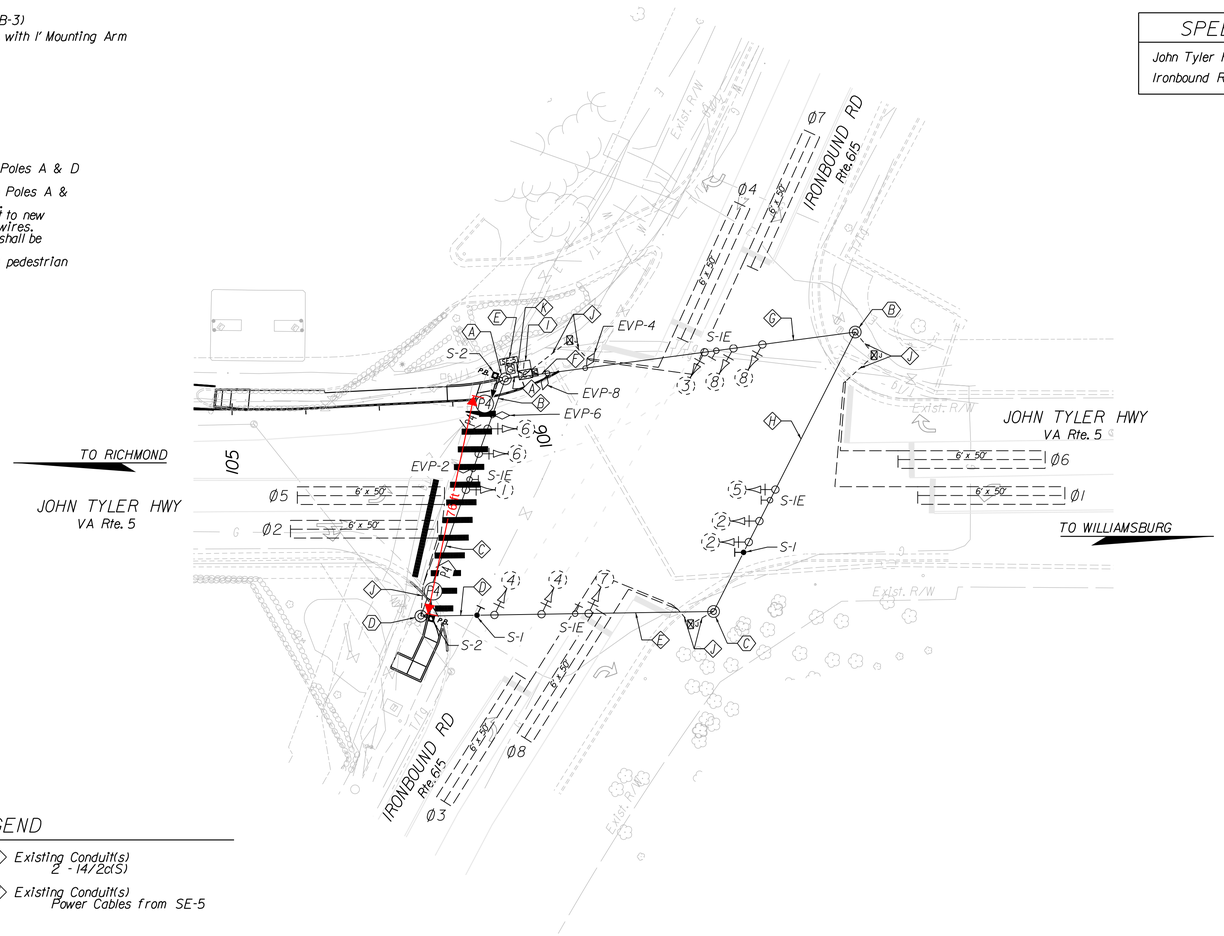
⟨E⟩ EXISTING ELECTRIC SERVICE CONNECTION

Scope of Modifications
- Instal new SP-8 Pedestrian Signal Heads on Existing Strain Poles A & D as shown
- Install Accessible Ped Push Buttons (PA-2) on Existing Strain Poles A & D as shown. Push buttons shall be mounted on 1' extension arms.
- Install new 14/4c and 14/2c(S) cables from Controller Cabinet to new signal heads and push buttons via existing conduits and span wires.
- Install new signs S-1 as shown on existing span wires. Signs shall be secured to tether wire as shown on St'd SMD-1.
- Modify controller cabinet & phasing as necessary for new P4 pedestrian movement

Phasing Diagram



SPEED LIMITS	
John Tyler Hwy.	35 MPH
Ironbound Rd.	45 MPH



Color Sequence Chart

	SIGNAL	PHASES								FLASH
		1-5	1-6	2-5	2-6	3-7	3-8	4-7	4-8	
SIGNALS	1	→G	→G	→FY	→FY					→Y
	2			G	G					Y
	3					→G	→G	→FY	→FY	→R
	4							G	G	R
	5	→G	→FY	→G	→FY					→Y
	6		G		G					Y
	7					→G	→FY	→G	→FY	→R
	8						G		G	R
	P4	DW	DW	DW	DW	DW	DW	W	W	BLANK

- Empty box denotes RED Indication (Red Ball or Red Arrow as appropriate)
- Heads 1 & 5: During flash mode, the display of a flashing left-turn yellow arrow indication shall be only from the signal section that displays a steady left-turn arrow indication during steady mode (stop-and-go) operation.

CABLE AND CONDUIT LEGEND

⟨A⟩ Existing Conduit(s)
4 - 14/7c
4 - 14/4c
6 - 14/2c(S)
4 - EPDC
2 - 14/4c(*)
2 - 14/2c(S)(*)

⟨B⟩ Existing Span Wire
2 - 14/7c
2 - 14/4c
4 - 14/2c(S)
2 - EPDC
1 - 14/4c(*)
1 - 14/2c(S)(*)

⟨C⟩ Existing Span Wire
1 - 14/7c
1 - 14/4c
4 - 14/2c(S)
1 - 14/4c(*)
1 - 14/2c(S)(*)

⟨D⟩ Existing Span Wire
1 - 14/7c
1 - 14/4c
2 - 14/2c(S)

⟨E⟩ Existing Span Wire
2 - 14/2c(S)

⟨F⟩ Existing Span Wire
2 - 14/7c
2 - 14/4c
2 - 14/2c(S)
2 - EPDC

⟨G⟩ Existing Span Wire
1 - 14/7c
1 - 14/4c
2 - 14/2c(S)

⟨H⟩ Existing Span Wire
1 - 14/7c
1 - 14/4c

⟨J⟩ Existing Conduit(s)
2 - 14/2c(S)

⟨K⟩ Existing Conduit(s)
Power Cables from SE-5

(S) Denotes "Shielded Cable"
(*) Denotes New Cable
EPDC Denotes "Emergency Preemption Detector Cable"

Proposed Signals

SP-8

P4

Proposed Signs

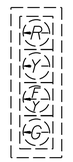
S-1

R10-15
(30" x 30")
QUANTITY - 2 EA.

S-2

R10-3E(R)
(9" x 15")
QUANTITY - 2 EA.

Existing Signals



1,3,5,7

2,4,6,8

Existing Signs

S-1E

SCALE
0 25' 50'

REFERENCES
(PLAN AND DETAIL SHEETS)

Mainline Plan	3
SPM Plan	5(3)

TRAFFIC CONTROL DEVICE PLANS

TRAFFIC SIGNAL MODIFICATION PLAN

VA ROUTE 5 (JOHN TYLER HWY) &
ROUTE 615 (IRONBOUND RD)
JAMES CITY COUNTY

PROJECT	SHEET NO.
EN18-047-723	6(3)

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Rt 5 & 615 (5 Forks)

Phase Timing

11/20/2023 4:33:00 PM

Phase	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Min Green	5	15	5	7	5	15	5	7	0	0	0	0	0	0	0	0
Veh Ext	2.0	6.0	2.0	3.0	2.0	6.0	2.0	3.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Max Green 1	20	40	20	25	20	40	20	25	0	0	0	0	0	0	0	0
Max Green 2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Max Green 3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Max Ext	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Yellow	4.1	4.1	4.8	4.8	4.1	4.1	4.8	4.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Red Clr	5.6	5.6	3.9	3.9	5.6	5.6	3.9	3.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Adv Flash	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Bike MG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Walk	0	0	0	7	0	0	0	0	0	0	0	0	0	0	0	0
Ped Clr	0	0	0	22	0	0	0	0	0	0	0	0	0	0	0	0
Walk2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sol DW	0.0	0.0	0.0	3.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Early Wlk	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Delay Wlk	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Added	0.0	2.5	0.0	0.0	0.0	2.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Max Initial	0	20	0	0	0	20	0	0	0	0	0	0	0	0	0	0
Min Gap	0.0	3.5	0.0	0.0	0.0	3.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Reduce After	0	20	0	0	0	20	0	0	0	0	0	0	0	0	0	0
TTReduce	0	20	0	0	0	20	0	0	0	0	0	0	0	0	0	0
CS Min Green	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CS Max Green	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Red Revert	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Neg Ped	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
AP Disc	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Pmt Green	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Pmt Walk	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Pmt Ped Clr	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Return Green	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

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Rt 5 & 615 (5 Forks)

Phase Options

11/20/2023 4:33:00 PM

Phases	1-8								9-16							
Min Recalls		2				6		8								
Max Recalls																
Ped Recalls																
Soft Recall																
Dual Entry																
Red Rest								8								
Walk Rest																
Walk Expand																
Ped Recycle																
Sim Ped Term																
PC Thru Clr																
Guar Passage		2				6										
No Simult Gap																
Yel Lock																
Red Lock																
PhaseNext Lock	1	2	3	4	5	6	7	8								
No Term Call	1	2	3	4	5	6	7	8								
Cond Serv																
CS Enable																
Cond Reserve																
Reserve																
Veh Omit																
Ped Omit																
Perm Phase																
Protect Calls																
Protect Calls 2																
Flash Entry																
Flash Exit																
Flash Exit Yel																
Flash Exit Red																
Ped Scramble																
No Min Yel																
No Min Red Rev																
Max Scramble Walk																
Flash Yellow																
Flash FYA																
CNA 1																
CNA 2																

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Rt 5 & 615 (5 Forks)

Phase Startup Options

11/20/2023 4:33:00 PM

Startup Flash	0	Mode	Yel->Red
Startup All Red	0	Yellow	0.0

Phases	1-8								9-16							
Startup Phases		2				6										
Startup Yellow		2				6										
Startup Red																
Startup No Walk																
Startup Next																
Startup Yel Fls																
Startup FYA																
No Veh Call	1	2	3	4	5	6	7	8								
No Ped Call		2		4		6		8								

Phase Startup Timing

Phase	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Start Walk	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Start Min Green	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Start Max Green	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Unit

Red Revert	0.0	Ped Protect	No	AdvFls in Flash	No

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Rt 5 & 615 (5 Forks)

Ring Sequence / Conflicting Phases

11/20/2023 4:33:00 PM

Ringgroup 1

Ring 1	1	2	3	4	0	0	0	0	0	0	0	0	0	0	0	0
Ring 2	5	6	7	8	0	0	0	0	0	0	0	0	0	0	0	0

Ringgroup 2

Custom Sequences

Seq 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Seq 2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Seq 3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Seq 4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Seq 5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Seq 6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Seq 7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Seq 8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Conflicting Phases

	1-8							9-16							
Phase 1															
Phase 2															
Phase 3															
Phase 4															
Phase 5															
Phase 6															
Phase 7															
Phase 8															
Phase 9															
Phase 10															
Phase 11															
Phase 12															
Phase 13															
Phase 14															
Phase 15															
Phase 16															

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Rt 5 & 615 (5 Forks)

MCE Options

11/20/2023 4:33:00 PM

Phases	1-8							9-16							
MCE Ped Protect															
MCE Veh Call															
MCE Ped Call															
MCE Veh Omit															
MCE Ped Omit															
MCE Veh Sync															
MCE Ped Sync															
MCE Halt Don't Walk															

LRV Phases	1-8							
MCE LRV Term Early								

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Rt 5 & 615 (5 Forks)

FYA/FRA

11/20/2023 4:33:00 PM

FYA	1	2	3	4	5	6	7	8
Prot Phs	1	0	3	0	5	0	7	0
Opp Thru	2	0	4	0	6	0	8	0
Start Phs	0	0	0	0	0	0	0	0
Opp Ped	0	0	0	0	0	0	0	0
Delay	4.5	0.0	4.5	0.0	4.5	0.0	4.5	0.0
Min FYA	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Skip Prot Red	Disabled	Disabled	Disabled	Disabled	Disabled	Disabled	Disabled	Disabled
Head Mode	FYA 1	FYA 1	FYA 1	FYA 1	FYA 1	FYA 1	FYA 1	FYA 1

Ped Hawk 1

Veh Phase	0		
Ped Phase	0		
Flash Yel	0.0	Dark Signal	Yes
Flash Delay	0.0	Flash Carryover	0.0
Green Mode	Normal		

Ped Hawk 2

Veh Phase	0		
Ped Phase	0		
Flash Yel	0.0	Dark Signal	Yes
Flash Delay	0.0	Flash Carryover	0.0
Green Mode	Normal		

Ped Hawk 3

Veh Phase	0		
Ped Phase	0		
Flash Yel	0.0	Dark Signal	Yes
Flash Delay	0.0	Flash Carryover	0.0
Green Mode	Normal		

Ped Hawk 4

Veh Phase	0		
Ped Phase	0		
Flash Yel	0.0	Dark Signal	Yes
Flash Delay	0.0	Flash Carryover	0.0
Green Mode	Normal		

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Rt 5 & 615 (5 Forks)

Overlap Startup Options

11/20/2023 4:33:00 PM

Overlaps	1-8							9-16							
Startup Overlap Green															
Startup Overlap Yellow															

Overlap Startup Timing

Overlap	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Start Walk	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Start Min Green	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Overlap Unit Options

Overlaps	1-8							9-16							
Overlap Ped Recalls															
MCE Olap Ped Protect															
MCE Olap Ped Calls															
MCE Olap Ped Expand															
No Min Yellow															
No Min Red Rev															
Flash Yellow															
No Conflict															
Pre Signal															
Perm Red															
Perm FYA															
Perm FRA															

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Rt 5 & 615 (5 Forks)

Coordination Options

11/20/2023 4:33:00 PM

Sync Time	00:00	RTC Set Time	00:00
Transition Mode	Best	Ped Adjust	None
Trans Short %	0	Trans Long %	0
Offset Reference	Lag FO	Short Cycles	0
Dual Entry	Normal	Overlap F/O	Disabled
Master Sync Mode	RTC	Master Sync Length	0
Adapt Thresh	0	Adapt Step	0
External Plan Max	0		
Hardwire No Match	Sched	Hardwire Sync Fail	0
Override Omit/Recall	No		

Phases	1-8	9-16
No Trans Recall		
Trans Ped Recall		
Trans Phases		

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Rt 5 & 615 (5 Forks)

Hardwire Plans

11/20/2023 4:33:00 PM

Hardwire	Plan Select							Pattern	Offset	Mode
Plan 1								0	0	Hardwire
Plan 2								0	0	Hardwire
Plan 3								0	0	Hardwire
Plan 4								0	0	Hardwire
Plan 5								0	0	Hardwire
Plan 6								0	0	Hardwire
Plan 7								0	0	Hardwire
Plan 8								0	0	Hardwire
Plan 9								0	0	Hardwire
Plan 10								0	0	Hardwire
Plan 11								0	0	Hardwire
Plan 12								0	0	Hardwire
Plan 13								0	0	Hardwire
Plan 14								0	0	Hardwire
Plan 15								0	0	Hardwire
Plan 16								0	0	Hardwire
Plan 17								0	0	Hardwire
Plan 18								0	0	Hardwire
Plan 19								0	0	Hardwire
Plan 20								0	0	Hardwire
Plan 21								0	0	Hardwire
Plan 22								0	0	Hardwire
Plan 23								0	0	Hardwire
Plan 24								0	0	Hardwire
Plan 25								0	0	Hardwire
Plan 26								0	0	Hardwire
Plan 27								0	0	Hardwire
Plan 28								0	0	Hardwire
Plan 29								0	0	Hardwire
Plan 30								0	0	Hardwire
Plan 31								0	0	Hardwire
Plan 32								0	0	Hardwire

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Rt 5 & 615 (5 Forks)

Soft Interconnect

11/20/2023 4:33:00 PM

Mode	Slave	Remote Int Number	0
Yield Delay	0		
Yield Duration	0		
Permissive	0		
Local Hold Limit	0		

Phases	1-8	9-16
Local Control Phases		
Local Hold Phases		
Local Perm Phases		
Local Call Phases		
Remote Perm Phases		
Remote Hold Phases		

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Rt 5 & 615 (5 Forks)

Preempt Inputs

11/20/2023 4:33:00 PM

Preempt Input	1	2	3	4	5	6	7	8	9	10
Delay	0	0	0	0	0	0	0	0	0	0
Checkout Limit	0	0	0	0	0	0	0	0	0	0
Locked	No	No	No	No	No	No	No	No	No	No
Interlock	Disabled	Disabled	Disabled	Disabled	Disabled	Disabled	Disabled	Disabled	Disabled	Disabled
Input Number	0	0	0	0	0	0	0	0	0	0
Input Priority	All	All	All	All	All	All	All	All	All	All
Delay Mode	Inp	Inp	Inp	Inp	Inp	Inp	Inp	Inp	Inp	Inp

Preempt Priority

Preempt	1	2	3	4	5	6	7	8	9	10
Priority	0	0	0	0	0	0	0	0	0	0

Remote Preemption

Remote Preempt	RM 1	RM 2	RM 3	RM 4	RM 5	RM 6	RM 7	RM 8
Int Number	0	0	0	0	0	0	0	0
PE Number	0	0	0	0	0	0	0	0
Mode	Dis	Dis	Dis	Dis	Dis	Dis	Dis	Dis
Slack	0	0	0	0	0	0	0	0
Travel Time	0	0	0	0	0	0	0	0
Alt TT 1	0	0	0	0	0	0	0	0
Alt TT 2	0	0	0	0	0	0	0	0
Alt TT 3	0	0	0	0	0	0	0	0
Alt TT 4	0	0	0	0	0	0	0	0
Alt TT 5	0	0	0	0	0	0	0	0
Alt TT 6	0	0	0	0	0	0	0	0
Alt TT 7	0	0	0	0	0	0	0	0

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Rt 5 & 615 (5 Forks)

Preempt 1 (Configuration)

11/20/2023 4:33:00 PM

Enabled	Yes	Dwell Mode	Normal	Output Mode	All
Output2 Mode	All	Fail Action	Preempt Off	Exit Mode	Normal
Override Flash	No	Change Phasenext	Yes		

	1-8	9-16
Enable Phases		
Preempt Inputs	1	

	1-8		
LRV Disable		Max	0
LRV Dwell Flash			
LRV Omit		Delay	0
LRV No Yel			

Preempt 1 (Timing/Phases/Overlaps)

Phases/Overlaps	1-8	9-16
Omit Olap Grn Clr		
Phs EWlk to Grn		
TClr 1 Veh Phases		
TClr 1 Ped Phases		
TClr 1 Olap		
TClr 1 Olap Ped		
TClr 2 Veh Phases		
TClr 2 Ped Phases		
TClr 2 Olap		
TClr 2 Olap Ped		
Init Dwell Phases		
Dwell Veh Phases	1 6	
Dwell Ped Phases		
Dwell Olap		
Dwell Olap Ped		
Exit Veh Phases	2 6	
Exit Ped Phases		
Exit Olap		
Exit Olap Ped		
Zero Phase Walk		
Zero Phase Ped Clr		
Zero Phase Green	1 2 3 4 5 6 7 8	
Zero Olap Walk		
Zero Olap Ped Clr		
Zero Olap Green		
Dwell-Phase Red		
Dwell-Phase Red Flash		
Dwell-Phase Yel Flash		
Dwell-Olap Red Flash		
Dwell-Olap Yel Flash		
Dwell-Ped Dark		
Dwell-Olap Ped Dark		

Start Green	0	Start Walk	0
		Start Ped Clr	0
Track Clear 1	0	Track Clear 2	0
TC1 Extend	0	TC1 Max	0
Exit Ped Clr	0	Exit Yellow	0.0
Exit Red	0.0		
Min Dwell	0	Min Duration	0
Dwell Extend	0		
Max Dwell	0	Max Call	180
Reserve Inh Same	0		
Reserve Inh All	0		
Delay	0		

Phases/Overlaps	1-8	9-16
TClr 1 FR Olap		
TClr 2 FR Olap		
Dwell FR Olap		
TClr 1 FYA		
TClr 2 FYA		
Dwell FYA	5	

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Rt 5 & 615 (5 Forks)

Preempt 2 (Configuration)

11/20/2023 4:33:00 PM

Enabled	Yes	Dwell Mode	Normal	Output Mode	All
Output2 Mode	All	Fail Action	Preempt Off	Exit Mode	Normal
Override Flash	No	Change Phasenext	Yes		

	1-8	9-16
Enable Phases		
Preempt Inputs	2	

	1-8		
LRV Disable		Max	0
LRV Dwell Flash			
LRV Omit		Delay	0
LRV No Yel			

Preempt 2 (Timing/Phases/Overlaps)

Phases/Overlaps	1-8	9-16
Omit Olap Grn Clr		
Phs EWlk to Grn		
TClr 1 Veh Phases		
TClr 1 Ped Phases		
TClr 1 Olap		
TClr 1 Olap Ped		
TClr 2 Veh Phases		
TClr 2 Ped Phases		
TClr 2 Olap		
TClr 2 Olap Ped		
Init Dwell Phases		
Dwell Veh Phases	2 5	
Dwell Ped Phases		
Dwell Olap		
Dwell Olap Ped		
Exit Veh Phases	2 6	
Exit Ped Phases		
Exit Olap		
Exit Olap Ped		
Zero Phase Walk		
Zero Phase Ped Clr		
Zero Phase Green	1 2 3 4 5 6 7 8	
Zero Olap Walk		
Zero Olap Ped Clr		
Zero Olap Green		
Dwell-Phase Red		
Dwell-Phase Red Flash		
Dwell-Phase Yel Flash		
Dwell-Olap Red Flash		
Dwell-Olap Yel Flash		
Dwell-Ped Dark		
Dwell-Olap Ped Dark		

Start Green	0	Start Walk	0
		Start Ped Clr	0
Track Clear 1	0	Track Clear 2	0
TC1 Extend	0	TC1 Max	0
Exit Ped Clr	0	Exit Yellow	0.0
Exit Red	0.0		
Min Dwell	0	Min Duration	0
Dwell Extend	0		
Max Dwell	0	Max Call	180
Reserve Inh Same	0		
Reserve Inh All	0		
Delay	0		

Phases/Overlaps	1-8	9-16
TClr 1 FR Olap		
TClr 2 FR Olap		
Dwell FR Olap		
TClr 1 FYA		
TClr 2 FYA		
Dwell FYA	1	

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Rt 5 & 615 (5 Forks)

Preempt 3 (Configuration)

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Enabled	Yes	Dwell Mode	Normal	Output Mode	All
Output2 Mode	All	Fail Action	Preempt Off	Exit Mode	Normal
Override Flash	No	Change Phasenext	Yes		

	1-8	9-16
Enable Phases		
Preempt Inputs	3	

	1-8		
LRV Disable		Max	0
LRV Dwell Flash			
LRV Omit		Delay	0
LRV No Yel			

Preempt 3 (Timing/Phases/Overlaps)

Phases/Overlaps	1-8	9-16
Omit Olap Grn Clr		
Phs EWlk to Grn		
TClr 1 Veh Phases		
TClr 1 Ped Phases		
TClr 1 Olap		
TClr 1 Olap Ped		
TClr 2 Veh Phases		
TClr 2 Ped Phases		
TClr 2 Olap		
TClr 2 Olap Ped		
Init Dwell Phases		
Dwell Veh Phases	3 8	
Dwell Ped Phases		
Dwell Olap		
Dwell Olap Ped		
Exit Veh Phases	2 6	
Exit Ped Phases		
Exit Olap		
Exit Olap Ped		
Zero Phase Walk		
Zero Phase Ped Clr		
Zero Phase Green	1 2 3 4 5 6 7 8	
Zero Olap Walk		
Zero Olap Ped Clr		
Zero Olap Green		
Dwell-Phase Red		
Dwell-Phase Red Flash		
Dwell-Phase Yel Flash		
Dwell-Olap Red Flash		
Dwell-Olap Yel Flash		
Dwell-Ped Dark		
Dwell-Olap Ped Dark		

Start Green	0	Start Walk	0
		Start Ped Clr	0
Track Clear 1	0	Track Clear 2	0
TC1 Extend	0	TC1 Max	0
Exit Ped Clr	0	Exit Yellow	0.0
Exit Red	0.0		
Min Dwell	0	Min Duration	0
Dwell Extend	0		
Max Dwell	0	Max Call	180
Reserve Inh Same	0		
Reserve Inh All	0		
Delay	0		

Phases/Overlaps	1-8	9-16
TClr 1 FR Olap		
TClr 2 FR Olap		
Dwell FR Olap		
TClr 1 FYA		
TClr 2 FYA		
Dwell FYA	7	

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Rt 5 & 615 (5 Forks)

Preempt 4 (Configuration)

11/20/2023 4:33:00 PM

Enabled	Yes	Dwell Mode	Normal	Output Mode	All
Output2 Mode	All	Fail Action	Preempt Off	Exit Mode	Normal
Override Flash	No	Change Phasenext	Yes		

	1-8								9-16							
Enable Phases																
Preempt Inputs				4												

	1-8									
LRV Disable									Max	0
LRV Dwell Flash										
LRV Omit									Delay	0
LRV No Yel										

Preempt 4 (Timing/Phases/Overlaps)

Phases/Overlaps	1-8								9-16							
Omit Olap Grn Clr																
Phs EWlk to Grn																
TClr 1 Veh Phases																
TClr 1 Ped Phases																
TClr 1 Olap																
TClr 1 Olap Ped																
TClr 2 Veh Phases																
TClr 2 Ped Phases																
TClr 2 Olap																
TClr 2 Olap Ped																
Init Dwell Phases																
Dwell Veh Phases				4			7									
Dwell Ped Phases																
Dwell Olap																
Dwell Olap Ped																
Exit Veh Phases		2				6										
Exit Ped Phases																
Exit Olap																
Exit Olap Ped																
Zero Phase Walk																
Zero Phase Ped Clr																
Zero Phase Green	1	2	3	4	5	6	7	8								
Zero Olap Walk																
Zero Olap Ped Clr																
Zero Olap Green																
Dwell-Phase Red																
Dwell-Phase Red Flash																
Dwell-Phase Yel Flash																
Dwell-Olap Red Flash																
Dwell-Olap Yel Flash																
Dwell-Ped Dark																
Dwell-Olap Ped Dark																

Start Green	0	Start Walk	0
		Start Ped Clr	0
Track Clear 1	0	Track Clear 2	0
TC1 Extend	0	TC1 Max	0
Exit Ped Clr	0	Exit Yellow	0.0
Exit Red	0.0		
Min Dwell	0	Min Duration	0
Dwell Extend	0		
Max Dwell	0	Max Call	180
Reserve Inh Same	0		
Reserve Inh All	0		
Delay	0		

Phases/Overlaps	1-8								9-16							
TClr 1 FR Olap																
TClr 2 FR Olap																
Dwell FR Olap																
TClr 1 FYA																
TClr 2 FYA																
Dwell FYA			3													

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Rt 5 & 615 (5 Forks)

TOD Pattern Events

11/20/2023 4:33:00 PM

	Time	DOW							Holidays								Mode	Pattern	Offset
Event 1	00:00																Sched	0	0
Event 2	00:00																Sched	0	0
Event 3	00:00																Sched	0	0
Event 4	00:00																Sched	0	0
Event 5	00:00																Sched	0	0
Event 6	00:00																Sched	0	0
Event 7	00:00																Sched	0	0
Event 8	00:00																Sched	0	0
Event 9	00:00																Sched	0	0
Event 10	00:00																Sched	0	0
Event 11	00:00																Sched	0	0
Event 12	00:00																Sched	0	0
Event 13	00:00																Sched	0	0
Event 14	00:00																Sched	0	0
Event 15	00:00																Sched	0	0
Event 16	00:00																Sched	0	0
Event 17	00:00																Sched	0	0
Event 18	00:00																Sched	0	0
Event 19	00:00																Sched	0	0
Event 20	00:00																Sched	0	0
Event 21	00:00																Sched	0	0
Event 22	00:00																Sched	0	0
Event 23	00:00																Sched	0	0
Event 24	00:00																Sched	0	0
Event 25	00:00																Sched	0	0
Event 26	00:00																Sched	0	0
Event 27	00:00																Sched	0	0
Event 28	00:00																Sched	0	0
Event 29	00:00																Sched	0	0
Event 30	00:00																Sched	0	0
Event 31	00:00																Sched	0	0
Event 32	00:00																Sched	0	0

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Rt 5 & 615 (5 Forks)

Holidays

11/20/2023 4:33:00 PM

	Active Holidays							Month	Day	DOW						WOM
Date 1								0	0							0
Date 2								0	0							0
Date 3								0	0							0
Date 4								0	0							0
Date 5								0	0							0
Date 6								0	0							0
Date 7								0	0							0
Date 8								0	0							0
Date 9								0	0							0
Date 10								0	0							0
Date 11								0	0							0
Date 12								0	0							0
Date 13								0	0							0
Date 14								0	0							0
Date 15								0	0							0
Date 16								0	0							0
Date 17								0	0							0
Date 18								0	0							0
Date 19								0	0							0
Date 20								0	0							0
Date 21								0	0							0
Date 22								0	0							0
Date 23								0	0							0
Date 24								0	0							0
Date 25								0	0							0
Date 26								0	0							0
Date 27								0	0							0
Date 28								0	0							0
Date 29								0	0							0
Date 30								0	0							0
Date 31								0	0							0
Date 32								0	0							0

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Rt 5 & 615 (5 Forks)

Vehicle Detector 1

11/20/2023 4:33:00 PM

Delay	0.0	Extend	0.0	Carryover	0.0	Queue Limit	0
Mode	No Disc	Added	Disabled	System	Disabled		
Fail Mode	None	Max Pres	0	No Act	0	Erratic	0
Fail Time	0						
Delay 2	0.0						

Phases	1-8	9-16
Call Phases	1	
Yellow Lock Phases		
Red Lock Phases		
Extend Phases	1	
XSwitch Phases		
Bike Call Phases		

Vehicle Detector 2

Delay	0.0	Extend	0.0	Carryover	0.0	Queue Limit	0
Mode	No Disc	Added	Disabled	System	Enabled		
Fail Mode	None	Max Pres	0	No Act	0	Erratic	0
Fail Time	0						
Delay 2	0.0						

Phases	1-8	9-16
Call Phases	2	
Yellow Lock Phases		
Red Lock Phases		
Extend Phases	2	
XSwitch Phases		
Bike Call Phases		

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Rt 5 & 615 (5 Forks)

Vehicle Detector 3

11/20/2023 4:33:00 PM

Delay	0.0	Extend	0.0	Carryover	0.0	Queue Limit	0				
Mode	No Disc	Added	Disabled	System	Disabled						
Fail Mode	None	Max Pres	0	No Act	0	Erratic	0	Fail Time	0		
Delay 2	0.0										

Phases	1-8								9-16							
Call Phases			3													
Yellow Lock Phases																
Red Lock Phases																
Extend Phases			3													
XSwitch Phases																
Bike Call Phases																

Vehicle Detector 4

Delay	0.0	Extend	0.0	Carryover	0.0	Queue Limit	0				
Mode	No Disc	Added	Disabled	System	Disabled						
Fail Mode	None	Max Pres	0	No Act	0	Erratic	0	Fail Time	0		
Delay 2	0.0										

Phases	1-8								9-16							
Call Phases				4												
Yellow Lock Phases																
Red Lock Phases																
Extend Phases				4												
XSwitch Phases																
Bike Call Phases																

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Rt 5 & 615 (5 Forks)

Vehicle Detector 5

11/20/2023 4:33:00 PM

Delay	0.0	Extend	0.0	Carryover	0.0	Queue Limit	0
Mode	No Disc	Added	Disabled	System	Disabled		
Fail Mode	None	Max Pres	0	No Act	0	Erratic	0
Fail Time	0						
Delay 2	0.0						

Phases	1-8	9-16
Call Phases	5	
Yellow Lock Phases		
Red Lock Phases		
Extend Phases	5	
XSwitch Phases		
Bike Call Phases		

Vehicle Detector 6

Delay	0.0	Extend	0.0	Carryover	0.0	Queue Limit	0
Mode	No Disc	Added	Disabled	System	Enabled		
Fail Mode	None	Max Pres	0	No Act	0	Erratic	0
Fail Time	0						
Delay 2	0.0						

Phases	1-8	9-16
Call Phases	6	
Yellow Lock Phases		
Red Lock Phases		
Extend Phases	6	
XSwitch Phases		
Bike Call Phases		

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Rt 5 & 615 (5 Forks)

Vehicle Detector 7

11/20/2023 4:33:00 PM

Delay	0.0	Extend	0.0	Carryover	0.0	Queue Limit	0				
Mode	No Disc	Added	Disabled	System	Disabled						
Fail Mode	None	Max Pres	0	No Act	0	Erratic	0	Fail Time	0		
Delay 2	0.0										

Phases	1-8							9-16							
Call Phases						7									
Yellow Lock Phases															
Red Lock Phases															
Extend Phases						7									
XSwitch Phases															
Bike Call Phases															

Vehicle Detector 8

Delay	0.0	Extend	0.0	Carryover	0.0	Queue Limit	0				
Mode	No Disc	Added	Disabled	System	Disabled						
Fail Mode	None	Max Pres	0	No Act	0	Erratic	0	Fail Time	0		
Delay 2	0.0										

Phases	1-8							9-16							
Call Phases							8								
Yellow Lock Phases															
Red Lock Phases															
Extend Phases							8								
XSwitch Phases															
Bike Call Phases															

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Rt 5 & 615 (5 Forks)

Pedestrian Detector 4

11/20/2023 4:33:00 PM

No Act	Max Pres	Erratic	Fail Mode
0	0	0	None

Phases/Overlaps	1-8							9-16							
Call Ped Phases				4											
Call Ped Olaps															
Call Phases															
Locked Call Phases															
Ped Entry Phases															
Olap Ped Entry Phases															
Ped Cascade Phases															
Call Walk2															

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Rt 5 & 615 (5 Forks)

Transit/LRV Startup/Options

11/20/2023 4:33:00 PM

	LRV 1-8									
No Startup Call									Warn Flash Rate	1 Hz	Rsrv Inh Mode	Seconds

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Rt 5 & 615 (5 Forks)

Control / Config

11/20/2023 4:33:00 PM

Pattern Mode	Free				
Manual Pattern	0	Manual Offset	0		
Stop Time Input	Enabled				
Aux Switch	None		0		
DLS Mode	Auto	Time Zone	Est (UTC-5)	GPS Thresh	0
Password Timeout	5				

	1-8	9-16
Maint Phs Recalls		
Maint Ped Recalls		

Serial 1 Port Configuration

Broadcast Plan/Sync	Disabled	Broadcast Time	00:00
Serial Rebroadcast	Disabled	Response	None

Serial 2 Port Configuration

Broadcast Plan/Sync	Disabled	Broadcast Time	00:00

Ethernet Port Configuration

Broadcast Plan/Sync	Disabled	Broadcast Time	00:00
Serial Rebroadcast	Disabled		

Peer Configuration

Peer 1	0
Peer 2	0
Peer 3	0
Peer 4	0
Peer 5	0
Peer 6	0
Peer 7	0
Peer 8	0

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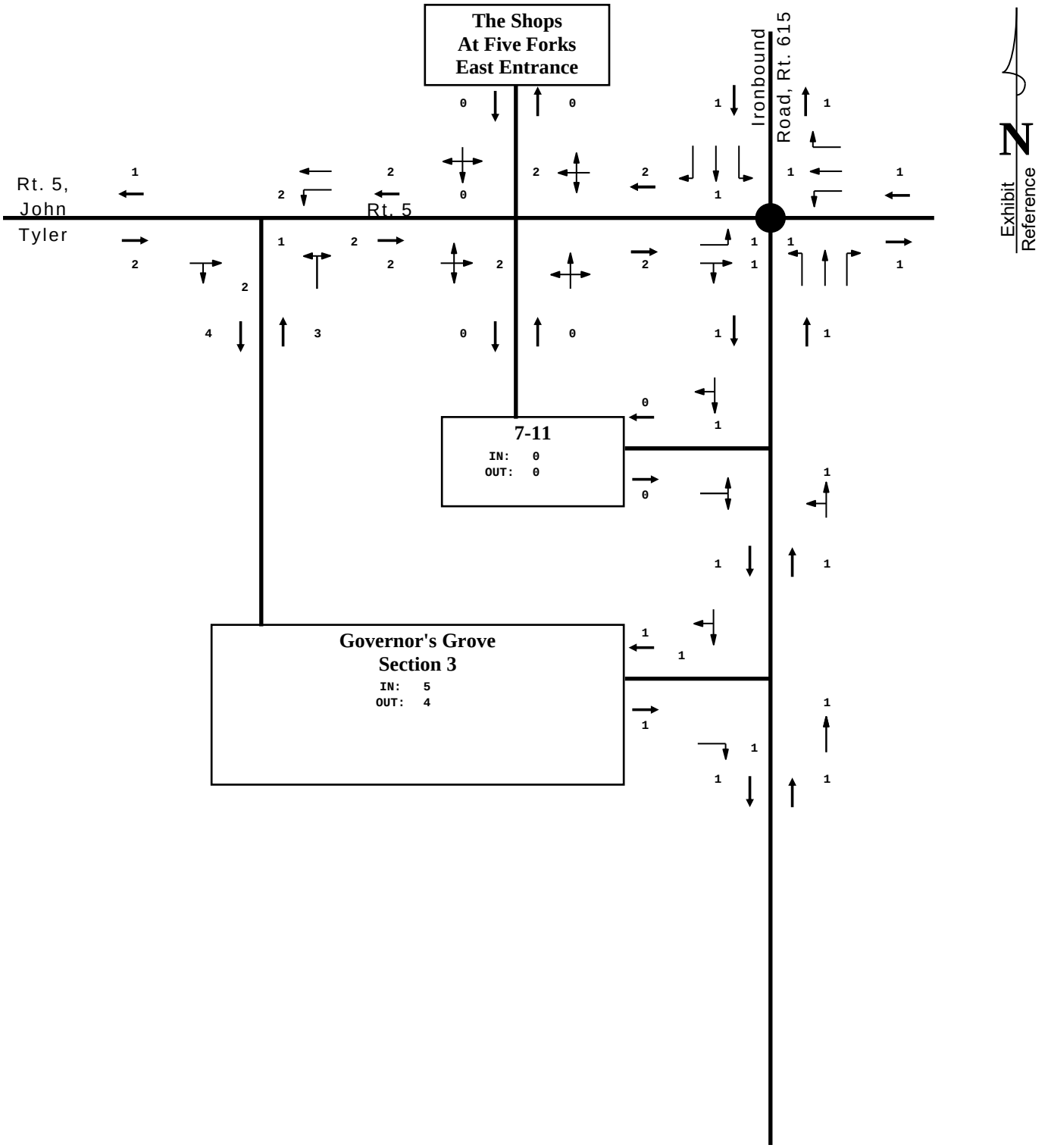
APPENDIX D: APPROVED DEVELOPMENT

DocuSign Envelope ID: FCB1D247-8CFC-4B24-B9D5-C6E705B34C9A



PROPOSED DEVELOPMENT AM PEAK HOUR ASSIGNMENT
RT. 5 FULL ACCESS AND IRONBOUND ROAD RIGHT TURN IN/OUT

DRW Consultants, LLC
804-794-7312

Exhibit 14a

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APPENDIX E: SYNCHRO OUTPUT – EXISTING (2023) CONDITIONS

DocuSign Envelope ID: FCB1D247-8CFC-4B24-B9D5-C6E705B34C9A

Lane Group	EBL	EBT	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Group Flow (vph)	94	330	73	193	113	76	220	127	84	240	75
v/c Ratio	0.17	0.50	0.18	0.29	0.15	0.29	0.72	0.27	0.30	0.77	0.16
Control Delay	15.8	30.5	16.3	28.2	0.4	27.8	55.7	1.4	27.9	58.9	0.7
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	15.8	30.5	16.3	28.2	0.4	27.8	55.7	1.4	27.9	58.9	0.7
Queue Length 50th (ft)	33	175	26	98	0	35	138	0	39	151	0
Queue Length 95th (ft)	57	250	47	151	0	63	#211	0	68	#239	0
Internal Link Dist (ft)		772		449			360			944	
Turn Bay Length (ft)	175		150		300	175			200		200
Base Capacity (vph)	611	659	464	671	735	311	316	477	322	322	481
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.15	0.50	0.16	0.29	0.15	0.24	0.70	0.27	0.26	0.75	0.16

Intersection Summary

95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.

DocuSign Envelope ID: FCB1D247-8CFC-4B24-B9D5-C6E705B34C9A

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	78	214	60	61	160	94	63	183	105	70	199	62
Future Volume (veh/h)	78	214	60	61	160	94	63	183	105	70	199	62
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No			No			No			No	
Adj Sat Flow, veh/h/ln	1885	1841	1841	1752	1856	1870	1870	1870	1826	1870	1870	1826
Adj Flow Rate, veh/h	94	258	72	73	193	113	76	220	127	84	240	75
Peak Hour Factor	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83
Percent Heavy Veh, %	1	4	4	10	3	2	2	2	5	2	2	5
Cap, veh/h	514	555	155	407	739	631	188	276	228	199	274	226
Arrive On Green	0.05	0.40	0.40	0.05	0.40	0.40	0.05	0.15	0.15	0.05	0.15	0.15
Sat Flow, veh/h	1795	1385	386	1668	1856	1585	1781	1870	1547	1781	1870	1547
Grp Volume(v), veh/h	94	0	330	73	193	113	76	220	127	84	240	75
Grp Sat Flow(s),veh/h/ln	1795	0	1771	1668	1856	1585	1781	1870	1547	1781	1870	1547
Q Serve(g_s), s	3.2	0.0	14.4	2.7	7.3	4.8	3.7	11.9	8.0	4.2	13.2	4.6
Cycle Q Clear(g_c), s	3.2	0.0	14.4	2.7	7.3	4.8	3.7	11.9	8.0	4.2	13.2	4.6
Prop In Lane	1.00		0.22	1.00		1.00	1.00		1.00	1.00		1.00
Lane Grp Cap(c), veh/h	514	0	710	407	739	631	188	276	228	199	274	226
V/C Ratio(X)	0.18	0.00	0.47	0.18	0.26	0.18	0.40	0.80	0.56	0.42	0.88	0.33
Avail Cap(c_a), veh/h	600	0	710	491	739	631	282	290	240	295	290	240
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	0.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	17.1	0.0	23.2	17.9	21.2	20.5	35.9	43.3	41.6	36.0	43.9	40.2
Incr Delay (d2), s/veh	0.1	0.0	2.2	0.1	0.9	0.6	0.5	13.9	2.6	0.5	23.9	0.8
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	1.3	0.0	6.3	1.0	3.3	1.8	1.6	6.4	3.1	1.8	7.7	1.7
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	17.2	0.0	25.4	18.0	22.1	21.1	36.4	57.1	44.1	36.5	67.7	41.1
LnGrp LOS	B	A	C	B	C	C	D	E	D	D	E	D
Approach Vol, veh/h		424			379			423			399	
Approach Delay, s/veh		23.6			21.0			49.5			56.2	
Approach LOS		C			C			D			E	

Timer - Assigned Phs	1	2	3	4	5	6	7	8
Phs Duration (G+Y+Rc), s	14.7	51.8	14.5	24.1	14.9	51.5	14.4	24.2
Change Period (Y+Rc), s	9.7	9.7	* 8.7	* 8.7	9.7	9.7	* 8.7	* 8.7
Max Green Setting (Gmax), s	10.3	30.3	* 11	* 16	10.3	30.3	* 11	* 16
Max Q Clear Time (g_c+I1), s	4.7	16.4	5.7	15.2	5.2	9.3	6.2	13.9
Green Ext Time (p_c), s	0.0	3.5	0.0	0.2	0.0	3.5	0.0	0.4

Intersection Summary	
HCM 6th Ctrl Delay	37.7
HCM 6th LOS	D

Notes

* HCM 6th computational engine requires equal clearance times for the phases crossing the barrier.

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Intersection	
Int Delay, s/veh	1.9

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	0	0	0	27	0	50	0	301	31	48	272	0
Future Vol, veh/h	0	0	0	27	0	50	0	301	31	48	272	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	0	150	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	81	81	81	81	81	81	81	81	81	81	81	81
Heavy Vehicles, %	2	2	2	2	1	1	0	4	2	1	5	0
Mvmt Flow	0	0	0	33	0	62	0	372	38	59	336	0

Major/Minor	Minor2			Minor1			Major1			Major2		
Conflicting Flow All	876	864	336	826	826	372	-	0	0	410	0	0
Stage 1	454	454	-	372	372	-	-	-	-	-	-	-
Stage 2	422	410	-	454	454	-	-	-	-	-	-	-
Critical Hdwy	7.12	6.52	6.22	7.12	6.51	6.21	-	-	-	4.11	-	-
Critical Hdwy Stg 1	6.12	5.52	-	6.12	5.51	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.12	5.52	-	6.12	5.51	-	-	-	-	-	-	-
Follow-up Hdwy	3.518	4.018	3.318	3.518	4.009	3.309	-	-	-	2.209	-	-
Pot Cap-1 Maneuver	269	292	706	291	308	676	0	-	-	1154	-	-
Stage 1	586	569	-	648	621	-	0	-	-	-	-	-
Stage 2	609	595	-	586	571	-	0	-	-	-	-	-
Platoon blocked, %								-	-		-	-
Mov Cap-1 Maneuver	235	277	706	280	292	676	-	-	-	1154	-	-
Mov Cap-2 Maneuver	351	372	-	400	396	-	-	-	-	-	-	-
Stage 1	586	540	-	648	621	-	-	-	-	-	-	-
Stage 2	553	595	-	556	542	-	-	-	-	-	-	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0	13	0	1.2
HCM LOS	A	B		

Minor Lane/Major Mvmt	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	-	-	-	544	1154	-	-
HCM Lane V/C Ratio	-	-	-	0.175	0.051	-	-
HCM Control Delay (s)	-	-	0	13	8.3	-	-
HCM Lane LOS	-	-	A	B	A	-	-
HCM 95th %tile Q(veh)	-	-	-	0.6	0.2	-	-

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Intersection	
Int Delay, s/veh	3.5

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	74	2	27	5	1	2	21	256	6	0	220	79
Future Vol, veh/h	74	2	27	5	1	2	21	256	6	0	220	79
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	175	-	-	150	-	150
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	72	72	72	72	72	72	72	72	72	72	72	72
Heavy Vehicles, %	17	0	11	0	0	0	11	1	0	100	2	10
Mvmt Flow	103	3	38	7	1	3	29	356	8	0	306	110

Major/Minor	Minor2			Minor1			Major1			Major2		
Conflicting Flow All	726	728	306	800	834	360	416	0	0	364	0	0
Stage 1	306	306	-	418	418	-	-	-	-	-	-	-
Stage 2	420	422	-	382	416	-	-	-	-	-	-	-
Critical Hdwy	7.27	6.5	6.31	7.1	6.5	6.2	4.21	-	-	5.1	-	-
Critical Hdwy Stg 1	6.27	5.5	-	6.1	5.5	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.27	5.5	-	6.1	5.5	-	-	-	-	-	-	-
Follow-up Hdwy	3.653	4	3.399	3.5	4	3.3	2.299	-	-	3.1	-	-
Pot Cap-1 Maneuver	321	353	713	306	306	689	1096	-	-	808	-	-
Stage 1	673	665	-	616	594	-	-	-	-	-	-	-
Stage 2	582	592	-	645	595	-	-	-	-	-	-	-
Platoon blocked, %								-	-		-	-
Mov Cap-1 Maneuver	312	344	713	282	298	689	1096	-	-	808	-	-
Mov Cap-2 Maneuver	312	344	-	282	298	-	-	-	-	-	-	-
Stage 1	656	665	-	600	579	-	-	-	-	-	-	-
Stage 2	563	577	-	609	595	-	-	-	-	-	-	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	20.9	16.2	0.6	0
HCM LOS	C	C		

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	1096	-	-	367	333	808	-	-
HCM Lane V/C Ratio	0.027	-	-	0.39	0.033	-	-	-
HCM Control Delay (s)	8.4	-	-	20.9	16.2	0	-	-
HCM Lane LOS	A	-	-	C	C	A	-	-
HCM 95th %tile Q(veh)	0.1	-	-	1.8	0.1	0	-	-

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Intersection: 1: Ironbound Road & John Tyler Highway

Movement	EB	EB	WB	WB	WB	NB	NB	NB	SB	SB	SB
Directions Served	L	TR	L	T	R	L	T	R	L	T	R
Maximum Queue (ft)	174	254	120	174	76	119	223	58	143	231	123
Average Queue (ft)	43	118	28	71	30	36	100	13	39	93	11
95th Queue (ft)	113	212	75	145	62	92	190	38	93	184	63
Link Distance (ft)		801		469			332	332		955	
Upstream Blk Time (%)											
Queuing Penalty (veh)											
Storage Bay Dist (ft)	175		150		300	175			200		200
Storage Blk Time (%)	0	2	0	1		0	1		0	1	0
Queuing Penalty (veh)	0	2	0	1		0	1		0	1	0

Intersection: 2: Ironbound Road & Proposed School Driveway/Harris Teeter Driveway

Movement	WB	SB
Directions Served	LTR	L
Maximum Queue (ft)	68	39
Average Queue (ft)	30	6
95th Queue (ft)	55	22
Link Distance (ft)	446	
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		150
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 3: Ironbound Road & School Driveway/Harris Teeter Driveway

Movement	EB	WB	NB	SB	SB
Directions Served	LTR	LTR	L	T	R
Maximum Queue (ft)	113	34	43	2	0
Average Queue (ft)	42	7	5	0	0
95th Queue (ft)	82	27	26	2	1
Link Distance (ft)	573	546		291	
Upstream Blk Time (%)					
Queuing Penalty (veh)					
Storage Bay Dist (ft)			175		150
Storage Blk Time (%)					
Queuing Penalty (veh)					

Network Summary

Network wide Queuing Penalty: 5

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APPENDIX F: SYNCHRO OUTPUT – NO-BUILD (2025) CONDITIONS

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Lane Group	EBL	EBT	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Group Flow (vph)	98	337	75	198	116	78	225	129	86	246	76
v/c Ratio	0.18	0.51	0.19	0.29	0.16	0.31	0.68	0.26	0.32	0.74	0.16
Control Delay	16.6	31.2	17.2	28.5	0.5	27.2	50.4	1.3	27.4	53.8	0.7
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	16.6	31.2	17.2	28.5	0.5	27.2	50.4	1.3	27.4	53.8	0.7
Queue Length 50th (ft)	35	179	26	100	0	36	143	0	40	157	0
Queue Length 95th (ft)	64	263	52	158	0	60	190	0	64	208	0
Internal Link Dist (ft)		772		449			360			944	
Turn Bay Length (ft)	175		150		300	175			200		200
Base Capacity (vph)	565	659	414	673	736	261	431	556	277	431	556
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.17	0.51	0.18	0.29	0.16	0.30	0.52	0.23	0.31	0.57	0.14

Intersection Summary

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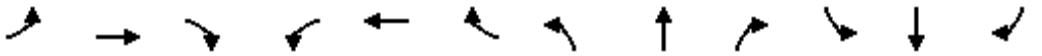

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	81	219	61	62	164	96	65	187	107	71	204	63
Future Volume (veh/h)	81	219	61	62	164	96	65	187	107	71	204	63
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No			No			No			No	
Adj Sat Flow, veh/h/ln	1885	1841	1841	1752	1856	1870	1870	1870	1826	1870	1870	1826
Adj Flow Rate, veh/h	98	264	73	75	198	116	78	225	129	86	246	76
Peak Hour Factor	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83
Percent Heavy Veh, %	1	4	4	10	3	2	2	2	5	2	2	5
Cap, veh/h	498	542	150	390	717	613	197	294	243	208	292	241
Arrive On Green	0.05	0.39	0.39	0.05	0.39	0.39	0.06	0.16	0.16	0.05	0.16	0.16
Sat Flow, veh/h	1795	1388	384	1668	1856	1585	1781	1870	1547	1781	1870	1547
Grp Volume(v), veh/h	98	0	337	75	198	116	78	225	129	86	246	76
Grp Sat Flow(s),veh/h/ln	1795	0	1772	1668	1856	1585	1781	1870	1547	1781	1870	1547
Q Serve(g_s), s	3.4	0.0	15.0	2.8	7.7	5.1	3.8	12.1	8.1	4.2	13.4	4.6
Cycle Q Clear(g_c), s	3.4	0.0	15.0	2.8	7.7	5.1	3.8	12.1	8.1	4.2	13.4	4.6
Prop In Lane	1.00		0.22	1.00		1.00	1.00		1.00	1.00		1.00
Lane Grp Cap(c), veh/h	498	0	692	390	717	613	197	294	243	208	292	241
V/C Ratio(X)	0.20	0.00	0.49	0.19	0.28	0.19	0.40	0.77	0.53	0.41	0.84	0.31
Avail Cap(c_a), veh/h	530	0	692	426	717	613	222	433	358	235	433	358
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	0.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	17.8	0.0	24.1	18.7	22.1	21.3	35.1	42.4	40.7	35.1	43.1	39.3
Incr Delay (d2), s/veh	0.1	0.0	2.4	0.1	1.0	0.7	0.5	4.8	1.8	0.5	9.4	0.7
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	1.4	0.0	6.6	1.1	3.5	1.9	1.6	5.8	3.1	1.8	6.7	1.7
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	17.9	0.0	26.5	18.8	23.1	22.0	35.6	47.2	42.5	35.6	52.5	40.1
LnGrp LOS	B	A	C	B	C	C	D	D	D	D	D	D
Approach Vol, veh/h		435			389			432			408	
Approach Delay, s/veh		24.6			21.9			43.7			46.6	
Approach LOS		C			C			D			D	

Timer - Assigned Phs	1	2	3	4	5	6	7	8
Phs Duration (G+Y+Rc), s	14.7	50.7	14.5	25.1	15.1	50.3	14.4	25.2
Change Period (Y+Rc), s	9.7	9.7	* 8.7	* 8.7	9.7	9.7	* 8.7	* 8.7
Max Green Setting (Gmax), s	7.3	29.3	* 7.3	* 24	7.3	29.3	* 7.3	* 24
Max Q Clear Time (g_c+I1), s	4.8	17.0	5.8	15.4	5.4	9.7	6.2	14.1
Green Ext Time (p_c), s	0.0	3.3	0.0	1.0	0.0	3.5	0.0	1.1

Intersection Summary	
HCM 6th Ctrl Delay	34.3
HCM 6th LOS	C

Notes

* HCM 6th computational engine requires equal clearance times for the phases crossing the barrier.

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Intersection	
Int Delay, s/veh	1.9

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	0	0	0	28	0	51	0	308	32	49	278	0
Future Vol, veh/h	0	0	0	28	0	51	0	308	32	49	278	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	0	150	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	81	81	81	81	81	81	81	81	81	81	81	81
Heavy Vehicles, %	2	2	2	2	1	1	0	4	2	1	5	0
Mvmt Flow	0	0	0	35	0	63	0	380	40	60	343	0

Major/Minor	Minor2			Minor1			Major1			Major2		
Conflicting Flow All	895	883	343	843	843	380	-	0	0	420	0	0
Stage 1	463	463	-	380	380	-	-	-	-	-	-	-
Stage 2	432	420	-	463	463	-	-	-	-	-	-	-
Critical Hdwy	7.12	6.52	6.22	7.12	6.51	6.21	-	-	-	4.11	-	-
Critical Hdwy Stg 1	6.12	5.52	-	6.12	5.51	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.12	5.52	-	6.12	5.51	-	-	-	-	-	-	-
Follow-up Hdwy	3.518	4.018	3.318	3.518	4.009	3.309	-	-	-	2.209	-	-
Pot Cap-1 Maneuver	261	285	700	284	301	669	0	-	-	1145	-	-
Stage 1	579	564	-	642	616	-	0	-	-	-	-	-
Stage 2	602	589	-	579	566	-	0	-	-	-	-	-
Platoon blocked, %								-	-		-	-
Mov Cap-1 Maneuver	227	270	700	273	285	669	-	-	-	1145	-	-
Mov Cap-2 Maneuver	343	366	-	393	391	-	-	-	-	-	-	-
Stage 1	579	535	-	642	616	-	-	-	-	-	-	-
Stage 2	545	589	-	549	537	-	-	-	-	-	-	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0	13.2	0	1.2
HCM LOS	A	B		

Minor Lane/Major Mvmt	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	-	-	-	536	1145	-	-
HCM Lane V/C Ratio	-	-	-	0.182	0.053	-	-
HCM Control Delay (s)	-	-	0	13.2	8.3	-	-
HCM Lane LOS	-	-	A	B	A	-	-
HCM 95th %tile Q(veh)	-	-	-	0.7	0.2	-	-

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Intersection	
Int Delay, s/veh	3.6

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	75	2	28	5	1	2	21	263	6	0	225	81
Future Vol, veh/h	75	2	28	5	1	2	21	263	6	0	225	81
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	175	-	-	150	-	150
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	72	72	72	72	72	72	72	72	72	72	72	72
Heavy Vehicles, %	17	0	11	0	0	0	11	1	0	100	2	10
Mvmt Flow	104	3	39	7	1	3	29	365	8	0	313	113

Major/Minor	Minor2			Minor1			Major1			Major2		
Conflicting Flow All	742	744	313	818	853	369	426	0	0	373	0	0
Stage 1	313	313	-	427	427	-	-	-	-	-	-	-
Stage 2	429	431	-	391	426	-	-	-	-	-	-	-
Critical Hdwy	7.27	6.5	6.31	7.1	6.5	6.2	4.21	-	-	5.1	-	-
Critical Hdwy Stg 1	6.27	5.5	-	6.1	5.5	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.27	5.5	-	6.1	5.5	-	-	-	-	-	-	-
Follow-up Hdwy	3.653	4	3.399	3.5	4	3.3	2.299	-	-	3.1	-	-
Pot Cap-1 Maneuver	313	345	707	297	299	681	1087	-	-	800	-	-
Stage 1	667	661	-	610	589	-	-	-	-	-	-	-
Stage 2	576	586	-	637	589	-	-	-	-	-	-	-
Platoon blocked, %								-	-		-	-
Mov Cap-1 Maneuver	304	336	707	273	291	681	1087	-	-	800	-	-
Mov Cap-2 Maneuver	304	336	-	273	291	-	-	-	-	-	-	-
Stage 1	649	661	-	594	573	-	-	-	-	-	-	-
Stage 2	557	570	-	599	589	-	-	-	-	-	-	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	21.7	16.5	0.6	0
HCM LOS	C	C		

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	1087	-	-	359	324	800	-	-
HCM Lane V/C Ratio	0.027	-	-	0.406	0.034	-	-	-
HCM Control Delay (s)	8.4	-	-	21.7	16.5	0	-	-
HCM Lane LOS	A	-	-	C	C	A	-	-
HCM 95th %tile Q(veh)	0.1	-	-	1.9	0.1	0	-	-

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Intersection: 1: Ironbound Road & John Tyler Highway

Movement	EB	EB	WB	WB	WB	NB	NB	NB	SB	SB	SB
Directions Served	L	TR	L	T	R	L	T	R	L	T	R
Maximum Queue (ft)	140	287	125	193	67	148	243	62	148	239	117
Average Queue (ft)	44	132	31	74	29	41	102	15	38	97	10
95th Queue (ft)	117	238	80	146	57	106	193	42	92	186	54
Link Distance (ft)		801		469			332	332		955	
Upstream Blk Time (%)							0				
Queuing Penalty (veh)							0				
Storage Bay Dist (ft)	175		150		300	175			200		200
Storage Blk Time (%)	0	4	0	1		0	1		0	1	0
Queuing Penalty (veh)	0	3	0	2		0	1		0	1	0

Intersection: 2: Ironbound Road & Proposed School Driveway/Harris Teeter Driveway

Movement	WB	SB
Directions Served	LTR	L
Maximum Queue (ft)	70	30
Average Queue (ft)	31	6
95th Queue (ft)	57	21
Link Distance (ft)	446	
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		150
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 3: Ironbound Road & School Driveway/Harris Teeter Driveway

Movement	EB	WB	NB	SB	SB
Directions Served	LTR	LTR	L	T	R
Maximum Queue (ft)	118	29	45	3	3
Average Queue (ft)	48	7	6	0	0
95th Queue (ft)	91	27	29	2	3
Link Distance (ft)	573	546		291	
Upstream Blk Time (%)					
Queuing Penalty (veh)					
Storage Bay Dist (ft)			175		150
Storage Blk Time (%)					
Queuing Penalty (veh)					

Network Summary

Network wide Queuing Penalty: 7

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APPENDIX G: SYNCHRO OUTPUT – BUILD (2025) CONDITIONS

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Lane Group	EBL	EBT	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Group Flow (vph)	98	344	84	198	116	84	236	139	86	257	76
v/c Ratio	0.18	0.53	0.22	0.29	0.16	0.33	0.69	0.28	0.32	0.75	0.15
Control Delay	17.4	31.6	17.5	28.0	0.5	27.5	50.7	1.4	27.1	54.4	0.7
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	17.4	31.6	17.5	28.0	0.5	27.5	50.7	1.4	27.1	54.4	0.7
Queue Length 50th (ft)	35	186	30	102	0	38	149	0	39	164	0
Queue Length 95th (ft)	64	264	57	153	0	63	200	0	64	217	0
Internal Link Dist (ft)		772		449			360			944	
Turn Bay Length (ft)	175		150		300	175			200		200
Base Capacity (vph)	542	650	394	676	738	259	431	556	275	431	556
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.18	0.53	0.21	0.29	0.16	0.32	0.55	0.25	0.31	0.60	0.14

Intersection Summary

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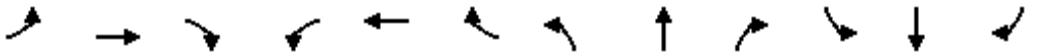

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	81	219	66	70	164	96	70	196	115	71	213	63
Future Volume (veh/h)	81	219	66	70	164	96	70	196	115	71	213	63
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No			No			No			No	
Adj Sat Flow, veh/h/ln	1885	1841	1841	1752	1856	1870	1870	1870	1826	1870	1870	1826
Adj Flow Rate, veh/h	98	264	80	84	198	116	84	236	139	86	257	76
Peak Hour Factor	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83
Percent Heavy Veh, %	1	4	4	10	3	2	2	2	5	2	2	5
Cap, veh/h	487	516	156	375	704	602	201	309	256	210	303	250
Arrive On Green	0.05	0.38	0.38	0.05	0.38	0.38	0.06	0.17	0.17	0.05	0.16	0.16
Sat Flow, veh/h	1795	1356	411	1668	1856	1585	1781	1870	1547	1781	1870	1547
Grp Volume(v), veh/h	98	0	344	84	198	116	84	236	139	86	257	76
Grp Sat Flow(s),veh/h/ln	1795	0	1767	1668	1856	1585	1781	1870	1547	1781	1870	1547
Q Serve(g_s), s	3.5	0.0	15.7	3.2	7.8	5.1	4.1	12.7	8.6	4.2	14.0	4.5
Cycle Q Clear(g_c), s	3.5	0.0	15.7	3.2	7.8	5.1	4.1	12.7	8.6	4.2	14.0	4.5
Prop In Lane	1.00		0.23	1.00		1.00	1.00		1.00	1.00		1.00
Lane Grp Cap(c), veh/h	487	0	672	375	704	602	201	309	256	210	303	250
V/C Ratio(X)	0.20	0.00	0.51	0.22	0.28	0.19	0.42	0.76	0.54	0.41	0.85	0.30
Avail Cap(c_a), veh/h	487	0	672	393	704	602	222	433	358	238	433	358
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	0.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	18.4	0.0	25.0	19.3	22.6	21.8	34.6	41.8	40.2	34.7	42.8	38.8
Incr Delay (d2), s/veh	0.1	0.0	2.8	0.1	1.0	0.7	0.5	5.1	1.8	0.5	10.5	0.7
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	1.4	0.0	6.9	1.2	3.5	1.9	1.7	6.1	3.3	1.8	7.1	1.7
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	18.4	0.0	27.8	19.4	23.6	22.5	35.1	47.0	42.0	35.2	53.3	39.5
LnGrp LOS	B	A	C	B	C	C	D	D	D	D	D	D
Approach Vol, veh/h		442			398			459			419	
Approach Delay, s/veh		25.7			22.4			43.3			47.1	
Approach LOS		C			C			D			D	

Timer - Assigned Phs	1	2	3	4	5	6	7	8
Phs Duration (G+Y+Rc), s	14.9	49.7	14.8	25.7	15.0	49.5	14.4	26.1
Change Period (Y+Rc), s	9.7	9.7	* 8.7	* 8.7	9.7	9.7	* 8.7	* 8.7
Max Green Setting (Gmax), s	6.3	30.3	* 7.3	* 24	5.3	31.3	* 7.3	* 24
Max Q Clear Time (g_c+I1), s	5.2	17.7	6.1	16.0	5.5	9.8	6.2	14.7
Green Ext Time (p_c), s	0.0	3.4	0.0	1.0	0.0	3.6	0.0	1.2

Intersection Summary	
HCM 6th Ctrl Delay	34.8
HCM 6th LOS	C

Notes

* HCM 6th computational engine requires equal clearance times for the phases crossing the barrier.

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Intersection	
Int Delay, s/veh	2.8

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	10	0	15	28	0	51	0	320	32	49	300	0
Future Vol, veh/h	10	0	15	28	0	51	0	320	32	49	300	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	0	150	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	81	81	81	81	81	81	81	81	81	81	81	81
Heavy Vehicles, %	100	100	100	2	0	1	0	4	2	1	5	0
Mvmt Flow	12	0	19	35	0	63	0	395	40	60	370	0

Major/Minor	Minor2			Minor1			Major1			Major2		
Conflicting Flow All	937	925	370	895	885	395	-	0	0	435	0	0
Stage 1	490	490	-	395	395	-	-	-	-	-	-	-
Stage 2	447	435	-	500	490	-	-	-	-	-	-	-
Critical Hdwy	8.1	7.5	7.2	7.12	6.5	6.21	-	-	-	4.11	-	-
Critical Hdwy Stg 1	7.1	6.5	-	6.12	5.5	-	-	-	-	-	-	-
Critical Hdwy Stg 2	7.1	6.5	-	6.12	5.5	-	-	-	-	-	-	-
Follow-up Hdwy	4.4	4.9	4.2	3.518	4	3.309	-	-	-	2.209	-	-
Pot Cap-1 Maneuver	167	188	504	261	286	656	0	-	-	1130	-	0
Stage 1	414	416	-	630	608	-	0	-	-	-	-	0
Stage 2	440	444	-	553	552	-	0	-	-	-	-	0
Platoon blocked, %								-	-		-	
Mov Cap-1 Maneuver	145	178	504	241	271	656	-	-	-	1130	-	-
Mov Cap-2 Maneuver	145	178	-	241	271	-	-	-	-	-	-	-
Stage 1	414	394	-	630	608	-	-	-	-	-	-	-
Stage 2	398	444	-	504	523	-	-	-	-	-	-	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	21.2	16.6	0	1.2
HCM LOS	C	C		

Minor Lane/Major Mvmt	NBT	NBR	EBLn1	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	253	407	1130	-
HCM Lane V/C Ratio	-	-	0.122	0.24	0.054	-
HCM Control Delay (s)	-	-	21.2	16.6	8.4	-
HCM Lane LOS	-	-	C	C	A	-
HCM 95th %tile Q(veh)	-	-	0.4	0.9	0.2	-

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Intersection	
Int Delay, s/veh	6.1

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	87	2	46	5	1	2	53	263	6	0	240	103
Future Vol, veh/h	87	2	46	5	1	2	53	263	6	0	240	103
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	175	-	-	150	-	150
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	72	72	72	72	72	72	72	72	72	72	72	72
Heavy Vehicles, %	17	0	11	0	0	0	11	1	0	100	2	10
Mvmt Flow	121	3	64	7	1	3	74	365	8	0	333	143

Major/Minor	Minor2			Minor1			Major1			Major2		
Conflicting Flow All	852	854	333	955	993	369	476	0	0	373	0	0
Stage 1	333	333	-	517	517	-	-	-	-	-	-	-
Stage 2	519	521	-	438	476	-	-	-	-	-	-	-
Critical Hdwy	7.27	6.5	6.31	7.1	6.5	6.2	4.21	-	-	5.1	-	-
Critical Hdwy Stg 1	6.27	5.5	-	6.1	5.5	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.27	5.5	-	6.1	5.5	-	-	-	-	-	-	-
Follow-up Hdwy	3.653	4	3.399	3.5	4	3.3	2.299	-	-	3.1	-	-
Pot Cap-1 Maneuver	263	298	689	240	247	681	1041	-	-	800	-	-
Stage 1	650	647	-	545	537	-	-	-	-	-	-	-
Stage 2	513	535	-	601	560	-	-	-	-	-	-	-
Platoon blocked, %								-	-		-	-
Mov Cap-1 Maneuver	246	277	689	204	229	681	1041	-	-	800	-	-
Mov Cap-2 Maneuver	246	277	-	204	229	-	-	-	-	-	-	-
Stage 1	604	647	-	506	499	-	-	-	-	-	-	-
Stage 2	473	497	-	543	560	-	-	-	-	-	-	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	31.7	20	1.4	0
HCM LOS	D	C		

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	1041	-	-	316	251	800	-	-
HCM Lane V/C Ratio	0.071	-	-	0.593	0.044	-	-	-
HCM Control Delay (s)	8.7	-	-	31.7	20	0	-	-
HCM Lane LOS	A	-	-	D	C	A	-	-
HCM 95th %tile Q(veh)	0.2	-	-	3.6	0.1	0	-	-

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Intersection: 1: Ironbound Road & John Tyler Highway

Movement	EB	EB	WB	WB	WB	NB	NB	NB	SB	SB	SB
Directions Served	L	TR	L	T	R	L	T	R	L	T	R
Maximum Queue (ft)	174	305	136	192	66	153	233	62	127	228	121
Average Queue (ft)	53	136	40	79	29	42	106	15	38	102	12
95th Queue (ft)	130	247	97	156	57	105	193	43	89	185	62
Link Distance (ft)		801		469			332	332		955	
Upstream Blk Time (%)											
Queuing Penalty (veh)											
Storage Bay Dist (ft)	175		150		300	175			200		200
Storage Blk Time (%)	0	4	0	1		0	2		0	1	0
Queuing Penalty (veh)	0	4	0	2		0	1		0	1	0

Intersection: 2: Ironbound Road & Proposed School Driveway/Harris Teeter Driveway

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	R	L
Maximum Queue (ft)	105	85	4	37
Average Queue (ft)	37	33	0	6
95th Queue (ft)	90	62	3	20
Link Distance (ft)	424	446	291	
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				150
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 3: Ironbound Road & School Driveway/Service Driveway

Movement	EB	WB	NB	SB	SB
Directions Served	LTR	LTR	L	T	R
Maximum Queue (ft)	131	33	67	1	9
Average Queue (ft)	53	6	17	0	0
95th Queue (ft)	100	25	49	0	6
Link Distance (ft)	573	546		291	
Upstream Blk Time (%)					
Queuing Penalty (veh)					
Storage Bay Dist (ft)			175		150
Storage Blk Time (%)					
Queuing Penalty (veh)					

Network Summary

Network wide Queuing Penalty: 8

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APPENDIX H: SYNCHRO OUTPUT – BUILD (2025) CONDITIONS – WITHOUT REDISTRICTING

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Lane Group	EBL	EBT	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Group Flow (vph)	98	351	92	198	116	92	245	146	86	265	76
v/c Ratio	0.18	0.55	0.24	0.30	0.16	0.36	0.69	0.29	0.32	0.75	0.15
Control Delay	17.2	32.3	18.8	29.1	0.5	28.0	49.1	1.4	26.9	52.9	0.6
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	17.2	32.3	18.8	29.1	0.5	28.0	49.1	1.4	26.9	52.9	0.6
Queue Length 50th (ft)	36	194	34	103	0	42	154	0	39	169	0
Queue Length 95th (ft)	66	270	63	158	0	67	202	0	63	218	0
Internal Link Dist (ft)		772		449			360			944	
Turn Bay Length (ft)	175		150		300	175			200		200
Base Capacity (vph)	546	641	379	658	725	255	466	580	269	466	580
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.18	0.55	0.24	0.30	0.16	0.36	0.53	0.25	0.32	0.57	0.13

Intersection Summary

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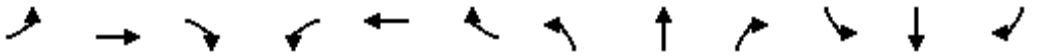

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	81	219	72	76	164	96	76	203	121	71	220	63
Future Volume (veh/h)	81	219	72	76	164	96	76	203	121	71	220	63
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No			No			No			No	
Adj Sat Flow, veh/h/ln	1885	1841	1841	1752	1856	1870	1870	1870	1826	1870	1870	1826
Adj Flow Rate, veh/h	98	264	87	92	198	116	92	245	146	86	265	76
Peak Hour Factor	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83
Percent Heavy Veh, %	1	4	4	10	3	2	2	2	5	2	2	5
Cap, veh/h	479	493	162	361	686	586	206	324	268	213	313	259
Arrive On Green	0.05	0.37	0.37	0.05	0.37	0.37	0.06	0.17	0.17	0.05	0.17	0.17
Sat Flow, veh/h	1795	1325	437	1668	1856	1585	1781	1870	1547	1781	1870	1547
Grp Volume(v), veh/h	98	0	351	92	198	116	92	245	146	86	265	76
Grp Sat Flow(s),veh/h/ln	1795	0	1762	1668	1856	1585	1781	1870	1547	1781	1870	1547
Q Serve(g_s), s	3.5	0.0	16.4	3.6	7.9	5.2	4.4	13.1	9.0	4.1	14.4	4.5
Cycle Q Clear(g_c), s	3.5	0.0	16.4	3.6	7.9	5.2	4.4	13.1	9.0	4.1	14.4	4.5
Prop In Lane	1.00		0.25	1.00		1.00	1.00		1.00	1.00		1.00
Lane Grp Cap(c), veh/h	479	0	655	361	686	586	206	324	268	213	313	259
V/C Ratio(X)	0.20	0.00	0.54	0.25	0.29	0.20	0.45	0.76	0.54	0.40	0.85	0.29
Avail Cap(c_a), veh/h	493	0	655	361	686	586	206	468	388	224	468	388
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	0.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	18.9	0.0	25.9	20.0	23.3	22.5	34.2	41.3	39.6	34.3	42.4	38.3
Incr Delay (d2), s/veh	0.1	0.0	3.1	0.1	1.1	0.8	0.6	4.2	1.7	0.5	9.0	0.6
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	1.4	0.0	7.2	1.4	3.6	2.0	1.9	6.2	3.4	1.8	7.2	1.7
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	18.9	0.0	29.0	20.2	24.4	23.2	34.7	45.5	41.3	34.7	51.5	38.9
LnGrp LOS	B	A	C	C	C	C	C	D	D	C	D	D
Approach Vol, veh/h		449			406			483			427	
Approach Delay, s/veh		26.8			23.1			42.2			45.9	
Approach LOS		C			C			D			D	

Timer - Assigned Phs	1	2	3	4	5	6	7	8
Phs Duration (G+Y+Rc), s	15.0	48.8	15.0	26.2	15.2	48.5	14.4	26.9
Change Period (Y+Rc), s	9.7	9.7	* 8.7	* 8.7	9.7	9.7	* 8.7	* 8.7
Max Green Setting (Gmax), s	5.3	30.3	* 6.3	* 26	6.3	29.3	* 6.3	* 26
Max Q Clear Time (g_c+I1), s	5.6	18.4	6.4	16.4	5.5	9.9	6.1	15.1
Green Ext Time (p_c), s	0.0	3.4	0.0	1.1	0.0	3.5	0.0	1.3

Intersection Summary	
HCM 6th Ctrl Delay	34.8
HCM 6th LOS	C

Notes

* HCM 6th computational engine requires equal clearance times for the phases crossing the barrier.

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Intersection	
Int Delay, s/veh	2.4

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	19	0	6	28	0	51	0	330	32	49	319	0
Future Vol, veh/h	19	0	6	28	0	51	0	330	32	49	319	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	0	150	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	81	81	81	81	81	81	81	81	81	81	81	81
Heavy Vehicles, %	100	100	100	2	0	1	0	4	2	1	5	0
Mvmt Flow	23	0	7	35	0	63	0	407	40	60	394	0

Major/Minor	Minor2			Minor1			Major1			Major2		
Conflicting Flow All	973	961	394	925	921	407	-	0	0	447	0	0
Stage 1	514	514	-	407	407	-	-	-	-	-	-	-
Stage 2	459	447	-	518	514	-	-	-	-	-	-	-
Critical Hdwy	8.1	7.5	7.2	7.12	6.5	6.21	-	-	-	4.11	-	-
Critical Hdwy Stg 1	7.1	6.5	-	6.12	5.5	-	-	-	-	-	-	-
Critical Hdwy Stg 2	7.1	6.5	-	6.12	5.5	-	-	-	-	-	-	-
Follow-up Hdwy	4.4	4.9	4.2	3.518	4	3.309	-	-	-	2.209	-	-
Pot Cap-1 Maneuver	157	178	486	250	273	646	0	-	-	1119	-	0
Stage 1	400	404	-	621	601	-	0	-	-	-	-	0
Stage 2	432	438	-	541	539	-	0	-	-	-	-	0
Platoon blocked, %								-	-		-	
Mov Cap-1 Maneuver	136	168	486	236	258	646	-	-	-	1119	-	-
Mov Cap-2 Maneuver	226	250	-	360	368	-	-	-	-	-	-	-
Stage 1	400	382	-	621	601	-	-	-	-	-	-	-
Stage 2	390	438	-	504	510	-	-	-	-	-	-	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	20.8	13.8	0	1.1
HCM LOS	C	B		

Minor Lane/Major Mvmt	NBT	NBR	EBLn1	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	259	504	1119	-
HCM Lane V/C Ratio	-	-	0.119	0.194	0.054	-
HCM Control Delay (s)	-	-	20.8	13.8	8.4	-
HCM Lane LOS	-	-	C	B	A	-
HCM 95th %tile Q(veh)	-	-	0.4	0.7	0.2	-

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Intersection	
Int Delay, s/veh	5.4

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	97	2	36	5	1	2	34	263	6	0	231	122
Future Vol, veh/h	97	2	36	5	1	2	34	263	6	0	231	122
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	175	-	-	150	-	150
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	72	72	72	72	72	72	72	72	72	72	72	72
Heavy Vehicles, %	17	0	11	0	0	0	11	1	0	100	2	10
Mvmt Flow	135	3	50	7	1	3	47	365	8	0	321	169

Major/Minor	Minor2			Minor1			Major1			Major2		
Conflicting Flow All	786	788	321	895	953	369	490	0	0	373	0	0
Stage 1	321	321	-	463	463	-	-	-	-	-	-	-
Stage 2	465	467	-	432	490	-	-	-	-	-	-	-
Critical Hdwy	7.27	6.5	6.31	7.1	6.5	6.2	4.21	-	-	5.1	-	-
Critical Hdwy Stg 1	6.27	5.5	-	6.1	5.5	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.27	5.5	-	6.1	5.5	-	-	-	-	-	-	-
Follow-up Hdwy	3.653	4	3.399	3.5	4	3.3	2.299	-	-	3.1	-	-
Pot Cap-1 Maneuver	292	326	699	264	261	681	1028	-	-	800	-	-
Stage 1	660	655	-	583	568	-	-	-	-	-	-	-
Stage 2	550	565	-	606	552	-	-	-	-	-	-	-
Platoon blocked, %								-	-		-	-
Mov Cap-1 Maneuver	279	311	699	235	249	681	1028	-	-	800	-	-
Mov Cap-2 Maneuver	279	311	-	235	249	-	-	-	-	-	-	-
Stage 1	630	655	-	556	542	-	-	-	-	-	-	-
Stage 2	521	539	-	560	552	-	-	-	-	-	-	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	28.9	18.2	1	0
HCM LOS	D	C		

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	1028	-	-	333	283	800	-	-
HCM Lane V/C Ratio	0.046	-	-	0.563	0.039	-	-	-
HCM Control Delay (s)	8.7	-	-	28.9	18.2	0	-	-
HCM Lane LOS	A	-	-	D	C	A	-	-
HCM 95th %tile Q(veh)	0.1	-	-	3.3	0.1	0	-	-

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Intersection: 1: Ironbound Road & John Tyler Highway

Movement	EB	EB	WB	WB	WB	NB	NB	NB	SB	SB	SB
Directions Served	L	TR	L	T	R	L	T	R	L	T	R
Maximum Queue (ft)	174	344	143	199	71	152	239	75	156	231	134
Average Queue (ft)	47	144	41	79	30	44	108	18	39	114	12
95th Queue (ft)	125	285	99	157	57	106	201	50	99	205	65
Link Distance (ft)		801		469			332	332		955	
Upstream Blk Time (%)											
Queuing Penalty (veh)											
Storage Bay Dist (ft)	175		150		300	175			200		200
Storage Blk Time (%)	0	6	0	1		0	2		0	1	0
Queuing Penalty (veh)	0	5	0	2		0	1		0	1	0

Intersection: 2: Ironbound Road & Proposed School Driveway/Harris Teeter Driveway

Movement	EB	WB	NB	SB	SB
Directions Served	LTR	LTR	T	L	T
Maximum Queue (ft)	101	70	12	38	3
Average Queue (ft)	36	32	1	7	0
95th Queue (ft)	89	57	8	22	3
Link Distance (ft)	424	446	291		332
Upstream Blk Time (%)					
Queuing Penalty (veh)					
Storage Bay Dist (ft)				150	
Storage Blk Time (%)					
Queuing Penalty (veh)					

Intersection: 3: Ironbound Road & School Driveway/Service Driveway

Movement	EB	WB	NB	NB	SB	SB
Directions Served	LTR	LTR	L	TR	T	R
Maximum Queue (ft)	162	31	54	2	1	10
Average Queue (ft)	53	7	12	0	0	1
95th Queue (ft)	111	26	40	2	1	8
Link Distance (ft)	573	546		1127	291	
Upstream Blk Time (%)						
Queuing Penalty (veh)						
Storage Bay Dist (ft)			175			150
Storage Blk Time (%)						
Queuing Penalty (veh)						

Network Summary

Network wide Queuing Penalty: 10

RESOLUTION

VIRGINIA CODE 15.2-2232 ACTION ON CASE NO. Z-24-0002/SUP-24-0002. BRIGHT BEGINNINGS PRE-K CENTER AT CLARA BYRD BAKER ELEMENTARY SCHOOL REZONING AND SPECIAL USE PERMIT

WHEREAS, in accordance with Section 15.2-2232 of the Code of Virginia, schools or other public facilities, whether publicly or privately owned, shall not be constructed, established, or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the Planning Commission as being substantially in accord with the adopted Comprehensive Plan or part thereof; and

WHEREAS, Williamsburg-James City County School Board (the "Owner"), owns properties located at 3175 and 3131 Ironbound Road and further identified as James City County Real Estate Tax Map Parcel Nos. 4710100057 and 4710100058 (the "Properties"), which are zoned R-8, Rural Residential and PL, Public Lands; and

WHEREAS, Ms. Holly Adams of Alpha Corporation, on behalf of the Owner, has applied for a Rezoning and Special Use Permit (SUP) to rezone 3175 Ironbound Road to PL, Public Lands, with an SUP to allow for schools, libraries, museums, and similar institutions, as shown on a plan titled "Bright Beginnings Pre-K Center Clara Byrd Baker Elementary School Conceptual Master Plan Update" and dated March 2024; and

WHEREAS, in accordance with Section 15.2-2204 of the Code of Virginia and Section 24-9 of the James City County Zoning Ordinance, a public hearing was advertised, adjacent property owners notified, and a hearing scheduled for Case No. Z-24-0002/SUP-24-0002.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, finds that the general or approximate location, character, and extent of the public facility shown in Case No. Z-24-0002/SUP-24-0002 are substantially in accord with the adopted Comprehensive Plan and applicable parts thereof.

Jack Haldeman
Vice Chair, Planning Commission

ATTEST:

Susan Istenes, Secretary

Adopted by the Planning Commission of James City County, Virginia, this 1st day of May 2024.

RZ-SUP24-2BrtBgCBB-res

Unapproved Minutes of the May 1, 2024,
Planning Commission Regular Meeting

Z-24-0002/SUP-24-0002. Bright Beginnings Pre-K Center at Clara Byrd Baker Elementary School

Mr. Ben Loppacker, Planner I stated that Ms. Holly Adams of Alpha Corporation, had applied on behalf of Williamsburg-James City County (WJCC) Public Schools to rezone approximately 1.98 acres located at 3175 Ironbound Road from R-8, Rural Residential to PL, Public Lands. Mr. Loppacker stated that Ms. Adams also applied for a corresponding Special Use Permit (SUP) to allow a 41,326-square-foot Pre-K Center at 3175 and 3131 Ironbound Road.

Mr. Loppacker stated that staff found the proposed conditions would mitigate impacts to surrounding properties and development. Mr. Loppacker further stated that staff found this proposal to be compatible with surrounding zoning and development and consistent with the 2045 Comprehensive Plan, Zoning Ordinance, and the Primary Principles for the Five Forks Area.

Mr. Loppacker stated that Section 15.2-2232 of the Code of Virginia states, in part, that no public facility be allowed unless the Planning Commission finds the location of the facility "substantially" consistent with the adopted Comprehensive Plan. Mr. Loppacker stated that staff recommends that the Planning Commission find this application consistent with the 2045 Comprehensive Plan and recommend approval of this application to the Board of Supervisors, subject to the proposed conditions.

Mr. Everson requested clarification on the traffic study and potential redistricting.

Mr. Loppacker provided clarification on the traffic study and potential redistricting.

Discussion ensued regarding the traffic patterns and parking at Clara Byrd Baker Elementary School.

Mr. Haldeman opened the Public Hearing.

Ms. Holly Adams, Alpha Corporation, 295 Bendix Road, Suite 340 Virginia Beach, VA, Applicant, gave a brief presentation to the Planning Commission.

Mr. Edward Evans Jr., Architect, 15013 Pine Vista Lane Chester, VA, gave a brief presentation to the Planning Commission.

Mr. Polster raised a question to the applicant regarding construction standards.

Mr. Evans provided clarification on the construction standards.

Discussion ensued regarding construction standards.

Mr. Daniel Keever, WJCC Schools Deputy Superintendent, 914 12th Street Newport News, VA, added clarification on the School System's commitment to incorporating energy efficient designs into the construction.

Further discussion ensued.

Mr. Polster raised a question regarding the difference in staffing between Clara Byrd Baker Elementary School and Norge Elementary School.

Mr. Keever stated that staffing is based on the needs of the students, which may vary across campuses. Mr. Keever also noted the request for increased parking accommodation at the Norge location due to the space available at the site.

Mr. Polster raised a question regarding the traffic flow at the elementary school sites.

Mr. Evans and Mr. Keever provided clarification on the proposed traffic patterns as well as possibly staggering hours of operation between the preschool and the elementary school.

Further discussion ensued regarding projected attendance and waitlists.

As no one further wished to speak, Mr. Haldeman closed the Public Hearing.

Mr. Everson made a motion to recommend approval of the application.

On a roll call vote, the Commission voted to recommend approval of Z-24-0002/SUP-24-0002. Bright Beginnings Pre-K Center at Clara Byrd Baker Elementary School. (6-0)

Mr. Polster made a motion that the Planning Commission find the application consistent with the 2045 Comprehensive Plan.

On a roll call vote, the Commission voted to find Z-24-0002/SUP-24-0002. Bright Beginnings Pre-K Center at Clara Byrd Baker Elementary School consistent with the 2045 Comprehensive Plan. (6-0)

SUMMARY FACTS

Applicant:	Ms. Holly Adams, Alpha Corporation
Landowners:	Williamsburg-James City County (WJCC) School Board James City Service Authority (JCSA)
Proposal:	Rezoning of 7311A Richmond Road from R-2, General Residential to PL, Public Lands, and a Special Use Permit (SUP) to allow a 42,000-square-foot Pre-K Center.
Locations:	7311 Richmond Road 7311A Richmond Road
Tax Map/Parcel Nos.:	2320100035 2320100035A
Project Acreage:	± 20.23 acres
Current Zoning:	R-2, General Residential (2320100035A) PL, Public Lands (2320100035)
Proposed Zoning:	PL, Public Lands
Comprehensive Plan:	Federal, State, or County Land
Primary Service Area:	Inside
Staff Contact:	Ben Loppacker, Planner

PUBLIC HEARING DATES

Planning Commission: May 1, 2024, 6:00 p.m.

Board of Supervisors: June 11, 2024, 5:00 p.m.

FACTORS FAVORABLE

1. Staff finds the proposal is consistent with *Our County, Our Shared Future: James City County 2045 Comprehensive Plan*.

2. With the proposed conditions, the proposal is compatible with surrounding zoning and development.

3. The proposal passes the Traffic Impact Analysis (TIA) Submittal Requirements Policy Test.

4. Impacts: Please see Impact Analysis on Pages 4-6.

FACTORS UNFAVORABLE

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

SUMMARY STAFF RECOMMENDATION

Staff recommends that the Board of Supervisors approve the subject Rezoning and SUP applications, subject to the proposed conditions.

PLANNING COMMISSION RECOMMENDATION

At its May 1, 2024, meeting, the Planning Commission voted to recommend approval of this application by a vote of 6-0. The Planning Commission also approved, by a vote of 6-0, a resolution to find the

proposal consistent with the Comprehensive Plan in accordance with Section 15.2-2232 of the Code of Virginia (Attachment No. 8).

PROPOSED CHANGES MADE SINCE THE PLANNING COMMISSION MEETING

There have been no changes made since the Planning Commission meeting on May 1, 2024.

PROJECT DESCRIPTION

Ms. Holly Adams of Alpha Corporation, on behalf of WJCC Public Schools, has submitted a request to rezone approximately 0.23 acres located at 7311A Richmond Road from R-2, General Residential to PL, Public Lands. This property is currently owned by JCSA and originally served as a well facility prior to Norge Elementary School existing. WJCC Public Schools and JCSA are currently in talks about conveying this small parcel of land to WJCC Public Schools and consolidating the property into the school property. Ms. Adams has also applied for a corresponding SUP to allow the use of schools, libraries, museums, and similar institutions for a 42,000-square-foot standalone Pre-K school at 7311 and 7311A Richmond Road that would provide a new 252-student center for ages 2-5, including classrooms, meeting rooms, offices, multipurpose space, indoor and outdoor play areas, and administrative space.

PUBLIC IMPACTS

The scale of this proposal requires the submittal of a TIA. The TIA examines the existing conditions of vehicular traffic, including Level of Service (LOS), with a focus on the roads and intersections serving and impacted by the proposed development.

All Rezoning and SUP applications are subject to the adequate transportation facilities test. A proposed Rezoning or SUP application will be tested for adequate transportation facilities. A proposed Rezoning or SUP application will pass the test if:

- No off-site improvements are required by the TIA that is approved by both the Planning Director and the Virginia Department of Transportation (VDOT); or

- All off-site improvements recommended by a TIA that are approved by both the Planning Director and VDOT are guaranteed in a form approved by the Planning Director and the County Attorney.

The TIA (Attachment No. 6) analyzed the AM peak hour traffic estimating that the new Pre-K Center will generate 253 AM peak hour trips entering the site and 247 AM peak hour trips exiting the site. This represents a net increase of 82 AM peak hour trips entering the site and 80 AM peak hour trips exiting the site. The following intersections were studied:

Richmond Road and Existing School Driveway

The Richmond Road and Existing School Driveway intersection currently operates at an overall LOS B with some individual through or turning movements operating at LOS D or E. With the proposed development, the LOS overall would maintain LOS B, which is still considered to be an acceptable LOS. The through movements on Richmond Road remain LOS A; however, similar to existing conditions, most turning movements are projected to operate at LOS B or C.

Richmond Road and Hitchens Lane

The Richmond Road at Hitchens Lane intersection currently has all turning movements operating at a LOS B or higher. After build-out, all turning movements would operate at LOS C or higher.

Based on the results of the TIA, the study concluded that all studied intersections would operate with acceptable queueing and delay with no improvements warranted or recommended. While the TIA studied the possible connection from the adjacent Walnut Farm subdivision via Hitchens Lane and made recommendations for improvements should that occur, the proposed layout on the Master Plan does not show this connection, and therefore those recommendations of improvements are not warranted. Per the staff recommended conditions, no connection to Hitchens Lane is shown on the Master Plan and is not proposed to be allowed (Condition No. 4). Should a connection to Hitchens Lane be proposed in the future, an SUP amendment and updated Master Plan would be required.

Staff finds that no off-site improvements are required by the TIA and both VDOT and the Planning Director have reviewed and approved the traffic study.

Richmond Road Corridor LOS - AM Peak Hour	2023 Existing Conditions	Projected 2025 ("No-Build")	Projected 2025 with Bright Beginnings ("Build with Redistricting")	Projected 2025 with Bright Beginnings (Build with No Redistricting")
	LOS	LOS	LOS	LOS
School Driveway	B	B	B	B
Hitchens Lane	B	B	C	C

PLANNING AND ZONING HISTORY

- Norge Elementary School did not require an SUP when it was opened in 1967; however, when the property was rezoned to Public Lands in 2006, it required an SUP for schools and similar institutions.
- In 2015, SUP-0031-2005 was approved for a 2,000-square-foot addition to the existing school cafeteria, as well as bringing the existing school use into conformance with the Zoning Ordinance.
- SUPs for additional classrooms in trailers and learning cottages were approved on the Norge Elementary School property in 1988, 1990, 1991, 1993, 1994, 2005, 2008, and 2021.

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 District	Single-family Residential and Commercial	Low Density Residential
SOUTH	R-2, General Residential District, LB, Limited Business District, B-1, General Business District	Single-family Residential and Commercial	Low Density Residential and Neighborhood Commercial
EAST	B-1, General Business District, R-2, General Residential District, A-1 General Agricultural District	Single-family Residential and Commercial	Low Density Residential and Economic Opportunity
WEST	R-2, General Residential District	Single-family Residential	Low Density Residential

Impacts/Potentially Unfavorable Conditions	**Status** *(No Mitigation Required/Mitigated/Not Fully Mitigated)*	**Considerations/Proposed Mitigation of Potentially Unfavorable Conditions**
Public Transportation: Vehicular	No Mitigation Required	- The new development would take access from Richmond Road via a shared intersection with the adjacent existing Norge Elementary School. As discussed in the staff report, a traffic study has been conducted and found that no off-site improvements are required with Richmond Road as the only access point to the property. - The application passes the County's Adequate Transportation Facilities Test. - VDOT has reviewed and approved the traffic study.
Public Transportation: Bicycle/Pedestrian	Mitigated	- Per the Pedestrian Accommodation's Master Plan, a sidewalk is required to be maintained along the south side of Richmond Road. The adopted Regional Bikeways Master Plan specifies bike lanes along Richmond Road. The site is located within the Norge Community Character Area (CCA) Sidewalk Inclusion Zone and sidewalks shall be constructed on the north or east side of internal roads. All improvements are required to be constructed at the construction plan stage.
Public Safety	No Mitigation Required	- Fire Station 1 on Forge Road serves this area of the County, approximately 2.7 miles from the proposed development. - Staff finds this project does not generate impacts that require mitigation to the County's Fire Department facilities or services.
Public Schools	Mitigated	- The proposal would accommodate existing and future Bright Beginnings students in a dedicated building. Currently, the Bright Beginnings program is split amongst multiple elementary schools across the County; however, this proposal would consolidate the Bright Beginnings program, opening classroom space at existing elementary schools.
Public Parks and Recreation	No Mitigation Required	- The proposal does not generate impacts that require mitigation to the County's parks and recreation services or facilities.
Public Libraries and Cultural Centers	No Mitigation Required	- Staff finds this project does not generate impacts that require mitigation.

Impacts/Potentially Unfavorable Conditions	**Status** *(No Mitigation Required/Mitigated/Not Fully Mitigated)*	**Considerations/Proposed Mitigation of Potentially Unfavorable Conditions**
Groundwater and Drinking Water Resources	Mitigated	- The property is served by public water and sewer. - JCSA has reviewed the proposal and noted items that will need to be addressed at the development stage.
Watersheds, Streams, and Reservoirs Project is located in the Yarmouth Creek Watershed.	Mitigated	- This project will need to demonstrate full compliance with environmental regulations at the development plan stage and evidence that the development will not negatively affect the existing off-site facilities. - Stormwater and Resource Protection Division reviewed and approved the application with proposed SUP Condition Nos. 6 and 7 regarding the use of Special Stormwater Criteria, and wet and dry pond fencing.
Cultural/Historic	No Mitigation Required	- The Bright Beginnings Pre-K Center site has been previously disturbed and is located in a moderate sensitivity area, which does not require a Phase 1A Archaeological Study per Section 24-23 of the Zoning Ordinance.
Nearby and Surrounding Properties	Mitigated	- Staff finds that this proposal is generally consistent with the character of the existing surrounding development, which is generally commercial and residential in nature. - Proposed SUP Condition No. 5 addresses the requirement for proper screening of dumpsters and roof and ground-mounted HVAC and mechanical units from adjacent properties and right-of-way.
Community Character The project is located along the Richmond Road Community Character Corridor (CCC) and the Norge CCA.	Mitigated	- The Comprehensive Plan designates Richmond Road as a CCC. Richmond Road is characterized as an "Urban and Suburban" CCC. Urban and Suburban CCCs have high to moderate traffic, commercial, and some residential uses. The predominant visual character of these areas should be the built environment and the natural landscape, with parking and other auto-related areas as a secondary component. - This parcel also falls within the Norge CCA and the Sidewalk Inclusion Zone. - Pedestrian accommodations shall be maintained along Richmond Road, as well as internal to the site.

Impacts/Potentially Unfavorable Conditions	**Status** *(No Mitigation Required/Mitigated/Not Fully Mitigated)*	**Considerations/Proposed Mitigation of Potentially Unfavorable Conditions**
		- The proposed structure maintains side and rear yard buffers and the location of the proposed structure behind the existing Norge Elementary School screens the structure from Richmond Road.
Covenants and Restrictions	No Mitigation Required	- The applicant has verified that she is not aware of any covenants or restrictions on the property that prohibit the proposed use.

COMPREHENSIVE PLAN

The site is designated Federal, State, or County Land on the Comprehensive Plan Land Use Map.

- Lands designated Federal, State, or County Land are publicly owned lands, such as Eastern State Hospital, military installations, County offices and facilities, and larger utility sites such as the Hampton Roads Sanitation District Treatment Plant. Development in these areas should follow applicable development standards listed in the charts.

  Staff finds that this project is consistent with the Comprehensive Plan, which lists County offices and facilities as a recommended use in areas designated Federal, State, or County Land.

The property is located along the Richmond Road CCC, an Urban/Suburban CCC.

- Characterized as having high to moderate traffic, commercial uses, and some residential uses.

- Predominant visual character should be the built environment and natural landscape.

- Buffer treatments should incorporate existing and new vegetation, berms, and other desirable design features to complement and enhance the visual quality of the corridor.

- Vehicle-related activities such as parking lots, deliveries, and outdoor operations should be screened.

  Staff finds this proposal satisfies the requirements in the Comprehensive Plan for Urban/Suburban CCCs through preservation of existing buffering and screening of vehicle-related activities from adjacent properties and right-of-way.

The property is also located within the Norge CCA.

- The office, warehouse, or commercial uses should be compatible with the adjacent residential development in terms of size, scale, and architecture. The architecture should also complement historic structures in Norge. These areas should be designed and developed under a unified development plan or multiple coordinated development plans which emphasize shared access and parking, consistent treatment for landscaping and architecture, and the preservation of environmental and cultural resources. The intensity of development should be conditioned on the provision of sufficient buffering and screening to protect adjacent residential development, and traffic, noise, light, odor, and other impacts should be assessed and mitigated. Internal streets and sidewalks should be connected to adjacent properties to the extent possible.

  Staff finds the proposed project to be consistent with the elements of the Comprehensive Plan noted above through preservation of buffering on the property to mitigate traffic, noise, light, odor, and other impacts from adjacent properties.

FINDING OF CONSISTENCY

Section 15.2-2232 of the Code of Virginia states, in part, that no public facility may be constructed, established, or authorized unless and until the Planning Commission, unless overruled by the Board of Supervisors, finds the location, character, and extent of the facility "substantially" in accord with the Comprehensive Plan. As previously stated, in the *Our County, Our Shared Future: James City County 2045 Comprehensive Plan* Land Use Map, Bright Beginnings Pre-K

Center at Norge Elementary School is designated as Federal, State, or County Land. Also, staff finds this proposal consistent with the Comprehensive Plan since the Bright Beginnings Pre-K Center at Norge Elementary School will serve County students and because it is a public facility. At its May 1, 2024, meeting, the Planning Commission approved, by a vote of 6-0, a resolution to find the proposal consistent with the Comprehensive Plan in accordance with Section 15.2-2232 of the Code of Virginia.

STAFF RECOMMENDATION

Staff recommends that the Board of Supervisors approve this rezoning and SUP application, subject to the proposed conditions.

BL/md
RZ-SUP24-3BrtBegNES

Attachments:
1. Ordinance
2. Resolution
3. Location Map
4. Master Plan
5. Building Elevations
6. Community Impact Statement
7. Traffic Impact Analysis Resolution
8. Signed Resolution for Consistency with the Adopted Comprehensive Plan
9. Unapproved Minutes from the May 1, 2024, Planning Commission Meeting

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE ZONING DISTRICT MAPS OF JAMES CITY COUNTY, VIRGINIA, TO REZONE APPROXIMATELY 0.23 ACRES LOCATED AT 7311A RICHMOND ROAD (JAMES CITY COUNTY REAL ESTATE TAX MAP NO. 2320100035A), FROM R-2, GENERAL RESIDENTIAL TO PL, PUBLIC LANDS.

WHEREAS, Ms. Holly Adams, of Alpha Corporation, on behalf of Williamsburg-James City County Public Schools, has applied to rezone approximately 0.23 acres as described above; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. Z-24-0003; and

WHEREAS, the Planning Commission of James City County, Virginia, following its consideration on May 1, 2024, recommended approval of Case No. Z-24-0003 by a vote of 6-0; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds Case No. Z-24-0003 to be required by public necessity, convenience, general welfare, and good zoning practice.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that Case No. Z-24-0003 is hereby approved as described therein.

_____
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 11th day of June, 2024.

RZ-SUP24-3BrtBegNES-ord

R E S O L U T I O N

CASE NO. SUP-24-0003. BRIGHT BEGINNINGS PRE-K CENTER AT NORGE ELEMENTARY

SCHOOL REZONING AND SPECIAL USE PERMIT

WHEREAS, the Board of Supervisors of James City County, Virginia, has adopted by Ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, Ms. Holly Adams of Alpha Corporation, has applied on behalf of Williamsburg-James City County Public Schools, for an SUP on properties located at 7311 and 7311A Richmond Road and further identified as James City County Real Estate Tax Map Parcel Nos. 2320100035 and 2320100035A (collectively the "Property"); and

WHEREAS, the requested SUP on the Property would allow the use of schools, libraries, museums, and similar institutions, in an approximately 42,000-square-foot standalone Pre-K school; and

WHEREAS, the Planning Commission, following its public hearing on May 1, 2024, recommended approval of Case No. SUP-24-0003 by a vote of 6-0; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-24-0003; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with good zoning practices and the Comprehensive Plan Land Use Map designation for the Property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after consideration of the factors in Section 24-9 of the James City County Code, does hereby approve the issuance of Case No. SUP-24-0003 as described herein with the following conditions:

1. *Master Plan.* This Special Use Permit ("SUP") shall apply to property consisting of parcels located at 7311 Richmond Road and 7311A Richmond Road and further identified as James City County Real Estate Tax Map Parcel Nos. 2320100035 and 2320100035A, respectively (together, the "Property"). The SUP shall be valid for the operation of a 42,000-square-foot Pre-K Center (the "Project"). All final development plans for the Project shall be consistent with the Master Plan entitled "Bright Beginnings Pre-K Center Norge Elementary School Conceptual Master Plan Update" prepared by Alpha Corporation and dated March 2024 (the "Master Plan"), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.

2. *Architectural Review*. The design and materials of the Project shall be consistent with the elevations titled "Pre-K Center at Norge ES Exterior Elevations" dated April 1, 2024 (the "Elevations") and submitted with Z-24-0003/SUP-24-0003, as determined by the Director of Planning. Prior to final site plan approval, all architectural elevations, building materials, colors, signage, site lighting, and hardscapes shall be submitted to the Director of Planning for the Director of Planning's approval for consistency with the Elevations.

3. *Lighting*. All new exterior light fixtures on the Property, including new building lighting, shall have recessed fixtures with no lens, bulb, or globe extending below the casing. All new light poles shall not exceed 20 feet in height from finished grade. No light trespass, defined as 0.1-foot-candle or higher shall extend across any property line. A lighting plan shall be approved by the Director of Planning or designee prior to final site plan approval.

4. *Ingress and Egress*. No ingress/egress point shall be constructed from Hitchens Lane to the Property.

5. *Screening of Site Features*. All dumpsters and roof and ground-mounted HVAC and mechanical units located on the Property shall be screened by an enclosure composed of masonry, closed-cell PVC, prefinished metal, or cementitious panels, in detail and colors to blend with adjacent building materials. Such features and enclosures shall be shown on the site plan and shall be reviewed and approved by the Director of Planning or designee for consistency with this condition prior to final site plan approval.

6. *Special Stormwater Criteria*.

    a. The application of Special Stormwater Criteria ("SSC") practices is required for the Project and shall be shown on the site plan. The number of practices required shall be per Table SSC-1 of the Stormwater Resource Protection Division's form entitled, "Stormwater-Special Criteria SSC in James City County, Virginia". Practices to be used for the Project shall be approved by the Director of Stormwater and Resource Protection Division.

    b. If permeable pavement is used on the Project, it must be counted toward needed SSC credit and not as part of a Virginia Runoff Reduction Method treatment train. Permeable pavement, if used, may only be applied to parking stalls.

7. *Pond Fencing*. Any wet or extended detention dry ponds included on the site plan will be completely surrounded by a fence that shall be black or of a neutral color and shall be between four feet and five feet in height with adequate gated width for vehicular access to the pond for maintenance. The fencing must be of such a material and installed in such a manner as to prevent unauthorized entry into the pond area. If chain-link fencing is used, it shall be black in color.

8. *Commencement for Construction*. If construction has not commenced on the Project within 36 months from the issuance of the SUP, the SUP shall become void. Construction shall be defined as (i) obtaining permits for building construction, and (ii) installation of footings and/or foundations.

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

_____
Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

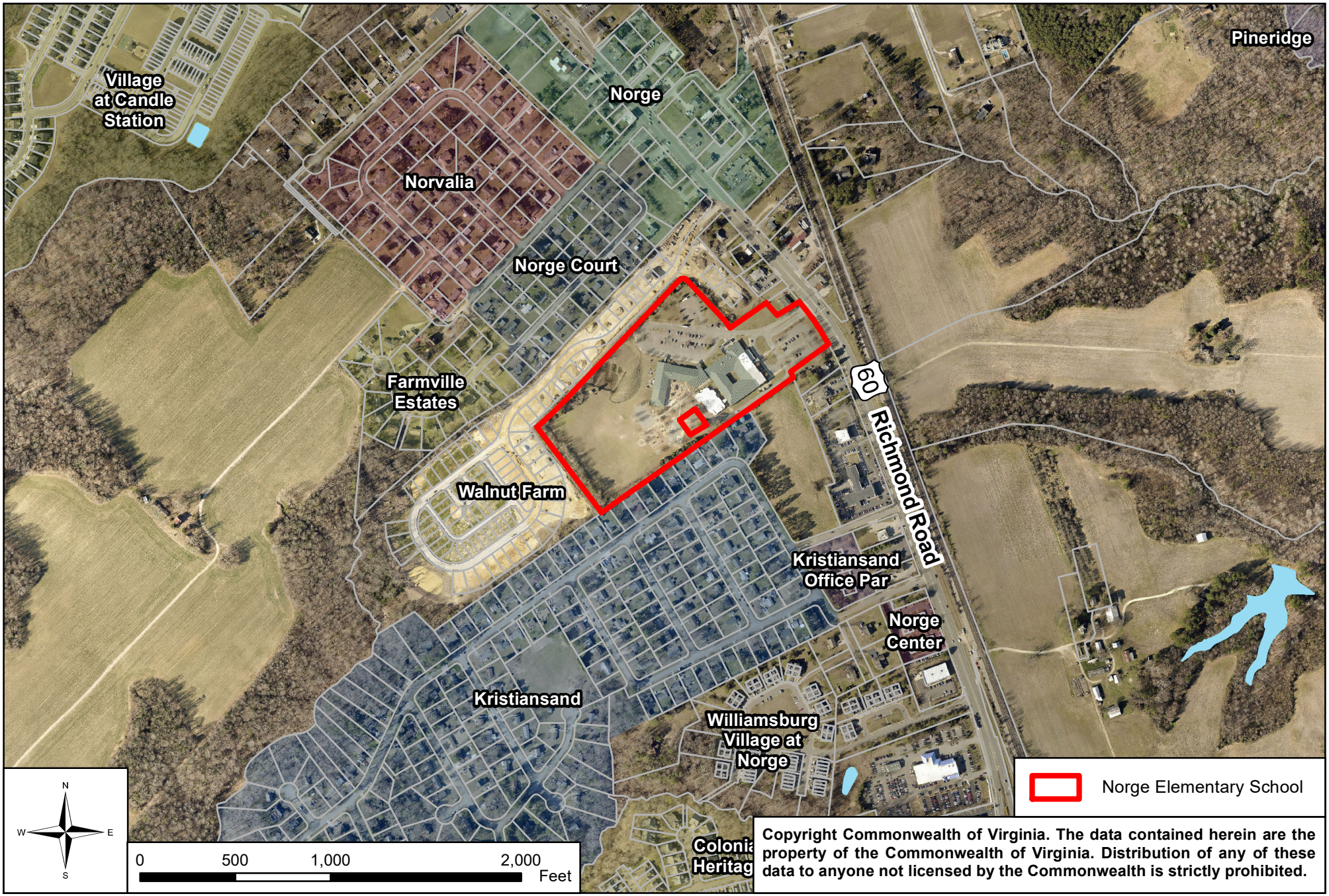
_____
Teresa J. Saeed
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of June, 2024.

RZ-SUP24-3BrtBegNES-res

JCC SUP-24-0003/Z-24-0003
Bright Beginnings Pre-K Center at Norge



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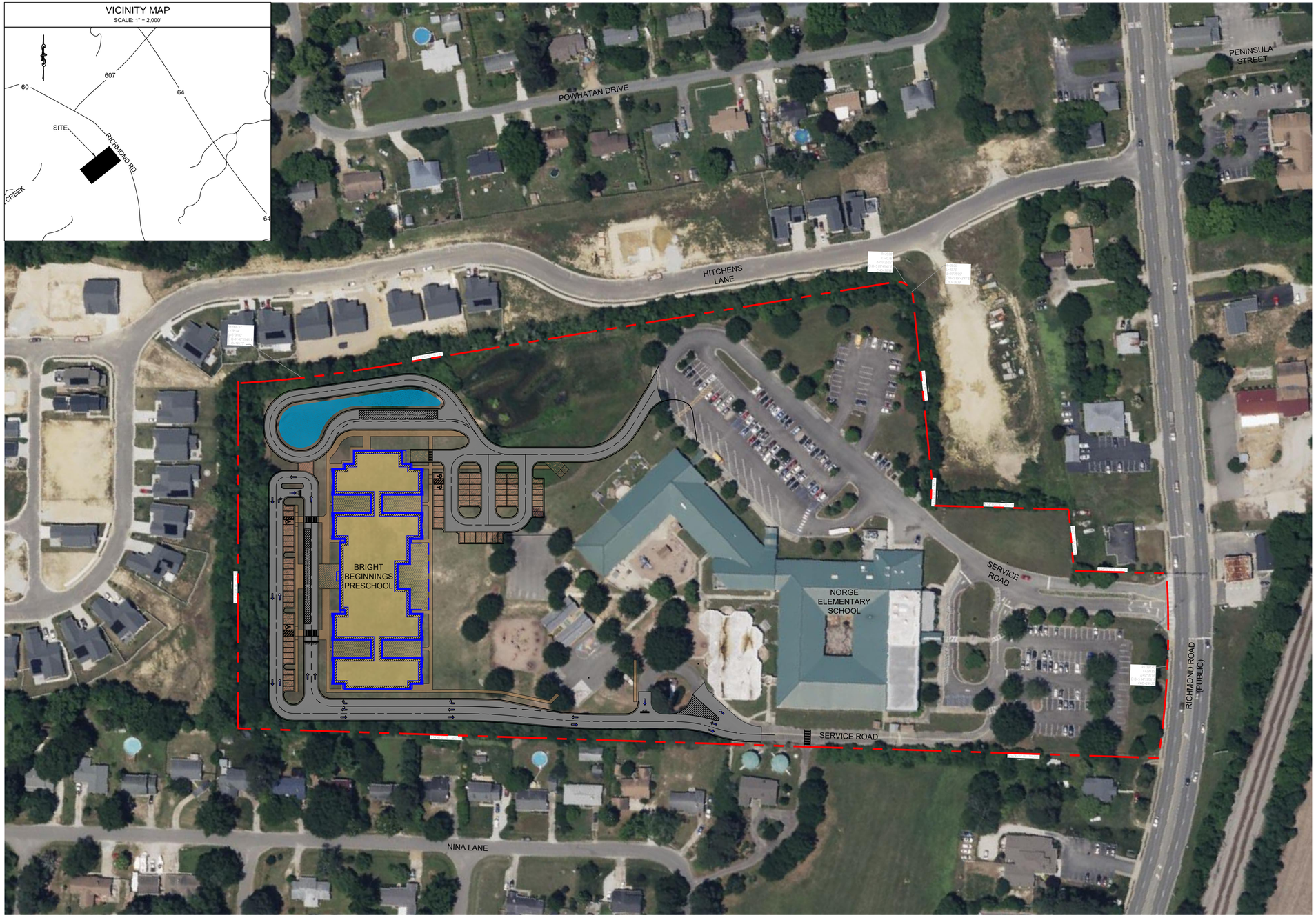


SITE DATA

LEGAL REFERENCE	
OWNER	WILLIAMSBURG JCC PUBLIC SCHOOLS
TAX PARCEL	2320100035
ADDRESS	7311 RICHMOND RD. WILLIAMSBURG, VA 23188
PARCEL AREA	871,988 SF / 20.0181 AC
ZONING	
EXISTING	PUBLIC LANDS SUP
PROPOSED	PUBLIC LANDS SUP
CORRIDORS	RICHMOND RD COMMUNICTY CHARACTER NORGE COMMUNITY CHARACTER
USE	
EXISTING	PUBLIC SCHOOL
PROPOSED	PUBLIC SCHOOL
SETBACKS	
FRONT	50 FT
SIDE	15 FT
REAR	15 FT
BUILDING	15 FT FROM PERIMETER LANDSCAPE BUFFER
LAND USE SUMMARY	
EXISTING IMPERVIOUS AREA	
BUILDING	103,559 SF / 2.38 AC / 11.88 %
OTHER	296,041 SF / 6.80 AC / 33.95 %
TOTAL	399,600 SF / 9.17 AC / 45.83 %
PROPOSED IMPERVIOUS AREA	
BUILDING	145,559 SF / 3.34 AC / 16.69 %
ENCLOSED PLAY YARD	11,472 SF / 0.26 AC / 1.32 %
OTHER	409,419 SF / 9.40 AC / 46.95 %
TOTAL	566,450 SF / 13.00 AC / 64.96 %
OPEN SPACE AREA	
EXISTING	472,388 SF / 10.84 AC / 54.17 %
PROPOSED	305,538 SF / 7.01 AC / 35.04 %
UTILITIES	
WATER	PUBLIC
SEWER	PUBLIC
SCHOOL CAMPUS SUMMARY	
EXISTING STUDENTS	680 (K-5 = 575, PRE-K = 105)
PROPOSED STUDENTS	827 (K-5 = 575, PRE-K = 252)
PARKING SUMMARY	
EXISTING	
PARKING	237, INCLUDING 8 ACCESSIBLE
BUS	14
PROPOSED	
PARKING	314, INCLUDING 12 ACCESSIBLE
BUS	21

GENERAL NOTES

1. THE PURPOSE OF THIS REQUEST IS TO PROVIDE A NEW 252-STUDENT PRESCHOOL CENTER AT THE EXISTING SCHOOL SITE.
2. THIS CONCEPTUAL PLAN IS A GRAPHIC REPRESENTATION SHOWING APPROXIMATE BUILDING SIZES, ROADWAYS, PARKING, AND OTHER KEY SITE DESIGN ELEMENTS TO SHOW THE INTENT OF THIS PROJECT.
3. HATCHING SHOWN IS FOR GENERAL INFORMATIONAL PURPOSES.
4. BUILDING FOOTPRINTS SHOWN ARE WITH RESPECT TO OUTER WALL LINES.
5. DIMENSIONS SHOWN ARE FROM FACE OF CURB, EDGE OF PAVEMENT, OR FACE OF STRUCTURE UNLESS OTHERWISE NOTED.
6. ALL BUILDING ENTRANCES, SIDEWALKS, CURB RAMPS, RAMPS AND ACCESSIBLE PARKING SPACES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CURRENT ADAA AND ABAA GUIDELINES AS THEY PERTAIN TO THE REQUIRED GRADES, CONSTRUCTION MATERIALS, SPECIFICATIONS, AND SIGNAGE.
7. ALL ROADWAY AND PARKING STRIPING AND SIGNAGE SHALL BE IN ACCORDANCE WITH THE LATEST MUTCD.
8. ALL NEW ELECTRICAL, COMMUNICATIONS, AND GAS ALIGNMENTS, INCLUDING LOCATIONS FOR ACCESS/MANHOLES, SHALL BE COORDINATED WITH ALL FRANCHISE UTILITY PROVIDERS.
9. STORMWATER MANAGEMENT, INCLUDING LOW IMPACT DEVELOPMENT (LID) FEATURES SUCH AS BIORETENTION AND PERMEABLE PAVERS, WILL BE IMPLEMENTED AS FEASIBLE TO ENSURE THE REQUIREMENTS OF THE VIRGINIA NPDES STORMWATER PROGRAM AND ALL OTHER LOCAL AND STATE REGULATIONS ARE MET.
10. WHERE EXISTING SOILS DO NOT MEET MINIMUM INFILTRATION RATES FOR THE USE OF SELECTED INFILTRATION FEATURES, SOIL MATERIAL IS EXPECTED TO BE REMOVED AND REPLACED WITH SUITABLE MATERIAL TO SUPPORT THE MINIMUM DESIGN INFILTRATION RATES IN CONJUNCTION WITH UNDERDRAIN SYSTEMS WHERE NECESSASRY.
11. STORMWATER DETENTION SYSTEMS UNDER ROADWAYS AND PARKING LOTS ARE ANTICIPATED.

ALPHA CORPORATION
295 BENDIX ROAD, SUITE 340
VIRGINIA BEACH, VA 23452
(757) 533-9368
www.alphacorporation.com

BRIGHT BEGINNINGS PRE-K CENTER

NORGE ELEMENTARY SCHOOL

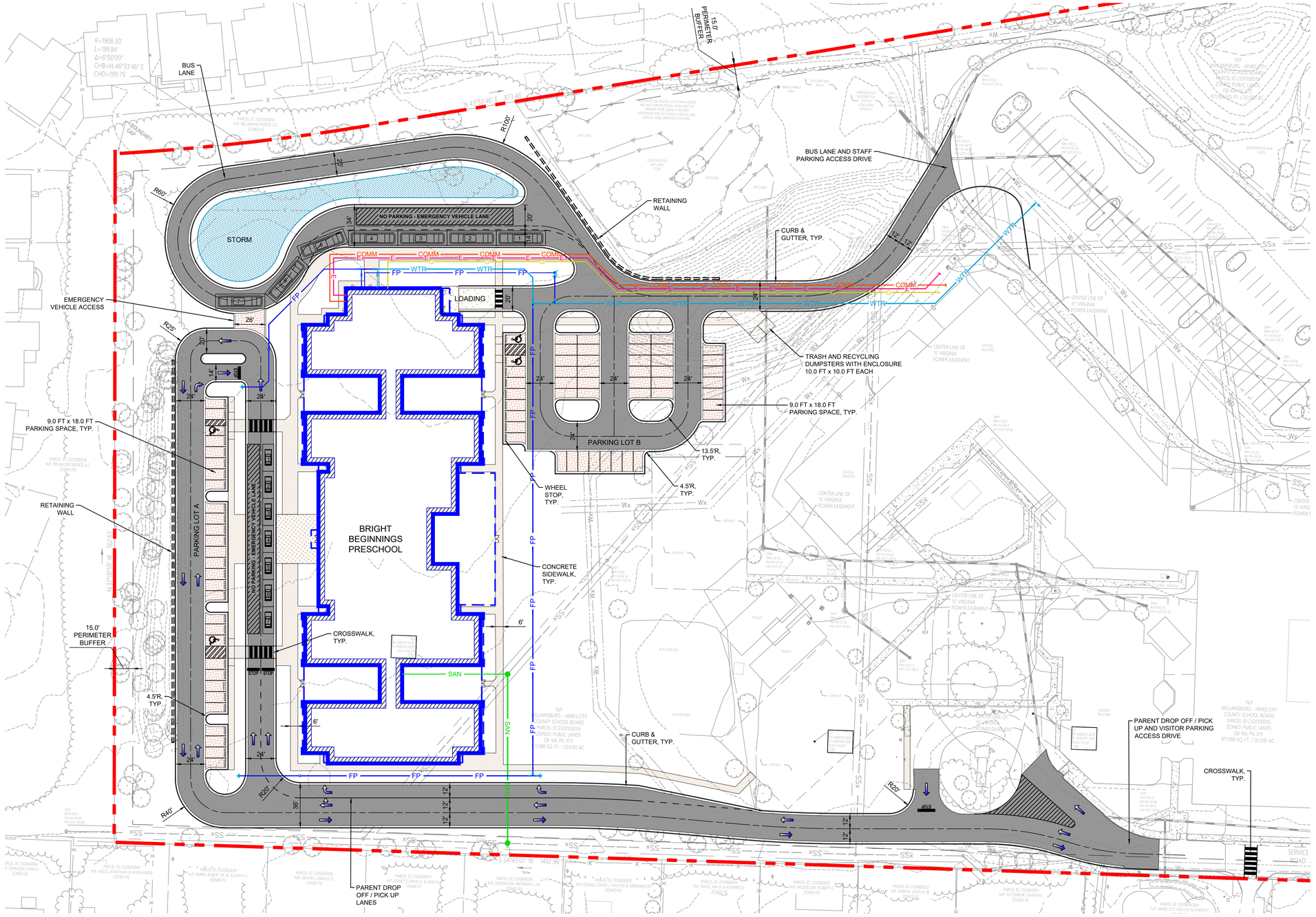
WILLIAMSBURG JAMES CITY COUNTY

CONCEPTUAL MASTER PLAN UPDATE

REV. MARCH 2024

0 80 160 240

GRAPHIC SCALE IN FEET



PROJECT INFORMATION

LEGAL REFERENCE	
TAX PARCEL	2320100035
ADDRESS	7311 RICHMOND RD. WILLIAMSBURG, VA 23188
PROJECT AREA SUMMARY	
DISTURBED AREA	
WETLANDS	0.34 AC
SURFACE WATERS	0.00 AC
UPLAND AREA	7.66 AC +/-
TOTAL	8.00 AC +/-
FIRM MAP	51095C0107D, 12/16/15
FLOOD ZONE	X
FLOOD ELEVATION	N/A
WATERSHED	YARMOUTH CREEK
STORMWATER MANAGEMENT	LOW IMPACT DEVELOPMENT (LID)
BUILDING SUMMARY	
NO. STORIES	1
MAX. HEIGHT	25' - 7 3/8"
CONSTRUCTION TYPE	II-B
FOOTPRINT	42,000 SF
F.F.E.	103.00 +/-
DESCRIPTION	PUBLIC PRESCHOOL
PARKING SUMMARY	
STAFF PARKING	48, INCLUDING 2 ACCESSIBLE
VISITOR PARKING	29, INCLUDING 2 ACCESSIBLE
TOTAL PARKING	77, INCLUDING 4 ACCESSIBLE
BUS LOOP QUEUE	675 LF
PARENT DROP OFF QUEUE	640 LF

LEGEND

- PROPERTY LINE
- PERIMETER BUFFER
- CENTERLINE ROAD/ AISLE
- ASPHALT PAVEMENT
- CONCRETE PAVEMENT
- CONCRETE SIDEWALK
- DECORATIVE CONCRETE
- PERMEABLE PAVERS
- STORMWATER MANAGEMENT
- WTR — DOMESTIC WATER
- FP — FIRE SERVICE
- SAN — SANITARY SEWER
- G — GAS
- E — ELECTRIC
- COMM — COMMUNICATIONS
- STORM

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BRIGHT BEGINNINGS PRE-K CENTER

NORGE ELEMENTARY SCHOOL

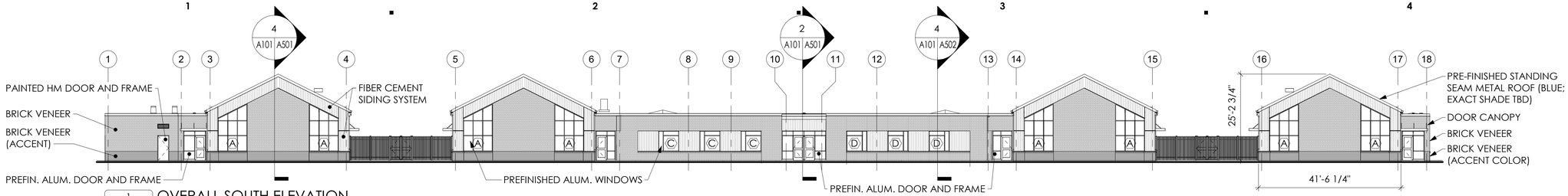
WILLIAMSBURG JAMES CITY COUNTY

CONCEPTUAL PRESCHOOL ADDITION

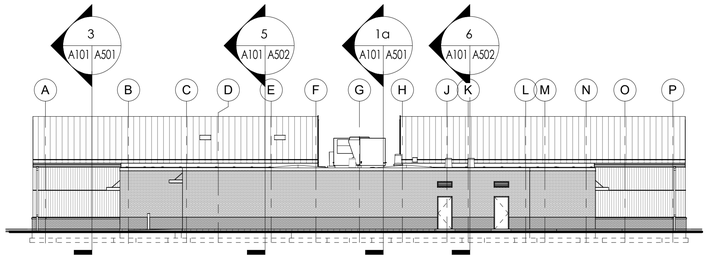
REV. MARCH 2024

0 40 80 120

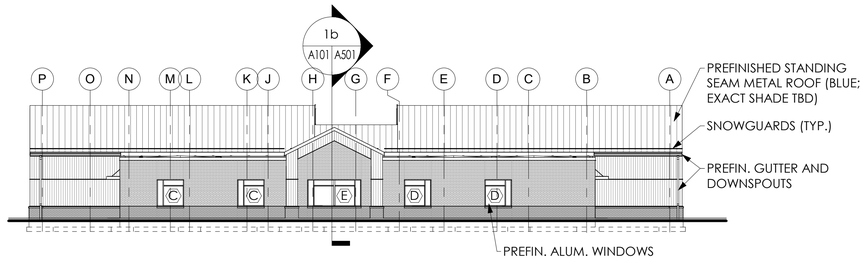
GRAPHIC SCALE IN FEET



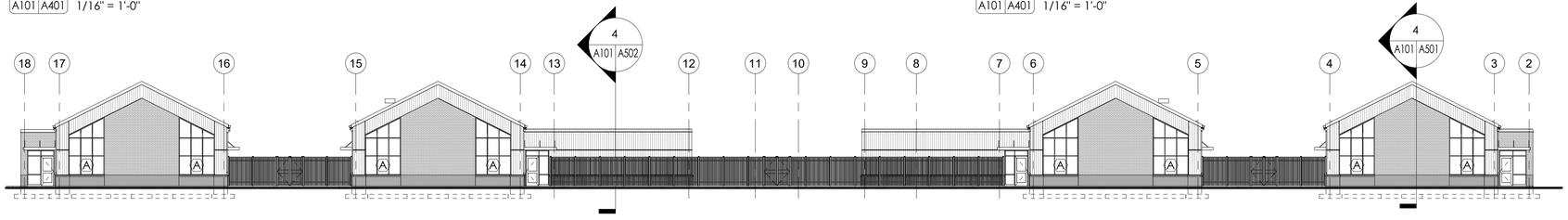
1 OVERALL SOUTH ELEVATION
A101 A401 1/16" = 1'-0"



2 OVERALL WEST ELEVATION
A101 A401 1/16" = 1'-0"



3 OVERALL EAST ELEVATION
A101 A401 1/16" = 1'-0"



4 OVERALL NORTH ELEVATION
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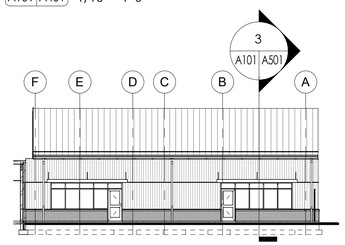
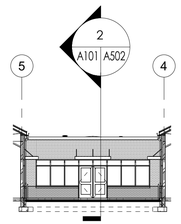


PARTIAL EAST ELEVATION - PLAY AREA A1
5 A101 A401 1/16" = 1'-0"



PARTIAL NORTH ELEVATION - PLAY AREA A1
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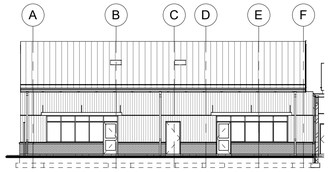
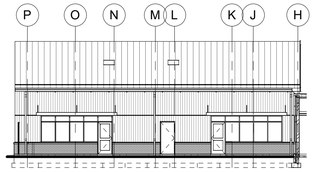


PARTIAL WEST ELEVATION - PLAY AREA A1
7 A101 A401 1/16" = 1'-0"



PARTIAL EAST ELEVATION - PLAY AREA A2
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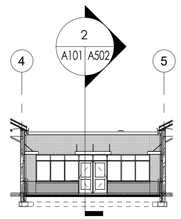

PARTIAL SOUTH ELEVATION - PLAY AREA A2
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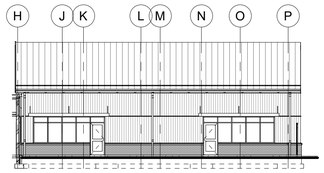

PARTIAL WEST ELEVATION - PLAY AREA A2
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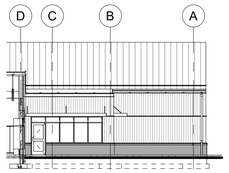
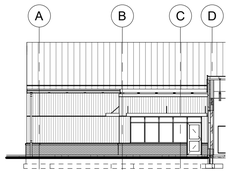
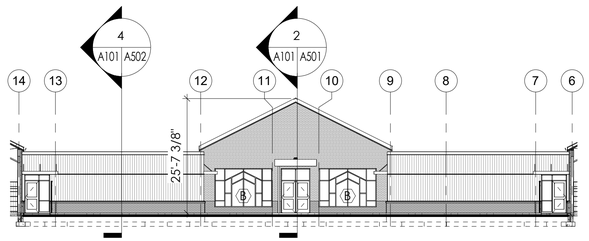


PARTIAL EAST ELEVATION - PLAY AREA B1
11 A101 A401 1/16" = 1'-0"



PARTIAL WEST ELEVATION - PLAY AREA B1
12 A101 A401 1/16" = 1'-0"



PARTIAL NORTH ELEVATION - PLAY AREA B1
13 A101 A401 1/16" = 1'-0"

NOTE: FENCING NOT SHOWN, FOR CLARITY.

GRAPHIC SCALE 0' 4' 8' 16'
SCALE: 1/8" = 1'-0"

DISCLAIMER: GRAPHIC INFORMATION IN DRAWING MAY NOT NECESSARILY BE TO SCALE. USE DIMENSIONAL TEXT FOR ACCURACY. DO NOT SCALE.

WILLIAMSBURG JAMES CITY COUNTY PUBLIC SCHOOLS

Williamsburg James City County Public Schools

Pre-K Center at Norge ES

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Drawn By:	Author
Issue Date:	April 1, 2024
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BJUA Project No.:	23001.00
SDE No.:	131-07-00-100
Sheet No.:	A401

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March 20, 2024

Bright Beginnings Pre-K Center
Norge Elementary School
Civil Design Narrative – Special Use Permit Application
Williamsburg James City County, Virginia

1.0 Project Summary

The intent of this narrative is to identify key civil engineering design standards that will be used throughout the project design process. The information presented in this narrative is preliminary and based on the Special Use Permit Design Documents. This narrative will be refined as the project design progresses.

1.1 Project Description

The purpose of this project is to provide a new 252-student preschool center at the existing Norge Elementary School site. The project site is located at 7311 Richmond Road, Williamsburg, Virginia.

The one-story stand-alone building will be approximately 42,000 sf and include classrooms, restrooms, meeting rooms, offices, multipurpose space, indoor and outdoor play areas, and administrative space for students ages 2-5. Supporting facilities include site development, visitor parking lot, parent drop off/pick up lanes, staff parking lot, bus lanes, retaining walls, sidewalks, utilities, lighting, landscaping, green spaces, storm drainage, and stormwater management.

Approximately 8.0 acres will be disturbed for this work.

1.2 Site Layout

The preschool building has been placed as far to the rear of the school site as possible while maintaining the perimeter buffers and limiting perimeter grading to maximum the open space between the schools.

The site supports 252 preschool students along with 86 staff. Separate access roads have been provided to separate parents and visitors from buses and staff.

Convenient and safe pedestrian access will be provided throughout the project site to facilitate pedestrian access and accessibility between buildings, bus lanes, parent drop off lanes, and parking areas. Crosswalks will be provided where possible to promote designated pedestrian paths to make pedestrians more visible to motorists and increase driver recognition when crossing lanes of traffic.

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All building entrances, sidewalks, curb ramps, ramps, and accessible parking spaces will be constructed in accordance with the current ADAA and ABAA guidelines as they pertain to the required grades, construction materials, specifications, and signage.

2.0 Existing Site Conditions

A topographic survey has been provided by Vanasse Hangen Brustlin, Inc. (VHB), sealed January 18, 2024.

The existing topography is relatively flat with typical elevations ranging from 95.0 to 103.0. The perimeter of the project area contains dense woods. An existing fenced stormwater management facility is located to the north of the project area where the majority of the existing school site runoff is transported and treated. A berm approximately 18.0 feet in height is located just south of the stormwater management facility. Additionally, a smaller berm approximately 5.0 feet in height is located along the western perimeter. The remainder of the site is open turf grass with minor development including a picnic shelter, score board, play areas, and other miscellaneous items. Utilities and utility easements run throughout the site in the area of the project.

3.0 Grading and Drainage Impact Statement

The site will be graded to promote positive drainage away from the proposed building and the proposed grade surrounding the building is to slope away from the finished floor. The grade elevations immediately adjacent to the building in areas without patios or walkways will be a minimum of 6.0 to 8.0-inches below the finished floor elevations and slope away from the building at a minimum of 5.0% over ten (10.0) feet.

Slopes across the parking lots are expected to vary from 1.0%-3.0%, except at ADA accessible parking areas and crosswalks which will not exceed 2.0% slopes. Areas of permeable pavers will also not exceed 2.0% slopes to promote infiltration.

Several retaining walls extending 3.0 – 4.0 feet in height may be needed throughout the site in order to maximum the development while minimizing disturbance to existing surrounding features, including roads, stormwater management facilities, and perimeter buffers.

On-site stormwater drainage collection systems will be designed to convey runoff from the design storm event to stormwater management facilities that will maintain, to the maximum extent technically feasible, the predevelopment hydrology of the project areas.

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4.0 Stormwater Management Impact Statement

Stormwater management facilities will be selected based upon the subsurface conditions, permeability of soils, and groundwater elevations found while considering topographic conditions and existing stormwater management facilities. Stormwater management, including low impact development (LID) features, such as bio-retention and permeable pavers, will be implemented as feasible to ensure the requirements of the Virginia NPDES Stormwater Program and all other local and state regulations are met.

Permeable pavers are anticipated to be used in parking areas and will be the primary treatment for proposed parking lots. Roadways, including bus lanes, and building roof drainage are anticipated to be treated by infiltration methods, such as bio-retention and underground storage systems used to detain the volume of runoff prior to release. Stormwater detention systems under the proposed roadways and parking areas is anticipated. The stormwater runoff will be collected, retained, treated, and infiltrated as required and conveyed to the northwest corner of the project site where it will discharge adjacent to the existing constructed wetland.

Geotechnical results show Hydrologic Soil Group Class A, B, and C soils at the Norge Elementary project site. Class A, B, and some Class C soils are suitable for infiltration. Where existing site soils do not meet minimum infiltration rates for the use of selected infiltration features, soil material is expected to be removed and replaced with suitable material to support the minimum design infiltration rates in conjunction with underdrain systems where necessary.

Rails or fencing will surround any stormwater management facility with standing surface water.

5.0 Water and Sewer Impact Statement

5.1 Water Supply - Domestic and Fire Protection

The proposed water system improvements for the new sprinklered preschool building will be designed to provide both domestic water and fire protection services extending from the existing 8” water main running through the Norge Elementary project site. Based on the October 2023 fire hydrant flow test results, the 8” main has adequate pressure and flow to support the proposed development. Results show a static pressure of 57 psi and a residual pressure of 49 psi at fire hydrant FHE110017 with a flow of 1,902 gpm at fire hydrants FHE110016 and FHE110018 off of Richmond Road in the area of the project.

Fire hydrants will be provided throughout the preschool site as required to meet manual fire protection requirements. A fire department connection (FDC) is to be located a minimum of 40 feet from the building and within 50 feet of a fire hydrant.

The existing combination meter currently serving Norge Elementary will be evaluated and replaced, as required, for the additional preschool capacity. Domestic and fire backflows are anticipated to be installed within the buildings.

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The Total Fixture Units projected for the preschool = 430.

TYPE	QTY
Water Closet	26
Lavatory	30
Sink	22
Mop sink	4
Shower	2
Drinking Fountains	5

Additionally, the building will have 12 hose bibs/ wall hydrants. Water meter sizing calculations will be provided during the Site Plan design stage.

Approximately 280 gpm is the estimated fire sprinkler demand for the building.

JCSA staff has verified that the proposed project can tie to the public water system.

5.2 Sanitary Sewer

Flows are estimated at 10 gpd/ student with a total of 252 students and 10 gpd/ faculty with a total of 86 staff.

The existing 10" SDR26 PVC gravity sanitary sewer main running through the back of the Norge project site will be relocated around the new building and extended to serve the new preschool.

All sanitary sewer service laterals from the proposed buildings will be a minimum of 6-inches with a minimum slope of 1.04%.

JCSA staff has verified that there is adequate capacity available in the gravity sanitary sewer mains and receiving pump station. As excess capacity is available, a capacity analysis of the system is not provided.

All water and sanitary sewerage facilities to be dedicated to JCSA will be designed in accordance with HRPDC Regional Standards, dated June 2016, and the JCSA Design and Acceptance Criteria for Water Distribution and Sanitary Systems dated September 2023.

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Traffic Impact Analysis

Bright Beginnings at Norge Elementary School

James City County, Virginia

April 2024

Prepared for:
Mr. Daniel Hayes
Alpha Corporation
21000 Atlantic Boulevard
Dulles, Virginia

GOROVE SLADE
Transportation Planners and Engineers

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Prepared by:

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Transportation Planners and Engineers

Richmond, VA

Fairfax, VA

Alexandria, VA

Washington, DC

Bethesda, MD

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Appendix C – Synchro Output – Existing 2023 Conditions
Appendix D – Synchro Output – No-Build 2025 Conditions
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Appendix G – VDOT Turn Lane Warrants

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Executive Summary

This report summarizes the findings of the Traffic Impact Analysis (TIA) that was performed for the proposed Bright Beginnings pre-school on the west side of Richmond Road (U.S. 60) between Hitchens Lane and Nina Lane in James City County, Virginia. The development plan includes the construction of a pre-school with 252 students. The access plan includes connections to the existing Norge Elementary School Driveway on the west side of Richmond Road (U.S. 60) and a potential connection to Hitchens Lane. If approved, the pre-school is expected to be complete in 2025.

In addition to the proposed pre-school, Williamsburg-James City County Public Schools (WJCCPS) is in the process of redistricting, and they are planning to increase the enrollment of Norge Elementary School by approximately 175 students. This study accounts for all anticipated increases in enrollment, including those resulting from the proposed pre-school and the planned redistricting.

This study was performed based on the TIA scope meeting with the Virginia Department of Transportation (VDOT) and James City County on November 17.

Site Location and Study Area

The site is located on the west side of Richmond Road behind the existing Norge Elementary School. Based on discussion with the County and VDOT, the following scenarios were analyzed:

- Existing 2023 conditions
- No-Build 2025 conditions
- Build 2025 conditions
- Build 2025 conditions (without Redistricting)
- Build 2025 conditions with connection to Hitchens Lane
- Build 2025 conditions with connection to Hitchens Lane (without Redistricting)

The weekday AM were studied for the following intersections:

1. Richmond Road at School Driveway / Gas Station Driveway
2. Richmond Road at Hitchens Lane

Recommendations

Based on the results of the analysis, all study intersections will operate with acceptable queueing and delay upon build-out of the proposed pre-school. Without a connection to Hitchens Lane, no improvements are warranted or recommended.

<u>If a connection to Hitchens Lane is made without school redistricting, the following improvement is warranted:</u>

- Construct a southbound right-turn lane on Richmond Road as deemed appropriate by VDOT

<u>If a connection to Hitchens Lane is made with school redistricting, the following improvement is warranted:</u>

- Construct a southbound right turn lane on Richmond Road at Hitchins Lane

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Introduction

This report summarizes the findings of the Traffic Impact Analysis (TIA) that was performed for the proposed Bright Beginnings pre-school on the west side of Richmond Road (U.S. 60) between Hitchens Lane and Nina Lane in James City County, Virginia. The development plan includes the construction of a pre-school with 252 students. The access plan includes connections to the existing Norge Elementary School Driveway on the west side of Richmond Road (U.S. 60) and a potential connection to Hitchens Lane. If approved, the pre-school is expected to be complete in 2025.

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This study was performed based on the TIA scope meeting with the Virginia Department of Transportation (VDOT) and James City County on November 17.

Scope of the Traffic Study

Based on discussions with the County and VDOT, the following intersections were analyzed:

1. Richmond Road at School Driveway / Gas Station Driveway
2. Richmond Road at Hitchens Lane

Figure 1 shows the site location and study intersections and Figure 2 shows the preliminary site plan.

Figure 1: Site Location and Study Intersections

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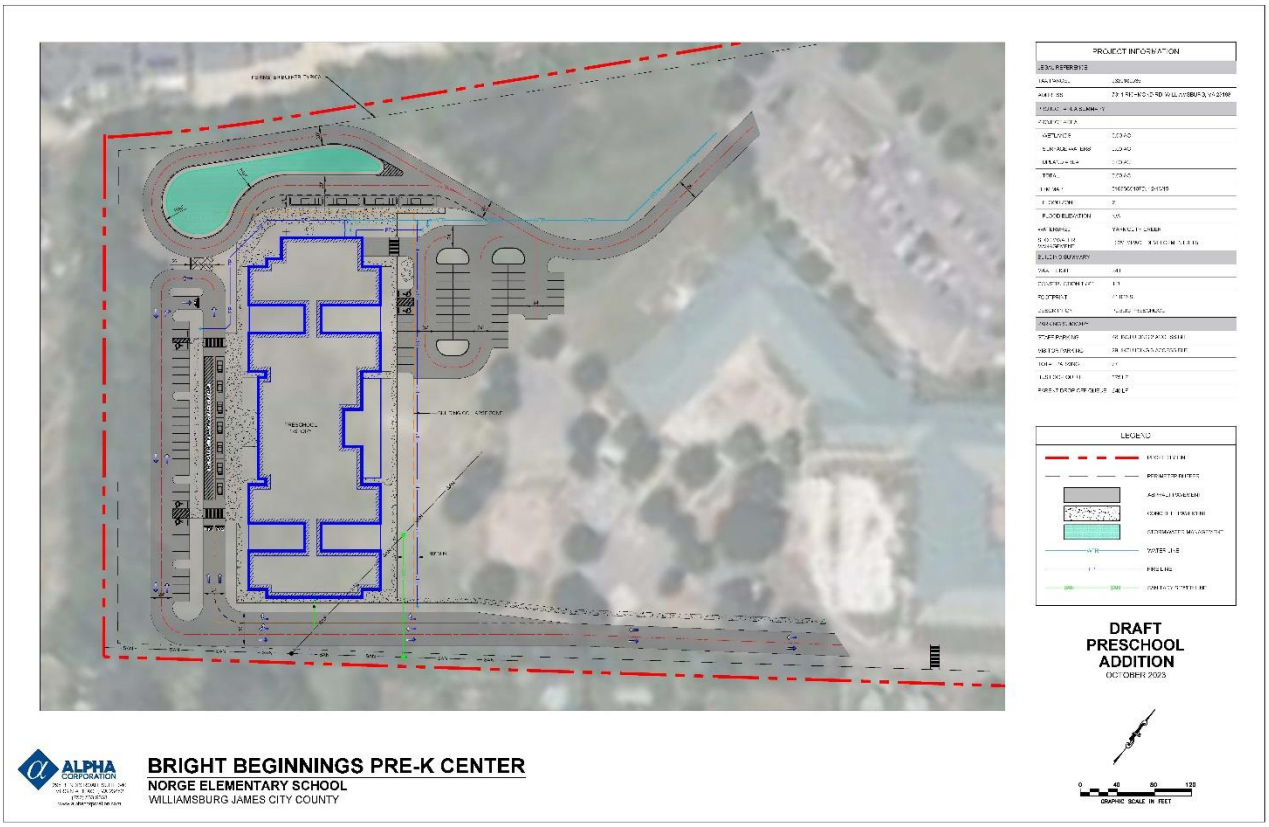

Figure 2: Preliminary Site Plan

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Existing Conditions

Existing Roadway Network

Existing lane configurations and turn lane storage lengths were collected in the field by Gorove Slade and signal timing information was provided by VDOT. A description of the major roadways within the study area is presented below in Table 1. The existing lane configuration is shown in Figure 3.

Table 1: Existing Roadway Network

Roadway	RTE #	VDOT Classification	Legal/Design Speed Limit (mph)	AADT (vpd)
Richmond Road	U.S. 60	Principal Arterial	45	15000*
* VDOT 2021 ADT Traffic Data				

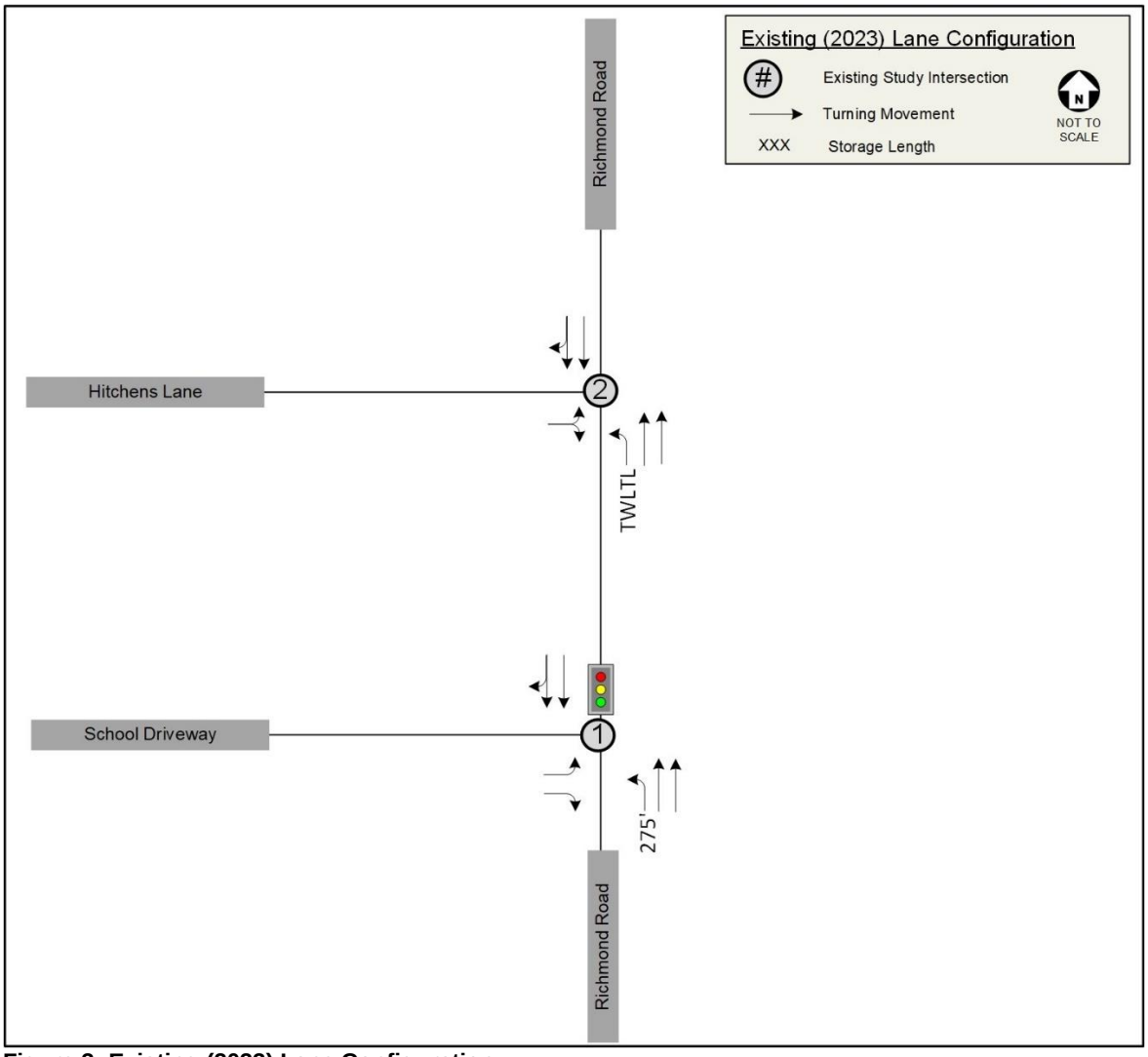

Figure 3: Existing (2023) Lane Configuration

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Existing Traffic Volumes

Norge Elementary is open from 8:55 AM – 3:25 PM, so the intake / dismissal of students does not align with standard AM peak hour (7:00 – 9:00) and PM peak hour (4:00 – 6:00) times of the adjacent roadway network. To properly capture the peak hour traffic volumes related to the school, the weekday AM peak hour (8:30 to 10:30 AM) was collected.

Turning movement counts were conducted by Burns Service Inc. (BSI) during the week of November 15 at the intersection of Richmond Road at School Driveway / Gas Station Driveway. The volumes from the adjacent gas station were incorporated in the figures and modeled as throughs. The gas station driveways were not incorporated in the signal modeling because the driveways are not served by the signal (none of the existing signal heads face the gas station entrances). It should also be noted that the PM peak hour was not analyzed because staff leave the school over a longer period of time which is less impactful to the surrounding roadway network.

The existing peak hour traffic volumes are shown in Figure 4, and the turning movement count data is included in the Appendix. For the Hitchens Road intersection, the turning movement count data was taken from the Traffic Analysis for Jennings Way TIA, performed by DRW Consultants, LLC in January of 2006. The turning movements used for this study are based on Exhibit 8 of the Jennings Way TIA, which can be found on page 20 of that report and is included in the Appendix for reference. These turning movement counts were further grown to 2023 using an annual growth rate of 1%. All through movements were calculated by balancing the traffic volumes with data from the adjacent intersection.

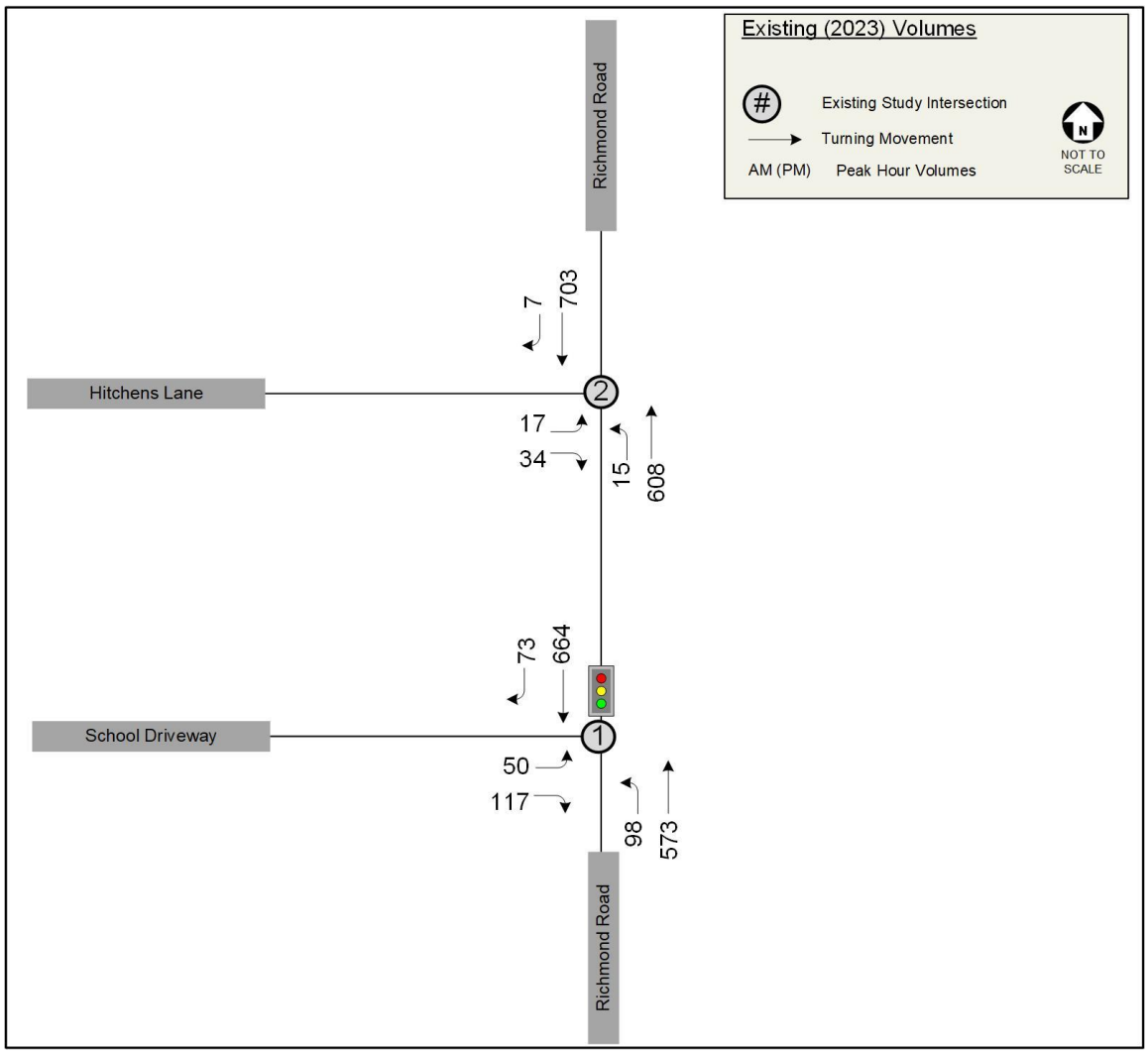

Figure 4: Existing (2023) Peak Hour Traffic Volumes

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No-Build Conditions

In order to determine the traffic impact of the proposed pre-school, a comparison of the future conditions of the study intersections must be made. This is achieved by analyzing the horizon year (2025) with the traffic generated by the proposed pre-school. The future year condition without construction of the pre-school is called the no-build condition, and it its determined by projecting the existing traffic to the build-out year using an annualized growth rate and adding it to the traffic from approved (but not yet built) developments in the study area. No approved developments were identified as part of the scope for this study.

Background Traffic Growth

At the request of VDOT, an annual traffic growth rate of 1% was applied to the 2023 traffic count volumes for two years to estimate the No-Build 2025 traffic volumes, which are shown in Figure 5.

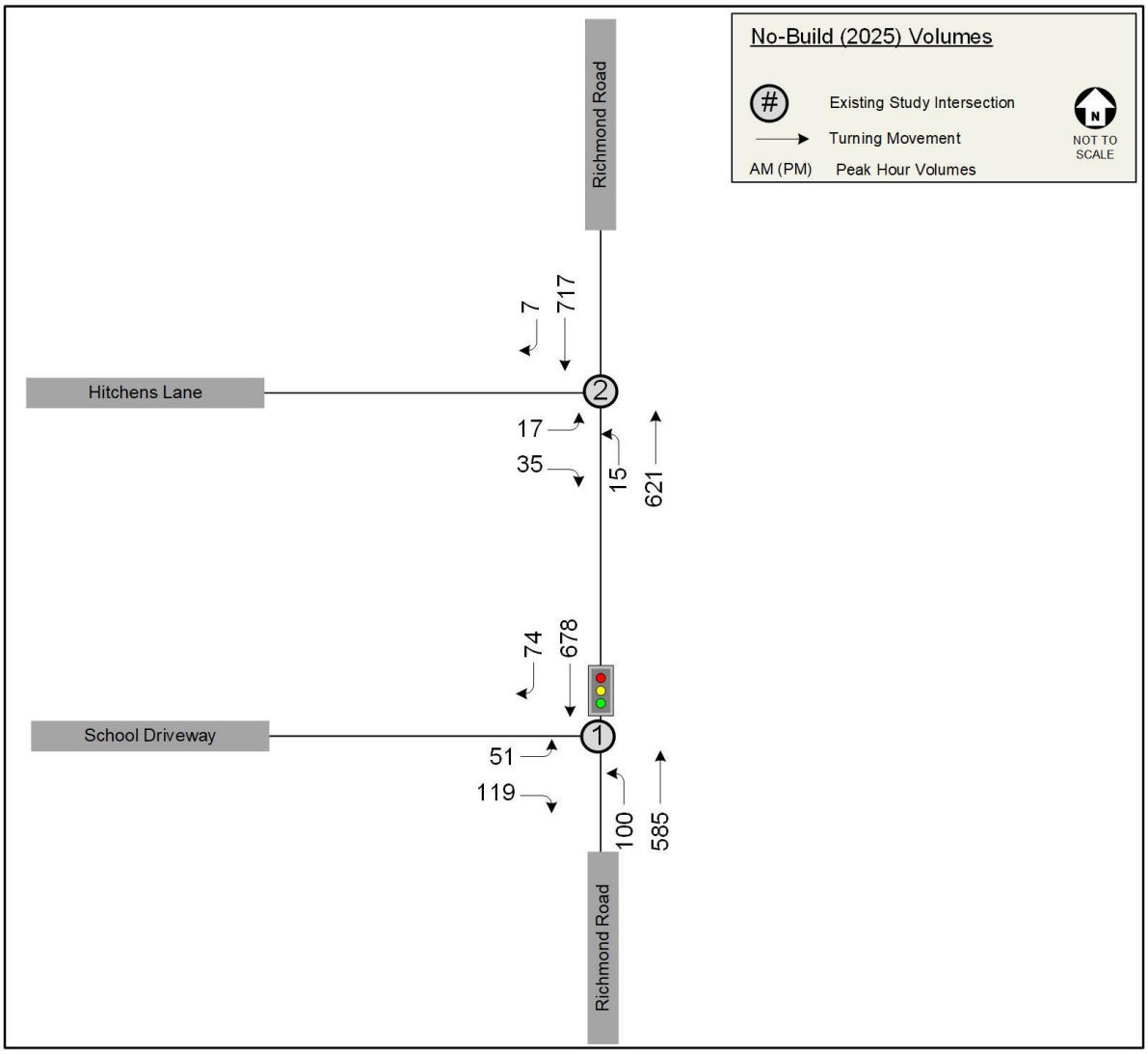

Figure 5: No-Build (2025) Peak Hour Traffic Volumes

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Build Conditions

Site Trip Generation

Table 2 shows the anticipated trip generation potential of the proposed pre-school during the weekday AM peak hour based on the current traffic count data, current school enrollment, and the projected increase in school enrollment.

Table 2: Elementary Pre-School – Trip Generation

Land Use	Size	AM Peak Hour	
		Enter	Exit
Current Enrollment[1]	680	171	167
Staff[2] = 86		86	9
Buses[2] = 19		19	19
(Parents/Other)		66	139
Future Enrollment	1,002 students	253	247
Staff[3] = 127		127	13
Buses[3] = 28		28	28
(Parents/Other)		98	206
Net Difference		**82**	**80**

[1]Site trip generation based on traffic count volume data
[2]Site trip data provided by WJCC PS
[3]Buses and staff were scaled proportionally to accommodate future enrollment

The existing traffic count data was used to determine the entering and exiting trips (Current Enrollment) for Norge Elementary School during the AM peak hour. In conjunction with construction of the proposed Bright Beginnings pre-school, WJCCPS is in the process of redistricting, which is projected to increase the overall number of students at Norge Elementary School. The Future Enrollment trip generation accounts for all projected increases in school trips, including those generated by the pre-school, and these numbers were determined by proportionally increasing the number of trips based on the projected increase in student enrollment. Total trips are further separated into staff, buses, and parent trips. It is assumed that 100% of the staff trips will arrive and 10% will leave during the peak hour, while 100% of the buses will arrive / leave at the peak hour.

Of the 680 current students enrolled at Norge Elementary, 105 students will be relocated to the proposed Bright Beginnings school addition. The redistricting is anticipated to add an additional 175 new students to the current enrollment. The total future school population will be 1,002 students (680 existing + 252 new Bright Beginnings + 175 from redistricting – 105 existing students to be relocated to the proposed school addition).

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Site Trip Distribution

The site trip distribution was determined based on discussion with VDOT, a review of existing traffic patterns, surrounding land uses, and engineering judgement. The following primary site trip distribution was applied based on redistricting of the school:

- 55% to / from the north on Richmond Road
- 45% to / from the south on Richmond Road

Figure 6 and Figure 8 show the primary distributions, without and with a connection to Hitchens Lane, respectively. Similarly, Figure 10 and Figure 12 show the trip assignments, without and with Hitchens Lane. For the analysis with Hitchens Lane, it was assumed that only buses and staff would utilize the access on Hitchens Lane, and resulting traffic redirection is shown in Figure 14.

Additionally, when redistricting is not taken into consideration, following trip distribution is applied to match the existing count:

- 35% to / from the north on Richmond Road
- 65% to / from the south on Richmond Road

Figure 7 and Figure 9 show the trip distributions, without and with a connection to Hitchens Lane with no redistricting, respectively. Similarly, Figure 11 and Figure 13 show the trip assignments, without and with Hitchens Lane with no redistricting. For the analysis with Hitchens Lane, it was assumed that only buses and staff would utilize the access on Hitchens Lane, and resulting traffic redirection is shown in Figure 15. The connection to Hitchens Lane is proposed as an option to separate school children being picked up by parents from bus / staff traffic.

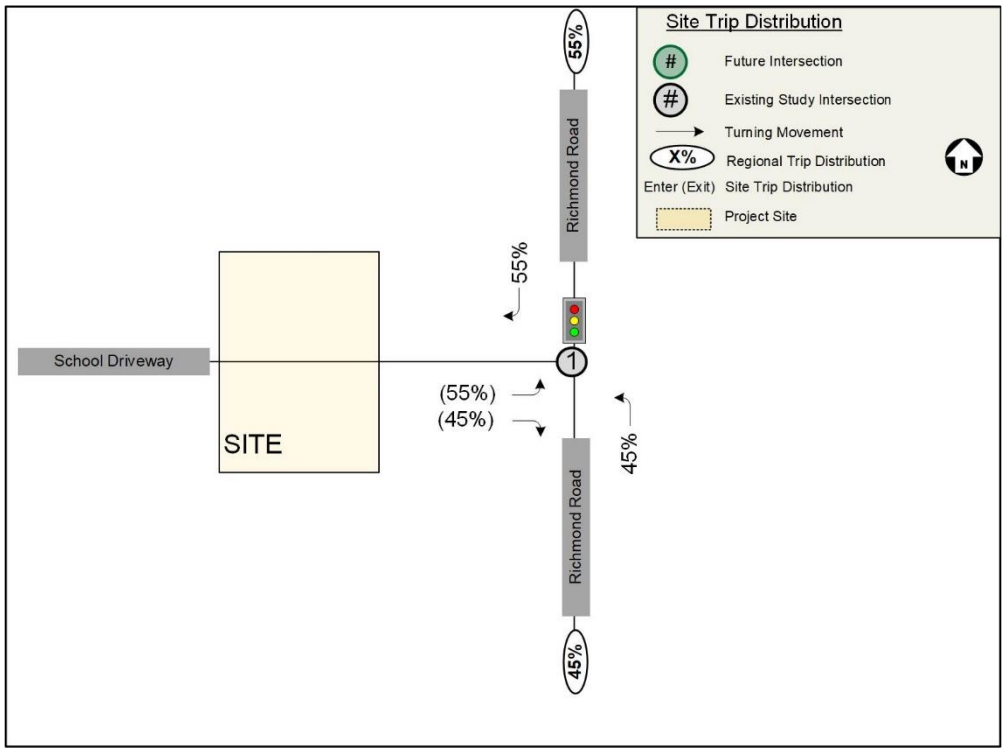

Figure 6: Trip Distribution (without Hitchens Lane)

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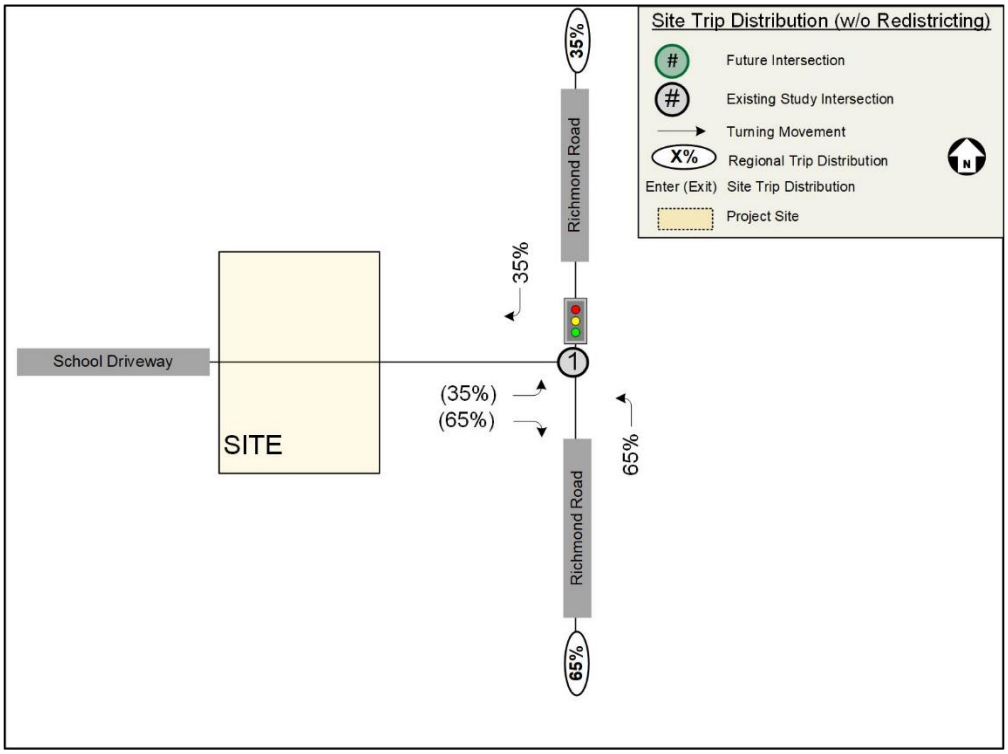

Figure 7: Trip Distribution with No Redistricting (without Hitchens Lane)

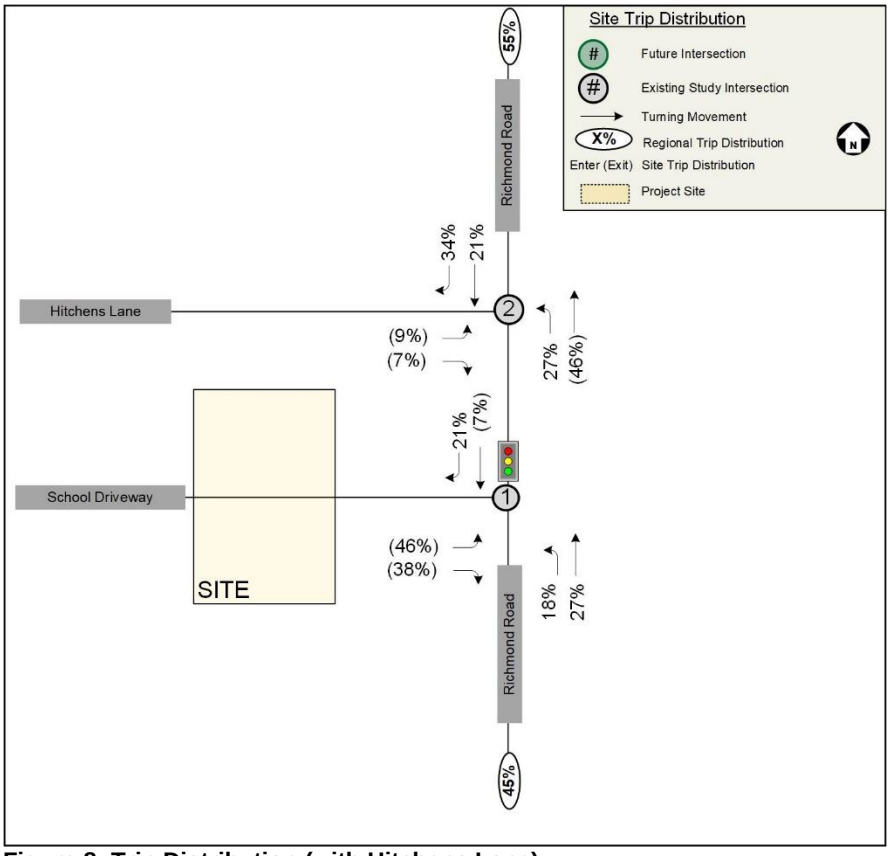

Figure 8: Trip Distribution (with Hitchens Lane)

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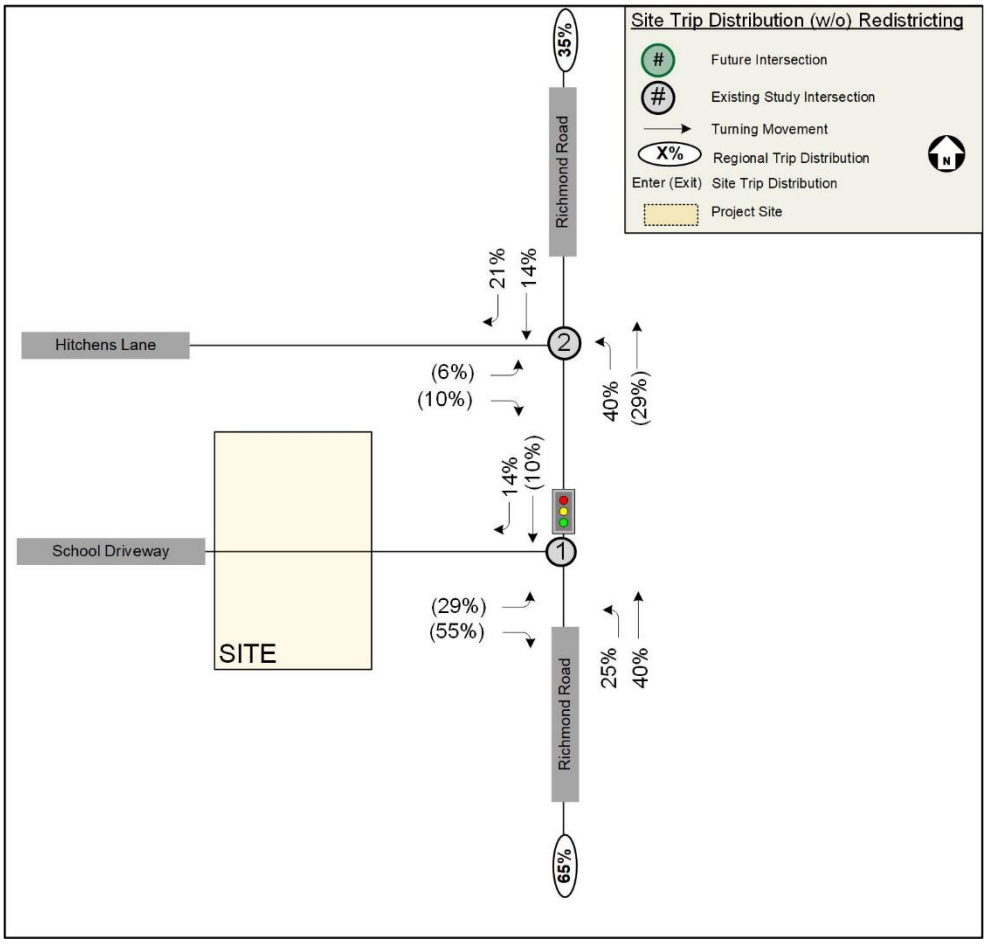

Figure 9: Trip Distribution with No Redistricting (with Hitchens Lane)

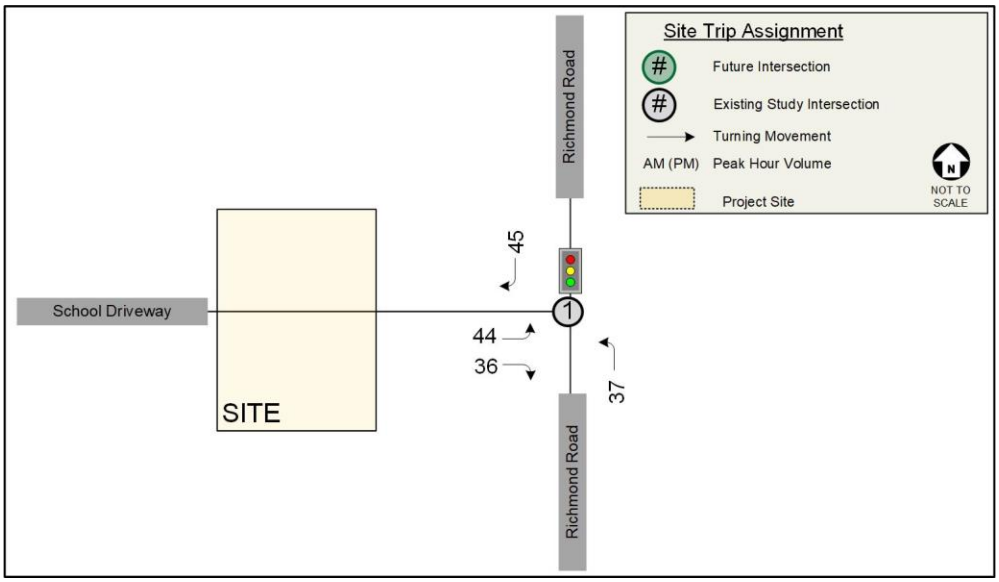

Figure 10: Trip Assignment (without Hitchens Lane)

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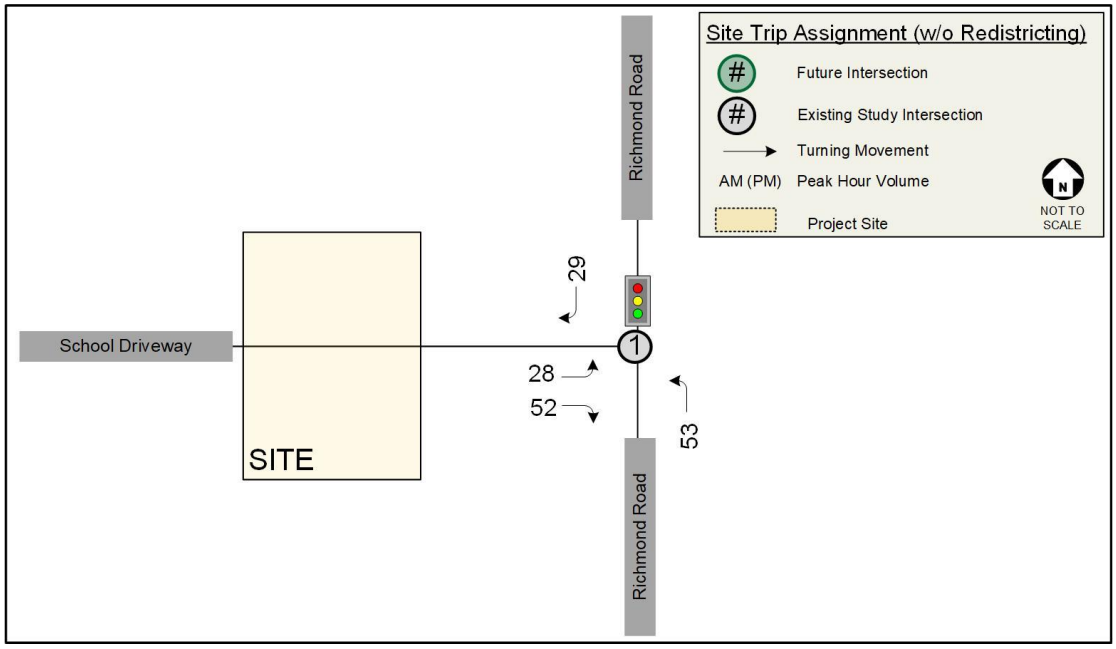

Figure 11: Trip Assignment with No Redistricting (without Hitchens Lane)

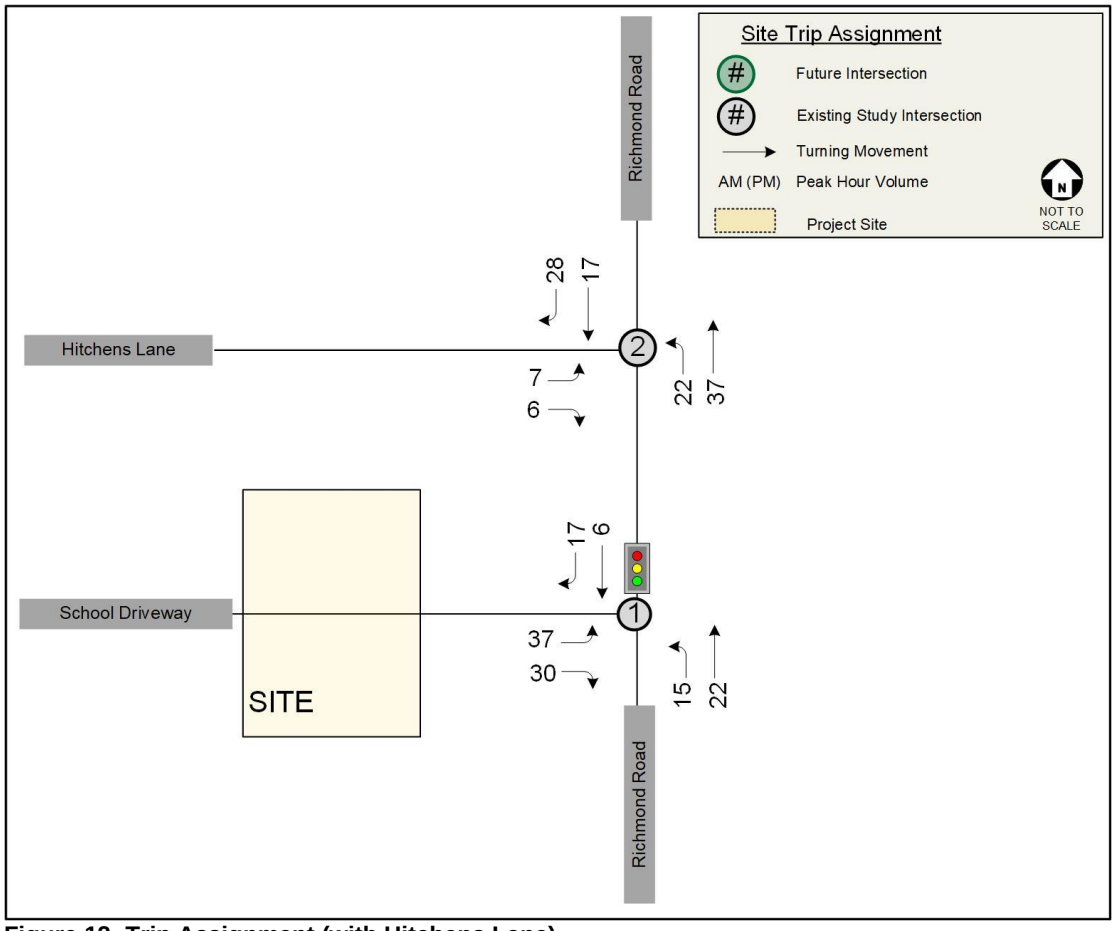

Figure 12: Trip Assignment (with Hitchens Lane)

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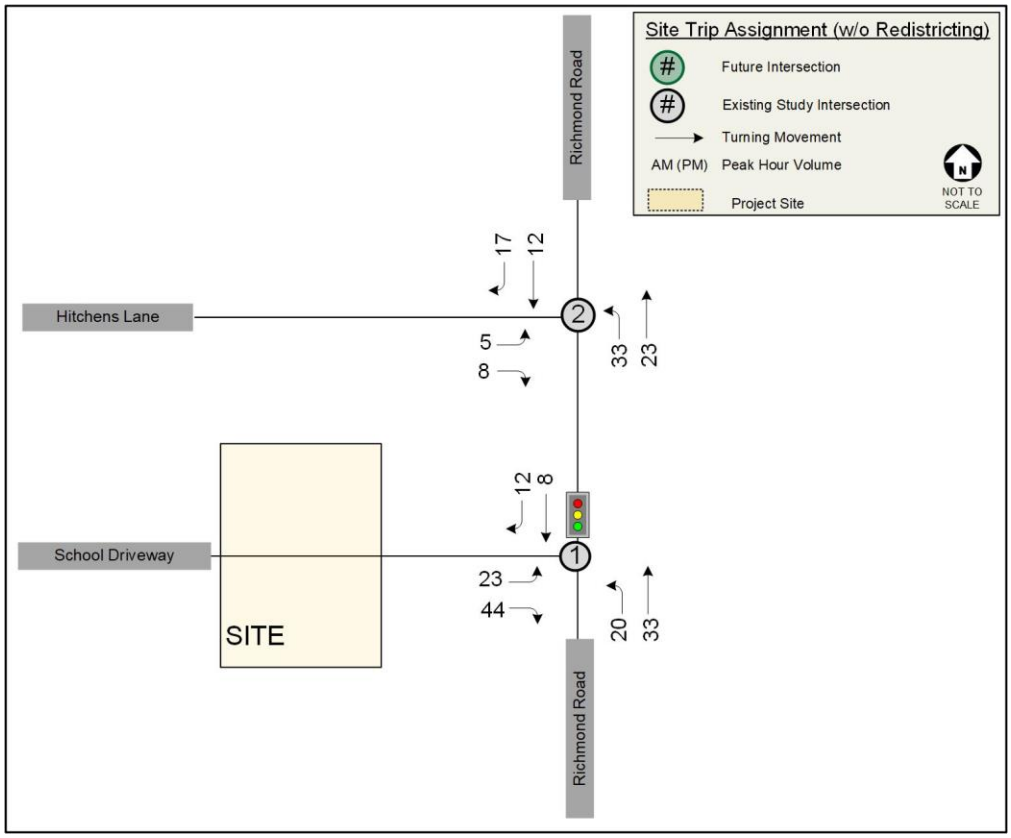

Figure 13: Trip Assignment with No Redistricting (with Hitchens Lane)

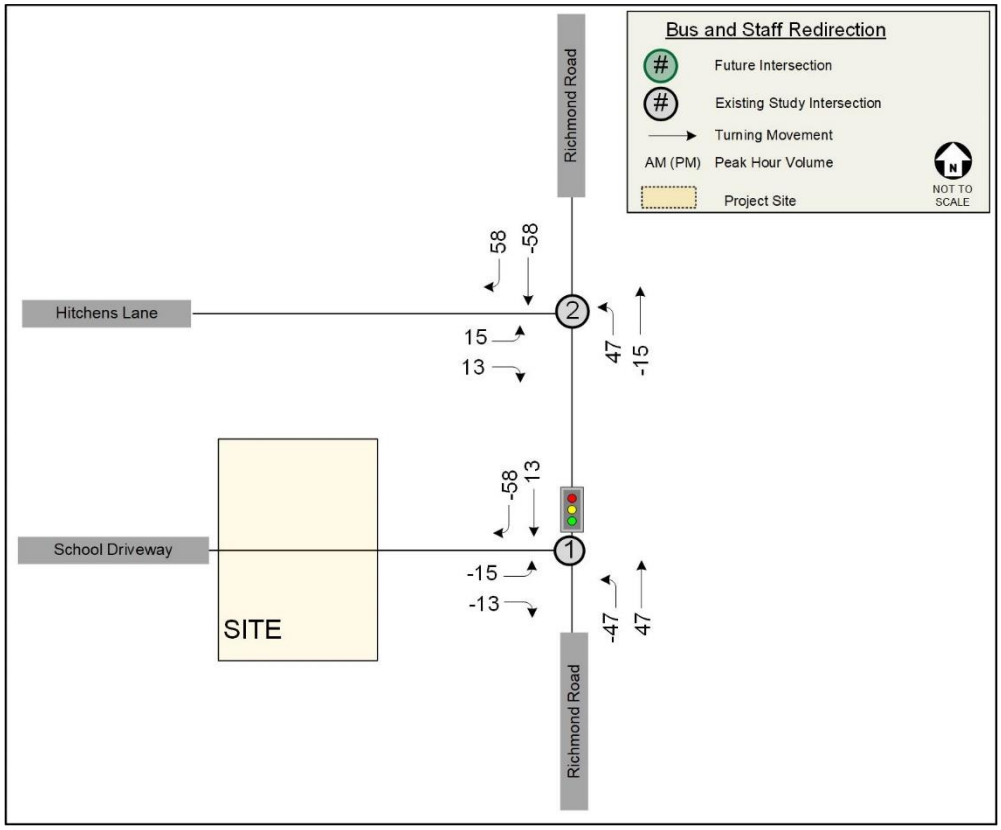

Figure 14: Traffic Volume Redirections (Bus and Staff)

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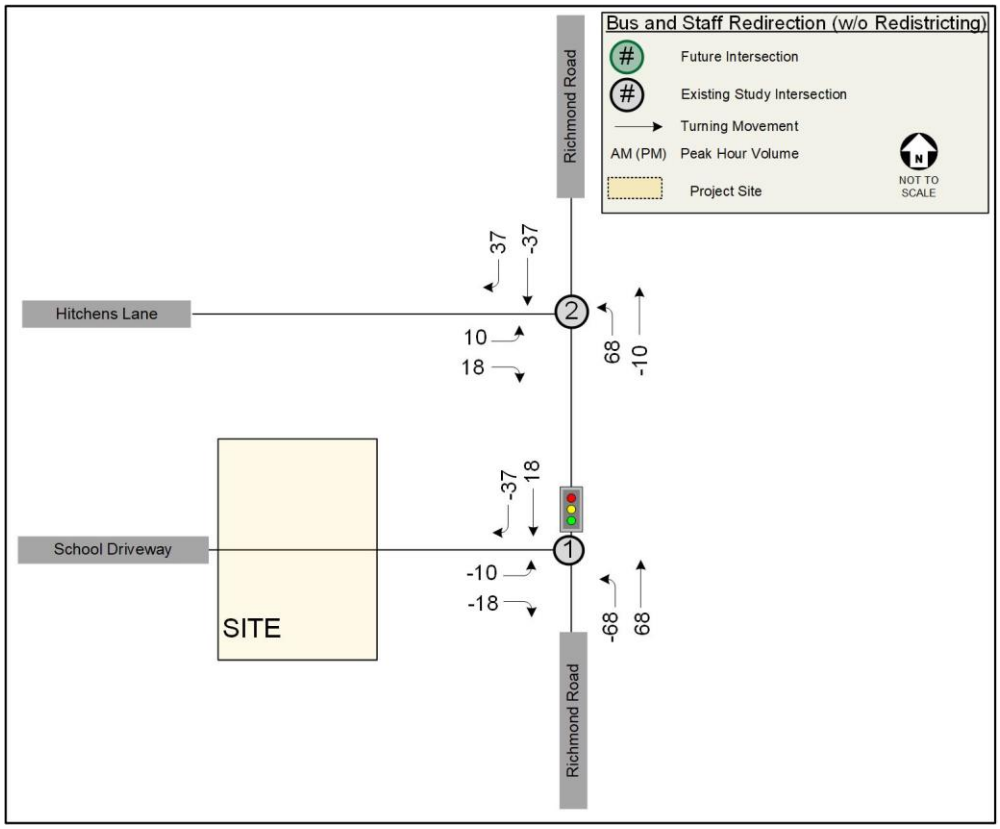

Figure 15: Traffic Volume Redirection (Buses and Staff) with No Redistricting

Build 2025 Traffic Volumes

The Build 2025 traffic volumes (Figure 16) without Hitchens Lane were estimated by adding the No-Build 2025 volumes (Figure 5) and assigned trips (Figure 10). Similarly, the No-Build 2025 volumes (Figure 5) were added with the trip assignment (Figure 12) and redirected trips (Figure 14) to determine the Build 2025 peak hour traffic volumes with Hitchens Lane (Figure 18).

The Build 2025 traffic volumes with no redistricting (Figure 17) without Hitchens Lane were estimated by adding the No-Build 2025 volumes (Figure 5) and assigned trips (Figure 11). Similarly, the No-Build 2025 volumes (Figure 5) were added with the trip assignment (Figure 13) and redirected trips (Figure 15) to determine the Build 2025 peak hour traffic volumes with Hitchens lane and no redistricting (Figure 19).

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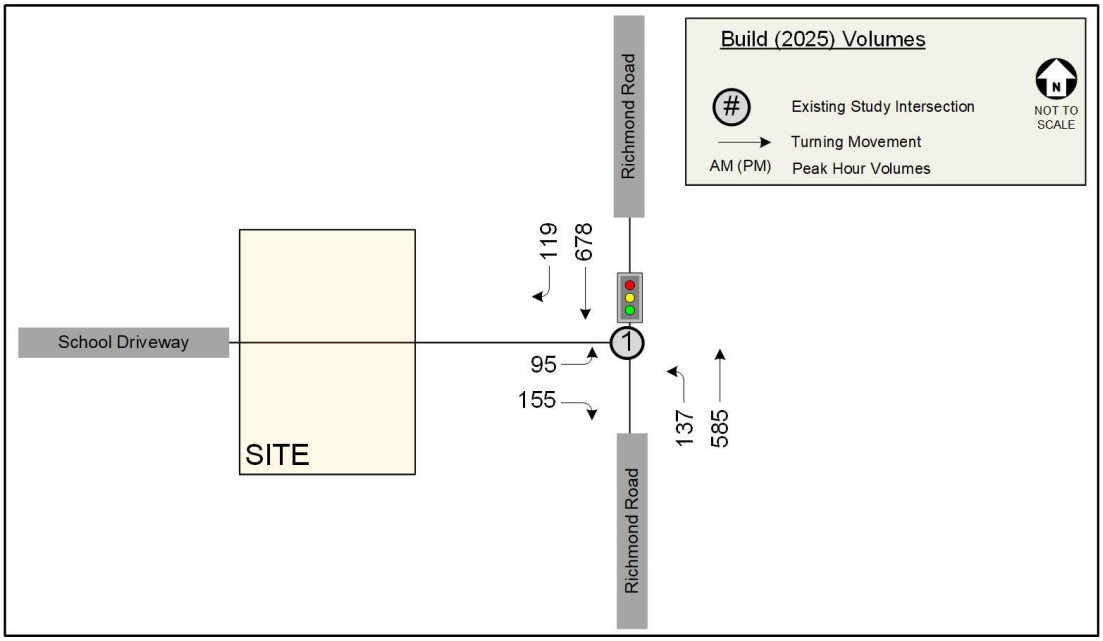

Figure 16: Build (2025) Peak Hour Traffic Volumes (without Hitchens Lane)

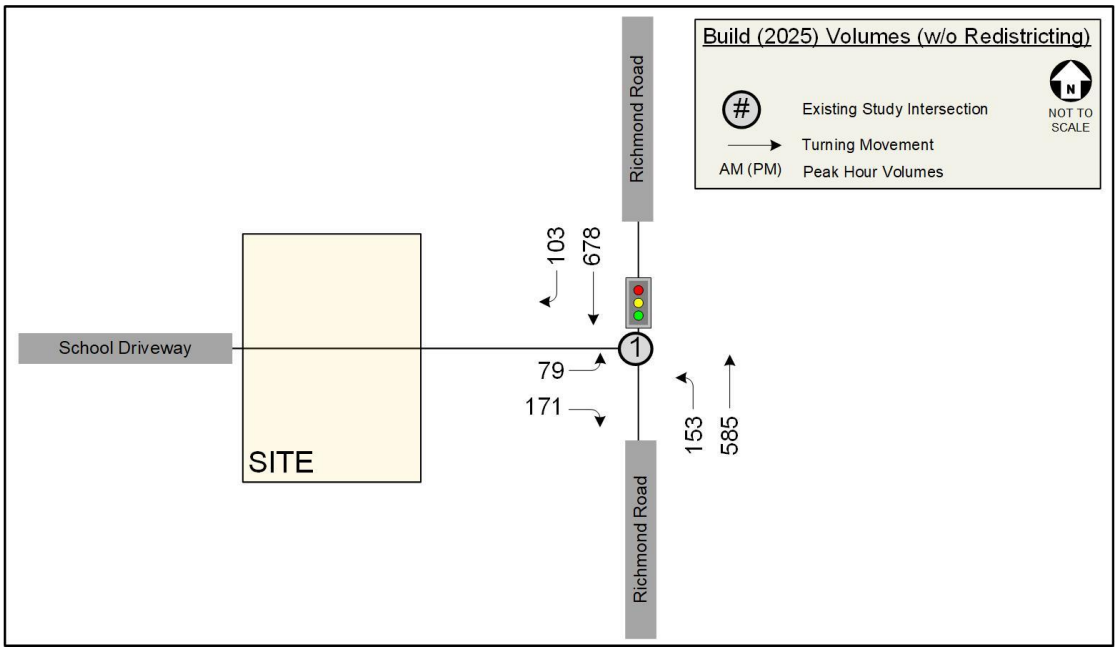

Figure 17: Build (2025) with No Redistricting (without Hitchens Lane)

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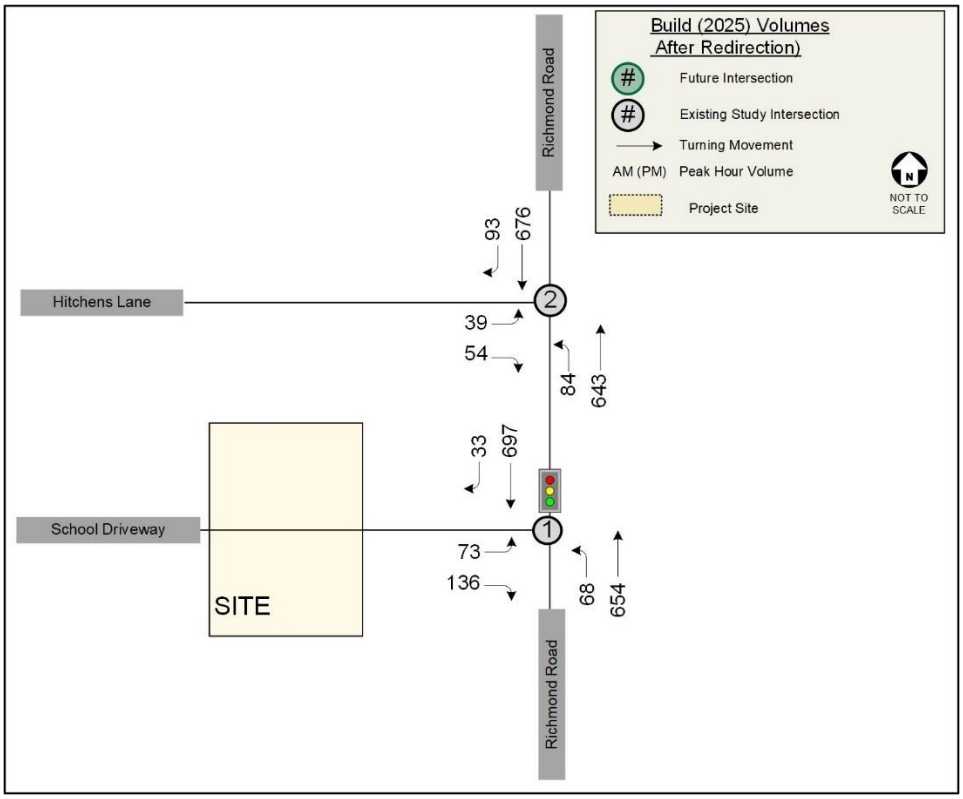

Figure 18: Build (2025) Peak Hour Traffic Volumes (with Hitchens Lane)

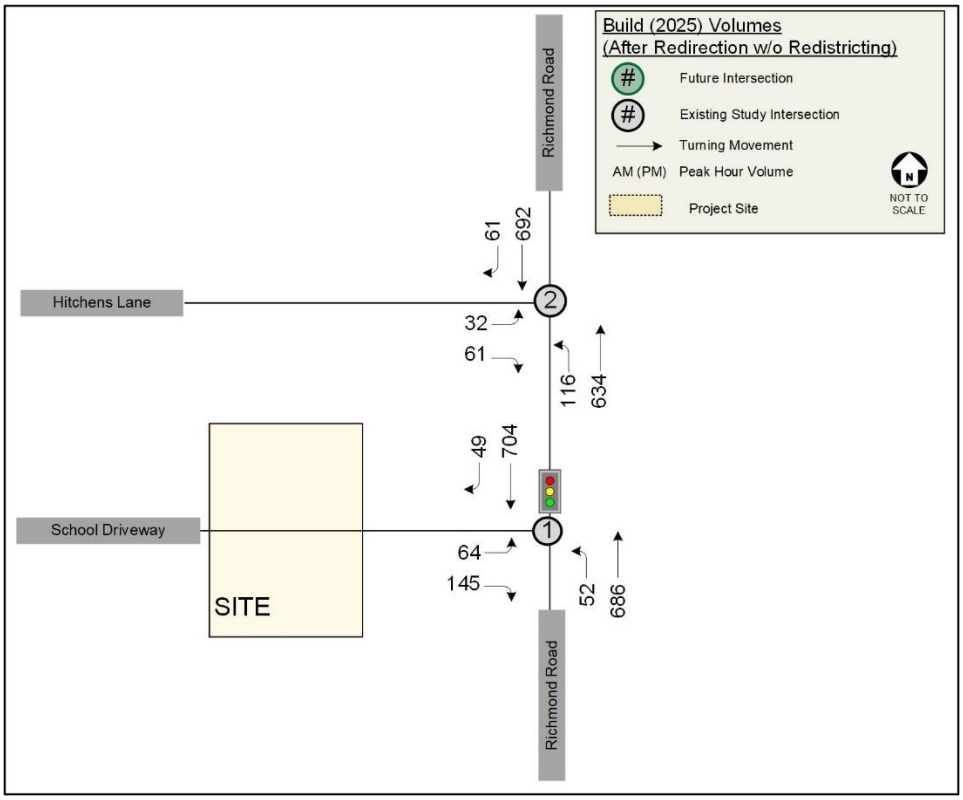

Figure 19:Build (2025) Peak Hour Traffic Volumes with No Redistricting (with Hitchens Lane)

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Turn Lane Warrant Analysis

The need for turn lanes was evaluated at the site driveway based on VDOT's access management standard appendix F. The results of the analyses are summarized below and turn lane warrant charts are included in the Appendix.

Richmond Road at Hitchens Lane (with Hitchens Lane and No Redistricting):

- Construct a southbound right turn taper on Richmond Road

Richmond Road at Hitchens Lane (with Hitchens Lane and Redistricting):

- Construct a southbound right-turn lane on Richmond Road as deemed appropriate by VDOT

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Capacity Analysis

Capacity Analysis Procedure

Capacity analyses were performed at the study area intersections during the weekday AM peak hour. Synchro 11 was used to analyze the study intersections based on the Highway Capacity Manual (HCM) methodology, and the results include level of service, delay, and queue length comparisons for the turning movements analyzed. SimTraffic queues were based on the maximum of an average of 10 microsimulation runs. The Synchro and SimTraffic outputs are included in the Appendix.

Capacity Analysis Results

For unsignalized intersections, the average delays for the minor street left-turn movement are described as short delays (less than 25 seconds), moderate delays (between 25 and 50 seconds), and long delays (greater than 50 seconds). It is not uncommon for side street movements and left turns to experience long delays during the peak hours at intersections with major thoroughfares. Capacity analysis results are summarized below.

The results shown are based on HCM 6th Edition methodology.

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Table 3 shows the LOS, average delays, and queue lengths for the signalized intersection of Richmond Road (U.S. 60) at the School Driveway.

Table 3: Level-of-Service Summary – Richmond Road (U.S. 60) at School Driveway

Analysis Scenario	Lane Group	Storage Length (ft.)	AM Peak Hour				
			LOS	Delay (sec/veh)	95th % Queue (ft.)	SimTraffic Ave. Max Queue (ft.)	Overall LOS
Existing 2023 Traffic conditions	NBL	275	A	6.1	28	97	
	NBT	-	A	3.9	70	99	
	SBT/R	-	A	9.1	173	155	B
	EBL	-	D	45.0	77	124	11.8
	EBR	-	E	58.1	48	108	
No-Build 2025 Traffic conditions	NBL	275	A	6.2	28	83	
	NBT	-	A	4.0	71	111	
	SBT/R	-	A	9.4	180	168	B
	EBL	-	D	44.8	77	163	12.0
	EBR	-	E	59.0	48	127	
Build 2025 Traffic conditions (without connection to Hitchens Ln)	NBL	275	A	8.3	24	133	
	NBT	-	A	5.0	59	110	
	SBT/R		B	12.3	236	246	B
	EBL	-	D	43.4	121	184	16.3
	EBR	-	E	70.0	50	120	
Build 2025 Traffic conditions with No Redistricting (without connection to Hitchens Ln)	NBL	275	A	9.2	48	138	
	NBT	-	A	5.6	83	110	
	SBT/R		B	13.5	233	226	B
	EBL	-	D	41.3	105	166	16.4
	EBR	-	E	62.2	52	136	
Build 2025 Traffic conditions (with connection to Hitchens Ln)	NBL	275	A	6.4	23	83	
	NBT	-	A	4.6	92	111	
	SBT/R		B	9.5	173	168	B
	EBL	-	D	44.2	100	163	13.5
	EBR	-	E	64.5	49	127	
Build 2025 Traffic conditions with No Redistricting (with connection to Hitchens Ln)	NBL	275	A	6.7	18	82	
	NBT	-	A	5.0	92	113	
	SBT/R		B	9.7	172	147	B
	EBL	-	D	43.0	91	134	13.9
	EBR	-	E	67.4	50	117	

Capacity analysis indicates that this intersection currently operates at LOS B. Under No-Build 2025 conditions, the intersection is expected to continue operating at LOS B.

Under Build 2025 conditions with or without redistricting, the intersection is expected to operate at LOS B, with or without the connection to Hitchens Lane. No improvements are warranted or recommended at this intersection upon build-out of the site.

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Table 4 shows the LOS, average delays, and queue lengths for the unsignalized intersection of Richmond Road (U.S. 60) at Hitchens Lane. The results shown are based on HCM 6th Edition methodology.

Table 4: Level-of-Service Summary – Richmond Road at Hitchens Lane

Analysis Scenario	Lane Group	Storage Length (ft.)	AM Peak Hour			
			LOS	Delay (sec/veh)	95th % Queue (ft.)	SimTraffic Ave. Max Queue (ft.)
Existing 2023 Traffic conditions	NBL	TWLTL	A	9.4	3	36
	NBT	-	-	-	-	-
	SBT	-	-	-	-	-
	SBT/R	-	-	-	-	-
	EBL/R	-	B	13.8	10	69
No-Build 2025 Traffic conditions	NBL	TWLTL	A	9.4	3	77
	NBT	-	-	-	-	-
	SBT	-	-	-	-	-
	SBT/R	-	-	-	-	-
	EBL/R	-	B	13.9	10	167
Build 2025 Traffic conditions (with connection to Hitchens Ln)	NBL	200	B	10.1	10	83
	NBT	-	-	-	-	-
	SBT	-	-	-	-	-
	SBR	200	-	-	-	-
	EBL/R	-	C	16.9	25	163
Build 2025 Traffic conditions with No Redistricting (with connection to Hitchens Ln)	NBL	200	B	10.3	15	89
	NBT	-	-	-	-	-
	SBT	-	-	-	-	-
	SBR	200	-	-	-	-
	EBL/R	-	C	16.7	25	134

Capacity analysis indicates that the minor street left-turn movement currently operates with short delays. Under No-Build 2025 conditions, the minor street left-turn movement is expected to continue operating with short delays.

Under Build 2025 conditions with redistricting, the minor street left-turn movement is expected to continue operating with short delays with the following improvement in place:

- Construct a southbound right-turn lane on Richmond Road as deemed appropriate by VDOT

Under Build 2025 conditions without redistricting, the minor street left-turn movement is expected to continue operating with short delays with the following improvement in place:

- Construct a southbound right-turn taper on Richmond Road

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Recommendations

Based on the results of the analysis, all study intersections will operate with acceptable queueing and delay upon build-out of the proposed pre-school. Without a connection to Hitchens Lane, no improvements are warranted or recommended.

<u>If a connection to Hitchens Lane is made without school redistricting, the following improvement is warranted:</u>

- Construct a southbound right turn taper on Richmond Road at Hitchins Lane

<u>If a connection to Hitchens Lane is made with school redistricting, the following improvement is warranted:</u>

- Construct a southbound right turn lane on Richmond Road as deemed appropriate by VDOT.

Figure 20 and Figure 21 show the recommended lane configurations for each scenario.

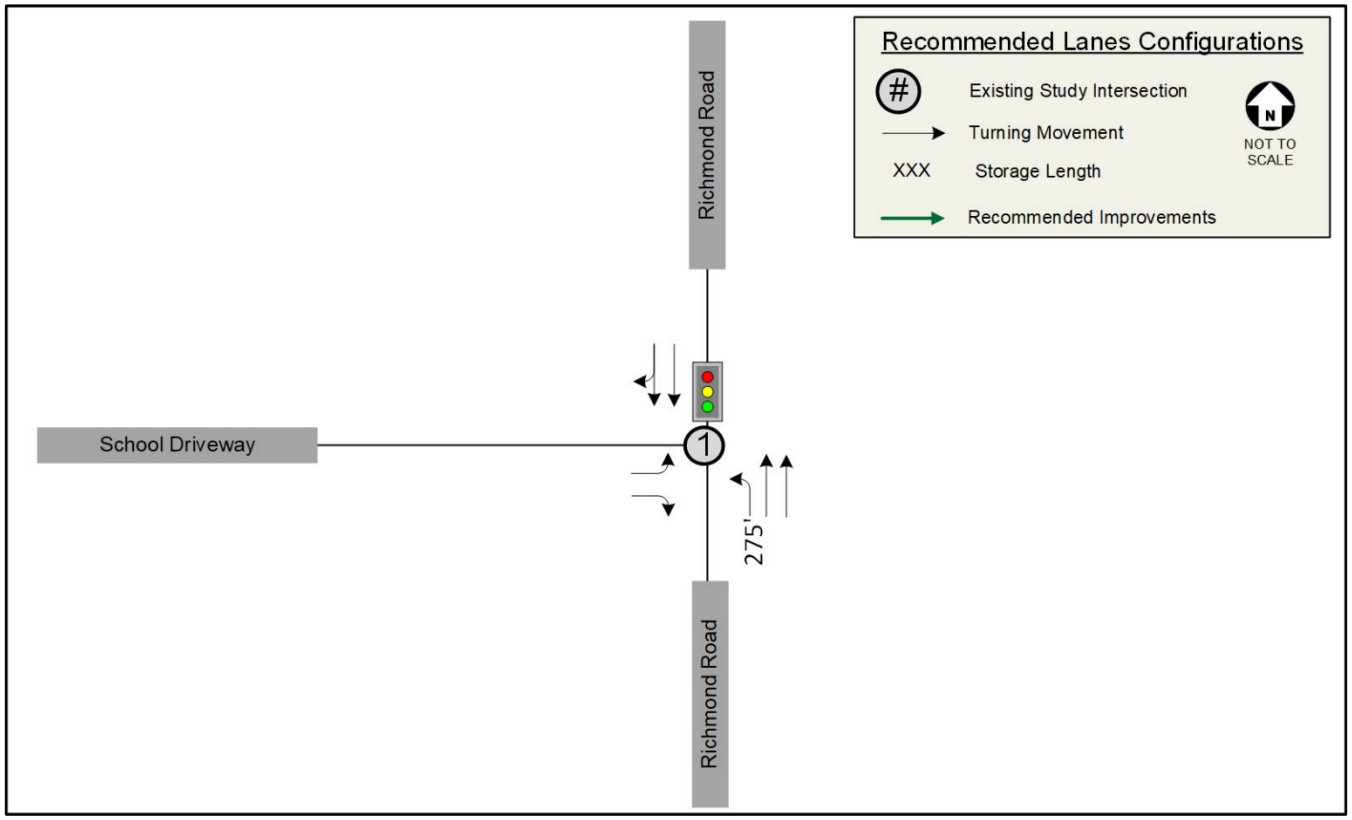

Figure 20: Recommended Lane Configuration (without Hitchens Lane)

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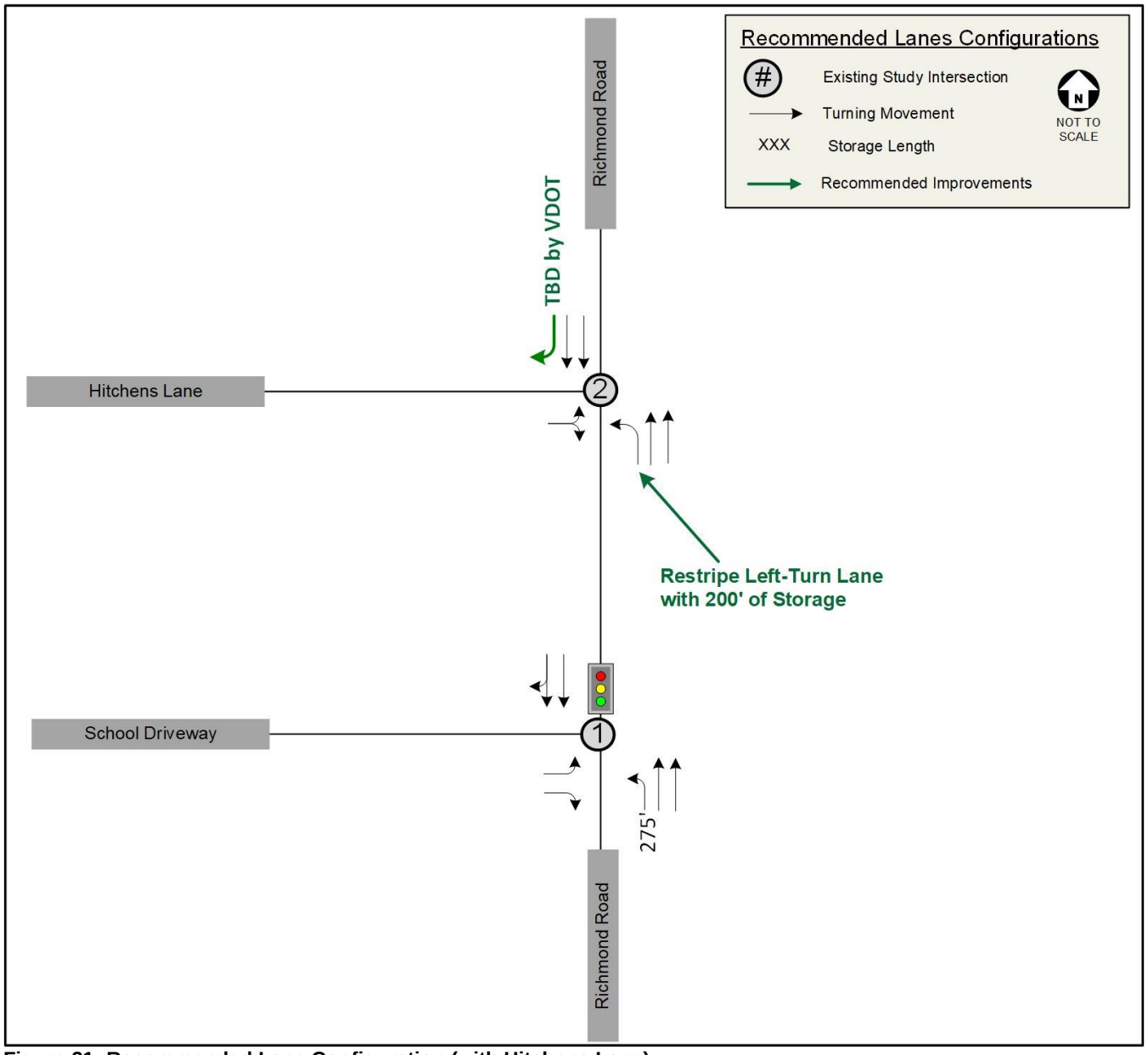

Figure 21: Recommended Lane Configuration (with Hitchens Lane)

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APPENDIX

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APPENDIX A: VDOT TIA SCOPE FORM

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THIS IS A NOT CHAPTER 527 STUDY

VDOT Virginia Department of Transportation

PRE-SCOPE OF WORK MEETING FORM

Information on the Project
Traffic Impact Analysis Base Assumptions

The applicant is responsible for entering the relevant information and submitting the form to VDOT and the locality no less than three (3) business days prior to the meeting. If a form is not received by this deadline, the scope of work meeting may be postponed.

Contact Information				
Consultant Name: Tele: E-mail:	Michale Bailey, P.E., RSP1 - Gorove Slade (804) 362-0578 mb@goroveslade.com			
Developer/Owner Name: Tele: E-mail:	Mr. Daniel Hayes, P.E., PMP (571) 469-6459 daniel.hayes@alphacorporation.com			
Project Information				
Project Name:	Bright Beginnings at Norge Elementary	Locality/County:	James City County	
Project Location: (Attach regional and site specific location map)	Refer to Figure 1			
Submission Type	Comp Plan ☐	REZ/SUP ☒	Site Plan ☐	Subd Plat ☐
Project Description: (Including details on the land use, acreage, phasing, access location, etc. Attach additional sheet if necessary)	The development plan includes a pre-school with 252 students with two connections to the existing Norge Elementary School on the west side of U.S. 60 (Richmond Road) between Hitchens Lane and Nina Lane.			
Proposed Use(s): (Check all that apply; attach additional pages as necessary)	Residential ☐	Commercial ☐	Mixed Use ☐	Other ☒
	Residential Uses(s) N/A		**Commercial Use(s)** See Trip Table	
Total Peak Hour Trip Projection:	Less than 100 ☐	100 – 499 ☒	500 – 999 ☐	1,000 or more ☐

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Traffic Impact Analysis Assumptions					
Study Period	Existing Year: 2023		Build-out Year: 2025		Design Year: 2025
Study Area Boundaries (Attach map)	North: Refer to Figure 1			South:	
	West:			East:	
External Factors That Could Affect Project (Planned road improvements, other nearby developments)	None				
Consistency With Comprehensive Plan (Land use, transportation plan)	The existing zoning is Public School which allows the proposed use				
Available Traffic Data (Historical, forecasts)	U.S. 60 (Richmond Road) – 21,000 vpd in 2016 / 20,000 vpd in 2021				
Trip Distribution	Road Name: See Figure 1			Road Name:	
	Road Name:			Road Name:	
Annual Vehicle Trip Growth Rate:	1.0 %		Peak Period for Study (Check all that apply)	☒ AM ☐ PM ☐ SAT	
			Peak Hour of Generator		
Study Intersections and/or Road Segments (Attach additional sheets as necessary) **(Please refer to attached Figure 1.)**	1.	U.S. 60 (Richmond Road) at Norge Elementary School Driveway / Gas Station Driveway		7.	
	2.	U.S. 60 at Hitchens Lane		8.	
	3.			9.	
	4.			10.	
	5.			11.	
	6.			12.	
Trip Adjustment Factors	Internal allowance ☐ Yes ☒ No Reduction: N/A			Pass-by allowance ☐ Yes ☒ No Reduction: ITE	
Software Methodology	☒ Synchro ☐ HCS (v.2000/+) ☐ SIDRA ☐ CORSIM ☒ Other SimTraffic				
Traffic Signal Proposed or Affected (Analysis software to be used, progression speed, cycle length)	Analysis Software: Synchro / SimTraffic 11				
Improvement(s) Assumed or to be Considered	The need for turn lanes and other off-site improvements will be determined based on the results of the TIA.				

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Background Traffic Studies Considered	Walnut Farms TIA
Plan Submission	☐ Master Development Plan (MDP) ☒ Generalized Development Plan (GDP) ☐ Preliminary/Sketch Plan ☐ Other Plan type (Final Site, Subd. Plan)
Additional Issues to be Addressed	☒ Queuing analysis ☒ Actuation/Coordination ☐ Weaving analysis ☐ Merge analysis ☐ Bike/Ped Accommodations ☒ Intersection(s) ☐ TDM Measures ☐ Other (_____)

NOTES on ASSUMPTIONS:

The TIA will include four analysis scenarios:

- Existing 2023 Conditions (with current school districting)
- No-Build 2025 Conditions (with revised school districting)
- Build 2025 Conditions (with revised school districting)
- Build 2025 Conditions (with revised school districting) with connection to Hitchens Lane

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Figure 1: Site Location and Trip Distribution

Table 1: ITE Trip Generation – Typical Weekday – 11th Edition

Land Use (ITE Land Use Code)	Size	Average Weekday Daily Traffic (vpd)		AM Peak Hour		PM Peak hour	
		Enter	Exit	Enter	Exit	Enter	Exit
Day Care Center (565)	252 students	516	516	104	93	94	105

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APPENDIX B: TRAFFIC COUNT DATA

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File Name : Norge(Richmond and Elementary)
Site Code :
Start Date : 11/15/2023
Page No : 1

Groups Printed- Cars + - Trucks

	Richmond Road Southbound					Gas Station Driveway Westbound					Richmond Road Northbound					Elementary School Driveway Eastbound					
Start Time	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Int. Total
08:30 AM	8	192	0	0	200	2	0	0	0	2	3	103	23	0	129	2	0	0	0	2	333
08:45 AM	16	168	1	0	185	0	0	1	0	1	0	111	22	0	133	2	0	1	0	3	322
Total	24	360	1	0	385	2	0	1	0	3	3	214	45	0	262	4	0	1	0	5	655
09:00 AM	19	164	1	0	184	4	0	0	0	4	2	132	23	0	157	9	0	4	1	14	359
09:15 AM	19	165	4	0	188	2	0	2	0	4	2	130	23	0	155	36	0	15	0	51	398
09:30 AM	29	167	0	0	196	5	0	0	0	5	3	158	43	0	204	48	2	21	0	71	476
09:45 AM	6	161	2	0	169	3	0	1	0	4	3	143	9	0	155	24	1	10	1	36	364
Total	73	657	7	0	737	14	0	3	0	17	10	563	98	0	671	117	3	50	2	172	1597
10:00 AM	2	155	3	0	160	5	0	0	0	5	0	138	3	0	141	6	1	2	0	9	315
10:15 AM	2	153	5	0	160	3	0	1	0	4	0	126	3	0	129	2	0	2	2	6	299
Grand Total	101	1325	16	0	1442	24	0	5	0	29	13	1041	149	0	1203	129	4	55	4	192	2866
Apprch %	7	91.9	1.1	0		82.8	0	17.2	0		1.1	86.5	12.4	0		67.2	2.1	28.6	2.1		
Total %	3.5	46.2	0.6	0	50.3	0.8	0	0.2	0	1	0.5	36.3	5.2	0	42	4.5	0.1	1.9	0.1	6.7	
Cars +	88	1272	13	0	1373	21	0	5	0	26	11	1009	133	0	1153	110	4	49	4	167	2719
% Cars +	87.1	96	81.2	0	95.2	87.5	0	100	0	89.7	84.6	96.9	89.3	0	95.8	85.3	100	89.1	100	87	94.9
Trucks	13	53	3	0	69	3	0	0	0	3	2	32	16	0	50	19	0	6	0	25	147
% Trucks	12.9	4	18.8	0	4.8	12.5	0	0	0	10.3	15.4	3.1	10.7	0	4.2	14.7	0	10.9	0	13	5.1

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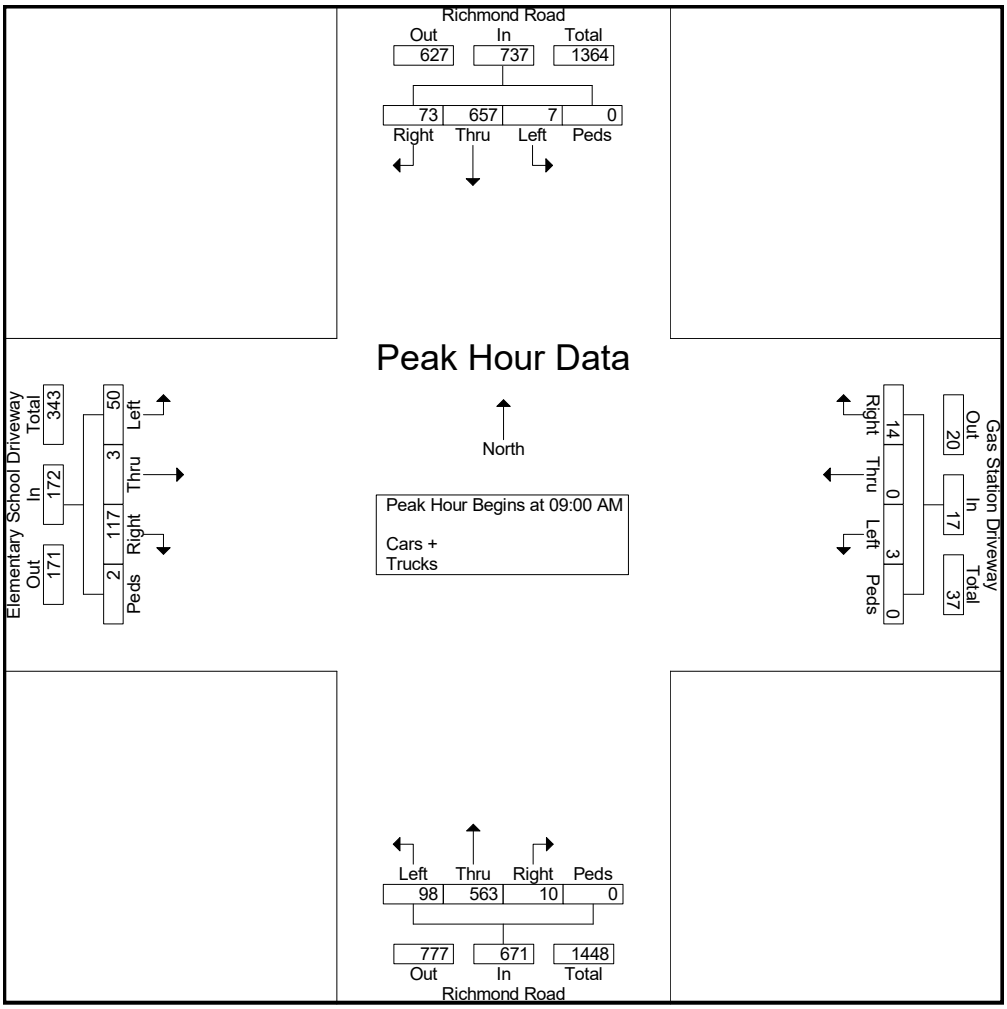
TRAFFIC DATA COLLECTION

File Name : Norge(Richmond and Elementary)
Site Code :
Start Date : 11/15/2023

	Richmond Road Southbound					Gas Station Driveway Westbound					Richmond Road Northbound					Elementary School Driveway Eastbound					
Start Time	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Int. Total
Peak Hour Analysis From 08:30 AM to 10:15 AM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 09:00 AM																					
09:00 AM	19	164	1	0	184	4	0	0	0	4	2	132	23	0	157	9	0	4	**1**	14	359
09:15 AM	19	165	**4**	0	188	2	0	**2**	0	4	2	130	23	0	155	36	0	15	0	51	398
09:30 AM	**29**	**167**	0	0	**196**	**5**	0	0	0	**5**	**3**	**158**	**43**	0	**204**	**48**	**2**	**21**	0	**71**	**476**
09:45 AM	6	161	2	0	169	3	0	1	0	4	3	143	9	0	155	24	1	10	1	36	364
Total Volume	73	657	7	0	737	14	0	3	0	17	10	563	98	0	671	117	3	50	2	172	1597
% App. Total	9.9	89.1	0.9	0		82.4	0	17.6	0		1.5	83.9	14.6	0		68	1.7	29.1	1.2		
PHF	.629	.984	.438	.000	.940	.700	.000	.375	.000	.850	.833	.891	.570	.000	.822	.609	.375	.595	.500	.606	.839



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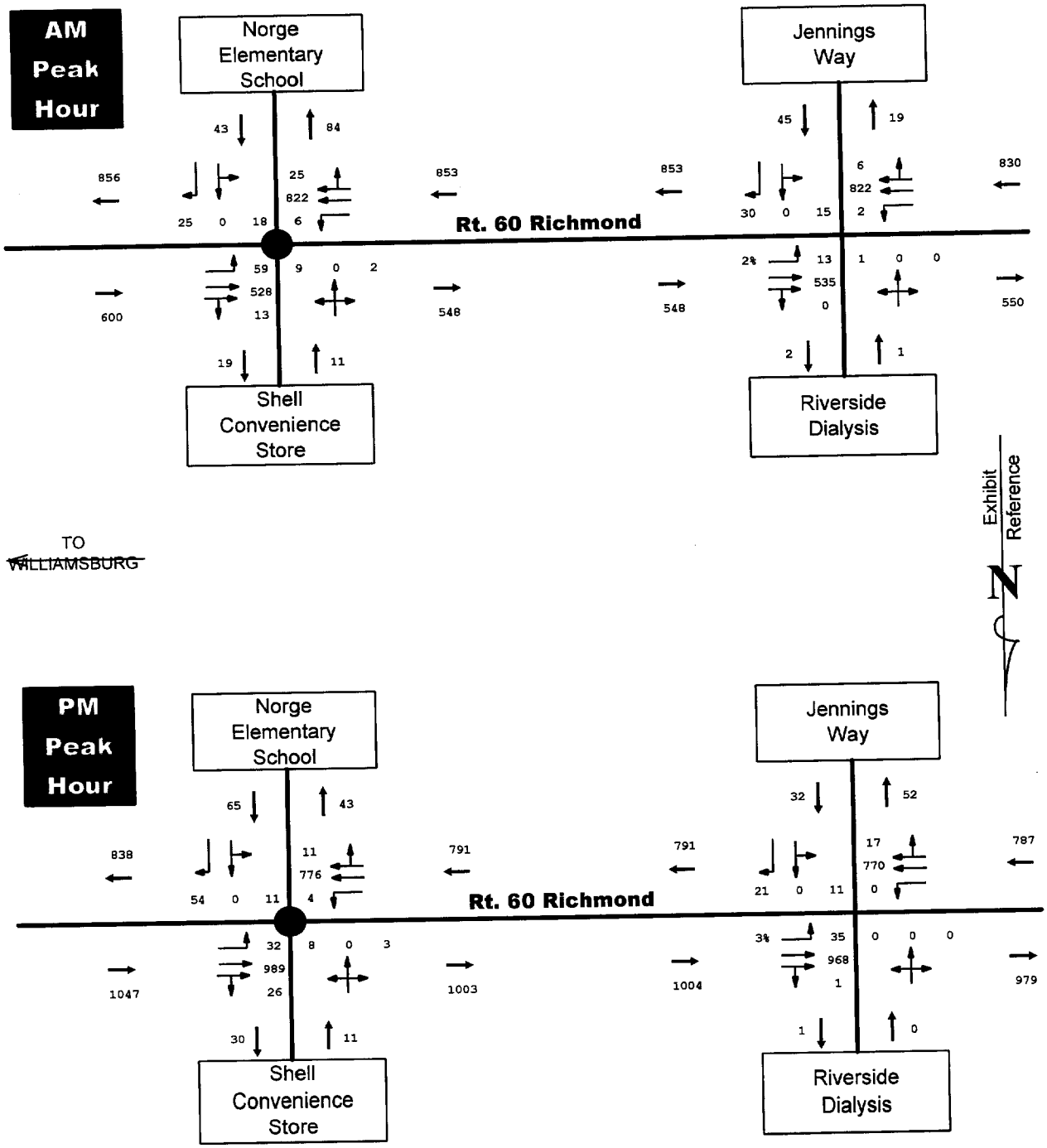

2011 TOTAL PEAK HOUR TRAFFIC

DRW Consultants, LLC
804-794-7312

Exhibit 8

These documents were printed from the official JCC Records Management imaging site

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APPENDIX C: SYNCHRO OUTPUT – EXISTING (2023) CONDITIONS

DocuSign Envelope ID: CE6F2F1F-AFA1-4F7D-A160-0C4CC320B8B7

Lane Group	EBL	EBR	NBL	NBT	SBT
Lane Group Flow (vph)	60	139	117	682	877
v/c Ratio	0.48	0.59	0.26	0.24	0.38
Control Delay	60.3	18.4	4.2	3.0	8.5
Queue Delay	0.0	0.0	0.0	0.0	0.0
Total Delay	60.3	18.4	4.2	3.0	8.5
Queue Length 50th (ft)	41	0	13	47	122
Queue Length 95th (ft)	77	48	28	70	173
Internal Link Dist (ft)	786			1104	624
Turn Bay Length (ft)			275		
Base Capacity (vph)	282	358	598	2825	2311
Starvation Cap Reductn	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0
Reduced v/c Ratio	0.21	0.39	0.20	0.24	0.38

Intersection Summary

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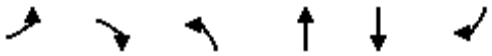

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Volume (veh/h)	50	117	98	573	664	73
Future Volume (veh/h)	50	117	98	573	664	73
Initial Q (Qb), veh	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00	1.00	1.00			1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach	No			No	No	
Adj Sat Flow, veh/h/ln	1737	1678	1737	1856	1841	1707
Adj Flow Rate, veh/h	60	139	117	682	790	87
Peak Hour Factor	0.84	0.84	0.84	0.84	0.84	0.84
Percent Heavy Veh, %	11	15	11	3	4	13
Cap, veh/h	191	164	458	2708	2113	233
Arrive On Green	0.12	0.12	0.04	0.77	0.67	0.67
Sat Flow, veh/h	1654	1422	1654	3618	3269	350
Grp Volume(v), veh/h	60	139	117	682	435	442
Grp Sat Flow(s),veh/h/ln	1654	1422	1654	1763	1749	1778
Q Serve(g_s), s	3.7	10.5	2.5	6.1	12.2	12.2
Cycle Q Clear(g_c), s	3.7	10.5	2.5	6.1	12.2	12.2
Prop In Lane	1.00	1.00	1.00			0.20
Lane Grp Cap(c), veh/h	191	164	458	2708	1163	1182
V/C Ratio(X)	0.31	0.85	0.26	0.25	0.37	0.37
Avail Cap(c_a), veh/h	287	247	663	2708	1163	1182
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	44.7	47.7	6.0	3.7	8.2	8.2
Incr Delay (d2), s/veh	0.3	10.4	0.1	0.2	0.9	0.9
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	1.5	4.2	0.7	1.6	4.7	4.8
Unsig. Movement Delay, s/veh						
LnGrp Delay(d),s/veh	45.0	58.1	6.1	3.9	9.1	9.1
LnGrp LOS	D	E	A	A	A	A
Approach Vol, veh/h	199			799	877	
Approach Delay, s/veh	54.1			4.2	9.1	
Approach LOS	D			A	A	

Timer - Assigned Phs	1	2		4		6
Phs Duration (G+Y+Rc), s	11.3	80.1		18.6		91.4
Change Period (Y+Rc), s	6.9	6.9		5.9		6.9
Max Green Setting (Gmax), s	18.1	53.1		19.1		78.1
Max Q Clear Time (g_c+I1), s	4.5	14.2		12.5		8.1
Green Ext Time (p_c), s	0.1	10.5		0.2		7.4

Intersection Summary			
HCM 6th Ctrl Delay		11.8	
HCM 6th LOS		B	

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Intersection	
Int Delay, s/veh	0.6

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	17	34	15	608	703	7
Future Vol, veh/h	17	34	15	608	703	7
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	50	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	18	37	16	661	764	8

Major/Minor	Minor2		Major1		Major2	
Conflicting Flow All	1131	386	772	0	-	0
Stage 1	768	-	-	-	-	-
Stage 2	363	-	-	-	-	-
Critical Hdwy	6.84	6.94	4.14	-	-	-
Critical Hdwy Stg 1	5.84	-	-	-	-	-
Critical Hdwy Stg 2	5.84	-	-	-	-	-
Follow-up Hdwy	3.52	3.32	2.22	-	-	-
Pot Cap-1 Maneuver	197	612	839	-	-	-
Stage 1	418	-	-	-	-	-
Stage 2	674	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	193	612	839	-	-	-
Mov Cap-2 Maneuver	313	-	-	-	-	-
Stage 1	410	-	-	-	-	-
Stage 2	674	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	13.8	0.2	0
HCM LOS	B		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	839	-	464	-	-
HCM Lane V/C Ratio	0.019	-	0.119	-	-
HCM Control Delay (s)	9.4	-	13.8	-	-
HCM Lane LOS	A	-	B	-	-
HCM 95th %tile Q(veh)	0.1	-	0.4	-	-

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Intersection: 1: Richmond Rd & School Driveway

Movement	EB	EB	NB	NB	NB	SB	SB
Directions Served	L	R	L	T	T	T	TR
Maximum Queue (ft)	124	108	97	99	72	155	152
Average Queue (ft)	46	50	40	31	15	66	54
95th Queue (ft)	96	87	77	77	52	130	122
Link Distance (ft)	819	819		1148	1148	653	653
Upstream Blk Time (%)							
Queuing Penalty (veh)							
Storage Bay Dist (ft)			275				
Storage Blk Time (%)							
Queuing Penalty (veh)							

Intersection: 2: Richmond Rd & Hitchens Lane

Movement	EB	NB
Directions Served	LR	L
Maximum Queue (ft)	69	36
Average Queue (ft)	26	7
95th Queue (ft)	56	28
Link Distance (ft)	589	
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		50
Storage Blk Time (%)		0
Queuing Penalty (veh)		0

Network Summary

Network wide Queuing Penalty: 0

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APPENDIX D: SYNCHRO OUTPUT – NO-BUILD (2025) CONDITIONS

DocuSign Envelope ID: CE6F2F1F-AFA1-4F7D-A160-0C4CC320B8B7

Intersection: 1: Richmond Rd & School Driveway

Movement	EB	EB	NB	NB	NB	SB	SB
Directions Served	L	R	L	T	T	T	TR
Maximum Queue (ft)	116	108	107	101	79	159	170
Average Queue (ft)	46	53	40	32	17	70	58
95th Queue (ft)	97	92	81	79	55	138	132
Link Distance (ft)	819	819		1148	1148	653	653
Upstream Blk Time (%)							
Queuing Penalty (veh)							
Storage Bay Dist (ft)			275				
Storage Blk Time (%)							
Queuing Penalty (veh)							

Intersection: 2: Richmond Rd & Hitchens Lane

Movement	EB	NB
Directions Served	LR	L
Maximum Queue (ft)	80	31
Average Queue (ft)	26	6
95th Queue (ft)	55	26
Link Distance (ft)	589	
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		50
Storage Blk Time (%)		0
Queuing Penalty (veh)		0

Network Summary

Network wide Queuing Penalty: 0

DocuSign Envelope ID: CE6F2F1F-AFA1-4F7D-A160-0C4CC320B8B7

Lane Group	EBL	EBR	NBL	NBT	SBT
Lane Group Flow (vph)	61	142	119	696	895
v/c Ratio	0.48	0.59	0.27	0.25	0.39
Control Delay	60.5	18.4	4.3	3.0	8.7
Queue Delay	0.0	0.0	0.0	0.0	0.0
Total Delay	60.5	18.4	4.3	3.0	8.7
Queue Length 50th (ft)	42	0	14	48	126
Queue Length 95th (ft)	77	48	28	71	180
Internal Link Dist (ft)	786			1104	624
Turn Bay Length (ft)			275		
Base Capacity (vph)	282	361	590	2823	2305
Starvation Cap Reductn	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0
Reduced v/c Ratio	0.22	0.39	0.20	0.25	0.39

Intersection Summary

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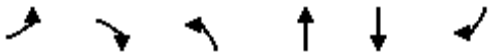

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Volume (veh/h)	51	119	100	585	678	74
Future Volume (veh/h)	51	119	100	585	678	74
Initial Q (Qb), veh	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00	1.00	1.00			1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach	No			No	No	
Adj Sat Flow, veh/h/ln	1737	1678	1737	1856	1841	1707
Adj Flow Rate, veh/h	61	142	119	696	807	88
Peak Hour Factor	0.84	0.84	0.84	0.84	0.84	0.84
Percent Heavy Veh, %	11	15	11	3	4	13
Cap, veh/h	194	167	450	2701	2106	230
Arrive On Green	0.12	0.12	0.04	0.77	0.66	0.66
Sat Flow, veh/h	1654	1422	1654	3618	3272	347
Grp Volume(v), veh/h	61	142	119	696	444	451
Grp Sat Flow(s),veh/h/ln	1654	1422	1654	1763	1749	1778
Q Serve(g_s), s	3.7	10.8	2.5	6.3	12.6	12.6
Cycle Q Clear(g_c), s	3.7	10.8	2.5	6.3	12.6	12.6
Prop In Lane	1.00	1.00	1.00			0.19
Lane Grp Cap(c), veh/h	194	167	450	2701	1158	1178
V/C Ratio(X)	0.31	0.85	0.26	0.26	0.38	0.38
Avail Cap(c_a), veh/h	287	247	654	2701	1158	1178
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	44.5	47.6	6.1	3.7	8.4	8.4
Incr Delay (d2), s/veh	0.3	11.4	0.1	0.2	1.0	0.9
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	1.6	4.4	0.7	1.6	4.9	4.9
Unsig. Movement Delay, s/veh						
LnGrp Delay(d),s/veh	44.8	59.0	6.2	4.0	9.4	9.3
LnGrp LOS	D	E	A	A	A	A
Approach Vol, veh/h	203			815	895	
Approach Delay, s/veh	54.7			4.3	9.4	
Approach LOS	D			A	A	

Timer - Assigned Phs	1	2		4		6
Phs Duration (G+Y+Rc), s	11.4	79.8		18.8		91.2
Change Period (Y+Rc), s	6.9	6.9		5.9		6.9
Max Green Setting (Gmax), s	18.1	53.1		19.1		78.1
Max Q Clear Time (g_c+I1), s	4.5	14.6		12.8		8.3
Green Ext Time (p_c), s	0.1	10.8		0.2		7.6

Intersection Summary	
HCM 6th Ctrl Delay	12.0
HCM 6th LOS	B

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Intersection	
Int Delay, s/veh	0.6

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	17	35	15	621	717	7
Future Vol, veh/h	17	35	15	621	717	7
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	50	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	18	38	16	675	779	8

Major/Minor	Minor2		Major1		Major2	
Conflicting Flow All	1153	394	787	0	-	0
Stage 1	783	-	-	-	-	-
Stage 2	370	-	-	-	-	-
Critical Hdwy	6.84	6.94	4.14	-	-	-
Critical Hdwy Stg 1	5.84	-	-	-	-	-
Critical Hdwy Stg 2	5.84	-	-	-	-	-
Follow-up Hdwy	3.52	3.32	2.22	-	-	-
Pot Cap-1 Maneuver	191	605	828	-	-	-
Stage 1	411	-	-	-	-	-
Stage 2	669	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	187	605	828	-	-	-
Mov Cap-2 Maneuver	307	-	-	-	-	-
Stage 1	403	-	-	-	-	-
Stage 2	669	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	13.9	0.2	0
HCM LOS	B		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	828	-	459	-	-
HCM Lane V/C Ratio	0.02	-	0.123	-	-
HCM Control Delay (s)	9.4	-	13.9	-	-
HCM Lane LOS	A	-	B	-	-
HCM 95th %tile Q(veh)	0.1	-	0.4	-	-

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APPENDIX E: SYNCHRO OUTPUT – BUILD (2025) CONDITIONS WITH REDISTRICITNG

DocuSign Envelope ID: CE6F2F1F-AFA1-4F7D-A160-0C4CC320B8B7

Lane Group	EBL	EBR	NBL	NBT	SBT
Lane Group Flow (vph)	113	185	163	696	949
v/c Ratio	0.64	0.58	0.39	0.26	0.45
Control Delay	62.4	14.1	6.7	4.1	12.2
Queue Delay	0.0	0.0	0.0	0.0	0.0
Total Delay	62.4	14.1	6.7	4.1	12.2
Queue Length 50th (ft)	78	0	24	59	166
Queue Length 95th (ft)	121	50	47	90	236
Internal Link Dist (ft)	786			1104	659
Turn Bay Length (ft)			275		
Base Capacity (vph)	282	396	539	2714	2105
Starvation Cap Reductn	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0
Reduced v/c Ratio	0.40	0.47	0.30	0.26	0.45

Intersection Summary

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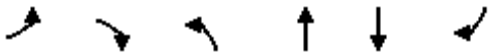

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Volume (veh/h)	95	155	137	585	678	119
Future Volume (veh/h)	95	155	137	585	678	119
Initial Q (Qb), veh	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00	1.00	1.00			1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach	No			No	No	
Adj Sat Flow, veh/h/ln	1737	1678	1737	1856	1841	1707
Adj Flow Rate, veh/h	113	185	163	696	807	142
Peak Hour Factor	0.84	0.84	0.84	0.84	0.84	0.84
Percent Heavy Veh, %	11	15	11	3	4	13
Cap, veh/h	244	209	418	2596	1839	324
Arrive On Green	0.15	0.15	0.05	0.74	0.62	0.62
Sat Flow, veh/h	1654	1422	1654	3618	3064	523
Grp Volume(v), veh/h	113	185	163	696	475	474
Grp Sat Flow(s),veh/h/ln	1654	1422	1654	1763	1749	1747
Q Serve(g_s), s	6.9	14.0	3.9	7.1	15.6	15.6
Cycle Q Clear(g_c), s	6.9	14.0	3.9	7.1	15.6	15.6
Prop In Lane	1.00	1.00	1.00			0.30
Lane Grp Cap(c), veh/h	244	209	418	2596	1082	1081
V/C Ratio(X)	0.46	0.88	0.39	0.27	0.44	0.44
Avail Cap(c_a), veh/h	287	247	599	2596	1082	1081
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	42.9	46.0	8.1	4.8	11.0	11.0
Incr Delay (d2), s/veh	0.5	24.0	0.2	0.3	1.3	1.3
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	2.9	6.4	1.2	2.0	6.2	6.2
Unsig. Movement Delay, s/veh						
LnGrp Delay(d),s/veh	43.4	70.0	8.3	5.0	12.3	12.3
LnGrp LOS	D	E	A	A	B	B
Approach Vol, veh/h	298			859	949	
Approach Delay, s/veh	59.9			5.6	12.3	
Approach LOS	E			A	B	

Timer - Assigned Phs	1	2		4		6
Phs Duration (G+Y+Rc), s	12.9	75.0		22.1		87.9
Change Period (Y+Rc), s	6.9	6.9		5.9		6.9
Max Green Setting (Gmax), s	18.1	53.1		19.1		78.1
Max Q Clear Time (g_c+I1), s	5.9	17.6		16.0		9.1
Green Ext Time (p_c), s	0.2	11.5		0.2		7.6

Intersection Summary	
HCM 6th Ctrl Delay	16.3
HCM 6th LOS	B

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Intersection: 1: Richmond Rd & School Driveway

Movement	EB	EB	NB	NB	NB	SB	SB
Directions Served	L	R	L	T	T	T	TR
Maximum Queue (ft)	184	120	133	110	82	246	214
Average Queue (ft)	81	58	56	39	24	97	68
95th Queue (ft)	157	98	105	87	64	185	155
Link Distance (ft)	819	819		1148	1148	704	704
Upstream Blk Time (%)							
Queuing Penalty (veh)							
Storage Bay Dist (ft)			275				
Storage Blk Time (%)							
Queuing Penalty (veh)							

Network Summary

Network wide Queuing Penalty: 0

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Lane Group	EBL	EBR	NBL	NBT	SBT
Lane Group Flow (vph)	87	162	81	779	869
v/c Ratio	0.58	0.58	0.18	0.28	0.36
Control Delay	61.9	15.9	4.2	3.6	8.3
Queue Delay	0.0	0.0	0.0	0.0	0.0
Total Delay	61.9	15.9	4.2	3.6	8.3
Queue Length 50th (ft)	60	0	10	62	125
Queue Length 95th (ft)	100	49	23	92	173
Internal Link Dist (ft)	786			1104	624
Turn Bay Length (ft)			275		
Base Capacity (vph)	282	377	594	2770	2391
Starvation Cap Reductn	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0
Reduced v/c Ratio	0.31	0.43	0.14	0.28	0.36

Intersection Summary

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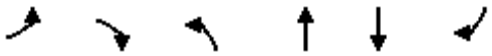

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Volume (veh/h)	73	136	68	654	697	33
Future Volume (veh/h)	73	136	68	654	697	33
Initial Q (Qb), veh	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00	1.00	1.00			1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach	No			No	No	
Adj Sat Flow, veh/h/ln	1737	1678	1737	1856	1841	1707
Adj Flow Rate, veh/h	87	162	81	779	830	39
Peak Hour Factor	0.84	0.84	0.84	0.84	0.84	0.84
Percent Heavy Veh, %	11	15	11	3	4	13
Cap, veh/h	218	187	442	2651	2236	105
Arrive On Green	0.13	0.13	0.03	0.75	0.66	0.66
Sat Flow, veh/h	1654	1422	1654	3618	3493	160
Grp Volume(v), veh/h	87	162	81	779	427	442
Grp Sat Flow(s),veh/h/ln	1654	1422	1654	1763	1749	1812
Q Serve(g_s), s	5.3	12.3	1.8	7.7	12.2	12.2
Cycle Q Clear(g_c), s	5.3	12.3	1.8	7.7	12.2	12.2
Prop In Lane	1.00	1.00	1.00			0.09
Lane Grp Cap(c), veh/h	218	187	442	2651	1150	1191
V/C Ratio(X)	0.40	0.87	0.18	0.29	0.37	0.37
Avail Cap(c_a), veh/h	287	247	661	2651	1150	1191
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	43.8	46.8	6.4	4.3	8.5	8.5
Incr Delay (d2), s/veh	0.4	17.7	0.1	0.3	0.9	0.9
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	2.2	5.3	0.5	2.1	4.7	4.9
Unsig. Movement Delay, s/veh						
LnGrp Delay(d),s/veh	44.2	64.5	6.4	4.6	9.5	9.4
LnGrp LOS	D	E	A	A	A	A
Approach Vol, veh/h	249			860	869	
Approach Delay, s/veh	57.4			4.8	9.4	
Approach LOS	E			A	A	

Timer - Assigned Phs	1	2		4		6
Phs Duration (G+Y+Rc), s	10.4	79.2		20.4		89.6
Change Period (Y+Rc), s	6.9	6.9		5.9		6.9
Max Green Setting (Gmax), s	18.1	53.1		19.1		78.1
Max Q Clear Time (g_c+I1), s	3.8	14.2		14.3		9.7
Green Ext Time (p_c), s	0.1	10.3		0.2		8.8

Intersection Summary	
HCM 6th Ctrl Delay	13.5
HCM 6th LOS	B

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Intersection	
Int Delay, s/veh	1.5

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	39	54	84	643	676	93
Future Vol, veh/h	39	54	84	643	676	93
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	200	-	-	200
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	42	59	91	699	735	101

Major/Minor	Minor2		Major1		Major2	
Conflicting Flow All	1267	368	836	0	-	0
Stage 1	735	-	-	-	-	-
Stage 2	532	-	-	-	-	-
Critical Hdwy	6.84	6.94	4.14	-	-	-
Critical Hdwy Stg 1	5.84	-	-	-	-	-
Critical Hdwy Stg 2	5.84	-	-	-	-	-
Follow-up Hdwy	3.52	3.32	2.22	-	-	-
Pot Cap-1 Maneuver	161	629	794	-	-	-
Stage 1	435	-	-	-	-	-
Stage 2	553	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	142	629	794	-	-	-
Mov Cap-2 Maneuver	269	-	-	-	-	-
Stage 1	385	-	-	-	-	-
Stage 2	553	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	16.9	1.2	0
HCM LOS	C		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	794	-	403	-	-
HCM Lane V/C Ratio	0.115	-	0.251	-	-
HCM Control Delay (s)	10.1	-	16.9	-	-
HCM Lane LOS	B	-	C	-	-
HCM 95th %tile Q(veh)	0.4	-	1	-	-

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Intersection: 1: Richmond Rd & School Driveway

Movement	EB	EB	NB	NB	NB	SB	SB
Directions Served	L	R	L	T	T	T	TR
Maximum Queue (ft)	134	117	82	113	85	147	136
Average Queue (ft)	53	56	24	44	19	65	49
95th Queue (ft)	106	95	56	95	57	121	110
Link Distance (ft)	819	819		1148	1148	653	653
Upstream Blk Time (%)							
Queuing Penalty (veh)							
Storage Bay Dist (ft)			275				
Storage Blk Time (%)							
Queuing Penalty (veh)							

Intersection: 2: Richmond Rd & Hitchens Lane

Movement	EB	NB	NB	SB
Directions Served	LR	L	T	R
Maximum Queue (ft)	134	89	2	4
Average Queue (ft)	47	38	0	0
95th Queue (ft)	98	72	2	4
Link Distance (ft)	577		653	
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)		200		200
Storage Blk Time (%)				
Queuing Penalty (veh)				

Network Summary

Network wide Queuing Penalty: 0

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APPENDIX F: SYNCHRO OUTPUT – BUILD (2025) CONDITIONS WITHOUT REDISTRICITNG

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Lane Group	EBL	EBR	NBL	NBT	SBT
Lane Group Flow (vph)	94	204	182	696	930
v/c Ratio	0.59	0.64	0.40	0.25	0.44
Control Delay	62.0	15.7	6.4	3.7	12.5
Queue Delay	0.0	0.0	0.0	0.0	0.0
Total Delay	62.0	15.7	6.4	3.7	12.5
Queue Length 50th (ft)	65	0	25	55	165
Queue Length 95th (ft)	105	52	48	83	233
Internal Link Dist (ft)	786			1104	659
Turn Bay Length (ft)			275		
Base Capacity (vph)	356	466	546	2754	2093
Starvation Cap Reductn	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0
Reduced v/c Ratio	0.26	0.44	0.33	0.25	0.44

Intersection Summary

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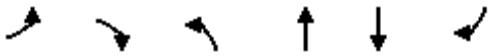

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Volume (veh/h)	79	171	153	585	678	103
Future Volume (veh/h)	79	171	153	585	678	103
Initial Q (Qb), veh	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00	1.00	1.00			1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach	No			No	No	
Adj Sat Flow, veh/h/ln	1737	1678	1737	1856	1841	1707
Adj Flow Rate, veh/h	94	204	182	696	807	123
Peak Hour Factor	0.84	0.84	0.84	0.84	0.84	0.84
Percent Heavy Veh, %	11	15	11	3	4	13
Cap, veh/h	267	230	420	2546	1819	277
Arrive On Green	0.16	0.16	0.06	0.72	0.60	0.60
Sat Flow, veh/h	1654	1422	1654	3618	3134	464
Grp Volume(v), veh/h	94	204	182	696	464	466
Grp Sat Flow(s),veh/h/ln	1654	1422	1654	1763	1749	1757
Q Serve(g_s), s	5.6	15.5	4.6	7.5	16.0	16.0
Cycle Q Clear(g_c), s	5.6	15.5	4.6	7.5	16.0	16.0
Prop In Lane	1.00	1.00	1.00			0.26
Lane Grp Cap(c), veh/h	267	230	420	2546	1045	1050
V/C Ratio(X)	0.35	0.89	0.43	0.27	0.44	0.44
Avail Cap(c_a), veh/h	362	311	591	2546	1045	1050
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	41.0	45.1	8.9	5.3	12.1	12.1
Incr Delay (d2), s/veh	0.3	17.0	0.3	0.3	1.4	1.4
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	2.3	6.6	1.4	2.2	6.5	6.5
Unsig. Movement Delay, s/veh						
LnGrp Delay(d),s/veh	41.3	62.2	9.2	5.6	13.5	13.5
LnGrp LOS	D	E	A	A	B	B
Approach Vol, veh/h	298			878	930	
Approach Delay, s/veh	55.6			6.3	13.5	
Approach LOS	E			A	B	

Timer - Assigned Phs	1	2		4		6
Phs Duration (G+Y+Rc), s	13.7	72.7		23.7		86.3
Change Period (Y+Rc), s	6.9	6.9		5.9		6.9
Max Green Setting (Gmax), s	18.1	48.1		24.1		73.1
Max Q Clear Time (g_c+I1), s	6.6	18.0		17.5		9.5
Green Ext Time (p_c), s	0.2	10.5		0.3		7.6

Intersection Summary	
HCM 6th Ctrl Delay	16.4
HCM 6th LOS	B

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Intersection: 1: Richmond Rd & School Driveway

Movement	EB	EB	NB	NB	NB	SB	SB
Directions Served	L	R	L	T	T	T	TR
Maximum Queue (ft)	166	136	138	110	91	226	199
Average Queue (ft)	73	63	60	35	26	103	66
95th Queue (ft)	137	109	110	84	72	188	151
Link Distance (ft)	819	819		1148	1148	704	704
Upstream Blk Time (%)							
Queuing Penalty (veh)							
Storage Bay Dist (ft)			275				
Storage Blk Time (%)							
Queuing Penalty (veh)							

Network Summary

Network wide Queuing Penalty: 0

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Lane Group	EBL	EBR	NBL	NBT	SBT
Lane Group Flow (vph)	76	173	62	817	896
v/c Ratio	0.54	0.62	0.14	0.29	0.37
Control Delay	61.5	17.1	3.8	3.5	7.8
Queue Delay	0.0	0.0	0.0	0.0	0.0
Total Delay	61.5	17.1	3.8	3.5	7.8
Queue Length 50th (ft)	52	0	7	63	125
Queue Length 95th (ft)	91	50	18	92	172
Internal Link Dist (ft)	786			1104	624
Turn Bay Length (ft)			275		
Base Capacity (vph)	282	386	588	2793	2414
Starvation Cap Reductn	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0
Reduced v/c Ratio	0.27	0.45	0.11	0.29	0.37

Intersection Summary

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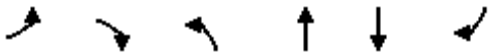

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Volume (veh/h)	64	145	52	686	704	49
Future Volume (veh/h)	64	145	52	686	704	49
Initial Q (Qb), veh	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00	1.00	1.00			1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach	No			No	No	
Adj Sat Flow, veh/h/ln	1737	1678	1737	1856	1841	1707
Adj Flow Rate, veh/h	76	173	62	817	838	58
Peak Hour Factor	0.84	0.84	0.84	0.84	0.84	0.84
Percent Heavy Veh, %	11	15	11	3	4	13
Cap, veh/h	230	198	420	2625	2176	151
Arrive On Green	0.14	0.14	0.03	0.74	0.66	0.66
Sat Flow, veh/h	1654	1422	1654	3618	3410	230
Grp Volume(v), veh/h	76	173	62	817	442	454
Grp Sat Flow(s),veh/h/ln	1654	1422	1654	1763	1749	1799
Q Serve(g_s), s	4.6	13.1	1.4	8.5	12.8	12.8
Cycle Q Clear(g_c), s	4.6	13.1	1.4	8.5	12.8	12.8
Prop In Lane	1.00	1.00	1.00			0.13
Lane Grp Cap(c), veh/h	230	198	420	2625	1146	1180
V/C Ratio(X)	0.33	0.88	0.15	0.31	0.39	0.39
Avail Cap(c_a), veh/h	287	247	649	2625	1146	1180
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	42.7	46.4	6.6	4.7	8.7	8.7
Incr Delay (d2), s/veh	0.3	21.0	0.1	0.3	1.0	1.0
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	1.9	5.8	0.4	2.4	4.9	5.1
Unsig. Movement Delay, s/veh						
LnGrp Delay(d),s/veh	43.0	67.4	6.7	5.0	9.7	9.7
LnGrp LOS	D	E	A	A	A	A
Approach Vol, veh/h	249			879	896	
Approach Delay, s/veh	60.0			5.1	9.7	
Approach LOS	E			A	A	

Timer - Assigned Phs	1	2		4		6
Phs Duration (G+Y+Rc), s	9.8	79.0		21.2		88.8
Change Period (Y+Rc), s	6.9	6.9		5.9		6.9
Max Green Setting (Gmax), s	18.1	53.1		19.1		78.1
Max Q Clear Time (g_c+I1), s	3.4	14.8		15.1		10.5
Green Ext Time (p_c), s	0.0	10.8		0.2		9.5

Intersection Summary	
HCM 6th Ctrl Delay	13.9
HCM 6th LOS	B

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Intersection	
Int Delay, s/veh	1.7

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	32	61	116	634	692	61
Future Vol, veh/h	32	61	116	634	692	61
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	200	-	-	200
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	35	66	126	689	752	66

Major/Minor	Minor2		Major1		Major2	
Conflicting Flow All	1349	376	818	0	-	0
Stage 1	752	-	-	-	-	-
Stage 2	597	-	-	-	-	-
Critical Hdwy	6.84	6.94	4.14	-	-	-
Critical Hdwy Stg 1	5.84	-	-	-	-	-
Critical Hdwy Stg 2	5.84	-	-	-	-	-
Follow-up Hdwy	3.52	3.32	2.22	-	-	-
Pot Cap-1 Maneuver	142	622	806	-	-	-
Stage 1	426	-	-	-	-	-
Stage 2	513	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	120	622	806	-	-	-
Mov Cap-2 Maneuver	246	-	-	-	-	-
Stage 1	360	-	-	-	-	-
Stage 2	513	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	16.7	1.6	0
HCM LOS	C		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	806	-	408	-	-
HCM Lane V/C Ratio	0.156	-	0.248	-	-
HCM Control Delay (s)	10.3	-	16.7	-	-
HCM Lane LOS	B	-	C	-	-
HCM 95th %tile Q(veh)	0.6	-	1	-	-

DocuSign Envelope ID: CE6F2F1F-AFA1-4F7D-A160-0C4CC320B8B7

Intersection: 1: Richmond Rd & School Driveway

Movement	EB	EB	NB	NB	NB	SB	SB
Directions Served	L	R	L	T	T	T	TR
Maximum Queue (ft)	134	117	82	113	85	147	136
Average Queue (ft)	53	56	24	44	19	65	49
95th Queue (ft)	106	95	56	95	57	121	110
Link Distance (ft)	819	819		1148	1148	653	653
Upstream Blk Time (%)							
Queuing Penalty (veh)							
Storage Bay Dist (ft)			275				
Storage Blk Time (%)							
Queuing Penalty (veh)							

Intersection: 2: Richmond Rd & Hitchens Lane

Movement	EB	NB	NB	SB
Directions Served	LR	L	T	R
Maximum Queue (ft)	134	89	2	4
Average Queue (ft)	47	38	0	0
95th Queue (ft)	98	72	2	4
Link Distance (ft)	577		653	
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)		200		200
Storage Blk Time (%)				
Queuing Penalty (veh)				

Network Summary

Network wide Queuing Penalty: 0

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APPENDIX G: TURN LANE WARRANT ANALYSIS

DocuSign Envelope ID: CE6F2F1F-AFA1-4F7D-A160-0C4CC320B8B7

VIRGINIA DEPARTMENT OF TRANSPORTATION
COMMERCIAL ENTRANCE DESIGN

General Project Information *Enter a value for all input cells*

Project Name: Bright Beginning at Norge Elementary School (Without Redistricting)

County: James City County

Reviewer: AM Peak Hour Date: 3/21/2024

Adjacent Roadway Data

Adjacent Road Name: Richmond Road Type: 3 or 4 lane Undivided

Posted Speed: 45 mph * Classification: Principal Rural Arterial

AADT: 15000 VPD D: N/A k: N/A *enter N/A if factors are unknown*

*Use Design Speed if available

Trip Generation

Generated Trips: VPD % Trucks in Entrance: 3 %

Right In: 61 VPH Advancing Volume: 750 VPH

Left In: 116 VPH 15% Opposing Volume: 753 VPH**

**Also used as Approaching Volume for Rt. Turns

Entrance Criteria Entrance is a Low Volume Commercial Entrance

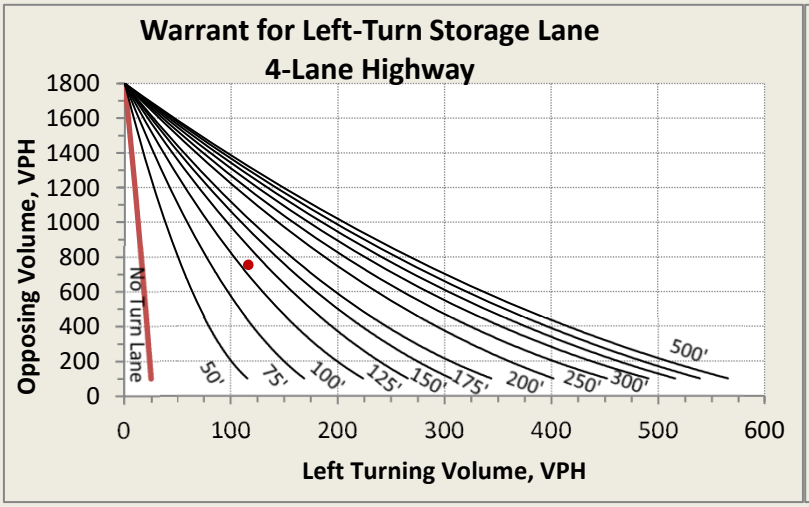
Entrance Type: Full Access Entrance

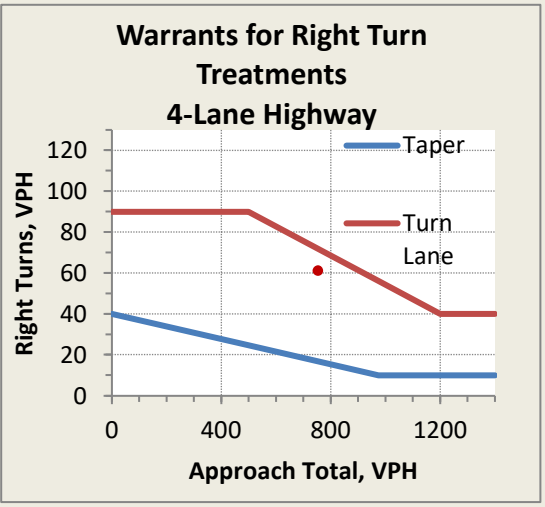
Minimum Spacing: **565** ft SDL: **530** ft SDR: **565** ft

Left Turn Lane Warrant: Left Turn in Volume ≥ 16 VPH **Left Turn Lane Required w/200' Taper**

Right Turn Taper Warrant: Rt. Turn Volume ≥ 17 VPH **200' Right Turn Taper Required**

Right Turn Lane Warrant: Rt. Turn Volume ≥ 72 VPH **No Right Turn Lane Required**





1. The Minimum Warranted Left Turn Stacking Length 50' unless more required as plotted above.

DocuSign Envelope ID: CE6F2F1F-AFA1-4F7D-A160-0C4CC320B8B7

VIRGINIA DEPARTMENT OF TRANSPORTATION
COMMERCIAL ENTRANCE DESIGN

General Project Information *Enter a value for all input cells*

Project Name: Bright Beginning at Norge Elementary School (with Redistricting)

County: James City County

Reviewer: AM Peak Hour Date: 3/21/2024

Adjacent Roadway Data

Adjacent Road Name: Richmond Road Type: 3 or 4 lane Undivided

Posted Speed: 45 mph * Classification: Principal Rural Arterial

AADT: 15000 VPD D: N/A k: N/A *enter N/A if factors are unknown*

*Use Design Speed if available

Trip Generation

Generated Trips: VPD % Trucks in Entrance: 3 %

Right In: 93 VPH Advancing Volume: 727 VPH

Left In: 84 VPH 12% Opposing Volume: 769 VPH**

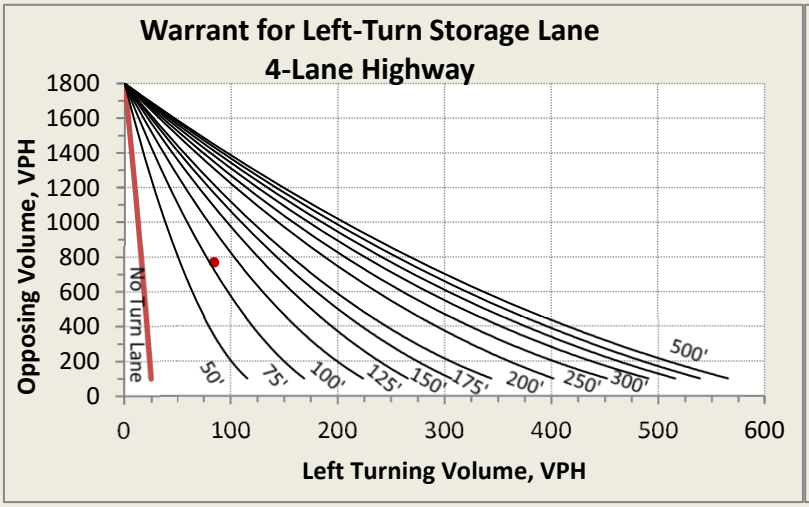
**Also used as Approaching Volume for Rt. Turns

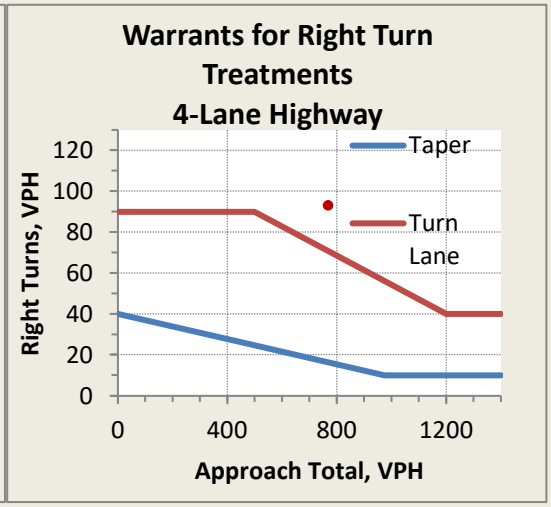
Entrance Criteria Entrance is a Low Volume Commercial Entrance

Entrance Type: Full Access Entrance

Minimum Spacing: **565** ft SDL: **530** ft SDR: **565** ft

Left Turn Lane Warrant: Left Turn in Volume ≥	15	VPH	**Left Turn Lane Required w/200' Taper**
Right Turn Taper Warrant: Rt. Turn Volume ≥	16	VPH	**200' Right Turn Taper Required**
Right Turn Lane Warrant: Rt. Turn Volume ≥	71	VPH	**Full Right Turn/Taper Required**





1. The Minimum Warranted Left Turn Stacking Length 50' unless more required as plotted above.

RESOLUTION

VIRGINIA CODE 15.2-2232 ACTION ON CASE NO. Z-24-0003/SUP-24-0003. BRIGHT BEGINNINGS PRE-K CENTER AT NORGE ELEMENTARY SCHOOL REZONING AND SPECIAL USE PERMIT

WHEREAS, in accordance with Section 15.2-2232 of the Code of Virginia, schools or other public facilities, whether publicly or privately owned, shall not be constructed, established, or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the Planning Commission as being substantially in accord with the adopted Comprehensive Plan or part thereof; and

WHEREAS, Williamsburg-James City County School Board (the "Owner"), owns properties located at 7311 and 7311A Richmond Road and further identified as James City County Real Estate Tax Map Parcel Nos. 2320100035 and 2320100035A (the "Properties"), which are zoned R-2, General Residential and PL, Public Lands; and

WHEREAS, Ms. Holly Adams of Alpha Corporation, on behalf of the Owner, has applied for a Rezoning and Special Use Permit (SUP) to rezone 7311A Richmond Road to PL, Public Lands, with an SUP to allow for schools, libraries, museums, and similar institutions, as shown on a plan titled "Bright Beginnings Pre-K Center Norge Elementary School Conceptual Master Plan Update" and dated March 2024; and

WHEREAS, in accordance with Section 15.2-2204 of the Code of Virginia and Section 24-9 of the James City County Zoning Ordinance, a public hearing was advertised, adjacent property owners notified, and a hearing scheduled for Case No. Z-24-0003/SUP-24-0003.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, finds that the general or approximate location, character, and extent of the public facility shown in Case No. Z-24-0003/SUP-24-0003 are substantially in accord with the adopted Comprehensive Plan and applicable parts thereof.

Jack Haldeman
Vice Chair, Planning Commission

ATTEST:

Susan Istenes, Secretary

Adopted by the Planning Commission of James City County, Virginia, this 1st day of May 2024.

RZ-SUP24-3BrtBgNES-res

Unapproved Minutes of the May 1, 2024,
Planning Commission Regular Meeting

Z-24-0003/SUP-24-0003. Bright Beginnings Pre-K Center at Norge Elementary School

Mr. Ben Loppacker, Planner I, stated that Ms. Holly Adams of Alpha Corporation, had applied on behalf of WJCC Public Schools to rezone approximately 0.23 acres located at 7311A Richmond Road from R-2, General Residential to PL, Public Lands. Mr. Loppacker stated that Ms. Adams also applied for a corresponding SUP to allow a 42,000-square-foot Pre-K Center at 7311 and 7311A Richmond Road.

Mr. Loppacker stated that staff found the proposed conditions would mitigate impacts to surrounding properties and development. Mr. Loppacker further stated that staff found this proposal to be compatible with surrounding zoning and development and consistent with the 2045 Comprehensive Plan and Zoning Ordinance.

Mr. Loppacker stated that Section 15.2-2232 of the Code of Virginia states, in part, that no public facility be allowed unless the Planning Commission finds the location of the facility "substantially" consistent with the adopted Comprehensive Plan. Mr. Loppacker stated that staff recommends that the Planning Commission find this application consistent with the 2045 Comprehensive Plan and recommend approval of this application to the Board of Supervisors, subject to the proposed conditions.

Mr. Haldeman opened the Public Hearing.

Ms. Adams stated she was available for questions.

Mr. Haldeman asked for clarification on the proposed traffic pattern for the site.

Ms. Adams provided clarification.

As no one further wished to speak, Mr. Haldeman closed the Public Hearing.

Mr. Polster made a motion to find the application consistent with the 2045 Comprehensive Plan.

On a roll call vote, the Commission voted to find Z-24-0003/SUP-24-0003. Bright Beginnings Pre-K Center at Norge Elementary School consistent with the 2045 Comprehensive Plan. (6-0)

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

On a roll call vote, the Commission voted to recommend approval of Z-24-0003/SUP-24-0003. Bright Beginnings Pre-K Center at Norge Elementary School. (6-0)

SUMMARY FACTS

Applicant:	Mr. Vaughn Poller, James City County Neighborhood Development Administrator
Landowners:	James City County Blakely K. Weddington Angela M. Weddington William David Talley, Trustee of The Lillian F. Talley Trust
Proposal:	Rezoning of approximately 15.82 acres from R-2, General Residential to R-3, Residential Redevelopment with Proffers, to allow for up to 47 residential dwellings consisting of 27 single-family detached units and 20 single-family attached units, resulting in a density of 3.02 units per acre.
Locations:	186 Clark Lane 6197 Old Mooretown Road 6195 Old Mooretown Road 179 Clark Lane 191 Clark Lane 215 Curry Drive 110 Catalpa Drive 106 Catalpa Drive 6171 Old Mooretown Road
Tax Map/Parcel Nos.:	3220100037 3220100038 3220100039 3220100040 3220100113 3221400004 3220100040A 3220100040B 3220100040D
Current Zoning:	R-2, General Residential
Proposed Zoning:	R-3, Residential Redevelopment with Proffers
Project Acreage:	+/- 15.82 acres
Comprehensive Plan:	Low Density Residential
Primary Service Area: (PSA)	Inside
Staff Contact:	Thomas Wysong, Principal Planner

PUBLIC HEARING DATES

Planning Commission:	May 1, 2024, 6:00 p.m.
Board of Supervisors:	June 11, 2024, 5:00 p.m.

FACTORS FAVORABLE

1. Staff finds the proposed primary use for this rezoning aligns with the recommended primary uses for the Low Density Designation in the Comprehensive Plan.

2. Staff finds the proffering of 100% of the proposed units to be affordable is a significant public benefit. As such, the proposed density of 3.02 units per acre is consistent with the Low Density Residential Land Use Designation, which recommends up to four units per acre if benefits are provided.

3. Staff finds the proposed provision of workforce and affordable housing to be consistent with the Housing Chapter of the Comprehensive Plan and the Low Density Residential Land Use Designation within the Land Use Chapter of the Comprehensive Plan.

4. The proposal is consistent with the County's Residential Redevelopment Policy.

5. The applicant has proffered design guidelines that are generally consistent with the County's Character Design Guidelines.

6. The proposal passes the Adequate Public Schools Facilities Test.

7. See Impact Analysis on Pages 6-7.

FACTORS UNFAVORABLE

1. The application is not fully consistent with the Comprehensive Plan, given the fiscal impacts are not fully mitigated.

2. The application does not fully comply with the Parks & Recreation Proffer Guidelines.

3. See Impact Analysis on Pages 6-7.

SUMMARY STAFF RECOMMENDATION

Staff recommends that the Board of Supervisors approve the proposed rezoning, subject to the submitted proffers.

PLANNING COMMISSION RECOMMENDATION

At its May 1, 2024, meeting, the Planning Commission voted to recommend approval of this application by a vote of 6-0.

PROPOSED CHANGES MADE SINCE THE PLANNING COMMISSION MEETING

There have been no changes made since the Planning Commission meeting on May 1, 2024.

PROJECT DESCRIPTION

Mr. Vaughn Poller, on behalf of the James City County Neighborhood Development Division, has applied to rezone approximately 15.82 of an assemblage of parcels from R-2, General Residential to R-3, Residential Redevelopment with Proffers.

- The proposal is for 47 residential dwellings, with 27 single-family detached units and 20 single-family attached units (duplexes). On average, the units are anticipated to be three bedrooms, two baths with a square footage between 1,100 and 1,400 square feet.

- For the purpose of calculating density, 100% of the parcel acreage is considered developable.

- This project proposes a density of up to 3.02 units per acre.

- Per the attached proffers (Attachment No. 1), 100% of the dwelling units permitted on the property shall be offered for sale at affordable prices.

- The applicant is proposing internal pedestrian connections as part of the proposed roadway right-of-way. In accordance with the Pedestrian Accommodation Master Plan, the project will have a multiuse path along the frontage on Richmond Road.

- Perimeter buffering is proposed to ensure the preservation of Community Character and existing natural features in accordance with the requirements of the R-3, Residential Redevelopment District.

- The proposal includes some recreational amenities as suggested from the Parks & Recreation Master Plan Guidelines providing one playground and 0.43 acres of park/recreational land.

Residential Density Bonuses

The Residential Redevelopment District allows for increased density within a development, provided that certain benefits are provided. In order to achieve a density of 3.02 units per acre, the applicant is required to have at least 10% of the property preserved as open space and three density bonus points.

The Master Plan shows that 5.42 acres, which is 34% of the total site, is set aside as open space. The applicant is proposing to achieve the three density bonus points through the items detailed below:

- Bonus Point Option A: For every 15% of the total units that meet the definition of affordable and workforce housing (starting above the threshold set forth in the Residential Redevelopment Policy, as amended). (Bonus Points 4)

  The Residential Redevelopment Policy requires that at least 50% of all proposed housing units be targeted to families earning 30-120% of Area Median Income (AMI), with a minimum of 25% of all proposed housing units targeted to families earning 30-80% of AMI. The applicant has proffered that 100% of the housing units be targeted to families earning 30-120% of AMI, with a minimum of 25% of all proposed housing units targeted to families earning 30-80% of AMI.

No density bonus is allowed for improvement, design, or actions that are otherwise required by County, state, or federal law.

Housing Affordability Analysis

The Comprehensive Plan encourages inclusion of affordable and workforce units within new residential development. Per the Comprehensive Plan recommendations, at least 20% of the development's proposed new dwellings should be offered for sale at prices that are targeted at workers with incomes up to 80% of AMI level as determined by the U.S. Department of Housing and Urban Development. The applicant has proffered that 100% of the 47 dwelling units shall be offered for sale at prices that are targeted to families earning 30-120% of AMI, with a minimum of 25% of all proposed housing units targeted to families earning 30-80% of AMI.

The table below provides the sales prices affordable at distinct percentages of AMI, which is currently $100,700.

Affordable Sales Price by AMI %

% AMI	Upper limit of the sales price affordable to this AMI level (2023 prices)
30%	$108,250
60%	$213,900
80%	$284,250
100%	$354,800
120%	$425,250

Public Transportation: Vehicular

The scale of this proposal did not require the submittal of a Transportation Impact Analysis (TIA). This development is expected to yield less than 50 PM Peak trips per day. The impacts associated with the rezoning are within the operating limits of the surrounding roadway network and therefore will not impose time increases for turning motions that could result in failing turning motions or needs for off-site roadway improvements.

The Virginia Department of Transportation (VDOT) did not raise any concerns regarding this proposal or recommend any off-site improvements. For this Master Plan concept to be implemented, the requisite right-of-way for Catalpa Drive will need to be vacated by the County Board of Supervisors.

Schools

The County adopted the Adequate Public Schools Facilities Test by resolution on June 23, 1998. A proposed rezoning or Special Use Permit (SUP) application for residential development is required to show that the schools that would serve the future development currently have adequate design capacity to accommodate the existing student population plus the additional schoolchildren generated by the development. The schools shall be deemed adequate if the projected student population does not exceed 100% of the design capacity.

However, if the affected public schools currently exceed design capacity, but the schools' student population will be brought under design capacity within three years of the time of the application's review through either physical improvements programmed in the Capital Improvements Program and/or through a redistricting plan that was approved by the School prior to application, then the application will be deemed to have passed the test.

The proposed development is anticipated to generate an additional 16 students. As illustrated in the following table, the 16 students projected from the development would not cause the enrollment levels for Norge Elementary, Toano Middle, or Warhill High Schools to exceed effective capacity. Thus, this proposal passes the Adequate Public Schools Facilities Test.

Student Enrollment and School Capacity, Williamsburg-James City County Schools 2023

School	*Effective Capacity*	*Enrollment 2023-2024*	*Projected Students Generated*	*Enrollment + Projected Students*
Norge Elementary School	695	575	+7	582
Toano Middle School	790	700	+4	704
Warhill High School	1,441	1,298	+5	1,303

Parks and Recreation

This proposal includes up to 47 residential units. The applicant will provide some recreational amenities as recommended by the James City County Parks & Recreation Development Guidelines. These amenities include a playground and 0.43 acres of parkland. While amenities like biking/jogging trails, a sports court, pool, or multiuse field are not included in this proposal, Parks & Recreation Department staff considers the proposed amenities adequate and recommends approval of the submitted exception request (see Attachment No. 8).

James City County Parks & Recreation Development Guidelines Comparison

Minimum Requirement (units)	*Minimum Required*	*Proffered or Shown on Master Plan*
Parkland Acreage	0.3 acres	0.43 acres
Biking/Jogging Trails	248.16 square feet	0
Playground	1	1
Sport Court or Pool	1	0
Multiuse Field	1	0

PLANNING AND ZONING HISTORY

The current zoning for the property, R-2, General Residential, has been in place since the 1980s.

SURROUNDING ZONING AND DEVELOPMENT

	Zoning Designation	Existing Land Use	Future Land Use Designation
NORTH	R-2, General Residential District	Single-Family Residential	Low Density Residential
SOUTH	R-2, General Residential District	Single-Family Residential Railroad Right-of-Way	Low Density Residential
EAST	R-2, General Residential District	Single-Family Residential	Low Density Residential
WEST	R-2, General Residential District	Single-Family Residential	Low Density Residential

IMPACT ANALYSIS

Impacts/Potentially Unfavorable Conditions	**Status** *(No Mitigation Required/Mitigated/Not Fully Mitigated)*	**Considerations/Proposed Mitigation of Potentially Unfavorable Conditions**
Please note the information in the Status column indicated below does not include information from the Financial Impacts of Residential Units section of this staff report.		
Public Transportation: Vehicular	No Mitigation Required	• The vehicle trips generated by this proposal do not require the submittal of a TIA.
Public Transportation: Pedestrian/Bicycle	No Mitigation Required	• The County's *Pedestrian Accommodation Master Plan* requires no improvements along this portion of Mooretown Road. The *Regional Bikeways Map* requires no improvements.
Public Safety	No Mitigation Required	• Fire Station 4 on Olde Towne Road serves this area of the County and is approximately three miles from this property. • The proposal does not generate impacts that require mitigation to the County's emergency services or facilities.
Public Schools	No Mitigation Required	• This proposal passes the Adequate Public Schools Facilities Test.
Public Parks and Recreation	Not Fully Mitigated	• This proposal contains some of the recommendations of the Parks & Recreation Development Guidelines, but does not provide biking/jogging trails, a sports court, pool, or multiuse field. • The Parks & Recreation Development Guidelines state that the Board of Supervisors may approve alternatives to the recommended amenities. Parks & Recreation supports the submitted exception request.
Public Libraries and Cultural Centers	No Mitigation Required	• The proposal does not generate impacts that require mitigation to public libraries or cultural centers.
Groundwater and Drinking Water Resources	Mitigated	• The James City Service Authority has reviewed and approved this conceptual proposal on the Master Plan, as well as the projected water and sewer flows within the Community Impact Statement. • The applicant has proffered water conservation standards for this development.
Watersheds, Streams, and Reservoirs	Mitigated	• The Master Plan shows a conceptual layout for Stormwater Management Facilities, which includes Best Management Practices (BMPs).

Impacts/Potentially Unfavorable Conditions	**Status** *(No Mitigation Required/Mitigated/Not Fully Mitigated)*	**Considerations/Proposed Mitigation of Potentially Unfavorable Conditions**
Please note the information in the Status column indicated below does not include information from the Financial Impacts of Residential Units section of this staff report.		
Cultural/Historic	No Mitigation Required	• Per the County's Geographic Information System, this property is identified as a Moderate sensitive area on the James City County archaeological assessment, meaning no archaeological study is required for this application as part of the legislative submittal. Per Section 19-27 of the Subdivision Ordinance, an archaeological study and natural resource inventory will be required at the development plan stage.
Nearby and Surrounding Properties	Mitigated	• This parcel is surrounded by residential lands. • Per the Master Plan, there will be a perimeter buffer to preserve mature woodland and mitigate impacts to surrounding neighborhoods. • Staff finds this proposal compatible with the character of the existing surrounding development. **Proffers** • Proffer No. 3 guarantees development will be consistent with the submitted design guidelines, which includes standards regarding house orientation, placement, and feature designs that will protect neighborhood character.
Community Character	Mitigated	• These properties are not located within a Community Character Area, nor do they front directly on a Community Character Corridor. **Proffers** • Proffer No. 2 guarantees sidewalk implementation will be phased adequately to ensure character maintenance and connectivity. • Proffer No. 3 guarantees development will be consistent with the submitted design guidelines, which includes standards regarding house orientation, placement, and feature designs that will protect neighborhood character. The design guidelines are consistent with the Comprehensive Plan, the established County Character Design Guidelines, and the surrounding neighborhoods.

NATURAL AND CULTURAL ASSETS

The site is identified as having no natural and cultural assets on the Natural & Cultural Assets Plan maps (and/or other supplemental resources such as Virginia Lands and Energy Navigator (VaLENS).

COMPREHENSIVE PLAN

The property is designated Low Density Residential on the Comprehensive Plan Land Use Map and is adjacent to properties designated as such. The following general guidance is stated for the Low Density Residential Designation:

- Land designated Low Density Residential are "located in the PSA where public services and utilities exist or are expected to be expanded to serve the sites over the next 20 years. The lands have natural characteristics such as terrain and soils suitable for residential development." Principle uses included single-family and multifamily units, cluster or cottage homes, and recreation areas. Recommended density from one unit per acre up to four units per acre if particular public benefits are provided. These include mixed-cost housing, affordable and workforce housing, enhanced environmental protection, or development that adheres to the principles of open space design.

  Staff finds that the proposed primary use is consistent with the recommendations for this designation. The applicant has proffered 100% of the units to be affordable.

The Comprehensive Plan's Land Use Development Standards are to be used in conjunction with the land use descriptions when considering any new development. The following residential development standards are applicable for Low Density Residential:

- Permit new development where such developments are compatible with the character of adjoining uses and where the impacts can be adequately addressed.

  The proposed development is adjacent to existing residential neighborhoods. The design guidelines proposed are consistent with the County Character Design Guidelines and are expected to be complementary to existing developments.

- Locate residential uses immediately adjacent to nonresidential, major roads, agricultural and forestal uses, and other conflicting uses only where the conflicts are adequately addressed.

  The development includes perimeter buffering that is anticipated to reduce conflicts between the proposed units and established neighborhoods.

- The timing and density of development will depend on the availability of and adequacy of public services, utilities, and facilities, and the maintenance of an acceptable Level of Service of roads and other public services.

  The impacts to public services, utilities, and facilities have been mitigated by the Master Plan and proposed proffers.

- The need for public services and facilities generated by a development should be met or mitigated by that development.

  The impacts to public services, utilities, and facilities have been mitigated by the Master Plan and proposed proffers.

- Developing the site in accordance with open space design standards.

  The layout of the development is of a compact design with pedestrian access located within the proposed roadway. The development will have a mixture of multifamily and single-family detached units with a variety of lot sizes and a perimeter buffer preserving existing trees and vegetation.

- In addition to the open space design standards, the proposal should provide enhanced environmental protection.

  The applicant has proposed a perimeter buffer, as well as open space preservation and the proposed potential use of an existing Stormwater BMP.

- Minimize the impact of development proposals on overall mobility and traffic safety.

  VDOT has approved the proposed Master Plan. Per the submitted proffers, a sidewalk shall be included within the proposed road for the development.

- Affordable workforce housing should be provided in accordance with the Comprehensive Plan, Zoning Ordinance, and any other adopted policies and regulations.

  New residential development as stated in the Housing Chapter of the Comprehensive Plan, encourages housing at a range of income levels with at least 20% be targeted to workers with incomes up to 80% of AMI. The applicant has proffered all units to be affordable, with the proposed split being analyzed on Page 3 of this report.

Financial Impacts of Residential Units

The Comprehensive Plan includes Goals, Strategies, and Actions (GSA) LU5, which states "continue land use planning and perform development review consistent with the capacity of existing and planned public facilities and services and the County's ability to provide such facilities and services." Land Use GSA 5.3 provides guidance for the County to ensure that developments subject to rezoning or SUP review mitigate their impacts. Information on impacts and the mitigation provided by this application are included.

In alignment with the Comprehensive Plan, on February 28, 2023, the Board of Supervisors adopted a resolution directing staff to use the County's Fiscal Impact Model to assess the following for proposed developments:

- The fiscal impact to the County (both operating and capital budget) for the residential and nonresidential components of the project; and

- The incremental capital costs for public facilities for the residential component of the project.

Overall Impact (Capital and Operating)

Per the Fiscal Impact Model, the development is projected to result in a net fiscal impact to the County through the year 2045 that is negative $242,768.

Capital Costs

Per the Fiscal Impact Model, the following are projected public facility impacts attributable to the proposed residential component of the project through 2045.

Table 1-Per Unit Fiscal Residential Impacts Information

Category	Residential Impact	Mitigation through Current Application
Roadways	SFD $48.09 SFA $36.72	See Note 1
Parks & Recreation	SFD $3,012.69 SFA $1,988.13	See Note 1
Fire and Emergency Services	SFD $926.29 SFA $611.27	See Note 1
Police	SFD $13.52 SFA $8.92	See Note 1
Library	SFD $461.75 SFA $304.72	See Note 1

General Government	SFD $55.01 SFA $36.31	See Note 1
General Services	SFD $73.55 SFA $48.81	See Note 1
Courts	SFD $1,047.89 SFA $691.52	See Note 1
Schools	SFD $6,746.12 SFA $3,544.31	See Note 1
TOTAL	SFD $12,384.72 SFA $7,270.31	See Note 1

SFD - Single-Family Detached
SFA - Single-Family Attached

Note 1: The applicants have not proffered cash contributions for community impacts to the County from the physical development and operation of the Property.

Goals, Strategies, and Actions

Staff reviewed the application to determine if the proposal aligns with the Comprehensive Plan's GSAs. The analysis is as follows.

Land Use

- GSA LU4 - Direct growth into designated growth areas in an efficient and low-impact manner by:

- GSA LU4.2 - Provide for low density and moderate density residential development in appropriate locations inside the PSA and prohibit such development on rural lands outside the PSA.

  The proposed development is within the PSA and designated Low Density Residential.

- GSA LU2 - Promote pedestrian, bicycle, and automotive linkages between adjacent land uses where practical.

  The proposed development will have a sidewalk located in the interior of the proposed roadway and will increase vehicular connectivity to Curry Drive.

- GSA LU5.3 - Ensure that developments are subject to zoning or SUP review to mitigate their impacts through the following means:

- GSA LU5.2.3 - Permit higher densities and more intensive development in accordance with the Future Land Use Map where existing public facilities and services are adequately provided.

  Staff finds that the proposed density of 2.97 units per acre will have its impacts mitigated via proffers and the Master Plan and will not detract from existing public facilities and services.

Transportation

- GSA T1.2 - Expect new developments to follow recommended densities, intensities, and development patterns that will maintain an acceptable level of service.

  No TIA is required for this proposed development. VDOT has raised no concerns regarding the proposed development.

- GSA T1.2.2 - Provide a high degree of interconnectivity within new developments.

  The proposed Master Plan includes multiple points of connection to VDOT roadways, including Old Mooretown Road and Curry Drive.

Housing

- GSA H2.1 - Guide new developments to incorporate high housing quality and design.

  This development provides a range of home types, including open space, recreational amenities, connections between residential developments, and sidewalks. The proffered guidelines are generally consistent with the County's Character Design Guidelines.

- H 2.1.2 - Require adequate street lighting, safe and convenient pedestrian circulation, and appropriate interconnections between residential developments.

  This proposed development provides each of these items, as shown on the submitted Master Plan and detailed within the design guidelines.

- H 2.1.5 - Promote a scale and density of residential development that is contextually compatible with adjacent and surrounding land uses, supporting infrastructure, and environmental conditions.

  This proposed development is of a scale and density that complements surrounding development, as shown on the submitted Master Plan and detailed within the design guidelines.

Community Character

- GSA CC1 - Preserve and enhance entrance corridors and roads that promote the rural, natural, or historic character of the County.

  This proposal provides perimeter buffers for the proposed development that will preserve natural growth and the character of the area.

- GSA CC3 - Preserve and enhance neighborhood and community appearance.

  This proposal has design guidelines that have been reviewed and approved by the Director of Planning. The applicant will install streetscapes in accordance with the County's Streetscape Guidelines policy.

STAFF RECOMMENDATION

Staff recommends that the Board of Supervisors approve the proposed rezoning and parks and recreation exception request, subject to the submitted proffers.

TW/md
RZ24-5ClarkTlly

Attachments:
1. Ordinance
2. Proposed Proffers
3. Location Map
4. Proposed Master Plan
5. Proposed Design Guidelines
6. Community Impact Statement
7. Fiscal Impact Analysis
8. Residential Redevelopment Policy
9. Parks and Recreation Exception Request
10. Unapproved Minutes from the May 1, 2024, Planning Commission Meeting

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE ZONING DISTRICT MAPS OF JAMES CITY COUNTY, VIRGINIA, TO REZONE APPROXIMATELY 15.82 ACRES LOCATED AT 186 CLARK LANE, 6197 OLD MOORETOWN ROAD, 6195 OLD MOORETOWN ROAD, 179 CLARK LANE, 191 CLARK LANE, 215 CURRY DRIVE, 110 CATALPA DRIVE, 106 CATALPA DRIVE, AND 6171 OLD MOORETOWN ROAD, FURTHER INDENTIFIED AS JAMES CITY COUNTY REAL ESTATE TAX MAP NOS. 3220100037, 3220100038, 3220100039, 3220100040, 3220100113, 3221400004, 3220100040A, 3220100040B, AND 3220100040D, RESPECTIVELY, FROM R-2, GENERAL RESIDENTIAL TO R-3, RESIDENTIAL REDVELOPMENT WITH PROFFERS.

WHEREAS, Mr. Vaughn Poller, of James City County Neighborhood Development, on behalf of the County and private property owners, has applied to rezone approximately 15.82 acres as described above; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. Z-24-0005; and

WHEREAS, the Planning Commission of James City County, Virginia, following its consideration on May 1, 2024, recommended approval of Case No. Z-24-0005 by a vote of 6-0; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds Case No. Z-24-0005 to be required by public necessity, convenience, general welfare, and good zoning practice.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that Case No. Z-24-0005 is hereby approved as described therein.

_____
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 11th day of June, 2024.

RZ24-5ClarkTlly-ord

CLARK SUBDIVISION - PROFFERS

THESE PROFFERS are made this 24th day of April 2024 by the COUNTY OF JAMES CITY, a political subdivision of the Commonwealth of Virginia (the 'County') and BLAKLEY K. WEDDINGTON, also known as BLAKELY K. WEDDINGTON and ANGELA M. WEDDINGTON, husband and wife, (the 'Weddingtons') (collectively the 'Owners').

RECITALS

R-1. The County owns seven (7) parcels of land located in James City County, described in Exhibit A.

R-2 The Weddingtons own one (1) parcel of land located in James City County, described in Exhibit B.

R-4 The County and Weddingtons have applied to rezone the properties on the attached Exhibits A and B (together the 'Property') from R-2 to R-3 with proffers.

R-5 The County submitted a master plan entitled 'Clark Talley Residential Rezoning Master Plan prepared by Timmons Group dated February 19, 2024' (the 'Master Plan') for the Property in accordance with the James City County Zoning Ordinance.

R-6 Owners desire to offer the County certain conditions on the development of the Property not generally applicable to land zoned R-3.

NOW, THEREFORE, in consideration of the approval of the requested rezoning and pursuant to Section 15.2-2303 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, the Owners agree that they shall meet and comply with all of the following conditions in developing the Property. If the Board of Supervisors for the County of James City does not grant the requested rezoning, these Proffers shall be null and void.

PROFFERS

1. **Affordable Housing.** One hundred percent of all housing units shall be initially sold to families earning 30-120 percent of Area Median Income (AMI), and at least 25 percent of all housing units shall be initially sold to families earning 30-80 percent of AMI.
2. **Sidewalks**: Sidewalks shall be incorporated along one side of each new road within the development as shown on the Master Plan. The sidewalks may be installed in phases as the residential units are constructed.
3. **Design.** The Property shall be developed generally in accordance with the Master Plan and Clark Subdivision Design Guidelines, dated April 23, 2024 (to include, without limitation, the design submittal, review, and approval process contained therein) and with only changes thereto that the County or its duly authorized designee determines do not alter the basic concept or character of the development in accordance with Section 24-23(a)(2)(f) of the Zoning Ordinance in effect on the date hereof; provided, however, such development shall be expressly subject to such changes in configuration, composition and location as required

by all other governmental authorities having jurisdiction over such development.

4. **Water Conservation**. Water conservation standards for the Property shall be developed and submitted to and approved by the James City Service Authority ('JCSA') for general consistency with the terms of this Proffer prior to the final site plan or subdivision approval for development of the Property. The standards shall address such customary and reasonable water conservation measures as limitations on the use of irrigation systems and irrigation wells, the use of approved landscaping materials and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. Design features, including the use of drought-tolerant grasses and plantings, a water conservation plan, and a drought management plan shall be implemented to accomplish the limitation on the use of public water and groundwater.
5. **Severability.** If any clause, provision, covenant, or condition of these Proffers, or the application thereof to any person, place, or circumstance, shall be judged to be invalid, unenforceable, or void, the remainder of these Proffers shall remain in full force and effect.

WITNESS the following signatures:

THE COUNTY OF JAMES CITY, VIRGINIA

BY: _____
Scott A. Stevens, County Administrator

COMMONWEALTH OF VIRGINIA
COUNTY OF JAMES CITY, to-wit:

The foregoing Proffers were acknowledged before me this 24th day of April 2024 by Scott A. Stevens

_____
Notary Public

My Commission expires: 10/31/2024

Registration No. 344854

RACHEL E. GUSTAVE
COMMONWEALTH OF VIRGINIA
REGISTRATION NO. 344854
MY COMM. EXPIRES 10/31/2024
NOTARY PUBLIC

Approved as to Form:

BY: _____
County Attorney

Blakely K. Weddington

COMMONWEALTH OF VIRGINIA
COUNTY OF JAMES CITY

The foregoing Proffers were acknowledged before me this 29th day of April 2024 by Blakely K. Weddington

Notary Public

My Commission expires: July 31, 2025

Registration No. 150701

MARION MIILNER OTEY PAINE
NOTARY PUBLIC
REGISTRATION # 150701
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES

Angela M. Weddington

COMMONWEALTH OF VIRGINIA
COUNTY OF JAMES CITY, to-wit:

The foregoing Proffers were acknowledged before me this 29 day of April 2024 by Angela M. Weddington.

Notary Public

My Commission expires: July 31, 2025

Registration No. 150701

MARION MIILNER OTEY PAINE
NOTARY PUBLIC
REGISTRATION # 150701
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES

EXHIBIT A – JAMES CITY COUNTY PROPERTIES

Parcel I - (Parcel ID#: 220100039) 6195 Old Mooretown Road

ALL that certain lot, piece or parcel of land, with improvements thereon and thereto, situate, lying and being in James City County, Virginia, known and designated as Lot #2 on a certain plat entitled, 'Nellie W. Turner and Charles Wallace Plat of Division – Lot #l containing 1.36 acres and Lot #2 containing 1.39 acres, James City County, Virginia,' made by R.B. Cartwright C.L.S., West Point, Virginia, dated July 11, 1962 and recorded in the Clerk's Office of the Circuit Court for the County of James City, Virginia, in Deed Book 87, page 42[1], to which plat reference is hereby made for a more particular description of the real estate hereby conveyed.

LESS AND EXCEPT that certain parcel of land conveyed to James City County, Virginia, by Certificate of Deposit No. MRP-1 recorded in the aforementioned Clerk's Office on January 24, 1995, in Deed Book 723, page 668.

Parcel II - (Parcel ID#: 3220100040) 179 Clark Lane

ALL those certain lots, pieces or parcels of land, situate, lying and being in James City County, Virginia, containing in the aggregate 6.54 +/- acres, shown and designated as RESIDUAL PARCEL 'A' and RESIDUAL PARCEL 'B' on a plat made by Terradon Corporation, Land Surveying, dated January 15, 2008, entitled 'Physical Survey of Parcels 1, 3, 4 & Residual Parcel 'Subdivision of Part of the Property of Mary Alice Taylor,' Powhatan Magisterial District, James City County, Virginia,' a copy of which plat is attached to the Deed dated January 17, 2008, from William R. Bland, Special Commissioner to River City Developers, Inc., which is recorded in the Clerk's Office of the Circuit Court for the County of James City, Virginia as Instrument No. 080002389, reference to which Plat is hereby made for a more particular description of the real estate hereby conveyed.

Parcel III - (Parcel ID#: 3220100040A) 110 Catalpa Drive

ALL that certain lot, piece or parcel of land, situate, lying and being in James City County, Virginia, containing 0.70 +/- acres, shown and designated as PARCEL 4 on a plat made by Terradon Corporation, Land Surveying, dated January 15, 2008, entitled 'Physical Survey of Parcels 1, 3, 4 & Residual Parcel 'Subdivision of Part of the Property of Mary Alice Taylor' Powhatan Magisterial District, James City County, Virginia,' a copy of which plat is attached to the Deed dated January 17, 2008, from William R. Bland, Special Commissioner, to River City Developers, Inc., which is recorded in the Clerk's Office of the Circuit Court for the County of James City, Virginia, as Instrument No. 080002389, reference to which Plat is hereby made for a more particular description of the real estate hereby conveyed.

Parcel IV - (Parcel ID#: 3220| 00040B) 106 Catalpa Drive

ALL that certain lot, piece or parcel of land, situate, lying and being in James City County, Virginia, containing 0.72 +/- acres, shown and designated as PARCEL 3 on a plat made by Terradon Corporation, Land Surveying, dated January 15, 2008, entitled, 'Physical Survey of Parcels 1, 3, 4 & Residual Parcel 'Subdivision of Part of the Property of Mary Alice Taylor' Powhatan Magisterial District, James City County, Virginia,' a copy of which plat

is attached the Deed dated January 17, 2008, from William R. Bland, Special Commissioner, to River City Developers, Inc., which is recorded in the Clerk's Office of the Circuit Court for the County of James City, Virginia, as Instrument No. 080002389, reference to which Plat is hereby made for a more particular description of the real estate hereby conveyed.

TOGETHER WITH an easement for ingress and egress as described in an Easement Agreement dated January 17, 2008, recorded in the aforementioned Clerk's Office as Instrument No. 080002390.

Parcel V - (Parcel ID#: 3220100040D) 6171 Old Mooretown Road

ALL that certain lot, piece or parcel of land, situated, lying and being in James City County, Virginia, containing 0.68 +/- acres, shown and designated as PARCEL 1 on a plat made by Terradon Corporation, Land Surveying, dated January 15, 2008, entitled, 'Physical Survey of Parcels 1, 3, 4 & Residual Parcel 'Subdivision of Part of the Property of Mary Alice Taylor' Powhatan Magisterial District, James City County, Virginia,' a copy of which plat is attached to the Deed dated January 17, 2008, from William R. Bland, Special Commissioner, to River City Developers, Inc., which is recorded in the Clerk's Office of the Circuit Court for the County of James City, Virginia, as Instrument No. 080002389, reference to which Plat is hereby made for a more particular description of the real estate hereby conveyed.

PARCEL VI – Parcel ID# 3220100037 – 186 Clark Lane

All that 3.30 acres of land, more or less, but sold in gross and not by the acre, with all improvements thereon, located in James City County, Virginia, adjacent to the C&O Railway Co., right-of-way, with which it has a common boundary of 114.67 feet, and lying between the railway property and Mooretown Road, which the land does not lie adjacent to. A general description is:

Beginning at a metal stop at the westernmost and of common border with C&O Railway, proceeding thence clockwise around the property N. 40 degrees 45' E 758.0 feet in a straight line along property now or formerly of Mary Lightfoot to a metal stop; thence S 60 degrees 00' E 303 feet in a straight line along [the] border of lots owned, now or formerly, by FrazierWalace Frazier, to a metal stop; thence along the boundary of land owned now or formerly by Charles Wallace, S 28 degrees 15' W. 91.25 feet in a straight line to a twin red oak; thence in a straight line S. 56 degrees 30' W 466 00 feet to a pine tree; thence S 47 degrees 45' W. 390.0 feet to a metal slob on the corner of the C&O Railway Co., right-of-way, thence N 37 degrees 30' W 114.67 feet along the C&O Railway Co., right-of-way to the point of beginning.

LESS AND EXCEPT that portion of the property conveyed to James City County, a political subdivision of the Commonwealth of Virginia, by deed from Hezekiah B. Frazier, Jr, divorced, dated October 20, 1994, recorded in the Clerk's Office of the Circuit Court for the County of James City, Virginia, in Deed Book 711, page 358.

FURTHER LESS AND EXCEPT that portion of the property conveyed to Charlene D Dickens, by Deed of Git from Hezekiah S Frazier, Jr., single, dated March 16, 2001, recorded in the aforementioned Clerk's Office as Instrument Number 0100004619.

Exhibit A continued

QUITCLAIM DESCRIPTION·

All that certain lot, piece or parcel of land, situate, lying and being in James City County, Virginia, containing 2.656+/-acres, shown and designated as ''Residue' on that certain plat entitled 'Subdivision of the Properties of Lillian F Talley, Trustee and Charlene D. Dickens Inst 180017356 and Inst 010004619 PIO 3220100037 and PIO 3220100037X James City County, Virginia', dated April 28, 2020, made by Gardy & Associates PC, and recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia as Instrument No. 200011836.

PARCEL VII – Parcel ID# 3220100025 – 6197 Old Mooretown Road

All that certain lot, piece or parcel of land, situate, lying and being in James City County, Virginia, known and designated as Lot #1 on a certain plat entitled 'Nellie W. Turner and Charles Wallace Plat of Division - Lot#1 containing 1.36 acres and Lot # 2 containing 1.39 acres, James City County, Virginia', made by R B Cartwright C.LS., West Point Virginia, dated July 11, 1962, said plat being recorded in the Clerk's Office of the Circuit Court for the County of James City, Virginia, with Deed in Deed Book 87, page 421. and Is bounded and described as follows:

Beginning at an iron pipe in the north corner of Lot #1, the lot hereby conveyed, thence S 46 degrees 15' W the distance of 1,281.34 feet to an iron pipe: thence S. 31 degrees 34' E the distance of 47.04 feet to an iron pipe; thence N 48 degrees 15' the distance of 1,302.14 feet to an iron pipe: and thence N 57 degrees 40' W the distance of 47.25 feet to the point of beginning. Said property is bounded on the northwest by the land now or formerly of Frazier and Richardson, on the southwest by the C&O Railway, on the southeast by Lot #2 and on the northeast by State Route # 603.

LESS AND EXCEPT that certain strip of land conveyed to James City County, Virginia, by Certificate of Deposit recorded in the aforementioned Clerk's Office in Deed Book 738, page 194.

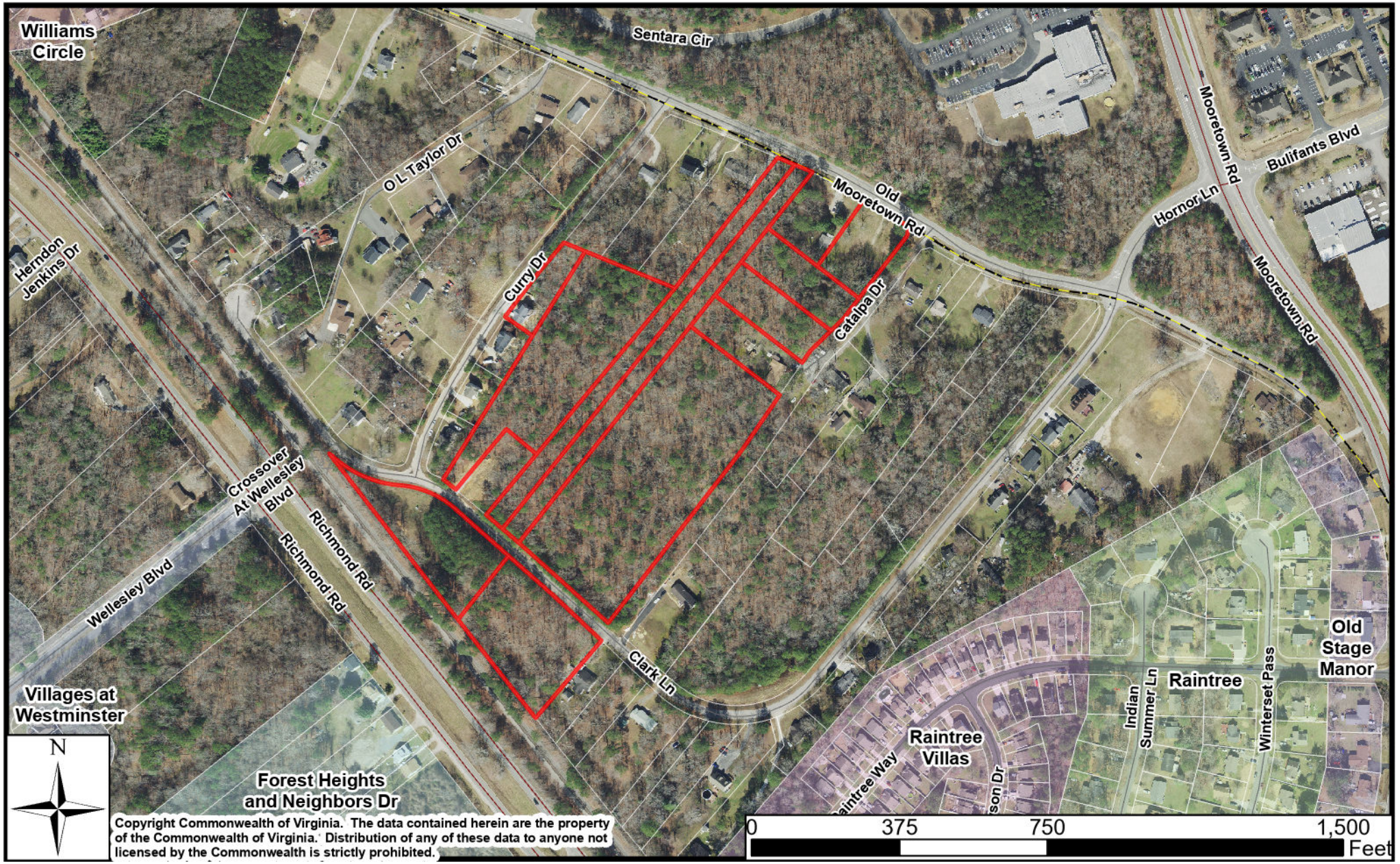
Being a portion of the property conveyed to William David Talley, Trustee of the Lillian Jean Talley Family Trust under the Lillian Jean F.Talley Revocable Trust dated February 10, 2014 by Deed of Distribution dated December 1, 2022, from William David Talley, Trustee of the Lillian F. Talley, Revocable Trust which Deed of Distribution is recorded in the aforementioned Clerk's Office as Instrument No. 202216919.

EXHIBIT B – WEDDINGTON PROPERTY

All that certain lot, piece or parcel of land situate, lying and being in James City County, Jamestown District of Virginia, known and designated as Lot 4 as shown on that certain plat entitled, 'SUBDIVISION PLAT OF PROPERTY STANDING IN THE NAME OF CLARENCE. F. CURRY REVOCABLE TRUST BEING 1.215 +/- ACRES, PART OF 'TAPLERS' SITUATED IN POWHATAN DISTRICT, JAMES CITY COUNTY, VIRGINIA,' dated July 14, 2005, and duly recorded in the Clerk's Office of the Circuit Court of James City County, Virginia, as Instrument #060025206.

It being the same property conveyed unto the Grantor by instrument dated July 15, 2020, and recorded in the Clerk's Office aforesaid as Instrument No. 200011028, to which deed reference is here made.

JCC-Z-24-0005
Clark Talley Residential Rezoning



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CLARK TALLEY RESIDENTIAL REZONING MASTER PLAN

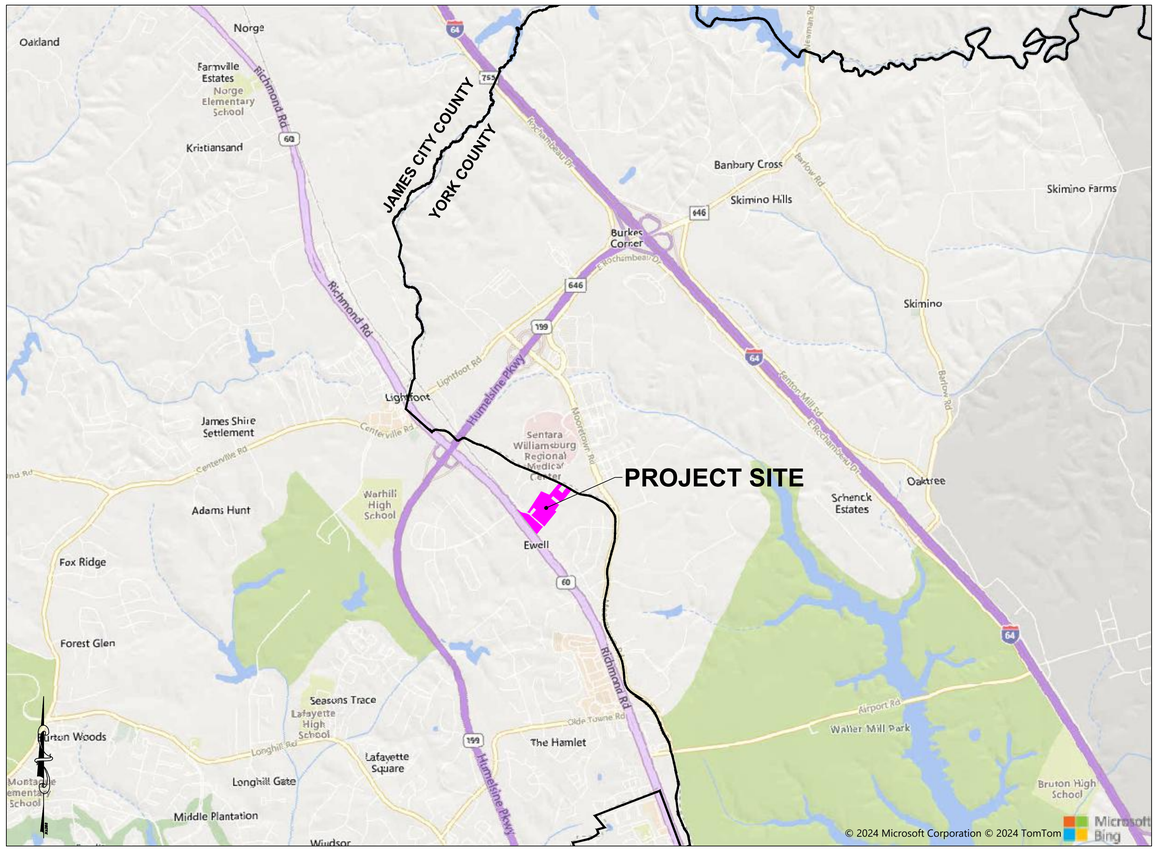
JAMES CITY COUNTY, VA

SITE DATA

OWNERS: JAMES CITY COUNTY, TALLEY WILLIAM DAVID TRUSTEE, BLAKLEY K WEDDINGTON, & ANGELA M. WEDDINGTON
GPINS: 3220100037,3220100038, 3220100039, 3220100040, 3220100040A, 3220100040B, 3220100040D, 3220100113, 3221400004
EXISTING ZONING: R-2
PROPOSED ZONING: R-3
SITE AREA: 15.57 AC ±

GENERAL NOTES

1. THE PROPOSED DEVELOPMENT IS NOT EXPECTED TO GENERATE MORE THAN 100 WEEKDAY PEAK HOUR TRIPS TO AND FROM THE SITE.
2. THE ANTICIPATED AVERAGE DAILY FLOW OF WATER AND SEWER VOLUME IS 14,880 GPD.
3. THIS PROJECT IS LOCATED IN THE POWHATAN CREEK WATERSHED.
4. ACCORDING TO THE NATIONAL WETLANDS INVENTORY AND NATIONAL HYDROLOGY DATASET, THERE ARE NO ENVIRONMENTAL FEATURES ON SITE.
5. JAMES CITY COUNTY GIS SHOWS NO RESOURCE PROTECTION AREAS OR CONSERVATION EASEMENTS ON SITE.
6. THE SITE IS LOCATED IN FLOOD ZONE X.



VICINITY MAP

SCALE: 1" = 2,000'

Sheet List Table

Sheet Number	Sheet Title
C0.0	COVER SHEET
C1.0	MASTER PLAN
C2.0	ILLUSTRATIVE MASTER PLAN

COMMONWEALTH OF VIRGINIA
DAVID S. ANDERSON
Lic. No. 023849
PROFESSIONAL ENGINEER

THIS DRAWING PREPARED AT THE
CORPORATE OFFICE
1001 Boulders Parkway, Suite 300 | Richmond, VA 23225
TEL. 804.200.6500 FAX. 804.560.1016 www.timmons.com

YOUR VISION ACHIEVED THROUGH OURS.

REVISION DESCRIPTION	DATE
##	##
##	##
##	##
##	##
##	##
##	##

DATE: 4/23/2024
DRAWN BY: T. PARKER
DESIGNED BY: D. ANDERSON
CHECKED BY: D. ANDERSON
SCALE: N/A

TIMMONS GROUP

CLARK TALLEY RESIDENTIAL REZONING
JAMES CITY COUNTY, VA
COVER SHEET

JOB NO. 46163.008
SHEET NO. C0.0

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S:\s11\Projects\1-Virginia\James City County VA\46163.008 Clark Community Engagement\DWG\Exhibits\Rezoning Submittal\C0.0 COVER SHEET.dwg | Plotted on 4/23/2024 4:52 PM | by Taylor Parker

SUMMARY OF RESIDENTIAL DEVELOPMENT			
	AC (+/-)	*UNITS*	*PERCENTAGE OF TOTAL UNITS*
SF DETACHED (A) TYPE 1	3.41	18	38%
SF DETACHED (A) TYPE 2	1.23	9	19%
MF UP TO 4 UNITS (B) TYPE 1	0.94	8	17%
MF UP TO 4 UNITS (B) TYPE 2	1.68	12	26%
TOTAL	**7.26**	**47**	**100%**

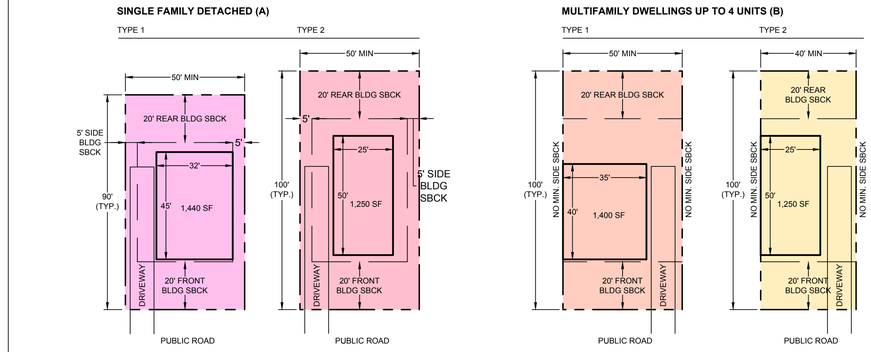
SUMMARY OF OPEN SPACE		
	AC (+/-)	*PERCENTAGE OF OPEN SPACE*
BUFFER AREAS	2.62	51%
SWM/OPEN SPACE	0.62	12%
PLAYGROUND	0.18	3%
OPEN SPACE RECREATION AREA	0.25	5%
REMAINDER OPEN SPACE	1.41	27%
ACCESS EASEMENT	0.09	2%
TOTAL	**5.17**	**100%**

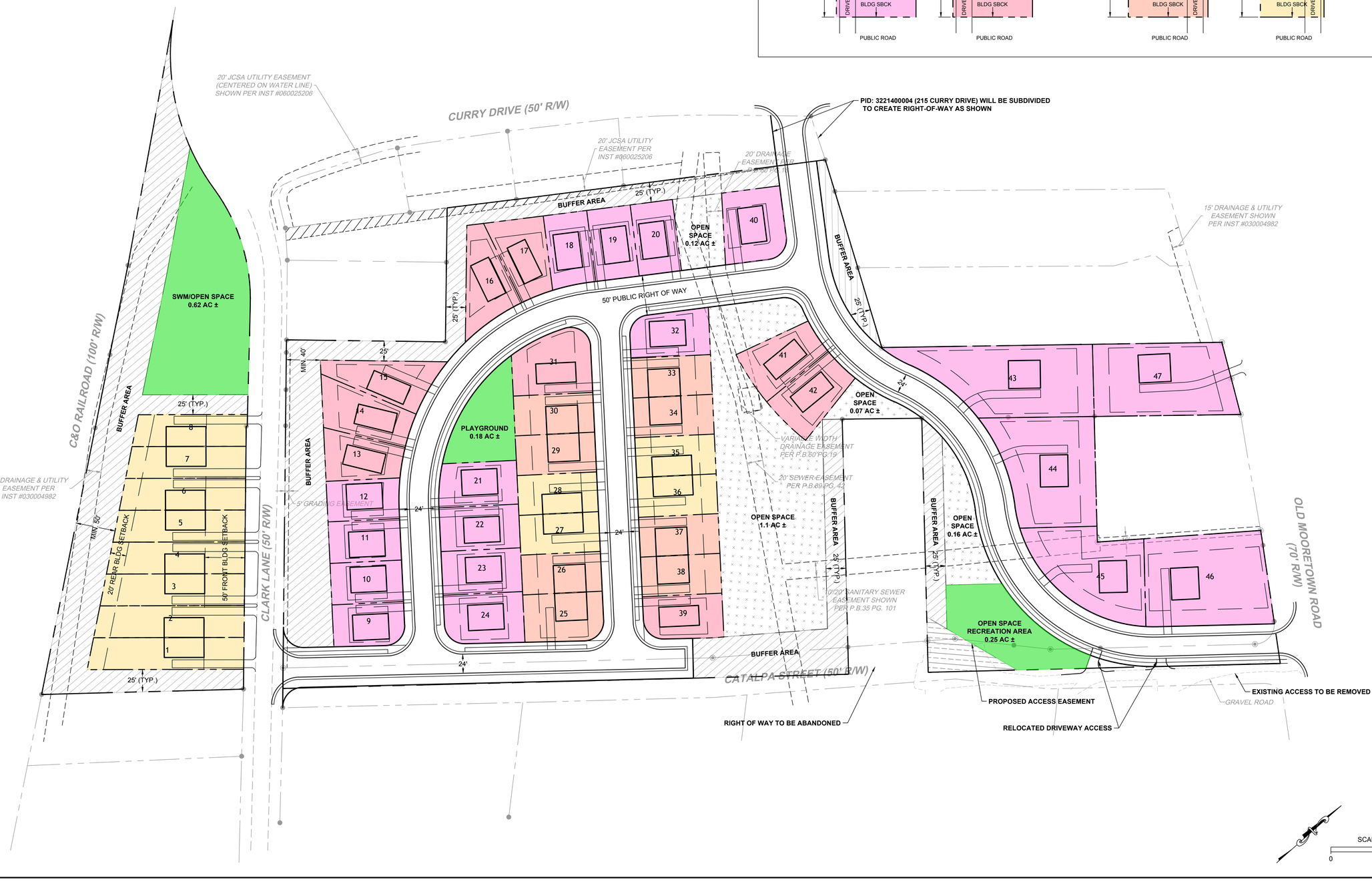
DEVELOPMENT SUMMARY		
	AC (+/-)	*PERCENTAGE OF TOTAL SITE*
NON-DEVELOPABLE AREA	0.00	0%
RESIDENTIAL	7.26	47%
OPEN SPACE	5.17	33%
RIGHT OF WAY	3.13	20%
TOTAL	**15.57**	**100%**
UNITS PER ACRE	**3.02**	

NOTES:

1. PER SEC. 24-273.7 A MAXIMUM OF 4 UNITS PER ACRE ARE PERMITTED VIA BONUS POINT OPTIONS "A", "B", "K", AND "M" FOR A TOTAL OF 5 POINTS.
2. EXISTING CONDITIONS AND PROPERTY BOUNDARY SHOWN PER "BOUNDARY SURVEY OF PROPERTY STANDING IN THE NAME OF WILLIAM DAVID TALLEY", DATED 7/14/2023 AND "SUBDIVISION OF PART OF THE PROPERTY OF MARY ALICE TAYLOR", DATED JUNE 1979.
3. THE PROPOSED LAYOUT OF THIS DEVELOPMENT INCLUDES LOT FRONTAGE AND LOCATION THAT WILL REQUIRE ISSUANCE OF AN EXCEPTION REQUEST BY THE DEVELOPMENT REVIEW COMMITTEE (DRC)."

HOUSING TYPOLOGIES





COMMONWEALTH OF VIRGINIA
DAVID S. ANDERSON
Lic. No. 023849
PROFESSIONAL ENGINEER

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CORPORATE OFFICE
1001 Boulders Parkway, Suite 300 | Richmond, VA 23225
TEL 804.200.6500 FAX 804.560.1016 www.timmons.com

YOUR VISION ACHIEVED THROUGH OURS.

REVISION DESCRIPTION

DATE
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##
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##
##
##
##
##
##
##
##

DATE
4/23/2024
DRAWN BY
T. PARKER
DESIGNED BY
D. ANDERSON
CHECKED BY
D. ANDERSON
SCALE
1" = 60'

TIMMONS GROUP

CLARK TALLEY RESIDENTIAL REZONING
JAMES CITY COUNTY, VA
MASTER PLAN

JOB NO.
46163.008
SHEET NO.
C1.0

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S:\311\Projects\1-Virginia\James City County VA\46163.008 Clark Community Engagement\DWG\Exhibits\Rezoning Submittal\C2.0 MASTER PLAN-OPT2.dwg | Plotted on 4/23/2024 4:51 PM | by Taylor Parker

S:\311\Projects\1-Virginia\James City County VA\46163.008 Clark Community Engagement\DWG\Exhibits\Rezoning Submittal\Master Plan Rendering\2024-04-18 RNDR\MASTER PLAN-RNDR.dwg | Plotted on 4/23/2024 4:55 PM | by Taylor Parker

TIMMONS GROUP

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TEL 804.200.6500 FAX 804.560.1016 www.timmons.com

PROFESSIONAL ENGINEER
COMMONWEALTH OF VIRGINIA
CHARLES S. ANDERSON
Lic. No. 023589

JOB NO.	46163.008
SHEET NO.	C2.0

CLARK TALLEY RESIDENTIAL REZONING
JAMES CITY COUNTY, VA
ILLUSTRATIVE MASTER PLAN

SCALE	1" = 60'
CHECKED BY	D. ANDERSON
DESIGNED BY	D. ANDERSON
DRAWN BY	T. PARKER
DATE	4/23/2024

DATE	REVISION DESCRIPTION
#	##########
#	#
#	#
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#	#

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CLARK SUBDIVISION DESIGN GUIDELINES

JCC Case No. Z-24-0005

April 23, 2024

James City County Neighborhood Development

Contents

James City County Neighborhood Development 1
Introduction 2
Site Layout and Building Form 3
Street and Open Space Design 4
Applicability and Enforcement 4

Introduction

The Clark Subdivision will be a uniquely situated infill development seated in a central crossroads of retail, industrial, healthcare, and office uses. Located within walking distance to Sentara Hospital and several York County commercial developments, the Old Mooretown Road area, including Clark Lane, is an area deeply beloved by its residents, many of whose roots go back generations on the land. As we have developed our plan for Clark Lane, we have taken great efforts to engage current residents, and we hope to reflect their wishes in the proposed vision for the area.

Several design elements included in the Clark Subdivision Design Guidelines mirror those in the James City County Character Design Guidelines, adopted by the Board of Supervisors with the 2045 Comprehensive Plan. This area is designated low-density residential by the Comprehensive Plan. We have found that the vision reflected by residents during the planning process closely matches the guidelines found in the Character Design Guidelines for low-density developments.

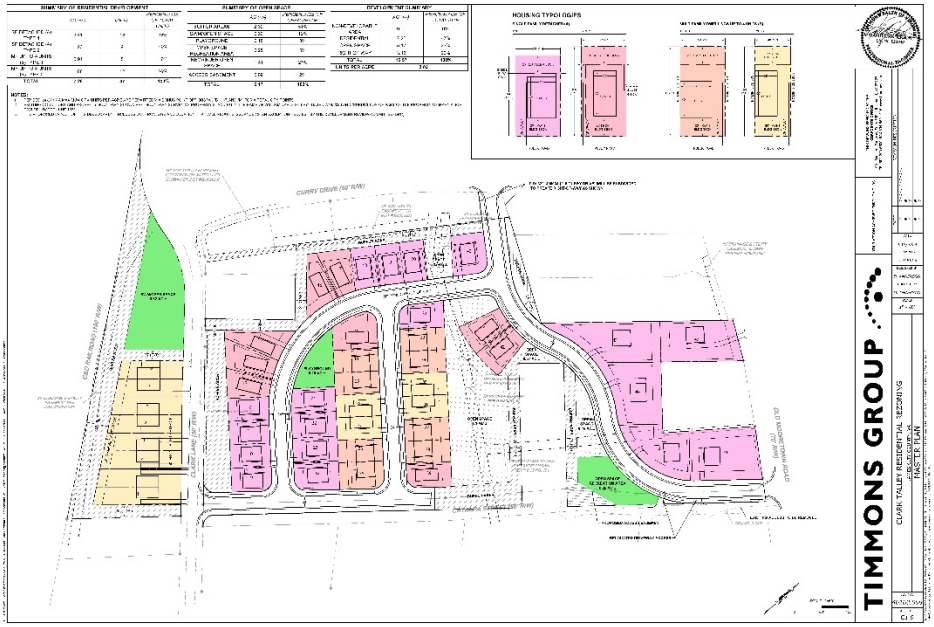
These design guidelines aim to ensure that the development of the Clark Subdivision aligns with the objectives of affordability, functionality, and aesthetic appeal while promoting community cohesion and sustainable environmental practices. The design and layout of the proposed subdivision were arrived at after extensive outreach and involvement with the community and surrounding residents and landowners.

Site Layout and Building Form

Survey data regarding low-density residential development on small lots from the Comprehensive Plan indicated that most County residents prefer smaller houses set behind consistent yards, as well as a desire for preserving natural surroundings and allowing for the preservation of mature trees where possible. Similarly, current Clark Lane residents indicated a desire for new homes to reflect lot layout, including setbacks and the use of natural vegetation and mature trees where possible. Designs will follow suburban trends similar to those in previous Neighborhood Development subdivisions—such as the Forest Heights neighborhood. However, design should strive to incorporate diverse architectural elements and styles while promoting a cohesive yet visually appealing streetscape. As such, the development of the Clark Subdivision should adhere to the following design standards:

I. ***Site Layout:***
   a. Utilize small lots with reduced setbacks to optimize land use and bring affordable dwelling units to the market.
   b. Vary building setbacks along the street: The layout will be respectful of neighboring buildings and use similar setbacks, but they may vary up to five feet in the placement of the main façade.
   c. Corner lots shall address both streets with a public-facing yard. The prevailing pattern of neighboring lots should guide the building façade orientation.

II. Street-facing garages on corner lots should be located to the side or rear of buildings. Street-facing garages on interior lots should be located at least two feet behind the front façade plane of the structure served.



LOT LAYOUT

III. *Building Elevation and Design*

a. Vary buildings massing along streets, avoiding monolithic features to enhance visual variety and interest.
b. Roofs shall be pitched with a minimum slope of 1:3.
c. Roof materials shall be specified as asphalt three-tab shingles at a minimum. Other roofing types, such as architectural, slate, or metal, are encouraged.
d. Front porches with usable depths are encouraged to foster community interaction and cohesion. Porches must be a minimum of 6 feet deep and 10 feet wide. Single-story porches are preferred.
e. Stoops must be a minimum of 5 feet deep and 6 feet wide.

Ex.

Street and Open Space/Landscape Design

We envision that this development will serve residents employed at the many nearby employment centers. In some cases, the nearby proximity is conducive to pedestrian transportation, as such, pedestrian and vehicular infrastructure is mindful of connectivity and walkability. Furthermore, WATA has plans to develop a regional transfer depot less than a quarter mile from the Clark Subdivision, which offers connectivity to the greater Williamsburg Area. Likewise, open space and street design shall focus on cultivating a sense of connectivity and cohesiveness within the development and with surrounding development as well. As such, the development of streets and open space within the Clark Subdivision should adhere to the following design standards:

I. *Streetscapes*

a. Sidewalks shall be incorporated along one side of the development on both proposed streets.

b. Pedestrian infrastructure shall be integrated with existing conveyances and future developments, ensuring connectivity and accessibility.
c. Multimodal and sidewalk design shall comply with, at a minimum, design standards per APPENDIX A(1) VDOT Complete Streets: Bicycle and Pedestrian Facility Guidelines, Bus Stop Design, and Parking Guidelines (or the applicable successor document per the Virginia Department of Transportation).
d. Front-loading driveways shall be the primary means of vehicular access on private parcels, contributing to a pedestrian-friendly environment and enhancing safety.
e. Street lighting should be pedestrian in scale along sidewalks and pedestrian spaces. It shall use appropriate light levels to enable the retention of the rural “dark sky,” including downward-directing light, cut-off, and glare-reducing features.
f. Tree Spacing: spacing of 25-30 feet apart along the street is generally appropriate, though may be altered slightly to suit lighting and other surrounding conditions.
g. Street trees shall be native species that are easy to maintain.
h. Street trees shall be installed so as to maintain a canopy that allows pedestrian clearance below the understory and reaches a height sufficient to cast shade over the street.
i. Street Tree Height: fully grown street tree height should be as tall as its distance from the street centerline.

II. Open Space/Landscape Design

a. The development will include landscaping to frame entrances and connect shared outdoor spaces.
b. Natural vegetation shall be preferred over planted and shall be preserved where possible.

c. Where possible and applicable, low-impact development principles shall be applied to reduce run-off and improve water quality.
d. Developers should use landscape materials that allow natural infiltration in pedestrian and activated spaces where it does not impede accessibility needs, allowing spaces to serve dual purposes.

Applicability and Enforcement

These guidelines are binding. Streetscape, landscape, open space, site layout and the proposed dwelling units will all be reviewed and approved by the Director of Planning or their designee per these guidelines prior to approval of the development plan(s) or building permits for the property. It is recognized by the Owner that these guidelines are written with an intent of establishing a standard of quality and consistency in the architecture and site development for the property that is consistent with the County's Character Design Guidelines. It is further understood that real estate market trends, best practices of land planning, and transportation requirements may require certain revisions to these proposed guidelines to achieve the goal of providing affordable housing. As such these guidelines may be re-visited in the future and appropriately amended to reflect such changes at the discretion of the developer, property owner or property owners' association, with the review and approval of the James City County Director of Planning.

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I. INTRODUCTION

The James City County Board of Supervisors has long acknowledged the need for more housing affordable to the County's workforce. Seeking to find solutions to this condition, the Board accepted the recommendations of the Workforce Housing Task Force (WHTF) in February of 2019. One of the recommendations, B-1 Housing Production, supported utilizing zoning such as R-3 for production of moderate density developments within the Primary Service Area (PSA).

In support of the WHTF recommendations, the Division of Neighborhood Development acquired 15.69 acres of vacant wooded property on Clark Lane and proposes to rezone it from R-2, Low Density Residential to R-3, Moderate Density Residential. The WHTF defined "Workforce" to mean that housing that can be obtained by a household earning less than 100% of the Area Median Income. The site acquired would be subdivided into 48 parcels with a density of 3.06 units per acre. The majority will be developed as Workforce Housing for households working or living in the County. The housing will be developed in phases. The first phase would be constructing four duplex units on eight lots fronting Clark Lane.

The site is located in the Powhatan Creek watershed, in the Old Mooretown Road section of the County off of Clark Lane. It is currently zoned R-2 and sits among existing residential houses. It is comprised of seven properties acquired from the William David Talley estate. A variable width James City Service Authority (JCSA) easement bisects the property from a northwesterly to southeasterly direction. As an infill development the proposed development provides buffering and open space internal to the new subdivision. In addition to affordable housing, the subdivision would include sidewalks on one side of the new streets. The neighborhood contains two Best Management Practices (BMP) ponds constructed using Community Development Block Grant funding (CDBG).

Waivers are sought to allow the initial construction to front on Clark Lane, an existing street. These lots back up to the CSX railroad right-of-way; however, there will be ample buffer separating these units from the railroad.

This site is uniquely situated within walking distance to Sentara Williamsburg Regional Medical Center, a vital regional employer. This housing could serve the hospital's workforce by providing nearby housing affordable to service and line workers. The proximity allows workers to consider alternative conveyances to work, reducing impacts to local roadways.

The Williamsburg Area Transit Authority (WATA) has planned a transfer station within line of sight of this development's intersection of Catalpa Drive and Old Mooretown Road. This is a convenient distance for residents to travel to board buses.

II. THE PROJECTTEAM

The following organizations participated in the preparation of this information provided.

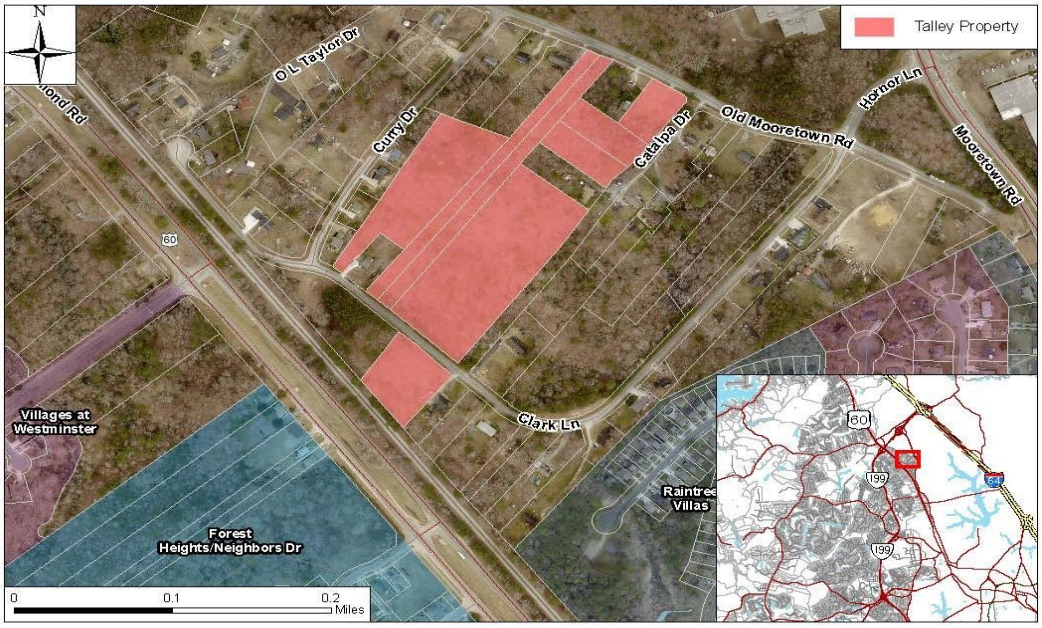
- Developer - James City County Neighborhood Development
- Civil Engineering - Timmons Engineering

III. EXISTING CONDITIONS

More details of the site can be observed on the Master Plan submitted with this application.

Buffers:	2.87 acres
Existing Easements	0.xx acres

Talley Property



IV. PROJECT DESCRIPTION

The Clark subdivision is an infill development. The site is comprised of seven lots totaling 15.69 acres; once subdivided it will consist of 48 lots. Residential housing units constructed will include 28 single-family detached units and 20 duplex multifamily units. Two new, Virginia Department of Transportation (VDOT)-standard streets will be constructed, and one paper street will be brought up to the standards so it may be taken into the VDOT maintenance system. The development will provide improvements to the existing stormwater management facilities in the area.

V. PLANNING CONSIDERATIONS

a. LAND USE

The requested R-3 zoning complements surrounding residential development. Existing residential structures in the area are clustered, similar to the proposed development layout. The proposed residential zoning district also aligns for the Comprehensive Plan vision for the site, as it is currently designated Low Density Residential on the 2045 James City County Comprehensive Plan Land Use Map. In addition to allowing favorable infill utilization, R-3 Zoning will allow duplex residential construction. This unit type provides a higher number of residential units in a smaller footprint, thereby preserving surrounding land area and reducing impervious surface.

b. ENVIRONMENTAL

The site lies in the Powhatan Watershed. According to the National Wetlands Inventory and National Hydrology Dataset, there are no Environmental Features on site. The site is located in Flood Zone - X.

c. HOUSING AFFORDABILITY

All of the units constructed in this project will be affordable, as defined by the 2045 Comprehensive Plan "Charting Our Course". Furthermore, utilizing a partnership with Habitat for Humanity of the Peninsula and Greater Williamsburg will allow for deep affordability, including households earning at or near 50% of the Area Median Income (AMI).

d. PARKS AND RECREATION

The proposed plan includes 0.18 acres of Playground and 0.34 acres of Amenity Area.

VI. ANALYSIS OF IMPACTS TO PUBLIC FACILITIES AND SERVICES

a. PUBLIC WATER FACILITIES

The proposed subdivision site is located within the PSA. JCSA provides water and sanitation services to the existing residents in the area and their infrastructure transits the site. Development on the site may offer the ability to provide loops in the existing system. Development on the western side of Clark Lane will require the extension of water and sewer laterals to the new units; this may necessitate increasing the diameter of the existing supply line.

b. PUBLIC SEWER FACILITIES

JCSA sanitary sewer is present at the site. The nearest Lift Station is LS 6-2, situated .38 miles away.

			Average		Avg. Flow (GPM)	Peak Flow (GPM)
Type of Development	No. of Units	Flow (GPD/Unit)	Daily Flow (GPD)			
RESIDENTIAL						
Single-family	48	310	14,880	24	10.33	25.83
Total (to LS 6-2)			**14,880**		**10.33**	**25.83**

c. FIRE PROTECTION AND EMERGENCY SERVICES

There are currently five Fire stations providing fire protection and Emergency Medical Services (EMS) to James City County. The closest James City County Fire station to the subject site is Station 4 at 5312 Olde Towne Road, approximately 3.54 miles east of this project. From this station, an estimated response time will be less than 7 minutes. Station 7, located at 5684 Mooretown Road in York County, is 1.46 miles from the site and would also be available for assistance through Mutual Aid agreements between the localities. These stations provide a more than adequate response time to potential emergencies.

d. SOLID WASTE DISPOSAL

The proposed development on the subject property will generate solid waste that will require collection and disposal to promote a safe and healthy environment. Reputable, private contractors, hired by the residents will handle the collection of solid waste. Both trash and recyclable material will be removed from this site to a licensed legitimate solid waste disposal facility.

e. UTILITY SERVICE PROVIDERS

Dominion Virginia Power and Cox Communications provide, respectively, electricity, cable TV service, and landline telephone service to this area. The current policy of these utility service providers is to extend service to the development at no cost to the developer when positive revenue is identified; additionally, with new land development, these utility service providers are required to place all new utility service underground.

f. SCHOOLS

The Clark Subdivision is located within the Norge Elementary School, Toano Middle School, and Warhill High School districts. Per James City County modeling software, the development is anticipated to add an additional 16 students to the school system: seven elementary aged students, four middle school students, and five high school students. School enrollment data indicates sufficient capacity for schools to absorb these new students.

VII. ANALYSIS OF ENVIRONMENTAL IMPACTS

a. PRELIMINARY WETLAND DETERMINATION

There are no wetland areas on the property. No steep slopes are identified on the property.

b. RESOURCE PROTECTION AREAS

The property contains no Resource Protection Areas (RPA) or associated buffers.

c. SOILS

The Soil Survey of James City and York Counties and the City of Williamsburg, Virginia (USDA 2022) shows several soil types within the property boundary. This property is predominantly situated on the following soil types; Slagle Fine Sandy Loam, Craven - Uchee Complex, and Kempsville - Emporia Fine Sandy Loam.

VII. ANALYSIS OF STORMWATER MANAGEMENT

The Clark Lane property, located within the Powhatan Creek Watershed, is subject to James City County's stringent policy recommendations for watershed management.

These guidelines are designed to safeguard the vital natural resources within the watershed and, crucially, to prevent any further deterioration of its water quality. To this end, we have embraced the principles of Special Stormwater Criteria (SSC), a set of measures that elevate the quality of stormwater runoff from our development site.

VIII. ANALYSIS OF IMPACTS TO TRAFFIC

This development is expected to yield less than 50 PM Peak Trips per day. The impacts associated with the rezoning are within the operating limits of the surrounding roadway network, and therefore will not impose time increases for turning motions that could result in failing turning motions or needs for off-site roadway improvements.

IX. FISCAL IMPACT STUDY

A Fiscal Impact Analysis was completed by James City County Planning staff utilizing the James City County analysis software. The analysis indicates that the project will generate between $20,000-50,000 per year in additional revenues over the Capital and Operational Expenditures expected to result from the development.

X. CONCLUSIONS

The Clark Lane development goals and priorities are aligned with the recommendations of the Workforce Housing Task Force, the Zoning Ordinance, and the Comprehensive Plan. The proposed development will provide 48 units of housing affordable to members the workforce. It is uniquely situated, adjacent to a

significant employer vital to the region. The Community Impact Statement for the rezoning and subsequent development of *Clark Lane* highlights the following:

- The is an infill development, aligned with the goals of the Comprehensive Plan.
- The rezoning is consistent with the surrounding land uses designated on the current Comprehensive Plan for this area.
- Enhanced buffers are utilized to reduce impacts to and from the surrounding developments.
- The existing adjacent roadways have adequate capacity to safely accommodate the additional proposed traffic.
- Analysis shows that public services (water and sewer, fire) and utility services (gas, electricity, cable television, and telephone) have sufficient capacity to serve the new development.
- This development will conform to new stormwater criteria, including adherence to the County's Special Stormwater Criteria for Powhatan creek watershed.
- Affordable housing proffered component will help provide much needed housing for lower income families.
- The project provides a crucial benefit that meets the County's needs.

Fiscal Impact Analysis Comment

In alignment with the 2045 Comprehensive Plan, on February 28, 2023, the Board of Supervisors adopted a resolution directing staff to use the County's Fiscal Impact Model to assess proposed developments. To that end, staff has taken the information provided by the applicant and used the County's model to analyze fiscal impacts.

1. Overall fiscal impact (capital and operating costs). The fiscal model output information is below – this includes the model default (standard) assessed unit values based on average data for the applicable fiscal analysis zone within the County (Attachment A).
2. Capital Expenditures. This amount represents impacts to County facilities and services attributable to this proposed development. This amount is shown in Attachment A and is further broken out below by type of capital expenditure and by unit type (Attachment B).

Attachment A

NET FISCAL IMPACT	Clark Lane Default Scenario	%
PROJECTED REVENUES		
General Property Taxes	$3,739,140	84%
Other Local Taxes	$397,760	9%
Licenses, Permits & Fees	$42,540	1%
Fines & Forfeitures	$5,582	0%
Use of Money & Prop	$0	0%
Commonwealth	$0	0%
Federal Government	$0	0%
Charges for Services	$241,721	5%
Miscellaneous	$0	0%
Total General Fund Revenues	$4,426,743	100%
Schools Revenues (Non-County	$2,233,077	
GRAND TOTAL REVENUES	**$6,659,819**	
PROJECTED EXPENDITURES		
Operating Expenditures		
General Adminstration	$17,460	0%
Court Services	$17,258	0%
Public Safety	$482,053	8%
Financial Administration	$16,198	0%
Info Resources Management	$3,754	0%
Community Development	$4,376	0%
General Services	$120,846	2%
Parks & Recreation	$22,472	0%
Other Contributions And Transfe	$484,161	8%
Total General Fund Expenditures	$1,168,577	18%
School Operating Expenditures	$5,185,341	82%
GRAND TOTAL OPERATING I	**$6,353,919**	**100%**
Capital Expenditures		
Non-Schools Capital	$249,713	46%
Schools Capital	$298,955	54%
GRAND TOTAL OPERATING I	**$548,669**	**100%**
GRAND TOTAL EXPENDITURES	**$6,902,587**	
CUMULATIVE NET FISCAL IMPACT	**($242,768)**	
Average Annual Net Fiscal Impact	*($9,711)*	

Attachment B

CAPITAL IMPACTS PER UNIT	Clark Lane Default
Transportation	
Single Family Detached	$48.09
Single Family Attached	$36.72
Parks and Recreation	
Single Family Detached	$3,012.69
Single Family Attached	$1,988.13
Fire and Emergency Services	
Single Family Detached	$926.29
Single Family Attached	$611.27
Police	
Single Family Detached	$13.52
Single Family Attached	$8.92
Library	
Single Family Detached	$461.75
Single Family Attached	$304.72
General Government	
Single Family Detached	$55.01
Single Family Attached	$36.31
General Services	
Single Family Detached	$73.35
Single Family Attached	$48.41
Courts	
Single Family Detached	$1,047.89
Single Family Attached	$691.52
Schools	
Single Family Detached	$6,746.12
Single Family Attached	$3,544.31
TOTAL	
Single Family Detached	**$12,384.72**
Single Family Attached	**$7,270.31**

RESOLUTION

RESIDENTIAL REDEVELOPMENT POLICY

WHEREAS, the task of creating the Residential Redevelopment District, R-3, was included as a part of the adopted methodology for the zoning ordinance update adopted by the Board of Supervisors in May 2010; and

WHEREAS, the 2009 Comprehensive Plan referenced the importance of supporting efforts to improve the condition and variety of the County's housing stock; and

WHEREAS, after receiving feedback from the Policy Committee, the Planning Commission, and the Board of Supervisors, the following policy is recommended for all Residential Redevelopment projects.

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

Projects seeking rezoning to the R-3, Residential Redevelopment District, should meet or exceed the following expectations:

1. Be located inside the Primary Service Area;
2. Bring existing non-conforming parcels into conformance with the requirements of this district;
3. Provide or improve public infrastructure (including but not necessarily limited to public streets, water and/or sewer service, and stormwater facilities); and
4. Provide affordable and workforce housing units, where at least 50 percent of all proposed housing units are targeted to families earning 30-120 percent of Area Median Income (AMI), with a minimum of 25 percent of all proposed housing units targeted to families earning 30-80 percent of AMI.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
MCGLENNON	X	____	____
JONES	X	____	____
KENNEDY	X	____	____
ICENHOUR	X	____	____
KALE	X	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of November, 2012.

Zo-07-09-10_res1

April 19, 2024

Mr. Paul Holt
Director of Community Development
James City County
101-A Mounts Bay Road
Williamsburg, Virginia 23185

Re: Clark Subdivision Z-24-00045

Dear Mr. Holt:

The Rezoning proposed for the Clark Subdivision supports the County's stated goal of providing Affordable and Workforce Housing for those living or working in James City County. Parks and Recreation has reviewed the Master Plan and agrees that the recreational amenities proposed keep to the spirit of the County's Recreational Facility Development Guidelines.

Sidewalks, a playground and an athletic field are proffered and shown on the Master Plan. This infrastructure is in keeping with providing quality amenities for future property owners. Clark Subdivision is intended to be a majority affordable development of only 48 units and as such will not have an HOA sizable enough to support larger and more intense recreational facilities. There is a concerted intent to provide quality recreational amenities, but in a way that can be affordably and effectively maintained.

The Master Plan shows an Open Space Recreation Area of .25 acres with adjacent Open Space of .16 acres. There are additional Open Space areas measuring 1.1 acres and .12 acres. A playground of .18 acres is also shown on the Master Plan. The total amount of Open Space exclusive of buffers designated on the Master Plan is 1.38 acres another .43 acres of Playground and Recreation is designated on the Master Plan for a total of 1.81 acres of combined recreation and open space.

For these reasons, we respectfully request an exemption from the Recreational Facility Development Guidelines.

Sincerely,

A.Vaughn Poller

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
May 1, 2024
6:00 PM

A. CALL TO ORDER

Mr. Haldeman called the meeting to order at 6 p.m.

B. ROLL CALL

Planning Commissioners Present:
Jack Haldeman
Frank Polster
Stephen Rodgers
Jay Everson
Scott Maye
Kira Allmann

Planning Commissioners Absent:
Tim O'Connor

Staff Present:
Susan Istenes, Director of Planning
Liz Parman, Deputy County Attorney
Josh Crump, Principal Planner
Thomas Wysong, Principal Planner
Ben Loppacker, Planner I
Amanda Frazier, Community Development Assistant
Will Albiston, Community Development Assistant

C. PUBLIC COMMENT

Mr. Haldeman opened Public Comment.

As no one wished to speak, Mr. Haldeman closed Public Comment.

D. REPORTS OF THE COMMISSION

The Development Review Committee and the Policy Committee did not meet in April, therefore there were no reports.

E. CONSENT AGENDA

1. Minutes of the April 3, 2024, Regular Meeting

   On a voice vote, the Commission voted to approve the Consent Agenda. (6-0)

F. PUBLIC HEARING(S)

1. Z-24-0005. Clark Talley Residential Rezoning

Mr. Thomas Wysong, Principal Planner, stated that Mr. Vaughn Poller, Administrator of Neighborhood Development, had applied on behalf of the County to rezone approximately 15.82 acres from the R-2, General Residential Zoning District to the R-3, Residential Redevelopment District with proffers. Mr. Wysong stated that this proposal was to allow up to 47 residential dwellings consisting of 27 single-family detached units and 20 single-family attached units, resulting in a density of 3.02 units per acre.

Mr. Wysong stated that the subject parcels were inside the Primary Service Area (PSA) and designated Low Density Residential. Mr. Wysong stated that single-family detached and attached housing were recommended uses within the Low Density Residential designations. Mr. Wysong further stated that the 2045 Comprehensive Plan strongly supports the provision of affordable workforce housing.

Mr. Wysong stated that the applicant has proffered that 100% of the proposed units would be affordable and that the units would be constructed consistent with the County's character design guidelines. Mr. Wysong further stated that staff found that the proposed development would not negatively impact the County's character or existing facilities.

Mr. Wysong stated that staff found this proposal to be consistent with the 2045 Comprehensive Plan and surrounding development. As such, staff recommends the Planning Commission recommend approval of this proposal to the Board of Supervisors, subject to the proposed proffers.

Mr. Rodgers requested clarification regarding the implications to the project if the parcels remained in the R-2, General Residential Zoning District.

Mr. Wysong stated that there would be a significant impact to the layout of the proposed development and the current concept would not be able to continue.

Mr. Haldeman asked Mr. Wysong to elaborate on the proffers which state 100% of the homes would be affordable.

Mr. Wysong provided further clarification on the proffers, affordable housing definition, and the R-3 Redevelopment Policy.

Mr. Vaughn Poller, Administrator of Neighborhood Development, 101-A Mounts Bay Road, Applicant, gave a brief presentation to the Commission.

Mr. Everson raised a question regarding the intended market for this development.

Mr. Poller stated that this project would primarily be marketed towards workforce housing with the intention to attract staff from the neighboring Sentara Williamsburg Regional Medical Center.

Mr. Maye raised a question about attendance at the Community Engagement meetings hosted by Neighborhood Development.

Mr. Poller stated that the meetings were well attended.

Mr. Polster requested more information about the price point of the units.

Ms. Latoya Tyler, Habitat for Humanity Peninsula and Greater Williamsburg, 11011 Warwick Boulevard, provided information about the price points of the units built by Habitat for Humanity.

Mr. Poller provided further information and financing details about the remaining units.

Discussion ensued.

As no one further wished to speak, Mr. Haldeman closed the Public Hearing.

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

On a roll call vote, the Commission voted to recommend approval of Z-24-0005. Clark Talley Residential Rezoning. (6-0)

2. Z-24-0002/SUP-24-0002. Bright Beginnings Pre-K Center at Clara Byrd Baker Elementary School

Mr. Ben Loppacker, Planner I stated that Ms. Holly Adams of Alpha Corporation, had applied on behalf of Williamsburg-James City County (WJCC) Public Schools to rezone approximately 1.98 acres located at 3175 Ironbound Road from R-8, Rural Residential to PL, Public Lands. Mr. Loppacker stated that Ms. Adams also applied for a corresponding Special Use Permit (SUP) to allow a 41,326-square-foot Pre-K Center at 3175 and 3131 Ironbound Road.

Mr. Loppacker stated that staff found the proposed conditions would mitigate impacts to surrounding properties and development. Mr. Loppacker further stated that staff found this proposal to be compatible with surrounding zoning and development and consistent with the 2045 Comprehensive Plan, Zoning Ordinance, and the Primary Principles for the Five Forks Area.

Mr. Loppacker stated that Section 15.2-2232 of the Code of Virginia states, in part, that no public facility be allowed unless the Planning Commission finds the location of the facility “substantially” consistent with the adopted Comprehensive Plan. Mr. Loppacker stated that staff recommends that the Planning Commission find this application consistent with the 2045 Comprehensive Plan and recommend approval of this application to the Board of Supervisors, subject to the proposed conditions.

Mr. Everson requested clarification on the traffic study and potential redistricting.

Mr. Loppacker provided clarification on the traffic study and potential redistricting.

Discussion ensued regarding the traffic patterns and parking at Clara Byrd Baker Elementary School.

Mr. Haldeman opened the Public Hearing.

Ms. Holly Adams, Alpha Corporation, 295 Bendix Road, Suite 340 Virginia Beach, VA, Applicant, gave a brief presentation to the Planning Commission.

Mr. Edward Evans Jr., Architect, 15013 Pine Vista Lane Chester, VA, gave a brief presentation to the Planning Commission.

Mr. Polster raised a question to the applicant regarding construction standards.

Mr. Evans provided clarification on the construction standards.

Discussion ensued regarding construction standards.

Mr. Daniel Keever, WJCC Schools Deputy Superintendent, 914 12th Street Newport News, VA, added clarification on the School System's commitment to incorporating energy efficient designs into the construction.

Further discussion ensued.

Mr. Polster raised a question regarding the difference in staffing between Clara Byrd Baker Elementary School and Norge Elementary School.

Mr. Keever stated that staffing is based on the needs of the students, which may vary across campuses. Mr. Keever also noted the request for increased parking accommodation at the Norge location due to the space available at the site.

Mr. Polster raised a question regarding the traffic flow at the elementary school sites.

Mr. Evans and Mr. Keever provided clarification on the proposed traffic patterns as well as possibly staggering hours of operation between the preschool and the elementary school.

Further discussion ensued regarding projected attendance and waitlists.

As no one further wished to speak, Mr. Haldeman closed the Public Hearing.

Mr. Everson made a motion to recommend approval of the application.

On a roll call vote, the Commission voted to recommend approval of Z-24-0002/SUP-24-0002. Bright Beginnings Pre-K Center at Clara Byrd Baker Elementary School. (6-0)

Mr. Polster made a motion that the Planning Commission find the application consistent with the 2045 Comprehensive Plan.

On a roll call vote, the Commission voted to find Z-24-0002/SUP-24-0002. Bright Beginnings Pre-K Center at Clara Byrd Baker Elementary School consistent with the 2045 Comprehensive Plan. (6-0)

3. Z-24-0003/SUP-24-0003. Bright Beginnings Pre-K Center at Norge Elementary School

Mr. Ben Loppacker, Planner I, stated that Ms. Holly Adams of Alpha Corporation, had applied on behalf of WJCC Public Schools to rezone approximately 0.23 acres located at 7311A Richmond Road from R-2, General Residential to PL, Public Lands. Mr. Loppacker stated that Ms. Adams also applied for a corresponding SUP to allow a 42,000-square-foot Pre-K Center at 7311 and 7311A Richmond Road.

Mr. Loppacker stated that staff found the proposed conditions would mitigate impacts to surrounding properties and development. Mr. Loppacker further stated that staff found this proposal to be compatible with surrounding zoning and development and consistent with the 2045 Comprehensive Plan and Zoning Ordinance.

Mr. Loppacker stated that Section 15.2-2232 of the Code of Virginia states, in part, that no public facility be allowed unless the Planning Commission finds the location of the facility "substantially" consistent with the adopted Comprehensive Plan. Mr. Loppacker stated that staff recommends that the Planning Commission find this application consistent with the 2045 Comprehensive Plan and recommend approval of this application to the Board of Supervisors, subject to the proposed conditions.

Mr. Haldeman opened the Public Hearing.

Ms. Adams stated she was available for questions.

Mr. Haldeman asked for clarification on the proposed traffic pattern for the site.

Ms. Adams provided clarification.

As no one further wished to speak, Mr. Haldeman closed the Public Hearing.

Mr. Polster made a motion to find the application consistent with the 2045 Comprehensive Plan.

On a roll call vote, the Commission voted to find Z-24-0003/SUP-24-0003. Bright Beginnings Pre-K Center at Norge Elementary School consistent with the 2045 Comprehensive Plan. (6-0)

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

On a roll call vote, the Commission voted to recommend approval of Z-24-0003/SUP-24-0003. Bright Beginnings Pre-K Center at Norge Elementary School. (6-0)

G. PLANNING COMMISSION CONSIDERATIONS

There were no items for consideration.

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - May 2024

Ms. Istenes stated that she had nothing in addition to the report provided in the Agenda Packet. Ms. Istenes stated that Mr. O'Connor, Planning Commission Chair, made a request to postpone the Joint Work Session with the Board of Supervisors.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. Everson raised a question to the Commission about formally requesting the Board of Supervisors allow the Commission to review and make recommendations on the Zoning

Ordinance regarding Solar Energy Generating Facilities that had previously been on the Commission's March 6, 2024, Agenda.

Discussion ensued.

Mr. Polster stated that the Commission should wait for a directive from the Board of Supervisors regarding solar.

J. ADJOURNMENT

Mr. Haldeman made a motion to adjourn.

The meeting was adjourned at approximately 7:22 p.m.

_____ _____

Susan Istenes, Secretary Jack Haldeman, Vice Chair

M E M O R A N D U M

DATE: June 11, 2024

TO: The Board of Supervisors

FROM: A. Vaughn Poller, Neighborhood Development Administrator

SUBJECT: Lease of 6197 Old Mooretown Road - James City County Real Estate Tax Map Parcel No. 3220100038

On June 13, 2023, the Board of Supervisors authorized the purchase of property at 106 and 110 Catalpa Drive, 179 and 186 Clark Lane, and 6171, 6195, and 6197 Old Mooretown Road. These properties, along with other property the County owns, are proposed to be rezoned from R-2, General Residential to R-3, Residential Redevelopment with Proffers, to allow for up to 47 workforce and affordable residential dwellings, consisting of 27 single-family detached units and 20 single-family attached units, all as contained within Case No. Z-24-0005.

While the purchased property is otherwise vacant, the parcel located at 6197 Old Mooretown Road contains a mobile home that Ms. Margaret E. Wallace (the "Tenant") owns and has occupied for more than 20 years. Staff from the Neighborhood Development Division have met with Ms. Wallace in order to communicate the goal of the property purchase, to answer any questions she may have as the property ownership changed from the Talley family to James City County, to discuss the goal of the redevelopment plan, and to ensure that she has a continued direct point of contact with the County for any questions and concerns.

Staff has further explained to Ms. Wallace that the Neighborhood Development Division and the Housing Office will be working with her to assist with any housing needs she may have as the proposed redevelopment project proceeds. Until that time, Ms. Wallace has indicated that she wants to continue to reside in her home on the property. To help accomplish this important goal, staff is proposing the attached Lease Agreement, which has been reviewed by the County Attorney's Office.

Staff recommends approval of the attached resolution which would authorize the County Administrator to execute a Lease Agreement with Ms. Wallace to ensure she is able to remain on the property while staff provide assistance with housing needs she may have as the proposed redevelopment project proceeds.

AVP/ap
Lse6197OldMretwn-mem

Attachments:
1. Resolution
2. Location Map
3. Draft Lease Agreement

R E S O L U T I O N

LEASE OF 6197 OLD MOORETOWN ROAD - JAMES CITY COUNTY

REAL ESTATE TAX MAP PARCEL NO. 3220100038

WHEREAS, James City County owns 6197 Old Mooretown Road (James City County Real Estate Tax Map Parcel No. 3220100038); and

WHEREAS, Ms. Margaret E. Wallace wishes to lease the Property; and

WHEREAS, after a public hearing, the Board of Supervisors is of the opinion that the County should lease the Property to Ms. Margaret E. Wallace, on the terms and conditions contained in the Lease Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is hereby authorized and directed to execute the Lease Agreement between James City County and Ms. Margaret E. Wallace for the Property and other documents necessary to effectuate the Lease.

_____
Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

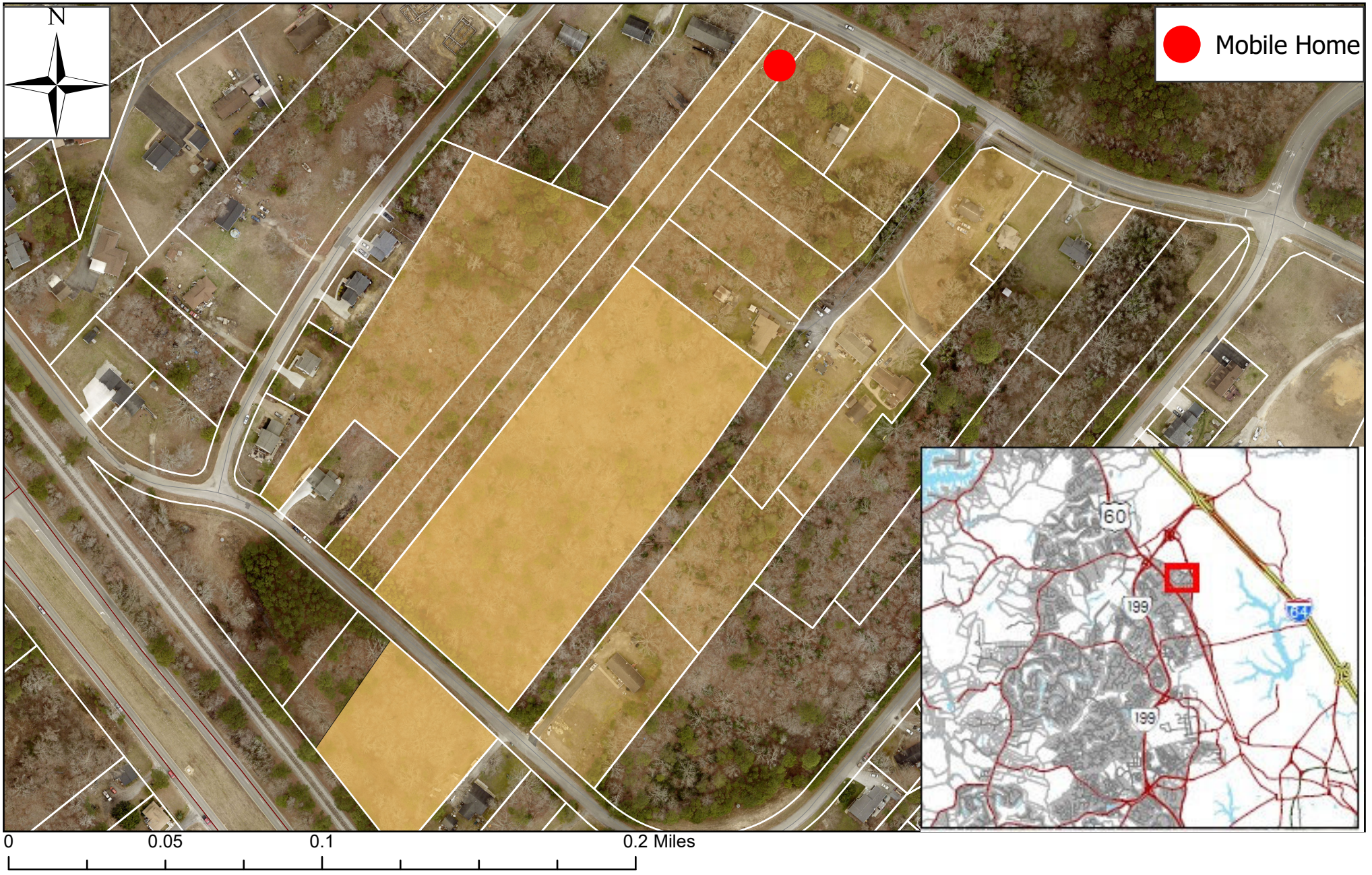
_____
Teresa J. Saeed
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of June, 2024.

Lse6197OldMretwn-res

Clark Subdivision - Lease



EFFECTIVE DATE OF LEASE: _____

THIS LEASE AGREEMENT (the "Lease") is made this _____ day of _____, 2024, by and between the County of James City, Virginia, a political subdivision o the Commonwealth of Virginia ("County"), whose address is 101-A Mounts Bay Road, Williamsburg, VA 23185 and Margaret E. Wallace , whose address is 6197 Old Mooretown Rd., Williamsburg, VA 2388("Tenant").

RECITALS;

R-1 WHEREAS, Tenant resides in her Mobile Home ("Mobile Home") located on the property known as 6197 Old Mooretown Rd., Williamsburg, VA 23188,

R-2 WHEREAS, on April 24, 2024, the County became the owner of the real property known as 6197 Old Mooretown Rd., Williamsburg, VA ("Real Property"), where the Mobile Home is located,

R-3 WHEREAS, the County will subdivide and develop the Real Property, requiring Tenant to relocate,

R-4 WHEREAS, the County will allow the Tenant to continue to occupy her mobile home on the Real Property until the County relocates the Tenant in accordance with the Code of Virginia § 25.1-406, et seq. Relocation Assistance and Real Property Acquisition Policies (URA),

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained therein, the County and Tenant agree as follows:

The County hereby leases and demises unto Tenant, and Tenant hereby leases and takes from County, the right to occupy the Real Property on the terms and conditions set forth in this Lease.

LEASE TERMS:

1. **Address of Real Property**: 6197 Old Mooretown Rd., Williamsburg, VA 23188
2. **Term**
    a. Commencement Date: This Lease shall begin on April 24, 2024.
    b. Lease Term Ends: The County shall notify the Tenant 60 days' prior to ending the Lease.
3. **Monthly Rent.** If the Tenant is not in default of the lease terms the monthly payments will be $10.00. Should the Tenant default in any term in this Lease, the Tenant shall be required to pay $350 per month to the Treasurer of James City County beginning on the date set forth in a Notice of Default delivered to the Tenant by certified mail at the property address.
4. **Use, Occupancy And Maintenance.**

a. Use. The Tenant covenants that the Mobile Home will be used only as a residential dwelling in a manner that will not disturb neighbors and will not damage Real Property. All use of the Mobile Home and Real Property by the Tenant and Tenant's guests will be at Tenant's risk.

b. Assignment/Sublease. Tenant shall not assign this Lease without the prior written consent of County, which consent County will be under no obligation to grant. County shall have the right to consider any assignment or sublease made without the County's prior written consent void.

c. Compliance with Codes; Fixtures. Tenant shall comply with all obligations imposed by applicable building and housing codes materially affecting health and safety and shall keep the Mobile Home, including plumbing and other fixtures, appliances, and facilities, in a good, clean, safe and sanitary condition.

d. Smoke and Carbon Monoxide Alarms. Tenant shall be responsible for reasonable care and maintenance of smoke and carbon monoxide alarms in the Mobile Home and shall be responsible for interim testing. Tenant shall bear all risk of damage or injury should Tenant fail to maintain working alarms.

e. Mold. Tenant is solely responsible for preventing the accumulation of moisture and the growth of mold. Tenant hereby releases County from all claims or liability to Tenant, Occupants, or Tenant's guests or invitees and does hereby agree to indemnify and hold County and its agents harmless from and against all loss, damage, claim, suit, costs, including attorneys' fees, or other liability whatsoever resulting from Tenant's failure to prevent mold or fungus growth.

f. Trash. Tenant shall provide and pay for appropriate receptacles for the collection, storage, and removal of ashes, garbage, rubbish, and other waste incidental to the occupancy.

g. Insects and Pests. Tenant shall be solely responsible for keeping the Mobile Home free from insects and pests.

h. Compliance with Law. Tenant shall comply with all obligations imposed upon Tenant by applicable Virginia law.

i. Animals. Tenant shall use reasonable care to prevent any dog or other animal in possession of the Tenant or guests from causing personal injuries to a third party in the Mobile Home or on the Real Property or property damage to the Real Property.

j. Tenant Obligations. Tenant shall be financially responsible for the cost of repairs to the Mobile Home.

5. **UTILITIES.** The Tenant is solely responsible for obtaining and paying for all utilities, including water, sewer, electrical, natural gas, or other utilities desired by the Tenant.

6. **INSURANCE AND PERSONAL PROPERTY.**

a. Insurance. Tenant shall obtain insurance coverage for the Mobile Home, which shall include personal injury coverage for Tenant and guests. The policy shall name the County as an interested party. All personal property placed in or about the Mobile Home or the Real Property shall be at the sole risk of Tenant or the parties

owning the same, and County shall not be liable for the loss, destruction, theft of, or damage to such property.

b. Abandoned Property. Any items of personal property left in or about the Mobile Home after Tenant vacates the Mobile Home will be considered abandoned property and may be disposed of by County as of the date specified in the Relocation Agreement, which shall be signed by County and Tenant at least thirty days prior to Tenant's relocation.

c. Death of Tenant. If the Tenant who is the sole occupant of the Mobile Home dies, and there is no person authorized by order of a circuit court to handle probate matters for the deceased Tenant, County may dispose of any personal property left by such Tenant upon giving at least ten days written notice to an heir listed in an obituary or otherwise named by the Tenant. Such notice shall include a statement that any items of personal property left in the Mobile Home shall be treated as abandoned property and disposed of, if not claimed within ten days. This Lease shall terminate on the date of death of the Tenant.

7. **ACCESS TO THE REAL PROPERTY BY COUNTY AND ITS DULY DESIGNATED REPRESENTATIVE(S).**

   a. County and its duly designated representative(s) may go upon the Real Property to conduct surveys, tests and inspections to prepare for the subdivision and development of the Real Property. County shall notify Tenant five days' before entering the Real Property.

   b. If Tenant prevents access to County staff or designated representatives, the County may obtain injunctive relief to compel access or may terminate this Lease. In either case, County may recover actual damages sustained and reasonable attorney's fees.

   c. Tenant shall give County notice of any anticipated extended absence of Tenant from the Mobile Home in excess of seven days. During such absence of Tenant, County may enter the Real Property at times reasonably necessary.

8. **CASUALTY DAMAGE.** The County shall not be liable for damage to the Mobile Home by fire or other casualty, by the failure or malfunction of any equipment or utilities serving the Mobile Home.

9. **NOTICE.** All notices shall be in writing by regular mail or by hand delivery, with the party giving notice retaining a certificate of mailing or delivery of the notice, as the case may be.

   a. Notices to the County will be given or sent to Vaughn Poller, 101-A Mounts Bay Rd., Williamsburg, VA 23185.

   b. Notices to Tenant will be given or sent to the address of the Mobile Home.

10. **TERMINATION; RENEWAL.**

    a. The County may terminate this Lease by following the Virginia Uniform Relocations Act.

    b. Upon termination of this Lease, Tenant shall surrender the Mobile Home and Real Property.

c. This Lease shall renew month to month.

11. **ACTION BY COUNTY UPON DEFAULT BY TENANT.**

The County may terminate this tenancy during the Term of the Lease upon one of the following:

a. Material Noncompliance by Tenant Which Can Be Remedied Within 21 Days. If Tenant fails to comply materially with any provision of this Lease that can be remedied, County may deliver Tenant a material noncompliance notice stating that if Tenant does not remedy the specified noncompliance(s) within 21 days after receipt of such notice, then if such noncompliance is remediable, this Lease will terminate 30 days after County has delivered Tenant such notice.

b. Nonremediable Violations/Criminal Acts. If Tenant commits a material noncompliance that is not remediable, County may deliver Tenant a termination notice stating that this Lease will terminate in 30 days for the reasons stated therein without allowing Tenant an opportunity to remedy such breach. If a breach of Tenant obligations under Virginia law or this Lease involves or constitutes a criminal or willful act that is not remediable and that poses a threat to health or safety, County may terminate this Lease immediately by delivering Tenant notice. Tenant and any other persons in or about the Mobile Home with consent of Tenant, including but not limited to members of the family, guests, invitees or Occupants, shall not engage in criminal activities or activities intended to facilitate criminal activities including any illegal drug-related activity on the Mobile Home and any area of the Real Property including common areas and streets, involving a controlled substance (as defined in Section 54.1-3401 of the Code of Virginia) or any activity that involves or constitutes a criminal or willful act that also poses a threat to health and safety. "Illegal drug-related activity" means the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use of a controlled substance. Neither Tenant, guests, invitees or Occupants of Tenant may engage in the manufacture, sale or distribution of illegal drugs at any location, whether on the Real Property or otherwise. Neither Tenant, guests or Occupants of Tenant may engage in acts of violence or threats of violence, including, but not limited to the unlawful discharge of firearms in the Mobile Home or on or near the Real Property. A single violation of any of these provisions shall constitute a non-remediable violation of the Lease and justification for termination thereof. Criminal conviction is not required in order for County to terminate this Lease. Nothing herein shall be construed to limit any remedies available under Virginia law for any criminal offenses committed by Tenant, guests, invitees or Occupants of Tenant.

12. **NO WAIVER.** If County waives a noncompliance or breach of the Lease or law by Tenant, such waiver shall not be construed as a waiver of any subsequent breach of noncompliance or breach, and this Lease shall continue in full force and effect.

13. **SEVERABILITY.** If any provisions of this Lease violate law or equity, the remaining provisions shall remain in full force and effect.

14. **REASONABLE ATTORNEY'S FEES/COSTS OF COLLECTION.** If as a result of Tenant's noncompliance with, or a breach of this Lease or the law, County or Agent

employs an attorney at law, regardless of whether a lawsuit is filed, Tenant agrees to pay reasonable attorney's fees and costs in all courts of competent jurisdiction at all tribunal levels, as well as any and all costs recoverable under Virginia law.

15. **LIABILITY.** Tenant hereby releases County from all claims or liability to Tenant, Occupants, or Tenant's guests or invitees and does hereby agree to indemnify and hold County and its agents harmless from and against all loss, damage, claim, suit, costs, including attorneys' fees, or other liability whatsoever resulting from Tenant's occupancy of the Real Property.

16. IN WITNESS WHEREOF, the parties have executed this Lease:

Tenant

_____ _____
Margaret E. Wallace Date

County of James City, Virginia

BY: _____ _____
Scott A. Stevens Date

M E M O R A N D U M

DATE: June 11, 2024

TO: The Board of Supervisors

FROM: A. Vaughn Poller, Neighborhood Development Administrator

SUBJECT: Ordinance of Vacation Regarding Catalpa Drive

The right-of-way for Catalpa Drive was dedicated by a plat entitled "SUBDIVISION OF PART OF THE PROPERTY OF MARY ALICE TAYLOR POWHATAN DISTRICT, JAMES CITY COU[N]TY, VIRGINIA" dated June 1979 and recorded in the Clerk's Office of the Circuit Court of the County of James City in Plat Book 35, Page 101. Catalpa Drive was never improved and has not been brought into the Virginia Department of Transportation's System of Secondary Roads. There are four homes adjacent to Catalpa Drive. Three homes have private access and one has direct access to Old Mooretown Road.

Vacating this unimproved right-of-way is necessary to allow for the proposed redevelopment of the property in accordance with the Clark Lane Master Plan, as contained within Case No. Z-24-0005. Currently, easements exist on the private properties of the residents along Catalpa Drive. These easements will remain, to assure property owners ingress and egress access to their properties.

Staff recommends adoption of the attached Ordinance to vacate the County's right-of-way along Catalpa Drive, as shown on the attached map.

AVP/md
CatalpaDrVacate-mem

Attachments:
1. Ordinance
2. Location Map

ORDINANCE NO. _____

AN ORDINANCE TO VACATE A PORTION OF THAT CERTAIN PLAT ENTITLED "SUBDIVISION OF PART OF THE PROPERTY OF MARY ALICE TAYLOR POWHATAN DISTRICT, JAMES CITY COU[N]TY, VIRGINIA" DATED JUNE 1979

WHEREAS, the right-of-way for Catalpa Drive was dedicated by plat entitled "SUBDIVISION OF PART OF THE PROPERTY OF MARY ALICE TAYLOR POWHATAN DISTRICT, JAMES CITY COU[N]TY, VIRGINIA" dated June, 1979 and recorded in the Clerk's Office of the Circuit Court of the County of James City in Plat Book 35, Page 101 (the "Plat"); and

WHEREAS, Catalpa Drive was never brought into the Virginia Department of Transportation's system of maintenance; and

WHEREAS, the County of James City, Virginia, owns the property located at 106 and 110 Catalpa Drive and desires to vacate certain lines, words, numbers, and symbols on the Plat so as to vacate Catalpa Drive as a public right-of-way; and

WHEREAS, three homes - 114 Catalpa Drive, 111 Catalpa Drive, and 105 Catalpa Drive - use Catalpa Drive to access Old Mooretown Road; and

WHEREAS, 114 Catalpa Drive, 111 Catalpa Drive, and 105 Catalpa Drive have a private access easement allowing access to Old Mooretown Road; and

WHEREAS, 6165 Old Mooretown Road has direct driveway access to Old Mooretown Road; and

WHEREAS, notice that the Board of Supervisors (the "Board") of James City County would consider such vacation has been given pursuant to Section 15.2-272 of the Virginia Code; and

WHEREAS, the Board held a public meeting on June 11, 2024, and did consider the vacation of Catalpa Drive, and the Board was of the opinion that such vacation would not result in any inconvenience, would not cause any irreparable damage to any owner of a lot shown on the Plat, and is in the interest of the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that:

1. The entire 50-foot right-of-way of Catalpa Drive, shown on that certain plat entitled "SUBDIVISION OF PART OF THE PROPERTY OF MARY ALICE TAYLOR POWHATAN DISTRICT, JAMES CITY COU[N]TY, VIRGINIA" recorded in the Circuit Courts Clerk's Office for the City of Williamsburg and the County of James City in Plat Book 35, Page 101 on September 18, 1979, is hereby VACATED.

2. Pursuant to Section 15.2-2272 of the Virginia Code, a certified copy of this Ordinance of vacation shall be recorded in the Clerk's Office for the Circuit Court of the City of Williamsburg and the County of James City indexing the County as grantor and the following entities as grantees:

   a. Velvet A. Cowles, James City County Real Estate Tax Map Parcel No.: 3220100046.

   b. James City County, James City County Real Estate Tax Map Parcel Nos.: 3220100040A, 3220100040D, 3220100040B, 3220100040.

   c. Jerry T. and Constance Butler, James City County Real Estate Tax Map Parcel No.: 3220100046A.

   d. Frances Burrell & Theresa Woodley, James City County Real Estate Tax Map Parcel No.: 3220100043.

   e. Cary L. Piggott, James City County Real Estate Tax Map Parcel No.: 3220100044.

   f. Raymond B & Jo Piggott, James City County Real Estate Tax Map Parcel No.: 3220100041.

_____
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 11th day of June, 2024.

CatalpaDrVacate-ord

S:\311\Projects\1-Virginia\James City County VA\46163.008 Clark Community Engagement\DWG\Exhibits\Rezoning Submittal\Master Plan Rendering\2024-04-18 RNDR\MASTER PLAN-RNDR.dwg | Plotted on 4/23/2024 4:55 PM | by Taylor Parker

COMMONWEALTH OF VIRGINIA
DAVID S. ANDERSON
Lic. No. 023849
PROFESSIONAL ENGINEER

THIS DRAWING PREPARED AT THE
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TEL 804.200.6500 FAX 804.560.1016 www.timmons.com

YOUR VISION ACHIEVED THROUGH OURS.

DATE	REVISION DESCRIPTION
##	##

DATE: 4/23/2024
DRAWN BY: T. PARKER
DESIGNED BY: D. ANDERSON
CHECKED BY: D. ANDERSON
SCALE: 1" = 60'

TIMMONS GROUP

CLARK TALLEY RESIDENTIAL REZONING

JAMES CITY COUNTY, VA

ILLUSTRATIVE MASTER PLAN

JOB NO. 46163.008
SHEET NO. C2.0

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M E M O R A N D U M

DATE: June 11, 2024

TO: The Board of Supervisors

FROM: County Administration

SUBJECT: Lease Agreement with Williamsburg Area Medical Assistance Corporation

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On April 13, 2021, the Board approved a three-year lease for a portion of the Human Services Building located at 5249 Olde Towne Road to Williamsburg Area Medical Assistance Corporation doing business as Olde Towne Medical and Dental Center ("OTMDC").

The 2021 lease expires on June 30, 2024.

OTMDC wishes to enter into a new year-to-year lease under similar terms as the 2021 lease. The lease payments are as follows:

Year	Annual Rent
July 2024-June 2025	$156,270
July 2025-June 2026	$172,400
July 2026-June 2027	$189,700

Staff recommends approval of the attached resolution authorizing the County Administrator to enter into a new lease agreement with OTMDC.

ARK/ap
LseAgtOTMDC-mem

Attachment

R E S O L U T I O N

LEASE AGREEMENT WITH

WILLIAMSBURG AREA MEDICAL ASSISTANCE CORPORATION

WHEREAS, the County currently owns a certain parcel of land located in the County of James City at 5249 Olde Towne Road and further identified as James City County Real Estate Tax Map Parcel No. 3240100029A (the "Property"); and

WHEREAS, the Williamsburg Area Medical Assistance Corporation operates Olde Towne Medical and Dental Center ("OTMDC") on a portion of the Property under a lease agreement with the County; and

WHEREAS, the current lease expires on June 30, 2024; and

WHEREAS, the Williamsburg Area Medical Assistance Corporation wishes to enter into a new lease agreement so that OTMDC may continue its operations; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that the County should lease a portion of the Property to the Williamsburg Area Medical Assistance Corporation; and

WHEREAS, a hearing on the disposition of the Property was advertised pursuant to Code of Virginia Section 15.2-1800.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the County Administrator to execute those documents necessary for the lease of a portion of 5249 Olde Towne Road to the Williamsburg Area Medical Assistance Corporation.

_____
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 11th day of June, 2024.

LseAgtOTMDC-res

M E M O R A N D U M

DATE: June 11, 2024

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: An Ordinance to Amend and Reordain Chapter 10, Garbage and Refuse, of the Code of the County of James City, Virginia

---

At its meeting on May 14, 2024, the Board of Supervisors (the "Board") determined that user fees associated with the optional recycling collection service provided to residents of the County should equal the cost charged to the County. This change in policy requires a change to Section 10-31(f) of the Code of James City County, Virginia, which fixes the user fee at $7 per container per month. The proposed revision instead allows the County Administrator to set the user fee.

Should the Board wish to allow the County Administrator to set the user fee associated with the optional recycling collection service, I recommend that it adopt the attached Ordinance.

ARK/ap
Sec10-31GrbRefs-mem

Attachments

ORDINANCE NO._____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 10, GARBAGE AND REFUSE, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, RECYCLING, SECTION 10-31, OPTIONAL RECYCLING COLLECTION SERVICE, FEES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 10, Garbage and Refuse, is hereby amended and reordained by amending Article III, Recycling, Section 10-31, Optional recycling collection service, fees.

Chapter 10. Garbage and Refuse

Article III. Recycling

Sec. 10-31. Optional recycling collection service, fees.

(a) The county may offer an optional curbside recycling collection service to residential properties located within the recycling collection service area.

(b) Residents who subscribe to the optional curbside recycling collection service shall use an authorized container approved by the director and shall pay a user fee.

(c) The optional curbside recycling collection service shall provide for the collection of residential recyclable material according to a schedule approved by the director.

(d) Residential recyclable material that is inaccessible to collection vehicles or located outside of an authorized container shall not be collected.

(e) Material that does not meet the definition of residential recyclable material shall not be collected.

(f) The user fee for curbside recycling collection service shall be ~~$7.00 per container per month~~ *set by the county administrator*.

(g) The director may terminate curbside recycling collection service to any dwelling upon failure of its owner(s) or occupant(s) to comply with the provisions of this article.

_____
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 11th day of June, 2024.

Sec10-31GrbRefs-ord

ORDINANCE NO._____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 10, GARBAGE AND REFUSE, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, RECYCLING, SECTION 10-31, OPTIONAL RECYCLING COLLECTION SERVICE, FEES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 10, Garbage and Refuse, is hereby amended and reordained by amending Article III, Recycling, Section 10-31, Optional recycling collection service, fees.

Chapter 10. Garbage and Refuse

Article III. Recycling

Sec. 10-31. Optional recycling collection service, fees.

(a) The county may offer an optional curbside recycling collection service to residential properties located within the recycling collection service area.

(b) Residents who subscribe to the optional curbside recycling collection service shall use an authorized container approved by the director and shall pay a user fee.

(c) The optional curbside recycling collection service shall provide for the collection of residential recyclable material according to a schedule approved by the director.

(d) Residential recyclable material that is inaccessible to collection vehicles or located outside of an authorized container shall not be collected.

(e) Material that does not meet the definition of residential recyclable material shall not be collected.

(f) The user fee for curbside recycling collection service shall be set by the county administrator.

(g) The director may terminate curbside recycling collection service to any dwelling upon failure of its owner(s) or occupant(s) to comply with the provisions of this article.

M E M O R A N D U M

DATE: June 11, 2024

TO: The Board of Supervisors

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

SUBJECT: An Ordinance to Amend and Re-Ordain Chapter 8, Erosion and Sediment Control, Article I, Erosion and Sediment Control and Article II, The Virginia Stormwater Management Program

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In 2014, James City County (JCC) was authorized by the Virginia Department of Environmental Quality (DEQ) to operate a Virginia Stormwater Management Program (VSMP). Since then, JCC staff have performed plan reviews for Erosion and Sediment Control and Stormwater Management compliance, inspected construction sites for compliance with these requirements, and reviewed and approved as-built documentation to close out projects. These plan reviews, inspections, and requirements have been based on three different sets of regulations promulgated at the state level by DEQ and include Erosion and Sediment Control Regulations (9VAC25-840), Erosion and Sediment Control and Stormwater Management Certification Regulations (9VAC25-850), and Virginia Stormwater Management Program Regulations (9VAC25-870).

The DEQ has now consolidated these three existing regulations into a single Virginia Erosion and Stormwater Management (VESM) Regulation, Chapter 875. The State Water Control Board approved and adopted these consolidated regulations on June 22, 2023, and the new consolidated regulations and the repeal of the three existing regulations referenced above, are all effective as of July 1, 2024.

As part of this regulatory process, every locality in Virginia that operates as a VSMP authority (which includes JCC) needs to adopt a new Ordinance establishing a combined Virginia Erosion and Stormwater Management Program (VESMP) and updating citations to reference the new Chapter 875. Therefore, this state mandated update to Chapter 8 of the James City County Code is to incorporate those new consolidated regulation changes into the County Code using the DEQ Model Ordinance guidance. This amended and re-ordained Chapter 8 will be called the Erosion and Stormwater Management Ordinance of James City County and only contains language from the new model Ordinance and some carryover language from the existing Chapter 8.

In addition to the updates to Chapter 8 referenced above, the DEQ has also approved a new Virginia Stormwater Management Handbook Version 1.0 and corresponding Virginia Runoff Reduction Method (VRRM) Version 4.1 and they have started working on a rulemaking to adopt a new phosphorus standard. These will all be effective as of July 1, 2025. As such, DEQ is starting a year of transition through guidance for plans submitted on or after July 1, 2024. To address these items and others, staff will be returning to the Board over the course of the next year with additional planned Code amendments.

To ensure consistency with the new State Code requirements, staff recommends adoption of the attached Ordinance.

TES/md
Ch8ESC_I-IIVSMP-mem

Attachment

ORDINANCE NO._____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 8, EROSION AND SEDIMENT CONTROL, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY REPEALING ARTICLE I, EROSION AND SEDIMENT CONTROL, SECTION 8-1, TITLE, PURPOSE, AND AUTHORITY; SECTION 8-2, DEFINITIONS; SECTION 8-3, EROSION AND SEDIMENT CONTROL PROGRAM; SECTION 8-4, REGULATED LAND DISTURBING ACTIVITIES; SUBMISSION AND APPROVAL OF PLANS, CONTENTS OF PLANS; SECTION 8-5, PERMITS; FEES, BONDING, ETC.; SECTION 8-6, MONITORING REPORTS, AND INSPECTIONS; SECTION 8-7, PENALTIES, INJUNCTIONS, AND OTHER LEGAL ACTIONS, SECTION 8-8, APPEALS AND JUDICIAL REVIEW; SECTIONS 8-9 – 8-19, RESERVED; ARTICLE II, THE VIRGINIA STORMWATER MANAGEMENT PROGRAM, SECTION 8-20, TITLE, PURPOSE AND AUTHORITY; SECTION 8-21, DEFINITIONS; SECTION 8-22, STORMWATER PERMIT REQUIREMENT; EXEMPTIONS; SECTION 8-23, STORMWATER MANAGEMENT PROGRAM ESTABLISHED; SUBMISSION AND APPROVAL OF PLANS; PROHBITIONS; SECTION 8-24, STORMWATER POLLUTION PREVENTION PLAN; CONTENTS OF PLANS, SECTION 8-25, STORMWATER MANAGEMENT PLAN; CONTENTS OF PLANS; SECTION 8-26, POLLUTION PREVENTION PLAN; CONTENTS OF PLANS; SECTION 8-27, REVIEW OF STORMWATER MANAGEMENT PLAN; SECTION 8-28, TECHNICAL CRITERIA FOR REGULATED LAND DISTURBING ACTIVITIES; SECTION 8-29, LONG-TERM MAINTENANCE OF PERMANENT STORMWATER FACILITIES; SECTION 8-30, MONITORING AND INSPECTIONS; SECTION 8-31, HEARINGS; SECTION 8-32, APPEALS; SECTION 8-33, ENFORCEMENT; SECTION 8-34, FEES; SECTION 8-35, PERFORMANCE SURETY; AND BY AMENDING CHAPTER 8 EROSION AND STORMWATER MANAGEMENT PROGRAM BY REPLACING WITH NEW SECTION 8-1, TITLE, PURPOSE, AND AUTHORITY; SECTION 8-2, DEFINITIONS; SECTION 8-3, VIRGINIA EROSION AND STORMWATER MANAGEMENT PROGRAM ESTABLISHED; SECTION 8-4, REGULATED LAND DISTURBING ACTIVITIES; SECTION 8-5, REVIEW OF SOIL EROSION CONTROL AND STORMWATER MANAGEMENT PLANS; PROHIBITIONS; SECTION 8-6, APPROVAL OF SOIL EROSION CONTROL AND STORMWATER MANAGEMENT PLAN (ESM PLAN); SECTION 8-7, SOIL EROSION CONTROL AND STORMWATER LAND DISTURBING APPROVAL REQUIREMENT; EXEMPTIONS; SECTION 8-8, STORMWATER POLLUTION PREVENTION PLAN; CONTENTS OF PLANS; SECTION 8-9, STORMWATER MANAGEMENT PLAN; CONTENTS OF PLANS; SECTION 8-10, POLLUTION PREVENTION PLAN; CONTENTS OF PLANS; SECTION 8-11, EROSION AND SEDIMENT CONTROL PLAN; CONTENTS OF PLANS;

SECTION 8-12, TECHNICAL CRITERIA FOR REGULATED LAND DISTURBING ACTIVITIES; SECTION 8-13, VARIANCES AND EXCEPTIONS; SECTION 8-14, LONG-TERM MAINTENANCE OF PERMANENT STORMWATER FACILITIES; SECTION 8-15, MONITORING AND INSPECTIONS; SECTION 8-16, HEARINGS; SECTION 8-17, APPEALS; SECTION 8-18, RIGHT OF ENTRY; SECTION 8-19, ENFORCEMENT; SECTION 8-20, PENALTIES, INJUNCTIONS, AND OTHER LEGAL ACTIONS; SECTION 8-21, FEES; AND SECTION 8-22; PERFORMANCE SURETY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 8, Erosion and Sediment Control, is hereby amended and reordained by repealing Article I, Erosion and Sediment Control; Section 8-1, Title, purpose, and authority; Section 8-2, Definitions; Section 8-3, Erosion and sediment control program; Section 8-4, Regulated land disturbing activities; submission and approval of plans, contents of plans; Section 8-5, Permits, fees, bonding, etc.; Section 8-6, Monitoring reports, and inspections; Section 8-7, Penalties, injunctions, and other legal actions; Section 8-8, Appeals and judicial review; Sections 8-9 - 8-19, Reserved; Article II, The Virginia Stormwater Management Program, Section 8-20, Title, purpose and authority; Section 8-21, Definitions; Section 8-22, Stormwater permit requirement; exemptions; Section 8-23, Stormwater management program established; submission and approval of plans; prohibitions; Section 8-24, Stormwater pollution prevention plan; contents of plans; Section 8-25, Stormwater management plan; contents of plans; Section 8-26, Pollution prevention plan; contents of plans; Section 8-27, Review of stormwater management plan; Section 8-28, Technical criteria for regulated land disturbing activities; Section 8-29, Long-term maintenance of permanent stormwater facilities; Section 8-30, Monitoring and inspections; Section 8-31, Hearings; Section 8-32, Appeals; Section 8-33, Enforcement; Section 8-34, Fees; Section 8-35, Performance surety; and by amending Chapter 8 Erosion and Stormwater Management Program by replacing with new Section 8-1, Title, purpose, and authority; Section 8-2, Definitions; Section 8-3, Virginia Erosion and Stormwater Management Program Established; Section 8-4, Regulated land disturbing activities; Section 8-5, Review Of Soil Erosion Control and Stormwater Management plans; prohibitions; Section 8-6, Approval of Soil Erosion Control and Stormwater Management Plan (ESM Plan); Section 8-7, Soil Erosion Control and Stormwater Land Disturbing Approval Requirement; Exemptions; Section 8-8, Stormwater pollution prevention plan; contents of plans; Section 8-9, Stormwater management plan; contents of plans; Section 8-10, Pollution prevention plan; contents of plans; Section 8-11, Erosion and sediment control plan; contents of plans; Section 8-12, Technical criteria for regulated land disturbing activities; Section 8-13, Variances and Exceptions; Section 8-14, Long-term maintenance of permanent stormwater facilities; Section 8-15, Monitoring and inspections; Section 8-16, Hearings; Section 8-17, Appeals; Section 8-18,

Right Of Entry; Section 8-19, Enforcement; Section 8-20, Penalties, injunctions, and other legal actions; Section 8-21, Fees; Section 8-22; and Performance surety.

~~Chapter 8. Erosion and Sediment Control~~

~~Article I. Erosion and Sediment Control~~

~~Sec. 8-1. Title, purpose, and authority~~

~~This chapter shall be known as the "Erosion and Sediment Control Ordinance of James City County." The purpose of this chapter is to conserve the land, water, air, and other natural resources of the county by establishing requirements for the control of erosion and sedimentation, and by establishing procedures whereby these requirements shall be administered and enforced.~~

~~Sec. 8-2. Definitions~~

~~As used in the chapter, unless the context requires a different meaning:~~

~~*Agreement in lieu of a plan.* A contract between the plan-approving authority and the owner which specifies conservation measures which must be implemented in the construction of a single-family residence; this contract may be executed by the plan-approving authority in lieu of a formal site plan.~~

~~*Applicant.* Any person submitting an erosion and sediment control plan for approval or requesting the issuance of a permit, when required, authorizing land disturbing activities to commence.~~

~~*Board.* The Virginia Soil and Water Conservation Board.~~

~~*Certified inspector.* An employee or agent of a program authority who (i) holds a certificate of competence from the board in the area of project inspection or (ii) is enrolled in the board's training program for project inspection and successfully completes such program within one year after enrollment.~~

~~*Certified plan reviewer.* An employee or agent of a program authority who (i) holds a certificate of competence from the board in the area of plan review, (ii) is enrolled in the board's training program for plan review and successfully completes such program within one year after enrollment, or (iii) is licensed as a professional engineer, architect, certified landscape architect or land surveyor pursuant to article 1 (Sec. 54.1-400 et seq.) of chapter 4 of title 54.1 of the Code of Virginia (1950).~~

~~*Certified program administrator.* The director of the engineering and resource protection division who (i) holds a certificate of competence from the board in the area of program administration or (ii) is enrolled in the board's training program for program administration and successfully completes such program within one year after enrollment.~~

~~*Clearing*. Any activity which removes the vegetative ground cover including, but not limited to, root mat removal or top soil removal.~~

~~*Conservation plan, erosion and sediment control plan, or plan*. A document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory, and management information with needed interpretations and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.~~

~~*County*. James City County.~~

~~*Department*. The Department of Conservation and Recreation.~~

~~*Development*. A tract of land developed or to be developed as a single unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more residential dwelling units.~~

~~*Director*. The director of the department.~~

~~*District or soil and water conservation district*. Refers to the Colonial Soil and Water Conservation District.~~

~~*Erosion impact area*. An area of land not associated with current land disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of 10,000 square feet or less used for residential purposes or to shorelines where the erosion results from wave action or other coastal processes.~~

~~*Excavating*. Any digging, scooping or other methods of removing earth materials.~~

~~*Filling*. Any depositing or stockpiling of earth materials.~~

~~*Grading*. Any excavating or filling of earth material or any combination thereof, including the land in its excavated or filled conditions.~~

~~*Land disturbing activity*. Any land change which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the commonwealth, including, but not limited to, clearing, grading, excavating, transporting and filling of land, except that the term shall not include:~~

~~(1) Minor land disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work;~~

~~(2) Individual service connections;~~

~~(3) Installation, maintenance, or repair of any underground public utility lines when such activity occurs on an existing hard-surfaced road, street or sidewalk provided such land disturbing activity is confined to the area of the road, street or sidewalk which is hard-surfaced;~~

(4) Septic tank lines or drainage fields unless included in an overall plan for land disturbing activity relating to construction of the building to be served by the septic tank system;

(5) Surface or deep mining;

(6) Exploration or drilling for oil and gas including the well site, roads, feeder lines, and off-site disposal areas;

(7) Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, or livestock feedlot operations; including engineering operations and agricultural engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the Dam Safety Act, Code of Virginia sections 10.1-604 et seq., ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Code of Virginia sections 10.1-1100 et seq. of this title or is converted to bona fide agricultural or improved pasture use as described in subsection B of Code of Virginia section 10.1-1163;

(8) Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of a railroad company;

(9) Disturbed land areas of less than 2,500 square feet in size; provided, that the engineering and resource protection division can determine a land disturbing permit shall be required if, in its discretion, it is deemed necessary to adequately safeguard the control of erosion and sedimentation;

(10) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;

(11) Shore erosion control projects on tidal waters when the projects are approved by local wetlands boards, the Marine Resources Commission or the United States Army Corps of Engineers; and

(12) Emergency work to protect life, limb or property, and emergency repairs; provided that if the land disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the plan-approving authority.

Land disturbing permit. A permit issued by county for the clearing, filling, excavating, grading, transporting of land or for any combination thereof or for any purpose set forth herein.

Local erosion and sediment control program or local control program. An outline of the various methods employed by the county to regulate land disturbing activities and thereby minimize erosion and sedimentation in compliance with the state program and may include such items as local ordinances, policies and guidelines, technical materials, inspection, enforcement, and evaluation.

Owner. The owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.

~~*Permittee.* The person to whom the permit authorizing land disturbing activities is issued or the person who certifies that the approved erosion and sediment control plan will be followed.~~

~~*Person.* Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of the commonwealth, any interstate body, or any other legal entity.~~

~~*Plan-approving authority.* The engineering and resource protection division responsible for determining the adequacy of a conservation plan submitted for land disturbing activities on a unit or units of lands and for approving plans.~~

~~*Program authority.* The county which has adopted a soil erosion and sediment control program approved by the board.~~

~~*Single-family residence.* A noncommercial dwelling that is occupied exclusively by one family.~~

~~*State erosion and sediment control program or state program.* The program administered by the Virginia Soil and Water Conservation Board pursuant to the State Code including regulations designed to minimize erosion and sedimentation.~~

~~*State waters.* All waters on the surface and under the ground wholly or partially within or bordering the commonwealth or within its jurisdictions.~~

~~*Transporting.* Any moving of earth materials from one place to another place other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.~~

~~Sec. 8-3. Erosion and sediment control program~~

~~(a) The county adopts the regulations, references, guidelines, standards and specifications promulgated by the Virginia Soil and Water Conservation Board and the James City County Guidelines for Design and Construction of Stormwater Management BMPs for the effective control of soil erosion and sediment deposition to prevent the unreasonable degradation of properties, stream channels, waters and other natural resources. Said regulations, references, guidelines, standards and specifications for erosion and sediment control are included in but not limited to the Virginia Erosion and Sediment Control Regulations and the Virginia Erosion and Sediment Control Handbook, Third Edition, dated 1992.~~

~~(b) An erosion control plan shall not be approved until it is reviewed by a certified plan reviewer. Inspections of land disturbing activities shall be conducted by a certified inspector. The erosion control program of the county shall contain a certified program administrator, a certified plan reviewer, and a certified inspector, who may be the same person.~~

~~(c) The county hereby designates the engineering and resource protection division as the plan-approving authority.~~

Sec. 8-4. Regulated land disturbing activities; submission and approval of plans, contents of plans

~~(a) Except as provided herein, no person may engage in any land disturbing activity until he has submitted to the engineering and resource protection division for the county an erosion and sediment control plan for the land disturbing activity and such plan has been approved by the plan-approving authority. Where land disturbing activities involve lands under the jurisdiction of more than one local control program, an erosion and sediment control plan, at the option of the applicant, may be submitted to the board for review and approval rather than to each jurisdiction concerned.~~
~~Where the land disturbing activity results from the construction of a single-family residence, an "agreement in lieu of a plan" may be substituted for an erosion and sediment control plan if executed by the plan-approving authority.~~

~~(b) The standards contained within the Virginia Erosion and Sediment Control Regulations, including the Minimum Standards, the Virginia Erosion and Sediment Control Handbook and the James City County Guidelines for Design and Construction of Stormwater Management BMPs (Guidelines) are to be used by the applicant when making a submittal under the provisions of this chapter and in the preparation of an erosion and sediment control plan. The plan-approving authority, in considering the adequacy of a submitted plan, shall be guided by these same standards, regulations and guidelines. When the standards vary between the publications, the state regulations shall take precedence except for the MS-19 two-year storm criteria, whereas James City County has adopted a one-year storm criteria as specified in the Guidelines.~~

~~(c) The plan-approving authority shall, within 45 days from receipt thereof, approve any such plan, if it is determined that the plan meets the requirements of the local control program, and if the person responsible for carrying out the plan certifies that he or she will properly perform the erosion and sediment control measures included in the plan and will conform to the provisions of this chapter. In addition, as a prerequisite to approval of the plan, the person responsible for carrying out the plan shall provide the name of an individual holding a certificate of competence, as provided by the state Department of Conservation and Recreation, who will be in charge of and responsible for carrying out the land disturbing activity. Any disapproval of a plan shall be in writing and any disapproval shall specify the reasons for such disapproval.~~
~~When the plan is determined to be inadequate, the plan-approving authority shall specify such modifications, terms and conditions that will permit approval of the plan. If no action is taken within 45 days, the plan shall be deemed approved and the person authorized to proceed with the proposed activity.~~

~~(d) An approved plan may be changed by the plan-approving authority when:~~

~~(1) The inspection reveals that the plan is inadequate to satisfy applicable regulations; or~~

~~(2) The person responsible for carrying out the plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this chapter, are agreed to by the plan-approving authority and the person responsible for carrying out the plans.~~

~~(e) In order to prevent further erosion, the county may require approval of a conservation plan for any land identified in the local program as an erosion impact area.~~

(f) When land disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the owner.

(g) Whenever electric and telephone utility companies, interstate and intrastate natural gas pipeline companies or railroad companies undertake any of the activities included in subparagraphs (1) and (2) of this subsection, they shall be considered exempt from the provisions of this chapter.

(1) Construction, installation and maintenance of electric, natural gas and telephone utility lines and pipelines; and

(2) Construction of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of the railroad company.

(3) Projects not included in subparagraphs (1) and (2) of this subsection shall comply with the requirements of the county erosion and sediment control program.

(h) State agency projects are exempt from the provisions of this chapter except as provided for in the Code of Virginia, section 10.1-564.

Sec. 8-5. Permits, fees, bonding, etc.

(a) Agencies authorized under any other law to issue grading, building, or other permits for activities involving land disturbing activities may not issue any such permit unless the applicant submits with his application an approved erosion and sediment control plan and certification that the plan will be followed.

(b) No person may engage in any land disturbing activity until he has acquired a land disturbing permit, unless the proposed land disturbing activity is specifically exempt from the provisions of this chapter, and has paid the fees and posted the required bond.

(c) Fees. The administrative fees set forth in County Code Appendix A – Fee Schedule for Development Related Permits shall be paid to the county.

(1) Payment of any permit fees set forth in County Code Appendix A-Fee Schedule for Development Related Permits shall be waived for the county, any entity created solely by the county and those regional entities to which the county is a party provided that: (i) The other parties to the regional entity similarly waive fees; and (ii) The regional entity has locations in more than one locality.

(d) No land disturbing permit shall be issued until the applicant submits with his application an approved erosion and sediment control plan and certification that the plan will be followed.

(e) Performance surety. All applicants for permits shall provide to the county a performance bond, cash escrow, or an irrevocable letter of credit, any combination thereof, or other legal arrangements as is acceptable to the county attorney, to ensure that measures could be taken by the county at the applicant's expense should the applicant fail, after proper notice, within the time specified to initiate or maintain appropriate conservation measures required of him as a result of his land disturbing activity.

~~The amount of the performance surety shall not exceed the total of the estimated cost to initiate and maintain appropriate conservation action based on unit price for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs and inflation which shall not exceed twenty-five percent of the cost of the conservation action. Should it be necessary for the county to take such conservation action, the county may collect from the applicant any costs in excess of the amount of the surety held.~~

~~Within 60 days of adequate stabilization, as determined by the engineering and resource protection division, in any project or section of a project, such performance surety, or the unexpended or unobligated portion thereof shall be either refunded to the applicant or terminated, based upon the percentage of stabilization accomplished in the project or project section.~~

~~(f) Any land disturbing permit shall contain a right of entry to allow the manager or his designees access to the property until a final inspection determines that the land is adequately stabilized.~~

~~(g) These requirements are in addition to all other provisions relating to the issuance of permits and are not intended to otherwise affect the requirements for such permits.~~

~~(h) Any approved erosion and sediment control plan shall become null and void one year after the date of issuance of the land disturbing permit, and no further work subject to this chapter shall be allowed unless and until an additional or updated erosion and sediment control plan has been submitted and approved in accordance with the provisions of this chapter or unless all requirements of the approved control plan have been completed in less than one year in accord with such plan and verified by the on-site inspection by the manager.~~

~~Sec. 8-6. Monitoring, reports, and inspections~~

~~(a) The certified program administrator may require the person responsible for carrying out the plan to monitor the land disturbing activity. The person responsible for carrying out the plan will maintain records of these inspections and maintenance, to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation.~~

~~(b) The engineering and resource protection division shall periodically inspect the land disturbing activity as prescribed in the Virginia Erosion and Sediment Control Regulations and require that an individual holding a certificate of competence, as provided by the state Department of Conservation and Recreation, who will be in charge of and responsible for carrying out the land disturbing activity, be identified to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation. The owner, permittee, or person responsible for carrying out the plan shall be given notice of the inspection.~~

~~If the engineering and resource protection division determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan by registered or certified mail to the address specified in the permit application or in the plan certification, or by delivery at the site of the land disturbing activities to the agent or employee supervising such activities.~~

~~The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the specified time, the permit may be revoked and the permittee or person responsible for carrying out the plan shall be deemed to be in violation of this chapter and shall be subject to the penalties provided by this chapter.~~

~~(c) Upon determination of a violation of this chapter, the engineering and resource protection division may, in conjunction with or subsequent to a notice to comply as specified in this chapter, issue an order requiring that all or part of the land disturbing activities permitted on the site be stopped until the specified corrective measures have been taken.~~

~~If land disturbing activities have commenced without an approved plan, the engineering and resource protection division may, in conjunction with or subsequent to a notice to comply as specified in this chapter, issue an order requiring that all of the land disturbing activities be stopped until an approved plan or any required permits are obtained.~~

~~Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth, or where the land disturbing activities have commenced without an approved plan or any required permits, such an order may be issued without regard to whether the permittee has been issued a notice to comply as specified in this chapter. Otherwise, such an order may be issued only after the permittee has failed to comply with such a notice to comply.~~

~~The order shall be served in the same manner as a notice to comply, and shall remain in effect for a period of seven days from the date of service pending application by the enforcing authority or permit holder for appropriate relief to the circuit court of James City County.~~

~~If the alleged violator has not obtained an approved plan or any required permits within seven days from the date of service of the order, the engineering and resource protection division may issue an order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan and any required permits have been obtained. Such an order shall be served upon the owner by registered or certified mail to the address specified in the permit application or the land records of the county.~~

~~The owner may appeal the issuance of an order to the circuit court of James City County.~~

~~Any person violating or failing, neglecting or refusing to obey an order issued by the engineering and resource protection division may be compelled in a proceeding instituted in the circuit court of James City County to obey same and to comply therewith by injunction, mandamus or other appropriate remedy. Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the order shall immediately be lifted.~~

~~Nothing in this section shall prevent the engineering and resource protection division from taking any other action authorized by this chapter.~~

~~Sec. 8-7. Penalties, injunctions, and other legal actions~~

~~(a) Schedule of civil penalties~~

~~(1) Any person who violates any provision of this chapter shall, upon a finding of the district court of James City County, be assessed a civil penalty. A civil penalty in the amount listed on the schedule below shall be assessed for each violation of the respective offenses:~~

~~a. Commencement of land disturbing activity without an approved erosion control plan as provided in section 8-4 shall be $1,000.00 per day.~~

~~b. Vegetative measures - failure to comply with items 1, 2, 3, 5, and 7 of the Minimum Standards shall be not less than $100.00 nor more than $1,000.00 per violation per day.~~

~~c. Structural measures - failure to comply with items 2, 4, 6, 8, 9, 10, 11, 15, and 17 of the Minimum Standards shall be not less than $100.00 nor more than $1,000.00 per violation per day.~~

~~d. Watercourse measures - failure to comply with items 12, 13, 14, and 15 of the Minimum Standards shall be not less than $100.00 nor more than $1,000.00 per violation per day.~~

~~e. Underground utility measures - failure to comply with item 16(a), and/or (c) of the Minimum Standards shall be not less than $100.00 nor more than $1,000.00 per violation per day.~~

~~f. Failure to obey a stop work order shall be not less than $100.00 nor more than $1,000.00 per day.~~

~~g. Failure to stop work when permit is revoked shall be not less than $100.00 nor more than $1,000.00 per day.~~

~~h. All other violations of this chapter not specifically enumerated in items (a) through (g) of this section shall be not less than $100.00 nor more than $1,000.00 per day.~~

~~(b) In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of $10,000, including a series of violations arising from the commencement of land disturbing activities without an approved plan for any site.~~

~~(c) The engineering and resource protection division, or the owner or property which has sustained damage or which is in imminent danger of being damaged, may apply to the circuit court of James City County to enjoin a violation or a threatened violation of this chapter, without the necessity of showing that an adequate remedy at law does not exist.~~
~~However, an owner of property shall not apply for injunctive relief unless (i) he has notified in writing the person who has violated the local program, and the program authority, that a violation of the local program has caused, or creates a probability of causing, damage to his property, and (ii) neither the person who has violated the local program nor the program authority has taken corrective action within fifteen days to eliminate the conditions which have caused, or create the probability of causing, damage to his property.~~

(d) In addition to any penalties provided under this chapter, any person who violates any provision of this chapter may be liable to the county in a civil action for damages.

(e) Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting, or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed $2,000 for each violation. A civil action for such violation or failure may be brought by the county.
Any civil penalties assessed by a court shall be paid into the treasury of the county, except that where the violator is the locality itself, or its agent, the court shall direct the penalty to be paid into the state treasury.

(f) With the consent of any person who has violated or failed, neglected or refused to obey any regulation or condition of a permit or any provision of this chapter, the county may provide for the payment of civil charges for violations in specific sums, not to exceed $2,000. Such civil charges shall be instead of any appropriate civil penalty.

(g) Compliance with the provisions of this chapter shall be prima facie evidence in any legal or equitable proceeding for damages caused by erosion, siltation or sedimentation that all requirements of law have been met, and the complaining party must show negligence in order to recover any damages.

Sec. 8-8. Appeals and judicial review

(a) Any applicant under the provision of this chapter who is aggrieved by any action of the county or its agent in disapproving plans submitted pursuant to this chapter shall have the right to apply for and receive a review of such action by the board of supervisors provided an appeal is filed within 30 days from the date of the action. Any applicant who seeks an appeal hearing before the board of supervisors shall be heard at the next regularly scheduled board of supervisors' public hearing provided that the board of supervisors and other involved parties have at least 30 days prior notice. In reviewing the agent's actions, the board of supervisors shall consider evidence and opinions presented by the aggrieved applicant and agent. After considering the evidence and opinions, the board of supervisors may affirm, reverse or modify the action. The board of supervisors' decision shall be final, subject only to review by the circuit court of James City County.

(b) Final decisions of the county under this chapter shall be subject to review by the James City County circuit court, provided an appeal is filed within 30 days from the date of any written decision adversely affecting the rights, duties, or privileges of the person engaging in or proposing to engage in land disturbing activities.

Sec. 8-9 – 8-19. Reserved

Article II. The Virginia Stormwater Management Program

Sec. 8-20. Title, purpose and authority

(a) This ordinance shall be known and may be cited as "The Virginia Stormwater Management Program Ordinance."

(b) Pursuant to § 62.1-44.15:27 of the Code of Virginia, this ordinance is adopted to address the mandate to integrate the County stormwater management requirements with the county erosion and sediment control (Chapter 8), flood insurance and floodplain management (Chapter 24, Article VI Overlay Districts, Division 3), Chesapeake Bay Preservation (Chapter 23) and Stormwater Management, Illicit Discharge Detection and Elimination (Chapter 18A) requirements into a unified stormwater program. The unified stormwater program is intended to facilitate the submission and approval of plans, issuance of permits, payment of fees, and coordination of inspection and enforcement activities into a more convenient and efficient manner for both the county and those responsible for compliance with these programs.

(c) The purpose of this article is to protect the general health, safety, welfare, and property of the citizens of the county and protect the quality and quantity of state waters from the potential harm of unmanaged stormwater including protection from a land disturbing activity causing unreasonable degradation of properties, water quality, stream channels, waterways and other natural resources, and to establish procedures whereby stormwater management and stormwater pollution prevention requirements related to water quality and quantity shall be administered and enforced.

(d) This article is adopted pursuant to Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of the Code of Virginia and 9VAC25-870 et seq. of the Virginia Administrative Code.

Sec. 8-21. Definitions

In addition to the definitions set forth in 9VAC25-870-10 et seq. of the Virginia Stormwater Management Program (VSMP) Regulations, 9VAC25-840-10 et seq. of the Virginia Erosion and Sediment Control Regulations, 9VAC25-850-10 et seq. of the Virginia Erosion and Sediment Control and Stormwater Management Certification Regulations, and 9VAC25-830-10 et seq. of the Chesapeake Bay Preservation Area Designation and Management Regulations, which are expressly adopted and incorporated herein by reference, the following words and terms used in this article have the following meanings unless otherwise specified herein. Where definitions differ, those incorporated herein shall have precedence.

Act. The Virginia Stormwater Management Act, Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.

Administrator. The director of the county division of engineering and resource protection who is responsible for administering the VSMP on behalf of the county and is designated as VSMP authority.

Agreement in lieu of a plan. A contract between the Virginia Erosion and Sediment Control Program (VESCP) or VSMP authority and the owner that specifies conservation measures that shall be implemented in the construction of a single-family residence. This contract may be executed by the VESCP or VSMP authority in lieu of a formal site plan or site erosion and sediment control plan.

Agreement in lieu of a stormwater plan. A contract between the VSMP authority and the owner or permittee that specifies methods that shall be implemented to comply with the requirements of a VSMP for the construction of a single-family residence; such contract may be executed by the VSMP authority in lieu of a stormwater management plan.

Applicant. Any person submitting an application for a permit or requesting issuance of a permit under this article.

~~*Approval Authority.* The state water control board or its designee.~~

~~*Best management practice or BMP.* Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices, including both structural and nonstructural practices, to prevent or reduce the pollution of surface waters and groundwater systems.~~

~~*Board or state board.* The state water control board.~~

~~*Certificates of competence.* The issuance of a certificate to persons who have completed state board approved training programs and met any additional eligibility requirements pursuant to 9VAC25-850-10 et seq., as amended of the Virginia Administrative Code in the areas of erosion and sediment control, stormwater management, or a combination of both known as dual certification. Certification can be for program administrator, plan reviewer, project inspector or combined for either or both erosion and sediment control and stormwater management.~~

~~*Chesapeake Bay Preservation Act land disturbing activity.* A land disturbing activity including clearing, grading or excavation that results in a land disturbance equal or greater than 2,500 square feet and less than one acre subject to the Chesapeake Bay Preservation Area Designation and Management Regulation 9VAC25-830 et seq. of the Virginia Administrative Code adopted pursuant to the Chesapeake Bay Preservation Act, Article 2.5 of the Code of Virginia, § 62.1-44.15:67 et seq. of Chapter 3.1 of Title 62.1 of the Code of Virginia.~~

~~*Common plan of development or sale.* A contiguous area where separate and distinct construction activities may be taking place at different times and on different schedules.~~

~~*Control measure.* Any best management practice, stormwater facility, or other method used to minimize the discharge of pollutants to state waters.~~

~~*Clean Water Act* or *CWA.* The federal Clean Water Act (33 USC § 1251 et seq.), formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, or any subsequent revisions thereto.~~

~~*Department.* The Commonwealth of Virginia, Department of Environmental Quality.~~

~~*Development.* Land disturbance and the resulting landform associated with the construction of residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures or the clearing of land for non-agricultural or non-silvicultural purposes. The regulation of discharges from development, for purposes of these regulations and chapter, does not include the exemptions found in 9VAC25-870-300 of the Virginia Administrative Code.~~

~~*Erosion and Sediment Control law, attendant regulations and local ordinance.* Article 2.4 (§ 62.1-44.15:51 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia, the Virginia Erosion and Sediment Control Regulations (9VAC25-840 et seq.) of the Virginia Administrative Code, and this article.~~

~~*Erosion and sediment control plan.* A document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory and management information with needed interpretations, and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to ensure that the entire unit or units of land will be treated to achieve conservation objectives.~~

~~*General permit.* A state permit authorizing a category of discharges under the CWA and the Act within a geographical area.~~

~~*Land disturbance* or *land disturbing activity*. A manmade change to the land surface that potentially changes its runoff characteristics including any clearing, grading, excavation, transporting of fill and filling of land except that the term shall not include those exemptions specified in section 8-22(c) of this article.~~

~~*Large construction activity.* A construction activity including clearing, grading, and excavation, except operations that result in the disturbance of less than five acres of total land area. Large construction activity also includes the disturbance of less than five acres of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more. Large construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.~~

~~*Layout.* A conceptual drawing sufficient to provide for the specified stormwater management facilities required at the time of approval.~~

~~*Localized flooding*. Smaller scale flooding that may occur outside of a stormwater conveyance system. This may include high water, ponding, or standing water from stormwater runoff, which is likely to cause property damage or unsafe conditions. Designation of an area as subject to localized flooding is at the discretion of the administrator or VSMP authority based on factual information which may include documented complaints, reports of problem drainage areas or flooding, county performed studies or drainage analyses, or direct observations of site and drainage conditions during rainfall-runoff conditions.~~

~~*Minor modification.* For the purposes of this article, a minor modification or amendment of an existing state permit before its expiration for the reasons listed at 40CFR122.63 and as specified in 9VAC25-870-640 of the Virginia Administrative Code. Minor modification for the purposes of this article also means other modifications and amendments not requiring extensive review and evaluation including, but not limited to, changes in EPA promulgated test protocols, increasing monitoring frequency requirements, changes in sampling locations, and changes to compliance dates within the overall compliance schedules. A minor state permit modification or amendment does not substantially alter state permit conditions, substantially increase or decrease the amount of surface water impacts, increase the size of the operation, or reduce the capacity of the facility to protect human health or the environment.~~

~~*Municipal separate storm sewer system* or *MS4.* All separate storm sewers that are defined as "large" or "medium" or "small" municipal separate storm sewer systems or designated under 9VAC25-870-380(A)(1).~~

~~*National Pollutant Discharge Elimination System* or *NPDES*. The national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing state permits, and imposing and enforcing pretreatment requirements under §§ 307, 402, 318, and 405 of the CWA. The term includes an approved program.~~

~~*Operator*. The owner or operator of any facility or activity subject to the Act and this article. In the context of stormwater associated with a large or small construction activity, operator means any person associated with a construction project that meets either of the following two criteria: (i) the person has direct operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or, (ii) the person has day-to-day operational control of those activities at a project that are necessary to ensure compliance with a stormwater pollution prevention plan for the site or other state permit or VSMP authority permit conditions (i.e., they are authorized to direct workers at a site to carry out activities required by the stormwater pollution prevention plan or comply with other permit conditions). In the context of stormwater discharges from municipal separate storm sewer systems (MS4s), operator means the operator of the regulated MS4 system.~~

~~*Permit* or *VSMP authority permit.* An approval to conduct a land disturbing activity issued by the VSMP authority for the initiation of a land disturbing activity after evidence of general permit coverage has been provided where applicable.~~

~~*Permittee*. The person to whom the state permit or VSMP authority permit is issued, including any owner or operator whose construction site is covered under a state construction general permit.~~

~~*Prior developed lands* Land that has been previously utilized for residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures, and that will have the impervious areas associated with those uses altered during a land disturbing activity.~~

~~*Regulations.* The Virginia Stormwater Management Program (VSMP) regulations, 9VAC25-870-10, et seq., as amended.~~

~~*Resource Protection Area* or *RPA*. That component of a Chesapeake Bay preservation area as defined in Chapter 23 of the county code.~~

~~*Site*. The land or water area where any facility or land disturbing activity is physically located or conducted, including adjacent land used or preserved in connection with the facility or land disturbing activity. Areas channelward of mean low water in tidal Virginia shall not be considered part of a site.~~

~~*Small construction activity*. Construction activities including clearing, grading, and excavating that results in land disturbance of equal to or greater than one acre, and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan of development will ultimately disturb equal to or greater than one and less than five acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.~~

~~*State permit*. An approval to conduct a land disturbing activity issued by the Approval Authority in the form of a state stormwater individual permit or coverage issued under a state general permit or an approval issued by the Approval Authority for stormwater discharges from an MS4. Under these state permits, the Commonwealth imposes and enforces requirements pursuant to the federal Clean Water Act and regulations, the Act, the regulations, and this article. As the mechanism that imposes and enforces requirements pursuant to the federal Clean Water Act and regulations, a state permit for stormwater discharges from an MS4 and after June 30, 2014, a state permit for conducting a land disturbing activity issued pursuant to the Act are also a type of VPDES Permit. State permit does not include any state permit that has not yet been the subject of final Approval Authority action, such as a draft state permit. Approvals issued pursuant to this article, 9VAC25-880 and 9VAC25-890 of Virginia Administrative Code are not issuances of a permit under §62.1-44.15:01 of the Code of Virginia.~~

~~*State Water Control Law*. Chapter 3.1 (§ 62.1-44.2 et seq.) of Title 62.1 of the Code of Virginia.~~

~~*State waters*. All water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands.~~

~~*Steep Slopes*. Slopes of 25 percent or greater as defined in section 23-5 of the county code.~~

~~*Stormwater*. Precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.~~

~~*Stormwater Conveyance System*. A combination of drainage components that are used to convey stormwater discharge, either within or downstream of, the land disturbing activity. This includes (i) manmade stormwater conveyance system(s) means a pipe, ditch, vegetated swale, or other stormwater conveyance system(s) constructed by man except for restored stormwater conveyance systems; or, (ii) natural stormwater conveyance system(s) means the main channel of a natural stream and the flood-prone area adjacent to the main channel; or, (iii) restored stormwater conveyance system means a stormwater conveyance system(s) that have been designed and constructed using natural channel system design concepts. Restored stormwater conveyance system(s) include the main channel and the flood-prone area adjacent to the main channel.~~

~~*Stormwater Discharge Associated with Construction Activity*. The discharge of stormwater runoff from areas where land disturbing activities (e.g. clearing, grading, filling, or excavation); construction materials or equipment storage and maintenance (e.g. fill piles, borrow area, concrete truck washout, fueling); or other industrial stormwater related to the construction process (e.g., concrete or asphalt batch plants) are located.~~

~~*Stormwater management facility*. A control measure that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, or the period of release or the velocity of flow.~~

~~*Stormwater management plan*. A document containing materials describing methods for complying with the requirements of the VSMP or section 8-25 of this article.~~

~~*Stormwater pollution prevention plan* or *SWPPP*. A document that is prepared in accordance with good engineering practices and that identifies potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges. A SWPPP required under a VSMP for construction activities shall identify and require the implementation of control measures, and shall include, but not be limited to the inclusion of, or the incorporation by reference of, an approved erosion and sediment control (E&SC) plan, an approved stormwater management (SWM) plan, and an approved pollution prevention plan (PPP).~~

~~*Subdivision*. As defined in §15.2-2201 of Chapter 22 of Title 15.2 of the Code of Virginia and as subject to Chapter 19 of the county code.~~

~~*Total maximum daily load* or *TMDL*. The sum of the individual wasteload allocations (WLAs) for point sources, load allocations (LAs) for nonpoint source pollution (NSP), natural background loading, and a margin of safety. TMDLs can be expressed in terms of either mass per time, toxicity, or by other appropriate measure. The TMDL process provides for point versus nonpoint source pollution trade-offs.~~

~~*Virginia Erosion and Sediment Control Handbook*. A collection of pertinent information that provides general guidance for compliance with the Erosion and Sediment Control law and associated regulations and is developed by the Department with advice from a stakeholder advisory committee, referring to the 3rd edition, 1992, or most current version of the handbook.~~

~~*Virginia Erosion and Sediment Control Program* or *VESCP*. A program approved by the board that has been established by a VESCP authority for the effective control of soil erosion, sediment deposition, and nonagricultural runoff associated with a land disturbing activity to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources and shall include such items where applicable such as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan of development review, inspection, enforcement where authorized in the Erosion and Sediment Control Act and its attendant regulations, and evaluation consistent with the requirements of the Erosion and Sediment Control Act and its attendant regulations.~~

~~*Virginia Erosion and Sediment Control program authority* or *VESCP authority*. An authority approved by the board to operate a Virginia erosion and sediment control program. An authority may include a state entity, including the Department; a federal entity; a district, county, city, or town; or for linear projects subject to annual standards and specifications, electric, natural gas and telephone companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § 15.2-5102 of the Code of Virginia.~~

~~*VESCP authority permit*. A permit issued by the VESCP authority and evidence of approval to initiate and conduct land disturbing activity if no VSMP authority permit is required in accordance with this article and which may only be issued after evidence of coverage under the general permit for discharges of stormwater from construction activities has been provided.~~

~~*Virginia Pollutant Discharge Elimination System (VPDES) permit* or *VPDES permit*. A document issued by the state water control board pursuant to the state water control law authorizing, under prescribed conditions, the potential or actual discharge of pollutants from a point source to surface waters.~~

~~*Virginia runoff reduction method* or *VRRM.* The calculation method as documented by reference in 9VAC25-870 and which is used in part to comply with water quality and quantity provisions of the Virginia Stormwater Management Program (VSMP) regulations 9VAC25-870 et seq. and as a specific chapter in the Virginia stormwater management handbook. The method includes compliance spreadsheets for new development and redevelopment scenarios.~~

~~*Virginia stormwater BMP clearinghouse website.* A website that contains detailed design standards and specifications for control measures that may be used in Virginia to comply with the requirements of the Virginia Stormwater Management Act and associated regulations. The website can be found at http://www.vwrrc.vt.edu/swc/.~~

~~*Virginia Stormwater Management Act.* Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.~~

~~*Virginia Stormwater Management Handbook.* A collection of pertinent information that provides general guidance for compliance with the Act and associated regulations and is developed by the Department with advice from a stakeholder advisory committee, referring to the 2nd edition, 2013, or most current version of the handbook.~~

~~*Virginia Stormwater Management Program* or *VSMP.* A program approved by the board after September 13, 2011, that has been established by a VSMP authority to manage the quality and quantity of runoff resulting from land disturbing activities and shall include such items as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan of development review, inspection, enforcement, where authorized in the Act or associated regulations or this article, and evaluation consistent with the requirements of the Act and associated regulations and this article.~~

~~*Virginia Stormwater Management Program authority* or *VSMP authority.* An authority approved by the board after September 13, 2011, to operate a Virginia Stormwater Management Program or, until such approval is given, the Department. An authority may include a locality; state entity, including the Department; federal entity; or, for linear projects subject to annual standards and specifications in accordance with subsection B of § 62.1-44.2 et seq. of the Code of Virginia, electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § 15.2-5102 of the Code of Virginia. Prior to approval, the board must find that the ordinances adopted by the locality's VSMP authority are consistent with the Act and this article including the General VPDES Permit for Discharges of Stormwater from Construction Activities (VAR-10), 9VAC25-880.~~

~~*VSMP authority permit.* A permit issued by the VSMP authority and evidence of approval to initiate and conduct land disturbing activity if no VSMP authority permit is required in accordance with this article and which may only be issued after a VESCP authority permit has been issued and evidence of coverage under the general permit for discharges of stormwater from construction activities has been provided.~~

~~*Watershed.* A defined land area drained by a river or stream, karst system, or system of connecting rivers or streams such that all surface water within the area flows through a single outlet. In karst areas, the karst feature to which water drains may be considered the single outlet for the watershed.~~

Sec. 8-22. Stormwater permit requirement; exemptions

(a) Except as provided herein, no person may engage in any land disturbing activity until a VSMP authority permit has been issued by the administrator in accordance with the provisions of this article. VESCP and VSMP authority permits may be combined into a single consolidated permit that is consistent with the provisions of the Virginia Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq. of the Code of Virginia).

(b) After June 30, 2014, and consistent with 9VAC25-870-51, a Chesapeake Bay preservation area land disturbing activity shall not require completion of a registration statement or require coverage under the general VPDES permit for discharges of stormwater from construction activities (VAR10) but shall be subject to erosion and sediment control plan requirements consistent with Virginia erosion and sediment control law and regulations, this article, stormwater management plan requirements as outlined under section 8-25, technical criteria and administrative requirements for land disturbing activities as outlined in section 8-28, and the requirements for control measures for long-term maintenance as outlined in section 8-29.

(c) Notwithstanding any other provisions of this article, the following activities are exempt, upon verification by the administrator, and unless otherwise required by federal law. The administrator is authorized and directed to determine if a particular activity meets or qualifies for a specific exemption. Any appeal of the administrator's decision shall be heard by the board of supervisors.

(1) Minor residential, business, and community landscaping activities such as tilling, adding soil amendments such as compost, and mulching for small scale features such as vegetable, flower or herb gardens, annual or perennial flower beds, ornamental plantings, wildflower plantings, edge borders, and reasonable turfgrass establishment. Exempted work under this provision cannot be situated in RPA and is normally reserved for aesthetic, beautification or scenic purposes and shall not include clearing, grading, placement of impervious cover, or soil disturbance due to placement of earthen fill or deep depths or quantities of topsoil beyond that expected for landscape purposes;

(2) Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted under the provisions of Title 45.1 of the Code of Virginia;

(3) Clearing of lands specifically for agricultural purposes and the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops, livestock feedlot operations, or as additionally set forth by the state board in regulations, including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) of Title 10.1 of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in Subsection B of § 10.1-1163 of Article 9 of Chapter 11 of Title 10.1 of the Code of Virginia;

(4) Single-family residences separately built and disturbing less than one acre and not part of a larger common plan of development or sale, including additions or modifications to existing single-family detached residential structures. However, localities subject to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) may regulate these single-family residences where land disturbance exceeds 2,500 square feet;

~~(5) Land disturbing activities that disturb less than one acre of land except for land disturbing activity exceeding an area of 2,500 square feet in all areas of the county designated as subject to the Chesapeake Bay preservation area designation and management regulations (9VAC25-830) adopted pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) or activities that are part of a larger common plan of development or sale that is one acre or greater of disturbance; however, the board of supervisors may reduce this exception to a smaller area of disturbed land or qualify the conditions under which this exemption shall apply;~~

~~(6) Discharges to a sanitary sewer or a combined sewer system;~~

~~(7) Activities under a state or federal reclamation program to return an abandoned property to an agricultural or open land use;~~

~~(8) Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the previously approved project, including obligated storm drainage and stormwater management or BMP facility maintenance, provided it is performed to maintain proper stormwater function and structural integrity of previously approved and installed systems, does not result in any type of improvement such as new pipes, channels, or the addition of access structures such as inlets or manholes, or results in a change in conveyance method, capacity, slope, size, alignment, material type, area, hydraulic radius, storage volume, or the physical location of any part of the system. The paving of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders shall be deemed routine maintenance if performed in accordance with this subsection;~~

~~(9) Small scale archaeological and geotechnical or other similar investigative activities, unless the administrator deems that work for access and the investigative activity are of such a scale or magnitude to threaten natural resources or environmental inventory components as outlined in section 23-10 of the county code;~~

~~(10) Small scale projects performed by the county pursuant to federal or state grant funds received and of which are solely for educational or demonstration purposes for water quality improvement or nonpoint source pollution control;~~

~~(11) Reclamation or stabilization projects in which the county draws on erosion and sediment control, siltation, public improvement, subdivision or other performance surety as secured for a development project in accordance with section 8-35 of this article. Work under this item shall be of sole purpose to immediately stabilize or implement temporary erosion and sediment control measures at a site because of default on the project and to prevent damage or threatening conditions to adjacent or downstream property or water resources. Work under this provision shall be procured, contracted and managed by the VSMP authority or designee in accordance with county and county purchasing department requirements; and~~

~~(12) Conducting land disturbing activities in response to a public emergency, declared or otherwise, where the related work requires immediate authorization to avoid imminent endangerment to property, human health or the environment. In such situations, the administrator shall be advised of the disturbance within seven days of commencing the land disturbing activity and compliance with the administrative requirements of subsection (a) is required within 30 days of commencing the land disturbing activity.~~

Sec. 8-23. Stormwater management program established; submission and approval of plans; prohibitions

(a) Pursuant to Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of the Code of Virginia and 9VAC25-870 et seq. of the Virginia Administrative Code, the county hereby establishes a stormwater management program for land disturbing activities and adopts the applicable regulations that specify standards and specifications for VSMPs promulgated by the state board for the purposes set out in section 8-20 of this article. For the purposes of this article, the board of supervisors hereby designates the director of the county division of engineering and resource protection as the administrator of the VSMP.

(b) For the purposes of this article, an applicant will need to employ a mix of site design, runoff reduction, and pollutant control strategies and practices, including structural and non-structural BMP practices, suitable for application in the coastal plain of Virginia and specific to the climate, rainfall, terrain, topography, slopes, soils, and groundwater tables in the county, in order to comply with the state stormwater standards for water quality and quantity criteria in accordance with the regulations and this article. The standards contained within the VSMP Regulations 9VAC25-870-10 et seq. and the General VPDES Permit for Discharges of Stormwater from Construction Activities (VAR10) 9VAC25-880 et seq. of the Virginia Administrative Code including but not limited to the following, the minimum standards of the Virginia Erosion and Sediment Control Regulations 9VAC25-840-40, the VESCH, the Virginia stormwater BMP clearinghouse website, the Virginia stormwater management handbook, the Virginia Runoff Reduction Method, and any VESCP or VSMP related technical bulletins issued by the Department, are to be used by the applicant when making a submittal under the provisions of this article and in the preparation of a SWPPP or any applicable components required thereof. The VESCP and VSMP authority, in considering the adequacy of a submitted plan shall be guided by these same regulations, standards and guidelines.

(c) No VSMP authority permit shall be issued by the administrator until the following items have been submitted to and approved by the administrator as prescribed herein:

(1) A permit application that includes a general permit registration statement, if such statement is required. A registration statement is not required for detached single-family home construction within or outside a common plan of development or sale, but such projects must adhere to the requirements of the general permit;

(2) Evidence of general permit coverage;

(3) An approved erosion and sediment control plan, in accordance with Virginia erosion and sediment control law and regulations and this article; and

(4) A stormwater management plan that meets the requirements of section 8-25 of this article. After July 1, 2014, an executed agreement in lieu of a stormwater management plan may be used for single-family residences if such contract is executed by the VSMP authority in lieu of a stormwater management plan.

(d) No VSMP authority permit shall be issued until evidence of general permit coverage is obtained.

(e) No VSMP authority permit shall be issued until the fees required to be paid pursuant to section 8-34 are received and a reasonable performance surety as required pursuant to section 8-35 of this article has been submitted in a satisfactory manner.

(f) No VSMP authority permit shall be issued unless and until the permit application and attendant materials and supporting documentation demonstrate that all land clearing, construction, disturbance, land development, drainage, stormwater management, and stormwater pollution prevention will be done according to the approved plans and permit.

(g) No VSMP authority permit shall be issued until all wetland permits required by federal, state, and county laws and regulations are obtained and evidence of such provided to the administrator or VSMP authority. For those projects where no wetlands are proposed to be impacted or where the impacts do not require written authorization by wetland permit agencies, documentation shall be submitted to the administrator or the VSMP authority by a qualified wetlands professional attesting that the wetlands permitting process has been completed and no further documentation is necessary from applicable regulatory agencies.

(h) No grading, building, or other local permit shall be issued for a property unless a VSMP authority permit has been issued by the administrator.

Sec. 8-24. Stormwater pollution prevention plan; contents of plans

(a) The stormwater pollution prevention plan shall include the content specified by 9VAC25-870-54 of the regulations and must comply with the requirements and general information set forth in 9VAC25-880-70, Part II, stormwater pollution prevention plan, of the General VPDES Permit for Discharge of Stormwater from Construction Activities (VAR10).

(b) A stormwater pollution prevention plan shall include, but not be limited to, an approved erosion and sediment control plan, an approved stormwater management plan, an approved pollution prevention plan for regulated land disturbing activities, and a description of any additional control measures necessary to address a TMDL pursuant to subsection E of 9VAC25-870-54 of the Virginia Administrative Code.

(1) A stormwater management plan or an agreement in lieu of a stormwater management plan, as applicable, consistent with the requirements of the Virginia Stormwater Management Act and regulations must be designed and implemented during construction activities. Prior to land disturbance, this plan must be approved by the VSMP authority.

(c) The stormwater pollution prevention plan shall be amended whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to state waters which is not addressed by the existing stormwater pollution prevention plan.

(d) The stormwater pollution prevention plan must be maintained at a central location on-site. If an onsite location is unavailable, notice of the stormwater pollution prevention plan location must be posted near the main entrance at the construction site. Operators shall make the stormwater pollution prevention plan available for public review in accordance with Part II of the General VPDES Permit for discharge of stormwater from construction activities (VAR10), either electronically or in hard copy.

(e) The stormwater pollution prevention plan shall adhere to the general performance standards of section 23-9(b) of the county code and 4VAC50-90-130 of the Virginia Administrative Code and, if not otherwise provided for erosion and sediment control plan purposes in accordance with VESCP requirements in accordance with this article and 9VAC25-840, an environmental inventory shall be provided in accordance with section 23-10(2) of the county code.

(f) Rainwater harvesting, as a component of a stormwater pollution prevention plan, is encouraged consistent with § 62.1-44.15:28(A)(9) of the Code of Virginia and 9VAC25-870-74 of the regulations.

Sec. 8-25. Stormwater management plan; contents of plans

(a) A stormwater management plan shall be developed and submitted to the VSMP authority. The stormwater management plan shall be implemented as approved or modified by the VSMP authority and shall be developed in accordance with the following:

(1) The stormwater management plan for a land disturbing activity as required in section 8-23 of this article shall apply the stormwater management technical criteria set forth in section 8-28 of this article to the land disturbing activity. Individual lots in new residential, commercial or industrial plans of development shall not be considered to be separate land disturbing activities; however, shall be subject to agreement in lieu of stormwater management plan requirements, as applicable.

(2) Stormwater management plans for residential, commercial, or industrial subdivisions which are approved govern the development of individual parcels within that plan throughout the development life of the project, even if ownership changes. However, agreement in lieu of stormwater management plan requirements will apply to these parcels, as applicable.

(3) The stormwater management plan as required in section 8-23 of this article shall consider all sources of surface runoff and all sources of subsurface and groundwater flows converted to surface runoff.

(b) A complete stormwater management plan shall include the following elements:

(1) Information on the type and location of stormwater discharges; information on the features to which stormwater is being discharged including surface waters, and the pre-development and post-development drainage areas;

(2) Identification of the county watershed or subwatershed and hydrologic unit code (HUC) based on Virginia's 6th order National Watershed Boundary Dataset (NWBD) hydrologic units (VAHU6) which the project is situated in;

(3) Contact information including the name, address, email, and telephone number of the owner and the tax map reference number and parcel number of the property or properties affected;

(4) A narrative that includes a description of current site conditions and final site conditions, including the amount of disturbed area, the amount of proposed impervious cover, and the percent impervious cover of the site;

(5) A general description of the proposed stormwater management facilities and the mechanism through which the facilities will be operated and maintained after construction is complete;

(6) Information on proposed stormwater management facilities, including:

a. The types of facilities;

b. The location by geographic coordinates, latitude and longitude;

c. Drainage area and impervious cover area treated by facilities (in acres); and

d. The surface waters into which the facility will discharge;

(7) Hydrologic and hydraulic computations, including runoff characteristics, presented in a clear and organized format;

(8) Documentation and calculations verifying compliance with the water quality and quantity requirements of section 8-28 of this article, including providing a summary Virginia runoff reduction method compliance spreadsheet or worksheet for the project;

(9) A map or maps of the site that depict the characteristics or features of the site and includes:

a. All contributing drainage areas;

b. Existing topography and drainage patterns;

c. Existing streams, ponds, culverts, storm drainage systems, channels, ditches, wetlands, other water bodies, RPAs, conservation easements, and floodplains;

d. Soil types, geologic formations if karst features are present in the area, forest cover, and other vegetative areas;

e. Current land use including existing structures, roads, and locations of known utilities and easements;

f. Sufficient information on adjoining parcels to assess the impacts of stormwater from the site on those parcels;

g. The limits of disturbance (clearing and grading) for the project including proposed access and all onsite and off-site work activities;

h. Proposed grading, contours and drainage patterns on the site or project;

i. Proposed buildings, roads, parking areas, utilities, and stormwater drainage and management facilities;

j. Proposed land use with tabulations of the percentage of surface area to be adapted to various land uses including but not limited to planned locations of impervious cover, turfgrass, utilities, roads, open spaces, and easements, including conserved open spaces; and

k. Proposed percent impervious cover of the site or project;

(10) If an operator intends to meet the water quality and/or quantity requirements set forth in 9VAC25-870-63 or 9VAC25-870-66 and section 8-28 of this article through the use of off-site

compliance options, where applicable, then a letter of availability from the off-site provider must be included. Approved off-site options must achieve the necessary nutrient reductions prior to the commencement of the applicant's land disturbing activity except as otherwise allowed by § 62.1-44.15:35 of the Code of Virginia and 9VAC25-870-69.

(11) If payment of a fee is required for a stormwater management plan submission by the VSMP authority, the fee and the required fee form shall be submitted.

(c) Elements of the stormwater management plan that include activities regulated under Chapter 4 (§54.1-400 et seq.) of Title 54.1 of the Code of Virginia shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia pursuant to Article 1 (§54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.

(d) A construction record drawing (as-built) and construction certification for permanent stormwater management facilities shall be submitted to the administrator. The construction record drawing and construction certification shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia, certifying that the stormwater management facilities have been constructed in accordance with the approved plan. Construction record drawing and construction certification submittal requirements shall be established by the administrator or the VSMP authority and in accordance with 9VAC25-870-108 and 9VAC25-870-112. The administrator may elect to not require construction record drawings and construction certifications for stormwater management facilities for which maintenance agreements are not required pursuant to section 8-29(b).

(e) A construction record drawing and construction certification for permanent stormwater conveyance system facilities (inlets, pipes, channels, etc.) shall be submitted to the administrator. The construction record drawing and construction certification shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia, certifying that the stormwater conveyance system facilities have been constructed in accordance with the approved plan. Construction record drawing and construction certification submittal requirements shall be established by the administrator or the VSMP authority. The administrator may elect to not require construction record drawings and construction certifications for stormwater conveyance system facilities for which maintenance agreements are not required pursuant to section 8-29(b).

(f) An internal closed-circuit television (CCTV) post installation inspection, performed by the operator, is required for all stormwater conveyance system pipes, access or inlet structures, and culverts of 15-inch nominal diameter size or greater as part of the construction record and construction certification process. CCTV inspections shall follow standards and specifications developed by the administrator or the VSMP authority.

Sec. 8-26. Pollution prevention plan; contents of plans

(a) A pollution prevention plan, required by 9VAC25-870-56 of the regulations, shall be developed, implemented, and updated as necessary and must detail the design, installation, implementation, and maintenance of effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented, and maintained to:

(1) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated prior to discharge into a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;

(2) Minimize exposure of all materials on site to precipitation and stormwater. This may include, but is not limited to, minimizing the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater; and

(3) Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.

(b) The pollution prevention plan shall include effective best management practices to prohibit the following discharges:

(1) Wastewater from washout of concrete, unless managed by an appropriate control;

(2) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;

(3) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and

(4) Soaps or solvents used in vehicle and equipment washing.

(c) Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls.

(d) A pollution prevention plan as required to be developed and implemented in accordance with subsections a - c above is required for all plans of development, including those site or plot plans required for single family building permit applications, and shall be submitted for review and approval by the administrator or VSMP authority prior to site implementation, modification or update. Pollution prevention plans as developed for implementation under the single-family building permit application process may be accepted and processed by the VSMP authority through the agreement-in-lieu of plan process as established under the county VESCP and VSMP authority programs, including an agreement in lieu of a stormwater management plan for construction of a single-family residence, as such contract may be executed by the VSMP authority in lieu of a stormwater management plan.

Sec. 8-27. Review of stormwater management plan

(a) The administrator or VSMP authority or any duly authorized agent of the administrator thereof shall review stormwater management plans and shall approve or disapprove a SWM plan according to the following:

(1) The administrator shall determine the completeness of a plan in accordance with section 8-25 of this article, and shall notify the applicant, in writing, of such determination, within fifteen calendar days of receipt. If the plan is deemed to be incomplete, the above written notification shall contain the reasons the plan is deemed incomplete.

(2) The administrator shall have an additional 60 calendar days from the date of the communication of completeness to review the plan, except that if a determination of completeness is not made within the time prescribed in subsection (1), then plan shall be deemed complete and the administrator shall have 60 calendar days from the date of submission to review the plan.

(3) The administrator shall review any plan that has been previously disapproved within 45 calendar days of the date of resubmission.

(4) During the review period, the plan shall be approved or disapproved and the decision communicated in writing to the person responsible for the land disturbing activity or his designated agent. If the plan is not approved, the reasons for not approving the plan shall be provided in writing. Approval or denial shall be based on the plan's compliance with the requirements of this article.

(5) If a plan meeting all requirements of this article is submitted and no action is taken within the time provided above in subsection (2) for review, the plan shall be deemed approved.

(b) Approved SWM plans may be modified as follows:

(1) Modifications to an approved stormwater management plan shall be allowed only after review and written approval by the administrator. The administrator shall have 60 calendar days to respond in writing either approving or disapproving such request.

(2) The administrator may require that an approved stormwater management plan be amended, within a time prescribed by the administrator, to address any deficiencies noted during inspection.

(c) The administrator shall require the submission of a construction record drawing and construction certification for permanent stormwater management facilities. Construction record drawing and construction certification submittal requirements shall follow standards developed by the administrator or the VSMP authority and in accordance with 9VAC25-870-108 and 9VAC25-870-112. The administrator may elect not to require construction record drawings and construction certifications for stormwater management facilities for which recorded maintenance agreements are not required pursuant to section 8-29(b).

(d) A construction record drawing and construction certification for permanent stormwater conveyance system facilities (inlets, pipes, channels, etc.) shall be submitted to the administrator. The construction record drawing and construction certification shall be appropriately sealed and signed by a professional engineer registered in the Commonwealth of Virginia, certifying that the stormwater conveyance system facilities have been constructed in accordance with the approved plan. Construction record drawing and construction certification submittal requirements shall follow standards developed by the administrator or the VSMP authority. The administrator may elect to not require construction record drawings and construction certifications for stormwater conveyance system facilities for which maintenance agreements are not required pursuant to section 8-29(b).

(e) An internal CCTV post installation inspection, performed by the operator, is required for all stormwater conveyance system pipes, access or inlet structures and culverts of 15-inch nominal diameter size or greater as part of the construction record and construction certification process. CCTV inspections shall follow standards and specifications developed by the administrator or the VSMP authority.

~~Sec. 8-28. Technical criteria for regulated land disturbing activities~~

~~(a) To protect the quality and quantity of state water from the potential harm of unmanaged stormwater runoff resulting from land disturbing activities, the county hereby adopts the technical criteria for regulated land disturbing activities set forth in Part IIB, Technical Criteria for Regulated Land Disturbing Activities of the regulations, 9VAC25-870-62 through 92, as amended, expressly to include 9VAC25-870-63 [water quality design criteria requirements]; 9VAC25-870-65 [water quality compliance]; 9VAC25-870-66 [water quantity]; 9VAC25-870-69 [off-site compliance options]; 9VAC25-870-72 [design storms and hydrologic methods]; 9VAC25-870-74 [stormwater harvesting]; 9VAC25-870-76 [linear development projects]; and 9VAC25-870-85 [stormwater management impoundment structures or facilities]; which shall apply to all land disturbing activities regulated pursuant to this article, except for grandfathering provisions as expressly set forth in subsection (c) through (f) of this section.~~

~~(b) Pre-development and post-development site, runoff and hydrology characteristics for water quantity control requirements under the provisions of 9VAC25-870-66 must be verified by site inspections, topographic surveys, available soil mapping or studies and calculations consistent with good engineering practices. Guidance provided in the Virginia stormwater BMP clearinghouse and the Virginia stormwater management handbook shall be considered appropriate practices.~~

~~(c) Any land disturbing activity shall be considered grandfathered by the VSMP authority and shall be subject to Part IIC technical criteria of the VSMP regulations, sections 9VAC25-870-93 through 99, Technical Criteria for Regulated Land Disturbing Activities: Grandfathered Projects and Projects Subject to the Provisions of 9VAC25-870-47B, provided that:~~

~~(1) A proffered or conditional zoning plan, zoning with a plan of development, preliminary or final subdivision plat, preliminary or final site plan, or any document determined by the administrator to be equivalent thereto, such as a county approved master stormwater management plan, which (i) was approved by the county prior to July 1, 2012; (ii) provided a layout as defined in 9VAC25-870-10; (iii) will comply with the Part IIC technical criteria of the VSMP regulation; and (iv) has not been subsequently modified or amended in a manner resulting in an increase in the amount of phosphorus leaving each point of discharge, and such that there is no increase in the volume or rate of runoff;~~

~~(2) A state permit has not been issued prior to July 1, 2014; and~~

~~(3) Land disturbance did not commence prior to July 1, 2014.~~

~~(d) County, state, and federal projects shall be considered grandfathered by the VSMP authority and shall be subject to the Part IIC technical criteria of the VSMP regulation provided that:~~

~~(1) There has been an obligation of county, state, or federal funding, in whole or in part, prior to July 1, 2012; or the Department has approved a stormwater management plan prior to July 1, 2012;~~

~~(2) A state permit has not been issued prior to July 1, 2014; and~~

~~(3) Land disturbance did not commence prior to July 1, 2014.~~

(e) Land disturbing activities grandfathered under subsections c – d in this section shall remain subject to the Part IIC technical criteria of the VSMP regulation for one additional state permit cycle. After such time, portions of the project not under construction shall become subject to any new technical criteria adopted by the state board.

(f) In cases where governmental bonding or public debt financing has been issued for a project prior to July 1, 2012, such project shall be subject to the Part IIC technical criteria of the VSMP regulations.

(g) The administrator may grant exceptions to the technical criteria adopted in subsections Part IIB or Part IIC of the regulations, provided that (i) the exception is the minimum necessary to afford relief, (ii) reasonable and appropriate conditions are imposed so that the intent of the Virginia Stormwater Management Act, the VSMP regulations, and this article are preserved, (iii) granting the exception will not confer any special privileges that are denied in other similar circumstances, and (iv) exception requests are not based upon conditions or circumstances that are self-imposed or self-created. Economic hardship alone shall not be a sufficient reason to grant an exception from the requirements of this article.

(1) Exceptions to the requirement that the land disturbing activity obtain a required VSMP authority permit shall not be given by the administrator, nor shall the administrator approve the use of a BMP not found on the Virginia Stormwater BMP Clearinghouse Website (http://vwrrc.vt.edu/swc/), or any other control measure duly approved by the Department.

(2) Exceptions to requirements for phosphorus reductions shall not be allowed unless off-site options otherwise permitted pursuant to 9VAC25-870-69 have been considered and found not to be available.

(h) Nothing in this section shall preclude an operator from constructing to a more stringent standard at his/her discretion.

Sec. 8-29. Long-term maintenance of permanent stormwater facilities

(a) The administrator shall require the provision of long-term responsibility for and maintenance of stormwater management facilities and other techniques specified to manage the quality and quantity of runoff. Such requirements shall be set forth in an instrument recorded in the local land records prior to general permit termination or earlier as required by the administrator and shall at a minimum:

(1) Utilize a general template for the instrument document which shall be made available by the VSMP authority;

(2) Be submitted to the administrator for review and approval prior to the approval of the stormwater management plan;

(3) Be approved as to form by the county attorney's office;

(4) Be stated to run with the land;

(5) Provide for all necessary access to the property for purposes of maintenance and regulatory inspections;

(6) Provide for inspections and maintenance and the submission of inspection and maintenance reports to the administrator; and

(7) Be enforceable by all appropriate governmental parties.

(b) At the discretion of the administrator, such recorded instruments need not be required for stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located, provided it is demonstrated to the satisfaction of the administrator that future maintenance of such facilities will be addressed through an enforceable mechanism at the discretion of the administrator.

(c) If a recorded instrument is not required pursuant to section 8-29(b), the administrator shall develop a strategy for addressing maintenance of stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located. Such a strategy may include periodic inspections, homeowner outreach and education, declarations of covenants and restrictions, plat notes, or other similar methods targeted at promoting the long term maintenance of such facilities. The alternative strategy shall follow standards and procedures as developed by the administrator or the VSMP authority. Such facilities shall not be subject to the requirement for an inspection to be conducted by the administrator.

Sec. 8-30. Monitoring and inspections

(a) The administrator, or any duly authorized agent of the administrator, shall inspect the land disturbing activity during construction for:

(1) Compliance with the approved erosion and sediment control plan;

(2) Compliance with the approved stormwater management plan;

(3) Development, updating, and implementation of a pollution prevention plan; and

(4) Development and implementation of any additional control measures necessary to address a TMDL.

(b) The administrator or the VSMP authority, or any duly authorized agent thereof, may at reasonable times and under reasonable circumstances, enter any establishment or upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations necessary in the enforcement of the provisions of this article. In accordance with a performance surety such as bond, letter of credit, bank escrow account, or cash surety or escrow in the form of a cashier's or certified check made payable to the Treasurer, James City County, any combination thereof, or such other legal arrangement satisfactory to the county attorney, the administrator or the VSMP authority, or any duly authorized agent thereof, may also enter any establishment or upon any property, public or private, for the purpose of initiating or maintaining appropriate actions which are required by the permit conditions associated with a land disturbing activity when a permittee, after proper notice, has failed to take acceptable action within the time specified.

(c) Pursuant to §62.1-44.15:40 of the Code of Virginia, the administrator or VSMP authority may require every VSMP authority permit applicant or permittee, to furnish when requested such application materials, plans, specifications, and other pertinent information as may be necessary to determine the effect of their discharge on the quality of state waters, or such other information as

~~may be necessary to accomplish the purposes of this article. Post construction inspections of stormwater maintenance facilities required by the provisions of this article shall be conducted by the administrator or VSMP authority or any duly authorized agent thereof, pursuant to the locality's adopted and state board approved inspection program and shall occur, at a minimum, at least once every five years except as may otherwise be provided for in section 8-29.~~

~~Sec. 8-31. Hearings~~

~~(a) Any permit applicant or permittee or person subject to an administrative decision, order or requirements of this article, aggrieved by any action of the county taken without a formal hearing, or by inaction of the county, may demand in writing a formal hearing by the county causing such grievance, provided a petition requesting such hearing is filed with the administrator within 30 days after notice of such action is given by the administrator.~~

~~(b) The board of supervisors shall hold hearings under this article and shall do so in a manner consistent with § 62.1-44.26 and § 62.1-44.15:44 of the Code of Virginia. Local hearings held under this section shall be conducted by the board of supervisors at a regular or special meeting of the board of supervisors, or at any such time as may be designated.~~

~~(c) The board of supervisors shall hear the appeal as soon as practical after receipt of the written request. The appellant, the board of supervisors, and any person or agency expressing an interest in the matter shall be notified by the board, or its agent, not less than ten days prior to the date of the hearing. Published notice of the board's public meetings shall state that appeals from decision under the Virginia stormwater management ordinance may be heard.~~

~~(d) A verbatim record of the proceedings of such hearings shall be taken and filed with the local governing body. Depositions may be taken and read as in actions at law.~~

~~(e) The local governing body or its designated member, as the case may be, shall have power to issue subpoenas and subpoenas duces tecum, and at the request of any party shall issue such subpoenas. The failure of a witness without legal excuse to appear or to testify or to produce documents shall be acted upon by the local governing body, or its designated member, which action may include the procurement of an order of enforcement from the circuit court. Witnesses who are subpoenaed may receive the same fees and reimbursement for mileage as in civil actions.~~

~~Sec. 8-32. Appeals~~

~~Appeals shall be conducted in accordance with local appeal procedures. Appeals shall include an opportunity for judicial review in the circuit court of James City County. Unless otherwise provided by the law, the circuit court shall conduct such review in accordance with the standards established in § 2.2-4027 of the Code of Virginia, and the decisions of the circuit court shall be subject to review by the court of appeals. A permit applicant or permittee or person subject to a local decision, order or requirement of an appeal, may appeal to the circuit court of James City County no later than 30 days after the final decision. A "final decision" is the decision that resolves the merits of the action pending or effects a dismissal of the case.~~

~~Sec. 8-33. Enforcement~~

~~(a) If the administrator determines that there is a failure to comply with the VSMP authority permit conditions or determines there is an unauthorized discharge, notice shall be served upon the permittee or person responsible for carrying out the permit conditions by any of the following: verbal warnings, inspection reports, notices to comply, notices of corrective action, and consent special orders. Written notices shall be served by registered or certified mail to the address specified in the permit application, or by delivery at the site of the development activities to the agent or employee supervising such activities.~~

~~(1) The notice shall specify the measures needed to comply with the permit conditions and shall specify the time within which such measures shall be completed. Upon failure to comply within the time specified, a stop work order may be issued in accordance with subsection b or the permit may be revoked by the administrator.~~

~~(2) If a permittee fails to comply with a notice issued in accordance with this section within the time specified, the administrator may issue an order requiring the owner, permittee, person responsible for carrying out an approved plan, or the person conducting the land disturbing activities without an approved plan or required permit to cease all land disturbing activities until the violation of the permit has ceased, or an approved plan and required permits are obtained, and specified corrective measures have been completed.~~

~~Such orders shall be issued in accordance with established local procedures developed by the administrator or the VSMP authority. Such orders shall become effective upon service on the person by certified mail, return receipt requested, sent to his address specified in the land records of the locality, or by personal delivery by an agent of the administrator. However, if the administrator finds that any such violation is grossly affecting or presents an imminent and substantial danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth or otherwise substantially impacting water quality, it may issue, without advance notice or hearing, an emergency order directing such person to cease immediately all land disturbing activities on the site and shall provide an opportunity for a hearing, after reasonable notice as to the time and place thereof, to such person, to affirm, modify, amend, or cancel such emergency order. If a person who has been issued an order is not complying with the terms thereof, the administrator may institute a proceeding for an injunction, mandamus, or other appropriate remedy in accordance with section 8-33(c).~~

~~(b) In addition to any other remedy provided by this article, if the administrator or his or her designee determines that there is a failure to comply with the provisions of this article, they may initiate such informal and/or formal administrative enforcement procedures in a manner that is consistent with established local procedures or policies.~~

~~(c) Any person violating or failing, neglecting, or refusing to obey any rule, regulation, ordinance, order, approved standard or specification or guidance document, or any permit condition issued by the administrator may be compelled in a proceeding instituted in the circuit court of James City County by the locality to obey same and to comply therewith by injunction, mandamus, or other appropriate remedy.~~

~~(d) Any person who violates any provision of this article or who fails, neglects, or refuses to comply with any order of the administrator, shall be subject to a civil penalty not to exceed $32,500 for each~~

violation within the discretion of the court. Each day of violation of each requirement shall constitute a separate offense.

(1) Violations for which a penalty may be imposed under this subsection shall include, but not be limited to, the following:

a. No permit registration, unless such statement is not required;

b. No stormwater pollution prevention plan;

c. An incomplete stormwater pollution prevention plan;

d. A stormwater pollution prevention plan not available for review;

e. No approved erosion and sediment control plan;

f. Failure to install stormwater management BMPs or erosion and sediment controls;

g. Stormwater management BMPs or erosion and sediment controls improperly installed or maintained;

h. Operational deficiencies;

i. Failure to conduct required inspections;

j. Incomplete, improper, or missed inspections; and

k. Discharges not in compliance with the requirements of section 9VAC25-880-70 of the General VPDES Permit for the Discharge of Stormwater from Construction Activities (VAR10).

(2) The administrator may issue a summons for collection of the civil penalty and the action may be prosecuted in the appropriate court.

(3) In imposing a civil penalty pursuant to this subsection, the court may consider the degree of harm caused by the violation and also the economic benefit to the violator from noncompliance.

(4) Any civil penalties assessed by a court as a result of a summons issued by the county shall be paid into the treasury of the county to be used for the purpose of minimizing, preventing, managing, or mitigating pollution of the waters of the county and abating environmental pollution therein in such manner as the court may, by order, direct.

(e) Notwithstanding any other civil or equitable remedy provided by this section or by the Virginia Stormwater Management Act or Virginia Stormwater Management Regulations, any person who willfully or negligently violates any provision of this article, any order of the administrator, any condition of a permit, or any order of a court shall be guilty of a misdemeanor punishable by confinement in jail for not more than 12 months or a fine of not less than $2,500 nor more than $32,500, or both.

~~Sec. 8-34. Fees~~

~~(a) Fees to cover the costs associated with erosion and sediment control plan review and inspection shall be imposed in accordance with requirements of the VESCP authority and section 8-5 of the county code and are set forth in County Code Appendix A—Fee Schedule for Development Related Permits.~~

~~(b) Fees to cover the costs associated with stormwater facility inspections shall be imposed in accordance with requirements of the VSMP authority and section 19-15 and section 24-7, as applicable, of the county code and are set forth in County Code Appendix A—Fee Schedule for Development Related Permits.~~

~~(c) Fees to cover costs associated with stormwater management and pollution prevention plan review including implementation of a VSMP related to land disturbing activities and issuance of permit coverage and VSMP authority permits shall be imposed by the VSMP authority and are set forth in County Code Appendix A—Fee Schedule for Development Related Permits. When a site or sites have been purchased for development within a previously permitted common plan of development or sale, the applicant shall be subject to fees in accordance with the disturbed acreage of their site or sites which are set forth in County Code Appendix A—Fee Schedule for Development Related Permits. The VSMP authority portion of the statewide permit fee for coverage under the general permit for discharges of stormwater for construction activities for small construction activity involving a single-family detached residential structure with a site or area, within or outside a common plan of development or sale, that is equal to or greater than one acre but less than five acres shall be no greater than the VSMP authority portion of the fee for coverage of sites or areas with a land disturbance acreage of less than one acre within a common plan of development or sale. Neither a registration statement nor payment of the Department's portion of the statewide permit fee established pursuant to subdivision A.5 of § 62.1-44.15:28 of the Code of Virginia shall be required for coverage under the general permit for discharges of stormwater from construction activities for construction activity involving a single-family detached residential structure, within or outside a common plan of development or sale.~~

~~(d) Fees for the modification or transfer of registration statements from the general permit issued by the state board shall be imposed in accordance with the fee schedule set forth in County Code Appendix A—Fee Schedule for Development Related Permits. If the general permit modifications result in changes to stormwater management plans that require additional review by the county, such reviews shall be subject to the fees set forth in County Code Appendix A—Fee Schedule for Development Related Permits. The fee assessed shall be based on the total disturbed acreage of the site. In addition to the general permit modification fee, modifications resulting in an increase in total disturbed acreage shall pay the difference in the initial permit fee paid and the permit fee that would have applied for the total disturbed acreage in County Code Appendix A—Fee Schedule for Development Related Permits. All fees specified in this subsection are payable to the locality.~~

(e) The following annual permit maintenance shall be imposed in accordance with County Code Appendix A – Fee Schedule for Development Related Permits, including fees imposed on expired permits that have been administratively continued. With respect to the general permit, these fees shall apply until the permit coverage is terminated by the administrator or the VSMP authority. All fees specified in this subsection are payable to the county, except for those individual permits or for projects completely administered by the Department such as state or federal projects, which shall be paid to the Department. General permit coverage maintenance fees shall be paid annually to the county on or before the anniversary date of general permit coverage. No permit will be reissued or automatically continued without payment of the required fee. General permit coverage maintenance fees shall be applied until a notice of termination is effective.

(f) The fees established in sections (c) – (e), above and set forth in County Code Appendix A – Fee Schedule for Development Related Permits shall apply to:

(1) All persons seeking coverage under the general permit;

(2) All permittees who request modifications to or transfers of their existing registration statement for coverage under a general permit;

(3) Persons whose coverage under the general permit has been revoked shall apply to the Department for an individual permit for discharges of stormwater from construction activities;

(4) Permit and permit coverage maintenance fees established under section 8-34(e) County Code Appendix A – Fee Schedule for Development Related Permits may apply to each general permit holder.

(g) No permit application fees will be assessed to:

(1) Permittees who request minor modifications to permits as defined in section 8-21 of this article. Permit modifications at the request of the permittee resulting in changes to stormwater management plans that require additional review by the administrator shall not be exempt pursuant to this section.

(2) Permittees whose permits are modified or amended at the initiative of the Department, excluding errors in the registration statement identified by the administrator or errors related to the acreage of the site.

(3) The county, any entity created solely by the county and those regional entities to which the county is a party provided that: (1) the other parties to the regional entity similarly waive fees; (2) the regional entity has locations in more than one locality; and (3) those portions of the fees required to be paid to the Department are completed.

(h) All incomplete payments will be deemed as non-payments, and the applicant shall be notified of any incomplete payments. Interest may be charged for late payments at the underpayment rate set forth in § 58.1-15 of the Code of Virginia and will be calculated on a monthly basis at the applicable periodic rate. A ten percent late payment fee shall be charged to any delinquent (over 90 days past due) account. The county shall be entitled to all remedies available under the Code of Virginia in collecting any past due amount.

~~(i) Nothing in this section shall prohibit the Department and VSMP authority from entering into an agreement whereby the total fee to be paid by the applicant for coverage under the general permit for discharge of stormwater from construction activities (VAR10) 9VAC25-880 is payable to the VSMP authority and the VSMP authority transmits the Department portion set forth in 9VAC25-870-820 of the Virginia Administrative Code to the Department on a schedule set forth by the Department.~~

~~Sec. 8-35. Performance surety~~

~~(a) Prior to issuance of any permit, the applicant shall be required to submit a reasonable performance surety such as a bond, letter of credit, bank escrow account, or cash surety or escrow in the form of a cashier's or certified check made payable to the Treasurer, James City County, or any combination thereof, or such other legal arrangement acceptable to the county attorney to ensure that measures could be taken by the county at the applicant's expense should he/she fail, after proper notice, within the time specified to initiate or maintain appropriate actions which may be required of him/her by the permit conditions as a result of his/her land disturbing activity. If the county takes such action upon such failure by the applicant, the locality may collect from the applicant for the difference should the amount of the reasonable cost of such action exceed the amount of the security held, if any. Within 60 days of the completion of the requirements of the permit conditions, including permit termination and proper submittal and approval of construction record drawings and construction certifications for permanent BMP facilities and permanent stormwater conveyance system facilities by the administrator or the VSMP authority, such surety including bond, letter of credit, bank escrow account, or cash surety, or other legal arrangement, or the unexpended or unobligated portion thereof, shall be released or refunded to the applicant or terminated, as applicable.~~

~~(b) Fees to cover the costs associated with the administration of the performance surety requirement of this section are set forth in County Code Appendix A—Fee Schedule for Development Related Permits.~~

Chapter 8. Erosion and Stormwater Management Program

Sec. 8-1. Title, purpose, and authority.

(a) This chapter shall be known as the "Erosion and Stormwater Management Ordinance of James City County."

(b) The purpose of this ordinance is to ensure the general health, safety, and welfare of the citizens of James City County, protect the quality and quantity of state waters from the potential harm of unmanaged stormwater and soil erosion, including protection from a land disturbing activity causing unreasonable degradation of properties, water quality, stream channels, and other natural resources, and to establish procedures whereby stormwater requirements related to water quality and quantity shall be administered and enforced.

(c) This ordinance is authorized by § 62.1-44.15:27 of the Code of Virginia.

Sec. 8-2. Definitions.

The following words and terms, as used in this chapter, shall have the following meanings, unless the context clearly requires a different meaning:

Adequate channel. A channel that will convey the designated frequency storm event without overtopping the channel bank nor causing erosive damage to the channel bed or banks.

Administrator. The director of the county division of stormwater and resource protection who is responsible for administering the VESMP on behalf of the county.

Agreement in lieu of a plan. A contract between the VESMP authority and the owner or permittee that specifies methods that shall be implemented to comply with the requirements of the VESMA and this ordinance for the construction of a (i) single-family detached residential structure or (ii) a farm building or structure on a parcel of land with a total impervious cover percentage, including the impervious cover from the farm building or structure to be constructed, of less than five percent; such contract may be executed by the VESMP authority in lieu of a soil erosion control and stormwater management plan.

Applicant. Person submitting a soil erosion control and stormwater management plan to a VESMP authority for approval in order to obtain authorization to commence a land-disturbing activity.

Best management practice or BMP. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices, including both structural and nonstructural practices, to prevent or reduce the pollution of surface waters and groundwater systems.

1. *Nonproprietary best management practice. Both structural and nonstructural practices to prevent or reduce the pollution of surface waters and groundwater systems that are in the public domain and are not protected by trademark or patent or copyright.*

2. *Proprietary best management practice. Both structural and nonstructural practices to prevent or reduce the pollution of surface waters and groundwater systems that are privately owned and controlled and may be protected by trademark or patent or copyright.*

Board. The State Water Control Board.

Causeway. A temporary structural span constructed across a flowing watercourse or wetland to allow construction traffic to access the area without causing erosion damage.

Channel. A natural stream or manmade waterway.

Chesapeake Bay Preservation Act. Article 2.5 (§ 62.1-44.15:67 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.

Chesapeake Bay Preservation Act land disturbing activity. A land disturbing activity including clearing, grading or excavation that results in a land disturbance equal or greater than 2,500 square feet and less than one acre subject to the Chesapeake Bay Preservation Area Designation and Management Regulation 9VAC25-830 et seq. of the Virginia Administrative Code adopted pursuant to the Chesapeake Bay Preservation Act, Article 2.5 of the Code of Virginia, § 62.1-44.15:67 et seq. of Chapter 3.1 of Title 62.1 of the Code of Virginia.

Chesapeake Bay Preservation Area. Any land designated by a local government pursuant to Part III (9VAC25-830-70 et seq.) of the Chesapeake Bay Preservation Area Designation and Management Regulations and § 62.1-44.15:74 of the Code of Virginia. A Chesapeake Bay Preservation Area shall consist of a Resource Protection Area and a Resource Management Area as defined in the Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC25-830).

Clean Water Act or *CWA. The federal Clean Water Act (33 USC § 1251 et seq.), formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, or any subsequent revisions thereto.*

Clearing. Any activity which removes the vegetative ground cover including, but not limited to, root mat removal or topsoil removal.

Cofferdam. A watertight temporary structure in a river, lake, etc., for keeping the water from an enclosed area that has been pumped dry so that bridge foundations, dams, etc., may be constructed.

Common plan of development or sale. A contiguous area where separate and distinct construction activities may be taking place at different times on different schedules.

Comprehensive stormwater management plan. A plan, which may be integrated with other land use plans or regulations that specifies how the water quality components, quantity components, or both of stormwater are to be managed on the basis of an entire watershed or a portion thereof. The plan may also provide for the remediation of erosion, flooding, and water quality and quantity problems caused by prior development.

Construction activity. Any clearing, grading, or excavation associated with large construction activity or associated with small construction activity.

Control measure. Any BMP, stormwater facility, or other method used to minimize the discharge of pollutants to state waters.

County. James City County.

CWA and regulations. The Clean Water Act and applicable regulations published in the Code of Federal Regulations promulgated thereunder. For the purposes of this ordinance, it includes state program requirements.

Dam. A barrier to confine or raise water for storage or diversion, to create a hydraulic head, to prevent gully erosion, or to retain soil, rock or other debris.

Denuded. A term applied to land that has been physically disturbed and no longer supports vegetative cover.

Department. The Department of Environmental Quality.

Development. Land disturbance and the resulting landform associated with this construction of residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures or the clearing of land for nonagricultural or non-silvicultural purposes. The regulation of discharges from development, for purposes of stormwater management, does not include the exclusions found in 9VAC25-875-860.

Dike. An earthen embankment constructed to confine or control water, especially one built along the banks of a river to prevent overflow of lowlands; levee.

Director. The Director of the Stormwater and Resource Division.

Discharge. When used without qualification, the discharge of a pollutant.

Discharge of a pollutant:

1. *Any addition of any pollutant or combination of pollutants to state waters from any point source; or*

2. *Any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation.*

This definition includes additions of pollutants into surface waters from: surface runoff that is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a state, municipality, or other person that do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any indirect discharger.

District or soil and water conservation district. A political subdivision of the Commonwealth organized in accordance with the provisions of Article 3 (§ 10.1-506 et seq.) of Chapter 5 of Title 10.1 of the Code of Virginia. Refers to the Colonial Soil and Water Conservation District.

Diversion. A channel with a supporting ridge on the lower side constructed across or at the bottom of a slope for the purpose of intercepting surface runoff.

Dormant. Denuded land that is not actively being brought to a desired grade or condition.

Drainage area. A land area, water area, or both from which runoff flows to a common point.

Energy dissipator. A nonerodible structure which reduces the velocity of concentrated flow to reduce its erosive effects.

Environmental Protection Agency or EPA. The United States Environmental Protection Agency.

Erosion and sediment control plan. A document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory and management information with needed interpretations, and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to ensure that the entire unit or units of land will be so treated to achieve the conservation objectives.

Erosion impact area. An area of land not associated with current land disturbing activity but is subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of 10,000 square feet or less used for residential purposes or to shorelines where the erosion results from wave action or other coastal processes.

ESC. Erosion and sediment control.

ESM plan. A soil erosion control and stormwater management plan, commonly referred to as the erosion control and stormwater management plan.

Excavating. Any digging, scooping or other methods of removing earth materials.

Farm building or structure. The same as that term is defined in § 36-97 of the Code of Virginia and also includes any building or structure used for agritourism activity, as defined in § 3.2-6400 of the Code of Virginia, and any related impervious services including roads, driveways, and parking areas.

Filling. Any depositing or stockpiling of earth materials.

Flood fringe. The portion of the floodplain outside the floodway that is usually covered with water from the 100-year flood or storm event. This includes the flood or floodway fringe designated by the Federal Emergency Management Agency.

Flooding. A volume of water that is too great to be confined within the banks or walls of the stream, water body, or conveyance system and that overflows onto adjacent lands, thereby causing or threatening damage.

Floodplain. The area adjacent to a channel, river, stream, or other water body that is susceptible to being inundated by water normally associated with the 100-year flood or storm event. This includes the floodplain designated by the Federal Emergency Management Agency.

Flood-prone area. The component of a natural or restored stormwater conveyance system that is outside the main channel. Flood-prone areas may include the floodplain, the floodway, the flood fringe, wetlands, riparian buffers, or other areas adjacent to the main channel.

Floodway. The channel of a river or other watercourse and the adjacent land areas, usually associated with flowing water, that must be reserved in order to discharge the 100-year flood or storm event without cumulatively increasing the water surface elevation more than one foot. This includes the floodway designated by the Federal Emergency Management Agency.

Flume. A constructed device lined with erosion-resistant materials intended to convey water on steep grades.

General permit. A permit authorizing a category of discharges under the CWA and the VESMA within a geographical area.

Grading. Any excavating or filling of earth material or any combination thereof, including the land in its excavated or filled conditions.

Hydrologic Unit Code or HUC. A watershed unit established in the most recent version of Virginia's 6th Order National Watershed Boundary Dataset unless specifically identified as another order.

Impervious cover. A surface composed of material that significantly impedes or prevents natural infiltration of water into soil. Impervious cover includes, but is not limited to, roofs, buildings, streets, parking areas, and any concrete, asphalt or compacted aggregate surface. Pervious pavement surfaces will not be considered as totally impervious cover but will be given partial credit based on the open area and runoff characteristics of the paver structure and the proposed installation.

Incorporated place. A city, town, township, or village that is incorporated under the Code of Virginia.

Inspection. An on-site review of the project's compliance with any applicable design criteria, or an on-site review to obtain information or conduct surveys or investigations necessary in the implementation or enforcement of the VESMA and applicable regulations.

Karst area. Any land area predominantly underlain at the surface or shallow subsurface by limestone, dolomite, or other soluble bedrock regardless of any obvious surface karst features.

Karst features. Sinkholes, sinking and losing streams, caves, large flow springs, and other such landscape features found in karst areas.

Land disturbance or land disturbing activity. A manmade change to the land surface that may result in soil erosion or has the potential to change its runoff characteristics, including construction activity such as clearing, grading, excavating, or filling of land.

Land-disturbance approval. An approval allowing a land-disturbing activity to commence issued by the VESMP authority after the requirements of § 62.1-44.15:34 of the Code of Virginia have been met.

Layout. A conceptual drawing sufficient to provide for the specified stormwater management facilities required at the time of approval.

Land disturbing permit. A permit issued by county for the clearing, filling, excavating, grading, transporting of land or for any combination thereof or for any purpose set forth herein.

Large construction activity. Construction activity including clearing, grading, and excavation, except operations that result in the disturbance of less than five acres of total land area. Large construction activity also includes the disturbance of less than five acres of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more. Large construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

Linear development project. A land-disturbing activity that is linear in nature such as, but not limited to, (i) the construction of electric and telephone utility lines, and natural gas pipelines; (ii) construction of tracks, rights-of-way, bridges, communication facilities and other related structures of a railroad company; (iii) highway construction projects; (iv) construction of stormwater channels and stream restoration activities; and (v) water and sewer lines. Private subdivision roads or streets shall not be considered linear development projects.

Live watercourse. A definite channel with bed and banks within which concentrated water flows continuously.

Locality. James City County.

Localized flooding. Smaller scale flooding that may occur outside of a stormwater conveyance system. This may include high water, ponding, or standing water from stormwater runoff, which is likely to cause property damage or unsafe conditions. Designation of an area as subject to localized flooding is at the discretion of the administrator or VESMP authority based on factual information which may include documented complaints, reports of problem drainage areas or flooding, County performed studies or drainage analyses, or direct observations of site and drainage conditions during rainfall-runoff conditions.

Main channel. The portion of the stormwater conveyance system that contains the base flow and small frequent storm events.

Manmade. Constructed by man.

Minimize. To reduce or eliminate the discharge of pollutants to the extent achievable using stormwater controls that are technologically available and economically practicable.

Minor modification. Modifications and amendments not requiring extensive review and evaluation including changes in EPA promulgated test protocols, increasing monitoring frequency requirements, changes in sampling locations, and changes to compliance dates within the overall compliance schedules. A minor permit modification or amendment does not substantially alter permit conditions, substantially increase or decrease the amount of surface water impacts, increase the size of the operation, or reduce the capacity of the facility to protect human health or the environment.

Natural channel design concepts. The utilization of engineering analysis and fluvial geomorphic processes to create, rehabilitate, restore, or stabilize an open conveyance system for the purpose of creating or recreating a stream that conveys its bankfull storm event within its banks and allows larger flows to access its bankfull bench and its floodplain.

Natural stream. A tidal or nontidal watercourse that is part of the natural topography. It usually maintains a continuous or seasonal flow during the year and is characterized as being irregular in cross-section with a meandering course. Constructed channels such as drainage ditches or swales shall not be considered natural streams; however, channels designed utilizing natural channel design concepts may be considered natural streams.

Nonerodible. A material, e.g., riprap, concrete, plastic, etc., that will not experience surface wear due to natural forces.

Nonpoint source pollution. Pollution such as sediment, nitrogen, phosphorous, hydrocarbons, heavy metals, and toxics whose sources cannot be pinpointed but rather are washed from the land surface in a diffuse manner by stormwater.

Operator. The owner or operator of any facility or activity subject to the VESMA and this ordinance. In the context of stormwater associated with a large or small construction activity, operator means any person associated with a construction project that meets either of the following two criteria: (i) the person has direct operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications or (ii) the person has day-to-day operational control of those activities at a project that are necessary to ensure compliance with a stormwater pollution prevention plan for the site or other permit or VESMP authority permit conditions (i.e., they are authorized to direct workers at a site to carry out activities required by the stormwater pollution prevention plan or comply with other permit conditions).

Owner. The same as that term is defined in § 62.1-44.3 of the Code of Virginia. For a regulated land-disturbing activity that does not require a permit, "owner" also means the owner or owners of the freehold of the premises or lesser estate therein, mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm, or corporation in control of a property.

Peak flow rate. The maximum instantaneous flow from a prescribed design storm at a particular location.

Percent impervious. The impervious area within the site divided by the area of the site multiplied by 100.

Permit. A VPDES permit issued by the department pursuant to § 62.1-44.15 of the Code of Virginia for stormwater discharges from a land-disturbing activity.

Permittee. The person to whom the permit is issued.

Person. Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of the Commonwealth, governmental body, including a federal or state entity as applicable, any interstate body, or any other legal entity.

Plan-approving authority. The stormwater and resource protection division responsible for determining the adequacy of a plan submitted for land disturbing activities on a unit or units of lands and for approving plans.

Point of discharge. A location at which concentrated stormwater runoff is released.

Point source. Any discernible, confined, and discrete conveyance including any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

Pollutant discharge. The average amount of a particular pollutant measured in pounds per year or other standard reportable unit as appropriate, delivered by stormwater runoff.

Pollution. Such alteration of the physical, chemical, or biological properties of any state waters as will or is likely to create a nuisance or render such waters (a) harmful or detrimental or injurious to the public health, safety, or welfare, or to the health of animals, fish or aquatic life; (b) unsuitable with reasonable treatment for use as present or possible future sources of public water supply; or (c) unsuitable for recreational, commercial, industrial, agricultural, or other reasonable uses, provided that (i) an alteration of the physical, chemical, or biological property of state waters, or a discharge or deposit of sewage, industrial wastes or other wastes to state waters by any owner which by itself is not sufficient to cause pollution, but which, in combination with such alteration of or discharge or deposit to state waters by other owners, is sufficient to cause pollution; (ii) the discharge of untreated sewage by any owner into state waters; and (iii) contributing to the contravention of standards of water quality duly established by the State Water Control Board, are "pollution" for the terms and purposes of this ordinance.

Post-development. Refers to conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land.

Predevelopment. Refers to the conditions that exist at the time that plans for the land-disturbing activity are submitted to the VESMP authority. Where phased development or plan approval occurs (preliminary grading, demolition of existing structures, roads and utilities, etc.), the existing conditions at the time prior to the commencement of land-disturbing activity shall establish predevelopment conditions.

Prior developed lands. Land that has been previously utilized for residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures, and that will have the impervious areas associated with those uses altered during a land-disturbing activity.

Qualified personnel. A person knowledgeable in the principles and practices of erosion and sediment and stormwater management controls who possesses the skills to assess conditions at the construction site for the operator that could impact stormwater quality and quantity and to assess the effectiveness of any sediment and erosion control measures or stormwater management facilities selected to control the quality and quantity of stormwater discharges from the construction activity.

Resource Protection Area or RPA. That component of a Chesapeake Bay Preservation Area as defined in chapter 23 of the county code.

Responsible land disturber or RLD. An individual holding a certificate issued by the department who is responsible for carrying out the land-disturbing activity in accordance with the approved erosion and sediment control plan or ESM plan. The RLD may be the owner, applicant, permittee, designer, superintendent, project manager, contractor, or any other project or development team member. The RLD must be designated on the erosion and sediment control plan, ESM plan, or permit as defined in this ordinance as a prerequisite for engaging in land disturbance.

Runoff or stormwater runoff. That portion of precipitation that is discharged across the land surface or through conveyances to one or more waterways.

Runoff characteristics. Includes maximum velocity, peak flow rate, volume, and flow duration.

Runoff volume. The volume of water that runs off the land development project from a prescribed storm event.

Sediment basin. A temporary impoundment built to retain sediment and debris with a controlled stormwater release structure.

Sediment trap. A temporary impoundment built to retain sediment and debris which is formed by constructing an earthen embankment with a stone outlet.

Sheet flow (also called overland flow). Shallow, unconcentrated and irregular flow down a slope. The length of strip for overland flow usually does not exceed 200 feet under natural conditions.

Shoreline erosion control project. An erosion control project approved by local wetlands boards, the Virginia Marine Resources Commission, the department, or the United States Army Corps of Engineers and located on tidal waters and within nonvegetated or vegetated wetlands as defined in Title 28.2 of the Code of Virginia.

Single-family residence. A noncommercial dwelling that is occupied exclusively by one family.

Site. The land or water area where any facility or land-disturbing activity is physically located or conducted, including adjacent land used or preserved in connection with the facility or land-disturbing activity. Areas channelward of mean low water in tidal Virginia shall not be considered part of a site.

Site hydrology. The movement of water on, across, through, and off the site as determined by parameters including soil types, soil permeability, vegetative cover, seasonal water tables, slopes, land cover, and impervious cover.

Slope drain. Tubing or conduit made of nonerosive material extending from the top to the bottom of a cut or fill slope with an energy dissipator at the outlet end.

Small construction activity:

1. *Construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. The department may waive the otherwise applicable requirements in a general permit for a stormwater discharge from construction activities that disturb less than five acres where stormwater controls are not needed based on an approved "total maximum daily load" (TMDL) that addresses the pollutants of concern or, for nonimpaired waters that do not require TMDLs, an equivalent analysis that determines allocations for small construction sites for the pollutants of concern or that determines that such allocations are not needed to protect water quality based on consideration of existing in-stream concentrations, expected growth in pollutant contributions from all sources, and a margin of safety. For the purpose of this subdivision, the pollutants of concern include sediment or a parameter that addresses sediment (such as total suspended solids, turbidity, or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the construction activity. The operator shall certify to the department that the construction activity will take place, and stormwater discharges will occur, within the drainage area addressed by the TMDL or provide an equivalent analysis. As of the start date in Table 1 of 9VAC25-31-1020, all certifications submitted in support of the waiver shall be submitted electronically by the owner or operator to the department in compliance with this subdivision and 40 CFR Part 3 (including, in all cases, 40 CFR Part 3 Subpart D), 9VAC25-875-940, and Part XI (9VAC25-31-950 et seq.) of the Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation. Part XI of 9VAC25-31 is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of Part XI of 9VAC25-31, permittees may be required to report electronically if specified by a particular permit.*

2. *Any other construction activity designated by either the department or the EPA regional administrator, based on the potential for contribution to a violation of a water quality standard or for significant contribution of pollutants to surface waters.*

Soil erosion. The movement of soil by wind or water into state waters or onto lands in the Commonwealth.

Soil erosion control and stormwater management plan. Commonly referred to as the erosion control and stormwater management plan, or "ESM plan" means a document describing methods for controlling soil erosion and managing stormwater in accordance with the requirements adopted pursuant to the VESMA. The ESM plan may consist of aspects of the erosion and sediment control plan and the stormwater management plan as each is described in this ordinance.

Stabilized. Land that has been treated to withstand normal exposure to natural forces without incurring erosion damage.

State. The Commonwealth of Virginia.

State application or application. The standard form or forms, including any additions, revisions, or modifications to the forms, approved by the administrator and the department for applying for a permit.

State Water Control Law. Chapter 3.1 (§ 62.1-44.2 et seq.) of Title 62.1 of the Code of Virginia.

State waters. All water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands.

Steep slopes. Slopes of 25 percent or greater.

Storm sewer inlet. A structure through which stormwater is introduced into an underground conveyance system.

Stormwater. For the purposes of the VESMA, precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.

Stormwater conveyance system. A combination of drainage components that are used to convey stormwater discharge, either within or downstream of the land-disturbing activity. This includes:

1. *Manmade stormwater conveyance system. A pipe, ditch, vegetated swale, or other stormwater conveyance system constructed by man except for restored stormwater conveyance systems;*
2. *Natural stormwater conveyance system. The main channel of a natural stream and the flood-prone area adjacent to the main channel; or*
3. *Restored stormwater conveyance system. A stormwater conveyance system that has been designed and constructed using natural channel design concepts. Restored stormwater conveyance systems include the main channel and the flood-prone area adjacent to the main channel.*

Stormwater detention. The process of temporarily impounding runoff and discharging it through a hydraulic outlet structure to a downstream conveyance system.

Stormwater Discharge Associated with Construction Activity. The discharge of stormwater runoff from areas where land disturbing activities (e.g. clearing, grading, filling, or excavation); construction materials or equipment storage and maintenance (e.g. fill piles, borrow area, concrete truck washout, fueling); or other industrial stormwater related to the construction process (e.g., concrete or asphalt batch plants) are located.

Stormwater management facility. A control measure that controls stormwater runoff and changes the characteristics of that runoff including the quantity and quality, the period of release or the velocity of flow.

Stormwater management plan. A document containing material describing methods for complying with the requirements of the VESMP or section 8-9 of this article.

Stormwater Pollution Prevention Plan or SWPPP. A document that is prepared in accordance with good engineering practices and that identifies potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges. A SWPPP required under the VESMP for construction activities shall identify and require the implementation of control measures and shall include or incorporate by reference an approved erosion and sediment control plan, an approved stormwater management plan, and a pollution prevention plan.

Subdivision. The same as defined in Virginia Code § 15.2-2201 and Chapter 19 of the County code.

Surface waters:

1. *All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide;*
2. *All interstate waters, including interstate wetlands;*
3. *All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:*

    a. *That are or could be used by interstate or foreign travelers for recreational or other purposes;*
    b. *From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or*
    c. *That are used or could be used for industrial purposes by industries in interstate commerce;*

4. *All impoundments of waters otherwise defined as surface waters under this definition;*
5. *Tributaries of waters identified in subdivisions 1 through 4 of this definition;*
6. *The territorial sea; and*
7. *Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in subdivisions 1 through 6 of this definition.*

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA and the law, are not surface waters. Surface waters do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other agency, for the purposes of the CWA, the final authority regarding the CWA jurisdiction remains with the EPA.

SWM. Stormwater management.

Temporary vehicular stream crossing. A temporary nonerodible structural span installed across a flowing watercourse for use by construction traffic. Structures may include bridges, round pipes or pipe arches constructed on or through nonerodible material.

Ten-year storm. A storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 10 years. It may also be expressed as an exceedance probability with a 10% chance of being equaled or exceeded in any given year.

Total maximum daily load or TMDL. The sum of the individual wasteload allocations (WLAs) for point sources, load allocations (LAs) for nonpoint sources, natural background loading, and a margin of safety. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure. The TMDL process provides for point versus nonpoint source trade-offs.

Town. An incorporated town.

Two-year storm. A storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in two years. It may also be expressed as an exceedance probability with a 50% chance of being equaled or exceeded in any given year.

Transporting. Any moving of earth materials from one place to another place other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.

Virginia Erosion and Stormwater Management Act or VESMA. Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1, State Water Control Law, of Title 62.1 of the Code of Virginia.

Virginia Erosion and Stormwater Management Program or VESMP. A program established by the VESMP authority for the effective control of soil erosion and sediment deposition and the management of the quality and quantity of runoff resulting from land-disturbing activities to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources. The program shall include such items as local ordinances, rules, requirements for permits and land-disturbance approvals, policies and guidelines, technical materials, and requirements for plan review, inspection, and enforcement consistent with the requirements of the VESMA.

Virginia Erosion and Stormwater Management Program authority or VESMP authority. James City county is the entity approved by the department to operate the VESMP. The county has designated the division of stormwater and resource protection as the department responsible for administering the VESMP on behalf of the County.

Virginia Pollutant Discharge Elimination System (VPDES) permit or VPDES permit. A document issued by the department pursuant to the State Water Control Law authorizing, under prescribed conditions, the potential or actual discharge of pollutants from a point source to surface waters.

Virginia Stormwater BMP Clearinghouse. A collection that contains detailed design standards and specifications for control measures that may be used in Virginia to comply with the requirements of the VESMA and associated regulations.

Virginia Stormwater Management Handbook. A collection of pertinent information that provides general guidance for compliance with the VESMA and associated regulations and is developed by the department with advice from a stakeholder advisory committee.

Wasteload allocation or wasteload. The portion of a receiving surface water's loading or assimilative capacity allocated to one of its existing or future point sources of pollution. Wasteload allocations are a type of water quality-based effluent limitation.

Water quality technical criteria. Standards set forth in regulations adopted pursuant to the VESMA that establish minimum design criteria for measures to control nonpoint source pollution.

Water quantity technical criteria. Standards set forth in regulations adopted pursuant to the VESMA that establish minimum design criteria for measures to control localized flooding and stream channel erosion.

Watershed. A defined land area drained by a river or stream, karst system, or system of connecting rivers or streams such that all surface water within the area flows through a single outlet. In karst areas, the karst feature to which water drains may be considered the single outlet for the watershed.

Wetlands. Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Sec. 8-3. Virginia Erosion and Stormwater Management Program Established.

(a) Pursuant to § 62.1-44.15:27 of the Code of Virginia, James City County hereby establishes a Virginia Erosion and Stormwater Management Program for land-disturbing activities and adopts the Virginia Erosion and Stormwater Management Regulations that specify standards and specifications for VESMPs promulgated by the State Water Control Board for the purposes set out in Section 8-1 of this Ordinance. James City County hereby designates the Director of the Stormwater and Resource Protection Division as the Administrator of the Virginia Erosion and Stormwater Management Program established by this Ordinance.

Sec. 8-4. Regulated land disturbing activities.

(a) Land-disturbing activities that meet one of the criteria below are regulated as follows:

(1) Land-disturbing activity that disturbs 2,500 square feet or more, is less than one acre, and in an area of a locality designated as a Chesapeake Bay Preservation Area is subject to criteria defined in Article 2 (9VAC25-875-540 et seq.) and Article 3 (9VAC25-875-570 et seq.) of Part V unless Article 4 (9VAC25-875-670 et seq) of Part V of the Regulation is applicable, as determined in accordance with 9VAC25-875-480 and 9VAC25-875-490.

(2) Land-disturbing activity that disturbs less than one acre, but is part of a larger common plan of development or sale that disturbs one acre or more, is subject to criteria defined in Article 2 (9VAC25-875-540 et seq.) and Article 3 (9VAC25-875-570 et seq.) of Part V unless Article 4 (9VAC25-875-670 et seq) of Part V of the Regulation is applicable, as determined in accordance with 9VAC25-875-480 and 9VAC25-875-490.

(3) Land-disturbing activity Land-disturbing activity that disturbs one acre or more is subject to criteria defined in Article 2 (9VAC25-875-540 et seq.) and Article 3 (9VAC25-875-570 et seq.) of Part V unless Article 4 (9VAC25-875-670 et seq.) of Part V is applicable, as determined in accordance with 9VAC25-875-480 and 9VAC25-875-490.

(b) Land-disturbing activities exempt per 9VAC25-875-90 are not required to comply with the requirements of the VESMA unless otherwise required by federal law.

Sec. 8-5. Review of soil erosion control and stormwater management plans; prohibitions.

(a) A person who wishes to conduct a land-disturbing activity in James City County shall submit a soil erosion control and stormwater management plan (ESM) to the James City County Stormwater and Resource Protection Division. The administrator shall review and approve soil erosion control plans and stormwater management (ESM) plans, except for activities not required to comply with the requirements of the Virginia Erosion and Stormwater Management Act (VESMA), pursuant to § 62.1-44.15:34 of the Code of Virginia. Activities not required to comply with VESMA are defined in 9VAC25-875-90.

(b) A person shall not conduct any land disturbing activity in James City County until:

(1) An application that includes a permit registration statement, if required, and an erosion and sediment control plan and stormwater management plan or an executed agreement in lieu of a plan, if required, has been submitted to the county.

(2) The name of the individual who will be assisting the owner in carrying out the activity and holds a Responsible Land Disturber certificate pursuant to § 62.1-44.15:30 of the Code of Virginia is submitted to the county. Failure to provide the name of an individual holding a Responsible Land Disturber certificate prior to engaging in land-disturbing activities may result in revocation of the land-disturbance approval and shall subject the owner to the penalties provided by the VESMA; and

(3) The county has issued its land-disturbance approval in accordance with section 8-6.

(c) The county may require changes to an approved ESM plan in the following cases:

(1) Where inspection has revealed that the plan is inadequate to satisfy applicable regulations or ordinances; or

(2) Where the owner finds that because of changed circumstances or for other reasons the plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of the Act, are agreed to by the VESMP authority and the owner. Any amendment to a plan pursuant to this paragraph shall be submitted in the same way a new application is submitted pursuant to this chapter 8.

(d) In order to prevent further erosion, the county may require approval of an erosion and sediment control plan and a stormwater management plan for any land it identifies as an erosion impact area.

(e) Prior to issuance of any land-disturbance approval, the county shall require a performance surety in accordance with section 8-22. State agencies and federal entities are excluded from the requirements of this paragraph and section 8-22.

(f) The county may enter into an agreement with an adjacent VESMP authority regarding the administration of multijurisdictional projects, specifying who shall be responsible for all or part of the administrative procedures. Should adjacent VESMP authorities fail to reach such an agreement, each shall be responsible for administering the area of the multijurisdictional project that lies within its jurisdiction.

(g) No exception to, or waiver of, post-development nonpoint nutrient runoff compliance requirements shall be granted unless offsite options have been considered and found not available in accordance with subsection D of § 62.1-44.15:35 of the Code of Virginia.

(h) The county is authorized to cooperate and enter into agreements with any federal or state agency in connection with the requirements for land-disturbing activities in accordance with § 62.1-44.15:50 of the Code of Virginia.

Sec. 8-6. Approval of soil erosion control and stormwater management plan (ESM Plan).

(a) The county shall approve or disapprove an ESM plan according to the following:

(1) The county shall determine the completeness of any application within 15 days after receipt and shall act on any application within 60 days after it has been determined by the county to be complete.

(2) The county shall issue either land-disturbance approval or denial and provide written rationale for any denial.

(3) Prior to issuing a land-disturbance approval, the county shall be required to obtain evidence of permit coverage when such coverage is required.

(4) The county shall determine whether any resubmittal of a previously disapproved application is complete within 15 days after receipt and shall act on the resubmitted application within 45 days after receipt.

(b) Approved ESM plans may be modified as follows:

(1) Modifications to an approved plan shall be allowed only after review and written approval by the administrator. The administrator shall have 60 calendar days to respond in writing either approving or disapproving such request.

(2) The administrator may require that an approved plan be amended, within a time prescribed by the administrator, to address any deficiencies noted during inspection.

Sec. 8-7. Soil erosion control and stormwater land disturbing approval requirement; exemptions.

(a) Except as provided herein, no person may engage in any land disturbing activity until Land Disturbing Approval has been issued by the county in accordance with the provisions of this ordinance.

(b) Notwithstanding any other provisions of this ordinance, the following activities are not required to comply with the requirements of this ordinance unless otherwise required by federal law. The determination of whether a Soil Erosion Control and Stormwater Land Disturbing Approval is required pursuant to this section 8-7 is made by the administrator. Any appeal of the Administrator's decision regarding an exemption pursuant to this section 8-7 shall be in accordance with section 8-16 and 8-17.

(1) Minor land-disturbing activities, including home gardens and individual home landscaping, repairs, and maintenance work;

(2) Installation, maintenance, or repair of any individual service connection;

(3) Installation, maintenance, or repair of any underground utility line when such activity occurs on an existing hard surfaced road, street, or sidewalk, provided the land-disturbing activity is confined to the area of the road, street, or sidewalk that is hard surfaced;

(4) Installation, maintenance, or repair of any septic tank line or drainage field unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;

(5) Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted pursuant to Title 45.2 of the Code of Virginia;

(6) Clearing of lands specifically for bona fide agricultural purposes; the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops; livestock feedlot operations; agricultural engineering operations, including construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; or as additionally set forth by the Board in regulations. However, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq. of the Code of Virginia) or is converted to bona fide agricultural or improved pasture use as described in Subsection B of § 10.1-1163 of the Code of Virginia;

(7) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;

(8) Shoreline erosion control projects on tidal waters when all of the land-disturbing activities are within the regulatory authority of and approved by local wetlands boards, the Marine Resources Commission, or the United States Army Corps of Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject to the VESMA and the regulations adopted pursuant thereto;

(9) Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities, and other related structures and facilities of a railroad company;

(10) Land-disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the administrator shall be advised of the disturbance within seven days of commencing the land disturbing activity, and compliance with the administrative requirements of subsection (a) is required within 30 days of commencing the land disturbing activity;

(11) Discharges to a sanitary sewer or a combined sewer system; that are not from a land-disturbing activity;

(12) Reclamation or stabilization projects in which the county draws on erosion and sediment control, siltation, public improvement, subdivision or other performance surety as secured for a development project in accordance with section 8-22 of this article. Work under this item shall be of sole purpose to immediately stabilize or implement temporary erosion and sediment control measures at a site because of default on the project and to prevent damage or threatening conditions to adjacent or downstream property or water resources. Work under this provision shall be procured, contracted and managed by the VESMP authority or designee in accordance with county and county purchasing department requirements; and

(c) Notwithstanding this ordinance and in accordance with the Virginia Erosion and Stormwater Management Act, Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia, the following activities are required to comply with the soil erosion control requirements and obtain a Land Disturbing Approval but are not required to comply with the water quantity and water quality technical criteria, unless otherwise required by federal law:

(1) Activities under a state or federal reclamation program to return an abandoned property to an agricultural or open land use;

(2) Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the previously approved project. The paving of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders shall be deemed routine maintenance if performed in accordance with this subsection; and, including obligated storm drainage and stormwater management or BMP facility maintenance, provided it is performed to maintain proper stormwater function and structural integrity of previously approved and installed systems, does not result in any type of improvement such as new pipes, channels, or the addition of access structures such as inlets or manholes, or results in a change in conveyance method, capacity, slope, size, alignment, material type, area, hydraulic radius, storage volume, or the physical location of any part of the system.

(3) Discharges from a land-disturbing activity to a sanitary sewer.

(d) Agencies authorized under any other law to issue grading, building, or other permits for activities involving land disturbing activities may not issue any such permit unless the applicant submits with his application an approved erosion and sediment control plan and certification that the plan will be followed.

(e) No person may engage in any land disturbing activity until he has acquired a land disturbing approval, unless the proposed land disturbing activity is specifically exempt from the provisions of this chapter and he has paid the fees and posted the required bond.

(f) No land disturbing approval shall be issued until the applicant submits with his application an approved erosion and sediment control plan and certification that the plan will be followed.

(g) These requirements are in addition to all other provisions of this ordinance and applicable statutes and regulations relating to the performance of land disturbing activities and are not intended to otherwise affect said requirements to conduct land disturbing activities.

Sec. 8-8. Stormwater pollution prevention plan; contents of plans.

(a) A stormwater pollution prevention plan shall include, but not be limited to, an approved erosion and sediment control plan, an approved stormwater management plan, an approved pollution prevention plan for regulated land disturbing activities, and a description of any additional control measures necessary to address a TMDL pursuant to subsection (d) of this section.

(b) A soil erosion control and stormwater management (ESM) plan consistent with the requirements of the Virginia Erosion and Stormwater Management Act (VESMA) and regulations must be designed and implemented during construction activities. Prior to land disturbance, this plan must be approved by the county in accordance with the VESMA, this ordinance, and attendant regulations.

(c) A pollution prevention plan that identifies potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges from the construction site and describe control measures that will be used to minimize pollutants in stormwater discharges from the construction site must be developed before land disturbance commences.

(d) In addition to the requirements of subsections (a) through (c) of this section, if a specific wasteload allocation for a pollutant has been established in an approved TMDL and is assigned to stormwater discharges from a construction activity, additional control measures must be identified and implemented by the operator so that discharges are consistent with the assumptions and requirements of the wasteload allocation.

(e) The stormwater pollution prevention plan must address the following requirements as specified in 40 CFR 450.21, to the extent otherwise required by state law or regulations and any applicable requirements of a state permit:

(1) Control stormwater volume and velocity within the site to minimize soil erosion;

(2) Control stormwater discharges, including both peak flow rates and total stormwater volume, to minimize erosion at outlets and to minimize downstream channel and stream bank erosion;

(3) Minimize the amount of soil exposed during construction activity;

(4) Minimize the disturbance of steep slopes;

(5) Minimize sediment discharges from the site. The design, installation and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site;

(6) Provide and maintain natural buffers around surface waters, direct stormwater to vegetated areas to increase sediment removal and maximize stormwater infiltration, unless infeasible;

(7) Minimize soil compaction and, unless infeasible, preserve topsoil;

(8) Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating, or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. Stabilization must be completed within a period of time determined by the VESMP authority. In arid, semiarid, and drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the VESMP authority; and

(9) Utilize outlet structures that withdraw water from the surface, unless infeasible, when discharging from basins and impoundments.

(f) The stormwater pollution prevention plan shall be amended whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to state waters and that has not been previously addressed in the stormwater pollution prevention plan. The stormwater pollution prevention plan must be maintained at a central location on-site. If an onsite location is unavailable, notice of the stormwater pollution prevention plan location must be posted near the main entrance at the construction site.

Sec. 8-9. Stormwater management plan; contents of plans.

(a) A stormwater management plan shall be developed and submitted to the VESMP authority. The stormwater management plan shall be implemented as approved or modified by the VESMP authority and shall be developed in accordance with the following:

(1) A stormwater management plan for a land disturbing activity shall apply the stormwater management technical criteria set forth in this ordinance and Article 4 (9VAC25-875-670 et seq) of Part V of the Regulation to the entire land disturbing activity. Individual lots in new residential, commercial or industrial developments, including those developed under subsequent owners, shall not be considered separate land disturbing activities.

(2) A stormwater management plan shall consider all sources of surface runoff and all sources of subsurface and groundwater flows converted to surface runoff.

(b) A complete stormwater management plan shall include the following elements:

(1) Information on the type and location of stormwater discharges; information on the features to which stormwater is being discharged including surface waters or karst features if present, and pre-development and post-development drainage areas;

(2) Identification of the county watershed or subwatershed and hydrologic unit code (HUC) based on Virginia's 6th order National Watershed Boundary Dataset (NWBD) hydrologic units (VAHU6) which the project is situated in;

(3) Contact information including the name, address, email, and telephone number of the owner and the tax map reference number and parcel number of the property or properties affected;

(4) A narrative that includes a description of current site conditions and final site conditions including the amount of disturbed area, the amount of proposed impervious cover, and the percent impervious cover of the site;

(5) A general description of the proposed stormwater management facilities and the mechanism through which the facilities will be operated and maintained after construction is complete;

(6) Information on the proposed stormwater management facilities, including:

a. Detailed narrative on the conversion to a long-term stormwater facility if the facility was used as a temporary ESC measure;
b. The types of facilities;
c. Location including geographic coordinates;
d. Drainage area and impervious cover area treated by facilities (in acres); and
e. The surface waters or karst features into which the facility will discharge;

(7) Hydrologic and hydraulic computations, including runoff characteristics;

(8) Documentation and calculations verifying compliance with the water quality and quantity requirements of this chapter;

(9) A map or maps of the site that depict the characteristics or features of the site and includes:

a. All contributing drainage areas;
b. Existing topography and drainage patterns;
c. Existing streams, ponds, culverts, storm drainage systems, channels, ditches, wetlands, other water bodies, RPAs, conservation easements, and floodplains;
d. Soil types, geologic formations if karst features are present in the area, forest cover, and other vegetative areas;
e. Current land use including existing structures, roads, and locations of known utilities and easements;
f. Sufficient information on adjoining parcels to assess the impacts of stormwater from the site on these parcels;
g. The limits of disturbance (clearing and grading) including proposed access and all onsite and off-site work activities;

h. Proposed grading, contours and drainage patterns on the site;
i. Proposed buildings, roads, parking areas, utilities, and stormwater conveyance systems and management facilities;
j. Proposed land use with tabulations of the percentage of surface area to be adapted to various land uses, including planned locations of impervious cover, turfgrass, utilities, roads, open spaces, and easements, including conserved open spaces; and
k. Proposed percent impervious cover of the site;

(10) If an operator intends to meet the requirements established in 9VAC25-875-580 or 9VAC25-875-600 and section 8-12 of this article through the use of off-site compliance options, where applicable, then a letter of availability from the off-site provider must be included. Approved off-site options must achieve the necessary nutrient reductions prior to the performance of any land disturbing activity and prior to the county's issuance of the Land Disturbing Approval.

(11) If the county requires payment of a fee with the stormwater management plan submission, the fee and the required fee form in accordance with section 8-21 of this chapter must have been submitted.

(c) All final plan elements, specifications, or calculations of the stormwater management plans whose preparation requires a license under Chapter 4 (§54.1-400 et seq.) or 22 (§54.1-2200 et seq.) of Title 54.1 of the Code of Virginia shall be appropriately sealed and signed by a professional who is licensed to engage in practice in the Commonwealth of Virginia. Nothing in this subsection shall authorize any person to engage in practice outside his or her area of professional competence.

(d) No VESMP authority permit or approval shall be issued until all wetland permits and approvals required by federal, state, and county laws and regulations are obtained and evidence of such provided to the administrator or VESMP authority. For those projects where no wetlands are proposed to be impacted or where the impacts do not require written authorization by wetland permit agencies, documentation shall be submitted to the administrator or the VESMP authority by a qualified wetlands professional attesting that the wetlands permitting process has been completed and no further documentation is necessary from applicable regulatory agencies.

Sec. 8-10. Pollution prevention plan; contents of plans.

(a) A plan for implementing pollution prevention measures during construction activities shall be developed, implemented, and updated as necessary. The pollution prevention plan shall detail the design, installation, implementation, and maintenance of effective pollution prevention measures as specified in 40 CFR 450.21(d) to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented, and maintained to:

(1) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;

(2) Minimize exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater; and

(3) Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.

(b) The pollution prevention plan shall include effective best management practices to prohibit the following discharges in accordance with 40 CFR 450.21(e):

(1) Wastewater from washout of concrete, unless managed by an appropriate control;
(2) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;
(3) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and
(4) Soaps or solvents used in vehicle and equipment washing.

(c) Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls in accordance with 40 CFR 450.21(c).

Sec. 8-11. Erosion and sediment control plan; contents of plans.

(a) An erosion and sediment control plan, which is a component of the ESM plan, shall be filed for a development and the buildings constructed within, regardless of the phasing of construction. The erosion and sediment control plan shall contain all major conservation decisions to ensure that the entire unit or units of land will be so treated to achieve the conservation objectives in 9VAC25-875-560. The erosion and sediment control plan may include:

(1) Appropriate maps;
(2) An appropriate soil and water plan inventory and management information with needed interpretations; and
(3) A record of decisions contributing to conservation treatment.

(b) The person responsible for carrying out the plan shall provide the name of an individual holding a certificate who will be in charge of and responsible for carrying out the land-disturbing activity to the VESMP authority.

(c) If individual lots or sections in a residential development are being developed by different property owners, all land-disturbing activities related to the building construction shall be covered by an erosion and sediment control plan.

(d) Land-disturbing activity of less than 10,000 square feet on individual lots in a residential development shall not be considered exempt from the provisions of the VESMA if the total land-disturbing activity in the development is equal to or greater than 10,000 square feet.

Sec. 8-12. Technical criteria for regulated land disturbing activities.

(a) To protect the quality and quantity of state water from the potential harm of unmanaged stormwater runoff resulting from land disturbing activities, the county hereby adopts the technical criteria for regulated land disturbing activities set forth in Part V of 9VAC25-875 expressly to include 9VAC25-875-580 [water quality design criteria requirements]; 9VAC25-875-590 [water quality compliance]; 9VAC25-875-600 [water quantity]; 9VAC25-875-610 [offsite compliance options]; 9VAC25-875-620 [design storms and hydrologic methods]; 9VAC25-875-630 [stormwater harvesting]; 9VAC25-875-640 [linear development project]; and, 9VAC25-875-650 [stormwater

management impoundment structures or facilities], which shall apply to all land disturbing activities regulated pursuant to this ordinance, except as expressly set forth in subsection (c) through (f) of this section. In addition to the above references to the Virginia Administrative Code, the technical criteria may also include James City County administrative guidelines and additional supporting information, methodologies and guidance related to the technical criteria as outlined in applicable Virginia Department of Environmental Quality guidance or manuals related to erosion and sediment control and stormwater management.

(b) The county adopts 9VAC25-875-480 and 9VAC25-875-490 for time-limited and grandfathered projects.

(c) Nothing in this section shall preclude an operator from constructing to a more stringent standard at his/her discretion.

Sec. 8-13. Variances and exceptions.

(a) The administrator may grant variances to waive or modify any of the erosion and sediment control requirements of this ordinance that are deemed inappropriate or too restrictive for site conditions. The variance may be requested from the administrator under these conditions:

(1) At the time of plan submission, an applicant may request a variance to become part of the approved erosion and sediment control plan. The applicant shall explain the reasons for requesting variances in writing. Specific variances which are allowed by the authority shall be documented in the plan.

(2) During construction, the person responsible for implementing the approved plan may request a variance in writing from the authority. The authority shall respond in writing either approving or disapproving such a request. If the authority does not approve a variance within 10 days of receipt of the request, the request shall be considered to be disapproved. Following disapproval, the applicant may resubmit a variance request with additional documentation.

(b) The administrator may grant exceptions to the provisions of Article 3 of Part V of 9VAC25-875-570 et seq., provided that (i) the exception is the minimum necessary to afford relief, (ii) reasonable and appropriate conditions shall be imposed as necessary upon any exception granted so that the intent of the VESMA, and this article are preserved, (iii) granting the exception will not confer any special privileges that are denied in other similar circumstances, and (iv) exception requests are not based upon conditions or circumstances that are self-imposed or self-created.

(1) Economic hardship alone shall not be a sufficient reason to grant an exception from the requirements of this article.

(2) Under no circumstances shall the authority (i) grant an exception to the requirement that the land-disturbing activity obtain required permits, or (ii) approve the use of a BMP not found through the Virginia Stormwater BMP Clearinghouse, except where allowed under Article 4 of Part V of 9VAC25-875-670 eq seq.

(3) Exceptions to requirements for phosphorus reductions shall not be allowed unless off-site options available through 9VAC25-875-610 have been considered and found not to be available.

(4) A record of all exceptions granted shall be maintained by the authority in accordance with 9VAC25-875-180.

Sec. 8-14. Long-term maintenance of permanent stormwater facilities.

(a) The operator shall submit a construction record drawing (as-built) and construction certification for permanent stormwater management facilities to the administrator in accordance with 9VAC25-875-535. The construction record drawing and construction certification shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia pursuant to Chapter 4 of Title 54.1 of the Code of Virginia, stating that to the best of their knowledge, the stormwater management facilities have been constructed in accordance with the approved plan and that the construction record drawing shows all adjustments and revisions to the stormwater management plan made during construction and serves as a permanent record of the actual location of all constructed elements. Construction record drawing and construction certification submittal requirements shall be established by the administrator or the VESMP authority and in accordance with 9VAC25-875-110 and 9VAC25-875-130. The administrator may elect waive the requirements contained in this paragraph pursuant to section 8-14(e).

(b) The operator shall submit a construction record drawing and construction certification for permanent stormwater conveyance system facilities (inlets, pipes, channels, etc.) to the administrator. The construction record drawing and construction certification shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia pursuant to Chapter 4 of Title 54.1 of the Code of Virginia, certifying that the stormwater conveyance system facilities have been constructed in accordance with the approved plan. Construction record drawing and construction certification submittal requirements shall follow standards developed by the administrator or the VESMP authority. The administrator may elect to not require construction record drawings and construction certifications for stormwater conveyance system facilities for which maintenance agreements are not required pursuant to section 8-14(e).

(c) An internal closed-circuit television (CCTV) post installation inspection, performed by the operator, is required for all stormwater conveyance system pipes, access or inlet structures, and culverts of 15-inch nominal diameter size or greater as part of the construction record and construction certification process. CCTV inspections shall follow standards and specifications and administrative guidelines developed by the administrator or the VESMP authority.

(d) The county shall require the provision of long-term responsibility for and maintenance of stormwater management facilities and other techniques specified to manage the quality and quantity of runoff. Such requirements shall be set forth in an instrument recorded in the local land records prior to general permit termination or earlier as required by the county and shall at a minimum:

(1) Be submitted to the administrator for review and approval prior to the approval of the stormwater management plan;
(2) Be approved as to form by the county attorney's office;
(3) Be stated to run with the land;
(4) Provide for all necessary access to the property for purposes of maintenance and regulatory inspections;
(5) Provide for inspections and maintenance and the submission of inspection and maintenance reports to the county; and
(6) Be enforceable by all appropriate governmental parties.

(e) At the discretion of the administrator, such recorded instruments need not be required for stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located, provided it is demonstrated to the satisfaction of the administrator that future maintenance for those facilities will be addressed through an enforceable mechanism at the discretion of the administrator.

(f) If a recorded instrument is not required pursuant to section 8-14(e), the administrator shall develop a strategy for addressing maintenance of stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located. Such a strategy may include periodic inspections, homeowner outreach and education, declarations of covenants and restrictions, plat notes, or other similar methods targeted at promoting the long term maintenance of such facilities. The alternative strategy shall follow standards and procedures as developed by the administrator or the VESMP authority. Such facilities shall not be subject to the requirement for an inspection to be conducted by the administrator or its duly authorized agent.

Sec. 8-15. Monitoring and inspections.

(a) The county shall inspect the land disturbing activity during construction for:

(1) Compliance with the approved erosion and sediment control plan;
(2) Compliance with the approved stormwater management plan;
(3) Development, updating, and implementation of a pollution prevention plan; and
(4) Development and implementation of any additional control measures necessary to address a TMDL.

(b) The county shall conduct periodic inspections on all projects during construction. The county shall either:

(1) Provide for an inspection during or immediately following initial installation of erosion and sediment controls, at least once in every two-week period, within 48 hours following any runoff producing storm event, and at the completion of the project prior to the release of any performance bonds; or
(2) Establish an alternative inspection program which ensures compliance with the approved erosion and sediment control plan. Any alternative inspection program shall be:

a. Approved by the department prior to implementation;
b. Established in writing;
c. Based on a system of priorities that, at a minimum, address the amount of disturbed project area, site conditions and stage of construction; and
d. Documented by inspection records.

(c) The county shall establish an inspection program that ensures that permanent stormwater management facilities are being adequately maintained as designed after completion of land-disturbing activities. Inspection programs shall:

(1) Be approved by the department;
(2) Ensure that each stormwater management facility is inspected by the county, or its designee, not to include the owner, except as provided in subsections D and E of this section, at least once every five years; and
(3) Be documented by records.

(d) The person responsible for carrying out the plan shall monitor the land disturbing activity. The person responsible for carrying out the plan shall maintain records of these inspections and maintenance, to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation.

(e) The stormwater and resource protection division shall periodically inspect the land disturbing activity as prescribed in the Virginia Erosion and Stormwater Management Regulations and require that an individual holding a certificate of competence, as provided by the state Department of Environmental Quality, who will be in charge of and responsible for carrying out the land disturbing activity, be identified to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation. The owner, permittee, or person responsible for carrying out the plan shall be given notice of the inspection.

(f) The county may utilize the inspection reports of the owner of a stormwater management facility as part of an inspection program established in subsection B of this section if the inspection is conducted by a person who is licensed as a professional engineer, architect, landscape architect, or land surveyor pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1; a person who works under the direction and oversight of the licensed professional engineer, architect, landscape architect, or land surveyor; or a person who holds an appropriate certificate of competence from the department.

(g) If a recorded instrument is not required pursuant to 9VAC25-875-130, the county shall develop a strategy for addressing maintenance of stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located. Such a strategy may include periodic inspections, homeowner outreach and education, or other method targeted at promoting the long-term maintenance of such facilities. Such facilities shall not be subject to the requirement for an inspection to be conducted by the county.

Sec. 8-16. Hearings.

(a) Any land disturbing approval applicant, permit applicant or permittee or person subject to the requirements of this article, aggrieved by any action of the county taken without a formal hearing, or by inaction of the county, may demand in writing a formal hearing by the county causing such grievance, provided a petition requesting such hearing is filed with the administrator within 30 days after notice of such action is given by the administrator.

(b) The hearings held under this Section shall be conducted by the board of supervisors at a regular or special meeting of the board of supervisors, or by at least one member of the board of supervisors designated by the board of supervisors to conduct such hearings on behalf of the board of supervisors at any other time and place authorized by the board of supervisors.

(c) The board of supervisors shall hear the appeal as soon as practical after receipt of the written request. The appellant, the board of supervisors, and any person or agency expressing an interest in the matter shall be notified by the board, or its agent, not less than ten days prior to the date of the hearing. Published notice of the board's public meetings shall state that appeals from decision under the Virginia erosion and stormwater management ordinance may be heard.

(d) A verbatim record of the proceedings of such hearings shall be taken and filed with the local governing body. Depositions may be taken and read as in actions at law.

(e) The board of supervisors or its designated member, as the case may be, shall have power to issue subpoenas and subpoenas duces tecum, and at the request of any party shall issue such subpoenas. The failure of a witness without legal excuse to appear or to testify or to produce documents shall be acted upon by the local governing body, or its designated member, whose action may include the procurement of an order of enforcement from the circuit court. Witnesses who are subpoenaed may receive the same fees and reimbursement for mileage as in civil actions.

Sec. 8-17. Appeals.

(a) The board of supervisors' decision pursuant to section 8-16 shall be a final decision of the county, subject only to review by the circuit court of James City County.

(b) An appeal of a final decision of the County under section 8-16 shall be filed with the circuit court of James City County within 30 days from the date of the final decision.

(c) The circuit court shall conduct such review in accordance with the standards established in § 2.2-4027 of the Code of Virginia, and the decisions of the circuit court shall be subject to review by the court of appeals.

Sec. 8-18. Right of entry.

(a) The administrator or the VESMP authority, or any duly authorized agent thereof, may at reasonable times and under reasonable circumstances, enter any establishment or upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations necessary in the enforcement of the provisions of this ordinance.

(b) In accordance with a performance surety such as bond, letter of credit, bank escrow account, or cash surety or escrow in the form of a cashier's or certified check made payable to the Treasurer, James City County, any combination thereof, or such other legal arrangement satisfactory to the county attorney, the administrator or the VESMP authority, or any duly authorized agent thereof, may also enter any establishment or upon any property, public or private, for the purpose of initiating or maintaining appropriate actions that are required by conditions imposed by the VESMP authority associated with a land disturbing activity when an owner, after proper notice, has failed to take acceptable action within the time specified.

(c) Upon application to the county for any permit or plan, any land disturbing permit or agreement in lieu, shall contain a right of entry to allow the administrator or his designees access to the property until a final inspection determines that the land is adequately stabilized.

Sec. 8-19. Enforcement.

(a) If the administrator determines that there is a failure to comply with the approval or permit conditions or determines there is an unauthorized discharge, notice shall be served upon the permittee or person responsible for carrying out the permit and approval conditions by any of the following: verbal warnings and inspection reports, notices to comply, notices of corrective action, and consent special orders. Written notices shall be served by registered or certified mail to the address specified in the permit application, or by delivery at the site of the development activities to the agent or employee supervising such activities.

(1) The notice shall specify the measures needed to comply with the permit and approval conditions and shall specify the time within which such measures shall be completed. Upon failure to comply within the time specified, a stop work order may be issued in accordance with subsection b or the permit may be revoked by the administrator.

(2) If a permittee or person responsible for carrying out the permit and approval conditions fails to comply with a notice issued in accordance with this section within the time specified, the administrator may issue an order requiring the owner, permittee, person responsible for carrying out an approved plan, land disturbing approval, or the person conducting the land disturbing activities without an approved plan or required permit to cease all land disturbing activities until the violation of the permit has ceased, or an approved plan, land disturbing approval, and required permits are obtained, and specified corrective measures have been completed.

Such orders shall be issued in accordance with established local procedures developed by the administrator or the VESMP authority. Such orders shall become effective upon service on the person by certified mail, return receipt requested, sent to his address specified in the land records of the locality, or by personal delivery by an agent of the administrator. However, if the administrator finds that any such violation is grossly affecting or presents an imminent and substantial danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth or otherwise substantially impacting water quality, it may issue, without advance notice or hearing, an emergency order directing such person to cease immediately all land disturbing activities on the site and shall provide an opportunity for a hearing, after reasonable notice as to the time and place thereof, to such person, to affirm, modify, amend, or cancel such emergency order. If a person who has been issued an order is not complying with the terms thereof, the administrator may institute a proceeding for an injunction, mandamus, or other appropriate remedy in accordance with section 8-20.

(b) In addition to any other remedy provided by this article, if the administrator or his or her designee determines that there is a failure to comply with the provisions of this article, they may initiate such informal and/or formal administrative enforcement procedures in a manner that is consistent with established local procedures or policies including, but not limited to the remedies contained in section 8-20.

(c) Any person violating or failing, neglecting, or refusing to obey any rule, regulation, ordinance, order, approved standard or specification, or any permit condition issued by the administrator, may be compelled in a proceeding instituted in the circuit court of James City County by the locality to obey same and to comply therewith by the injunction, mandamus or other appropriate remedy.

(1) Violations for which a penalty may be imposed under this subsection shall include, but not be limited to the following:

a. No state permit registration;
b. No stormwater pollution prevention plan;
c. Incomplete stormwater pollution prevention plan;
d. Stormwater pollution prevention plan not available for review;
e. No approved erosion and sediment control plan;
f. Failure to install stormwater BMPs or erosion and sediment controls;
g. Stormwater BMPs or erosion and sediment controls improperly installed or maintained;
h. Operational deficiencies;
i. Failure to conduct required inspections;
j. Incomplete, improper, or missed inspections; and
k. Discharges not in compliance with the requirements of 9VAC25-880-70.

(2) The administrator may issue a summons for collection of the civil penalty and the action may be prosecuted in the appropriate court.

(3) In imposing a civil penalty pursuant to this subsection, the court may consider the degree of harm caused by the violation and also the economic benefit to the violator from noncompliance.

(4) Any civil penalties assessed by a court as a result of a summons issued by the county shall be paid into the treasury of the county to be used for the purpose of minimizing, preventing, managing, or mitigating pollution of the waters of the county and abating environmental pollution therein in such manner as the court may, by order, direct.

(d) Notwithstanding any other civil or equitable remedy provided by this section or by law, any person who willfully or negligently violates any provision of this article, any order of the administrator, any condition of a permit, or any order of a court shall be guilty of a misdemeanor punishable by confinement in jail for not more than 12 months or a fine of not less than $2,500 nor more than $32,500, or both.

Sec. 8-20. Penalties, injunctions, and other legal actions.

(a) Schedule of civil penalties

(1) Any person who violates any provision of this chapter shall, upon a finding of the district court of James City County, be assessed a civil penalty. A civil penalty in the amount listed on the schedule below shall be assessed for each violation of the respective offenses:

a. Commencement of land disturbing activity without an approved plan as provided in section 8-4 shall be $1,000.00 per day.
b. Vegetative measures - failure to comply with erosion control criteria and items 1, 2, 3, 5, and 7 of the Minimum Standards as outlined in 9VAC25-875-560 shall be not less than $100.00 nor more than $1,000.00 per violation per day.
c. Structural measures – failure to comply with erosion control criteria and items 2, 4, 6, 8, 9, 10, 11, 15, and 17 of the Minimum Standards as outlined in 9VAC25-875-560 shall be not less than $100.00 nor more than $1,000.00 per violation per day.

d. Watercourse measures - failure to comply with erosion control criteria and items 12, 13, 14, and 15 of the Minimum Standards as outlined in 9VAC25-875-560 shall be not less than $100.00 nor more than $1,000.00 per violation per day.

e. Underground utility measures - failure to comply with erosion control criteria and item 16(a), and/or (c) of the Minimum Standards as outlined in 9VAC25-875-560 shall be not less than $100.00 nor more than $1,000.00 per violation per day.

f. Failure to obey a stop work order shall be not less than $100.00 nor more than $1,000.00 per day.

g. Failure to stop work when a permit is revoked shall be not less than $100.00 nor more than $1,000.00 per day.

h. All other violations of this chapter not specifically enumerated in items (a) through (g) of this section shall be not less than $100.00 nor more than $1,000.00 per day.

(b) In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of $10,000, including a series of violations arising from the commencement of land disturbing activities without an approved plan for any site.

(c) The stormwater and resource protection division, or the owner or property which has sustained damage or which is in imminent danger of being damaged, may apply to the circuit court of James City County to enjoin a violation or a threatened violation of this chapter, without the necessity of showing that an adequate remedy at law does not exist.

However, an owner of property shall not apply for injunctive relief unless (i) he has notified in writing the person who has violated the local program, and the program authority, that a violation of the local program has caused, or creates a probability of causing, damage to his property, and (ii) neither the person who has violated the local program nor the program authority has taken corrective action within fifteen days to eliminate the conditions which have caused, or create the probability of causing, damage to his property.

(d) In addition to any penalties provided under this chapter, any person who violates any provision of this chapter may be liable to the county in a civil action for damages.

(e) Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting, or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed $2,000 for each violation. A civil action for such violation or failure may be brought by the county.

Any civil penalties assessed by a court shall be paid into the treasury of the county, except that where the violator is the locality itself, or its agent, the court shall direct the penalty to be paid into the state treasury.

(f) With the consent of any person who has violated or failed, neglected or refused to obey any regulation or condition of a permit or any provision of this chapter, the county may provide for the payment of civil charges for violations in specific sums, not to exceed $2,000. Such civil charges shall be instead of any appropriate civil penalty.

(g) Compliance with the provisions of this chapter shall be prima facie evidence in any legal or equitable proceeding for damages caused by erosion, siltation or sedimentation that all requirements of law have been met, and the complaining party must show negligence in order to recover any damages.

Sec. 8-21. Fees.

(a) Fees to cover the costs associated with plan review and inspection shall be imposed in accordance with requirements of the VESMP authority and this chapter of the county code and are set forth in County Code Appendix A—Fee Schedule for Development Related Permits.

(b) Fees to cover the costs associated with stormwater facility inspections shall be imposed in accordance with requirements of this chapter and section 19-15 and section 24-7, as applicable, of the county code and are set forth in County Code Appendix A—Fee Schedule for Development Related Permits.

(c) Fees to cover costs associated with implementation of a VESMP related to land disturbing activities and issuance of general permit coverage and VESMP authority permits shall be imposed in accordance with County Code Appendix A—Fee Schedule for Development Related Permits. When a site or sites has been purchased for development within a previously permitted common plan of development or sale, the applicant shall be subject to fees in accordance with the disturbed acreage of their site or sites according to County Code Appendix A—Fee Schedule for Development Related Permits.

(d) Fees for the modification or transfer of registration statements from the general permit issued by the department shall be imposed in accordance with the fee schedule set forth in County Code Appendix A—Fee Schedule for Development Related Permits. If the general permit modifications result in changes to stormwater management plans that require additional review by the county, such reviews shall be subject to the fees set forth in County Code Appendix A—Fee Schedule for Development Related Permits. The fee assessed shall be based on the total disturbed acreage of the site. In addition to the general permit modification fee, modifications resulting in an increase in total disturbed acreage shall pay the difference in the initial permit fee paid and the permit fee that would have applied for the total disturbed acreage in County Code Appendix A—Fee Schedule for Development Related Permits.

(e) The following annual permit maintenance shall be imposed in accordance with County Code Appendix A—Fee Schedule for Development Related Permits, including fees imposed on expired permits that have been administratively continued. With respect to the general permit, these fees shall apply until the permit coverage is terminated. General permit coverage maintenance fees shall be paid annually to the county, by the anniversary date of general permit coverage. No permit will be reissued or automatically continued without payment of the required fee. General permit coverage maintenance fees shall be applied until a notice of termination is effective.

(f) The fees established in sections (a)—(e), above and set forth in County Code Appendix A—Fee Schedule for Development Related Permits shall apply to:

(1) All persons seeking coverage under the general permit;
(2) All permittees who request modifications to or transfers of their existing registration statement for coverage under a general permit;
(3) Persons whose coverage under the general permit has been revoked shall apply to the department for an individual permit for discharges of stormwater from construction activities;
(4) Permit and permit coverage maintenance fees established under section 8-21(e) County Code Appendix A—Fee Schedule for Development Related Permits may apply to each general permit holder.

(g) No permit application fees will be assessed to:

(1) Permittees who request minor modifications to permits as defined in section 8-2 of this article. Permit modifications at the request of the permittee resulting in changes to stormwater management plans that require additional review by the administrator shall not be exempt pursuant to this section.

(2) Permittees whose permits are modified or amended at the initiative of the department, excluding errors in the registration statement identified by the administrator or errors related to the acreage of the site.

(3) The county, any entity created solely by the county and those regional entities to which the county is a party provided that: (1) the other parties to the regional entity similarly waive fees; (2) the regional entity has locations in more than one locality; and (3) those portions of the fees required to be paid to the department are completed.

(h) All incomplete payments will be deemed as non-payments, and the applicant shall be notified of any incomplete payments. Interest may be charged for late payments at the underpayment rate set forth in §58.1-15 of the Code of Virginia and is calculated on a monthly basis at the applicable periodic rate. A ten percent late payment fee shall be charged to any delinquent (over 90 days past due) account. The county shall be entitled to all remedies available under the Code of Virginia in collecting any past due amount.

(i) Nothing in this section shall prohibit the Department and VESMP authority from entering into an agreement whereby the total fee to be paid by the applicant for coverage under the general permit for discharge of stormwater from construction activities (VAR10) 9VAC25-880 is payable to the VESMP authority and the VESMP authority transmits the Department portion set forth in 9VAC25-875-1400 of the Virginia Administrative Code to the Department on a schedule set forth by the Department.

Sec. 8-22. Performance surety.

(a) Prior to issuance of any permit, the applicant shall be required to submit a reasonable performance surety such as a bond, letter of credit, bank escrow account, or cash surety or escrow in the form of a cashier's or certified check made payable to the Treasurer, James City County, or any combination thereof, or such other legal arrangement acceptable to the county attorney, to ensure that measures could be taken by the county at the applicant's expense should he/she fail, after proper notice, within the time specified to initiate or maintain appropriate actions which may be required of him/her by the permit conditions as a result of his/her land disturbing activity. If the county takes such action upon such failure by the applicant, the locality may collect from the applicant for the difference should the amount of the reasonable cost of such action exceed the amount of the security held, if any. Within 60 days of the completion of the requirements of the permit conditions, including permit termination and proper submittal and approval of public street dedication, construction record drawings and construction certifications for permanent BMP facilities, permanent stormwater conveyance system facilities, and private streets by the administrator or the VESMP authority, such surety including bond, letter of credit, bank escrow account, or cash surety, or other legal arrangement, or the unexpended or unobligated portion thereof, shall be released or refunded to the applicant or terminated, as applicable.

(b) Fees to cover the costs associated with the administration of the performance surety requirement of this section are set forth in County Code Appendix A—Fee Schedule for Development Related Permits.

(c) Performance surety. All applicants for permits shall provide to the county a performance bond, cash escrow, or an irrevocable letter of credit, any combination thereof, or other legal arrangements as is acceptable to the county attorney, to ensure that measures could be taken by the county at the applicant's expense should the applicant fail, after proper notice, within the time specified to initiate or maintain appropriate conservation measures required of him as a result of his land disturbing activity.

The amount of the performance surety shall not exceed the total of the estimated cost to initiate and maintain appropriate conservation action based on unit price for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs and inflation which shall not exceed twenty-five percent of the cost of the conservation action. Should it be necessary for the county to take such conservation action, the county may collect from the applicant any costs in excess of the amount of the surety held.

Within 60 days of adequate stabilization, as determined by the stormwater and resource protection division, in any project or section of a project, such performance surety, or the unexpended or unobligated portion thereof shall be either refunded to the applicant or terminated, based upon the percentage of stabilization accomplished in the project or project section.

_____
Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

_____
Teresa J. Saeed
Deputy Clerk to the Board

	VOTES			
	AYE	NAY	ABSTAIN	ABSENT
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HIPPLE	____	____	____	____
MCGLENNON	____	____	____	____
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Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of June, 2024.

Ch8-ErosionSMP-ord

ORDINANCE NO._____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 8, EROSION AND SEDIMENT CONTROL, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY REPLACING SECTION 8-1, TITLE, PURPOSE, AND AUTHORITY; SECTION 8-2, DEFINITIONS; SECTION 8-3, EROSION AND SEDIMENT CONTROL PROGRAM; SECTION 8-4, REGULATED LAND DISTURBING ACTIVITIES; SUBMISSION AND APPROVAL OF PLANS, CONTENTS OF PLANS; SECTION 8-5, PERMITS; FEES, BONDING, ETC.; SECTION 8-6, MONITORING REPORTS, AND INSPECTIONS; SECTION 8-7, PENALTIES, INJUNCTIONS, AND OTHER LEGAL ACTIONS, SECTION 8-8, APPEALS AND JUDICIAL REVIEW; SECTIONS 8-9 - 8-19, RESERVED; ARTICLE II, THE VIRGINIA STORMWATER MANAGEMENT PROGRAM, SECTION 8-20, TITLE, PURPOSE AND AUTHORITY; SECTION 8-21, DEFINITIONS; SECTION 8-22, STORMWATER PERMIT REQUIREMENT; EXEMPTIONS; SECTION 8-23, STORMWATER MANAGEMENT PROGRAM ESTABLISHED; SUBMISSION AND APPROVAL OF PLANS; PROHBITIONS; SECTION 8-24, STORMWATER POLLUTION PREVENTION PLAN; CONTENTS OF PLANS, SECTION 8-25, STORMWATER MANAGEMENT PLAN; CONTENTS OF PLANS; SECTION 8-26, POLLUTION PREVENTION PLAN; CONTENTS OF PLANS; SECTION 8-27, REVIEW OF STORMWATER MANAGEMENT PLAN; SECTION 8-28, TECHNICAL CRITERIA FOR REGULATED LAND DISTURBING ACTIVITIES; SECTION 8-29, LONG-TERM MAINTENANCE OF PERMANENT STORMWATER FACILITIES; SECTION 8-30, MONITORING AND INSPECTIONS; SECTION 8-31, HEARINGS; SECTION 8-32, APPEALS; SECTION 8-33, ENFORCEMENT; SECTION 8-34, FEES; SECTION 8-35, PERFORMANCE SURETY; AND BY AMENDING CHAPTER 8 EROSION AND STORMWATER MANAGEMENT PROGRAM BY REPLACING WITH NEW SECTION 8-1, TITLE, PURPOSE, AND AUTHORITY; SECTION 8-2, DEFINITIONS; SECTION 8-3, VIRGINIA EROSION AND STORMWATER MANAGEMENT PROGRAM ESTABLISHED; SECTION 8-4, REGULATED LAND DISTURBING ACTIVITIES; SECTION 8-5, REVIEW OF SOIL EROSION CONTROL AND STORMWATER MANAGEMENT PLANS; PROHIBITIONS; SECTION 8-6, APPROVAL OF SOIL EROSION CONTROL AND STORMWATER MANAGEMENT PLAN (ESM PLAN); SECTION 8-7, SOIL EROSION CONTROL AND STORMWATER LAND DISTURBING APPROVAL REQUIREMENT; EXEMPTIONS; SECTION 8-8, STORMWATER POLLUTION PREVENTION PLAN; CONTENTS OF PLANS; SECTION 8-9, STORMWATER MANAGEMENT PLAN; CONTENTS OF PLANS; SECTION 8-10, POLLUTION PREVENTION PLAN; CONTENTS OF PLANS; SECTION 8-11, EROSION AND SEDIMENT CONTROL PLAN; CONTENTS OF PLANS; SECTION 8-12, TECHNICAL CRITERIA

FOR REGULATED LAND DISTURBING ACTIVITIES; SECTION 8-13, VARIANCES AND EXCEPTIONS; SECTION 8-14, LONG-TERM MAINTENANCE OF PERMANENT STORMWATER FACILITIES; SECTION 8-15, MONITORING AND INSPECTIONS; SECTION 8-16, HEARINGS; SECTION 8-17, APPEALS; SECTION 8-18, RIGHT OF ENTRY; SECTION 8-19, ENFORCEMENT; SECTION 8-20, PENALTIES, INJUNCTIONS, AND OTHER LEGAL ACTIONS; SECTION 8-21, FEES; AND SECTION 8-22; PERFORMANCE SURETY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 8, Erosion and Sediment Control, is hereby amended and reordained by repealing Article I, Erosion and Sediment Control; Section 8-1, Title, purpose, and authority; Section 8-2, Definitions; Section 8-3, Erosion and sediment control program; Section 8-4, Regulated land disturbing activities; submission and approval of plans, contents of plans; Section 8-5, Permits, fees, bonding, etc.; Section 8-6, Monitoring reports, and inspections; Section 8-7, Penalties, injunctions, and other legal actions; Section 8-8, Appeals and judicial review; Sections 8-9 - 8-19, Reserved; Article II, The Virginia Stormwater Management Program, Section 8-20, Title, purpose and authority; Section 8-21, Definitions; Section 8-22, Stormwater permit requirement; exemptions; Section 8-23, Stormwater management program established; submission and approval of plans; prohibitions; Section 8-24, Stormwater pollution prevention plan; contents of plans; Section 8-25, Stormwater management plan; contents of plans; Section 8-26, Pollution prevention plan; contents of plans; Section 8-27, Review of stormwater management plan; Section 8-28, Technical criteria for regulated land disturbing activities; Section 8-29, Long-term maintenance of permanent stormwater facilities; Section 8-30, Monitoring and inspections; Section 8-31, Hearings; Section 8-32, Appeals; Section 8-33, Enforcement; Section 8-34, Fees; Section 8-35, Performance surety; and by amending Chapter 8 Erosion and Stormwater Management Program by replacing with new section Section 8-1, Title, purpose, and authority; Section 8-2, Definitions; Section 8-3, Virginia Erosion and Stormwater Management Program Established; Section 8-4, Regulated land disturbing activities; Section 8-5, Review Of Soil Erosion Control and Stormwater Management plans; prohibitions; Section 8-6, Approval of Soil Erosion Control and Stormwater Management Plan (ESM Plan); Section 8-7, Soil Erosion Control and Stormwater Land Disturbing Approval Requirement; Exemptions; Section 8-8, Stormwater pollution prevention plan; contents of plans; Section 8-9, Stormwater management plan; contents of plans; Section 8-10, Pollution prevention plan; contents of plans; Section 8-11, Erosion and sediment control plan; contents of plans; Section 8-12, Technical criteria for regulated land disturbing activities; Section 8-13, Variances and Exceptions; Section 8-14, Long-term maintenance of permanent stormwater facilities; Section 8-15, Monitoring and inspections; Section 8-16, Hearings; Section 8-17,

Appeals; Section 8-18, Right Of Entry; Section 8-19, Enforcement; Section 8-20, Penalties, injunctions, and other legal actions; Section 8-21, Fees; and Section 8-22; Performance surety.

Chapter 8. Erosion and Stormwater Management Program

Sec. 8-1. Title, purpose, and authority.

(a) This chapter shall be known as the "Erosion and Stormwater Management Ordinance of James City County."

(b) The purpose of this ordinance is to ensure the general health, safety, and welfare of the citizens of James City County, protect the quality and quantity of state waters from the potential harm of unmanaged stormwater and soil erosion, including protection from a land disturbing activity causing unreasonable degradation of properties, water quality, stream channels, and other natural resources, and to establish procedures whereby stormwater requirements related to water quality and quantity shall be administered and enforced.

(c) This ordinance is authorized by § 62.1-44.15:27 of the Code of Virginia.

Sec. 8-2. Definitions.

The following words and terms, as used in this chapter, shall have the following meanings, unless the context clearly requires a different meaning:

Adequate channel. A channel that will convey the designated frequency storm event without overtopping the channel bank nor causing erosive damage to the channel bed or banks.

Administrator. The director of the county division of stormwater and resource protection who is responsible for administering the VESMP on behalf of the county.

Agreement in lieu of a plan. A contract between the VESMP authority and the owner or permittee that specifies methods that shall be implemented to comply with the requirements of the VESMA and this ordinance for the construction of a (i) single-family detached residential structure or (ii) a farm building or structure on a parcel of land with a total impervious cover percentage, including the impervious cover from the farm building or structure to be constructed, of less than five percent; such contract may be executed by the VESMP authority in lieu of a soil erosion control and stormwater management plan.

Applicant. Person submitting a soil erosion control and stormwater management plan to a VESMP authority for approval in order to obtain authorization to commence a land-disturbing activity.

Best management practice or BMP. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices, including both structural and nonstructural practices, to prevent or reduce the pollution of surface waters and groundwater systems.

1. *Nonproprietary best management practice*. Both structural and nonstructural practices to prevent or reduce the pollution of surface waters and groundwater systems that are in the public domain and are not protected by trademark or patent or copyright.

2. *Proprietary best management practice.* Both structural and nonstructural practices to prevent or reduce the pollution of surface waters and groundwater systems that are privately owned and controlled and may be protected by trademark or patent or copyright.

Board. The State Water Control Board.

Causeway. A temporary structural span constructed across a flowing watercourse or wetland to allow construction traffic to access the area without causing erosion damage.

Channel. A natural stream or manmade waterway.

Chesapeake Bay Preservation Act. Article 2.5 (§ 62.1-44.15:67 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.

Chesapeake Bay Preservation Act land disturbing activity. A land disturbing activity including clearing, grading or excavation that results in a land disturbance equal or greater than 2,500 square feet and less than one acre subject to the Chesapeake Bay Preservation Area Designation and Management Regulation 9VAC25-830 et seq. of the Virginia Administrative Code adopted pursuant to the Chesapeake Bay Preservation Act, Article 2.5 of the Code of Virginia, § 62.1-44.15:67 et seq. of Chapter 3.1 of Title 62.1 of the Code of Virginia.

Chesapeake Bay Preservation Area. Any land designated by a local government pursuant to Part III (9VAC25-830-70 et seq.) of the Chesapeake Bay Preservation Area Designation and Management Regulations and § 62.1-44.15:74 of the Code of Virginia. A Chesapeake Bay Preservation Area shall consist of a Resource Protection Area and a Resource Management Area as defined in the Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC25-830).

Clean Water Act or *CWA.* The federal Clean Water Act (33 USC § 1251 et seq.), formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, or any subsequent revisions thereto.

Clearing. Any activity which removes the vegetative ground cover including, but not limited to, root mat removal or topsoil removal.

Cofferdam. A watertight temporary structure in a river, lake, etc., for keeping the water from an enclosed area that has been pumped dry so that bridge foundations, dams, etc., may be constructed.

Common plan of development or sale. A contiguous area where separate and distinct construction activities may be taking place at different times on different schedules.

Comprehensive stormwater management plan. A plan, which may be integrated with other land use plans or regulations that specifies how the water quality components, quantity components, or both of stormwater are to be managed on the basis of an entire watershed or a portion thereof. The plan may also provide for the remediation of erosion, flooding, and water quality and quantity problems caused by prior development.

Construction activity. Any clearing, grading, or excavation associated with large construction activity or associated with small construction activity.

Control measure. Any BMP, stormwater facility, or other method used to minimize the discharge of pollutants to state waters.

County. James City County.

CWA and regulations. The Clean Water Act and applicable regulations published in the Code of Federal Regulations promulgated thereunder. For the purposes of this ordinance, it includes state program requirements.

Dam. A barrier to confine or raise water for storage or diversion, to create a hydraulic head, to prevent gully erosion, or to retain soil, rock or other debris.

Denuded. A term applied to land that has been physically disturbed and no longer supports vegetative cover.

Department. The Department of Environmental Quality.

Development. Land disturbance and the resulting landform associated with this construction of residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures or the clearing of land for nonagricultural or non-silvicultural purposes. The regulation of discharges from development, for purposes of stormwater management, does not include the exclusions found in 9VAC25-875-860.

Dike. An earthen embankment constructed to confine or control water, especially one built along the banks of a river to prevent overflow of lowlands; levee.

Director. The Director of the Stormwater and Resource Division.

Discharge. When used without qualification, the discharge of a pollutant.

Discharge of a pollutant:

1. Any addition of any pollutant or combination of pollutants to state waters from any point source; or

2. Any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation.

This definition includes additions of pollutants into surface waters from: surface runoff that is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a state, municipality, or other person that do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any indirect discharger.

District or soil and water conservation district. A political subdivision of the Commonwealth organized in accordance with the provisions of Article 3 (§ 10.1-506 et seq.) of Chapter 5 of Title 10.1 of the Code of Virginia. Refers to the Colonial Soil and Water Conservation District.

Diversion. A channel with a supporting ridge on the lower side constructed across or at the bottom of a slope for the purpose of intercepting surface runoff.

Dormant. Denuded land that is not actively being brought to a desired grade or condition.

Drainage area. A land area, water area, or both from which runoff flows to a common point.

Energy dissipator. A nonerodible structure which reduces the velocity of concentrated flow to reduce its erosive effects.

Environmental Protection Agency or EPA. The United States Environmental Protection Agency.

Erosion and sediment control plan. A document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory and management information with needed interpretations, and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to ensure that the entire unit or units of land will be so treated to achieve the conservation objectives.

Erosion impact area. An area of land not associated with current land disturbing activity but is subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of 10,000 square feet or less used for residential purposes or to shorelines where the erosion results from wave action or other coastal processes.

ESC. Erosion and sediment control.

ESM plan. A soil erosion control and stormwater management plan, commonly referred to as the erosion control and stormwater management plan.

Excavating. Any digging, scooping or other methods of removing earth materials.

Farm building or structure. The same as that term is defined in § 36-97 of the Code of Virginia and also includes any building or structure used for agritourism activity, as defined in § 3.2-6400 of the Code of Virginia, and any related impervious services including roads, driveways, and parking areas.

Filling. Any depositing or stockpiling of earth materials.

Flood fringe. The portion of the floodplain outside the floodway that is usually covered with water from the 100-year flood or storm event. This includes the flood or floodway fringe designated by the Federal Emergency Management Agency.

Flooding. A volume of water that is too great to be confined within the banks or walls of the stream, *water* body, or conveyance system and that overflows onto adjacent lands, thereby causing or threatening damage.

Floodplain. The area adjacent to a channel, river, stream, or other water body that is susceptible to being inundated by water normally associated with the 100-year flood or storm event. This includes the floodplain designated by the Federal Emergency Management Agency.

Flood-prone area. The component of a natural or restored stormwater conveyance system that is outside the main channel. Flood-prone areas may include the floodplain, the floodway, the flood fringe, wetlands, riparian buffers, or other areas adjacent to the main channel.

Floodway. The channel of a river or other watercourse and the adjacent land areas, usually associated with flowing water, that must be reserved in order to discharge the 100-year flood or storm event without cumulatively increasing the water surface elevation more than one foot. This includes the floodway designated by the Federal Emergency Management Agency.

Flume. A constructed device lined with erosion-resistant materials intended to convey water on steep grades.

General permit. A permit authorizing a category of discharges under the CWA and the VESMA within a geographical area.

Grading. Any excavating or filling of earth material or any combination thereof, including the land in its excavated or filled conditions.

Hydrologic Unit Code or HUC. A watershed unit established in the most recent version of Virginia's 6th Order National Watershed Boundary Dataset unless specifically identified as another order.

Impervious cover. A surface composed of material that significantly impedes or prevents natural infiltration of water into soil. Impervious cover includes, but is not limited to, roofs, buildings, streets, parking areas, and any concrete, asphalt or compacted aggregate surface. Pervious pavement surfaces will not be considered as totally impervious cover but will be given partial credit based on the open area and runoff characteristics of the paver structure and the proposed installation.

Incorporated place. A city, town, township, or village that is incorporated under the Code of Virginia.

Inspection. An on-site review of the project's compliance with any applicable design criteria, or an on-site review to obtain information or conduct surveys or investigations necessary in the implementation or enforcement of the VESMA and applicable regulations.

Karst area. Any land area predominantly underlain at the surface or shallow subsurface by limestone, dolomite, or other soluble bedrock regardless of any obvious surface karst features.

Karst features. Sinkholes, sinking and losing streams, caves, large flow springs, and other such landscape features found in karst areas.

Land disturbance or land disturbing activity. A manmade change to the land surface that may result in soil erosion or has the potential to change its runoff characteristics, including construction activity such as clearing, grading, excavating, or filling of land.

Land-disturbance approval. An approval allowing a land-disturbing activity to commence issued by the VESMP authority after the requirements of § 62.1-44.15:34 of the Code of Virginia have been met.

Layout. A conceptual drawing sufficient to provide for the specified stormwater management facilities required at the time of approval.

Land disturbing permit. A permit issued by county for the clearing, filling, excavating, grading, transporting of land or for any combination thereof or for any purpose set forth herein.

Large construction activity. Construction activity including clearing, grading, and excavation, except operations that result in the disturbance of less than five acres of total land area. Large construction activity also includes the disturbance of less than five acres of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more. Large construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

Linear development project. A land-disturbing activity that is linear in nature such as, but not limited to, (i) the construction of electric and telephone utility lines, and natural gas pipelines; (ii) construction of tracks, rights-of-way, bridges, communication facilities and other related structures of a railroad company; (iii) highway construction projects; (iv) construction of stormwater channels and stream restoration activities; and (v) water and sewer lines. Private subdivision roads or streets shall not be considered linear development projects.

Live watercourse. A definite channel with bed and banks within which concentrated water flows continuously.

Locality. James City County.

Localized flooding. Smaller scale flooding that may occur outside of a stormwater conveyance system. This may include high water, ponding, or standing water from stormwater runoff, which is likely to cause property damage or unsafe conditions. Designation of an area as subject to localized flooding is at the discretion of the administrator or VESMP authority based on factual information which may include documented complaints, reports of problem drainage areas or flooding, County performed studies or drainage analyses, or direct observations of site and drainage conditions during rainfall-runoff conditions.

Main channel. The portion of the stormwater conveyance system that contains the base flow and small frequent storm events.

Manmade. Constructed by man.

Minimize. To reduce or eliminate the discharge of pollutants to the extent achievable using stormwater controls that are technologically available and economically practicable.

Minor modification. Modifications and amendments not requiring extensive review and evaluation including changes in EPA promulgated test protocols, increasing monitoring frequency requirements, changes in sampling locations, and changes to compliance dates within the overall compliance schedules. A minor permit modification or amendment does not substantially alter permit conditions, substantially increase or decrease the amount of surface water impacts, increase the size of the operation, or reduce the capacity of the facility to protect human health or the environment.

Natural channel design concepts. The utilization of engineering analysis and fluvial geomorphic processes to create, rehabilitate, restore, or stabilize an open conveyance system for the purpose of creating or recreating a stream that conveys its bankfull storm event within its banks and allows larger flows to access its bankfull bench and its floodplain.

Natural stream. A tidal or nontidal watercourse that is part of the natural topography. It usually maintains a continuous or seasonal flow during the year and is characterized as being irregular in cross-section with a meandering course. Constructed channels such as drainage ditches or swales shall not be considered natural streams; however, channels designed utilizing natural channel design concepts may be considered natural streams.

Nonerodible. A material, e.g., riprap, concrete, plastic, etc., that will not experience surface wear due to natural forces.

Nonpoint source pollution. Pollution such as sediment, nitrogen, phosphorous, hydrocarbons, heavy metals, and toxics whose sources cannot be pinpointed but rather are washed from the land surface in a diffuse manner by stormwater.

Operator. The owner or operator of any facility or activity subject to the VESMA and this ordinance. In the context of stormwater associated with a large or small construction activity, operator means any person associated with a construction project that meets either of the following two criteria: (i) the person has direct operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications or (ii) the person has day-to-day operational control of those activities at a project that are necessary to ensure compliance with a stormwater pollution prevention plan for the site or other permit or VESMP authority permit conditions (i.e., they are authorized to direct workers at a site to carry out activities required by the stormwater pollution prevention plan or comply with other permit conditions).

Owner. The same as that term is defined in § 62.1-44.3 of the Code of Virginia. For a regulated land-disturbing activity that does not require a permit, "owner" also means the owner or owners of the freehold of the premises or lesser estate therein, mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm, or corporation in control of a property.

Peak flow rate. The maximum instantaneous flow from a prescribed design storm at a particular location.

Percent impervious. The impervious area within the site divided by the area of the site multiplied by 100.

Permit. A VPDES permit issued by the department pursuant to § 62.1-44.15 of the Code of Virginia for stormwater discharges from a land-disturbing activity.

Permittee. The person to whom the permit is issued.

Person. Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of the Commonwealth, governmental body, including a federal or state entity as applicable, any interstate body, or any other legal entity.

Plan-approving authority. The stormwater and resource protection division responsible for determining the adequacy of a plan submitted for land disturbing activities on a unit or units of lands and for approving plans.

Point of discharge. A location at which concentrated stormwater runoff is released.

Point source. Any discernible, confined, and discrete conveyance including any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

Pollutant discharge. The average amount of a particular pollutant measured in pounds per year or other standard reportable unit as appropriate, delivered by stormwater runoff.

Pollution. Such alteration of the physical, chemical, or biological properties of any state waters as will or is likely to create a nuisance or render such waters (a) harmful or detrimental or injurious to the public health, safety, or welfare, or to the health of animals, fish or aquatic life; (b) unsuitable with reasonable treatment for use as present or possible future sources of public water supply; or (c) unsuitable for recreational, commercial, industrial, agricultural, or other reasonable uses, provided that (i) an alteration of the physical, chemical, or biological property of state waters, or a discharge or deposit of sewage, industrial wastes or other wastes to state waters by any owner which by itself is not sufficient to cause pollution, but which, in combination with such alteration of or discharge or deposit to state waters by other owners, is sufficient to cause pollution; (ii) the discharge of untreated sewage by any owner into state waters; and (iii) contributing to the contravention of standards of water quality duly established by the State Water Control Board, are "pollution" for the terms and purposes of this ordinance.

Post-development. Refers to conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land.

Predevelopment. Refers to the conditions that exist at the time that plans for the land-disturbing activity are submitted to the VESMP authority. Where phased development or plan approval occurs (preliminary grading, demolition of existing structures, roads and utilities, etc.), the existing conditions at the time prior to the commencement of land-disturbing activity shall establish predevelopment conditions.

Prior developed lands. Land that has been previously utilized for residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures, and that will have the impervious areas associated with those uses altered during a land-disturbing activity.

Qualified personnel. A person knowledgeable in the principles and practices of erosion and sediment and stormwater management controls who possesses the skills to assess conditions at the construction site for the operator that could impact stormwater quality and quantity and to assess the effectiveness of any sediment and erosion control measures or stormwater management facilities selected to control the quality and quantity of stormwater discharges from the construction activity.

Resource Protection Area or *RPA.* That component of a Chesapeake Bay Preservation Area as defined in chapter 23 of the county code.

Responsible land disturber or RLD. An individual holding a certificate issued by the department who is responsible for carrying out the land-disturbing activity in accordance with the approved erosion and sediment control plan or ESM plan. The RLD may be the owner, applicant, permittee, designer, superintendent, project manager, contractor, or any other project or development team member. The RLD must be designated on the erosion and sediment control plan, ESM plan, or permit as defined in this ordinance as a prerequisite for engaging in land disturbance.

Runoff or stormwater runoff. That portion of precipitation that is discharged across the land surface or through conveyances to one or more waterways.

Runoff characteristics. Includes maximum velocity, peak flow rate, volume, and flow duration.

Runoff volume. The volume of water that runs off the land development project from a prescribed storm event.

Sediment basin. A temporary impoundment built to retain sediment and debris with a controlled stormwater release structure.

Sediment trap. A temporary impoundment built to retain sediment and debris which is formed by constructing an earthen embankment with a stone outlet.

Sheet flow (also called overland flow). Shallow, unconcentrated and irregular flow down a slope. The length of strip for overland flow usually does not exceed 200 feet under natural conditions.

Shoreline erosion control project. An erosion control project approved by local wetlands boards, the Virginia Marine Resources Commission, the department, or the United States Army Corps of Engineers and located on tidal waters and within nonvegetated or vegetated wetlands as defined in Title 28.2 of the Code of Virginia.

Single-family residence. A noncommercial dwelling that is occupied exclusively by one family.

Site. The land or water area where any facility or land-disturbing activity is physically located or conducted, including adjacent land used or preserved in connection with the facility or land-disturbing activity. Areas channelward of mean low water in tidal Virginia shall not be considered part of a site.

Site hydrology. The movement of water on, across, through, and off the site as determined by parameters including soil types, soil permeability, vegetative cover, seasonal water tables, slopes, land cover, and impervious cover.

Slope drain. Tubing or conduit made of nonerosive material extending from the top to the bottom of a cut or fill slope with an energy dissipator at the outlet end.

Small construction activity:

1. Construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. The department may waive the otherwise applicable requirements in a general permit for a stormwater discharge from construction activities that disturb less than five acres where stormwater controls are not needed based on an approved "total maximum daily load" (TMDL) that addresses the pollutants of concern or, for nonimpaired waters that do not require TMDLs, an equivalent analysis that determines allocations for small construction sites for the pollutants of concern or that determines that such allocations are not needed to protect water quality based on consideration of existing in-stream concentrations, expected growth in pollutant contributions from all sources, and a margin of safety. For the purpose of this subdivision, the pollutants of concern include sediment or a parameter that addresses sediment (such as total suspended solids, turbidity, or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the construction activity. The operator shall certify to the department that the construction activity will take place, and stormwater discharges will occur, within the drainage area addressed by the TMDL or provide an equivalent analysis. As of the start date in Table 1 of 9VAC25-31-1020, all certifications submitted in support of the waiver shall be submitted electronically by the owner or operator to the department in compliance with this subdivision and 40 CFR Part 3 (including, in all cases, 40 CFR Part 3 Subpart D), 9VAC25-875-940, and Part XI (9VAC25-31-950 et seq.) of the Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation. Part XI of 9VAC25-31 is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of Part XI of 9VAC25-31, permittees may be required to report electronically if specified by a particular permit.

2. Any other construction activity designated by either the department or the EPA regional administrator, based on the potential for contribution to a violation of a water quality standard or for significant contribution of pollutants to surface waters.

Soil erosion. The movement of soil by wind or water into state waters or onto lands in the Commonwealth.

Soil erosion control and stormwater management plan. Commonly referred to as the erosion control and stormwater management plan, or "ESM plan" means a document describing methods for controlling soil erosion and managing stormwater in accordance with the requirements adopted pursuant to the VESMA. The ESM plan may consist of aspects of the erosion and sediment control plan and the stormwater management plan as each is described in this ordinance.

Stabilized. Land that has been treated to withstand normal exposure to natural forces without incurring erosion damage.

State. The Commonwealth of Virginia.

State application or application. The standard form or forms, including any additions, revisions, or modifications to the forms, approved by the administrator and the department for applying for a permit.

State Water Control Law. Chapter 3.1 (§ 62.1-44.2 et seq.) of Title 62.1 of the Code of Virginia.

State waters. All water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands.

Steep slopes. Slopes of 25 percent or greater.

Storm sewer inlet. A structure through which stormwater is introduced into an underground conveyance system.

Stormwater. For the purposes of the VESMA, precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.

Stormwater conveyance system. A combination of drainage components that are used to convey stormwater discharge, either within or downstream of the land-disturbing activity. This includes:

1. *Manmade stormwater conveyance system*. A pipe, ditch, vegetated swale, or other stormwater conveyance system constructed by man except for restored stormwater conveyance systems;
2. *Natural stormwater conveyance system*. The main channel of a natural stream and the flood-prone area adjacent to the main channel; or
3. *Restored stormwater conveyance system*. A stormwater conveyance system that has been designed and constructed using natural channel design concepts. Restored stormwater conveyance systems include the main channel and the flood-prone area adjacent to the main channel.

Stormwater detention. The process of temporarily impounding runoff and discharging it through a hydraulic outlet structure to a downstream conveyance system.

Stormwater Discharge Associated with Construction Activity. The discharge of stormwater runoff from areas where land disturbing activities (e.g. clearing, grading, filling, or excavation); construction materials or equipment storage and maintenance (e.g. fill piles, borrow area, concrete truck washout, fueling); or other industrial stormwater related to the construction process (e.g., concrete or asphalt batch plants) are located.

Stormwater management facility. A control measure that controls stormwater runoff and changes the characteristics of that runoff including the quantity and quality, the period of release or the velocity of flow.

Stormwater management plan. A document containing material describing methods for complying with the requirements of the VESMP or section 8-9 of this article.

Stormwater Pollution Prevention Plan or SWPPP. A document that is prepared in accordance with good engineering practices and that identifies potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges. A SWPPP required under the VESMP for construction activities shall identify and require the implementation of control measures and shall include or incorporate by reference an approved erosion and sediment control plan, an approved stormwater management plan, and a pollution prevention plan.

Subdivision. The same as defined in Virginia Code § 15.2-2201 and Chapter 19 of the County code.

Surface waters:

1. All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide;
2. All interstate waters, including interstate wetlands;
3. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:

    a. That are or could be used by interstate or foreign travelers for recreational or other purposes;
    b. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
    c. That are used or could be used for industrial purposes by industries in interstate commerce;
4. All impoundments of waters otherwise defined as surface waters under this definition;

5. Tributaries of waters identified in subdivisions 1 through 4 of this definition;
6. The territorial sea; and
7. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in subdivisions 1 through 6 of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA and the law, are not surface waters. Surface waters do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other agency, for the purposes of the CWA, the final authority regarding the CWA jurisdiction remains with the EPA.

SWM. Stormwater management.

Temporary vehicular stream crossing. A temporary nonerodible structural span installed across a flowing watercourse for use by construction traffic. Structures may include bridges, round pipes or pipe arches constructed on or through nonerodible material.

Ten-year storm. A storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 10 years. It may also be expressed as an exceedance probability with a 10% chance of being equaled or exceeded in any given year.

Total maximum daily load or TMDL. The sum of the individual wasteload allocations (WLAs) for point sources, load allocations (LAs) for nonpoint sources, natural background loading, and a margin of safety. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure. The TMDL process provides for point versus nonpoint source trade-offs.

Town. An incorporated town.

Two-year storm. A storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in two years. It may also be expressed as an exceedance probability with a 50% chance of being equaled or exceeded in any given year.

Transporting. Any moving of earth materials from one place to another place other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.

Virginia Erosion and Stormwater Management Act or VESMA. Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1, State Water Control Law, of Title 62.1 of the Code of Virginia.

Virginia Erosion and Stormwater Management Program or VESMP. A program established by the VESMP authority for the effective control of soil erosion and sediment deposition and the management of the quality and quantity of runoff resulting from land-disturbing activities to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources. The program shall include such items as local ordinances, rules, requirements for permits and land-disturbance approvals, policies and guidelines, technical materials, and requirements for plan review, inspection, and enforcement consistent with the requirements of the VESMA.

Virginia Erosion and Stormwater Management Program authority or VESMP authority. James City County is the entity approved by the department to operate the VESMP. The county has designated the division of stormwater and resource protection as the department responsible for administering the VESMP on behalf of the county.

Virginia Pollutant Discharge Elimination System (VPDES) permit or VPDES permit. A document issued by the department pursuant to the State Water Control Law authorizing, under prescribed conditions, the potential or actual discharge of pollutants from a point source to surface waters.

Virginia Stormwater BMP Clearinghouse. A collection that contains detailed design standards and specifications for control measures that may be used in Virginia to comply with the requirements of the VESMA and associated regulations.
Virginia Stormwater Management Handbook. A collection of pertinent information that provides general guidance for compliance with the VESMA and associated regulations and is developed by the department with advice from a stakeholder advisory committee.

Wasteload allocation or wasteload. The portion of a receiving surface water's loading or assimilative capacity allocated to one of its existing or future point sources of pollution. Wasteload allocations are a type of water quality-based effluent limitation.

Water quality technical criteria. Standards set forth in regulations adopted pursuant to the VESMA that establish minimum design criteria for measures to control nonpoint source pollution.

Water quantity technical criteria. Standards set forth in regulations adopted pursuant to the VESMA that establish minimum design criteria for measures to control localized flooding and stream channel erosion.

Watershed. A defined land area drained by a river or stream, karst system, or system of connecting rivers or streams such that all surface water within the area flows through a single outlet. In karst areas, the karst feature to which water drains may be considered the single outlet for the watershed.

Wetlands. Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas

Sec. 8-3. Virginia Erosion and Stormwater Management Program Established.

(a) Pursuant to § 62.1-44.15:27 of the Code of Virginia, James City County hereby establishes a Virginia Erosion and Stormwater Management Program for land-disturbing activities and adopts the Virginia Erosion and Stormwater Management Regulations that specify standards and specifications for VESMPs promulgated by the State Water Control Board for the purposes set out in section 8-1 of this Ordinance. James City County hereby designates the Director of the Stormwater and Resource Protection Division as the administrator of the Virginia Erosion and Stormwater Management Program established by this Ordinance.

Sec. 8-4. Regulated land disturbing activities.

(a) Land-disturbing activities that meet one of the criteria below are regulated as follows:

(1) Land-disturbing activity that disturbs 2,500 square feet or more, is less than one acre, and in an area of a locality designated as a Chesapeake Bay Preservation Area is subject to criteria defined in Article 2 (9VAC25-875-540 et seq.) and Article 3 (9VAC25-875-570 et seq.) of Part V unless Article 4 (9VAC25-875-670 et seq) of Part V of the Regulation is applicable, as determined in accordance with 9VAC25-875-480 and 9VAC25-875-490.

(2) Land-disturbing activity that disturbs less than one acre, but is part of a larger common plan of development or sale that disturbs one acre or more, is subject to criteria defined in Article 2 (9VAC25-875-540 et seq.) and Article 3 (9VAC25-875-570 et seq.) of Part V unless Article 4 (9VAC25-875-670 et seq) of Part V of the Regulation is applicable, as determined in accordance with 9VAC25-875-480 and 9VAC25-875-490.

(3) Land-disturbing activity Land-disturbing activity that disturbs one acre or more is subject to criteria defined in Article 2 (9VAC25-875-540 et seq.) and Article 3 (9VAC25-875-570 et seq.) of Part V unless Article 4 (9VAC25-875-670 et seq.) of Part V is applicable, as determined in accordance with 9VAC25-875-480 and 9VAC25-875-490.

(b) Land-disturbing activities exempt per 9VAC25-875-90 are not required to comply with the requirements of the VESMA unless otherwise required by federal law.

Sec. 8-5. Review of soil erosion control and stormwater management plans; prohibitions.

(a) A person who wishes to conduct a land-disturbing activity in James City County shall submit a soil erosion control and stormwater management plan (ESM) to the James City County Stormwater and Resource Protection Division. The administrator shall review and approve soil erosion control plans and stormwater management (ESM) plans, except for activities not required to comply with the requirements of the Virginia Erosion and Stormwater Management Act (VESMA), pursuant to § 62.1-44.15:34 of the Code of Virginia. Activities not required to comply with VESMA are defined in 9VAC25-875-90.

(b) A person shall not conduct any land disturbing activity in James City County until:

(1) An application that includes a permit registration statement, if required, and an erosion and sediment control plan and stormwater management plan or an executed agreement in lieu of a plan, if required, has been submitted to the County.

(2) The name of the individual who will be assisting the owner in carrying out the activity and holds a Responsible Land Disturber certificate pursuant to § 62.1-44.15:30 of the Code of Virginia is submitted to the County. Failure to provide the name of an individual holding a Responsible Land Disturber certificate prior to engaging in land-disturbing activities may result in revocation of the land-disturbance approval and shall subject the owner to the penalties provided by the VESMA; and

(3) The county has issued its land-disturbance approval in accordance with section 8-6.

(c) The county may require changes to an approved ESM plan in the following cases:

(1) Where inspection has revealed that the plan is inadequate to satisfy applicable regulations or ordinances; or

(2) Where the owner finds that because of changed circumstances or for other reasons the plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of the Act, are agreed to by the VESMP authority and the owner. Any amendment to a plan pursuant to this paragraph shall be submitted in the same way a new application is submitted pursuant to this chapter 8.

(d) In order to prevent further erosion, the county may require approval of an erosion and sediment control plan and a stormwater management plan for any land it identifies as an erosion impact area.

(e) Prior to issuance of any land-disturbance approval, the county shall require a performance surety in accordance with section 8-22. State agencies and federal entities are excluded from the requirements of this paragraph and section 8-22.

(f) The county may enter into an agreement with an adjacent VESMP authority regarding the administration of multijurisdictional projects, specifying who shall be responsible for all or part of the administrative procedures. Should adjacent VESMP authorities fail to reach such an agreement, each shall be responsible for administering the area of the multijurisdictional project that lies within its jurisdiction.

(g) No exception to, or waiver of, post-development nonpoint nutrient runoff compliance requirements shall be granted unless offsite options have been considered and found not available in accordance with subsection D of § 62.1-44.15:35 of the Code of Virginia.

(h) The county is authorized to cooperate and enter into agreements with any federal or state agency in connection with the requirements for land-disturbing activities in accordance with § 62.1-44.15:50 of the Code of Virginia.

Sec. 8-6. Approval of soil erosion control and stormwater management plan (ESM Plan).

(a) The county shall approve or disapprove an ESM plan according to the following:

(1) The county shall determine the completeness of any application within 15 days after receipt, and shall act on any application within 60 days after it has been determined by the county to be complete.

(2) The county shall issue either land-disturbance approval or denial and provide written rationale for any denial.

(3) Prior to issuing a land-disturbance approval, the county shall be required to obtain evidence of permit coverage when such coverage is required.

(4) The county shall determine whether any resubmittal of a previously disapproved application is complete within 15 days after receipt and shall act on the resubmitted application within 45 days after receipt.

(b) Approved ESM plans may be modified as follows:

(1) Modifications to an approved plan shall be allowed only after review and written approval by the administrator. The administrator shall have 60 calendar days to respond in writing either approving or disapproving such request.

(2) The administrator may require that an approved plan be amended, within a time prescribed by the administrator, to address any deficiencies noted during inspection.

Sec. 8-7. Soil erosion control and stormwater land disturbing approval requirement; exemptions.

(a) Except as provided herein, no person may engage in any land disturbing activity until Land Disturbing Approval has been issued by the county in accordance with the provisions of this ordinance.

(b) Notwithstanding any other provisions of this ordinance, the following activities are not required to comply with the requirements of this ordinance unless otherwise required by federal law. The determination of whether a Soil Erosion Control and Stormwater Land Disturbing Approval is required pursuant to this section 8-7 is made by the administrator. Any appeal of the administrator's decision regarding an exemption pursuant to this section 8-7 shall be in accordance with section 8-16 and 8-17.

(1) Minor land-disturbing activities, including home gardens and individual home landscaping, repairs, and maintenance work;

(2) Installation, maintenance, or repair of any individual service connection;

(3) Installation, maintenance, or repair of any underground utility line when such activity occurs on an existing hard surfaced road, street, or sidewalk, provided the land-disturbing activity is confined to the area of the road, street, or sidewalk that is hard surfaced;

(4) Installation, maintenance, or repair of any septic tank line or drainage field unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;

(5) Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted pursuant to Title 45.2 of the Code of Virginia.

(6) Clearing of lands specifically for bona fide agricultural purposes; the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops; livestock feedlot operations; agricultural engineering operations, including construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; or as additionally set forth by the Board in regulations. However, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq. of the Code of Virginia) or is converted to bona fide agricultural or improved pasture use as described in Subsection B of § 10.1-1163 of the Code of Virginia;

(7) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;

(8) Shoreline erosion control projects on tidal waters when all of the land-disturbing activities are within the regulatory authority of and approved by local wetlands boards, the Marine Resources Commission, or the United States Army Corps of Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject to the VESMA and the regulations adopted pursuant thereto;

(9) Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities, and other related structures and facilities of a railroad company;

(10) Land-disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the administrator shall be advised of the disturbance within seven days of commencing the land disturbing activity, and compliance with the administrative requirements of subsection (a) is required within 30 days of commencing the land disturbing activity;

(11) Discharges to a sanitary sewer or a combined sewer system; that are not from a land-disturbing activity;

(12) Reclamation or stabilization projects in which the county draws on erosion and sediment control, siltation, public improvement, subdivision or other performance surety as secured for a development project in accordance with section 8-22 of this article. Work under this item shall be of sole purpose to immediately stabilize or implement temporary erosion and sediment control measures at a site because of default on the project and to prevent damage or threatening conditions to adjacent or downstream property or water resources. Work under this provision shall be procured, contracted and managed by the VESMP authority or designee in accordance with county and county purchasing department requirements; and

(c) Notwithstanding this ordinance and in accordance with the Virginia Erosion and Stormwater Management Act, Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia, the following activities are required to comply with the soil erosion control requirements and obtain a Land Disturbing Approval but are not required to comply with the water quantity and water quality technical criteria, unless otherwise required by federal law:

(1) Activities under a state or federal reclamation program to return an abandoned property to an agricultural or open land use;

(2) Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the previously approved project. The paving of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders shall be deemed routine maintenance if performed in accordance with this subsection; and, including obligated storm drainage and stormwater management or BMP facility maintenance, provided it is performed to maintain proper stormwater function and structural integrity of previously approved and installed systems, does not result in any type of improvement such as new pipes, channels, or the addition of access structures such as inlets or manholes, or results in a change in conveyance method, capacity, slope, size, alignment, material type, area, hydraulic radius, storage volume, or the physical location of any part of the system.

(3) Discharges from a land-disturbing activity to a sanitary sewer.

(d) Agencies authorized under any other law to issue grading, building, or other permits for activities involving land disturbing activities may not issue any such permit unless the applicant submits with his application an approved erosion and sediment control plan and certification that the plan will be followed.

(e) No person may engage in any land disturbing activity until he has acquired a land disturbing approval, unless the proposed land disturbing activity is specifically exempt from the provisions of this chapter and he has paid the fees and posted the required bond.

(f) No land disturbing approval shall be issued until the applicant submits with his application an approved erosion and sediment control plan and certification that the plan will be followed.

(g) These requirements are in addition to all other provisions of this ordinance and applicable statutes and regulations relating to the performance of land disturbing activities and are not intended to otherwise affect said requirements to conduct land disturbing activities.

Sec. 8-8. Stormwater pollution prevention plan; contents of plans.

(a) A stormwater pollution prevention plan shall include, but not be limited to, an approved erosion and sediment control plan, an approved stormwater management plan, an approved pollution prevention plan for regulated land disturbing activities, and a description of any additional control measures necessary to address a TMDL pursuant to subsection (d) of this section.

(b) A soil erosion control and stormwater management (ESM) plan consistent with the requirements of the Virginia Erosion and Stormwater Management Act (VESMA) and regulations must be designed and implemented during construction activities. Prior to land disturbance, this plan must be approved by the county in accordance with the VESMA, this ordinance, and attendant regulations.

(c) A pollution prevention plan that identifies potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges from the construction site and describe control measures that will be used to minimize pollutants in stormwater discharges from the construction site must be developed before land disturbance commences.

(d) In addition to the requirements of subsections (a) through (c) of this section, if a specific wasteload allocation for a pollutant has been established in an approved TMDL and is assigned to stormwater discharges from a construction activity, additional control measures must be identified and implemented by the operator so that discharges are consistent with the assumptions and requirements of the wasteload allocation.

(e) The stormwater pollution prevention plan must address the following requirements as specified in 40 CFR 450.21, to the extent otherwise required by state law or regulations and any applicable requirements of a state permit:

(1) Control stormwater volume and velocity within the site to minimize soil erosion;

(2) Control stormwater discharges, including both peak flow rates and total stormwater volume, to minimize erosion at outlets and to minimize downstream channel and stream bank erosion;

(3) Minimize the amount of soil exposed during construction activity;

(4) Minimize the disturbance of steep slopes;

(5) Minimize sediment discharges from the site. The design, installation and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site;

(6) Provide and maintain natural buffers around surface waters, direct stormwater to vegetated areas to increase sediment removal and maximize stormwater infiltration, unless infeasible;

(7) Minimize soil compaction and, unless infeasible, preserve topsoil;

(8) Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating, or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. Stabilization must be completed within a period of time determined by the VESMP authority. In arid, semiarid, and drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the VESMP authority; and

(9) Utilize outlet structures that withdraw water from the surface, unless infeasible, when discharging from basins and impoundments.

(f) The stormwater pollution prevention plan shall be amended whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to state waters and that has not been previously addressed in the stormwater pollution prevention plan. The stormwater pollution prevention plan must be maintained at a central location on-site. If an onsite location is unavailable, notice of the stormwater pollution prevention plan location must be posted near the main entrance at the construction site.

Sec. 8-9. Stormwater management plan; contents of plans.

(a) A stormwater management plan shall be developed and submitted to the VESMP authority. The stormwater management plan shall be implemented as approved or modified by the VESMP authority and shall be developed in accordance with the following:

(1) A stormwater management plan for a land disturbing activity shall apply the stormwater management technical criteria set forth in this ordinance and Article 4 (9VAC25-875-670 et seq) of Part V of the Regulation to the entire land disturbing activity. Individual lots in new residential, commercial or industrial developments, including those developed under subsequent owners, shall not be considered separate land disturbing activities.

(2) A stormwater management plan shall consider all sources of surface runoff and all sources of subsurface and groundwater flows converted to surface runoff.

(b) A complete stormwater management plan shall include the following elements:

(1) Information on the type and location of stormwater discharges; information on the features to which stormwater is being discharged including surface waters or karst features if present, and pre-development and post-development drainage areas;

(2) Identification of the county watershed or subwatershed and hydrologic unit code (HUC) based on Virginia's 6th order National Watershed Boundary Dataset (NWBD) hydrologic units (VAHU6) which the project is situated in;

(3) Contact information including the name, address, email, and telephone number of the owner and the tax map reference number and parcel number of the property or properties affected;

(4) A narrative that includes a description of current site conditions and final site conditions including the amount of disturbed area, the amount of proposed impervious cover, and the percent impervious cover of the site;

(5) A general description of the proposed stormwater management facilities and the mechanism through which the facilities will be operated and maintained after construction is complete;

(6) Information on the proposed stormwater management facilities, including:

a. Detailed narrative on the conversion to a long-term stormwater facility if the facility was used as a temporary ESC measure;
b. The types of facilities;
c. Location including geographic coordinates;
d. Drainage area and impervious cover area treated by facilities (in acres); and
e. The surface waters or karst features into which the facility will discharge;

(7) Hydrologic and hydraulic computations, including runoff characteristics;

(8) Documentation and calculations verifying compliance with the water quality and quantity requirements of this chapter;

(9) A map or maps of the site that depict the characteristics or features of the site and includes:

a. All contributing drainage areas;
b. Existing topography and drainage patterns;
c. Existing streams, ponds, culverts, storm drainage systems, channels, ditches, wetlands, other water bodies, RPAs, conservation easements, and floodplains;
d. Soil types, geologic formations if karst features are present in the area, forest cover, and other vegetative areas;
e. Current land use including existing structures, roads, and locations of known utilities and easements;
f. Sufficient information on adjoining parcels to assess the impacts of stormwater from the site on these parcels;
g. The limits of disturbance (clearing and grading) including proposed access and all onsite and off-site work activities;

h. Proposed grading, contours and drainage patterns on the site;
i. Proposed buildings, roads, parking areas, utilities, and stormwater conveyance systems and management facilities;
j. Proposed land use with tabulations of the percentage of surface area to be adapted to various land uses, including planned locations of impervious cover, turfgrass, utilities, roads, open spaces, and easements, including conserved open spaces; and
k. Proposed percent impervious cover of the site;

(10) If an operator intends to meet the requirements established in 9VAC25-875-580 or 9VAC25-875-600 and section 8-12 of this article through the use of off-site compliance options, where applicable, then a letter of availability from the off-site provider must be included. Approved off-site options must achieve the necessary nutrient reductions prior to the performance of any land disturbing activity and prior to the county's issuance of the Land Disturbing Approval.

(11) If the county requires payment of a fee with the stormwater management plan submission, the fee and the required fee form in accordance with section 8-21 of this chapter must have been submitted.

(c) All final plan elements, specifications, or calculations of the stormwater management plans whose preparation requires a license under Chapter 4 (§54.1-400 et seq.) or 22 (§54.1-2200 et seq.) of Title 54.1 of the Code of Virginia shall be appropriately sealed and signed by a professional who is licensed to engage in practice in the Commonwealth of Virginia. Nothing in this subsection shall authorize any person to engage in practice outside his or her area of professional competence.

(d) No VESMP authority permit or approval shall be issued until all wetland permits and approvals required by federal, state, and county laws and regulations are obtained and evidence of such provided to the administrator or VESMP authority. For those projects where no wetlands are proposed to be impacted or where the impacts do not require written authorization by wetland permit agencies, documentation shall be submitted to the administrator or the VESMP authority by a qualified wetlands professional attesting that the wetlands permitting process has been completed and no further documentation is necessary from applicable regulatory agencies.

Sec. 8-10. Pollution prevention plan; contents of plans.

(a) A plan for implementing pollution prevention measures during construction activities shall be developed, implemented, and updated as necessary. The pollution prevention plan shall detail the design, installation, implementation, and maintenance of effective pollution prevention measures as specified in 40 CFR 450.21(d) to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented, and maintained to:

(1) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;

(2) Minimize exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater; and

(3) Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.

(b) The pollution prevention plan shall include effective best management practices to prohibit the following discharges in accordance with 40 CFR 450.21(e):

(1) Wastewater from washout of concrete, unless managed by an appropriate control;
(2) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;
(3) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and
(4) Soaps or solvents used in vehicle and equipment washing.

(c) Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls in accordance with 40 CFR 450.21(c).

Sec. 8-11. Erosion and sediment control plan; contents of plans.

(a) An erosion and sediment control plan, which is a component of the ESM plan, shall be filed for a development and the buildings constructed within, regardless of the phasing of construction. The erosion and sediment control plan shall contain all major conservation decisions to ensure that the entire unit or units of land will be so treated to achieve the conservation objectives in 9VAC25-875-560. The erosion and sediment control plan may include:

(1) Appropriate maps;
(2) An appropriate soil and water plan inventory and management information with needed interpretations; and
(3) A record of decisions contributing to conservation treatment.

(b) The person responsible for carrying out the plan shall provide the name of an individual holding a certificate who will be in charge of and responsible for carrying out the land-disturbing activity to the VESMP authority.
(c) If individual lots or sections in a residential development are being developed by different property owners, all land-disturbing activities related to the building construction shall be covered by an erosion and sediment control plan.
(d) Land-disturbing activity of less than 10,000 square feet on individual lots in a residential development shall not be considered exempt from the provisions of the VESMA if the total land-disturbing activity in the development is equal to or greater than 10,000 square feet.

Sec. 8-12. Technical criteria for regulated land disturbing activities.

(a) To protect the quality and quantity of state water from the potential harm of unmanaged stormwater runoff resulting from land disturbing activities, the county hereby adopts the technical criteria for regulated land disturbing activities set forth in Part V of 9VAC25-875 expressly to include 9VAC25-875-580 [water quality design criteria requirements]; 9VAC25-875-590 [water quality compliance]; 9VAC25-875-600 [water quantity]; 9VAC25-875-610 [offsite compliance options]; 9VAC25-875-620 [design storms and hydrologic methods]; 9VAC25-875-630 [stormwater harvesting]; 9VAC25-875-640 [linear development project]; and, 9VAC25-875-650 [stormwater management impoundment structures or facilities], which shall apply to all land disturbing activities

regulated pursuant to this ordinance, except as expressly set forth in subsection (c) through (f) of this section. In addition to the above references to the Virginia Administrative Code, the technical criteria may also include James City County administrative guidelines and additional supporting information, methodologies and guidance related to the technical criteria as outlined in applicable Virginia Department of Environmental Quality guidance or manuals related to erosion and sediment control and stormwater management.

(b) The county adopts 9VAC25-875-480 and 9VAC25-875-490 for time-limited and grandfathered projects.

(c) Nothing in this section shall preclude an operator from constructing to a more stringent standard at his/her discretion.

Sec. 8-13. Variances and exceptions

(a) The administrator may grant variances to waive or modify any of the erosion and sediment control requirements of this ordinance that are deemed inappropriate or too restrictive for site conditions. The variance may be requested from the administrator under these conditions:

(1) At the time of plan submission, an applicant may request a variance to become part of the approved erosion and sediment control plan. The applicant shall explain the reasons for requesting variances in writing. Specific variances which are allowed by the authority shall be documented in the plan.

(2) During construction, the person responsible for implementing the approved plan may request a variance in writing from the authority. The authority shall respond in writing either approving or disapproving such a request. If the authority does not approve a variance within 10 days of receipt of the request, the request shall be considered to be disapproved. Following disapproval, the applicant may resubmit a variance request with additional documentation.

(b) The administrator may grant exceptions to the provisions of Article 3 of Part V of 9VAC25-875-570 et seq., provided that (i) the exception is the minimum necessary to afford relief, (ii) reasonable and appropriate conditions shall be imposed as necessary upon any exception granted so that the intent of the VESMA, and this article are preserved, (iii) granting the exception will not confer any special privileges that are denied in other similar circumstances, and (iv) exception requests are not based upon conditions or circumstances that are self-imposed or self-created.

(1) Economic hardship alone shall not be a sufficient reason to grant an exception from the requirements of this article.

(2) Under no circumstances shall the authority (i) grant an exception to the requirement that the land-disturbing activity obtain required permits, or (ii) approve the use of a BMP not found through the Virginia Stormwater BMP Clearinghouse, except where allowed under Article 4 of Part V of 9VAC25-875-670 eq seq.

(3) Exceptions to requirements for phosphorus reductions shall not be allowed unless off-site options available through 9VAC25-875-610 have been considered and found not to be available.

(4) A record of all exceptions granted shall be maintained by the authority in accordance with 9VAC25-875-180.

Sec. 8-14. Long-term maintenance of permanent stormwater facilities.

(a) The operator shall submit a construction record drawing (as-built) and construction certification for permanent stormwater management facilities to the administrator in accordance with 9VAC25-875-535. The construction record drawing and construction certification shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia pursuant to Chapter 4 of Title 54.1 of the Code of Virginia, stating that to the best of their knowledge, the stormwater management facilities have been constructed in accordance with the approved plan and that the construction record drawing shows all adjustments and revisions to the stormwater management plan made during construction and serves as a permanent record of the actual location of all constructed elements. Construction record drawing and construction certification submittal requirements shall be established by the administrator or the VESMP authority and in accordance with 9VAC25-875-110 and 9VAC25-875-130. The administrator may elect waive the requirements contained in this paragraph pursuant to section 8-14(e).

(b) The operator shall submit a construction record drawing and construction certification for permanent stormwater conveyance system facilities (inlets, pipes, channels, etc.) to the administrator. The construction record drawing and construction certification shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia pursuant to Chapter 4 of Title 54.1 of the Code of Virginia, certifying that the stormwater conveyance system facilities have been constructed in accordance with the approved plan. Construction record drawing and construction certification submittal requirements shall follow standards developed by the administrator or the VESMP authority. The administrator may elect to not require construction record drawings and construction certifications for stormwater conveyance system facilities for which maintenance agreements are not required pursuant to section 8-14(e).

(c) An internal closed-circuit television (CCTV) post installation inspection, performed by the operator, is required for all stormwater conveyance system pipes, access or inlet structures, and culverts of 15-inch nominal diameter size or greater as part of the construction record and construction certification process. CCTV inspections shall follow standards and specifications and administrative guidelines developed by the administrator or the VESMP authority.

(d) The county shall require the provision of long-term responsibility for and maintenance of stormwater management facilities and other techniques specified to manage the quality and quantity of runoff. Such requirements shall be set forth in an instrument recorded in the local land records prior to general permit termination or earlier as required by the county and shall at a minimum:

(1) Be submitted to the administrator for review and approval prior to the approval of the stormwater management plan;
(2) Be approved as to form by the county attorney’s office;
(3) Be stated to run with the land;
(4) Provide for all necessary access to the property for purposes of maintenance and regulatory inspections;
(5) Provide for inspections and maintenance and the submission of inspection and maintenance reports to the county; and
(6) Be enforceable by all appropriate governmental parties.

(e) At the discretion of the administrator, such recorded instruments need not be required for stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located, provided it is demonstrated to the satisfaction of the administrator that future maintenance for those facilities will be addressed through an enforceable mechanism at the discretion of the administrator.

(f) If a recorded instrument is not required pursuant to section 8-14(e), the administrator shall develop a strategy for addressing maintenance of stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located. Such a strategy may include periodic inspections, homeowner outreach and education, declarations of covenants and restrictions, plat notes, or other similar methods targeted at promoting the long term maintenance of such facilities. The alternative strategy shall follow standards and procedures as developed by the administrator or the VESMP authority. Such facilities shall not be subject to the requirement for an inspection to be conducted by the administrator or its duly authorized agent.

Sec. 8-15. Monitoring and inspections.

(a) The county shall inspect the land disturbing activity during construction for:

(1) Compliance with the approved erosion and sediment control plan;
(2) Compliance with the approved stormwater management plan;
(3) Development, updating, and implementation of a pollution prevention plan; and
(4) Development and implementation of any additional control measures necessary to address a TMDL.

(b) The county shall conduct periodic inspections on all projects during construction. The county shall either:

(1) Provide for an inspection during or immediately following initial installation of erosion and sediment controls, at least once in every two-week period, within 48 hours following any runoff producing storm event, and at the completion of the project prior to the release of any performance bonds; or
(2) Establish an alternative inspection program which ensures compliance with the approved erosion and sediment control plan. Any alternative inspection program shall be:

a. Approved by the department prior to implementation;
b. Established in writing;
c. Based on a system of priorities that, at a minimum, address the amount of disturbed project area, site conditions and stage of construction; and
d. Documented by inspection records.

(c) The county shall establish an inspection program that ensures that permanent stormwater management facilities are being adequately maintained as designed after completion of land-disturbing activities. Inspection programs shall:

(1) Be approved by the department;
(2) Ensure that each stormwater management facility is inspected by the county, or its designee, not to include the owner, except as provided in subsections D and E of this section, at least once every five years; and

(3) Be documented by records.

(d) The person responsible for carrying out the plan shall monitor the land disturbing activity. The person responsible for carrying out the plan shall maintain records of these inspections and maintenance, to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation.

(e) The stormwater and resource protection division shall periodically inspect the land disturbing activity as prescribed in the Virginia Erosion and Stormwater Management Regulations and require that an individual holding a certificate of competence, as provided by the state Department of Environmental Quality, who will be in charge of and responsible for carrying out the land disturbing activity, be identified to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation. The owner, permittee, or person responsible for carrying out the plan shall be given notice of the inspection.

(f) The county may utilize the inspection reports of the owner of a stormwater management facility as part of an inspection program established in subsection B of this section if the inspection is conducted by a person who is licensed as a professional engineer, architect, landscape architect, or land surveyor pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1; a person who works under the direction and oversight of the licensed professional engineer, architect, landscape architect, or land surveyor; or a person who holds an appropriate certificate of competence from the department.

(g) If a recorded instrument is not required pursuant to 9VAC25-875-130, the county shall develop a strategy for addressing maintenance of stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located. Such a strategy may include periodic inspections, homeowner outreach and education, or other method targeted at promoting the long-term maintenance of such facilities. Such facilities shall not be subject to the requirement for an inspection to be conducted by the county.

Sec. 8-16. Hearings.

(a) Any land disturbing approval applicant, permit applicant or permittee or person subject to the requirements of this article, aggrieved by any action of the county taken without a formal hearing, or by inaction of the county, may demand in writing a formal hearing by the county causing such grievance, provided a petition requesting such hearing is filed with the administrator within 30 days after notice of such action is given by the administrator.

(b) The hearings held under this section shall be conducted by the board of supervisors at a regular or special meeting of the board of supervisors, or by at least one member of the board of supervisors designated by the board of supervisors to conduct such hearings on behalf of the board of supervisors at any other time and place authorized by the board of supervisors.

(c) The board of supervisors shall hear the appeal as soon as practical after receipt of the written request. The appellant, the board of supervisors, and any person or agency expressing an interest in the matter shall be notified by the board, or its agent, not less than ten days prior to the date of the hearing. Published notice of the board’s public meetings shall state that appeals from decision under the Virginia erosion and stormwater management ordinance may be heard.

(d) A verbatim record of the proceedings of such hearings shall be taken and filed with the local governing body. Depositions may be taken and read as in actions at law.

(e) The board of supervisors or its designated member, as the case may be, shall have power to issue subpoenas and subpoenas duces tecum, and at the request of any party shall issue such subpoenas. The failure of a witness without legal excuse to appear or to testify or to produce documents shall be acted upon by the local governing body, or its designated member, whose action may include the procurement of an order of enforcement from the circuit court. Witnesses who are subpoenaed may receive the same fees and reimbursement for mileage as in civil actions.

Sec. 8-17. Appeals.

(a) The board of supervisors' decision pursuant to section 8-16 shall be a final decision of the county, subject only to review by the circuit court of James City County.

(b) An appeal of a final decision of the county under section 8-16 shall be filed with the circuit court of James City County within 30 days from the date of the final decision.

(c) The circuit court shall conduct such review in accordance with the standards established in § 2.2-4027 of the Code of Virginia, and the decisions of the circuit court shall be subject to review by the court of appeals.

Sec. 8-18. Right of entry.

(a) The administrator or the VESMP authority, or any duly authorized agent thereof, may at reasonable times and under reasonable circumstances, enter any establishment or upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations necessary in the enforcement of the provisions of this ordinance.

(b) In accordance with a performance surety such as bond, letter of credit, bank escrow account, or cash surety or escrow in the form of a cashier's or certified check made payable to the Treasurer, James City County, any combination thereof, or such other legal arrangement satisfactory to the county attorney, the administrator or the VESMP authority, or any duly authorized agent thereof, may also enter any establishment or upon any property, public or private, for the purpose of initiating or maintaining appropriate actions that are required by conditions imposed by the VESMP authority associated with a land disturbing activity when an owner, after proper notice, has failed to take acceptable action within the time specified.

(c) Upon application to the county for any permit or plan, any land disturbing permit or agreement in lieu, shall contain a right of entry to allow the administrator or his designees access to the property until a final inspection determines that the land is adequately stabilized.

Sec. 8-19. Enforcement.

(a) If the administrator determines that there is a failure to comply with the approval or permit conditions or determines there is an unauthorized discharge, notice shall be served upon the permittee or person responsible for carrying out the permit and approval conditions by any of the following: verbal warnings and inspection reports, notices to comply, notices of corrective action, and consent special orders. Written notices shall be served by registered or certified mail to the

address specified in the permit application, or by delivery at the site of the development activities to the agent or employee supervising such activities.

(1) The notice shall specify the measures needed to comply with the permit and approval conditions and shall specify the time within which such measures shall be completed. Upon failure to comply within the time specified, a stop work order may be issued in accordance with subsection b or the permit may be revoked by the administrator.

(2) If a permittee or person responsible for carrying out the permit and approval conditions fails to comply with a notice issued in accordance with this section within the time specified, the administrator may issue an order requiring the owner, permittee, person responsible for carrying out an approved plan, land disturbing approval, or the person conducting the land disturbing activities without an approved plan or required permit to cease all land disturbing activities until the violation of the permit has ceased, or an approved plan, land disturbing approval, and required permits are obtained, and specified corrective measures have been completed.

Such orders shall be issued in accordance with established local procedures developed by the administrator or the VESMP authority. Such orders shall become effective upon service on the person by certified mail, return receipt requested, sent to his address specified in the land records of the locality, or by personal delivery by an agent of the administrator. However, if the administrator finds that any such violation is grossly affecting or presents an imminent and substantial danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth or otherwise substantially impacting water quality, it may issue, without advance notice or hearing, an emergency order directing such person to cease immediately all land disturbing activities on the site and shall provide an opportunity for a hearing, after reasonable notice as to the time and place thereof, to such person, to affirm, modify, amend, or cancel such emergency order. If a person who has been issued an order is not complying with the terms thereof, the administrator may institute a proceeding for an injunction, mandamus, or other appropriate remedy in accordance with section 8-20.

(b) In addition to any other remedy provided by this article, if the administrator or his or her designee determines that there is a failure to comply with the provisions of this article, they may initiate such informal and/or formal administrative enforcement procedures in a manner that is consistent with established local procedures or policies including, but not limited to the remedies contained in section 8-20.

(c) Any person violating or failing, neglecting, or refusing to obey any rule, regulation, ordinance, order, approved standard or specification, or any permit condition issued by the administrator, may be compelled in a proceeding instituted in the circuit court of James City County by the locality to obey same and to comply therewith by the injunction, mandamus or other appropriate remedy.

(1) Violations for which a penalty may be imposed under this subsection shall include, but not be limited to the following:

a. No state permit registration;
b. No stormwater pollution prevention plan;
c. Incomplete stormwater pollution prevention plan;

d. Stormwater pollution prevention plan not available for review;
e. No approved erosion and sediment control plan;
f. Failure to install stormwater BMPs or erosion and sediment controls;
g. Stormwater BMPs or erosion and sediment controls improperly installed or maintained;
h. Operational deficiencies;
i. Failure to conduct required inspections;
j. Incomplete, improper, or missed inspections; and
k. Discharges not in compliance with the requirements of 9VAC25-880-70.

(2) The administrator may issue a summons for collection of the civil penalty and the action may be prosecuted in the appropriate court.

(3) In imposing a civil penalty pursuant to this subsection, the court may consider the degree of harm caused by the violation and also the economic benefit to the violator from noncompliance.

(4) Any civil penalties assessed by a court as a result of a summons issued by the county shall be paid into the treasury of the county to be used for the purpose of minimizing, preventing, managing, or mitigating pollution of the waters of the county and abating environmental pollution therein in such manner as the court may, by order, direct.

(d) Notwithstanding any other civil or equitable remedy provided by this section or by law, any person who willfully or negligently violates any provision of this article, any order of the administrator, any condition of a permit, or any order of a court shall be guilty of a misdemeanor punishable by confinement in jail for not more than 12 months or a fine of not less than $2,500 nor more than $32,500, or both.

Sec. 8-20. Penalties, injunctions, and other legal actions.

(a) Schedule of civil penalties

(1) Any person who violates any provision of this chapter shall, upon a finding of the district court of James City County, be assessed a civil penalty. A civil penalty in the amount listed on the schedule below shall be assessed for each violation of the respective offenses:

a. Commencement of land disturbing activity without an approved plan as provided in section 8-4 shall be $1,000.00 per day.
b. Vegetative measures - failure to comply with erosion control criteria and items 1, 2, 3, 5, and 7 of the Minimum Standards as outlined in 9VAC25-875-560 shall be not less than $100.00 nor more than $1,000.00 per violation per day.
c. Structural measures – failure to comply with erosion control criteria and items 2, 4, 6, 8, 9, 10, 11, 15, and 17 of the Minimum Standards as outlined in 9VAC25-875-560 shall be not less than $100.00 nor more than $1,000.00 per violation per day.
d. Watercourse measures - failure to comply with erosion control criteria and items 12, 13, 14, and 15 of the Minimum Standards as outlined in 9VAC25-875-560 shall be not less than $100.00 nor more than $1,000.00 per violation per day.

e. Underground utility measures - failure to comply with erosion control criteria and item 16(a), and/or (c) of the Minimum Standards as outlined in 9VAC25-875-560 shall be not less than $100.00 nor more than $1,000.00 per violation per day.
f. Failure to obey a stop work order shall be not less than $100.00 nor more than $1,000.00 per day.
g. Failure to stop work when a permit is revoked shall be not less than $100.00 nor more than $1,000.00 per day.
h. All other violations of this chapter not specifically enumerated in items (a) through (g) of this section shall be not less than $100.00 nor more than $1,000.00 per day.

(b) In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of $10,000, including a series of violations arising from the commencement of land disturbing activities without an approved plan for any site.

(c) The stormwater and resource protection division, or the owner or property which has sustained damage or which is in imminent danger of being damaged, may apply to the circuit court of James City County to enjoin a violation or a threatened violation of this chapter, without the necessity of showing that an adequate remedy at law does not exist.

However, an owner of property shall not apply for injunctive relief unless (i) he has notified in writing the person who has violated the local program, and the program authority, that a violation of the local program has caused, or creates a probability of causing, damage to his property, and (ii) neither the person who has violated the local program nor the program authority has taken corrective action within fifteen days to eliminate the conditions which have caused, or create the probability of causing, damage to his property.

(d) In addition to any penalties provided under this chapter, any person who violates any provision of this chapter may be liable to the county in a civil action for damages.

(e) Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting, or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed $2,000 for each violation. A civil action for such violation or failure may be brought by the county.

Any civil penalties assessed by a court shall be paid into the treasury of the county, except that where the violator is the locality itself, or its agent, the court shall direct the penalty to be paid into the state treasury.

(f) With the consent of any person who has violated or failed, neglected or refused to obey any regulation or condition of a permit or any provision of this chapter, the county may provide for the payment of civil charges for violations in specific sums, not to exceed $2,000. Such civil charges shall be instead of any appropriate civil penalty.

(g) Compliance with the provisions of this chapter shall be prima facie evidence in any legal or equitable proceeding for damages caused by erosion, siltation or sedimentation that all requirements of law have been met, and the complaining party must show negligence in order to recover any damages.

Sec. 8-21. Fees.

(a) Fees to cover the costs associated with plan review and inspection shall be imposed in accordance with requirements of the VESMP authority and this chapter of the county code and are set forth in County Code Appendix A—Fee Schedule for Development Related Permits.

(b) Fees to cover the costs associated with stormwater facility inspections shall be imposed in accordance with requirements of this chapter and section 19-15 and section 24-7, as applicable, of the county code and are set forth in County Code Appendix A—Fee Schedule for Development Related Permits.

(c) Fees to cover costs associated with implementation of a VESMP related to land disturbing activities and issuance of general permit coverage and VESMP authority permits shall be imposed in accordance with County Code Appendix A—Fee Schedule for Development Related Permits. When a site or sites has been purchased for development within a previously permitted common plan of development or sale, the applicant shall be subject to fees in accordance with the disturbed acreage of their site or sites according to County Code Appendix A—Fee Schedule for Development Related Permits.

(d) Fees for the modification or transfer of registration statements from the general permit issued by the department shall be imposed in accordance with the fee schedule set forth in County Code Appendix A—Fee Schedule for Development Related Permits. If the general permit modifications result in changes to stormwater management plans that require additional review by the county, such reviews shall be subject to the fees set forth in County Code Appendix A—Fee Schedule for Development Related Permits. The fee assessed shall be based on the total disturbed acreage of the site. In addition to the general permit modification fee, modifications resulting in an increase in total disturbed acreage shall pay the difference in the initial permit fee paid and the permit fee that would have applied for the total disturbed acreage in County Code Appendix A—Fee Schedule for Development Related Permits.

(e) The following annual permit maintenance shall be imposed in accordance with County Code Appendix A—Fee Schedule for Development Related Permits, including fees imposed on expired permits that have been administratively continued. With respect to the general permit, these fees shall apply until the permit coverage is terminated. General permit coverage maintenance fees shall be paid annually to the county, by the anniversary date of general permit coverage. No permit will be reissued or automatically continued without payment of the required fee. General permit coverage maintenance fees shall be applied until a notice of termination is effective.

(f) The fees established in sections (a)—(e), above and set forth in County Code Appendix A—Fee Schedule for Development Related Permits shall apply to:

(1) All persons seeking coverage under the general permit;
(2) All permittees who request modifications to or transfers of their existing registration statement for coverage under a general permit;
(3) Persons whose coverage under the general permit has been revoked shall apply to the department for an individual permit for discharges of stormwater from construction activities;
(4) Permit and permit coverage maintenance fees established under section 8-21(e) County Code Appendix A—Fee Schedule for Development Related Permits may apply to each general permit holder.

(g) No permit application fees will be assessed to:

(1) Permittees who request minor modifications to permits as defined in section 8-2 of this article. Permit modifications at the request of the permittee resulting in changes to stormwater management plans that require additional review by the administrator shall not be exempt pursuant to this section.
(2) Permittees whose permits are modified or amended at the initiative of the department, excluding errors in the registration statement identified by the administrator or errors related to the acreage of the site.
(3) The county, any entity created solely by the county and those regional entities to which the county is a party provided that: (1) the other parties to the regional entity similarly waive fees; (2) the regional entity has locations in more than one locality; and (3) those portions of the fees required to be paid to the department are completed.

(h) All incomplete payments will be deemed as non-payments, and the applicant shall be notified of any incomplete payments. Interest may be charged for late payments at the underpayment rate set forth in §58.1-15 of the Code of Virginia and is calculated on a monthly basis at the applicable periodic rate. A ten percent late payment fee shall be charged to any delinquent (over 90 days past due) account. The county shall be entitled to all remedies available under the Code of Virginia in collecting any past due amount.

(i) Nothing in this section shall prohibit the Department and VESMP authority from entering into an agreement whereby the total fee to be paid by the applicant for coverage under the general permit for discharge of stormwater from construction activities (VAR10) 9VAC25-880 is payable to the VESMP authority and the VESMP authority transmits the Department portion set forth in 9VAC25-875-1400 of the Virginia Administrative Code to the Department on a schedule set forth by the Department.

Sec. 8-22. Performance surety.

(a) Prior to issuance of any permit, the applicant shall be required to submit a reasonable performance surety such as a bond, letter of credit, bank escrow account, or cash surety or escrow in the form of a cashier's or certified check made payable to the Treasurer, James City County, or any combination thereof, or such other legal arrangement acceptable to the county attorney, to ensure that measures could be taken by the county at the applicant's expense should he/she fail, after proper notice, within the time specified to initiate or maintain appropriate actions which may be required of him/her by the permit conditions as a result of his/her land disturbing activity. If the county takes such action upon such failure by the applicant, the locality may collect from the applicant for the difference should the amount of the reasonable cost of such action exceed the amount of the security held, if any. Within 60 days of the completion of the requirements of the permit conditions, including permit termination and proper submittal and approval of public street dedication, construction record drawings and construction certifications for permanent BMP facilities, permanent stormwater conveyance system facilities, and private streets by the administrator or the VESMP authority, such surety including bond, letter of credit, bank escrow account, or cash surety, or other legal arrangement, or the unexpended or unobligated portion thereof, shall be released or refunded to the applicant or terminated, as applicable.

(b) Fees to cover the costs associated with the administration of the performance surety requirement of this section are set forth in County Code Appendix A—Fee Schedule for Development Related Permits.

(c) Performance surety. All applicants for permits shall provide to the county a performance bond, cash escrow, or an irrevocable letter of credit, any combination thereof, or other legal arrangements as is acceptable to the county attorney, to ensure that measures could be taken by the county at the applicant's expense should the applicant fail, after proper notice, within the time specified to initiate or maintain appropriate conservation measures required of him as a result of his land disturbing activity.

The amount of the performance surety shall not exceed the total of the estimated cost to initiate and maintain appropriate conservation action based on unit price for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs and inflation which shall not exceed twenty-five percent of the cost of the conservation action. Should it be necessary for the county to take such conservation action, the county may collect from the applicant any costs in excess of the amount of the surety held.

Within 60 days of adequate stabilization, as determined by the stormwater and resource protection division, in any project or section of a project, such performance surety, or the unexpended or unobligated portion thereof shall be either refunded to the applicant or terminated, based upon the percentage of stabilization accomplished in the project or project section.

M E M O R A N D U M

DATE: June 11, 2024

TO: The Board of Supervisors

FROM: A. Vaughn Poller, Neighborhood Development Administrator

SUBJECT: Moses Lane - 2024 Community Development Block Grant Application

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Habitat for Humanity Peninsula and Greater Williamsburg constructed six new affordable homes at the end of Moses Lane in 2017. The parcels front on a part of the street that is not currently within the Virginia Department of Transportation (VDOT) system for maintenance. Further, the existing road access has degraded, leading to standing water and potholes. The new residents reached out inquiring if their end of Moses Lane could be improved. Furthermore, existing residents asked about removing the derelict structures in the community and housing rehabilitation for their homes.

To help address these concerns, in 2023, the Board of Supervisors authorized the submission of an application for Community Development Block Grant (CDBG) funding for the Moses Lane community. The goal of the 2023 application was to bring the roadway up to current VDOT standards. That effort, combined with a separate VDOT Revenue Sharing application, would have provided additional funding for improvements to the entirety of Moses Lane including sidewalk, curb, and gutter for stormwater and drainage improvements, along with streetlights. Unfortunately, neither application for funding was approved.

To continue the goal of trying to assist these residents, staff is proposing to submit a revised and updated CDBG funding request to extend Moses Lane from its current terminus to replace the existing gravel shared driveways. At a currently estimated cost of $1,136,564, the extension would be constructed to VDOT standards to ensure it is eligible for acceptance into the Secondary System. For the required housing component of the CDBG application, staff would use already allocated American Rescue Plan Act funding and funding from the County's Housing Development Fund to complete housing rehabilitation efforts for four Low- to Moderate-Income (LMI) households in the Moses Lane project area, with a currently estimated cost of $303,372.

As a requirement of the application process, staff has advertised and conducted a Public Meeting with residents of the proposed project area. Staff also surveyed individual households in the project area door-to-door, inquiring about the aspects of the community that residents would like improved. Each household proposed for participation has been assessed to be LMI and therefore eligible for CDBG funding. The engineering for the road improvement has been updated to include treating the stormwater drainage issues impacting residents living at the end of Moses Lane.

Staff recommends approval of the attached resolution authorizing the submission of a CDBG application to undertake the Moses Lane Community Development Project.

AVP/ap
CDBGApp-MosesLn24-mem

Attachments:
1. Resolution
2. Location Map

R E S O L U T I O N

MOSES LANE - 2024 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

WHEREAS, financial assistance is available to units of local government through the Commonwealth of Virginia Community Development Block Grant (CDBG); and

WHEREAS, in compliance with CDBG requirements, two public hearings were advertised in a newspaper with general circulation in the County, and flyers distributed throughout the neighborhood, and the hearings were held on April 13, 2023, and May 2, 2024, regarding this application; and

WHEREAS, James City County wishes to apply for $1,136,564 in CDBG funds to be used to undertake a road and drainage improvement program on Moses Lane; and

WHEREAS, four Low- to Moderate-Income (LMI) households living in the neighborhood will receive Housing Rehabilitation; and

WHEREAS, James City County is expecting to make a local contribution of up to $303,372 in local funds; and

WHEREAS, the program is anticipated to benefit 74 persons in 24 households, of whom are all low or moderate income, by providing housing rehabilitation, which will meet the Housing and Community Development Act of 1974 Section 104(b) National Objective of providing benefits to persons of low and moderate incomes.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, wishes to apply for $1,136,564 of CDBG funds for a 2024 Moses Lane Comprehensive Community Development Project.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to sign and submit all appropriate documents.

_____
Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

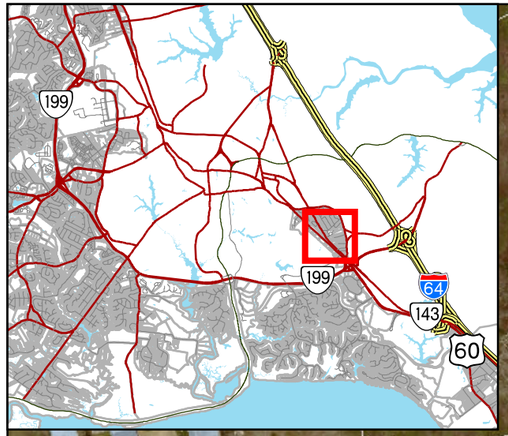
_____
Teresa J. Saeed
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of June, 2024.

CDBGApp-MosesLn24-res

Moses Lane Reconstruction and Extension



Project Location

N

Moses Ln

Oak Dr

0 0.02 0.04 Miles

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
Property Acreage:	± 179.2 acres
Zoning:	R-4, Residential Planned Community District with Proffers
Comprehensive Plan:	Low Density Residential
Primary Service Area:	Inside
Staff Contact:	Ben Loppacker, Planner

PUBLIC HEARING DATES

Board of Supervisors:	April 9, 2024, 5:00 p.m. (Postponed) June 11, 2024, 5:00 p.m.

CHANGES SINCE THE APRIL 9, 2024, BOARD OF SUPERVISORS MEETING

At its April 9, 2024, meeting, the Board of Supervisors (BOS) expressed concern regarding the proposed chimneys exceeding the 60-foot height limit in the R-4 Zoning District. Consequently, the BOS postponed consideration of the application to the Board's June 11, 2024, meeting, and requested the applicant address its concerns related to the chimneys exceeding 60 feet in height. As a result, the applicant has revised the design of the building, with the proposed chimneys no longer exceeding 60 feet in height. With the revised design, only a lightning protection system for the building would exceed the 60-foot height limit in the R-4 Zoning District. The applicant plans to use a lightning protection system design which would consist of two, 8-foot-tall lightning rods that would rise from the 60-foot-tall chimneys to a total height of 68 feet.

STAFF RECOMMENDATION

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

BL/ap
HW23-1FrdsVlgRC

Attachments:
1. Resolution
2. Staff Report from the April 9, 2024, BOS Meeting
3. Height Waiver Balloon Test
4. Ford's Village Master Plan
5. Applicant Narrative
6. Building Elevations
7. Overall Roofing Plan
8. Building Renderings
9. Location Map
10. Unapproved Minutes of the April 9, 2024, BOS Meeting

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 68 feet 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 Aptura Direct Supply, entitled "Prevectron Lightning Protection Option RUI - The Morgan at Ford's Village"; 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 Aptura Direct Supply, entitled "Prevectron Lightning Protection Option RUI - The Morgan at Ford's Village."

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 11th day of June, 2024.

HW23-1FrdsVlgRC-res