

AGENDA
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
January 14, 2025
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

E. PUBLIC COMMENT

F. CONSENT CALENDAR

1. Grant Application to the Community Flood Preparedness Fund – Round 5

G. PUBLIC HEARING(S)

1. Pre-Budget Public Hearing - FY2026 Budget
2. Ordinance to Amend and Reordain Section 24-24 of the James City County Zoning Ordinance
3. SUP-24-0013. Ziegler Plumbing & Sewer, Inc. Resource Recovery Facility
4. SUP-24-0028. Liberty Ridge JCSA Water System Tie-In SUP Amendment

H. BOARD CONSIDERATION(S)

I. BOARD REQUESTS AND DIRECTIVES

J. REPORTS OF THE COUNTY ADMINISTRATOR

K. CLOSED SESSION

1. Consideration of a personnel matter, the appointment of individuals to County Boards and/or Commissions pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia.
 - a. Appointment to the Historic Triangle Bicycle Advisory Committee
 - b. Appointments to the Planning Commission
2. Discussion of the award of a public contract involving the expenditure of public funds, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711(A)(29) of the Code of Virginia and

pertaining to the contract for the joint operation of schools between the County and the City of Williamsburg.

3. Certification of Closed Session

L. ADJOURNMENT

1. Adjourn until 1 pm on January 28, 2025 for the Business Meeting

MEMORANDUM

DATE: January 14, 2025

TO: The Board of Supervisors

FROM: Tammy Mayer Rosario, Assistant Director of Community Development
Toni E. Small, Director of Stormwater and Resource Protection Division

SUBJECT: Grant Application to the Community Flood Preparedness Fund - Round 5

The Virginia Community Flood Preparedness Fund (CFPF) was established by the General Assembly in 2020 to provide support for regions and localities across Virginia to reduce the impacts of flooding. The Virginia Department of Conservation and Recreation has invited localities to participate in the related grant program since 2021 and has awarded more than \$190 million to date.

As a competitive program, the CFPF grant program prioritizes activities that are aligned with local, state, and federal floodplain management standards, and local, regional, and statewide resilience plans. Grants are available in the following categories and with various levels of CFPF fund match to local dollars:

- **Capacity building and planning** - These grants encourage sound flood preparedness and resilience planning, with priority to vulnerability assessments and resilience plans (75% fund to 25% local); and
- **Studies** - These grants are for studies designed to improve long-term planning and effectiveness of resilience plans and projects (50% fund to 50% local for studies); and
- **Projects** - These grants are for projects with a primary purpose of flood prevention or protection to reduce coastal, riverine, or inland flooding, and includes nature-based solutions, additional flood control solutions, dam repair or removal, beneficial reuse of dredge materials, and preservation and creation of open space (70% fund to 30% local for projects that will result in nature-based solutions, 60% fund to 40% local for projects that will result in hybrid solutions, 50% fund to 50% local for all other projects).

Additionally, the fund offers both short- and long-term loans for projects.

For Round 5 of the grant program, James City County staff is recommending a grant application for a local resilience plan. A resilience plan would be the next logical step in addressing flooding following the County's watershed management planning efforts and is a required first step in acquiring additional CFPF funding. It would address recommendations in the Natural and Cultural Assets Plan, watershed management plans, and Comprehensive Plan and could substantially advance our efforts to get to an improved Community Rating System level by articulating a comprehensive, County-wide approach to flooding. Through the planning process, the resilience plan will analyze the community's exposure to recurrent and future flooding, assess the County's vulnerability and risk from future flood hazards, and identify and prioritize resilience actions. Once adopted, the resilience plan will put James City County in a position to access state funding for land conservation and infrastructure projects.

The estimated cost of the resilience plan is \$291,000, of which 75% or \$218,250 would be paid by the fund and 25% or \$72,750 would be paid by the County. The source of the match funds is the Stormwater and Resource Protection Division's Capital Improvements Program budget.

Grant Application to the Community Flood Preparedness Fund - Round 5

January 14, 2025

Page 2

Staff recommends adoption of the attached resolution authorizing the County's request for funding from the CFPF. Should the application receive funding through this round, staff will return to the Board of Supervisors with a resolution to appropriate the funds.

TMR/TES/md
CFPFGrantRd5-mem

Attachment:

1. Resolution of Support

RESOLUTION

GRANT APPLICATION TO THE

COMMUNITY FLOOD PREPAREDNESS FUND - ROUND 5

WHEREAS, the Board of Supervisors of James City County, Virginia (the “County”), desires for the County to submit an application requesting up to \$291,000 from the Community Flood Preparedness Fund (CFPF) through the Virginia Department of Conservation and Recreation (VDCR) - Round 5; and

WHEREAS, the County has allocated up to \$72,750 to match the CFPF, as part of the Fiscal Year 2025 Stormwater and Resource Protection Division Capital Improvements Program budget, consistent with the year of the award; and

WHEREAS, the combined funding from the County and VDCR totaling up to \$291,000 is requested to fund a local resilience plan.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby supports this application for an allocation up to \$218,250 through the Community Flood Preparedness Fund and further approves a County contribution for the required match for this project, and hereby authorizes the County Administrator to sign the necessary applications, agreements, and other documentation necessary to administer this project.

Chair, Board of Supervisors

ATTEST:

VOTES

AYE NAY ABSTAIN ABSENT

Teresa J. Saeed
Deputy Clerk to the Board

NULL	_____	_____	_____	_____
HIPPLE	_____	_____	_____	_____
MCGLENNON	_____	_____	_____	_____
ICENHOUR	_____	_____	_____	_____
LARSON	_____	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of January, 2025.

CFPFGrantRd5-res

MEMORANDUM

DATE: January 14, 2025

TO: The Board of Supervisors

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

SUBJECT: Pre-Budget Public Hearing - Fiscal Year 2026 Budget

The purpose of this Public Hearing is to invite comments and suggestions from citizens for the upcoming County Budget. The comments and suggestions made at this pre-budget Public Hearing will help guide staff in preparing a budget proposal for the Board's review in May. No Board action is requested at this time.

SBM/md
FY26PreBudgetPH-mem

MEMORANDUM

DATE: January 14, 2025

TO: The Board of Supervisors

FROM: Liz Parman, Deputy County Attorney

SUBJECT: Ordinance to Amend and Reordain Section 24-24 of the James City County Zoning Ordinance

County Code Section 24-24 currently requires an applicant for a land use permit or building permit to include a signed statement from the county treasurer certifying that for the subject property all real estate taxes owed to the county have been paid in full.

Virginia Code Section 15.2-2286(B) now permits the County to require certification that all real estate taxes and *nuisance charges, stormwater management utility fees, and any other charges that constitute a lien* on the subject property have been paid.

Staff recommends that County Code Section 24-24 be amended to require the additional certifications.

LP/ap
ORD24-24AddReq-mem

Attachment

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 24-24 ADDITIONAL REQUIREMENTS FOR SUBMITTAL.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Section 24-24, Additional Requirements for Submittal.

Chapter 24. Zoning

Article I. In General

Sec. 24-24. Additional requirements for submittal.

~~Each person or entity submitting an application for consideration under the provisions of section 24-23 including a special use permit, variance, erosion and sediment control permit, building permit, or any other land disturbance or rezoning measure, shall attach to such application a signed statement from the county treasurer certifying that for property listed in the application all real estate taxes owed to the county have been paid in full. The statement of certification from the county treasurer shall be valid for 30 days. Should the application be submitted more than 30 days after the treasurer has certified payment of taxes, a new certification from the treasurer shall be required.~~

An application by the owner of the subject property, the owner's agent, or any entity in which the owner holds an ownership interest greater than 50 percent, for a special exception, special use permit, variance, rezoning or other land disturbing permit, including building permits and erosion and sediment control permits shall provide evidence to the Director of Planning that any delinquent real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on the subject property, that are owed to the locality and have been properly assessed against the subject property, have been paid, unless otherwise authorized by the treasurer.

????????

Chair, Board of Supervisors

ATTEST:

VOTES

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
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Teresa J. Saeed
Deputy Clerk to the Board

NULL
HIPPLE
MCGLENNON
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Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of
January, 2025.

ORD24-24AddReqs-ord

**SPECIAL USE PERMIT-24-0013. Ziegler Plumbing & Sewer, Inc. Resource Recovery Facility
Staff Report for the January 14, 2025, Board of Supervisors Public Hearing**

SUMMARY FACTS

Applicant: Ms. Jessica Lasris, Ziegler Plumbing & Sewer, Inc.

Landowner: Green Mount Associates, LLC

Proposal: A Special Use Permit (SUP) to construct and operate a resource recovery facility which converts organic waste materials into a compost product.

Location: 1671 Green Mount Parkway

Tax Map/Parcel No.: 6040100002

Property Acreage: ± 96.36 acres

Zoning: M-2, General Industrial

Comprehensive Plan: General Industry

Primary Service Area (PSA): Inside

Staff Contact: Morgan Risinger, Senior Planner

PUBLIC HEARING DATES

Planning Commission: December 4, 2024, 6:00 p.m.

Board of Supervisors: January 14, 2025, 5:00 p.m. (Tentative)

FACTORS FAVORABLE

1. Staff finds the proposal generally consistent with the Comprehensive Plan.
2. Subject to the proposed conditions, staff finds the proposal will not negatively impact surrounding development.
3. Impacts: See Impact Analysis on Pages 5-6.

FACTORS UNFAVORABLE

1. Impacts: See Impact Analysis on Pages 5-6.

PLANNING COMMISSION RECOMMENDATION

At its December 4, 2024, meeting, the Planning Commission voted 7-0 to recommend the Board of Supervisors approve the application, subject to the proposed conditions.

CHANGES SINCE THE PLANNING COMMISSION MEETING

None.

STAFF RECOMMENDATION

Staff finds that the proposal is compatible with surrounding zoning and development and is generally consistent with the Comprehensive Plan. Staff recommends the Board of Supervisors approve the application, subject to the proposed conditions.

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

**SPECIAL USE PERMIT-24-0013. Ziegler Plumbing & Sewer, Inc. Resource Recovery Facility
Staff Report for the January 14, 2025, Board of Supervisors Public Hearing**

PROJECT DESCRIPTION

Ms. Jessica Lasris of Ziegler Plumbing & Sewer, Inc., has applied for an SUP to construct and operate a resource recovery facility which converts organic waste materials into a compost product at 1671 Green Mount Parkway. Resource recovery facilities require SUPs in the M-2, General Industrial, Zoning District. Ziegler Plumbing & Sewer, Inc., currently maintains and services grease traps, sewer basins, septic tanks, and disposes the waste materials at Hampton Roads Sanitation District (HRSD) dump stations. The Community Impact Statement (CIS) (Attachment No. 3) states that organic waste materials would be taken to a dewatering building which separates the materials into solid and liquid waste materials. The liquid waste materials would be discharged to the HRSD Williamsburg Treatment Plant through a connection to an existing sanitary sewer force main along Green Mount Parkway. The solid waste products would be combined with bulk vegetative products such as wood chips and then placed in Aerated Static Pile (ASP) buildings where the materials breakdown into compost. When the process is complete, the compost product would be placed in piles in a product storage area. The CIS indicates that the compost product would be sold wholesale to businesses and that the site would not be open to the general public.

In addition to the resource recovery facility, the proposed application indicates that future phases of the project could include construction of a building for use as a contractor's office and equipment maintenance used in conjunction with the resource recovery facility as well as for other business operations. A future phase could also include the construction of a warehouse building for lease. These uses are permitted by-right in the M-2 Zoning District and would be reviewed through site plan applications for the developments.

The CIS indicates that the proposed resource recovery facility and the compost product are subject to various state regulations from the Virginia Department of Environmental Quality, Virginia Solid Waste Management Regulations, Virginia Pollution Abatement Permit Regulation, Sewage Collection and Treatment Regulations, and Virginia Department of Agriculture and Consumer Services. HRSD has also reviewed the proposal and stated it has no objections to the discharge of liquid waste from the facility to the sanitary sewer system.

The CIS also indicates that the hours of operation of the facility will generally be between 7 a.m. and 5 p.m. Monday through Friday and 7 a.m. through 12 p.m. on Saturday. Trips to and from the site for the resource recovery facility will include employee vehicles, vacuum trucks transporting organic waste materials, and trucks and tractor trailers transporting bulk vegetative materials and compost product. The anticipated trip generation includes a total of 27 trips per day and seven peak hour trips. As a result, a Traffic Impact Analysis (TIA) is not required for the resource recovery facility. It is also estimated that a total of 20 trips per day and 10 peak hour trips would be generated for the by-right contractor's office and maintenance shop as well as a total of 98 trips per day and 33 peak hour trips for the potential leased warehouse. In whole, anticipated trip generation for the entire property is 145 trips per day and 50 peak hour trips. Access to the site will be provided by a driveway that connects to the existing cul-de-sac at the end of Green Mount Parkway. Should Green Mount Parkway be extended in the future, the Master Plan depicts potential access points from the extended right-of-way to the property.

The applicant has estimated that the facility will intake 7,000 gallons of organic waste materials per day, discharge 6,600 gallons of wastewater per day, and produce approximately 5,500 cubic yards of compost per year.

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

**SPECIAL USE PERMIT-24-0013. Ziegler Plumbing & Sewer, Inc. Resource Recovery Facility
Staff Report for the January 14, 2025, Board of Supervisors Public Hearing**

The subject property is identified as being in the Ultra-Sensitivity Area as described in the James City County Archaeology Assessment which requires the submission of a Phase 1A archaeological study. The study identified several archaeological sites which have been previously identified and which have been depicted on the Master Plan. Notably, the entirety of the proposed resource recovery facility site is within the limits of the Blow Family House and Wheatland Plantation archaeological site (Site 44JC0138). Previous investigations of this site have suggested that the site would likely be eligible for the National Register of Historic Places (NRHP). The Phase 1A archaeological study recommends the site be avoided, or if avoidance is not feasible, further investigations conducted. The Phase 1A archaeological study also indicates that the Virginia Department of Historic Resources has previously commented that the boundaries of two archaeological sites located to the west of the facility (Sites 44JC1030 and 44JC1034) could extend further to the east. The Phase 1A archaeological study recommends that the vicinity of these sites be avoided, or if avoidance is not feasible, investigations should be conducted to evaluate whether these sites extend into the facility. There are additional archaeological sites located around the potential leased warehouse building which would require further study.

The Zoning Ordinance requires that archaeological sites which have been recommended for further investigations or identified as being eligible for inclusion on the NRHP, be further studied through Phase II or Phase III investigations as applicable and/or preserved in situ in accordance with an approved treatment plan. Should this SUP be approved, the applicant would be required to conduct such further studies prior to final site plan approval. Any treatment plans for the preservation of the archaeological sites would require approval from the Director of Planning and all details of the treatment plan would need to be shown on the site plan. The applicant will also be required to nominate sites for inclusion on the NRHP if determined to be eligible for inclusion.

PLANNING AND ZONING HISTORY

- The property has been designated General Industry on the Comprehensive Land Use Map since 1982 and has historically been in the M-2, General Industrial, Zoning District.
- Various subdivision plats have been recorded over time which have adjusted boundary lines of the property. The current property lines and the realignment of the future extension of Green Mount Parkway were shown on a plat recorded in 2020.

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

**SPECIAL USE PERMIT-24-0013. Ziegler Plumbing & Sewer, Inc. Resource Recovery Facility
Staff Report for the January 14, 2025, Board of Supervisors Public Hearing**

SURROUNDING ZONING AND DEVELOPMENT

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

	ZONING DESIGNATION	EXISTING LAND USE	FUTURE LAND USE DESIGNATION
NORTH	M-2, General Industrial	Warehousing	General Industry
SOUTH	M-2, General Industrial	Borrow pit and resource recovery facility operations	General Industry
EAST (City of Newport News)	R-2, Single- family; R-4, Single-family; R-5, Low Density Multi- family; M-1, Light Industrial; M-2, Heavy Industrial; and P-1, Park	Single-family residential; multifamily residential; and industrial operations	Low Density Residential; Medium Density Residential; Community Facilities; and Natural Area/Open Space
WEST	M-2, General Industrial	Warehousing	General Industry

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

SPECIAL USE PERMIT-24-0013. Ziegler Plumbing & Sewer, Inc. Resource Recovery Facility
Staff Report for the January 14, 2025, Board of Supervisors Public Hearing

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Public Transportation: Vehicular</u>	<u>Mitigated</u>	- Access will be provided with a driveway from the existing cul-de-sac at the end of Green Mount Parkway. - A TIA is not required for this proposal as it does not exceed 100 peak hour trips to and from the site. - Proposed Condition No. 4 will require the area for the future right-of-way of the Green Mount Parkway extension to be placed in an ingress-egress easement to ensure its availability for that purpose.
<u>Public Transportation: Bicycle/Pedestrian</u>	<u>No Mitigation Required</u>	- Public pedestrian and bicycle accommodations are not required for this project. - This site is not within walking distance of an existing WATA transit stop.
<u>Public Safety</u>	<u>Mitigated</u>	- Fire Station 2 on Pocahontas Trail serves this area of the County and is located approximately 3.8 miles from the property. - The Fire Department reviewed the proposal and had no objections. - Proposed Condition No. 2 will prohibit retail sales to the general public. - Proposed Condition No. 3 will prohibit the parking of vehicles along Green Mount Parkway during construction. - Proposed Condition No. 9 will require that piles of compost and bulk materials be separated and limited in size. - Proposed Condition No. 10 will require a Fire Safety Plan to be developed.
<u>Public Schools</u>	<u>No Mitigation Required</u>	- The proposal is not expected to generate impacts to public schools.
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	- The proposal is not expected to generate impacts to public parks and recreation.
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	- The proposal is not expected to generate impacts to public libraries and cultural centers.

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SPECIAL USE PERMIT-24-0013. Ziegler Plumbing & Sewer, Inc. Resource Recovery Facility
Staff Report for the January 14, 2025, Board of Supervisors Public Hearing

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Groundwater and Drinking Water Resources</u>	<u>Mitigated</u>	- The property will be connected to Newport News Waterworks public water and the HRSD sanitary sewer system. - Proposed Condition No. 11 will require HRSD approval of the discharge of liquid waste materials.
<u>Watersheds, Streams, and Reservoirs</u> Project is located in the Skiffes Creek Watershed.	<u>Mitigated</u>	- The Stormwater and Resource Protection Division reviewed the proposal and provided Condition Nos. 13-17 to ensure that the design of stormwater management facilities adequately addresses stormwater impacts of the facility.
<u>Cultural/Historic</u>	<u>Mitigated</u>	- The property is designated as an Ultra-Sensitivity Area by the James City County Archaeological Assessment. - Archaeological studies of existing identified archaeological sites and any necessary treatment plans for preservation will be required during the site plan stage.
<u>Nearby and Surrounding Properties</u>	<u>Mitigated</u>	- Proposed Condition No. 3 will prohibit the parking of vehicles along Green Mount Parkway during construction. - Proposed Condition No. 5 will require landscaping and fencing to be provided around the facility for buffering and screening. - Proposed Condition No. 7 will prohibit lighting from the facility from crossing property lines and limit the height of light poles. - Proposed Condition No. 8 will prohibit dust and odors from crossing property lines and require air filtration systems for the dewatering and ASP buildings.
<u>Community Character</u>	<u>Mitigated</u>	- Proposed Condition No. 6 limits the property to one freestanding sign.
<u>Covenants and Restrictions</u>	<u>No Mitigation Required</u>	- The applicant has verified that she is not aware of any covenants or restrictions on the property that prohibit the proposed use.
<u>Joint Base Langley-Eustis (JBLE)</u>	<u>No Mitigation Required</u>	- This parcel is located within the Military Influence Overlay District (MIOD) on the Comprehensive Plan Land Use Map. No concerns were received from JBLE personnel regarding impacts on the mission of the base.

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

**SPECIAL USE PERMIT-24-0013. Ziegler Plumbing & Sewer, Inc. Resource Recovery Facility
Staff Report for the January 14, 2025, Board of Supervisors Public Hearing**

NATURAL AND CULTURAL ASSETS

The site is identified as having natural and cultural assets on the Natural & Cultural Assets Plan maps (and/or other supplemental resources such as the USDA's Natural Resources Conservation Service Web Soil Survey) as follows (see table on the right).

ASSET	PRESENCE	IMPACT
Habitat Core	Present on site	All habitat cores identified in the Natural & Cultural Assets Plan are important ecologically. The entirety of this property is identified as being in a habitat core in the highest priority ranking. While this development would result in the disturbance of the habitat core within the 7.78 acres of the resource recovery facility project limits and an additional 4.5 acres of disturbance with the potential leased warehouse development, the Master Plan shows that 84.08 acres of the property would remain undisturbed and connections to the habitat core on adjacent properties would remain in place.
Corridors	None present on site	Not Applicable
Agricultural Assets	Present on site	± 7.4 acres or 8.8% of the property is designated prime farmland. ± 5.4 acres of these soils are located within the limits of disturbance for the project.

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

**SPECIAL USE PERMIT-24-0013. Ziegler Plumbing & Sewer, Inc. Resource Recovery Facility
Staff Report for the January 14, 2025, Board of Supervisors Public Hearing**

COMPREHENSIVE PLAN

The project site is designated General Industry on the Comprehensive Plan Land Use Map. This designation includes areas located within the PSA that are suitable for industrial uses which, because of their potential for creating dust, noise, odor, and other adverse environmental effects, require buffering from adjoining uses, particularly residential uses.

Uses proposed in areas designated General Industry usually require access to interstate and arterial highways, public water and sewer, adequate supply of electric power and other energy sources, access to a sufficient labor supply, and moderate to large sized sites with natural features such as soils, topography, and buffering suitable for intense development. Particular attention should be given to the following:

- i. Locate proposed commercial and industrial developments adjacent to compatible uses (public or other similar uses, etc.). Where a commercial or industrial development is proposed at a location near a sensitive area, the site should be designed so that transitional uses such as offices and/or buffers are located between conflicting uses. Emphasis should be placed on ensuring the provision of open space; protection of the environment, historical, and archaeological resources; and adjoining land uses; sufficient capacities of public facilities and services; quality and effectiveness of pedestrian circulation systems and facilities; and ability to meet the public needs of the development.

Staff finds the resource recovery facility to be an appropriate industrial use and the proposed location is adjacent to compatible industrial and warehousing uses. The buffer maintained along Skiffes Creek as well as a proposed SUP condition to require air filtration systems for buildings used for the processing of the organic waste into compost are anticipated to mitigate potential impacts to residential areas across Skiffes Creek in the City of Newport News.

- ii. Permit the location of new uses only where public services, utilities, and facilities are adequate to support such uses. The need for public services (police, fire, education, recreation, etc.) and facilities generated by a development should be met or mitigated by that development.

Staff finds that the proposed use is not expected to have an impact on existing County services.

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

Staff finds that the proposed use is not anticipated to have an impact on the LOS on Green Mount Parkway or Pocahontas Trail.

- iv. Protect environmentally sensitive resources including high-ranking Natural Areas and significant natural heritage resources, watersheds, historic and archaeological resources, designated Community Character Corridors and Community Character Areas, and other sensitive and utilizing design features, including building and site design, buffers, and screening to adequately protect the resource.

Staff finds that while the proposed use will impact a habitat core of the highest priority ranking on the Natural & Cultural Assets Plan Map and prime farmland, the proposed layout largely avoids areas with the Resource Protection Area, wetlands, and steep slopes. Further, the buffers left undisturbed along Skiffes Creek will maintain continuity of forested areas with adjacent properties in the habitat core.

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

SPECIAL USE PERMIT-24-0013. Ziegler Plumbing & Sewer, Inc. Resource Recovery Facility
Staff Report for the January 14, 2025, Board of Supervisors Public Hearing

The proposed site is located among several archaeological sites which are potentially significant. The Zoning Ordinance will ensure that these sites are properly evaluated and that any necessary treatment plans are developed prior to final site plan approval and the commencement of land disturbing activities.

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

Staff finds that the proposed conditions will mitigate potential impacts on adjacent residential areas located across Skiffes Creek in the City of Newport News.

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

The proposed site access will directly connect with Green Mount Parkway. The completed Skiffes Creek Connector project extended Green Mount Parkway from Pocahontas Trail to Merrimac Trail providing a more direct route for industrial traffic to access Interstate 64 without residential areas in James City County or the City of Newport News. Furthermore, this project is directly adjacent to the proposed future extension of Green Mount Parkway. The Transportation Chapter of the Comprehensive Plan recognizes that the potential future extension of Green Mount Parkway is anticipated to relieve congestion along Pocahontas

Trail while promoting commercial and industrial development within the Green Mount industrial area.

Staff finds that the application is generally consistent with the General Industry Development Standards.

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

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

STAFF RECOMMENDATION

Staff finds that the proposal is compatible with surrounding zoning and development and is generally consistent with the Comprehensive Plan. Staff recommends the Board of Supervisors approve the application, subject to the proposed conditions.

MR/ap
SUP24-13ResRecovFac

Attachments:

1. Resolution
2. Location Map
3. Community Impact Statement
4. Master Plan
5. Environmental Constraints Analysis
6. Unapproved Minutes of the December 4, 2024, Planning Commission Meeting

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

RESOLUTION

CASE NO. SUP-24-0013. ZIEGLER PLUMBING & SEWER, INC.

RESOURCE RECOVERY FACILITY

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

WHEREAS, Ms. Jessica Lasris of Ziegler Plumbing & Sewer, Inc., has applied for an SUP to construct and operate a resource recovery facility (the “Facility”) on property owned by Green Mount Associates, LLC, and located at 1671 Green Mount Parkway and further identified as James City County Real Estate Tax Map Parcel No. 6040100002 (the “Property”), as shown on a plan titled “Master Plan Ziegler Resource Recovery Facility” prepared by Geosyntec Consultants, Inc., and dated October 2024 (the “Master Plan”); and

WHEREAS, the Planning Commission, following its public hearing on December 4, 2024, recommended approval of Case No. SUP-24-0013 by a vote of 7-0; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-24-0013; 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 (the “County Code”), does hereby approve the issuance of Case No. SUP-24-0013 as described herein with the following conditions:

1. Master Plan. This SUP shall be valid for a resource recovery facility (the “Facility”) on property located at 1671 Green Mount Parkway and further identified as James City County Real Estate Tax Map Parcel No. 6040100002 (the “Property”). The Property shall be developed substantially in accordance with the Master Plan titled “Master Plan Ziegler Resource Recovery Facility” prepared by Geosyntec Consultants, Inc., and dated October 2024 (the “Master Plan”), with any deviations considered per Section 24-23(a)(2) of the County Code, as amended.
2. Retail Sales Prohibited. Retail sales shall be prohibited on the Property.
3. On-Street Parking Prohibited. No vehicles associated with the construction of the Facility shall be parked within the Green Mount Parkway right-of-way.

4. Ingress-Egress Easement. Prior to preliminary site plan approval for the Facility, the "120-FOOT RESERVATION OF INGRESS-EGRESS EASEMENT PART OF LOT 3" as shown on a Subdivision Plat titled "PLAT OF SUBDIVISION SHOWING LOTS 2 THRU 4, PHASE 2, AND GREEN MOUNT PARKWAY RESERVATION EASEMENT" and recorded as Instrument No. 200021139 in the Clerk's Office for the Williamsburg-James City County Circuit Court (the "Clerk's Office") shall be completed in a form acceptable to the County Attorney and recorded in the Clerk's Office.
5. Landscape and Screening Plan. As part of the site plan for the Facility, a landscape plan shall be submitted to the Director of Planning or their designee for review and approval prior to final site plan approval with the following standards:
 - a. A 30-foot-wide vegetated buffer shall be provided internal to the Property along the future Green Mount Parkway right-of-way, and a 15-foot-wide vegetative buffer shall be provided along the side property line to the north. Existing vegetation shall be retained to the greatest extent possible and supplemented as necessary with additional plantings to meet the requirements of Section 24-96 of the County Code except that the required evergreen tree and shrub mixture shall be increased from at least 35% to at least 45%. An inventory of existing vegetation in the buffer areas shall be provided in the site plan for the Facility for the purpose of verifying the quantity of existing vegetation.
 - b. All components of the Facility shall be screened from the future Green Mount Parkway right-of-way and from adjacent properties by either a full panel or wooden board on board fence. The fence shall be black, brown, or other neutral color and shall contain no barbed wire. The height of the fence shall be a minimum of six feet and a maximum of eight feet. The location of any fencing shall be shown on the site plan for the Facility, and the design shall be submitted to the Director of Planning or their designee for review and approval prior to final site plan approval.
6. Freestanding Signage. The Property shall be allowed one exterior freestanding sign. The freestanding sign shall be externally illuminated, monument style, not to exceed eight feet in height. The Director of Planning or their designee shall approve the design of the sign prior to final site plan approval and prior to any subsequent sign modifications.
7. Exterior 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 their designee prior to final site plan approval.

8. Smoke (Dust)/Odor. No dust or odor associated with the Facility shall extend beyond property lines. The dewatering and aerated static pile buildings as depicted on the Master Plan shall be fully enclosed structures. An activated carbon filtration system or an alternative odor control system shall be required for the dewatering and aerated static pile buildings as depicted on the Master Plan. The details of the activated carbon filtration system or an alternative odor control system for each building shall be submitted to the Director of Planning or their designee for review and approval prior to final site plan approval and installed prior to an issuance of any Certificate of Occupancy.
9. Material Storage. All storage of compost and bulk vegetative, wood, or carbon products used in the operations of the Facility shall comply with the following requirements:
 - a. Piles shall be on solid ground or other all-weather surface.
 - b. Piles shall not exceed 25 feet in height, 150 feet in width, and 250 feet in length.
 - c. Piles shall be separated from adjacent piles by at least 50 feet.
10. Fire Safety Plan. Prior to final approval of the site plan for the Facility, a Fire Safety Plan shall be submitted for review and approval by the Fire Marshal or their designee. The plan shall address:
 - a. Access to the Property.
 - b. The locations of any fire hydrants on or near the Property.
 - c. The types of materials and equipment stored on the Property.
 - d. A plan for monitoring, controlling, and extinguishing spot fires.
11. Industrial Wastewater Discharge Regulations. Prior to a Certificate of Occupancy for the Facility, all active direct wastewater discharge permits from the Hampton Roads Sanitation District must be obtained.
12. Virginia Pollutant Discharge Elimination System. Prior to issuance of final site plan approval, the County must be provided with either (1) a copy of the approved general Virginia Pollutant Discharge Elimination System Permit for Discharges of Stormwater Associated with Industrial Activity from the Virginia Department of Environmental Quality (DEQ), or (2) evidence that such permit is not required.
13. Spill Prevention, Control, and Countermeasures Plan. Prior to the issuance of a Land Disturbing Permit, a Spill Prevention, Control, and Countermeasures Plan addressing the handling of inorganic and organic compounds shall be submitted to the Director of Stormwater and Resource Protection Division or their designee for review and approval.
14. Special Stormwater Criteria. Special Stormwater Criteria ("SSC") measures shall be required for the Facility. Specific SSC measures may be deemed unsuitable for the type of development as determined by the Director of Stormwater and Resource Protection Division or their designee.

16. Stormwater Facilities Design. Stormwater management facilities shall be designed in accordance with the DEQ Best Management Practice (BMP) Clearinghouse 2011 Specification Nos. 1-17 or the DEQ Virginia Stormwater Management Handbook Chapter 6.3.3.
17. Virginia Runoff Reduction Method. The Forested Open Space (the “FOS”) land use category may be used to account for a maximum of 50% of the required water quality treatment associated with the Facility. FOS shall meet the design criteria set forth for the Conserved Open Space BMP specification. The purchase of offsite nutrient credits toward needed water quality treatment associated with the Facility shall be prohibited.
18. Restoration Plan. Prior to final site plan approval, a Restoration Plan (the “RP”) shall be submitted to the Director of Planning or their designee for review and approval. The RP shall include the following measures:
 - a. Outline the required steps for removal of above- and below-ground Facility components.
 - b. Dispose and/or recycle wastes and materials.
 - c. Stabilize soil.
 - d. Revegetate and restore native habitat on areas of the Property which are no longer in use for the Facility or by-right permitted uses operating at that time.
 - e. Provide the close-out procedure or remediation of stormwater facilities.
19. Commencement. If construction of the Facility has not commenced within 36 months from the date of adoption of this SUP, the SUP shall become void. Construction shall be defined as obtaining building permits and approved footing inspections and/or foundation inspections for the structures identified as “Phase 1A” as shown on the Master Plan.
20. Severance Clause. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

????????

Chair, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

NULL
HIPPLE
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ICENHOUR
LARSON

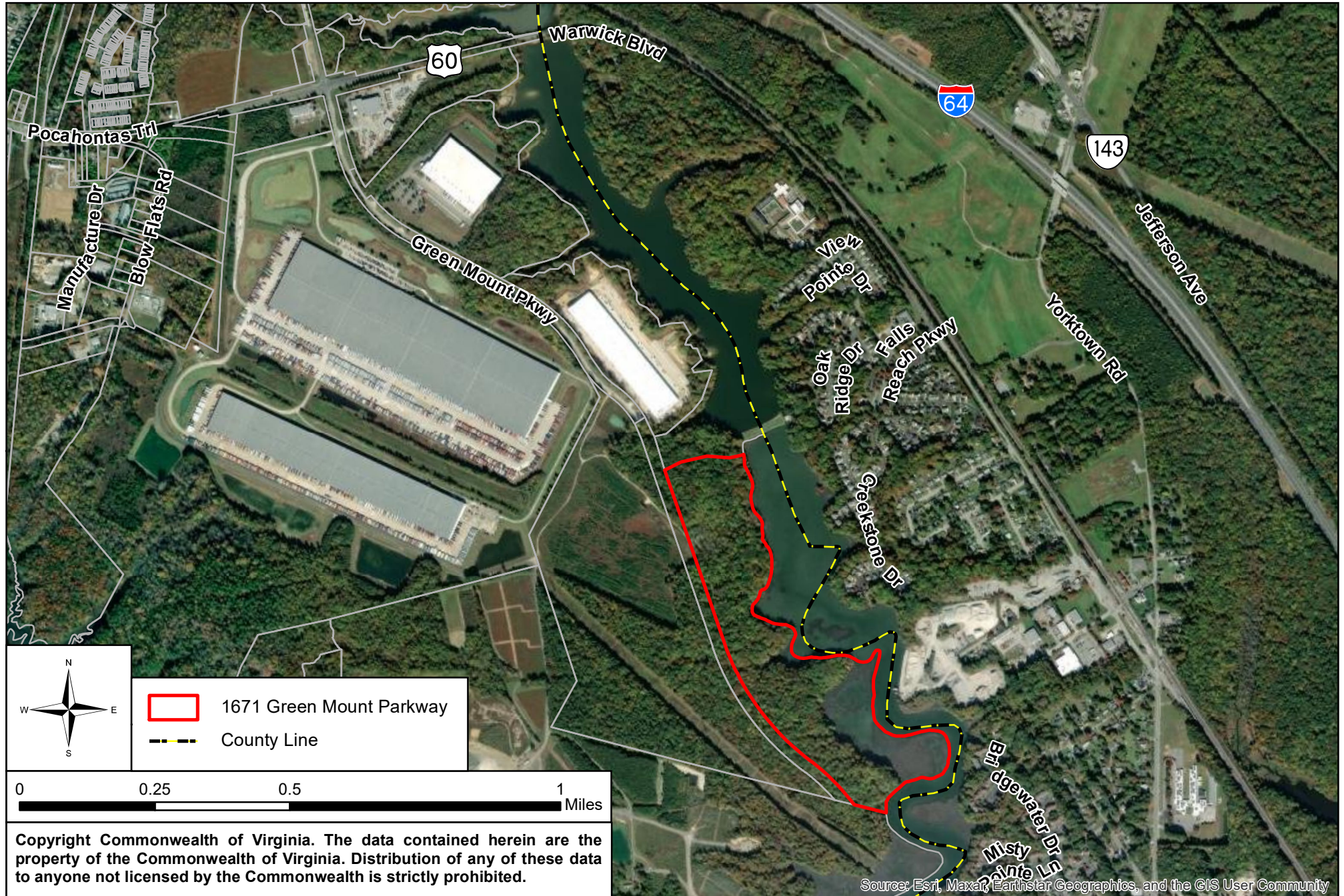
VOTES

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
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Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of January, 2025.

SUP24-13ResRecovFac-res

JCC SUP-24-0013, Ziegler Plumbing & Sewer, Inc. Resource Recovery Facility



JAMES CITY COUNTY, VIRGINIA
SPECIAL USE PERMIT APPLICATION
COMMUNITY IMPACT STATEMENT

Applicant: Ziegler Plumbing & Sewer, Inc.

Owners: Green Mount Associates LLC

Property: 1671 Green Mount Parkway
Parcel No. 6040100002 comprising of 96.36 acres

Current Zoning: General Industrial District, M-2

Project Name: Ziegler Resource Recovery Facility

Date: 24 October 2024: *Revised 20 November 2024*

File No.: SUP-24-0013

I. APPLICATION

The application hereby requests a Special Use Permit (SUP) in accordance with the James City County, Virginia (the “County”) Zoning Ordinance to build and operate a Resource Recovery Facility. Although the Use List for a M-2 district per Zoning Ordinance Chapter 24, Article V, Division 12, Section 24-436 includes a diverse array of industrial and commercial activities, many of which contain elements of the proposed recycling of organic waste material, a compost or composting facility is not defined in the County Zoning Ordinance. In accordance with a zoning determination letter dated 16 February 2024, the County deemed the proposed use as a resource recovery facility, which is also not defined in the County Zoning Ordinance but is defined in The Complete Illustrated Book of Development Definitions as “the process of obtaining materials or energy, particularly from solid waste”. The determination letter stated the proposed use would require the issuance of a SUP. In support of the SUP application, this Community Impact Statement has been prepared in accordance with Zoning Ordinance Chapter 24, Article I, Section 24-23 which identifies the submittal requirements associated with a SUP application.

In conjunction with the Resource Recovery Facility, the applicant has also included on the Master Plan a contractor facility/storage use, which may serve as an ancillary support use of the Resource Recovery Facility, in addition, to “by right” uses associated with Ziegler’s normal business operations. In addition, a 38,000 square foot warehouse use is shown on the Master Plan to reflect possible build-out options of the property. It should be noted the warehouse is not associated with the Resource Recovery Facility and is not included in the SUP application. The warehouse use is a “by-

right” or “permitted” in accordance with the Zoning Ordinance Chapter 24, Article V, Division 12, Section 24-436 Use List Table. The warehouse use is speculative and is dependent on market demand for warehouse capacity in the region. It is anticipated the warehouse will be constructed under a lease agreement with a long-term tenant. The Community Impact Statement will consider the impact of the whole development as shown on the Master Plan but is focused primarily on the Resource Recovery Facility, which is the subject of the SUP application.

Lastly, the SUP application encompasses the primary property identified as 1671 Green Mount Parkway (Parcel No. 6040100002) and an adjacent parcel identified as 1653 Green Mount Parkway (Parcel No. 6010100004B), which the latter parcel is owned by James City County. Since the James City County parcel is required to be used for access, then the property is required to be included in the SUP application since it will be used in support of the Resource Recovery Facility.

II. OVERVIEW

Ziegler Plumbing & Sewer, Inc. (Ziegler) provides residential and commercial plumbing services to the Hampton Roads area including James City County. As part of its operations, Ziegler’s Environmental Division maintains and services grease traps, sewer basins, septic tanks, and other facilities. Ziegler intends to develop a resource recovery facility on the subject property utilizing sustainable principles to divert waste organics (fats, oils, and greases, or FOG, etc.) from these sources from traditional disposal methods by transforming it into a value-added natural soil enhancement product – compost.

The development of a resource recovery facility in James City County will facilitate growth for industrial bulk materials vendors who currently purvey compost to their local customers by traveling long distances to purchase soil amendments. The new source of high-quality compost in the area makes a lower transportation cost for product, enabling competitive pricing and growth for this sector of industrial development.

In a similar way, the resource recovery of biosolids at this site will cut costs for transportation to HRSD dump stations and dump fees. Lower overhead costs to perform maintenance of grease traps, lift stations and septic tanks enables more competitive pricing for Ziegler Plumbing & Sewer, Inc., which lowers operating costs of industrial customers who must have maintenance performed regularly. Industrial customers in environmental waste hauling have seen the cost for this work rapidly increase due to high dump fees and transportation costs that haulers must incur in their overhead. Effect in industrial growth of the area due to this lowered cost is wide-reaching, as facilities in food service, food manufacturing, entertainment, healthcare, fabrication, retail, hospitality, military installations, and multifamily real estate have appurtenances serviced regularly by Ziegler Plumbing & Sewer, Inc. and are required by state law to do so. The lowered cost of the maintenance of grease/sanitary infrastructure and disposal of biosolids in bulk can stimulate establishment/growth of industrial enterprise of entrepreneurs entering sectors of business that generate large quantities of biosolids. The current means of dumping at municipal dump stations is a high cost that can stifle interest in pursuing industrial development meeting these criteria.

The Resource Recovery Facility will encompass the northern portions of the subject property comprising 8- to 10-acres of the total 93.63-acre parcel including adjacent undisturbed areas in the vicinity of the proposed use in accordance with the Master Plan. The Resource Recovery Facility will be developed as two (2) phases (Phases 1A and 1B) as indicated within the Master Plan. See further discussion below on the Resource Recovery Facility operation.

In addition, a third phase (Phase 2) of development is proposed to include a 38,000 square feet general warehouse use. This facility is reflected on the Master Plan and will encompass a portion of the parcel immediately south of the Resource Recovery Facility comprising of approximately 5- to 7-acres of the 93.63-acres. Again, the “by right” warehouse development is speculative and is dependent on market demand for warehouse capacity in the region and is not included with the Resource Recovery Facility. The warehouse use is shown on the Master Plan to provide overview of the development potential for the property.

The Master Plan includes several buildings (and a building number) associated with the proposed development. A description of how each building will be used is below.

Building No. 1 – Dewatering Building

This building is a 3,600sf dewatering building which is where the feedstock is unloaded and represents the first step in the composting process. In addition, a small office addition is included with this building. This is where the incoming materials are documented, and the process is administered and monitored. Example of a typical building elevation is included in **Figure 1a** below.

Building No. 2 – Equipment Storage Building

The equipment storage building is planned to store heavy equipment such as front-end loaders, skid steers, and cleaning equipment. This building is approximately 4,800sf. This building will have an open front with parking bays under roof. Example of a typical building elevation is included in **Figure 1b** below.

Building No. 3 and 4 – Aerated Static Pile (ASP) Buildings

These buildings enclose the primary composting operation through an Aerated Static Pile (ASP) system. Building No. 3 will be constructed in Phase 1A, and Building No. 4 will be constructed in Phase 1B. Like the Building No. 1, the building will be a steel building like the example in **Figure 1a**.

Figure 1a
Example Building Elevation



Figure 1b
Example Equipment Building Elevation



Building No. 5 – Contractor Office and Storage Building

The building will serve as a contractor office and or maintenance shop for normal Ziegler business operations. The building will serve as an ancillary support to the Resource Recovery Facility; hence, being part of the SUP application. The building will be approximately 5,000 square feet and be similar in elevation to the example shown in **Figure 1a** above.

Building No. 6 – Warehouse (Future and Speculative)

This building is speculative as a warehouse use. This building is not part of the SUP application but is shown only to show the potential of the property for development. The building elevation will be in line with the character of the facades of the other warehouses within the Green Mount Industrial Park.

Bulk/Product Storage

The Master Plan reflects bulk and product storage areas on site. The bulk storage is associated with the carbon material used for the composting process and consists of wood chips or other vegetative material. Product storage areas are for final composted product. The bulk materials and product will be stored in piles and will meet the requirements of pile size and separation in accordance with the Virginia Statewide Fire Prevention Code Chapter 28, Section 2808. In addition, appropriate BMPs for sedimentation control will be implemented as an initial control measure prior to entering the stormwater management facilities. Typical sedimentation control measures include perimeter silt fence that can be monitored and readily repaired or replaced as a normal operating procedure for the Resource Recovery Facility.

Resource Recovery Facility Access

Green Mount Parkway does not extend to the subject parcel; however, fee-simple property representing the future right-of-way of Green Mount Parkway is currently identified to be owned by the County (Parcel ID. 6010100004B); however, in recent correspondence with the County, the transfer of the property has yet to be completed and is still part of the Lot 3 parcel included in this SUP application. The SUP application includes Parcel ID 60101100004B for it will serve as the interim access to the subject parcel as shown on the Master Plan. The applicant is requesting an easement to be granted to obtain improved access to the parcel in support of the proposed use. The access will cross an existing topographical ravine that will require a culvert crossing and a significant earth embankment. It is understood that the access construction will aid in the future extension of Green Mount Parkway.

The ravine crossing will include a culvert with sufficient scour counter measures, and slope protection via erosion control blankets to control erosion riling and sedimentation into the tributary below. In addition, top of slope diversions can be implemented to prevent concentrated runoff being directed to the embankment slopes.

Resource Recovery Facility Operation

As a privately-owned, family business, Ziegler has a relatively high degree of control and oversight over what materials they may accept and use for recovery as feedstock in the proposed composting facility. The company provides a variety of residential and commercial plumbing services throughout the region. Within the broader mid-Atlantic are other compost facilities with operations like the proposed. These facilities are also owned and operated by family-owned plumbing companies with similar service lines, including multiple permitted in eastern North Carolina. The proposed facility provides a recycling outlet for solids that would otherwise need to be disposed during Ziegler's existing operations at already overburdened infrastructure (evidenced by high disposal costs and long queue wait times), including public treatment works and landfills.

The facility's purpose is dewatering, recycling and recovery of organic material via ASP composting that will be permitted by the state prior to operation. In addition to FOG and similar organics, the activities proposed use process inputs of bulk vegetative material such as chipped, mulched or ground clean woody waste, providing a potential outlet for area size-reduced yard waste and brush. The

marketable organic compost is produced via mixing of organic waste materials with a high carbon source such as wood chips followed by a multi-stage composting Aerated Static Pile (ASP) composting system. Minimal quantities of screened trash and non-compostable material from the incoming feedstock will be taken to permitted waste disposal facilities from the site. Only acceptable material will be sent to this site. The high carbon source such as wood chips is stored outdoors in the area labeled “Bulk Storage” on the Master Plan.

The normal operating hours for the Resource Recovery Facility will be between the hours of 7:00am and 5:00pm Monday through Fridays and will also include posted hours for Saturday typically between the hours of 7:00am and 12:00pm. Product will be sold, primarily, to other businesses; through bulk material trucking vendors; therefore, the public will not have direct access the site.

The proposed process occurs within enclosed buildings starting with dewatering and preparation of unloaded material. This is followed by mixing (combination with bulk carbonaceous feedstock) and transport of the material and ASP composting within an indoor bunker system in a separate building. The resulting compost product will be salable and used primarily for agricultural and horticultural purposes (i.e., garden soil). These activities, and the resulting transformation of waste materials into final compost, is regulated by the Virginia Department of Environmental Quality as approved and monitored by VDEQ (i.e., temperature readings, sampling, inspections). The Virginia Solid Waste Management Regulations (VSWMR, 9VAC20-81), the Virginia Pollution Abatement (VPA) Permit Regulation (9VAC25-32), and Sewage Collection and Treatment Regulations (9VAC25-790) govern composting operations within the Commonwealth. For this facility, the permitting process is outlined in the VPA program. Ziegler has already had an initial meeting with Central/Regional Biosolids and solid waste divisions of VDEQ to review the permitting process on 23 April 2024. The compost must also meet Virginia Department of Agriculture and Consumer Services (VDACS) registration requirements and product standards if it is sold or distributed for public use. Lastly, an odor control system will be implemented with the operation including consideration of a carbon filtration system within both the Dewatering and ASP buildings and or as approved by the VDEQ. The compost product is stored outdoors in piles and is labeled as “Product Storage” on the Master Plan.

III. COMMUNITY IMPACT ANALYSIS

The Community Impact Statement requirements are identified under Section 24-23(a) under subsections (1), which requires the statement to describe the probable effects of the proposed development upon the community and at a minimum shall address the topics outlined below.

(a) Traffic Impact Analysis

The proposed development inclusive of the Resource Recovery Facility, the Contractor Storage use, and the Warehouse Use is less than 100 weekday peak hour trips to and from the site during the hours of operation as outlined below.

Resource Recovery Facility. The trip generation associated with this use is highly dependent on the operation and the compost markets. Based on the experience of similar resource recovery facilities of this size, trips are generated from employees (approximately 10

employees), material deliveries, and product sales.

Type and Makeup of Vehicles

The daily trips are generated throughout the operating hours of 7am to 5pm weekdays with peak hours being at the beginning and end of each workday as employees come and leave the facility, in addition to, the occasional early delivery of materials. Vehicles associated with the operation will include both tandem/single rear axle and tractor/trailer type trucks. The tandem/single rear axle trucks will be in the form of dump trucks and vacuum trucks that Ziegler uses in their operation. The Vacuum type trucks may remain on site parked within the contractor office/storage area over night. Below is a brief discussion of method in determining the estimated trips.

Trips Generated from the Operation

Apart from the estimated employee trips, trips associated with the operations was based on the estimated intake of biosolids and the export of product in the form of sales. The estimated intake of biosolids consisting of FOG (plus sewer debris) is approximately 7,000 gallons per day which equates to approximately three (3) trucks per day. The water to solids ratio within each delivery is assumed to be a 5:1 ratio meaning 5,600 gallons of water to 1,400 gallons of solids per each day. The water is discharged through the public sewer system or reused on site as dictated by the water balance of the composting process. The remaining solids equates to approximately 7 cubic yards of compostable material per day. The composting process typically requires a 2:1 ratio of carbon material (i.e., leaf fodder or wood chips) to each unit of biosolids resulting in an additional 14 cubic yards of additional material to be delivered to the facility to support the composting process. This equates to three (3) trucks per day.

Compost product sales will vary depending on the time of year. The Virginia Pollution Abatement (VPA) permit regulations require the capability to store six (6) months of product to account for wintertime demand trends; therefore, it is assumed that all products must be sold in a six-month period or 130 working days. Anticipated annual production of the marketable compost material is 5,500 cubic yards resulting in 5 trips per day, conservatively.

Based on the size of the proposed resource recovery facility the anticipated trip generation is summarized below.

Table A
Estimated Daily Trips – Resource Recovery Facility

Description	Trips per day
Employee (5 employees)	10
Intake of Biosolids (based on 7,000 gallons per day)	6 (3 trucks per day)
Intake of Carbon Material	6 (3 trucks per day)
Material Sales ⁽¹⁾	5
Total:	27
Estimated Peak Hour Trips⁽²⁾:	7

- (1) Material sales trip generation based on a 6-month delivery duration for a years' worth of production.
- (2) The estimated peak hour trips are based on the number of employees arriving at the facility (5 trips) in the morning, plus the intake and material sale trips distributed over an 8-hour operation period (6 trips) assigned for the first hour of operation for the day.

Contractor Use/Storage Use. The trip generation for this facility was estimated using current employment levels at Ziegler of 10 employees. The daily trips were assumed to include an employee arriving at the site in the morning and leaving at the end of the workday resulting in two (2) trips per employee per day on average.

Average Daily Trips: 20
Average Peak Hour Trips: 10

Warehouse Use (38,000 sf). The trip generation for this facility was estimated using the ITE Manual reviewing data for general warehouse as shown in the figures below.

Figure 2
AM Peak – Warehouse Use

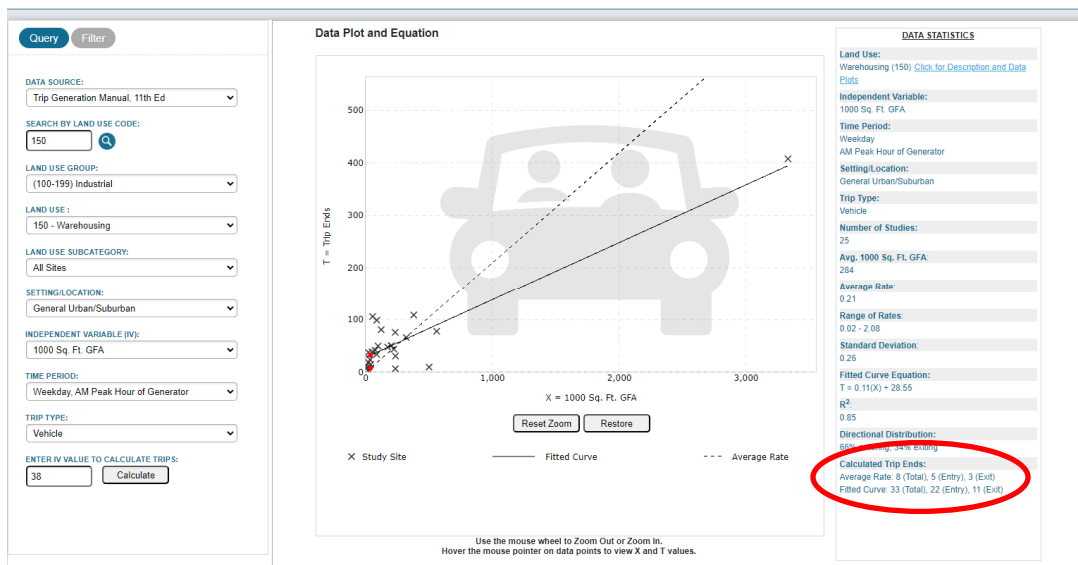
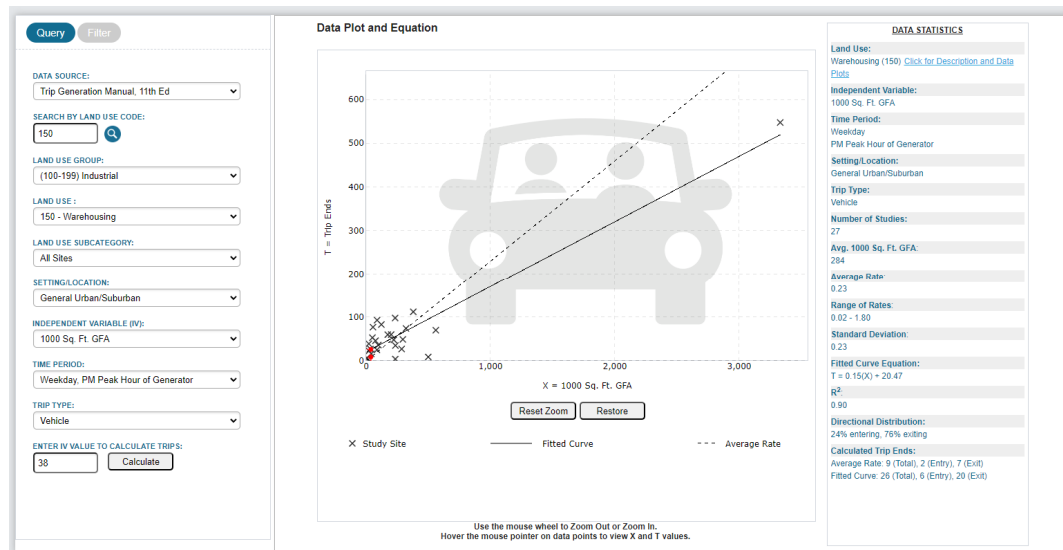


Figure 3
PM Peak – Warehouse Use



Based on the analysis above, the higher hourly peak trip generation is in the AM peak of 33 vehicles per hour as circled in **Figure 2** above. Below is a summary of peak hourly trip generation for all the proposed uses.

Table B
Peak Hour Trips per Proposed Use

Use	Average Daily Trips	Peak-Hour Trips
Resource Recovery Facility	27	7
Contractor Office/Use	20	10
Warehouse (38,000 sf)	98	33
Total:	145 trips/day	50 vehicle/hour

Based on the analysis above a traffic study is not required since the estimated peak hour trips is less than 100 vehicles per hour in accordance with the zoning ordinance; therefore, the development would have minimal impact to local traffic conditions. It should be noted that VDOT improved the intersection of Green Mount Parkway with Pocahontas Trail, SR 60, in 2022, which included the addition of Green Mount Parkway being extended over to Merrimac Trail, SR 143 allowing for efficient access to Interstate 64 from the subject industrial park.

(b) Water and Sewer Impact Study

Water Usage. The estimated average water usage is expected to be limited to domestic water service based on water fixtures and or the number of employees residing at the site at full development. To estimate water usage an expected employee count was used to determine average daily water usage as summarized below, in addition to, a typical 1-inch hose bib usage to water cured compost storage areas. The watering of cured compost material is expected to occur occasionally and will not be a daily occurrence; however, it has been included as a

conservative estimate.

Table C
Estimated Employees by Use

Use	Employee Count
Resource Recovery Facility	5
Contractor Office/Storage ⁽¹⁾	10
Warehouse ⁽²⁾	25
Total:	40

- (1) Contractor Office/Storage employee count is based on current Ziegler employee count. The estimate represents a conservative estimate as most employees will not reside on site full time being out in the field servicing customers.
(2) Warehouse employee count is based on an estimate of one (1) employee per 1,500 square feet of floor space.

Table D
Estimated Water Usage by Employee Count

Employee Water Usage Calculation	Assumptions
No. of Employees:	40 See estimate in Table C above.
15-35 GPD per Employee per 8-hour shift:	25 gpd Average per VA Sewerage Regulations (Table 5.1 for Factories and Offices Buildings)

Total Estimated Average Flowrate: 1,000gpd

In addition, as previously mentioned, it is anticipated the Resource Recovery Facility will require occasional watering of the cured compost piles. The water usage for this operation was assumed to be a 1-inch hose bib water at 134 gallons per minute for one (1) hour per day. Again, this will be an occasional water usage primarily in the summertime equaling three (3) months of the year. This would add an additional 8,000 gallons per day for a total site usage of approximately 9,000 gallons per day peak during the summer months or averaging the use over a year assuming 260 working days is **approximately 5,000 gallons per day**.

Sewage Discharge. The daily sewage discharge will comprise of both the dewatering of biosolids hauled onsite and employee restrooms and other typical domestic discharges. The average discharge flow rate of domestic sewage is 1,000 gallons per day based on the estimated employee count in **Table C**, above, and calculated in **Table D** under the assumption domestic water usage will equate to sewage discharge.

The estimated sewage discharge due to dewatering of the biosolids is summarized below.

Table E
Estimated Sewage Discharge from Solids Dewatering

Description	Data
Intake FOG (including sewage debris) per day	7,000 gpd
FOG Density	0.9 g/cm ³ or 56 lbs/ft ³

<i>Assumed Water to Solids Ratio at Intake</i>	5:1
<i>Water : Solids Ratio in gallons per day</i>	5,600 gpd : 1,400 gpd
<i>Discharge to Sewage gallons per day</i>	5,600 gpd

In summary, the total estimated discharge to the sewage system is **6,600 gallons per day** (1,000 gpd from domestic water use from all proposed uses and 5,600 gpd from biosolids dewatering). In accordance with the James City County Zoning Ordinance Chapter 24, Article I, Section 24-23(a)(1). b, a full water and sewer impact study is not required since the estimated flows are less than 15,500 gallons per day.

(c) Environmental Constraints Analysis

An environmental investigation was conducted and is being submitted in accordance with the environmental constraints analysis policy for legislative cases. Many of the items are located within attachments to this Community Impact Statement, therefore, a table has been prepared to identify where the requested data is shown to avoid redundancy and if the information has been included in the Master Plan. As such, reports are attached for reference as follows:

- **Attachment B:** Habitat Assessment
- **Attachment C:** Wetland Report
- **Attachment D:** Perennial Flow and RPA Determination. It should be noted the RPA Determination has been submitted under a separate application, RPA-24-0007.
- **Attachment E:** Phase 1A Archeological Study
- **Attachment F1:** Master Plan
- **Attachment F2:** Environmental Constraints Analysis Map
- **Attachment G:** SWM Concept Plan

The environmental constraints analysis is shown below in table form.

Table F
Environmental Constraints Analysis Summary

Description	Document Reference	Notes
I. Hydrologic Features		
1. Location of all bodies of water	Master Plan, Environmental Constraints Analysis Map	Primary body of water is the adjacent Skiffes Creek.
2. Name of watershed	Master Plan, Environmental Constraints Analysis Map	See VAHU6 under “General Site Information” as James River – Skiffes Creek.
3. Location of tidal and non-tidal wetlands	Master Plan, Environmental Constraints	The proposed development limits impact to exiting natural resources. The Master Plan includes a stream crossing for a potential impact for access identified as

Description	Document Reference	Notes
	Analysis Map	WA-PEM and WB-PEM totaling approximately 0.027 acres of impact based on the concept plan.
4. Location of perennial and intermittent streams	Master Plan, Environmental Constraints Analysis Map	The proposed development limits impact to exiting natural resources. The Master Plan includes a stream crossing for a potential impact for access identified as SA-R4SB totaling approximately 138 linear feet of impact based on the concept plan.
5. Description of receiving stream	N/A	The receiving channels of stormwater runoff are tributaries of Skiffes Creek. The existing tributary channels are natural with little signs of erosion. The channel is somewhat well defined with vegetive linings. The Channel Protection criteria under §9VAC25-875-600.B will be achieved using BMPs.
6. Floodplain delineation (100-yr and 500-yr)	Master Plan, Environmental Constraints Analysis Map	No delineation of 500-year storm event nor tidal flooding; The proposed development is above and outside of the 100-year floodplain as shown on the Master Plan and confirmed by FIRM Map 51095C0229D dated 12/16/2015 for Zone AE estimated elevation 7.00.
II. Physical Features		
1. Location of Steep Slopes	Environmental Constraints Analysis Map	The approximate steep slopes are shown on the Master Plan. The proposed development butts up against the steep slopes, specifically, the warehouse use, but the intent is not to grade down the steep slopes per the concept plan. The topographical contours are referenced from the Virginia Geographic Information Network (VGIN).
2. Soils and Hydraulic Soil Groups (HSGs)	Environmental Constraints Analysis Map	Review of the USDA hydraulic soil groups include soils that range in erodibility from
3. Soil erodibility	Environmental Constraints Analysis Map	Figure 2 of Attachment C Wetland Inventory reflects the USDA soils map. An analysis of the soil erodibility of listed soils indicates K factor ranges from 0.28 to 0.55 representing a medium to high erodibility risk. The medium risk ranges from 0.28 to 0.32 and represented most of the development area. The high-risk erodibility area represents approximately 2% or less of the development area; therefore, these soils were not a significant consideration in the conceptual design of the site.
4. Areas of forest, woodland cover and wildlife corridors	Environmental Constraints Analysis Map	The site is currently comprising of hard wood forested area. The limit of disturbance is limited to what is needed for the development including stormwater management as shown on the Environmental Constraints Analysis Map
5. Pre-Development Topography	Master Plan, Environmental Constraints Analysis Map	The existing contours are shown on the Master Plan. The topographical contours are referenced from the Virginia Geographic Information Network (VGIN).
III. Prohibited or Restricted Development Areas		
1. Required buffers and conservation	Master Plan, Environmental	Resource Protection Areas are delineated on the Master Plan. The RPA impact is limited to the ravine south of the

Description	Document Reference	Notes
easements	Constraints Analysis Map	Resource Recovery Facility with limited impact to accommodate a drainage channel. It is understood that a Water Quality Impact Assessment (WQIA) may be required with the site plan.
2. Locations of rare, threatened, and endangered species	Environmental Constraints Analysis Map (via Note 5)	This information has been included in the Habitat Assessment. Since the entire development area is forested habitat potential associated with the Northern Long-eared Bat and the Tri-Colored Bat are present. This area will be subject to coordination with the US Fish and Wildlife Service through the Joint Permit Application (JPA).
3. Locations of trees to be preserved in accordance with the Chesapeake Bay Preservation Act	Master Plan, Environmental Constraints Analysis Map	Trees that are associated with the Resource Protection Areas (RPAs) will be preserved and remain undisturbed. The only exception is stormwater discharge locations into the tributaries of Skiffes Creek for large storm events and the access road into the parcel crossing an existing ravine on County property.
4. Resource Protection Areas and Legal Wetlands	Master Plan, Environmental Constraints Analysis Map	The RPAs and delineated wetlands/WOUS are reflected on the Master Plan and the Environmental Constraints Analysis Map.
<i>IV. Existing and Proposed Changes to the Site</i>		
1. The nature of exiting and approved but not yet built development.	N/A	There are currently no approved site plans for this parcel.
2. Location of surrounding properties and neighborhoods	Master Plan	The surrounding communities include the following: In Newport News across Skiffes Creek, the Edgemoor Community, the Carlton Falls Community. In addition, the proposed development will reside within the delineated portions of the Green Mount Industrial Park.
3. Limits of disturbance	Master Plan, Environmental Constraints Analysis Map	The total limits of disturbance approximate 11.2 acres of the 96.36-acre parcel.
4. Calculation of existing and proposed impervious areas	Master Plan as shown in the SWM Summary table.	See the SWM Summary table on the Master Plan, in addition to being listed herein. Phase 1A/1B: Existing Impervious = 0 acres, Proposed Impervious = 5.1 acres; Phase 2: Existing Impervious = 0 acres, Proposed Impervious = 3.3 acres; Total: Existing Impervious = 0 acres, Proposed Impervious = 8.4 acres.
5. Low Impact Development Techniques	N/A	BMPs considered as Low Impact Design has not been incorporated into the plan at this time.
6. Description of how disturbance is being minimized	N/A	The proposed conceptual design minimizes the limits of disturbance through the following methods. 1) Utility Services are routed adjacent the main access into the site. This avoids additional clearing for separate utility corridors. 2) The SWM BMPs are proposed immediately adjacent the impervious areas resulting in a direction

Description	Document Reference	Notes
		connection between source and treatment. This reduces the overall footprint of the development. 3) The conceptual design avoids steep slope areas to the extent possible avoiding the extension of the LOD to the base of steep slopes. This approach keeps the site compact from an LOD perspective.
7. Conceptual SWM Plan	Master Plan	The SWM conceptual plan includes a phased approach based on the development phasing. The BMPs include a treatment train that addresses both stormwater runoff quality and quantity.

V. Narrative Analysis

In accordance with the environmental constraints analysis summarized above and as presented in the attached documents and the Master Plan, it is believed the conceptual design and associated proposed uses are compatible to the natural and environmental context of the property. **Erosion and Sedimentation Control.** Special attention should be given to sedimentation control during construction given the adjacent Skiffes Creek and associated reservoir, which can be addressed through standard BMPs in accordance with the latest Virginia SWM Handbook (including erosion and sediment control standards). **Steep Slopes.** In addition, a key factor for this site is avoiding steep slopes (>25%) areas, which the Master Plan indicates avoidance of such areas. **Access Road Construction.** Another key area is the proposed access road across a steep ravine near the current termination of Green Mount Parkway. The access road will serve as the main access point to the proposed development and require the crossing of this ravine. The crossing will include a culvert with sufficient scour counter measures, and slope protection via erosion control blankets to control erosion riling and sedimentation into the tributary below. In addition, top of slope diversions can be implemented to prevent concentrated runoff being directed to the embankment slopes. **Vegetative Clearing.** Regarding vegetation clearing, it is believed the proposed concept design represents a compact design with adequate buffers adjacent the steep slopes that will minimize tree clearing by developing the project in “pods” over two separate phases. The “pod” design approach allows for development to accommodate environmental constraints in lieu of performing mass grading and disturbing more areas than necessary. **Wetlands and Other Natural Resources.** The proposed conceptual plan minimizes impacts to wetlands and natural streams. The only impact is proposed for the access road to accommodate access to the site. **SWM Concept Design.** The proposed SWM design has been implemented in phases that allow for each phase to be compliant independently. The BMPs anticipated include a treatment train concept rather than a single BMP. Treatment trains have been shown to be excellent management solutions for stormwater discharge given the stacking of treatment each BMP provides.

Given the constraints analysis above, the concept design as shown in the Master Plan has been deigned to minimize the environmental impact of development.

(d) Overall Public Facilities Report

The overall impact to public facilities will be limited to water service, sewer service, and fire protection needs as discussed below.

Water Service. The Master Plan reflects the need to extend a 12-inch ductile iron waterline at the current termination point of Green Mount Parkway. The 12-inch waterline will be extended through the embankment fill adjacent the access road (across the ravine) and brought into the site. The water line will service the Resource Recovery Facility initially as part of the Phase 1A of the development, then Phase 1B for the Contract Office/Storage use. The water

service will be via an onsite water meter sized to accommodate the projected water use. Per Section (b) above the anticipated water usage will be approximately **5,000 gallons per day** annualized excluding any landscape irrigation requirements.

Fire flow requirements will need to be verified with the service provider during the site plan development to ensure that adequate protection from the public water system is available; otherwise, a local fire suppression water tank may be required.

Upon implementing the Phase 2 development, the 12-inch water line is to be extended to the warehouse use portion of the site. The water line can be placed in an easement to accommodate the public water line on the property. The domestic water service will be a separate meter.

Like the Resource Recovery Facility, the fire flow requirements for the Warehouse use will also need to be verified. If a local fire suppression water tank is required, the tank may be shared between the two uses to avoid duplicate infrastructure.

Sewer Service. The sewer service will be through an existing 4-inch C900 PVC force main located adjacent Green Mount Parkway and currently ends at the termination of Green Mount Parkway. The force main will be extended adjacent the access road leading into the proposed site but opposite side from the water service. A dedicated lift station servicing the Resource Recovery Facility, and the Contract Office/Storage will be included in the Phase 1A/1B of the development. A separate lift station will service the Warehouse use included in Phase 2 of the development. The approximate location of these facilities is shown on the Master Plan.

The sewage discharge will primarily comprise of domestic sewage; however, some discharge will include biosolids dewatering effluent. The dewatering liquid will be devoid of solids and will be of similar characteristics of domestic sewage, as the dewatering process captures FOGs, and any other biosolids for resource recovery prior to entering the sanitary sewer system.

The estimated discharge rate has been estimated in Section (b) above as also being approximately **6,600 gallons per day**. A Hampton Roads Sanitation District (HRSD) discharge permit will be obtained as part of the site plan process.

Fire Protection. Given the nature of the proposed uses fire protection will be an important factor in the final design of the site. This includes the hydrant system throughout the facility in addition to the distance from the local fire station. A hydrant system that meets the applicable section of the fire codes will be placed on site being serviced by the 12-inch ductile iron water line extension. In addition, any fire will be serviced by the local fire house located at 8429 Pocahontas Trail which is approximately five (5) minutes from the proposed development.

No other public facilities are necessary for this development.

(e) Additional On-site and Off-site Public Facilities or Services

Not applicable to this project.

(f) Phase 1A Archaeological Study

The report has been completed by R. Christopher Goodwin & Associates, Inc. (Goodwin), which an abstract has been published within **Attachment E** for reference. Below is a quote from the abstract findings.

“Due to the historic significance of the property and evidence of perceived and verified subsurface integrity at nearly all the sites, avoidance or supplemental investigation is recommended at Sites 44JC0138, 44JC0661, 44JC1026, and 44JC1029. Goodwin concurs with the previous investigators that sites 44JC1166 and 44JC1167 are likely not eligible for NRHP-listing and require no further work. The James City County and/or VDHR should be consulted about VDHR’s previous concerns regarding the potential eastern extensions or remnants of Sites 44JC1030 and 44JC1034 that were not incorporated in the site’s recent Phase III Data Recovery initiatives. These agencies should also be consulted regarding the need for a metal detector survey within the portion of the Battle of Yorktown (Civil War) Study Area (VDHR #099-5283) that overlaps the Project Area as recommended for military sites in the state’s guidelines (VDHR 2017:47-48). In addition, the previously unrecorded brick ruins should be recorded with VDHR as a newly identified cultural resource. Supplemental subsurface investigation may be warranted within the area of the Abstract Project Area that is directly adjacent to the ruins to verify that the site does not extend into the proposed area of development.”

It is understood that additional investigations will be required as part of the Site Plan application upon approval of the Special Use Permit.

(g) Preliminary Natural Resource Inventory

A Habitat Assessment, a Wetlands Report, and a Perennial Flow and RPA Determination has been prepared as part of the SUP application. The direct impact to regulated natural resources is limited to the access road via County property Parcel ID 6010100004B across an existing ravine. All other natural resource areas have been delineated on the Environmental Constraints Assessment Map included in the SUP application.

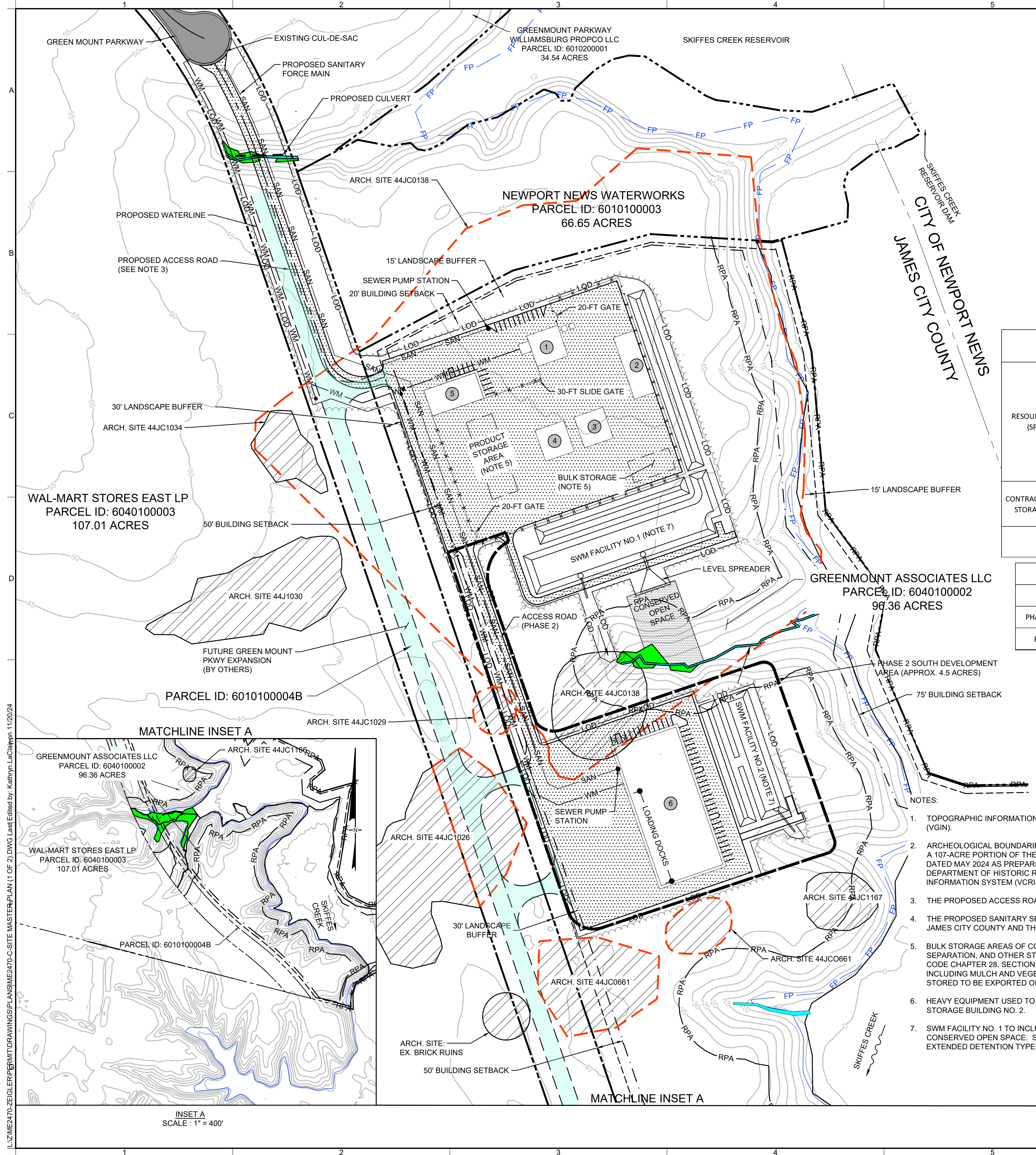
It should be noted the RPA Determination has been submitted under a separate application, RPA-24-0007 and is currently under consideration by the County.

(h) A fiscal impact analysis if applicable

Not applicable to this project.

(i) Parks and recreation

Not applicable to this project.



GENERAL SITE INFORMATION

OWNER: GREEN MOUNT ASSOCIATES LLC C/O ABBITT MGMT INC (PARCEL IDS: 6040100002 & 6010100004B)
ADDRESS: 1671 GREEN MOUNT PARKWAY WILLIAMSBURG, VA 23185
PREPARED BY: GEOSYNTEC CONSULTANTS
KYLE E. LACLAIR, P.E.
9211 ARBORETUM PARKWAY
SUITE 200
RICHMOND, VA 23236
ELECTION DISTRICT: ROBERTS
LAT. - LONG.: 37.192736, -76.583806
ZONING: M-2 GENERAL INDUSTRIAL
PARCEL #: 6040100002
PROPOSED USE: SEE TABLE BELOW
PARCEL ACREAGE: 96.36 ACRES
WATER AND SEWER: AVAILABLE
FEMA FIRM PANEL: 51095C0229D
ZONE AE, EFFECTIVE DATE 12/16/2015
WATERSHED (VAHU6): JL35 JAMES RIVER-SKIFFES CREEK

PROPOSED USE TABLE

PROPOSED USE	DEVELOPMENT PHASE	BUILDING/STRUCTURES	BUILDING HEIGHT	TYPE OF USE
RESOURCE RECOVERY FACILITY (SPECIAL USE PERMIT)	PHASE 1A	① 3,600 SF DEWATERING BUILDING W/ ATTACHED 400 SF OFFICE SPACE	≤ 35 FT	H
		② 4,800 SF EQUIPMENT STORAGE BUILDING	≤ 25 FT	H
		③ 3,600 SF AERATED STATIC PILE BUILDING	≤ 35 FT	H
	PHASE 1B	④ 3,600 SF AERATED STATIC PILE BUILDING ADDITION	≤ 35 FT	H
CONTRACTOR OFFICE/EQUIPMENT STORAGE/SHOP/WAREHOUSE	PHASE 1B	⑤ 5,000 SF MAINTENANCE/ CONTRACTOR SHOP	≤ 35 FT	M (EFGH)
WAREHOUSING (BY-RIGHT USE)	PHASE 2	⑥ 38,000 SF WAREHOUSE	≤ 35 FT	M (EFGH)

SWM SUMMARY

PHASE	IMPERVIOUS AREA	DEVELOPMENT AREA
PHASE 1A/1B	5.05 ACRES	7.78 ACRES
PHASE 2	3.32 ACRES	4.5 ACRES

FLOOR AREA RATIO (FAR) CALCULATION

PHASE	IMP. AREA*	PROPERTY ACRES	FAR
PHASE 1A/1B	5.05	96.36	0.05
PHASE 2	3.20		0.03
TOTAL	8.25		0.09

*IMPERVIOUS AREA USED GIVEN THE TYPE OF USE PROPOSED

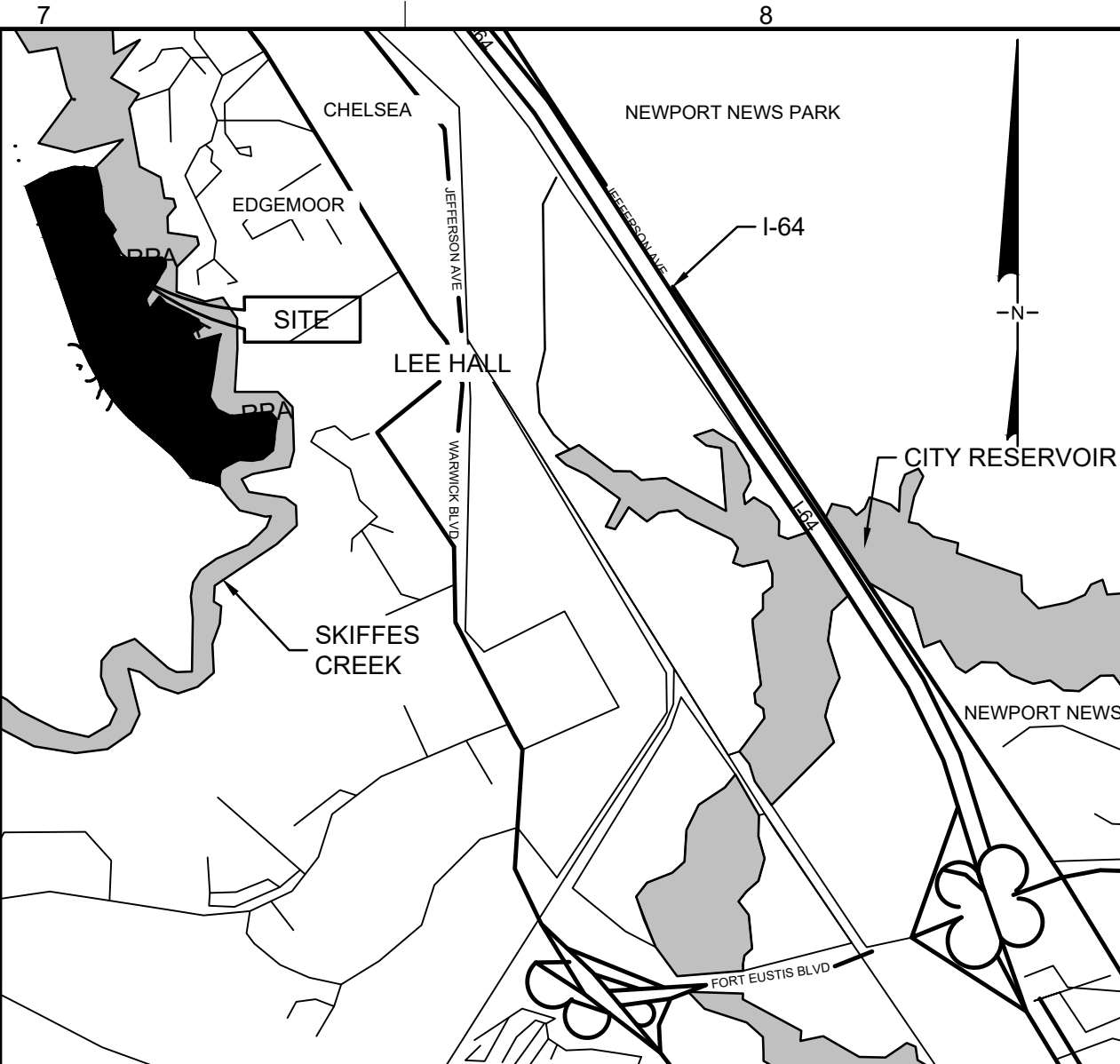
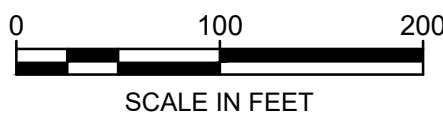
PARKING COMPUTATIONS (PER SEC. 24-59 c)

USE	# EMPLOYEES	PARKING PROV'D	HANDICAP SPACES REQ'D*
RESOURCE RECOVERY FACILITY	10	5	20
OFFICE/STORAGE/SHOP	28	14	
WAREHOUSE	25	13	38
TOTAL	63	32	58

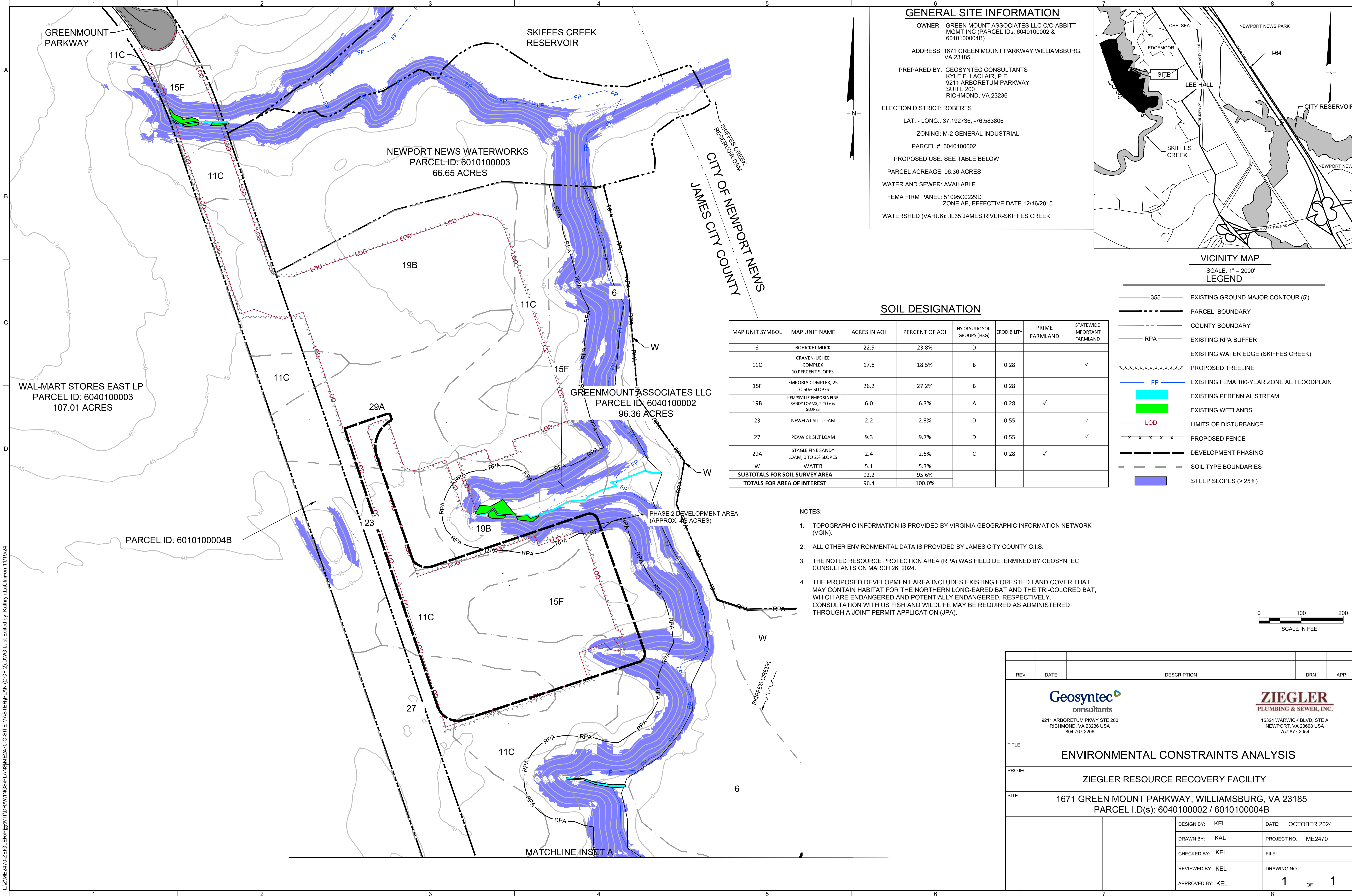
*HANDICAP SPACES PER SEC. 24-56

NOTES:

- TOPOGRAPHIC INFORMATION IS PROVIDED BY VIRGINIA GEOGRAPHIC INFORMATION NETWORK (VGIN).
- ARCHAEOLOGICAL BOUNDARIES ARE BASED ON "PHASE 1A ARCHAEOLOGICAL INVESTIGATION OF A 107-ACRE PORTION OF THE GREEN MOUNT INDUSTRIAL PARK JAMES CITY COUNTY, VIRGINIA" DATED MAY 2024 AS PREPARED BY R. CHRISTOPHER GOODWIN & ASSOCIATES, INC. VIRGINIA DEPARTMENT OF HISTORIC RESOURCES (VDHR), AND VIRGINIA CULTURAL RESOURCES INFORMATION SYSTEM (VCRIS).
- THE PROPOSED ACCESS ROAD TO BE GRANTED WITHIN EASEMENT FROM JAMES CITY COUNTY.
- THE PROPOSED SANITARY SEWER AND WATERLINE TO BE GRANTED WITHIN EASEMENT FROM JAMES CITY COUNTY AND THE LANDOWNER AS REQUIRED BY THE UTILITY OWNER.
- BULK STORAGE AREAS OF COMPOST WILL BE REQUIRED TO FOLLOW THE PILE SIZE, SEPARATION, AND OTHER STANDARDS INCLUDED IN THE VIRGINIA STATEWIDE FIRE PREVENTION CODE CHAPTER 28, SECTION 2808. BULK STORAGE WILL INCLUDE CARBON SOURCE MATERIALS INCLUDING MULCH AND VEGETATIVE DEBRIS. PRODUCT STORAGE ARE CURED COMPOST PILES STORED TO BE EXPORTED OFF SITE AS SALES.
- HEAVY EQUIPMENT USED TO MOVE MATERIAL ON-SITE WILL BE STORED WITHIN THE EQUIPMENT STORAGE BUILDING NO. 2.
- SWM FACILITY NO. 1 TO INCLUDE A DRY SWALE, TYPE 2, EXTENDED DETENTION TYPE 1, AND CONSERVED OPEN SPACE. SWM FACILITY NO. 2 TO INCLUDE A DRY SWALE TYPE 2 AND EXTENDED DETENTION TYPE 1.



REV	DATE	DESCRIPTION	DRN	APP
Geosyntec consultants 9211 ARBORETUM PKWY STE 200 RICHMOND, VA 23236 USA 804.767.2206 ZIEGLER PLUMBING & SEWER, INC. 15324 WARWICK BLVD, STE A NEWPORT, VA 23608 USA 757.877.2054				
TITLE: MASTER PLAN				
PROJECT: ZIEGLER RESOURCE RECOVERY FACILITY				
SITE: 1671 GREEN MOUNT PARKWAY, WILLIAMSBURG, VA 23185 PARCEL I.D(s): 6040100002 / 6010100004B				
DESIGN BY: KEL		DATE: OCTOBER 2024		
DRAWN BY: KAL		PROJECT NO.: ME2470		
CHECKED BY: KEL		FILE:		
REVIEWED BY: KEL		DRAWING NO.: 1 OF 1		
APPROVED BY: KEL				



MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
December 4, 2024
6:00 PM

A. CALL TO ORDER

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

B. ROLL CALL

Planning Commissioners Present:

Tim O'Connor, Chair
Jack Haldeman
Frank Polster
Stephen Rodgers
Jay Everson
Scott Maye
Kira Allmann

Staff Present:

Susan Istenes, Director of Planning
Liz Parman, Deputy County Attorney
Morgan Risinger, Senior Planner
Roberta Sulouff, Planner
Will Albiston, Community Development Assistant
Linda Titus, Community Development Assistant

C. PUBLIC COMMENT

Mr. O'Connor opened Public Comment.

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

D. REPORTS OF THE COMMISSION

Mr. O'Connor stated that the Development Review Committee (DRC) and the Policy Committee did not meet this month.

E. CONSENT AGENDA

1. Minutes of the November 6, 2024, Regular Meeting

Mr. Rodgers made a motion to approve the Consent Agenda.

On a voice vote, the Commission voted to approve the motion. (7-0)

F. PUBLIC HEARING(S)

1. ORD-24-0004. Ordinance to Amend and Reordain Section 24-24 of the James City County Zoning Ordinance

Ms. Liz Parman, Deputy County Attorney, stated that the proposed Ordinance to Amend and Reordain Section 24-24 of the James City County Zoning Ordinance was largely a housekeeping measure to update the County Code to conform with the Virginia State Code. She noted that Section 24-24 currently allows the County to require Land Use applicants to certify that all delinquent real estate taxes have been paid. She further noted that the Virginia Code allows the County to require certification that all real estate taxes and nuisance charges, stormwater management utility fees, and any other charges owed to the County that constitute a lien on the property have been paid. Ms. Parman stated that staff recommended approval of this draft Ordinance to align the County Code with the State Code.

Mr. O'Connor opened the Public Hearing.

Mr. O'Connor closed the Public Hearing as there were no speakers.

Mr. Polster made a motion to approve the Initiating Resolution for ORD-24-0004. Ordinance to Amend and Reordain Section 24-24 of the James City County Zoning Ordinance.

On a roll call vote, the Commission voted to approve the motion. (7-0)

Mr. Polster made a motion to recommend approval of ORD-24-0004. Ordinance to Amend and Reordain Section 24-24 of the James City County Zoning Ordinance to the Board of Supervisors.

On a roll call vote, the Commission voted to approve the motion. (7-0)

2. SUP-24-0013. Ziegler Plumbing & Sewer, Inc. Resource Recovery Facility

Ms. Morgan Risinger, Senior Planner, addressed the Commission stating that Ms. Jessica Lasris of Ziegler Plumbing & Sewer, Inc., has applied for a Special Use Permit (SUP) to construct and operate a resource recovery facility at 1671 Green Mount Parkway. She noted the property is 96.36 acres in size and currently zoned M-2, General Industrial, designated General Industry on the Comprehensive Plan, and is located inside the Primary Service Area (PSA). Ms. Risinger stated that the proposed operation included transporting organic waste materials from grease traps, septic tanks, and sewer basins to the property to be separated into liquid and solid waste materials. She noted that the liquid waste material would be discharged into the Hampton Roads Sanitation District sewer system and the solid waste material would be processed with bulk vegetative material to create a compost product to be wholesaled.

Ms. Risinger stated that staff had proposed SUP conditions to mitigate potential impacts of the proposal including prohibiting retail sales on the property, requiring vegetative buffers and fencing for the purpose of screening, requiring air filtration systems in buildings where the materials are processed, limiting the size and spacing

of storage piles for compost and bulk vegetative products, and requiring plans be developed for the purpose of fire safety, spill prevention, and restoration of the property if the use was discontinued. Ms. Risinger further noted that staff found the proposal to be compatible with surrounding development and consistent with the Comprehensive Plan and Zoning Ordinance. She added that staff recommended the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the proposed conditions.

Mr. Haldeman asked Ms. Risinger to clarify the County easement that would be used to access the property as noted in the staff report.

Ms. Risinger stated that the existing Green Mount Parkway right-of-way ends with the cul-de-sac that is shown in the top left of the Master Plan and that the proposed easement in question would extend beyond the cul-de-sac and past the project site. She stated that a condition of the SUP would require the easement to be established legally through a deed before a site plan is approved to ensure the land remains available for the extension of the Green Mount Parkway right-of-way.

Mr. O'Connor opened the Public Hearing.

Ms. Jessica Lasris, Mr. Clark Siebels, and Mr. Will Siebels, Ziegler Plumbing & Sewer, Inc., 15324-A Warwick Boulevard, Newport News, VA, addressed the Commission in support of the application as members of the applicant team. They described the standard operations of the Environmental Division which includes maintaining septic tanks, grease traps, and pump basins. The applicants also discussed their reasoning in pursuing this project and how the site would operate.

Mr. Polster noted his support for the project. He asked the applicant team to describe the Stormwater Management Facility No. 1 as noted on the Master Plan. Mr. Polster also asked the applicant to address concerns surrounding runoff into and erosion of the ravine to the south of the Phase 1 portion of the site during intense rain events.

The site engineer for the applicant team, Mr. Kyle LaClair, Geosyntec Consultants, 9211 Arboretum Parkway, Suite 200, Richmond, VA, noted that the stormwater management designs shown on the Master Plan were a concept design. Mr. LaClair stated that Stormwater Management Facility No. 1 is intended to be a series of successive treatment measures that operate as a treatment train to filter particulates from the runoff. He also noted that the outfall areas would be designed to resist erosion.

Mr. Gary Massie, 8644 Merry Oaks Lane, Toano, VA, addressed the Commission noting his support for the application.

Mr. Fritz Burkhart, 223 Harpersville Road, Newport News, VA, addressed the Commission with concerns about the project.

Mr. O'Connor closed the Public Hearing as there were no additional speakers.

Mr. Polster noted that the stormwater from the project site would be directed towards Skiffe's Creek and not the Skiffe's Creek Reservoir.

Mr. O'Connor, Mr. Everson, Mr. Haldeman, and Mr. Maye each disclosed that they had conversations prior to the meeting with Mr. Vernon Geddy, a representative for the applicant team.

Mr. Polster made a motion to recommend approval of SUP-24-0013. Ziegler Plumbing & Sewer, Inc. Resource Recovery Facility with the proposed conditions to the Board of Supervisors.

On a roll call vote, the Commission voted to approve the motion. (7-0)

3. SUP-24-0028. Liberty Ridge JCSA Water System Tie-In SUP Amendment

Ms. Roberta Sulouff, Planner, addressed the Commission regarding the background of the case. She stated that Mr. Vernon Geddy, Geddy, Harris, Franck, & Hickman, LLP, had applied on behalf of JCC, LLC, the developers of the Liberty Ridge subdivision, to amend Condition No. 2 of SUP-23-0023. Ms. Sulouff explained that the amendment would allow the remaining unplatted, but approved, lots to connect to the development's central well, which is connected to the James City Service Authority (JCSA) system. She also noted that the subject property was located outside the PSA, zoned A-1, General Agricultural, and was designated Rural Lands on the Comprehensive Plan.

Ms. Sulouff noted that Liberty Ridge is a by-right major subdivision that has been in the process of developing since the early 2000s. The lot layout and infrastructure plan for Liberty Ridge received preliminary approval in 2006. Ms. Sulouff added that the preliminary approval allowed the developer to plat all lots shown on the plan through the standard administrative process, provided the lots met zoning and subdivision requirements. One such requirement is that the development must be served by a central well, which would later be dedicated to JCSA but not connected to the JCSA system. She also noted that preliminary subdivision approval is generally valid for five years from the date of recordation of a plat for any portion of the approved preliminary plan. She added that while the plan's preliminary approval was extended by such recordation's along the way, it did expire in April 2020.

Ms. Sulouff stated that in 2023, while the Liberty Ridge project was dormant from a planning perspective, JCSA applied for an SUP to connect the development's independent central well system to the public JCSA system. In the application, JCSA indicated several benefits to this connection, including load relief, redundancy, and efficiency. Ms. Sulouff added that the Board of Supervisors unanimously approved the extension earlier in 2024, with the condition that no further connections would be allowed outside of the PSA.

Ms. Sulouff stated that just a few months later, the General Assembly passed the budget bill with a special provision extending preliminary subdivision approvals that had expired in 2020. When the budget bill became law, Liberty Ridge's preliminary approval was reinstated. Again, the developer has the right to plat lots shown on the plan if they conform to the Ordinances.

Ms. Sulouff stated that in this very unusual case, the applicant could not conform to the Subdivision Ordinance and connect to their own central well system because of

the conditions of JCSA's SUP. She noted that although staff recommended denial of JCSA's original SUP request, staff has recommended approval of this amendment and de-facto further extension of water outside of the PSA to allow the applicant to conform to County Code and be consistent with the County's preliminary approval process. Ms. Sulouff finished by stating staff recommends the Planning Commission recommend approval of the amended conditions of SUP-23-0023 to the Board of Supervisors.

Mr. O'Connor opened the Public Hearing.

Mr. Vernon Geddy, Geddy, Harris, Franck & Hickman, LLP, 1177 Jamestown Road, addressed the Commission and stated that he was the applicant's representative. Mr. Geddy described the case as highly unusual and noted it was unlikely to be repeated. Mr. Geddy spoke to further details of the history of Liberty Ridge's preliminary approval status. He stated that if this case was approved there would be specific benefits to JCSA's operations. Mr. Geddy finished by adding that no property outside of Liberty Ridge would be permitted to use Liberty Ridge's connection.

Mr. Polster asked if there were plans for the portion of 5365 Centerville Road that is detached from and located to the west of the main portion of the property, as it is not currently included in the Liberty Ridge plans.

Mr. Branch Lawson, JCC, LLC, 14700 Village Square Place, Midlothian, VA, spoke but his response was inaudible.

Mr. Polster asked if it was correct that the detached western portion of 5365 Centerville Road was not part of the Liberty Ridge development or part of the extension of the JCSA water system.

Mr. Lawson stated that was correct at present.

Mr. Haldeman asked if it was correct that the case did not involve a sewer extension or connection and that it was only for water.

Mr. Geddy stated that was correct.

Mr. O'Connor closed the Public Hearing as there were no additional speakers.

Mr. Everson disclosed that he had spoken to Mr. Geddy about the case during the previous few days. Mr. Everson asked for confirmation that although the County had restrictions against community wells and other aspects of the case, the County was required to approve the case due to actions from the Virginia General Assembly.

Mr. Geddy stated that was correct.

Mr. Polster stated that he was supportive of the 2023 SUP during that meeting. He stated that one reason he supported it was because of a portion of the Comprehensive Plan that spoke to the benefits of connecting community wells to the main JCSA system.

Mr. O'Connor echoed Mr. Geddy's earlier statement about the unusual nature of the case and how he believed it would be unlikely to see another case like this in the future.

Mr. Polster made a motion to recommend approval of SUP-24-0028. Liberty Ridge JCSA Water System Tie-In SUP Amendment with the proposed condition to the Board of Supervisors.

On a roll call vote, the Commission voted to approve the motion. (7-0)

G. PLANNING COMMISSION CONSIDERATIONS

There were no items for consideration.

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - December 2024

Ms. Istenes stated that she had nothing in addition to the report provided in the Agenda Packet.

Ms. Istenes did apologize for technical difficulties the Commissioners had experienced during the previous week and stated that the issues were being addressed.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

There were no items for discussion and requests.

J. ADJOURNMENT

Mr. Everson made a motion to adjourn.

The meeting was adjourned at approximately 6:51 p.m.

Susan Istenes, Secretary

Tim O'Connor, Chair

**SPECIAL USE PERMIT-24-0028. 5207 Colonnade Parkway Liberty Ridge JCSA Water System Tie-In Amendment
Staff Report for the January 14, 2025, Board of Supervisors Public Hearing**

SUMMARY FACTS

Applicant: Mr. Vernon Geddy, Geddy, Harris, Franck & Hickman, LLP

Landowner: JCC, LLC

Proposal: To amend the conditions of SUP-23-0023 to allow for the connection of the remaining, unplatted lots within the Liberty Ridge subdivision per subdivision plan James City County (JCC) Case No. S-0117-2005, which received preliminary approval in 2006, to James City Service Authority (JCSA) public water.

Locations: 5365 Centerville Road
5207 Colonnade Parkway

Tax Map/Parcel Nos.: 3030100002, 3030300001A, and Mallory Place Right-of-Way (ROW)

Project Acreage: ± 300.99 acres (3030100002)
± 1.91 acres (3030300001A)

Current Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area (PSA) Outside

Staff Contact: Roberta Sulouff, Senior Planner

PUBLIC HEARING DATES

Planning Commission: December 4, 2024, 6:00 p.m.

Board of Supervisors: January 14, 2025, 5:00 p.m. (Tentative)

FACTORS FAVORABLE

1. Should this application be approved, staff finds the proposed conditions would mitigate potential impacts and prevent further expansion of public water and sewer outside of the County's PSA.
2. This amendment would allow for the previously approved subdivision to conform to the utility connection requirements of the Subdivision Ordinance.
3. Impacts: See Impact Analysis on Page 5.

FACTORS UNFAVORABLE

1. As noted in staff's report for SUP-23-0023, the previous installation of the water main located outside of the PSA was inconsistent with the County's Utility Policy and the growth management principles within the Comprehensive Plan. Should this amendment be approved, that inconsistent use would be extended.
2. Impacts: See Impact Analysis on Page 5.

PLANNING COMMISSION RECOMMENDATION

At its December 4, 2024, meeting, the Planning Commission voted 7-0 to recommend the Board of Supervisors approve the application, subject to the proposed conditions.

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

SPECIAL USE PERMIT-24-0028. 5207 Colonnade Parkway Liberty Ridge JCSA Water System Tie-In Amendment
Staff Report for the January 14, 2025, Board of Supervisors Public Hearing

CHANGES SINCE THE PLANNING COMMISSION MEETING

None.

SUMMARY STAFF RECOMMENDATION

Staff recommends that the Board of Supervisors approve this amendment subject to the attached conditions.

PROJECT DESCRIPTION

The Liberty Ridge Subdivision is a “by-right” major subdivision located outside of the PSA that has been in the process of development since the early 2000s. Per Section 19-59 of the Subdivision Ordinance, all major subdivisions submitted prior to October 11, 2022, and located outside of the PSA must construct and connect to a central well system. The Ordinance further required that once constructed, the central well system be dedicated to the JCSA for operation and maintenance as a standalone, independent water system. Prior to 2024, approximately 64 lots have been platted and the central water system was constructed and turned over to JCSA. On February 13, 2024, the Board of Supervisors approved SUP-23-0023, which permitted the JCSA to extend an existing public water main into Liberty Ridge and connect the subdivision’s central well system to the JCSA system. Condition No. 2 (Attachment No. 3) of SUP-23-0023 prevents any connections to the central well (now connected to the JCSA system through the extended main) from lots outside of the PSA platted after December 1, 2023.

As of December 1, 2023, preliminary approval for the Liberty Ridge Subdivision plan had expired, and the developer did not have the right to plat the remaining 75 unplatted lots without filing a new subdivision construction plan, which would have to conform to current Zoning and Subdivision Ordinance standards for the A-1, General Agricultural

District and the Rural Lands Comprehensive Plan Land Use designation (e.g., minimum 20-acre lot sizes that can be served by individual wells).

However, at its 2024 Special Session, the Virginia General Assembly adopted the state budget which contained the following clause as Item 65(N), Financial Assistance for Circuit Court Clerks (Attachment No. 4):

“Notwithstanding any other provision of law, subdivision plats deemed valid through July 1, 2020 pursuant to § 15.2-2209.1.A., Code of Virginia, that were unable to be recorded prior to the commencement of the Judicial Emergency that extended from March 16, 2020 through July 19, 2020, hereby have validity extended to December 31, 2024.”

This clause effectively resurrects any subdivision preliminary approvals granted through July 1, 2020, which had previously expired. The Liberty Ridge Subdivision preliminary plat qualifies for this revalidation; therefore, all remaining lots - approximately 75 - shown on that plan are now legally allowed to be platted through the normal, administrative subdivision review process in accordance with the preliminary plan approval that was issued in 2006 and in accordance with the previous version of the A-1 Zoning District and the previous version of the Subdivision Ordinance.

Per Section 19-59 of the Subdivision Ordinance, all major subdivisions submitted prior to October 11, 2022, and located outside of the PSA must construct and connect to a water system. In order to move forward with platting the remaining 75 lots, Condition No. 2 of SUP-23-0023 must be amended to allow for the connection. Without the proposed SUP amendment, the applicant would not have the ability to connect, nor to meet Ordinance standards, which would be in conflict with the preliminary plan approval extension granted by the General Assembly.

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

**SPECIAL USE PERMIT-24-0028. 5207 Colonnade Parkway Liberty Ridge JCSA Water System Tie-In Amendment
Staff Report for the January 14, 2025, Board of Supervisors Public Hearing**

PLANNING AND ZONING HISTORY

The Liberty Ridge Subdivision is a “by-right” major subdivision that has been in the process of development since the early 2000s. On April 3, 2006, the Planning Commission granted Preliminary Plan approval and a waiver from the Subdivision Ordinance to have cul-de-sac streets of more than 1,000 feet. On April 2, 2007, an extension of the preliminary approval was granted by the Planning Commission. This plan included 139 residential lots, a clubhouse, community pool, and a central well system.

Since preliminary approval was granted, approximately 64 lots have been platted within the subdivision, the last plat being approved on April 10, 2015. Per Section 19-26(b) of the Subdivision Ordinance:

“If a subdivider records a final plat, which may be a section of a subdivision as shown on an approved preliminary plan...the developer shall have the right to record the remaining sections shown on the preliminary plan for a period of five years from the date of the latest recorded plat of subdivision for the property. The five-year period of validity shall extend from the date of the latest recorded plat.”

Therefore, on April 10, 2020, the preliminary plan expired, and the validity to plat the remaining 75 unplatted lots expired as well, until the legislature retroactively granted the aforementioned extension as part of the adopted state budget.

Subsequent to the extension of preliminary approval, the developer has recorded one lot in section 2C of Liberty Ridge (JCC Subdivision Plan-24-0020), thereby meeting the extension deadline imposed by the new legislation. See Attachment No. 7 - Timeline.

SURROUNDING ZONING AND DEVELOPMENT

	ZONING DESIGNATION	EXISTING LAND USE	FUTURE LAND USE DESIGNATION
NORTH	PL, Public Lands	Freedom Park	Community Character Conservation, Open Space or Recreation
SOUTH	A-1, General Agricultural	Single-family residential	Rural Lands
EAST	PL, Public Lands and R-4, Residential Planned Community	D.J. Montague Elementary School and Single-family residential (Ford’s Colony)	Federal, State, or County Land and Low Density Residential
WEST	PL, Public Lands	Vacant land (Former Landfill)	Federal, State, or County Land

COMPREHENSIVE PLAN

For newly proposed development or expansion of development subject to legislative evaluation, the County’s Utility Policy strongly discourages utility extensions outside of the PSA. Extensions of water and sewer facilities outside of the PSA have predominantly served a significant public purpose, addressed health and safety situations for existing communities, or improved utility service inside the PSA.

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

**SPECIAL USE PERMIT-24-0028. 5207 Colonnade Parkway Liberty Ridge JCSA Water System Tie-In Amendment
Staff Report for the January 14, 2025, Board of Supervisors Public Hearing**

The PSA Policy is James City County's long-standing principal tool for managing growth. As a growth management tool, it attempts to direct growth in one area (where public facilities and services are planned) and away from another (where the majority of agricultural and forestal activities occur). The PSA, first established in 1975, utilizes many of the same principles as Urban Growth Boundaries or Urban Service Areas found in other localities.

Any extension of utilities beyond the PSA boundary is essentially an artificial expansion of the PSA. The incremental expansion of public utilities outside the PSA undermines the County's growth management efforts.

While staff recommended denial of SUP-23-0023, citing precedent in the interpretation of the PSA policy, staff finds that the circumstances of this case are unique and require a different lens through which to read the policy. If not for the JCSA-initiated application to connect the central well to the JCSA system, this development would have proceeded through the administrative process using the well originally built by the developer to serve all 139 lots. Condition No. 2 was included since, at that time, preliminary subdivision approval had expired. Staff finds the circumstances of this case unlikely to be replicated and outside the realm of considerations usually subject to the PSA policy.

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

SPECIAL USE PERMIT-24-0028. 5207 Colonnade Parkway Liberty Ridge JCSA Water System Tie-In Amendment
Staff Report for the January 14, 2025, Board of Supervisors Public Hearing

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Public Transportation: Vehicular</u>	<u>No Mitigation Required</u>	- No transportation improvements are required.
<u>Public Transportation: Pedestrian/Bicycle</u>	<u>No Mitigation Required</u>	- Pedestrian/bicycle accommodations are not necessitated because of this proposed use.
<u>Public Safety</u>	<u>No Mitigation Required</u>	- The proposal does not generate impacts that require mitigation to the County's emergency services or facilities.
<u>Public Schools</u>	<u>No Mitigation Required</u>	- The proposal is not expected to generate any schoolchildren.
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	- The proposal is not expected to generate any impacts to public parks and recreation.
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	- The proposal does not generate impacts that require mitigation to public libraries or cultural centers.
<u>Groundwater and Drinking Water Resources</u>	<u>No Mitigation Required</u>	- The proposal does not generate impacts that require mitigation to groundwater and drinking water resources.
<u>Watersheds, Streams, and Reservoirs</u>	<u>No Mitigation Required</u>	- The proposed infrastructure is not expected to impact the Resource Protection Area or wetlands.
<u>Cultural/Historic</u>	<u>No Mitigation Required</u>	- The proposed infrastructure is not located within any identified historic or cultural resources.
<u>Nearby and Surrounding Properties</u>	<u>No Mitigation Required</u>	- The proposal is not anticipated to impact neighboring properties. Proposed Condition No. 2 prohibits public water and sewer from being extended into the parcels designated Rural Lands. This condition is anticipated to protect the character of the Rural Lands portion of the properties.
<u>Community Character</u>	<u>Mitigated</u>	
<u>Covenants and Restrictions</u>	<u>No Mitigation Required</u>	- The applicant has verified that he is not aware of any covenants or restrictions on the property that prohibit the proposed use.

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

**SPECIAL USE PERMIT-24-0028. 5207 Colonnade Parkway Liberty Ridge JCSA Water System Tie-In Amendment
Staff Report for the January 14, 2025, Board of Supervisors Public Hearing**

PROPOSED SUP CONDITIONS

Proposed amended conditions are provided as Attachment No 1.

STAFF RECOMMENDATION

Staff finds that the proposed amendment to the conditions of SUP-23-0023 is necessary to allow the preliminary approved lots to connect to the central water system inside the Liberty Ridge Subdivision, as required by Section 19-59 of the James City County Subdivision Ordinance. Staff recommends that the Board of Supervisors approve this amendment, subject to the attached conditions.

RS/md
SUP24-28CPLibRdg

Attachments:

1. Resolution
2. Location Map
3. Adopted Resolution for SUP-23-0023
4. State Code Reference
5. Plat for S-0117-2005
6. Applicant Narrative
7. Development Timeline
8. Unapproved Minutes of the December 4, 2024, Planning Commission Regular Meeting

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

RESOLUTION

CASE NO. SUP-24-0028. 5207 COLONNADE PARKWAY LIBERTY RIDGE JCSA

WATER SYSTEM TIE-IN AMENDMENT

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, on February 13, 2024, the Board approved James City County (JCC) Case No. SUP-23-2023, which permitted the installation of a water main to connect the existing independent water system for the Liberty Ridge subdivision to public water as part of the central James City Service Authority (JCSA) system. The central well is located at 5207 Colonnade Parkway, and further identified as James City County Real Estate Tax Map Parcel No. 3030300001A (the "Property"); and

WHEREAS, Mr. Vernon Geddy of Geddy, Harris, Franck & Hickman, LLP, has applied for an amendment to Case No. SUP-23-0023 on behalf of the owner, JCC LLC, to allow for the connection of the remaining, unplatted lots within the Liberty Ridge subdivision per subdivision plan JCC Case No. S-0117-2005, which received preliminary approval in 2006, to JCSA public water; and

WHEREAS, the Planning Commission, following its public hearing on December 4, 2024, recommended approval of Case No. SUP-24-0028 by a vote of 7-0; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-24-0028; 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-24-0028 as described herein with Condition No. 2:

2. Connections Outside of the Primary Service Area (PSA). No connections shall be made to the existing water system that would serve any property located outside the PSA with the exception of one connection no larger than a 1-1/4 inch service line for each lot in the Liberty Ridge subdivision shown on the approved preliminary plan, JCC Case No. S-0117-2005, for which a valid subdivision plat is recorded in the James City County Circuit Court Clerk's Office. Should preliminary approval for Case No. S-0117-2005 expire, no further connections shall be made to the existing water system which would serve any property located outside the PSA with exception to lots shown on that plan which were platted prior to such expiration.

BE IT FURTHER RESOLVED by the Board of Supervisors of James City County, Virginia, that the SUP issued herein as part of Case No. SUP-24-0028 request shall be supplemental to and not replace or supersede SUP-23-2023.

???????

Chair, Board of Supervisors

ATTEST:

VOTES

AYE NAY ABSTAIN ABSENT

Teresa J. Saeed
Deputy Clerk to the Board

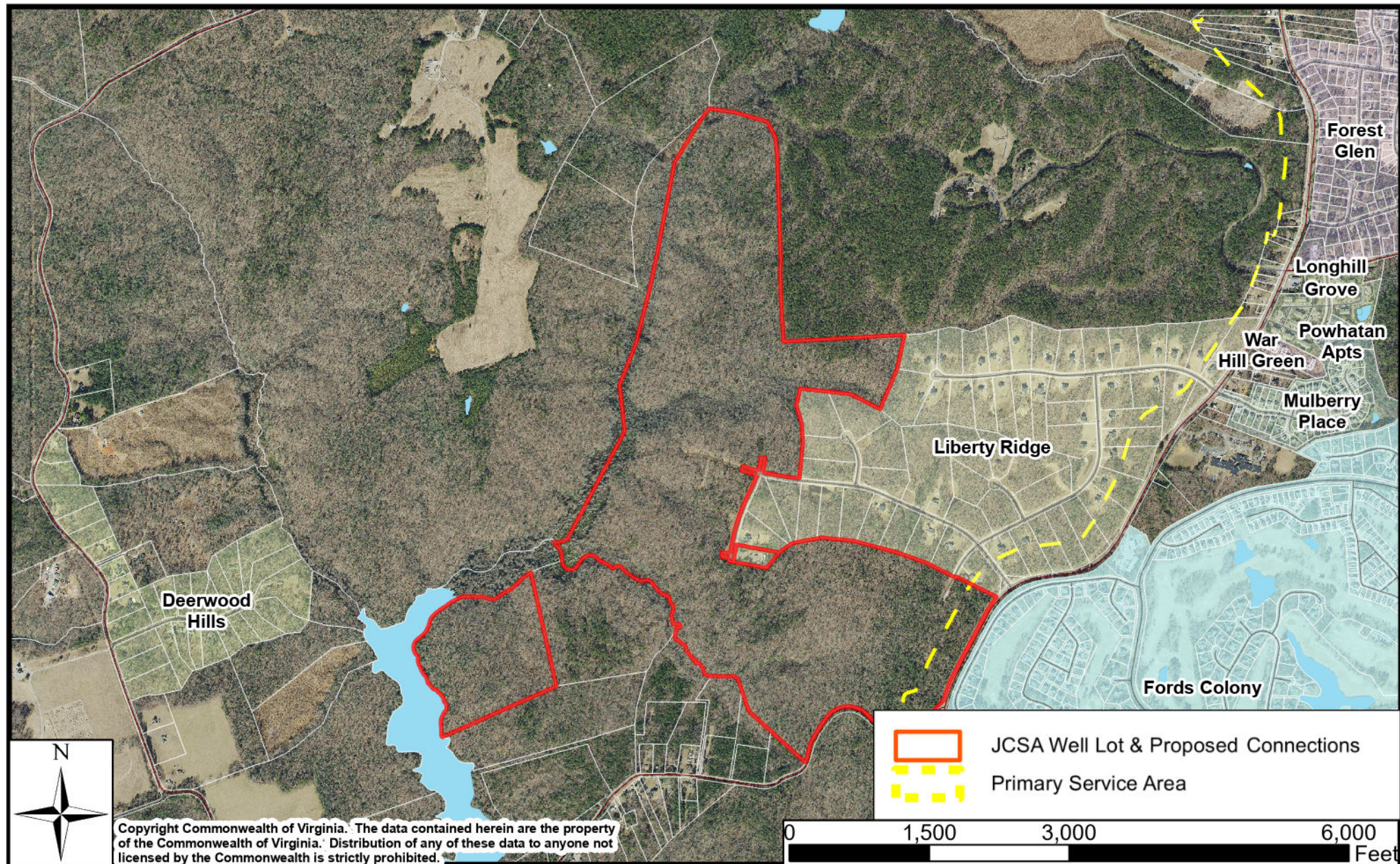
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HIPPLE	_____	_____	_____	_____
MCGLENNON	_____	_____	_____	_____
ICENHOUR	_____	_____	_____	_____
LARSON	_____	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of January, 2024.

SUP24-28CPLibRdg-res

SUP-24-0028

Liberty Ridge JCSA Tie-In Amendment



RESOLUTION

CASE NO. SUP-23-0023. LIBERTY RIDGE SUBDIVISION TIE-IN

TO JAMES CITY SERVICE AUTHORITY

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. Karlyn Owens of the James City Service Authority (JCSA), has applied for an SUP to allow for the installation of a water main to connect the existing independent water system for the Liberty Ridge Subdivision to public water as part of the central JCSA system. The central well is located at 5207 Colonnade Parkway, and further identified as James City County Real Estate Tax Map Parcel No. 3030300001A (the "Property"); and

WHEREAS, the Planning Commission, following its public hearing on December 6, 2023, recommended approval of Case No. SUP-23-0023 by a vote of 5-2; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-23-0023; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with good zoning practices and the 2045 Comprehensive Plan Land Use Map designation for the Property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after consideration of the factors in Section 24-9 of the James City County Code, does hereby approve the issuance of Case No. SUP-23-0023 as described herein with the following conditions:

1. Master Plan. This Special Use Permit (the "SUP") shall be valid for the installation of a water main with a diameter of three (3) inches or greater within the Mallory Place right-of-way. Development of the Property shall require a site plan and shall be generally in accordance with the Master Plan entitled "JCSA Master Plan" prepared by JCSA, dated November 15, 2023 (the "Master Plan"), with any deviations considered per Section 24-23(a)(2) of the James City County Zoning Ordinance, as amended.
2. Connections Outside of the Primary Service Area (PSA). No connections shall be made to the existing water system located in the Liberty Ridge Subdivision, including its connections to Well Facility W-39, which would serve any property located outside the PSA with the exception of one connection no larger than a 1-1/4-inch service line for each platted lot in the Liberty Ridge Subdivision, recorded in the James City County Circuit Court Clerk's Office as of December 1, 2023.
3. Construction Hours. The hours of construction shall be limited to daylight hours, Monday through Friday.
4. Commencement. Final approval of the site plan shall be obtained within 24 months of issuance of this SUP or the SUP shall become void.

5. Severability. The SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Ruth M. Larson

Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

Teresa J. Saeed

Teresa J. Saeed
Deputy Clerk to the Board

NULL
HIPPLE
MCGLENNON
ICENHOUR
LARSON

VOTES

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
☒	☐	☐	☐
☒	☐	☐	☐
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Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of February, 2024.

SUP23-23LibRidge-res

ITEM 65.	Item Details(\$)		Appropriations(\$)	
	First Year FY2025	Second Year FY2026	First Year FY2025	Second Year FY2026

to lead to the loss of revenues or assets, or otherwise compromise fiscal accountability.

3. Notwithstanding the provisions of Item 469, the Compensation Board shall not provide any salary increase to any circuit court clerk identified by the Auditor of Public Accounts who has not taken corrective action for the matters reported above, however, upon taking into consideration the size of the office of a circuit court clerk and their staffing capacity, the Compensation Board may determine there are extenuating circumstances in which any salary increases should not be withheld.

I.1. Subject to appropriation by the General Assembly for this purpose, the Compensation Board may implement a Circuit Court Clerks' Career Development Program.

2. Following receipt of a clerk's certification that the minimum requirements of the Clerks' Career Development Program have been met, and provided that such certification is submitted by Clerks as part of their annual budget request to the Compensation Board by February 1 of each year, the Compensation Board shall increase the annual salary shown in Paragraph A.1. of this item by 9.3 percent with the salary increase becoming effective on the following July 1 for a 12-month period.

J.1. Subject to appropriation by the General Assembly for this purpose, the Compensation Board may implement a Deputy Clerks of Circuit Courts' Career Development Program.

2. For each deputy clerk selected by the clerk for participation in the Deputy Clerks' Career Development Program, the Compensation Board shall increase the annual salary established for that position by 9.3 percent following receipt of the clerk's certification that the minimum requirements of the Deputy Clerks' Career Development Program have been met and provided that such certification is submitted by clerks as part of their annual budget request to the Compensation Board by February 1 of each year.

K. Upon request of the attorney for the Commonwealth, the clerk of the circuit court shall contemporaneously provide the attorney for the Commonwealth copies of all documents provided to the Virginia Criminal Sentencing Commission pursuant to § 19.2-298.01 E, Code of Virginia.

L. The Compensation Board may obligate Trust and Agency funds in excess of the current biennium appropriation for the automation efforts of the clerks' offices from the Technology Trust Fund provided that sufficient cash is available to cover projected costs in each year and that sufficient revenues are projected to meet all cash obligations for new obligations as well as all other commitments and appropriations approved by the General Assembly in the biennial budget.

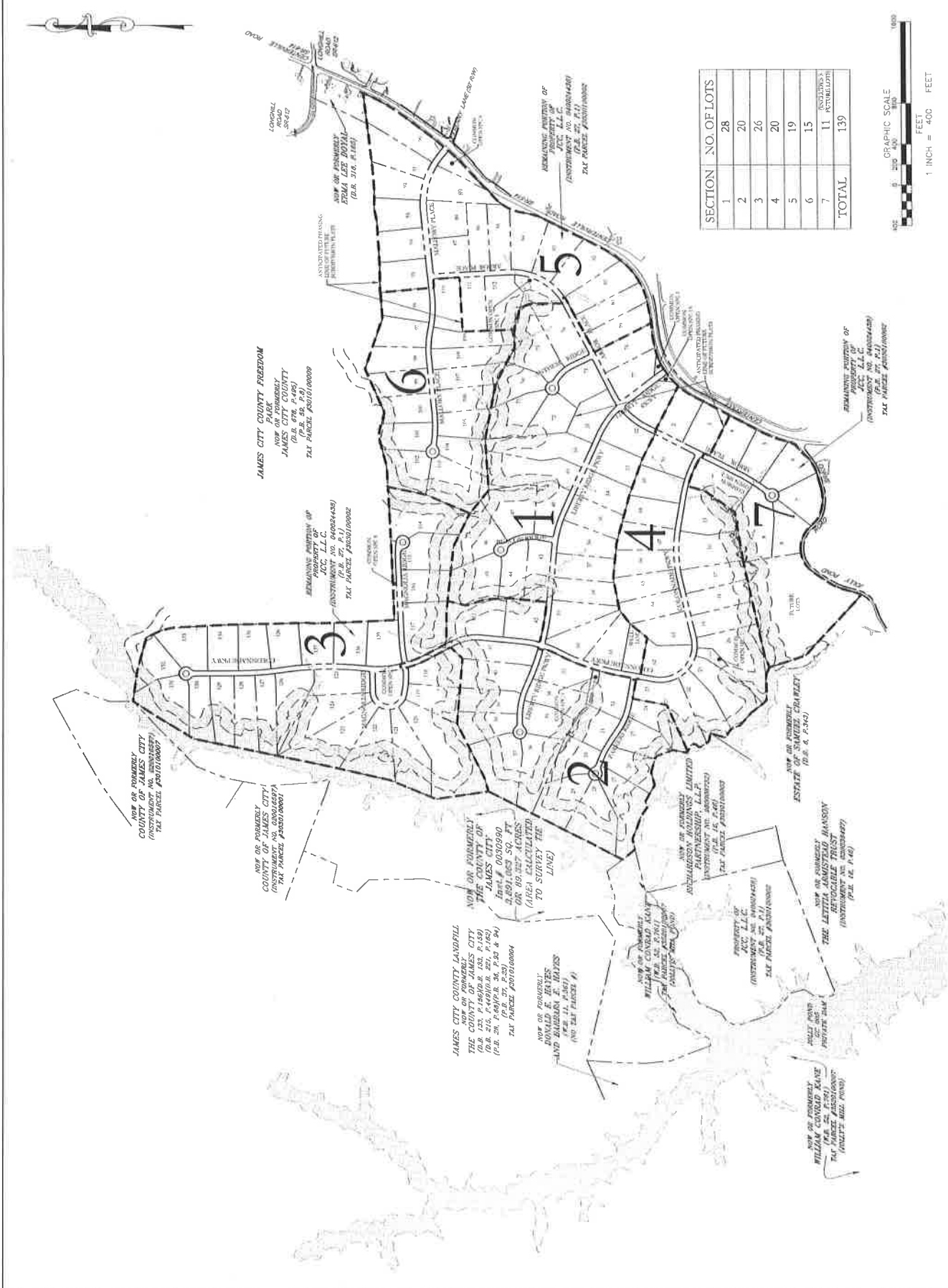
M. Offices of the Clerks of the Circuit Court, jails, adult detention centers, and the Department of Corrections are further authorized to enter into agreements to electronically transmit and process criminal court orders to assure timely and accurate recordation and processing of such records.

N. Notwithstanding any other provision of law, subdivision plats deemed valid through July 1, 2020 pursuant to § 15.2-2209.1.A., Code of Virginia, that were unable to be recorded prior to the commencement of the Judicial Emergency that extended from March 16, 2020 through July 19, 2020, hereby have validity extended to December 31, 2024.

66.	Financial Assistance for Local Treasurers (77400).....			\$27,395,833	\$27,395,833
	Financial Assistance to Local Treasurers (77401)....	\$12,969,591	\$12,969,591		
	Financial Assistance for Operations of Local Treasurers (77402).....	\$14,053,997	\$14,053,997		
	Financial Assistance for State Tax Services by Local Treasurers (77403).....	\$372,245	\$372,245		
	Fund Sources: General.....	\$27,395,833	\$27,395,833		

Authority: Title 15.2, Chapter 16, Articles 2 and 6.1, Code of Virginia.

A.1. The annual salaries of treasurers, elected or appointed officers who hold the combined office of city treasurer and commissioner of the revenue, or elected or appointed officers who hold the combined office of county treasurer and commissioner of the





SHEET KEY

The applicant, JCC, L.L.C., is the developer of the Liberty Ridge subdivision. Liberty Ridge is a by-right major subdivision zoned A-1.

The preliminary plan for Liberty Ridge for 139 lots was approved as JCC Case No. S-0117-2005. The first phase of the development was recorded on February 12, 2009. The applicant constructed the required central water system, including the well facility and piping designed to serve the entire subdivision, beginning in 2008 at a total cost of well over \$3,000,000. The system was conveyed to the James City Service Authority in 2011. The last plat creating new lots and implementing the approved preliminary plan was for Section 1B, Lots 79-86, 111-112 and Common Open Space #5 and was approved on April 10, 2015.

Pursuant to Section 19-26(b) of the Subdivision Ordinance and Section 15.2-2209.1 of the Virginia Code, the approval of the preliminary plan as to any remaining, un-platted lots expired on July 1, 2020.

However, Section N of Item 65 of the 2024 Budget Bill approved by the General Assembly and signed by the Governor provides as follows:

“N. Notwithstanding any other provision of law, subdivision plats deemed valid through July 1, 2020 pursuant to § 15.2-2209.1 A. Code of Virginia, that were unable to be recorded prior to the commencement of the Judicial Emergency that extended from March 16, 2020 through July 19, 2020, hereby have validity extended to December 31, 2024.”

Since the preliminary plan for Liberty Ridge was valid through July 1, 2020 and could not be recorded prior to the commencement of the Judicial Emergency that extended from March 16, 2020 through July 19, 2020, it is now valid through December 31, 2024 and accordingly the County is obligated to accept and process subdivision plats for lots shown on the approved preliminary plan through the end of the year.

On February 13, 2024, the Board of Supervisors approved a special use permit SUP-23-2003 permitting the JCSA to extend a water main in Liberty Ridge to connect the central water system serving the development to the JCSA central system, citing many public benefits from the connection. Condition 2 of SUP-23-0023 provides as follows:

2. Connections Outside of the Primary Service Area (PSA). No connections shall be made to the existing water system located in the Liberty Ridge Subdivision, including its connections to Well Facility W-39, which would serve any property located outside the PSA with the exception of one connection no larger than a 1-1/4-inch service line for each platted lot in the Liberty Ridge Subdivision, recorded in the James City County Circuit Court Clerk's Office as of December 1, 2023.

At the time of the approval of SUP-23-0023 the applicant did not have the right to plat further lots in Liberty Ridge. This fact was noted in the Board discussion of the case. Due to the change in state law, the applicant now has the right to plat further lots in Liberty Ridge shown on the approved preliminary plan. Under Section 19-59 of the County Code, the developer is required to construct a central water system to serve the development (which it has done) and all lots are required to connect to that system. Condition 2 above would prohibit those required connections. Accordingly, the applicant is applying to amend condition 2 to permit it to connect all the lots shown on the approved preliminary plan to the water system it built. The applicant request condition 2 be amended to read as follows:

2. Connections Outside of the Primary Service Area (PSA). No connections shall be

made to the existing water system located in the Liberty Ridge Subdivision, including its connections to Well Facility W-39, which would serve any property located outside the PSA with the exception of one connection no larger than a 1-1/4-inch service line for each lot in the Liberty Ridge Subdivision shown on the approved preliminary plan, JCC Case No. S-0117-2005, for which a valid subdivision plat is recorded in the James City County Circuit Court Clerk's Office.

The approval of this SUP amendment will not adversely impact the many public benefits from the permitted connection of the Liberty Ridge central water system to the JCSA central system outlined by the General Manager of JCSA in his presentation to the Board on SUP-23-0023 and noted by the Board in its approval of the SUP. The amended SUP will continue to not allow connections for any lots outside the Primary Service Area other than those located in Liberty Ridge. It will allow lots platted in Liberty Ridge to connect to the water system that was built by the applicant to serve the development in accordance with the requirements of the subdivision ordinance.

Liberty Ridge Development Timeline

- **April 2, 2006**: Liberty Ridge subdivision plan, (S-0117-2005) receives preliminary approval. The plan included 139 lots to be served by a central well, as required by the Subdivision Ordinance.
- **April 10, 2015**: last approved subdivision plat for this plan approved. With this approval, the applicant had final plat approval for 64 lots. The central well is built.
- **April 10, 2020**: preliminary approval for S-0117-2005 expires Per Sec. 19-26(b) of the Subdivision Ordinance.
- **February 13, 2024**: the Board of Supervisors approves JCSA's request (SUP-23-0023) to connect the Liberty Ridge central well to the JCSA main system, therefore making it part of the main system. Condition #2 prohibits any connections for lots outside of the PSA platted after December 1, 2023.
- **May 2024**: the Virginia General Assembly passes an extension of previously expired preliminarily approved subdivision plans. Preliminary approval of such plans is now valid to December 31, 2024.
- **October 21, 2024**: Liberty Ridge developer receives approval for S-24-0020 which includes one lot in Section 2C. While this approval keeps the plan's original preliminary approval valid, without amendment of SUP-23-0023, the developer will be unable to plat any further lots as they are barred from connecting future lots to the central well.
- **December 4, 2024**: The applicant has applied to modify Condition #2 of SUP-23-0023 to allow connection to the Well/JCSA system, so that future platted lots can connect and be served with public water.

**Unapproved Minutes of the December 4, 2024,
Planning Commission Regular Meeting**

SUP-24-0028. Liberty Ridge JCSA Water System Tie-In SUP Amendment

Ms. Roberta Sulouff, Planner, addressed the Commission regarding the background of the case. She started by stating that Mr. Vernon Geddy, Geddy, Harris, Franck, & Hickman, LLP, had applied on behalf of JCC, LLC, the developers of the Liberty Ridge subdivision, to amend condition 2 of SUP-23-0023. Ms. Sulouff stated that the amendment would allow the remaining, unplatted-but-approved lots, to connect to the development's central well, which is—in turn—connected to the James City Service Authority (JCSA) system. She also noted that the subject property was located outside the PSA, zoned A-1, General Agricultural, and was designated Rural Lands on the 2045 Comprehensive Plan.

Ms. Sulouff noted that Liberty Ridge is a by-right major subdivision that has been in the process of developing since the early 2000s. Its lot layout and infrastructure plan received preliminary approval in 2006. Ms. Sulouff added that the preliminary approval allowed the developer to plat all lots shown on the plan through the standard administrative process, provided they met zoning and subdivision requirements. One such requirement was that the development must be served by a central well, which would later be dedicated to JCSA but not connected to the JCSA system. She also noted that preliminary subdivision approval is generally valid for 5 years from the date of recordation of a plat for any portion of the approved preliminary plan. She added that while the plan's preliminary approval was extended by such recordations along the way, it did expire in April 2020.

Ms. Sulouff stated that in 2023, while the Liberty Ridge project was dormant from a planning perspective, JCSA applied for an SUP to connect the development's independent central well system to the public JCSA system. In its application, JCSA indicated several benefits to such a connection, including load relief, redundancy, and efficiency. Ms. Sulouff added that the Board of Supervisors unanimously approved the extension earlier in 2024, with the condition that no further connections would be allowed outside of the PSA.

Ms. Sulouff stated that just a few months later, the General Assembly passed the budget bill, with a special provision extending preliminary subdivision approvals that had expired during a window of time in 2020. When the budget bill became law, Liberty Ridge's preliminary approval was reinstated. Again, the developer has the right to plat lots shown on that plan as long as they conform to the ordinances.

Ms. Sulouff stated that in this very unusual case, the applicant cannot conform to the subdivision ordinance and connect to their own central well system because of the conditions of JCSA's SUP. She noted that although staff recommended denial of JCSA's original SUP request, staff has

recommended approval of this amendment and de-facto further extension of water outside of the primary service area in order to allow the applicant to conform to county code and to be consistent with our own preliminary approval process. Ms. Sulouff finished by stating staff recommends the Planning Commission recommend approval of the amended conditions of SUP-23-0023 to the Board of Supervisors.

Mr. O'Connor opened the Public Hearing.

Mr. Vernon Geddy, Geddy, Harris, Franck & Hickman, LLP, 1177 Jamestown Road, addressed the Commission noting he was the applicant's representative. Mr. Geddy described the case as highly unusual and noted it was unlikely to be repeated. Mr. Geddy spoke to further details of the history of Liberty Ridge's preliminary approval status. He stated that if this case is approved there would be specific benefits to JCSA's operations. Mr. Geddy finished by adding that no properties outside of Liberty Ridge would be able to use Liberty Ridge's connection.

Mr. Polster asked if there were plans for the portion of 5365 Centerville Road that is detached from and located to the west of the main portion of the property, as it is not currently included in the Liberty Ridge plans.

Mr. Branch Lawson, JCC, LLC, 14700 Village Square Place Midlothian, VA, spoke but his response was inaudible.

Mr. Polster asked if it was correct that the detached western portion of 5365 Centerville Road was not part of the Liberty Ridge development or part of the extension of the JCSA water system.

Mr. Lawson stated that was correct at present.

Mr. Haldeman asked if it was correct that the case did not involve a sewer extension or connection and that it was only for water.

Mr. Geddy stated that was correct.

Mr. O'Connor closed the Public Hearing as there were no additional speakers.

Mr. Everson disclosed that he had spoken to Mr. Geddy about the case during the previous few days. Mr. Everson asked for confirmation that although the County has restrictions against community wells and other aspects of the case the County is required to approve the case due to actions from the Virginia General Assembly.

Mr. Geddy stated that was correct.

Mr. Polster stated that he was supportive of the 2023 SUP during that meeting. He stated that one reason he supported it was because of a portion of the 2045 Comprehensive Plan that spoke to the benefits of connecting community wells to the main JCSA system.

Mr. O'Connor echoed Mr. Geddy's earlier statement about the unusual nature of the case and how he believed it would be unlikely to see another case in the future that would be similar.

Mr. Polster made a motion to recommend approval of SUP-24-0028. Liberty Ridge JCSA Water System Tie-In SUP Amendment with the proposed condition to the Board of Supervisors.

On a roll call vote, the Commission voted to approve the motion. (7-0)