

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

A. CALL TO ORDER

B. ROLL CALL

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. James City County 4-H Youth

E. PRESENTATION

1. James City County 4-H Youth
2. Proclamation - Bullying Prevention Month

F. PUBLIC COMMENT

G. CONSENT CALENDAR

1. Proposed Street Name Change - Greensprings Plantation Drive to Eagle Way

H. PUBLIC HEARING(S)

1. Z-23/0004/MP-23-0001. Westwood Park Rezoning
2. SUP-24-0035. 1807 Jamestown Road Haven Health Mental and Substance Abuse Recovery Hospital
3. LU-20-0002. Eastern State - Parcel C Land Use Designation Change
4. An Ordinance to Amend and Re-Ordain Various Provisions of Chapter 23, The Chesapeake Bay Preservation Ordinance
5. An Ordinance to vacate that certain plat entitled "PLAT FOR CONVEYANCE AND DEDICATION OF RIGHT-OF-WAY A PARCEL CONTAINING 0.217 Ac.± FROM: COUNTY OF JAMES CITY AND CITY OF WILLIAMSBURG TO: COMMONWEALTH OF VIRGINIA" recorded at the office of the Clerk of the Circuit Court for the City of Williamsburg and County of James City on January 16, 1991 in Plat Book 53, Page 55, for the purposes of partially abandoning the right-of-way of Route 322 - Ashbury Lane

I. BOARD CONSIDERATION(S)

1. Consolidated Government Center Early Site Work Package

2. Designation of Voting Delegate for VACo Annual Conference

J. BOARD REQUESTS AND DIRECTIVES

K. REPORTS OF THE COUNTY ADMINISTRATOR

L. CLOSED SESSION

1. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to section 2.2-3711.A(8) of the Code of Virginia, specifically concerning potential erosion and sediment control and resource protection area enforcement actions.
2. Consultation with legal counsel pertaining to probable litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body pursuant to section 2.2-3711.A(7) of the Code of Virginia, specifically concerning a proposed development on Bush Springs Road.
3. Certification of Closed Session

M. ADJOURNMENT

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

MEMORANDUM

DATE: October 14, 2025

TO: The Board of Supervisors

FROM: Kyle Sirico, Planner

SUBJECT: Proposed Street Name Change - Greensprings Plantation Drive to Eagle Way

At the June 10, 2025, Board of Supervisors Regular Meeting, the Board of Supervisors requested that the County initiate a street renaming of Greensprings Plantation Drive.

To ensure continuity with the street names on both sides of Route 5, staff recommends the street name change from “Greensprings Plantation Drive” to “Eagle Way” from Monticello Avenue to State Route 5.

Section 19-56(b) of the James City County Subdivision Ordinance requires approval of the Board of Supervisors for all street name changes.

For a street renaming to be considered, the applicant must first demonstrate that the other owners of property fronting on the street have no objections to the name change. This is typically accomplished by having the owners (this includes owners of the open space and the homeowners association) either sign a petition agreeing to the name change or by having each submit a letter agreeing to the change.

There are three total properties that currently are addressed with a Greensprings Plantation Drive property addressed. Staff have reached out to the impacted property owners and have received no objection. James City Service Authority property will be impacted by this change and has no objections.

The Real Estate Assessments Division, Planning Division, Police Department, Fire Department, 911 Center, and the Williamsburg Post Office have no objections to the proposed street name change. Notification of the proposed street name change was sent to all adjacent property owners.

Staff Recommendation

Staff recommends approval of the attached resolution that renames the street currently named Greensprings Plantation Drive to Eagle Way.

KS/ap
PropStNameChg-mem

Attachments:

1. Resolution
2. Location Map

RESOLUTION

PROPOSED STREET NAME CHANGE - GREENSPRINGS

PLANTATION DRIVE TO EAGLE WAY

WHEREAS, at the June 10, 2025, Board of Supervisor Regular Meeting, the Board of Supervisors requested that the County initiate a street renaming of “Greensprings Plantation Drive” to “Eagle Way”; and

WHEREAS, Section 19-56(b) of the James City County Subdivision Ordinance provides for street names to be changed upon approval by the Board of Supervisors; and

WHEREAS, the proposed street name change has been reviewed with the Real Estate Assessments Division, Planning Division, Police Department, Fire Department, 911 Center, and the Williamsburg Post Office, and these agencies have found it acceptable.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve renaming of the street “Greensprings Plantation Drive” to “Eagle Way.”

BE IT FURTHER RESOLVED the portion of “Greensprings Plantation Drive” to be renamed to “Eagle Way” is identified as that portion of right-of-way existing on the south side of Monticello Avenue extending to John Tyler Highway.

BE IT FURTHER RESOLVED that the Deputy Clerk shall send a certified copy of this resolution to the Clerk of the Circuit Court in accordance with Section 15.2-2019 of the Code of Virginia, as amended.

James O. Icenhour, Jr.
Chair, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

HIPPLE
NULL
LARSON
MCGLENNON
ICENHOUR

VOTES

AYE NAY ABSTAIN ABSENT

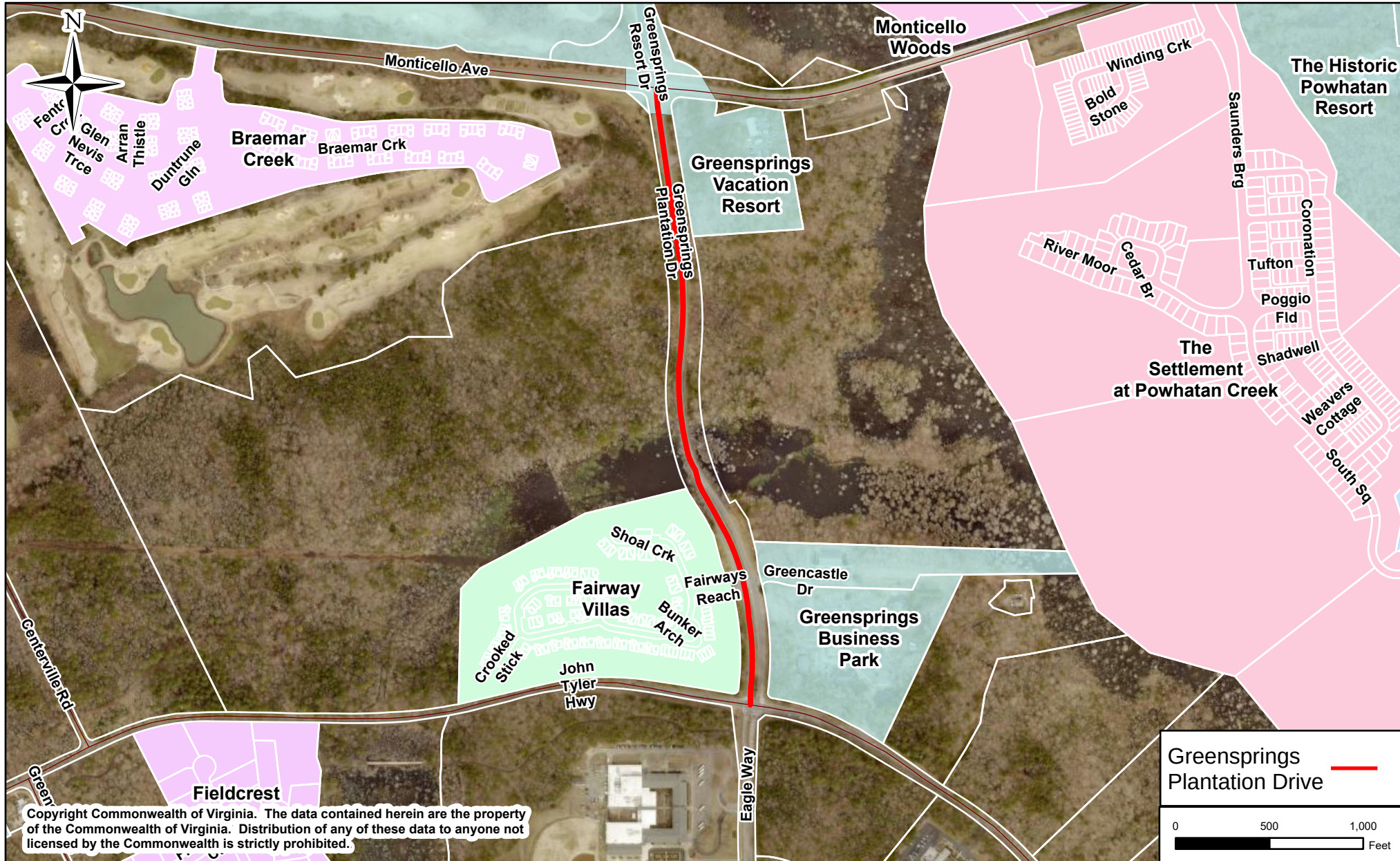
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Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of October, 2025.

PropStNameChg-res

Proposed Street Name Change

Greensprings Plantation Drive to Eagle Way



**REZONING-23-0004 and MASTER PLAN-23-0001. Westwood Park Rezoning
Staff Report for the October 14, 2025, Board of Supervisors Public Hearing**

SUMMARY FACTS

Applicants:	Mr. Jason Grimes, AES Consulting Engineers, Mr. Vernon Geddy, III, Geddy, Harris, Franck & Hickman, LLP
Landowner:	Commonwealth of Virginia Eastern State Hospital
Proposal:	Rezoning of approximately 79.56 acres from PL, Public Lands to PUD-R, Planned Unit Development Residential, with Proffers, to allow for up to 176 residential dwellings consisting of 86 single-family detached units and 90 single-family attached and multifamily units, and up to 24,000 square feet of commercial uses.
Location:	A portion of 4601 Ironbound Road
Tax Map/Parcel No.:	A portion of 3910100152
Current Zoning:	PL, Public Lands
Proposed Zoning:	PUD-R, Planned Unit Development Residential, with Proffers
Project Acreage:	+/- 79.56 acres
Comprehensive Plan:	Federal, State, or County Lands
Primary Service Area: (PSA)	Inside
Staff Contact:	Morgan Risinger, Senior Planner

PUBLIC HEARING DATES

Planning Commission:	April 2, 2025, 6:00 p.m.
Board of Supervisors:	October 14, 2025, 5:00 p.m.

FACTORS FAVORABLE

1. Staff finds the proposal to be consistent with the Zoning Ordinance and adopted policies.
2. Staff finds the proposal to be consistent with the Comprehensive Plan and the draft Mixed Use - Eastern State designation (see Pages 20-25).
3. The applicants have proffered a 50-foot-wide buffer from properties along Discovery Park Boulevard and 100-foot-wide buffer from properties along Rollison Drive.
4. The proposal requires a minimum of two density points and the applicants have offered two density points. Staff finds that the applicants have satisfied the requirements to achieve the density points (see Pages 3-4).
5. This proposal is consistent with the recommendations on workforce and affordable housing as stated in the Comprehensive Plan (see Page 4).
6. The application is expected to have a positive cumulative fiscal impact based on analysis from the County's Fiscal Impact Model (see Pages 22-23).
7. The proposal passes the Adequate Public Schools Facilities Test (see Pages 8-9).
8. The proposal passes the Adequate Transportation Facilities Test (see Pages 5-8).
9. The application is generally consistent with the Parks & Recreation Development Guidelines (see Page 9).
10. See Impact Analysis on Pages 16-18.

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.

**REZONING-23-0004 and MASTER PLAN-23-0001. Westwood Park Rezoning
Staff Report for the October 14, 2025, Board of Supervisors Public Hearing**

FACTORS UNFAVORABLE

1. See Impact Analysis on Pages 16-18.

PLANNING COMMISSION RECOMMENDATION

At its April 2, 2025, Regular Meeting, the Planning Commission recommended denial of this application by a vote of 5-1.

CHANGES MADE SINCE THE PLANNING COMMISSION MEETING

The applicants have reduced the proposed residential density of the development from 186 units, comprised of 86 single-family detached and 100 single-family attached and multifamily units, to 176 units, comprised of 86 single-family detached units and 90 single-family attached and multi-family units. The applicants have also reduced the proposed amount of commercial uses from 40,000 square feet to 24,000 square feet.

The applicants have added Proffer No. 8 to require the developer to provide cash contributions totaling \$224,719 to the County to be used for a stream restoration project on or near the property. Accordingly, the applicant updated Proffer No. 7 to state that the required master stormwater management plan shall include the location of stream restoration/improvements needed within Subwatershed 208 of the Powhatan Creek Watershed. However, Proffer No. 9 was revised to remove the proposed retrofit of the New Town Block 8 Phase 1B Dry Pond (BMP ID PC243).

Regarding the stream restoration proffer: the proffers have been made with the concept that the County would undertake the stream restoration project itself, and not the developer. Under this scenario, it would be the County who would ultimately fund, design, permit, construct, and complete the restoration project. Further, the proffers have been made with the concept that, in order to fully fund the

project, proffered funds from this application, if approved, would be combined with proffered funds from the other Eastern State development application, if approved. Those combined proffered funds would then be leveraged for a future Stormwater Local Assistance Fund (SLAF) grant application to the state. If that grant application is approved, staff estimates the three sources of funding would come close to fully covering expected costs for the stream restoration project, as the stream exists today.

Without funding coming from all three of these sources (i.e., the two Eastern State development applications and from the state via a competitive SLAF grant application), staff notes that expected costs for the full stream restoration, as identified in the adopted Watershed Master Plan report, would exceed available funding. Alternatives would then need to be developed and considered.

The applicants have also updated Proffer No. 4 to reflect the Area Median Income (AMI) in 2025 and revised Proffer No. 6 to reduce the area of passive parks from six acres to five acres.

SUMMARY STAFF RECOMMENDATION

Staff finds the application to be generally consistent with the County's Zoning Ordinance, Comprehensive Plan, and adopted policies. Staff recommends that the Board of Supervisors approve this application, subject to the proposed proffers.

PROJECT DESCRIPTION

Mr. Jason Grimes of AES Consulting Engineers on behalf of ABVA Development, LP, has applied to rezone an approximately 79.56-acre portion of land located at 4601 Ironbound Road from PL, Public Lands to PUD-R, Planned Unit Development Residential, with Proffers. This application includes the following:

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- The proposal is for 176 residential dwellings, with 86 single-family detached units, and 90 single-family attached (townhomes) and multifamily units (apartments). The proposal also includes up to 24,000 square feet of commercial uses.
- The parcel has approximately 25.39 acres of non-developable area which includes 8.53 acres of wetlands, 16.86 acres of Resource Protection Area (RPA), and 0.15 acres of steep slopes (outside the RPA). The net developable area of the parcel is approximately 54.05 acres.
- The proposal includes a total of 44.9 acres of open space including the 25.39 acres of non-developable area and 19.5 acres of the developable land.
- Based on the developable acreage of the parcel, this project proposes a net density of up to 3.25 units per acre. In accordance with Section 24-487(b) of the Zoning Ordinance, the project requires two density bonus points to be provided.
- The applicants are proposing pedestrian connections to connect with existing pedestrian facilities along Discovery Park Boulevard as well as pedestrian facilities on both sides of the proposed public roads. Additionally, the Zoning Ordinance requires pedestrian accommodations along at least one side of proposed internal private roads or along both sides of proposed internal private roads with areas designated as Mixed Use in the Comprehensive Plan.
- The application proposes a vegetated buffer at least 50 feet in width between the multifamily residential areas and the existing properties along Discovery Park Boulevard. The application proposes a vegetated buffer at least 100 feet in width between the single-family residential areas and the existing properties along Rollison Drive.
- Proposed recreational amenities include (1) one swimming pool 75 feet in length by 16 feet in width with a wading area at least 600-square-feet in size and a bathhouse, (2) passive parks at least five acres in size, (3) two playgrounds at least 2,500 square feet in size with at least five activities, (4) a grilling station and picnic area in a passive park, (5) a deck overlook, (6) a pavilion/bus shelter, and (7) at least 3,000 linear feet of soft surface trails. The Parks & Recreation Department has reviewed this proposal and found that it is not fully consistent with the Parks & Recreation Development Guidelines.
- At least 20% of the dwelling units permitted on the property shall be offered for sale at prices that are targeted at households earning up to 80% of the AMI.
- A Traffic Impact Analysis (TIA) for the proposal and other approved developments found that no road improvements are required.
- The application proposes one stormwater management facility retrofit and one stormwater management facility outfall repair to be completed by the developer, cash contributions to the County to be used for a stream channel restoration project, and compliance with the most updated Special Stormwater Criteria (SSC) for consistency with the Powhatan Creek Watershed Master Plan.
- The application ensures that off-site improvements necessitated by the development for the James City Service Authority (JCSA) water system and Hampton Roads Sanitation District (HRSD) sanitary sewer system will be completed by the developer.

Density Bonuses

Based on developable acreage, the proposed development of 176 residential dwelling units corresponds to a density of 3.25 units per developable acre. Per Section 24-487(b), the project requires two

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bonus density points which have been proposed by the following options.

- Bonus Item Option C: Undertaking or funding a stream restoration project or stormwater management facility retrofit within the same subwatershed, as identified by an approved watershed management plan or by the Stormwater and Resource Protection Division. (Bonus Point 1.5)

Proffer No. 9 includes proposed stormwater management facility retrofits, including the retrofit of the Courthouse Green Dry Pond (see Attachment No. 11) which the applicants have indicated is being offered to fulfill this density bonus item. The proffer ensures that the applicants will prepare the development plans for the required work, requires such plans to have been approved before building permits have been issued for more than 80 residential units, and requires that the work associated with the retrofit is substantially complete before building permits have been issued for 150 residential dwelling units. This will ensure that the development does not exceed the otherwise permissible base density before the work for this bonus item option is completed. Staff finds that the intent of this bonus item option has been fulfilled and credit has been given for this density bonus item.

- Bonus Item Option K: Developing binding design guidelines for the development that include superior architectural and design standards. Design guidelines shall be reviewed and approved by the Director of Planning. (Bonus Point 0.5)

The design guidelines submitted have been reviewed and approved by the Director of Planning. Proffer No. 13 requires all building plans and elevations to be approved by the New Town Design Review Board (NTDRB). Credit has been given for this density bonus item.

Housing Affordability Analysis

The Comprehensive Plan encourages inclusion of affordable and workforce units within new residential developments. Per the Comprehensive Plan recommendations, at least 20% of the development's proposed new dwellings should be offered for sale or rent at prices that are targeted at workers with incomes up to 80% of AMI level as determined by the U.S. Department of Housing and Urban Development. The applicants have proffered that at least 20% (36 units) of the dwelling units shall be offered for sale or rent at prices that are targeted at households earning up to 80% of the AMI. The tables below provide the sales prices and monthly rents for certain percentages of AMI, which is currently \$106,500.

Affordable Sales Price by AMI % (2025 AMI)

% AMI	Upper Limit of the Sales Price Affordable to this AMI Level
30%	\$107,250
60%	\$212,000
80%	\$281,750
100%	\$351,750
120%	\$421,500

Affordable Rental Price, by AMI % (2025 AMI)

% AMI	Max. Rent Price for Household of 1	Max. Rent Price for Household of 2	Max. Rent Price for Household of 3	Max. Rent Price for Household of 4
30%	\$559.13	\$639.00	\$718.88	\$798.75
60%	\$1,118.25	\$1,278.00	\$1,437.75	\$1,597.50
80%	\$1,491.25	\$1,705.00	\$1,917.50	\$2,130.00
100%	\$1,863.75	\$2,130.00	\$2,396.25	\$2,662.50
120%	\$2,236.50	\$2,556.00	\$2,875.50	\$3,195.00

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Public Transportation: Vehicular

The scale of this proposal requires the submittal of a TIA. The TIA examines the existing conditions of vehicular traffic, including Level of Service (LOS), with a focus on the roads and intersections serving and impacted by the proposed development. The study projects that the development would generate 356 A.M. peak hour trips, 458 P.M. peak hour trips, and approximately 4,600 daily trips.

The proposed access to the development is an extension of the public Discovery Park Boulevard right-of-way. Discovery Park Boulevard is a two-lane road with connections to Ironbound Road, Casey Boulevard, and New Town Avenue. Casey Boulevard and the portion of Discovery Park Boulevard from Ironbound Road to Casey Boulevard are considered to be Minor Collector roads. LOS is not determined for Discovery Park Boulevard or Casey Boulevard. The portion of Ironbound Road which will receive traffic from this development currently operates at LOS A-C and is projected to continue to operate at LOS A-C in 2045. The portion of Monticello Avenue which receives traffic from Casey Boulevard and New Town Avenue currently operates at LOS A-C and is projected to operate at LOS E-F in 2045.

The TIA analyzed the following roads and intersections:

- Casey Boulevard
- Discovery Park Boulevard
- Ironbound Road/Discovery Park Boulevard (signalized)
- Ironbound Road/Monticello Avenue (signalized)
- Monticello Avenue/Courthouse Street (signalized)
- Monticello Avenue/Casey Boulevard/Ironbound Road (signalized)
- Discovery Park Boulevard/Casey Boulevard (unsignalized)

The tables on Pages 5-7 show the LOS of the studied intersections based on various scenarios analyzed in the TIA.

Ironbound Road/Discovery Park Boulevard										
	Existing		2026 No-Build		2026 Build		2032 No-Build		2032 Build	
	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM
Overall	B	C	B	C	B	C	B	C	B	C
EBLT	D	E	D	E	D	E	D	E	D	E
EBRT	D	D	D	D	D	D	D	D	D	D
NBLT	D	D	C	D	C	D	C	D	C	D
NBTH	A	B	A	A	A	A	A	A	A	A
SBTH	B	B	A	B	B	B	B	B	B	B
SBRT	B	B	A	B	B	B	B	B	B	B

Eastbound (EB) traffic is coming from the proposed development and traveling east towards Ironbound Road.

Northbound (NB) traffic along Ironbound Road is traveling north towards DePue Drive.

Southbound (SB) traffic along Ironbound Road is traveling towards Monticello Avenue.

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Ironbound Road/Monticello Avenue										
	Existing		2026 No-Build		2026 Build		2032 No-Build		2032 Build	
	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM
Overall	D	D	D	D	D	D	D	D	D	D
EBLT	E	E	D	C	D	D	D	D	D	D
EBTH	D	D	D	C	D	C	D	C	D	C
EBRT	B	B	B	B	B	C	B	B	B	C
WBLT	D	E	D	E	D	E	D	E	D	E
WBTH	C	C	C	D	C	D	C	D	C	D
WBRT	B	B	C	C	B	B	B	B	B	B
NBLT	E	E	D	E	D	E	D	E	D	E
NBTH	D	E	D	E	D	E	D	E	D	E
NBRT	C	D	C	D	C	D	C	D	C	D
SBLT	C	F	C	D	D	E	D	E	D	E
SBTH	C	D	C	E	C	E	C	E	C	E
SBRT	F	D	F	E	F	F	F	F	F	F

Eastbound (EB) traffic along Monticello Avenue is traveling east towards the City of Williamsburg.

Westbound (WB) traffic along Monticello Avenue is traveling west towards Courthouse Street.

Northbound (NB) traffic along Ironbound Road is traveling north towards Discovery Park Boulevard.

Southbound (SB) traffic along Ironbound Road is traveling towards Strawberry Plains Road.

Monticello Avenue/Courthouse Street										
	Existing		2026 No-Build		2026 Build		2032 No-Build		2032 Build	
	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM
Overall	C	B	C	B	C	B	C	B	C	B
EBLT	B	B	B	A	B	A	B	A	B	A
EBTH	C	A	C	A	C	B	C	B	C	B
EBRT	B	B	B	A	B	B	B	A	B	B
WBLT	B	A	B	A	B	A	B	A	B	A
WBTH	C	B	C	B	C	B	B	B	B	B
WBRT	B	B	B	B	B	B	B	B	B	B
NBLT-TH	D	E	D	E	D	E	D	E	D	E
NBRT	D	D	D	E	D	E	D	E	D	E
SBLT-TH	D	D	D	D	D	D	D	D	D	D
SBRT	D	D	D	D	D	D	D	D	D	D

Eastbound (EB) traffic along Monticello Avenue is traveling east towards Ironbound Road.

Westbound (WB) traffic along Monticello Avenue is traveling west towards New Town Avenue.

Northbound (NB) traffic is traveling north from the Williamsburg/James City County (W/JCC) Courthouse towards Courthouse Street.

Southbound (SB) traffic along Courthouse Street is traveling towards the (W/JCC) Courthouse.

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Monticello Avenue/Casey Boulevard/Ironbound Road										
	Existing		2026 No-Build		2026 Build		2032 No-Build		2032 Build	
	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM
Overall	C	D	C	D	C	D	C	D	C	D
EBLT	D	E	D	D	D	E	D	D	D	E
EBTH	B	C	C	C	B	C	C	C	C	C
EBRT	B	B	B	C	B	C	B	C	B	C
WBLT	D	D	C	B	D	B	C	B	C	B
WBTH-RT	C	D	C	C	C	C	C	C	C	C
NBLT	D	E	D	D	D	D	D	D	D	D
NBTH-RT	D	E	D	D	D	D	D	D	D	D
SBLT-TH	D	E	D	E	D	E	D	E	D	E
SBRT	C	D	C	D	C	D	C	D	C	D

Eastbound (EB) traffic along Monticello Avenue is traveling east towards Settlers Market Boulevard.

Westbound (WB) traffic along Monticello Avenue is traveling west towards Route 199.

Northbound (NB) traffic along Ironbound Road is traveling towards Casey Boulevard.

Southbound (SB) traffic along Casey Boulevard is traveling towards Ironbound Road

Discovery Park Boulevard/Casey Boulevard										
	Existing		2026 No-Build		2026 Build		2032 No-Build		2032 Build	
	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM
Overall	A	A	A	A	A	A	A	A	A	A
EBLT-TH-RT	-	-	-	-	-	-	-	-	-	-
WBLT-TH-RT	-	-	-	-	-	-	-	-	-	-
NBLT-TH-RT	C	B	B	B	C	C	B	B	C	D
SBLT-TH-RT	C	C	B	B	C	C	B	B	C	C

Eastbound (EB) traffic along Discovery Park Boulevard is traveling from the proposed development east towards New Town Avenue.

Westbound (WB) traffic along Discovery Park Boulevard is traveling west towards the proposed development.

Northbound (NB) traffic along Casey Boulevard is traveling towards Discovery Park Boulevard.

Southbound (SB) traffic along Casey Boulevard is traveling towards Ironbound Road

The County adopted the Adequate Transportation Facilities Test by resolution on August 14, 2018. This policy requires a proposed Special Use Permit (SUP) or Rezoning to be tested during the application process to ensure that transportation facilities are adequate to mitigate traffic impacts.

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A proposed Rezoning or SUP application will be tested for Adequate Transportation Facilities and will pass the test if:

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

The recommendations listed in the TIA for the signalized intersections were to maintain existing lanes and provide optimized signal timings. The process for adjusting signal timings is administered by VDOT on a recurring basis and does not necessitate action as part of this application. VDOT has confirmed that signal timing adjustments along Monticello Avenue and Ironbound Road were completed in 2025 to account for development in the area, including the approved Wawa gas station on Ironbound Road and Westwood Park.

For the Discovery Park Boulevard/Casey Boulevard intersection, the TIA found that a right-turn lane from Discovery Park Boulevard to southbound Casey Boulevard would be warranted. However, the TIA does not recommend the installation of a right-turn lane on the basis that the right-turn movement is not stop-controlled allowing vehicles to make the right-turn without causing delay. Furthermore, the TIA finds that the additional right-of-way width required to install a right-turn lane would result in disruptions to the existing bike lane and sidewalks at this intersection. After discussion with VDOT, this recommendation was found to be acceptable given the urban context of the intersection.

As no improvements are recommended by the TIA and the TIA has been approved, this proposal passes the Adequate Transportation Facilities Test.

Schools

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

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

The proposed development is anticipated to generate an additional 46 students. As illustrated in the following table, the 46 students projected from the development would not cause the enrollment levels for Clara Byrd Baker Elementary School, James Blair Middle School, or Lafayette High School to exceed effective capacity. Thus, this proposal passes the Adequate Public Schools Facilities Test.

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Student Enrollment and School Capacity, Williamsburg-James City County (WJCC) Schools Fall 2025

<i>School</i>	<i>Effective Capacity</i>	<i>Enrollment 2025-2026</i>	<i>Projected Students Generated</i>	<i>Enrollment + Projected Students</i>
Clara Byrd Baker Elementary School	618	502*	+21	523
James Blair Middle School	608	465	+10	475
Lafayette High School	1,314	1,211	+15	1,226

**Figure includes Pre-Kindergarten enrollment*
Source: WJCC Staff Correspondence

Parks & Recreation

This proposal includes 176 residential units consisting of 86 single-family detached units, 90 single-family attached and multifamily units. Some recreational amenities are proposed for the facility types recommended in the James City County Parks & Recreation Development Guidelines including a minimum of five acres of passive parkland, two playgrounds at least 2,500 square feet in size with five activities, and a minimum of 3,000 linear feet of soft surface trails. The applicants have proffered one pool that is 75 feet in length, 16 feet in width, and includes a shallow area at least 600-square-feet in size. However, the pool does not meet the recommended size of 25 meters in length by 45 feet in width for swim competitions. The applicants have also proffered additional amenities which are not included in the Parks & Recreation Development Guidelines which include at least four bike racks, a pavilion/bus shelter, a grilling station and picnic area within the passive park, and a deck overlook. The Parks & Recreation

Department has reviewed this proposal and determined that the application has satisfied the required parkland acreage, playground, and biking/jogging trails categories. Additionally, while the application does not include two multiuse fields or a pool sized for competition use, additional alternative amenities as well as a second playground have been provided to offset the competition pool and multiuse field categories. Therefore, the application is generally consistent with the Parks & Recreation Development Guidelines.

James City County Parks & Recreation Development Guidelines Comparison

<i>Minimum Requirement (units)</i>	<i>Minimum Required</i>	<i>Proffered or Shown on Master Plan</i>
Parkland Acreage	0.69 acres	5 acres
Biking/Jogging Trails	929.28 linear feet	3,000 linear feet
Playground	1	2
Sport Court or Pool	1	One Pool
Multiuse Field	1	None

JCSA

JCSA has reviewed the proposal and determined that while the development is within the PSA and can be served by the public water and sewer systems, it is not guaranteed that required service levels are available from the existing systems to support the development and that the size, location, and configuration of the water and sewer facilities shown on the Conceptual Utility Master Plan are not approved. A detailed Utility Master Plan, including Hydraulic Analysis, are required to be submitted to and approved by JCSA prior to the submission of development plans. The configuration of the utilities, including necessity for any off-site improvements, will be determined during the Utility Master Plan review process. In addition,

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.

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improvements to HRSD receiving facilities may be required to support the development.

Accordingly, the applicants have proffered the submission of a detailed Utility Master Plan depicting the proposed public water and sewer systems as well as any required off-site improvements for the systems which shall be shown on the development plans for the project and completed by the applicant.

Powhatan Creek Watershed Master Plan

The proposed development is located within Subwatershed 208 of the Powhatan Creek Watershed. On September 26, 2023, the Board of Supervisors adopted the updated Powhatan Creek Watershed Master Plan providing goals and recommended strategic actions for the watershed as well as identifying candidate site of improvements within each subwatershed.

The Watershed Master Plan identifies recommended strategic actions related to SSC measures including that they should be expanded to apply to any new development within County watersheds. The application has proffered the submission of a Master Stormwater Management Plan, including that stormwater management facility outlet protection shall be designed for 100-year storm events based on post-development conditions. The application has also proffered that the development of the property shall be in accordance with the most updated SSC, dated March 2025, which are being considered by the Board of Supervisors for adoption.

The Watershed Master Plan also identifies three candidate projects to restore stream reaches, one candidate project to stabilize the outfall of an existing stormwater management facility, and three candidate projects to retrofit existing stormwater facilities. The application has proffered cash contributions to the County for the County to undertake stream restoration projects on or near the property. The application has also proffered to complete a retrofit of the Courthouse Green Dry Pond

(BMP ID PC144) (see Attachment No. 11). The Courthouse Green Dry Pond retrofit is proposed to meet the density bonus requirements of the PUD-R Zoning District. While not identified as a candidate project within the Watershed Master Plan, the application has also proffered to repair the outfall of the SunTrust Wet Pond (BMP ID PC173).

The Stormwater and Resource Protection Division has reviewed the application and found it to be generally consistent with the Powhatan Creek Watershed Master Plan.

Proffers

Voluntary proffers have been offered by the applicants to mitigate the development's impact on County resources. Staff has reviewed these proffers for enforceability and for their effectiveness in mitigating the impacts. Comments are provided in italics.

- Proffer No. 4 Affordable Housing Units At least 20% of the dwelling units permitted on the Property shall be offered for sale at prices or offered for lease at rents that are targeted at households earning 80% or less of the Area Median Income as determined by the U.S. Department of Housing and Urban Development ("AMI"). The maximum sale price for such a unit sold in 2026 shall be Two Hundred Eighty-One Thousand Seven Hundred Fifty Dollars (\$281,750). The per unit maximum sale price in any subsequent year shall consist of the maximum price specified above plus any adjustments included in The Marshall and Swift Building Cost Index, Section 98, Comparative Cost Multipliers, Regional City Averages (the "Index") from 2025 to the year the sale is closed. The per unit maximum sale price shall be adjusted once a year with the January supplement of the Index of the sale year. In no event shall the per unit maximum sale price be adjusted to a sum less than the maximum price specified above. If the Index is not available, a reliable government or other independent publication evaluating information heretofore used in determining

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the Index (approved in advance by the County Director of Financial and Management Services) shall be relied upon in establishing an inflationary factor for purposes of increasing the per unit maximum sale price to approximate the rate of annual inflation in the County. Maximum rents shall be determined annually by the County's Neighborhood Development department based on payment of 30% of household income toward housing costs. Unless otherwise approved by the Neighborhood Development Division, sales of all targeted for sale units shall include a soft second Deed of Trust for the benefit of the County securing a shared appreciation note in an amount equal to the difference between the sale price of a comparable market rate unit and the sale price of the proffered unit and with a term of seven years. The original note, Deed of Trust, and a copy of the Settlement Statement shall be delivered to the Neighborhood Development Division after each closing. If down payment assistance loans are authorized by the Neighborhood Development Division, the soft second Deed of Trust may be recorded in third priority. Rental units shall be made available at the targeted rents for a period of 20 years. With respect to rental units provided pursuant to this proffer, if any, Developer shall submit an annual report for each year of the required 20-year term to the Zoning Administrator on or before January 30 of the current year identifying the location of the units and the rental rates charged demonstrating such rates are within the specified income range. All affordable units provided pursuant to this Proffer shall be rented or sold to persons whose incomes fall within the qualifying income range used to determine the prices/rental rates by the County's Neighborhood Development Division.

The proffer meets the Comprehensive Plan's guidance that at least 20% of dwelling units should be offered at prices affordable to households earning up to 80% of AMI.

Proffer No. 6. Recreation The County shall not be obligated to issue building permits for more than a total of 80 dwelling units on the property until the following recreational facilities shall be provided: a swimming pool 75 feet in length and 16 feet in width with a shallow area of at least 600 square-feet and a bathhouse, passive parks of at least five acres, including two playgrounds of at least 2,500 square feet and at least five activities, at least four bike racks, a pavilion/bus shelter, a grilling station and picnic area in a passive park, a deck overlook and trails/paths with a length of at least 3,000 linear feet that meet or exceed the James City County Parks & Recreation Master Plan Proffer Guidelines. The exact locations of the facilities proffered hereby and the equipment to be provided at such facilities shall be subject to the approval of the Development Review Committee (DRC). The only connection between the trail/path system on the Property and the trail/path system located within the New Town development shall be adjacent to Discovery Park Boulevard unless otherwise approved by the New Town Residential Association.

The proffer ensures that recreational facilities are provided before building permits are issued for more than 80 dwelling units. While the proffer includes at least five acres of parkland, two playgrounds at least 2,500 square feet in size with five activities, and 3,000 linear feet of trails, the proffer does not include a competition-sized pool or multiuse field. However, the proffer provides additional alternative facilities as well as a second playground to offset the competition-sized pool and multiuse field categories. Therefore, the application is generally in accordance with the Parks & Recreation Development Guidelines.

- Proffer No. 7. Master Stormwater Management Plan. Developer shall submit to the County a Master Stormwater Management Plan at least three months before the initial site or development plan submittal for the Property, to include the stormwater management Best Management Practices (BMPs), for review and approval by

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the Stormwater and Resource Protection Division. The Master Stormwater Management Plan shall include a requirement that all outlet protection be sized for the 100-year, post-development storm and shall show the location of stream restoration/improvements needed in Powhatan Creek, Sub-watershed #208. The Master Stormwater Management Plan may be revised and/or updated during the development of the Property with prior approval of the Stormwater and Resource Protection Division. The County shall not be obligated to approve any final development plans for the Property until the Master Stormwater Management Plan has been approved by the Stormwater and Resource Protection Division. The Master Stormwater Management Plan, as revised and/or updated, shall be implemented in all development plans for the Property. All development plans for the Property shall implement the County's SSC criteria dated March, 2025.

The proffer ensures that a Master Stormwater Management Plan is submitted at least 30 days in advance of the first development plan of the property and that the Master Stormwater Management Plan shall be approved prior to approval of development plans. The proffer also ensures that enhanced outlet protection will be included for stormwater management facilities as well as that all development plans will adhere to the most current version of the SSC.

- Proffer No. 8. Stream Channel Restoration.

- a. The Developer shall make a contribution to the County in the amount of \$224,718.56 (the "Stream Channel Restoration Amount") for preparation of stream restoration construction plans and stream channel restoration to be conducted by the County on or in the immediate vicinity of the Property, which Stream Channel Restoration Amount shall be paid in increments of \$1,276.81 per residential unit developed on the Property (the "Per Unit Stream Restoration Contribution").

The Per Unit Stream Restoration Contribution shall be payable for each residential unit developed on the Property after completion of the final inspection and prior to the time of the issuance of any certificate of occupancy for the dwelling unit in question. The County shall utilize these monies for the restoration of stream channels located on or in the immediate vicinity of the Property or for a like project within the same watershed that is directly related to water quality.

- b. The Stream Channel Restoration Amount and the Per Unit Stream Restoration Contribution (the "Proffered Amounts") shall be adjusted annually beginning January 1, 2027 to reflect any increase or decrease for the preceding year in the Marshall and Swift Building Cost Index, Section 98, Comparative Cost Multipliers, Regional City Averages (the "MSI"). In no event shall the Proffered Amounts be adjusted to a sum less than the amount initially established by these Proffers. In the event a substantial change is made in the method of establishing the MSI, then the Proffered Amounts shall be adjusted based upon the figure that would have resulted had no change occurred in the manner of computing the MSI. In the event that the MSI is not available, a reliable government or other independent publication evaluating information heretofore used in determining the MSI (approved in advance by the County Manager of Financial and Management Services) shall be relied upon in establishing an inflationary factor for purposes of increasing the Proffered Amounts to approximate the rate of annual inflation in the County.
 - c. Notwithstanding the foregoing, any unpaid balance of the Stream Channel Restoration Amount shall be paid to the County in full on or before the date which is five years after the date of final approval by the County of the first site plan or subdivision plan for development of the Property pursuant to the Master Plan.

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- d. At the request of the County, the Developer shall provide one or more access easements over and across the property in a form acceptable to the County Attorney from public right of way to the stream channels located within or adjacent to the Property sufficient to allow the County to perform the stream channel restoration work and any maintenance thereof. The location of the easement(s) shall be shown on the first development plan for development on the Property.

This proffer requires the Developer to provide a total cash contribution of \$224,719 to the County for the County to undertake a stream restoration project on or near the property or a like project within the same watershed. Contributions shall be made in increments of \$1,277 per residential unit prior to the issuance of a Certificate of Occupancy for that residential unit. The total cash contribution shall be paid in full within five years of the date of the first site plan approval. The developer shall provide the County with easements necessary for the stream restoration project.

- Proffer No. 9. Stormwater BMP Upgrades/Retrofits. The Developer shall prepare plans for the (i) upgrade/retrofit of the Courthouse Green Dry Pond, BMP ID PC144 in accordance with the recommendations of the Powhatan Creek Watershed Study and (ii) repair of the outfall of the SunTrust Wet Pond, PC173, and have such plans approved by the Stormwater and Resource Protection Division. The County shall not be obligated to issue building permits for more than a total of 80 dwelling units on the Property until the BMP retrofit/repair plans have been approved by the Stormwater and Resource Protection Division and work pursuant to the approved plans has commenced, as evidenced by issuance of a land disturbance permit. The County shall not be obligated to issue preliminary plan approval for more than a total of 150 dwelling units on the Property until the BMP retrofit/repair work identified by this Proffer undertaken by Developer is substantially complete. The County will grant Developer, in form

and substance acceptable to the County Attorney, the right to enter on the property on which PC144 is located to perform the work. The obligations of Developer under this Proffer with respect to PC173 are subject to Developer obtaining the permission from the owners thereof to enter the property and perform the work. Developer shall diligently pursue such permission.

This proffer is linked to Density Bonus Item Option C: Undertaking or funding a stream restoration project or stormwater management facility retrofit within the same subwatershed. The proffer commits the applicants to fully completing the retrofit of one stormwater management facility identified in the Powhatan Creek Watershed Master Plan as well as repairing a stormwater outfall within the same subwatershed. The proffer requires the development plans for such work to be approved prior to the issuance of more than 80 dwelling units and for the work to be substantially complete prior to preliminary plan approval for more than 150 dwelling units. This will ensure that the development does not exceed the number of dwelling units which would otherwise be permissible under the base density calculations for the site until the work for the density bonus option is completed.

- Proffer No. 12. Project Phasing. The County shall not be obligated to issue building permits for more than a total of 100 dwelling units on the Property until the County has issued a building permit for construction of at least 10,000 square feet of commercial space on the Property and construction has commenced. Construction having commenced shall mean foundations have been poured and have passed inspection. The County shall not be obligated to issue building permits for more than a total of 125 dwelling units on the Property until the County has issued any Certificate of Occupancy for all or any portion of the commercial space. With all development plan submittals, Developer shall include a running tally of the number of residential building permits issued for residential units on the Property.

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The proffer requires construction of at least 10,000 square feet of commercial space to commence prior to the issuance of building permits for more than 100 dwelling units and for a Certificate of Occupancy for all or a portion of the commercial space to be issued prior to the issuance of building permits for more than 125 dwelling units.

- Proffer No. 13. Design Guidelines. Developer has submitted Design Review Guidelines prepared by Hopke/Harrison, Inc., dated January 12, 2025, to the County setting forth design and architectural standards for the development of the Property (the “Guidelines”), which Guidelines shall be kept on file in the Planning Division. Once approved as a part of the rezoning, the Guidelines may not be amended without the approval of the Director of Planning. All building plans and building elevations shall be submitted to the New Town Design Review Board (“NTDRB”) for review and approval by the NTDRB for consistency with the Guidelines.

This proffer is linked to Density Bonus Item Option K: Developing Binding Design Guidelines. The proffer would ensure that the design guidelines submitted with this application are adhered to, with any amendments requiring approval by the Director of Planning. The proffer also requires that final building plans or elevations are reviewed for consistency with the design guidelines by the NTDRB.

- Proffer No. 14. Utility Master Plan. Developer shall submit to the County an updated Water and Sewer Master Plan, including a Hydraulic Analysis and identifying any required off-site improvements necessary to serve the Property, at least three months before the initial site or development plan submittal for the Property for review and approval by the JCSA. The Water and Sewer Master Plan may be revised and/or updated during the development of the Property with prior approval of the JCSA. The County shall not be obligated to approve any final development

plans for the Property until the Water and Sewer Master Plan has been approved by the JCSA. The Water and Sewer Master Plan, as revised and/or updated, shall be implemented in all development plans for the Property at the time required to serve the Property.

This proffer ensures that the applicants will provide a detailed Utility Master Plan for the proposed public water and sewer systems to JCSA prior to the submission of development plans. It also ensures that off-site improvements which may be required for the public water and sewer systems will be included with development plans for the property and the work will be completed by the applicants.

PLANNING AND ZONING HISTORY

The property was originally zoned R-3, General Residential, until 1992 when the R-3 Zoning District was redesignated to the R-2, General Residential Zoning District. The property was rezoned to PL, Public Lands, upon the creation of the Zoning District in 2007.

The property has been owned by the Commonwealth of Virginia and the location of the Eastern State Hospital facility for decades.

During the Engage 2045 Comprehensive Plan update process, two Land Use (LU) applications were submitted requesting to change the LU designations of portions of the property from Federal, State, or County Lands to Mixed Use - New Town. Specifically, LU-20-0002 aligns with the project area of this application. On April 12, 2022, the Board of Supervisors provided guidance to change the potential LU designation from Mixed Use - New Town to Mixed Use - Eastern State. The Board of Supervisors deferred consideration of the LU applications to allow for the LU designation to be considered concurrently with proposals to rezone the property.

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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	R-2, General Residential; R-5, Multifamily Residential; LB, Limited Business; and PL, Public Lands	Residential and commercial uses, and the JCC Recreation Center	Low Density Residential; Moderate Density Residential; and Federal, State, or County Lands
SOUTH	Mixed Use and M-1, Limited Business/Industrial	New Town, Commercial, and Industrial Uses	Mixed Use and Limited Industry
EAST	JCC: PL, Public Lands City of Williamsburg: RS-3, Single-Family Dwelling District	The College of William & Mary Facilities and Residential Uses	JCC: Federal State or County Lands City of Williamsburg: Medium-Density Single-Family Detached Residential
WEST	R-4, Residential Planned Community	Ford's Colony	Low Density Residential

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IMPACT ANALYSIS

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
Please note the information in the Status column indicated below does not include information from the Financial Impacts of Residential Units section of this staff report.		
<u>Public Transportation: Vehicular</u>	<u>No Mitigation Required</u>	- See discussion on Pages 5-8.
<u>Public Transportation: Pedestrian/Bicycle</u>	<u>No Mitigation Required</u>	- Pursuant to Section 24-35 of the Zoning Ordinance, pedestrian improvements for the public and private roads are required to be shown on the Construction Plan and installed as part of the development.
<u>Public Safety</u>	<u>No Mitigation Required</u>	- Fire Station 3 on John Tyler Highway is approximately 2.9 miles from this property and Fire Station 4 is approximately 3.4 miles from the property. - 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>	- See discussion on Pages 8-9.
<u>Public Parks and Recreation</u>	<u>Mitigated</u>	- See discussion on Page 9.
<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>Mitigated</u>	- See discussion on Pages 9-10. - JCSA regulations require the submittal of Water Conservation Standards to be reviewed and approved by the JCSA prior to any development on the property. Proffers - Proffer No. 11 requires the submittal and approval of Water Conservation Standards for the development. - Proffer No. 14 requires the developer to submit a Water and Sewer Utility Master Plan and to complete the installation of any required off-site improvements.

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Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
Please note the information in the Status column indicated below does not include information from the Financial Impacts of Residential Units section of this staff report.		
<u>Watersheds, Streams, and Reservoirs</u>	<u>Mitigated</u>	- See discussion on Page 10. Proffers - Proffer No. 7 requires the submission of a Master Stormwater Management Plan before the submission of a development plan for the property. The proffer also requires enhanced stormwater management facility outlet protection and that the stormwater management plan will adhere to the most recent version of the SSC. - Proffer No. 8 proposes cash contributions to the County to be used for a stream restoration project on or near the property. - Proffer No. 9 proposes a stormwater management facility retrofit of the Courthouse Green Dry Pond (BMP ID PC144) as well as the repair of an outfall for the SunTrust Wet Pond (BMP ID PC173).
<u>Cultural/Historic</u>	<u>No Mitigation Required</u>	- A Phase I Archaeological Study was completed for the project area which determined that there are no archaeological sites requiring further investigation.
<u>Nearby and Surrounding Properties</u>	<u>Mitigated</u>	- This parcel is surrounded by residential, commercial, and public lands. - This parcel is located adjacent to the New Town Master Plan Area. - A 50-foot-wide buffer is provided from the adjacent commercial properties on Discovery Park Boulevard and a 100-foot-wide buffer is provided from the adjacent residential dwellings on Rollison Drive. - The northern, eastern, and southwestern property lines are bounded by streams and required RPA buffers which will provide buffering from adjacent properties. - A 150-foot-wide buffer will be provided from the Route 199 CCC. - Staff finds this proposal compatible with the character of the existing surrounding development. Proffers Proffer No. 5 requires the 50-foot-wide buffer adjacent to the commercial uses along Discovery Park Boulevard and the 100-foot-wide buffer adjacent to the residential dwellings along Rollison Drive to be included in the development plan 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.

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Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
Please note the information in the Status column indicated below does not include information from the Financial Impacts of Residential Units section of this staff report.		
<u>Community Character</u>	<u>Mitigated</u>	- The project includes land located inside the New Town Community Character Area (CCA). - The applicants have provided design guidelines for the development in accordance with Section 24-487(b). Staff finds that the design guidelines are generally in accordance with the County’s Character Design Guidelines approved as part of the Comprehensive Plan. Proffers - Proffer No. 5 requires the 50-foot-wide buffer adjacent to the commercial uses along Discovery Park Boulevard and the 100-foot-wide buffer adjacent to the residential dwellings along Rollison Drive to be included in the development plan for the project. - Proffer No. 13 requires the project to adhere to the submitted design guidelines with any changes subject to approval by the Director of Planning. All building plans and elevations are required to be approved by the NTDRB for consistency with the design guidelines.

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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 Virginia Lands and Energy Navigator (VaLENS) as follows:

ASSET	PRESENCE	IMPACT
Habitat Core	-Present on-site (see Attachment No. 9)	-All habitat cores identified in the Natural & Cultural Assets Plan are important ecologically. Of the 1-5 ranking system used in the Plan, the core on this property is ranked in Category 3 (with 1 being the lowest priority). -The entirety of the 79.56-acre project area is designated as being within the habitat core on the property. -Some of the habitat core acreage is located within non-developable areas including the RPA and thus protected.
Corridors	-Present on-site (see Attachment No. 9)	-The portions of habitat corridors shown on the property are aligned with the RPA on the property and thus protected.
Agricultural Assets	-Present on-site (see Attachment No. 10)	-Approximately 28.66 acres or 36.0% of the property is prime farmland and approximately 9.67 acres or 12.2% of the property is farmland of statewide importance. -The proposed 5-acre passive park is sited within the areas considered to be prime farmland which will reduce the overall amount of impervious cover added to these soils.

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COMPREHENSIVE PLAN

The property is currently designated as Federal, State, or County Lands on the Comprehensive Plan Land Use Map and is adjacent to properties designated as Mixed Use to the south (New Town Mixed Use Area) and Low Density Residential to the west (Ford's Colony). The following general guidance is stated for the Federal, State, or County Lands Designation:

“Publicly owned lands included in this category are Eastern State Hospital, military installations, County offices and facilities, and larger utility sites such as the Hampton Roads Sanitation District treatment plant. Development in these areas should follow applicable development standards listed in the charts.”

While the proposed development of residential and commercial uses is not consistent with the Federal, State or County Lands designation, a LU application LU-20-0002, was submitted during the Engage 2045 Comprehensive Plan update process to change the designation of the project area to Mixed Use - New Town. On June 24, 2021, the Planning Commission voted to recommend approval of the draft 2045 Comprehensive Plan, including LU-20-0002 to change the project area's designation to Mixed Use - New Town. The Board of Supervisors considered the draft 2045 Comprehensive Plan including LU-20-0002 at its July 13, 2021, September 28, 2021, and October 26, 2021, meetings and ultimately deferred consideration of LU-20-0002 so that the proposed designation could be considered concurrently with an application to rezone the property for development. During a check-in with the Board of Supervisors on April 12, 2022, staff received guidance to change the proposed designation for LU-20-0002 to Mixed Use - Eastern State. As no application for Rezoning had been submitted, the Board of Supervisors further deferred consideration of LU-20-0002 at its April 12, 2022, and April 11, 2023, meetings.

Accordingly, staff has reviewed the application pursuant to the draft language for the Mixed Use - Eastern State designation. Specifically, the draft language includes the following guidance for the project area:

“For the portion of the Eastern State property located directly north of New Town and abutting Route 199, the principal suggested uses are a mixture of commercial, office, residential, and limited industrial. It is of critical importance that environmentally sensitive features such as topography, RPA features and wooded areas be protected and permanently preserved, where possible. New development or redevelopment in this area should follow consistent design guidelines and strive to integrate uses. The design, scale, and development pattern shall complement the existing New Town development located to the south.”

Staff finds that the application adheres to the principal suggested uses, protects environmentally sensitive features, provides consistent design guidelines, and that the design, scale, and development patterns complements and is compatible with the New Town development.

Further, the Mixed Use - Eastern State designation is proposed to follow the Mixed Use Designation, Descriptions, and Development Standards for the Level 2, Medium Town or Suburban Center category. While the development provides more residential area than the recommendation to provide 20-50% of gross land area and less non-residential area than the recommendation to provide 50-80% of gross land area, the development provides significantly more open space than the recommendation to provide 10% of gross land area. While the proposed net density of 3.44 dwelling units per acre does not meet the recommended residential density of 6-12 units per acre and the proposed non-residential Floor Area Ratio (FAR) of 0.036 does not meet the recommended FAR of 0.3-1.0, staff finds that the proposed scale and intensity of the development is appropriate for the location. Further, future development of surplus land from the Eastern State Hospital property could contribute to meeting these standards for the Mixed Use - Eastern State designation as a whole.

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The following development standards are applicable for Mixed Use designations:

- All developments should refer to the Residential and Commercial/Industrial Development Standards, including Affordable and Workforce Housing, Enhanced Environmental Protection, and Transportation and Mobility, along with the Mixed Use Development Standards. All developments should also refer to the Character Design Guidelines for more specific guidance on development character.

The proposed development provides affordable and workforce housing, protection of environmentally sensitive features, mitigation of stormwater runoff, water conservation standards, multimodal transportation options, and binding design guidelines which are generally consistent with the Character Design Guidelines.

- Mixed Use developments should create vibrant urban/small town environments that bring compatible land uses, public amenities, and utilities together at various scales. These developments should create pedestrian-friendly, complete communities, with a variety of uses that enable people to live, work, play, and shop in one place.

The development proposes to create an urban core providing a mix of residential unit types, commercial development, and amenities which will be interconnected with pedestrian accommodations.

- Mixed Use developments require nearby police and fire protection, high-capacity road access, access to public utilities, large sites, environmental features such as soils and topography suitable for intense development, and proximity or easy access to large population centers. The timing and intensity of commercial development at a particular site are controlled by the maintenance

of an acceptable LOS for roads and other public services, the availability and capacity of public utilities, and the resulting mix of uses in a particular area. Master Plans are encouraged to be submitted to assist in the consideration of Mixed Use development proposals. The consideration of development proposals in Mixed Use areas should focus on the development potential of a given area compared to the area's infrastructure and the relation of the proposal to the existing and proposed mix of land uses and their development impacts.

The transportation network and public services are adequate for the development and the proffers will ensure that public utilities will be upgraded if necessary.

- The Mixed Use developments should focus on place-making. Developments should be designed to create a sense of place and should be seen as community destinations. Focal open spaces, community-oriented gathering places, unified architectural design, and a mix of uses and design that encourages pedestrian activity are all examples of creating a sense of place.

The development will include an urban core consisting of residential and commercial uses and amenities which will serve as a focal point for the development.

- Mixed Use developments should allow for compact development that create more efficient buildings and spaces, which can be less of a burden on the environment, creating a more sustainable community.

The development will include an urban core consisting of compact development to include all of the single-family attached, multifamily dwelling units, and commercial uses and reducing the amount of development in the remainder of the property.

**REZONING-23-0004 and MASTER PLAN-23-0001. Westwood Park Rezoning
Staff Report for the October 14, 2025, Board of Supervisors Public Hearing**

- Mixed Use developments should encourage the proximity of diverse uses to make it possible to reduce vehicle trips and vehicle miles traveled, providing for a greater potential for internal capture than with typical suburban development and should provide good multimodal networks for bicycle and pedestrian uses.

The development will include a mix of uses that could result in more trips internal to the site and will include pedestrian accommodations.

A portion of the project area is located within the New Town CCA and is encouraged to follow New Town's architectural design and features to maintain a unifying look and feel for the area. The design guidelines included with the application will ensure a consistent design which will be administered by the NTDRB.

Character Design Guidelines

As part of the Comprehensive Plan, the County adopted a set of Character Design Guidelines to be applied to all developments requiring legislative approval to encourage development to be compatible with the overall character of the County. The proposed design guidelines submitted with the application are consistent with the County's Character Design Guidelines in many areas, including providing an interconnected street network, providing pedestrian accommodations, limiting the amount of street-facing garages, creating architectural variety and discrete facades among single-family attached units, and ensuring the design of commercial buildings are of a scale and intensity that is compatible with the surrounding residential development. Overall, staff finds the proposed design guidelines to be consistent with the County's Character Design Guidelines.

Financial Impacts of Residential Units

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

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

- The fiscal impact to the County (both Operating and Capital budget) for the residential and non-residential components of the project; and
- The incremental capital costs for public facilities for the residential component of the project.

Overall Impact (Capital and Operating)

Per the Fiscal Impact Model, the development is projected to result in a net fiscal impact to the County through the year 2050 that is positive \$4,285,595 (see Attachment No. 8 for additional details).

Capital Costs

Per the Fiscal Impact Model, the following are projected public facility impacts attributable to the proposed residential component of the project through 2050.

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Table 1 - Per Unit Fiscal Residential Impacts Information

Category	Residential Impact	Mitigation Through Current Application
Roadways	SFD \$40.62 SFA \$31.01 MF \$19.55	See Note 1
Parks & Recreation	SFD \$3,156.65 SFA \$2,083.13 MF \$2,185.37	See Note 1
Fire and Emergency Services	SFD \$1,009.69 SFA \$666.31 MF \$699.02	See Note 1
Police	SFD \$7.30 SFA \$4.82 MF \$5.06	See Note 1
Library	SFD \$460.17 SFA \$303.67 MF \$318.58	See Note 1
General Government	SFD \$233.97 SFA \$154.40 MF \$161.98	See Note 1
General Services	SFD \$256.25 SFA \$169.10 MF \$177.40	See Note 1
Courts	SFD \$956.08 SFA \$630.93 MF \$661.90	See Note 1
Schools	SFD \$14,380.13 SFA \$7,555.10 MF \$5,739.41	See Note 1
TOTAL	SFD \$20,500.84 SFA \$11,598.49 MF \$5,739.41	See Note 1

SFD - Single Family Detached
SFA - Single Family Attached
MF - Multifamily

Note 1: The applicants have not proffered cash contributions for community impacts to the County from the physical development and operation of the Property.

Note 2: Per Proffer No. 12, a minimum of 10,000 square feet of commercial uses are required before the construction of residential units is complete. If only 10,000 square feet of commercial uses are constructed, the net fiscal impact would remain positive with an overall impact of \$3,280,619.

The applicants have provided a narrative on Pages 11-12 of the Community Impact Statement (Attachment No. 5) regarding the cumulative fiscal impact of the development.

Overall, staff finds that the application does not require mitigation for the fiscal impacts of the proposed development and is therefore consistent with the guidance in the Comprehensive Plan regarding the mitigation of impacts.

Goals, Strategies, and Actions

Staff reviewed the application to determine if the proposal aligns with the Comprehensive Plan's GSAs. The analysis is as follows.

Land Use

- GSA LU4 - Direct growth into designated growth areas in an efficient and low-impact manner by:
 - GSA LU4.4 - Accommodate mixed-use developments within the PSA, as further defined in the Mixed Use land use designation and development standards. Support design flexibility to promote the mixing of various types of residential and non-residential uses and structures. Encourage mixed use developments and complete communities to develop in compact nodes in well-defined locations within 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.

REZONING-23-0004 and MASTER PLAN-23-0001. Westwood Park Rezoning
Staff Report for the October 14, 2025, Board of Supervisors Public Hearing

The proposed development is within the PSA and proposed to be designated Mixed Use with a variety of residential and non-residential uses.

- GSA LU5.2 - Through the following measures, coordinate allowable densities and intensities of proposed developments with the capacities and availability of water, public roads, schools, and other facilities and services:
 - GSA LU5.2.3 - Permit higher densities and more intensive development in accordance with the Future Land Use Map where existing public facilities and services are adequately provided.

Staff finds that the capacities of public services and facilities are adequate for this development and that impacts to public utilities have been mitigated.

- GSA LU5.3 - Ensure that developments are subject to zoning or special use permit review to mitigate their impacts through the following means:
 - GSA LU5.3.1 - Require sufficient documentation to determine the impacts of a proposed development, including but not limited to studies of traffic impact, capacity of public schools, historic and archaeological resources, water quality and quantity, other environmental considerations, and fiscal impact.

The application includes documentation analyzing such features to determine potential impacts.

- GSA LU5.3.2 - Ensure that the recommendations of such studies are adequately addressed prior to preparation of development plans, or in instances where a rezoning or Special Use Permit is required, as part of those applications.

Staff finds that there are several proffers which ensure potential impacts have been or will be mitigated for the development.

Transportation

- GSA T1.2 - Expect new developments to follow recommended densities, intensities, and development patterns that will maintain an acceptable level of service on the surrounding roads and intersections consistent with the land use context (rural, suburban, urban) and the functional classification of the roadway. Ensure that new developments do not compromise planned transportation enhancements.

While some intersections studied in the TIA currently operate below LOS C, the TIA found that LOS would not decrease and that no improvements are recommended.

- GSA T1.2.3 - Concentrate commercial development in compact nodes or in Mixed Use areas with internal road systems and interconnected parcel access rather than extending development with multiple access points along existing primary and secondary roads.

The development concentrates commercial development within the urban core with interconnection to the surrounding residential development.

Housing

- GSA H2.1 - Guide new developments to incorporate high housing quality and design.

This development provides a range of home types and prices, including open space, recreational amenities, connections between residential developments, trails, and sidewalks.

REZONING-23-0004 and MASTER PLAN-23-0001. Westwood Park Rezoning
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Community Character

- GSA CC2.3 - In New Town, continue to support the design review process by working closely with the New Town Design Review Board and supporting the implementation of New Town's design guidelines.
 - GSA CC2.3.1 - For areas within the New Town CCA but not subject to the New Town Master Plan and/or proffers, ensure that new development is consistent with existing adjacent development and the New Town design guidelines.

The proposed design guidelines include that development should be consistent with New Town and that the NTDRB will review building plans and elevations.

- GSA CC3 - Preserve and enhance neighborhood and community appearance.
 - GSA CC3.3 - Continue to improve and protect the character of the County through use of the Character Design Guidelines.

Staff finds the proposed design guidelines to be consistent with the County's Character Design Guidelines.

Parks & Recreation

- GSA PR5.3 - Encourage new developments requiring legislative review to provide public recreation facilities consistent with standards in the Parks and Recreation Master Plan. New developments should have neighborhood parks with trails, bikeways, playgrounds, practice fields, sports courts, and open spaces.

While this proposal includes a number of recreational amenities, it is not fully consistent with the Parks & Recreation Development

Guidelines as the proposed pool does not meet the recommended dimensions and the application does not propose a playground.

STAFF RECOMMENDATION

Staff finds the application to be generally consistent with the County's Zoning Ordinance, Comprehensive Plan, and adopted policies. Staff recommends that the Board of Supervisors approve this application, subject to the proposed proffers.

MR/tm

RZ-23-04_MPWestprk

Attachments:

1. Proposed Ordinance
2. Proposed Proffers
3. Location Map
4. Proposed Master Plan
5. Community Impact Statement
6. Proposed Design Guidelines
7. TIA
8. Fiscal Impact Analysis
9. Exhibit - Habitat Core and Corridors
10. Exhibit - Prime Farmland
11. Exhibit - Proposed BMP Retrofit and Outfall Repair
12. Public Correspondence
13. Approved Minutes of the April 2, 2025, 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.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE ZONING DISTRICT MAPS OF JAMES CITY COUNTY, VIRGINIA, TO REZONE APPROXIMATELY 79.561 ACRES AT 4601 IRONBOUND ROAD (JAMES CITY COUNTY REAL ESTATE TAX MAP PARCEL NO. 3910100152) FROM PL, PUBLIC LANDS TO PUD-R, PLANNED UNIT DEVELOPMENT RESIDENTIAL, WITH PROFFERS AS DESCRIBED IN CASE NOS. Z-23-0004 AND MP-23-0001.

WHEREAS, Mr. Jason Grimes of AES Consulting Engineers and Mr. Vernon Geddy, III, of Geddy, Harris, Franck & Hickman, LLP, have applied to rezone approximately 79.561 acres from PL, Public Lands to PUD-R, Planned Unit Development Residential, with Proffers; and

WHEREAS, the area proposed to be rezoned is a portion of the property located at 4601 Ironbound Road, further identified as James City County Real Estate Tax Map Parcel No. 3910100152, and is shown on the Master Plan titled “Rezoning for Westwood Park” dated February 15, 2023, and revised September 16, 2025 (the “Master Plan”); and

WHEREAS, the Planning Commission, following its public hearing on April 2, 2025, recommended denial of Case Nos. Z-23-0004 and MP-23-0001 by a vote of 5-1; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case Nos. Z-23-0004 and MP-23-0001; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds Case Nos. Z-23-0004 and MP-23-0001 to promote the health, safety, convenience, and general welfare of the public and further accomplish the objectives of zoning.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that Case Nos. Z-23-0004 and MP-23-0001 is hereby approved as described therein and the voluntary proffers are accepted.

James O. Icenhour, Jr.
Chair, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

HIPPLE
NULL
LARSON
MCGLENNON
ICENHOUR

VOTES

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

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

Tax Parcel: Part of 3910100152

Prepared By: Vernon M. Geddy, III, Esquire (VSB No: 21902)
Geddy, Harris, Franck & Hickman, LLP
1177 Jamestown Road
Williamsburg, VA 2318

PROFFERS

THESE PROFFERS are made this 25th day of September, 2025 by
ABVA DEVELOPMENT, LLC, a Virginia limited liability company (together with its
successors in title and assigns, the "Developer").

RECITALS

A. The COMMONWEALTH OF VIRGINIA, DEPARTMENT OF GENERAL
SERVICES (the "Commonwealth") is the owner of a parcel of land located in James
City County, Virginia (the "County"), being a portion of Tax Parcel No. 3910100152,
containing approximately 79.561 acres, more or less, and being more particularly
described on Schedule A hereto (the "Property").

B. Developer has contracted to purchase the Property from the Commonwealth
contingent upon approval of the requested rezoning.

C. While property owned by the Commonwealth is not subject to local zoning
jurisdiction, the Commonwealth, solely for the benefit of Developer as prospective
purchase of the Property, (i) has permitted the Developer to apply to rezone the
Property from PL - Public Lands to PUD-R Planned Unit Development - Residential,
with proffers, and (ii) has signed these Proffers solely for the purpose of acknowledging
such permission.

C. Developer has submitted to the County a master plan entitled “Rezoning Plan for Westwood Park” prepared by AES Consulting Engineers dated February 15, 2023 (the “Master Plan”) for the Property in accordance with the County Zoning Ordinance.

D. Developer desires to offer to the County certain conditions on the development of the Property not generally applicable to land zoned PUD-R in the form of the following Proffers.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2303 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Developer agrees that it shall meet and comply with the following conditions in developing the Property. If the requested rezoning is not granted by the County or the purchase of the Property by Developer from the Commonwealth is not consummated, these Proffers shall be null and void. Acknowledgment of these Proffers by the Commonwealth does not subject the Property to local jurisdiction, or to these Proffers, so long as the Property is owned by the Commonwealth.

CONDITIONS

1. Name. The name of the development on the Property shall not include the name “New Town” or any variation thereof.

2. Density. There shall be a maximum of 86 single family detached units on Parcel A (Master Plan Designation A) shown on the Master Plan, 70 multi-family units and 24,000 square feet of commercial uses on Parcel B (Master Plan Designations B, C, D, E, G, and I) shown on the Master Plan and 20 multi-family units on Parcel C (Master Plan Area Designations B, C and D).

3. Owners Associations. There shall be organized an owner's association for the development (the "Association") in accordance with Virginia law in which all residential property owners in the development, by virtue of their property ownership, shall be members. Owners of residential lots or units in the development shall not be a part of any property owners association in the adjacent New Town development. The articles of incorporation, bylaws, and restrictive covenants (together, the "Governing Documents") creating and governing the Association shall be submitted to and reviewed by the County Attorney for consistency with this Proffer prior to final approval of the first subdivision plat for the Property. The Governing Documents shall require that the Association adopt an annual maintenance budget, which shall include a reserve for capital components, and all other common areas (including open spaces) under the jurisdiction of the Association, shall require each purchaser of a lot to make a capital contribution to the Association for reserves and shall require that the Association (i) assess all members for the maintenance of all properties owned or maintained by the Association and (ii) file liens on members' properties for non-payment of such assessments, and shall provide for a Design Review Board in accordance with Section 11. The Governing Documents shall provide that at such time as 75% of the Lots permitted on the Property designated on the Master Plan have been conveyed to purchasers other than builders, the declarant's right to unilaterally appoint and remove members of the Board of Directors of the Association shall terminate and the Board shall thereafter be elected by the lot owners (including the declarant). The Governing Documents shall not include a provision granting the declarant any veto rights over actions of the Board of the Association once the Board is elected by the lot owners.

4. Affordable Housing Units. At least twenty percent of the dwelling units permitted on the Property shall be offered for sale at prices or offered for rent at rents that are targeted at households earning 80% or less of the Area Median Income as determined by the U.S. Department of Housing and Urban Development ("AMI"). The maximum sale price for such a unit sold in 2026 shall be Two Hundred Eighty-One Thousand Seven Hundred and Fifty Dollars (\$281,750.00). The per unit maximum sale price in any subsequent year shall consist of the maximum price specified above plus any adjustments included in the Marshall and Swift Building Costs Index, Section 98, Comparative Cost Multipliers, Regional City Averages (the "Index") from 2025 to the year the sale is closed. The per unit maximum sale price shall be adjusted once a year with the January supplement of the Index of the sale year. In no event shall the per unit maximum sale price be adjusted to a sum less than the maximum price specified above. If the Index is not available, a reliable government or other independent publication evaluating information heretofore used in determining the Index (approved in advance by the County Manager of Financial Management Services) shall be relied upon in establishing an inflationary factor for purposes of increasing the per unit maximum sale price to approximate the rate of annual inflation in the County. Maximum rents shall be determined annually by the County's Neighborhood Development department based on payment of 30 percent (30%) of household income toward housing costs. Unless otherwise approved by the Neighborhood Development department, sales of all targeted for-sale units shall include a soft second deed of trust for the benefit of the County securing a shared appreciation note in an amount equal to the difference between the sale price of a comparable market rate unit and the sale

price of the proffered unit and with a term of seven years. The original note and deed of trust and a copy of the settlement statement shall be delivered to the Neighborhood Development department after each closing. If down-payment assistance loans are authorized by the Neighborhood Development department, the soft second deed of trust may be recorded in third priority. Rental units shall be made available at the targeted rents for a period of twenty (20) years. With respect to rental units provided pursuant to this proffer, if any, Developer shall submit an annual report for each year of the required 20-year term to the County Zoning Administrator on or before January 30 of the current year identifying the location of the units and the rental rates charged demonstrating such rates are within the specified income range. All affordable units provided pursuant to this Proffer shall be rented or sold to persons whose incomes fall within the qualifying income range used to determine the prices/rental rates by the County's Neighborhood Development department.

5. New Town Buffer. There shall be a 100' wide buffer along the boundary of the Property with Section 7 of New Town in the location shown on the Master Plan and labeled "Proposed 100' Buffer" and a 50' wide buffer along the remainder of the common boundary with New Town in the location shown on the Master Plan and labeled "Proposed 50' Buffer".

6. Recreation. The County shall not be obligated to issue building permits for more than a total of 80 dwelling units on the Property until the following recreational facilities shall be provided: a swimming pool seventy-five feet in length and sixteen feet in width with a shallows area of at least 600 square feet and bathhouse, passive parks of at least five acres, including two playgrounds of at least 2,500 square feet and at

least five activities, at least four bike racks, a pavilion/bus shelter, a grilling station and picnic area in a passive park, a deck overlook and trails/paths with a length of at least 3,000 linear feet that meet or exceed the James City County Parks and Recreation Master Plan Proffer Guidelines. The exact locations of the facilities proffered hereby and the equipment to be provided at such facilities shall be subject to the approval of the Development Review Committee. The only connection between the trail/path system on the Property and the trail/path system located within the New Town development shall be adjacent to Discovery Park Boulevard unless otherwise approved by the New Town Residential Association, Inc.

7. Master Stormwater Management Plan. Developer shall submit to the County a master stormwater management plan at least three months before the initial site or development plan submittal for the Property, to include the stormwater management BMPs, for review and approval by the Stormwater and Resource Protection Division. The master stormwater management plan shall include a requirement that all outlet protection be sized for the 100-year, post-development storm and shall show the location of stream restoration/improvements needed in Powhatan Creek, Sub-watershed #208. The master stormwater management plan may be revised and/or updated during the development of the Property with prior approval of the Stormwater and Resource Protection Division. The County shall not be obligated to approve any final development plans for the Property until the master stormwater management plan has been approved by the Stormwater and Resource Protection Division. The master stormwater management plan, as revised and/or updated, shall

be implemented in all development plans for the Property. All development plans for the Property shall implement the County's SSC criteria dated March, 2025.

8. Stream Channel Restoration.

a. The Developer shall make a contribution to the County in the amount of \$224,718.56 (the "Stream Channel Restoration Amount") for preparation of stream restoration construction plans and stream channel restoration to be conducted by the County on or in the immediate vicinity of the Property, which Stream Channel Restoration Amount shall be paid in increments of \$1,276.81 per residential unit developed on the Property (the "Per Unit Stream Restoration Contribution"). The Per Unit Stream Restoration Contribution shall be payable for each residential unit developed on the Property after completion of the final inspection and prior to the time of the issuance of any certificate of occupancy for the dwelling unit in question. The County shall utilize these monies for the restoration of stream channels located on or in the immediate vicinity of the Property or for a like project within the same watershed that is directly related to water quality.

b. The Stream Channel Restoration Amount and the Per Unit Stream Restoration Contribution (the "Proffered Amounts") shall be adjusted annually beginning January 1, 2027 to reflect any increase or decrease for the preceding year in the Marshall and Swift Building Cost Index, Section 98, Comparative Cost Multipliers, Regional City Averages (the "MSI"). In no event shall the Proffered Amounts be adjusted to a sum less than the amount initially established by these Proffers. In the event a substantial change is made in the method of establishing the MSI, then the Proffered Amounts shall be adjusted based upon the figure that would have resulted had no change occurred in the manner of computing the MSI. In the event that the MSI is not available, a reliable government or other independent publication evaluating information heretofore used in determining the MSI (approved in advance by the County Manager of Financial Management Services) shall be relied upon in establishing an inflationary factor for

purposes of increasing the Proffered Amounts to approximate the rate of annual inflation in the County.

c. Notwithstanding the foregoing, any unpaid balance of the Stream Channel Restoration Amount shall be paid to the County in full on or before the date which is five years after the date of final approval by the County of the first site plan or subdivision plan for development of the Property pursuant to the Master Plan.

d. At the request of the County, the Developer shall provide one or more access easements over and across the Property in a form acceptable to the County Attorney and in a location acceptable to the Director of Stormwater and Resource Protection from public right of way to the stream channels located within or adjacent to the Property sufficient to allow the County to perform the stream channel restoration work and any maintenance thereof. The location of the easement(s) shall be shown on the first development plan for development on the Property.

9. Stormwater BMP Upgrades/Retrofits. The Developer shall prepare plans for the (i) upgrade/retrofit of the Courthouse Green Dry Pond, BMP ID PC144 in accordance with the recommendations of the Powhatan Creek Watershed Study and (ii) repair of the outfall of the Suntrust Wet Pond, PC173, and have such plans approved by the Stormwater and Resource Protection Division. The County shall not be obligated to issue building permits for more than a total of 80 dwelling units on the Property until the BMP retrofit/repair plans have been approved by the Stormwater and Resource Protection Division and work pursuant to the approved plans has commenced as evidenced by issuance of a land disturbance permit. The County shall not be obligated to issue preliminary plan approval for more than a total of 150 dwelling units on the Property until the retrofit/repair work identified by this Proffer undertaken by Developer is substantially complete. The County will grant Developer, in form and substance acceptable to the County Attorney, the right to enter on the property on which PC144 is located

to perform the work. The obligations of Developer under this Proffer with respect to PC173 are subject to Developer obtaining the permission from the owners thereof to enter the property and perform the work. Developer shall diligently pursue such permission.

10. Private Streets. Any streets on the Property may be private. Pursuant to Section 24-62 of the Zoning Ordinance, private streets within the Property shall be maintained by the Association. The party responsible for construction of a private street shall deposit into a maintenance fund to be managed by the Association an amount equal to one hundred fifty percent (150%) of the amount of the maintenance fee that would be required for a similar public street as established by VDOT - Subdivision Street Requirements or appropriate equivalent as determined by the Planning Director. The County shall be provided evidence of the deposit of such maintenance fee amount at the time of final site plan approval by the County for the phase or section which includes the street to be designated as private.

11. Water Conservation. The Developer shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority ("JCSA") and subsequently for enforcing these standards. The standards shall address such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of drought resistant native and other adopted low water use landscaping materials and warm season turf on common areas in areas with appropriate growing conditions for such turf and the use of water conserving fixtures and appliances to promote water conservation and minimize

the use of public water resources. The standards shall be approved by the JCSA prior to final subdivision or site plan approval.

12. Project Phasing. The County shall not be obligated to issue building permits for more than a total of 100 dwelling units on the Property until the County has issued a building permit for construction of at least 10,000 square feet of commercial space on the Property and construction has commenced. Construction having commenced shall mean foundations have been poured and have passed inspection. The County shall not be obligated to issue building permits for more than a total of 125 dwelling units on the Property until the County has issued any certificate of occupancy for all or any portion of the commercial space. With all development plan submittals, Developer shall include a running tally of the number of residential building permits issued for residential units on the Property.

13. Design Guidelines. Developer has submitted design review guidelines prepared by Hopke/Harrison, Inc. dated January 12, 2025 to the County setting forth design and architectural standards for the development of the Property (the "Guidelines"), which Guidelines shall be kept on file in the Planning Department. Once approved as a part of the rezoning, the Guidelines may not be amended without the approval of the Director of Planning. All building plans and building elevations shall be submitted to the New Town Design Review Board ("NTDRB") for review and approval by the NTDRB for consistency with the Guidelines.

14. Utility Master Plan. Developer shall submit to the County an updated water and sewer master plan, including a hydraulic analysis and identifying any required off-

site improvements necessary to serve the Property, at least three months before the initial site or development plan submittal for the Property for review and approval by the JCSCA. The water and sewer master plan may be revised and/or updated during the development of the Property with prior approval of the JCSCA. The County shall not be obligated to approve any final development plans for the Property until the water and sewer master plan has been approved by the JCSCA. The water and sewer master plan, as revised and/or updated, shall be implemented in all development plans for the Property at the time required to serve the Property.

15. Severability. The unenforceability, elimination, revision or amendment or any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of any of the other proffers or the unaffected part of any such proffer.

[signatures appear on following pages]

WITNESS the following signatures and seals:

APPLICANT:

ABVA DEVELOPMENT, LP, a Virginia limited partnership

By: NALD, LLC, a Virginia limited liability company, general partner

By:

Name: Michael M. Youngblood

Title: Manager

Date: 9/25/2025

COMMONWEALTH / STATE OF VIRGINIA
CITY/COUNTY OF WILLIAMSBURG, to wit:

The foregoing Proffers were acknowledged before me this 25th day of September 2025, by Michael M. Youngblood acting in his/her capacity as Manager of NALD, LLC, a * general partner of ABVA Development, LP, on behalf of the partnership.

Vernon Meredith Geddy III
Notary Public

My commission expires: _____

My registration no.: _____



SOLELY FOR THE PURPOSE OF PROVIDING THE ACKNOWLEDGMENT
CONTEMPLATED BY THE RECITALS TO THESE PROFFERS:

COMMONWEALTH:

COMMONWEALTH OF VIRGINIA,
DEPARTMENT OF GENERAL SERVICES

By: _____

Name:

Title: Director

Date: _____

COMMONWEALTH OF VIRGINIA
CITY OF RICHMOND, to wit:

The foregoing Proffers were acknowledged before me this _____ day of _____
20__, by _____, acting in his/her capacity as Director of the Commonwealth
of Virginia, Department of General Services, on behalf of Seller.

Notary Public

Schedule A

Beginning at a point on the easterly right of way of Humelsine Parkway-State Route 199, a variable width public right of way. Said point also being a northerly property corner of the now or formerly FCD, LLC property. Thence, with the easterly right of way of Humelsine Parkway-State Route 199, the following courses and distances:

N03-26-03E 425.65 feet to a point.

N27-25-22W 117.14 feet to a point.

N03-57-37E 350.02 feet to a point.

Along the arc of a curve to the right, having a radius of 4,459.66 feet, an arc of 851.05 feet, the chord of said arc being N09-25-38W 849.76 feet to a point in the approximate center of a marshy area and stream.

Thence, departing the easterly right of way of Humelsine Parkway-State Route 199, and with the approximate center of marshy area and stream, the following courses and distances.

S70-05-17E 6.83 feet to a point.

S29-15-57E 10.30 feet to a point.

S03-15-18W 10.21 feet to a point.

S15-57-42E 12.22 feet to a point.

S62-33-27E 34.73 feet to a point.

S70-14-51E 36.32 feet to a point.

S37-29-12E 20.92 feet to a point.

S58-56-26E 30.36 feet to a point.

S81-32-24E 63.96 feet to a point.

S61-41-47E 27.94 feet to a point.

S80-32-02E 16.00 feet to a point.

N84-20-19E 32.13 feet to a point.

S86-36-05E 27.83 feet to a point.

S80-43-59E 29.86 feet to a point.

N82-12-02E 39.87 feet to a point.

S77-04-21E 37.66 feet to a point.

N79-16-37E 25.63 feet to a point.

S74-02-50E 44.17 feet to a point.

S75-50-18E 41.45 feet to a point.

S55-06-55E 32.25 feet to a point.

S71-13-12E 37.73 feet to a point.

S43-58-50E 31.31 feet to a point.

S65-36-10E 36.26 feet to a point.

S37-02-34E 27.19 feet to a point.

S73-47-42E 42.67 feet to a point.

S60-09-31E 36.42 feet to a point.

S69-19-15E 34.31 feet to a point.
S30-03-13E 32.02 feet to a point.
S44-35-21E 77.11 feet to a point.
S62-14-28E 40.98 feet to a point.
S41-17-46E 29.10 feet to a point.
S08-35-57E 38.76 feet to a point.
S01-35-26W 42.21 feet to a point.
S15-59-02E 31.09 feet to a point.
S03-44-26E 57.45 feet to a point.
S24-00-21W 47.93 feet to a point.
S00-38-25E 41.10 feet to a point.
S33-29-49E 27.30 feet to a point.
S45-01-03E 28.90 feet to a point.
S00-13-17E 53.23 feet to a point.
S24-02-36E 38.52 feet to a point.
S55-13-15E 56.44 feet to a point.
S01-14-38E 38.35 feet to a point.
S58-44-59E 36.63 feet to a point.
S12-06-07E 43.35 feet to a point.
S64-56-17E 30.51 feet to a point.
S17-50-28E 23.57 feet to a point.
S62-55-13E 13.54 feet to a point.
S84-09-42E 32.92 feet to a point.
S74-18-23E 29.51 feet to a point.
S43-55-17E 64.15 feet to a point.
S55-08-53E 24.54 feet to a point.
S64-41-52E 41.57 feet to a point.
S40-44-58E 32.62 feet to a point.
S25-51-41E 54.93 feet to a point.
S02-48-12E 74.81 feet to a point.
S47-21-11E 41.11 feet to a point.
S26-02-51E 40.54 feet to a point.
S70-48-44E 34.09 feet to a point.
S84-51-39E 43.99 feet to a point.
N75-22-19E 24.05 feet to a point.
N87-39-49E 31.42 feet to a point.
N80-05-35E 81.39 feet to a point.
N62-03-23E 28.64 feet to a point.
N82-00-34E 44.32 feet to a point.
S85-33-10E 34.73 feet to a point.
S62-51-51E 48.90 feet to a point.
S23-55-49E 52.44 feet to a point.
S71-48-07E 22.51 feet to a point.
N79-40-46E 61.65 feet to a point.
N85-54-13E 27.50 feet to a point.
N59-39-41E 100.52 feet to a point.

N50-05-12E 43.79 feet to a point.
N60-35-50E 66.41 feet to a point.
N68-08-48E 47.34 feet to a point.
S82-41-10E 35.00 feet to a point.
S55-12-57E 35.87 feet to a point.
S84-16-27E 35.65 feet to a point.
N80-06-17E 40.84 feet to a point.
N61-15-26E 26.09 feet to a point.
S89-33-46E 81.06 feet to a point.
S09-25-43E 97.97 feet to a point.
S04-09-23W 186.24 feet to a point.
S03-45-14W 88.73 feet to a point.
S11-20-02E 59.16 feet to a point.
S19-34-58E 48.66 feet to a point.
S23-33-40E 77.53 feet to a point.
S09-43-59E 21.89 feet to a point.
S60-03-43E 37.84 feet to a point.
S20-05-59W 15.90 feet to a point.
S68-37-07E 8.90 feet to a point.
N59-24-41E 23.31 feet to a point.
S48-00-28E 52.72 feet to a point.
S69-59-49E 34.72 feet to a point.
S17-24-26E 48.46 feet to a point.
S59-05-45E 35.91 feet to a point.
S18-08-48E 44.29 feet to a point.
S61-53-27E 9.36 feet to a point.
N66-03-39E 35.77 feet to a point.
S61-08-08E 21.06 feet to a point on the northerly property line of the now or formerly New Town Associates, LLC property.

Thence, S76-38-09W 2,194.08 feet, running with the northerly property lines of the now or formerly New Town Associates, LLC properties and the terminus of Discovery Park Boulevard to a point.

N40-09-20W 8.01 feet to a point being a southerly property corner of the now or formerly FCD, LLC property.

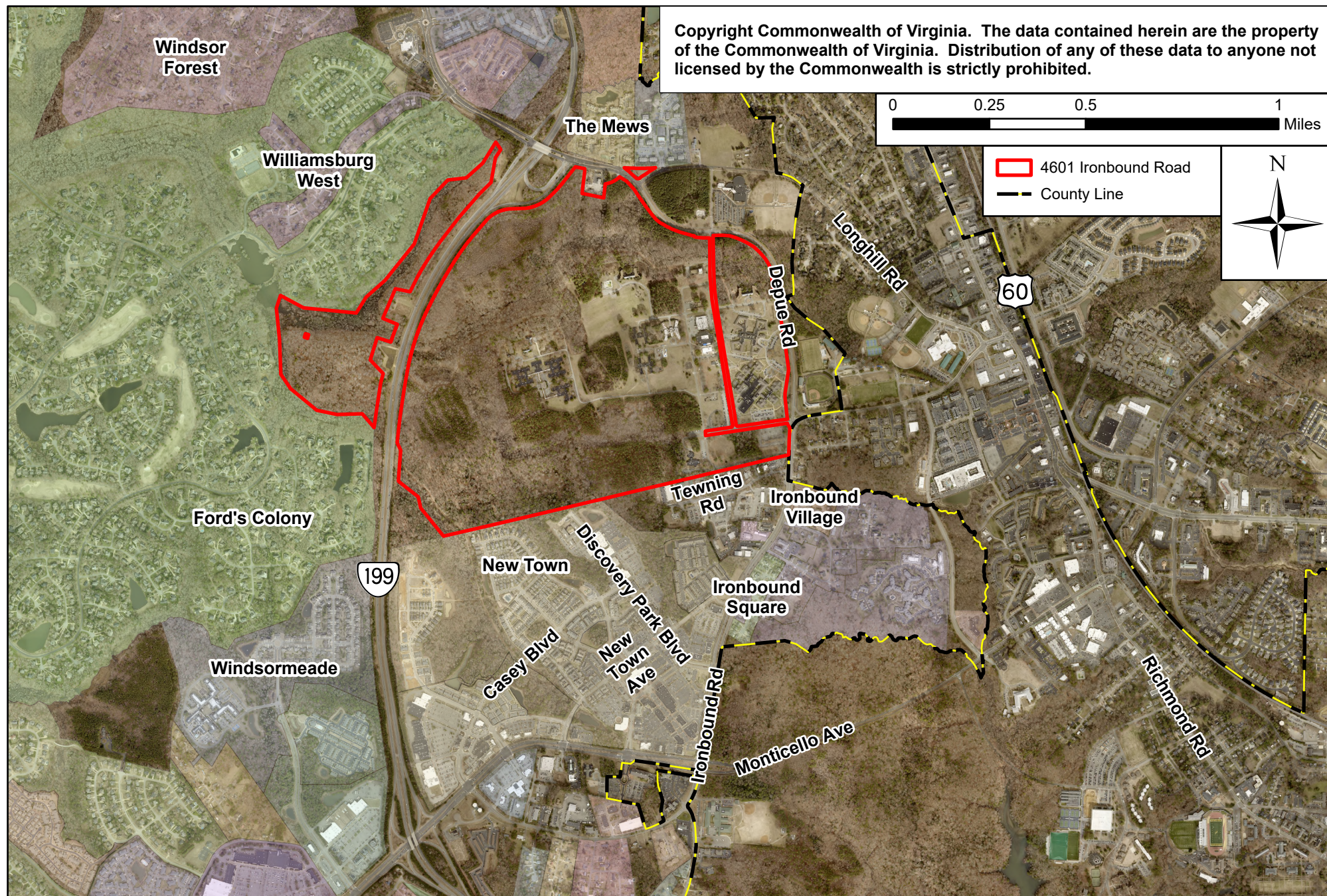
Thence, with the easterly property lines of the of the now or formerly FCD, LLC property, the following courses and distances.

N40-09-20w 225.36 feet to a point.

N40-10-09W 225.48 feet to a point.

N00-29-46E 162.48 feet to a point.

N52-43-19W 337.53 feet to the point of beginning and containing 3,465,659 square feet or 79.5606 acres of land.



REZONING FOR WESTWOOD PARK WESTWOOD, LLC

PROJECT TEAM

DEVELOPER: WESTWOOD, LLC

CIVIL CONSULTING: AES CONSULTING ENGINEERS

LAND PLANNING: HOPKE & ASSOCIATES

ENVIRONMENTAL: ECS LIMITED, LLC

TRAFFIC: MCPHERSON CONSULTING

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

SITE DATA:

PARCEL ID: 3910100152 (PORTION OF)

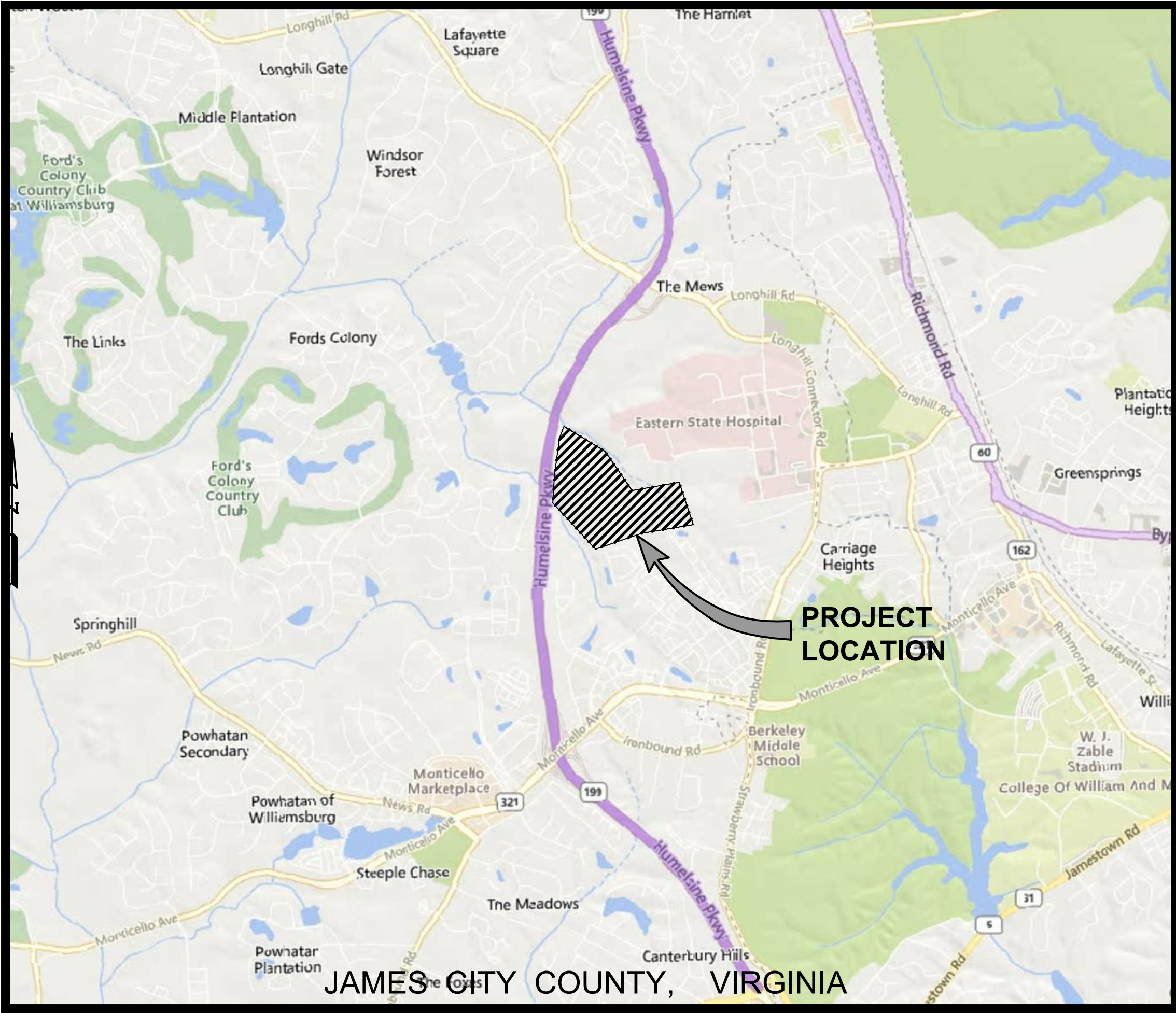
PROPERTY OWNERS: COMMONWEALTH OF VIRGINIA

PROPERTY ADDRESS: 4601 IRONBOUND ROAD

PROPERTY ACREAGE: 79.56 AC. ± (PER VHB PLAT)

CURRENT ZONING: PL (PUBLIC LANDS)

PROPOSED ZONING: PUD-R (W/PROFFERS)
UP TO 17.26 AC RESERVED FOR MIXED USE TO INCLUDE UP TO 24,000 SF OF COMMERCIAL USES



VICINITY MAP
(APROX. SCALE 1"=2000')
ORIGINALLY SUBMITTED: FEBRUARY 15, 2023
RESUBMITTED: SEPTEMBER 2025

JCC CASE # Z-23-0004 / MP-23-0001

INDEX OF SHEETS

- | | |
|-------|-------------------------|
| MP1.0 | COVER SHEET |
| MP2.0 | ENVIRONMENTAL INVENTORY |
| MP3.0 | MASTER PLAN |
| MP3.1 | CONCEPTUAL MASTER PLAN |
| MP4.0 | UTILITY MASTER PLAN |

NOTE: THIS PROJECT LIES WITHIN THE POWHATAN CREEK WATERSHED OF THE JAMES RIVER. THE PROPERTY IS PART OF POWHATAN CREEK SUBWATERSHED 208 (LOWER CHISEL RUN)

Rev.	Date	Description	Revised By
6	08/16/25	REVISED PER PC MEETING COMMENTS	JAG
5	07/26/25	REVISED PER PC MEETING COMMENTS	JAG
4	03/25/25	REVISED PER JCC STAFF COMMENTS	JAG
3	12/10/24	REVISED PER JCC STAFF COMMENTS	JAG
2	10/11/24	REVISED PER JCC STAFF COMMENTS	JAG
1	11/11/24	REVISED PER JCC STAFF COMMENTS	JAG

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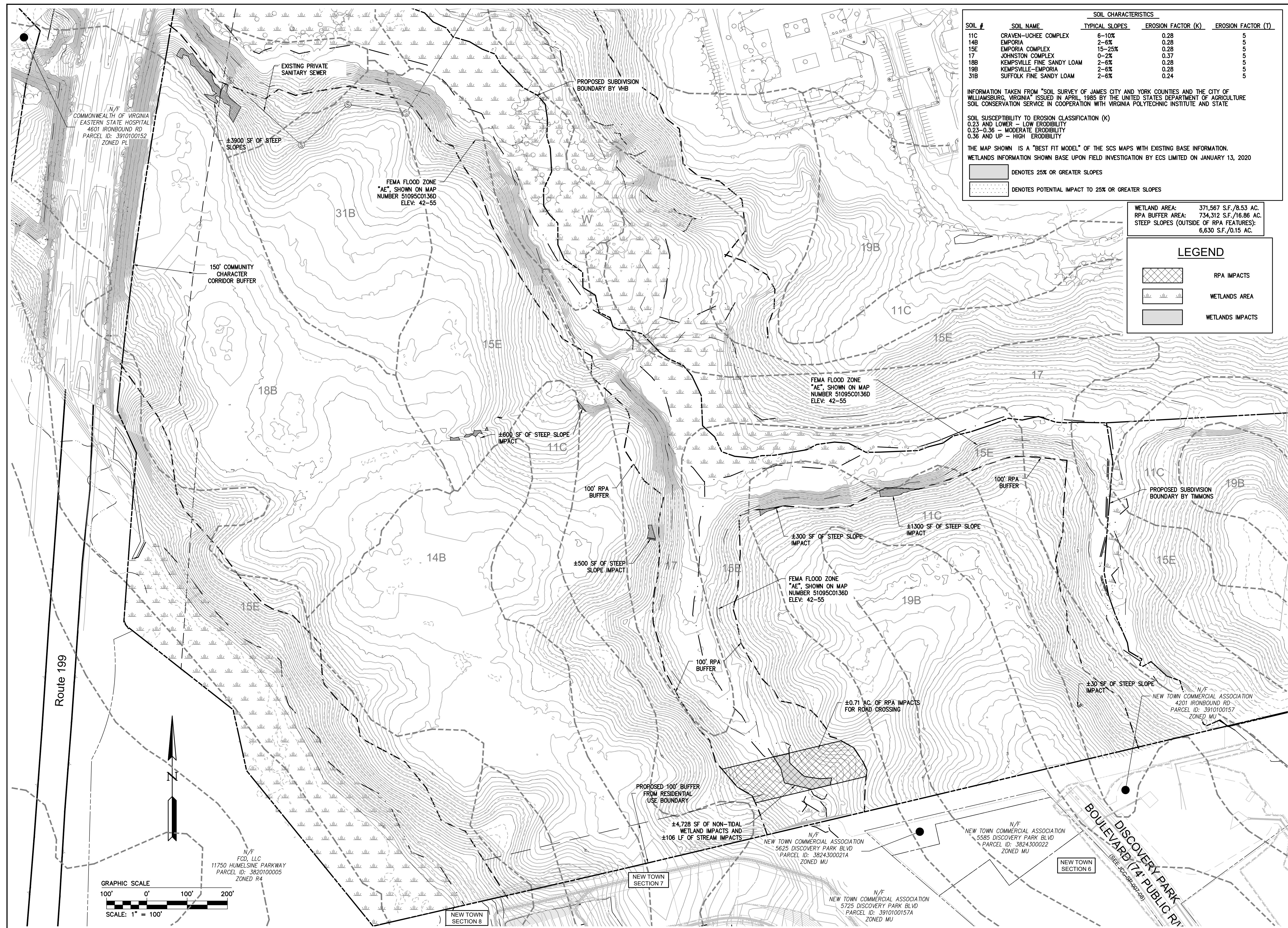
AES
CONSULTING ENGINEERS

Hampton Roads | Central Virginia | Middle Peninsula

REZONING PLAN
FOR
WESTWOOD PARK

JAMES CITY COUNTY | JAMESTOWN DISTRICT | VIRGINIA

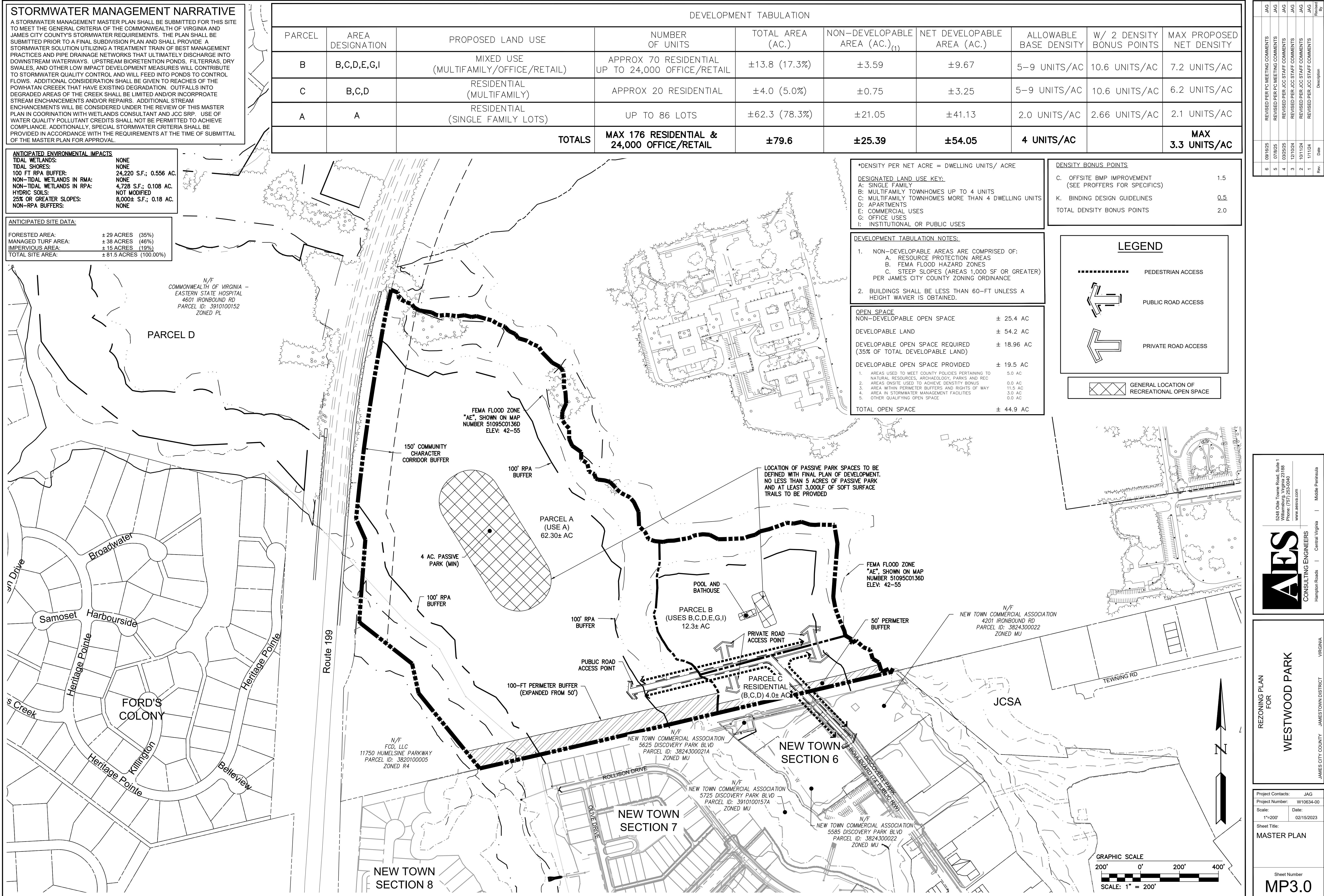
Project Contacts: JAG
Project Number: W10634-00
Scale: AS NOTED | Date: 02/15/2023
Sheet Title: COVER SHEET
Sheet Number: **MP1.0**

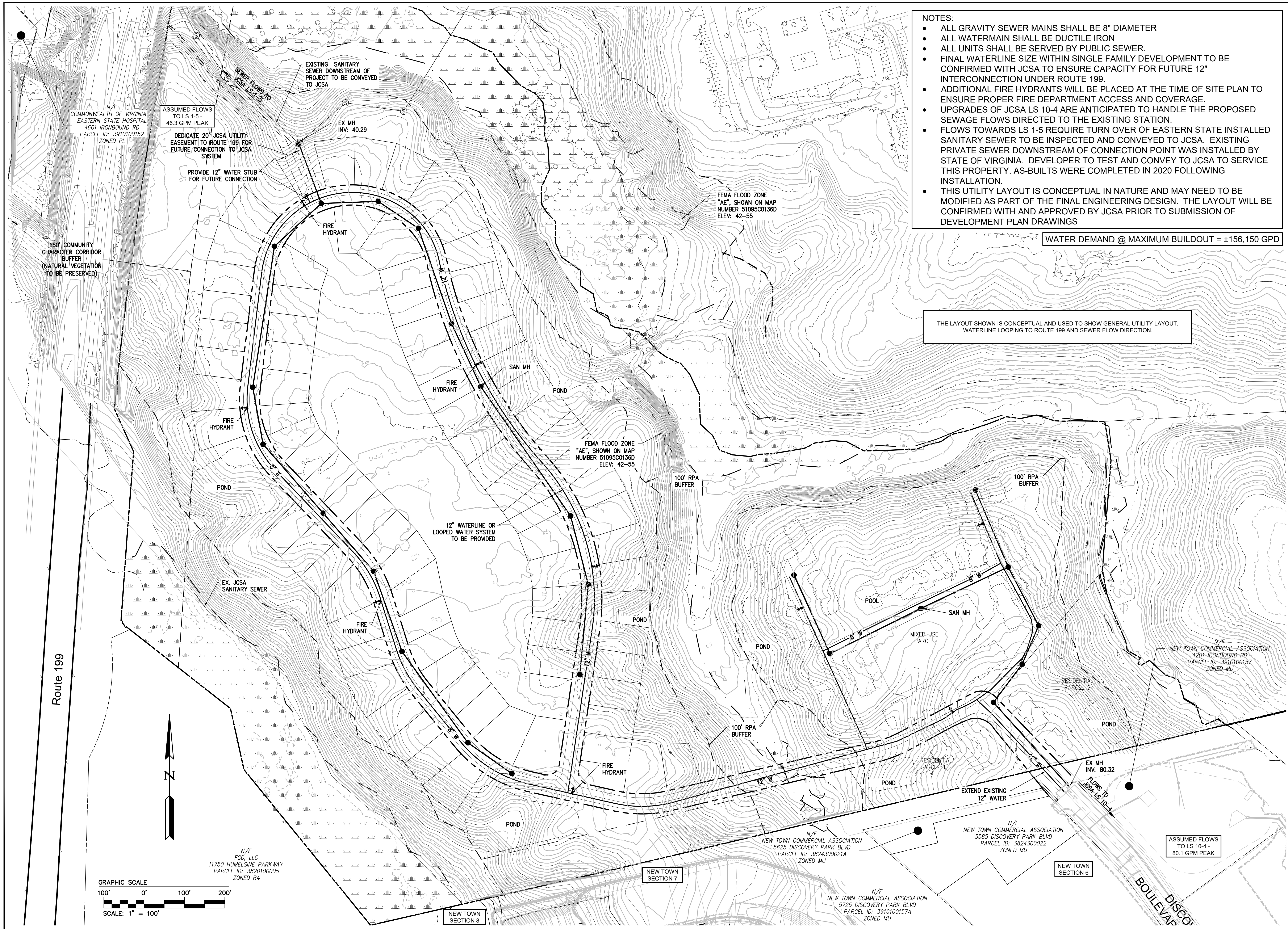


SOIL #	SOIL NAME	SOIL CHARACTERISTICS		
		TYPICAL SLOPES	EROSION FACTOR (K)	EROSION FACTOR (T)
11C	GRAVEN-UCHEE COMPLEX	6-10%	0.28	5
14B	EMPORIA	2-6%	0.28	5
15E	EMPORIA COMPLEX	15-25%	0.28	5
17	JOHNSTON COMPLEX	0-2%	0.37	5
18B	KEMPVILLE FINE SANDY LOAM	2-6%	0.28	5
19B	KEMPVILLE-EMPORIA	2-6%	0.28	5
31B	SUFFOLK FINE SANDY LOAM	2-6%	0.24	5

THE MAP SHOWN IS A "BEST FIT MODEL" OF THE SCS MAPS WITH EXISTING BASE INFORMATION.
WETLANDS INFORMATION SHOWN BASE UPON FIELD INVESTIGATION BY ECS LIMITED ON JANUARY 13, 2020

WETLAND AREA:	371,567 S.F./8.53 AC.
RPA BUFFER AREA:	734,312 S.F./16.86 AC.
STEEP SLOPES (OUTSIDE OF RPA FEATURES):	6,630 S.F./0.15 AC.





- NOTES:
- ALL GRAVITY SEWER MAINS SHALL BE 8" DIAMETER
 - ALL WATERMAIN SHALL BE DUCTILE IRON
 - ALL UNITS SHALL BE SERVED BY PUBLIC SEWER.
 - FINAL WATERLINE SIZE WITHIN SINGLE FAMILY DEVELOPMENT TO BE CONFIRMED WITH JCSA TO ENSURE CAPACITY FOR FUTURE 12" INTERCONNECTION UNDER ROUTE 199.
 - ADDITIONAL FIRE HYDRANTS WILL BE PLACED AT THE TIME OF SITE PLAN TO ENSURE PROPER FIRE DEPARTMENT ACCESS AND COVERAGE.
 - UPGRADES OF JCSA LS 10-4 ARE ANTICIPATED TO HANDLE THE PROPOSED SEWAGE FLOWS DIRECTED TO THE EXISTING STATION.
 - FLOWS TOWARDS LS 1-5 REQUIRE TURN OVER OF EASTERN STATE INSTALLED SANITARY SEWER TO BE INSPECTED AND CONVEYED TO JCSA. EXISTING PRIVATE SEWER DOWNSTREAM OF CONNECTION POINT WAS INSTALLED BY STATE OF VIRGINIA. DEVELOPER TO TEST AND CONVEY TO JCSA TO SERVICE THIS PROPERTY. AS-BUILTS WERE COMPLETED IN 2020 FOLLOWING INSTALLATION.
 - THIS UTILITY LAYOUT IS CONCEPTUAL IN NATURE AND MAY NEED TO BE MODIFIED AS PART OF THE FINAL ENGINEERING DESIGN. THE LAYOUT WILL BE CONFIRMED WITH AND APPROVED BY JCSA PRIOR TO SUBMISSION OF DEVELOPMENT PLAN DRAWINGS
- WATER DEMAND @ MAXIMUM BUILDOUT = ±156,150 GPD

THE LAYOUT SHOWN IS CONCEPTUAL AND USED TO SHOW GENERAL UTILITY LAYOUT, WATERLINE LOOPING TO ROUTE 199 AND SEWER FLOW DIRECTION.

REVISED PER JC MEETING COMMENTS	JAG	Revised By
6 08/16/25	JAG	
5 07/26/25	JAG	
4 03/25/25	JAG	
3 12/10/24	JAG	
2 10/11/24	JAG	
1 11/11/24	JAG	
Rev.	Date	Description

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CONSULTING ENGINEERS

Hampton Roads | Central Virginia | Middle Peninsula

REZONING PLAN
FOR
WESTWOOD PARK

JAMES CITY COUNTY | JAMESTOWN DISTRICT | VIRGINIA

Project Contacts: JAG
Project Number: W10634-00
Scale: 1"=100'
Date: 02/15/2023

Sheet Title:
**UTILITY
CONCEPTUAL
MASTER PLAN**

Sheet Number
MP4.0

Community Impact Statement

For

Westwood Park



Prepared For

ABVA DEVELOPMENT, LP

Originally Submitted May 2023

Revised September 2025

AES Project Number W10634-00

Prepared by:



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Williamsburg, Virginia 23188
Phone: 757-253-0040
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I. INTRODUCTION/PROJECT HISTORY

ABVA DEVELOPMENT, LP, proposes to create a development consisting of a mix of residential single-family, multi-family, and neighborhood commercial/office uses. The master plan covers approximately 81 acres of vacant land currently owned by the Commonwealth of Virginia as a part of their Eastern State holdings located at the existing terminus of Discovery Park Boulevard. This proposal requests changing the zoning from Public Lands to Planned Unit Development (PUD-R).

In 2008 the Commonwealth of Virginia engaged Urban Land Associates to create a conceptual plan for the redevelopment of the Eastern State Hospital property. The plan was developed in a process that engaged a wide range of stakeholders, which included the city and county governments, mental health agencies, the business community and representatives of area neighborhoods.

With this concept plan in hand, the Commonwealth of Virginia approached ABVA Development in 2018 to develop 80 acres of the Eastern State property adjacent to the New Town Community. ABVA and affiliated entities have developed most of the residential neighborhoods in New Town, including the adjacent Charlotte Park neighborhood. They have also developed a number of commercial and mixed-use buildings in New Town.

In February 2021 ABVA Development and the Commonwealth of Virginia submitted a request to change the James City County Comprehensive Plan to designate the property as Mixed Use and to allow the subject property to be incorporated into the New Town development. During the review process, including a town meeting in New Town and a public hearing, residents of New Town, along with the Board of Supervisors provided suggestions. The Developer has modified the plans in response to these suggestions. Specifically, the Developer has made the following adjustments:

1. The new development will not use the New Town name and will not be deemed part of New Town;
2. The new development will have its own Homeowners' Association;
3. The new development will have its own design guidelines. The land planner John Hopke has created these guidelines, and there will be an architectural review process to ensure any future construction adheres to these guidelines;
4. Access to the site will be via Discovery Park Boulevard only, bringing traffic through the existing commercial corridor;
5. Olive Drive will not be extended and the land at the end of Olive Drive in Charlotte Park has been deeded over to the New Town Residential Association to ensure no future extension of the road;
6. The new development will have walking trails throughout the site;
7. The new development's trail system will only connect to the New Town trails in the vicinity of Discovery Park Boulevard;
8. The new development will have its own swimming pool and changing area;
9. The density has been reduced considerably from the plan originally shown.

In conclusion, the proposed use of the parcels considered here for rezoning results in a total residential density of approximately 2.1 residential units per gross acre (*The proposed Master Plan notes the density as 3.3 units per NET developable acre based on updated JCC calculations*), plus 24,000 square feet of commercial space. By comparison, the residential density of New Town Section 7 and 8 is 3.7 units per gross acre. Thus the proposed new development is approximately 40% less dense than the neighboring communities; providing greater open space and larger lots.

II. THE PROJECT TEAM

The organizations that participated in the preparation of the information provided with this rezoning submission are as follows:

- Developer - ABVA DEVELOPMENT, LP
- Attorney - Geddy, Harris, Franck & Hickman, LLP
- Civil Engineering - AES Consulting Engineers
- Environmental/Wetlands - ECS, Limited
- Powhatan Creek - Stantec, Inc.
- Traffic - McPherson Traffic Consulting
- Archaeological - Cultural Resources Management, LLC
- Land Planning - Hopke & Associates

III. EXISTING CONDITIONS

Master Plan Sheet 2.0 contains location information on wetlands, buffers, soils, and slopes. A pre-development site analysis revealed the following results:

<i>Wetland areas:</i>	<i>8.53 acres</i>
<i>Buffers:</i>	<i>16.85 acres</i>
<i>Uplands Land</i>	<i><u>54.18 acres</u></i>
<i>Total Site Area</i>	<i>79.56 acres</i>

Site Location:

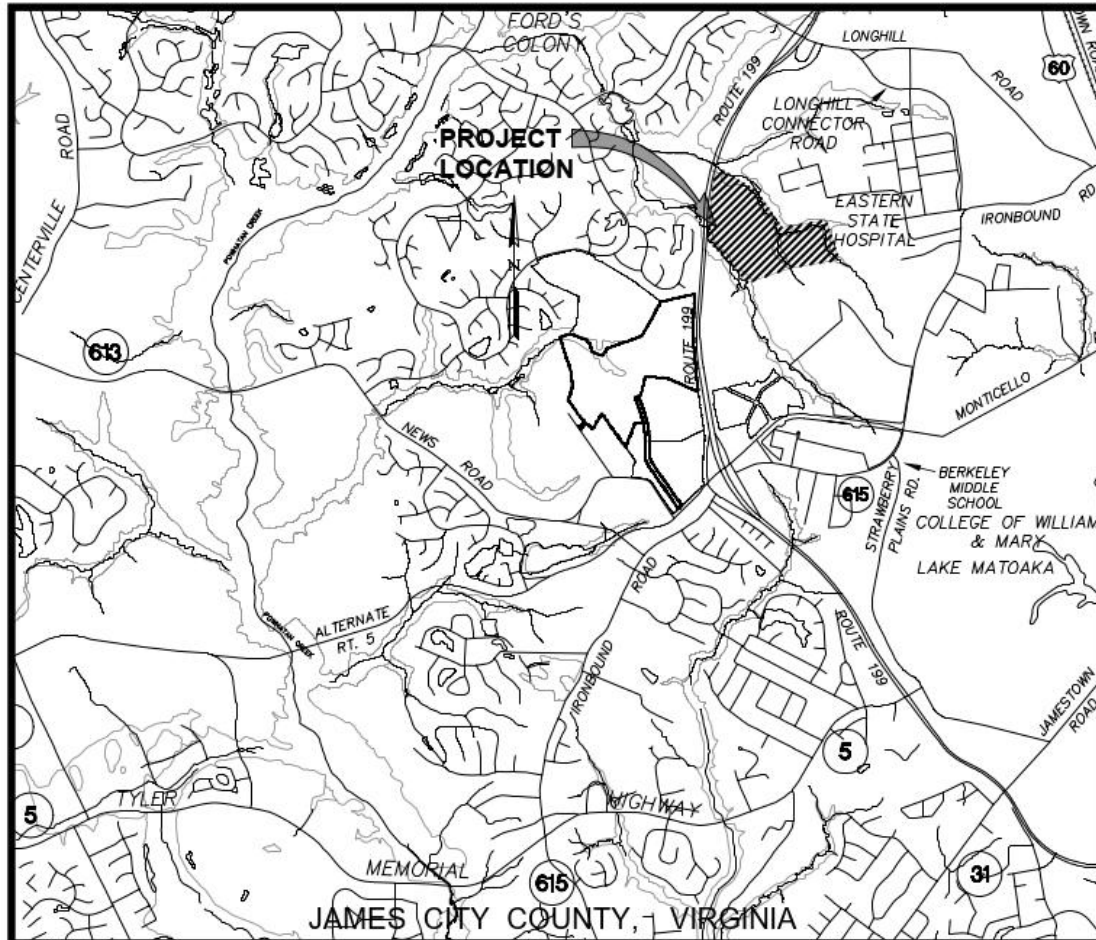


Figure 1

IV. PROJECT DESCRIPTION

Westwood Park is envisioned as an 80-acre mixed-use community located at the terminus of Discovery Park Boulevard in James City County providing 172 residential units and approximately 24,000sf of commercial uses. Approximately 70% of the site is preserved in open space, with wetlands, streams, and associated buffers being preserved in compliance with James City County ordinances and policies. Other developable lands have been provided as common open space, either in the form of buffer areas or recreation open space.

V. PLANNING CONSIDERATIONS

A. Land Use

The proposed land use for Westwood Park is consistent with the surrounding Mixed Use property zoning, and while the property is currently listed as Public Lands on the Comprehensive Plan, simultaneously with the rezoning application, the County will be considering the change in the Comprehensive Plan land use designation to a Mixed Use designation. We submit that a change to PUD-R will provide zoning regulations consistent with the Mixed Use zoning of the adjoining properties. We believe that the proposed development will fit in appropriately with the adjoining properties, allowing the development to be less dense as it moves away from the core development of New Town and Monticello/Ironbound Roads. The development furthest from Ironbound/Monticello will be solely single family residential with lots larger than found in the adjacent New Town development and the portion closest to New Town will be developed at a higher density with a mix of commercial and multi-family development.

B. Density

The overall mix of residential units results in a combined overall density of approximately 3.3 dwelling unit per net developable acre. From a comparison standpoint, the overall density is less than the adjacent sections of New Town. The base density within the proposed PUD zoning is for 2 single family residential units per acre and 7.5 multifamily units per acre. The proposed densities within the identified use areas are around the cap at 2.1, 6.2 and 7.2 units per developable acre respectively, however as some of the development pods slightly exceed the limits we are proposing additional offsite BMP enhancements as a Density Bonus. The offsite BMP enhancements are proffered and also discussed further in the Section 8: Stormwater Analysis. *Note: The developable areas are listed and density calculated as noted on Sheet MP3.0 on the Master Plan.*

C. Environmental

A environmental site analysis was conducted on this property. The proposed portion of the Eastern State property is a hardwood forest. Recent work performed by the Environmental Services Division of ECS Limited, identified roughly 10.5 acres of wetlands and streams. ECS also conducted a perennial stream analysis on the property and is in the process of coordinating a review with the James City County Environmental Department. The master plan anticipates impacts to both wetlands and the Resource Protection Area (RPA) buffers; these are associated with a required roadway crossing to access the western portion of the property (to avoid access through New Town Section 7 residential development). ECS also provided an evaluation of endangered species on the property which was included in the application, with no noted species of concern.

Additionally, Stantec was added to the project team to provide input on the Powhatan Creek tributary and minimizing the impact of the development on the creek. Areas of the streams that are already impacted were reviewed (as previously noted in the Powhatan Creek study prepared by Stantec for James City County). As part of this

project we are proffering funds to make improvements to address existing concerns and committing to stormwater management measures that will protect the creek from future development on the property.

D. Parks and Recreation

The developer proposes to provide both active and passive recreational amenities designed to meet the needs of the anticipated residents while exceeding James City County policy standards. The main active amenities for the project will be in the mixed-use designated section of the development. Additionally, the residential section of the development is envisioned with large swaths of passive open space containing soft surface trails and seating areas. The active amenities are to include a pool, bathhouse, natural trails and sidewalks.

E. Natural and Cultural Resources

A large portions of the forested area within Eastern State and the subject property has been identified as a wildlife habitat core. Our conceptual master plan has attempted to address maintaining a large swath of the residential area to maintain a wildlife corridor through the center of the project and maintaining large buffers around the perimeter to preserve natural open space. Outside of the wildlife habitat we also reviewed endangered species (plant and animal) and while noting isolated areas of potential habitat did not determine that any species at the time of review. Additional studies shall occur based on time of year requirements.

Additionally, we have reviewed cultural resources through an archeological study on the property. The study did not identify any areas of significance within the limits of the property.

VI. ANALYSIS OF IMPACTS TO PUBLIC FACILITIES AND SERVICES

The subject property is located within the Primary Service Area of James City County. Parcels and subsequent land development activities within the Primary Service Area are required to connect to public water and sanitary sewer service provided by the James City Service Authority (JCSA). Sheet 4.0 of the Master Plan, *The Master Utility Plan* is intended to supplement this report for information on public water and public sanitary sewer.

A. Public Water Facilities

The subject property will be served with public drinking water by the existing JCSA water distribution system in the area. JCSA currently maintains an existing 12-inch water main within Discovery Park Boulevard. This line is supported by loops throughout the existing New Town development from Monticello Avenue and Ironbound Roads. The system facilities in this area are anticipated to be adequate for this development based upon previous flow data taken within the New Town development. This would indicate adequate pressures and flows will be present throughout the proposed development. **Additionally, the developer is making accommodations to provide**

JCSA with a future redundancy loop through the project via Route 199. This loop is not envisioned to be necessary to service the proposed project.

A detailed phased water distribution system model will be completed and submitted as part of the subdivision review process. The model will examine flow rates and pressures throughout the immediate water system area to ensure adequate flow and pressure to accommodate the required fire flows.

Table 1 – Projected Water Flows from *Westwood Park*

Type of Development	No. of Units	Flow (GPD/Unit)	Average Daily Flow (GPD)	Duration (hrs)	Avg. Flow (GPM)	Peak Flow (GPM)
RESIDENTIAL						
Single-family	86	310	26,660	24	18.51	46.28
Multi Family	90	310	27,900	24	19.38	48.44
Subtotal	176		54,560		37.89	94.72
NON-RESIDENTIAL						
Retail/Office	24,000	0.2	4,800	12	6.23	15.58
Total			59,360		44.12	110.30

B. Public Sewer Facilities

Sanitary sewer service is provided to the subject property via two different sewer sheds. A newly upgraded private sewer within the Eastern State property will service the site and drain to Lift Station 1-5 (located within Ford's Colony). It is understood that the existing private sewer will need to be inspected prior to JCSA acceptance. Additionally, we are aware that there is a JCSA sewer line (and easement) that runs along the western boundary of the property towards LS 1-5, however, that sewer run is near capacity and would not be able to accept significant flows from the proposed development.

The mixed-use portion of the property drains towards LS 10-4 located on Discovery Park Boulevard. This station will need minor upgrades to accept the additional flows from this development. We anticipate pump modifications should be achievable to accommodate the newly proposed flows and to elevate existing flow issues at that station.

Table 2 – Projected Wastewater Flows from *Westwood Park*

Type of Development	No. of Units	Flow (GPD/Unit)	Average Daily Flow (GPD)	Duration (hrs)	Avg. Flow (GPM)	Peak Flow (GPM)
RESIDENTIAL						
Single-family	86	310	26,660	24	18.51	46.28
Multi Family	90	310	31,000	24	21.53	75.36
Subtotal	172		56,660		40.04	121.64
NON-RESIDENTIAL						
Retail/Office	24,000	0.2	800	12	1.04	2.60
Total (to LS 1-5)			25,420		17.65	44.13
Total (to LS 10-4)			32,700		25.61	64.02

C. Fire Protection and Emergency Services

There are currently five fire stations providing fire protection and Emergency Medical Services (EMS) to James City County. The closest fire station to the subject site is Station #3 at 5077 John Tyler Highway, approximately 2.9 miles south of this project. From this station, an estimated response time will be less than nine minutes. A similar distance away are both Station #4 (Olde Town Road) and Station #5 (Monticello Avenue). These three fire stations, and the emergency medical staff available at these stations, will provide a more than adequate response to potential emergencies. In addition, through cooperative agreements between Williamsburg, James City County, and York County, and the City of Williamsburg Station on Lafayette Street is only 3 miles away.

D. Solid Waste

The proposed development on the subject property will generate solid wastes that will require collection and disposal to promote a safe and healthy environment. Reputable, private contractors, hired by the Homeowners Association will handle the collection of solid waste. Both trash and recyclable material will be removed from this site to a solid waste transfer station.

E. Utility Service Providers

Virginia Natural Gas, Dominion Virginia Power, and Cox Communications provide, respectively, natural gas, electricity, cable TV service, and telephone service to this area. The current policy of these utility service providers is to extend service to the

development at no cost to the developer when positive revenue is identified; plus, with new land development, these utility service providers are required to place all new utility service underground.

F. Schools

Westwood Park is located within the Clara Byrd Baker Elementary School, James Blair Middle School, and Lafayette High School districts. This development will generate 46 school age children per James City County methodology: 21 elementary students, 10 middle school students, and 15 high school students. **(to be updated per Fiscal)**

VII. ANALYSIS OF ENVIRONMENTAL IMPACTS

A. Preliminary Wetland Determination

Investigations were conducted by ECS Limited, LLC in January of 2020. The extent of wetland features is shown on the existing conditions map included in the master plan (Sheet 2). The U.S. Army Corps of Engineers confirmation of delineated wetlands is currently underway.

Based on the investigation, approximately 10.5 acres of wetlands are present on the property. In the Master Plan for the proposed development, we have attempted to avoid all impacts to the wetlands, but there is a known need to cross the wetlands with a roadway to access the single-family lots within the development. In addition, there may be some stormwater outfalls with disturbances to steep slopes, buffers and wetlands. All of the above-described items may require proper state and federal permits prior to the issuance of James City County Land Disturbance Permits.

B. Resource Protection Areas

The property contains Resource Protection Areas (RPA) and associated buffers which are shown on Master Plan Sheet 2- Existing Conditions. Also illustrated is an expanded Powhatan Creek buffer as previously coordinated with James City County.

C. Soils

The Soil Survey of James City and York Counties and the City of Williamsburg, Virginia (USDA 1985) shows several soil types within the property boundary. This property is predominantly situated on well-drained soils of Craven-Uchee, Emporia Complex, Emporia, and Slagle soil types. Detailed soils breakdown are noted on sheet 3 of the master plan.

VIII.

ANALYSIS OF STORMWATER MANAGEMENT

The project will implement water quality controls that exceed State stormwater requirements, in accordance with James City County policy to protect the natural resources of the watershed. These measures, which align with the County's Special Stormwater Criteria (SSC), will enhance the quality of stormwater runoff from the development and assist in the preservation of pre-development hydrology. Water quality measures to be implemented include manufactured filtering devices, bioretention facilities, enhanced outlet protection at all piped outfalls, and enhanced slope stabilization measures applied site-wide.

As the property falls within the Powhatan Creek Watershed, our team has reviewed the recently prepared Powhatan Creek Watershed Management Plan (PCWMP, September 2023). The plan identifies concerns with stream channels ST3-49-G and ST3-48-G, which are located along the boundaries of the property. While the project team considered undertaking direct repairs, discussions with Stantec and other stakeholders made it clear that a financial proffer would be a more effective solution. This is primarily because the channels are significantly impacted by flows from the larger, upstream Eastern State property, making isolated repairs impractical. By proffering funds, we can contribute to a holistic restoration effort for the entire creek, help activate State matching funds, and ensure the improvements are coordinated with surrounding developments.

The proposed proffer amount of \$1,276.81 per unit is based directly on the cost estimates within the PCWMP. The plan identifies the repair costs for these specific stream reaches as being between \$750,000 and \$1 million. Using the \$1 million figure as a conservative estimate, we calculated our proportional contribution. Our 80-acre project constitutes 20% of the total 400-acre project area, resulting in a base contribution of \$200,000. In good faith, we increased this amount to nearly \$225,000 to create a buffer, which equates to the per-unit proffer. We believe this contribution is appropriate, as the damage to these channels is the result of historic watershed manipulation and not our proposed development. This proffer represents our commitment to a shared, amicable goal where developers, James City County, and the Commonwealth of Virginia all play a role in improving the watershed's condition.

Additionally, as part of our commitment and in keeping with the Stantec study, we propose a separate proffer to provide enhancements to existing ponds identified in the PCWMP within the subwatershed to improve water quality upstream of our property. This proffer is in addition to the stream restoration funds and the general stormwater controls being provided onsite.

Recognizing the complexities of the watershed, the applicant proffers to prepare a detailed Project Stormwater Management Plan prior to the submission of any final engineering plans. This additional step will ensure the following design commitments are met:

- The locations of ponds and other stormwater management features will be placed to discharge into field-identified impacted areas of the surrounding creek.
- Protection of existing forestland and unimproved areas will be prioritized. Large, natural perimeter buffers will be preserved to the greatest extent possible.
- Within the single-family section, a large wooded passive park will be maintained, providing benefits for both stormwater management and wildlife habitats.
- The applicant will proffer a restriction on the maximum percentage of impervious cover for the entire site at full buildout. The reduction in commercial building area has reduced the need for surface parking lots and permitted a reduction in impervious cover.

In summary, the comprehensive stormwater management plan and associated proffers for Westwood Park are specifically crafted to protect and enhance the Powhatan Creek. The on-site design will preserve the watershed's natural hydrology, while the proffered funds will address existing, off-site problem areas. This dual approach ensures the project will be a positive contributor to the long-term health of the watershed.

IX. ANALYSIS OF IMPACTS TO TRAFFIC

A traffic study memo has been prepared by McPherson Traffic Consulting to review the major intersections associated with the Monticello Avenue and Ironbound corridors and additionally looked at significant internal intersections within New Town. In summary of that study, the impacts associated with the rezoning are well within the safe operating limits of the surrounding roadway network and do not propose any undue time increases for turning motions that would result in failing turning motions.

X. FISCAL IMPACT STUDY

County Staff performed a fiscal impact analysis of the project for a 25-year period using the County's proprietary software program and County generated standard assessed values based on average data for the applicable fiscal analysis zone within the County that estimated total revenues of \$28,095,210 which is a combination of General Fund Revenues and Schools Revenues (\$21,410,707 + \$6,684,504).

Total projected expenditures were calculated by James City County were unchanged at \$23,809,615 which is a combination of Operating Expenditures (\$5,694,432), Schools Operating Expenditures (\$15,803,477), and Capital Expenditures (\$2,767,110).

County Staff also performed a fiscal impact analysis of the Project using the projected assessed values provided by the Applicant. The Applicant believes these projected assessed values are more realistic than those used by the County. This

analysis estimated total revenues of \$37,167,890 which is a combination of General Fund Revenues and Schools Revenues (\$30,483,386 & \$6,684,504).

Total projected expenditures were calculated by James City County were unchanged at \$23,809,615 which is a combination of Operating Expenditures (\$5,694,432), Schools Operating Expenditures (\$15,348,072), and Capital Expenditures (\$2,767,110).

A simple subtraction of revenues minus expenditures equates to a positive net fiscal impact of \$13,358,275.

XI. CONCLUSIONS

In summary, the Community Impact Statement for the rezoning and subsequent development of *Westwood Park* highlights the following conclusions and public benefits:

- This project will provide a significant financial benefit to James City County; with a net positive contribution of approximately \$171k per year based upon County Base Pricing and \$534k per year using Applicant projected unit pricing. [confirmed by JCC analysis]
- The rezoning is consistent with the surrounding land uses designated on the current Comprehensive Plan for this area. Further, the proposed residential development is less dense than the adjacent neighborhoods.
- Density has been reduced from previous applications to directly address impervious cover within the watershed.
- The project provides enhanced buffers and provides reduced impacts from the adjoining developments.
- There is adequate capacity in the system of roads serving this project.
- Adequate public services (water and sewer, fire) and utility services (gas, electricity, cable television, and telephone) are available for development.
- A detailed Stormwater Master Plan will be filed and reviewed prior to initiating the construction plans for this project.
- Additionally a proffer addressing the Powhatan Creek has been provided to address existing degradation within the stream reaches surrounding the project.

Design Guidelines for Westwood Park

Discovery Park Boulevard
James City County, Virginia

Draft: January 12, 2025 (clean)



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INTRODUCTION and DEFINITIONS

Westwood Village is a proposed development, adjacent to the New Town development, which will anchor Discovery Park Boulevard. Westwood Village is located on an 81 acre parcel being purchased from The Commonwealth of Virginia as vacant surplus property of Eastern State Hospital by ABVA Development, LP who proposes to create a development consisting of a mix of residential single-family, multi-family, and neighborhood commercial/office uses.

Although not a part of New Town, the developer proposes to develop the property with the enforcement of design guidelines which will maintain a consistency of fundamental principles undergirding New Town itself. To that end, these guidelines borrow heavily from design guidelines which were proposed, approved and adopted for Sections 7 and 8 in New Town as well as guidelines from the commercial sections of New Town, Sections 5 and 6. At the same time, these guidelines will not duplicate the existing housing and land planning patterns, in an effort to make the offerings in the vicinity of New Town more diverse.



Figure 1 East Parcel: mixed uses of commercial and multifamily residential

The proposed development is best understood as two complementary parcels: the East Parcel, which strictly single-family lots, and the West Parcel, which is more urban in character.

Definitions

We wish to note that the terminology used in these guidelines is intended to be consistent with the James City County Zoning Ordinance. In particular, the meanings of the following terms shall be as follows:

Single-family detached dwelling: A detached structure arranged or designed to be occupied by one family, the structure having only one dwelling unit.

Multi-family dwellings: A building or structure including, but not limited to, townhouses, duplexes, and triplexes that are arranged or designed to be occupied by more than one family living in separate dwelling units with separate cooking, toilet facilities, and entrances.

Apartments: A building or structure arranged or designed to be occupied by three or more families living in separate dwelling units but sharing the entrance to the building.

Other terms that are or may be used within this document, or in discussions of its application for evaluation of designs, are listed below. *(Please note, some terms may not be consistent with definitions used in the Virginia Construction Code.):*

Commercial Structures: buildings that are primarily used for Assembly, Retail, Office or Restaurant.

Multifamily Structures: buildings that are composed of attached dwelling units. These structures can take the form of “Multi-family dwellings” or “Apartments” as defined by the zoning ordinance.

Flats: “Apartments”, as defined by the zoning ordinance.

Townhomes: dwelling units which are organized horizontally such that each dwelling reads as a separate unit with a separate main entrance for each unit, including “Multi-family dwellings” as defined by the zoning ordinance.

Multiuse Structures: buildings which contain more than one use, typically apartments over commercial functions.

East Parcel

Discovery Park Boulevard will be extended into the development and will terminate in an intersection designed as a point of transition to those traveling by car, bike or foot. The intersection shall be designed to “calm” traffic, and create a sense of arrival into Westwood Park.

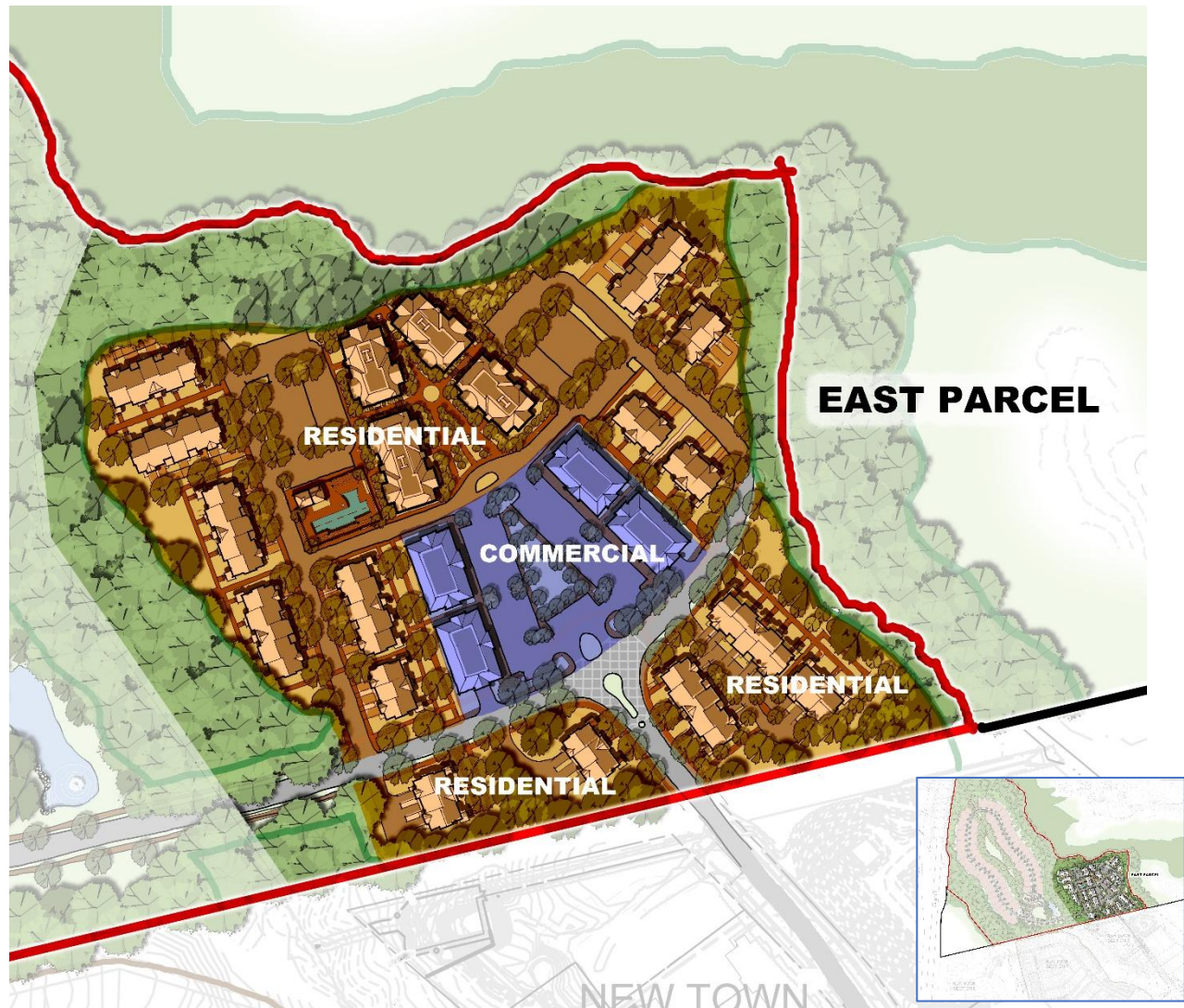


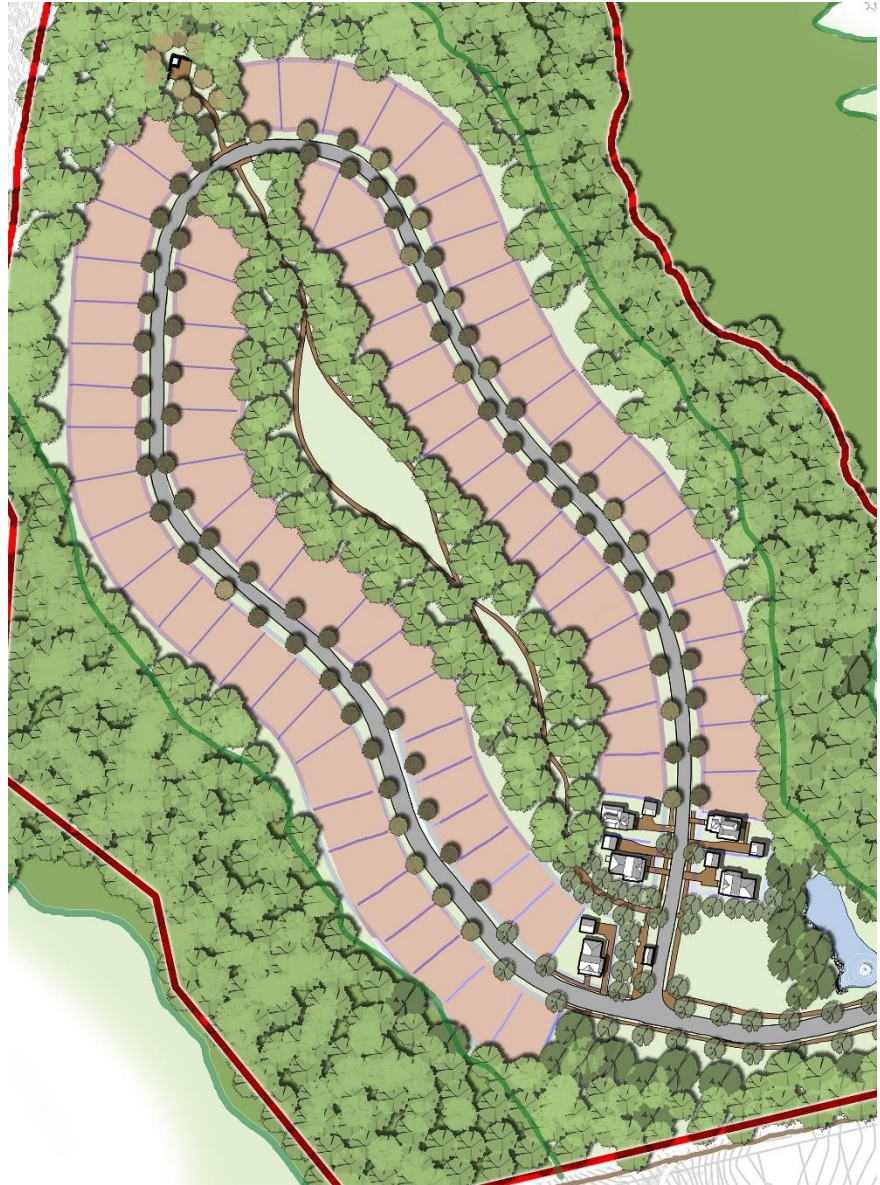
Figure 2 | East Parcel: mixed uses of commercial and multifamily residential

The two quadrants of that intersection which border New Town are reserved for multi-family residential development. Beyond the intersection is a parcel of land surrounded on three sides by wetlands, which is to be developed as mixed-use, with multi-family housing that is urban in character and may include townhomes, multi-story apartments, or low-rise apartments. The building forms are to be arranged about a network of streets and parking lots to reinforce a sense of a walk-able village-like community. Interwoven with the multi-family buildings will be up to 40,000 square feet of commercial space disbursed among multiple buildings of similar scale and character as the residential buildings. The commercial structures may also be mixed-use, with apartments on upper floors. Structured parking is encouraged but not required.

West Parcel

To the west of this parcel, a spine road will extend to an adjacent parcel of land which itself is bounded by New Town to the south, Route 199 to the west, and wetlands to the north and east. This neighborhood will be developed with individual single-family homes on individual lots, each facing onto the spine road. These lots are to be somewhat larger than those in the adjacent Charlotte Park in New Town and an enlarged landscape buffer between the two is proposed. Here forward we will refer to this area as the “west parcel”.

Figure 3: West Parcel: single family residential



GENERAL STREET DESIGN, BUILDING PLACEMENT AND PEDESTRIAN CONNECTIONS

Street design and walking trails are constrained by wetlands and grades. However, the intention of these guidelines is to provide an appropriate terminus to Discovery Park Boulevard and transition to street patterns appropriate for residential neighborhoods. Therefore, the following applies to both the east and west parcels and both residential and commercial uses.

Arrival by automobile is to be organized by an intersection designed to calm traffic. Arrival by bicycle and by foot will also be anticipated and promoted. Natural connectivity with adjacent pedestrian ways is to be a part of the landscape/hardscape plan. As well, a bike rack is to be included at commercial locations and amenities, convenient to appropriate services and within 50' of the main entrance of each building. Bicycle racks should be an ornamental design that will support the bicycle in two places, is durable and securely anchored. Paths should be provided to and from bicycle storage to ensure safe travel throughout the site.

Pedestrian Circulation

Pedestrian circulation is to be emphasized. Following are specific concepts and measures which shall be drawn from in the specific site design:

Curb design should accommodate pedestrian safety and reduce pedestrian conflicts with vehicles. Where sidewalks cross a drive lane, a demarcated and ADA accessible crosswalk shall be provided.

Pedestrian circulation routes shall be physically separated from the flow of vehicular traffic. Protection from weather elements is also encouraged. Methods and techniques include:

- Arcades, porticos, or other shade structures;
- Pedestrian light features;
- Curbs or curbing;
- Bollards;
- Seat walls or benches;
- Drinking water fountains; or
- Landscape planters.

Pedestrian walkways shall be a minimum width of five feet and connect:

- Entrances to each building on the site, including outparcel buildings;
- Between buildings on site and form buildings to the main pedestrian ways.
- Sidewalks located on the perimeter of the site.

When located within a parking area or vehicle right of way, clearly demarcate pedestrian walkways and crosswalks. Methods and techniques include:

- Changing paving material, patterns, or color;
- Changing paving height;
- Decorative bollards;
- Raised median walkways with landscaped buffers; or

- Stamped asphalt.

General Building Placement and Massing

Fundamentally, building masses are to be broken down into smaller, pedestrian scaled elements. Architectural elements, businesses and services with street activities such as sidewalk-dining and balcony overlooks are strongly encouraged. There should be a mix of sloped roof elements and/or parapet-roofed facades. Buildings are to have a predominantly 1-1/2 to 3-1/2 story expression.

The sense of scale of proposed commercial buildings shall be in keeping with existing adjacent developments. The total square footage of commercial buildings will be limited to 40,000 sf (gross), comprised in two or more separate buildings. Large floor plates (exceeding 10,000 sf) are generally not preferred, but if such a use is offered requiring a larger floor plate, building masses are to be visually broken down into smaller elements to give the appearance of an assembly of multiple smaller buildings.



Figure 4: Example Design Concept for commercial building massing and organization

Front building façades of more than 50 feet in length shall be articulated into a series of evenly-spaced storefronts to increase visual interest and pedestrian orientation. Incorporate two or more of the following design elements on each façade visible from a street:

- Changes in wall plane (such as projections or recesses) with an offset or depth of at least one foot, a width of at least ten feet, located a minimum of every 25 feet;
- Distinct changes in texture and color of wall surfaces;
- Variations in roof form and parapet heights;

- Vertical accents or focal points; or
- Features such as arcades, display windows, entry areas, or awnings.
- Step-back upper floors to reduce visual impact at the pedestrian scale, also permitting balconies in the step-back.
- Whenever possible, develop with smaller lot increments not to exceed one hundred feet in width.

Building massing shall prioritize human scale. Building massing shall not detract from the pedestrian experience, but rather enhance it. Visual rhythm of massing shall relate as closely as possible to existing massing, creating similar visual masses throughout the block. This rhythm and articulation across the massing helps relate to both the people that use the buildings and the other adjacent buildings.

Building Entrances: each building shall have at least one primary entrance onto a main street. Entrances shall be visibly prominent and shall include features such as changes in building materials or color, projection or recesses of at least 5 feet, outdoor spaces, canopies, porticos, archways, etc..

Building materials for walls shall promote visual interest. Large, monolithic structures with a single material should be avoided. Building walls shall prioritize the use of brick, wood, stucco, and glazing.

West Parcel Single Family Structures

The west parcel is intended to provide, in the terminology of New Urbanism, a suburban zone of the “Urban-Rural Transect”. As such, the street pattern is less geometric and responds to the natural contours of the site. The homes are to face onto a single spine road which loops around onto itself. The street is to be edged with a sidewalk on both sides to promote pedestrian activity along it. Simultaneously, an informal walking trail is to traverse the site through common green spaces, connect to a passive park to create a symbolic entrance to the neighborhood, and then connect to the sidewalk system extending into the east parcel.



Figure 5: Example of single family sites and streetscape development

Homes along the spine road should be planned to reinforce the integrity of the street. To do so, they are required to accomplish the following:

- Engage a build-to line of 15'-0" from edge of right-of-way to the face of a structure. Structure may be the house façade, porch façade, face of freestanding garage or office, formal fencing, or some combination.
- Stoops and steps may encroach into the space between the build-to line and front property line by no more than 10'-0". Stoops may be covered with a roof element, if the roof element is substantially subordinate to the main façade of the house.

- Where fencing alone is utilized at the build-to line, fencing design must be substantial and turn back along side lot lines. Fencing alone, as the build-to line engagement, is not to be allowed for multiple contiguous lots.
- Side setbacks and rear setbacks are generally 5'-0" minimum. Reductions to not less than 3'-0" may be allowed on a case-by-case basis, if justified by unusual lot shape or grade.
- Garages shall comply with a 5'-0" side setback and are to be one of the following types:
 - Front/courtyard loading type
 - located to the rear of the rear façade of principle structure of the house, either attached or free-standing*
 - Located under the principle structure of the house (and accessed from the side or rear).
- Garage doors may not face the street unless the garage is detached and behind the rear façade of the principle structure of the house. Exceptions, due to specific site constraints, will be considered on a case-by-case basis.

At right are examples of possible siting configurations to be regarded as illustrative only. Other configurations are possible and acceptable where complying with the guidelines above:

- House with rear-loading garage below, retaining wall small covered stoop forward of the build-to line, and well screened side patio.
- House with recessed front porch, freestanding garage to rear of property.
- House with substantial front porch (complying with build-to line) and rear-courtyard loading garage.
- House with front courtyard loading garage and rear deck.

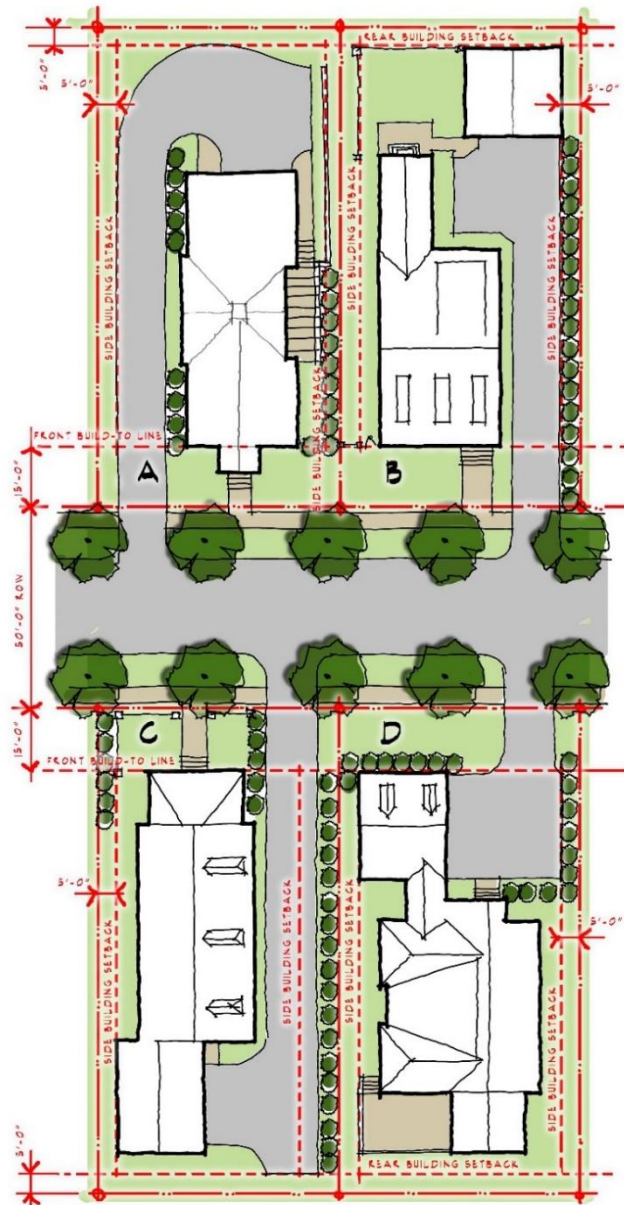


Figure 6: Examples of acceptable single-family lot/house configurations



Figure 7: Conceptual Design for acceptable single family homes

East Parcel Townhomes

This parcel is to be developed in the spirit of a “General Urban” edge zone, where street layout is geometric in character, while still responding to the unique grade and wetland challenges. Streets should read as streets - with or without parallel parking - and parking areas should read as alleys or courtyards – separated from the streets and not conducive to through-traffic..

The residential development along the roads and parking lots shall likewise be sited to reinforce the integrity of streets, courtyards and promenades. Streets are to include on-street parallel parking where possible and appropriate and sidewalks on both sides.



Figure 8: Conceptual Elevation of Townhomes showing acceptable facade development

Alley-loaded Townhomes

Alleyways should be utilized as the preferred means of access to garages and parking areas.

The use of rear alleys and front porches facing onto a pedestrian plaza, courtyard or “promenade” are required for at least 75% of the total number of units..

Along the front façade, variation is required. This includes a clearly discernable “bay rhythm” (e.g. ‘ABA’, ‘ABBA’, ‘BAAB’, ‘ABCBA’), and a balanced mix of external wall materials (simple color changes do not suffice). Design features that differentiate the individual dwelling units are also required. Examples of such design features include: offsets and (min.) 16” step backs in facades and rooflines, entry door/porch variation, variation in roof forms and pitch, etc..

Front-loaded Townhomes

Although not represented in the conceptual design developed for these guidelines, front loaded (ie units with a garage on the front façade) are permitted. These townhomes shall be a minimum of 20’ to 24’ wide. No less than 3 units and no more than 6 units shall be attached in a row of townhomes. Along the front façade, variation is required. This includes a clearly discernable “bay rhythm” (e.g. ‘ABA’, ‘ABBA’, ‘BAAB’, ‘ABCBA’), and a balanced mix of external wall materials (simple color changes do not suffice). Design features that differentiate the individual dwelling units are also required. Examples of such design features include: offsets and

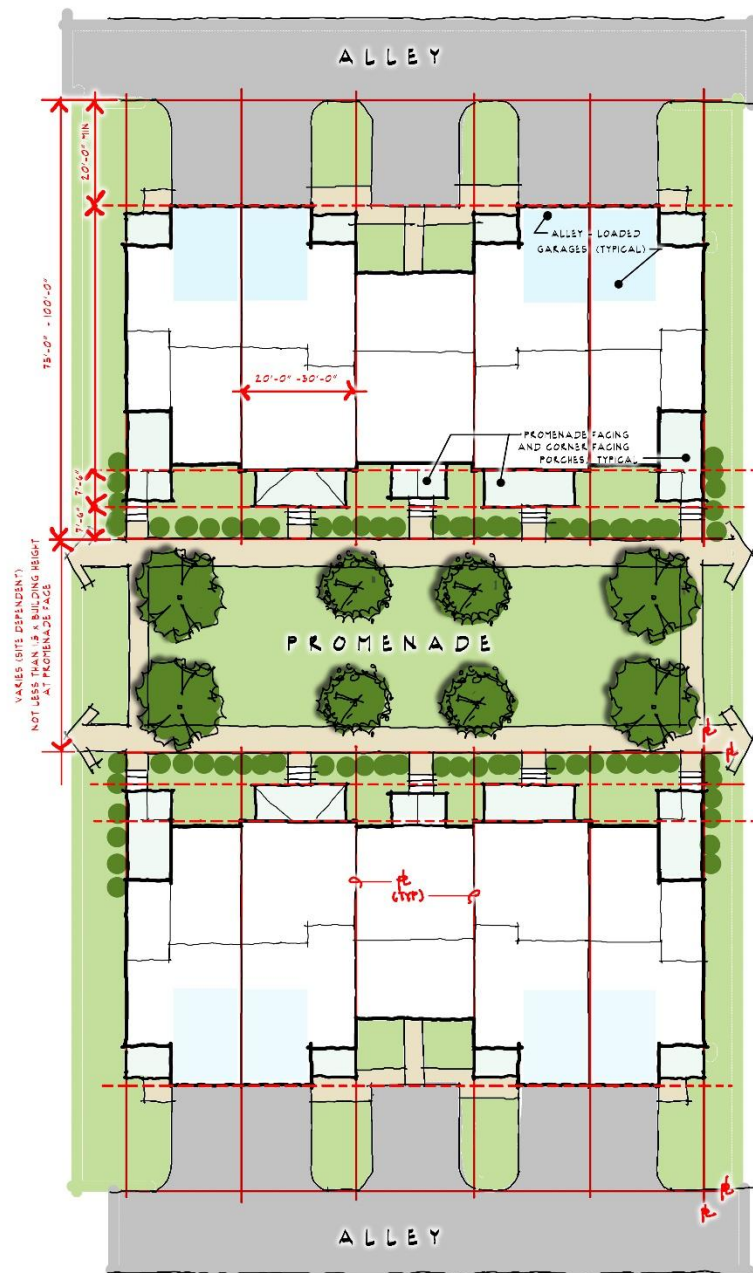


Figure 9: Townhomes oriented to Promenades

(min.) 16" step backs in facades and rooflines, entry door/porch variation, variation in roof forms and pitch, etc

Garages shall not be located side-by-side unless doors are kept to a maximum of 9' width with a minimum of 24" between them. No more than two doors in a row shall appear in a single wall plane.

Where the townhome faces a street (as opposed to an alley), the garage driveway is to be 20' clear beyond the sidewalk, to allow for off-street parking that does not conflict with pedestrian ways. In such cases, parallel spaces on-street are not required.

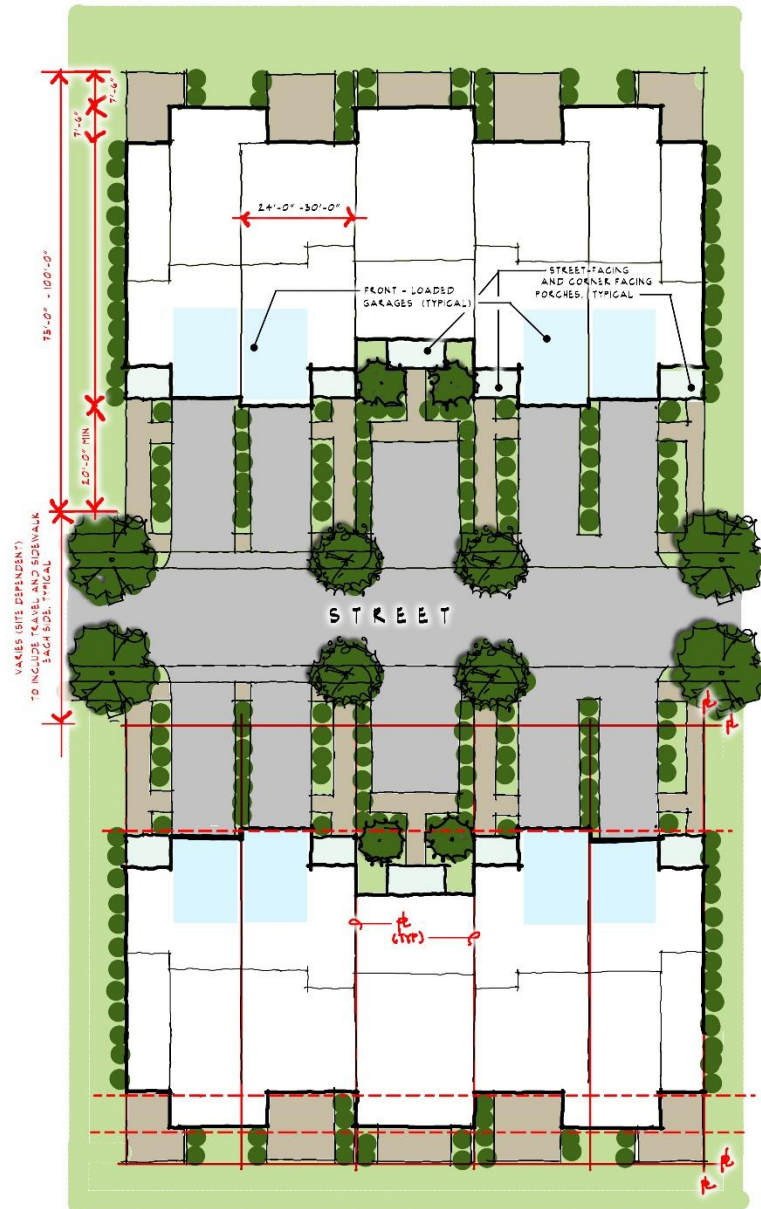


Figure 10: Front-loaded Townhomes (oriented to a Street)

East Parcel Multifamily Structures

Parking for multifamily structures may be located on street, in parking lots or in parking structures. Parking lots shall be designed to appear as formal public spaces where pedestrian areas are identified by changing paving patterns and raised cross walks. Parking spaces against the residential buildings are discouraged. Large parking lots are to be avoided, and small parking lots separated by landscaping is encouraged. Parking structures shall be architecturally designed and arranged to be consistent with the design standards for multifamily structures.

Multifamily residential structures should be designed to reinforce shared outdoor spaces in each unit. Units should include private and shared outdoor spaces, such as balconies and porches, that promote observation of shared spaces, yet provide privacy by way of landscape buffers and vertical elevation.



Figure 11: Example of multifamily building bordering car court

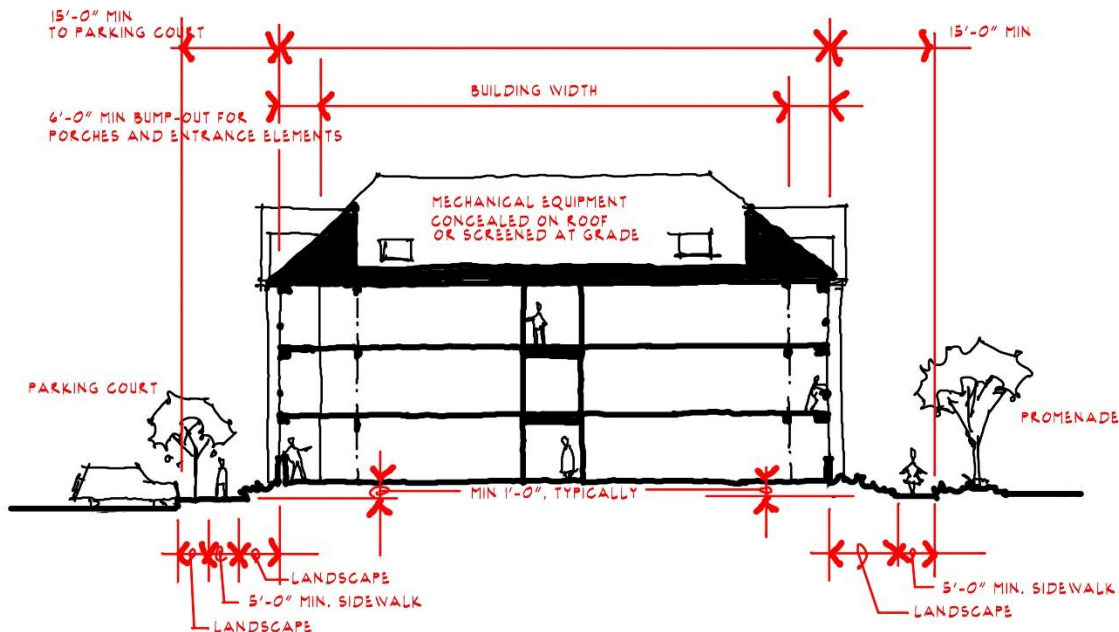


Figure 12: Apartment building site considerations



Figure 13: Conceptual Design Elevations: apartment facades



Figure 144: Conceptual Design Elevations: commercial/mixed-use facades

East Parcel: Commercial

Commercial buildings are to be interwoven with the multifamily buildings and are to be developed consistent with the other commercial properties in mixed use sections of New Town. As such, we wish to propose those buildings be developed consistent with the spirit of the existing design guidelines for those sections of New Town, with the following emphasis:

- The terrain may be steep where these buildings are sited. Use of the terrain for parking below the buildings is encouraged to preserve greenspace.
- The commercial buildings should be clustered to create a commercial district, with logical and walkable connections to the multifamily buildings.
- Mixed Use buildings, where multifamily is planned above commercial on the lower level(s), is not prohibited but not required. The scale of the development and conceptual plan anticipates the more likely scenario of mixed uses horizontally.



Figure 155: Commercial buildings in foreground with multi-family apartments beyond

VISUAL CHARACTER

Both parcels are to be developed with architecture which extends the urban fabric of New Town. To that end, the following requirements are to be incorporated. Please note that unless noted as “special requirements” or “exceptions”, these provisions apply to all portions of the project and building types.

Edge Definition and Screening

Fences, walls and hedges are to be used to define street edges and parking areas or to conceal utilities and mechanical equipment.

Fences and walls should be architecturally consistent with the buildings they serve. Walls should be of stucco concrete block or brick. Fences are to be made of wood pickets, wrought iron, vinyl, pvc or painted metal. Chain link fencing is not permitted. Landscaping may be used in conjunction with fences and walls to better define edges or screen views. Landscaping alone may be deemed acceptable where retained buffers provide natural screening.

Use of fences, walls and landscape along property lines is encouraged. Fences and walls are to be a maximum height of 6'-0", except those located along public rights-of-way, along a shared public way, or forward of the “front” or main body of a structure, which are to be a maximum of 42" in height. Where fences or walls intersect, they should be consistent in height.

Ground mounted mechanical equipment, solid waste collection, recycling collection, and loading spaces shall be located in an area that minimizes the view of such areas from adjacent buildings and roadways and shall be screened with walls or opaque fences combined with plantings.

All roof mounted mechanical equipment is to be screened from public view.

Dumpsters are to be screened by a fully enclosing wall and/or opaque fencing. Trash cans shall be screened by a fence or wall of adequate height to conceal from them from view from the street or public pedestrian way.

Scale and Articulation

Generally

Buildings with large volumes should be designed to appear smaller through the articulation of the overall massing as a collection of smaller elements. The use of architectural elements such as bays, balconies, porches, loggias and arcades add interest to building facades and aid in relating the proportions of any building to the human form (ie makes the scale more humane). Roofs may be articulated through use of dormers, lanterns, monitors, widow's walks, cupolas and other like elements. Roof elements should be designed to transmit light to the attic story, vent air, or be openings to habitable spaces. The appearance of false stories with faux windows should be avoided. However, bricked-in openings, closed operable shutters and other devices to articulate an otherwise bland façade are acceptable devices.

The building designs will make use of architectural elements which add interest to building facades and aid in relating the scale of any building to human dimensions, such as canopies, columns, pilasters and reveals. Roofs may be articulated through the use of varying parapet heights, mansard roofs, and/or other building forms. Such devices are intended to add character and interest to the buildings of the development which, in turn, will reinforce the site character envisioned by these guidelines.

All buildings should conform to the nature of the streets and/or open spaces which they front. Variations in the building facades are required to express multi-tenant occupancies. Each building shall be designed to look attractive from all “public” sides – i.e. facades visible from Discovery Park Blvd or the Spine Road or public pedestrian ways. Building facades not exposed to public view shall nevertheless be articulated by architectural relief, material changes and landscape screening.

With these general requirements in mind, there are special requirements for the various building types anticipated:

Single Family Dwellings

Single Family Dwellings may range from 1-1/2 stories to 3-1/2 stories and should utilize simple geometric shapes in plan and elevation. The overall massing of the house should be a collection of simple volumes. All houses should have pitched roofs except at porches and bays where a shallow pitch is acceptable. Minimum roof slope for the main body of the house is 6:12.

Townhomes

Townhomes may range from 2 to 3-1/2 stories and should be individually expressed through window patterns, roof massing, porch expression or placement relative to the front build-to line. Townhomes may be constructed as duplexes and, when so designed, shall have a secondary entrance to the lower dwelling unit from the exterior which is formally expressed.

Apartments

Apartment Buildings may be 2 to 4 stories in height. They should be articulated through use of multi-story porches, covered balconies or multi-story recesses or bays to articulate end bays, wings, or entrance elements. Each unit must have direct access to the exterior (e.g. a porch or balcony). Apartments may also occur on the upper floors of a mixed-use (commercial on the lower floors) building, but should always appear “residential” in character, as communicated through the scale of fenestration and use of roof forms.

Commercial and Mixed-use Buildings

These buildings should differentiate themselves from residential buildings, through the use of a grander sense of scale, window treatments, arcades, canopies, etc., which are common elements in retail and office design. Nevertheless, the overall scale of the commercial buildings should live comfortably within the development of residential structures. For additional guidance, the designer may wish to review the New Town Design Guidelines of Sections 5 and 6 (Discovery Park Boulevard) and/or the completed buildings for compatible commercial buildings’ scale and articulation.

Amenities

Buildings and structures associated with amenities (e.g. Bathhouse at Pool) which are to be shared by residents of the west and east parcels shall be designed with an architectural and hardscape character that blends those of both parcels such that the amenities read as a community asset belonging to all.



Figure 166: Example of amenities architecture in keeping with character of development

For all buildings it must be noted that the change in natural grade on these sites is a particular challenge.. and an opportunity. Design review will provide flexibility for design solutions which are environmentally sensitive.

Roofs and Parapets

Generally

Roof forms shall be evocative of a traditional small-town commercial quality and convey the use (commercial versus apartments versus townhouse and single-family residential) that they shelter.

Sloped roofs can be gabled, hipped, hipped gables, gabled hips or gambrel in a symmetrical fashion. Generally, the minimum roof slope of a 1 or 1-1/2-story building should be 9:12 and a 2-story or greater shall be 6:12. Secondary sloped roofs which are a shed type shall have a minimum slope of 2:12. Secondary roofs which are a gabled type shall have a minimum slope of 9:12 or 6:12 if “Classical” or “Federal” in character. Deviations from these minimums will be considered on a case-by-case basis.

- Exception: Buildings which have long front-to-back dimensions may deviate from the minimum roof slope, if complying would create a disproportionate amount of roof. In such cases, designer may utilize a “Bastard Hip” with a shallow front-to-back slope if coupled with steep side-to-side hips and intersecting gables, creating the illusion of a steeper pitches throughout.

Commercial, Apartments and Mixed-use Buildings

- Buildings with parapets are acceptable, but must be broken up to appear as an assembly of smaller buildings. Utilizing some pitched-roof elements to relate to the scale and quality of the residential district are encouraged.
- Articulations in the roof form should follow the form of the façade, breaking roof spans over 50 feet in length into a series of roofs with variations in shape, size, and height to create visual interest and better integrate with surrounding building masses.
- Flat roofs are to have horizontal parapets. Roofing shall be designed to drain efficiently without water pooling on the surface of the roof. Parapets shall be used to create cohesion between masses.

- Building materials for roofs shall match context. Buildings with flat roofs shall prioritize the use of reflective colored roofing materials to help reduce the heat absorbed into the buildings from the roof. These include light colored roofing membranes such as PVC, EPDM or TPO. Building with pitched roofs shall prioritize the use of asphalt or slate, both of which exemplify the traditional and historic character of the massing.
- Special roof-top elements shall be symmetrically situated or aligned with the rhythm of structural bays and fenestration. Roof-top mechanical enclosures must be concealed from view by sloped roofs or parapets.

Windows and Doors

Generally

Windows and doors shall help dictate the organization of masses, articulating entries, pedestrian pathways, and other massing features. Provide fenestration that conveys the use (commercial versus residential) by the use of appropriate scale and detail.

Commercial buildings

- Retail Windows shall have storefront elements that break up glazing into panes of no more than 16 square feet or otherwise articulate the surface with other architectural devices.
- Office Windows shall be rectangular with a minimum proportion of 1.5 vertical to 1 horizontal.
- Bay windows may be rectangular or chamfered.
- Doors shall be rectangular with rectangular transoms, if used. Glazing within doors shall be consistent with window glazing.

Residential Buildings (single-family homes, townhomes and apartments)

- The front façade of buildings should include windows oriented to the street. Ground floor windows should be minimum 48 inches tall.
- Windows shall be rectangular (except where arched or ocular are appropriate to the architecture) with a minimum proportion of 1.5 vertical to 1 horizontal, proportions of 2:1 per window are preferred.
- Picture windows and projecting bay windows are also suitable and may have wider proportions.
- Dormers can be pitched or eyebrow. Use dormers to break-up large roof masses and to provide additional animation of façades in the vicinity of entrances, and to bring light and ventilation to living spaces.
- Bay windows are suitable and may be rectangular or chamfered.
- Doors shall be rectangular. Transoms shall be rectangular (or arched if appropriate to the architecture), if used. Glazing within doors shall be consistent with window glazing.
- Garage doors shall be 16 feet maximum in width, articulated to appear as multiple doors where possible.

Frontage and Façade Treatments

Generally

Building facades and frontage should have an appropriate scale and treatment in accordance with their use (e.g. residential vs. retail, public vs. private, etc..). Following are requirements and guidance based upon different categories of building use anticipated:

Commercial buildings and Apartments

- Frontage conditions shall prioritize a pedestrian scale on the ground floor. Front façades and entrances shall be scaled appropriately for pedestrian use. If the height or width of a front façade is too large, the façade shall be broken up into smaller façades, which can relate much better to pedestrians who use them. Provide one or more of the following elements at the primary facade:
 - Plaza;
 - Placement of primary pedestrian entry;
 - Distinctive roof form; or
 - Other architectural features.
- The building façade containing the primary entrance is considered as the primary façade and shall face a public street, parking lot or courtyard. Public entrances shall feature no less than three of the following:
 - Canopies or porticos;
 - Overhangs;
 - Recesses/projections;
 - Arcades;
 - Raised corniced parapets over the door;
 - Peaked roof forms;
 - Arches;
 - Outdoor patios;
 - Display windows;
- Architectural detail such as tile work and moldings integrated into the building structure and design; or
- Integral planters that incorporate landscaped areas and places for siting.
- The front façade of buildings shall have high fenestration. Include glazing for at least 40 percent of the ground floor façade area between 2 feet above grade to 8 feet above grade towards the street that the front façade faces.
- All street-level windows shall be visually permeable between a height of three feet and eight feet above the walkway grade. Reflective or tinted glass that obstructs views into the building should not be used on 1st floor building façades adjacent to sidewalks.
- The use of porches, balconies, bays, loggias, arcades, chimneys, cupolas, dormers, and operable windows are encouraged as devices that help reduce the scale of buildings, making them more approachable and village-like.
- Mechanical units and building utilities, such as electrical meters and panels, are to be located so as not to detract from the architecture and are to be screened. Roof-top equipment should be architecturally screened and not visible from major roads. Generally, screens should be constructed of permanent materials that relate to the building architecture, such as stone and stucco. Where located against the property buffers, or otherwise not plainly visible from adjacent

streets, utilities and mechanical units may be screened with landscaping alone. Drainage from building roofs should be channeled underground to the storm water system unless "spilling at grade" can be engineered without compromising landscaping or pedestrian areas.

Single-family Residential and Townhomes

- The entrance must face a public street and be accessed via a porch or stoop.
- Corner lots should prioritize the frontage on the more primary or public street.
- Provide one or more of the following elements:
 - Placement of primary pedestrian entry;
 - Distinctive roof form; or
 - Other architectural features (e.g. porches, canopies).
- Porches must be a minimum of 8 feet deep and 12 feet wide except where serving only to cover a stoop. Single story porches are preferred.
- Stoops must be a minimum 5 feet deep and 6 feet wide.
- More ornate door styles are recommended with stoops to clearly indicate the entrance. A door with transom, tall molding or gabled profile are recommended styles.
- Any monolithic or stark appearance resulting from building design and materials is prohibited.
- Building design, rooflines, and materials should be used to add detail and relief from large blank walls. Blank lengths of wall exceeding 15 linear feet are prohibited on all front façades and side façades on a corner lot.
- Fenestration shall comprise at least 25%, but not more than 70% of all façades.

Townhomes

- In addition to the above, variation along the front façade of the entire building is required. This includes a clearly discernable "bay rhythm" (e.g. 'ABA', 'ABBA', 'BAAB', 'ABCBA'), and a balanced mix of external wall materials (simple color changes do not suffice). Design features that differentiate the individual dwelling units are also required. Examples of such design features include: offsets and (min.) 16" step backs in facades and rooflines, entry door/porch variation, variation in roof forms and pitch, etc..

Exterior Materials

Following are general requirements of all building forms, independent of use.

Wall Cladding

- Building walls: brick, stucco, hardie-plank, clad wood, wood shingle, wood clapboard, wood board and batten, fiber cement siding are acceptable. Limited use of Vinyl may be approved on a case-by-case basis.
- Exposed foundation walls: Brick, stone, brick veneer, stucco over concrete/concrete block are acceptable.
- Material transitions should occur appropriately so as not to allow masonry to appear "paper thin" by terminating at an outside corner. Where possible, masonry should terminate at an inside corner. Where masonry terminates at an outside corner of a façade, the façade must be a gable and framed with a substantial corner board (as a customary masonry end-wall in local vernacular colonial architecture).

- Thin-stone or cultured stone veneer is also acceptable if corner units are utilized to wrap the corners to give the appearance of a depth of 4 inches or more.
- Each façade shall have a balance of two or three siding materials. One material, such as lapped weatherboard shall be primary to establish consistency while the others are secondary and utilized to provide interest and variation.

Roofing

- Roofs may be wood shingles, galvanized or painted metal seamed roof, copper, lead-coated copper, slate, synthetic slate or 30# fiberglass asphaltic shingles.
- Gutters and downspouts: galvanized or painted aluminum, painted or zinc coated steel, or copper.

Other Building Elements:

- Chimneys: brick, brick veneer, stucco.
- Arcades and colonnades: brick, stucco, wood, polystone, fiberglass
- Porches/Columns: painted wood, painted metal, polystone, fiberglass
- Posts, spindles, balusters: painted wood, painted metal, polystone, fiberglass
- Stoops and exterior stairs: brick, concrete or wood where adequately detailed to provide non-utilitarian appeal.
- Decks: wood, composite lumber or high-quality synthetic decking. Shiny plastic decking is not acceptable.
- Awnings and Canopies: canvass covered metal framing only.
- Signs: Wood, painted metal, hard foam, or as otherwise allowed by James City County ordinances.

Roof Forms

All buildings should have a varied character of traditionally shaped roofs:

- Principal Roofs: Gabled, hipped, hipped gables, clipped hips, gambrel roof in symmetrical fashion with a slope of 6:12 to 16:12. 10:12 to 12:12 pitch is appropriate for Colonial roof forms whereas 6:12 to 12:12 is more appropriate for Georgian structures. Parapeted, low slope roofs may be deemed acceptable if properly detailed to provide architectural character and interest.
- Secondary Roofs: Shed with minimum 2:12 slope or low-slope with parapet or balustrade.
- Flat roofs: Where allowed for above or as required for mechanical equipment, should be concealed by false mansard or other building element.
- Dormers: shed, gabled, eyebrow, etc.. as appropriate to complement the architecture of the building on which they reside.
- Narrow/Deep Lots: Where a building form may be limited in width, a shallower roof pitch for the primary roof form may be acceptable if hipped or intersected with cross gables of a steep pitch, giving the illusion of a steeper slope for the entire structure.

Fenestration

Generally

All buildings should have fenestration treatment that convey a sense of authenticity and attention to proportion, scale and detail. Except for necessary “back of house” functions, which are to be screened, all facades should be treated as “public facades”. Side and rear facades, which may properly have less detail than the front façade, shall nevertheless be designed with a similar attention to proportion, scale and cladding material quality.

Residential Buildings

Generally, the following apply to all residential buildings (multi-family, apartments, and residential portions of mixed-use buildings):

- Windows may be metal, wood, wood clad with metal or vinyl, or fiberglass.
- Bay windows: wood or metal with metal roofing.
- Shutters: wood, fiberglass resin or cellular pvc; shutters should be equipped with shutter hardware and be operable or give the appearance of being operable.
- Doors: wood, metal, or glass; utility doors should be metal or fiberglass.
- Windows shall appear as “punched openings” in façades. The horizontal dimension of the opening may not exceed the vertical dimension.
- Windows may be ganged horizontally if each grouping (maximum five per group) is separated by a mullion, column, pier or wall section that is at least seven inches wide.
- Windows may be no closer than 30 inches to building corners (excluding bay windows).
- Rectangular and ocular windows: a vertical orientation (ie width less than or equal to height).
- Rectangular window grilles: a vertical orientation (ie width of lites less than or equal to height).
- Garage doors: 9'-0" width maximum or articulated to appear as multiple doors.
- Shutters: operable or equipped with hardware to appear operable, sized to fully cover and only cover the fenestration opening.

Commercial Buildings

In addition to the above, the following apply to all commercial and apartment buildings:

- Residential portions of multi-story buildings should comply with the above section “Residential Buildings”.
- When occupying floors above the ground level, office and retail functions should comply with the above section “Residential Buildings”, or be designed so as to complement adjacent apartment structures.
- Storefront window mullions should not exceed 48" in the horizontal dimension or should be mullion-less “all glass” window systems.
- Where clear windows are not useful to the function with portions of buildings, a false window (with “spandrel glass”, for example), closed shutters, or masonry recesses may be utilized to add interest to a façade’s fenestration.
- Ground story fenestration shall comprise 40% to 90% of the surface area on public facing walls of retail buildings. Upper stories and other uses shall have fenestration comprising 20% to 70% of the surface area of public facing walls.
- For storefront windows, a minimum of 80% of the window surface shall allow a view into the building for a depth of at least 15 feet.

Color and Material Palettes

Generally, the use of different materials and colors should be done with the intent of creating a balanced façade in the context of a streetscape with adequate variation to stir visual interest, but adequate consistency to convey a strong sense of order. For all buildings, there should be no more than three different materials for exterior cladding and no more than two different colors for painted surfaces. More than those maximums will only be considered on a case-by-case basis and only with a strong rationale from the designer.

Single Family Residential

It is anticipated that the West Parcel may be developed by a single builder or multiple builders (as opposed to a lot-by-lot basis). Whether one or several builder/developers, a limited set of optional colors and materials, complying with the guidance of the requirements above, is to be submitted and approved. All subsequent homes shall utilize selections from that palette of options.

Amendments to the palette of options will be considered on a case-by-case basis; however, additional colors must be compatible and/or complementary.

Townhomes

Townhomes are to be designed within a single palette of materials approved at the time of design submission. All exterior materials must be selected for compatibility with Apartments, Commercial and Mixed-use Buildings.

Apartments, Commercial and Mixed-Use Buildings

Larger buildings are to be designed with a single palette of materials. Materials should express a more monumental and permanent character (e.g. brick v. siding; cast stone v. brick) than the residential construction, and yet be compatible with it (see above).

LANDSCAPE AND OPEN SPACE STANDARDS

Whenever possible, existing natural features such as wetlands and ravines, high points of topography or special groupings of trees, should serve as neighborhood open space. Designed open spaces should possess individual character in their scale and articulation and by the uses that adjoin them. Landscaped open spaces should have emphasis placed on their edges either with buildings or plantings to create “outdoor rooms”.

Preserve existing specimen and mature trees. Prioritize preserving existing tree canopy as much as possible. All development plans shall contain tree protection/preservation plans.

Using natural elements to create privacy between spaces is preferred. Grooming is important. Remove underbrush and maintain or “limb” trees to permit better visibility into a site. Incorporate a good balance of trees and shrubs, including a balance of evergreen and deciduous trees.

When possible, existing mature trees should be retained in the open space areas of the west parcel. The use of hedges, shrubs, ground cover and ornamental trees is encouraged throughout these lots.

Landscape, Hardscape and Planting

Building Perimeters - Landscaping at buildings shall meet or exceed the requirements as specified in the James City County Zoning Ordinance, Section 24-97. The use of trellis and landscape structures to facilitate the growth of live plant material immediately in front of or on the buildings is encouraged.

Parking layout and landscaping is to comply with the requirements of the relevant landscape standards of the James City County Zoning Ordinance (Article II, Division 4). Hedges planted to screen the parking lots from the perimeter shall be planted at an installed height of 30". The predominant tree type used within parking lots shall be deciduous shade trees. Evergreen trees shall be provided where additional screening is desirable. All deciduous trees in parking lots shall be 2-1/2" caliper at installation

Landscaped open spaces, parking areas and pedestrian ways shall have emphasis placed on their edges either with buildings or plantings to create the effect of “outdoor rooms.” Walk-ways adjacent to buildings shall reinforce the sense of a public street. Walk-ways adjacent to open spaces shall be lined with trees or plants to reinforce the edge of the open space. Landscaping along residential areas should provide visibility into the development while creating an effective buffer for parking and “back of house” building elements. Other property edges should retain natural buffers, to the extent practical, to maintain a character consistent with the surrounding area

Landscape plantings shall be selected to reinforce a purpose, based on their location:

- Plantings for the purpose of screening will occur to screen the building and parking areas from the adjacent residential properties to the south. These planting are to be primarily evergreen with the intent of screening the view of automobiles and reduce the scale of the rear building façade. Evergreen hedges are to be used adjacent to parking spaces which face Discovery Park Blvd or the Spine Road.
- Foundation plantings will be selected and provide a natural base to the service side facade of the building and enhance the public facades. Public side plantings will be chosen to complement the architecture without limiting visibility of building face signage.
- Transitional landscaping will occur along the east and west property lines to augment existing natural landscaping, or replace existing landscaping which must be removed to accommodate construction.

- Street-side landscape will be provided along Discovery Park Blvd or the Spine Road, selected to create a lush setting for the building, while promoting the pedestrian character of the corridor and ensuring adequate visibility into the development from the street.
- Landscaping with vertical elements of a minimum 10 feet high should be included on sides adjacent to residential uses to provide screening. Tree rows or groups of trees are appropriate, and/or lower bushes and vegetation combined with berming, natural topographic features, and fencing. Fences should not occur within the front 10 feet of the lot so as to not impede pedestrian connectivity and visibility along the sidewalks between uses

Street Furnishings, including street and parking lot light fixtures, benches, trash receptacles, bike racks and bollards, shall include selections from or comparable to those items identified and/or illustrated in the New Town Streetscape Package prepared by Cooper Robertson & Partners dated May 5, 2003 and/or present within the nearby Courthouse Commons development

Streets

The street within the west parcel is to be planted with trees spaced a maximum of 40'-0" on center. Shade/Canopy type trees are preferred; however ornamental trees may be used for areas of interest, pedestrian ways and minor streets.

Streets within the east parcel should be selected to create a formal rhythm of shade trees along main streets. Smaller ornamental trees may be selected to articulate alleys, minor streets and pedestrian ways.

Discovery Park Boulevard and the commercial sites flanking it are required to comply with the New Town open space standards articulated in the New Town Discovery Park Boulevard guidelines.

Parking Areas

On street parking is to be parallel and integrated with the building configurations and pedestrian ways to create a coordinated network that prioritizes pedestrian circulation and safety and/or reinforces building entrances.

Parking fields or lots should be arranged in groupings of no more than 40 parking spaces without a landscaped edge separating it from an adjacent street or parking field. Landscaping along the perimeter of each field should be designed to screen the front grilles of vehicles, such as hedges with a minimum height of 30".

Landscaping of attached and multifamily structures, commercial, public and mixed use buildings shall contain landscaping per James City County ordinance standards, but may be considered for reductions or modifications to these standards on a case-by-case basis. Waivers may be granted to minimum landscape quantities when provisions are made for the addition of outdoor furnishings, site structures and hardscaping that would offset the need for additional landscaping.

Neighborhood, urban and pocket parks

Whenever possible, existing natural features such as wetlands and ravines, high points of topography or special groupings of existing trees should serve as the basis for neighborhood open space. Designed open spaces should possess individual character in their scale and articulation and by the uses which front them. The landscape of each open space should reflect its internal character and use. In general, the landscape of open spaces should define its edges, acting to define an "outdoor room".

A pedestrian trail is to be provided that is punctuated by resting areas at locations with particular views or features, designed for the use of residents of the east and west parcels. These areas should include site furniture and screening landscaping where needed.

As one of these resting areas, the west parcel shall contain a passive park of open space size equal to or greater than approximately two residential lots.

Where possible, storm water retention facilities should be incorporated in the park planning to provide natural features (such as ponds) and landscaping to complement the open spaces and/or provide an edge for the pedestrian trail.

Smaller urban and pocket parks are to be incorporated in the east parcel. To complement the land planning of this parcel, these parks should be more formal in character, incorporating formal geometry and perimeter edges that create the sense of an “outdoor room”.

The pedestrian trail should integrate with the sidewalk system in the east parcel such that a continuous pedestrian route can be traversed along the trail and sidewalks, and through (or by) the urban and pocket parks without utilizing vehicular streets except for crossing.

A transitional buffer provided between Sections 7 and 8 and this proposed develop is to be maintained and enhanced. The existing 50' buffer within Sections 7 and 8 is to be complemented with a minimum 100' buffer within the proposed development. The existing forested vegetation, which is well established, is to be retained. Where needed by adjacent clearing for site development, understory plantings may be required at the edge of clearing. No pedestrian connection to Sections 7 and 8, planned or informal, is to be allowed along this buffer.

SITE LIGHTING

All lighting is to be designed and/or selected to meet the requirements of James City County Standards. Architecturally, site Lighting shall consist of two different types of fixtures:

- Lighting for parking and security - this lighting is for general visibility and security and should be tall and pole-mounted (30' maximum). These fixtures may be contemporary in nature and are not intended to be architectural elements in-and-of themselves.
- Lighting for pedestrians should consist of decorative building-mounted fixtures, bollard-type fixtures and/or landscape mounted. These fixtures are intended to reinforce the overall architectural expression of the buildings and landscaping and should be arranged to help guide pedestrian movement about the site.

SIGNAGE

All signage recommendations shall be subject to the provisions of Article II, Division 3 of the James City County Zoning Ordinance.

Building mounted signs and free-standing signs will comply with the James City County Zoning Ordinance for sign location and construction. Wall mounted signage should be integrated with and/or be properly proportionate to the architecture of the building. They are to be mounted flat upon the facade or with "stand-offs" no greater than 6".

A free-standing sign for the development, if provided, is to be located at the end of Discovery Park Boulevard. This sign is to be monument style and designed to promote visual unity within the development. Individual letters in signs may be internally lit. Its size and scale should be in keeping with established monument signs on the corridor (e.g. Settlers Market and Courthouse Commons).

Other signs, when illuminated, must be externally lit. "Halo" lighting of individual letter signs (where the letters are opaque but an internal light washes the background of the letters) are acceptable as externally lit signage.

Way-finding signage is encouraged, but subject to regulation by the zoning administrator per James City County Zoning Ordinance, Section 24-73. Lettering and mounting height should be sized to assist the pedestrian in finding a building entrance, or a driver of a vehicle to find a parking space. Number and size of such signage is not specifically dictated but should be kept to the minimum number necessary and clearly subservient to other site signage. Generally, lettering should not be over 4" in height, and logos of that same size are permissible but shall not dominate the message of the sign. Street signs and traffic control signs within State right-of-way will utilize the New Town models, subject to VDOT approval.



Figure 17: Example of acceptable signage and site lighting

Westwood Park Development

James City County, Virginia

PREPARED FOR

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PREPARED BY



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8/12/2024

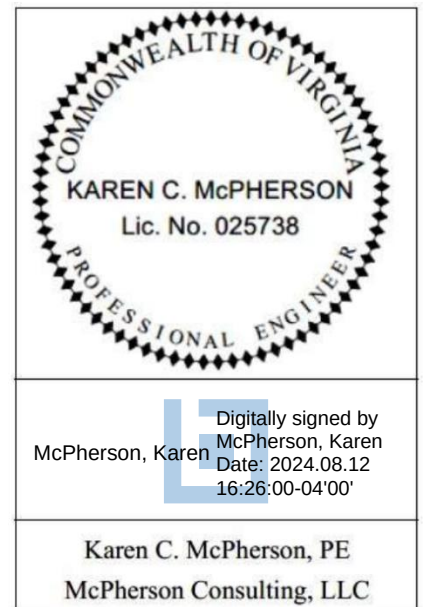


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Executive Summary

The proposed Westwood Park mixed use development is located in James City County on the northern termini of Discovery Park Boulevard. This proposed development is an extension to an overall Newtown Development where the site is located on Eastern State Parcel C. **Figure 1** illustrates the study area and the five study area intersections that were agreed upon during the scoping meeting that occurred on July 22, 2022. **Figure 2** illustrates the proposed Westwood Park Development site plan.

McPherson Consulting, LLC (McPherson) was retained to perform a traffic impact analysis. In May 2024, McPherson Consulting merged with VHB. This updated TIA is being prepared by VHB to address minor changes to unit counts along with VDOT comments. The Virginia Department of Transportation (VDOT) maintains the roadways within James City County; therefore, this report has been prepared for review and approval by both James City County and VDOT based on criteria outlined in the Chapter 527 guidelines. The study will evaluate existing and future traffic conditions, and make recommendations to mitigate traffic impacts, if necessary, within the proposed study area.

Based on the level of development, the following recommendations are proposed for the study area:

Ironbound Road / Discovery Park Boulevard

- › Maintain existing laneage.
- › Provide optimized signal timings.

Ironbound Road / Monticello Avenue

- › Maintain existing laneage.
- › Provide optimized signal timings.

Monticello Avenue / Courthouse Street

- › Maintain existing laneage.
- › Provide optimized signal timings.

Monticello Avenue / Casey Boulevard / Ironbound Road

- › Maintain existing laneage.
- › Provide optimized signal timings.

Discovery Park Boulevard / Casey Boulevard

- › Maintain existing laneage.

1

Introduction

1.1 Project History and Background

The proposed Westwood Park mixed-use development is located in James City County on the northern termini of Discovery Park Boulevard. **Figure 1** illustrates the study area and the five study area intersections that were agreed upon during the scoping meeting that took place on July 22, 2022. **Figure 2** illustrates the proposed Westwood Park Development site plan. For this study, Ironbound Road and Casey Boulevard are oriented in a north/south direction, and Monticello Avenue and Discovery Park Road are oriented in an approximate east/west direction.

VHB was retained to perform a traffic impact analysis for the proposed development. VDOT maintains the roadways within James City County; therefore, this report has been prepared for review and approval by both James City County and VDOT based on criteria outlined in the Chapter 527 guidelines. The study will evaluate existing and future traffic conditions, and make recommendations to mitigate traffic impacts, if necessary, within the proposed study area.

Assumptions regarding the study area, count data, traffic generation, trip distribution patterns, and analysis scenarios were discussed with VDOT and James City County and are documented in the Scoping Meeting documents included in the **Appendix**. The scoping meeting occurred on July 21, 2022. Since, several revisions have taken place on assumptions with the initial proposal to include the following:

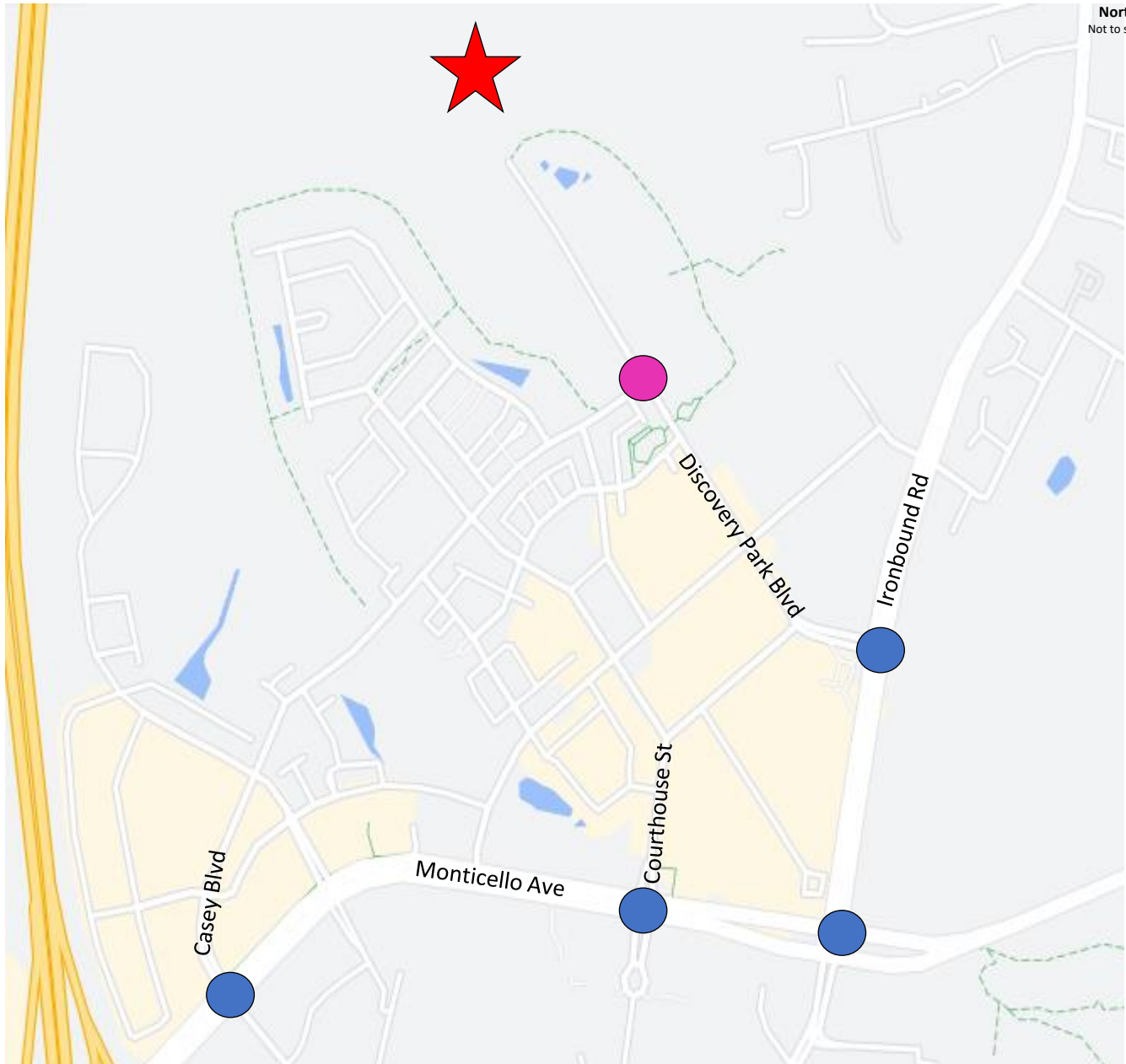
Updated Scoping form included in appendix to reflect internal capture at 20%, no change to analysis

Background developments updated to include Ironbound Crossing Development site traffic.

Background developments updated to include unbuilt Sections 7,8,9 of New Town Development.

Study Area

North
↑
Not to scale



Legend

- ★ - Site Location
- - Study Area Intersection Signalized
- - Study Area Intersection Unsignalized

SITE DATA (BASED UPON CONCEPT):			
TOTAL SITE AREA=			
3,551,447 S.F.; 81.53 AC±			
ANTICIPATED DISTURBED AREA=			
2,069,100 S.F.; 47.5 AC±			
(58.3% OF TOTAL SITE)			
ANTICIPATED IMPERVIOUS COVER=			
763,561 S.F.; 17.5 AC±			
(21.5% OF TOTAL SITE)			
COMMERCIAL=			
326,700 S.F.; 7.5 AC±			
SINGLE FAMILY IMPERVIOUS COVER=			
435,600 S.F.; 10.0 AC±			
UNDISTURBED OPEN AREA =			
1,507,176 S.F.; 34.03 AC±			
(41.7% OF TOTAL SITE)			



Rev.	Date	Description	JAG	Revised By
2	03/24	REVISED PER JCC STAFF COMMENTS	JAG	
1	11/124	REVISED PER JCC STAFF COMMENTS	JAG	



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Hampton Roads | Central Virginia | Middle Peninsula

REZONING PLAN
FOR

WESTWOOD PARK

JAMES CITY COUNTY | JAMESTOWN DISTRICT | VIRGINIA

Project Contacts: JAG

Project Number: W10634-00

Scale: 1"=100'

Date: 02/15/2023

Sheet Title:
CONCEPTUAL
MASTER PLAN

Sheet Number
MP 3.1

1.2 Study Area

The study area for this analysis includes the following roadways and intersections as illustrated in **Figure 1**:

Roadways:

- › Casey Boulevard
- › Discovery Park Boulevard

Intersections:

- › Ironbound Road / Discovery Park Boulevard (signalized)
- › Ironbound Road / Monticello Avenue (signalized)
- › Monticello Avenue / Courthouse Street (signalized)
- › Monticello Avenue / Casey Boulevard / Ironbound Road (signalized)
- › Discovery Park Boulevard / Casey Boulevard (unsignalized)

Study area roadways and intersections were identified and agreed upon by VDOT and James City County staff during the scoping meeting.

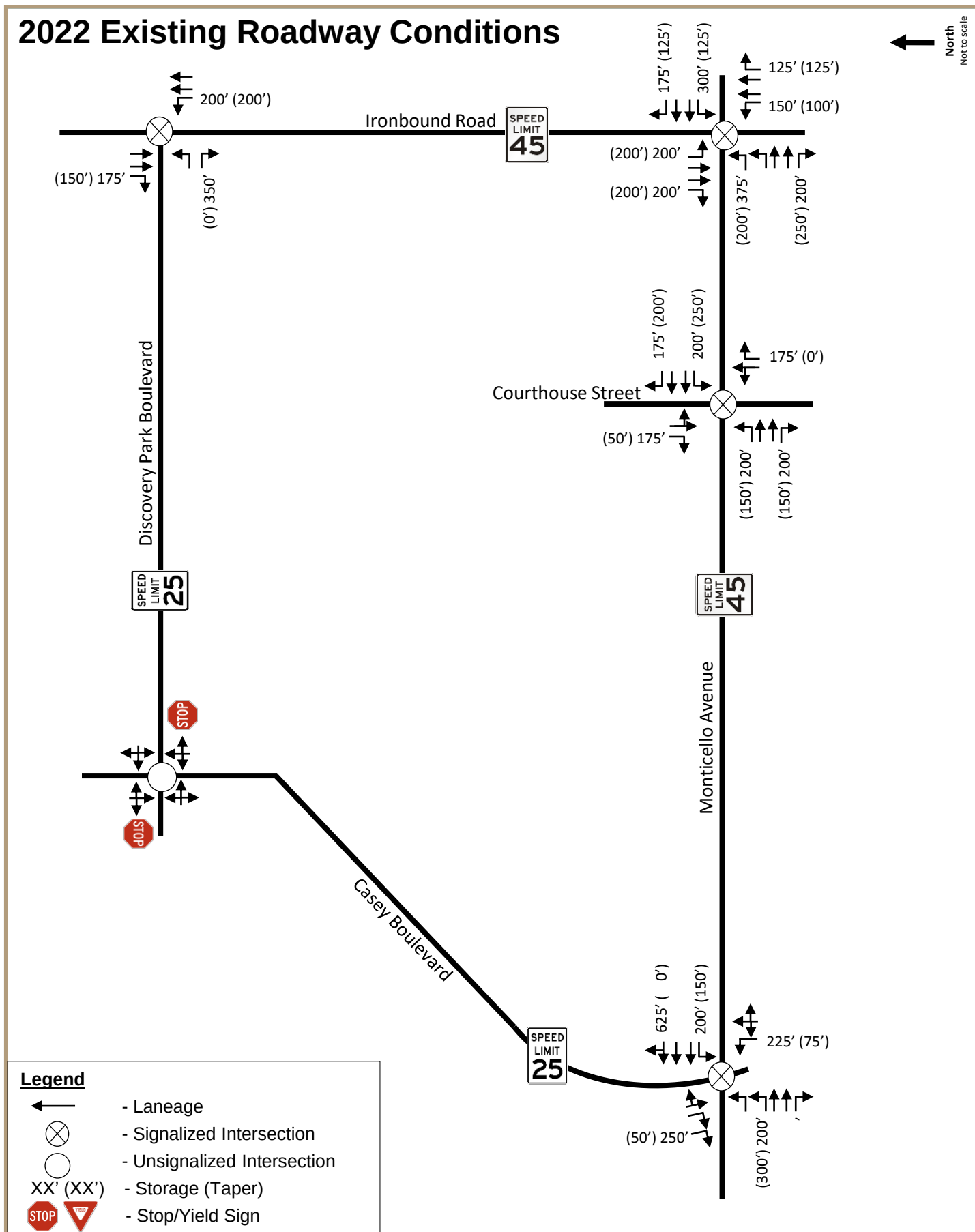
1.3 Existing Land Use

The Westwood Park Development is currently zoned as PL-Public Lands and is currently vacant. Within the immediate area of the Westwood Park Development is an established mixed-use development with numerous residential several local commercial and office developments, various retail businesses, medical offices, banks, and restaurants.

1.4 Existing Conditions

Discovery Park Boulevard will serve as the local direct roadway connection to Westwood Park with multiple connections to the external roadway network. Discovery Park Boulevard creates a signalized T-intersection with Ironbound Road. Within the Westwood Park Development, Discovery Park Boulevard has an unsignalized intersection with Casey Boulevard. Casey Boulevard extends south to a signalized intersection with Monticello Avenue. Approximately 1,100' east of this signalized intersection is Monticello Avenue has and interchange with Route 199. Existing roadway conditions (laneage, storage, taper, and speed limits) are illustrated in **Figure 3**.

2022 Existing Roadway Conditions



The following provides a short description of the study area roadways:

Discovery Park Boulevard – has a varying cross section; west of Casey Boulevard, Discovery Park Boulevard is a two-lane, undivided roadway with on-street parking. East of Casey Boulevard, Discovery Park Boulevard has a 3-lane section with dedicated bicycle lanes. Discovery Park Boulevard has a posted speed limit of 25 miles per hour (mph) with an average daily traffic (ADT) of approximately 3,800 vehicles per day (vpd) as obtained from actual study area counts.

Ironbound Road – is a four-lane, divided major arterial north of Monticello Avenue. This section of Ironbound Road has a posted speed limit of 45 mph and an ADT of 12,000 vpd per *VDOT 2022 Annual Average Daily Traffic Volumes Estimate*.

Monticello Avenue – is a four-lane, divided major arterial in the immediate vicinity of the proposed project location that extends from Route 199 (Humelsine Parkway) to Ironbound Road in the eastern end of this study area. This roadway has a posted speed limit of 45 mph and an ADT of 30,000 vpd per *VDOT 2022 Annual Average Daily Traffic Volumes Estimate*.

Casey Boulevard – is a two-lane, undivided local roadway within the Westwood Park Development that connects Discovery Park Boulevard to Monticello Avenue. On-street parking and dedicated bicycle lanes are provided in some sections where space is available. Casey Boulevard has a posted speed limit of 25 mph and an ADT of 2,900 vpd as obtained from actual study area counts.

2

Analysis of Existing Conditions

2.1 Capacity Analyses at Critical Points

Intersection turning movement counts were used in conjunction with the number of lanes and traffic operations at each study intersection to determine existing and future levels of service. Level of service (LOS) describes traffic conditions—the amount of traffic congestion—at an intersection or on a roadway. **Table 1** shows the LOS and delay range for signalized and unsignalized intersections.

Table 1 Levels of Service and Ranges of Delay

LOS	Delay per Vehicle (seconds per vehicle)	
	Signalized	Unsignalized
A	≤ 10	≤ 10
B	> 10 - 20	> 10 - 15
C	> 20 - 35	> 15 - 25
D	> 35 - 55	> 25 - 35
E	> 55 - 80	> 35 - 50
F	> 80	> 50

2.2 Turning Movement Counts (TMCs)

TMCs were collected by Data Collection Group at each of the following study area intersections on June 2, 2022, during the AM (7:00 to 9:00) and PM (4:00 to 6:00) peak periods:

- › Ironbound Road / Discovery Park Boulevard
- › Ironbound Road / Monticello Avenue
- › Monticello Avenue / Courthouse Street
- › Monticello Avenue / Casey Boulevard / Ironbound Road
- › Discovery Park Boulevard / Casey Boulevard

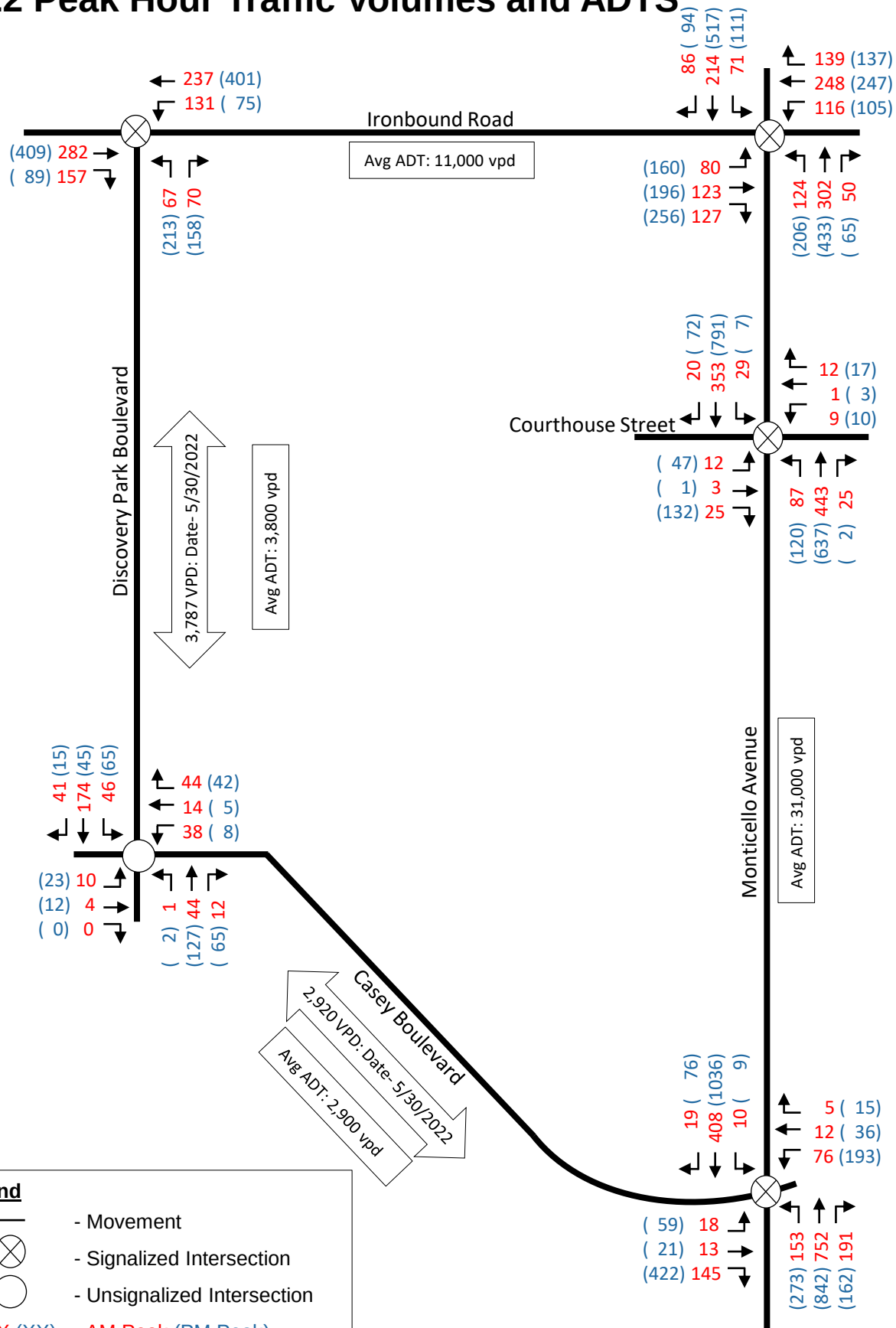
2.3 Average Daily Traffic (ADT) Counts

Historic ADT counts from the VDOT *2021 Historic Average Daily Traffic Counts book* were collected for both Ironbound Road and Monticello Avenue. ADT counts were collected along Casey Boulevard and Discovery Park Boulevard to capture current travel patterns within the internal roadway network.

The TMC collected data is illustrated in **Figure 4** for the AM and PM peak periods at the study area intersections along with the location of the ADT data.

2022 Peak Hour Traffic Volumes and ADTS

North
Not to scale



2.4 Capacity and Levels of Service Analyses at Critical Points

Capacity analyses for the AM and PM peak hours were performed for the existing conditions for each study area intersection. Analyses were completed to determine the operating characteristics using *Synchro Professional 11.1*, which uses methodologies contained in the *2000 Highway Capacity Manual (HCM) [TRB Special Report 209, 2000]* and *HCM 6th Edition*.

Level of service analyses for the study area intersections were performed using optimized signal timings assuming coordination along Ironbound Road and Monticello Avenue. To compare operations among various scenarios, detailed analyses are illustrated in Chapter 6 to provide a side-by-side comparison.

3

Future Conditions without Development

Background traffic growth is the increase in traffic volumes due to usage increase and non-specific growth throughout an area. One method of determining reasonable growth rates for an area is to research past traffic counts for a roadway or intersection and review historical data or use knowledge of the surrounding area. After reviewing VDOT historical count data, it was noted that the traffic growth was relatively flat. However, based on discussion during the scoping meeting, stakeholders agreed to use a 1% annual growth rate to project the 2026 and 2032 Background traffic volumes.

3.1 Approved Development

In addition to an annual growth rate, VDOT requested approved developments be considered and then combined with annual growth to establish background conditions. Traffic generated from the following development is included in the background condition.

- › Ironbound Crossing Development
- › New Town- Sections 7,8 and 9

The trip generation and assignment for these two developments were obtained from the County.

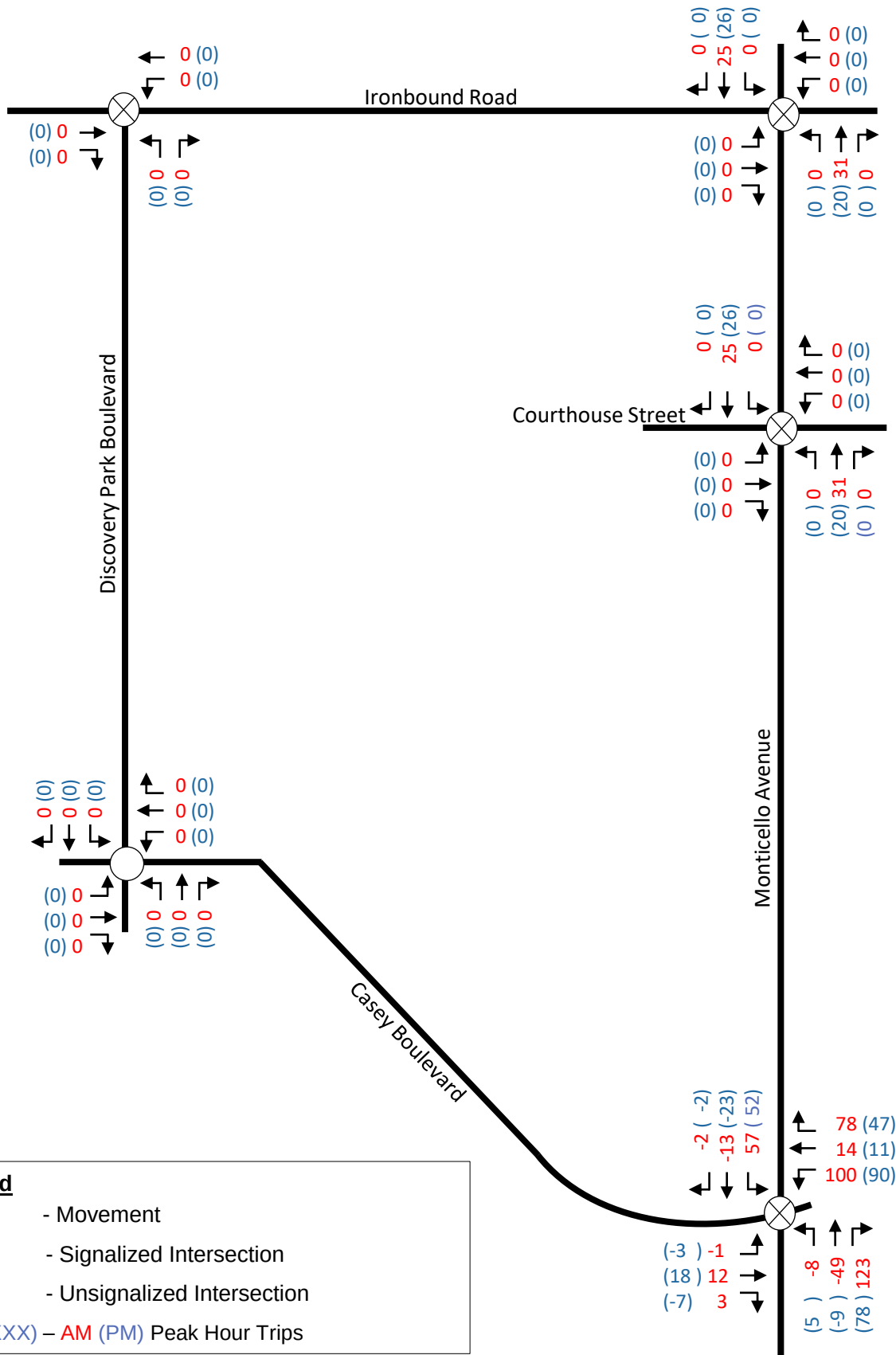
3.2 Growth Rate

The agreed upon 1% annual growth rate was applied to the 2022 data over a period of four years and 10 years, resulting in a factor of 1.04 and 1.10 to generate the 2026 and 2032 background year volumes, respectively when combines with the approved developments site generated traffic. The assignment from each study is provided in the **Appendix** and the total approved development traffic is illustrated in **Figure 5**.

The following figures illustrate the study intersections background condition volumes for the AM and PM peak hours:

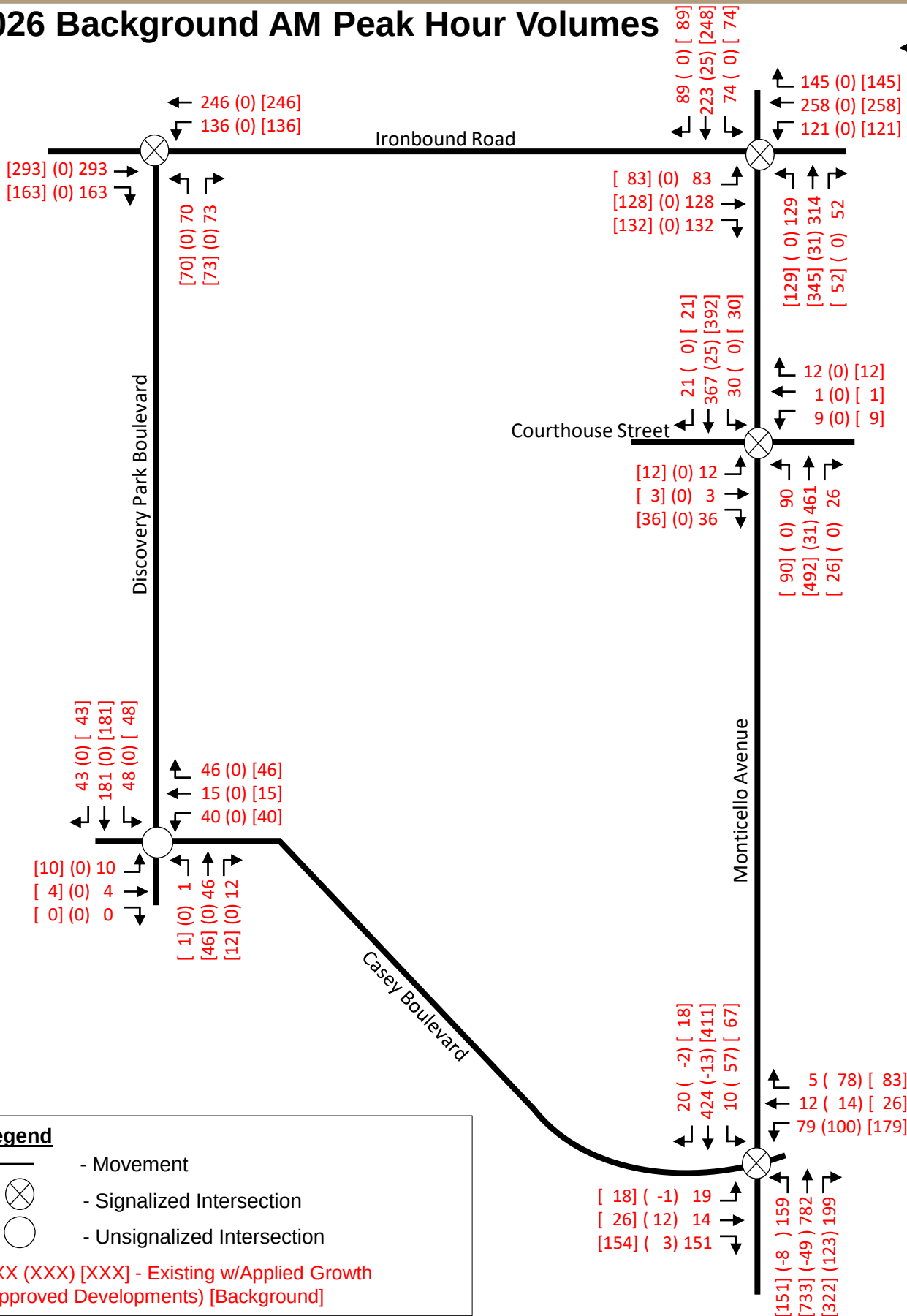
- › **Figure 6** – 2026 Background Traffic Volumes (AM)
- › **Figure 7** – 2026 Background Traffic Volumes (PM)
- › **Figure 8** – 2032 Background Traffic Volumes (AM)
- › **Figure 9** – 2032 Background Traffic Volumes (PM)

Approved Developments: *Total*

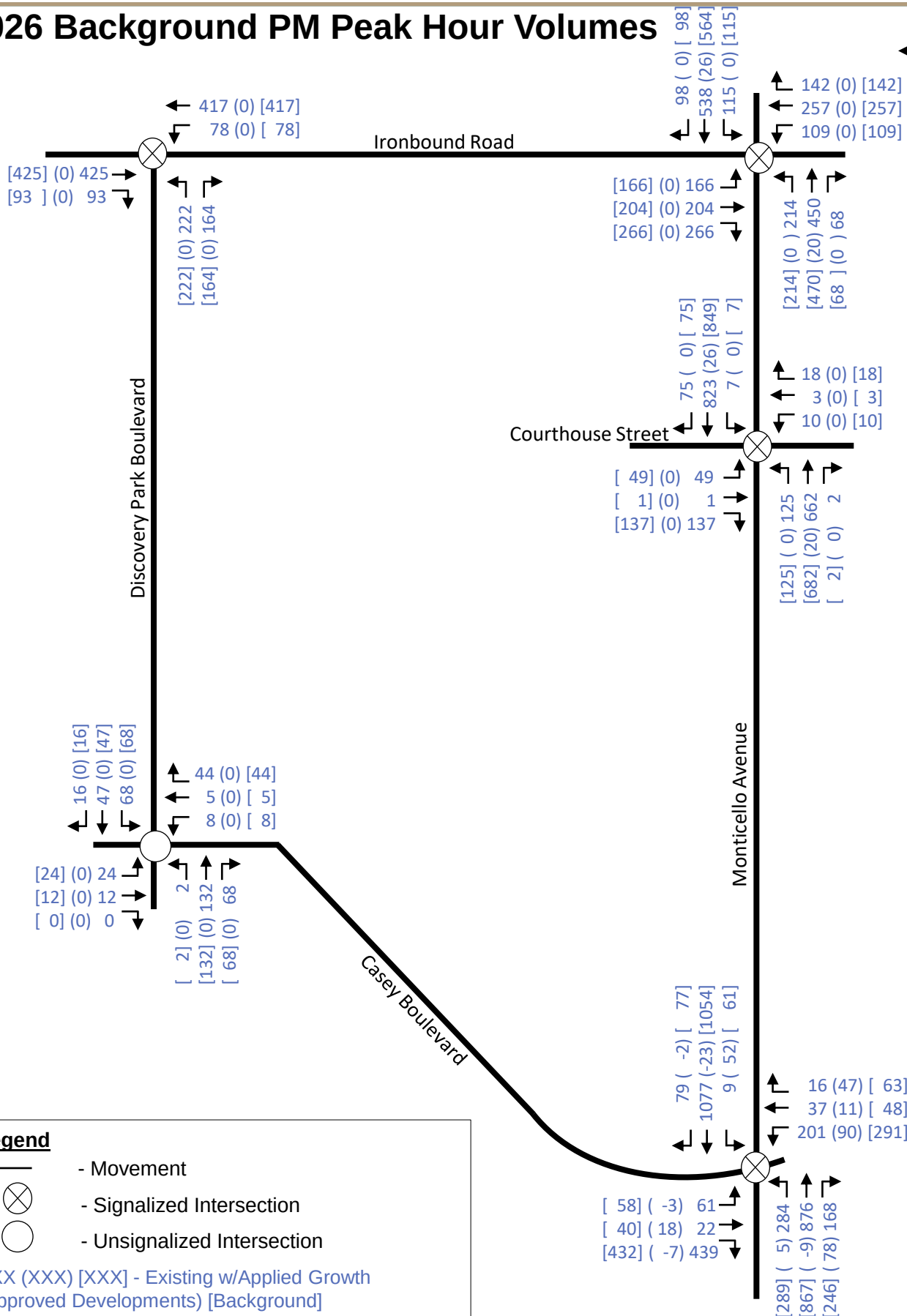


North
Not to scale

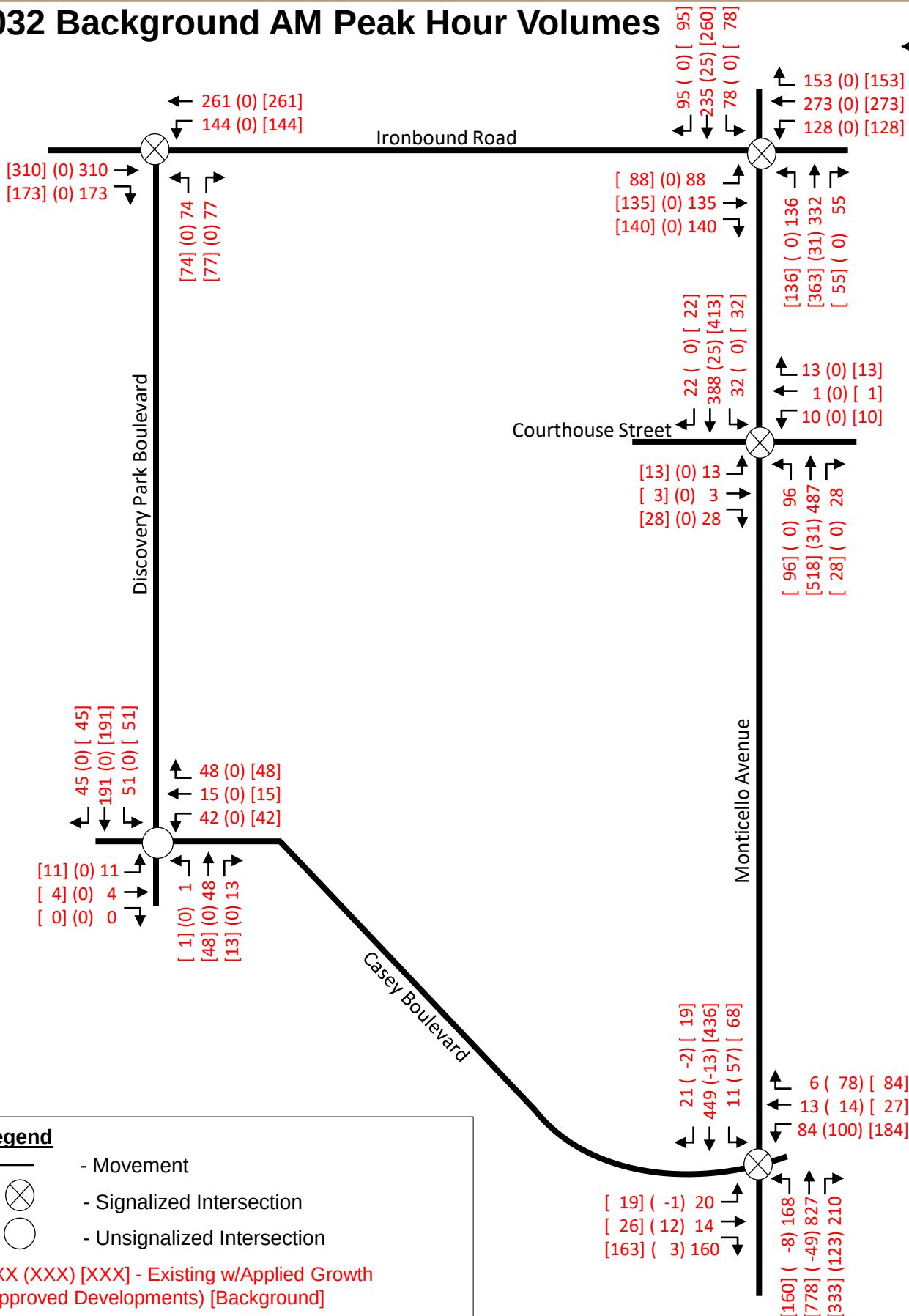
2026 Background AM Peak Hour Volumes



2026 Background PM Peak Hour Volumes

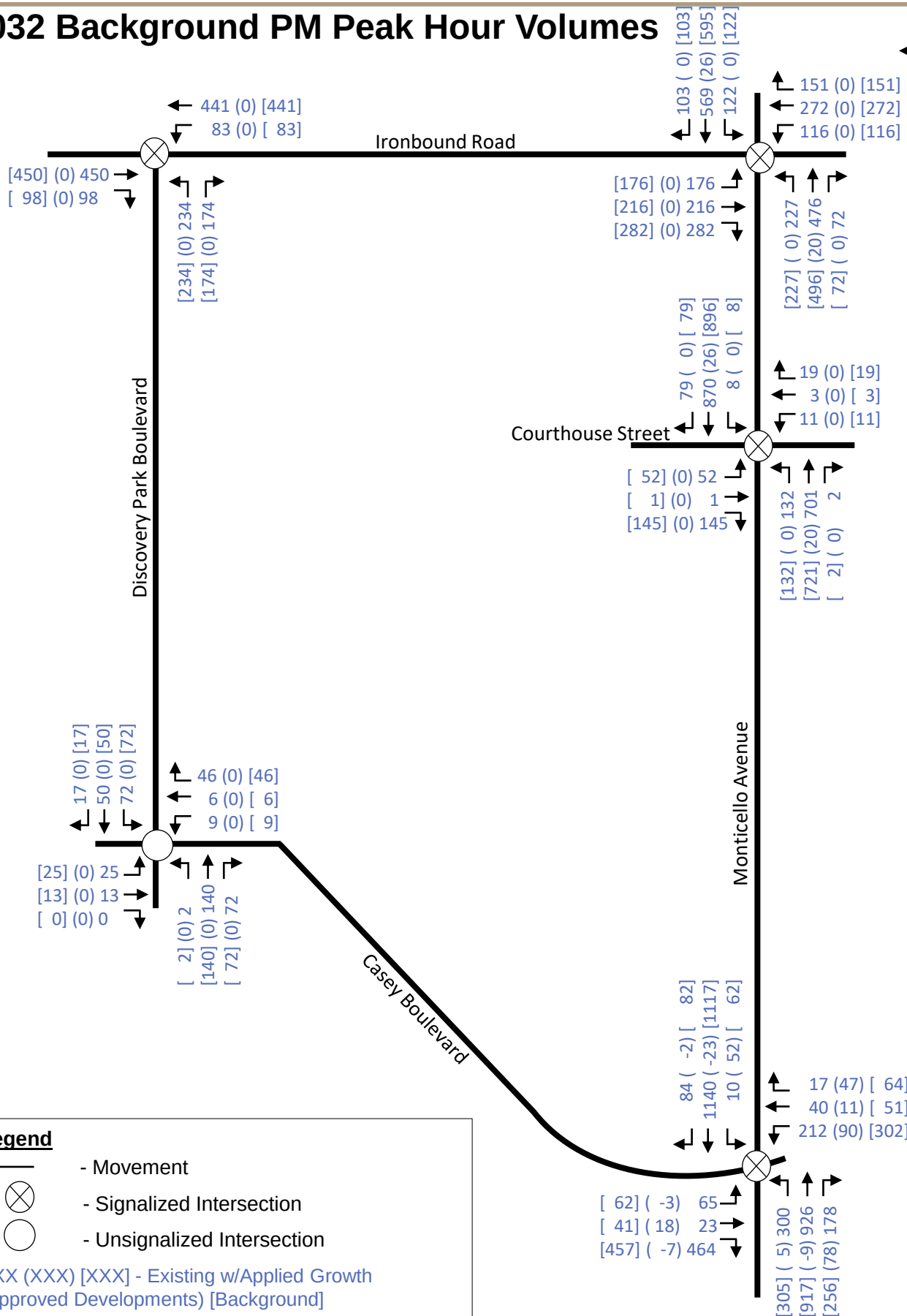


2032 Background AM Peak Hour Volumes



North
Not to scale

2032 Background PM Peak Hour Volumes



4

Trip Generation

4.1 Trip Generation

Traffic generated by the proposed development was determined using trip generation methodology contained in the *Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition, 2021*.

Per the VDOT TOSAM, trip generation is calculated using, the Average Rate (R), provided by the ITE Trip Generation Manual, when the R squared value was greater than or equal to 0.80. When the R squared value was less than 0.80, the Fitted Curve Equation (E), provided by the ITE Trip Generation Manual was utilized.

Table 2 summarizes the site generated traffic with the proposed rezoning.

Table 2 Westwood Park Trip Generation

Land use (code)	Variable (units)	Daily			AM Peak			PM Peak		
		E/R	In	Out	E/R	In	Out	E/R	In	Out
Single Family Detached Housing (210)	86 units	R	406	405	R	15	45	R	51	30
Senior Adult Housing Multifamily (252)	100 units	R	337	337	E	13	41	R	32	19
Residential Total		-	743	742	-	28	86	-	83	49
General Office Building (710)	162 empl.	R	270	270	R	70	9	R	12	61
Office Total		-	270	270	-	70	9	-	12	61
Variety Store (814)	7 ksf	R	223	223	R	12	9	R	24	23
Fast Casual Restaurant (930)	4 ksf	R	195	194	R	3	3	E	31	25
Fast Casual Restaurant (930)	4 ksf	R	195	194	R	3	3	E	31	25
Fast-Food Restaurant without Drive-Through (933)	3 ksf	R	676	675	R	75	55	E	47	47
Commercial Total		-	1,289	1,286	-	93	70	-	133	120
Total		-	2,302	2,298	-	191	165	-	228	230

4.2 Internal Capture

Internal capture accounts for those motorists who access multiple land uses during a single trip and do not access the external roadway network.

The Westwood Park Development is envisioned as a mixed-use development with neighborhood commercial land uses. Based on the site's locations and existing commercial developments located along the primary external roadways (i.e., Ironbound Road and Monticello Avenue), a 20% internal capture will be applied to the number of vehicle trips to/from the external network but will be originating from the Newtown Development. This internal capture was agreed upon by VDOT and James City County during the scoping meeting.

4.3 Pass-by

Based on the nature of this development, no pass-by reductions were applied to the network as part of the trip assignment.

5

Site Traffic Distribution and Traffic Assignments

5.1 Trip Distribution

The directional distribution and assignment of trips generated by the proposed development is based on a review of existing intersection traffic volumes, an understanding of travel patterns within the study area, and discussions with VDOT and James City County staff during the scoping meeting.

Due to the different land use types, separate distributions were applied to the Residential/Office uses versus the Commercial uses. The overall external distribution applied to each land use illustrates how trips are distributed within the limits of study area as agreed upon during the scoping meeting and is outlined below:

Table 3 Westwood Park Trip Distribution

Origin/Destination	Residential	Office	Commercial
To/From North	15%	15%	20%
To/From South	5%	5%	0%
To/from East	10%	10%	20%
To/From West	70%	70%	40%
Internal Capture	0%	0%	20%

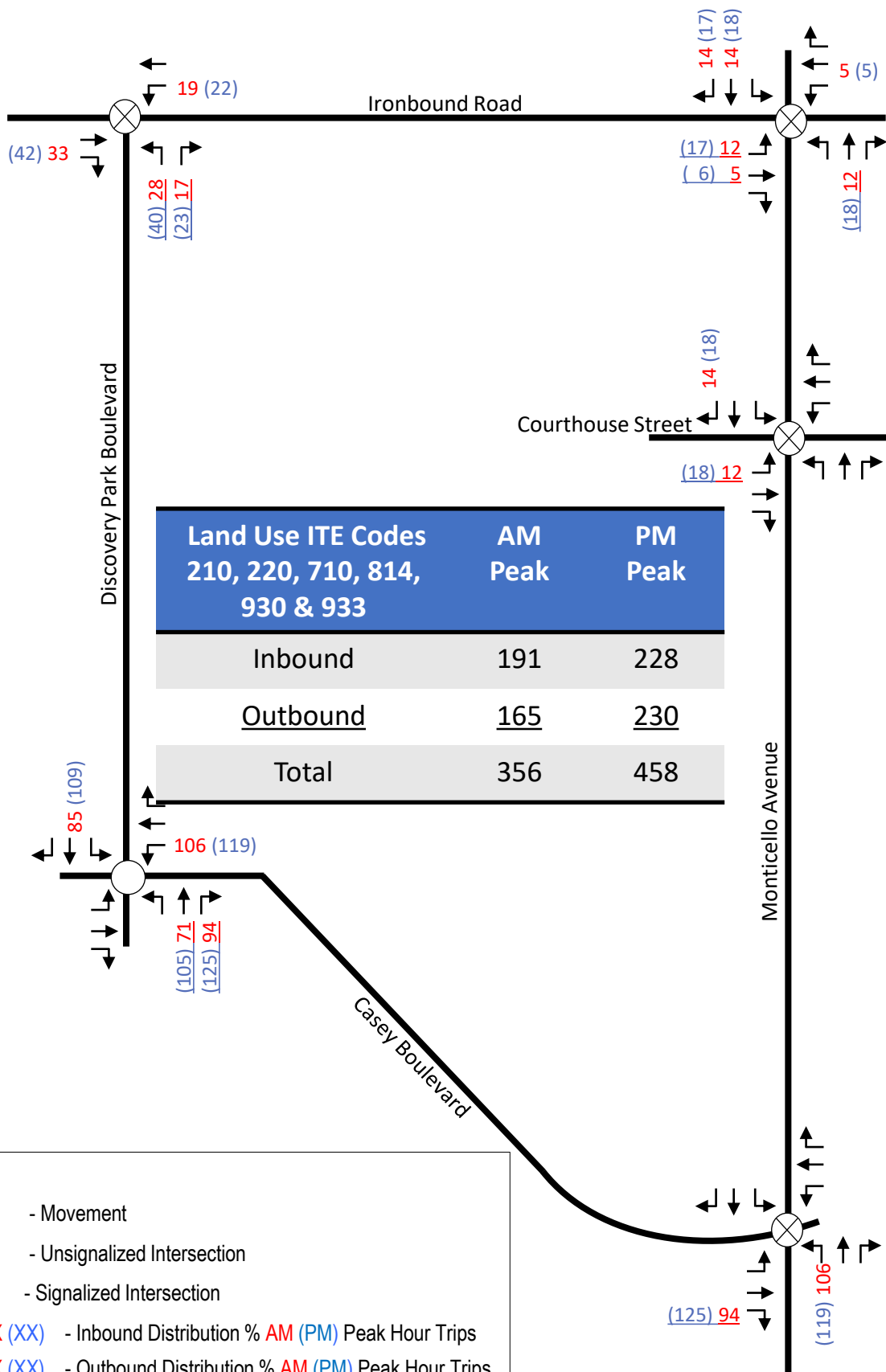
Detailed trip distribution for each land use type illustrating how trips are distributed beyond the study area to the regional network is included in the **Appendix**.

5.2 Trip Assignment

The trip distribution percentage outlined in **Table 3** for each land use was applied to the proposed trip generation outlined in **Table 2**. The detailed AM and PM peak hour trip assignments for each land use are provided in the **Appendix**. These trips were then combined to reflect the overall site generated traffic for the AM and PM peak periods for each of the study area intersections and are illustrated in **Figure 10**.

Total Trip Distribution and Assignment

North
Not to scale



6

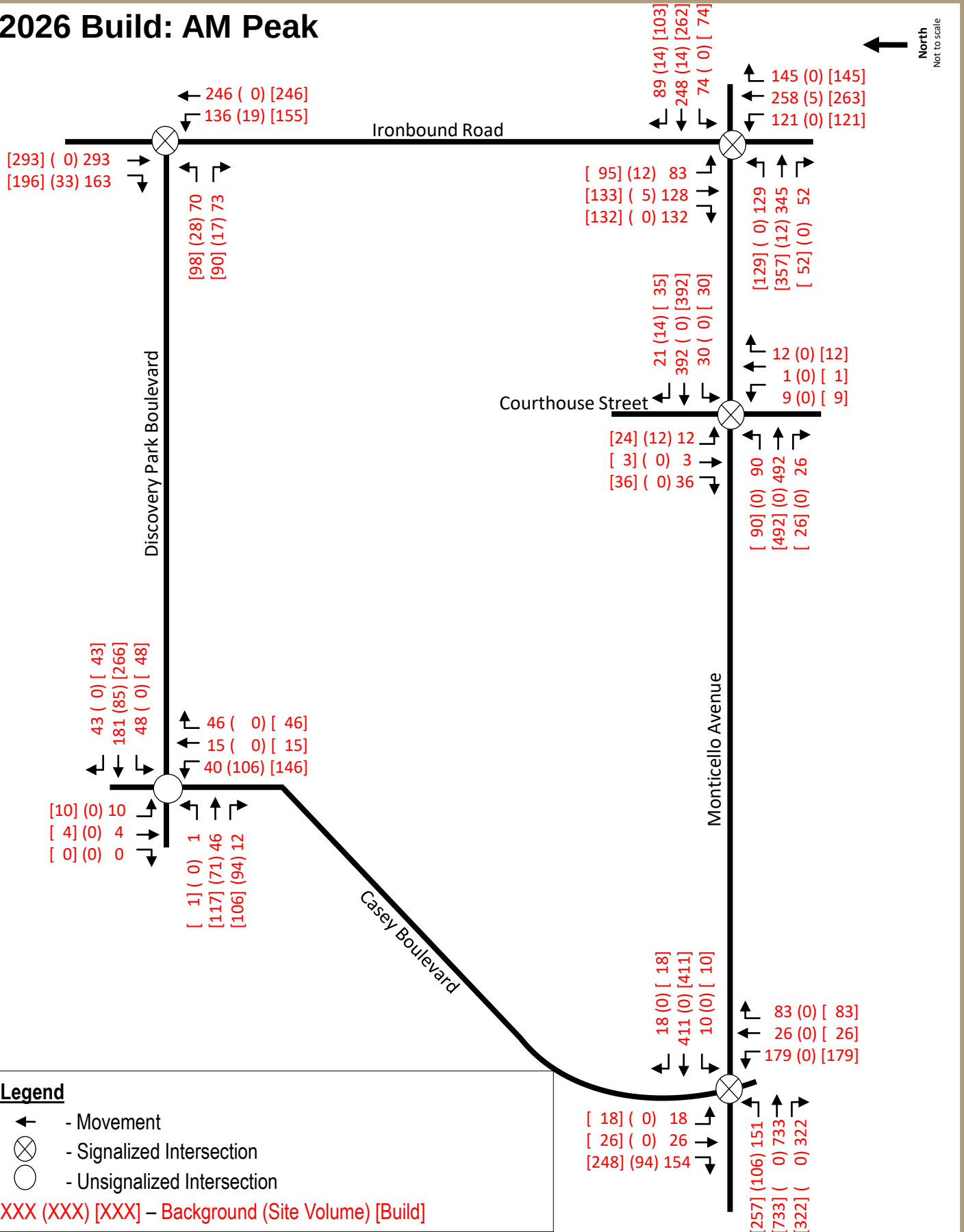
Future Conditions with Development

6.1 Future Traffic Volume

Total future traffic volumes represent the addition of traffic generated by the proposed Westwood Park Development in addition to the background traffic volumes. These resulting volumes are also referred to as “build” volumes. The future build conditions were generated by combining the 2026 and 2032 background conditions with the proposed volumes and are illustrated in the following figures:

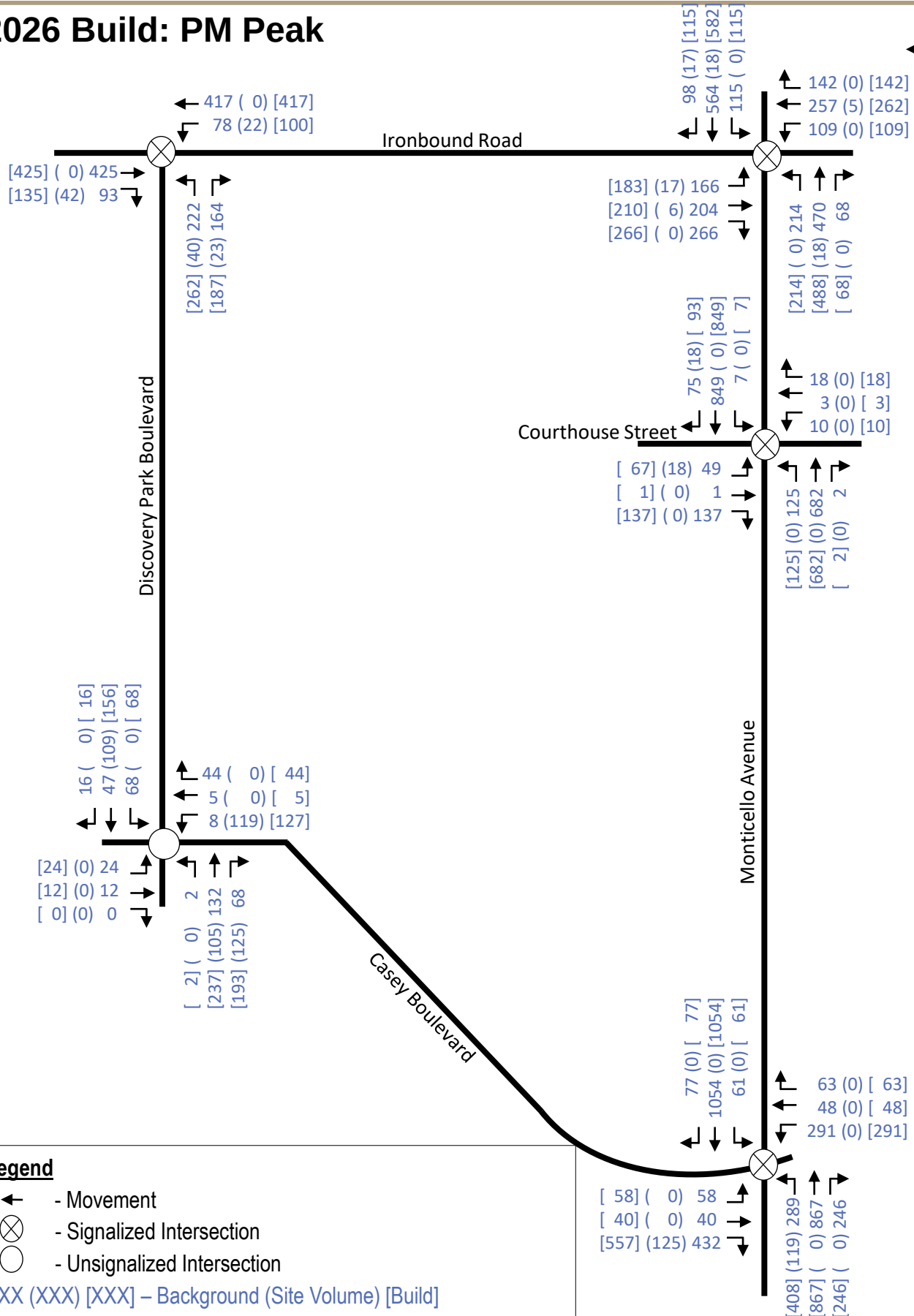
- › **Figure 11** – 2026 Build: AM Peak
- › **Figure 12** – 2026 Build: PM Peak
- › **Figure 13** – 2032 Build: AM Peak
- › **Figure 14** – 2032 Build: PM Peak

2026 Build: AM Peak

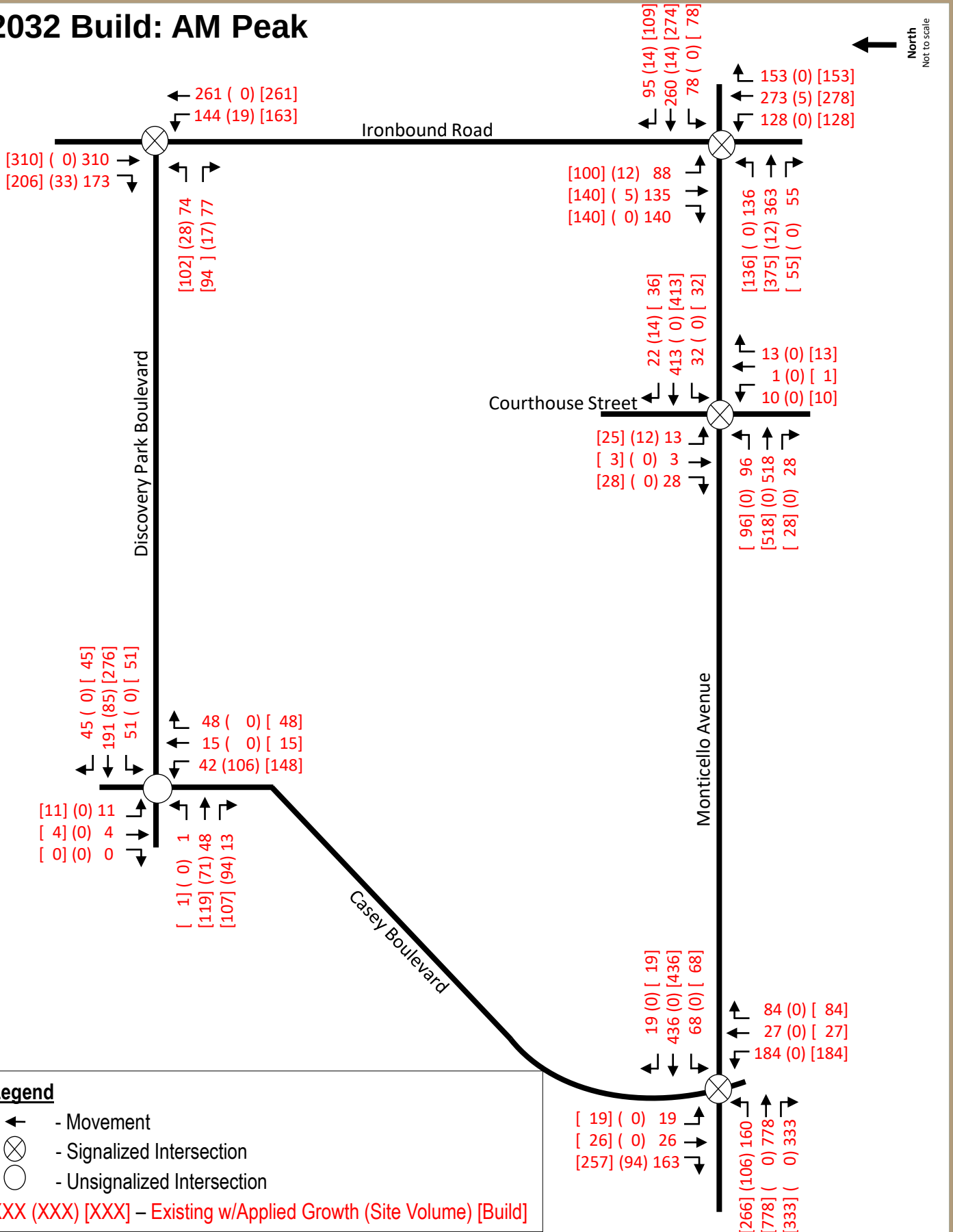


2026 Build: PM Peak

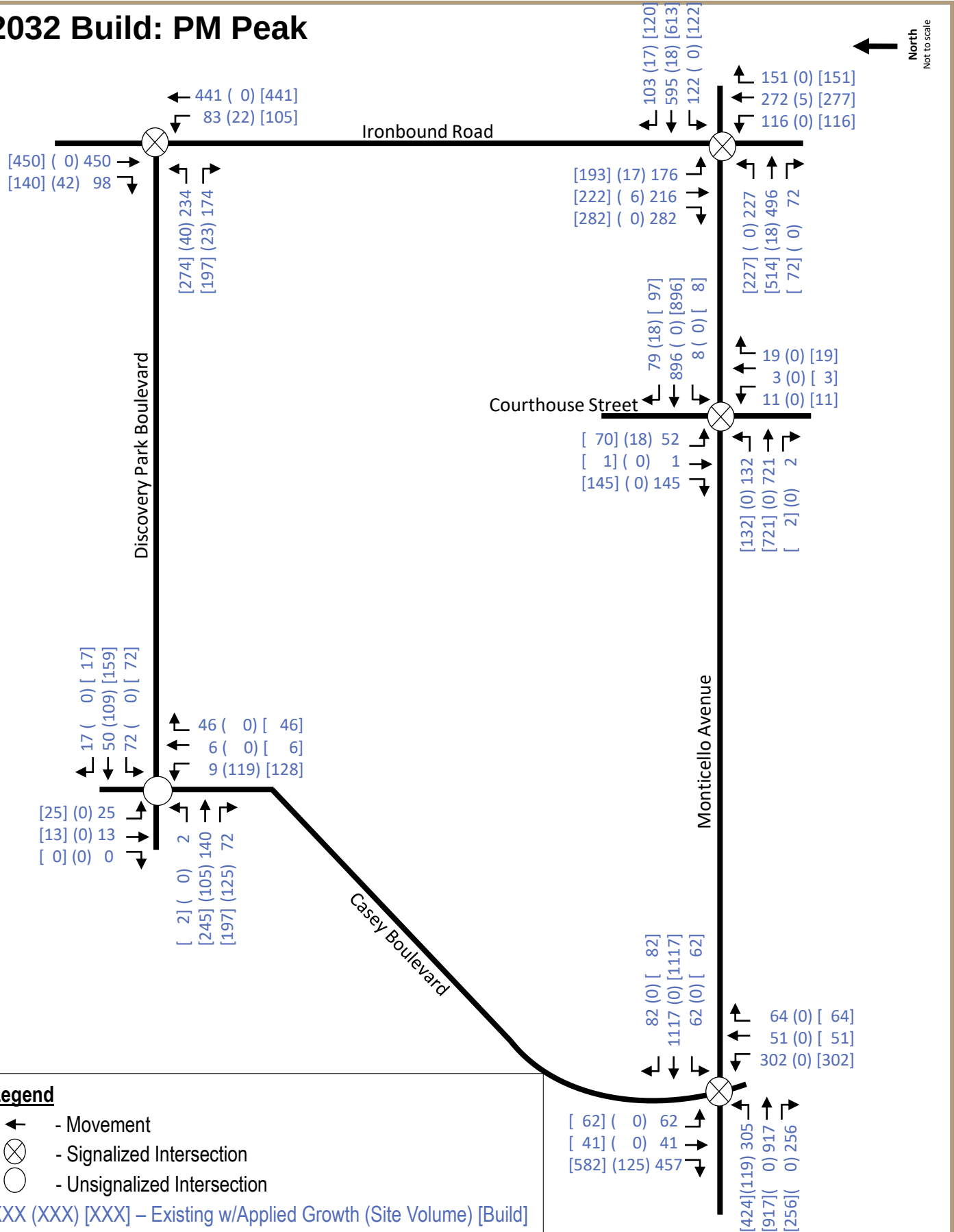
North
Not to scale



2032 Build: AM Peak



2032 Build: PM Peak



6.2 Capacity and Level of Service Analyses at Critical Points

Capacity analyses for the study area intersections during the AM and PM peak hours were performed for the 2026 and 2032 Background and Build conditions. Analyses were completed to determine the operating characteristics of the study area intersections and roadways using *Synchro Professional 11.1*, which uses methodologies contained in the *2000 Highway Capacity Manual (HCM)*.

To compare operations among various scenarios, detailed analyses are illustrated in **Tables 4 – 8** to provide a side-by-side comparison for the following five scenarios:

- › Existing Conditions
- › 2026 Background Conditions
 - annual growth for 4 years plus approved development site traffic
- › 2026 Build Conditions
 - *2026 Background plus Westwood Park Development*
- › 2032 Background Conditions
 - annual growth for 10 years plus approved development site traffic
- › 2032 Build Conditions
 - *2032 Background plus Westwood Park Development*

6.2.1 Ironbound Road / Discovery Park Boulevard

At this intersection, Ironbound Road is oriented in a north/south direction, and Discovery Park Boulevard is oriented in an eastbound direction. Currently, this signalized intersection provides the following laneage:

- › Ironbound Road (northbound) – one exclusive left-turn lane and two through lanes.
- › Ironbound Road (southbound) – two through lanes and one exclusive right-turn lane.
- › Discovery Park Boulevard (eastbound) – one exclusive left-turn lane and one exclusive right-turn lane.

The results of the intersection analysis for the five scenarios are illustrated in **Table 4**. Detailed analysis is provided in the **Appendix**.

Table 4 Ironbound Road / Discovery Park Boulevard Signalized Intersection | Level of Service

Scenario	Overall Delay (LOS)	Delay per Lane Group by Approach [sec/veh] (Level of Service)					
		Eastbound		Northbound		Southbound	
		LT	RT	LT	TH	TH	RT
AM Peak Hour							
Existing	18.2 (B)	39.3 (D)	36.0 (D)	38.8 (D)	5.8 (A)	11.3 (B)	11.2 (B)
		37.5 (D)		17.4 (B)		11.2 (B)	
2026 No Build	15.0 (B)	41.2 (D)	37.6 (D)	28.6 (C)	2.6 (A)	10.0 (A)	9.8 (A)
		39.4 (D)		11.9 (B)		9.9 (A)	
2026 Build	16.9 (B)	39.0 (D)	35.2 (D)	29.0 (C)	3.7 (A)	12.0 (B)	11.9 (B)
		37.2 (D)		13.5 (B)		12.0 (B)	
2032 No Build	15.0 (B)	41.2 (D)	37.4 (D)	27.7 (C)	2.6 (A)	10.4 (B)	10.2 (B)
		39.2 (D)		11.5 (B)		10.3 (B)	
2032 Build	17.1 (B)	39.1 (D)	35.1 (D)	29.0 (C)	3.7 (A)	12.5 (B)	12.3 (B)
		37.2 (D)		13.4 (B)		12.4 (B)	
PM Peak Hour							
Existing	26.9 (C)	62.1 (E)	40.7 (D)	38.7 (D)	14.5 (B)	13.3 (B)	12.0 (B)
		53.5 (D)		19.2 (B)		13.1 (B)	
2026 No Build	22.1 (C)	62.2 (E)	42.3 (D)	45.0 (D)	1.1 (A)	12.1 (B)	10.9 (B)
		53.8 (D)		8.1 (A)		11.9 (B)	
2027 Build	25.1 (C)	68.3 (E)	40.9 (D)	42.6 (D)	1.4 (A)	14.4 (B)	13.2 (B)
		56.9 (E)		9.4 (A)		14.1 (B)	
2032 No Build	22.6 (C)	63.7 (E)	41.9 (D)	40.1 (D)	1.2 (A)	13.9 (B)	12.3 (B)
		54.4 (D)		7.3 (A)		13.6 (B)	
2032 Build	25.6 (C)	70.6 (E)	40.6 (D)	43.5 (D)	1.4 (A)	14.8 (B)	13.4 (B)
		58.1 (E)		9.5 (A)		14.5 (B)	

This signalized intersection operates at an overall LOS C or better during all peak periods. The side street eastbound left-turn experiences the longest delay during the PM peak period, based on the existing green time and the actuated coordinated operations, which allocates unused green time to the mainline. The Build scenarios incorporate optimized timings, using the same cycle lengths but adjustments were made to splits and offsets to accommodate the changes in traffic demands. Optimized timings have been implemented to enhance progression along Ironbound Road. Additionally, the overall intersection LOS remained at a B and C in the AM and PM peaks respectively.

6.2.2 Ironbound Road / Monticello Avenue

At this intersection, Ironbound Road is oriented in a north/south direction and Monticello Avenue is oriented in an east/west direction. Currently, this signalized intersection provides the following laneage:

- › Ironbound Road (northbound) – one exclusive left-turn lane, two through lanes, and one exclusive right-turn lane.
- › Ironbound Road (southbound) – one exclusive left-turn lane, two through lanes, and one exclusive right-turn lane.
- › Monticello Avenue (eastbound) – two left-turn lanes, two through lanes, and one exclusive right-turn lane.
- › Monticello Avenue (westbound) – one exclusive left-turn lane, two through lanes, and one exclusive right-turn lane.

The results of the intersection analysis for the five scenarios are illustrated in Table 5. A detailed analysis is shown in the Appendix.

Table 5 Ironbound Road / Monticello Avenue Signalized Intersection | Level of Service

Scenario	Overall Delay (LOS)	Delay per Lane Group by Approach [sec/veh] (Level of Service)											
		Eastbound			Westbound			Northbound			Southbound		
		LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
AM Peak Hour													
Existing	46.0 (D)	60.7 (E)	50.5 (D)	18.6 (B)	48.4 (D)	29.0 (C)	19.6 (B)	56.1 (E)	41.0 (D)	26.9 (C)	32.4 (C)	29.2 (C)	120.0 (F)
		48.5 (D)			32.4 (C)			41.1 (D)			66.7 (E)		
2026 No Build	46.9 (D)	41.0 (D)	37.5 (D)	17.7 (B)	40.3 (D)	34.7 (C)	24.5 (C)	44.9 (D)	40.5 (D)	28.0 (C)	32.5 (C)	28.8 (C)	191.9 (F)
		36.4 (D)			33.5 (C)			38.0 (D)			92.4 (F)		
2026 Build	46.4 (D)	51.2 (D)	41.1 (D)	18.0 (B)	40.3 (D)	29.5 (C)	19.7 (B)	44.9 (D)	40.6 (D)	27.9 (C)	38.4 (D)	27.6 (C)	182.8 (F)
		41.3 (D)			29.0 (C)			38.1 (D)			87.2 (F)		
2032 No Build	46.3 (D)	50.3 (D)	40.5 (D)	18.0 (B)	40.5 (D)	29.5 (C)	19.8 (B)	46.5 (D)	40.8 (D)	27.7 (C)	35 (D)	28.3 (C)	175.8 (F)
		40.7 (D)			29.4 (C)			38.5 (D)			86.7 (F)		
2032 Build	44.5 (D)	49.2 (D)	40.0 (D)	18.2 (B)	40.5 (D)	30.0 (C)	19.9 (B)	46.5 (D)	41.2 (D)	27.7 (C)	39.3 (D)	27.2 (C)	155.7 (F)
		40.1 (D)			29.4 (C)			38.7 (D)			77.7 (E)		
PM Peak Hour													
Existing	48.9 (D)	59.7 (E)	38.8 (D)	17.5 (B)	57.9 (E)	32.4 (C)	18.7 (B)	68.6 (E)	64.3 (E)	37.9 (D)	111.1 (F)	51.3 (D)	45.7 (D)
		42.9 (D)			34.6 (C)			58.1 (E)			64.2 (E)		
2027 No Build	43.7 (D)	32.5 (C)	21.5 (C)	19.6 (B)	61.1 (E)	41.0 (D)	21.5 (C)	56.0 (E)	55.2 (E)	37.3 (D)	54.5 (D)	56.2 (E)	75.0 (E)
		24.5 (C)			41.6 (D)			50.4 (D)			63.6 (E)		
2027 Build	44.7 (D)	39.3 (D)	20.4 (C)	20.0 (C)	62.8 (E)	37.3 (D)	18.0 (B)	56.0 (E)	56.1 (E)	37.6 (D)	55.2 (E)	55.6 (E)	89.2 (F)
		25.8 (C)			38.2 (D)			51.0 (D)			69.1 (E)		
2032 No Build	44.9 (D)	39.8 (D)	20.6 (C)	19.9 (B)	63.9 (E)	37.5 (D)	18.2 (B)	56.4 (E)	55.7 (E)	37.0 (D)	55.1 (E)	57.2 (E)	88.6 (F)
		26.0 (C)			39.1 (D)			50.6 (D)			69.8 (E)		
2032 Build	45.0 (D)	40.1 (D)	21.6 (C)	20.5 (C)	64.5 (E)	39.1 (D)	18.2 (B)	56.4 (E)	57.0 (E)	37.2 (D)	55.7 (E)	55.8 (E)	83.2 (F)
		26.8 (C)			39.9 (D)			51.4 (D)			66.9 (E)		

This intersection operates at a LOS D during all peak periods. There is a slight decrease in delay between No Build and Build scenarios during the AM peak. This is the result of better utilization of the intersection as the amount of green time serving the southbound movement is consistent between both scenarios however, there is slight increase in vehicle demand in the Build scenario that results in a

smaller delay per vehicle for this approach. However, the overall delay is consistent between both scenarios (i.e. < 0.1 sec difference in delay)

The proposed development will add minimal traffic to these intersections. However, with minor adjustments to splits and offsets, the optimized signal timings reduce overall delay from the existing scenario to the 2032 Build scenario in both AM and PM peaks.

6.2.3 Monticello Avenue / Courthouse Street

At this intersection, Monticello Avenue is oriented in an east/west direction and Courthouse Street is oriented in a north/south direction. Currently, this signalized intersection with the following laneage:

- › Courthouse Street (northbound) – one shared left-through lane and one exclusive right-turn lane.
- › Courthouse Street (southbound) – one shared left-through lane and one exclusive right-turn lane.
- › Monticello Avenue (eastbound) – one exclusive left-turn lane, two through lanes, and one exclusive right-turn lane.
- › Monticello Avenue (westbound) – one exclusive left-turn lane, two through lanes, and one exclusive right-turn lane.

The results of the intersection analysis for the five scenarios are illustrated in **Table 6**. A detailed analysis is shown in the **Appendix**.

Table 6 Monticello Avenue / Courthouse Street Signalized Intersection | Level of Service

Scenario	Overall Delay (LOS)	Delay per Lane Group by Approach [sec/veh] (Level of Service)									
		Eastbound			Westbound			Northbound		Southbound	
		LT	TH	RT	LT	TH	RT	LT-TH	RT	LT-TH	RT
AM Peak Hour											
Existing	24.4 (C)	18.1 (B)	25.0 (C)	12.8 (B)	17.9 (B)	23.1 (C)	13.9 (B)	43.2 (D)	40.4 (D)	42.8 (D)	40.7 (D)
		23.1 (C)			22.1 (C)			42.1 (D)		41.7 (D)	
2027 No Build	22.2 (C)	14.9 (B)	23.2 (C)	11.4 (B)	15.4 (B)	20.8 (C)	12.4 (B)	44.3 (D)	42.3 (D)	42.4 (D)	41.1 (D)
		21.4 (C)			20.0 (B)			43.2 (D)		41.5 (D)	
2027 Build	23.7 (C)	19.2 (B)	26.1 (C)	12.3 (B)	16.3 (B)	20.3 (C)	13.6 (B)	44.3 (D)	42.3 (D)	41.1 (D)	39.5 (D)
		24.4 (C)			19.5 (B)			43.2 (D)		40.1 (D)	
2032 No Build	21.7 (C)	14.5 (B)	23.4 (C)	11.4 (B)	15.7 (B)	19.7 (B)	12.6 (B)	44.5 (D)	42.3 (D)	42.5 (D)	41.0 (D)
		21.5 (C)			19.1 (B)			43.3 (D)		41.6 (D)	
2032 Build	22.0 (C)	15.1 (B)	23.8 (C)	11.7 (B)	15.2 (B)	19.6 (B)	13.0 (B)	44.5 (D)	42.3 (D)	42.9 (D)	40.5 (D)
		21.9 (C)			18.8 (B)			43.3 (D)		41.7 (D)	
PM Peak Hour											
Existing	18.7 (B)	11.0 (B)	7.3 (A)	11.5 (B)	7.7 (A)	18.3 (B)	15.0 (B)	56.5 (E)	54.3 (D)	54.9 (D)	51.4 (D)
		7.9 (A)			17.8 (B)			55.3 (E)		52.3 (D)	
2027 No Build	14.7 (B)	4.8 (A)	8.1 (A)	9.8 (A)	8.5 (A)	11.6 (B)	13.4 (B)	57.9 (E)	55.9 (E)	55.0 (D)	52.1 (D)
		7.6 (A)			11.7 (B)			56.7 (E)		52.8 (D)	
2027 Build	17.5 (B)	7.8 (A)	14.2 (B)	10.3 (B)	7.9 (A)	12.2 (B)	14.0 (B)	57.9 (E)	55.9 (E)	54.8 (D)	50.9 (D)
		13.2 (B)			12.3 (B)			56.7 (E)		52.2 (D)	
2032 No Build	17.0 (B)	6.5 (A)	13.5 (B)	9.9 (A)	8.6 (A)	12.1 (B)	13.6 (B)	58.1 (E)	55.9 (E)	54.9 (D)	51.8 (D)
		12.4 (B)			12.2 (B)			56.8 (E)		52.6 (D)	
2032 Build	17.7 (B)	8.3 (A)	14.1 (B)	10.4 (B)	8.4 (A)	12.6 (B)	14.2 (B)	58.1 (E)	55.9 (E)	54.9 (D)	50.8 (D)
		13.2 (B)			12.8 (B)			56.8 (E)		52.2 (D)	

This intersection operates at a LOS C or better during all peak hours. The north and southbound side street approaches experience some delay. Minor adjustments to splits and offsets result in a reduced overall intersection delay between the existing scenario and the 2032 Build scenario for both the AM and PM peak periods.

6.2.4 Monticello Avenue / Casey Boulevard / Ironbound Road

At this intersection, Monticello Avenue is oriented in an east/west direction, Ironbound Road and Casey Boulevard are oriented in a north/south direction. Currently, this signalized intersection has the following laneage:

- › Ironbound Road (northbound) – one exclusive left-turn lane and one shared left-through-right turn lane.
- › Casey Boulevard (southbound) – one shared left-through lane and two exclusive right-turn lanes.
- › Monticello Avenue (eastbound) – two left-turn lanes, two through lanes, and one exclusive right-turn lane.
- › Monticello Avenue (westbound) – one exclusive left-turn lane, two through lanes, and one shared through-right turn lane.

The results of the intersection analysis for the five scenarios are illustrated in **Table 7**. A detailed analysis is shown in the **Appendix**.

There are planned improvements associated with the Ironbound Crossing Development. These improvements will provide additional capacity on the northbound leg of the intersection. The future laneage at this intersection include:

- › Ironbound Road (northbound) – two exclusive left-turn lanes and one shared left-through-right turn lane.

2026 and 2032 Build scenarios were analyzed using planned improvements at this intersection.

Table 7 Monticello Avenue / Casey Boulevard / Ironbound Road Signalized Intersection | Level of Service

Scenario	Overall Delay (LOS)	Delay per Lane Group by Approach [sec/veh] (Level of Service)								
		Eastbound			Westbound		Northbound		Southbound	
		LT	TH	RT	LT	TH-RT	LT	TH-RT	LT-TH	RT
AM Peak Hour										
Existing	26.4 (C)	39.0 (D)	19.7 (B)	15.5 (B)	37.0 (D)	32.3 (C)	41.7 (D)	41.1 (D)	44.6 (D)	32.1 (C)
		21.1 (C)			32.5 (C)		41.4 (D)		35.3 (D)	
2027 No Build	27.6 (C)	39.0 (D)	23.1 (C)	19.0 (B)	32.0 (C)	26.8 (C)	38.9 (D)	37.0 (D)	44.2 (D)	32.2 (C)
		23.9 (C)			27.5 (C)		38.1 (D)		34.9 (C)	
2027 Build	27.5 (C)	41.5 (D)	19.7 (B)	16.6 (B)	43.7 (D)	29.6 (C)	38.9 (D)	37.0 (D)	44.2 (D)	31.3 (C)
		23.0 (C)			29.9 (C)		38.1 (D)		33.3 (C)	
2032 No Build	28.0 (C)	39.1 (D)	23.7 (C)	19.1 (B)	33.3 (C)	27.8 (C)	39.1 (D)	37.0 (D)	44.3 (D)	32.1 (C)
		24.3 (C)			28.6 (C)		38.3 (D)		34.8 (C)	
2032 Build	29.1 (C)	42 (D)	23.7 (C)	19.1 (B)	34.8 (C)	28.9 (C)	39.1 (D)	37.0 (D)	44.3 (D)	31.7 (C)
		25.9 (C)			29.7 (C)		38.3 (D)		33.6 (C)	
PM Peak Hour										
Existing	42.2 (D)	58.5 (E)	23.8 (C)	17.9 (B)	42.8 (D)	47.3 (D)	59.9 (E)	58.2 (E)	67.5 (E)	44.8 (D)
		31.4 (C)			47.3 (D)		59.1 (E)		49.0 (D)	
2027 No Build	36.6 (D)	52.8 (D)	27.3 (C)	20.8 (C)	17.3 (B)	33.7 (C)	53.6 (D)	48.0 (D)	63.1 (E)	43.0 (D)
		31.4 (C)			32.9 (C)		52.0 (D)		46.7 (D)	
2027 Build	36.3 (D)	56.9 (E)	27.3 (C)	20.8 (C)	18.5 (B)	28.0 (C)	53.6 (D)	48.0 (D)	63.1 (E)	45.7 (D)
		33.8 (C)			27.5 (C)		52.0 (D)		48.4 (D)	
2032 No Build	35.4 (D)	52.9 (D)	28.5 (C)	21.1 (C)	19.0 (B)	28.8 (C)	53.8 (D)	48.0 (D)	65.4 (E)	43.2 (D)
		32.3 (C)			28.3 (C)		52.2 (D)		47.3 (D)	
2032 Build	37.3 (D)	57.5 (E)	28.5 (C)	21.1 (C)	19.5 (B)	29.7 (C)	53.8 (D)	48.0 (D)	65.4 (E)	46.6 (D)
		34.7 (C)			29.2 (C)		52.2 (D)		49.5 (D)	

This intersection operates with a LOS D or better during all peak periods. The northbound and southbound approaches experience some delay during the PM peak period. With minor adjustments to splits and offsets, the optimized timings reduce overall intersection delays in the PM Build scenarios compared to existing conditions.

6.2.5 Discovery Park Boulevard / Casey Boulevard

At this intersection, Discovery Park Boulevard is oriented in an east/west direction and Casey Boulevard is oriented in a north/south direction. Currently, this unsignalized intersection provides the following laneage:

- › Discovery Park Boulevard (eastbound) – one shared left-through-right-turn lane.

- › Discovery Park Boulevard (westbound) – one shared left-through-right-turn lane.
- › Casey Boulevard (northbound) – one shared left-through-right-turn lane.
- › Casey Boulevard (southbound) – one shared left-through-right-turn lane.

The results of the intersection analysis for the five scenarios are illustrated in **Table 8**. A detailed analysis is shown in the **Appendix**.

Table 8 Discovery Park Boulevard / Casey Boulevard Unsignalized Intersection | Level of Service

Scenario	Overall Delay (LOS)	Delay per Lane Group by Approach [sec/veh] (Level of Service)			
		Eastbound	Westbound	Northbound	Southbound
		LT-TH-RT	LT-TH-RT	LT-TH-RT	LT-TH-RT
AM Peak Hour					
Existing	7.6 (A)	-	-	20.9 (C)	16.7 (C)
2027 No Build	3.8 (A)	-	-	11.3 (B)	12.4 (B)
2027 Build	6.2 (A)	-	-	21.2 (C)	15.8 (C)
2032 No Build	3.8 (A)	-	-	11.5 (B)	12.7 (B)
2032 Build	6.5 (A)	-	-	22.4 (C)	16.3 (C)
PM Peak Hour					
Existing	3.3 (A)	-	-	12.5 (B)	19.0 (C)
2027 No Build	3.8 (A)	-	-	10.2 (B)	13.0 (B)
2027 Build	6.3 (A)	-	-	24.6 (C)	19.1 (C)
2032 No Build	3.9 (A)	-	-	10.5 (B)	13.4 (B)
2032 Build	6.8 (A)	-	-	26.5 (D)	19.9 (C)
- Indicates Unimpeded Movement					

This unsignalized intersection operates at an overall LOS A during all peak period scenarios. The Westwood Park Development will increase the traffic volumes at this location. However, with multiple access points to the external roadway (i.e., Ironbound Road and Monticello Avenue) the traffic volumes are evenly dispersed and such that the intersection operates at a LOS A, during the AM and PM peak periods.

1.2.5.1 Right-Turn Lane Warrant

A right turn lane warrant was performed at this study area intersection and the detailed right turn lane warrant is located in the **Appendix**.

While the southbound volumes on Discovery Park Boulevard meet turn lane warrants from a volume threshold, a right-turn lane is not recommended. The intersection currently operates at a LOS A during all peak periods and the current infrastructure is sufficient to accommodate the site generated traffic. At this intersection, Discovery Park Boulevard is unimpeded, and the side street is stop controlled. The additional southbound right-turns will have the right of way and do not negatively impact the through

movements. Additionally, due to the nature of the internal roadway, the construction of a right turn lane would create unnecessary right of way impacts and connectivity to existing bike lanes and pedestrian accommodations.

6.3 Queuing Analysis

To further evaluate the potential impacts of the Westwood Park Development, queuing analysis was performed for all analysis scenarios using Sim Traffic Software.

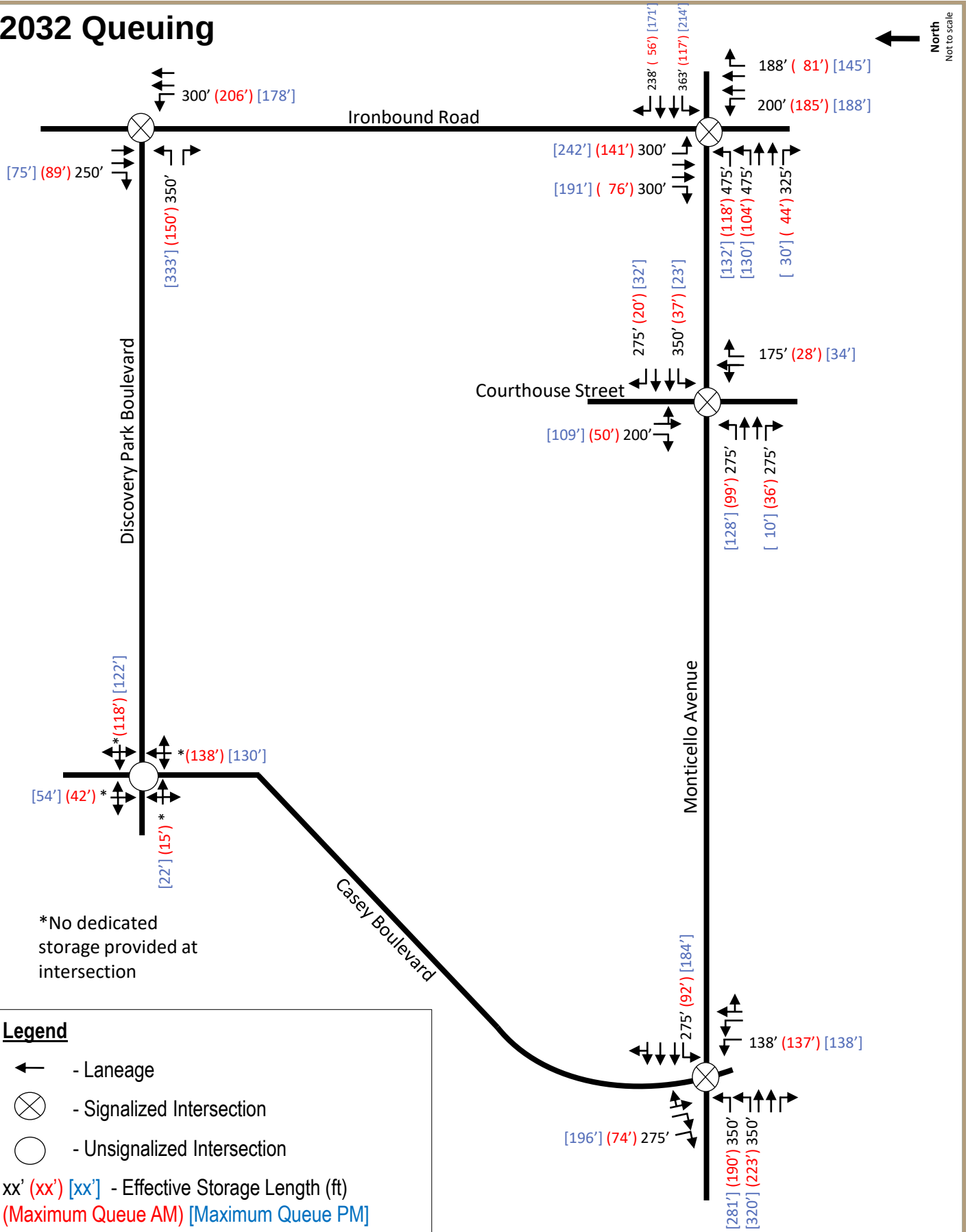
The maximum queue lengths in feet (ft) are summarized for all analysis scenarios in the **Appendix**.

Overall, the intersection turn lanes are adequate to accommodate the anticipated queue and no additional turn lane improvements are warranted.

At the internal intersection of Discovery Parkway Boulevard and Casey Boulevard, the northbound and westbound approaches reflect the largest queue during the AM and PM peaks, which was approximately 126' and 121' respectively in the AM and approximately 136' and 138' respectively in the PM with all other approaches under 100' during both peak periods.

Figure 15 illustrates 2036 Build scenario queueing.

2032 Queuing



7

Conclusions and Recommended Improvements

The proposed Westwood Park mixed-use development is located in James City County on the northern termini of Discovery Park Boulevard within the Westwood Park Development. This proposed Westwood Park Development study area includes roadways and intersections in the immediate vicinity of the proposed site location. As currently proposed, the development, along with the background traffic, will only slightly increase the volume of traffic on roadways and at intersections throughout the study area. The following recommendations will mitigate impacts associated with development and provide acceptable levels of service for the study area intersections

Ironbound Road / Discovery Park Boulevard

- › Maintain existing laneage.
- › Provide optimized signal timings.

Ironbound Road / Monticello Avenue

- › Maintain existing laneage.
- › Provide optimized signal timings.

Monticello Avenue / Courthouse Street

- › Maintain existing laneage.
- › Provide optimized signal timings.

Monticello Avenue / Casey Boulevard / Ironbound Road

- › Maintain existing laneage.
- › Provide optimized signal timings.

Discovery Park Boulevard / Casey Boulevard

- › Maintain existing laneage.



Community Development

101-A Mounts Bay Road
P.O. Box 8784
Williamsburg, VA 23187-8784
P: 757-253-6671
F: 757-253-6822
community.development@jamescitycountyva.gov

jamescitycountyva.gov

Building Safety & Permits
757-253-6626

Neighborhood Development
757-253-6640

Planning
757-253-6685

Zoning
757-253-6671

September 15, 2025

Mr. Jason Grimes
AES Consulting Engineers
5248 Olde Towne Rd.
Suite 1
Williamsburg, VA 23188

Re: Z-23-0004/MP-23-0001, Westwood Park Rezoning

Mr. Grimes,

Thank you for the opportunity to review the above-referenced special use permit application. Staff has begun review of your application and offers the following comments as guidance. These comments reflect the issues or areas of concern that staff will consider in making a recommendation of approval or denial of your application to the Planning Commission and Board of Supervisors.

Planning:

1. *Fiscal Impact Analysis.* Fiscal Impact Analysis. In alignment with the 2045 Comprehensive Plan, on February 28, 2023, the Board of Supervisors adopted a resolution directing staff to use the County's Fiscal Impact Model to assess proposed developments. To that end, staff has taken the information provided by the applicant in the fiscal input form provided on 7/10/25 and used the County's model to analyze fiscal impacts.
 - a. Overall fiscal impact (capital and operating costs). The fiscal model output information is below – this includes the model standard assessed values based on average data for the applicable fiscal analysis zone within the County (Attachment A).
 - b. Capital Expenditures. This amount represents impacts to County facilities and services attributable to this proposed development. This amount is shown in Attachment A and is further broken out below by type of capital expenditure and by unit type (Attachment B).

For item (a), this information, using the standard/default assessed values, will be included in the staff report. Staff has also run the model using the unit assessed values provided in the fiscal input form submitted by the applicant (Attachment C). The applicant could include this information in the CIS or other submittal document if desired.

For item (b), the staff report will include an assessment of this application's consistency with the 2045 Comprehensive Plan which provides guidance for the County to ensure that developments subject to zoning or special use permit review mitigate their impacts. If the applicant feels there are components of the application that the County should consider in making this assessment, the applicant can provide a narrative describing these components for staff review and inclusion with the packet.

2. *Projected School Enrollment.* For your use in the Community Impact Statement, the current County

September 15, 2025

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methodology projects 46 students based on the number and types of residential units. The projected numbers at the different school levels would be 21 elementary students, 10 middle school students, and 15 high school students. This information will be provided in the staff report, together with an assessment of the capacity of the schools.

Important Note: In future submittals of this application, if any of the input data changes (number or type of unit, estimated assessed values, etc.), the applicant team will need to submit an updated version of the Fiscal Impact Analysis Data Sheet and staff will re-run the model. Should that occur, the results from the model would be different than what is shown in this letter and the referenced attachments.

Please do not hesitate to contact me at (757)253-6691 or Morgan.Risinger@jamescitycountyva.gov should you have any questions or concerns.

Respectfully,

A handwritten signature in cursive script that reads "Morgan Risinger".

Morgan Risinger
Senior Planner

Attachments

Attachment A
Attachment B
Attachment C

Attachment A

NET FISCAL IMPACT	Westwood Park - Default Values	%
PROJECTED REVENUES		
General Property Taxes	\$18,254,732	85%
Other Local Taxes	\$2,006,788	9%
Licenses, Permits & Fees	\$195,124	1%
Fines & Forfeitures	\$15,380	0%
Use of Money & Prop	\$0	0%
Commonwealth	\$0	0%
Federal Government	\$0	0%
Charges for Services	\$938,682	4%
Miscellaneous	\$0	0%
Total General Fund Revenues	\$21,410,707	100%
Schools Revenues (Non-County)	\$6,684,504	
GRAND TOTAL REVENUES	\$28,095,210	
PROJECTED EXPENDITURES		
Operating Expenditures		
General Administration	\$43,069	0%
Court Services	\$57,199	0%
Public Safety	\$3,264,301	16%
Financial Administration	\$109,281	1%
Info Resources Management	\$74,894	0%
Community Development	\$26,836	0%
General Services	\$464,773	2%
Parks & Recreation	\$85,694	0%
Other Contributions And Transfers To Other Funds ^A	\$1,568,385	7%
Total General Fund Expenditures	\$5,694,432	27%
School Operating Expenditures	\$15,348,072	73%
GRAND TOTAL OPERATING EXPENDITURES	\$21,042,505	100%
Capital Expenditures		
Non-Schools Capital	\$934,996	34%
Schools Capital	\$1,832,115	66%
GRAND TOTAL OPERATING EXPENDITURES	\$2,767,110	100%
GRAND TOTAL EXPENDITURES	\$23,809,615	
CUMULATIVE NET FISCAL IMPACT	\$4,285,595	
<i>Average Annual Net Fiscal Impact</i>	<i>\$171,424</i>	

CAPITAL IMPACTS PER UNIT		Westwood Park - Default Values
Transportation		
	Single Family Detached	\$40.62
	Single Family Attached	\$31.01
	Multifamily	\$19.55
Parks and Recreation		
	Single Family Detached	\$3,156.65
	Single Family Attached	\$2,083.13
	Multifamily	\$2,185.37
Fire and Emergency Services		
	Single Family Detached	\$1,009.69
	Single Family Attached	\$666.31
	Multifamily	\$699.02
Police		
	Single Family Detached	\$7.30
	Single Family Attached	\$4.82
	Multifamily	\$5.06
Library		
	Single Family Detached	\$460.17
	Single Family Attached	\$303.67
	Multifamily	\$318.58
General Government		
	Single Family Detached	\$233.97
	Single Family Attached	\$154.40
	Multifamily	\$161.98
General Services		
	Single Family Detached	\$256.25
	Single Family Attached	\$169.10
	Multifamily	\$177.40
Courts		
	Single Family Detached	\$956.08
	Single Family Attached	\$630.93
	Multifamily	\$661.90
Schools		
	Single Family Detached	\$14,380.13
	Single Family Attached	\$7,555.10
	Multifamily	\$5,739.41
TOTAL		
	Single Family Detached	\$20,500.84
	Single Family Attached	\$11,598.49
	Multifamily	\$9,968.26

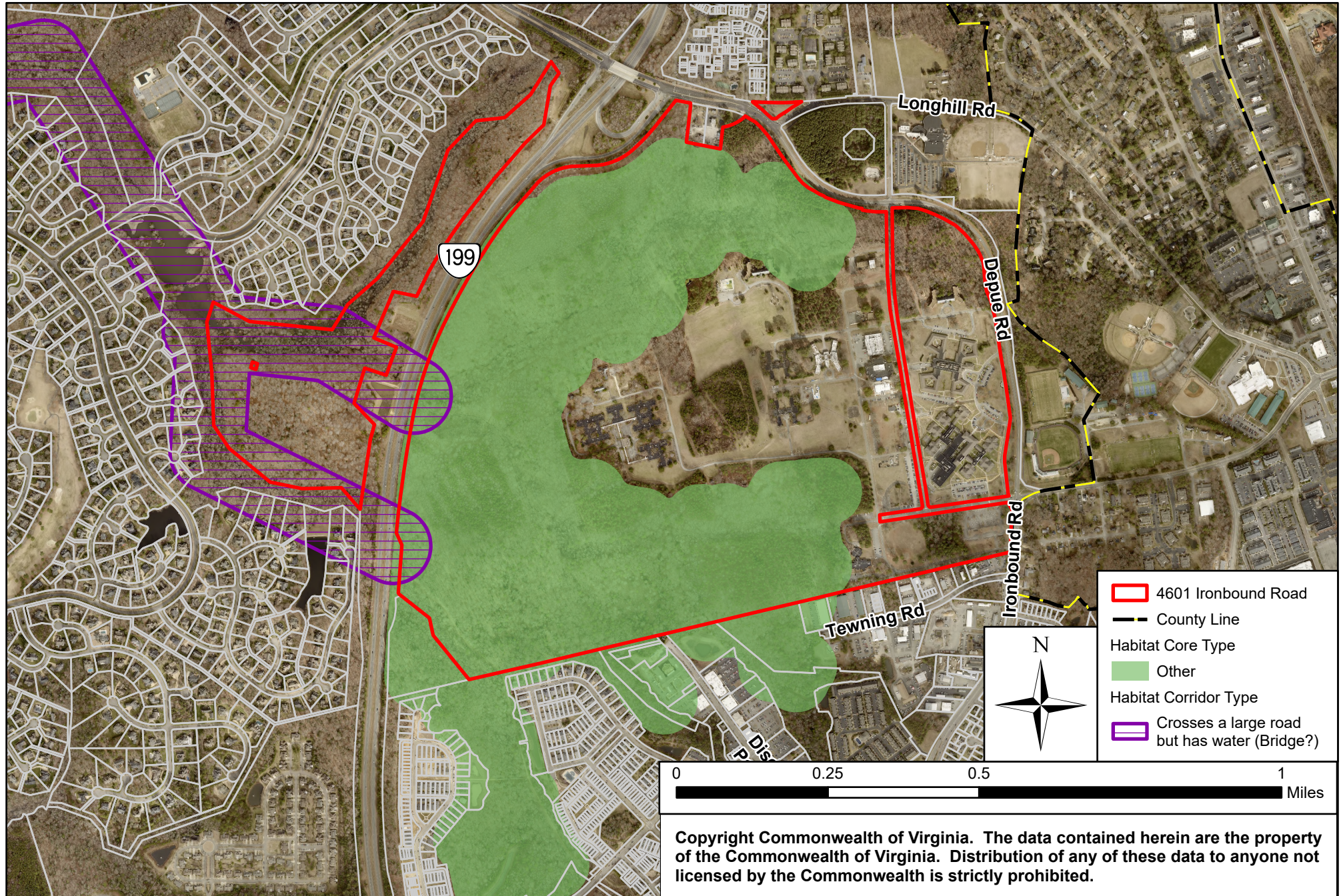
Attachment C

NET FISCAL IMPACT	Westwood Park Developer Values without Affordable Units	%	Westwood Park Developer Values with Affordable Units	%
PROJECTED REVENUES				
General Property Taxes	\$26,950,391	88%	\$25,295,609	88%
Other Local Taxes	\$2,279,395	7%	\$2,226,470	8%
Licenses, Permits & Fees	\$299,538	1%	\$280,060	1%
Fines & Forfeitures	\$15,380	0%	\$15,380	0%
Use of Money & Prop	\$0	0%	\$0	0%
Commonwealth	\$0	0%	\$0	0%
Federal Government	\$0	0%	\$0	0%
Charges for Services	\$938,682	3%	\$938,682	3%
Miscellaneous	\$0	0%	\$0	0%
Total General Fund Revenues	\$30,483,386	100%	\$28,756,200	100%
Schools Revenues (Non-County)	\$6,684,504		\$6,684,504	
GRAND TOTAL REVENUES	\$37,167,890		\$35,440,704	

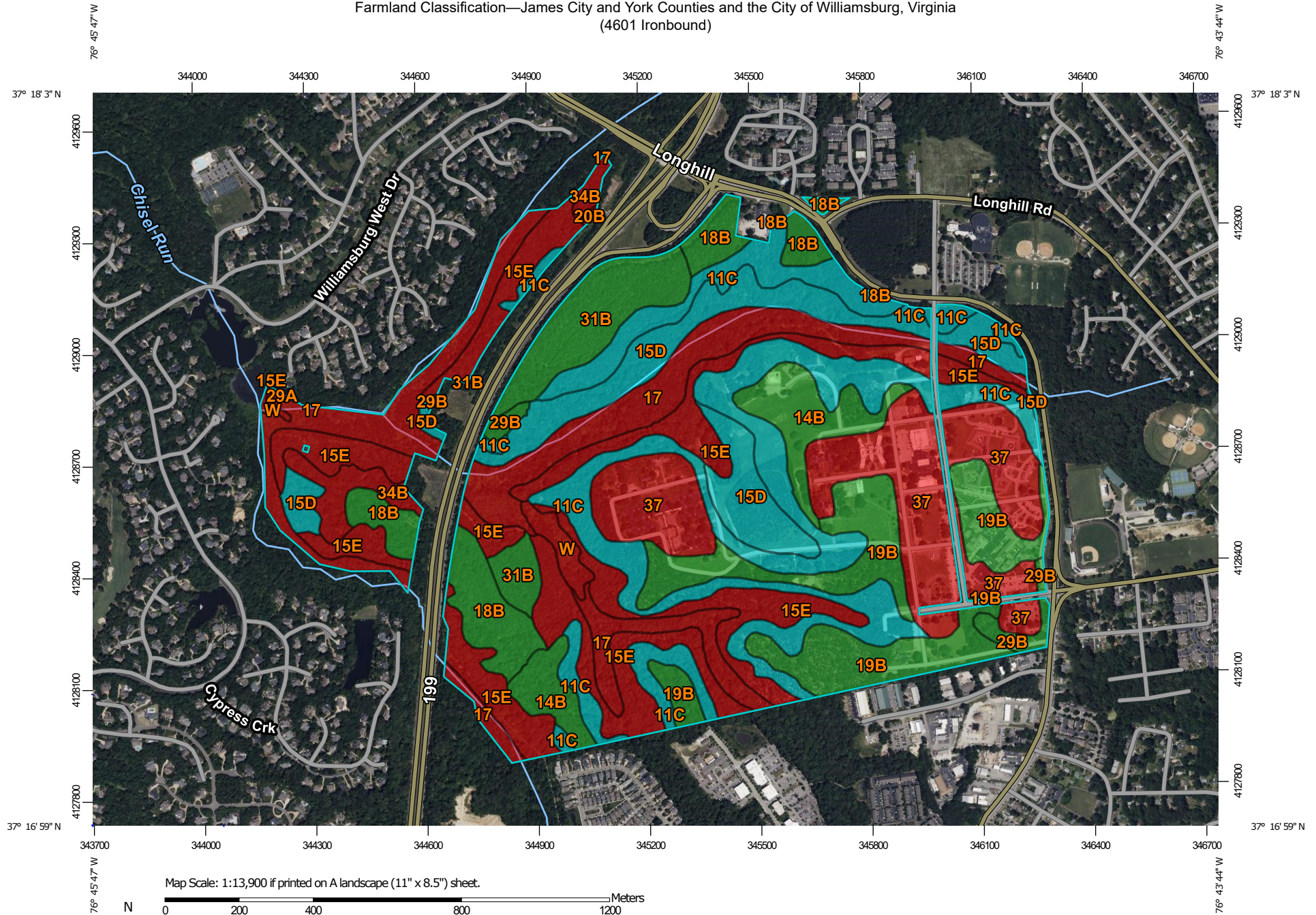
PROJECTED EXPENDITURES				
Operating Expenditures				
General Administration	\$43,069	0%	\$43,069	0%
Court Services	\$57,199	0%	\$57,199	0%
Public Safety	\$3,264,301	16%	\$3,264,301	16%
Financial Administration	\$109,281	1%	\$109,281	1%
Info Resources Management	\$74,894	0%	\$74,894	0%
Community Development	\$26,836	0%	\$26,836	0%
General Services	\$464,773	2%	\$464,773	2%
Parks & Recreation	\$85,694	0%	\$85,694	0%
Other Contributions And Transfers To Other Funds^	\$1,568,385	7%	\$1,568,385	7%
Total General Fund Expenditures	\$5,694,432	27%	\$5,694,432	27%
School Operating Expenditures	\$15,348,072	73%	\$15,348,072	73%
GRAND TOTAL OPERATING EXPENDITURES	\$21,042,505	100%	\$21,042,505	100%
Capital Expenditures				
Non-Schools Capital	\$934,996	34%	\$934,996	34%
Schools Capital	\$1,832,115	66%	\$1,832,115	66%
GRAND TOTAL OPERATING EXPENDITURES	\$2,767,110	100%	\$2,767,110	100%
GRAND TOTAL EXPENDITURES	\$23,809,615		\$23,809,615	

CUMULATIVE NET FISCAL IMPACT	\$13,358,275	\$11,631,089
<i>Average Annual Net Fiscal Impact</i>	<i>\$534,331</i>	<i>\$465,244</i>

JCC C-25-0002, Westwood Park Rezoning Habitat Core and Habitat Corridor Map



Farmland Classification—James City and York Counties and the City of Williamsburg, Virginia
(4601 Ironbound)



Map Scale: 1:13,900 if printed on A landscape (11" x 8.5") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

3/19/2025
Page 1 of 6

Farmland Classification—James City and York Counties and the City of Williamsburg, Virginia
(4601 Ironbound)

MAP LEGEND

Area of Interest (AOI)

-  Area of Interest (AOI)

Soils

Soil Rating Polygons

-  Not prime farmland
-  All areas are prime farmland
-  Prime farmland if drained
-  Prime farmland if protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated
-  Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated and drained
-  Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season

-  Prime farmland if subsoiled, completely removing the root inhibiting soil layer
-  Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
-  Prime farmland if irrigated and reclaimed of excess salts and sodium
-  Farmland of statewide importance
-  Farmland of statewide importance, if drained
-  Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season
-  Farmland of statewide importance, if irrigated

-  Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season
-  Farmland of statewide importance, if irrigated and drained
-  Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season
-  Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer
-  Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60

-  Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium
-  Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season
-  Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season
-  Farmland of statewide importance, if warm enough
-  Farmland of statewide importance, if thawed
-  Farmland of local importance
-  Farmland of local importance, if irrigated

-  Farmland of unique importance
-  Not rated or not available

Soil Rating Lines

-  Not prime farmland
-  All areas are prime farmland
-  Prime farmland if drained
-  Prime farmland if protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated
-  Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated and drained
-  Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season

Farmland Classification—James City and York Counties and the City of Williamsburg, Virginia
(4601 Ironbound)

	Prime farmland if subsoiled, completely removing the root inhibiting soil layer		Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium		Farmland of unique importance		Prime farmland if subsoiled, completely removing the root inhibiting soil layer
	Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60		Farmland of statewide importance, if irrigated and drained		Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season	Soil Rating Points			Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
	Prime farmland if irrigated and reclaimed of excess salts and sodium		Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season		Not prime farmland		Prime farmland if irrigated and reclaimed of excess salts and sodium
	Farmland of statewide importance						Prime farmland if drained		Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
	Farmland of statewide importance, if drained		Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer				Prime farmland if protected from flooding or not frequently flooded during the growing season		Prime farmland if irrigated and reclaimed of excess salts and sodium
	Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60		Farmland of statewide importance, if warm enough		Prime farmland if irrigated		Farmland of statewide importance, if drained
	Farmland of statewide importance, if irrigated				Farmland of statewide importance, if thawed		Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season
					Farmland of local importance		Prime farmland if irrigated and drained		Farmland of statewide importance, if irrigated
					Farmland of local importance, if irrigated		Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season		

Farmland Classification—James City and York Counties and the City of Williamsburg, Virginia
(4601 Ironbound)

 Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season  Farmland of statewide importance, if irrigated and drained  Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season  Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer  Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60	 Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium  Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season  Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season  Farmland of statewide importance, if warm enough  Farmland of statewide importance, if thawed  Farmland of local importance  Farmland of local importance, if irrigated	 Farmland of unique importance  Not rated or not available Water Features  Streams and Canals Transportation  Rails  Interstate Highways  US Routes  Major Roads  Local Roads Background  Aerial Photography	The soil surveys that comprise your AOI were mapped at 1:15,800. Please rely on the bar scale on each map sheet for map measurements. Source of Map: Natural Resources Conservation Service Web Soil Survey URL: Coordinate System: Web Mercator (EPSG:3857) Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required. This product is generated from the USDA-NRCS certified data as of the version date(s) listed below. Soil Survey Area: James City and York Counties and the City of Williamsburg, Virginia Survey Area Data: Version 22, Aug 30, 2024 Soil map units are labeled (as space allows) for map scales 1:50,000 or larger. Date(s) aerial images were photographed: May 21, 2022—Jul 13, 2022 The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.
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Farmland Classification

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
11C	Craven-Uchee complex, 6 to 10 percent slopes	Farmland of statewide importance	88.6	17.8%
14B	Emporia fine sandy loam, 2 to 6 percent slopes	All areas are prime farmland	22.8	4.6%
15D	Emporia complex, 10 to 15 percent slopes	Farmland of statewide importance	44.7	9.0%
15E	Emporia complex, 15 to 25 percent slopes	Not prime farmland	84.7	17.0%
17	Johnston complex	Not prime farmland	64.9	13.0%
18B	Kempsville fine sandy loam, 2 to 6 percent slopes	All areas are prime farmland	27.2	5.4%
19B	Kempsville-Emporia fine sandy loams, 2 to 6 percent slopes	All areas are prime farmland	54.1	10.8%
20B	Kenansville loamy fine sand, 2 to 6 percent slopes	Not prime farmland	0.3	0.1%
29A	Slagle fine sandy loam, 0 to 2 percent slopes	All areas are prime farmland	0.1	0.0%
29B	Slagle fine sandy loam, 2 to 6 percent slopes	All areas are prime farmland	5.0	1.0%
31B	Suffolk fine sandy loam, 2 to 6 percent slopes	All areas are prime farmland	25.9	5.2%
34B	Uchee loamy fine sand, 2 to 6 percent slopes	Not prime farmland	8.4	1.7%
37	Urban land	Not prime farmland	67.4	13.5%
W	Water	Not prime farmland	4.6	0.9%
Totals for Area of Interest			498.7	100.0%

Description

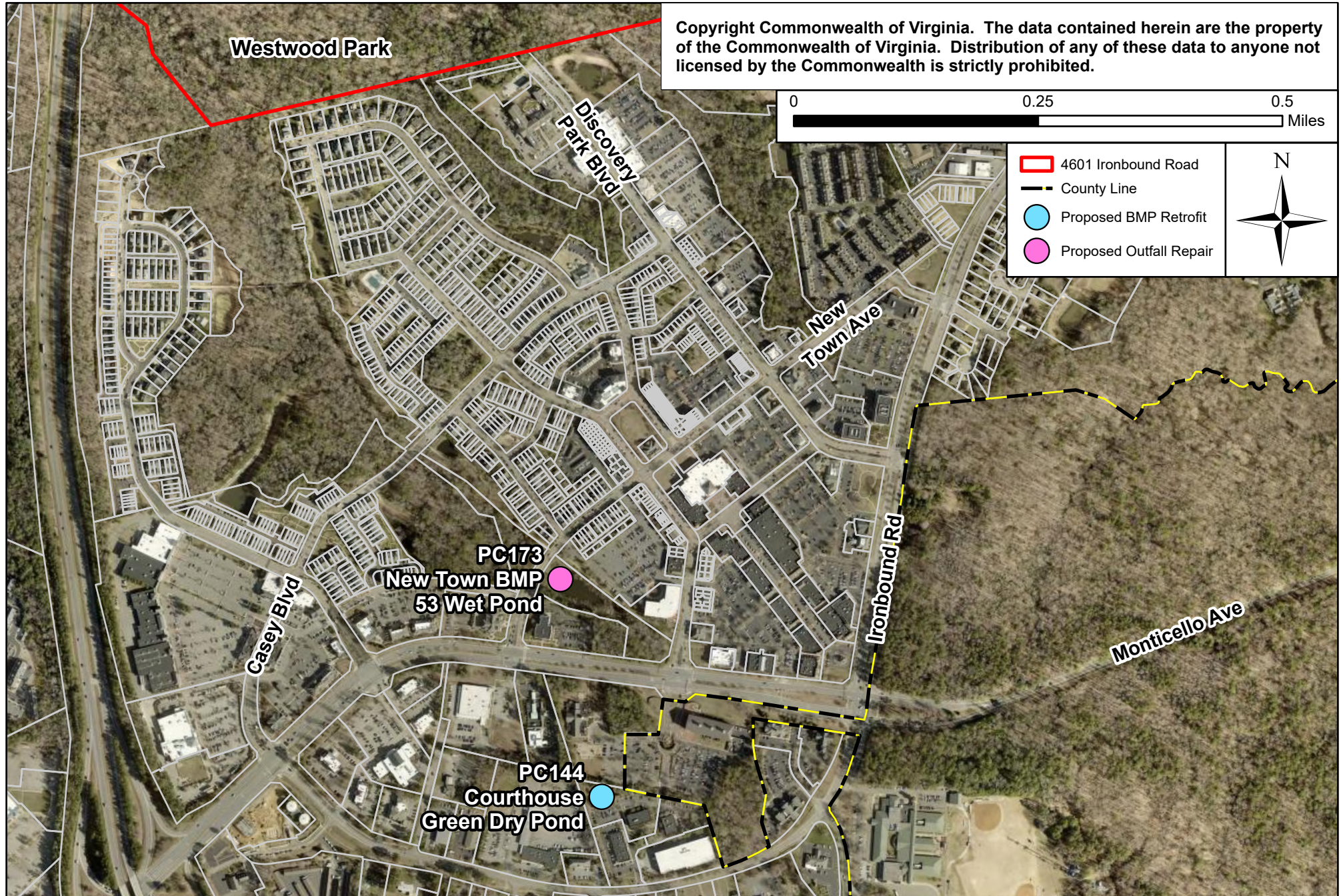
Farmland classification identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops. NRCS policy and procedures on prime and unique farmlands are published in the "Federal Register," Vol. 43, No. 21, January 31, 1978.

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower

JCC Z-23-0004 / MP-23-0001, Westwood Park Rezoning Proposed BMP Retrofit and Outfall Repair



Iron-Bound Gym
4325 New Town Avenue
Williamsburg, VA 23188

April 2, 2025

Dear Morgan Risinger:

I am writing in reference to the Westward Project proposal. As the Vice President of the New Town Commercial Association, I am in full support of this project as it will add to the wonderful New Town community that was established over the last 20+ years ago in James City County. The addition of mainly residents will help support the commercial association that is here as it is people that make the association grow and thrive. Also, having a little additional commercial space in the proposed project area will enhance the experience of those that live there while adding support to the main commercial area in the heart of New Town.

On a personal note, I have owned Iron-Bound Gym since 2001 and had the opportunity to move and build in New Town in 2006. Since then, we have grown our business, mainly due to serving people in the local area and others in the surrounding. A gym, along with other businesses in the community do best where there are people nearby as it creates a sense of a larger community.

The Westward Project would simply add to the New Town community and grow our presence not only as a gym but as part of the whole New Town area.

Thank you for the opportunity to write and look forward to seeing this project thriving in the future.

Sincerely,

Scott Grafton
NTCA Vice President
Iron-Bound Gym Owner

Morgan Risinger

Subject: RE: [External]Westward Park Rezoning April 2, 2025

From: Ann Hewitt <hewittann45@gmail.com>
Sent: Wednesday, April 2, 2025 11:57 AM
To: Planning <planning@jamescitycountyva.gov>
Subject: [External]Westward Park Rezoning April 2, 2025

Dear Commissioners,

I am writing to respectfully request the the Westward Park Rezoning Application be denied.

The submission is fraught with glaring omissions and vague misstatements . That the applicant has refused to honor requests from Stormwater and Resource Protection Division speaks volumes. “This plan is NOT compliant with the 2923 Powhatan Creek Watershed Plan.”

There are too many other environmental issues to address here. It must go back to the drawing board and follow County and state guidelines. The applicant has simply written a narrative about what he might do, if he gets a Rezoning approval without submitting pre- developmental required environmental studies.

Sincerely,
Ann Hewitt
147 Raleigh Street
Wmsbg VA

Date: May 13, 2025

From: Linda Rice, President of Friends of Forge Road and Toano
2394 Forge Road
Toano, VA 23168
Lindarice678@cox.net

To: The Honorable Members of the Board of Supervisors

Re: Opposition to Rezoning Application Z-23-0004 and Master Plan-23-0001

Friends of Forge Road and Toano (F.O.R.T.) is a non-profit group founded in 2004 by concerned citizens in Upper James City County. We work with neighborhood associations and various other groups to promote the preservation of rural areas, enhance awareness of our region's historical significance, and support agri-tourism. We currently have approximately 125 paid members. Some of our members have served on the James City County Planning Commission, the Chesapeake Bay Board, the Wetlands Board, the James City County Historical Commission and the Purchase of Development Rights Committee.

We are writing to express our alignment with and strong support of the Friends of Powhatan Creek and in opposition to the proposed Westwood Park project.

In an extensive, highly detailed presentation at the April 2, 2025 Planning Commission meeting, Ken Goldsmith of Friends of Powhatan Creek outlined the many deficiencies in this rezoning application. Stormwater runoff is a key factor in the currently threatened Powhatan Creek, an already environmentally sensitive

area. The applicants are applying for the rezoning application based on the assumption that the required Stormwater Management Plan will be submitted sometime **after** the rezoning is approved. With all respect, this is the proverbial pig in a poke.

In his presentation, Mr. Goldsmith affirmed the unique value of maintaining this property as currently zoned, noting:

It is one of the last intact habitat cores in the most highly developed portion of the County. The high ecological value of the site is as a large, intact area of mature forest.

While some growth in James City County may be inevitable, destroying unique habitats such as this is not.

As to utilities, JCSA reviewed this proposal and found that “it is not guaranteed that required service levels are available from the existing systems to support the development” (Staff Report, p. 9). Once again, the applicants provide an undefined promise that **after** the rezoning is complete they will submit for approval a “detailed Utility Master Plan depicting the proposed public water and sewer systems.” (Staff Report, p. 9) This is another pig in a poke.

Somewhat surprisingly, the proposed development passed the “Adequate Public Schools Facilities Test.” According to the criteria utilized, the 86 single family homes and 100 multi-family units in the development are estimated to generate only 48 additional students in the public schools. Logic dictates actual numbers would likely be substantially higher.

This rezoning application (Z-23-0004) and its accompanying master plan application (Master Plan-23-0001) present a unique set of issues. It is currently owned by the State and is not the property of the applicant. Thus, the usual private land ownership considerations are not present. The property is currently zoned PL (Public Lands) and is listed as “Federal, State or County Lands” in the Comprehensive Plan. The applicant is asking the County to legislate on their behalf, rezoning the property PUD-R (Planned Unit Development Residential, with Proffers) so that they can purchase it from the State and add yet another development to the already congested New Town area.

The Planning Commission, in a 5 to 1 vote, appropriately decided not to recommend approval of this highly unusual and wildly speculative application. The commissioners expressed their legitimate concerns that they did not have adequate information to make an informed decision on a project of this magnitude. They repeatedly affirmed the objective to make a decision that would “do no harm.”

F.O.R.T. strongly encourages the honorable members of the James City County Board of Supervisors to do the same.

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
April 2, 2025
6:00 PM

A. CALL TO ORDER

Dr. Allman called the meeting to order at 6 p.m.

B. ROLL CALL

Planning Commissioners Present:

Kira Allmann, Vice Chair
Frank Polster
Stephen Rodgers
Jay Everson
Scott Maye
Crystal Haskins

Planning Commissioners Absent:

Jack Haldeman, Chair

Staff Present:

Susan Istenes, Director of Planning
Liz Parman, Deputy County Attorney
Christy Parrish, Zoning Administrator
Tom Leininger, Principal Planner
Jose Ribeiro, Senior Planner/Landscape Planner
Terry Costello, Senior Planner
Roberta Sulouff, Senior Planner
Allison Jackura, Senior Planner
Morgan Risinger, Senior Planner
Will Albiston, Planner
Linda Titus, Community Development Assistant
Hannah Hunnicutt, Community Development Assistant

C. PUBLIC COMMENT

Dr. Allman opened Public Comment.

As no one wished to speak, Dr. Allman closed Public Comment.

D. REPORTS OF THE COMMISSION

Dr. Allman stated that the Policy Committee did not meet in March.

Mr. Rodgers stated that the Development Review Committee (DRC) met on March 26, 2024, to discuss two new items, SIGN-25-0032. Mason Park Subdivision Entrance Sign and C-25-0002. Solara Woods Water and Sewer Subdivision Exception Request. The DRC voted to approve the location of SIGN-25-0032. Mason Park Subdivision Entrance Sign (3-0). The applicant for C-25-0002. Solara Woods Water and Sewer Subdivision Exception Request had requested the case be deferred to the May 21, 2025, meeting. On a voice vote, the Committee voted to defer C-25-0002. Solara Woods Water and Sewer Subdivision Exception Request to the May 21, 2025, meeting.

E. CONSENT AGENDA

1. SPLN-22-0012. Ford's Village Phases A and B
2. Minutes of the March 5, 2025, Regular Meeting
3. Minutes of the March 17, 2025, Regular Meeting

Mr. Polster asked to pull SPLN-22-0012. Ford's Village Phases A and B from the Consent Agenda.

On a voice vote, the Commission voted to approve the motion. (6-0)

Mr. Polster discussed the Stormwater Management Master Plan and how it relates to the proposed Westwood Park Rezoning case in the Public Hearing.

F. PUBLIC HEARING(S)

1. SUP-24-0034. 7649 Cypress Drive Rental of Rooms

Ms. Terry Costello, Senior Planner, addressed the Commission stating that Ms. Sharon Elliot had applied for a Special Use Permit (SUP) to allow the operation of the rental of rooms at 7649 Cypress Drive. Ms. Costello explained that the rental of rooms SUP would allow for the short-term rental of one bedroom within the existing three-bedroom residence. Ms. Costello noted that the property is zoned A-1, General Agricultural, is designated Rural Lands on the Comprehensive Plan, and is located outside of the Primary Service Area (PSA).

Ms. Costello stated that staff considered the home's location, parking provisions, and that the owner would reside on-site during the time of the rentals, to be favorable factors in the evaluation of this application. Ms. Costello explained that the property has an existing driveway and parking area sufficient to accommodate guests. Ms. Costello stated that staff is recommending conditions which are intended to mitigate the impacts of the use and preserve the residential character of the home. Ms. Costello noted that such conditions include limitations on the number of rooms rented and total number of rental occupants per stay.

Ms. Costello explained that there was a previously approved SUP for a tourist home which expired due to a condition not being met within the required timeframe.

Ms. Costello stated that while staff believes that this location is generally considered appropriate for this use, staff finds that the proposal is not fully consistent with the

Comprehensive Plan recommendations for short-term rentals and therefore staff cannot recommend approval. Ms. Costello explained that should the Planning Commission wish to recommend approval to the Board of Supervisors, staff has included proposed conditions for consideration.

Ms. Sharon Elliot, 7649 Cypress Drive, Lanexa, VA, addressed the Commission stating that her previous SUP had expired due to the need for an updated Certificate of Occupancy.

Mr. Everson stated that he would not support the case as it is not consistent with the Comprehensive Plan.

Mr. Maye made a statement regarding approving cases that were not consistent with the Comprehensive Plan.

Discussion ensued.

Mr. Rodgers made a motion to recommend approval of SUP-24-0034. 7649 Cypress Drive Rental of Rooms.

On a roll call vote, the Commission voted to recommend approval. (5-1)

2. SUP-25-0001. Christ Fellowship Church of Williamsburg

Mr. Will Albiston, Planner, addressed the Commission stating that Mr. Terry Lackey had applied for a SUP on behalf of Christ Fellowship Church of Williamsburg to allow the operation of a place of public assembly and expand the existing development on the site by adding two storage sheds and a playground area at 3687 Ironbound Road and 3695 Ironbound Road. Mr. Albiston noted that the properties were approximately 4.77 acres in size, zoned R-8, Rural Residential, with Proffers and PUD-R, Planned Unit Development Residential, designated Low Density Residential on the Comprehensive Plan Land Use Map, and located inside the PSA.

Mr. Albiston explained that the Master Plan showed the existing site development with the proposed site improvements. Mr. Albiston stated that the existing site was developed with two main structures, a parking area, and a stormwater management facility. Mr. Albiston explained that the proposed site improvements solely consist of the addition of two 8-foot by 12-and-a-half-foot storage sheds and 50-foot by 50-foot playground area. Mr. Albiston noted that should this SUP be approved, any future development on the site that is not generally consistent with the Master Plan would require a Master Plan amendment to be approved by the Board of Supervisors.

Mr. Albiston stated that staff found this proposal to be compatible with surrounding development and generally consistent with the Comprehensive Plan and Zoning Ordinance. Mr. Albiston informed the Commission that staff recommended that the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the proposed conditions.

Dr. Allman opened the Public Hearing.

Mr. Scott Dobson, 209 Cliftons Bluff, Williamsburg, VA, addressed the Commission in support of the project.

Mr. Terry Lackey, 8323 Barons Court, Williamsburg, VA, addressed the Commission in support of the project.

Mr. S. Aden Digges, 3701 Ironbound Road, Williamsburg, VA, addressed the Commission in support of the project with the condition that a parking lot expansion would not be proposed in the future.

Dr. Allman closed the Public Hearing.

Mr. Polster inquired about the Master Plan and if the Christ Fellowship Church of Williamsburg were to try to expand the parking lot, would they need to reapply for an SUP.

Mr. Albiston explained the Zoning Ordinance gives the Planning Director the authority to make interpretations and judgements on whether proposed development is consistent with an approved Master Plan. If found inconsistent, a Master Plan amendment would need to be submitted to the Planning Commission and the Board of Supervisors.

Mr. Everson made a motion to approve SUP-25-0001. Christ Fellowship Church of Williamsburg with the proposed conditions.

On a roll call vote, the Commission voted to recommend approval. (6-0)

3. Z-24-0012/SUP-24-0023. Chickahominy Haven Marina - Rezoning and Special Use Permit (R-2 to A-1)

Ms. Roberta Sulouff, Senior Planner, addressed the Commission stating that Mr. Jason Grimes of AES Consulting Engineers, had applied on behalf of Sincere Estates, LLC, to rezone the site of the Chickahominy Haven Marina from R-2, General Residential to A-1, General Agricultural, with proffers. Ms. Sulouff explained that along with the rezoning, the applicant is requesting an SUP to allow for the legal operation of the existing marina and existing and proposed accessory uses including a restaurant, boat storage, boat trailer parking, a general store, wet slips, docks and piers. Ms. Sulouff noted that the subject property is located outside the PSA, zoned R-2, General Residential, and is designated Rural Lands on the Comprehensive Plan.

Ms. Sulouff stated that this lot is shown on the 1965 Master Plan for the Chickahominy Haven subdivision as a commercial lot, but the plat predates the Zoning Ordinance. Ms. Sulouff explained that when the site received a zoning designation of R-2, it had been operating as a commercial Marina for several years. Ms. Sulouff noted that boating facilities associated with homeowners associations (HOA) were permitted uses in the R-2 zoning District; however, this marina is owned and operated privately and has operated as a legal nonconformity for much of its existence. Ms. Sulouff explained that many uses on the site, including the general store, restaurant, and wet slip rentals have lost their legally nonconforming status as they have ceased operation for a period of over two years.

Ms. Sulouff stated that the new owners of the marina wished to reestablish those uses, but reestablishing the uses is not permitted in the current zoning district. Ms. Sulouff explained that renovations of structures related to uses that have maintained their legally nonconforming status were limited by the Zoning Ordinance, to avoid the expansion of nonconforming uses.

Ms. Sulouff stated that the applicant requested a rezoning to the A-1 Zoning District, which permits marinas and their accessory uses by SUP. Ms. Sulouff explained that the applicant had proffered to exclude all other uses permitted in the A-1 District aside from the marina and its accessory uses. Ms. Sulouff noted that staff had also proposed SUP conditions which would mitigate impacts of the use, and provide an opportunity to address existing issues on the site, such as parking nonconformities and unaddressed stormwater runoff.

Ms. Sulouff stated that with the conditions and draft proffers, staff found that the proposal was compatible with surrounding zoning and development and consistent with the Comprehensive Plan.

Ms. Sulouff stated that staff recommended that the Planning Commission recommend approval of the proposed Rezoning and SUP applications to the Board of Supervisors, subject to the attached conditions and proffers.

Dr. Allman opened the Public Hearing.

Mr. James Cumming, 100 Lakeview Drive, Toano VA, addressed the Commission in support of the proposed project, stating that the goal of the proposed project was to bring the marina back to its previous operation.

Mr. Steven Barone, 7464 Little Creek Dam Road, Toano VA, addressed the Commission in support of the proposed project.

Mr. Logan Hall, 1102 Hitchens Lane, Williamsburg VA, addressed the Commission in support of the proposed project.

Dr. Allman closed the Public Hearing.

Mr. Polster stated that Mr. Haldeman had visited the site of the marina and was in support of the proposed project.

Discussion ensued.

Mr. Rodgers raised concerns about potential noise from special events held at the marina.

Ms. Sulouff explained that any special events would have to be permitted and abide by the Noise Ordinance.

Mr. Polster made a motion to recommend approval of Z-24-0012/SUP-24-0023. Chickahominy Haven Marina - Rezoning and Special Use Permit (R-2 to A-1) with conditions.

On a roll call vote, the Commission voted to recommend approval. (6-0)

4. SUP-24-0032. 232 Lakeview Drive

Mr. Jose Ribiero, Senior Planner/Landscape Planner, addressed the Commission stating that SUP-24-0032. 232 Lakeview Drive had been deferred to this meeting on April 2, 2025, to allow time for the applicant to have the 100-foot Resource Protection Area (RPA) delineated. Mr. Ribiero noted that the applicant had contracted Stantec to delineate the RPA. Mr. Ribiero explained that Stantec evaluated the results of the recent delineation of on-site features within 100 feet of the project area to determine the extent of the RPA buffer associated with the Little Creek Reservoir. Mr. Ribiero confirmed that the storage area is located outside the 100-foot RPA. Mr. Ribiero stated that there was no need to have this project evaluated by the Chesapeake Bay Board as the RPA was not impacted by this proposal.

Mr. Ribiero stated that Mr. James Beavers of Williamsburg Contracting, LLC, had applied for an SUP to allow for a contractor's office and storage of vehicles and equipment on his property located at 232 Lakeview Drive. Mr. Ribiero noted that the property is zoned A-1, General Agricultural, and designated as Rural Lands and Community Character Conservation, Open Space, or Recreation on the Comprehensive Plan. Mr. Ribiero explained that a contractor's office and storage yard required an SUP on properties zoned A-1, General Agricultural.

Mr. Ribiero stated that Mr. Beavers currently operates his business without the required SUP. Mr. Ribiero explained that if the SUP application was approved, the land use would come into compliance with current zoning regulations. Mr. Ribiero noted that all reviewing agencies had evaluated this application.

Mr. Ribiero stated that the property is designated as Rural Lands and Community Character Conservation, Open Space, or Recreation on the Comprehensive Plan Land Use Map.

Mr. Ribiero explained that appropriate primary uses in Rural Lands include traditional agricultural and farming activities, but home-based occupations, or certain uses that require low-intensity settings relative to the site in which it would be located may be considered in a case-by-case review. Mr. Ribiero noted that staff found the proposed scale of the business to be low intensity, which would not negatively impact the natural and rural character of the area.

Mr. Ribiero stated that per the Comprehensive Plan, land uses that were most appropriate for the Community Character Conservation, Open Space, or Recreation designation were those that currently contribute to the rural, historic, and scenic character of the County.

Mr. Ribiero explained that the current use of this property is not consistent with the Community Character Conservation, Open Space, or Recreation designation of the Comprehensive Plan, but the use has already been established in this area as of 2019. Mr. Ribiero stated that Condition No. 4 prohibits parking, storage of equipment and vehicles, and additional soil disturbance within 15 feet of the RPA buffer and Condition No. 11 that limits the number of vehicles that can be parked on-site to ensure that the area subject to this SUP would not expand further into the Conservation, Open

Space, or Recreation area. Mr. Ribeiro noted that the proposed new Condition No. 12 further prohibits development within this Comprehensive Plan designation.

Mr. Ribeiro stated that staff recommends the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the proposed conditions.

Mr. Polster commended Mr. Ribeiro for including a map with the RPA buffer and noted that the applicant had been placing drip pans under the equipment to prevent spillage.

Discussion ensued.

Dr. Allman opened the Public Hearing.

Ms. Amanda Beavers and Mr. James Beavers, 232 Lakeview Drive, Toano, VA, addressed the Commission and explained that the site is only used for storage of equipment, and no work is done on the property.

Dr. Allman closed the Public Hearing.

Mr. Polster thanked the applicant for moving forward with the RPA delineation as instructed and stated that he intends to support the proposed project.

Mr. Rodgers made a motion to recommend approval of SUP-24-0032. 232 Lakeview Drive with the proposed conditions.

On a roll call vote, the Commission voted to recommend approval. (6-0)

5. Z-24-0014 & MP-25-0001. Fort Magruder Mixed Use Rezoning

Ms. Allison Jackura, Senior Planner, addressed the Commission regarding the rezoning of the Fort Magruder Hotel and Conference Center property located at 6945, 6927, and 6951 Pocahontas Trail. Ms. Jackura stated that the proposed Rezoning and Master Plan is to convert the existing hotel and conference space into 126 apartments and 32,000 square feet of commercial space. Ms. Jackura explained that the applicant is proposing to rezone the property to MU, Mixed Use.

Ms. Jackura stated that 40% of the residential units would be designated as affordable and workforce housing, which is proffered by the applicant. Ms. Jackura explained that the existing landscape buffers that were required by the Ordinance to exist in Mixed Use districts were to be retained and enhanced. Ms. Jackura noted that existing vegetation that needs to be removed would be identified and enhanced landscaping would be planted.

Ms. Jackura explained that the parking lot would be brought into compliance with the current requirements, with landscape islands being installed and required access aisles added to ADA accessible parking spaces. Ms. Jackura noted that stormwater facilities would be brought into compliance with current requirements, and details would be addressed during the site plan process if the case is approved. Ms. Jackura stated that the total impervious surface of this property is approximately 75% and with the

proposed landscape islands in the parking lot, the impervious surface would be reduced to approximately 70%. Ms. Jackura noted that the existing indoor and outdoor pools were proffered to remain as recreational amenities, as well as the 1.1-acre Civil War era redoubt located on the property.

Ms. Jackura explained that the front landscaping is required to be an average of 30 feet in depth, and the applicants have stated that they would be expanding slightly to come into compliance with the requirement. Ms. Jackura noted that the fencing, stockade wall, and canons would be removed from the landscape buffer and the side and rear buffers would be retained as a provision granted by the Planning Director. She noted that the condition being that the same quantity of vegetation be planted in the buffers.

Ms. Jackura stated that the architecture of the building would remain, and the existing canopy affixed to the entrance and roundabout in the parking lot would be removed to create more space.

Ms. Jackura noted that the property is designated Mixed Use according to the Comprehensive Plan and the proposal does align with the Comprehensive Plan. Ms. Jackura stated that the proposed plan meets the updated Code and Ordinance requirements and passes most adopted policies. Ms. Jackura noted that the proposed plan does not meet the Parks & Recreation Facilities Guidelines, but staff did note that there were constraints in regard to how the guidelines were written and the nature of the property itself, specifically the Civil War Era redoubt, which prevents the ability to put a playground. Ms. Jackura noted that the development already exists, which limits the options of what they can do but they have proffered additional amenities.

Ms. Jackura stated that staff recommended the Planning Commission recommend approval of Z-24-0014 with proffered conditions and MP-25-0001 to the Board of Supervisors.

Mr. Vernon Geddy, 1177 Jamestown Road Williamsburg, VA, addressed the Commission stating that he was representing Conserve Holdings, LLC. Mr. Geddy stated that Conserve Holdings, LLC, is a real estate investment company that owns and operates several multifamily properties in the County. Mr. Geddy noted that the Fort Magruder Hotel and Conference Center property is under contract with Conserve Holdings, LLC.

Mr. Geddy explained that the proposed project is for the adoptive reuse of an underutilized property through a multi-million dollar renovation to provide quality affordable, workforce, and market-rate housing and commercial space. Mr. Geddy noted that the fact that it is an adoptive reuse of an existing property creates a few challenges under the Zoning Ordinance.

Mr. Geddy stated that 40% of the proposed residential units are proffered as workforce and affordable housing. Mr. Geddy noted that the plan passes the Adequate Public Schools Facilities Test and Adequate Transportation Facilities Test, and there is a proffer to create an updated traffic study if necessary.

Dr. Haskins asked Mr. Geddy to clarify the distinction between market rate and affordable workforce housing, and what the additional 60% of housing would be.

Mr. Geddy explained that 60% of housing would be at the market rate price, while the 40% of affordable and workforce housing would follow the policy of 60%, 80%, and 120% of the Area Median income (AMI). Mr. Geddy noted that the range of each would vary based on family size.

Discussion ensued.

Dr. Allman opened the Public Hearing.

Ms. Allison Woodard, 11 Heath Place, Newport News, VA, addressed the Commission as a representative of the Williamsburg Battlefield Association and advocated for the preservation of the Civil War redoubt on the property.

Ms. Bonnie Smith, 301 Lewis Burwell Place, Williamsburg, VA, addressed the Commission with concerns about the proposed project.

Dr. Allman closed the Public Hearing.

Mr. Polster asked the applicants to confirm if the restaurant on the property would be retained.

Mr. Geddy confirmed that there would be a restaurant with a commercial kitchen.

Discussion ensued.

Mr. Polster made a motion to recommend approval of Z-24-0014 & MP-25-0001. Fort Magruder Mixed Use Rezoning.

On a roll call vote, the Commission voted to recommend approval. (6-0)

6. Z-23-0004/MP-23-0001. Westwood Park Rezoning

Ms. Morgan Risinger, Senior Planner, addressed the Commission stating that Mr. Jason Grimes of AES Consulting Engineers, and Mr. Vernon Geddy of Geddy, Harris, Franck, and Hickman, had applied on behalf of ABVA Development to rezone approximately 79.56 acres of property located at 4601 Ironbound Road. Ms. Risinger stated that the property is currently zoned PL, Public Land, is inside the PSA, and is designated Federal, State, or County Land on the Comprehensive Plan.

Ms. Risinger explained that the application requested to rezone the property from PL, Public Lands to PUD-R, Planned Unit Development Residential. Ms. Risinger stated that the proposed development includes a maximum of 186 residential dwellings, of which 86 would be single-family detached units and 100 would be single-family attached and multifamily units. Ms. Risinger noted that this corresponds to a proposed residential density of 3.44 units per developable acre. Ms. Risinger explained that 20% of the homes, or 38 homes, would be made affordable for those making up to 80% of the AMI and the proposal also includes a maximum of 40,000 square feet of commercial and office uses.

Ms. Risinger stated that the proposed landscape buffers for the site include a 50-foot-wide buffer from the properties adjacent to Discovery Park Boulevard and a 100-foot-

wide buffer from the properties along Rollison Drive in New Town. Ms. Risinger explained that a 150-foot-wide buffer would also be provided from Route 199. Ms. Risinger noted that the proposed recreational amenities include a swimming pool and bathhouse, at least six acres of passive parks including areas for picnics and grilling, two playgrounds, and at least 3,000 linear feet of soft-surface trails.

Ms. Risinger explained that the proposed residential density requires two density bonus points for the development and to meet the required density bonus points, the applicants have proposed to undertake a stormwater management facility retrofit at the Courthouse Green development which is in the same subwatershed. Ms. Risinger stated that staff found that this bonus point item was met and corresponds to 1.5 density bonus points. Ms. Risinger explained that the applicants have also proposed binding design guidelines and staff found that this bonus point item was met and corresponds to 0.5 density bonus points.

Ms. Risinger stated that the property is located in the Powhatan Creek watershed and was reviewed for consistency with the Watershed Master Plan. Ms. Risinger explained that in addition to the stormwater management facility retrofit proposed for bonus points, the application also proposes another stormwater management facility retrofit in New Town Block 8 as well as a stormwater management facility outfall repair near the SunTrust Building in New Town. Ms. Risinger noted that the application also ensured the submission of a Master Stormwater Plan where all stormwater management facility outfalls had outlet protection designed for 100-year storm events, and compliance with the most updated version of the County's Special Stormwater Criteria. Ms. Risinger stated that staff found that the application was consistent with the Powhatan Creek Watershed Master Plan.

Ms. Risinger explained that during the Comprehensive Plan update process, a Land Use (LU) application, LU-20-0002, was submitted requesting to change the LU designation for this portion of the property from Federal, State, or County Land to the Mixed Use - New Town designation. Ms. Risinger stated that at its June 24, 2021, meeting, the Planning Commission recommended approval of the Comprehensive Plan including the land use application. Ms. Risinger noted that following consideration by the Board of Supervisors, the LU application was deferred to be reviewed concurrently with the Rezoning application and guidance was received to change the proposed LU designation to Mixed Use - Eastern State. Ms. Risinger stated that staff found the application consistent with the proposed draft language for the Mixed Use - Eastern State designation.

Ms. Risinger stated that staff found several factors favorable for the application, including that the proposal is consistent with the Zoning Ordinance, Comprehensive Plan, and workforce and affordable housing recommendations. Ms. Risinger also noted that the proposal is expected to have a positive cumulative fiscal impact, passes the Adequate Public Schools Facilities Test, Adequate Transportation Facilities Test, and satisfied the requirement for two density bonus points. Ms. Risinger stated that Parks & Recreation Department staff found the proposed amenities consistent with the Parks & Recreation Master Plan.

Ms. Risinger stated that staff found the application included mitigation for potential impacts and had no unfavorable factors. Ms. Risinger noted that staff had received correspondence from citizens, which was provided to the Planning Commission.

Ms. Risinger stated that staff recommends that the Planning Commission recommend approval of the proposed rezoning application to the Board of Supervisors, subject to the proposed proffers.

Dr. Allman asked for clarification on the steps of this process, and what would occur prior to ground being broken on the site.

Ms. Risinger stated that there were two proffers proposed, one being that a Stormwater Management Master Plan be submitted three months prior to a development plan for the property. This Master Plan would be reviewed by the Stormwater and Resource Protection Division. Ms. Risinger noted that there would also be a Utility Master Plan required for the James City Service Authority staff to review the proposed utility infrastructure would be and if there were any off-site improvements required.

Dr. Allman asked if the development plan would come back to the Planning Commission.

Ms. Risinger explained that major subdivisions were subject to approval through the Planning Commission, but not as a public hearing.

Mr. Rodgers asked what would happen if the Stormwater Management Master Plan did not work.

Ms. Risinger explained that the Stormwater Management Master Plan must be approved before any final development plan is approved.

Dr. Allman opened the Public Hearing.

Mr. Vernon Geddy, 1177 Jamestown Road, Williamsburg, VA, addressed the Commission stating that he was representing ABVA Development. Mr. Geddy explained that the property is currently being sold by the Commonwealth of Virginia. Mr. Geddy noted that this project has been worked on for approximately five years and after receiving feedback from the Board of the New Town Residential Association, several changes had been made to the proposed development.

Dr. Allman asked Mr. Geddy if the capital contribution to the HOA would be a monthly payment.

Mr. Geddy explained that there is typically a one-time capital contribution when the property is purchased, and monthly payments would be billed based on the HOAs assessment of the funds it would need.

Dr. Allman asked if the HOA contribution is factored in the cost of the proposed affordable and workforce housing.

Mr. Mike Youngblood, 4808 Courthouse Street, Williamsburg, VA, explained that the cost of the HOA fee for market-rate housing would differ from the affordable and workforce housing.

Discussion ensued.

Dr. Allman opened the Public Hearing.

Mr. Jack Espinal, 4615 Town Creek Drive, Williamsburg, VA, addressed the Commission in support of the proposed project.

Ms. Ann Hewitt, 147 Raleigh Street, Williamsburg, VA, addressed the Commission with concerns about the proposed project.

Mr. Ken Goldsmith, 258 Sandy Bay Road, Williamsburg, VA, a representative of Friends of Powhatan Creek, addressed the Commission with concerns about the proposed project.

Dr. Allman closed the Public Hearing.

Mr. Polster commended staff and the applicant for their work on the proposed project but brought up concerns regarding the Powhatan Creek watershed.

Mr. Everson asked Mr. Polster what he would like the applicants to do regarding the concerns about the health of the Powhatan Creek watershed.

Discussion ensued.

Mr. Geddy stated that current problems with the Powhatan Creek watershed stem from Tewning Road and Eastern State, where water is flowing with no stormwater management. Mr. Geddy explained that the applicants had initially offered to design a stream restoration plan, but the County did not have a Capital Improvement Plan in place to accept money for restoration. Mr. Geddy noted that with the uninhibited water coming from upstream, it was likely that any stream restoration would eventually be destroyed.

Discussion continued.

Mr. Everson asked Ms. Risinger if the issue with the stream would be addressed in a Stormwater Management Master Plan.

Ms. Risinger stated that she did not believe it would include a requirement to restore the stream, but it would look at the quality and quantity of the stormwater on-site.

Mr. Everson asked if the purpose of the Stormwater Management Master Plan was to not make the current situation worse.

Ms. Risinger stated that the Master Plan was to handle the stormwater from the proposed development.

Discussion continued.

Mr. Polster asked staff if the Board of Supervisors would have to approve any proposed development on the property.

Ms. Risinger stated that the project would not be possible without approval of the Rezoning application.

Discussion continued.

Mr. Polster made a motion to recommend denial of Z-23-0004/MP-23-0001. Westwood Park Rezoning to the Board of Supervisors.

On a roll call vote, the Planning Commission voted to recommend denial. (5-1)

G. PLANNING COMMISSION CONSIDERATIONS

There were no items for consideration.

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - April 2025

Ms. Istenes reminded the Commissioners about the Board of Supervisors coverage chart attached to the Planning Director's Report.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. Polster discussed how the Stormwater Management Master Plan is not required and stated that he would like to see it become a requirement.

Mr. Everson disagreed, stating it was too large of an expense to expect from applicants before the proposed plans were approved.

Discussion ensued.

J. ADJOURNMENT

Dr. Allman asked for a motion to adjourn.

Mr. Rodgers made a motion to adjourn.

The meeting was adjourned at approximately 6:39 p.m.

Susan Istenes, Secretary

Kira Allman, Vice Chair

**SPECIAL USE PERMIT-24-0035. 1807 Jamestown Road Haven Health Mental and Substance Abuse Hospital
Staff Report for the October 14, 2025, Board of Supervisors Public Hearing**

SUMMARY FACTS

Applicant: Mr. Cheyenne Riker, Haven Health Management

Landowner: 1807 Jamestown Holdings, LLC

Proposal: To permit a mental healthcare and substance abuse recovery facility to treat up to 50 individuals for 30-60 day periods. This use meets the definition of “Hospital” found in the Zoning Ordinance and is a specially permitted use in both the R-8, Rural Residential and LB, Limited Business Zoning Districts.

Location: 1807 Jamestown Road

Tax Map/Parcel No: 4730100070A

Property Acreage: ± 6.1 acres

Zoning: R-8, Rural Residential
LB, Limited Business

Comprehensive Plan: Low Density Residential

Primary Service Area: Inside

Staff Contact: Roberta Sulouff, Senior Planner

PUBLIC HEARING DATES

Planning Commission: August 6, 2025, 6:00 p.m.

Board of Supervisors: October 14, 2025, 5:00 p.m.

FACTORS FAVORABLE

1. The plan proposes adequate off-street parking.
2. The proposed use is institutional in character, which is consistent with the current use of the site and the existing building.
3. Most changes to the site will be internal to the existing building; staff finds that proposed changes have been mitigated.
4. Impacts: See Impact Analysis on Pages 4-5.
5. See Comprehensive Plan Analysis on Page 6.

FACTORS UNFAVORABLE

1. Staff does not identify any unfavorable factors.
2. Impacts: See Impact Analysis on Pages 4-5.

PLANNING COMMISSION RECOMMENDATION

At its August 6, 2025, 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-24-0035. 1807 Jamestown Road Haven Health Mental and Substance Abuse Hospital
Staff Report for the October 14, 2025, Board of Supervisors Public Hearing**

CHANGES SINCE THE PLANNING COMMISSION MEETING

None.

SUMMARY STAFF RECOMMENDATION

Staff recommends the Board of Supervisors approve this application, subject to the attached conditions.

PROJECT DESCRIPTION

Mr. Cheyenne Riker of Haven Health Management has applied on behalf of 1807 Jamestown Holdings, LLC, for a Special Use Permit (SUP) to permit a mental health and substance abuse recovery facility at 1807 Jamestown Road. This use meets the definition of “Hospital” found in the Zoning Ordinance and is a specially permitted use in both the R-8, Rural Residential and LB, Limited Business Zoning Districts.

The proposed facility would serve up to 50 individuals for periods of 30-60 days. Per the applicant, patients will not be permitted to park vehicles on-site during their stay, nor are visitors permitted. The applicant states that an average of 20 employees will be present on-site at any time, up to a maximum of 30 employees. Three company vehicles will also be parked on-site. The applicant has provided parking for the maximum number of employees and three company vehicles.

The site currently operates as New Dawn Assisted Living and has operated as an assisted living facility for over two decades. If this application is approved, the assisted living use would no longer be permitted at this site.

PLANNING AND ZONING HISTORY

This parcel was originally a part of a larger parcel that included both 1811 and 1807 Jamestown Road. In 1998, the Board approved SUP-8-98, which permitted a skilled nursing facility no greater than 50,000 square feet (located at 1811 Jamestown Road) in size and an office development no greater than 20,000 square feet in size.

The Board then approved amendments to the SUP and Rezoning (SUP-7-99 and Z-3-99, respectively) in 1999. The amendment allowed 22,000 square feet of assisted living facility in lieu of the previously approved 20,000-square-foot office development; this approval bound the subject parcel to a Master Plan, architectural guidelines, landscaping requirements, and other conditions to mitigate the impacts created by the additional assisted living use. Following the approval of that amendment, the property was subdivided into its current configuration. The SUP for the newly created parcel (1807 Jamestown Road, the subject of the current proposal), was again amended in 2005 to increase the permitted square footage of the facility to 30,000 square feet (Attachment No. 6).

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-24-0035. 1807 Jamestown Road Haven Health Mental and Substance Abuse Hospital
Staff Report for the October 14, 2025, Board of Supervisors Public Hearing**

SURROUNDING ZONING AND DEVELOPMENT

This property is located along Jamestown Road. It shares property boundaries with a 7-Eleven convenience store, a skilled nursing home facility, and two private single-family residences. It is situated across Jamestown Road from two commercially zoned properties.

	ZONING DESIGNATION	EXISTING LAND USE	FUTURE LAND USE DESIGNATION
NORTH	LB, Limited Business and R-8, Rural Residential	Nursing Home	Low Density Residential
SOUTH	LB, Limited Business	Vacant and Restaurant	Neighborhood Commercial
EAST	LB, Limited Business and R-8, Rural Residential	Convenience Store and Private Residences	Neighborhood Commercial and Low Density Residential
WEST	LB, Limited Business and R-8, Rural Residential	Nursing Home	Low Density Residential

Impacts/Potentially Unfavorable Conditions	Status (No Mitigation Required/Mitigated/N ot Fully Mitigated)	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
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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-24-0035. 1807 Jamestown Road Haven Health Mental and Substance Abuse Hospital
Staff Report for the October 14, 2025, Board of Supervisors Public Hearing

<u>Public Transportation: Vehicular</u>	<u>No Mitigation Required</u>	- The proposal is not anticipated to generate significant traffic as the narrative indicates that the residents generally will not have individual personal vehicles while living on-site and visitors are not permitted. - The currently operating use generally creates greater traffic demands than the proposed use.
<u>Public Transportation: Bicycle/Pedestrian</u>	<u>No Mitigation Required</u>	- A sidewalk and bike lane already exist on the Jamestown Road frontage of this property. The applicant is creating an easement across the existing sidewalk, as it is not currently covered by any sort of access or pedestrian accommodations easement.
<u>Public Safety</u>	<u>Mitigated</u>	- Fire Station 3 on John Tyler Highway serves this area of the County and is approximately 2.5 miles from the project site.
<u>Public Schools</u>	<u>No Mitigation Required</u>	- N/A since no new residential dwelling units are proposed.
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	- N/A since no new residential dwelling units are proposed.
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	- Staff finds this project does not generate impacts that require mitigation.
<u>Groundwater and Drinking Water Resources</u>	<u>Mitigated</u>	- Per the proposed conditions, updated Water Conservation Standards shall be approved by the James City Service Authority prior to final site plan approval.
<u>Watersheds, Streams, and Reservoirs</u> Project is located in the Powhatan Creek Watershed.	<u>No Mitigation Required</u>	- Fewer than 2,500 square feet of disturbance is proposed by this application. Should any other exterior site improvements be made in the future, those improvements would be subject to site plan review at that time.
<u>Cultural/Historic</u>	<u>No Mitigation Required</u>	- The subject property has no known cultural resources on-site.
Impacts/Potentially Unfavorable Conditions	Status (No Mitigation Required/Mitigated/Not Fully Mitigated)	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Nearby and Surrounding Properties</u>	<u>No Mitigation Required.</u>	- The proposed use is similar in institutional character to the current use of the property. Existing buffers will be maintained as depicted on the Master Plan.

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-24-0035. 1807 Jamestown Road Haven Health Mental and Substance Abuse Hospital
Staff Report for the October 14, 2025, Board of Supervisors Public Hearing

<u>Community Character</u>	<u>Mitigated</u>	- Jamestown Road is designated as a Wooded Community Character Corridor. The proposal does not include any alteration that would affect the existing landscaping. This parcel is not located within a Community Character Area.
<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-24-0035. 1807 Jamestown Road Haven Health Mental and Substance Abuse Hospital
Staff Report for the October 14, 2025, Board of Supervisors Public Hearing**

COMPREHENSIVE PLAN

The project site is designated Low Density Residential on the Comprehensive Plan Land Use Map. Community-oriented facilities are a Group 2 recommended use in Low Density Residential when the following standards are met:

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

Given that this proposal utilizes an existing facility and will maintain the required landscape buffers, staff finds that no additional impacts will be generated to the listed standards. Accordingly, staff finds that the proposed use is in accordance with this guidance, subject to the proposed Master Plan and SUP conditions.

Staff finds the proposal consistent with the recommendations of the Comprehensive Plan.

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 this application, subject to the attached conditions.

RS/tm
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Attachments:

1. Resolution
2. Location Map
3. Master Plan
4. Applicant Narrative
5. Applicant Parking Justification
6. Adopted SUP-0028-2005 Conditions
7. Approved Minutes of the August 6, 2025, 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-24-0035. 1807 JAMESTOWN ROAD HAVEN HEALTH MENTAL AND

SUBSTANCE ABUSE HOSPITAL

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, Mr. Cheyenne Riker of Haven Health Management has applied for an SUP on behalf of Jamestown Holding, LLC, the owner of property located at 1807 Jamestown Road and further identified as James City County Real Estate Tax Map Parcel No. 4730100070A (the “Property”), to permit a mental health and substance abuse recovery hospital (“the Facility”) on the Property as shown on a plan titled “Haven Health Special Use Permit” dated June 27, 2025 (the “Master Plan”); and

WHEREAS, the Planning Commission, following its public hearing on August 6, 2025, recommended approval of Case No. SUP-24-0035 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-24-0035; 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-24-0035 as described herein with the following conditions:

1. Master Plan. This SUP shall permit a mental health and substance abuse recovery hospital (the “Facility”) on the property located at 1807 Jamestown Road and further identified as James City County Real Estate Tax Map Parcel No. 4730100070A (the “Property”). The use and layout of the Property shall be generally as shown on the document entitled “Haven Health Special Use Permit Master Plan” and dated June 27, 2025 (the “Master Plan”), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.
2. Occupancy. Occupancy of the Facility shall be limited to the lesser of the following: i) 50 inpatient individuals; ii) the building occupancy number as established by the Building Official on the issued Certificate of Occupancy; or iii) the maximum licensed capacity as established by the Virginia Department of Behavioral Health and Developmental Services. No outpatient individuals or services shall be permitted.

4. Architecture. Any proposed change to the exterior of the existing buildings shall be subject to review and approval of the Director of Planning and such building alterations shall be generally consistent, as determined by the Director of Planning, with the architectural elevations titled "New Dawn Assisted Living Facility" submitted with SUP-28-2005 and dated August 22, 2005, drawn by Dewberry and Davis, Inc.
5. Buffers. There shall be a minimum 50-foot undisturbed wooded buffer between the Facility building and parking areas and the immediately adjacent residential properties located to the east, as shown on the Master Plan. There shall also be a 10-foot building setback line from all natural open space conservation easements, as shown on the Master Plan.
6. Water Conservation. Updated and amended water conservation standards shall be submitted for review and shall be approved by the General Manager or their designee of the James City Service Authority prior to final site plan approval. The standards shall address such water conservation measures as limitations on the installation and use of approved landscaping design and materials to promote water conservation and minimize the use of public water resources.
7. Lighting. Any new or replacement exterior pole-mounted site lighting shall be limited to fixtures which are horizontally mounted at a height not to exceed 15 feet above grade.
8. Screening of Site Features. All dumpsters and heating and cooling units, whether on the ground or affixed on the rooftop, shall be screened from view by landscaping, fencing, or other alternatives that provide similarly adequate screening, as determined and approved by the Director of Planning, prior to final site plan approval.
9. Access Easement. A pedestrian access easement, as depicted on the Master Plan and as approved by the County Attorney's Office, shall be recorded prior to final site plan approval.
10. Commencement. Evidence of a business license, updated Certificate of Occupancy, and approved change in use from the Virginia Department of Behavioral Health and Developmental Services for the Facility shall be provided to the Director of Planning within 24 months from the issuance of the SUP, or this SUP shall be void.
11. Severance Clause. This SUP is not severable. Invalidity of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

James O. Icenhour, Jr.
Chair, Board of Supervisors

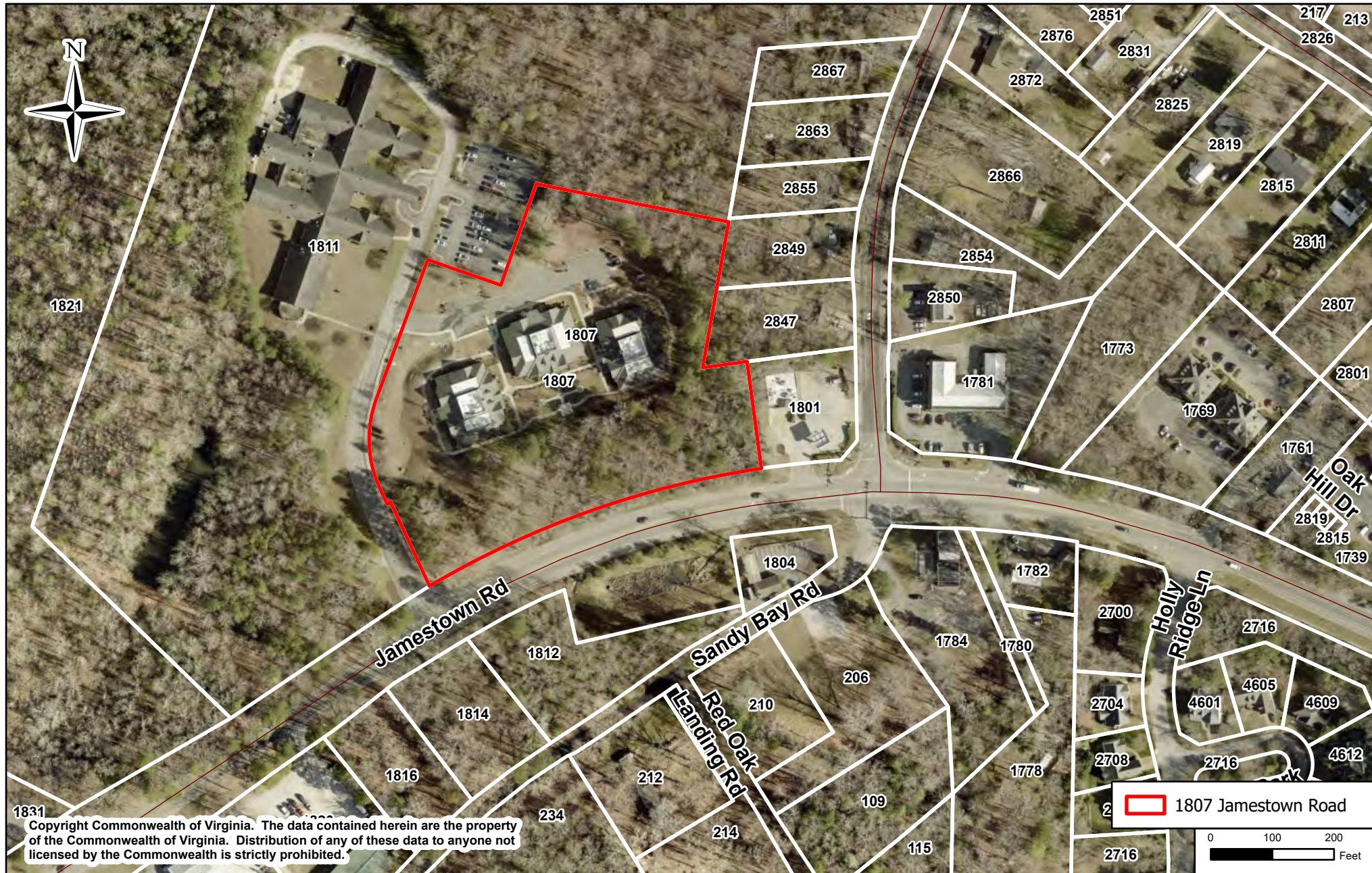
ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

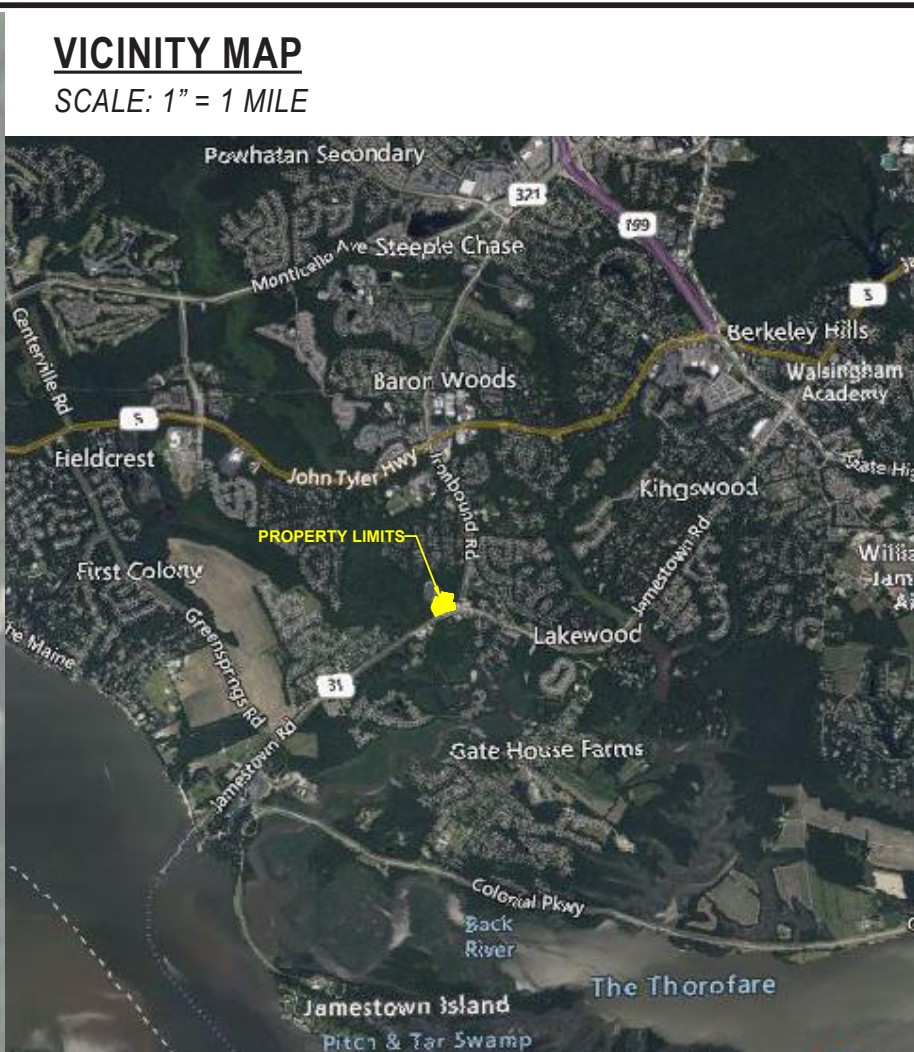
	VOTES			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
HIPPLE	_____	_____	_____	_____
NULL	_____	_____	_____	_____
LARSON	_____	_____	_____	_____
MCGLENNON	_____	_____	_____	_____
ICENHOUR	_____	_____	_____	_____

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

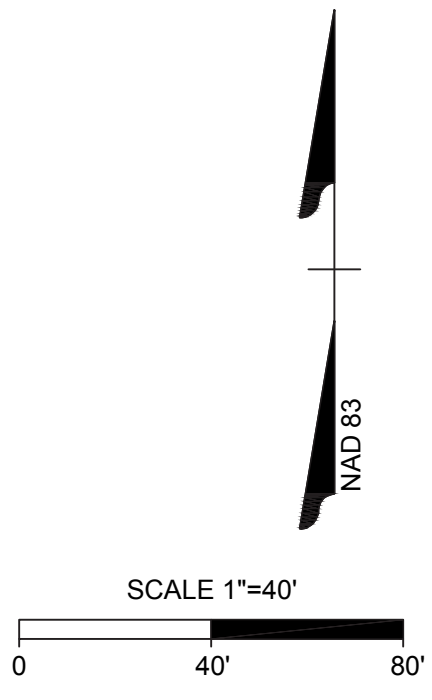
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- VICINITY MAP**
SCALE: 1" = 1 MILE
- SITE DATA**
- **GPIN:** 4730100070A
 - **SITE ACREAGE:** 6.1 AC
 - **EXISTING ZONING:** (R-8) RURAL RESIDENTIAL & (LB) LIMITED BUSINESS
 - **PROPOSED ZONING:** (R-8) RURAL RESIDENTIAL & (LB) LIMITED BUSINESS W/ SUP TO ALLOW FOR HOSPITALS AND MENTAL HEALTH FACILITIES
 - **PARKING**
 - **EXISTING PARKING:** 22 SPACES + 2 ADA
 - **PROPOSED PARKING:** 33 SPACES + 2 ADA*
- *NOTE: INDIVIDUALS RECEIVING TREATMENT ARE NOT INTENDED TO HAVE VEHICLES STORED ON-SITE. THREE (3) COMPANY VEHICLES WILL ASSIST WITH INCOMING PATIENTS.*
- GENERAL**
- EXISTING CONDITIONS AS SHOWN ARE DERIVED FROM "ALTA/NSPS LAND TITLE SURVEY OF THE PROPERTY OF: WMD JAMESTON LLC, BERKLEY MAGISTERIAL DISTRICT JAMES CITY COUNTY, VIRGINIA", LAST REVISED SEPTEMBER 17, 2021 AND PRODUCED BY DEWBERRY ENGINEERS.



NOT FOR CONSTRUCTION

THIS DRAWING PREPARED AT THE
CORPORATE OFFICE
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YOUR VISION ACHIEVED THROUGH OURS.

DATE
4/17/2025

REVISION DESCRIPTION

DATE
6/27/2025

DRAWN BY
T. PARKER

DESIGNED BY
T. PARKER

CHECKED BY
D. ANDERSON

SCALE
1" = 40'

HAVEN HEALTH SPECIAL USE PERMIT

JAMES CITY COUNTY, VA

MASTER PLAN

JOB NO.
72474

SHEET NO.

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**Project Narrative &
Community Impact Statement for
*SUP-24-0035 - Haven Health Mental Health Treatment Facility***

Prepared for:
Haven Health Management
April 2025

Prepared by:
Timmons Group

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I. Introduction

Haven Health Management, LLC (the “Applicant”) is a national leader in addiction and mental health relief through treatment. Their programs and facilities aim to support adults voluntarily seeking mental health and behavioral treatment for mental health disorders. Specific programs are also offered at their facilities, like Haven for Heroes, to provide mental health and substance use treatment for veterans, military, firefighters, officers, and other first responders.

With this proposal, Haven Health Management is seeking approval from the James City County Board of Supervisors of a Special Use Permit to permit a hospital and mental health facility at 1807 Jamestown Road to allow for mental health treatment on the property. This proposal does not include any changes to the existing buildings on site and seeks to increase the available parking on the property.

II. Existing Conditions

The approximately 6.1-acre property is zoned Rural Residential (R-8) and Limited Business (LB). The property is within the Primary Service Area and is designated Low Density Residential in the James City County Comprehensive Plan, which calls for the following recommended uses; schools, places of public assembly, very limited commercial, and community-oriented facilities. Previously, there have been two special use permits issued for the property to permit an assisted living facility, SUP-7-99 and SUP-28-05. There was also a rezoning, Z-3-99, that rezoned a portion of the property from LB to R-8.

Presently, the property serves as the former New Dawn Assisted Living Facility. There are three existing buildings on the property, each approximately 9,700 square feet, and associated parking totaling 24 spaces including two accessible parking spaces.

Multiple easements and buffers are present on site per the former approved special use permits, including a 150-foot natural open space easement adjacent to Jamestown Road and a 50-foot undisturbed buffer adjacent to residential properties to the east. Appendix A is included to show additional existing physical features of the site.

Along the property’s northern and western boundaries is the Consulate Heath Care of Williamsburg. Along the eastern boundary are two residential homes and a 7-Eleven. Adjacent to the property along its southern boundary is Jamestown Road, which the property does not directly access. Access to the property is via an appurtenant easement across the adjacent western property.

III. Proposed Use & Development

As mentioned, the proposed use for the site is a hospital and mental health facility to assist adults voluntarily seeking mental health treatment. The proposed program, to be managed on-site by the Applicant or a newly formed subsidiary, will exclusively cater to adults who struggle with mental health

disorders and will not provide services to adolescents. The facility will treat up to 50 individuals and typical stays at the facility are from 30 to 60 days.

All individuals seeking treatment will undergo a thorough screening process to ensure they meet the appropriate care levels provided by Haven Health. Additionally, the program will only accept individuals who voluntarily seek treatment, rather than those referred through court orders, to ensure that participants are genuinely motivated toward self-improvement.

Serving the patients will be between 20 and 30 staff members during the day and 18 and 28 staff members at night. These individuals consist of qualified professionals, including licensed nurses, nurse practitioners, a medical director, licensed clinicians, and peer and mental health specialists. Visitors are not permitted on the property, to ensure treatment is focused on the patient.

As shown in the Master Plan, the proposed use does not seek to make significant physical changes to the site and will utilize existing site features including, but not limited to, buildings, sidewalks, and utilities for their operations.

Improvements to the existing parking area are proposed by increasing the number of spaces to 35 parking spaces, including two accessible spaces. It is not the intent of the facility to allow individuals seeking treatment cars during their stay. Parking as shown on the Master Plan is designated for the maximum number of employees at any one time (30) and three company cars.

The proposed parking improvements take into consideration the existing buffers and open space easements, per the former special use permits. In addition, landscaping affected by the reconfiguration is intended to be replaced or relocated.

IV. Analysis of Impacts

a. Traffic

According to ITE Trip Generation the former use of the site as an assisted living facility generated 130 average daily trips, 9 peak AM total trips, and 12 peak PM total trips. The proposed use as a treatment facility will generate 150 average daily trips, 7 peak AM total trips, and 9 peak PM total trips.

Based on these calculations, the change in use will not measurably change the traffic to and from the site. In addition, no new vehicular access is proposed.

b. Utilities

- i. Water. There are no proposed additional fixtures within the building, therefore no anticipated changes to the average daily flow are expected. As information, the property is served by a private waterline. The waterline ties into a public 8-inch waterline within a 20' permanent utility easement dedicated to James City Service Authority.

- ii. Sewer. There are no proposed additional fixtures within the building, therefore no anticipated changes to the average daily flow are expected. As information, the property and the adjacent western parcel are served by privately owned and maintained sewer. The private sanitary sewer discharges into an existing on site privately owned and maintained pump station under a shared maintenance agreement between both parcels. The private pump station discharges into a public force main within a 20' permanent utility easement dedicated to James City Service Authority.

c. Stormwater

The site is located within the Powhatan Creek Watershed and is subject to James City County's policy recommendations outlined in the area's 2023 Watershed Management Plan. In addition, because of the property's location in an area with an approved plan, the property is subject to Special Stormwater Criteria.

The Master Plan shows an increase of approximately 2,400 square feet of impervious area to the existing impervious area, which would exempt it from Virginia E&S requirements for land disturbance. If any upstream development over 2,500 sq. ft occurs within the area draining to the on-site BMP, water quality & quantity requirements must be met per Virginia Administrative Code 9VAC25-875.

As it stands, the site is well-suited to manage water quality requirements through on-site treatment measures or purchasing of nutrient credits within the same HUC watershed, in accordance with 9VAC25-875-590. The existing on-site BMP was designed with minimal freeboard for the 2- & 10-year storm-events. Preliminary desktop analysis shows that the BMP may not have sufficient capacity to receive increased discharges as a result of upstream development.

Additional capacity design is recommended as part of the detailed site plan process. If additional development within the contributing watershed is pursued, water quantity compliance will need to be met through a combination of on-site measures, as detailed in 9VAC25-875-600.

d. Public Facilities and Services

- i. Fire Protection and Emergency Services. Fire Station 3 is the closest fire station to the property and is within the appropriate response times as outlined in the Public Facilities Chapter.
- ii. Schools. There are no proposed residential uses on the property, therefore no impacts to schools are expected.
- iii. Parks and Recreation. The property adequately supports the recreational needs of the proposed use through an existing pedestrian network and no impact to parks and recreation facilities is expected.
- iv. Solid Waste. There are no expected changes to the solid waste operations of the property.

e. Environmental

- i. Historical & Archaeological. No additional site clearing is proposed with the expansion of the parking area, therefore a Phase 1A archaeological study is not required with this special use permit request. As information, a Phase 1 Environmental Assessment, prepared by Property Solutions, dated October 8, 2024, revealed no recognized environmental conditions on the property and is included as Appendix B.
- ii. Natural Resource Inventory. The site is not located in an area designated by Virginia's Department of Conservation and Recreation Natural Heritage Program that requires a natural resource inventory.
- iii. Wetlands & Resource Protection Area. There are no Resource Protection Areas located on the Property. No potential wetlands were identified in Appendix B. As information, former site plans (SP-0023-2010) show delineated non-tidal wetlands within the 150-foot open space easement adjacent to Jamestown Road and approximately 889 square feet of these wetlands were impacted by USCOE permit #05-R3600 to develop the existing site layout. No proposed site changes are being considered for the area previously identified as wetlands in SP-0023-2010.
- iv. Other. A waiver from items listed in the environmental constraints policy for legislative cases has been requested with this application due to the lack of proposed site clearing and no additional proposed buildings.

f. Fiscal

There are no proposed residential uses on the property, therefore a fiscal impact study is not required.

V. Conclusion

Haven Health Management's mission to provide mental health treatment services to individuals seeking support and care is a necessary service in any locality. James City County's diverse population and proximity to various communities make programs like those offered by Haven Health especially important to the region.

The proposed use and Master Plan will not have an adverse impact on James City County; rather, it is intended to contribute positively to the community – enhancing the well-being of individuals in need of support. Given this, we respectfully request approval of this special use permit for a hospital and mental health facility on the property.



www.timmons.com

P 804.200.6500

E info@timmons.com

VI. Appendix A – ALTA

TITLE COMMITMENT SCHEDULE B, SECTION II, SPECIAL EXCEPTIONS

A title report was provided by Chicago Title Insurance Company, File No: VAC000142 effective July16, 2021 at 8:00 AM.

Items 1, 2, 14 and 16 are standard title exceptions and/or not matters that pertain to this survey.

- T3 Easement granted to Virginia Electric and Power Company, dated September 6, 2000, recorded in Instrument No. 000017991 affects the subject parcel and is plotted on this survey.
- T4 Easement granted Virginia Electric and Power Company, dated April 6, 1999, recorded in Instrument No. 990010075 affects the subject parcel and is plotted on this survey.
- T5 Agreement with James City County, dated March 4, 1999, recorded in Instrument No. 990006959, for natural open spaces affects the subject parcel and is plotted on this survey.
- T6 Agreement with James City County, dated January 15, 1999, recorded as Instrument No. 990002667, for drainage system, maintenance and assessment as set forth in the document affects the subject parcel but can not be plotted.
- T7 Pump Station Easement & Maintenance Agreement, dated October 2, 2008, recorded October 16, 2008 in Instrument No. 080025527 affects the subject parcel and is plotted on this survey.
- T8 Access Easement Extension, dated October 2, 2008, recorded October 16, 2008 in Instrument No. 080025528 affects the subject parcel and is plotted on this survey.
- T9 Drainage Easement Agreement, dated October 2, 2008, recorded October 16, 2008 in Instrument No. 080025529 affects the subject parcel and is plotted on this survey.
- T10 Declaration of Covenants, Inspection/Maintenance of Drainage System, dated September 16, 2008, recorded November 3, 2008 in Instrument No. 080026787 affects the subject parcel but cannot be plotted.
- T11 All matters shown on Plat of Subdivision recorded in Plat Book 72, Pages 77–78, including:
1. Natural open space easement (to remain in a natural undisturbed state except for those activities referenced on the deed of easement) conveyed to the County of James City across the South (front) and the Northeast (rear) portions of the property. Open space shown on survey.
- T12 Rights of others in and to the use of Appurtenant Easement created by Instrument No. 060014918 affects the subject parcel and is plotted on this survey.
- T13 Easement granted to JCSA, by instrument dated January 18, 2007, recorded January 30, 2007 in Instrument No. 070002841. affects the subject parcel and is plotted hereon.
- T15 Easement granted to Virginia Electric and Power Company, by instrument dated June 16, 2014, recorded July 22, 2014 in Instrument No. 140011686 affects the subject parcel and is plotted on this survey.

GENERAL NOTES

1. CURRENT OWNER: WMD JAMESTOWN, LLC, INSTRUMENT #160015476
2. PARCEL ID: 4730100070A
3. PROPERTY ADDRESS: 1807 JAMESTOWN ROAD, WILLIAMSBURG, VA
4. SITE IS NOT CURRENTLY UNDER CONSTRUCTION.
5. THE PROPERTY (TRACT 1 SHOWN HEREON) HAS INDIRECT ACCESS TO JAMESTOWN ROAD A DEDICATED PUBLIC STREET OR HIGHWAY BY WAY OF THE ACCESS EASEMENT DESCRIBED AS TRACT 2 (SHOWN HEREON) AND RECORDED IN INSTRUMENT #060014918.
6. ZONING VERIFICATION LETTER, DATED JULY 29, 2021 REGARDING R8 AND LB ZONING INDICATES ZONING AND SPECIAL USE PERMITS, CONTAIN NO ZONING VIOLATIONS AND NO PENDING CHANGES TO THE PROPERTY.
7. THERE IS NO OBSERVED EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS.
8. DURING OUR FIELD OBSERVATION OF THE SITE, THERE WERE NO CHANGES IN STREET RIGHT-OF-WAY LINES EITHER COMPLETED OR PROPOSED.
9. THERE IS NO OBSERVABLE EVIDENCE OF THE SITE BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.
10. THE EXISTENCE OR NON-EXISTENCE OF WETLANDS WAS NOT INVESTIGATED DURING THE COURSE OF THIS SURVEY.
11. UTILITIES SHOWN HEREON ARE FROM OBSERVED ABOVE-GROUND OBSERVATIONS AND LINEWORK TAKEN FROM SITE PLAN FROM 2010 AND INCLUDE WATER, SEWER AND STORM SEWER ONLY. UNDERGROUND LOCATIONS ARE APPROXIMATE ONLY AND SHALL NOT BE RELIED UPON FOR ANY EXCAVATION OR CONSTRUCTION ACTIVITIES. OTHER UTILITIES EXIST ON THIS SITE WHICH ARE NOT SHOWN HEREON.
12. THERE ARE 24 TOTAL MARKED PARKING SPACES PROVIDED ON THIS SITE, INCLUDING TWO HANDICAP PARKING SPACES.

RECORD LEGAL DESCRIPTION

All that certain lot, piece or parcel of land situate, lying and being in Berkeley District, James City County, Virginia, being all of Parcel 2, containing a total area of 6.099 acres, as shown on a plat prepared by Rickmond Engineering, Inc., dated February 11, 1999, entitled "Plat Showing Subdivision of Property of Williamsburg Health Investors, L.L.C." and recorded March 31, 1999, in Plat Book 72, Pages 77 through 78, as document number 990006959, in the Office of the Clerk of the Circuit Court of the County of James City, Virginia.

Together with that certain Variable Width Ingress/Egress Easement shown on the Plat of Subdivision aforesaid. All of which is more particularly described by metes and bounds as follows:

Tract 1:

Metes and Bounds Description for Parcel 2:

Commencing at a PK nail located at the southwest corner of Parcel 2 along the right of way of Route 31 Jamestown Road, being the Point of Beginning; Thence along the dividing line between Parcel 1 and Parcel 2 N 17°17'09" W a distance of 150.67 feet to a rod; Thence continuing along the dividing line between Parcel 1 and Parcel 2 along a curve to the left having a radius of 1637.36' and an arc length of 5.88 feet to a point; Thence continuing along said dividing line N 17°17'09" W a distance of 27.19 feet to a rod; Thence continuing along said dividing line along a curve to the right having a radius of 190.00 feet and an arc length of 149.76 feet, to a PK nail; Thence continuing along said dividing line S 63°14'25" E a distance of 240.36 feet to a rod; Thence continuing along said dividing line S 63°14'25" E a distance of 125.79 feet to a bent rod; Thence continuing along said dividing line N 26°45'35" E a distance of 174.15 feet to a rod; Thence continuing along said dividing line S 71°10'24" E a distance of 318.12 feet to a rod; Thence along the dividing line of Parcel 2 and the property now or formerly of Jackie A. Lima, John and Rose Revels and Franz S. Hanning, S 17°43'21" W a distance of 239.98 feet to a pipe; Thence along the dividing line of Parcel 2 and Franz S. Hanning S 89°53'21" E a distance of 72.32 feet to a pipe; Thence along the dividing line of Parcel 2 and the property of The Southland Corp. S 00°01'33" E a distance of 174.98 feet to a pipe; Thence along the right of way of Route 31 Jamestown Road along a curve to the left having a radius of 1487.39 feet and an arc length of 574.61 feet to a PK nail said PK Nail being the Point of Beginning, said Parcel 2 containing 6.099 ac.

Tract 2:

Metes and Bounds Description for Parcel 1, a Variable Width Ingress/Egress Easement:

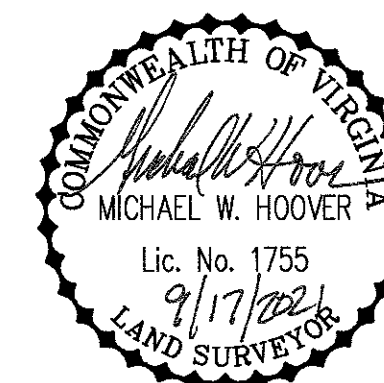
Commencing at a PK nail located at the dividing line between of Parcel 1 and Parcel 2 along the right of way of Route 31 Jamestown Road, Thence along the Northern right of way of Route 31 Jamestown Road along a curve to the left having a radius of 1,487.39 feet and an arc length of 66.50 feet to a point; Thence N 17°17'09" W a distance of 151.42 feet to a point; Thence along a curve to the right having a radius 1637.36 feet and an arc length of 10.28 feet to a point, Thence N 17°17'09" W a distance of 32.30 feet to a point; Thence along a curve to the right having a radius of 204.00 feet and an arc length of 189.17 feet to a point; Thence N 27°52'27" E a distance of 50.71 feet to a point; Thence S 62°07'33" E a distance of 50.00 feet to a point on the dividing line of Parcel 1 and Parcel 2; Thence along the said dividing line S 27°52'27" W a distance of 50.71 feet to a PK nail; Thence along the said dividing line along a curve to the left having a radius of 190.00 feet and an arc length of 149.76 feet to a rod; Thence along the said dividing line S 17°17'09" W a distance of 27.19 feet to a point; Thence along the said dividing line along a curve to the right having a radius of 1637.36 feet and an arc length of 5.88 feet to a rod; Thence along the said dividing line S 17°17'09" W 150.67 feet to a PK nail, the said PK nail being the point of beginning, said ingress/egress easement is for the benefit of Parcels 1 and 2 as shown on the plat recorded in Plat Book 72, Pages 77–78, Being the same property conveyed to 1807 Jamestown Road, LLC, a Virginia limited liability company, by Special Warranty Deed from Health Care Reit, Inc., a Delaware corporation, dated June 15, 2006, recorded June 22, 2006 in Instrument No. 060014918 in the Clerk's Office of The Circuit Court of James City County, Virginia.

SURVEYOR'S CERTIFICATION

To: LENDER: OWS BCA FUNDING, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AND ITS SUCCESSORS AND/OR ASSIGNS AS THEIR INTERESTS MAY APPEAR.

BORROWERS: WILLIAMSBURG PROPERTIES HOLDING COMPANY, LLC, A VIRGINIA LIMITED LIABILITY COMPANY AND WILLIAMSBURG OPERATIONS, LLC, A VIRGINIA LIMITED LIABILITY COMPANY; AND TO: CHICAGO TITLE INSURANCE COMPANY;

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS and includes items 1–4, 6(a), (7a1), 7(c) 8, 9, 11(a), 13, 14, 16, 17 and 18 of Table A thereof.



ALTA/NSPS LAND TITLE SURVEY
OF THE PROPERTY OF:
WMD JAMESTOWN, LLC
BERKELY MAGISTERIAL DISTRICT
JAMES CITY COUNTY, VIRGINIA
SCALE: 1"=50'
DATE: AUGUST 23, 2021
LAST REVISED: SEPTEMBER 17, 2021



Dewberry Engineers Inc

4805 LAKE BROOK DRIVE SUITE 200
GLEN ALLEN, VIRGINIA 23060-9278
PHONE: 804.290.7957
FAX: 804.290.7928
WWW.DEWBERRY.COM

Math By		Party Chief		DWG. NO. 16-C-07
Checked By	MWH	Fld.Bk./Pg.	768 20	JN 50085101

SHEET 1 OF 3

METES AND BOUNDS OF CURRENT SURVEY

All that certain lot, piece or parcel of land situate, lying and being in the Berkley District, James City County, Virginia being all of Parcel 2 containing 6.098 acres or 265,622 square feet as shown on the attached plat prepared by Dewberry Engineers Inc, dated August 23, 2021.

Tract 1:

Metes and Bounds Description for Parcel 2:

Commencing at a PK Nail located at the southwest corner of Parcel 2, corner in common with Parcel 1 along the right of way of Route 31 Jamestown Road being the Point of Beginning;

Thence along the dividing line between Parcel 1 and Parcel 2 N 24°46'28" W 150.67 feet to a rod found;

Thence continuing along the dividing line between Parcel 1 and Parcel 2 along a non-tangent curve to the left having a radius of 1637.39', an arc length of 6.04 feet and a chord of S 59°57'13" W 6.04 feet to a rod found;

Thence continuing along said a dividing line N 24°47'52" W 26.88 feet to an rod found;

Thence continuing along said dividing line along a curve to the right having a radius of 190.00 feet, an arc length of 149.76 feet and a chord of N 02°13'02" W 145.91 feet to a rod found;

Thence continuing along said dividing line N 20°21'44" E 240.36 feet to a rod found;

Thence along the southern and eastern lines of Welltower NNN Group, LLC (Instrument #180014385) S 70°43'05" E 125.81 feet to a bent rod found;

Thence N 19°15'29" E 174.26 feet to a rod found;

Thence along the southern line of Welltower NNN Group, LLC (Instrument #180014385) S 78°42'31" E 318.12 feet to a rod found;

Thence along the western line of Jackie A. Lima (Instrument #020017250), Nikolas S. Zawodny & Margaret C. Whitney (Instrument #150020338) and Larry R. Cooke and Bobby L. Oller, Trustee (Instrument #120010964), S 10°11'53" W 239.92 feet to a rod found;

Thence continuing with Cooke N 82°33'10" E 72.31 feet to a rod found;

Thence along Bishop Properties LLC et al S 07°28'12" E 175.07 feet to a rod found;

Thence along the northern right of way of Route 31 Jamestown Road along a non-tangent curve to the left having a radius of 1487.39 feet, an arc length of 574.61 feet and a chord of S 70°36'13" W 571.04 feet to the Point of Beginning.

Containing 6.098 acres or 265,622 square feet of land.

Being the same property as described and recorded in Instrument #990006959 and Plat Book 72 Page 77 and 78.

Being the same property as described in the title report from Chicago Title Insurance Company File No. VAC000142, effective July 16, 2021.

POTENTIAL ENCROACHMENTS

1. 4' CONCRETE SIDEWALK ALONG FRONTAGE OF PROPERTY. NO EASEMENT FOUND.

FLOOD NOTE

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE 'X' (AREA DETERMINED TO BE OUTSIDE OF 500 YEAR FLOOD PLAIN) OF THE FEMA FLOOD INSURANCE RATE MAP, COMMUNITY PANEL No. 510201-0045-B, WHICH BEARS AN EFFECTIVE DATE OF FEBRUARY 6, 1991 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.

ZONING INFORMATION

A PZR REPORT WAS PROVIDED AS PREPARED BY THE PLANNING & ZONING RESOURCE COMPANY FOR 1807 JAMESTOWN ROAD WILLIAMSBURG, VIRGINIA PZR SITE #95916-1 DATED 8-22-2016.

THE SUBJECT PROPERTY IS SHOWN AS SUBJECT TO THE FOLLOWING:

ZONING

A PORTION OF THE SITE IS ZONED R8 RURAL RESIDENTIAL DISTRICT
A PORTION OF THE SITE IS ZONED LB LIMITED BUSINESS DISTRICT

SETBACKS

A. RIGHT OF WAY

PER SUP-28-05 & MASTER PLAN
OPEN EASEMENT EXISTING WITHIN THE "LB" ZONED PORTION OF THE PROPERTY ABUTTING JAMESTOWN ROAD, PLUS A 10 FOOT BUILDING SETBACK BETWEEN THE ASSISTED LIVING FACILITY AND SAID OPEN EASEMENT

B. WEST SIDE

PER R-8
15 FEET BUILDING SETBACK TO THE WEST

C. EAST SIDE

PER "R-8", SUP-28-05 & MASTER PLAN
15 FEET BUILDING SETBACK TO THE EAST, HOWEVER A 50 FEET LANDSCAPE BUFFER IS REQUIRED BETWEEN ASSISTED LIVING FACILITY AND THE RESIDENTIAL PROPERTIES TO THE EAST

D. REAR

PER SUP-28-05 & MASTER PLAN
35 FEET BUILDING SETBACK TO THE NORTH; WITH AN OPEN EASEMENT TO THE NORTHEAST AS THE DEPICTED ON THE MASTER PLAN, PLUS A 10 FEET BUILDING SETBACK BETWEEN THE ASSISTED LIVING FACILITY AND SAID OPEN EASEMENT

MAXIMUM BUILDING HEIGHT PER ZONING IS 35 FEET

PARKING - 24 PARKING SPACES ARE REQUIRED.

ALTA/NSPS LAND TITLE SURVEY
OF THE PROPERTY OF:

WMD JAMESTOWN, LLC

BERKELY MAGISTERIAL DISTRICT
JAMES CITY COUNTY, VIRGINIA

SCALE: 1"=50'

DATE: AUGUST 23, 2021

LAST REVISED: SEPTEMBER 17, 2021



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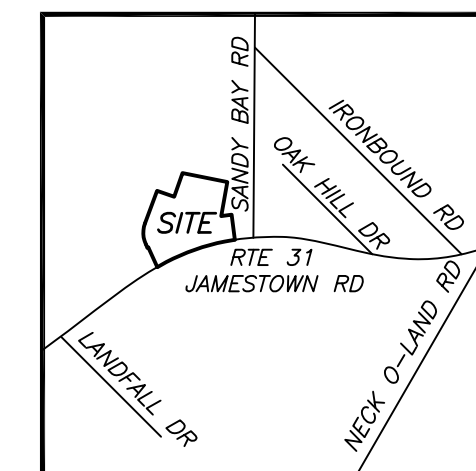
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4805 LAKE BROOK DRIVE SUITE 200
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WWW.DEWBERRY.COM



Math By		Party Chief		DWG. NO.
Checked By	MWH	Fld.Bk./Pg.	768 20	JN 50085101

VCS-NAD83
SOUTH ZONE



VICINITY MAP
N.T.S.

LEGEND:

- STORM INLET
- SEWER MANHOLE
- WATER VALVE
- ⊙ WATER METER
- ⋈ FIRE HYDRANT
- ⊕ POST INDICATOR VALVE
- ⋈ FIRE DEPT CONNECTOR
- CLEAN OUT
- ★ LIGHT POLE
- ⬢ GAS VALVE
- ⊕ TELEPHONE PEDESTAL
- ⊞ ELECTRICAL TRANSFORMER
- GEN GENERATOR
- DP DUMPSTER PAD
- PS PARKING SPACES
- W WATER LINE
- SD STORM DRAIN
- SS SANITARY SEWER

NOTE:
1. BEARINGS AND DISTANCES
SHOWN IN BOXES ARE PER
RECORD LEGAL DESCRIPTION.



ALTA/NSPS LAND TITLE SURVEY
OF THE PROPERTY OF:

WMD JAMESTOWN, LLC

BERKELY MAGISTERIAL DISTRICT
JAMES CITY COUNTY, VIRGINIA

SCALE: 1"=50'

DATE: AUGUST 23, 2021

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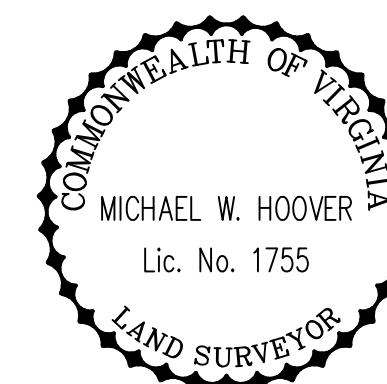
Dewberry

Dewberry Engineers Inc

4805 LAKE BROOK DRIVE SUITE 200
GLEN ALLEN, VIRGINIA 23060-9278
PHONE: 804.290.7957
FAX: 804.290.7928
WWW.DEWBERRY.COM

SHEET 3 OF 3

Math By		Party Chief		DWG. NO. 16-C-07
Checked By		Fld.Bk./Pg.	768 20	JN 50085101

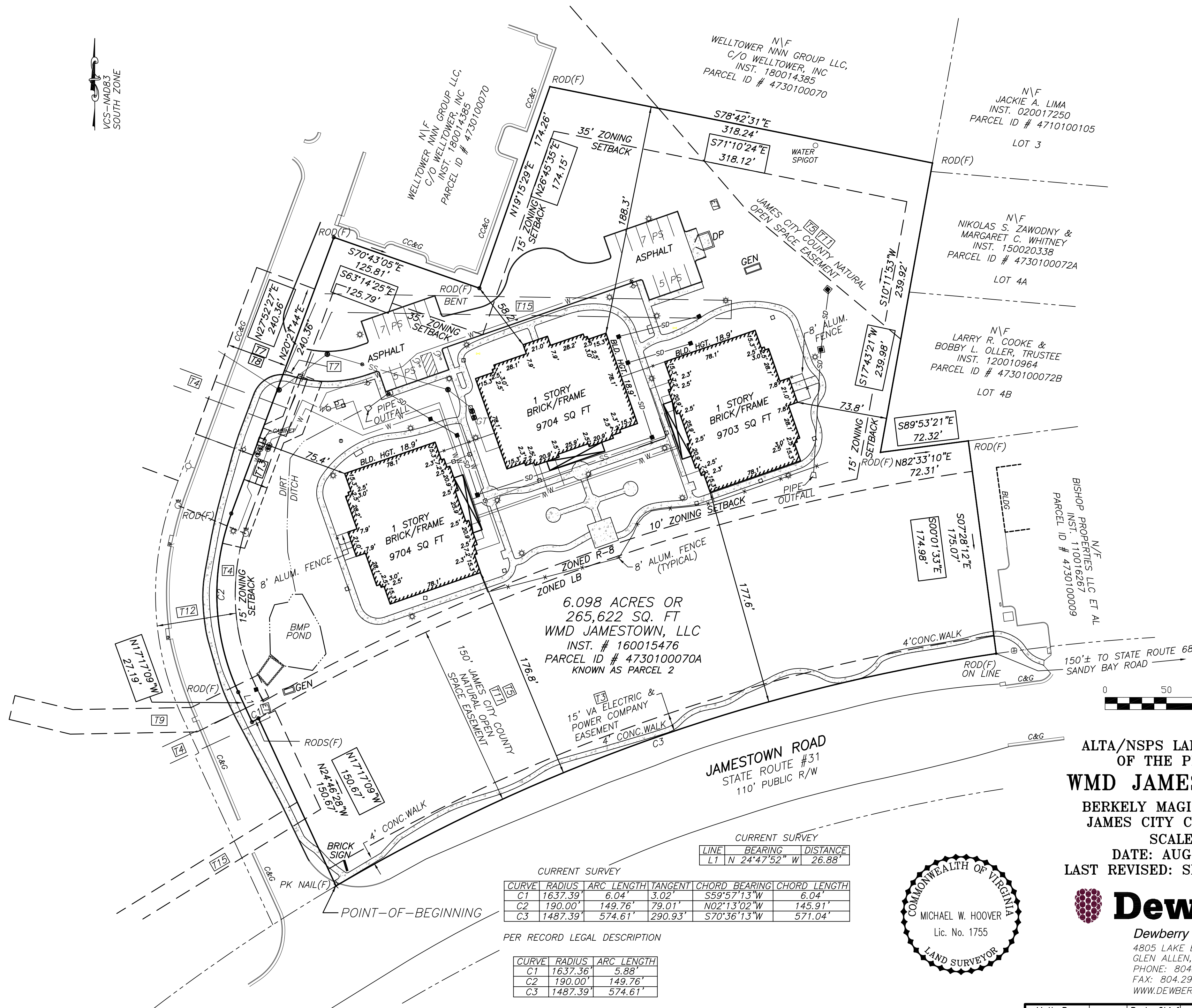


CURRENT SURVEY					
LINE	BEARING	DISTANCE			
L1	N 24°47'52" W	26.88'			

CURRENT SURVEY					
CURVE	RADIUS	ARC LENGTH	TANGENT	CHORD BEARING	CHORD LENGTH
C1	1637.39'	6.04'	3.02'	S59°57'13"W	6.04'
C2	190.00'	149.76'	79.01'	N02°13'02"W	145.91'
C3	1487.39'	574.61'	290.93'	S70°36'13"W	571.04'

PER RECORD LEGAL DESCRIPTION

CURVE	RADIUS	ARC LENGTH
C1	1637.36'	5.88'
C2	190.00'	149.76'
C3	1487.39'	574.61'



VII. Appendix B – Phase 1 Assessment



Property Solutions INC.
Environmental & Engineering Consulting

323 New Albany Road • Moorestown, New Jersey 08057 • 856-813-3000 • Fax 856-813-1068

PHASE I ENVIRONMENTAL ASSESSMENT

Of

English Meadows
1807 Jamestown Road
Williamsburg, James City County, Virginia 23185

Prepared for:

Ten-X, Inc.
17600 Laguna Canyon Road
Irvine, California 92618

Prepared by:

Property Solutions Inc.
323 New Albany Road
Moorestown, New Jersey 08057

Final: October 8, 2024

Property Solutions Project No. 20240932



Property Solutions INC.
Environmental & Engineering Consulting

323 New Albany Road • Moorestown, New Jersey 08057 • 856-813-3000 • Fax 856-813-1068

PHASE I ENVIRONMENTAL ASSESSMENT

Of

English Meadows
1807 Jamestown Road
Williamsburg, James City County, Virginia 23185

Prepared for:

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Prepared by:

Property Solutions Inc.
323 New Albany Road
Moorestown, New Jersey 08057

Dated: October 8, 2024

Property Solutions Project No. 20240932

Jerry Kidwell
Environmental Consultant

Stacy Durden
Senior Geologist

We declare that, to the best of our professional knowledge and belief, we meet the definition of *Environmental professional* as defined in §312.10 of 40 C.F.R. 312 and we have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. We have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 C.F.R. Part 312.

A handwritten signature in blue ink, appearing to read "J. F. Kidwell", written over a horizontal line.

Jerry Kidwell
Environmental Consultant

A handwritten signature in blue ink, appearing to read "S. Durden", written over a horizontal line.

Stacy Durden
Senior Geologist

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20240932

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PROJECT SUMMARY

Client Name/User:	Ten-X, Inc.	Property Visit Date:	September 25, 2024
Client Contact:	Derek Rudd	Construction Date:	2017
Property Solutions Project No.:	20240932	No. Bldgs./Units:	Three buildings/ 48 Units
Property Solutions Project Manager:	Stacy Durden	No. of Stories:	One
Phone No.:	770-434-1997	Bldg. Square Footage:	28,920 square feet
Email:	sdurden@propertysolutionsinc.com	Property Acreage:	6.1 acre(s)
Property Name:	English Meadows	Basement/Slab-on-grade:	Slab-on-grade
Property Address:	1807 Jamestown Road	Property Use:	Senior care
Property Town, County, State:	Williamsburg, James City County, Virginia	Property History:	Unimproved land
Property Identification:	4730100070A	Other Improvements:	Parking/drive areas

Our review of general property information, observation of adjacent properties, research of historical property information, including a review of environmental records, and a property visit revealed the following:

	No Further Action	REC	CREC	HREC	De Minimis Conditions	ASTM Non-scope Considerations	Opinion of Probable Cost	Refer to Section
Property Operations	X							2.3
Neighboring Properties	X							5.0
Historical Review	X							6.0
Previous Reports	X							6.6
Regulatory Review	X							8.0
USTs	X							9.1.1
ASTs	X							9.1.2
PCBs	X							9.1.3
Chemicals/Hazardous Materials/Raw Materials	X							9.1.5
Waste Generation/Disposal	X							9.1.6
Stressed Vegetation, Staining, and Odors	X							9.1.10
Surficial Disturbances	X							9.1.11
ACMs	X							9.2.1
Radon	X							9.2.2
Lead-Based Paint	X							9.2.3
Lead in Drinking Water	X							9.2.4
Other								

20240932

Notes / Recommendations: To understand the property and report, you must read the Executive Summary and complete report.

We have performed a Phase I Environmental Assessment in conformance with the scope and limitations of ASTM Practice E1527-21 of the English Meadows property located at 1807 Jamestown Road in Williamsburg, James City County, Virginia, 23185. Any exceptions to, or deletions from, this practice are described in Section 1.0 of this report. This assessment has revealed no recognized environmental conditions, controlled recognized environmental conditions, or significant data gaps in connection with the subject property.

EXECUTIVE SUMMARY

Property Solutions Inc. (Property Solutions) conducted a Phase I Environmental Assessment of the English Meadows property located at 1807 Jamestown Road in Williamsburg, James City County, Virginia 23185 (subject property) at the request of Ten-X, Inc.

The subject property consists of an irregularly-shaped, 6.1-acre parcel of land located on the northwest side of the intersection of Jamestown Road and Sandy Bay Road. The subject property is improved with three, one-story, senior care buildings constructed in 2017 (subject buildings). The subject property is also improved with paved parking/drive areas. A pond is located on the adjoining property. Vehicular access to the subject property is gained via a driveway along the southern side of the subject property.

The subject buildings consist of wood frame construction with a poured concrete foundation. The gross area of the subject buildings is approximately 28,920 square feet. The subject buildings contain 48 resident spaces currently used for senior care purposes. Interior finishes consist of painted drywall and wallpaper walls, painted drywall ceilings, carpeting and resilient floor tile. The subject buildings also contain a laundry room, kitchen, mechanical room, and activities room. The subject buildings is/are heated and cooled by natural gas and electricity.

The subject property was historically unimproved wooded land, a single-family home, and a campground prior to the current improvements in 2017.

We have performed a Phase I Environmental Assessment in conformance with the scope and limitations of ASTM Practice E1527-21 of the English Meadows property located at 1807 Jamestown Road in Williamsburg, James City County, Virginia 23185. Any exceptions to, or deletions from, this practice are described in Section 1.0 of this report. This assessment has revealed no recognized environmental conditions, controlled recognized environmental conditions, or significant data gaps in connection with the subject property.

1.0 INTRODUCTION

Property Solutions Inc. (Property Solutions) conducted a Phase I Environmental Assessment of the English Meadows property located at 1807 Jamestown Road in Williamsburg, James City County, Virginia 23185 (subject property) at the request of Ten-X, Inc. Ten-X, Inc is considered the User, as defined in ASTM E1527-21 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process. The subject property is identified as 4730100070A, according to the James City County Tax Assessor.

A property location map is included in Appendix A.

This Phase I Environmental Assessment was conducted in general accordance with industry-accepted practices and American Society for Testing and Materials (ASTM) Standard E1527-21 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process. The work was authorized by the Notice to Proceed dated September 16, 2024.

Per the ASTM practice and throughout this report, the Client will be considered the same as the User in the ASTM E1527-21 practice.

1.1 Purpose

The purpose of a Phase I Environmental Assessment is to evaluate issues that may have an impact on the subject property. The purpose of the ASTM E1527-21 practice is to define good commercial and customary practice in the United States of America for conducting an environmental site assessment of a parcel of commercial real estate with respect to the range of contaminants within the scope of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C. § 9601) and petroleum products. As such, this practice is intended to permit a user to satisfy one of the requirements to qualify for the innocent landowner, contiguous property owner, or bona fide prospective purchaser limitations on CERCLA liability (hereinafter, the “landowner liability protections,” or “LLPs”): that is, the practice that constitutes all appropriate inquiries into the previous ownership and uses of the property consistent with good commercial and customary standards and practices as defined at 42 U.S.C. § 9601(35)(B). (See ASTM E1527-21 Appendix X1 for an outline of CERCLA’s liability and defense provisions.) Controlled substances are not included within the scope of this practice. Persons conducting an environmental site assessment as part of an EPA Brownfields Assessment and Characterization Grant awarded under CERCLA 42 U.S.C. § 9604(k)(2)(B) must include controlled substances as defined in the Controlled Substances Act (21 U.S.C. § 802) within the scope of the assessment investigations to the extent directed in the terms and conditions of the specific grant or cooperative agreement. Additionally, an evaluation of business environmental risk (BER) associated with a parcel of commercial real estate may necessitate investigation beyond that identified in this practice (see ASTM E1527-21 Sections 1.4 and 13).

The goal of the processes established by this practice is to identify recognized environmental conditions. The term recognized environmental condition means (1) the presence of hazardous substances or petroleum products in, on, or at the subject property due to a release to the

environment; (2) the likely presence of hazardous substances or petroleum products in, on, or at the subject property due to a release or likely release to the environment; (3) the presence of hazardous substances or petroleum products in, on, or at the subject property under conditions that pose a material threat of a future release to the environment. A de minimis condition is not a recognized environmental condition.

The purpose of this report is not intended to serve as a compliance assessment of the subject property or to identify health and safety issues or procedures. The ASTM E1527-21 DOES NOT address whether requirements in addition to all appropriate inquiry have been met in order to qualify for the LLPs (for example, the duties specified in 42 U.S.C. § 9601(b)(3)(a) and (b) and cited in Appendix X1 of the ASTM Standard, including the continuing obligation not to impede the integrity and effectiveness of activity and use limitations (AULs), or the duty to take reasonable steps to prevent releases, or the duty to comply with legally required release reporting obligations).

The ASTM E1527-21 practice DOES NOT address requirements of any state or local laws or of any federal laws other than the all appropriate inquiries provision of the LLPs. Per the ASTM Standard, Users are cautioned that federal, state, and local laws may impose environmental assessment obligations that are beyond the scope of this practice. Users should also be aware that there are likely to be other legal obligations with regard to hazardous substances or petroleum products discovered in, on, or at the subject property that are not addressed in the ASTM practice and that may pose risks of civil and/or criminal sanctions for noncompliance.

1.2 Scope of Work

This Phase I Environmental Assessment was conducted in accordance with the following Scope of Work:

1. Requested user to complete questionnaire and provide all user required information.
2. Researched and reviewed available information regarding past owners and occupants of the subject property to assess the potential for releases resulting from prior on-property activities. Aerial photographs, city directories, topographic maps, interviews and fire insurance maps were utilized, as available. Chain-of-title and environmental liens were reviewed if provided by the client/user.
3. Researched available information regarding immediately adjacent properties for evidence of releases that could impact the subject property.
4. Interviewed available persons familiar with current and former on-property activities for relevant information regarding potential environmental concerns as coordinated by the Client/User.
5. Reviewed federal and state regulatory agency database information for the subject property and neighboring properties to identify potential concerns that could adversely affect the environmental condition of the subject property. The database review included,

but was not limited to, a review of the following lists: United States Environmental Protection Agency (USEPA) National Priorities List (NPL) Sites, Superfund Enterprise Management System (SEMS; former Comprehensive Environmental Response, Compensation and Liability Information System [CERCLIS]) Sites, SEMS-Archive (former CERCLIS No Further Remedial Action Planned [NFRAP]) Sites, State Hazardous Waste Sites, Resource Conservation and Recovery Act Information System (RCRIS) Corrective Action, Generator, and Treatment/Storage/Disposal (TSD) Sites, Leaking Registered Storage Tank (LRST) Sites, Registered Storage Tank (RST) Sites, landfills, and Emergency Response Notification System (ERNS) Sites. Contacted federal, state, and local regulatory agencies.

6. Performed a property visit to identify areas of potential environmental concern such as the bulk storage of regulated substances, underground/aboveground storage tanks, asbestos-containing materials, electrical transformers, and process-related wastes. To the extent possible, a review of immediately adjacent properties was also performed from the subject property and public thoroughfares. The property visit was performed using grid patterns across the property (as easily accessible) and through other systematic means. Findings and conditions were made only to the extent that they were visually and/or physically observed during the property visit.
7. Prepared a technical Phase I Environmental Assessment report to document the findings regarding the current environmental condition of the subject property. If warranted, the report contains recommendations for further action. In addition to ASTM scope items, the following ASTM non-scope items were discussed and included in the report based upon a limited review: asbestos containing materials, radon, lead-based paint, lead in drinking water, potential wetlands, air emissions, mold/water intrusion, and emerging contaminants.

1.3 Significant Assumptions

The following assumptions are made by Property Solutions in this report. Property Solutions relied on information derived from secondary sources including governmental agencies, the client (User), designated representatives of the client (User), property contact, property owner, property owner representatives, computer databases, and personal interviews. Except as set forth in this report, Property Solutions has made no independent investigation as to the accuracy and completeness of the information derived from secondary sources including government agencies, the client, designated representatives of the client, property contact, property owner, property owner representatives, computer databases, or personal interviews and has assumed that such information is accurate and complete. Property Solutions assumes information provided by or obtained from governmental agencies including information obtained from government websites is accurate and complete. Groundwater flow and depth to groundwater, unless otherwise specified by on-property well data, are assumed based on contours depicted on the United States Geological Survey topographic maps. Property Solutions assumes the property has been correctly and accurately identified by the client (User), designated representative of the client (User), property contact, property owner, and property owner's representatives. Property Solutions assumes that the Client (User), Client representatives, Client Legal Counsel,

designated representatives of the Client, Key Site Manager, property contact, property owner, property owner representatives, and property brokers, used good faith in answering questions and in obtaining information for the subject property as defined in 10.8 of the ASTM E1527-21 practice. This would also include obtaining those helpful documents from previous owners, operators, tenants, brokers, financial institutions etc. Property Solutions also assumes the Client will designate appropriate and knowledgeable people for performance of the Phase I Environmental Assessment including Key Site Managers.

1.4 Limitations and Exceptions of the Assessment

The findings, observations, conclusions, and recommendations of this report are limited by the contract technical requirements and the methods used to perform the services outlined in the scope of work. These services have been performed in accordance with the described scope for Phase I Environmental Assessments. In order to perform a comprehensive environmental evaluation, subsurface investigation and testing would be required to definitively evaluate whether contamination has affected the subject property. Therefore, the findings, conclusions, and recommendations presented herein are based solely on the scope of work previously described and information gathered. Incomplete or outstanding information identified throughout the body of this report including data gaps is considered a limitation to the assessment. Limitations to the assessment also include weather conditions, vegetation cover, parked cars, trucks, dumpsters, and anything limiting visual observation of or physical access to the subject property and neighboring properties. This report and scope is not an environmental compliance audit.

No environmental assessment can wholly eliminate uncertainty regarding the potential for recognized environmental conditions in connection with a property. Performance of the ASTM practice is intended to reduce, but not eliminate, uncertainty regarding the potential for recognized environmental conditions in connection with a property, and the ASTM practice recognizes reasonable limits of time and cost.

Appropriate inquiry does not mean an exhaustive assessment of a property. There is a point at which the cost of information obtained or the time required to gather it outweighs the usefulness of the information and, in fact, may be a material detriment to the orderly completion of transactions. One of the purposes of this practice is to identify a balance between the competing goals of limiting the costs and time demands inherent in performing an environmental site assessment and reducing uncertainty about unknown conditions resulting from additional information.

Subject to Section 4.8 of the ASTM E1527-21 Standard, an environmental site assessment meeting or exceeding this practice is presumed to be viable when it is completed within 180 days prior to the date of acquisition of the subject property or (for transactions not involving an acquisition such as a lease or refinance the date of the intended transaction). If within this period the assessment will be used by a user different than the User (client) for whom the assessment was originally prepared, the subsequent user (if authorized to rely on the report as identified in Section 1.6 Reliance of this report) must also satisfy the User's Responsibilities in Section 6 of the ASTM E1527-21 Standard. If this assessment is over 180 days old it is not valid and a new assessment should be performed per the ASTM Standard.

All findings, conclusions, and recommendations stated in this report are based upon facts, circumstances, and industry-accepted procedures for such services as they existed at the time this report was prepared (i.e., federal, state, and local laws, rules, regulations, market conditions, economic conditions, political climate, and other applicable matters). All findings, conclusions, and recommendations stated in this report are based on the data and information provided, and observations and conditions that existed on the date and time of the property visit. Responses received from interviewees, the user, local, state, or federal agencies or other secondary sources of information after the issuance of this report may change certain facts, findings, conclusions, or circumstances to the report. A change in any fact, circumstance, or industry-accepted procedure upon which this report was based may adversely affect the findings, conclusions, and recommendations expressed in this report.

No other person or entity, unless specifically identified in Section 1.6 of this report may rely on this report. Subsequent consultants and subsequent Users may not rely on this report or information included in this report. Property Solutions Inc. will not be held liable in any way for any and all unauthorized use of this report both currently and in the future. Consultants and subsequent Users must specifically and separately verify all information and not rely on the facts, findings, conclusions, opinions, and recommendations of this report. Future use of this report by consultants or subsequent Users is strictly prohibited and not authorized to evaluate the appropriateness of using this information in environmental site assessments performed in the future by anyone other than Property Solutions Inc. Subsequent consultants and subsequent Users may not include this report or information included in this report (unless publicly available) without the written authorization of Property Solutions Inc.

1.5 Special Terms and Conditions

This Phase I Environmental Assessment was prepared in accordance with the stated and agreed upon Scope of Work. This report was specifically and only prepared for the identified specific client (user) and for their specific purpose; no other person or entity for any other purpose may use, or rely on this report or its contents unless specifically authorized in writing by Property Solutions Inc. No other special terms and conditions are applicable to this Phase I Environmental Assessment.

1.6 Reliance

This report has been prepared for the sole benefit of Ten-X, Inc., and may not be relied upon by any other person or entity without the written authorization of Property Solutions.

1.7 Data Gaps

The following data gaps were identified during this Phase I Environmental Assessment:

- Property information including previous reports or plans.
- User provided information and responsibilities.
- Historical property information.
- Interviews, i.e. with property owner
- Environmental record search and governmental records.

Specific information concerning data gaps are presented in each applicable section of this report.

None of the above data gaps are considered significant.

2.0 GENERAL PROPERTY INFORMATION

2.1 Property Location

Property Location	
Property Name	English Meadows
Property Address	1807 Jamestown Road
Property Town, County, State, Zip	Williamsburg, James City County, Virginia 23185
Property Tax Identification	4730100070A (James City County Tax Assessor)
Property Topographic Quadrangle	<u>Surry, Virginia</u>
Nearest Intersection	1807 Jamestown Road and Sandy Bay Road
Area Description	Rural

An excerpt from the USGS 7.5-minute series topographic quadrangle map of Surry, Virginia, locating the subject property, is included in Appendix A.

2.2 Property Description

Property Information	
Property Ownership Name	Williamsburg Properties Holding Company LLC (James City County Tax Assessor)
Date of Acquisition	October 7, 2021 (James City County Tax Assessor)
Property Acreage	6.1-acre (James City County Tax Assessor)
Property Shape	Irregular
Property Use	Senior care, both assisted living and memory care
Number of Buildings	Three
Number of Stories	One
Construction Date	2017 (James City County Tax Assessor)
Building Square Footage	28,920 square feet (James City County Tax Assessor)
Basement/Slab-on-grade	Slab-on-grade
Number of Units	48 resident units in three buildings
Ceiling Finishes	Drywall
Floor Finishes	Concrete, ceramic tile, vinyl floor tile, vinyl sheet flooring, carpet
Wall Finishes	Drywall
HVAC (Energy Source & Type of System)	Electric PTAC units for resident rooms; natural gas fired furnaces and electric condenser units for common areas
Renovation Date	N/A

Property Information	
Vehicular Access	West, along unnamed access road
Other Improvements	Paved parking/drive areas
Property Coverage	Footprints of the subject buildings, associated parking areas, lawn areas, and landscaping

A property diagram of the subject property is included in Appendix B.

2.3 Property Operations

English Meadows utilizes the subject property for a senior care facility.

No industrial or manufacturing operations were observed at the subject property at the time of the property visit.

No environmental concerns were identified at the subject property based on the operations observed during the property visit.

2.4 Utilities

Property Solutions was informed by Mr. BJ Armstead, that the following companies and municipality or authorities currently provide utility services to the subject property:

Utility	Provider
Electricity	Dominion Virginia Power
Natural Gas	Virginia Natural Gas
Sanitary Sewerage	James City Service Authority
Potable Water	James City Service Authority
Solid Waste Removal	Waste Management
Fuel Oil	Not provided to subject property
Steam	Not provided to subject property

3.0 USER PROVIDED INFORMATION AND RESPONSIBILITIES

This section is to describe tasks to be performed by the User. The “All Appropriate Inquiries” (AAI) Final Rule (40 C.F.R. Part 312) requires that these tasks be performed by or on behalf of a party seeking to qualify for an LLP to CERCLA liability. These tasks must also be completed by or on behalf of EPA Brownfield Assessment and Characterization grantees. While such information is not required to be provided to the environmental professional, the environmental professional shall request that the user provide the results of these tasks as such information can assist the environmental professional in identifying recognized environmental conditions.

Per the ASTM standard, the environmental professional shall note in the report whether or not the User has reported to the environmental professional information pursuant to Section 6 of the ASTM standard.

User's Responsibilities	User Provided	Other Provided	Not provided
Optional User Questionnaire			X
Title and Judicial Records for Environmental Liens/Activity Use Limitations			X
Specialized Knowledge or Experience of the User			X
Actual Knowledge of the User			X
Reason for Significantly Lower Purchase Price (value reduction)			X
Commonly Known or Reasonably Ascertainable Information			X
Degree of Obviousness			X
Reason for Performing the Phase I other than to qualify for LLP to CERCLA Liability	X		
Helpful Documents/Prior Reports			X
Proceedings Involving the Subject Property			X
User Identified Personnel	X		

No significant data gaps were identified based upon the information known by the User for this transaction.

User Questionnaire

The User has chosen not to complete the questionnaire citing a lack of pertinent knowledge of the environmental condition of the property. As Ten-X, Inc. (User) has no specific knowledge of the property unless otherwise noted and operations, they requested the consultant pursue this information.

Title and Judicial Records for Environmental Liens/Activity Use Limitations

Per ASTM E1527-21 Section 6.2, the User is required to provide and/or report to the environmental professional any title and judicial records for environmental liens/activity use limitations (AULs) so identified for the subject property. The environmental professional per the ASTM practice is not responsible to undertake a review of recorded land title records and judicial records for environmental liens or activity and use limitations. Property Solutions understands that title information and updated title reports can be obtained from the Client.

To meet the requirements of 40 C.F.R. 312.20 and 312.25, a search for the existence of environmental liens and AULs that are filed or recorded against the subject property must be conducted. To meet this requirement, Users may rely on either of the following two methods:

Method 1 Transaction-Related Title Insurance Documentation Such as Preliminary Title Reports and Title Commitments - The User may rely on title insurance documentation, commonly fashioned as preliminary title reports or title commitments, which are prepared in the course of offering title insurance for the subject property transaction to identify environmental liens or AULs filed or recorded against the subject property. Title insurance documentation involves a

reliable review of land title records or judicial records (see section X1.7.4 of the ASTM Practice discussing title insurance documentation). However, the User (or a title professional engaged by the User) should closely review the title insurance documentation, particularly the areas of the documentation listing subject property encumbrances or “restrictions on record,” for indications of AULs or environmental liens.

Method 2 Title Search Information Reports Such as Condition of Title, Title Abstracts, and AUL/Environmental Lien Reports - Alternatively, Users may rely on title search information reports to identify environmental liens or AULs filed or recorded against the subject property. Title search information reports, commonly fashioned as Condition of Title, Title Abstract, AUL/Environmental Lien, or similarly titled reports, provide the results of land title record and/or judicial records research (as applicable) for information purposes only, rather than for the purposes of offering title insurance. Users may rely on title search information reports as long as the title search information reports meet the following scope:

Scope of Title Search Information Reports - Title search information reports shall identify environmental covenants, environmental easements, land use covenant and agreements, declaration of environmental land use restrictions, environmental land use controls, environmental use controls, environmental liens, or any other recorded instrument that restricts, affects, or encumbers the title to the subject property due to restrictions or encumbrances associated with the presence of hazardous substances or petroleum products. Title search information reports shall review land title records for documents recorded between 1980 and the present. If judicial records are not reviewed, the title search information report shall include a statement providing that the law or custom in the jurisdiction at issue does not require a search for judicial records in order to identify environmental liens.

The User did not request Property Solutions to coordinate with a title company or title professional to undertake a review of Recorded Land Title records and judicial records for environmental liens or AULs.

Therefore, no title records were searched and no information was provided for environmental liens and AULs which is the responsibility of the User. Per the ASTM standard this is considered a data gap.

Knowledge of the User

Per the ASTM standard, the Users must take into account their specialized knowledge to identify conditions indicative of releases or threatened releases. If the user has any specialized knowledge or experience that is material to recognized environmental conditions in connection with the property, the user should communicate any information based on such specialized knowledge or experience to the environmental professional. The user should do so before the environmental professional conducts the property visit.

The User did not inform Property Solutions of any specialized knowledge, actual knowledge, experience, or commonly known and reasonably ascertainable information within the local community concerning recognized environmental conditions at the subject property. The property visit was performed on September 27, 2024.

Mr. BJ Armstead had no specialized knowledge, actual knowledge, experience, or commonly known and reasonably ascertainable information within the local community concerning recognized environmental conditions at the subject property.

Valuation Reduction for Environmental Issues

Per the ASTM Standard, in a transaction involving the purchase of a parcel of commercial real estate, the User shall consider the relationship of the purchase price of the subject property to the fair market value of the subject property if the subject property was not affected by hazardous substances or petroleum products. The User should try to identify an explanation for a significantly lower price which does not reasonably reflect fair market value if the subject property was not contaminated, and make a written record of such explanation. Among factors to consider will be the information that becomes known to the User pursuant to the Phase I Environmental Assessment. The ASTM Standard does not require that a real estate appraisal be obtained in order to ascertain fair market value of the property. The User should inform the environmental professional if the User believes that the purchase price of the subject property is lower than the fair market value due to contamination. The User is not required to disclose the purchase price to the environmental professional.

The User did not inform Property Solutions that a significantly lower purchase price was noted for the subject property.

Reason for Performing the Phase I Environmental Assessment

Ten-X, Inc. (User) is performing the Phase I Environmental Assessment for pre-disposition purposes.

Helpful Documents Provided Prior to Property Visit

Per the ASTM standard, prior to the property visit, the property owner, key site manager (if any Per the ASTM Standard, prior to the property visit, the subject property owner, key site manager (if any is identified), and User (if different from the subject property owner) shall be asked if they know whether any of the documents below exist and if so, whether copies can and will be provided within reasonable time and cost constraints including partial information. This information is to be provided prior to or at the beginning of the property visit.

Documents	User		Key Site Manager		Property Owner	
	Exist	Provided	Exist	Provided	Exist	Provided
ESA reports	NA	No	No	NA	NA	No
Environmental site investigation reports	NA	No	No	NA	NA	No
Environmental compliance audit reports	NA	No	No	NA	NA	No
Environmental permits for example, solid waste disposal permits, hazardous waste disposal permits, wastewater permits, NPDES permits, underground injection permits, air permits)	NA	No	No	NA	NA	No
UST/AST registrations	NA	No	No	NA	NA	No

Documents	User		Key Site Manager		Property Owner	
	Exist	Provided	Exist	Provided	Exist	Provided
Registrations for underground injection systems	NA	No	No	NA	NA	No
SDSs	NA	No	No	NA	NA	No
Community Right-to-Know Plans	NA	No	No	NA	NA	No
Safety plans	NA	No	No	NA	NA	No
SPCC plans	NA	No	No	NA	NA	No
Emergency preparedness and prevention plans/ facility response plans	NA	No	No	NA	NA	No
Hydrogeologic reports	NA	No	No	NA	NA	No
Reports regarding self-directed or other cleanup activities at the subject property	NA	No	No	NA	NA	No
Notices or other correspondence from any government agency relating to past or current violations of environmental laws with respect to the subject property or relating to environmental liens encumbering the subject property	NA	No	No	NA	NA	No
Hazardous waste generator notices or reports	NA	No	No	NA	NA	No
Geotechnical studies	NA	No	No	NA	NA	No
Risk assessments	NA	No	No	NA	NA	No
Recorded AULs	NA	No	No	NA	NA	No
Environmental liens	NA	No	No	NA	NA	No
Land Survey	NA	No	No	NA	NA	No

No response to our request for the above helpful documents was provided by the User, Key Site Manager or Property Owner. This is considered a data gap.

Proceedings Involving the Property

Per the ASTM Standard, prior to the property visit, the subject property owner, key site manager (if any is identified), and User (if different from the property owner) shall be asked whether they know of: (1) any pending, threatened, or past litigation relevant to hazardous substances or petroleum products in, on, at, or from the subject property; (2) any pending, threatened, or past administrative proceedings relevant to hazardous substances or petroleum products in, on, at, or from the subject property; and (3) any notices from any governmental entity regarding any possible violation of environmental laws or possible liability relating to hazardous substances or petroleum products.

The User did not indicate whether they have knowledge of (1) any pending, threatened, or past litigation relevant to hazardous substances or petroleum products in, on, or from the subject property; (2) any pending, threatened, or past administrative proceedings relevant to hazardous substances or petroleum products in, on or from the subject property; and (3) any notices from any governmental entity regarding any possible violation of environmental laws or possible liability relating to hazardous substances or petroleum products

The key site manager did not indicate whether they have knowledge of (1) any pending, threatened, or past litigation relevant to hazardous substances or petroleum products in, on, or from the property; (2) any pending, threatened, or past administrative proceedings relevant to hazardous substances or petroleum products in, on or from the property; and (3) any notices from any governmental entity regarding any possible violation of environmental laws or possible liability relating to hazardous substances or petroleum products.

User Identified Personnel

The information and contacts below were identified and/or provided by the User/Client.

Contact	Name	Company
User	Derek Rudd	Ten-X, Inc.
Key Site Manager	Mr. BJ Armstead	English Meadows
Current Property Owner Representative	Mr. BJ Armstead	English Meadows

4.0 PHYSICAL SETTINGS

4.1 Topography/Regional Drainage

Topographic Quadrangle Name	<u>Surry, Virginia</u>
Property Elevation	Approximately 35 feet above mean sea level
Surface Gradient	(Southwest) (Topographic decline)
Property Drainage	Detention basins
Regional Drainage	Southwest towards an intermittent stream; 100 feet
Closest Perennial Water body	100 feet towards an intermittent stream

A copy of the USGS 7.5-minute series topographic quadrangle map of Surry, Virginia, is included in Appendix A.

4.2 Soils

USDA County Soil Survey	
Information Source	NRCS Soils Mapper
Date of Information Source	2024
Soil Name	Slagle fine sandy loam, 0 to 2 percent slopes
Description: fine sandy loam and clay loam weathered from marine deposits found on marine terraces. These soils are moderately well drained with a moderate water holding capacity.	
Expected depth to bedrock	Greater than six feet

4.3 Underlying Formation

Information Source	USGS
Title of Publication	Geologic Map of Virginia
Date of Publication	1999
Name of Unit	Proterozoic-Paleozoic
Description of Unit: Gneiss, schist, slate, phyllite, quartzite and marble	

4.4 Groundwater

Information Source	USGS
Title of Publication	USGS National Water Information System
Date of Publication	USGS National Water Information System
Underlying Aquifer	Coastal Plain
Description: made up of sedimentary layers, such as clay, silt, sand, and gravel, deposited over millions of years.	

Expected Depth to Shallow Groundwater	Approximately three feet bgs
Information Source	USGS National Water Information System
Expected Direction of Shallow Groundwater Flow	Southeast
Information Source	Inferred from topography on USGS Topo Map

5.0 NEIGHBORING PROPERTIES

Review of neighboring properties from the subject property and from public thoroughfares, and research of available information regarding the neighboring properties, were performed to identify evidence of environmental concerns that could adversely impact the subject property. The subject property is located in a residential, commercial, industrial area of Williamsburg, Virginia.

Direction	Property	Address	Operations
North	Consulate Health Care of Williamsburg	1811 Jamestown Road	Nursing and rehabilitation center
South	Jamestown Road	N/A	Public Thoroughfare
	Stormwater drainage pond	N/A	Drainage pond
	Jamestown Pie Company	1804 Jamestown Road	Bakery
East	Unimproved woodland	N/A	Wooded land
	Single family home	2847 Sandy Bay Road	Residential
	7-Eleven	1801 Jamestown Road	Gasoline station and convenience store
West	Access Road to subject property and north adjoining property	N/A	Access Road
	Undeveloped wooded land	N/A	Wooded land

Based upon a review of the environmental database and Property Solutions' observations, the neighboring property (1801 Jamestown Road) are listed with documented releases but is not a concern based on regulatory status and anticipated direction of groundwater flow. This property is further discussed in Section 8.

A property diagram including neighboring properties is included in Appendix B. Photographs including the neighboring properties are included in Appendix C.

6.0 HISTORICAL PROPERTY INFORMATION

The following is a summary of the historical use of the subject property based on a review of the standard historical source information that is further described below:

Decade	Property Use	Standard Source/Source
1900	Undeveloped	Topo Quadrangle
1910	Undeveloped	Topo Quadrangle
1920	Undeveloped	Topo Quadrangle
1930	Undeveloped	Topo Quadrangle
1940	Undeveloped	Topo Quadrangle
1950	Undeveloped	Topo Quadrangle
1960	Undeveloped	Topo Quadrangle, Aerial Photographs
1970	Indian Village Campground	Topo Quadrangle, Aerial Photographs
1980	Indian Village Campground	Topo Quadrangle, Aerial Photographs
1990	Indian Village Campground	Topo Quadrangle, Aerial Photographs, City Directories
2000	Topo Quadrangle, Aerial Photographs	Topo Quadrangle, Aerial Photographs, City Directories
2010	Senior Care center	Topo Quadrangle, Aerial Photographs, City Directories
2020	Essentially unchanged	Topo Quadrangle, Aerial Photographs, City Directories

6.1 City Directories

Source: EDR		
City Directory Type: Hill's, Cole's, Haines		
Year	Address	Listing
1964-1990	1807 Jamestown Road (SP)	Directory not available
	1811 Jamestown Road (NP)	Directory not available
	1800-1801 Jamestown Road (NP)	Directory not available
	2847 Sandy Bay Road (NP)	Directory not available
	1804 Jamestown Road (NP)	Directory not available
1992, 1995	1807 Jamestown Road (SP)	No listing
	1811 Jamestown Road (NP)	No listing
	1800-1801 Jamestown Road (NP)	7-Eleven Stores Williamsburg
	2847 Sandy Bay Road (NP)	No listing

Source: EDR		
City Directory Type: Hill's, Cole's, Haines		
	1804 Jamestown Road (SP)	No listing
2000	1807 Jamestown Road (SP)	No listing
	1811 Jamestown Road (NP)	TF Geller
	1800-1801 Jamestown Road (NP)	7-Eleven Food Stores
	2847 Sandy Bay Road (NP)	No listing
	1804 Jamestown Road (NP)	James River Pie Company, Tokies Brownies
2005	1807 Jamestown Road (SP)	No listings
	1811 Jamestown Road (NP)	Tandem Health Care at Williamsburg
	1800-1801 Jamestown Road (NP)	7-Eleven Stores
	2847 Sandy Bay Road (NP)	No listing
	1804 Jamestown Road (NP)	James River Pie Company
2010	1807 Jamestown Road (SP)	No listings
	1811 Jamestown Road (NP)	Consulate Health Care, Sentara Health Care
	1800-1801 Jamestown Road (NP)	7-Eleven Stores
	2847 Sandy Bay Road (NP)	No listing
	1804 Jamestown Road (NP)	James River Pie Company
2014	1807 Jamestown Road (SP)	No listings
	1811 Jamestown Road (NP)	Consulate Health Care, Sentara Health Care, Tandem Health Care
	1800-1801 Jamestown Road (NP)	7-Eleven Stores
	2847 Sandy Bay Road (NP)	No listing
	1804 Jamestown Road (NP)	Colonial Pie Company
2017	1807 Jamestown Road (SP)	New Dawn Assisted Living
	1811 Jamestown Road (NP)	Consulate Health Care, Sentara Health Care, Tandem Health Care
	1800-1801 Jamestown Road (NP)	7-Eleven
	2847 Sandy Bay Road (NP)	No listing
	1804 Jamestown Road (NP)	Jamestown Pie Company
2020	1807 Jamestown Road (SP)	WND Jamestown Operator
	1811 Jamestown Road (NP)	Consulate Health Care-Williamsburg
	1800-1801 Jamestown Road (NP)	7-Eleven
	2847 Sandy Bay Road (NP)	No listing
	1804 Jamestown Road (NP)	James Town Pie Company

NP – Neighboring property

SP – Subject property

No evidence of environmental concern on the subject property or adjoining properties was revealed during a review of the city directories.

6.2 Aerial Photographs

Year of aerial photograph	1964, 1969, 1970 (poor resolution)
Information Source	EDR
Description of Subject Property: Unimproved woodland	
Description of Northerly Adjoining Property: Unimproved woodland	
Description of Southerly Adjoining Property: A road, beyond which is unimproved woodland	
Description of Easterly Adjoining Property: Unimproved woodland	
Description of Westerly Adjoining Property: Improved with several small structures on wooded lots, fronting along Jamestown Road	

Year of aerial photograph	1973 (poor resolution)
Information Source	EDR
Description of Subject Property: Several unimproved roads transverse the lot, along with several small cleared areas adjacent to the roads.	
Description of Northerly Adjoining Property: Unimproved woodland	
Description of Southerly Adjoining Property: A road, beyond which is unimproved woodland	
Description of Easterly Adjoining Property: Current improvements	
Description of Westerly Adjoining Property: Improved with several small structures on wooded lot, fronting along Jamestown Road	

Year of aerial photograph	1982, 1989, 1990, 1994
Information Source	EDR
Description of Subject Property: Several unimproved roads transverse the lot, along with several small cleared areas adjacent to the roads. A small structure is located in the middle of the access road	
Description of Northerly Adjoining Property: The Subject Property improvements continue on to the adjacent property to the north.	
Description of Southerly Adjoining Property: A road, beyond which is a small square building and unimproved woodland (current improvements)	
Description of Easterly Adjoining Property: Improved with a square shaped building and a detached canopy structure (current improvements)	
Description of Westerly Adjoining Property: Improved with several small structures on wooded lot, fronting along Jamestown Road. A swimming pool is shown	

Year of aerial photograph	2000 (poor resolution), 2006, 2009, 2011
Information Source	EDR
Description of Subject Property: Unimproved woodland	
Description of Northerly Adjoining Property: Improved with an irregular-shaped building and parking drive area (current improvements)	
Description of Southerly Adjoining Property: A road, beyond which is a small square building and unimproved woodland (current improvements)	
Description of Easterly Adjoining Property: Current improvements	
Description of Westerly Adjoining Property: A roadway, beyond which is unimproved woodland	

Year of aerial photograph	2014
Information Source	EDR
Description of Subject Property: Unimproved woodland to the south; the northern section is cleared and disturbed	
Description of Northerly Adjoining Property: Current improvements	
Description of Southerly Adjoining Property: Current improvements	
Description of Easterly Adjoining Property: Current improvements	
Description of Westerly Adjoining Property: Current improvements	

Year of aerial photograph	2018
Information Source	EDR
Description of Subject Property: Developed with three detached buildings, parking/drive areas to the north of the buildings, and unimproved woodland to the south of the buildings (current improvements)	
Description of Northerly Adjoining Property: Current improvements	
Description of Southerly Adjoining Property: Current improvements	
Description of Easterly Adjoining Property: Current improvements	
Description of Westerly Adjoining Property: Current improvements	

Review of the aerial photographs revealed that the subject buildings were constructed after 2014 and before 2018. The aerial photographs revealed that the subject property consisted of unimproved wooded land and what appears to be a campground prior to the construction of the subject buildings.

No evidence of environmental concern on the subject property was revealed during a review of the aerial photographs. A gasoline filling station is visible on the eastern property between the period of 1982 to 2018.

Copies of the aerial photographs are included in Appendix E.

6.3 Fire Insurance Maps

Fire insurance maps that include the subject property were requested from Environmental Data Resources, Inc. (EDR) of Shelton, Connecticut. EDR has informed Property Solutions that no historical map coverage is available for the subject property in the EDR historical map collection.

A copy of EDR's statement of no coverage is included in Appendix F.

6.4 Topographic Quadrangle Map

Topographic Quadrangle Map Name	<u>Surry, VA</u>
Year published	1918, 1919
Description of Subject Property: Unimproved land	
Description of Northerly Adjoining Property: Unimproved land	
Description of Southerly Adjoining Property: Road, unimproved land	

Topographic Quadrangle Map Name	<u>Surry, VA</u>
Description of Easterly Adjoining Property: Unimproved land	
Description of Westerly Adjoining Property: Unimproved land	

Topographic Quadrangle Map Name	<u>Surry, VA</u>
Year published	1953
Description of Subject Property: Unimproved land	
Description of Northerly Adjoining Property: Unimproved land	
Description of Southerly Adjoining Property: Road, unimproved land	
Description of Easterly Adjoining Property: Unimproved land	
Description of Westerly Adjoining Property: Unimproved land	

Topographic Quadrangle Map Name	<u>Surry, VA</u>
Year published	1965
Description of Subject Property: Unimproved land	
Description of Northerly Adjoining Property: Unimproved land	
Description of Southerly Adjoining Property: Road, unimproved land and two square structures	
Description of Easterly Adjoining Property: Unimproved land	
Description of Westerly Adjoining Property: Unimproved land	

Topographic Quadrangle Map Name	<u>Surry, VA</u>
Year published	1978
Description of Subject Property: Unimproved land	
Description of Northerly Adjoining Property: Unimproved land	
Description of Southerly Adjoining Property: Road, unimproved land and two square structures	
Description of Easterly Adjoining Property: Unimproved land	
Description of Westerly Adjoining Property: Unimproved land	

Topographic Quadrangle Map Name	<u>Surry, VA</u>
Year published	1979
Color of photorevisions	Purple
Description of Subject Property: Improved with numerous roadways, identified as a campground	
Description of Northerly Adjoining Property: A continuation of the campground development as seen on the Subject Property	
Description of Southerly Adjoining Property: Unimproved land, followed by a roadway	
Description of Easterly Adjoining Property: Unimproved woodland and a road	
Description of Westerly Adjoining Property: Unimproved woodland to the northwest; to the southwest are numerous small square and one rectangular structure clustered around the adjacent roadway to the south	

Topographic Quadrangle Map Name	<u>Surry, VA</u>
Year published	1983
Description of Subject Property: Unchanged from earlier map	
Description of Northerly Adjoining Property: Unchanged from earlier map	
Description of Southerly Adjoining Property: Unchanged from earlier map	
Description of Easterly Adjoining Property: A small square structure is visible to the southeast	
Description of Westerly Adjoining Property: Unchanged from earlier map	

Topographic Quadrangle Map Name	<u>Surry, VA</u>
Year published	1984
Description of Subject Property: Unchanged from earlier map	
Description of Northerly Adjoining Property: Unchanged from earlier map	
Description of Southerly Adjoining Property: Unchanged from earlier map	
Description of Easterly Adjoining Property: A small square structure is visible to the southeast	
Description of Westerly Adjoining Property: Unchanged from earlier map	

Topographic Quadrangle Map Name	<u>Surry, VA</u>
Year published	2013
Description of Subject Property: Specific improvements not shown, but area is identified as Indian Village Campground	
Description of Northerly Adjoining Property: No specific improvements shown	
Description of Southerly Adjoining Property: Improved with a road, beyond which is unimproved land and a pond	
Description of Easterly Adjoining Property: No specific improvements shown	
Description of Westerly Adjoining Property: No specific improvements shown	

Topographic Quadrangle Map Name	<u>Surry, VA</u>
Year published	2016
Description of Subject Property: Specific improvements not shown	
Description of Northerly Adjoining Property: No specific improvements shown	
Description of Southerly Adjoining Property: Improved with a road, beyond which is unimproved land and a pond	
Description of Easterly Adjoining Property: No specific improvements shown	
Description of Westerly Adjoining Property: No specific improvements shown	

Topographic Quadrangle Map Name	<u>Surry, VA</u>
Year published	2019
Description of Subject Property: Specific improvements not shown	
Description of Northerly Adjoining Property: No specific improvements shown	
Description of Southerly Adjoining Property: Improved with a road, beyond which is unimproved land and a pond	
Description of Easterly Adjoining Property: No specific improvements shown	

Topographic Quadrangle Map Name	<u>Surry, VA</u>
Description of Westerly Adjoining Property: No specific improvements shown	

Topographic Quadrangle Map Name	<u>Surry, VA</u>
Year published	2022
Description of Subject Property: Specific improvements not shown	
Description of Northerly Adjoining Property: No specific improvements shown	
Description of Southerly Adjoining Property: Improved with a road, beyond which is unimproved land and a pond	
Description of Easterly Adjoining Property: No specific improvements shown	
Description of Westerly Adjoining Property: No specific improvements shown	

No environmental concerns were identified based upon a review of the Surry, Virginia topographic quadrangle map.

A portion of the USGS 7.5-minute series topographic quadrangle map of Surry, Virginia, which includes the subject property, is included in Appendix A.

6.5 Prior Use Interviews

Property Contact Name	BJ Armstead
Property Contact Title	Maintenance Director
Property Contact Company	English Meadows
Association with Property	Maintenance Director
Years Associated with Subject Property	2017-2024

Property History: Mr. Armstead indicated that the buildings were constructed in 2017. They have been used exclusively for senior care and memory care services since opening.

Other Information: No environmental concerns were identified during the interview with BJ Armstead

Property Solutions attempted to contact the above person; however, they would not provide a response to our request.

Tax Assessor/Tax Department	Town/City
Department Contact Name	Tyson Dade
Years Associated with Tax Assessor and/or Subject Property	2017-2024

Property History: Buildings were constructed in 2017. Williamsburg Properties Holding Company LLC acquired the subject property in 2021. No other information provided.

Other Information: No environmental concerns were identified during the interview with Tyson Dade.

6.6 Previous Reports and Plans

Property Solutions did not receive and is not aware of previous environmental reports or plans pertaining to the subject property.

Property Solutions did not review any plans pertaining to the subject property.

6.7 Chain of Title Information

A chain of title search for the subject property was not provided for review.

6.8 Activity and Use Limitations/Environmental Liens

Activity and Use Limitations (AULs) include both legal (institutional) and physical (engineering) controls. Agencies, organizations, and jurisdictions may define or utilize these terms differently.

No AULs were identified during this investigation.

No environmental liens were identified during this investigation.

6.9 Other Historical Sources

No environmentally relevant information from miscellaneous maps, newspaper archives, internet sites, community organizations, local libraries, historical societies, current owners or occupants of neighboring properties, or records in the files and/or personal knowledge of the property owner and/or occupants were provided regarding the subject property during this investigation.

6.10 Historical Use Data Failure

Per E1527-21, “8.3.8 Uses of the Subject Property - All obvious uses of the subject property shall be identified from the present, back to the subject property’s first developed use, or back to 1940, whichever is earlier. The term “developed use” includes agricultural uses and placement of fill dirt, and other uses that may not involve structures. The report shall describe all identified uses, justify the earliest date identified for the subject property’s first developed use (for example, records showed no development of the subject property prior to the specific date), and explain the reason for any gaps in the history of use (for example, data failure). This task requires reviewing as many of the standard historical resources in 8.3.4.1 through 8.3.4.8 as are necessary and both reasonably ascertainable and likely to be useful. The following standard historical resources shall be reviewed if, based on the judgment of the environmental professional, they are reasonably ascertainable, likely to be useful, and applicable to the subject property: (1) aerial photographs (see 8.3.4.1), (2) fire insurance maps (see 8.3.4.2), (3) local street directories (see 8.3.4.3), and (4) historical topographic maps (see 8.3.4.4). In cases in

which any of the preceding four standard historical resources are not reviewed, the environmental professional shall indicate in the report why such a review was not conducted. Additional standard historical resources in 8.3.4.5 through 8.3.4.8 shall be reviewed if, in the opinion of the environmental professional, such additional review is warranted to achieve the objective in 8.3.1. For example, if the subject property was developed in the 1700s, it might be feasible to identify uses back to the early 1900s using resources such as fire insurance maps or historical topographic maps (or equivalent). Although other resources such as land title records might go back to the 1700s, it would not be required to review these resources unless these resources were both reasonably ascertainable and likely to be useful. As another example, if the subject property was reportedly not developed until 1960, it would still be necessary to attempt to confirm that it was undeveloped back to 1940. Such confirmation may come from one or more of the standard historical resources specified in 8.3.4.1 through 8.3.4.8, or it may come from other historical resources (see 8.3.4.9). However, checking other historical resources is not required.

Per ASTM E1527-21, “8.3.9 Uses of the Adjoining Properties” - During research of the subject property, as described in 8.3.8, uses of the adjoining properties that are obvious shall be identified to evaluate the likelihood that past uses of the adjoining properties have led to recognized environmental conditions in connection with the subject property. The report shall describe identified obvious uses of adjoining properties, and indicate the earliest dates identified. This task requires reviewing the following standard historical resources if they have been researched for the subject property (see 8.3.8), provide coverage of one or more adjoining properties, and are likely to be useful in satisfying the objective in 8.3.1: (1) aerial photographs (see 8.3.4.1), (2) fire insurance maps (see 8.3.4.2), (3) local street directories (see 8.3.4.3), and (4) historical topographic maps (see 8.3.4.4). In cases in which any of the preceding four standard historical resources are not reviewed for the adjoining properties but they were reviewed for the subject property, the environmental professional shall indicate in the report why such a review was not conducted. Additional standard historical resources should be reviewed if, in the opinion of the environmental professional, such additional review is warranted to achieve the objective in 8.3.1. Factors to consider in making this determination include, but are not limited to: known hydrogeologic/geologic conditions that may indicate a high probability of hazardous substances or petroleum products migrating to the subject property; the extent to which information is reasonably ascertainable; the extent to which information is likely to be useful; the time and cost involved in reviewing such resources (for example, reviewing building department records or property tax files for adjoining properties may be too time-consuming); and local good commercial and customary practice. Other historical resources may be used to satisfy the objective of 8.3.1 but checking other historical resources is not required to comply with this practice.

Per E1527-21, “8.3.6 Data Failure” - The historical research is complete when either: (1) the objective in 8.3.1 is achieved or (2) data failure is encountered. Data failure occurs when all of the standard historical resources that are reasonably ascertainable and likely to be useful have been reviewed and yet the objective has not been met. Data failure is not uncommon in trying to identify historical uses at five-year intervals back to first use or 1940 (whichever is earlier). Notwithstanding a data failure, standard historical resources may be excluded if: (1) the resources are not reasonably ascertainable or (2) if past experience indicates that the resources

are not likely to be accurate or complete in terms of satisfying the objective (for example, if a particular historical data source is known to have insufficient data for the particular subject area). Other historical resources specified in 8.3.4.9 may be used to satisfy the objective of 8.3.1 but are not required to comply with this practice. If data failure is encountered, the report shall document the failure and, if any of the standard historical resources in 8.3.4.1 through 8.3.4.8 were excluded, give the reasons for their exclusion. If the data failure represents a significant data gap, the report shall comment on the impact of the data gap on the ability of the environmental professional to identify recognized environmental conditions (see 12.7).

Historical Sources Searched

Historical Source	Source Checked?	Organization	Earliest Date Obtained	Additional Information	Data Failure
Aerial Photos	Yes	EDR	1964	None	Yes
Fire Insurance Maps	Yes	EDR	No Coverage	N/A	N/A
Property Tax File	Yes	James City County Tax Assessor	2017	None	Yes
Recorded Land Title Records	No	James City County Tax Assessor	2017	None	Yes
USGS 7.5 Minute Topo Maps	Yes	USGS	1918	None	No
Local Street Directories (city directories)	Yes	EDR	1964	None	Yes
Building Department Records	Yes	James City County Tax Assessor	No Response	N/A	Yes
Zoning/Land Use Records	Yes	James City County Tax Assessor	2024	None	Yes
Other Historical Sources	No	N/A	N/A	None	N/A
Miscellaneous Maps/Plans	No	N/A	N/A	None	N/A
Newspapers	No	N/A	N/A	None	N/A
Records	No	N/A	N/A	None	N/A
Other Directories/Phone books	No	N/A	N/A	None	N/A

Based on the above information and sources searched above, per ASTM E1527-21 historical use information is deemed sufficient to comply with ASTM E1527-21 due to data failure. No significant historical use information data gaps were identified.

7.0 INTERVIEWS

The objective of interviews is to obtain information indicating Recognized Environmental Conditions in connection with the subject property as well as AULs. Property Solutions interviewed or made good faith efforts to interview the following:

Represents	Interviewed	Name and title	Comments
Current Property Owner	No	NA	User did not provide name or contact information nor did they coordinate or facilitate the interview.
Previous Property Owner	No	NA	User did not provide name or contact information nor did they coordinate or facilitate the interview.
Current Property Owner Representative	Yes	BJ Armstead	Subject Property was developed in 2017 for use as a senior care and memory care facility. No other uses were noted.
Previous Property Owner Representative	No	NA	User did not provide name or contact information nor did they coordinate or facilitate the interview.
Key Site Manager	Yes	BJ Armstead	Subject Property was developed in 2017 for use as a senior care and memory care facility. No other uses were noted.
Previous Key Site Manager	No	NA	User did not provide name or contact information nor did they coordinate or facilitate the interview.
Current Property Occupants	No	NA	User did not provide name or contact information nor did they coordinate or facilitate the interview.
Previous Property Occupants	No	NA	User did not provide name or contact information nor did they coordinate or facilitate the interview.
Current Property Major Occupant	No	NA	User did not provide name or contact information nor did they coordinate or facilitate the interview.
Previous Property Major Occupant	No	NA	User did not provide name or contact information nor did they coordinate or facilitate the interview.
Current Property Operator	No	NA	User did not provide name or contact information nor did they coordinate or facilitate the interview.
Previous Property Operator	No	NA	User did not provide name or contact information nor did they coordinate or facilitate the interview.
Neighboring Property Owner	No	NA	Subject property is not considered an abandoned property where there is evidence of potential unauthorized uses of the abandoned property or evidence of uncontrolled access to the abandoned property, therefore no interview with the neighboring property owners was performed.
Neighboring Property Occupants	No	NA	Subject property is not considered an abandoned property where there is evidence of potential unauthorized uses of the abandoned property or evidence of uncontrolled access to the abandoned property, therefore no interview with the neighboring property owners was performed.

Current Key Site Manager

Name	BJ Armstead					
Title	Maintenance Director					
Company name	English Meadows					
Phone number	(540) 810-6202					
Years associated with subject property	Four					
Information provided	In Person	X	Phone		Written	
Property visit date	September 27, 2024					
Response date	September 27, 2024					
Follow up medium	In Person	X	Phone		Written	
Knows of RECs	Yes			No		X
Knows of AULs	Yes			No		X
Knows of environmental concerns	Yes			No		X
Knows of potential environmental concerns	Yes			No		X
Knows of off-property concerns	Yes			No		X

8.0 ENVIRONMENTAL RECORD SEARCH

8.1 Property-Specific Records

During the course of the assessment of the subject property, Property Solutions contacted the following local, county, and state agencies and companies via phone, letter, or in person.

8.1.1 Department of Health

Agency name	James City County Department of Environmental Health
Contact name	Not provided
Contact title	Freedom of Information Officer
City	Williamsburg
State	Virginia
Contact date	September 27, 2024
Request medium	Online request
Response date	No response
Form of response	No response

A response has not been received at the time of this report.

8.1.2 Fire Department

Agency name	James City County Fire Marshal
Contact name	Not provided
Contact title	Freedom of Information Officer
City	Williamsburg
State	Virginia
Contact date	September 27, 2024
Request medium	Email
Response date	No response
Form of response	No response

A response has not been received at the time of this report.

8.1.3 Planning/Zoning Department

Agency name	James City County Department of Planning and Development
Contact name	Allen Johnson
Contact title	Planner
City	Williamsburg
State	Virginia
Contact date	September 27, 2024
Request medium	In person
Response date	September 27, 2024
Form of response	In person

Mr. Johnson indicated that the site is zoned Commercial. No records were found for the subject property addresses.

8.1.4 Building Department/Inspection Department

Agency name	James City County Land Development Services
Contact name	Not provided
Contact title	Freedom of Information Officer
City	Williamsburg
State	Virginia
Contact date	September 27, 2024
Request medium	Email
Response date	No response
Form of response	No response

A response has not been received at the time of this report.

8.1.5 Tax Assessor/Tax Department

Agency name	Jame City County Assessor
Agency webpage	jamescitycountyva.gov
City	Williamsburg
State	Virginia
Contact date	September 27, 2024
Form of response	Online

Response: Property Solutions visited the James City County Tax Assessor on September 27, 2024. According to the receptionist, all records requests must be made in writing. No further information was provided.

The James City County Tax Assessor webpage provided Property Solutions with a copy of a tax map for the subject property and the surrounding area and a copy of the tax information card for the subject property.

Based on Property Solutions review of the tax map and tax information cards: the subject property is identified as 4730100070A; the subject property consists of an irregular-shaped, 6.1-acre-acre parcel of land improved with Three detached buildings constructed in 2017; the gross area of the subject buildings is approximately 28,920 square feet; and the subject property was acquired by the subject property owner Williamsburg Properties Holding Company LLC on October 7, 2021. Previous owners included 1807 Jamestown Road LLC from 2016 to 2021.

A copy of the tax map is included in Appendix A.

8.1.6 Electric Utility

Agency name	Dominion Virginia Power
Contact name	Not Provided
Contact title	Customer Care Line
City	Richmond
State	Virginia
Contact date	September 27, 2024
Request medium	Phone
Response date	No response
Form of response	No response

A response has not been received at the time of this report.

8.1.7 Sewer Department/Provider

Agency name	James City County Service Authority
Contact name	Not provided
Contact title	Customer Service Line
City	Williamsburg
State	Virginia
Contact date	September 27, 2024
Request medium	Letter
Response date	No response
Form of response	No response

A response has not been received at the time of this report.

8.1.8 Water Department/Supplier

Agency name	James City County Service Authority
Contact name	Not provided
Contact title	Customer Service Line
City	Williamsburg
State	Virginia
Contact date	September 27, 2024
Request medium	Letter
Response date	No response
Form of response	No response

A response has not been received at the time of this report.

8.1.9 Others

No other agencies were contacted.

8.1.10 State Environmental Agency

Agency name	Virginia Department of Environmental Quality – Tidewater Regional Office
Contact name	Not Provided
Contact title	Freedom of Information Officer
City	Richmond
State	Virginia
Contact date	September 17, 2024
Request medium	Online
Response date	September 20, 2014
Form of response	Email

Response: No files were located for the subject property address.

8.1.11 State Online Database Information/GIS

Agency name	Virginia Department of Environmental Quality
City	Richmond
State	Virginia
Contact date	September 27, 2024
Form of response	No results found

Response: The subject property address does not show any records on the DEQ Environmental Data Mapper system.

At the time this report was prepared, some of the above local, county, and state agencies and companies had not responded to our information request as indicated.

According to ASTM E1527-21, Section 8.1.5, information that has been requested must be reasonably ascertainable as part of performing the Phase I Environmental Assessment. Information that is reasonably ascertainable per ASTM means that information will be provided by the source within 20 calendar days of receiving a written, telephone, or in-person request.

Copies of the letters and records of communication are included in Appendix I.

8.1.12 USEPA Envirofacts

Property Solutions contacted the United States Environmental Protection Agency (USEPA) through an on-line search via the Internet to obtain information concerning the subject property. Property Solutions performed a search of Envirofacts, a USEPA-generated website that integrates data extracted from five major USEPA program systems: Aerometric Information Retrieval System (AIRS)/AIRS Facility Subsystem (AFS), Superfund Enterprise Management

System (SEMS), Permit Compliance System (PCS), Resource Conservation and Recovery Information System (RCRIS) and Toxic Chemical Release Inventory System (TRIS), using two integrating databases: Facility Index System (FINDS) and Envirofacts Master Chemical Integrator (EMCI).

Property Solutions generated a printout of all facilities under the programs identified above that are located within the subject property's zip code (23185). The subject was not listed among the sites identified during the query search; however, the adjoining property to the east was listed. The query was executed on September 17, 2024. The following tables summarize the listings for the adjoining property.

Hazardous Waste Handler

Listing Type	Facility Name	Address	USEPA ID No.	Handler/Facility Classification
Adjoining Property	7-Eleven	1801 Jamestown Road	VAD988191482	Very small quantity generator of hazardous waste.

The adjoining site is a very small quantity generator of ignitable waste and benzene. No violations are reported in the Envirofacts system for this site.

A copy of the search results is included in Appendix I.

8.2 Environmental Database Information

As part of the Phase I Environmental Assessment, Property Solutions utilized Environmental Data Resources, Inc. (EDR) of Shelton, Connecticut, as an information source for regulatory agency environmental database records. The environmental database was dated September 17, 2024.

Data supplied by EDR is included in Appendix J. This database also includes the required documentation of sources checked as per Section 8.1.8 of the ASTM standard.

The following summary of the database information is divided into two columns. The first column lists sites as identified and located by EDR within the specified distance of the subject property. The second column lists orphan sites, which could not be located by EDR due to incomplete and/or inaccurate address information included in the United States Environmental Protection Agency (USEPA)/state databases, which Property Solutions identified as potentially lying within the search distance.

Although the exact locations of the orphan sites are frequently unknown, Property Solutions attempts to evaluate the potential adverse environmental impact that these sites may have on the subject property. This evaluation consists of reviewing street names in an effort to learn whether the street on which the site is located lies within the search distance of the subject property, a drive-by view of surrounding properties during the site visit, and evaluating the site type and information provided by government agencies. The orphan sites included in the following table

are those Property Solutions identified as potentially located within the identified search distance. A complete list of sites is included in Appendix J.

Environmental Database Summary

Database	Search Distance	Plottable	Orphan
National Priorities List (NPL)	1 Mile	0	0
State/Tribal Hazardous Waste Sites (SHWS)	1 Mile	0	0
RCRA Corrective Action Treatment/Storage/ Disposal (TSD) Facilities (CORRACTS)	1 Mile	0	0
Delisted NPL	½ Mile	0	0
Superfund Enterprise Management System (SEMS)	½ Mile	0	0
SEMS No Further Remedial Action Planned (NFRAP)/ Archive	½ Mile	0	0
RCRA Non-Corrective Action TSD Facilities	½ Mile	0	0
State/Tribal Voluntary Cleanup (VCP) Sites	½ mile	0	0
State/Tribal Brownfield Sites/CERCLIS Equivalent	½ mile	0	0
State/Tribal Leaking Registered Storage Tank Sites	½ Mile	3	0
State/Tribal Solid Waste Landfill Sites/Facilities	½ Mile	0	0
Historic Landfills	½ Mile	0	0
Federal/State/Tribal Engineering Controls Registries	½ Mile	0	0
Federal/State/Tribal Institutional Controls Registries	½ Mile	0	0
RCRA Large Quantity Generators (LQG)	Subject Property and Adjoining Properties	0	0
RCRA Small Quantity Generators (SQG)	Subject Property and Adjoining Properties	0	0
RCRA Very Small Quantity Generators (VSQG)	Subject Property and Adjoining Properties	1	0
RCRA Conditionally Exempt Small Quantity Generators (CESQG)	Subject Property and Adjoining Properties	0	0
RCRA Non-Generators (Non-Gen)	Subject Property and Adjoining Properties	0	0
State/Tribal Registered Storage Tank Sites	Subject Property and Adjoining Properties	1	0
Manifest	Subject Property	0	0
Spill/Release Sites	Subject Property	0	0
Facility Index System (FINDS)	Subject Property	0	0
Emergency Response Notification System (ERNS)	Subject Property	0	0
Enforcement and Compliance History Online (ECHO)	Subject Property	0	0

Database Summary

A complete copy of the database report is attached as an appendix to this report. Those sites noted within the search radius with a closed status from regulators, or not listed with known, documented, or suspected release sites will not be discussed below but can be referred to in the database report. The above sites are not expected to significantly impact the subject property

based on the regulatory status listed. In addition, those remaining sites which are expected to be hydraulically downgradient, at a sufficient distance from the subject property, or due to the urban setting and density of the area, will not be discussed below but can be referred to in the database report. These above sites are not expected to significantly impact the subject property based on the above factors and as per ASTM E1527-21.

The following is a discussion of the database findings:

Subject and Adjoining Properties

The subject property was not listed in the environmental database. The adjacent property to the east was listed as a UST, LTANKS, LUST, and RCRA VSGQ listings.

Per ASTM E1527-21, if the property or any of the adjoining properties is identified on one or more of the standard environmental record sources in 8.2.1, pertinent regulatory files and/or records associated with the listing should be reviewed in accordance with 8.1.1 through 8.1.8. The purpose of the regulatory file review is to obtain sufficient information to assist the environmental professional in determining if a recognized environmental condition, historical recognized environmental condition, controlled recognized environmental condition, or a de minimis condition exists at the property in connection with the listing. If, in the environmental professional's opinion, such a review is not warranted, the environmental professional must explain within the report the justification for not conducting the regulatory file review. As an alternative, the environmental professional may review files/records from an alternative source(s).

Record information that is not publicly available, obtainable within reasonable cost and time constraints, or practically reviewable is considered as being not reasonably ascertainable and is beyond the scope of the Phase I Environmental Assessment. Record information that costs greater than \$125 to obtain or requires more than two hours of environmental scientist time to obtain and review is beyond the scope of the Phase I Environmental Assessment.

Further information regarding these listings is provided below.

State/Tribal Leaking Registered Storage Tanks

- | | | |
|----|------------------|-----------------------------------|
| 1. | Site Name: | 7-Eleven 20372 |
| | Address: | 1801 Jamestown Road |
| | LRST ID No.: | 5004912 |
| | Distance: | 57 feet |
| | Direction: | East/southeast |
| | Gradient: | Lateral |
| | Type of Release: | UST |
| | Type of Product: | Gasoline and diesel |
| | Media Impacted: | Groundwater |
| | Status: | Case was closed on March 19, 1999 |

Potential for Impact: Low, due to regulatory status and anticipated groundwater flow to the southwest, parallel to and away from the subject property.
Note: The LTANKS listing for this site is duplicative of the LUST incident case.

RCRA Very Small Quantity Generator(s)

1. Site Name: 7-Eleven #20372
Address: 1800 Jamestown Road

Facility ID No.: VAD988191482
Distance: 57 feet
Direction: East/southeast
Gradient: Lateral
Reported Waste Codes: Not defined, ignitable waste, benzene
Violations: None

State/Tribal Registered Storage Tanks

1. Site Name: 7-Eleven #20372
Address: 1800 Jamestown Road

Facility ID No.: VAD988191482
Distance: 57 feet
Direction: East/southeast
Gradient: Lateral
No. of Tanks: Three active tanks, two inactive tanks
Contents: Two 15,000-gallon gasohol USTs, installed on October 28, 2011. Three inactive tanks (three 10,000-gallon USTs removed on October 11, 2011)

8.3 Local Lists

The below local types of records were researched or requested from third parties, the Key Site Manager or local regulatory agencies:

- Local Brownfield Lists
- Local Lists of Landfill/Solid Waste Disposal Sites
- Local Lists of Hazardous Waste/Contaminated Sites
- Local Lists of Registered Storage Tanks
- Local Land Records (For AULs)
- Records of Emergency Release Reports
- Records of Contaminated Public Wells

The above information is discussed in Sections 8.1 and within 8.2 and was duplicative of those sections.

8.4 Database Proprietary Lists

The subject property and adjoining properties were not listed in the EDR proprietary information searched in the EDR database.

9.0 PROPERTY VISIT

Property Visit Date	September 27, 2024
Property Solutions Personnel and Title	Jerry Kidwell, Environmental Scientist
Property Escort Name	Chris Grogg
Property Escort Title	Maintenance Director
Property Escort Company	English Meadows
Property Escort Affiliation	Owner representative
Property Escort Years of Association with Subject Property: Seven years	
No presurvey questionnaire (PQ) was completed.	
Inaccessible Areas and Reason: No inaccessible areas	
Weather Conditions: Cloudy Approximate Temperature: 70 degrees F	
No weather conditions limiting observations were noted.	
Describe Limiting Conditions Present: None	

Property Solutions observed the following areas during the property visit:

- All interior areas of each building, including common areas, resident rooms and office areas.
- All mechanical rooms, the kitchen, and storage rooms.
- Adjoining properties from public rights-of-way.

Property Solutions did not make observations under floors, above ceilings, or behind walls.

Photographs taken during the property visit are included in Appendix C.

9.1 ASTM Scope Considerations

9.1.1 Underground Storage Tanks

No evidence of underground storage tanks (USTs) was observed on the subject property during the property visit. Mr. BJ Armstead was not aware of USTs on the subject property.

Based upon the above information, no further action is recommended.

9.1.2 Aboveground Storage Tanks

Two 400-gallon tanks were identified associated with the emergency generators at the subject property. The following table is a list of current aboveground storage tanks (ASTs) identified on the subject property:

AST No.	Capacity (gallons)	Contents	Material of construction	Secondary Containment	Registered	Status
01	400	Diesel fuel	Steel	Yes	NA	ACT
02	400	Diesel fuel	Steel	Yes	NA	ACT

ACT - Active

No leaks or stains were observed in the vicinity of the ASTs. No bulges or significant rusting of the ASTs was observed.

Based upon the above information, ASTs are not expected to be an environmental concern at this time. No further action is recommended at this time.

9.1.3 Polychlorinated Biphenyl-Containing Electrical Equipment

A visual review was conducted for the presence of electrical equipment that could contain polychlorinated biphenyls (PCBs); an environmentally regulated material used in dielectric fluid in some electrical equipment. Dominion Virginia Power provides electrical service to the subject property.

The following table identifies the transformers observed on the subject property during the property visit:

Transformer No.	Location	Pad/Pole-Mounted	Owner	PCB Labels	Utility Company Markings	Staining/Leaking
1	East side of subject property	Pad-mounted	Dominion Virginia Power	Yes	No	No
2	West side of subject property	Pad-mounted	Dominion Virginia Power	Yes	No	No

Since the transformers are owned by Dominion Virginia Power based upon observed markings and labels, and no spills or leaks were observed in the area of the transformers, these transformers are not expected to be an environmental concern at the subject property.

Per 40 C.F.R. 761.20 PCBs at concentrations of 50 ppm or greater, or PCB Items with PCB concentrations of 50 ppm or greater, sold before July 1, 1979, for purposes other than resale may be distributed in commerce only in a totally enclosed manner after that date.

Per 15 U.S.C. Chapter 53, Subchapter I, Section 2605(e)(2)(A), except as provided under subparagraph (B), effective one year after January 1, 1977, no person may manufacture, process, or distribute in commerce or use any polychlorinated biphenyl in any manner other than in a totally enclosed manner and (i) no person may manufacture any polychlorinated biphenyl after two years after January 1, 1977, and (ii) no person may process or distribute in commerce any polychlorinated biphenyl after two and one-half years after such date.

Based on the date of construction (2017) of the subject buildings, the transformers are not expected to contain PCBs.

Based upon the above information, PCB-containing electrical equipment is not expected to be an environmental concern at this time. No further action is recommended at this time.

9.1.4 Hydraulic Equipment

No evidence of hydraulic equipment was observed on the subject property during the property visit. BJ Armstead was not aware of hydraulic equipment on the subject property.

Based upon the above information, no further action is recommended.

9.1.5 Chemical, Hazardous Materials, and Raw Materials Storage and Usage

Chemicals stored on the subject property are minimal quantities of domestic-type cleaning chemicals and paints. Based on observations made during the property visit, they are not expected to be an environmental concern at this time.

Based upon the above information, no further action is recommended at this time.

9.1.6 Waste Generation, Storage, and Disposal

Solid waste generated at the subject property consisted of domestic-type municipal waste and recyclable materials. Solid waste at the subject property is stored in dumpsters located on the subject property. Municipal solid waste generated at the subject property is removed by Waste Management. Sanitary waste generated at the subject property is discharged to the James City County sanitary sewerage system.

No evidence of hazardous waste generation, storage, or disposal was observed during the property visit. BJ Armstead was not aware of hazardous waste generation on the subject property.

Based upon the above information, no further action is recommended.

9.1.7 Wells, Sumps, Pits, and Floor Drains

No wells, sumps, pits, or floor drains were observed on the property during the property visit. BJ Armstead was not aware of wells, sumps, pits, or floor drains on the subject property.

Based upon the above information, no further action is recommended.

9.1.8 Stormwater Runoff and Surface Water

The subject property is partially improved with the footprints of the subject buildings and associated paved parking areas. The remainder of the subject property consists of limited landscaped areas and unimproved wooded areas. Stormwater runoff is expected to into one of two onsite dry detention ponds located on the west and south sides of the subject property. Stormwater is also expected to percolate through the landscaped areas.

The 1972 Amendments to the Federal Water Pollution Control Act (commonly known as the Clean Water Act [CWA]) prohibit the discharge of any pollutant to waters of the United States from a point source unless the discharge is authorized by a National Pollutant Discharge Elimination System (NPDES) permit. In 1987, Congress again amended the CWA to require implementation of a comprehensive national program for addressing problematic non-agricultural, non-point sources of stormwater discharge. The rules and regulations of the NPDES program are included in 40 C.F.R. 122.26.

Stormwater permitting for a property is based on the property's Standard Industrial Classification (SIC) Code (category of industrial activity). However, the NPDES program includes a "no exposure" exemption for facilities within an applicable category of industrial activity. Based on 40 C.F.R. 122.26 B(14), the subject property must obtain an NPDES Stormwater Discharge Permit only if material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery is exposed to stormwater. As materials and activities described above are not associated with the subject property, stormwater permitting is not expected to be applicable at this time.

No surface water bodies (i.e., springs or swamps) were observed on the subject property.

Based upon the above information, stormwater runoff and surface water are not expected to be environmental concerns at this time. No further action is recommended at this time.

9.1.9 Lagoons, Ponds, Septic Systems, and Separators

No evidence of lagoons, ponds, septic systems, or separators was observed on the subject property during the property visit.

Based upon the above information, no further action is recommended.

9.1.10 Stressed Vegetation, Staining, and Odors

No evidence of stressed vegetation, staining, or odors was noted on the subject property during the property visit.

Based upon the above information, no further action is recommended.

9.1.11 Surficial Disturbance

No evidence of surficial disturbances was observed on the subject property during the property visit.

Based upon the above information, no further action is recommended.

9.1.12 On-Property Dry Cleaners

No dry cleaners were identified during the historical review of the subject property. BJ Armstead was unaware of historical dry cleaning operations at the subject property.

No dry cleaning operations were observed at the subject property at the time of the property visit. BJ Armstead was not aware of dry cleaning operations at the subject property.

9.2 ASTM Non-Scope Considerations

9.2.1 Asbestos-Containing Materials

Based on the date of construction (2017), review of available building information, and observations made during the property visit, ACMs are not expected to have been used during construction of the subject buildings.

Based upon the above information, no further action is recommended at this time.

9.2.2 Radon

The subject property is located in Zone 3 (Low Potential) per the USEPA's Map of Radon Zones.

Based on the radon potential, forced-air HVAC and slab-on-grade construction of the subject buildings, no further action regarding radon is recommended at this time.

9.2.3 Lead-Based Paint

Based on the date of construction of the subject buildings (2017), it is unlikely that lead-based paints (LBPs) were used during building construction. Painted surfaces within the subject buildings were generally observed to be in good condition.

Based upon the above information, LBP is not expected to be an environmental concern at this

9.2.4 Lead in Drinking Water

Drinking water for the subject property is provided by James City Service Authority. The water provider was required to perform system-wide lead screening of their water system starting in 1992, under the USEPA "Lead and Copper Regulations" (Federal Register Volume 56, No.

26460). These regulations, promulgated in June 1991, require public water systems to perform screening and provide for public notification and corrective action to reduce the lead hazards present in the water system.

James City Service Authority's 2023 Consumer Confidence Report informed Property Solutions that the water provider public water supply has met the 90th percentile for the lead action level of 15 parts per billion (ppb) and is currently in compliance with the USEPA's Lead and Copper Regulations.

9.2.5 Potential Wetlands

No evidence of wetland areas was observed on the subject property during the property visit.

A copy of the wetland map is included in Appendix A.

9.2.6 Air Emissions

No major air emissions sources were identified at the subject property during the property visit, with the exception of two Kohler Power System diesel generators. No concerns were reported for the generators.

Based on the above information, air emission sources are not expected to be an environmental concern at this time. No further action is recommended at this time.

9.2.7 Mold/Water Intrusion

During the course of the Phase I Environmental Assessment property visit, Property Solutions performed limited observations for obvious signs of moisture, water intrusion, and potential mold at the subject property. This was performed for overview purposes only and is not a mold assessment or inspection for regulatory submittal purposes. Additional areas may exist in areas not observed or in concealed locations (behind walls and above ceiling tiles, etc.). This was a limited visual review during a Phase I Environmental Assessment property visit of easily accessible areas for obvious signs of water intrusion and potential mold. An engineering assessment and property maintenance personnel should be consulted to verify water intrusion due to engineering concerns and deficiencies and addressed as appropriate.

Molds produce tiny spores to reproduce, which waft through the indoor and outdoor air continually. When mold spores land on a damp spot indoors, they may begin growing and digesting whatever they are growing on in order to survive. There are molds that can grow on wood, paper, carpet, and foods. When excessive moisture or water accumulates indoors, mold growth will often occur, particularly if the moisture problem remains undiscovered or unaddressed. There is no practical way to eliminate all molds and mold spores in the indoor environment; the way to control indoor mold growth is to control moisture. In addition, mold growth may be a problem after flooding.

Standards or Threshold Limit Values (TLVs) for airborne concentrations of mold, or mold spores, have not been set. Currently, there are no USEPA regulations or standards for airborne mold contaminants.

BJ Armstead was unaware of past water damage and/or historic leaks.

No obvious visual evidence of mold, water intrusion, water damage, or standing water was observed in the interior portions of the subject building accessed by Property Solutions during the property visit. No musty odors indicative of a moisture problem or porous materials such as carpets and insulation in damp niches were observed during the property visit.

No botanical materials such as bark chips or potted plants in moist locations such as an atrium were observed during the property visit. No indoor water features such as fountains, indoor waterfalls, or indoor swimming pools were observed in the subject building. BJ Armstead was unaware of reported odor complaints, allergic reactions, or other symptoms possibly associated with mold growth. No problems evident in the building envelope or problematic conditions surrounding the air intake were observed. No operations conducive to bioaerosol generation such as animal confinement, agricultural activities, or wetlands were observed on the subject property or adjacent properties. This limited visual review was conducted for overview purposes only; mold may exist in concealed locations (behind walls, wallpaper, and ceilings, etc.). BJ Armstead was unaware of mold, water intrusion, water damage, standing water, or historic floods.

Based on the above information, no further investigation is recommended at this time regarding moisture and mold.

9.2.8 Emerging Contaminants of Concern

As defined in Section 3.2.36 of ASTM E1527-21, hazardous substance means “those substances defined as a hazardous substance pursuant to CERCLA 42 U.S.C. § 9601(14), as interpreted by EPA regulations and the courts.” There are some substances that non-environmental professionals and others may assume to be hazardous substances that are not defined (or not yet defined) as hazardous substances under CERCLA through interpretation by EPA regulations and the courts. These substances may include: (1) some substances that occur naturally or through biological digestion (for example, methane), and (2) substances about which human understanding is evolving (for example, per- and polyfluoroalkyl substances, also known as “PFAS”). These and any other “emerging contaminants,” where they are not identified as a hazardous substance by CERCLA, as interpreted by EPA regulations and the courts, are not included in the scope of this practice. Some of these substances may be considered a “hazardous substance” (or equivalent) under applicable state laws. In those instances, where a Phase I Environmental Site Assessment is performed to satisfy both federal and state requirements, or as directed by the user of the report, it is permissible to include analysis and/or discussion of these substances in the same manner as any other Non-Scope Consideration. If and when such emerging contaminants are defined to be a hazardous substance under CERCLA, as interpreted by EPA regulations and the courts, such substances shall be evaluated within the scope of this practice.

1,4 Dioxane is a heterocyclic organic compound, classified as an ether. It is a colorless liquid with a faint sweet odor similar to that of diethyl ether.

Property Solutions is not aware of the use, manufacture, or generation of 1,4 dioxane at the subject property. No further evaluation is warranted at this time.

Methane is a hydrocarbon that is a primary component of natural gas. Methane is also a greenhouse gas (GHG), so its presence in the atmosphere affects the earth's temperature and climate system. Methane is emitted from a variety of anthropogenic (human-influenced) and natural sources.

Property Solutions is not aware of the use, manufacture, or generation of methane at the subject property. Property Solutions notes that the subject property uses natural gas supplied by Virginia Natural Gas. No further evaluation is warranted at this time.

Per- and polyfluoroalkyl substances (PFAS) are a group of man-made chemicals that includes PFOA, PFOS, GenX, and many other chemicals. PFAS have been manufactured and used in a variety of industries around the globe, including in the United States since the 1940s. PFOA and PFOS have been the most extensively produced and studied of these chemicals.

PFAS can be found in:

- Food packaged in PFAS-containing materials, processed with equipment that used PFAS, or grown in PFAS-contaminated soil or water.
- Commercial household products, including stain- and water-repellent fabrics, nonstick products (e.g., Teflon), polishes, waxes, paints, cleaning products, and fire-fighting foams (a major source of groundwater contamination at airports and military bases where firefighting training occurs).
- Workplace, including production facilities or industries (e.g., chrome plating, electronics manufacturing or oil recovery) that use PFAS.
- Drinking water, typically localized and associated with a specific facility (e.g., manufacturer, landfill, wastewater treatment plant, firefighter training facility).
- Living organisms, including fish, animals and humans, where PFAS have the ability to build up and persist over time.

Property Solutions is not aware of the use, manufacture, or generation of PFAS at the subject property. No further evaluation is warranted at this time.

10.0 CONCLUSIONS AND RECOMMENDATIONS

We have performed a Phase I Environmental Assessment in conformance with the scope and limitations of ASTM Practice E1527-21 of the English Meadows property located at 1807 Jamestown Road in Williamsburg, James City County, Virginia 23185. Any exceptions to, or deletions from, this practice are described in Section 1.0 of this report. This assessment has revealed no recognized environmental conditions, controlled recognized environmental conditions, or significant data gaps in connection with the subject property.

11.0 REFERENCES

11.1 Information Sources

1. United States Geological Survey's 7.5-minute topographic quadrangle map of Surry, VA.
2. United States Department of Agriculture, Soil Conservation Services' Soil Survey of James City County, Virginia.
3. Geologic Map of Virginia/Area produced by the Virginia Geological Survey.
4. Groundwater Atlas of the US dated 2000 produced by the US Geologic Survey.
5. Virginia Radon information by the publisher.
6. United States Department of the Interior, National Wetland Inventory Map for Surry, VA.
7. National Water Summary 1986 – Hydrologic Events and Groundwater Quality, dated 1988, produced by the United States Geological Survey.
8. James City County 2023 Consumer Confidence Report.
9. USEPA's Map of Radon Zones produced by the USEPA.
10. Aerial photographs provided by Environmental Data Resources, Inc.
11. Aerial photographs provided by TerraServer.
12. Hill's Haines and Cole's City Directories.
13. Fire insurance maps, provided by Environmental Data Resources, Inc.
14. The EDR Radius Map with GeoCheck, produced by Environmental Data Resources, Inc.
15. Envirofacts Data Warehouse, produced by USEPA.

11.2 Definitions

Abandoned property – property that can be presumed to be deserted, or an intent to relinquish possession or control can be inferred from the general disrepair or lack of activity thereon such that a reasonable person could believe that there was an intent on the part of the current owner to surrender rights to the property.

Activity and use limitations – legal or physical restrictions or limitations on the use of, or access to, a site or facility: (1) to reduce or eliminate potential exposure to hazardous substances or petroleum products in the soil, soil vapor, groundwater, and/or surface water on the property, or (2) to prevent activities that could interfere with the effectiveness of a response action, in order to ensure maintenance of a condition of no significant risk to public health or the environment. These legal or physical restrictions, which may include institutional and/or engineering controls, are intended to prevent adverse impacts to individuals or populations that may be exposed to hazardous substances and petroleum products in the soil, soil vapor, groundwater, and/or surface water on a property.

The term activity and use limitations (AULs) is taken from Guide E2091 to include both legal (that is, institutional) and physical (that is, engineering) controls within its scope. Other agencies, organizations, and jurisdictions may define or utilize these terms differently (for example, EPA and California do not include physical controls within their definitions of “institutional controls.” Department of Defense and International County/City Management Association use “Land Use Controls.” The term “land use restrictions” is used but not defined in the Brownfields Amendments).

Actual knowledge – the knowledge actually possessed by an individual who is a real person, rather than an entity. Actual knowledge is to be distinguished from constructive knowledge that is knowledge imputed to an individual or entity.

Actual Knowledge Exception – If the user or environmental professional(s) conducting an environmental site assessment has actual knowledge that the information being used from a prior environmental site assessment is not accurate or if it is obvious, based on other information obtained by means of the environmental site assessment or known to the person conducting the environmental site assessment, that the information being used is not accurate, such information from a prior environmental site assessment may not be used.

Adjoining properties – any real property or properties the border of which is contiguous or partially contiguous with that of the subject property, or that would be contiguous or partially contiguous with that of the subject property but for a street, road, or other public thoroughfare separating them.

Aerial photographs – photographs taken from an aerial platform with sufficient resolution to allow identification of development and activities.

All appropriate inquiries – that inquiry constituting all appropriate inquiries into the previous ownership and uses of the subject property consistent with good commercial and customary practice as defined in CERCLA, 42 U.S.C § 9601(35)(B) and 40C.F.R. Part 312, that will qualify a party to a commercial real estate transaction for one of the threshold criteria for satisfying the LLPs to CERCLA liability (42 U.S.C § 9601(35)(A) & (B), § 9607(b)(3), § 9607(q); and § 9607(r)), assuming compliance with other elements of the defense. See ASTM E1527-21 Appendix X1.

Approximate minimum search distance – the area for which records must be obtained and reviewed pursuant to Section 8 subject to the limitations provided in that section. This may include areas outside the subject property and shall be measured from the nearest subject property boundary. This term is used in lieu of radius to include irregularly shaped properties.

Bona fide prospective purchaser – (42 U.S.C. § 9607(r)) a person may qualify as a bona fide prospective purchaser if, among other requirements, such person made “all appropriate inquiries into the previous ownership and uses of the facility in accordance with generally accepted good commercial and customary standards and practices.” Knowledge of contamination resulting from all appropriate inquiries would not generally preclude this liability protection. A person must make all appropriate inquiries on or before the date of purchase. The facility must have been purchased after January 11, 2002. See ASTM E1527-21, Appendix X1 for the other necessary requirements that are beyond the scope of this practice.

Brownfields Amendments – amendments to CERCLA pursuant to the Small Business Liability Relief and Brownfields Revitalization Act, Pub. L. No. 107-118 (2002), 42 U.S.C. § 9601 et seq.

Building department records – those records of the local government in which the subject property is located indicating permission of the local government to construct, alter, or demolish improvements on a property.

Business environmental risk (BER) – a risk which can have a material environmental or environmentally-driven impact on the business associated with the current or planned use of commercial real estate, not necessarily related to those environmental issues required to be investigated in this practice. Consideration of BER issues may involve addressing one or more non-scope considerations, some of which are identified in ASTM E1527-21, Section 13.

Commercial real estate - any real property except a dwelling or property with no more than four dwelling units exclusively for residential use (except that a dwelling or property with no more than four dwelling units exclusively for residential use is included in this term when it has a commercial function, as in the construction of such dwellings for profit). This term includes but is not limited to undeveloped real property and real property used for industrial, retail, office, agricultural, other commercial, medical, or educational purposes; property used for residential purposes that has more than four residential dwelling units; and property with no more than four dwelling units for residential use when it has a commercial function, as in the building of such dwellings for profit.

Commercial real estate transaction – a transfer of title to or possession of real property or receipt of a security interest in real property, except that it does not include transfer of title to or possession of real property or the receipt of a security interest in real property with respect to an individual dwelling or building containing fewer than five dwelling units, nor does it include the purchase of a lot or lots to construct a dwelling for occupancy by a purchaser, but a commercial real estate transaction does include real property purchased or leased by persons or entities in the business of constructing or developing dwelling units.

Comparison with Subsequent Inquiry – It should not be concluded or assumed that an inquiry was not all appropriate inquiries merely because the inquiry did not identify recognized environmental conditions in connection with a property. Environmental site assessments must be evaluated based on the reasonableness of judgments made at the time and under the circumstances in which they were made. Subsequent environmental site assessments should not be considered valid standards to judge the appropriateness of any prior assessment based on hindsight, new information, use of developing technology or analytical techniques, or other factors.

Construction debris – concrete, brick, asphalt, and other such building materials discarded in the construction of a building or other improvement to property.

Contaminated public wells – public wells used for drinking water that have been designated by a government entity as contaminated by hazardous substances (for example, chlorinated solvents) or petroleum products, or as having water unsafe to drink without treatment.

Contiguous property owner [42 U.S.C. § 9607(q)] - a person may qualify for the contiguous property owner liability protection if, among other requirements, such person owns real property that is contiguous to, and that is or may be contaminated by hazardous substances from other real property that is not owned by that person. Furthermore, such person conducted all appropriate inquiries at the time of acquisition of the subject property and did not know or have reason to know that the subject property was or could be contaminated by a release or threatened release from the contiguous property. The all appropriate inquiries must not result in knowledge of contamination. If it does, then such person did “know” or “had reason to know” of contamination and would not be eligible for the contiguous property owner liability protection. See Appendix X1 for the other necessary requirements that are beyond the scope of this practice.

Controlled recognized environmental condition (CREC) - recognized environmental condition affecting the subject property that has been addressed to the satisfaction of the applicable regulatory authority or authorities with hazardous substances or petroleum products allowed to remain in place subject to implementation of required controls (for example, activity and use limitations or other property use limitations). For examples of controlled recognized environmental conditions, see Appendix X4.

CREC Discussion - Identification of a CREC is a multi-step process that shall be reflected in the report’s Findings and Opinions section(s), as described in 12.5 and 12.6, including the environmental professional’s rationale for concluding that a finding is a CREC:

- (1) When determining whether a recognized environmental condition has been “addressed to the satisfaction of the applicable regulatory authority or authorities with hazardous substances or petroleum products allowed to remain in place,” the environmental professional shall review reasonably ascertainable documentation, such as no further action letters (or similar certifications or approvals) issued by the applicable regulatory authority or authorities, or, in the case of self-directed actions, documentation and relevant data that satisfy risk-based criteria established by the applicable regulatory authority or authorities.
- (2) In determining whether a recognized environmental condition is “subject to implementation of required controls (for example, activity and use limitations or other property use limitations),” the environmental professional shall identify the documentation providing the control(s) that addresses the recognized environmental condition in the report’s Findings and Opinions section(s).
- (3) When the environmental professional determines that a recognized environmental condition is “subject to implementation of required controls,” this determination does not imply that the environmental professional has evaluated or confirmed the adequacy, implementation, or continued effectiveness of the control(s).
- (4) A past release that previously qualified as a CREC may no longer constitute a CREC at the time of the Phase I Environmental Site Assessment if new conditions or information have been identified such as, among other things, a change in regulatory criteria, a change of use at the subject property, or a subsequently identified migration pathway that was not previously known or evaluated.

Continued Viability of Environmental Site Assessment –

Presumed Viability - Subject to 4.8 and the user's responsibilities set forth in Section 6, an environmental site assessment meeting or exceeding this practice is presumed to be viable when it is conducted within 180 days prior to the date of acquisition of the subject property (or, for transactions not involving an acquisition such as a lease or refinance, the date of the intended transaction). The dates of the components presented in 4.6.2(i), (iii), (iv), and (v) for interviews, review of government records, visual inspections, and declaration by environmental professional, shall be identified in the report. Completion of searches for recorded environmental cleanup liens (4.6.2(ii)) is a user responsibility; however, if the user has engaged the environmental professional to conduct these searches, then that date shall also be identified in the report.

Updating of Certain Components - Subject to 4.8 and the user's responsibilities set forth in Section 6, an environmental site assessment meeting or exceeding this practice and for which the information was collected or updated within one year prior to the date of acquisition of the subject property (or, for transactions not involving an acquisition such as a lease or refinance, the date of the intended transaction) may be used provided that the following components of the inquiries were updated within 180 days prior to the date of purchase or the date of the intended transaction. All of the following components must be conducted or updated within 180 days prior to the date of acquisition or prior to the date of the transaction:

- (i) interviews with owners, operators, and occupants;
- (ii) searches for recorded environmental cleanup liens (a user responsibility, see Section 6);
- (iii) reviews of federal, tribal, state, and local government records;
- (iv) visual inspections of the subject property and of adjoining properties; and
- (v) the declaration by the environmental professional responsible for the assessment or update.

Compliance with All Appropriate Inquiries - To qualify for one of the threshold criteria for satisfying the LLPs to CERCLA liability, the all appropriate inquiries components listed in 4.6.2 must be conducted or updated within 180 days of and prior to the date of acquisition of the subject property, and all other components of all appropriate inquiries must be conducted within one year prior to the date of acquisition of the subject property. The date of the report generally does not represent the date the individual components of all appropriate inquiries were completed and should not be used when evaluating compliance with the 180-day or 1-year all appropriate inquiries requirements.

User's Responsibilities - If, within this period, the environmental site assessment will be used by a user different than the user for whom the environmental site assessment was originally prepared, the subsequent user must also satisfy the user's responsibilities in Section 6.

Contractual Issues Regarding Prior Assessment Usage – The contractual and legal obligations between prior and subsequent users of environmental site assessments or between environmental professionals who conducted prior environmental site assessments and those who would like to use such prior environmental site assessments are beyond the scope of this practice.

Data failure – a failure to achieve the historical research objective in ASTM E1527-21, § 8.3.1 even after reviewing the standard historical resources in § 8.3.4.1 through 8.3.4.8 that are reasonably ascertainable and likely to be useful. Data failure is one type of data gap. See ASTM E1527-21, 8.3.6.

Data gap – a lack of or inability to obtain information required by this practice despite good faith efforts by the environmental professional to gather such information. Data gaps may result from incompleteness in any of the activities required by this practice, including, but not limited to site reconnaissance (for example, an inability to conduct the site visit), and interviews (for example, an inability to interview the key site manager, regulatory officials, etc.). See ASTM E1527-21 12.6.

De minimis Condition – a condition related to a release that generally does not present a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. A condition determined to be de minimis condition is not recognized environmental condition nor controlled recognized environmental condition.

Demolition debris – concrete, brick, asphalt, and other such building materials discarded in the demolition of a building or other improvement to property.

Engineering controls (EC) – physical modifications to a site or facility (for example, capping, slurry walls, or point of use water treatment) to reduce or eliminate the potential for exposure to hazardous substances or petroleum products in the soil or groundwater on a property. Engineering controls are a type of activity and use limitation (AUL).

Environmental lien – a charge, security, or encumbrance upon title to a property to secure the payment of a cost, damage, debt, obligation, or duty arising out of response actions, cleanup, or other remediation of hazardous substances or petroleum products upon a property, including (but not limited to) liens imposed pursuant to CERCLA 42 U.S.C. §§ 9607(1) & 9607(r) and similar state or local laws.

Environmental professional – a person meeting the education, training, and experience requirements as set forth in 40 C.F.R. § 312.10(b). See ASTM E1527-21 Appendix X2. The person may be an independent contractor or an employee of the user.

Fill dirt – dirt, soil, sand, or other earth, that is obtained off-site, which is used to fill holes or depressions, create mounds, or otherwise artificially change the grade or elevation of real property. It does not include material that is used in limited quantities for normal landscaping activities.

Good faith – the absence of any intention to seek an unfair advantage or to defraud another party; an honest and sincere intention to fulfill one's obligations in the conduct or transaction concerned.

Hazardous substance – a substance defined as a hazardous substance pursuant to CERCLA 42 U.S.C. § 9601(14), as interpreted by EPA regulations and the courts: “(A) any substance designated pursuant to section 1321(b)(2)(A) of Title 33, (B) any element, compound, mixture, solution, or substance designated pursuant to section 9602 of this title, (C) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, (42 U.S.C. § 6921) (but not including any waste the regulation of which under RCRA (42 U.S.C. §§ 6901 et seq.) has been suspended by Act of Congress), (D) any toxic pollutant listed under section 1317(a) of Title 33, (E) any hazardous air pollutant listed under section 112 of the Clean Air Act (42 U.S.C. § 7412), and (F) any imminently hazardous chemical substance or mixture with respect to which the Administrator (of EPA) has taken action pursuant to section 2606 of Title 15. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).” (See ASTM E1527-21, Appendix X1.)

Hazardous waste – any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of RCRA, as amended, (42 U.S.C. § 6921) (but not including any waste the regulation of which under RCRA (42 U.S.C. §§ 6901-6992k) has been suspended by Act of Congress). RCRA is sometimes also identified as the Solid Waste Disposal Act. RCRA defines a hazardous waste, at 42 U.S.C. § 6903, as: “a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may: (A) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness, or (B) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.”

Hazardous waste/contaminated sites – sites on which a release has occurred, or is suspected to have occurred, of any hazardous substance, hazardous waste, or petroleum products, and that release or suspected release has been reported to a government entity.

Historical recognized environmental condition (HREC) – a previous release of hazardous substances or petroleum products affecting the subject property that has been addressed to the satisfaction of the applicable regulatory authority or authorities and meeting unrestricted use criteria established by the applicable regulatory authority or authorities without subjecting the subject property to any controls (for example, activity and use limitations or other property use limitations). A historical recognized environmental condition is not a recognized environmental condition. For examples of historical recognized environmental conditions, see ASTM E1527.21 Appendix X4.

HREC Discussion - Identification of a HREC condition is a multi-step process that shall be reflected in the report’s Findings and Opinions section(s), as described in 12.5 and 12.6, including the environmental professional’s rationale for concluding that a finding is a HREC:

(1) When determining whether a REC has been “addressed to the satisfaction of the applicable regulatory authority or authorities and meeting unrestricted use criteria established by the regulatory authority or authorities,” the environmental professional shall review reasonably ascertainable documentation and relevant data that demonstrate that unrestricted use criteria established by the applicable regulatory authority or authorities was met.

(2) A past release that qualified as a HREC may no longer qualify as a HREC if new conditions or information have been identified such as, among other things, a change in regulatory criteria or a subsequently identified migration pathway that was not previously known or evaluated. As noted, the report’s Findings and Opinions section(s) shall include the environmental professional’s rationale for concluding that a condition at the subject property is or is not currently a REC or a HREC.

IC/EC registries – databases of institutional controls or engineering controls that may be maintained by a federal, state or local environmental agency for purposes of tracking sites that may contain residual contamination and AULs. The names for these may vary from program to program and state to state, and include terms such as, but not limited to the following: Declaration of Environmental Use Restriction database (Arizona), Land Use Restriction Sites (California Department of Toxic Substances Control), Sites with Deed Restrictions (California State Water Resources Control Board), Environmental Covenant List (Washington), Sites With Environmental Covenants and Use Restrictions (Colorado), Institutional Control Registry (Indiana), Environmental Site Tracking and Research Tool (Missouri), and the Pennsylvania Activity and Use Limitation (PA AUL) Registry.

Innocent landowner defense – (42 U.S.C. §§ 9601(35) & 9607(b)(3)) – a person may qualify as one of three types of innocent landowners: (1) a person who “did not know and had no reason to know” that contamination existed on the property at the time the purchaser acquired the subject property; (2) a government entity which acquired the subject property by escheat, or through any other involuntary transfer or acquisition, or through the exercise of eminent domain authority by purchase or condemnation; and (3) a person who “acquired the facility by inheritance or bequest.” To qualify for the innocent landowner defense, such person must have made all appropriate inquiries on or before the date of purchase. Furthermore, the all appropriate inquiries must not have resulted in knowledge of the contamination. If it does, then such person did “know” or “had reason to know” of contamination and would not be eligible for the innocent landowner defense. See ASTM E1527-21, Appendix X1 for the other necessary requirements that are beyond the scope of this practice.

Institutional controls (IC) – a legal or administrative mechanism (for example, “deed restrictions,” restrictive covenants, easements, or zoning) on the use of, or access to, a site or facility to (1) reduce or eliminate potential exposure to hazardous substances or petroleum products in the soil or groundwater on the property, or (2) to prevent activities that could interfere with the effectiveness of a response action, in order to ensure maintenance of a condition of no significant risk to public health or the environment. An institutional control is a type of activity and use limitation (AUL).

Interviews – those portions of ASTM E1527-21 practice that are conducted to gather information from an individual or individuals in person, by telephone, in writing, or via other electronic media to meet the objectives of this practice.

Key site manager – the person identified by the owner or operator of a subject property as having good knowledge of the uses and physical characteristics of the property. See ASTM E1527-21 Section 10.5.1.

Land title records, – records that affect the title of real estate, which may include, among other things, deeds, mortgages, leases, land contracts, court orders, easements, liens, and AULs recorded within the recording systems or land registration systems created by state statute in every state and ordinarily administered in the local jurisdiction (usually the county) in which the subject property is located, and available by performing a title search. Such records are publicly accessible, though the process of performing a title search to find land title records often requires specialized expertise or knowledge of the local system (see ASTM E1527-21 Section 5.4 – AULs and Environmental Liens in Land Title Records). Information about the title to the subject property that is filed or stored in any place other than where land title records are, by law or custom, recorded for the local jurisdiction in which the subject property is located, are not considered land title records.

Landowner Liability Protections (LLPs) – a defense to CERCLA available to bona fide prospective purchasers, contiguous property owners, and innocent landowners. See 42 U.S.C. §§ 9601(35)(A), 9601(40), 9607(q), and 9607(r).

Level of Inquiry is Variable – Not every property will warrant the same level of assessment. Consistent with good commercial and customary practice, the appropriate level of environmental site assessment will be guided by the type of property subject to assessment, the expertise and risk tolerance of the user, and the information developed in the course of the inquiry.

Major occupants – those tenants, subtenants, or other persons or entities each of which uses at least 40 percent of the leasable area of the subject property or any anchor tenant when the subject property is a shopping center.

Material threat – obvious threat which is likely to lead to a release and that, in the opinion of the environmental professional, would likely result in impact to public health or the environment. An example might include an aboveground storage tank system that contains a hazardous substance and which shows evidence of damage. The damage would represent a material threat if it is deemed serious enough that it may cause or contribute to tank integrity failure with a release of contents to the environment.

Migrate/migration – for the purposes of this practice, “migrate” and “migration” refers to the movement of hazardous substances or petroleum products in any form, including, for example, solid and liquid at the surface or subsurface, and vapor in the subsurface.

Vapor migration in the subsurface is described in Guide E2600; however, nothing in this practice should be construed to require application of the Guide E2600 standard to achieve compliance with all appropriate inquiries.

Not Exhaustive – All appropriate inquiries does not mean an exhaustive assessment of a property. There is a point at which the cost of information obtained or the time required to gather it outweighs the usefulness of the information and, in fact, may be a material detriment to the orderly completion of transactions. One of the purposes of this practice is to identify a balance between the competing goals of limiting the costs and time demands inherent in performing an environmental site assessment and the reduction of uncertainty about unknown conditions resulting from additional information.

Obvious – that which is plain or evident; a condition or fact that could not be ignored or overlooked by a reasonable observer while visually or physically observing the property.

Occupants – those tenants, subtenants, or other persons or entities using the property or a portion of the property.

Operator – the person responsible for the overall operation of a facility.

Owner – generally the fee owner of record of the property.

Petroleum exclusion – the exclusion from CERCLA liability provided in 42 U.S.C. § 9601(14), as interpreted by the courts and EPA: “The term (hazardous substance) does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).”

Petroleum products – those substances included within the meaning of the petroleum exclusion to CERCLA, 42 U.S.C. § 9601(14), as interpreted by the courts and EPA, that is: petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under Subparagraphs (A) through (F) of 42 U.S.C. § 9601(14), natural gas, natural gas liquids, liquefied natural gas, and synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas). (The word fraction refers to certain distillates of crude oil, including gasoline, kerosene, diesel oil, jet fuels, and fuel oil, pursuant to Standard Definitions of Petroleum Statistics.⁴)

⁴ *Standard Definitions of Petroleum Statistics*, American Petroleum Institute, Fifth Edition, 1995.

Practically reviewable – information that is practically reviewable means that the information is provided by the source in a manner and in a form that, upon examination, yields information relevant to the subject property without the need for extraordinary analysis of irrelevant data. The form of the information shall be such that the user can review the records for a limited geographic area. Records that cannot be feasibly retrieved by reference to the location of the property or a geographic area in which the subject property is located are not generally practically reviewable. Most databases of public records are practically reviewable if they can be obtained from the source agency by the county, city, zip code, or other geographic area of the facilities listed in the record system. Records that are sorted, filed, organized, or maintained by the source agency only chronologically are not generally practically reviewable. Listings in publicly available records which do not have adequate address information to be located

geographically are not generally considered practically reviewable. For large databases with numerous records (such as RCRA hazardous waste generators and registered underground storage tanks), the records are not practically reviewable unless they can be obtained from the source agency in the smaller geographic area of zip codes. Even when information is provided by zip code for some large databases, it is common for an unmanageable number of sites to be identified within a given zip code. In these cases, it is not necessary to review the impact of all of the sites that are likely to be listed in any given zip code because that information would not be practically reviewable. In other words, when so much information is generated that it cannot be feasibly reviewed regarding its impact on the subject property, it is not practically reviewable.

Prior Assessment Usage – The ASTM E1527-21 practice recognizes that environmental site assessments performed in accordance with this practice will include information that subsequent users may want to use to avoid undertaking duplicative assessment procedures. Therefore, this practice describes procedures to be followed to assist users in determining the appropriateness of using information in environmental site assessments performed more than one year prior to the date of acquisition of the property or (for transactions not involving an acquisition) the date of the intended transaction. The system of prior assessment usage is based on the following principles that should be adhered to in addition to the specific procedures set forth elsewhere in the ASTM E1527-21 practice.

Property – real property, including buildings and other fixtures and improvements located on and affixed to the land.

Publicly available – information that is publicly available means that the source of the information allows access to the information by anyone upon request.

Reasonably Ascertainable – information that is (1) publicly available, (2) obtainable from its source within reasonable time and cost constraints, and (3) practically reviewable.

Reasonable time and cost – information that is obtainable within reasonable time and cost constraints means that the information will be provided by the source within 20 calendar days of receiving a written, telephone, or in-person request at no more than a nominal cost intended to cover the source's cost of retrieving and duplicating the information. Information that can only be reviewed by a visit to the source is reasonably ascertainable if the visit is permitted by the source within 20 days of request.

Recognized environmental conditions – the presence of hazardous substances or petroleum products in, on, or at the subject property due to a release to the environment; (2) the likely presence of hazardous substances or petroleum products in, on, or at the subject property due to a release or likely release to the environment; or (3) the presence of hazardous substances or petroleum products in, on, or at the subject property under conditions that pose a material threat of a future release to the environment.

Release – a release of any hazardous substance or petroleum product shall have the same meaning as the definition of “release” in CERCLA 42 U.S.C. § 9601(22)). There are a number of statutory exclusions from the definition of *release* that may impact the *environmental*

professional's opinions and conclusions, such as the normal application of fertilizer. For additional background information, see Legal Appendix (Appendix X1) to X1.1.1 "Releases and Threatened Releases."

Relevant experience (as used in the definition of environmental professional) – participation in the performance of all appropriate inquiries investigations, environmental site assessments, or other site investigations that may include environmental analyses, investigations, and remediation which involve the understanding of surface and subsurface environmental conditions and the processes used to evaluate these conditions and for which professional judgment was used to develop opinions regarding conditions indicative of releases or threatened releases (see § 312.1(c)) to the subject property.

Rules of Engagement – The contractual and legal obligations between an environmental professional and a user (and other parties, if any) are outside the scope of this practice. No specific legal relationship between the environmental professional and the user is necessary for the user to meet the requirements of this practice.

Uncertainty Not Eliminated – No environmental site assessment can wholly eliminate uncertainty regarding the potential for recognized environmental conditions in connection with a property. Performance of this practice is intended to reduce, but not eliminate, uncertainty regarding the potential for recognized environmental conditions in connection with a property, and this practice recognizes reasonable limits of time and cost.

Use of Prior Information – Subject to the requirements set forth in ASTM E1527-21, Section 4.6, users and environmental professionals may use information in prior environmental site assessments provided such information was generated as a result of procedures that meet or exceed the requirements of this practice. However, such information shall not be used without current investigation of conditions likely to affect recognized environmental conditions in connection with the property. Additional tasks may be necessary to document conditions that may have changed materially since the prior environmental site assessment was conducted.

User – the party seeking to use Practice E1527 to complete an environmental site assessment of the subject property. A user may include, without limitation, a potential purchaser of subject property, a potential tenant of subject property, an owner of subject property, a lender, or a property manager. The user has specific obligations for completing a successful application of this practice as outlined in ASTM E1527-21, Section 6.

Visually and/or physically observed – during a site visit pursuant to this practice, this term means observations made by visual, auditory, or olfactory means while performing the property visit.

11.3 Acronyms

ACM – asbestos-containing material

AST – aboveground storage tank

ASTM – American Society for Testing and Materials

AUL – Activity and Use Limitations

bgs – below ground surface

CERCLA – Comprehensive Environmental Response, Compensation and Liability Act of 1980
 (as amended, 42 USC § 9601 et seq.)
C.F.R. – Code of Federal Regulations
CORRACTS – Facilities subject to Corrective Action under RCRA
CREC – Controlled recognized environmental condition
EA – Environmental assessment
EC – Environmental control
ECRA – Environmental Cleanup Responsibility Act
EDR – Environmental Data Resources, Inc.
EPA – United States Environmental Protection Agency
EPCRA – Emergency Planning and Community Right to Know Act ((also known as SARA Title
 III), 42 USC § 11001 et seq.)
ERNS – Emergency Response Notification System
ESA – Environmental Site Assessment (different than an *environmental compliance audit*,
 3.2.27)
FOIA – U.S. Freedom of Information Act (5 U.S.C. §552 as amended by Public Law No. 104-
 231, 110 Stat.)
FR – Federal Register
HREC – Historical recognized environmental condition
ICs – Institutional Controls
ISRA – Industrial Site Recovery Act
LBP – Lead-based paint
LLP – Landowner Liability Protections under the *Brownfields Amendments*
LRST – Leaking registered storage tank
LUST – Leaking underground storage tank
SDS – Safety data sheet
NCP – National Contingency Plan
NFRAP – Sites where no further remedial action is planned under CERCLA
NPDES – National Pollutant Discharge Elimination System
NPL – National Priorities List
NVLAP – National Voluntary Laboratory Accreditation Program
OSHA – Occupational Safety and Health Administration
PACM – Presumed asbestos-containing material
PCBs – Polychlorinated biphenyls
PLM – Polarized light microscopy
RCRA – Resource Conservation and Recovery Act (as amended, 42 U.S.C. § 6901 et seq.)
RCRIS – Resource Conservation and Recovery Act Information System
REC – Recognized environmental condition
ROC – Record of communication
RST – Registered storage tank
SACM – Suspect asbestos-containing material
SARA – Superfund Amendments and Reauthorization Act of 1986 (amendment to CERCLA)
SIC – Standard Industrial Classification
TEM – Transmission electron microscopy
TSDF – Hazardous waste treatment, storage or disposal facility
U.S.C.– United States Code

USEPA – United States Environmental Protection Agency
USGS – United States Geological Survey
UST – Underground storage tank

**ATTACHMENT I
PROFESSIONAL
QUALIFICATIONS**

JERRY KIDWELL

ENVIRONMENTAL SCIENTIST

EDUCATION

M.S. Environmental Science
George Mason University
Fairfax, Virginia

B.S. Biological Science
The Ohio State University

ACCREDITATIONS

Environmental Professional (EP) in accordance with ASTM E1527-13
Certified Safety Professional
AHERA 24-Hour Asbestos Inspector Training (Licensed in VA and MD)
NRPP Certified Radon Measurement Professional
OSHA 40-Hour Hazardous Waste Operations Certification (29CFR 1910.120)

SUMMARY OF QUALIFICATIONS

Mr. Kidwell is a seasoned environmental professional with more than 25 years of professional experience in the environmental consulting industry. In this capacity, he is responsible for conducting and managing Phase I ESAs, materials inspections, environmental sampling efforts and other related services for various clients, including private owners/investors, governmental agencies, lending institutions, real estate investment trusts, and attorneys. His experience includes the assessment of various types of real estate, including vacant, agricultural, commercial, medical, retail, single and multifamily residential, hospitality, and industrial. Mr. Kidwell maintains expertise in environmental rules and regulations pertaining to the environmental consulting industry, including ASTM E1527, USEPA All Appropriate Inquiry (AAI) rules, Fannie Mae Delegated Underwriting Standards (DUS), Freddie Mac guidelines, and client-specific scopes of work.

REPRESENTATIVE PROJECT EXPERIENCE

PHASE I ESAs

Mr. Kidwell has conducted and reviewed thousands of Phase I ESAs throughout the United States in accordance with ASTM E1527, and the USEPA All Appropriate Inquires Rule. The properties include gas stations, automobile dealerships, manufacturing and industrial facilities, multi-tenant commercial buildings, dry cleaning facilities, retail facilities, and undeveloped land.

NEPA GUIDANCE

Mr. Kidwell has completed submittal packages for the NEPA, SHPO, and USFWS for commercial, residential, and telecommunication properties. These submittal packages include a review of endangered species, wetlands, floodplains, coordination with Tribal entities, historic resource research, and numerous other criteria.

STACY DURDEN, P.G.

SENIOR GEOLOGIST

EDUCATION Bachelors of Science in Geology minor in Archeology, 2001
State University of West Georgia
Carrollton, Georgia

ACCREDITATIONS

Tenn. registered Professional Geologist
NPDES
40-hr & 8-hr Supervisor OSHA HAZWOPER
First Aid/CPR
MSHA 24-hr Mine Safety Program
Asbestos in Buildings: Inspection and Assessment

SUMMARY OF QUALIFICATIONS

Ms. Durden has directed, managed and participated in numerous groundwater-monitoring events and investigations including step down tests, aquifer pumping tests and hydrostatic tests at several quarries located in Georgia. Installed several telescoping monitoring wells at various facilities. She has also directed, managed and participated in numerous contaminate groundwater sampling events throughout the southeast. Ms. Durdens' field experience includes directing, supervising and managing subcontractors, GeoProbe, HSA, logging rock-cores and fracture analysis using HSA and Air Rotary techniques, soils using the Unified Soil Classification System and Munsell color charts, bioremediation, coordinating investigative-derived wastes, supervising monitor well installations and soil removal, spore sampling, asbestos sampling, LBP sampling, radon testing, Brownfield delineations and conducting soil and groundwater sampling at various manufacturing and industrial facilities, conducted weekly O&M on several pumping systems, ARCHIE Studies and soil gas sampling.

REPRESENTATIVE PROJECT EXPERIENCE

Phase I ESA's – Nationwide

Performed ESAs to identify potential environmental liabilities associated with past or present on-site and off-site activities at several commercial, residential and industrial properties. These ESAs included historic site studies utilizing site and area reconnaissance data, interviewing past and present owners, reviewing environmental information obtained from regulatory databases, interpretation of aerial photographs, and evaluation of the sites' geologic and hydrogeologic characteristics.

Environmental Underwriter – Nationwide

Environmental Underwriter for an insurance company, managed accounts, brokers and clients, arranged and contributed to meetings with both brokers and clients, researched properties and interviewed property managers, underwrote and assisted in underwriting several environmental insurance policies including several gas stations and various other properties.

Superfund Technical Assessment & Response Team (START) program – Marshall, MI

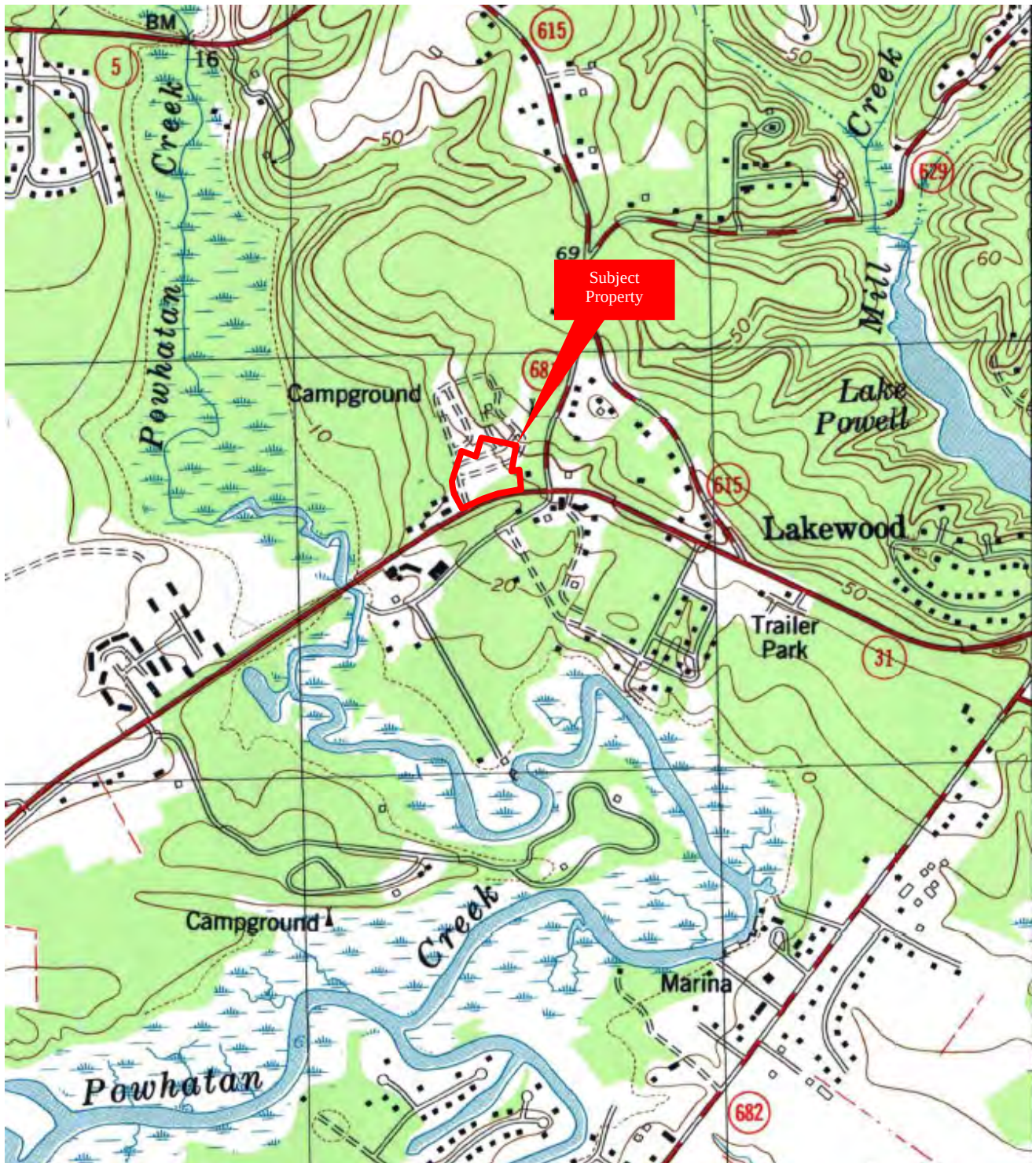
Ms. Durden provided environmental oversight during the Kalamazoo River Oil Spill, in Marshall, MI. Daily activities included observing cleanup activities via boat and land at various locations on the Kalamazoo River, reported daily activities and progress of the cleanup, conducted poling activities at various locations on the river, provided photo and written documentation, participated in bi-weekly meetings of cleanup activities and reported any environmental concerns to EPA oversight.

RCRA Facility Investigations and CERCLA Remedial Investigation/Feasibility Studies – Southeastern U.S.

Conducted soil and groundwater contamination investigations associated with RCRA Facility Investigations and CERCLA Remedial Investigation/Feasibility Studies at a variety of sites ranging from former wood treatment facilities to Department of Defense bases.

APPENDIX A

FIGURES



US DEPARTMENT OF THE INTERIOR GEOLOGICAL SURVEY 7.5' TOPOGRAPHIC QUADRANGLE



Property Solutions Inc.

Assisted Living Facility
1807 Jamestown Road
Williamsburg, Virginia

Project No.: 20240932



Topo Quad Name: Surry, Virginia

Property Boundaries are Approximate



TAX MAP



Property Solutions Inc.

Assisted Living Facility
1807 Jamestown Road
Williamsburg, Virginia

Project No.: 20240932





WETLANDS MAP



Property Solutions Inc.

Assisted Living Facility
1807 Jamestown Road
Williamsburg, Virginia

Project No.: 20240932



APPENDIX B

PROPERTY DIAGRAM

LEGEND

- Subject Property Boundary
- Pad-Mounted Transformer
- Emergency Generator

NOTE(S):

- All Boundaries are Approximate.

CONSULATE HEALTH
CARE OF WILLIAMSBURG

UNDEVELOPED
WOODED LAND

SINGLE-FAMILY
RESIDENCES
2847-2848 SANDY BAY RD

SANDY BAY ROAD

7-ELEVEN
1800 JAMESTOWN RD

WOODED
LAND

JAMESTOWN
PIE COMPANY
1804 JAMESTOWN RD

STATE HIGHWAY ROUTE 31

UNDEVELOPED
WOODED LAND

PROPERTY DIAGRAM

1807 Jamestown Road
1807 Jamestown Road
Williamsburg, James City County, Virginia

Drawn By:
OB

Not to Scale

Project No.: 20240932

Checked By:

CAD On:
9/25/2024

Revised On:
10/4/2024



Property Solutions Inc.
Environmental & Engineering Consulting
323 New Albany Road, Moorestown, NJ 08057
Phone: 856-813-3000 & Fax: 856-813-1069

APPENDIX C

PHOTOGRAPHS

PHOTO 1.

North side of subject property.



PHOTO 2.

South side of subject property.



PHOTO 3.

East side of subject property.



PHOTO 4.

West side of subject property.



PHOTO 5.

Interior courtyard area.



PHOTO 6.

Emergency generator on east side of subject property.



PHOTO 7.

Pad-mounted transformer on east side of subject property



PHOTO 8.

Non-PCB sticker on transformer.



PHOTO 9.

Pad-mounted transformer on west side of subject property.



PHOTO 10.

Emergency generator on west side of subject property.



PHOTO 11.

Storm water detention pond on east side of subject property.



PHOTO 12.

Natural gas meter.



PHOTO 13.

Electric panels and meter.



PHOTO 14.

Resident dining area off kitchen.

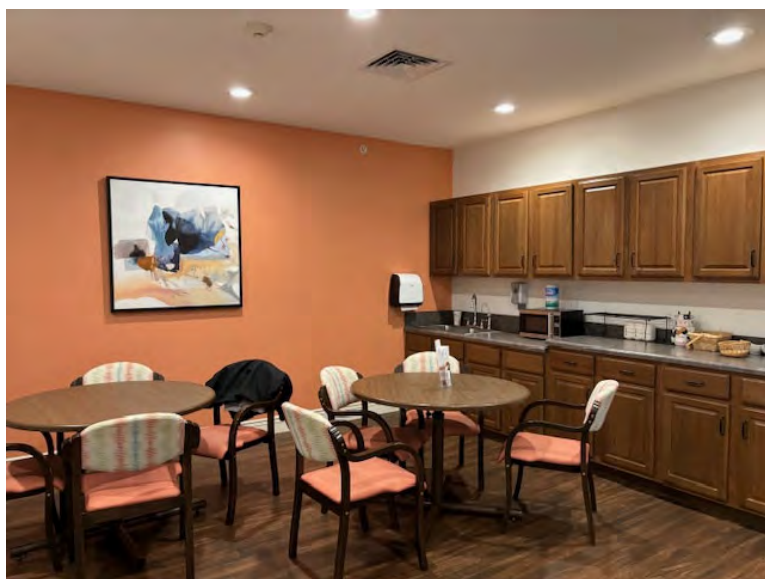


PHOTO 15.

Resident activity room.



PHOTO 16.

Administrative offices.



PHOTO 17.

Typical resident room finishes.



PHOTO 18.

Resident bathroom.



PHOTO 19.

PTAC unit in resident room.



PHOTO 20.

Water heater in utility room.



PHOTO 21.

Electric panels.



PHOTO 22.

Exhaust hood in kitchen.



PHOTO 23.

Kitchen area.



PHOTO 24.

Risers in mechanical room.



PHOTO 25.

Adjacent property to north – Consulate Health Care of Williamsburg.



PHOTO 26.

Adjacent property to south – Jamestown Road, single family homes.



PHOTO 27.

Adjacent property to east – 7-Eleven gasoline filling station.



PHOTO 28.

Adjacent property to west – access road,
unimproved woodland.



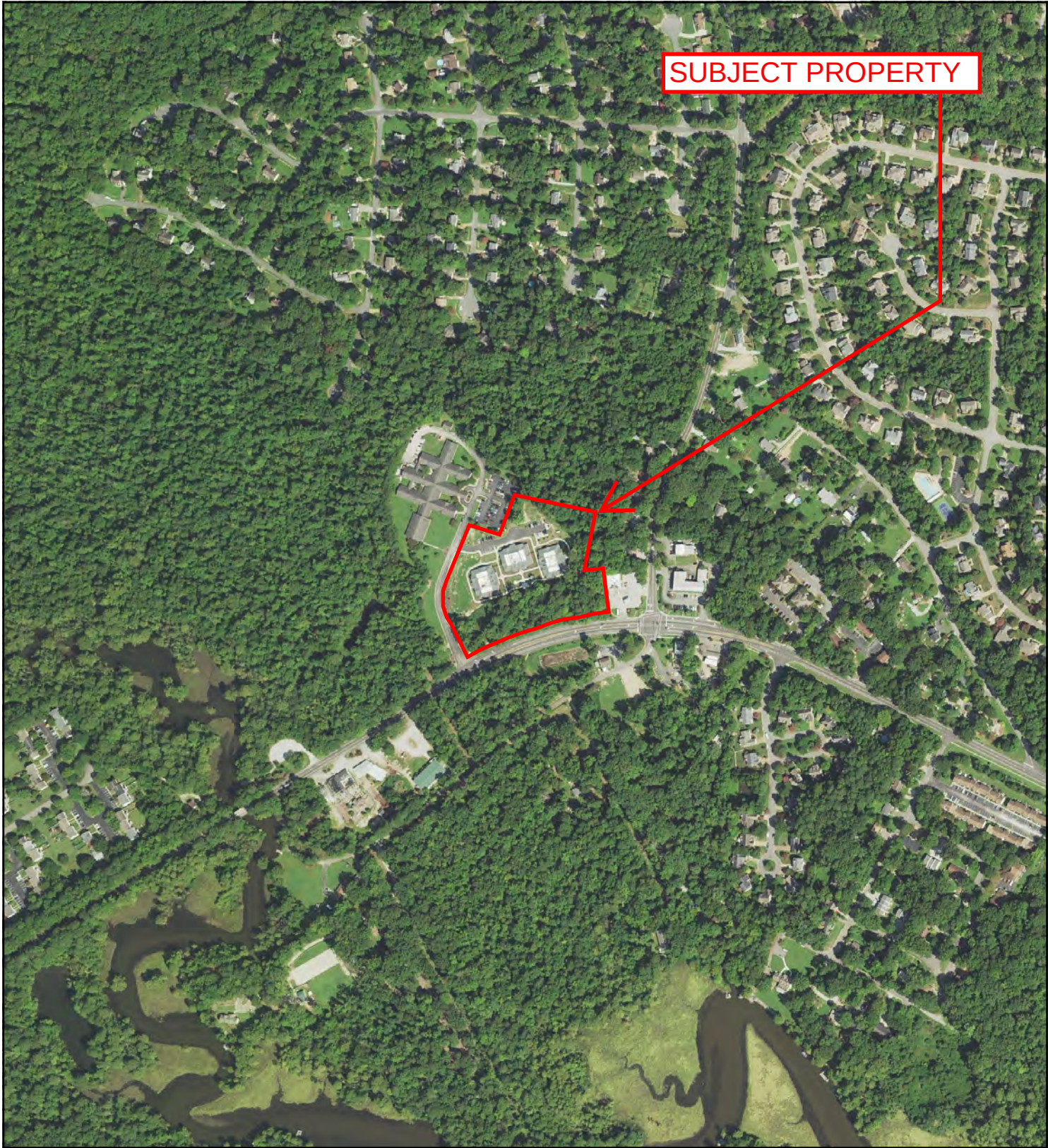
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USER CORRESPONDENCE

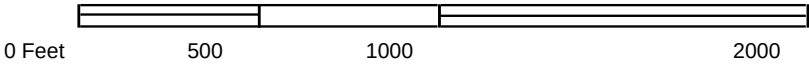
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APPENDIX E

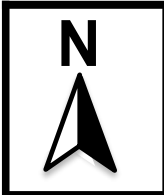
AERIAL PHOTOGRAPHS



SUBJECT PROPERTY



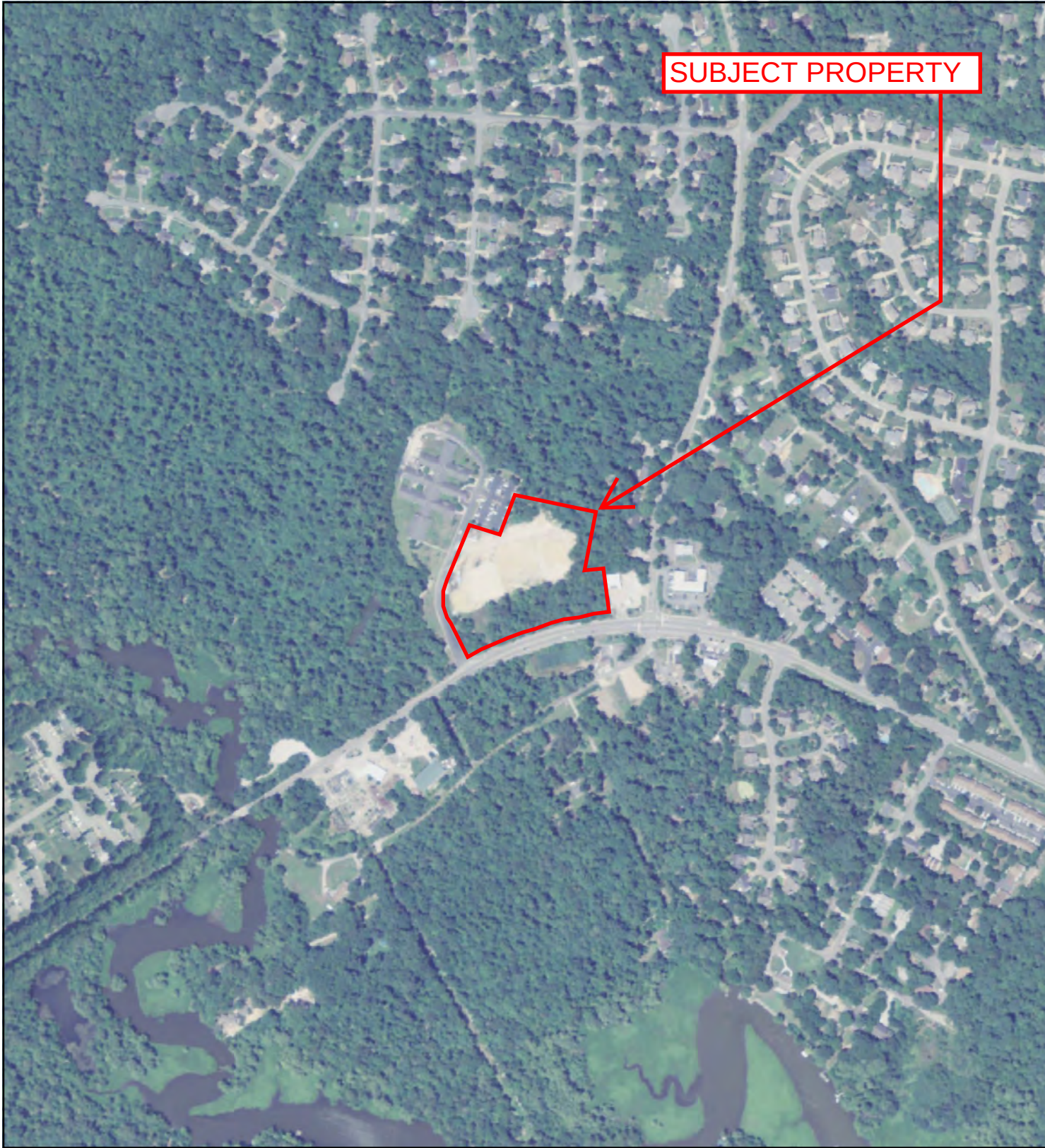
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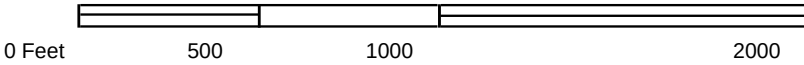
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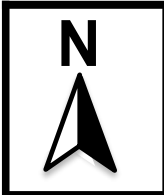




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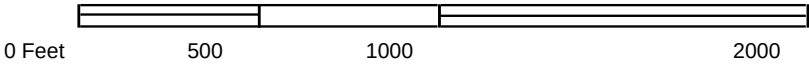
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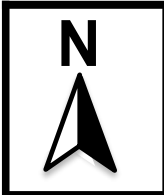




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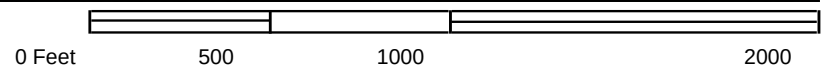
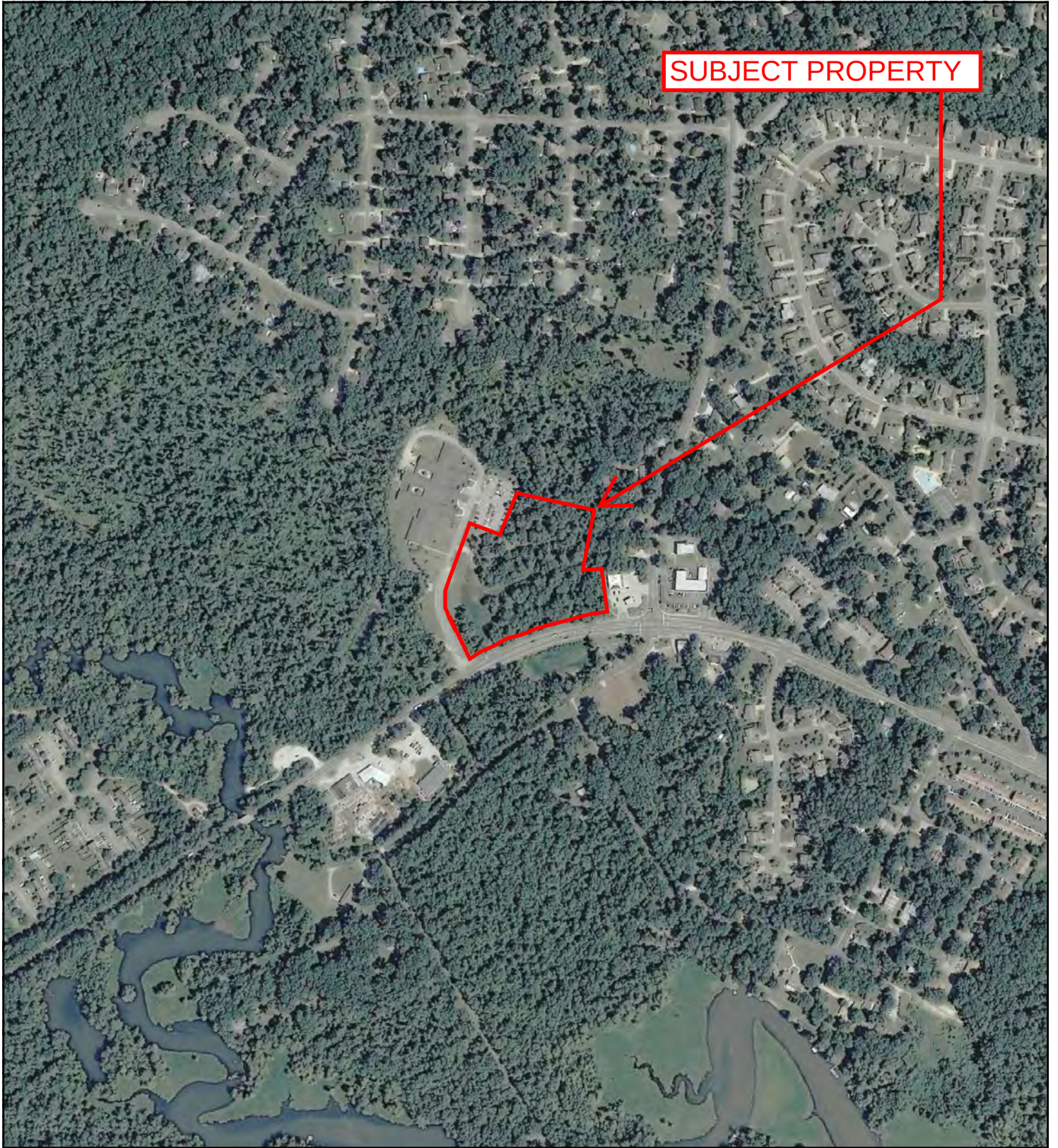
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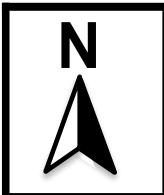
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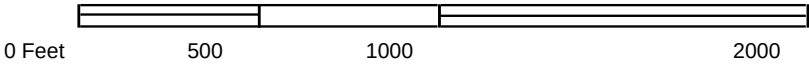
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Williamsburg, VA 23185

Project # 20240932

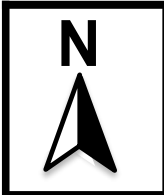




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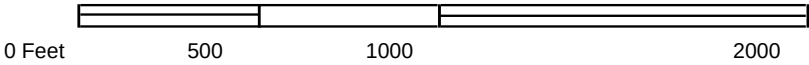
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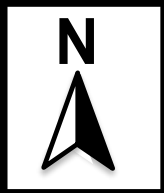
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Project # 20240932





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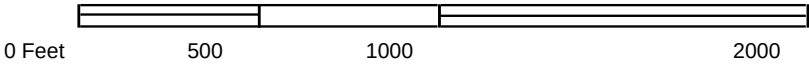
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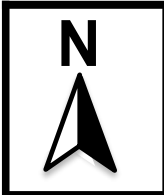




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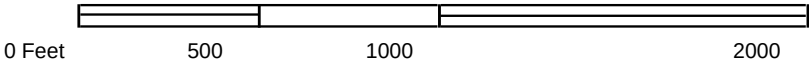
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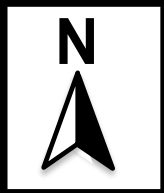
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Project # 20240932





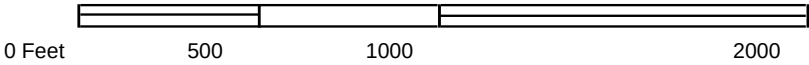
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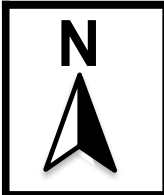
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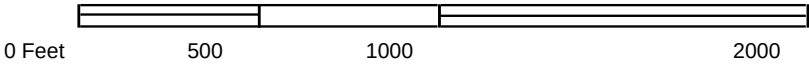
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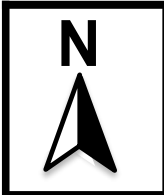




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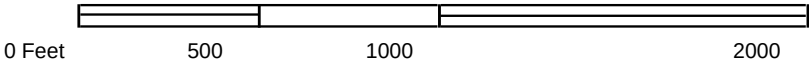
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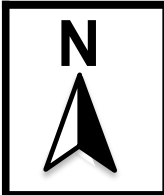
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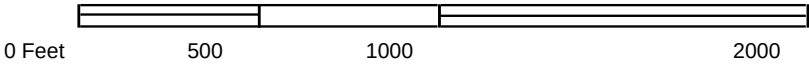
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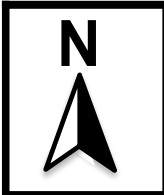




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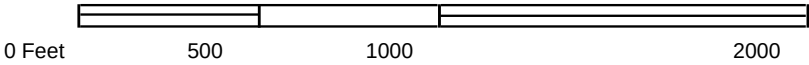
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Project # 20240932



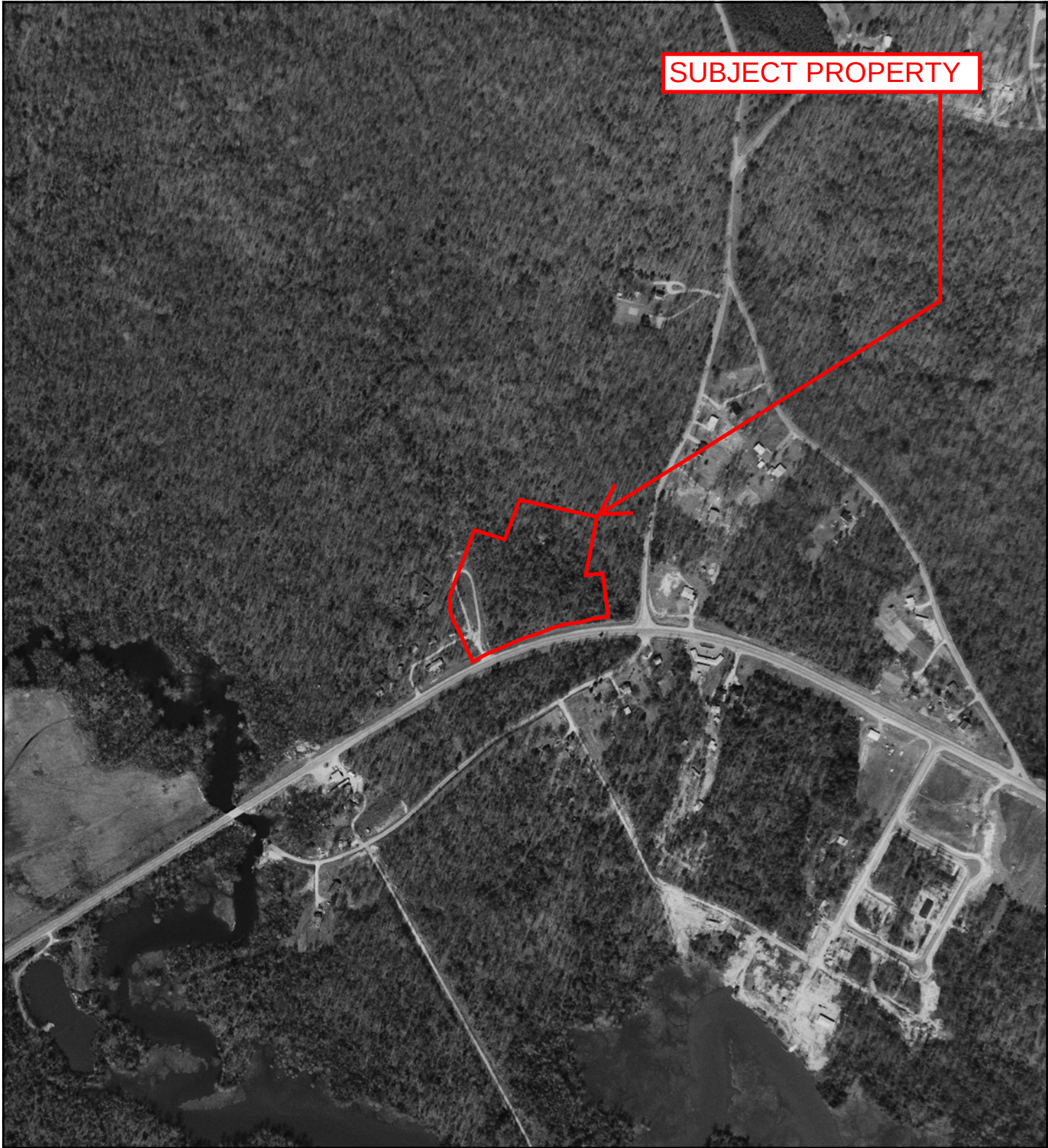


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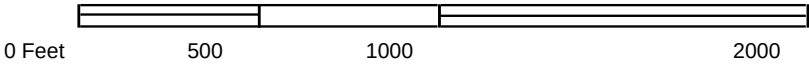


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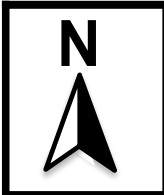
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SUBJECT PROPERTY



Key: Subject Property



1807 Jamestown Road
1807 Jamestown Road
Williamsburg, VA 23185

Project # 20240932



APPENDIX F

HISTORIC MAPS



1807 Jamestown Road

1807 Jamestown Road

Williamsburg, VA 23185

Inquiry Number: 7766043.3

September 17, 2024

Certified Sanborn® Map Report



6 Armstrong Road, 4th floor
Shelton, CT 06484
Toll Free: 800.352.0050
www.edrnet.com

Certified Sanborn® Map Report

09/17/24

Site Name:

1807 Jamestown Road
1807 Jamestown Road
Williamsburg, VA 23185
EDR Inquiry # 7766043.3

Client Name:

Property Solutions Inc.
323 New Albany Road
Moorestown, NJ 08057
Contact: Brian Gallagher



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The Sanborn Library is continually enhanced with newly identified map archives. This report accesses all maps in the collection as of the day this report was generated.

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Project 20240932

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Sanborn® Library search results

Certification #: D209-4BAE-943E

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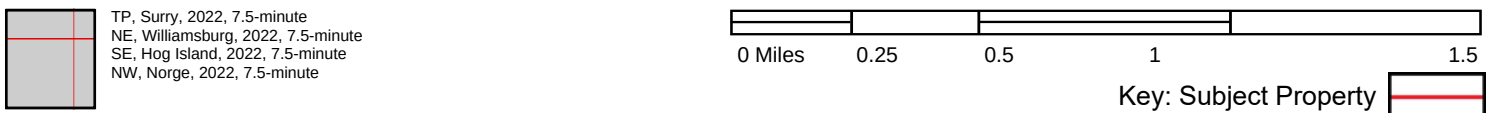
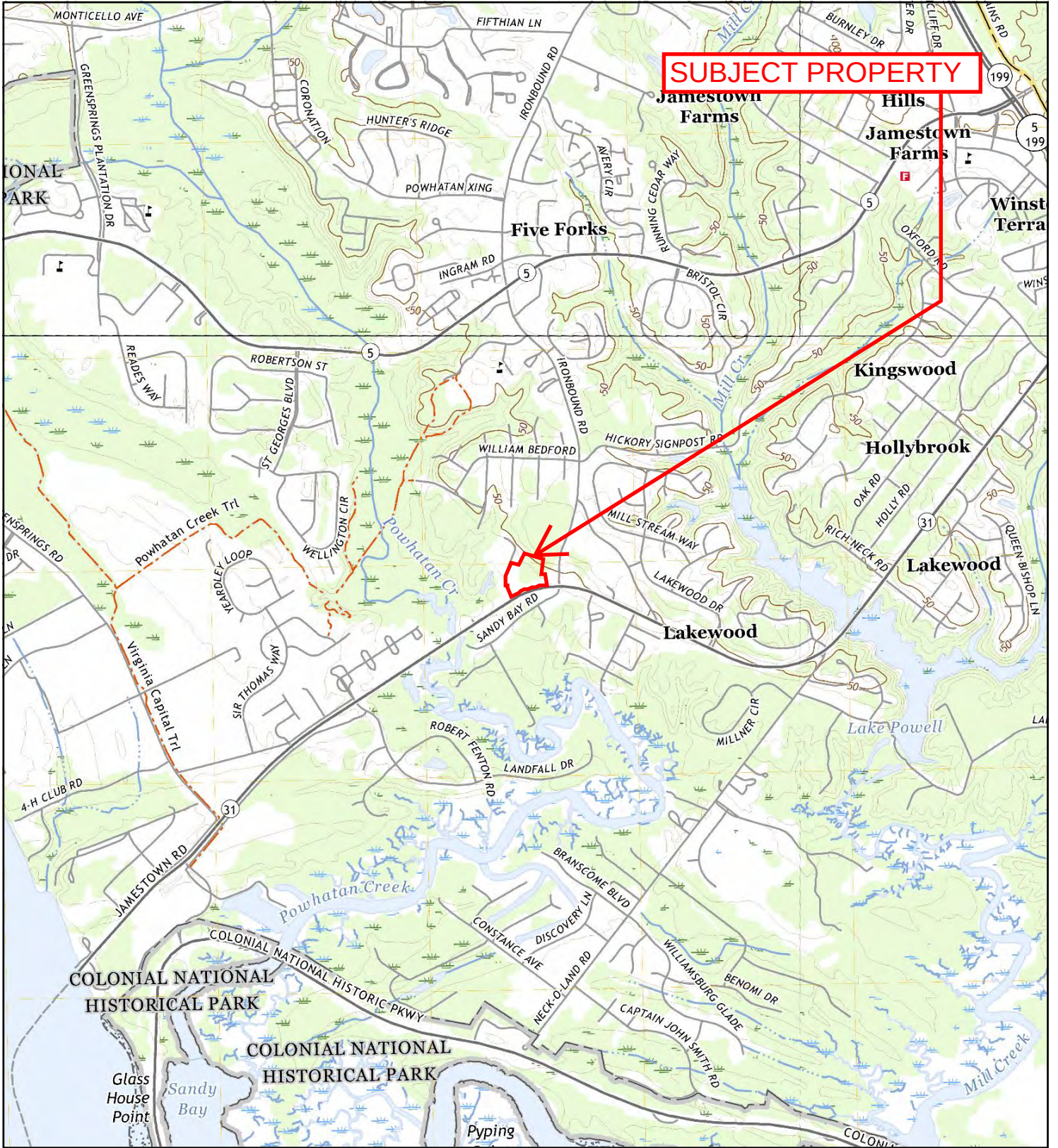
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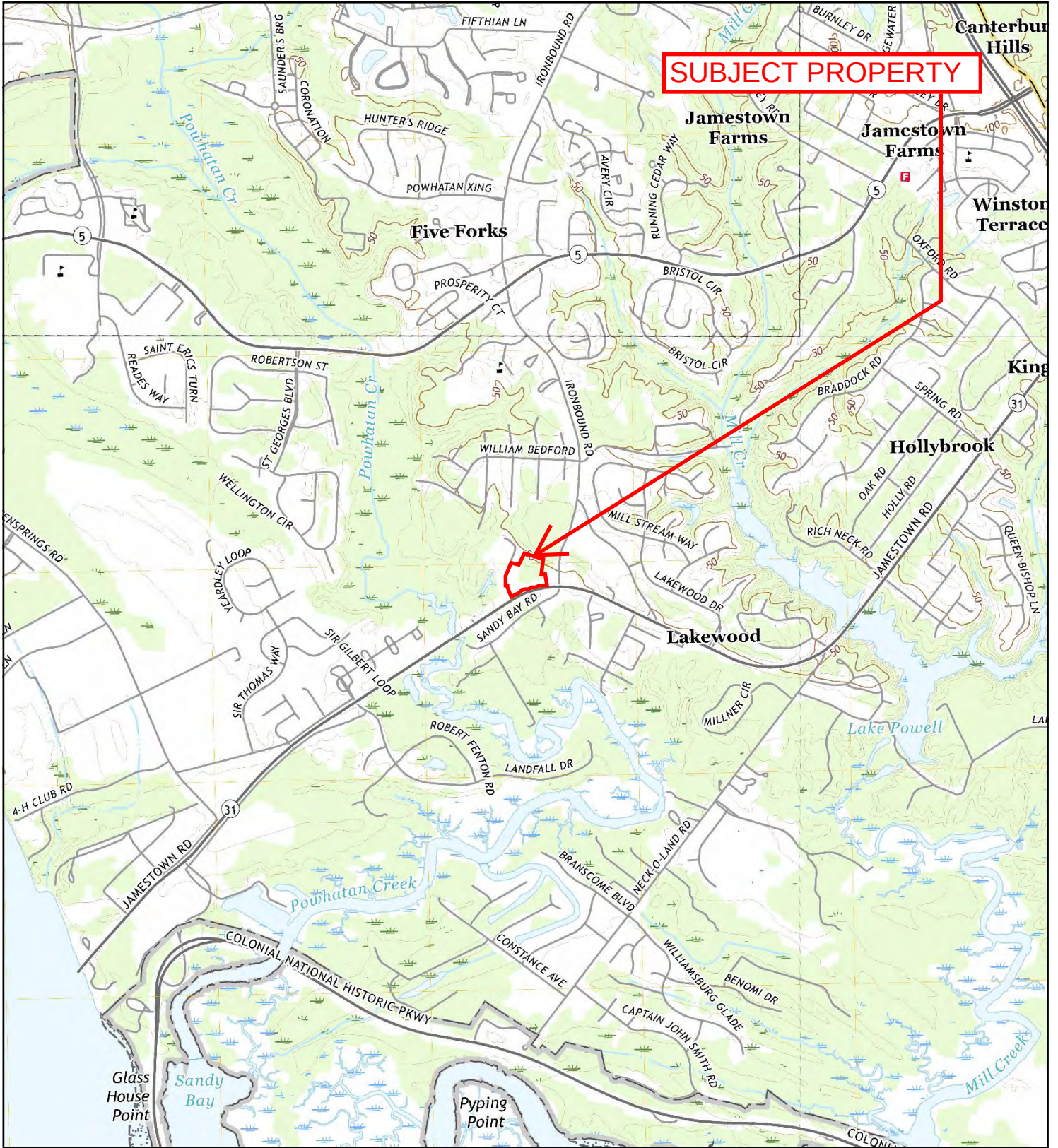
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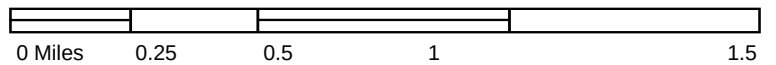
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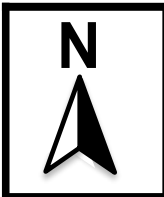
	1807 Jamestown Road 1807 Jamestown Road Williamsburg, VA 23185	 Property Solutions INC. Environmental & Engineering Consulting
	Project # 20240932	



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 NE, Williamsburg, 2019, 7.5-minute
 SE, Hog Island, 2019, 7.5-minute
 NW, Norge, 2019, 7.5-minute



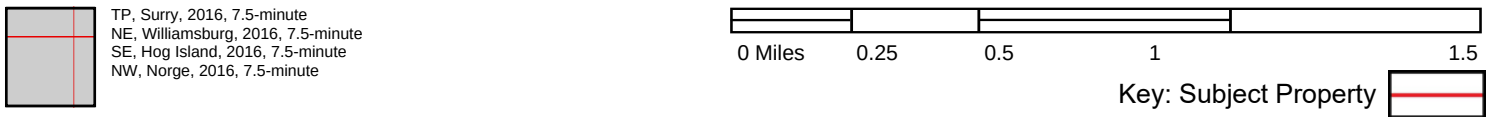
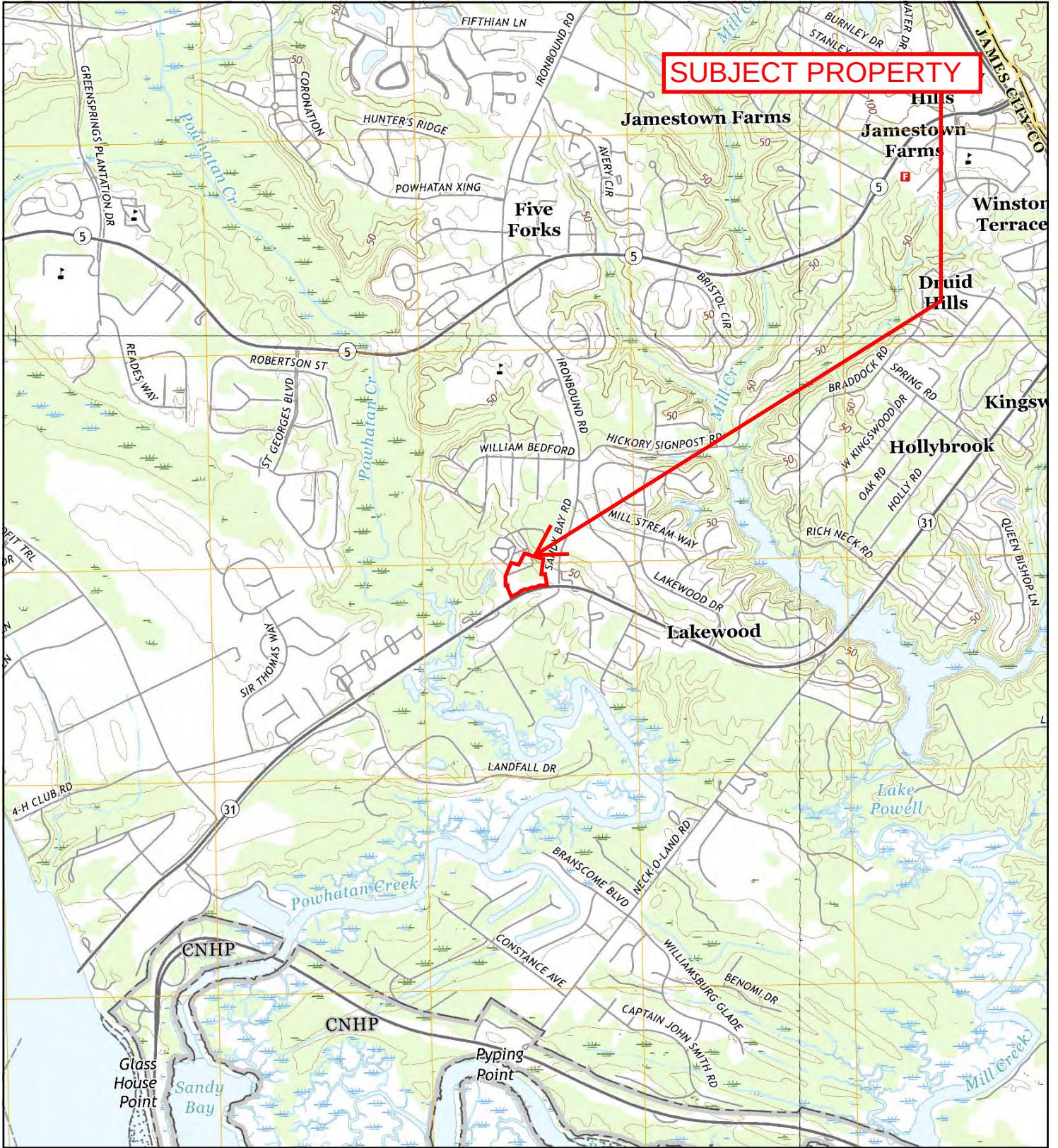
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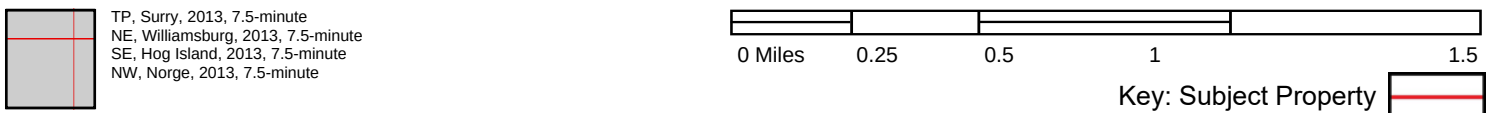
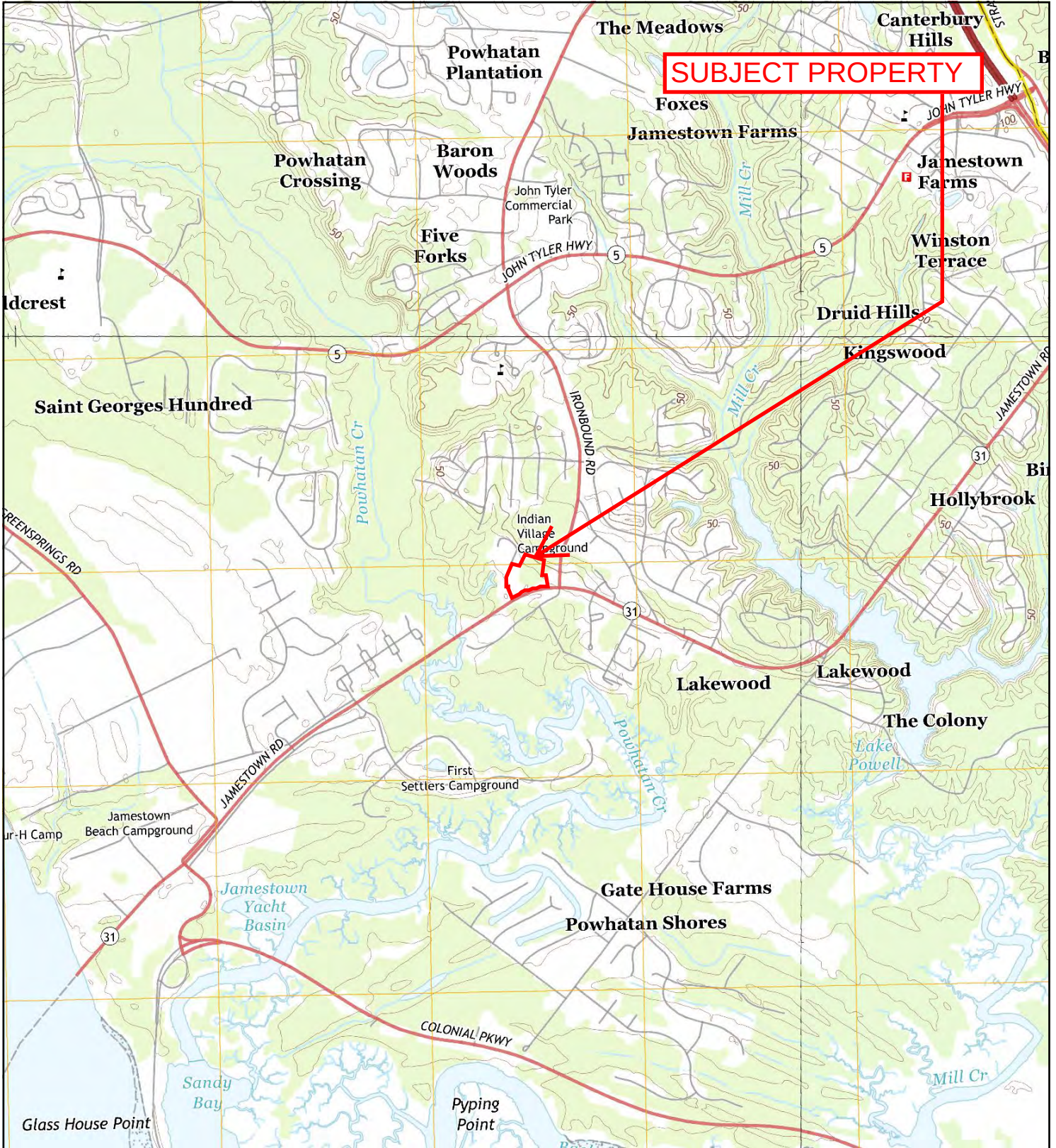


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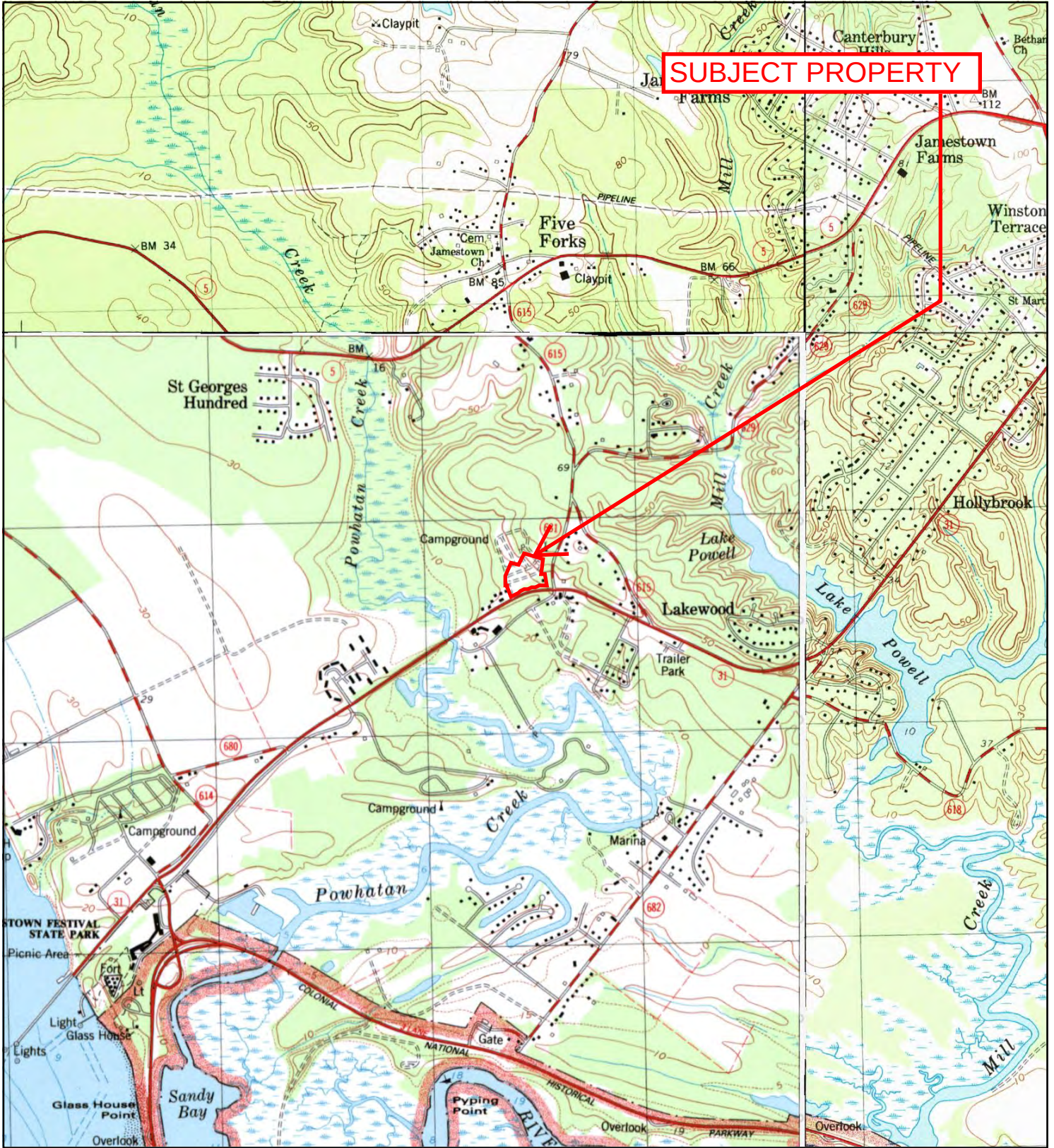


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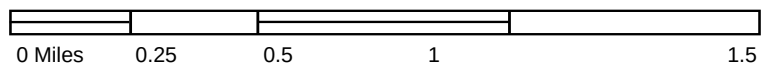
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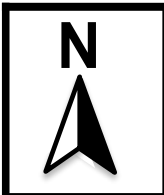
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 SE, Hog Island, 1984, 7.5-minute
 NW, Norge, 1984, 7.5-minute



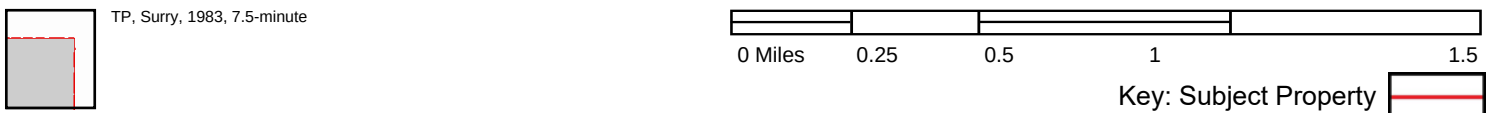
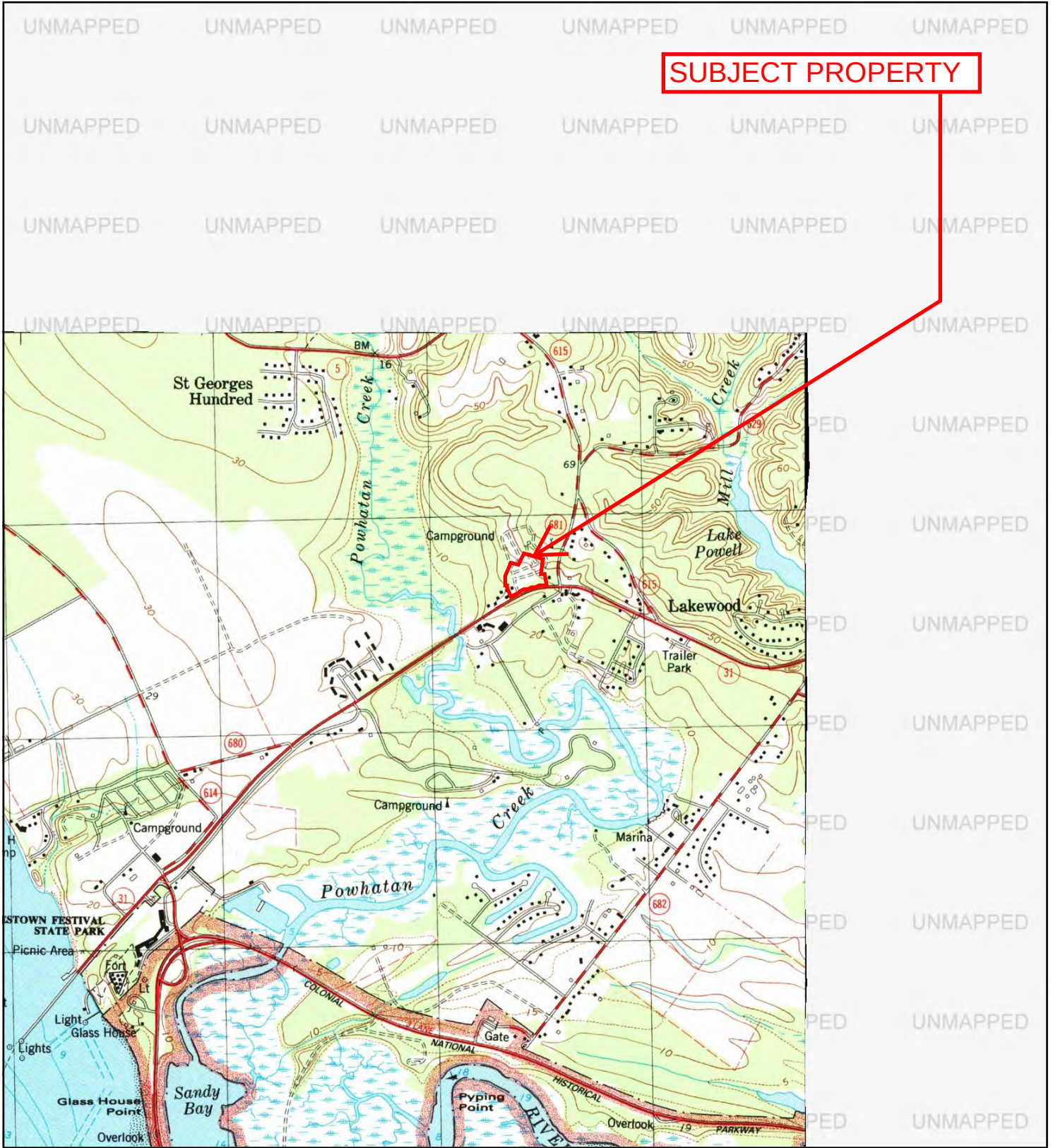
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Project # 20240932





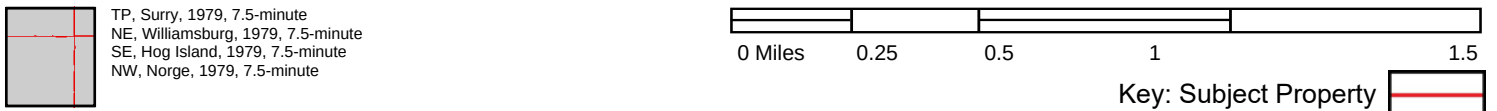
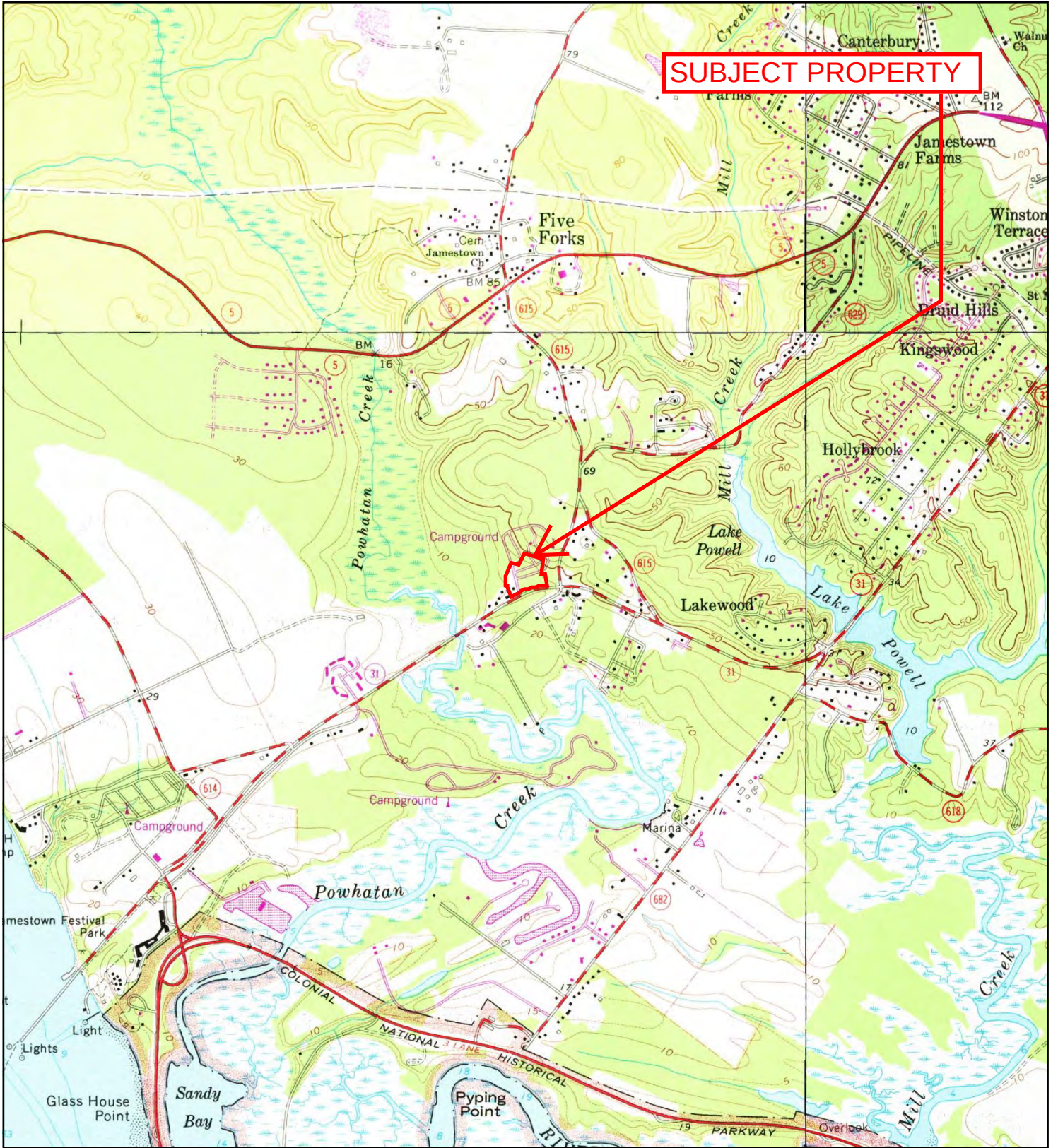


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Property Solutions Inc.
Environmental & Engineering Consulting

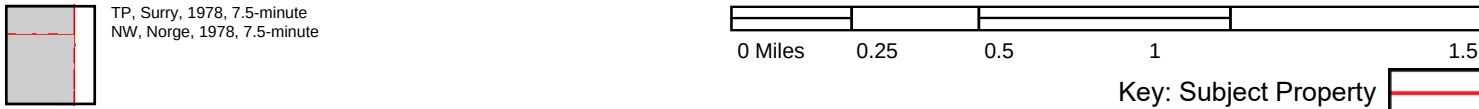
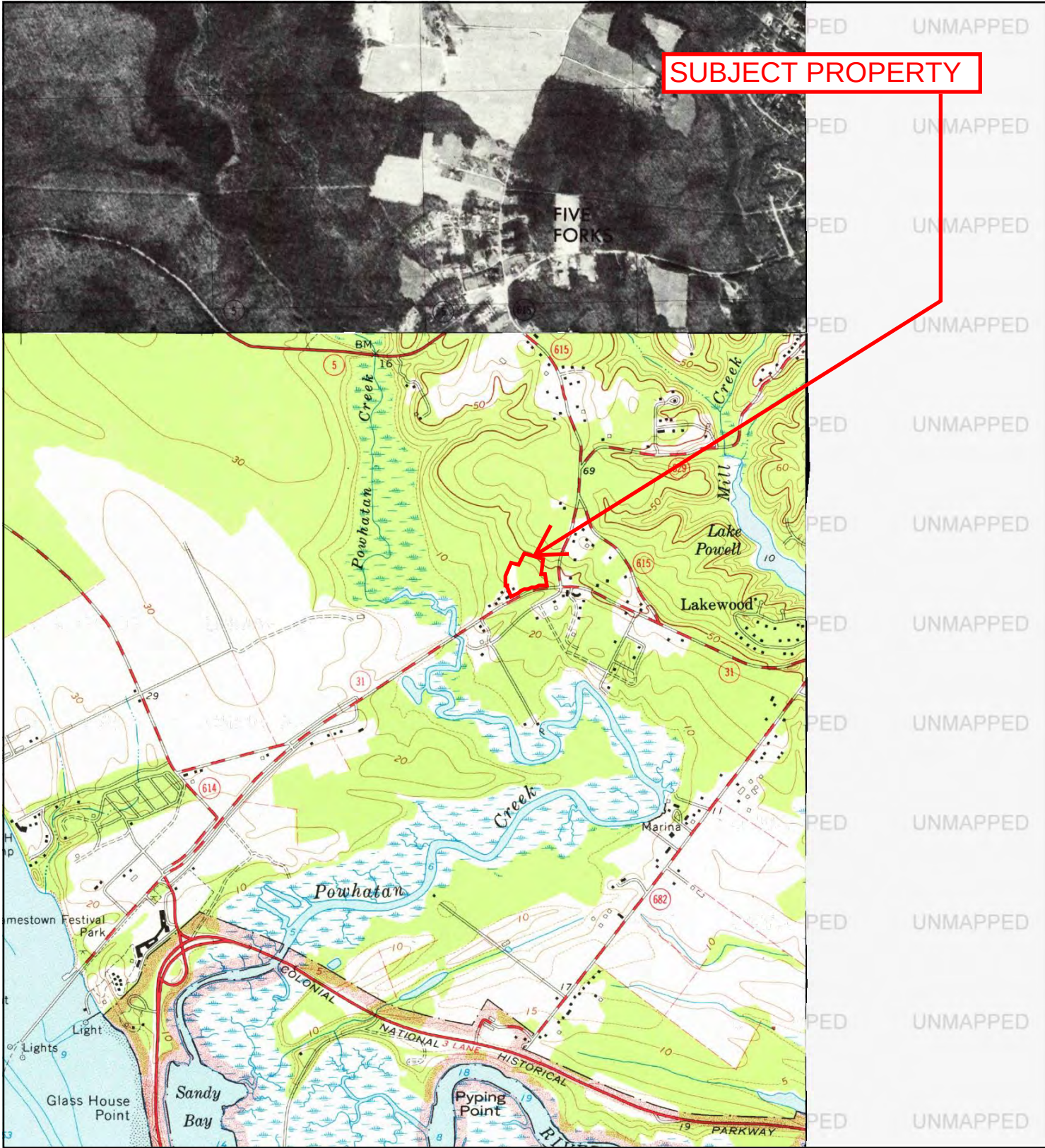


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Williamsburg, VA 23185

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Project # 20240932

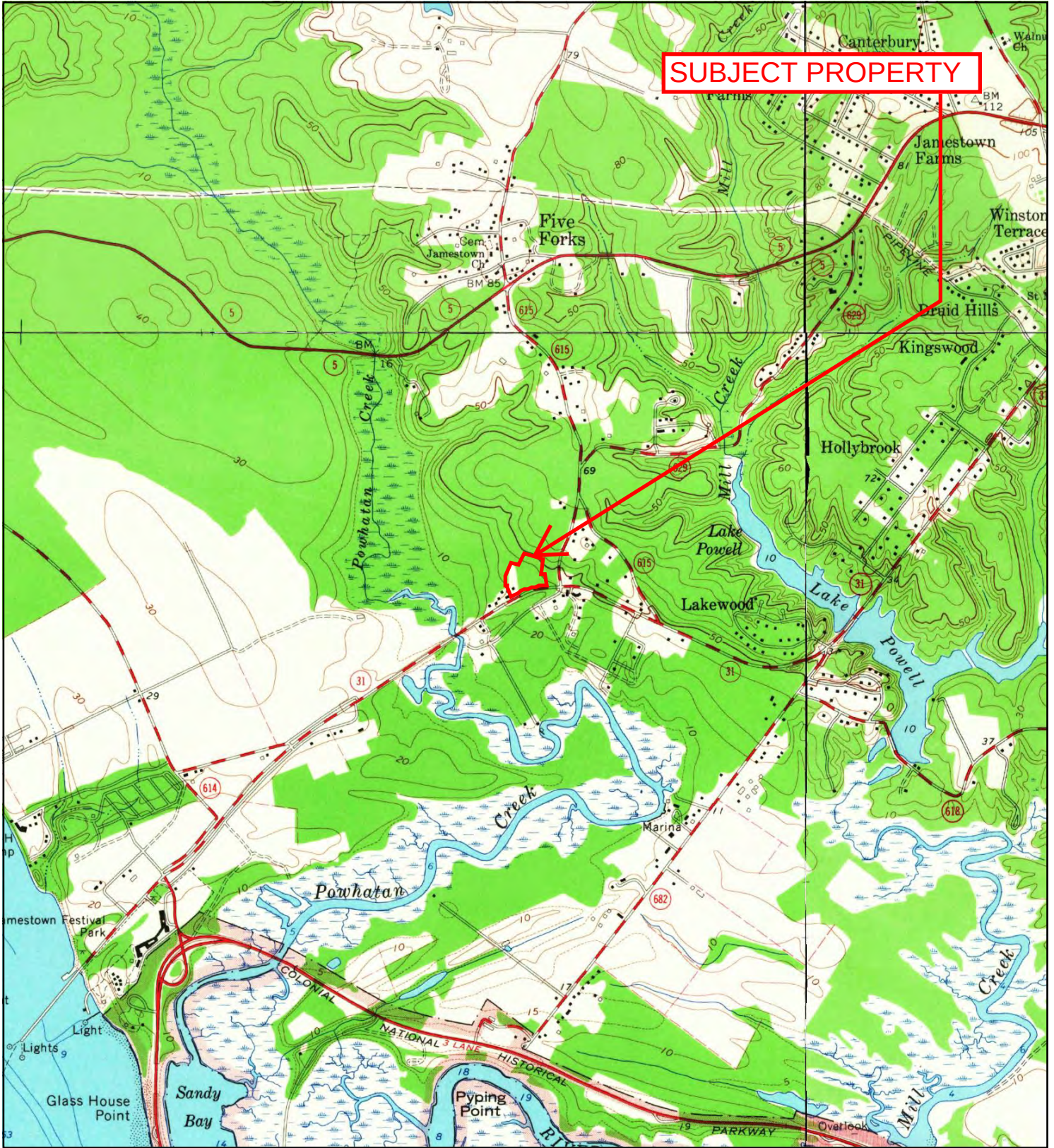


1807 Jamestown Road
1807 Jamestown Road
Williamsburg, VA 23185

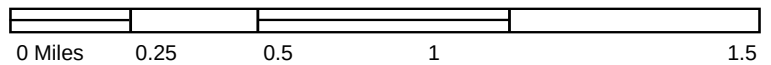
Property Solutions Inc.
Environmental & Engineering Consulting

Project # 20240932

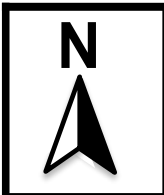
7766043 - 4 page 13



TP, Surry, 1965, 7.5-minute
 NE, Williamsburg, 1965, 7.5-minute
 SE, Hog Island, 1965, 7.5-minute
 NW, Norge, 1965, 7.5-minute



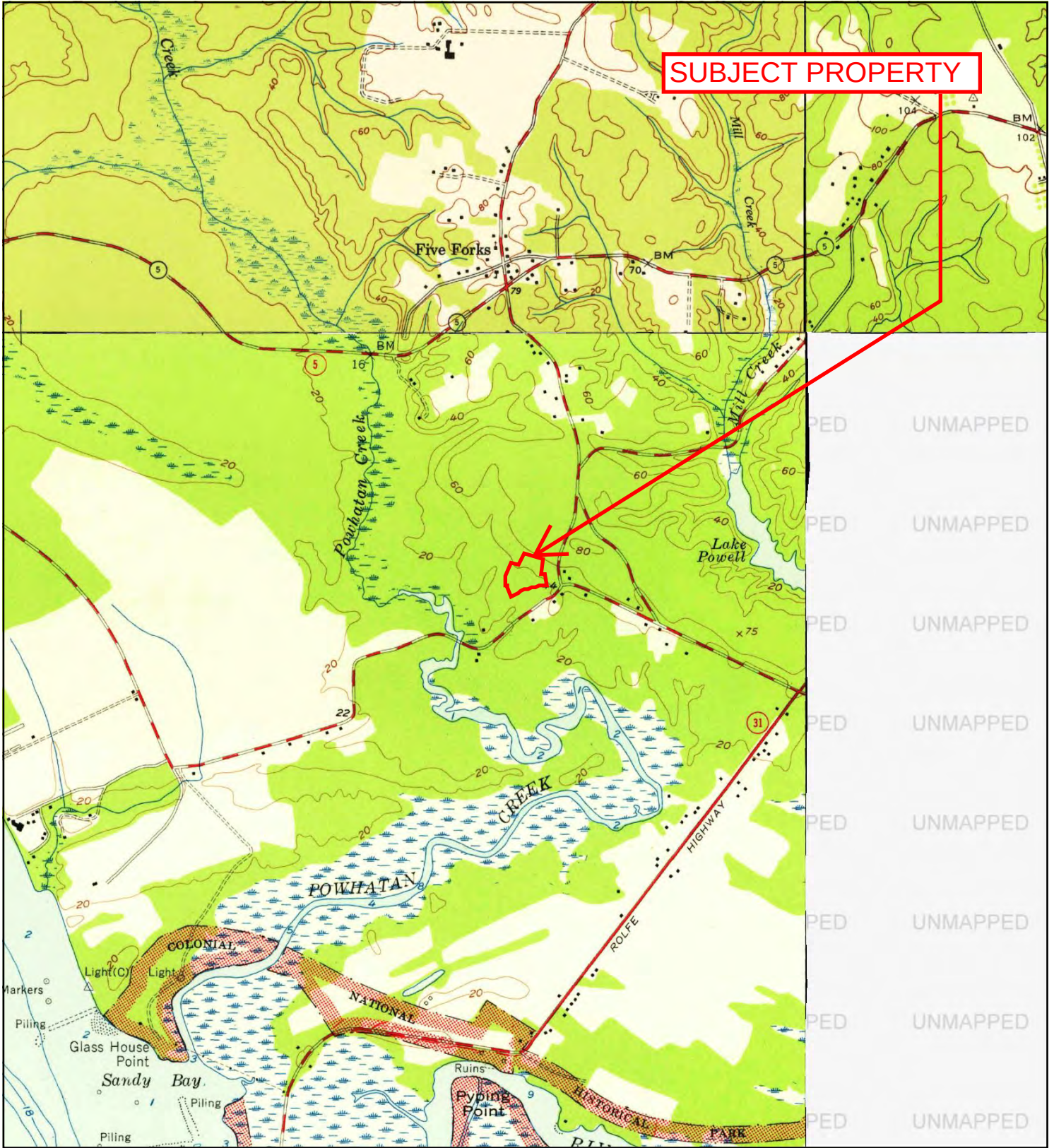
Key: Subject Property



1807 Jamestown Road
 1807 Jamestown Road
 Williamsburg, VA 23185

Project # 20240932

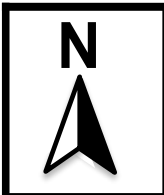




TP, Surry, 1953, 7.5-minute
NE, Williamsburg, 1953, 7.5-minute
NW, Norge, 1953, 7.5-minute

0 Miles 0.25 0.5 1 1.5

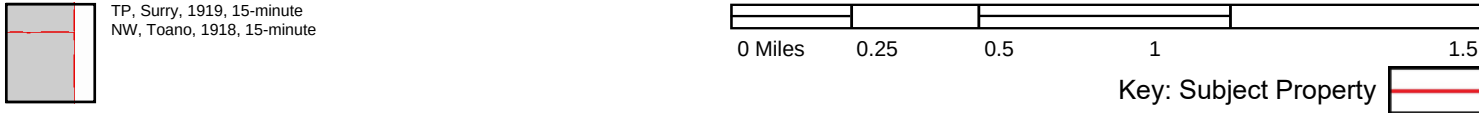
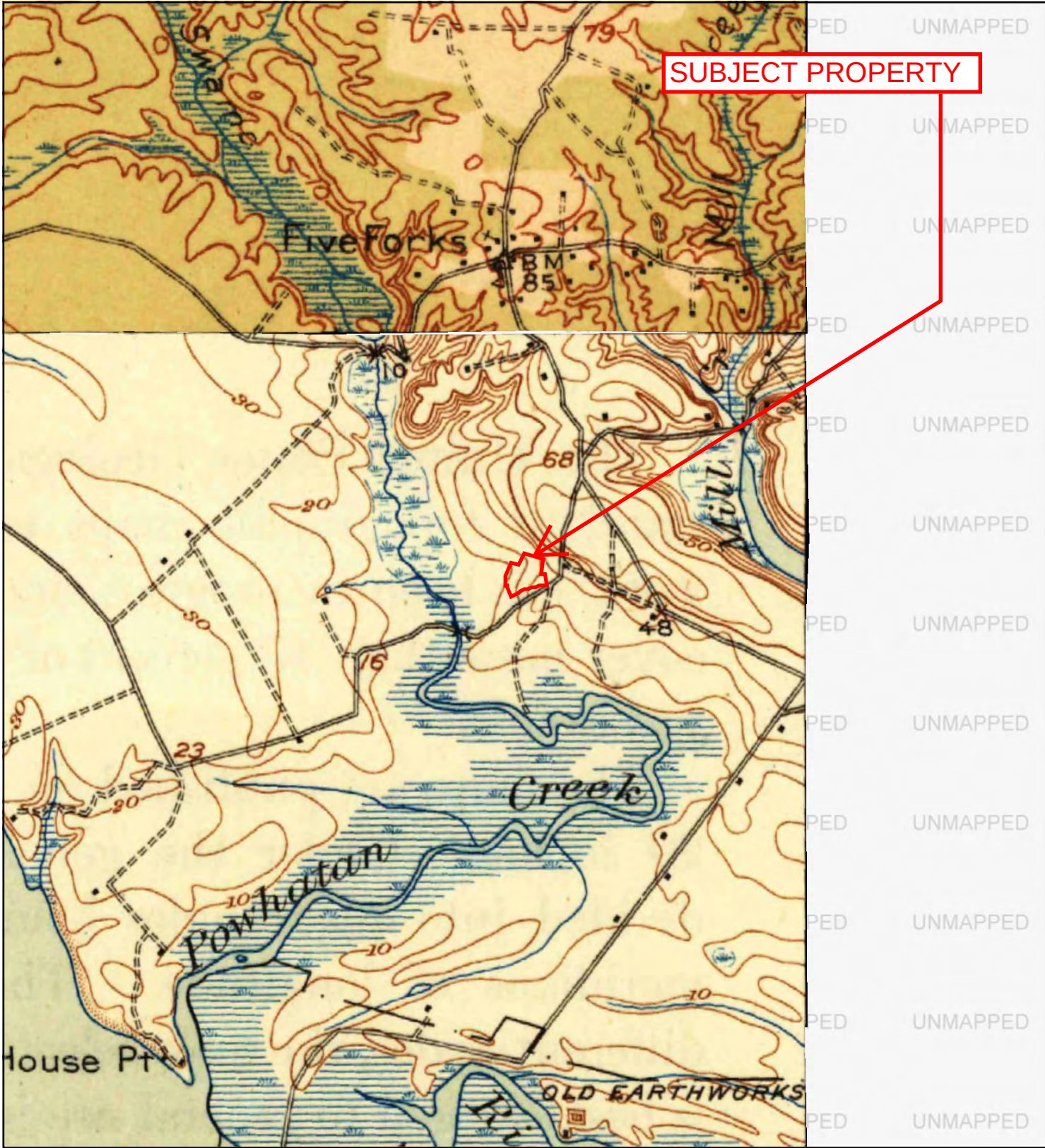
Key: Subject Property



1807 Jamestown Road
1807 Jamestown Road
Williamsburg, VA 23185

Project # 20240932





1807 Jamestown Road
1807 Jamestown Road
Williamsburg, VA 23185

Project # 20240932

Property Solutions Inc.
Environmental & Engineering Consulting

APPENDIX G
PREVIOUS REPORTS
AND PLANS

Not provided

APPENDIX H
CHAIN OF TITLE /
ENVIRONMENTAL LIENS

Not provided

APPENDIX I

CORRESPONDENCE



Parcel ID (PIN) 4730100070A
LRSN 23793
Property Address: 1807 JAMESTOWN ROAD
 WMSBURG , VA
 231852326
Subdivision: Acreage Lots Berkeley
Owner's Name: WILLIAMSBURG PROPERTIES
 HOLDING COMPANY LLC
Mailing Address: 4289 NORTHFORK RD
 ELLISTON, VA 240873225

General Information

Property Class:	404, Commercial & Industrial	VA Senate District:	26
Zoning:	R8 Rural Residential	VA House District:	71
Zoning (additional):	LB	Congressional District:	1
Air Approach:	No	Election District:	Berkeley
Legal Acreage:	6.1	Voting Precinct:	Berkeley B
Property Description:	P-2 WILLIAMSBURG HEALTH INVESTORS	Polling Place:	Clara Byrd Baker Elementary School
Primary Service Area:	Yes	Census:	80308
		Protective Active Zone (PAZ):	24

To confirm utility information please contact JCSA at 757-229-7421

Schools

Elementary School: Laurel Lane
Middle School: Berkeley
High School: Jamestown

Assessment Information

Valuation as of:	January 1, 2022	January 1, 2023	January 1, 2024
Effective for Billing:	July 1, 2022	July 1, 2023	July 1, 2024
Land Value:	\$491,800.00	\$491,800.00	\$765,900.00
Improvement Value:	\$4,759,100.00	\$4,759,100.00	\$4,759,100.00
Total Value:	\$5,250,900.00	\$5,250,900.00	\$5,525,000.00

Ownership History

Previous Owner Name	Sale Date	Sale Price	Doc # of Deed Book
WMD JAMESTOWN LLC	10/7/2021	\$5,525,000	210020093
1807 JAMESTOWN ROAD, LLC	8/30/2016	\$7,500,000	160015476
HEALTH CARE REIT, INC	6/22/2006	\$475,000	060014918
SOUTHERN ASSISTED LIVING INC.	10/9/2003	\$380,948	030030680
WILLIAMSBURG HEALTH INVESTORS LLC	6/24/1999	\$450,000	990013581
No Data	3/31/1999	-	990006959

Improvements

Year Built: 2017
Stories: 1

Approximate Square Footage		Rooms		Construction	
Finished (Above Grade):	28920	Total:	0	Foundation:	No Data
Basement:	No Data	Bedrooms:	No Data	Exterior:	No Data
Attached Garage:	No Data	Full Baths:	No Data	Central A/C:	N
Detached Garage:	No Data	Half Baths:	No Data	Out Buildings:	No Data
Enclosed Porch:	No Data				
Open Porch:	No Data				
Deck:	No Data				

Property Tax Information

Balance Due: \$0.00
Calculated as of : 09/17/2024

Year	Install #	Type	Due Date	Tax Amount	Tax Billed*	Penalty Billed	Interest Billed	Tax Paid	Penalty Paid	Interest Paid	Date Paid	Balance Due
2023	2	Tax	6/5/2024	\$21,791.24	\$21,791.24	\$0.00	\$0.00	\$21,791.24	\$0.00	\$0.00	5/9/2024	\$0.00
2023	1	Tax	12/5/2023	\$21,791.24	\$21,791.24	\$0.00	\$0.00	\$21,791.24	\$0.00	\$0.00	11/30/2023	\$0.00
2022	2	Tax	6/5/2023	\$21,791.24	\$21,791.24	\$0.00	\$0.00	\$21,791.24	\$0.00	\$0.00	5/18/2023	\$0.00
2022	1	Tax	12/5/2022	\$21,791.24	\$21,791.24	\$0.00	\$0.00	\$21,791.24	\$0.00	\$0.00	11/22/2022	\$0.00
2021	2	Tax	6/6/2022	\$21,213.78	\$21,213.78	\$0.00	\$0.00	\$21,213.78	\$0.00	\$0.00	5/20/2022	\$0.00
2021	1	Tax	12/6/2021	\$21,213.78	\$21,213.78	\$0.00	\$0.00	\$21,213.78	\$0.00	\$0.00	11/29/2021	\$0.00
2020	2	Tax	6/7/2021	\$21,213.78	\$21,213.78	\$0.00	\$0.00	\$21,213.78	\$0.00	\$0.00	5/26/2021	\$0.00
2020	1	Tax	12/7/2020	\$21,213.78	\$21,213.78	\$0.00	\$0.00	\$21,213.78	\$0.00	\$0.00	11/19/2020	\$0.00
2019	2	Tax	6/5/2020	\$21,213.78	\$21,213.78	\$0.00	\$0.00	\$21,213.78	\$0.00	\$0.00	5/12/2020	\$0.00
2019	1	Tax	12/5/2019	\$21,213.78	\$21,213.78	\$0.00	\$0.00	\$21,213.78	\$0.00	\$0.00	11/22/2019	\$0.00
2018	2	Tax	6/5/2019	\$21,213.78	\$21,213.78	\$0.00	\$0.00	\$21,213.78	\$0.00	\$0.00	5/30/2019	\$0.00
2018	1	Tax	12/6/2018	\$21,213.78	\$21,213.78	\$0.00	\$0.00	\$21,213.78	\$0.00	\$0.00	11/26/2018	\$0.00
2017	2	Tax	6/5/2018	\$21,213.78	\$21,213.78	\$0.00	\$0.00	\$21,213.78	\$0.00	\$0.00	5/25/2018	\$0.00
2017	1	Tax	12/5/2017	\$21,213.78	\$21,213.78	\$0.00	\$0.00	\$21,213.78	\$0.00	\$0.00	11/16/2017	\$0.00
2016	2	Tax	6/5/2017	\$13,745.76	\$13,745.76	\$0.00	\$0.00	\$13,745.76	\$0.00	\$0.00	5/24/2017	\$0.00
2016	2	Tax	6/5/2017	\$6,223.35	\$6,223.35	\$0.00	\$0.00	\$6,223.35	\$0.00	\$0.00	6/5/2017	\$0.00
2016	1	Tax	12/5/2016	\$13,745.76	\$13,745.76	\$0.00	\$0.00	\$13,745.76	\$0.00	\$0.00	11/16/2016	\$0.00
2015	2	Tax	6/6/2016	\$5,093.76	\$5,093.76	\$509.38	\$93.39	\$5,093.76	\$509.38	\$93.39	8/31/2016	\$0.00
2015	1	Tax	12/7/2015	\$5,093.76	\$5,093.76	\$509.38	\$373.54	\$5,093.76	\$509.38	\$373.54	8/31/2016	\$0.00

*The Tax Billed amount is based on the assessment of the property multiplied by the current tax rate, less any tax relief and/or exemption if applicable

Real estate taxes are assessed on Fiscal Year (July-June) and billed (in arrears) in two installments due December 5th and June 5th of each year.

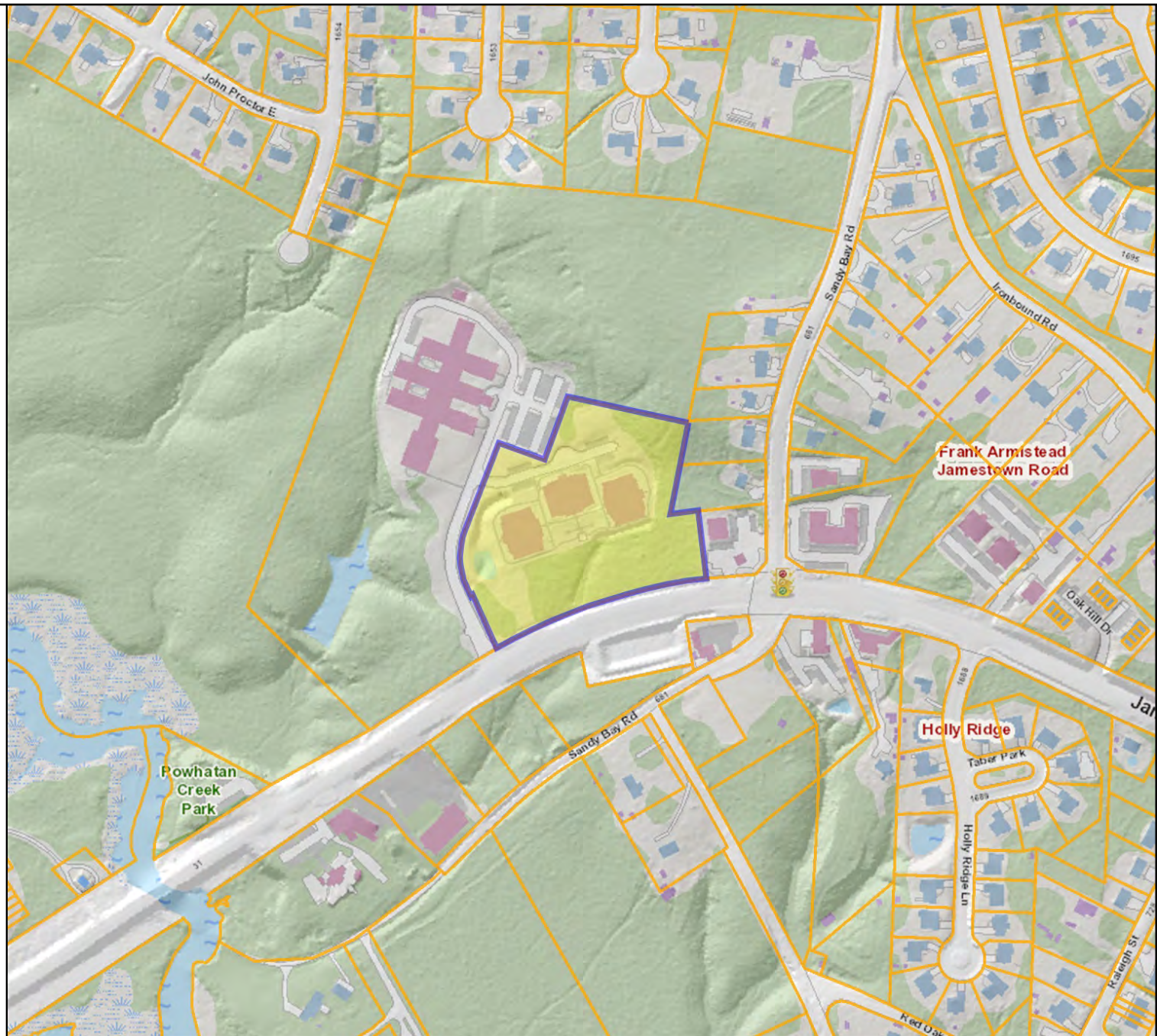
Taxes due December 5th relate to July through December.

Taxes due June 5th relate to January through June.



Legend

- Parcels
- Vacated Right of Way
- Owner Undetermined



Feet
0 100 200 300 400
1:4,514 / 1"=376 Feet

Title: Parcels

Date: 9/17/2024

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



Property Solutions INC.

Environmental & Engineering Consulting

323 New Albany Road • Moorestown, New Jersey 08057 • 856-813-3000 • Fax 856-813-1068

September 17, 2024

Saint James City County
FOIA Request
County Administration, PO Box 8784
Williamsburg, VA 23187
ATTN: FOIA Officer
Phone: 757-253-6833
Fax:
Email:
Website: <https://jamescitycountyva.gov/>

**Re: Assisted Living Facility
1807 Jamestown Road
Parcel: 47-3-01-0-0070A
Williamsburg, Saint James City County, Virginia 23185
Property Solutions Inc Project #: 20240932**

[https://jamescitycountyva.govqa.us/WEBAPP/rs/\(S\(wk3j0ltgiat5jlsvnbfrly03\)\)/SupportHome.aspx](https://jamescitycountyva.govqa.us/WEBAPP/rs/(S(wk3j0ltgiat5jlsvnbfrly03))/SupportHome.aspx)

Property Solutions Inc. is conducting a Phase I Environmental Assessment & Property Condition Assessment of the aforementioned property. As part of a property assessment, we wish to determine whether government agencies possess records on the subject property that may include potential environmental or engineering concerns. We request information on the following:

- **Permits, reports, and information for Underground or Aboveground Storage Tanks (UST/AST), oil / water separator or clarifier installation or removal any current or previous building at the property**
- **Permits for flammable materials storage**
- **Permits of asbestos removal**
- **Permits for the installation or decommissioning of drinking water wells & septic systems**
- **Demolition/renovation permits for the current building of any other prior building on this property**
- **Any known spills, releases, hazardous materials**
- **Copies of any records of outstanding or open building or fire code violations at the property.**
- **Copies of any building permits or any open building permits at the property.**
- **Copies of Certificates of Occupancy for the property.**
- **Outstanding fire code violations associated with storage / handling / use of flammable or hazardous materials**
- **Fires or spills**
- **Copies of any outstanding or open fire code violations at the property.**
- **Copies of any records indicating the installation and/or removal of an above ground or underground storage tank at the property.**
- **Copies of any records indicating that the fire department has responded to the property for the purpose of cleaning up a release of hazardous materials.**

SERVING YOUR NEEDS NATIONWIDE FROM OUR OFFICES IN:

PHILA • NY • CHICAGO • LA • DALLAS • PORTLAND • ATLANTA • BALTIMORE



Property Solutions INC.

Environmental & Engineering Consulting

323 New Albany Road • Moorestown, New Jersey 08057 • 856-813-3000 • Fax 856-813-1068

September 17, 2024

State of Virginia
Department of Environmental Quality
1111 East Main St
Richmond, VA 23219
ATTN: FOIA Officer
Phone: 804-698-4000
Fax:
Email: Natalie.Womack@DEQ.Virginia.gov
Website: <https://www.deq.virginia.gov/>

**RE: Assisted Living Facility
1807 Jamestown Road
Parcel: 47-3-01-0-0070A
Williamsburg, Saint James City County, Virginia 23185
Property Solutions Inc Project #: 20240932**

<https://www.deq.virginia.gov/get-involved/about-deq/freedom-of-information-act>

Property Solutions Inc. is conducting a Phase I Environmental Assessment of the aforementioned property. As part of the property assessment, we wish to determine whether government agencies possess any records on the subject property or area wide issues that the property be included in that include potential environmental concerns. Please provide any information regarding any AST / UST, PCBs, spills / releases, petroleum and hazardous materials use, storage, or disposal activities, vapor intrusion, contaminated groundwater, solid waste disposal, asbestos, deed notices, and activities and use limitations.

SERVING YOUR NEEDS NATIONWIDE FROM OUR OFFICES IN:

PHILA • NY • CHICAGO • LA • DALLAS • PORTLAND • ATLANTA • BALTIMORE

From: [FOIA_TRO \(DEQ\)](#)
To: [Environmental Coordinator](#)
Subject: FOIA #25-238 - NO RECORDS FOUND
Date: Thursday, September 19, 2024 12:09:24 PM
Attachments: [Outlook-krm1zrf4.png](#)

You don't often get email from trofoias@deq.virginia.gov. [Learn why this is important](#)

Thank you for your FOIA request for records made in accordance with the Virginia Freedom of Information Act (§ 2.2-3700 etc seq).

The Tidewater Regional Office of the Department of Environmental Quality has searched our files and no information was located for the addresses in your FOIA request. If you asked for Pollution Response/spill records (PReP), please note that these records have a five year retention policy.

NEW: You can search for PReP files here: <https://portal.deq.virginia.gov/v2/prep/Search>.

Look up Notices of Violations (NOV) and Enforcement Orders here: <https://portal.deq.virginia.gov/enforcement-case-documents>

If I can be of further assistance, please do not hesitate to contact me.

Thank you.

Brennen Brown



Tidewater Regional Office

Freedom of Information Act Inbox

[Virginia Department of Environmental Quality](#)

5636 Southern Blvd

Virginia Beach, VA 23462

Phone: (757) 518-2000

You can search for environmental impacts using our "[What's in my Backyard?](#)" tool.

Look up Notices of Violations (NOV) and Enforcement Orders [here](#).

Pollution Response database information for 07/99 to current is now available [here](#).

You can view pollution reports through the online portal, sorted by IR#s, city/county, and date ranges. You can also download the database. The retention policy for PReP records is five years.

From: DEQ Communications <DEQCommunications@DEQ.Virginia.gov>

Sent: Monday, September 16, 2024 12:36 PM

To: FOIA, TRO (DEQ) <trofoias@deq.virginia.gov>

Subject: *NEW SUBMISSION* Freedom of Information Act Request

Freedom of Information Act Request

Submission #: 3486757

IP Address: 50.232.94.178

Submission Date: 09/16/2024

Survey Time: 3 minutes

You have a new online form submission. To download a copy in PDF format, please click [here](#).

Note: a download will promptly begin but may take up to a few minutes to complete pending the overall submission size.

Thank you,

Virginia DEQ

This is an automated message generated by Granicus. Please do not reply directly to this email.

From: [FOIA, TRO \(DEQ\)](#)
To: [Environmental Coordinator](#)
Subject: FOIA #25-241 - NO RECORDS FOUND
Date: Friday, September 20, 2024 1:37:44 PM
Attachments: [Outlook-Jd2zrdh.png](#)

You don't often get email from trofoias@deq.virginia.gov. [Learn why this is important](#)

Thank you for your FOIA request for records made in accordance with the Virginia Freedom of Information Act (§ 2.2-3700 etc seq).

The Tidewater Regional Office of the Department of Environmental Quality has searched our files and no information was located for the addresses in your FOIA request. If you asked for Pollution Response/spill records (PReP), please note that these records have a five year retention policy.

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If I can be of further assistance, please do not hesitate to contact me.

Thank you.
Brennen Brown



Tidewater Regional Office
Freedom of Information Act Inbox
[Virginia Department of Environmental Quality](#)
5636 Southern Blvd
Virginia Beach, VA 23462
Phone: (757) 518-2000

You can search for environmental impacts using our "[What's in my Backyard?](#)" tool.

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You can view pollution reports through the online portal, sorted by IR#s, city/county, and date ranges. You can also download the database. The retention policy for PReP records is five years.

From: DEQ Communications <DEQCommunications@DEQ.Virginia.gov>
Sent: Tuesday, September 17, 2024 11:35 AM
To: FOIA, TRO (DEQ) <trofoias@deq.virginia.gov>
Subject: *NEW SUBMISSION* Freedom of Information Act Request

Freedom of Information Act Request

Submission #: 3489347
IP Address: 50.232.94.178
Submission Date: 09/17/2024
Survey Time: 1 minute, 39 seconds

You have a new online form submission. To download a copy in PDF format, please click [here](#).

Note: a download will promptly begin but may take up to a few minutes to complete pending the overall submission size.

Thank you,
Virginia DEQ

This is an automated message generated by Granicus. Please do not reply directly to this email.

1807 Jamestown Road

1807 Jamestown Road
Williamsburg, VA 23185

Inquiry Number: 7766043.5

September 18, 2024

The EDR-City Directory Image Report

TABLE OF CONTENTS

SECTION

Executive Summary

Findings

City Directory Images

Thank you for your business.

Please contact EDR at 1-800-352-0050
with any questions or comments.

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EXECUTIVE SUMMARY

DESCRIPTION

Environmental Data Resources, Inc.'s (EDR) City Directory Report is a screening tool designed to assist environmental professionals in evaluating potential liability on a target property resulting from past activities. EDR's City Directory Report includes a search of available business directory data at approximately five year intervals.

RECORD SOURCES

The EDR City Directory Report accesses a variety of business directory sources, including Haines, InfoUSA, Polk, Cole, Bresser, and Stewart. Listings marked as EDR Digital Archive access Cole and InfoUSA records. The various directory sources enhance and complement each other to provide a more thorough and accurate report.

EDR is licensed to reproduce certain City Directory works by the copyright holders of those works. The purchaser of this EDR City Directory Report may include it in report(s) delivered to a customer.

RESEARCH SUMMARY

The following research sources were consulted in the preparation of this report. A check mark indicates where information was identified in the source and provided in this report.

<u>Year</u>	<u>Target Street</u>	<u>Cross Street</u>	<u>Source</u>
2020	☒	☐	EDR Digital Archive
2017	☒	☐	Cole Information
2014	☒	☐	Cole Information
2010	☒	☐	Cole Information
2005	☒	☐	Cole Information
2000	☒	☐	Cole Information
1995	☒	☐	Cole Information
1992	☒	☐	Cole Information
1990	☐	☐	Polk's City Directory
1985	☐	☐	Polk's City Directory
1980	☐	☐	Hill's City Directory
1975	☐	☐	Hill's City Directory
1970	☐	☐	Hill's City Directory
1964	☐	☐	Hill's City Directory

FINDINGS

TARGET PROPERTY STREET

1807 Jamestown Road
Williamsburg, VA 23185

<u>Year</u>	<u>CD Image</u>	<u>Source</u>
-------------	-----------------	---------------

JAMESTOWN RD

2020	pg A2	EDR Digital Archive	
2017	pg A4	Cole Information	
2014	pg A5	Cole Information	
2010	pg A6	Cole Information	
2005	pg A7	Cole Information	
2000	pg A8	Cole Information	
1995	pg A9	Cole Information	
1992	pg A10	Cole Information	
1990	-	Polk's City Directory	Target and Adjoining not listed in Source
1985	-	Polk's City Directory	Target and Adjoining not listed in Source
1980	-	Hill's City Directory	Target and Adjoining not listed in Source
1975	-	Hill's City Directory	Target and Adjoining not listed in Source
1970	-	Hill's City Directory	Target and Adjoining not listed in Source
1964	-	Hill's City Directory	Target and Adjoining not listed in Source

FINDINGS

CROSS STREETS

No Cross Streets Identified

City Directory Images

JAMESTOWN RD 2020

1769 ANCELLOTTI TERESA B
 B3 EMOTIONAL WELLNESS CTR LLC
 CARR BARBARA ANN PHD
 COLONIAL POLYGRAPH SVC LLC
 COLONY HEALTH-BENEFIT SLTNS
 COMPUTER CLINIC
 COOPRIDER FINANCIAL PARTNERS
 DR MCLAUGHLIN
 ERIKA WINTER ATTORNEY AT LAW
 FLATIRONS CAPITAL MGMT LLC
 HALE TAMARA L
 HAMER TRADING INC
 HARDISON ERIC KEITH
 HILL MICHELLE A
 HISTORIC TRIANGLE DENTISTRY
 INNOVATIVE PAIN RELEASE CTR
 KRAKAUER SARAH Y
 METLIFE AUTO & HOME
 ORGANIZATIONAL SCIENCES-CLTR
 PAUL S WARD PC
 PAUL WARDS LAW FIRM
 SLOAN & ASSOC PC
 STEVEN WARD
 WILLIAMSBURG COUNSELING
 WILLIAMSBURG HEALTHY HYPNOSIS
 WILLIAMSBURG WELLNESS CNSLNG
 1778 Glenn Helseth
 1781 BEAUTY BY FARGO
 CHRISTIAN NETCAST COM
 DUKE COMMUNICATIONS INC
 EASY AS PI TUTORING CTR
 JOHNSTOWN JEWELERS
 MAINSTREAMNETWORK
 NEXT WAVE RADIO NETWORK
 PROJECTIONS CONSULTING
 SALON 109
 SERENITY NAIL & SPA STUDIO
 1782 TOBY'S DOG HOUSE
 1784 DUKE COMMUNICATIONS
 LA CASONA BARBECUE & GRILL
 1800 7-ELEVEN
 ATM
 WESTERN UNION AGENT LOCATION
 1804 JAMES TOWN PIE CO
 1807 WND JAMESTOWN OPERATOR
 1811 Barbara Lee
 Beverly Mintern
 CONSULATE HEALTH CARE-WLLMSBRG
 Martha Gordon
 SANCHEZ ELIZABETH

JAMESTOWN RD 2020 (Cont'd)

1811	TANDEM HEALTH CARE
1820	COOKE'S LANDSCAPING
1826	COOKE'S GARDENS

JAMESTOWN RD 2017

1769 ANNE K SULLIVAN ED D
 BF SAUL MORTGAGE
 CASTELLUM ASSET MANAGEMENT
 COMPUTER CLINIC OF WILLIAMSBURG
 COMPUTER CLINIC OF WMSBG
 GILLETTE LAW GROUP PLLC
 JAMESTOWNE PROFESSIONAL PARK
 JANE B SIEGEL LPC LMFT
 JOE PALENTINO PLUMBING INC
 JOSS FINANCIAL GROUP LLC
 L WINTER ERIKA ATTORNEY AT LAW
 LEGRAND ASSOCIATES
 METLIFE
 VIRGINIA PENSION CONSULTANTS LLC
 1781 CNC TECHNOLOGIES
 COLLEGE & UNIVERSITY COMPUTERS INC
 COLONIAL COMMUNICATIONS INC
 DUKE COMMUNICATIONS
 EASY AS PI TUTORING CENTER
 JOHNSTOWN JEWELERS
 SALON 109
 SALON SIERNS
 SERENITY NAIL & SPA STUDIO LLC
 1782 B INVITED
 CARROT TREE KITCHENS
 CARROT TREE WILLIAMSBURG
 1784 NAZAR
 1800 7ELEVEN
 1804 JAMESTOWN PIE CO
 1807 NEW DAWN ASSISTED LIVING
 1811 CONSULATE HEALTH CARE OF WILLIAMSBUR
 CONSULTANT MANAGEMENT COMPANYWILLIA
 SENTARA HEALTH CARE
 TANDEM HEALTH CARE
 TANDEM HEALTH CARE AT WILLIAMSBURG
 1820 COOKES CHRISTMAS
 COOKES LANDSCAPING
 1826 COOKES GARDENS
 COOKES LANDSCAPING

JAMESTOWN RD 2014

1769 BF SAUL MORTGAGE
 CLECKLEY & SMITH
 COMPUTER CLINIC OF WMSBG
 COOPRIDER FINANCIAL PARTNERS LLC
 GILLETTE LAW GROUP PLLC
 METLIFE
 NIELSEN ASSOCIATES LLC CPAS
 PIASCIK CHRISTINE L
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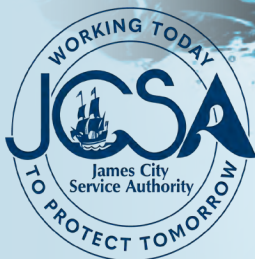
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Central



2023

Annual Water Quality Report for Central Water System PWSID No. VA 3095490

Continuing Our Commitment

119 Tewning Rd.
Williamsburg, Virginia 23188-2639
jcsa@jcsava.gov
jcsava.gov



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Yes! Your water is safe to drink!

The James City Service Authority (JCSA) provides safe water to enhance and sustain the County residential and business community. The JCSA manages the County's Central Water System as well as eight independent community water systems. Our goal is to furnish you with the best possible water at the lowest possible cost. We continually surpass all State and Federal health and safety standards. As our customers, we are pleased to provide you with this annual water quality report for calendar year 2023.

As part of the James City County government, the JCSA was created to acquire, construct, operate, and maintain an integrated water system in designated areas of the County. The JCSA is governed by a Board of Directors which holds hearings on budget and other financial matters, approves contracts, and approves changes to Regulations Governing Utility Service. The Board of Directors' meets on the second Tuesday of each month at 5:00 p.m. (except there is no meeting scheduled for August) in the Building F Board Room, James City County Government Center, 101 Mounts Bay Road. These meetings are televised live on JCC TV's Channel 48, the local government access channel, or available on demand at jamescitycountyva.gov. Upcoming meeting agendas may be requested online or by calling 757-229-7421.

Water System Improvements

In 2023, 1.85 miles of water mains from new development were added with approximately 262 new customers added to the system. JCSA completed a construction project to replace approximately 15,000 feet of water mains in the Kingswood subdivision. The design of a project to replace approximately 3,000 feet of water mains in the Lake Toano Estates Neighborhood has been completed. In accordance with the requirements of the Department of Environmental Quality (DEQ) groundwater withdrawal permit, JCSA continues to focus on the evaluation of long-term sustainable water supply sources.

Important Health Information

Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as people with cancer undergoing chemotherapy, people who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. Call the Safe Drinking Water Hotline (800-426-4791) for guidelines on appropriate means to lessen the risk of infection by cryptosporidium and other micro-biological contaminants.

Where Does My Water Come From?

As water travels over the surface of the land or through the ground, it dissolves naturally occurring minerals and can pick up substances resulting from the presence of animals or from human activity. Substances (referred to as contaminants) in source water may come from septic systems, discharges from domestic or industrial wastewater treatment facilities, agricultural and farming activities, urban storm water runoff, residential uses, and many other types of activities. Water from surface sources is treated to make it drinkable while groundwater may or may not have any treatment.

The Central Water System consists of the Five Forks Water Treatment Plant (FFWTP), seven water production facilities located throughout the County, two elevated water storage facilities and two booster pump facilities. Emergency generators are in place to ensure an uninterrupted supply of water. Water production facilities may include wells, water storage tanks, booster pumps, and disinfection facilities. The majority of the system wells pump water from the Potomac Aquifers. Five wells that take water from the Upper and Middle Potomac Aquifer are at a depth of 300-836 feet. The FFWTP takes water from the Middle and Lower Potomac Aquifers that range in depth from 800-1200 feet. There are wells that take water from the

Chickahominy-Piney Point Aquifer ranging in depth of 250-300 feet. During 2023 the well system produced an average of 4.7 million gallons per day (mgd) for 23,659 residential and business connections. The current Commonwealth of Virginia Department of Health operation permit is for a capacity of 9.973 mgd.

Source Water Assessment

The Commonwealth of Virginia Department of Health conducted a Source Water Assessment of the Central System in 2001. Some wells were determined to be of high susceptibility to contamination using the criteria developed by the state in its approved Source Water Assessment Program. The assessment report consists of maps showing the source Water Assessment area, an inventory of known Land Use Activities and Potential Sources of contamination, susceptibility Explanation Chart, and Definitions of Key Terms. To obtain a copy of the *Source Water Assessment Report*, call 757-259-5416. JCSA is requesting the Health Department to conduct an updated Source Water Assessment due to changes in conditions and the need to update the assessments.

Water Treatment Process

The JCSA is fortunate to already have high quality water coming from all aquifers. While the water is safe, we provide a disinfectant in accordance with Federal regulations before the water enters the distribution system for consumption. At the FFWTP, a different treatment process known as reverse osmosis (R.O.) is utilized. This process removes salts from the water before additional finished water chemical adjustments are made for pH and corrosion. Once the chemistry of the water has been adjusted and tested, the finished water is distributed to the system. The Central Water System disinfection process includes the injection of a liquid Sodium Hypochlorite solution at seven water production facilities and the FFWTP. These eight injection sites provide sufficient disinfection for the entire system. Chlorine residual tests are routinely taken to ensure the water system is thoroughly disinfected. In a continuing effort to protect public health, JCSA has installed corrosion inhibitor Zinc Orthophosphate at additional sites in the Central System. With this addition, JCSA is taking concerted steps to maintain future regulations.

Contaminants that Could Be in Water

All drinking water, including bottled water, may contain small or trace amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information can be obtained by calling the Environmental Protection Agency's Safe Drinking Water Hotline (800-426-4791).

Central

In order to ensure that tap water is safe to drink, the EPA prescribes regulations which limit the amount of certain contaminants in water provided by public water systems. Food and Drug Administration regulations establish limits for contaminants in bottled water which must provide the same protection for public health.

Contaminants that may be present in source water include: microbial contaminants, such as viruses and bacteria, which may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife; inorganic contaminants, such as salts and metals, which can be naturally occurring or result from urban storm water runoff, industrial or domestic wastewater discharges, oil and gas production, mining, or farming; pesticides and herbicides, which may come from a variety of sources such as agriculture, urban storm water runoff, and residential uses; organic chemical and contaminants, including synthetic and volatile organic chemicals, which are byproducts of industrial processes and petroleum production, and can also come from gas stations, urban storm water runoff, and septic systems; radioactive contaminants, which can be naturally occurring or be the result of oil and gas production and mining activities.

Additional Health Information

If present, elevated levels of lead can cause serious health problems, especially for pregnant women and young children. Lead in drinking water is primarily from materials and components associated with service lines and home plumbing. The JCSA is responsible for providing high quality drinking water, but cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to two minutes or until it becomes cold or reaches a steady temperature before using water for drinking or cooking. If you are concerned about lead in your water, you may wish to have your water tested. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the Safe Drinking Water Hotline at epa.gov/safewater/lead.

The James City Service Authority completed the last Lead and Copper sampling in August 2021. The 90th percentile value for lead was less than 1.0 ppb (parts per billion) and for copper was 0.118 ppm (parts per million). This is significantly lower than the EPA Action Level limit of 15 ppb for lead and 1.3 ppm for copper. The action levels are established by EPA to trigger a system to take corrective actions to reduce levels if the action levels are reached or exceeded. Many areas that experience high lead levels are the result of lead service lines in the presence of corrosive water. The James City Service Authority is not aware of any lead services in our system. We also feed a corrosion inhibitor to protect the system from potential corrosive

properties of the water. We continue to provide educational material and monitor water quality to ensure we provide a safe and reliable water service.

Unregulated Contaminants

In February and August of 2015 the JCSA participated in the third phase of the EPA’s required monitoring program. In November 2019 and May 2020, the JCSA participated in the fourth phase. The purpose of the UCMR (Unregulated Contaminant Monitoring Rule) is to provide data to the EPA for decisions concerning whether or not to regulate these contaminants in the future. The tables below show the results of the UCMR3 and UCMR4. Central System will be participating in UCMR5 in November 2024 and May 2025.

Table 1: UCMR3 Unregulated Contaminants Units = ug/L (ppb)	Results (Average)	Range
Chromium	<0.20	<0.20
Cobalt	<1.00	<1.00
Molybdenum	2.62	1.00-5.30
Strontium	91.60	9.80-160
Vanadium	<0.20	<0.20
Chromium, Hexavalent	<0.03	<0.03
Chlorate	655.00	150-1,700
1,4-Dioxane	<0.07	<0.07
Bromochloromethane	<0.06	<0.06
Bromomethane	<0.20	<0.20
1,3-Butadiene	<0.10	<0.10
Chlorodifluoromethane	<0.08	<0.08
Chloromethane	<0.20	<0.20
1,1-Dichloroethane	<0.03	<0.03
1,2,3-Trichloropropane	<0.03	<0.03
Perfluorobutanesulfonic acid (PFBS)	<0.09	<0.09
Perfluoroheptanoic acid (PFHpA)	<0.01	<0.01
Perfluorohexanesulfonic acid (PFHxS)	<0.03	<0.03
Perfluorononanoic acid (PFNA)	<0.02	<0.02
Perfluorooctane sulfonate (PFOS)	<0.04	<0.04
Perfluorooctanoic acid (PFOA)	<0.02	<0.02

Table 2: UCMR4 Unregulated Contaminants Units = ug/L (ppb)	Results (Average)	Range
Germanium	<0.30	<0.30
Manganese	2.65	<0.40-7.26
alpha-Hexachlorocyclohexane	<0.01	<0.01
Chlorpyrifos	<0.03	<0.03
Dimethpin	<0.20	<0.20
Ethoprop	<0.03	<0.03
Oxyfluorfen	<0.05	<0.05
Profenofos	<0.30	<0.30
Tebuconazole	<0.20	<0.20
Permethrin, cis & trans	<0.04	<0.04
Tribufos	<0.07	<0.07
Butylated hydroxyanisole	<0.03	<0.03
o-Toluidine	<0.007	<0.007
Quinoline	<0.02	<0.02
1-Butanol	<2.00	<2.00

Table 2: UCMR4 Unregulated Contaminants Units = ug/L (ppb)	Results (Average)	Range
2-Methoxyethanol	<0.40	<0.40
2-Propen-1-ol	<0.50	<0.50
HAA5	1.33	0.74-2.22
HAA6Br	2.54	2.15-2.93
HAA9	3.05	2.18-4.47

Naturally Occurring Bacteria

In 2023, 720 routine bacteriological and chlorine residual samples were taken from the distribution system. Of the 720 samples, four samples were positive for total coliform and negative for E. coli. As required by regulation, repeat samples were taken for all positive coliform samples. As a result, 31 additional samples were analyzed. All repeat samples tested negative.

Regulated Contaminants – Finished Water

Contaminant (units)	Violation	Range	Level Detected	MCL	MCLG	Date of Sample	Potential Source of Contaminant
Combined Radium (pCi/l)	No	ND-0.8	0.8	5	0	2020-2023	Erosion of natural deposits
Gross Beta (pCi/l)	No	4.2-8	8	50*	0	2020-2023	Decay of natural and man-made deposits
Gross Alpha	No	ND-1.0	1.0	15	0	2020-2023	Erosion of natural deposits
Fluoride (ppm)	No	0.45-1.83	1.83	4	4	2019-2023	Erosion of natural deposits
Arsenic (ppb)	No	ND-2	2	10	0	2019-2023	Erosion of natural deposits
Barium (ppm)	No	ND-0.011	0.011	2	2	2019-2023	Erosion of natural deposits

Regulated Contaminants – Distribution System

Contaminant (units)	Violation	Range	Level Detected	MCL	MCLG	Date of Sample	Potential Source of Contaminant
Total Trihalomethanes (ppb)	No	13-17	15	80	NA	7/12/23	Byproduct of drinking water chlorination
Haloacetic Acids (5) (ppb)	No	1.2-2.1	1.7	60	NA	7/12/23	Byproduct of drinking water chlorination

Regulated Contaminants – Lead and Copper in the Distribution System

Contaminant (units)	Violation	90 th Percentile Value	Action Level	MCLG	Number of Samples Above Action Level	Date of Sample	Potential Source of Contaminant
Lead (ppb)	No	<1.0	15	0	0	8/2-8/10/21	Corrosion of household plumbing systems, erosion of natural deposits
Copper (ppm)	No	0.118	1.3	1.3	0	8/2-8/10/21	Corrosion of household plumbing systems, erosion of natural deposits, leaching from wood preservatives

Sampling Results

The JCSA tests for more than 100 contaminants to make sure the water you drink is safe. We are pleased to report that for calendar year 2023, the water delivered to your homes and businesses complied with all State and Federal requirements. The following table only lists those regulated contaminants that had some level of detection. All results are below allowed levels, which means our drinking water is safe to drink and poses no health risk. Not listed are many of the other contaminants for which we tested that were not detected.

The Commonwealth allows us to monitor for some contaminants less than once per year, because the concentrations of these contaminants do not change frequently. Some of our data, though accurate, is more than one year old.

Disinfectants in the Distribution System

Disinfectant (units)	Violation	Range	Level Detected (annual average)	MDRL	MRDLG	Date of Sample	Potential Source of Contaminant
Free Chlorine (ppm)	No	1.00-2.20	1.56	4	4	2023 monthly	Water chlorination

Additional Nonregulated Monitoring Results

Analyte (units)	Level Detected (annual average)	Range	Date of Samples	Typical Source of Contaminant
Sodium (mg/L)	96.4	31.7-169	2019-2023	Sodium occurs naturally in groundwater. However, sources such as road salt, water softeners, natural underground salt deposits, pollution from septic systems as well as saltwater intrusion due to proximity to the ocean are often causes of elevated levels in drinking water supplies.

Drinking water does not play a significant role in sodium exposure for most individuals. Those that are under treatment for sodium-sensitive hypertension should consult with their health care provider regarding sodium levels in their drinking water supply and the advisability of using an alternative water source or point-of-use treatment to reduce the sodium. For individuals

on a very low sodium diet (500 mg/day), EPA recommends that drinking water sodium not exceed 20 mg/L. The World Health Organization has established a drinking water guideline of 200 mg of sodium/L on the basis of esthetic considerations (i.e., taste).

Table Definitions

- AL** (Action Level): The concentration of a contaminant which, if exceeded, triggers treatment or other requirements which a water system must follow.
- MCL** (Maximum Contaminant Level): The highest level of contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.
- MCLG** (Maximum Contaminant Level Goal): The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.
- MRDL** (Maximum Residual Disinfectant Level): The highest level of a disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.
- MRDLG** (Maximum Residual Disinfectant Level Goal): The level of a drinking water disinfectant below which there

- is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contamination.
- ppm** (one part per million): The equivalent of a single penny in \$10,000.
- ppb** (one part per billion): The equivalent of a single penny in \$10,000,000.
- pCi/l** (picocuries per liter): A measure of radioactivity.
- Range**: The variation between the lowest and highest results from all samples/sampling locations.
- ND** (No Detects): Lab analysis indicates that the contaminant is not present.
- NA**: Not Applicable.

Questions

For more information about this report, or for any questions relating to your drinking water:

General Manager 757-229-7421	Customer Service 757-253-6800	Emergency, normal hours 7 a.m. - 3:30 p.m. 757-229-7421	Emergency, after hours 757-566-0112	Special Information Hotline 757-259-4911	Water Conservation 757-259-5416
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Last updated on September 12, 2024

APPENDIX J

ENVIRONMENTAL DATABASE

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Inquiry Number: 7766043.2s
September 17, 2024

The EDR Radius Map™ Report with GeoCheck®



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Thank you for your business.
Please contact EDR at 1-800-352-0050
with any questions or comments.

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EXECUTIVE SUMMARY

A search of available environmental records was conducted by Environmental Data Resources, Inc (EDR). The report was designed to assist parties seeking to meet the search requirements of EPA's Standards and Practices for All Appropriate Inquiries (40 CFR Part 312), the ASTM Standard Practice for Environmental Site Assessments (E1527 - 21), the ASTM Standard Practice for Environmental Site Assessments for Forestland or Rural Property (E2247 - 16), the ASTM Standard Practice for Limited Environmental Due Diligence: Transaction Screen Process (E1528 - 22) or custom requirements developed for the evaluation of environmental risk associated with a parcel of real estate.

TARGET PROPERTY INFORMATION

ADDRESS

1807 JAMESTOWN ROAD
WILLIAMSBURG, VA 23185

COORDINATES

Latitude (North):	37.2399570 - 37° 14' 23.84"
Longitude (West):	76.7645610 - 76° 45' 52.41"
Universal Transverse Mercator:	Zone 18
UTM X (Meters):	343480.5
UTM Y (Meters):	4122747.2
Elevation:	36 ft. above sea level

USGS TOPOGRAPHIC MAP ASSOCIATED WITH TARGET PROPERTY

Target Property Map:	50021657 SURRY, VA
Version Date:	2022
Northeast Map:	50021663 WILLIAMSBURG, VA
Version Date:	2022
Southeast Map:	50022595 HOG ISLAND, VA
Version Date:	2022
Northwest Map:	50021653 NORGE, VA
Version Date:	2022

AERIAL PHOTOGRAPHY IN THIS REPORT

Portions of Photo from:	20180830
Source:	USDA

MAPPED SITES SUMMARY

Target Property Address:
1807 JAMESTOWN ROAD
WILLIAMSBURG, VA 23185

Click on Map ID to see full detail.

MAP ID	SITE NAME	ADDRESS	DATABASE ACRONYMS	RELATIVE ELEVATION	DIST (ft. & mi.) DIRECTION
A1	7-ELEVEN 20372	1801 JAMESTOWN ROAD	LUST, LTANKS, UST, Financial Assurance	Higher	57, 0.011, ESE
A2	7-ELEVEN STORE 1033-	1801 JAMESTOWN ROAD	UST FINDER RELEASE	Higher	57, 0.011, ESE
A3	7-ELEVEN 20372	1801 JAMESTOWN ROAD	UST FINDER	Higher	57, 0.011, ESE
A4	7-ELEVEN, INC. #2037	1800 JAMESTOWN RD	RCRA-VSQG	Lower	105, 0.020, SE
B5	MILLER SARAH RESIDEN	2872 SANDY BAY RD	LUST, LTANKS	Higher	490, 0.093, NE
B6	CROW RESIDENCE	2831 IRONBOUND ROAD	LUST, LTANKS	Higher	732, 0.139, ENE
7	TOUPIN PROPERTY	2811 IRONBOUND RD	LTANKS	Higher	1064, 0.202, ENE
8	BRICKHOUSE MARNIE PR	163 ALBEMARLE DR	LTANKS	Lower	1621, 0.307, SE
9	JTR PROPERTY AKA HAN	1676 JAMESTOWN RD	LTANKS	Higher	2153, 0.408, ESE
10	WHITEHEAD RESIDENCE	4638 HICKORY SIGNPOS	LTANKS	Higher	2299, 0.435, NE

EXECUTIVE SUMMARY

TARGET PROPERTY SEARCH RESULTS

The target property was not listed in any of the databases searched by EDR.

DATABASES WITH NO MAPPED SITES

No mapped sites were found in EDR's search of available ("reasonably ascertainable ") government records either on the target property or within the search radius around the target property for the following databases:

STANDARD ENVIRONMENTAL RECORDS

Lists of Federal NPL (Superfund) sites

NPL..... National Priority List
Proposed NPL..... Proposed National Priority List Sites
NPL LIENS..... Federal Superfund Liens

Lists of Federal Delisted NPL sites

Delisted NPL..... National Priority List Deletions

Lists of Federal sites subject to CERCLA removals and CERCLA orders

FEDERAL FACILITY..... Federal Facility Site Information listing
SEMS..... Superfund Enterprise Management System

Lists of Federal CERCLA sites with NFRAP

SEMS-ARCHIVE..... Superfund Enterprise Management System Archive

Lists of Federal RCRA facilities undergoing Corrective Action

CORRACTS..... Corrective Action Report

Lists of Federal RCRA TSD facilities

RCRA-TSDF..... RCRA - Treatment, Storage and Disposal

Lists of Federal RCRA generators

RCRA-LQG..... RCRA - Large Quantity Generators
RCRA-SQG..... RCRA - Small Quantity Generators

Federal institutional controls / engineering controls registries

LUCIS..... Land Use Control Information System
US ENG CONTROLS..... Engineering Controls Sites List
US INST CONTROLS..... Institutional Controls Sites List

EXECUTIVE SUMMARY

Federal ERNS list

ERNS..... Emergency Response Notification System

Lists of state- and tribal hazardous waste facilities

SHWS..... This state does not maintain a SHWS list. See the Federal CERCLIS list and Federal NPL list.

Lists of state and tribal landfills and solid waste disposal facilities

SWF/LF..... Solid Waste Management Facilities

Lists of state and tribal leaking storage tanks

INDIAN LUST..... Leaking Underground Storage Tanks on Indian Land

Lists of state and tribal registered storage tanks

FEMA UST..... Underground Storage Tank Listing

AST..... Registered Petroleum Storage Tanks

INDIAN UST..... Underground Storage Tanks on Indian Land

State and tribal institutional control / engineering control registries

ENG CONTROLS..... Engineering Controls Sites Listing

INST CONTROL..... Voluntary Remediation Program Database

Lists of state and tribal voluntary cleanup sites

INDIAN VCP..... Voluntary Cleanup Priority Listing

VCP..... Voluntary Remediation Program

Lists of state and tribal brownfield sites

BROWNFIELDS..... Brownfields Site Specific Assessments

ADDITIONAL ENVIRONMENTAL RECORDS

Local Brownfield lists

US BROWNFIELDS..... A Listing of Brownfields Sites

Local Lists of Landfill / Solid Waste Disposal Sites

INDIAN ODI..... Report on the Status of Open Dumps on Indian Lands

ODI..... Open Dump Inventory

DEBRIS REGION 9..... Torres Martinez Reservation Illegal Dump Site Locations

IHS OPEN DUMPS..... Open Dumps on Indian Land

Local Lists of Hazardous waste / Contaminated Sites

US HIST CDL..... Delisted National Clandestine Laboratory Register

EXECUTIVE SUMMARY

US CDL..... National Clandestine Laboratory Register

Local Land Records

LIENS 2..... CERCLA Lien Information

Records of Emergency Release Reports

HMIRS..... Hazardous Materials Information Reporting System

SPILLS..... Prep/Spills Database Listing

SPILLS 90..... SPILLS 90 data from FirstSearch

Other Ascertainable Records

RCRA NonGen / NLR..... RCRA - Non Generators / No Longer Regulated

FUDS..... Formerly Used Defense Sites

DOD..... Department of Defense Sites

SCRD DRYCLEANERS..... State Coalition for Remediation of Drycleaners Listing

US FIN ASSUR..... Financial Assurance Information

EPA WATCH LIST..... EPA WATCH LIST

2020 COR ACTION..... 2020 Corrective Action Program List

TSCA..... Toxic Substances Control Act

TRIS..... Toxic Chemical Release Inventory System

SSTS..... Section 7 Tracking Systems

ROD..... Records Of Decision

RMP..... Risk Management Plans

RAATS..... RCRA Administrative Action Tracking System

PRP..... Potentially Responsible Parties

PADS..... PCB Activity Database System

ICIS..... Integrated Compliance Information System

FTTS..... FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA (Toxic Substances Control Act)

MLTS..... Material Licensing Tracking System

COAL ASH DOE..... Steam-Electric Plant Operation Data

COAL ASH EPA..... Coal Combustion Residues Surface Impoundments List

PCB TRANSFORMER..... PCB Transformer Registration Database

RADINFO..... Radiation Information Database

HIST FTTS..... FIFRA/TSCA Tracking System Administrative Case Listing

DOT OPS..... Incident and Accident Data

CONSENT..... Superfund (CERCLA) Consent Decrees

INDIAN RESERV..... Indian Reservations

FUSRAP..... Formerly Utilized Sites Remedial Action Program

UMTRA..... Uranium Mill Tailings Sites

LEAD SMELTERS..... Lead Smelter Sites

US AIRS..... Aerometric Information Retrieval System Facility Subsystem

US MINES..... Mines Master Index File

MINES MRDS..... Mineral Resources Data System

ABANDONED MINES..... Abandoned Mines

FINDS..... Facility Index System/Facility Registry System

ECHO..... Enforcement & Compliance History Information

UXO..... Unexploded Ordnance Sites

DOCKET HWC..... Hazardous Waste Compliance Docket Listing

FUELS PROGRAM..... EPA Fuels Program Registered Listing

PFAS NPL..... Superfund Sites with PFAS Detections Information

PFAS FEDERAL SITES..... Federal Sites PFAS Information

EXECUTIVE SUMMARY

PFAS TSCA.....	PFAS Manufacture and Imports Information
PFAS TRIS.....	List of PFAS Added to the TRI
PFAS RCRA MANIFEST.....	PFAS Transfers Identified In the RCRA Database Listing
PFAS ATSDR.....	PFAS Contamination Site Location Listing
PFAS WQP.....	Ambient Environmental Sampling for PFAS
PFAS PROJECT.....	NORTHEASTERN UNIVERSITY PFAS PROJECT
PFAS NPDES.....	Clean Water Act Discharge Monitoring Information
PFAS ECHO.....	Facilities in Industries that May Be Handling PFAS Listing
PFAS ECHO FIRE TRAIN.....	Facilities in Industries that May Be Handling PFAS Listing
PFAS PT 139 AIRPORT.....	All Certified Part 139 Airports PFAS Information Listing
AQUEOUS FOAM NRC.....	Aqueous Foam Related Incidents Listing
BIOSOLIDS.....	ICIS-NPDES Biosolids Facility Data
E MANIFEST.....	Hazardous Waste Electronic Manifest System
AIRS.....	Permitted Airs Facility List
NPDES.....	Comprehensive Environmental Data System
COAL ASH.....	Coal Ash Disposal Sites
DRYCLEANERS.....	Drycleaner List
ENF.....	Enforcement Actions Data
Financial Assurance.....	Financial Assurance Information Listing
TIER 2.....	Tier 2 Information Listing
UIC.....	Underground Injection Control Wells

EDR HIGH RISK HISTORICAL RECORDS

EDR Exclusive Records

EDR MGP.....	EDR Proprietary Manufactured Gas Plants
EDR Hist Auto.....	EDR Exclusive Historical Auto Stations
EDR Hist Cleaner.....	EDR Exclusive Historical Cleaners

EDR RECOVERED GOVERNMENT ARCHIVES

Exclusive Recovered Govt. Archives

RGA LF.....	Recovered Government Archive Solid Waste Facilities List
RGA LUST.....	Recovered Government Archive Leaking Underground Storage Tank

SURROUNDING SITES: SEARCH RESULTS

Surrounding sites were identified in the following databases.

Elevations have been determined from the USGS Digital Elevation Model and should be evaluated on a relative (not an absolute) basis. Relative elevation information between sites of close proximity should be field verified. Sites with an elevation equal to or higher than the target property have been differentiated below from sites with an elevation lower than the target property. Page numbers and map identification numbers refer to the EDR Radius Map report where detailed data on individual sites can be reviewed.

Sites listed in ***bold italics*** are in multiple databases.

Unmappable (orphan) sites are not considered in the foregoing analysis.

EXECUTIVE SUMMARY

STANDARD ENVIRONMENTAL RECORDS

Lists of Federal RCRA generators

RCRA-VSQG: RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Very small quantity generators (VSQGs) generate less than 100 kg of hazardous waste, or less than 1 kg of acutely hazardous waste per month.

A review of the RCRA-VSQG list, as provided by EDR, and dated 06/03/2024 has revealed that there is 1 RCRA-VSQG site within approximately 0.25 miles of the target property.

<u>Lower Elevation</u>	<u>Address</u>	<u>Direction / Distance</u>	<u>Map ID</u>	<u>Page</u>
7-ELEVEN, INC. #2037 EPA ID:: VAD988191482	1800 JAMESTOWN RD	SE 0 - 1/8 (0.020 mi.)	A4	19

Lists of state and tribal leaking storage tanks

LUST: The Leaking Underground Storage Tank Database.

A review of the LUST list, as provided by EDR, has revealed that there are 3 LUST sites within approximately 0.5 miles of the target property.

<u>Equal/Higher Elevation</u>	<u>Address</u>	<u>Direction / Distance</u>	<u>Map ID</u>	<u>Page</u>
7-ELEVEN 20372 Database: LUST REG TD, Date of Government Version: 06/30/2013 Facility Status: Closed Facility ID: 200000063807 Pollution Complaint Num: 19982393	1801 JAMESTOWN ROAD	ESE 0 - 1/8 (0.011 mi.)	A1	8
MILLER SARAH RESIDEN Database: LUST REG TD, Date of Government Version: 06/30/2013 Facility Status: Open Facility ID: 200000858318 Pollution Complaint Num: 20135033	2872 SANDY BAY RD	NE 0 - 1/8 (0.093 mi.)	B5	22
CROW RESIDENCE Database: LUST REG TD, Date of Government Version: 06/30/2013 Facility Status: Closed Facility ID: 200000064729 Pollution Complaint Num: 19952303	2831 IRONBOUND ROAD	ENE 1/8 - 1/4 (0.139 mi.)	B6	23

LTANKS: The Leaking Tanks Database contains current Leaking petroleum tanks. The data comes from the Department of Environmental Quality.

A review of the LTANKS list, as provided by EDR, and dated 02/05/2024 has revealed that there are 7 LTANKS sites within approximately 0.5 miles of the target property.

EXECUTIVE SUMMARY

<u>Equal/Higher Elevation</u>	<u>Address</u>	<u>Direction / Distance</u>	<u>Map ID</u>	<u>Page</u>
7-ELEVEN 20372 Facility Status: Closed CEDS Facility Id: 200000063807 Pollution Complaint #: 19982393	1801 JAMESTOWN ROAD	ESE 0 - 1/8 (0.011 mi.)	A1	8
MILLER SARAH RESIDEN Facility Status: Closed CEDS Facility Id: 200000858318 Pollution Complaint #: 20135033	2872 SANDY BAY RD	NE 0 - 1/8 (0.093 mi.)	B5	22
CROW RESIDENCE Facility Status: Closed CEDS Facility Id: 200000064729 Pollution Complaint #: 19952303	2831 IRONBOUND ROAD	ENE 1/8 - 1/4 (0.139 mi.)	B6	23
TOUPIN PROPERTY Facility Status: Closed CEDS Facility Id: 200000881035 Pollution Complaint #: 20165033	2811 IRONBOUND RD	ENE 1/8 - 1/4 (0.202 mi.)	7	24
JTR PROPERTY AKA HAN Facility Status: Closed CEDS Facility Id: 200000065446 Pollution Complaint #: 20195144	1676 JAMESTOWN RD	ESE 1/4 - 1/2 (0.408 mi.)	9	26
WHITEHEAD RESIDENCE Facility Status: Closed CEDS Facility Id: 200000873112 Pollution Complaint #: 20145076	4638 HICKORY SIGNPOS	NE 1/4 - 1/2 (0.435 mi.)	10	27
<u>Lower Elevation</u>	<u>Address</u>	<u>Direction / Distance</u>	<u>Map ID</u>	<u>Page</u>
BRICKHOUSE MARNIE PR Facility Status: Closed CEDS Facility Id: 200000887763 Pollution Complaint #: 20195062	163 ALBEMARLE DR	SE 1/4 - 1/2 (0.307 mi.)	8	25

Lists of state and tribal registered storage tanks

UST: The Underground Storage Tank database contains registered USTs. USTs are regulated under Subtitle I of the Resource Conservation and Recovery Act (RCRA). The data come from the Department of Environmental Quality's Underground Storage Tank Data Notification Information.

A review of the UST list, as provided by EDR, and dated 05/02/2024 has revealed that there is 1 UST site within approximately 0.25 miles of the target property.

<u>Equal/Higher Elevation</u>	<u>Address</u>	<u>Direction / Distance</u>	<u>Map ID</u>	<u>Page</u>
7-ELEVEN 20372 Tank Status: CURR IN USE Tank Status: REM FROM GRD Facility Id: 5004912 CEDS Facility ID: 2E+11	1801 JAMESTOWN ROAD	ESE 0 - 1/8 (0.011 mi.)	A1	8

EXECUTIVE SUMMARY

ADDITIONAL ENVIRONMENTAL RECORDS

Other Ascertainable Records

UST FINDER RELEASE: US EPA's UST Finder data is a national composite of leaking underground storage tanks. This data contains information about, and locations of, leaking underground storage tanks. Data was collected from state sources and standardized into a national profile by EPA's Office of Underground Storage Tanks, Office of Research and Development, and the Association of State and Territorial Solid Waste Management Officials.

A review of the UST FINDER RELEASE list, as provided by EDR, and dated 06/08/2023 has revealed that there is 1 UST FINDER RELEASE site within approximately 0.5 miles of the target property.

<u>Equal/Higher Elevation</u>	<u>Address</u>	<u>Direction / Distance</u>	<u>Map ID</u>	<u>Page</u>
7-ELEVEN STORE 1033-	1801 JAMESTOWN ROAD	ESE 0 - 1/8 (0.011 mi.)	A2	16

UST FINDER: EPA developed UST Finder, a web map application containing a comprehensive, state-sourced national map of underground storage tank (UST) and leaking UST (LUST) data. It provides the attributes and locations of active and closed USTs, UST facilities, and LUST sites from states and from Tribal lands and US territories. UST Finder contains information about proximity of UST facilities and LUST sites to: surface and groundwater public drinking water protection areas; estimated number of private domestic wells and number of people living nearby; and flooding and wildfires.

A review of the UST FINDER list, as provided by EDR, and dated 06/08/2023 has revealed that there is 1 UST FINDER site within approximately 0.25 miles of the target property.

<u>Equal/Higher Elevation</u>	<u>Address</u>	<u>Direction / Distance</u>	<u>Map ID</u>	<u>Page</u>
7-ELEVEN 20372	1801 JAMESTOWN ROAD	ESE 0 - 1/8 (0.011 mi.)	A3	17

EXECUTIVE SUMMARY

Due to poor or inadequate address information, the following sites were not mapped. Count: 1 records.

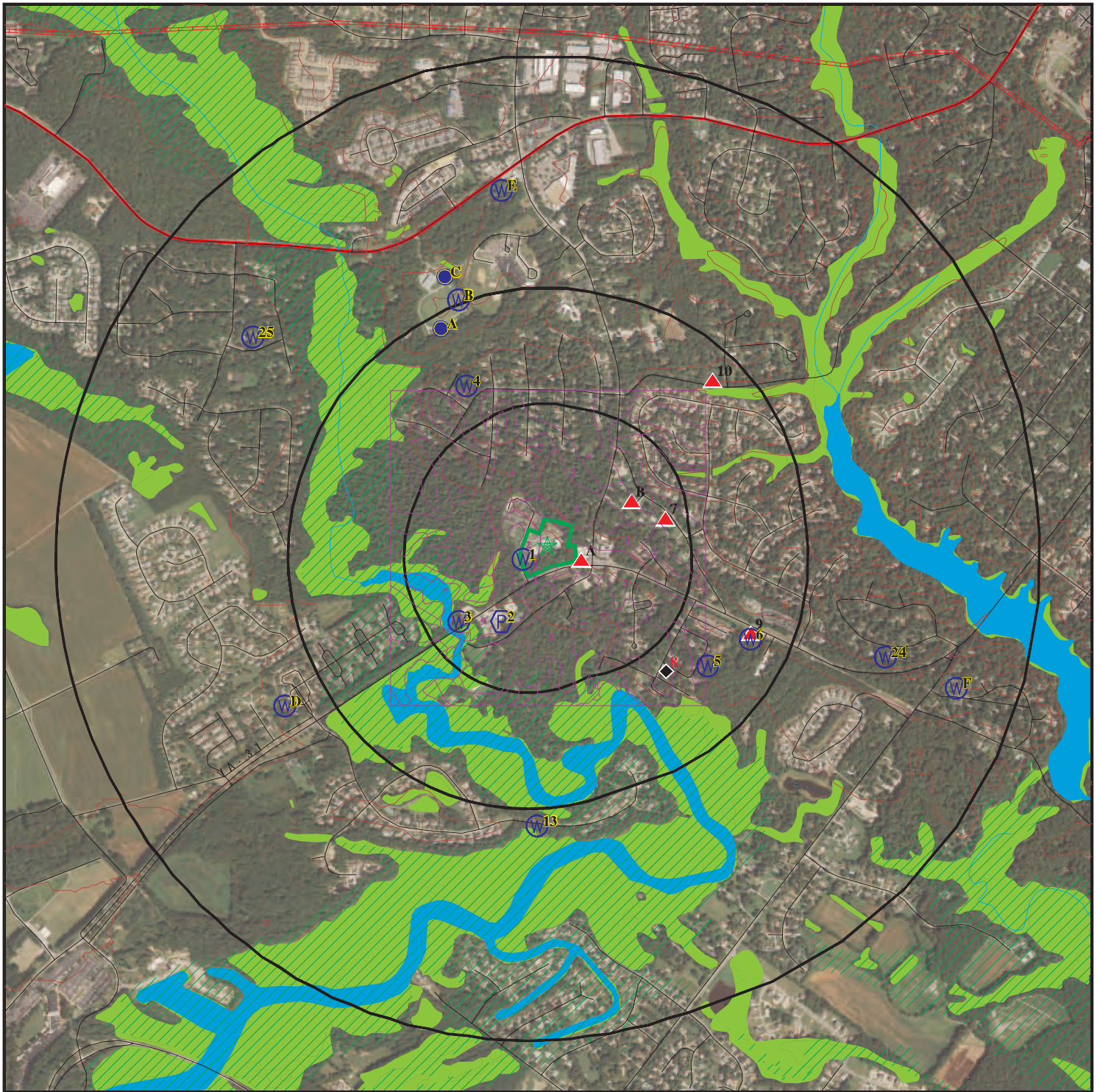
Site Name

JAMES CITY COUNTY - LIFT STATION 5

Database(s)

LUST, LTANKS

OVERVIEW MAP - 7766043.2S



Target Property

Sites at elevations higher than or equal to the target property

Sites at elevations lower than the target property

Manufactured Gas Plants

National Priority List Sites

Dept. Defense Sites

Indian Reservations BIA

County Boundary

Pipelines

Special Flood Hazard Area (1%)

0.2% Annual Chance Flood Hazard

National Wetland Inventory

0 1/4 1/2 1 Miles



This report includes Interactive Map Layers to display and/or hide map information. The legend includes only those icons for the default map view.

SITE NAME: 1807 Jamestown Road
ADDRESS: 1807 Jamestown Road
Williamsburg VA 23185
LAT/LONG: 37.239957 / 76.764561

CLIENT: Property Solutions Inc.
CONTACT: Brian Gallagher
INQUIRY #: 7766043.2s
DATE: September 17, 2024 11:46 am

DETAIL MAP - 7766043.2S



-  Target Property
-  Sites at elevations higher than or equal to the target property
-  Sites at elevations lower than the target property
-  Manufactured Gas Plants
-  Sensitive Receptors
-  National Priority List Sites
-  Dept. Defense Sites

-  Indian Reservations BIA
-  Special Flood Hazard Area (1%)
-  0.2% Annual Chance Flood Hazard
-  National Wetland Inventory

0 1/16 1/8 1/4 Miles



This report includes Interactive Map Layers to display and/or hide map information. The legend includes only those icons for the default map view.

SITE NAME: 1807 Jamestown Road
ADDRESS: 1807 Jamestown Road
Williamsburg VA 23185
LAT/LONG: 37.239957 / 76.764561

CLIENT: Property Solutions Inc.
CONTACT: Brian Gallagher
INQUIRY #: 7766043.2s
DATE: September 17, 2024 11:48 am

MAP FINDINGS SUMMARY

Database	Search Distance (Miles)	Target Property	< 1/8	1/8 - 1/4	1/4 - 1/2	1/2 - 1	> 1	Total Plotted
STANDARD ENVIRONMENTAL RECORDS								
<i>Lists of Federal NPL (Superfund) sites</i>								
NPL	1.000		0	0	0	0	NR	0
Proposed NPL	1.000		0	0	0	0	NR	0
NPL LIENS	1.000		0	0	0	0	NR	0
<i>Lists of Federal Delisted NPL sites</i>								
Delisted NPL	1.000		0	0	0	0	NR	0
<i>Lists of Federal sites subject to CERCLA removals and CERCLA orders</i>								
FEDERAL FACILITY	0.500		0	0	0	NR	NR	0
SEMS	0.500		0	0	0	NR	NR	0
<i>Lists of Federal CERCLA sites with NFRAP</i>								
SEMS-ARCHIVE	0.500		0	0	0	NR	NR	0
<i>Lists of Federal RCRA facilities undergoing Corrective Action</i>								
CORRACTS	1.000		0	0	0	0	NR	0
<i>Lists of Federal RCRA TSD facilities</i>								
RCRA-TSDF	0.500		0	0	0	NR	NR	0
<i>Lists of Federal RCRA generators</i>								
RCRA-LQG	0.250		0	0	NR	NR	NR	0
RCRA-SQG	0.250		0	0	NR	NR	NR	0
RCRA-VSQG	0.250		1	0	NR	NR	NR	1
<i>Federal institutional controls / engineering controls registries</i>								
LUCIS	0.500		0	0	0	NR	NR	0
US ENG CONTROLS	0.500		0	0	0	NR	NR	0
US INST CONTROLS	0.500		0	0	0	NR	NR	0
<i>Federal ERNS list</i>								
ERNS	TP		NR	NR	NR	NR	NR	0
<i>Lists of state- and tribal hazardous waste facilities</i>								
SHWS	N/A		N/A	N/A	N/A	N/A	N/A	N/A
<i>Lists of state and tribal landfills and solid waste disposal facilities</i>								
SWF/LF	0.500		0	0	0	NR	NR	0
<i>Lists of state and tribal leaking storage tanks</i>								
LUST	0.500		2	1	0	NR	NR	3

MAP FINDINGS SUMMARY

Database	Search Distance (Miles)	Target Property	< 1/8	1/8 - 1/4	1/4 - 1/2	1/2 - 1	> 1	Total Plotted
INDIAN LUST	0.500		0	0	0	NR	NR	0
LTANKS	0.500		2	2	3	NR	NR	7
<i>Lists of state and tribal registered storage tanks</i>								
FEMA UST	0.250		0	0	NR	NR	NR	0
UST	0.250		1	0	NR	NR	NR	1
AST	0.250		0	0	NR	NR	NR	0
INDIAN UST	0.250		0	0	NR	NR	NR	0
<i>State and tribal institutional control / engineering control registries</i>								
ENG CONTROLS	0.500		0	0	0	NR	NR	0
INST CONTROL	0.500		0	0	0	NR	NR	0
<i>Lists of state and tribal voluntary cleanup sites</i>								
INDIAN VCP	0.500		0	0	0	NR	NR	0
VCP	0.500		0	0	0	NR	NR	0
<i>Lists of state and tribal brownfield sites</i>								
BROWNFIELDS	0.500		0	0	0	NR	NR	0
<u>ADDITIONAL ENVIRONMENTAL RECORDS</u>								
<i>Local Brownfield lists</i>								
US BROWNFIELDS	0.500		0	0	0	NR	NR	0
<i>Local Lists of Landfill / Solid Waste Disposal Sites</i>								
INDIAN ODI	0.500		0	0	0	NR	NR	0
ODI	0.500		0	0	0	NR	NR	0
DEBRIS REGION 9	0.500		0	0	0	NR	NR	0
IHS OPEN DUMPS	0.500		0	0	0	NR	NR	0
<i>Local Lists of Hazardous waste / Contaminated Sites</i>								
US HIST CDL	TP		NR	NR	NR	NR	NR	0
US CDL	TP		NR	NR	NR	NR	NR	0
<i>Local Land Records</i>								
LIENS 2	TP		NR	NR	NR	NR	NR	0
<i>Records of Emergency Release Reports</i>								
HMIRS	TP		NR	NR	NR	NR	NR	0
SPILLS	TP		NR	NR	NR	NR	NR	0
SPILLS 90	TP		NR	NR	NR	NR	NR	0
<i>Other Ascertainable Records</i>								
RCRA NonGen / NLR	0.250		0	0	NR	NR	NR	0
FUDS	1.000		0	0	0	0	NR	0
DOD	1.000		0	0	0	0	NR	0

MAP FINDINGS SUMMARY

Database	Search Distance (Miles)	Target Property	< 1/8	1/8 - 1/4	1/4 - 1/2	1/2 - 1	> 1	Total Plotted
SCRD DRYCLEANERS	0.500		0	0	0	NR	NR	0
US FIN ASSUR	TP		NR	NR	NR	NR	NR	0
EPA WATCH LIST	TP		NR	NR	NR	NR	NR	0
2020 COR ACTION	0.250		0	0	NR	NR	NR	0
TSCA	TP		NR	NR	NR	NR	NR	0
TRIS	TP		NR	NR	NR	NR	NR	0
SSTS	TP		NR	NR	NR	NR	NR	0
ROD	1.000		0	0	0	0	NR	0
RMP	TP		NR	NR	NR	NR	NR	0
RAATS	TP		NR	NR	NR	NR	NR	0
PRP	TP		NR	NR	NR	NR	NR	0
PADS	TP		NR	NR	NR	NR	NR	0
ICIS	TP		NR	NR	NR	NR	NR	0
FTTS	TP		NR	NR	NR	NR	NR	0
MLTS	TP		NR	NR	NR	NR	NR	0
COAL ASH DOE	TP		NR	NR	NR	NR	NR	0
COAL ASH EPA	0.500		0	0	0	NR	NR	0
PCB TRANSFORMER	TP		NR	NR	NR	NR	NR	0
RADINFO	TP		NR	NR	NR	NR	NR	0
HIST FTTS	TP		NR	NR	NR	NR	NR	0
DOT OPS	TP		NR	NR	NR	NR	NR	0
CONSENT	1.000		0	0	0	0	NR	0
INDIAN RESERV	1.000		0	0	0	0	NR	0
FUSRAP	1.000		0	0	0	0	NR	0
UMTRA	0.500		0	0	0	NR	NR	0
LEAD SMELTERS	TP		NR	NR	NR	NR	NR	0
US AIRS	TP		NR	NR	NR	NR	NR	0
US MINES	0.250		0	0	NR	NR	NR	0
MINES MRDS	0.250		0	0	NR	NR	NR	0
ABANDONED MINES	0.250		0	0	NR	NR	NR	0
FINDS	TP		NR	NR	NR	NR	NR	0
ECHO	TP		NR	NR	NR	NR	NR	0
UXO	1.000		0	0	0	0	NR	0
DOCKET HWC	TP		NR	NR	NR	NR	NR	0
FUELS PROGRAM	0.250		0	0	NR	NR	NR	0
PFAS NPL	0.250		0	0	NR	NR	NR	0
PFAS FEDERAL SITES	0.250		0	0	NR	NR	NR	0
PFAS TSCA	0.250		0	0	NR	NR	NR	0
PFAS TRIS	0.250		0	0	NR	NR	NR	0
PFAS RCRA MANIFEST	0.250		0	0	NR	NR	NR	0
PFAS ATSDR	0.250		0	0	NR	NR	NR	0
PFAS WQP	0.250		0	0	NR	NR	NR	0
PFAS PROJECT	0.250		0	0	NR	NR	NR	0
PFAS NPDES	0.250		0	0	NR	NR	NR	0
PFAS ECHO	0.250		0	0	NR	NR	NR	0
PFAS ECHO FIRE TRAIN	0.250		0	0	NR	NR	NR	0
PFAS PT 139 AIRPORT	0.250		0	0	NR	NR	NR	0
AQUEOUS FOAM NRC	0.250		0	0	NR	NR	NR	0
BIOSOLIDS	TP		NR	NR	NR	NR	NR	0
UST FINDER RELEASE	0.500		1	0	0	NR	NR	1
UST FINDER	0.250		1	0	NR	NR	NR	1

MAP FINDINGS SUMMARY

Database	Search Distance (Miles)	Target Property	< 1/8	1/8 - 1/4	1/4 - 1/2	1/2 - 1	> 1	Total Plotted
E MANIFEST	0.250		0	0	NR	NR	NR	0
AIRS	TP		NR	NR	NR	NR	NR	0
NPDES	TP		NR	NR	NR	NR	NR	0
COAL ASH	0.500		0	0	0	NR	NR	0
DRYCLEANERS	0.250		0	0	NR	NR	NR	0
ENF	TP		NR	NR	NR	NR	NR	0
Financial Assurance	TP		NR	NR	NR	NR	NR	0
TIER 2	TP		NR	NR	NR	NR	NR	0
UIC	TP		NR	NR	NR	NR	NR	0

EDR HIGH RISK HISTORICAL RECORDS

EDR Exclusive Records

EDR MGP	1.000		0	0	0	0	NR	0
EDR Hist Auto	0.125		0	NR	NR	NR	NR	0
EDR Hist Cleaner	0.125		0	NR	NR	NR	NR	0

EDR RECOVERED GOVERNMENT ARCHIVES

Exclusive Recovered Govt. Archives

RGA LF	TP		NR	NR	NR	NR	NR	0
RGA LUST	TP		NR	NR	NR	NR	NR	0

- Totals --		0	8	3	3	0	0	14
-------------	--	---	---	---	---	---	---	----

NOTES:

TP = Target Property

NR = Not Requested at this Search Distance

Sites may be listed in more than one database

N/A = This State does not maintain a SHWS list. See the Federal CERCLIS list.

Map ID
Direction
Distance
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number
EPA ID Number

A1
ESE
< 1/8
0.011 mi.
57 ft.
7-ELEVEN 20372
1801 JAMESTOWN ROAD
WILLIAMSBURG, VA 23185
Site 1 of 4 in cluster A

LUST
LTANKS
UST
Financial Assurance
U003966650
N/A

Relative:
Higher
Actual:
39 ft.

LUST REG TD:
Region: TD
Region Code: TRO
Facility ID: 200000063807
Facility Status: Closed
Completed Date: 05/23/1998
Pollution Complaint Num: 19982393
Fed Regulated Tank: Yes
Phase Code: RR
Event Description: Release Reported
Comments: GW & GAS/DIESEL BUBBLING OUT OF SEAM IN CONCRETE.

Region: TD
Region Code: TRO
Facility ID: 200000063807
Facility Status: Closed
Completed Date: 03/19/1999
Pollution Complaint Num: 19982393
Fed Regulated Tank: Yes
Phase Code: CLOSURE
Event Description: Case Closure Date - Letter Sent
Comments: CASE CLOSED.

LTANKS:
Name: 7-ELEVEN STORE 1033-20372
Address: 1801 JAMESTOWN ROAD
City,State,Zip: WILLIAMSBURG, VA 23185
City,State,Zip: WILLIAMSBURG, VA 23185
Region: TRO
CEDS Facility Id: 200000063807
Case Status: Closed
Pollution Complaint #: 19982393
Reported: 05/23/1998
Case Closed Date: 03/19/1999
Program: RP Lead
Federally Regulated UST (Y/N): Y
Regulated Petroleum UST (1): N
Excluded UST (1): N
Deferred UST (1): N
Partially Deferred UST (1): N
Exempt 1 UST (2): N
Exempt 2 Heating Oil UST (2): N
Small Heating Oil AST (2): N
Regulated AST (3): N
Unregulated AST (3): N
Other Y/N: N
Unknown Y/N: N
Other Description: Not reported
Heating Oil Category: Not reported
Changed By: Not reported
Changed Date: Not reported
Inserted By: Not reported
Inserted Date: Not reported

Map ID
Direction
Distance
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number
EPA ID Number

7-ELEVEN 20372 (Continued)

U003966650

Verified By:	Not reported
Verify Date:	Not reported
Reference Point:	Not reported
RST ID:	Not reported
RST Poll Complaint Number:	Not reported
Des First Name:	Not reported
Des Last Name:	Not reported
RST Rec Code:	Not reported
RST Priority:	Not reported
RST Fed Reg Tank:	Not reported
RST Responsibility Ind:	Not reported
RST Suspect Confirm Ind:	Not reported
Facility Location:	Not reported
FIC Description:	Not reported
Latitude:	Not reported
Longitude:	Not reported

Facility:

Name:	7-ELEVEN 20372
Address:	1801 JAMESTOWN ROAD
City,State,Zip:	WILLIAMSBURG, VA 23185
Facility Id:	5004912
Facility Type:	GAS STATION
CEDS Facility ID:	2E+11

Owner:

Owner Id:	38838
Owner Name:	7-Eleven Inc
Owner Address:	PO Box 711 (Attn: Gasoline Compliance)
Owner Address2:	Not reported
Owner City, State, Zip:	Dallas, TX 75221
Owner Type:	COMMERCIAL
Number of Active AST:	0
Number of Active UST:	2
Number of Inactive AST:	0
Number of Inactive UST:	3

UST:

Facility ID:	5004912
Federally Regulated:	Yes

Tank Number:	4
Tank Capacity:	15000
Tank Contents:	GASOLINE GASOHOL
Tank Status:	CURR IN USE
Tank Type:	UST

Tank Material:

Install Date:	10/28/2011
Tank Materials: Bare Steel	No
Tank Materials: Cath Protect Steel	No
Tank Materials: Epoxy Steel	No
Tank Materials: Fiberglass	Yes
Tank Materials: Concrete	Not reported
Tank Materials: Composite	No
Tank Materials: Double Walled	Yes
Tank Materials: Lined Interior	No

Map ID
Direction
Distance
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number
EPA ID Number

7-ELEVEN 20372 (Continued)

U003966650

Tank Materials: Excav Liner	No
Tank Materials: Insulated Tank Jacket	No
Tank Materials: Repaired	No
Tank Materials: Unknown	No
Tank Materials: Other	No
Tank Materials: Other Note	Not reported

Release Detection:

Tank Release Detection: Leak Deferred	No
Tank Release Detection: Manual Gauge	No
Tank Release Detection: Auto Gauge	No
Tank Release Detection: Tank Tightness	No
Tank Release Detection: Vapor Monitor	No
Tank Release Detection: Inventory	No
Tank Release Detection: Stat Invent Recon	No
Tank Release Detection: Spill Install	Yes
Tank Release Detection: Overfill Install	Yes
Tank Release Detection: Groundwater	No
Tank Release Detection: Int Sec Containment	No
Tank Release Detection: Int Double Walled	Yes
Tank Release Detection: Other Method	No
Tank Release Detection: Other Note	Not reported
Pipe Release Detection: Leak Deferred	No
Pipe Release Detection: Autoleak	Not reported
Pipe Release Detection: Line Tightness	No
Pipe Release Detection: Stat Invent Recon	No
Pipe Release Detection: Groundwater	No
Pipe Release Detection: Int Sec Containment	Yes
Pipe Release Det: Interior Double Walled	No
Pipe Release Detection: Other Method	No
Pipe Release Detection: Other Note	Not reported

Pipe Type:	PRESSURE
Pipe Materials: Bare Steel	No
Pipe Materials: Galvanized Steel	No
Pipe Materials: Copper	No
Pipe Materials: Fiberglass	Yes
Pipe Materials: Cath Protect	No
Pipe Materials: Double Walled	Yes
Pipe Materials: Sec Containment	Yes
Pipe Materials: Repaired	No
Pipe Materials: Unknown	No
Pipe Materials: Other	No
Pipe Materials: Other Note	Not reported

Facility ID:	5004912
Federally Regulated:	Yes

Tank Number:	5
Tank Capacity:	10000
Tank Contents:	GASOLINE GASOHOL
Tank Status:	CURR IN USE
Tank Type:	UST

Tank Material:	
Install Date:	10/28/2011

Map ID
Direction
Distance
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number
EPA ID Number

7-ELEVEN 20372 (Continued)

U003966650

Tank Materials: Bare Steel	No
Tank Materials: Cath Protect Steel	No
Tank Materials: Epoxy Steel	No
Tank Materials: Fiberglass	Yes
Tank Materials: Concrete	Not reported
Tank Materials: Composite	No
Tank Materials: Double Walled	Yes
Tank Materials: Lined Interior	No
Tank Materials: Excav Liner	No
Tank Materials: Insulated Tank Jacket	No
Tank Materials: Repaired	No
Tank Materials: Unknown	No
Tank Materials: Other	No
Tank Materials: Other Note	Not reported

Release Detection:

Tank Release Detection: Leak Deferred	No
Tank Release Detection: Manual Gauge	No
Tank Release Detection: Auto Gauge	No
Tank Release Detection: Tank Tightness	No
Tank Release Detection: Vapor Monitor	No
Tank Release Detection: Inventory	No
Tank Release Detection: Stat Invent Recon	No
Tank Release Detection: Spill Install	Yes
Tank Release Detection: Overfill Install	Yes
Tank Release Detection: Groundwater	No
Tank Release Detection: Int Sec Containment	No
Tank Release Detection: Int Double Walled	Yes
Tank Release Detection: Other Method	No
Tank Release Detection: Other Note	Not reported
Pipe Release Detection: Leak Deferred	No
Pipe Release Detection: Autoleak	Not reported
Pipe Release Detection: Line Tightness	No
Pipe Release Detection: Stat Invent Recon	No
Pipe Release Detection: Groundwater	No
Pipe Release Detection: Int Sec Containment	Yes
Pipe Release Det: Interior Double Walled	No
Pipe Release Detection: Other Method	No
Pipe Release Detection: Other Note	Not reported

Pipe Type:	PRESSURE
Pipe Materials: Bare Steel	No
Pipe Materials: Galvanized Steel	No
Pipe Materials: Copper	No
Pipe Materials: Fiberglass	Yes
Pipe Materials: Cath Protect	No
Pipe Materials: Double Walled	Yes
Pipe Materials: Sec Containment	Yes
Pipe Materials: Repaired	No
Pipe Materials: Unknown	No
Pipe Materials: Other	No
Pipe Materials: Other Note	Not reported

Facility ID:	5004912
Federally Regulated:	Yes

Map ID
Direction
Distance
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number
EPA ID Number

7-ELEVEN 20372 (Continued)

U003966650

Tank Number: R1
Tank Capacity: 10000
Tank Contents: GASOLINE
Tank Status: REM FROM GRD
Tank Type: UST

Tank Material:
Install Date: 5/1/1984
Tank Materials: Bare Steel No
Tank Materials: Cath Protect Steel No
Tank Materials: Epoxy Steel No
Tank Materials: Fiberglass Yes
Tank Materials: Concrete Not reported
Tank Materials: Composite No
Tank Materials: Double Walled No
Tank Materials: Lined Interior No
Tank Materials: Excav Liner No
Tank Materials: Insulated Tank Jacket No
Tank Materials: Repaired No
Tank Materials: Unknown No
Tank Materials: Other No
Tank Materials: Other Note Not reported

Release Detection:
Tank Release Detection: Leak Deferred No
Tank Release Detection: Manual Gauge No
Tank Release Detection: Auto Gauge Yes
Tank Release Detection: Tank Tightness No
Tank Release Detection: Vapor Monitor No
Tank Release Detection: Inventory No
Tank Release Detection: Stat Invent Recon No
Tank Release Detection: Spill Install Yes
Tank Release Detection: Overfill Install Yes
Tank Release Detection: Groundwater No
Tank Release Detection: Int Sec Containment No
Tank Release Detection: Int Double Walled No
Tank Release Detection: Other Method No
Tank Release Detection: Other Note Not reported
Pipe Release Detection: Leak Deferred Not reported
Pipe Release Detection: Autoleak Not reported
Pipe Release Detection: Line Tightness Yes
Pipe Release Detection: Stat Invent Recon No
Pipe Release Detection: Groundwater No
Pipe Release Detection: Int Sec Containment No
Pipe Release Det: Interior Double Walled No
Pipe Release Detection: Other Method No
Pipe Release Detection: Other Note Not reported

Pipe Type: PRESSURE
Pipe Materials: Bare Steel No
Pipe Materials: Galvanized Steel No
Pipe Materials: Copper No
Pipe Materials: Fiberglass No
Pipe Materials: Cath Protect No
Pipe Materials: Double Walled Yes
Pipe Materials: Sec Containment Yes
Pipe Materials: Repaired No

Map ID
Direction
Distance
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number
EPA ID Number

7-ELEVEN 20372 (Continued)

U003966650

Pipe Materials: Unknown No
Pipe Materials: Other No
Pipe Materials: Other Note Repipe with APT 08/01/06

Facility ID: 5004912
Federally Regulated: Yes

Tank Number: R2
Tank Capacity: 10000
Tank Contents: GASOLINE
Tank Status: REM FROM GRD
Tank Type: UST

Tank Material:
Install Date: 5/1/1984
Tank Materials: Bare Steel No
Tank Materials: Cath Protect Steel No
Tank Materials: Epoxy Steel No
Tank Materials: Fiberglass Yes
Tank Materials: Concrete Not reported
Tank Materials: Composite No
Tank Materials: Double Walled No
Tank Materials: Lined Interior No
Tank Materials: Excav Liner No
Tank Materials: Insulated Tank Jacket No
Tank Materials: Repaired No
Tank Materials: Unknown No
Tank Materials: Other No
Tank Materials: Other Note Not reported

Release Detection:
Tank Release Detection: Leak Deferred No
Tank Release Detection: Manual Gauge No
Tank Release Detection: Auto Gauge Yes
Tank Release Detection: Tank Tightness No
Tank Release Detection: Vapor Monitor No
Tank Release Detection: Inventory No
Tank Release Detection: Stat Invent Recon No
Tank Release Detection: Spill Install Yes
Tank Release Detection: Overfill Install Yes
Tank Release Detection: Groundwater No
Tank Release Detection: Int Sec Containment No
Tank Release Detection: Int Double Walled No
Tank Release Detection: Other Method No
Tank Release Detection: Other Note Not reported
Pipe Release Detection: Leak Deferred Not reported
Pipe Release Detection: Autoleak Not reported
Pipe Release Detection: Line Tightness Yes
Pipe Release Detection: Stat Invent Recon No
Pipe Release Detection: Groundwater No
Pipe Release Detection: Int Sec Containment No
Pipe Release Det: Interior Double Walled No
Pipe Release Detection: Other Method No
Pipe Release Detection: Other Note Not reported

Pipe Type: PRESSURE

Map ID
Direction
Distance
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number
EPA ID Number

7-ELEVEN 20372 (Continued)

U003966650

Pipe Materials: Bare Steel	No
Pipe Materials: Galvanized Steel	No
Pipe Materials: Copper	No
Pipe Materials: Fiberglass	No
Pipe Materials: Cath Protect	No
Pipe Materials: Double Walled	Yes
Pipe Materials: Sec Containment	Yes
Pipe Materials: Repaired	No
Pipe Materials: Unknown	No
Pipe Materials: Other	No
Pipe Materials: Other Note	Repipe with APT 08/01/06

Facility ID:	5004912
Federally Regulated:	Yes

Tank Number:	R3
Tank Capacity:	10000
Tank Contents:	GASOLINE
Tank Status:	REM FROM GRD
Tank Type:	UST

Tank Material:	
Install Date:	5/1/1984
Tank Materials: Bare Steel	No
Tank Materials: Cath Protect Steel	No
Tank Materials: Epoxy Steel	No
Tank Materials: Fiberglass	Yes
Tank Materials: Concrete	Not reported
Tank Materials: Composite	No
Tank Materials: Double Walled	No
Tank Materials: Lined Interior	No
Tank Materials: Excav Liner	No
Tank Materials: Insulated Tank Jacket	No
Tank Materials: Repaired	No
Tank Materials: Unknown	No
Tank Materials: Other	No
Tank Materials: Other Note	Not reported

Release Detection:	
Tank Release Detection: Leak Deferred	No
Tank Release Detection: Manual Gauge	No
Tank Release Detection: Auto Gauge	Yes
Tank Release Detection: Tank Tightness	No
Tank Release Detection: Vapor Monitor	No
Tank Release Detection: Inventory	No
Tank Release Detection: Stat Invent Recon	No
Tank Release Detection: Spill Install	Yes
Tank Release Detection: Overfill Install	Yes
Tank Release Detection: Groundwater	No
Tank Release Detection: Int Sec Containment	No
Tank Release Detection: Int Double Walled	No
Tank Release Detection: Other Method	No
Tank Release Detection: Other Note	Not reported
Pipe Release Detection: Leak Deferred	Not reported
Pipe Release Detection: Autoleak	Not reported
Pipe Release Detection: Line Tightness	Yes

Map ID
Direction
Distance
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number
EPA ID Number

7-ELEVEN 20372 (Continued)

U003966650

Pipe Release Detection: Stat Invent Recon	No
Pipe Release Detection: Groundwater	No
Pipe Release Detection: Int Sec Containment	No
Pipe Release Det: Interior Double Walled	No
Pipe Release Detection: Other Method	No
Pipe Release Detection: Other Note	Not reported
Pipe Type:	PRESSURE
Pipe Materials: Bare Steel	No
Pipe Materials: Galvanized Steel	No
Pipe Materials: Copper	No
Pipe Materials: Fiberglass	No
Pipe Materials: Cath Protect	No
Pipe Materials: Double Walled	Yes
Pipe Materials: Sec Containment	Yes
Pipe Materials: Repaired	No
Pipe Materials: Unknown	No
Pipe Materials: Other	No
Pipe Materials: Other Note	Repipe with APT 08/01/06

VA Financial Assurance 1:

Name:	7-ELEVEN 20372
Address:	1801 JAMESTOWN ROAD
Address 2:	Not reported
City,State,Zip:	WILLIAMSBURG, VA 23185
Facility ID:	5004912
Owner Name:	7-Eleven Inc
ROF Own Id:	38838
Tank Type:	UST
Mechanism:	Insurance
Gallonage:	Not reported
Per Occurrence:	1000000
Third Party:	1000000
Annual Aggregate:	2000000
In Compliance:	Not reported
Total Capacity:	15000
CEDS Facility Name:	7-Eleven #20372
Tank Status:	CURR IN USE
Active Federally Regualted UST:	Y

Name:	7-ELEVEN 20372
Address:	1801 JAMESTOWN ROAD
Address 2:	Not reported
City,State,Zip:	WILLIAMSBURG, VA 23185
Facility ID:	5004912
Owner Name:	7-Eleven Inc
ROF Own Id:	38838
Tank Type:	UST
Mechanism:	Insurance
Gallonage:	Not reported
Per Occurrence:	1000000
Third Party:	1000000
Annual Aggregate:	2000000
In Compliance:	Not reported
Total Capacity:	10000
CEDS Facility Name:	7-Eleven #20372

Map ID
Direction
Distance
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number
EPA ID Number

7-ELEVEN 20372 (Continued)

U003966650

Tank Status: CURR IN USE
Active Federally Regualted UST: Y

Name: 7-ELEVEN 20372
Address: 1801 JAMESTOWN ROAD
Address 2: Not reported
City,State,Zip: WILLIAMSBURG, VA 23185
Facility ID: 5004912
Owner Name: 7-Eleven Inc
ROF Own Id: 38838
Tank Type: UST
Mechanism: Insurance
Gallonage: Not reported
Per Occurence: 1000000
Third Party: 1000000
Annual Aggregate: 2000000
In Compliance: Not reported
Total Capacity: 15000
CEDS Facility Name: 7-Eleven #20372
Tank Status: CURR IN USE
Active Federally Regualted UST: Y

Name: 7-ELEVEN 20372
Address: 1801 JAMESTOWN ROAD
Address 2: Not reported
City,State,Zip: WILLIAMSBURG, VA 23185
Facility ID: 5004912
Owner Name: 7-Eleven Inc
ROF Own Id: 38838
Tank Type: UST
Mechanism: Insurance
Gallonage: Not reported
Per Occurence: 1000000
Third Party: 1000000
Annual Aggregate: 2000000
In Compliance: Not reported
Total Capacity: 10000
CEDS Facility Name: 7-Eleven #20372
Tank Status: CURR IN USE
Active Federally Regualted UST: Y

**A2
ESE
< 1/8
0.011 mi.
57 ft.**

**7-ELEVEN STORE 1033-20372
1801 JAMESTOWN ROAD
WILLIAMSBURG, VA 23185

Site 2 of 4 in cluster A**

**UST FINDER RELEASE 1028912944
N/A**

**Relative:
Higher

Actual:
39 ft.**

UST FINDER RELEASE:
Object ID: 422218
Facility ID: Not reported
Lust ID: VA19982393
Name: 7-ELEVEN STORE 1033-20372
Address: 1801 JAMESTOWN ROAD
City,State,Zip: WILLIAMSBURG, VA 23185
Address Match Type: PointAddress
Reported Date: 1998/05/23 15:59:59+00
Status: No Further Action
Substance: Not reported

Map ID
Direction
Distance
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number
EPA ID Number

7-ELEVEN STORE 1033-20372 (Continued)

1028912944

Population within 1500ft: 328
Domestic Wells within 1500ft: 20
Land Use: Developed, Low Intensity
Within SPA: No
SPA PWS Facility ID: Not reported
SPA Water Type: Not reported
SPA Facility Type: Not reported
SPA HUC12: Not reported
Within WHPA: No
WHPA PWS Facility ID: Not reported
WHPA Water Type: Not reported
WHPA Facility Type: Not reported
WHPA HUC12: Not reported
Within 100yr Floodplain: No
Tribe: Not reported
EPA Region: 3
NFA Letter 1: Not reported
NFA Letter 2: Not reported
NFA Letter 3: Not reported
NFA Letter 4: Not reported
Closed With Residual Contaminate: Not reported
Coordinate Source: Geocode
X Coord: -76.76319
Y Coord: 37.23944000000001
Latitude: 37.23944
Longitude: -76.76318999999999

**A3
ESE
< 1/8
0.011 mi.
57 ft.**

**7-ELEVEN 20372
1801 JAMESTOWN ROAD
WILLIAMSBURG, VA 23185**

**UST FINDER 1028807774
N/A**

Site 3 of 4 in cluster A

**Relative:
Higher**

UST FINDER:
Object ID: 508412
Facility ID: VA5004912
Name: 7-ELEVEN 20372
Address: 1801 JAMESTOWN ROAD
City,State,Zip: WILLIAMSBURG, VA 23185
Address Match Type: PointAddress
Open USTs: 2
Closed USTs: 3
TOS USTs: 0
Population 1500ft: 328
Private Wells 1500ft: 20
Within 100yr Floodplain: No
Land Use: Developed, Low Intensity
Within SPA: No
SPA PWS Facility ID: Not reported
SPA Water Type: Not reported
SPA Facility Type: Not reported
SPA HUC12: Not reported
Within WHPA: No
WHPA PWS Facility ID: Not reported
WHPA Water Type: Not reported
WHPA Facility Type: Not reported
WHPA HUC12: Not reported
Facility Status: Open UST(s)

**Actual:
39 ft.**

Map ID
Direction
Distance
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number
EPA ID Number

7-ELEVEN 20372 (Continued)

1028807774

Date of Last Inspection: Not reported
EPA Region: 3
Tribe: Not reported
Coordinate Source: Geocode
X Coord: -76.7631930599999
Y Coord: 37.23944148
Latitude: 37.23944148
Longitude: -76.76319306

UST FINDER:

Object ID: 2078357
Facility ID: VA5004912
Tank ID: VA5004912_3
Tank Status: Closed
Installation Date: 1984/05/01 16:00:00+00
Removal Date: 2011/10/11 15:59:59+00
Tank Capacity: 10000
Substances: GASOLINE
Tank Wall Type: Single

Object ID: 2149002
Facility ID: VA5004912
Tank ID: VA5004912_4
Tank Status: Open
Installation Date: 2011/10/28 15:59:59+00
Removal Date: Not reported
Tank Capacity: 15000
Substances: GASOLINE: GASOHOL
Tank Wall Type: Double

Object ID: 2149003
Facility ID: VA5004912
Tank ID: VA5004912_5
Tank Status: Open
Installation Date: 2011/10/28 15:59:59+00
Removal Date: Not reported
Tank Capacity: 10000
Substances: GASOLINE: GASOHOL
Tank Wall Type: Double

Object ID: 2078937
Facility ID: VA5004912
Tank ID: VA5004912_1
Tank Status: Closed
Installation Date: 1984/05/01 16:00:00+00
Removal Date: 2011/10/11 15:59:59+00
Tank Capacity: 10000
Substances: GASOLINE
Tank Wall Type: Single

Object ID: 2078938
Facility ID: VA5004912
Tank ID: VA5004912_2
Tank Status: Closed
Installation Date: 1984/05/01 16:00:00+00
Removal Date: 2011/10/11 15:59:59+00
Tank Capacity: 10000
Substances: GASOLINE

Map ID
Direction
Distance
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number
EPA ID Number

7-ELEVEN 20372 (Continued)

1028807774

Tank Wall Type: Single

A4
SE
< 1/8
0.020 mi.
105 ft.

7-ELEVEN, INC. #20372
1800 JAMESTOWN RD
WILLAIMSBURG, VA 23185

RCRA-VSQG 1000459946
VAD988191482

Site 4 of 4 in cluster A

Relative:
Lower

RCRA Listings:

Actual:
34 ft.

Date Form Received by Agency: 20150724
Handler Name: 7-Eleven, Inc. #20372
Handler Address: 1800 Jamestown Rd
Handler City,State,Zip: WILLAIMSBURG, VA 23185
EPA ID: VAD988191482
Contact Name: SUZANNE P SCHWEIKART
Contact Address: P. O. BOX 711
Contact City,State,Zip: DALLAS, TX 75221
Contact Telephone: 757-201-0823
Contact Fax: 972-828-1100
Contact Email: SUZANNE.SCHWEIKART@7-11.COM
Contact Title: REGION GAS & ENVIRONMENTAL COMPLIANCE SPCLST
EPA Region: 03
Land Type: Private
Federal Waste Generator Description: Conditionally Exempt Small Quantity Generator
Non-Notifier: Not reported
Biennial Report Cycle: Not reported
Accessibility: Not reported
Active Site Indicator: Handler Activities
State District Owner: Va
State District: 6
Mailing Address: P. O. BOX 711
Mailing City,State,Zip: DALLAS, TX 75221
Owner Name: Bishop Properties Llc
Owner Type: Private
Operator Name: 7-Eleven, Inc.
Operator Type: Private
Short-Term Generator Activity: No
Importer Activity: No
Mixed Waste Generator: No
Transporter Activity: No
Transfer Facility Activity: No
Recycler Activity with Storage: No
Small Quantity On-Site Burner Exemption: No
Smelting Melting and Refining Furnace Exemption: No
Underground Injection Control: No
Off-Site Waste Receipt: No
Universal Waste Indicator: No
Universal Waste Destination Facility: No
Federal Universal Waste: No
Active Site State-Reg Handler: ---
Federal Facility Indicator: Not reported
Hazardous Secondary Material Indicator: N
Sub-Part K Indicator: Not reported
2018 GPRA Permit Baseline: Not on the Baseline
2018 GPRA Renewals Baseline: Not on the Baseline
202 GPRA Corrective Action Baseline: No
Subject to Corrective Action Universe: No

Map ID
Direction
Distance
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number
EPA ID Number

7-ELEVEN, INC. #20372 (Continued)

1000459946

Non-TSDFs Where RCRA CA has Been Imposed Universe:	No
Corrective Action Priority Ranking:	No NCAPS ranking
Environmental Control Indicator:	No
Institutional Control Indicator:	No
Human Exposure Controls Indicator:	N/A
Groundwater Controls Indicator:	N/A
Significant Non-Complier Universe:	No
Unaddressed Significant Non-Complier Universe:	No
Addressed Significant Non-Complier Universe:	No
Significant Non-Complier With a Compliance Schedule Universe:	No
Financial Assurance Required:	Not reported
Handler Date of Last Change:	20150806
Recognized Trader-Importer:	No
Recognized Trader-Exporter:	No
Importer of Spent Lead Acid Batteries:	No
Exporter of Spent Lead Acid Batteries:	No
Recycler Activity Without Storage:	No
Manifest Broker:	No
Sub-Part P Indicator:	No

Hazardous Waste Summary:

Waste Code:	D000
Waste Description:	Not Defined
Waste Code:	D001
Waste Description:	Ignitable Waste
Waste Code:	D018
Waste Description:	Benzene

Handler - Owner Operator:

Owner/Operator Indicator:	Owner
Owner/Operator Name:	SOUTHLAND CORPORATION THE
Legal Status:	Private
Date Became Current:	Not reported
Date Ended Current:	Not reported
Owner/Operator Address:	REFLECTIONS III STE 400
Owner/Operator City,State,Zip:	VIRGINIA BEACH, VA 23452
Owner/Operator Telephone:	804-498-4711
Owner/Operator Telephone Ext:	Not reported
Owner/Operator Fax:	Not reported
Owner/Operator Email:	Not reported
Owner/Operator Indicator:	Owner
Owner/Operator Name:	BISHOP PROPERTIES LLC
Legal Status:	Private
Date Became Current:	19780827
Date Ended Current:	Not reported
Owner/Operator Address:	3933 IVY TERRACE COURT NW
Owner/Operator City,State,Zip:	WASHINGTON, DC 20007
Owner/Operator Telephone:	Not reported
Owner/Operator Telephone Ext:	Not reported
Owner/Operator Fax:	Not reported
Owner/Operator Email:	Not reported

Map ID
Direction
Distance
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number
EPA ID Number

7-ELEVEN, INC. #20372 (Continued)

1000459946

Owner/Operator Indicator: Operator
Owner/Operator Name: OPERNAME
Legal Status: Private
Date Became Current: Not reported
Date Ended Current: Not reported
Owner/Operator Address: OPERSTREET
Owner/Operator City,State,Zip: OPERCITY, AK 99999
Owner/Operator Telephone: 215-555-1212
Owner/Operator Telephone Ext: Not reported
Owner/Operator Fax: Not reported
Owner/Operator Email: Not reported

Owner/Operator Indicator: Operator
Owner/Operator Name: 7-ELEVEN, INC.
Legal Status: Private
Date Became Current: 19780827
Date Ended Current: Not reported
Owner/Operator Address: P. O. BOX 711
Owner/Operator City,State,Zip: DALLAS, TX 75221
Owner/Operator Telephone: 972-828-0711
Owner/Operator Telephone Ext: Not reported
Owner/Operator Fax: Not reported
Owner/Operator Email: Not reported

Historic Generators:

Receive Date: 19910129
Handler Name: 7-ELEVEN #20372
Federal Waste Generator Description: Small Quantity Generator
State District Owner: Va
Large Quantity Handler of Universal Waste: No
Recognized Trader Importer: No
Recognized Trader Exporter: No
Spent Lead Acid Battery Importer: No
Spent Lead Acid Battery Exporter: No
Current Record: No
Non Storage Recycler Activity: Not reported
Electronic Manifest Broker: Not reported

Receive Date: 20150724
Handler Name: 7-ELEVEN, INC. #20372
Federal Waste Generator Description: Conditionally Exempt Small Quantity Generator
State District Owner: Va
Large Quantity Handler of Universal Waste: No
Recognized Trader Importer: No
Recognized Trader Exporter: No
Spent Lead Acid Battery Importer: No
Spent Lead Acid Battery Exporter: No
Current Record: Yes
Non Storage Recycler Activity: Not reported
Electronic Manifest Broker: Not reported

List of NAICS Codes and Descriptions:

NAICS Code: 447110
NAICS Description: GASOLINE STATIONS WITH CONVENIENCE STORES

Map ID
Direction
Distance
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number
EPA ID Number

7-ELEVEN, INC. #20372 (Continued)

1000459946

Facility Has Received Notices of Violations:

Violations:

No Violations Found

Evaluation Action Summary:

Evaluations:

No Evaluations Found

B5
NE
< 1/8
0.093 mi.
490 ft.

MILLER SARAH RESIDENCE
2872 SANDY BAY RD
WILLIAMSBURG, VA 23185

LUST **S112430933**
LTANKS **N/A**

Site 1 of 2 in cluster B

Relative:
Higher

LUST REG TD:

Actual:
76 ft.

Region: TD
Region Code: TRO
Facility ID: 200000858318
Facility Status: Open
Completed Date: 09/27/2012
Pollution Complaint Num: 20135033
Fed Regulated Tank: No
Phase Code: RR
Event Description: Release Reported
Comments: Release Reported

LTANKS:

Name: MILLER RESIDENCE
Address: 2872 SANDY BAY RD
City,State,Zip: WILLIAMSBURG, VA 23185
City,State,Zip: WILLIAMSBURG, VA 23185
Region: TRO
CEDS Facility Id: 200000858318
Case Status: Closed
Pollution Complaint #: 20135033
Reported: 09/27/2012
Case Closed Date: 11/05/2015
Program: RP Lead
Federally Regulated UST (Y/N): N
Regulated Petroleum UST (1): N
Excluded UST (1): N
Deferred UST (1): N
Partially Deferred UST (1): N
Exempt 1 UST (2): N
Exempt 2 Heating Oil UST (2): N
Small Heating Oil AST (2): Y
Regulated AST (3): N
Unregulated AST (3): N
Other Y/N: N
Unknown Y/N: N
Other Description: Not reported
Heating Oil Category: Category 3
Changed By: Not reported
Changed Date: Not reported
Inserted By: Not reported
Inserted Date: Not reported
Verified By: Not reported

Map ID
Direction
Distance
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number
EPA ID Number

MILLER SARAH RESIDENCE (Continued)

S112430933

Verify Date: Not reported
Reference Point: Not reported
RST ID: Not reported
RST Poll Complaint Number: Not reported
Des First Name: Not reported
Des Last Name: Not reported
RST Rec Code: Not reported
RST Priority: Not reported
RST Fed Reg Tank: Not reported
RST Responsibility Ind: Not reported
RST Suspect Confirm Ind: Not reported
Facility Location: Not reported
FIC Description: Not reported
Latitude: Not reported
Longitude: Not reported

B6
ENE
1/8-1/4
0.139 mi.
732 ft.

CROW RESIDENCE
2831 IRONBOUND ROAD
WILLIAMSBURG, VA 23185

LUST **S105695784**
LTANKS **N/A**

Site 2 of 2 in cluster B

Relative:
Higher

Actual:
79 ft.

LUST REG TD:
Region: TD
Region Code: TRO
Facility ID: 200000064729
Facility Status: **Closed**
Completed Date: 12/14/1994
Pollution Complaint Num: 19952303
Fed Regulated Tank: No
Phase Code: RR
Event Description: Release Reported
Comments: POSSIBLE LOSS OF 100+ GALLONS ON HEATING OIL.

Region: TD
Region Code: TRO
Facility ID: 200000064729
Facility Status: **Closed**
Completed Date: 03/09/2001
Pollution Complaint Num: 19952303
Fed Regulated Tank: No
Phase Code: CLOSURE
Event Description: Case Closure Date - No Letter Sent
Comments: File closure

LTANKS:

Name: CROW RESIDENCE
Address: 2831 IRONBOUND ROAD
City,State,Zip: WILLIAMSBURG, VA 23185
City,State,Zip: WILLIAMSBURG, VA 23185
Region: Not reported
CEDS Facility Id: 200000064729
Case Status: **Closed**
Pollution Complaint #: 19952303
Reported: 12/14/1994
Case Closed Date: 03/09/2001
Program: Not reported

Map ID
Direction
Distance
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number
EPA ID Number

CROW RESIDENCE (Continued)

S105695784

Federally Regulated UST (Y/N): Not reported
Regulated Petroleum UST (1): Not reported
Excluded UST (1): Not reported
Deferred UST (1): Not reported
Partially Deferred UST (1): Not reported
Exempt 1 UST (2): Not reported
Exempt 2 Heating Oil UST (2): Not reported
Small Heating Oil AST (2): Not reported
Regulated AST (3): Not reported
Unregulated AST (3): Not reported
Other Y/N: Not reported
Unknown Y/N: Not reported
Other Description: Not reported
Heating Oil Category: Not reported
Changed By: seburkett
Changed Date: 08/09/2007
Inserted By: Not reported
Inserted Date: Not reported
Verified By: Not reported
Verify Date: Not reported
Reference Point: Not reported
RST ID: 12740
RST Poll Complaint Number: 19952303
Des First Name: Cynthia (Erinn)
Des Last Name: Tisdale
RST Rec Code: TRO
RST Priority: 3
RST Fed Reg Tank: N
RST Responsibility Ind: RP Lead
RST Suspect Confirm Ind: Suspected
Facility Location: 2831 Ironbound Road
FIC Description: James City County
Latitude: 37.2417597188617
Longitude: -76.7615409000445

7
ENE
1/8-1/4
0.202 mi.
1064 ft.

TOUPIN PROPERTY
2811 IRONBOUND RD
WILLIAMSBURG, VA 23185

LTANKS S118368722
N/A

Relative:
Higher
Actual:
75 ft.

LTANKS:
Name: TOUPIN PROPERTY
Address: 2811 IRONBOUND RD
City,State,Zip: WILLIAMSBURG, VA 23185
City,State,Zip: WILLIAMSBURG, VA 23185
Region: TRO
CEDS Facility Id: 200000881035
Case Status: **Closed**
Pollution Complaint #: 20165033
Reported: 08/20/2015
Case Closed Date: 10/08/2015
Program: RP Lead
Federally Regulated UST (Y/N): N
Regulated Petroleum UST (1): N
Excluded UST (1): N
Deferred UST (1): N
Partially Deferred UST (1): N

Map ID
Direction
Distance
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number
EPA ID Number

TOUPIN PROPERTY (Continued)

S118368722

Exempt 1 UST (2):	N
Exempt 2 Heating Oil UST (2):	Y
Small Heating Oil AST (2):	N
Regulated AST (3):	N
Unregulated AST (3):	N
Other Y/N:	N
Unknown Y/N:	N
Other Description:	Not reported
Heating Oil Category:	Category 2
Changed By:	Not reported
Changed Date:	Not reported
Inserted By:	Not reported
Inserted Date:	Not reported
Verified By:	Not reported
Verify Date:	Not reported
Reference Point:	Not reported
RST ID:	Not reported
RST Poll Complaint Number:	Not reported
Des First Name:	Not reported
Des Last Name:	Not reported
RST Rec Code:	Not reported
RST Priority:	Not reported
RST Fed Reg Tank:	Not reported
RST Responsibility Ind:	Not reported
RST Suspect Confirm Ind:	Not reported
Facility Location:	Not reported
FIC Description:	Not reported
Latitude:	Not reported
Longitude:	Not reported

8
SE
1/4-1/2
0.307 mi.
1621 ft.

BRICKHOUSE MARNIE PROPERTY
163 ALBEMARLE DR
WILLIAMSBURG, VA 23185

LTANKS **S123192126**
N/A

Relative:
Lower

LTANKS:

Actual:
30 ft.

Name:	BRICKHOUSE MARNIE PROPERTY
Address:	163 ALBEMARLE DR
City,State,Zip:	WILLIAMSBURG, VA 23185
City,State,Zip:	WILLIAMSBURG, VA 23185
Region:	TRO
CEDS Facility Id:	200000887763
Case Status:	Closed
Pollution Complaint #:	20195062
Reported:	09/20/2018
Case Closed Date:	03/11/2019
Program:	RP Lead
Federally Regulated UST (Y/N):	N
Regulated Petroleum UST (1):	N
Excluded UST (1):	N
Deferred UST (1):	N
Partially Deferred UST (1):	N
Exempt 1 UST (2):	N
Exempt 2 Heating Oil UST (2):	N
Small Heating Oil AST (2):	Y
Regulated AST (3):	N
Unregulated AST (3):	N

Map ID
Direction
Distance
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number
EPA ID Number

BRICKHOUSE MARNIE PROPERTY (Continued)

S123192126

Other Y/N: N
Unknown Y/N: N
Other Description: Not reported
Heating Oil Category: Category 2
Changed By: Not reported
Changed Date: Not reported
Inserted By: Not reported
Inserted Date: Not reported
Verified By: Not reported
Verify Date: Not reported
Reference Point: Not reported
RST ID: Not reported
RST Poll Complaint Number: Not reported
Des First Name: Not reported
Des Last Name: Not reported
RST Rec Code: Not reported
RST Priority: Not reported
RST Fed Reg Tank: Not reported
RST Responsibility Ind: Not reported
RST Suspect Confirm Ind: Not reported
Facility Location: Not reported
FIC Description: Not reported
Latitude: Not reported
Longitude: Not reported

9
ESE
1/4-1/2
0.408 mi.
2153 ft.

JTR PROPERTY AKA HANDY GROCERY
1676 JAMESTOWN RD
WILLIAMSBURG, VA 23185

LTANKS **S123423121**
N/A

Relative:
Higher

Actual:
42 ft.

LTANKS:
Name: JTR PROPERTY AKA HANDY GROCERY
Address: 1676 JAMESTOWN RD
City,State,Zip: WILLIAMSBURG, VA 23185
City,State,Zip: WILLIAMSBURG, VA 23185
Region: TRO
CEDS Facility Id: 200000065446
Case Status: **Closed**
Pollution Complaint #: 20195144
Reported: 01/30/2019
Case Closed Date: 09/27/2020
Program: RP Lead
Federally Regulated UST (Y/N): Y
Regulated Petroleum UST (1): Y
Excluded UST (1): N
Deferred UST (1): N
Partially Deferred UST (1): N
Exempt 1 UST (2): N
Exempt 2 Heating Oil UST (2): N
Small Heating Oil AST (2): N
Regulated AST (3): N
Unregulated AST (3): N
Other Y/N: N
Unknown Y/N: N
Other Description: Not reported
Heating Oil Category: Not reported
Changed By: Not reported

Map ID
Direction
Distance
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number
EPA ID Number

JTR PROPERTY AKA HANDY GROCERY (Continued)

S123423121

Changed Date:	Not reported
Inserted By:	Not reported
Inserted Date:	Not reported
Verified By:	Not reported
Verify Date:	Not reported
Reference Point:	Not reported
RST ID:	Not reported
RST Poll Complaint Number:	Not reported
Des First Name:	Not reported
Des Last Name:	Not reported
RST Rec Code:	Not reported
RST Priority:	Not reported
RST Fed Reg Tank:	Not reported
RST Responsibility Ind:	Not reported
RST Suspect Confirm Ind:	Not reported
Facility Location:	Not reported
FIC Description:	Not reported
Latitude:	Not reported
Longitude:	Not reported

10
NE
1/4-1/2
0.435 mi.
2299 ft.

WHITEHEAD RESIDENCE
4638 HICKORY SIGNPOST RD
WILLIAMSBURG, VA 23185

LTANKS S114544578
N/A

Relative:
Higher
Actual:
46 ft.

LTANKS:	
Name:	WHITEHEAD RESIDENCE
Address:	4638 HICKORY SIGNPOST RD
City,State,Zip:	WILLIAMSBURG, VA 23185
City,State,Zip:	WILLIAMSBURG, VA 23185
Region:	TRO
CEDS Facility Id:	200000873112
Case Status:	Closed
Pollution Complaint #:	20145076
Reported:	11/13/2013
Case Closed Date:	07/02/2015
Program:	RP Lead
Federally Regulated UST (Y/N):	N
Regulated Petroleum UST (1):	N
Excluded UST (1):	N
Deferred UST (1):	N
Partially Deferred UST (1):	N
Exempt 1 UST (2):	N
Exempt 2 Heating Oil UST (2):	Y
Small Heating Oil AST (2):	N
Regulated AST (3):	N
Unregulated AST (3):	N
Other Y/N:	N
Unknown Y/N:	N
Other Description:	Not reported
Heating Oil Category:	Category 3
Changed By:	Not reported
Changed Date:	Not reported
Inserted By:	Not reported
Inserted Date:	Not reported
Verified By:	Not reported
Verify Date:	Not reported

Map ID
Direction
Distance
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number
EPA ID Number

WHITEHEAD RESIDENCE (Continued)

S114544578

Reference Point:	Not reported
RST ID:	Not reported
RST Poll Complaint Number:	Not reported
Des First Name:	Not reported
Des Last Name:	Not reported
RST Rec Code:	Not reported
RST Priority:	Not reported
RST Fed Reg Tank:	Not reported
RST Responsibility Ind:	Not reported
RST Suspect Confirm Ind:	Not reported
Facility Location:	Not reported
FIC Description:	Not reported
Latitude:	Not reported
Longitude:	Not reported

Count: 1 records.

ORPHAN SUMMARY

City	EDR ID	Site Name	Site Address	Zip	Database(s)
WILLIAMSBURG	S105094606	JAMES CITY COUNTY - LIFT STATION 5	RALEIGH STREET	23185	LUST, LTANKS

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

To maintain currency of the following federal and state databases, EDR contacts the appropriate governmental agency on a monthly or quarterly basis, as required.

Number of Days to Update: Provides confirmation that EDR is reporting records that have been updated within 90 days from the date the government agency made the information available to the public.

STANDARD ENVIRONMENTAL RECORDS

Lists of Federal NPL (Superfund) sites

NPL: National Priority List

National Priorities List (Superfund). The NPL is a subset of CERCLIS and identifies over 1,200 sites for priority cleanup under the Superfund Program. NPL sites may encompass relatively large areas. As such, EDR provides polygon coverage for over 1,000 NPL site boundaries produced by EPA's Environmental Photographic Interpretation Center (EPIC) and regional EPA offices.

Date of Government Version: 05/22/2024	Source: EPA
Date Data Arrived at EDR: 06/03/2024	Telephone: N/A
Date Made Active in Reports: 06/26/2024	Last EDR Contact: 09/03/2024
Number of Days to Update: 23	Next Scheduled EDR Contact: 10/07/2024
	Data Release Frequency: Quarterly

NPL Site Boundaries

Sources:

EPA's Environmental Photographic Interpretation Center (EPIC)
Telephone: 202-564-7333

EPA Region 1
Telephone 617-918-1143

EPA Region 6
Telephone: 214-655-6659

EPA Region 3
Telephone 215-814-5418

EPA Region 7
Telephone: 913-551-7247

EPA Region 4
Telephone 404-562-8033

EPA Region 8
Telephone: 303-312-6774

EPA Region 5
Telephone 312-886-6686

EPA Region 9
Telephone: 415-947-4246

EPA Region 10
Telephone 206-553-8665

Proposed NPL: Proposed National Priority List Sites

A site that has been proposed for listing on the National Priorities List through the issuance of a proposed rule in the Federal Register. EPA then accepts public comments on the site, responds to the comments, and places on the NPL those sites that continue to meet the requirements for listing.

Date of Government Version: 05/22/2024	Source: EPA
Date Data Arrived at EDR: 06/03/2024	Telephone: N/A
Date Made Active in Reports: 06/26/2024	Last EDR Contact: 09/03/2024
Number of Days to Update: 23	Next Scheduled EDR Contact: 10/07/2024
	Data Release Frequency: Quarterly

NPL LIENS: Federal Superfund Liens

Federal Superfund Liens. Under the authority granted the USEPA by CERCLA of 1980, the USEPA has the authority to file liens against real property in order to recover remedial action expenditures or when the property owner received notification of potential liability. USEPA compiles a listing of filed notices of Superfund Liens.

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 10/15/1991
Date Data Arrived at EDR: 02/02/1994
Date Made Active in Reports: 03/30/1994
Number of Days to Update: 56

Source: EPA
Telephone: 202-564-4267
Last EDR Contact: 08/15/2011
Next Scheduled EDR Contact: 11/28/2011
Data Release Frequency: No Update Planned

Lists of Federal Delisted NPL sites

Delisted NPL: National Priority List Deletions

The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) establishes the criteria that the EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate.

Date of Government Version: 05/22/2024
Date Data Arrived at EDR: 06/03/2024
Date Made Active in Reports: 06/26/2024
Number of Days to Update: 23

Source: EPA
Telephone: N/A
Last EDR Contact: 09/03/2024
Next Scheduled EDR Contact: 10/07/2024
Data Release Frequency: Quarterly

Lists of Federal sites subject to CERCLA removals and CERCLA orders

FEDERAL FACILITY: Federal Facility Site Information listing

A listing of National Priority List (NPL) and Base Realignment and Closure (BRAC) sites found in the Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) Database where EPA Federal Facilities Restoration and Reuse Office is involved in cleanup activities.

Date of Government Version: 03/25/2024
Date Data Arrived at EDR: 03/26/2024
Date Made Active in Reports: 06/24/2024
Number of Days to Update: 90

Source: Environmental Protection Agency
Telephone: 703-603-8704
Last EDR Contact: 06/25/2024
Next Scheduled EDR Contact: 10/07/2024
Data Release Frequency: Varies

SEMS: Superfund Enterprise Management System

SEMS (Superfund Enterprise Management System) tracks hazardous waste sites, potentially hazardous waste sites, and remedial activities performed in support of EPA's Superfund Program across the United States. The list was formerly known as CERCLIS, renamed to SEMS by the EPA in 2015. The list contains data on potentially hazardous waste sites that have been reported to the USEPA by states, municipalities, private companies and private persons, pursuant to Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). This dataset also contains sites which are either proposed to or on the National Priorities List (NPL) and the sites which are in the screening and assessment phase for possible inclusion on the NPL.

Date of Government Version: 07/24/2024
Date Data Arrived at EDR: 08/01/2024
Date Made Active in Reports: 08/28/2024
Number of Days to Update: 27

Source: EPA
Telephone: 800-424-9346
Last EDR Contact: 09/03/2024
Next Scheduled EDR Contact: 10/21/2024
Data Release Frequency: Quarterly

Lists of Federal CERCLA sites with NFRAP

SEMS-ARCHIVE: Superfund Enterprise Management System Archive

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

SEMS-ARCHIVE (Superfund Enterprise Management System Archive) tracks sites that have no further interest under the Federal Superfund Program based on available information. The list was formerly known as the CERCLIS-NFRAP, renamed to SEMS ARCHIVE by the EPA in 2015. EPA may perform a minimal level of assessment work at a site while it is archived if site conditions change and/or new information becomes available. Archived sites have been removed and archived from the inventory of SEMS sites. Archived status indicates that, to the best of EPA's knowledge, assessment at a site has been completed and that EPA has determined no further steps will be taken to list the site on the National Priorities List (NPL), unless information indicates this decision was not appropriate or other considerations require a recommendation for listing at a later time. The decision does not necessarily mean that there is no hazard associated with a given site; it only means that, based upon available information, the location is not judged to be potential NPL site.

Date of Government Version: 07/24/2024	Source: EPA
Date Data Arrived at EDR: 08/01/2024	Telephone: 800-424-9346
Date Made Active in Reports: 08/28/2024	Last EDR Contact: 09/03/2024
Number of Days to Update: 27	Next Scheduled EDR Contact: 10/21/2024
	Data Release Frequency: Quarterly

Lists of Federal RCRA facilities undergoing Corrective Action

CORRACTS: Corrective Action Report

CORRACTS identifies hazardous waste handlers with RCRA corrective action activity.

Date of Government Version: 06/03/2024	Source: EPA
Date Data Arrived at EDR: 06/07/2024	Telephone: 800-424-9346
Date Made Active in Reports: 06/20/2024	Last EDR Contact: 06/07/2024
Number of Days to Update: 13	Next Scheduled EDR Contact: 09/30/2024
	Data Release Frequency: Quarterly

Lists of Federal RCRA TSD facilities

RCRA-TSDF: RCRA - Treatment, Storage and Disposal

RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Transporters are individuals or entities that move hazardous waste from the generator offsite to a facility that can recycle, treat, store, or dispose of the waste. TSDFs treat, store, or dispose of the waste.

Date of Government Version: 06/03/2024	Source: Environmental Protection Agency
Date Data Arrived at EDR: 06/07/2024	Telephone: 800-438-2474
Date Made Active in Reports: 06/20/2024	Last EDR Contact: 06/07/2024
Number of Days to Update: 13	Next Scheduled EDR Contact: 09/30/2024
	Data Release Frequency: Quarterly

Lists of Federal RCRA generators

RCRA-LQG: RCRA - Large Quantity Generators

RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Large quantity generators (LQGs) generate over 1,000 kilograms (kg) of hazardous waste, or over 1 kg of acutely hazardous waste per month.

Date of Government Version: 06/03/2024	Source: Environmental Protection Agency
Date Data Arrived at EDR: 06/07/2024	Telephone: 800-438-2474
Date Made Active in Reports: 06/20/2024	Last EDR Contact: 06/07/2024
Number of Days to Update: 13	Next Scheduled EDR Contact: 09/30/2024
	Data Release Frequency: Quarterly

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

RCRA-SQG: RCRA - Small Quantity Generators

RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Small quantity generators (SQGs) generate between 100 kg and 1,000 kg of hazardous waste per month.

Date of Government Version: 06/03/2024	Source: Environmental Protection Agency
Date Data Arrived at EDR: 06/07/2024	Telephone: 800-438-2474
Date Made Active in Reports: 06/20/2024	Last EDR Contact: 06/07/2024
Number of Days to Update: 13	Next Scheduled EDR Contact: 09/30/2024
	Data Release Frequency: Quarterly

RCRA-VSQG: RCRA - Very Small Quantity Generators (Formerly Conditionally Exempt Small Quantity Generators)

RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Very small quantity generators (VSQGs) generate less than 100 kg of hazardous waste, or less than 1 kg of acutely hazardous waste per month.

Date of Government Version: 06/03/2024	Source: Environmental Protection Agency
Date Data Arrived at EDR: 06/07/2024	Telephone: 800-438-2474
Date Made Active in Reports: 06/20/2024	Last EDR Contact: 06/07/2024
Number of Days to Update: 13	Next Scheduled EDR Contact: 09/30/2024
	Data Release Frequency: Quarterly

Federal institutional controls / engineering controls registries

LUCIS: Land Use Control Information System

LUCIS contains records of land use control information pertaining to the former Navy Base Realignment and Closure properties.

Date of Government Version: 02/14/2024	Source: Department of the Navy
Date Data Arrived at EDR: 02/16/2024	Telephone: 843-820-7326
Date Made Active in Reports: 04/04/2024	Last EDR Contact: 07/31/2024
Number of Days to Update: 48	Next Scheduled EDR Contact: 11/18/2024
	Data Release Frequency: Varies

US ENG CONTROLS: Engineering Controls Sites List

A listing of sites with engineering controls in place. Engineering controls include various forms of caps, building foundations, liners, and treatment methods to create pathway elimination for regulated substances to enter environmental media or effect human health.

Date of Government Version: 07/24/2024	Source: Environmental Protection Agency
Date Data Arrived at EDR: 08/08/2024	Telephone: 703-603-0695
Date Made Active in Reports: 08/15/2024	Last EDR Contact: 08/08/2024
Number of Days to Update: 7	Next Scheduled EDR Contact: 12/02/2024
	Data Release Frequency: Varies

US INST CONTROLS: Institutional Controls Sites List

A listing of sites with institutional controls in place. Institutional controls include administrative measures, such as groundwater use restrictions, construction restrictions, property use restrictions, and post remediation care requirements intended to prevent exposure to contaminants remaining on site. Deed restrictions are generally required as part of the institutional controls.

Date of Government Version: 07/24/2024	Source: Environmental Protection Agency
Date Data Arrived at EDR: 08/08/2024	Telephone: 703-603-0695
Date Made Active in Reports: 08/15/2024	Last EDR Contact: 08/08/2024
Number of Days to Update: 7	Next Scheduled EDR Contact: 12/02/2024
	Data Release Frequency: Varies

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Federal ERNS list

ERNS: Emergency Response Notification System

Emergency Response Notification System. ERNS records and stores information on reported releases of oil and hazardous substances.

Date of Government Version: 06/11/2024

Date Data Arrived at EDR: 06/17/2024

Date Made Active in Reports: 09/04/2024

Number of Days to Update: 79

Source: National Response Center, United States Coast Guard

Telephone: 202-267-2180

Last EDR Contact: 06/17/2024

Next Scheduled EDR Contact: 09/30/2024

Data Release Frequency: Quarterly

Lists of state- and tribal hazardous waste facilities

SHWS: This state does not maintain a SHWS list. See the Federal CERCLIS list and Federal NPL list.

State Hazardous Waste Sites. State hazardous waste site records are the states' equivalent to CERCLIS. These sites may or may not already be listed on the federal CERCLIS list. Priority sites planned for cleanup using state funds (state equivalent of Superfund) are identified along with sites where cleanup will be paid for by potentially responsible parties. Available information varies by state.

Date of Government Version: N/A

Date Data Arrived at EDR: N/A

Date Made Active in Reports: N/A

Number of Days to Update: N/A

Source: Department of Environmental Quality

Telephone: 804-698-4236

Last EDR Contact: 09/06/2024

Next Scheduled EDR Contact: 12/23/2024

Data Release Frequency: N/A

Lists of state and tribal landfills and solid waste disposal facilities

SWF/LF: Solid Waste Management Facilities

Solid Waste Facilities/Landfill Sites. SWF/LF type records typically contain an inventory of solid waste disposal facilities or landfills in a particular state. Depending on the state, these may be active or inactive facilities or open dumps that failed to meet RCRA Subtitle D Section 4004 criteria for solid waste landfills or disposal sites.

Date of Government Version: 02/29/2024

Date Data Arrived at EDR: 03/01/2024

Date Made Active in Reports: 03/19/2024

Number of Days to Update: 18

Source: Department of Environmental Quality

Telephone: 804-698-4238

Last EDR Contact: 08/21/2024

Next Scheduled EDR Contact: 12/09/2024

Data Release Frequency: Semi-Annually

Lists of state and tribal leaking storage tanks

LUST REG PD: Leaking Underground Storage Tank Sites

Leaking underground storage tank site locations. Includes: counties of Amelia, Brunswick, Charles City, Chesterfield, Dinwiddie, Essex, Gloucester, Goochland, Greenville, Hanover, Henrico, King and Queen, King William, Lancaster, Mathews, Middlesex, New Kent, Northumberland, Powhatan, Prince George, Richmond, Surry, Sussex, Westmoreland; cities of Colonial Heights, Emporia, Hopewell, Petersburg.

Date of Government Version: 12/02/2014

Date Data Arrived at EDR: 12/04/2014

Date Made Active in Reports: 01/16/2015

Number of Days to Update: 43

Source: Department of Environmental Quality Piedmont Regional Office

Telephone: 804-527-5020

Last EDR Contact: 08/29/2016

Next Scheduled EDR Contact: 12/12/2016

Data Release Frequency: Quarterly

LUST REG SC: Leaking Underground Storage Tanks

Leaking underground storage tank site locations. Includes: counties of Amherst, Appomattox, Buckingham, Campbell, Charlotte, Cumberland, Halifax, Lunenburg, Mecklenburg, Nottoway, Pittsylvania, Prince Edward; cities of Danville, Lynchburg.

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 09/06/2013
Date Data Arrived at EDR: 09/06/2013
Date Made Active in Reports: 09/17/2013
Number of Days to Update: 11

Source: Department of Environmental Quality, South Central Region
Telephone: 434-582-5120
Last EDR Contact: 08/29/2016
Next Scheduled EDR Contact: 12/12/2016
Data Release Frequency: Semi-Annually

LUST REG SW: Leaking Underground Storage Tank Database

Leaking underground storage tank site locations. Includes: counties of Bland, Buchanan, Carroll, Dickenson, Grayson, Lee, Russell, Scott, Smyth, Tazewell, Washington, Wise, Wythe; cities of Bristol, Galax, Norton.

Date of Government Version: 07/15/2013
Date Data Arrived at EDR: 07/18/2013
Date Made Active in Reports: 09/16/2013
Number of Days to Update: 60

Source: Department of Environmental Quality Southwest Regional Office
Telephone: 276-676-4800
Last EDR Contact: 10/11/2016
Next Scheduled EDR Contact: 01/23/2017
Data Release Frequency: No Update Planned

LUST REG TD: Leaking Underground Storage Tank Sites

Leaking underground storage tank site locations. Includes: counties of Accomack, Isle of Wight, James City, Northampton, Southampton, York; cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, Williamsburg.

Date of Government Version: 06/30/2013
Date Data Arrived at EDR: 07/05/2013
Date Made Active in Reports: 09/16/2013
Number of Days to Update: 73

Source: Department of Environmental Quality Tidewater Regional Office
Telephone: trofoia@deq.vir
Last EDR Contact: 09/26/2016
Next Scheduled EDR Contact: 01/09/2017
Data Release Frequency: Quarterly

LUST REG VA: Leaking Underground Storage Tank List

Leaking underground storage tank site locations. Includes: counties of Albemarle, Augusta, Bath, Clarke, Fluvanna, Frederick, Greene, Highland, Nelson, Page, Rockbridge, Rockingham, Shenandoah, Warren; cities of Buena Vista, Charlottesville, Harrisonburg, Lexington, Staunton, Waynesboro, Winchester.

Date of Government Version: 12/06/2011
Date Data Arrived at EDR: 12/08/2011
Date Made Active in Reports: 01/16/2012
Number of Days to Update: 39

Source: Department of Environmental Quality Valley Regional Office
Telephone: 540-574-7800
Last EDR Contact: 08/29/2016
Next Scheduled EDR Contact: 12/12/2016
Data Release Frequency: No Update Planned

LUST REG WC: Leaking Underground Storage Tank List

Leaking underground storage tank site locations. Includes: counties of Alleghany, Bedford, Botetourt, Craig, Floyd, Franklin, Giles, Henry, Montgomery, Patrick, Pulaski, Roanoke; cities of Bedford, Clifton Forge, Covington, Martinsville, Radford, Roanoke, Salem.

Date of Government Version: 06/04/2015
Date Data Arrived at EDR: 06/05/2015
Date Made Active in Reports: 07/07/2015
Number of Days to Update: 32

Source: Department of Environmental Quality West Central Regional Office
Telephone: 540-562-6700
Last EDR Contact: 08/29/2016
Next Scheduled EDR Contact: 12/12/2016
Data Release Frequency: No Update Planned

LUST REG NO: Leaking Underground Storage Tank Tracking Database

Leaking underground storage tank site locations. Includes: counties of Arlington, Caroline, Culpeper, Fairfax, Fauquier, King George, Loudoun, Louisa, Madison, Orange, Prince William, Rappahannock, Spotsylvania, Stafford; cities of Alexandria, Fairfax, Falls Church, Fredericksburg, Manassas, Manassas Park.

Date of Government Version: 05/18/2004
Date Data Arrived at EDR: 05/22/2004
Date Made Active in Reports: 07/09/2004
Number of Days to Update: 48

Source: Department of Environmental Quality Northern Regional Office
Telephone: 703-583-3800
Last EDR Contact: 09/06/2011
Next Scheduled EDR Contact: 12/19/2011
Data Release Frequency: No Update Planned

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

INDIAN LUST R4: Leaking Underground Storage Tanks on Indian Land
LUSTs on Indian land in Florida, Mississippi and North Carolina.

Date of Government Version: 05/07/2024	Source: EPA Region 4
Date Data Arrived at EDR: 05/30/2024	Telephone: 404-562-8677
Date Made Active in Reports: 08/28/2024	Last EDR Contact: 07/10/2024
Number of Days to Update: 90	Next Scheduled EDR Contact: 10/28/2024
	Data Release Frequency: Varies

INDIAN LUST R5: Leaking Underground Storage Tanks on Indian Land
Leaking underground storage tanks located on Indian Land in Michigan, Minnesota and Wisconsin.

Date of Government Version: 04/11/2024	Source: EPA, Region 5
Date Data Arrived at EDR: 05/30/2024	Telephone: 312-886-7439
Date Made Active in Reports: 08/28/2024	Last EDR Contact: 07/10/2024
Number of Days to Update: 90	Next Scheduled EDR Contact: 10/28/2024
	Data Release Frequency: Varies

INDIAN LUST R6: Leaking Underground Storage Tanks on Indian Land
LUSTs on Indian land in New Mexico and Oklahoma.

Date of Government Version: 05/07/2024	Source: EPA Region 6
Date Data Arrived at EDR: 05/30/2024	Telephone: 214-665-6597
Date Made Active in Reports: 08/28/2024	Last EDR Contact: 07/10/2024
Number of Days to Update: 90	Next Scheduled EDR Contact: 10/28/2024
	Data Release Frequency: Varies

INDIAN LUST R10: Leaking Underground Storage Tanks on Indian Land
LUSTs on Indian land in Alaska, Idaho, Oregon and Washington.

Date of Government Version: 05/07/2024	Source: EPA Region 10
Date Data Arrived at EDR: 05/30/2024	Telephone: 206-553-2857
Date Made Active in Reports: 08/28/2024	Last EDR Contact: 07/10/2024
Number of Days to Update: 90	Next Scheduled EDR Contact: 10/28/2024
	Data Release Frequency: Varies

INDIAN LUST R8: Leaking Underground Storage Tanks on Indian Land
LUSTs on Indian land in Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming.

Date of Government Version: 05/07/2024	Source: EPA Region 8
Date Data Arrived at EDR: 05/30/2024	Telephone: 303-312-6271
Date Made Active in Reports: 08/28/2024	Last EDR Contact: 07/10/2024
Number of Days to Update: 90	Next Scheduled EDR Contact: 10/28/2024
	Data Release Frequency: Varies

INDIAN LUST R7: Leaking Underground Storage Tanks on Indian Land
LUSTs on Indian land in Iowa, Kansas, and Nebraska

Date of Government Version: 05/07/2024	Source: EPA Region 7
Date Data Arrived at EDR: 05/30/2024	Telephone: 913-551-7003
Date Made Active in Reports: 08/28/2024	Last EDR Contact: 07/10/2024
Number of Days to Update: 90	Next Scheduled EDR Contact: 10/28/2024
	Data Release Frequency: Varies

INDIAN LUST R9: Leaking Underground Storage Tanks on Indian Land
LUSTs on Indian land in Arizona, California, New Mexico and Nevada

Date of Government Version: 05/07/2024	Source: Environmental Protection Agency
Date Data Arrived at EDR: 05/30/2024	Telephone: 415-972-3372
Date Made Active in Reports: 08/28/2024	Last EDR Contact: 07/10/2024
Number of Days to Update: 90	Next Scheduled EDR Contact: 10/28/2024
	Data Release Frequency: Varies

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

INDIAN LUST R1: Leaking Underground Storage Tanks on Indian Land

A listing of leaking underground storage tank locations on Indian Land.

Date of Government Version: 05/07/2024
Date Data Arrived at EDR: 05/30/2024
Date Made Active in Reports: 08/28/2024
Number of Days to Update: 90

Source: EPA Region 1
Telephone: 617-918-1313
Last EDR Contact: 07/10/2024
Next Scheduled EDR Contact: 10/28/2024
Data Release Frequency: Varies

LTANKS: Leaking Petroleum Storage Tanks

Includes releases of petroleum from underground storage tanks and aboveground storage tanks.

Date of Government Version: 02/05/2024
Date Data Arrived at EDR: 02/23/2024
Date Made Active in Reports: 02/28/2024
Number of Days to Update: 5

Source: Department of Environmental Quality
Telephone: 804-698-4010
Last EDR Contact: 08/16/2024
Next Scheduled EDR Contact: 12/02/2024
Data Release Frequency: Quarterly

Lists of state and tribal registered storage tanks

FEMA UST: Underground Storage Tank Listing

A listing of all FEMA owned underground storage tanks.

Date of Government Version: 03/15/2024
Date Data Arrived at EDR: 03/19/2024
Date Made Active in Reports: 06/17/2024
Number of Days to Update: 90

Source: FEMA
Telephone: 202-646-5797
Last EDR Contact: 08/01/2024
Next Scheduled EDR Contact: 10/14/2024
Data Release Frequency: Varies

UST: Registered Petroleum Storage Tanks

Registered Underground Storage Tanks. UST's are regulated under Subtitle I of the Resource Conservation and Recovery Act (RCRA) and must be registered with the state department responsible for administering the UST program. Available information varies by state program.

Date of Government Version: 05/02/2024
Date Data Arrived at EDR: 05/09/2024
Date Made Active in Reports: 08/07/2024
Number of Days to Update: 90

Source: Department of Environmental Quality
Telephone: 804-698-4010
Last EDR Contact: 08/16/2024
Next Scheduled EDR Contact: 12/02/2024
Data Release Frequency: Quarterly

AST: Registered Petroleum Storage Tanks

Registered Aboveground Storage Tanks.

Date of Government Version: 05/02/2024
Date Data Arrived at EDR: 05/09/2024
Date Made Active in Reports: 08/06/2024
Number of Days to Update: 89

Source: Department of Environmental Quality
Telephone: 804-698-4010
Last EDR Contact: 08/16/2024
Next Scheduled EDR Contact: 12/02/2024
Data Release Frequency: Quarterly

INDIAN UST R1: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 1 (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont and ten Tribal Nations).

Date of Government Version: 05/14/2024
Date Data Arrived at EDR: 05/30/2024
Date Made Active in Reports: 08/28/2024
Number of Days to Update: 90

Source: EPA, Region 1
Telephone: 617-918-1313
Last EDR Contact: 07/10/2024
Next Scheduled EDR Contact: 10/28/2024
Data Release Frequency: Varies

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

INDIAN UST R5: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 5 (Michigan, Minnesota and Wisconsin and Tribal Nations).

Date of Government Version: 04/11/2024	Source: EPA Region 5
Date Data Arrived at EDR: 05/30/2024	Telephone: 312-886-6136
Date Made Active in Reports: 08/28/2024	Last EDR Contact: 07/10/2024
Number of Days to Update: 90	Next Scheduled EDR Contact: 10/28/2024
	Data Release Frequency: Varies

INDIAN UST R4: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 4 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee and Tribal Nations)

Date of Government Version: 05/14/2024	Source: EPA Region 4
Date Data Arrived at EDR: 05/30/2024	Telephone: 404-562-9424
Date Made Active in Reports: 08/28/2024	Last EDR Contact: 07/10/2024
Number of Days to Update: 90	Next Scheduled EDR Contact: 10/28/2024
	Data Release Frequency: Varies

INDIAN UST R9: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 9 (Arizona, California, Hawaii, Nevada, the Pacific Islands, and Tribal Nations).

Date of Government Version: 05/14/2024	Source: EPA Region 9
Date Data Arrived at EDR: 05/30/2024	Telephone: 415-972-3368
Date Made Active in Reports: 08/28/2024	Last EDR Contact: 07/10/2024
Number of Days to Update: 90	Next Scheduled EDR Contact: 10/28/2024
	Data Release Frequency: Varies

INDIAN UST R6: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 6 (Louisiana, Arkansas, Oklahoma, New Mexico, Texas and 65 Tribes).

Date of Government Version: 05/14/2024	Source: EPA Region 6
Date Data Arrived at EDR: 05/30/2024	Telephone: 214-665-7591
Date Made Active in Reports: 08/28/2024	Last EDR Contact: 07/10/2024
Number of Days to Update: 90	Next Scheduled EDR Contact: 10/28/2024
	Data Release Frequency: Varies

INDIAN UST R10: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 10 (Alaska, Idaho, Oregon, Washington, and Tribal Nations).

Date of Government Version: 05/14/2024	Source: EPA Region 10
Date Data Arrived at EDR: 05/30/2024	Telephone: 206-553-2857
Date Made Active in Reports: 08/28/2024	Last EDR Contact: 07/10/2024
Number of Days to Update: 90	Next Scheduled EDR Contact: 10/28/2024
	Data Release Frequency: Varies

INDIAN UST R7: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 7 (Iowa, Kansas, Missouri, Nebraska, and 9 Tribal Nations).

Date of Government Version: 05/14/2024	Source: EPA Region 7
Date Data Arrived at EDR: 05/30/2024	Telephone: 913-551-7003
Date Made Active in Reports: 08/28/2024	Last EDR Contact: 07/10/2024
Number of Days to Update: 90	Next Scheduled EDR Contact: 10/28/2024
	Data Release Frequency: Varies

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

INDIAN UST R8: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 8 (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming and 27 Tribal Nations).

Date of Government Version: 05/14/2024	Source: EPA Region 8
Date Data Arrived at EDR: 05/30/2024	Telephone: 303-312-6137
Date Made Active in Reports: 08/28/2024	Last EDR Contact: 07/10/2024
Number of Days to Update: 90	Next Scheduled EDR Contact: 10/28/2024
	Data Release Frequency: Varies

State and tribal institutional control / engineering control registries

ENG CONTROLS: Engineering Controls Sites Listing

A listing of sites with Engineering Controls in place. Engineering controls include various forms of caps, building foundations, liners, and treatment methods to create pathway elimination for regulated substances to enter environmental media or effect human health.

Date of Government Version: 06/26/2024	Source: Department of Environmental Quality
Date Data Arrived at EDR: 06/27/2024	Telephone: 804-698-4228
Date Made Active in Reports: 07/17/2024	Last EDR Contact: 06/27/2024
Number of Days to Update: 20	Next Scheduled EDR Contact: 10/14/2024
	Data Release Frequency: Quarterly

INST CONTROL: Voluntary Remediation Program Database

Sites included in the Voluntary Remediation Program database that have deed restrictions.

Date of Government Version: 06/26/2024	Source: Department of Environmental Quality
Date Data Arrived at EDR: 06/27/2024	Telephone: 804-698-4228
Date Made Active in Reports: 07/17/2024	Last EDR Contact: 06/27/2024
Number of Days to Update: 20	Next Scheduled EDR Contact: 10/14/2024
	Data Release Frequency: Quarterly

Lists of state and tribal voluntary cleanup sites

VRP: Voluntary Remediation Program

The Voluntary Cleanup Program encourages owners of elected contaminated sites to take the initiative and conduct voluntary cleanups that meet state environmental standards.

Date of Government Version: 06/26/2024	Source: Department of Environmental Quality
Date Data Arrived at EDR: 06/27/2024	Telephone: 804-698-4228
Date Made Active in Reports: 07/17/2024	Last EDR Contact: 06/27/2024
Number of Days to Update: 20	Next Scheduled EDR Contact: 10/14/2024
	Data Release Frequency: Quarterly

INDIAN VCP R7: Voluntary Cleanup Priority Listing

A listing of voluntary cleanup priority sites located on Indian Land located in Region 7.

Date of Government Version: 03/20/2008	Source: EPA, Region 7
Date Data Arrived at EDR: 04/22/2008	Telephone: 913-551-7365
Date Made Active in Reports: 05/19/2008	Last EDR Contact: 07/08/2021
Number of Days to Update: 27	Next Scheduled EDR Contact: 07/20/2009
	Data Release Frequency: Varies

INDIAN VCP R1: Voluntary Cleanup Priority Listing

A listing of voluntary cleanup priority sites located on Indian Land located in Region 1.

Date of Government Version: 07/27/2015	Source: EPA, Region 1
Date Data Arrived at EDR: 09/29/2015	Telephone: 617-918-1102
Date Made Active in Reports: 02/18/2016	Last EDR Contact: 09/10/2024
Number of Days to Update: 142	Next Scheduled EDR Contact: 12/30/2024
	Data Release Frequency: Varies

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Lists of state and tribal brownfield sites

BROWNFIELDS: Brownfields Site Specific Assessments

To qualify for Brownfields Assessment, the site must meet the Federal definition of a Brownfields and should have contaminant issues that need to be addressed and a redevelopment plan supported by the local government and community. Virginia's Department of Environmental Quality performs brownfields assessments under a cooperative agreement with the U.S. Environmental Protection Agency at no cost to communities, property owners or, prospective purchasers. The assessment is an evaluation of environmental impacts caused by previous site uses similar to a Phase II Environmental Assessment.

Date of Government Version: 04/16/2024
Date Data Arrived at EDR: 04/17/2024
Date Made Active in Reports: 07/16/2024
Number of Days to Update: 90

Source: Department of Environmental Quality
Telephone: 804-698-4207
Last EDR Contact: 07/17/2024
Next Scheduled EDR Contact: 10/28/2024
Data Release Frequency: Quarterly

ADDITIONAL ENVIRONMENTAL RECORDS

Local Brownfield lists

US BROWNFIELDS: A Listing of Brownfields Sites

Brownfields are real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Cleaning up and reinvesting in these properties takes development pressures off of undeveloped, open land, and both improves and protects the environment. Assessment, Cleanup and Redevelopment Exchange System (ACRES) stores information reported by EPA Brownfields grant recipients on brownfields properties assessed or cleaned up with grant funding as well as information on Targeted Brownfields Assessments performed by EPA Regions. A listing of ACRES Brownfield sites is obtained from Cleanups in My Community. Cleanups in My Community provides information on Brownfields properties for which information is reported back to EPA, as well as areas served by Brownfields grant programs.

Date of Government Version: 06/10/2024
Date Data Arrived at EDR: 06/11/2024
Date Made Active in Reports: 09/04/2024
Number of Days to Update: 85

Source: Environmental Protection Agency
Telephone: 202-566-2777
Last EDR Contact: 09/11/2024
Next Scheduled EDR Contact: 12/23/2024
Data Release Frequency: Semi-Annually

Local Lists of Landfill / Solid Waste Disposal Sites

INDIAN ODI: Report on the Status of Open Dumps on Indian Lands

Location of open dumps on Indian land.

Date of Government Version: 12/31/1998
Date Data Arrived at EDR: 12/03/2007
Date Made Active in Reports: 01/24/2008
Number of Days to Update: 52

Source: Environmental Protection Agency
Telephone: 703-308-8245
Last EDR Contact: 07/22/2024
Next Scheduled EDR Contact: 11/04/2024
Data Release Frequency: Varies

DEBRIS REGION 9: Torres Martinez Reservation Illegal Dump Site Locations

A listing of illegal dump sites location on the Torres Martinez Indian Reservation located in eastern Riverside County and northern Imperial County, California.

Date of Government Version: 01/12/2009
Date Data Arrived at EDR: 05/07/2009
Date Made Active in Reports: 09/21/2009
Number of Days to Update: 137

Source: EPA, Region 9
Telephone: 415-947-4219
Last EDR Contact: 07/10/2024
Next Scheduled EDR Contact: 10/28/2024
Data Release Frequency: No Update Planned

ODI: Open Dump Inventory

An open dump is defined as a disposal facility that does not comply with one or more of the Part 257 or Part 258 Subtitle D Criteria.

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 06/30/1985
Date Data Arrived at EDR: 08/09/2004
Date Made Active in Reports: 09/17/2004
Number of Days to Update: 39

Source: Environmental Protection Agency
Telephone: 800-424-9346
Last EDR Contact: 06/09/2004
Next Scheduled EDR Contact: N/A
Data Release Frequency: No Update Planned

IHS OPEN DUMPS: Open Dumps on Indian Land

A listing of all open dumps located on Indian Land in the United States.

Date of Government Version: 04/01/2014
Date Data Arrived at EDR: 08/06/2014
Date Made Active in Reports: 01/29/2015
Number of Days to Update: 176

Source: Department of Health & Human Services, Indian Health Service
Telephone: 301-443-1452
Last EDR Contact: 07/18/2024
Next Scheduled EDR Contact: 11/04/2024
Data Release Frequency: Varies

Local Lists of Hazardous waste / Contaminated Sites

US HIST CDL: National Clandestine Laboratory Register

A listing of clandestine drug lab locations that have been removed from the DEAs National Clandestine Laboratory Register.

Date of Government Version: 05/20/2024
Date Data Arrived at EDR: 05/21/2024
Date Made Active in Reports: 08/08/2024
Number of Days to Update: 79

Source: Drug Enforcement Administration
Telephone: 202-307-1000
Last EDR Contact: 08/19/2024
Next Scheduled EDR Contact: 12/02/2024
Data Release Frequency: No Update Planned

US CDL: Clandestine Drug Labs

A listing of clandestine drug lab locations. The U.S. Department of Justice ("the Department") provides this web site as a public service. It contains addresses of some locations where law enforcement agencies reported they found chemicals or other items that indicated the presence of either clandestine drug laboratories or dumpsites. In most cases, the source of the entries is not the Department, and the Department has not verified the entry and does not guarantee its accuracy. Members of the public must verify the accuracy of all entries by, for example, contacting local law enforcement and local health departments.

Date of Government Version: 05/20/2024
Date Data Arrived at EDR: 05/21/2024
Date Made Active in Reports: 08/08/2024
Number of Days to Update: 79

Source: Drug Enforcement Administration
Telephone: 202-307-1000
Last EDR Contact: 08/19/2024
Next Scheduled EDR Contact: 12/02/2024
Data Release Frequency: Quarterly

Local Land Records

LIENS 2: CERCLA Lien Information

A Federal CERCLA ('Superfund') lien can exist by operation of law at any site or property at which EPA has spent Superfund monies. These monies are spent to investigate and address releases and threatened releases of contamination. CERCLIS provides information as to the identity of these sites and properties.

Date of Government Version: 05/22/2024
Date Data Arrived at EDR: 06/03/2024
Date Made Active in Reports: 06/26/2024
Number of Days to Update: 23

Source: Environmental Protection Agency
Telephone: 202-564-6023
Last EDR Contact: 09/03/2024
Next Scheduled EDR Contact: 10/07/2024
Data Release Frequency: Semi-Annually

Records of Emergency Release Reports

HMIRS: Hazardous Materials Information Reporting System

Hazardous Materials Incident Report System. HMIRS contains hazardous material spill incidents reported to DOT.

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 06/14/2024
Date Data Arrived at EDR: 06/17/2024
Date Made Active in Reports: 06/24/2024
Number of Days to Update: 7

Source: U.S. Department of Transportation
Telephone: 202-366-4555
Last EDR Contact: 06/17/2024
Next Scheduled EDR Contact: 09/30/2024
Data Release Frequency: Quarterly

SPILLS VA: PREP Database

The Department of Environmental Quality's POLLUTION RESPONSE PROGRAM, known as PREP, provides for responses to air, water, and waste pollution incidents in order to protect human health and the environment.

Date of Government Version: 08/08/2012
Date Data Arrived at EDR: 08/09/2012
Date Made Active in Reports: 10/05/2012
Number of Days to Update: 57

Source: Department of Environmental Quality, Valley Regional Office
Telephone: 540-574-7800
Last EDR Contact: 05/06/2013
Next Scheduled EDR Contact: 08/19/2013
Data Release Frequency: Quarterly

SPILLS: Prep/Spills Database Listing

The Department of Environmental Quality's POLLUTION RESPONSE PROGRAM, known as PREP, provides for responses to air, water, and waste pollution incidents in order to protect human health and the environment. PREP staff often work to assist local emergency responders, other state agencies, federal agencies, and responsible parties, as may be needed, to manage pollution incidents. Oil spills, fish kills, and hazardous materials spills are examples of incidents that may involve the DEQ's PREP Program.

Date of Government Version: 08/16/2024
Date Data Arrived at EDR: 08/16/2024
Date Made Active in Reports: 08/19/2024
Number of Days to Update: 3

Source: Department of Environmental Quality
Telephone: 804-698-4287
Last EDR Contact: 08/16/2024
Next Scheduled EDR Contact: 12/02/2024
Data Release Frequency: Quarterly

SPILLS WC: Prep Database

The Department of Environmental Quality's POLLUTION RESPONSE PROGRAM, known as PREP, provides for responses to air, water, and waste pollution incidents in order to protect human health and the environment.

Date of Government Version: 09/21/2009
Date Data Arrived at EDR: 09/29/2009
Date Made Active in Reports: 10/30/2009
Number of Days to Update: 31

Source: Department of Environmental Quality, West Central Region
Telephone: 540-562-6700
Last EDR Contact: 09/06/2011
Next Scheduled EDR Contact: 12/19/2011
Data Release Frequency: No Update Planned

SPILLS PC: Pollution Complaint Database

Pollution Complaints Database. The pollution reports contained in the PC database include the initial release reporting of Leaking Underground Storage Tanks and all other releases of petroleum to the environment as well as releases to state waters. The database is current through 12/1/93. Since that time, all spill and pollution reporting information has been collected and tracked through the DEQ regional offices.

Date of Government Version: 06/01/1996
Date Data Arrived at EDR: 10/22/1996
Date Made Active in Reports: 11/21/1996
Number of Days to Update: 30

Source: Department of Environmental Quality
Telephone: 804-698-4287
Last EDR Contact: 03/08/2010
Next Scheduled EDR Contact: 06/21/2010
Data Release Frequency: No Update Planned

SPILLS NO: PREP Database

The Department of Environmental Quality's POLLUTION RESPONSE PROGRAM, known as PREP, provides for responses to air, water, and waste pollution incidents in order to protect human health and the environment.

Date of Government Version: 09/23/2009
Date Data Arrived at EDR: 09/29/2009
Date Made Active in Reports: 10/30/2009
Number of Days to Update: 31

Source: Department of Environmental Quality, Northern Region
Telephone: 703-583-3864
Last EDR Contact: 09/06/2011
Next Scheduled EDR Contact: 12/19/2011
Data Release Frequency: No Update Planned

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

SPILLS BRL: Prep/Spills Database Listing

A listing of spills locations located in the Blue Ridge Regional area, Lynchburg.

Date of Government Version: 09/18/2009	Source: DEQ, Blue Ridge Regional Office
Date Data Arrived at EDR: 09/18/2009	Telephone: 434-582-6218
Date Made Active in Reports: 10/06/2009	Last EDR Contact: 11/28/2011
Number of Days to Update: 18	Next Scheduled EDR Contact: 03/12/2012
	Data Release Frequency: Varies

SPILLS TD: PREP Database

The Department of Environmental Quality's POLLUTION RESPONSE PROGRAM, known as PREP, provides for responses to air, water, and waste pollution incidents in order to protect human health and the environment.

Date of Government Version: 09/17/2009	Source: Department of Environmental Quality, Tidewater Region
Date Data Arrived at EDR: 09/23/2009	Telephone: trofoia@deq.vir
Date Made Active in Reports: 10/06/2009	Last EDR Contact: 09/06/2011
Number of Days to Update: 13	Next Scheduled EDR Contact: 12/19/2011
	Data Release Frequency: Quarterly

SPILLS SW: Reportable Spills

The Department of Environmental Quality's POLLUTION RESPONSE PROGRAM, known as PREP, provides for responses to air, water, and waste pollution incidents in order to protect human health and the environment.

Date of Government Version: 01/21/2010	Source: Department of Environmental Quality, Southwest Region
Date Data Arrived at EDR: 01/22/2010	Telephone: 276-676-4839
Date Made Active in Reports: 02/16/2010	Last EDR Contact: 07/13/2012
Number of Days to Update: 25	Next Scheduled EDR Contact: 10/29/2012
	Data Release Frequency: No Update Planned

SPILLS PD: PREP Database

The Department of Environmental Quality's POLLUTION RESPONSE PROGRAM, known as PREP, provides for responses to air, water, and waste pollution incidents in order to protect human health and the environment.

Date of Government Version: 10/20/2009	Source: Department of Environmental Quality, Piedmont Region
Date Data Arrived at EDR: 10/29/2009	Telephone: 804-527-5020
Date Made Active in Reports: 12/03/2009	Last EDR Contact: 02/06/2012
Number of Days to Update: 35	Next Scheduled EDR Contact: 05/21/2012
	Data Release Frequency: Quarterly

SPILLS 90: SPILLS90 data from FirstSearch

Spills 90 includes those spill and release records available exclusively from FirstSearch databases. Typically, they may include chemical, oil and/or hazardous substance spills recorded after 1990. Duplicate records that are already included in EDR incident and release records are not included in Spills 90.

Date of Government Version: 09/01/2012	Source: FirstSearch
Date Data Arrived at EDR: 01/03/2013	Telephone: N/A
Date Made Active in Reports: 02/15/2013	Last EDR Contact: 01/03/2013
Number of Days to Update: 43	Next Scheduled EDR Contact: N/A
	Data Release Frequency: No Update Planned

Other Ascertainable Records

RCRA NonGen / NLR: RCRA - Non Generators / No Longer Regulated

RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Non-Generators do not presently generate hazardous waste.

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 06/03/2024
Date Data Arrived at EDR: 06/07/2024
Date Made Active in Reports: 06/20/2024
Number of Days to Update: 13

Source: Environmental Protection Agency
Telephone: 800-438-2474
Last EDR Contact: 06/07/2024
Next Scheduled EDR Contact: 09/30/2024
Data Release Frequency: Quarterly

FUDS: Formerly Used Defense Sites

The listing includes locations of Formerly Used Defense Sites properties where the US Army Corps of Engineers is actively working or will take necessary cleanup actions.

Date of Government Version: 05/13/2024
Date Data Arrived at EDR: 05/14/2024
Date Made Active in Reports: 08/08/2024
Number of Days to Update: 86

Source: U.S. Army Corps of Engineers
Telephone: 202-528-4285
Last EDR Contact: 08/12/2024
Next Scheduled EDR Contact: 11/26/2024
Data Release Frequency: Varies

DOD: Department of Defense Sites

This data set consists of federally owned or administered lands, administered by the Department of Defense, that have any area equal to or greater than 640 acres of the United States, Puerto Rico, and the U.S. Virgin Islands.

Date of Government Version: 06/07/2021
Date Data Arrived at EDR: 07/13/2021
Date Made Active in Reports: 03/09/2022
Number of Days to Update: 239

Source: USGS
Telephone: 888-275-8747
Last EDR Contact: 07/11/2024
Next Scheduled EDR Contact: 10/21/2024
Data Release Frequency: Varies

FEDLAND: Federal and Indian Lands

Federally and Indian administrated lands of the United States. Lands included are administrated by: Army Corps of Engineers, Bureau of Reclamation, National Wild and Scenic River, National Wildlife Refuge, Public Domain Land, Wilderness, Wilderness Study Area, Wildlife Management Area, Bureau of Indian Affairs, Bureau of Land Management, Department of Justice, Forest Service, Fish and Wildlife Service, National Park Service.

Date of Government Version: 04/02/2018
Date Data Arrived at EDR: 04/11/2018
Date Made Active in Reports: 11/06/2019
Number of Days to Update: 574

Source: U.S. Geological Survey
Telephone: 888-275-8747
Last EDR Contact: 07/02/2024
Next Scheduled EDR Contact: 10/14/2024
Data Release Frequency: N/A

SCRD DRYCLEANERS: State Coalition for Remediation of Drycleaners Listing

The State Coalition for Remediation of Drycleaners was established in 1998, with support from the U.S. EPA Office of Superfund Remediation and Technology Innovation. It is comprised of representatives of states with established drycleaner remediation programs. Currently the member states are Alabama, Connecticut, Florida, Illinois, Kansas, Minnesota, Missouri, North Carolina, Oregon, South Carolina, Tennessee, Texas, and Wisconsin.

Date of Government Version: 07/30/2021
Date Data Arrived at EDR: 02/03/2023
Date Made Active in Reports: 02/10/2023
Number of Days to Update: 7

Source: Environmental Protection Agency
Telephone: 615-532-8599
Last EDR Contact: 08/05/2024
Next Scheduled EDR Contact: 11/18/2024
Data Release Frequency: Varies

US FIN ASSUR: Financial Assurance Information

All owners and operators of facilities that treat, store, or dispose of hazardous waste are required to provide proof that they will have sufficient funds to pay for the clean up, closure, and post-closure care of their facilities.

Date of Government Version: 06/10/2024
Date Data Arrived at EDR: 06/17/2024
Date Made Active in Reports: 09/04/2024
Number of Days to Update: 79

Source: Environmental Protection Agency
Telephone: 202-566-1917
Last EDR Contact: 06/17/2024
Next Scheduled EDR Contact: 09/30/2024
Data Release Frequency: Quarterly

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

EPA WATCH LIST: EPA Watch List

EPA maintains a "Watch List" to facilitate dialogue between EPA, state and local environmental agencies on enforcement matters relating to facilities with alleged violations identified as either significant or high priority. Being on the Watch List does not mean that the facility has actually violated the law only that an investigation by EPA or a state or local environmental agency has led those organizations to allege that an unproven violation has in fact occurred. Being on the Watch List does not represent a higher level of concern regarding the alleged violations that were detected, but instead indicates cases requiring additional dialogue between EPA, state and local agencies - primarily because of the length of time the alleged violation has gone unaddressed or unresolved.

Date of Government Version: 08/30/2013
Date Data Arrived at EDR: 03/21/2014
Date Made Active in Reports: 06/17/2014
Number of Days to Update: 88

Source: Environmental Protection Agency
Telephone: 617-520-3000
Last EDR Contact: 07/25/2024
Next Scheduled EDR Contact: 11/11/2024
Data Release Frequency: No Update Planned

2020 COR ACTION: 2020 Corrective Action Program List

The EPA has set ambitious goals for the RCRA Corrective Action program by creating the 2020 Corrective Action Universe. This RCRA cleanup baseline includes facilities expected to need corrective action. The 2020 universe contains a wide variety of sites. Some properties are heavily contaminated while others were contaminated but have since been cleaned up. Still others have not been fully investigated yet, and may require little or no remediation. Inclusion in the 2020 Universe does not necessarily imply failure on the part of a facility to meet its RCRA obligations.

Date of Government Version: 09/30/2017
Date Data Arrived at EDR: 05/08/2018
Date Made Active in Reports: 07/20/2018
Number of Days to Update: 73

Source: Environmental Protection Agency
Telephone: 703-308-4044
Last EDR Contact: 08/01/2024
Next Scheduled EDR Contact: 11/11/2024
Data Release Frequency: Varies

TSCA: Toxic Substances Control Act

Toxic Substances Control Act. TSCA identifies manufacturers and importers of chemical substances included on the TSCA Chemical Substance Inventory list. It includes data on the production volume of these substances by plant site.

Date of Government Version: 12/31/2020
Date Data Arrived at EDR: 06/14/2022
Date Made Active in Reports: 03/24/2023
Number of Days to Update: 283

Source: EPA
Telephone: 202-260-5521
Last EDR Contact: 09/12/2024
Next Scheduled EDR Contact: 12/23/2024
Data Release Frequency: Every 4 Years

TRIS: Toxic Chemical Release Inventory System

Toxic Release Inventory System. TRIS identifies facilities which release toxic chemicals to the air, water and land in reportable quantities under SARA Title III Section 313.

Date of Government Version: 12/31/2022
Date Data Arrived at EDR: 11/13/2023
Date Made Active in Reports: 02/07/2024
Number of Days to Update: 86

Source: EPA
Telephone: 202-566-0250
Last EDR Contact: 08/15/2024
Next Scheduled EDR Contact: 11/26/2024
Data Release Frequency: Annually

SSTS: Section 7 Tracking Systems

Section 7 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended (92 Stat. 829) requires all registered pesticide-producing establishments to submit a report to the Environmental Protection Agency by March 1st each year. Each establishment must report the types and amounts of pesticides, active ingredients and devices being produced, and those having been produced and sold or distributed in the past year.

Date of Government Version: 07/11/2024
Date Data Arrived at EDR: 07/11/2024
Date Made Active in Reports: 07/12/2024
Number of Days to Update: 1

Source: EPA
Telephone: 202-564-4203
Last EDR Contact: 07/11/2024
Next Scheduled EDR Contact: 10/28/2024
Data Release Frequency: Annually

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

ROD: Records Of Decision

Record of Decision. ROD documents mandate a permanent remedy at an NPL (Superfund) site containing technical and health information to aid in the cleanup.

Date of Government Version: 05/22/2024	Source: EPA
Date Data Arrived at EDR: 06/03/2024	Telephone: 703-416-0223
Date Made Active in Reports: 06/26/2024	Last EDR Contact: 09/03/2024
Number of Days to Update: 23	Next Scheduled EDR Contact: 12/09/2024
	Data Release Frequency: Annually

RMP: Risk Management Plans

When Congress passed the Clean Air Act Amendments of 1990, it required EPA to publish regulations and guidance for chemical accident prevention at facilities using extremely hazardous substances. The Risk Management Program Rule (RMP Rule) was written to implement Section 112(r) of these amendments. The rule, which built upon existing industry codes and standards, requires companies of all sizes that use certain flammable and toxic substances to develop a Risk Management Program, which includes a(n): Hazard assessment that details the potential effects of an accidental release, an accident history of the last five years, and an evaluation of worst-case and alternative accidental releases; Prevention program that includes safety precautions and maintenance, monitoring, and employee training measures; and Emergency response program that spells out emergency health care, employee training measures and procedures for informing the public and response agencies (e.g the fire department) should an accident occur.

Date of Government Version: 04/01/2024	Source: Environmental Protection Agency
Date Data Arrived at EDR: 04/17/2024	Telephone: 202-564-8600
Date Made Active in Reports: 07/12/2024	Last EDR Contact: 07/11/2024
Number of Days to Update: 86	Next Scheduled EDR Contact: 10/28/2024
	Data Release Frequency: Varies

RAATS: RCRA Administrative Action Tracking System

RCRA Administration Action Tracking System. RAATS contains records based on enforcement actions issued under RCRA pertaining to major violators and includes administrative and civil actions brought by the EPA. For administration actions after September 30, 1995, data entry in the RAATS database was discontinued. EPA will retain a copy of the database for historical records. It was necessary to terminate RAATS because a decrease in agency resources made it impossible to continue to update the information contained in the database.

Date of Government Version: 04/17/1995	Source: EPA
Date Data Arrived at EDR: 07/03/1995	Telephone: 202-564-4104
Date Made Active in Reports: 08/07/1995	Last EDR Contact: 06/02/2008
Number of Days to Update: 35	Next Scheduled EDR Contact: 09/01/2008
	Data Release Frequency: No Update Planned

PRP: Potentially Responsible Parties

A listing of verified Potentially Responsible Parties

Date of Government Version: 09/19/2023	Source: EPA
Date Data Arrived at EDR: 10/03/2023	Telephone: 202-564-6023
Date Made Active in Reports: 10/19/2023	Last EDR Contact: 09/03/2024
Number of Days to Update: 16	Next Scheduled EDR Contact: 11/11/2024
	Data Release Frequency: Quarterly

PADS: PCB Activity Database System

PCB Activity Database. PADS Identifies generators, transporters, commercial storers and/or brokers and disposers of PCB's who are required to notify the EPA of such activities.

Date of Government Version: 03/20/2023	Source: EPA
Date Data Arrived at EDR: 04/04/2023	Telephone: 202-566-0500
Date Made Active in Reports: 06/09/2023	Last EDR Contact: 07/02/2024
Number of Days to Update: 66	Next Scheduled EDR Contact: 10/14/2024
	Data Release Frequency: Annually

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

ICIS: Integrated Compliance Information System

The Integrated Compliance Information System (ICIS) supports the information needs of the national enforcement and compliance program as well as the unique needs of the National Pollutant Discharge Elimination System (NPDES) program.

Date of Government Version: 11/18/2016	Source: Environmental Protection Agency
Date Data Arrived at EDR: 11/23/2016	Telephone: 202-564-2501
Date Made Active in Reports: 02/10/2017	Last EDR Contact: 06/26/2024
Number of Days to Update: 79	Next Scheduled EDR Contact: 10/14/2024
	Data Release Frequency: Quarterly

FTTS: FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA (Toxic Substances Control Act)

FTTS tracks administrative cases and pesticide enforcement actions and compliance activities related to FIFRA, TSCA and EPCRA (Emergency Planning and Community Right-to-Know Act). To maintain currency, EDR contacts the Agency on a quarterly basis.

Date of Government Version: 04/09/2009	Source: EPA/Office of Prevention, Pesticides and Toxic Substances
Date Data Arrived at EDR: 04/16/2009	Telephone: 202-566-1667
Date Made Active in Reports: 05/11/2009	Last EDR Contact: 08/18/2017
Number of Days to Update: 25	Next Scheduled EDR Contact: 12/04/2017
	Data Release Frequency: No Update Planned

FTTS INSP: FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA (Toxic Substances Control Act)

A listing of FIFRA/TSCA Tracking System (FTTS) inspections and enforcements.

Date of Government Version: 04/09/2009	Source: EPA
Date Data Arrived at EDR: 04/16/2009	Telephone: 202-566-1667
Date Made Active in Reports: 05/11/2009	Last EDR Contact: 08/18/2017
Number of Days to Update: 25	Next Scheduled EDR Contact: 12/04/2017
	Data Release Frequency: No Update Planned

MLTS: Material Licensing Tracking System

MLTS is maintained by the Nuclear Regulatory Commission and contains a list of approximately 8,100 sites which possess or use radioactive materials and which are subject to NRC licensing requirements. To maintain currency, EDR contacts the Agency on a quarterly basis.

Date of Government Version: 06/06/2024	Source: Nuclear Regulatory Commission
Date Data Arrived at EDR: 06/07/2024	Telephone: 301-415-0717
Date Made Active in Reports: 09/04/2024	Last EDR Contact: 07/11/2024
Number of Days to Update: 89	Next Scheduled EDR Contact: 10/28/2024
	Data Release Frequency: Quarterly

COAL ASH DOE: Steam-Electric Plant Operation Data

A listing of power plants that store ash in surface ponds.

Date of Government Version: 12/31/2022	Source: Department of Energy
Date Data Arrived at EDR: 11/27/2023	Telephone: 202-586-8719
Date Made Active in Reports: 02/22/2024	Last EDR Contact: 08/27/2024
Number of Days to Update: 87	Next Scheduled EDR Contact: 12/09/2024
	Data Release Frequency: Varies

COAL ASH EPA: Coal Combustion Residues Surface Impoundments List

A listing of coal combustion residues surface impoundments with high hazard potential ratings.

Date of Government Version: 01/12/2017	Source: Environmental Protection Agency
Date Data Arrived at EDR: 03/05/2019	Telephone: N/A
Date Made Active in Reports: 11/11/2019	Last EDR Contact: 08/22/2024
Number of Days to Update: 251	Next Scheduled EDR Contact: 12/09/2024
	Data Release Frequency: Varies

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

PCB TRANSFORMER: PCB Transformer Registration Database

The database of PCB transformer registrations that includes all PCB registration submittals.

Date of Government Version: 09/13/2019	Source: Environmental Protection Agency
Date Data Arrived at EDR: 11/06/2019	Telephone: 202-566-0517
Date Made Active in Reports: 02/10/2020	Last EDR Contact: 08/01/2024
Number of Days to Update: 96	Next Scheduled EDR Contact: 11/11/2024
	Data Release Frequency: Varies

RADINFO: Radiation Information Database

The Radiation Information Database (RADINFO) contains information about facilities that are regulated by U.S. Environmental Protection Agency (EPA) regulations for radiation and radioactivity.

Date of Government Version: 07/01/2019	Source: Environmental Protection Agency
Date Data Arrived at EDR: 07/01/2019	Telephone: 202-343-9775
Date Made Active in Reports: 09/23/2019	Last EDR Contact: 06/21/2024
Number of Days to Update: 84	Next Scheduled EDR Contact: 10/07/2024
	Data Release Frequency: Quarterly

HIST FTTS: FIFRA/TSCA Tracking System Administrative Case Listing

A complete administrative case listing from the FIFRA/TSCA Tracking System (FTTS) for all ten EPA regions. The information was obtained from the National Compliance Database (NCDB). NCDB supports the implementation of FIFRA (Federal Insecticide, Fungicide, and Rodenticide Act) and TSCA (Toxic Substances Control Act). Some EPA regions are now closing out records. Because of that, and the fact that some EPA regions are not providing EPA Headquarters with updated records, it was decided to create a HIST FTTS database. It included records that may not be included in the newer FTTS database updates. This database is no longer updated.

Date of Government Version: 10/19/2006	Source: Environmental Protection Agency
Date Data Arrived at EDR: 03/01/2007	Telephone: 202-564-2501
Date Made Active in Reports: 04/10/2007	Last EDR Contact: 12/17/2007
Number of Days to Update: 40	Next Scheduled EDR Contact: 03/17/2008
	Data Release Frequency: No Update Planned

HIST FTTS INSP: FIFRA/TSCA Tracking System Inspection & Enforcement Case Listing

A complete inspection and enforcement case listing from the FIFRA/TSCA Tracking System (FTTS) for all ten EPA regions. The information was obtained from the National Compliance Database (NCDB). NCDB supports the implementation of FIFRA (Federal Insecticide, Fungicide, and Rodenticide Act) and TSCA (Toxic Substances Control Act). Some EPA regions are now closing out records. Because of that, and the fact that some EPA regions are not providing EPA Headquarters with updated records, it was decided to create a HIST FTTS database. It included records that may not be included in the newer FTTS database updates. This database is no longer updated.

Date of Government Version: 10/19/2006	Source: Environmental Protection Agency
Date Data Arrived at EDR: 03/01/2007	Telephone: 202-564-2501
Date Made Active in Reports: 04/10/2007	Last EDR Contact: 12/17/2008
Number of Days to Update: 40	Next Scheduled EDR Contact: 03/17/2008
	Data Release Frequency: No Update Planned

DOT OPS: Incident and Accident Data

Department of Transportation, Office of Pipeline Safety Incident and Accident data.

Date of Government Version: 01/02/2020	Source: Department of Transportation, Office of Pipeline Safety
Date Data Arrived at EDR: 01/28/2020	Telephone: 202-366-4595
Date Made Active in Reports: 04/17/2020	Last EDR Contact: 07/23/2024
Number of Days to Update: 80	Next Scheduled EDR Contact: 11/04/2024
	Data Release Frequency: Quarterly

CONSENT: Superfund (CERCLA) Consent Decrees

Major legal settlements that establish responsibility and standards for cleanup at NPL (Superfund) sites. Released periodically by United States District Courts after settlement by parties to litigation matters.

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 03/31/2024
Date Data Arrived at EDR: 04/19/2024
Date Made Active in Reports: 06/26/2024
Number of Days to Update: 68

Source: Department of Justice, Consent Decree Library
Telephone: Varies
Last EDR Contact: 06/26/2024
Next Scheduled EDR Contact: 10/14/2024
Data Release Frequency: Varies

BRS: Biennial Reporting System

The Biennial Reporting System is a national system administered by the EPA that collects data on the generation and management of hazardous waste. BRS captures detailed data from two groups: Large Quantity Generators (LQG) and Treatment, Storage, and Disposal Facilities.

Date of Government Version: 12/31/2021
Date Data Arrived at EDR: 03/09/2023
Date Made Active in Reports: 03/20/2023
Number of Days to Update: 11

Source: EPA/NTIS
Telephone: 800-424-9346
Last EDR Contact: 06/07/2024
Next Scheduled EDR Contact: 09/30/2024
Data Release Frequency: Biennially

INDIAN RESERV: Indian Reservations

This map layer portrays Indian administered lands of the United States that have any area equal to or greater than 640 acres.

Date of Government Version: 12/31/2014
Date Data Arrived at EDR: 07/14/2015
Date Made Active in Reports: 01/10/2017
Number of Days to Update: 546

Source: USGS
Telephone: 202-208-3710
Last EDR Contact: 07/02/2024
Next Scheduled EDR Contact: 10/14/2024
Data Release Frequency: Semi-Annually

FUSRAP: Formerly Utilized Sites Remedial Action Program

DOE established the Formerly Utilized Sites Remedial Action Program (FUSRAP) in 1974 to remediate sites where radioactive contamination remained from Manhattan Project and early U.S. Atomic Energy Commission (AEC) operations.

Date of Government Version: 03/03/2023
Date Data Arrived at EDR: 03/03/2023
Date Made Active in Reports: 06/09/2023
Number of Days to Update: 98

Source: Department of Energy
Telephone: 202-586-3559
Last EDR Contact: 07/24/2024
Next Scheduled EDR Contact: 11/11/2024
Data Release Frequency: Varies

UMTRA: Uranium Mill Tailings Sites

Uranium ore was mined by private companies for federal government use in national defense programs. When the mills shut down, large piles of the sand-like material (mill tailings) remain after uranium has been extracted from the ore. Levels of human exposure to radioactive materials from the piles are low; however, in some cases tailings were used as construction materials before the potential health hazards of the tailings were recognized.

Date of Government Version: 05/08/2024
Date Data Arrived at EDR: 08/14/2024
Date Made Active in Reports: 08/28/2024
Number of Days to Update: 14

Source: Department of Energy
Telephone: 505-845-0011
Last EDR Contact: 08/08/2024
Next Scheduled EDR Contact: 11/26/2024
Data Release Frequency: Varies

LEAD SMELTER 1: Lead Smelter Sites

A listing of former lead smelter site locations.

Date of Government Version: 05/22/2024
Date Data Arrived at EDR: 06/03/2024
Date Made Active in Reports: 06/24/2024
Number of Days to Update: 21

Source: Environmental Protection Agency
Telephone: 703-603-8787
Last EDR Contact: 09/03/2024
Next Scheduled EDR Contact: 10/07/2024
Data Release Frequency: Varies

LEAD SMELTER 2: Lead Smelter Sites

A list of several hundred sites in the U.S. where secondary lead smelting was done from 1931 and 1964. These sites may pose a threat to public health through ingestion or inhalation of contaminated soil or dust

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 04/05/2001
Date Data Arrived at EDR: 10/27/2010
Date Made Active in Reports: 12/02/2010
Number of Days to Update: 36

Source: American Journal of Public Health
Telephone: 703-305-6451
Last EDR Contact: 12/02/2009
Next Scheduled EDR Contact: N/A
Data Release Frequency: No Update Planned

US AIRS (AFS): Aerometric Information Retrieval System Facility Subsystem (AFS)

The database is a sub-system of Aerometric Information Retrieval System (AIRS). AFS contains compliance data on air pollution point sources regulated by the U.S. EPA and/or state and local air regulatory agencies. This information comes from source reports by various stationary sources of air pollution, such as electric power plants, steel mills, factories, and universities, and provides information about the air pollutants they produce. Action, air program, air program pollutant, and general level plant data. It is used to track emissions and compliance data from industrial plants.

Date of Government Version: 10/12/2016
Date Data Arrived at EDR: 10/26/2016
Date Made Active in Reports: 02/03/2017
Number of Days to Update: 100

Source: EPA
Telephone: 202-564-2496
Last EDR Contact: 09/26/2017
Next Scheduled EDR Contact: 01/08/2018
Data Release Frequency: Annually

US AIRS MINOR: Air Facility System Data

A listing of minor source facilities.

Date of Government Version: 10/12/2016
Date Data Arrived at EDR: 10/26/2016
Date Made Active in Reports: 02/03/2017
Number of Days to Update: 100

Source: EPA
Telephone: 202-564-2496
Last EDR Contact: 09/26/2017
Next Scheduled EDR Contact: 01/08/2018
Data Release Frequency: Annually

MINES VIOLATIONS: MSHA Violation Assessment Data

Mines violation and assessment information. Department of Labor, Mine Safety & Health Administration.

Date of Government Version: 04/01/2024
Date Data Arrived at EDR: 04/04/2024
Date Made Active in Reports: 07/12/2024
Number of Days to Update: 99

Source: DOL, Mine Safety & Health Admini
Telephone: 202-693-9424
Last EDR Contact: 07/02/2024
Next Scheduled EDR Contact: 12/02/2024
Data Release Frequency: Quarterly

US MINES: Mines Master Index File

Contains all mine identification numbers issued for mines active or opened since 1971. The data also includes violation information.

Date of Government Version: 08/06/2024
Date Data Arrived at EDR: 08/14/2024
Date Made Active in Reports: 08/15/2024
Number of Days to Update: 1

Source: Department of Labor, Mine Safety and Health Administration
Telephone: 303-231-5959
Last EDR Contact: 08/14/2024
Next Scheduled EDR Contact: 12/02/2024
Data Release Frequency: Semi-Annually

US MINES 2: Ferrous and Nonferrous Metal Mines Database Listing

This map layer includes ferrous (ferrous metal mines are facilities that extract ferrous metals, such as iron ore or molybdenum) and nonferrous (Nonferrous metal mines are facilities that extract nonferrous metals, such as gold, silver, copper, zinc, and lead) metal mines in the United States.

Date of Government Version: 04/15/2024
Date Data Arrived at EDR: 05/22/2024
Date Made Active in Reports: 08/15/2024
Number of Days to Update: 85

Source: USGS
Telephone: 703-648-7709
Last EDR Contact: 08/20/2024
Next Scheduled EDR Contact: 12/02/2024
Data Release Frequency: Varies

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

US MINES 3: Active Mines & Mineral Plants Database Listing

Active Mines and Mineral Processing Plant operations for commodities monitored by the Minerals Information Team of the USGS.

Date of Government Version: 04/14/2011	Source: USGS
Date Data Arrived at EDR: 06/08/2011	Telephone: 703-648-7709
Date Made Active in Reports: 09/13/2011	Last EDR Contact: 08/22/2024
Number of Days to Update: 97	Next Scheduled EDR Contact: 12/02/2024
	Data Release Frequency: Varies

ABANDONED MINES: Abandoned Mines

An inventory of land and water impacted by past mining (primarily coal mining) is maintained by OSMRE to provide information needed to implement the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The inventory contains information on the location, type, and extent of AML impacts, as well as, information on the cost associated with the reclamation of those problems. The inventory is based upon field surveys by State, Tribal, and OSMRE program officials. It is dynamic to the extent that it is modified as new problems are identified and existing problems are reclaimed.

Date of Government Version: 06/13/2024	Source: Department of Interior
Date Data Arrived at EDR: 06/14/2024	Telephone: 202-208-2609
Date Made Active in Reports: 09/04/2024	Last EDR Contact: 09/10/2024
Number of Days to Update: 82	Next Scheduled EDR Contact: 12/16/2024
	Data Release Frequency: Quarterly

MINES MRDS: Mineral Resources Data System Mineral Resources Data System

Date of Government Version: 08/23/2022	Source: USGS
Date Data Arrived at EDR: 11/22/2022	Telephone: 703-648-6533
Date Made Active in Reports: 02/28/2023	Last EDR Contact: 08/22/2024
Number of Days to Update: 98	Next Scheduled EDR Contact: 12/02/2024
	Data Release Frequency: Varies

FINDS: Facility Index System/Facility Registry System

Facility Index System. FINDS contains both facility information and 'pointers' to other sources that contain more detail. EDR includes the following FINDS databases in this report: PCS (Permit Compliance System), AIRS (Aerometric Information Retrieval System), DOCKET (Enforcement Docket used to manage and track information on civil judicial enforcement cases for all environmental statutes), FURS (Federal Underground Injection Control), C-DOCKET (Criminal Docket System used to track criminal enforcement actions for all environmental statutes), FFIS (Federal Facilities Information System), STATE (State Environmental Laws and Statutes), and PADS (PCB Activity Data System).

Date of Government Version: 08/13/2024	Source: EPA
Date Data Arrived at EDR: 08/20/2024	Telephone: (215) 814-5000
Date Made Active in Reports: 08/28/2024	Last EDR Contact: 08/20/2024
Number of Days to Update: 8	Next Scheduled EDR Contact: 12/09/2024
	Data Release Frequency: Quarterly

ECHO: Enforcement & Compliance History Information

ECHO provides integrated compliance and enforcement information for about 800,000 regulated facilities nationwide.

Date of Government Version: 06/23/2024	Source: Environmental Protection Agency
Date Data Arrived at EDR: 06/28/2024	Telephone: 202-564-2280
Date Made Active in Reports: 07/12/2024	Last EDR Contact: 06/28/2024
Number of Days to Update: 14	Next Scheduled EDR Contact: 10/14/2024
	Data Release Frequency: Quarterly

UXO: Unexploded Ordnance Sites

A listing of unexploded ordnance site locations

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 09/06/2023
Date Data Arrived at EDR: 09/13/2023
Date Made Active in Reports: 12/11/2023
Number of Days to Update: 89

Source: Department of Defense
Telephone: 703-704-1564
Last EDR Contact: 07/08/2024
Next Scheduled EDR Contact: 10/21/2024
Data Release Frequency: Varies

DOCKET HWC: Hazardous Waste Compliance Docket Listing

A complete list of the Federal Agency Hazardous Waste Compliance Docket Facilities.

Date of Government Version: 05/06/2021
Date Data Arrived at EDR: 05/21/2021
Date Made Active in Reports: 08/11/2021
Number of Days to Update: 82

Source: Environmental Protection Agency
Telephone: 202-564-0527
Last EDR Contact: 08/13/2024
Next Scheduled EDR Contact: 12/02/2024
Data Release Frequency: Varies

FUELS PROGRAM: EPA Fuels Program Registered Listing

This listing includes facilities that are registered under the Part 80 (Code of Federal Regulations) EPA Fuels Programs. All companies now are required to submit new and updated registrations.

Date of Government Version: 05/13/2024
Date Data Arrived at EDR: 05/14/2024
Date Made Active in Reports: 08/08/2024
Number of Days to Update: 86

Source: EPA
Telephone: 800-385-6164
Last EDR Contact: 08/13/2024
Next Scheduled EDR Contact: 11/26/2024
Data Release Frequency: Quarterly

PFAS NPL: Superfund Sites with PFAS Detections Information

EPA's Office of Land and Emergency Management and EPA Regional Offices maintain data describing what is known about site investigations, contamination, and remedial actions under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) where PFAS is present in the environment.

Date of Government Version: 07/01/2024
Date Data Arrived at EDR: 07/01/2024
Date Made Active in Reports: 07/12/2024
Number of Days to Update: 11

Source: Environmental Protection Agency
Telephone: 703-603-8895
Last EDR Contact: 07/01/2024
Next Scheduled EDR Contact: 10/14/2024
Data Release Frequency: Varies

PFAS FEDERAL SITES: Federal Sites PFAS Information

Several federal entities, such as the federal Superfund program, Department of Defense, National Aeronautics and Space Administration, Department of Transportation, and Department of Energy provided information for sites with known or suspected detections at federal facilities.

Date of Government Version: 07/01/2024
Date Data Arrived at EDR: 07/01/2024
Date Made Active in Reports: 07/12/2024
Number of Days to Update: 11

Source: Environmental Protection Agency
Telephone: 202-272-0167
Last EDR Contact: 07/01/2024
Next Scheduled EDR Contact: 10/14/2024
Data Release Frequency: Varies

PFAS TRIS: List of PFAS Added to the TRI

Section 7321 of the National Defense Authorization Act for Fiscal Year 2020 (NDAA) immediately added certain per- and polyfluoroalkyl substances (PFAS) to the list of chemicals covered by the Toxics Release Inventory (TRI) under Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) and provided a framework for additional PFAS to be added to TRI on an annual basis.

Date of Government Version: 07/01/2024
Date Data Arrived at EDR: 07/01/2024
Date Made Active in Reports: 07/12/2024
Number of Days to Update: 11

Source: Environmental Protection Agency
Telephone: 202-566-0250
Last EDR Contact: 07/01/2024
Next Scheduled EDR Contact: 10/14/2024
Data Release Frequency: Varies

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

PFAS TSCA: PFAS Manufacture and Imports Information

EPA issued the Chemical Data Reporting (CDR) Rule under the Toxic Substances Control Act (TSCA) and requires chemical manufacturers and facilities that manufacture or import chemical substances to report data to EPA. EPA publishes non-confidential business information (non-CBI) and includes descriptive information about each site, corporate parent, production volume, other manufacturing information, and processing and use information.

Date of Government Version: 07/01/2024	Source: Environmental Protection Agency
Date Data Arrived at EDR: 07/01/2024	Telephone: 202-272-0167
Date Made Active in Reports: 07/12/2024	Last EDR Contact: 07/01/2024
Number of Days to Update: 11	Next Scheduled EDR Contact: 10/14/2024
	Data Release Frequency: Varies

PFAS RCRA MANIFEST: PFAS Transfers Identified In the RCRA Database Listing

To work around the lack of PFAS waste codes in the RCRA database, EPA developed the PFAS Transfers dataset by mining e-Manifest records containing at least one of these common PFAS keywords: PFAS, PFOA, PFOS, PERFL, AFFF, GENX, GEN-X (plus the VT waste codes). These keywords were searched for in the following text fields: Manifest handling instructions (MANIFEST_HANDLING_INSTR), Non-hazardous waste description (NON_HAZ_WASTE_DESCRIPTION), DOT printed information (DOT_PRINTED_INFORMATION), Waste line handling instructions (WASTE_LINE_HANDLING_INSTR), Waste residue comments (WASTE_RESIDUE_COMMENTS).

Date of Government Version: 07/01/2024	Source: Environmental Protection Agency
Date Data Arrived at EDR: 07/01/2024	Telephone: 202-272-0167
Date Made Active in Reports: 07/12/2024	Last EDR Contact: 07/01/2024
Number of Days to Update: 11	Next Scheduled EDR Contact: 10/14/2024
	Data Release Frequency: Varies

PFAS ATSDR: PFAS Contamination Site Location Listing

PFAS contamination site locations from the Department of Health & Human Services, Center for Disease Control & Prevention. ATSDR is involved at a number of PFAS-related sites, either directly or through assisting state and federal partners. As of now, most sites are related to drinking water contamination connected with PFAS production facilities or fire training areas where aqueous film-forming firefighting foam (AFFF) was regularly used.

Date of Government Version: 06/24/2020	Source: Department of Health & Human Services
Date Data Arrived at EDR: 03/17/2021	Telephone: 202-741-5770
Date Made Active in Reports: 11/08/2022	Last EDR Contact: 07/18/2024
Number of Days to Update: 601	Next Scheduled EDR Contact: 11/04/2024
	Data Release Frequency: Varies

PFAS WQP: Ambient Environmental Sampling for PFAS

The Water Quality Portal (WQP) is a part of a modernized repository storing ambient sampling data for all environmental media and tissue samples. A wide range of federal, state, tribal and local governments, academic and non-governmental organizations and individuals submit project details and sampling results to this public repository. The information is commonly used for research and assessments of environmental quality.

Date of Government Version: 07/01/2024	Source: Environmental Protection Agency
Date Data Arrived at EDR: 07/01/2024	Telephone: 202-272-0167
Date Made Active in Reports: 07/12/2024	Last EDR Contact: 07/01/2024
Number of Days to Update: 11	Next Scheduled EDR Contact: 10/14/2024
	Data Release Frequency: Varies

PFAS PROJECT: NORTHEASTERN UNIVERSITY PFAS PROJECT

The PFAS Contamination Site Tracker records qualitative and quantitative data from each site in a chart, specifically examining discovery, contamination levels, government response, litigation, health impacts, media coverage, and community characteristics. All data presented in the chart were extracted from government websites, such as state health departments or the Environmental Protection Agency, and news articles.

Date of Government Version: 05/19/2023	Source: Social Science Environmental Health Research Institute
Date Data Arrived at EDR: 04/05/2024	Telephone: N/A
Date Made Active in Reports: 06/06/2024	Last EDR Contact: 09/05/2024
Number of Days to Update: 62	Next Scheduled EDR Contact: 12/16/2024
	Data Release Frequency: Varies

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

PFAS NPDES: Clean Water Act Discharge Monitoring Information

Any discharger of pollutants to waters of the United States from a point source must have a National Pollutant Discharge Elimination System (NPDES) permit. The process for obtaining limits involves the regulated entity (permittee) disclosing releases in a NPDES permit application and the permitting authority (typically the state but sometimes EPA) deciding whether to require monitoring or monitoring with limits. Caveats and Limitations: Less than half of states have required PFAS monitoring for at least one of their permittees and fewer states have established PFAS effluent limits for permittees. New rulemakings have been initiated that may increase the number of facilities monitoring for PFAS in the future.

Date of Government Version: 07/01/2024	Source: Environmental Protection Agency
Date Data Arrived at EDR: 07/01/2024	Telephone: 202-272-0167
Date Made Active in Reports: 07/12/2024	Last EDR Contact: 07/01/2024
Number of Days to Update: 11	Next Scheduled EDR Contact: 10/14/2024
	Data Release Frequency: Varies

PFAS ECHO: Facilities in Industries that May Be Handling PFAS Listing

Regulators and the public have expressed interest in knowing which regulated entities may be using PFAS. EPA has developed a dataset from various sources that show which industries may be handling PFAS. Approximately 120,000 facilities subject to federal environmental programs have operated or currently operate in industry sectors with processes that may involve handling and/or release of PFAS.

Date of Government Version: 07/01/2024	Source: Environmental Protection Agency
Date Data Arrived at EDR: 07/01/2024	Telephone: 202-272-0167
Date Made Active in Reports: 07/12/2024	Last EDR Contact: 07/01/2024
Number of Days to Update: 11	Next Scheduled EDR Contact: 10/14/2024
	Data Release Frequency: Varies

PFAS ECHO FIRE TRAIN: Facilities in Industries that May Be Handling PFAS Listing

A list of fire training sites was added to the Industry Sectors dataset using a keyword search on the permitted facility's name to identify sites where fire-fighting foam may have been used in training exercises. Additionally, you may view an example spreadsheet of the subset of fire training facility data, as well as the keywords used in selecting or deselecting a facility for the subset. as well as the keywords used in selecting or deselecting a facility for the subset. These keywords were tested to maximize accuracy in selecting facilities that may use fire-fighting foam in training exercises, however, due to the lack of a required reporting field in the data systems for designating fire training sites, this methodology may not identify all fire training sites or may potentially misidentify them.

Date of Government Version: 07/01/2024	Source: Environmental Protection Agency
Date Data Arrived at EDR: 07/01/2024	Telephone: 202-272-0167
Date Made Active in Reports: 07/12/2024	Last EDR Contact: 07/01/2024
Number of Days to Update: 11	Next Scheduled EDR Contact: 10/14/2024
	Data Release Frequency: Varies

PFAS PT 139 AIRPORT: All Certified Part 139 Airports PFAS Information Listing

Since July 1, 2006, all certified part 139 airports are required to have fire-fighting foam onsite that meet military specifications (MIL-F-24385) (14 CFR 139.317). To date, these military specification fire-fighting foams are fluorinated and have been historically used for training and extinguishing. The 2018 FAA Reauthorization Act has a provision stating that no later than October 2021, FAA shall not require the use of fluorinated AFFF. This provision does not prohibit the use of fluorinated AFFF at Part 139 civilian airports; it only prohibits FAA from mandating its use. The Federal Aviation Administration's document AC 150/5210-6D - Aircraft Fire Extinguishing Agents provides guidance on Aircraft Fire Extinguishing Agents, which includes Aqueous Film Forming Foam (AFFF).

Date of Government Version: 07/01/2024	Source: Environmental Protection Agency
Date Data Arrived at EDR: 07/01/2024	Telephone: 202-272-0167
Date Made Active in Reports: 07/12/2024	Last EDR Contact: 07/01/2024
Number of Days to Update: 11	Next Scheduled EDR Contact: 10/14/2024
	Data Release Frequency: Varies

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

AQUEOUS FOAM NRC: Aqueous Foam Related Incidents Listing

The National Response Center (NRC) serves as an emergency call center that fields initial reports for pollution and railroad incidents and forwards that information to appropriate federal/state agencies for response. The spreadsheets posted to the NRC website contain initial incident data that has not been validated or investigated by a federal/state response agency. Response center calls from 1990 to the most recent complete calendar year where there was indication of Aqueous Film Forming Foam (AFFF) usage are included in this dataset. NRC calls may reference AFFF usage in the ?Material Involved? or ?Incident Description? fields.

Date of Government Version: 07/01/2024	Source: Environmental Protection Agency
Date Data Arrived at EDR: 07/01/2024	Telephone: 202-267-2675
Date Made Active in Reports: 07/12/2024	Last EDR Contact: 07/01/2024
Number of Days to Update: 11	Next Scheduled EDR Contact: 10/14/2024
	Data Release Frequency: Varies

PCS: Permit Compliance System

PCS is a computerized management information system that contains data on National Pollutant Discharge Elimination System (NPDES) permit holding facilities. PCS tracks the permit, compliance, and enforcement status of NPDES facilities.

Date of Government Version: 12/16/2016	Source: EPA, Office of Water
Date Data Arrived at EDR: 01/06/2017	Telephone: 202-564-2496
Date Made Active in Reports: 03/10/2017	Last EDR Contact: 06/27/2024
Number of Days to Update: 63	Next Scheduled EDR Contact: 10/14/2024
	Data Release Frequency: No Update Planned

PCS ENF: Enforcement data

No description is available for this data

Date of Government Version: 12/31/2014	Source: EPA
Date Data Arrived at EDR: 02/05/2015	Telephone: 202-564-2497
Date Made Active in Reports: 03/06/2015	Last EDR Contact: 06/27/2024
Number of Days to Update: 29	Next Scheduled EDR Contact: 10/14/2024
	Data Release Frequency: Varies

BIOSOLIDS: ICIS-NPDES Biosolids Facility Data

The data reflects compliance information about facilities in the biosolids program.

Date of Government Version: 04/14/2024	Source: Environmental Protection Agency
Date Data Arrived at EDR: 04/16/2024	Telephone: 202-564-4700
Date Made Active in Reports: 07/12/2024	Last EDR Contact: 07/16/2024
Number of Days to Update: 87	Next Scheduled EDR Contact: 10/28/2024
	Data Release Frequency: Varies

UST FINDER: UST Finder Database

EPA developed UST Finder, a web map application containing a comprehensive, state-sourced national map of underground storage tank (UST) and leaking UST (LUST) data. It provides the attributes and locations of active and closed USTs, UST facilities, and LUST sites from states and from Tribal lands and US territories. UST Finder contains information about proximity of UST facilities and LUST sites to: surface and groundwater public drinking water protection areas; estimated number of private domestic wells and number of people living nearby; and flooding and wildfires.

Date of Government Version: 06/08/2023	Source: Environmental Protection Agency
Date Data Arrived at EDR: 10/04/2023	Telephone: 202-564-0394
Date Made Active in Reports: 01/18/2024	Last EDR Contact: 08/08/2024
Number of Days to Update: 106	Next Scheduled EDR Contact: 11/18/2024
	Data Release Frequency: Varies

UST FINDER RELEASE: UST Finder Releases Database

US EPA's UST Finder data is a national composite of leaking underground storage tanks. This data contains information about, and locations of, leaking underground storage tanks. Data was collected from state sources and standardized into a national profile by EPA's Office of Underground Storage Tanks, Office of Research and Development, and the Association of State and Territorial Solid Waste Management Officials.

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 06/08/2023
Date Data Arrived at EDR: 10/31/2023
Date Made Active in Reports: 01/18/2024
Number of Days to Update: 79

Source: Environmental Protection Agency
Telephone: 202-564-0394
Last EDR Contact: 08/08/2024
Next Scheduled EDR Contact: 11/18/2024
Data Release Frequency: Semi-Annually

E MANIFEST: Hazardous Waste Electronic Manifest System

EPA established a national system for tracking hazardous waste shipments electronically. This system, known as e-Manifest, will modernize the nation's cradle-to-grave hazardous waste tracking process while saving valuable time, resources, and dollars for industry and states.

Date of Government Version: 07/24/2023
Date Data Arrived at EDR: 04/18/2024
Date Made Active in Reports: 06/06/2024
Number of Days to Update: 49

Source: Environmental Protection Agency
Telephone: 833-501-6826
Last EDR Contact: 06/07/2024
Next Scheduled EDR Contact: 09/30/2024
Data Release Frequency: Varies

PFAS: Per- and Polyfluoroalkyl Substances

PFOS and PFOA stand for perfluorooctane sulfonate and perfluorooctanoic acid, respectively. Both are fluorinated organic chemicals, part of a larger family of compounds referred to as perfluoroalkyl substances (PFASs).

Date of Government Version: 04/01/2024
Date Data Arrived at EDR: 04/17/2024
Date Made Active in Reports: 05/01/2024
Number of Days to Update: 14

Source: Department of Environmental Quality
Telephone: 804-698-4336
Last EDR Contact: 06/27/2024
Next Scheduled EDR Contact: 10/14/2024
Data Release Frequency: Varies

AIRS: Permitted Airs Facility List

A listing of permitted Airs facilities.

Date of Government Version: 06/11/2024
Date Data Arrived at EDR: 06/12/2024
Date Made Active in Reports: 09/05/2024
Number of Days to Update: 85

Source: Department of Environmental Quality
Telephone: 804-698-4000
Last EDR Contact: 09/06/2024
Next Scheduled EDR Contact: 12/23/2024
Data Release Frequency: Annually

CEDS: Comprehensive Environmental Data System

Virginia Water Protection Permits, Virginia Pollution Discharge System (point discharge) permits and Virginia Pollution Abatement (no point discharge) permits.

Date of Government Version: 06/24/2024
Date Data Arrived at EDR: 07/08/2024
Date Made Active in Reports: 07/16/2024
Number of Days to Update: 8

Source: Department of Environmental Quality
Telephone: 804-698-4077
Last EDR Contact: 08/21/2024
Next Scheduled EDR Contact: 12/09/2024
Data Release Frequency: Quarterly

COAL ASH: Coal Ash Disposal Sites

A listing of facilities with coal ash impoundments.

Date of Government Version: 03/25/2024
Date Data Arrived at EDR: 03/26/2024
Date Made Active in Reports: 06/20/2024
Number of Days to Update: 86

Source: Department of Environmental Protection
Telephone: 804-698-4285
Last EDR Contact: 08/21/2024
Next Scheduled EDR Contact: 12/09/2024
Data Release Frequency: Varies

DRYCLEANERS: Drycleaner List

A listing of registered drycleaners.

Date of Government Version: 04/02/2024
Date Data Arrived at EDR: 04/04/2024
Date Made Active in Reports: 04/08/2024
Number of Days to Update: 4

Source: Department of Environmental Quality
Telephone: 804-698-4407
Last EDR Contact: 06/27/2024
Next Scheduled EDR Contact: 10/14/2024
Data Release Frequency: Varies

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

ENFORCEMENT: Enforcement Actions Data

A listing of enforcement actions.

Date of Government Version: 09/26/2023
Date Data Arrived at EDR: 09/28/2023
Date Made Active in Reports: 10/24/2023
Number of Days to Update: 26

Source: Department of Environmental Quality
Telephone: 804-698-4031
Last EDR Contact: 06/21/2024
Next Scheduled EDR Contact: 10/07/2024
Data Release Frequency: Quarterly

FIN ASSURANCE 1: Financial Assurance Information Listing

A listing of financial assurance information for underground storage tank facilities. Financial assurance is intended to ensure that resources are available to pay for the cost of closure, post-closure care, and corrective measures if the owner or operator of a regulated facility is unable or unwilling to pay.

Date of Government Version: 04/23/2024
Date Data Arrived at EDR: 04/24/2024
Date Made Active in Reports: 07/16/2024
Number of Days to Update: 83

Source: Department of Environmental Quality
Telephone: 804-698-4205
Last EDR Contact: 07/19/2024
Next Scheduled EDR Contact: 11/04/2024
Data Release Frequency: Varies

FIN ASSURANCE 2: Financial Assurance Information listing

Solid waste financial assurance information.

Date of Government Version: 07/22/2024
Date Data Arrived at EDR: 07/22/2024
Date Made Active in Reports: 07/24/2024
Number of Days to Update: 2

Source: Department of Environmental Quality
Telephone: 804-698-4123
Last EDR Contact: 07/19/2024
Next Scheduled EDR Contact: 11/04/2024
Data Release Frequency: Varies

TIER 2: Tier 2 Information Listing

A listing of facilities which store or manufacture hazardous materials and submit a chemical inventory report.

Date of Government Version: 12/31/2022
Date Data Arrived at EDR: 06/14/2024
Date Made Active in Reports: 09/06/2024
Number of Days to Update: 84

Source: Department of Environmental Quality
Telephone: 804-698-4159
Last EDR Contact: 09/06/2024
Next Scheduled EDR Contact: 12/23/2024
Data Release Frequency: No Update Planned

UIC: Underground Injection Control Wells

A listing of underground injection controls wells.

Date of Government Version: 04/23/2024
Date Data Arrived at EDR: 04/24/2024
Date Made Active in Reports: 07/16/2024
Number of Days to Update: 83

Source: Department of Mines, Minerals and Energy
Telephone: 276-415-9700
Last EDR Contact: 07/23/2024
Next Scheduled EDR Contact: 11/04/2024
Data Release Frequency: Quarterly

EDR HIGH RISK HISTORICAL RECORDS

EDR Exclusive Records

EDR MGP: EDR Proprietary Manufactured Gas Plants

The EDR Proprietary Manufactured Gas Plant Database includes records of coal gas plants (manufactured gas plants) compiled by EDR's researchers. Manufactured gas sites were used in the United States from the 1800's to 1950's to produce a gas that could be distributed and used as fuel. These plants used whale oil, rosin, coal, or a mixture of coal, oil, and water that also produced a significant amount of waste. Many of the byproducts of the gas production, such as coal tar (oily waste containing volatile and non-volatile chemicals), sludges, oils and other compounds are potentially hazardous to human health and the environment. The byproduct from this process was frequently disposed of directly at the plant site and can remain or spread slowly, serving as a continuous source of soil and groundwater contamination.

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: N/A
Date Data Arrived at EDR: N/A
Date Made Active in Reports: N/A
Number of Days to Update: N/A

Source: EDR, Inc.
Telephone: N/A
Last EDR Contact: N/A
Next Scheduled EDR Contact: N/A
Data Release Frequency: No Update Planned

EDR Hist Auto: EDR Exclusive Historical Auto Stations

EDR has searched selected national collections of business directories and has collected listings of potential gas station/filling station/service station sites that were available to EDR researchers. EDR's review was limited to those categories of sources that might, in EDR's opinion, include gas station/filling station/service station establishments. The categories reviewed included, but were not limited to gas, gas station, gasoline station, filling station, auto, automobile repair, auto service station, service station, etc. This database falls within a category of information EDR classifies as "High Risk Historical Records", or HRHR. EDR's HRHR effort presents unique and sometimes proprietary data about past sites and operations that typically create environmental concerns, but may not show up in current government records searches.

Date of Government Version: N/A
Date Data Arrived at EDR: N/A
Date Made Active in Reports: N/A
Number of Days to Update: N/A

Source: EDR, Inc.
Telephone: N/A
Last EDR Contact: N/A
Next Scheduled EDR Contact: N/A
Data Release Frequency: Varies

EDR Hist Cleaner: EDR Exclusive Historical Cleaners

EDR has searched selected national collections of business directories and has collected listings of potential dry cleaner sites that were available to EDR researchers. EDR's review was limited to those categories of sources that might, in EDR's opinion, include dry cleaning establishments. The categories reviewed included, but were not limited to dry cleaners, cleaners, laundry, laundromat, cleaning/laundry, wash & dry etc. This database falls within a category of information EDR classifies as "High Risk Historical Records", or HRHR. EDR's HRHR effort presents unique and sometimes proprietary data about past sites and operations that typically create environmental concerns, but may not show up in current government records searches.

Date of Government Version: N/A
Date Data Arrived at EDR: N/A
Date Made Active in Reports: N/A
Number of Days to Update: N/A

Source: EDR, Inc.
Telephone: N/A
Last EDR Contact: N/A
Next Scheduled EDR Contact: N/A
Data Release Frequency: Varies

EDR RECOVERED GOVERNMENT ARCHIVES

Exclusive Recovered Govt. Archives

RGA LF: Recovered Government Archive Solid Waste Facilities List

The EDR Recovered Government Archive Landfill database provides a list of landfills derived from historical databases and includes many records that no longer appear in current government lists. Compiled from Records formerly available from the Department of Environmental Quality in Virginia.

Date of Government Version: N/A
Date Data Arrived at EDR: 07/01/2013
Date Made Active in Reports: 01/20/2014
Number of Days to Update: 203

Source: Department of Environmental Quality
Telephone: N/A
Last EDR Contact: 06/01/2012
Next Scheduled EDR Contact: N/A
Data Release Frequency: Varies

RGA LUST: Recovered Government Archive Leaking Underground Storage Tank

The EDR Recovered Government Archive Leaking Underground Storage Tank database provides a list of LUST incidents derived from historical databases and includes many records that no longer appear in current government lists. Compiled from Records formerly available from the Department of Environmental Quality in Virginia and at the Regional VA Levels.

Date of Government Version: N/A
Date Data Arrived at EDR: 07/01/2013
Date Made Active in Reports: 01/15/2014
Number of Days to Update: 198

Source: Department of Environmental Quality
Telephone: N/A
Last EDR Contact: 06/01/2012
Next Scheduled EDR Contact: N/A
Data Release Frequency: Varies

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

OTHER DATABASE(S)

Depending on the geographic area covered by this report, the data provided in these specialty databases may or may not be complete. For example, the existence of wetlands information data in a specific report does not mean that all wetlands in the area covered by the report are included. Moreover, the absence of any reported wetlands information does not necessarily mean that wetlands do not exist in the area covered by the report.

CT MANIFEST: Hazardous Waste Manifest Data

Facility and manifest data. Manifest is a document that lists and tracks hazardous waste from the generator through transporters to a tsd facility.

Date of Government Version: 05/05/2024
Date Data Arrived at EDR: 05/07/2024
Date Made Active in Reports: 08/01/2024
Number of Days to Update: 86

Source: Department of Energy & Environmental Protection
Telephone: 860-424-3375
Last EDR Contact: 08/06/2024
Next Scheduled EDR Contact: 11/18/2024
Data Release Frequency: No Update Planned

NJ MANIFEST: Manifest Information

Hazardous waste manifest information.

Date of Government Version: 12/31/2018
Date Data Arrived at EDR: 04/10/2019
Date Made Active in Reports: 05/16/2019
Number of Days to Update: 36

Source: Department of Environmental Protection
Telephone: N/A
Last EDR Contact: 06/26/2024
Next Scheduled EDR Contact: 10/14/2024
Data Release Frequency: Annually

NY MANIFEST: Facility and Manifest Data

Manifest is a document that lists and tracks hazardous waste from the generator through transporters to a TSD facility.

Date of Government Version: 12/31/2019
Date Data Arrived at EDR: 11/30/2023
Date Made Active in Reports: 12/01/2023
Number of Days to Update: 1

Source: Department of Environmental Conservation
Telephone: 518-402-8651
Last EDR Contact: 07/25/2024
Next Scheduled EDR Contact: 11/04/2024
Data Release Frequency: Quarterly

PA MANIFEST: Manifest Information

Hazardous waste manifest information.

Date of Government Version: 06/30/2018
Date Data Arrived at EDR: 07/19/2019
Date Made Active in Reports: 09/10/2019
Number of Days to Update: 53

Source: Department of Environmental Protection
Telephone: 717-783-8990
Last EDR Contact: 07/03/2024
Next Scheduled EDR Contact: 10/21/2024
Data Release Frequency: Annually

RI MANIFEST: Manifest information

Hazardous waste manifest information

Date of Government Version: 12/31/2020
Date Data Arrived at EDR: 11/30/2021
Date Made Active in Reports: 02/18/2022
Number of Days to Update: 80

Source: Department of Environmental Management
Telephone: 401-222-2797
Last EDR Contact: 08/08/2024
Next Scheduled EDR Contact: 11/26/2024
Data Release Frequency: Annually

WI MANIFEST: Manifest Information

Hazardous waste manifest information.

Date of Government Version: 05/31/2018
Date Data Arrived at EDR: 06/19/2019
Date Made Active in Reports: 09/03/2019
Number of Days to Update: 76

Source: Department of Natural Resources
Telephone: N/A
Last EDR Contact: 08/28/2024
Next Scheduled EDR Contact: 12/16/2024
Data Release Frequency: Annually

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Oil/Gas Pipelines

Source: Endeavor Business Media

Petroleum Bundle (Crude Oil, Refined Products, Petrochemicals, Gas Liquids (LPG/NGL), and Specialty Gases (Miscellaneous)) N = Natural Gas Bundle (Natural Gas, Gas Liquids (LPG/NGL), and Specialty Gases (Miscellaneous)). This map includes information copyrighted by Endeavor Business Media. This information is provided on a best effort basis and Endeavor Business Media does not guarantee its accuracy nor warrant its fitness for any particular purpose. Such information has been reprinted with the permission of Endeavor Business Media.

Electric Power Transmission Line Data

Source: Endeavor Business Media

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Sensitive Receptors: There are individuals deemed sensitive receptors due to their fragile immune systems and special sensitivity to environmental discharges. These sensitive receptors typically include the elderly, the sick, and children. While the location of all sensitive receptors cannot be determined, EDR indicates those buildings and facilities - schools, daycares, hospitals, medical centers, and nursing homes - where individuals who are sensitive receptors are likely to be located.

AHA Hospitals:

Source: American Hospital Association, Inc.

Telephone: 312-280-5991

The database includes a listing of hospitals based on the American Hospital Association's annual survey of hospitals.

Medical Centers: Provider of Services Listing

Source: Centers for Medicare & Medicaid Services

Telephone: 410-786-3000

A listing of hospitals with Medicare provider number, produced by Centers of Medicare & Medicaid Services, a federal agency within the U.S. Department of Health and Human Services.

Nursing Homes

Source: National Institutes of Health

Telephone: 301-594-6248

Information on Medicare and Medicaid certified nursing homes in the United States.

Public Schools

Source: National Center for Education Statistics

Telephone: 202-502-7300

The National Center for Education Statistics' primary database on elementary and secondary public education in the United States. It is a comprehensive, annual, national statistical database of all public elementary and secondary schools and school districts, which contains data that are comparable across all states.

Private Schools

Source: National Center for Education Statistics

Telephone: 202-502-7300

The National Center for Education Statistics' primary database on private school locations in the United States.

Daycare Centers: Licensed Facilities

Source: Department of Social Services

Telephone: 804-692-1900

Flood Zone Data: This data was obtained from the Federal Emergency Management Agency (FEMA). It depicts 100-year and 500-year flood zones as defined by FEMA. It includes the National Flood Hazard Layer (NFHL) which incorporates Flood Insurance Rate Map (FIRM) data and Q3 data from FEMA in areas not covered by NFHL.

Source: FEMA

Telephone: 877-336-2627

Date of Government Version: 2003, 2015

NWI: National Wetlands Inventory. This data, available in select counties across the country, was obtained by EDR in 2002, 2005, 2010 and 2015 from the U.S. Fish and Wildlife Service.

Current USGS 7.5 Minute Topographic Map
Source: U.S. Geological Survey

STREET AND ADDRESS INFORMATION

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GEOCHECK[®] - PHYSICAL SETTING SOURCE ADDENDUM

TARGET PROPERTY ADDRESS

1807 JAMESTOWN ROAD
1807 JAMESTOWN ROAD
WILLIAMSBURG, VA 23185

TARGET PROPERTY COORDINATES

Latitude (North):	37.239957 - 37° 14' 23.85"
Longitude (West):	76.764561 - 76° 45' 52.42"
Universal Transverse Mercator:	Zone 18
UTM X (Meters):	343480.5
UTM Y (Meters):	4122747.2
Elevation:	36 ft. above sea level

USGS TOPOGRAPHIC MAP

Target Property Map:	50021657 SURRY, VA
Version Date:	2022
Northeast Map:	50021663 WILLIAMSBURG, VA
Version Date:	2022
Southeast Map:	50022595 HOG ISLAND, VA
Version Date:	2022
Northwest Map:	50021653 NORGE, VA
Version Date:	2022

EDR's GeoCheck Physical Setting Source Addendum is provided to assist the environmental professional in forming an opinion about the impact of potential contaminant migration.

Assessment of the impact of contaminant migration generally has two principle investigative components:

1. Groundwater flow direction, and
2. Groundwater flow velocity.

Groundwater flow direction may be impacted by surface topography, hydrology, hydrogeology, characteristics of the soil, and nearby wells. Groundwater flow velocity is generally impacted by the nature of the geologic strata.

GEOCHECK® - PHYSICAL SETTING SOURCE SUMMARY

GROUNDWATER FLOW DIRECTION INFORMATION

Groundwater flow direction for a particular site is best determined by a qualified environmental professional using site-specific well data. If such data is not reasonably ascertainable, it may be necessary to rely on other sources of information, such as surface topographic information, hydrologic information, hydrogeologic data collected on nearby properties, and regional groundwater flow information (from deep aquifers).

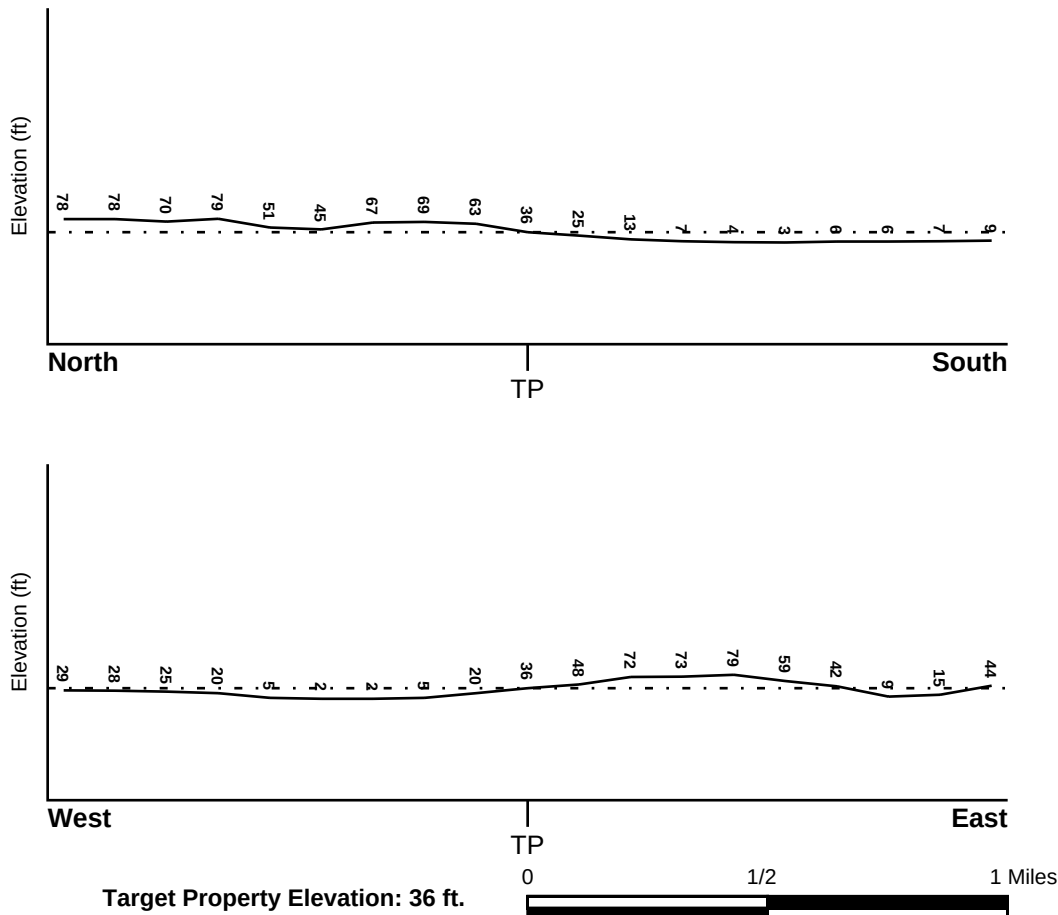
TOPOGRAPHIC INFORMATION

Surface topography may be indicative of the direction of surficial groundwater flow. This information can be used to assist the environmental professional in forming an opinion about the impact of nearby contaminated properties or, should contamination exist on the target property, what downgradient sites might be impacted.

TARGET PROPERTY TOPOGRAPHY

General Topographic Gradient: General SW

SURROUNDING TOPOGRAPHY: ELEVATION PROFILES



Source: Topography has been determined from the USGS 7.5' Digital Elevation Model and should be evaluated on a relative (not an absolute) basis. Relative elevation information between sites of close proximity should be field verified.

GEOCHECK® - PHYSICAL SETTING SOURCE SUMMARY

HYDROLOGIC INFORMATION

Surface water can act as a hydrologic barrier to groundwater flow. Such hydrologic information can be used to assist the environmental professional in forming an opinion about the impact of nearby contaminated properties or, should contamination exist on the target property, what downgradient sites might be impacted.

Refer to the Physical Setting Source Map following this summary for hydrologic information (major waterways and bodies of water).

FEMA FLOOD ZONE

<u>Flood Plain Panel at Target Property</u>	<u>FEMA Source Type</u>
51095C0185C	FEMA FIRM Flood data
<u>Additional Panels in search area:</u>	<u>FEMA Source Type</u>
51095C0120C	FEMA FIRM Flood data
51095C0205C	FEMA FIRM Flood data

NATIONAL WETLAND INVENTORY

<u>NWI Quad at Target Property</u>	<u>NWI Electronic Data Coverage</u>
SURRY	YES - refer to the Overview Map and Detail Map

HYDROGEOLOGIC INFORMATION

Hydrogeologic information obtained by installation of wells on a specific site can often be an indicator of groundwater flow direction in the immediate area. Such hydrogeologic information can be used to assist the environmental professional in forming an opinion about the impact of nearby contaminated properties or, should contamination exist on the target property, what downgradient sites might be impacted.

Site-Specific Hydrogeological Data:*

Search Radius:	1.25 miles
Status:	Not found

AQUIFLOW®

Search Radius: 1.000 Mile.

EDR has developed the AQUIFLOW Information System to provide data on the general direction of groundwater flow at specific points. EDR has reviewed reports submitted by environmental professionals to regulatory authorities at select sites and has extracted the date of the report, groundwater flow direction as determined hydrogeologically, and the depth to water table.

<u>MAP ID</u>	<u>LOCATION FROM TP</u>	<u>GENERAL DIRECTION GROUNDWATER FLOW</u>
Not Reported		

GEOCHECK® - PHYSICAL SETTING SOURCE SUMMARY

GROUNDWATER FLOW VELOCITY INFORMATION

Groundwater flow velocity information for a particular site is best determined by a qualified environmental professional using site specific geologic and soil strata data. If such data are not reasonably ascertainable, it may be necessary to rely on other sources of information, including geologic age identification, rock stratigraphic unit and soil characteristics data collected on nearby properties and regional soil information. In general, contaminant plumes move more quickly through sandy-gravelly types of soils than silty-clayey types of soils.

GEOLOGIC INFORMATION IN GENERAL AREA OF TARGET PROPERTY

Geologic information can be used by the environmental professional in forming an opinion about the relative speed at which contaminant migration may be occurring.

ROCK STRATIGRAPHIC UNIT

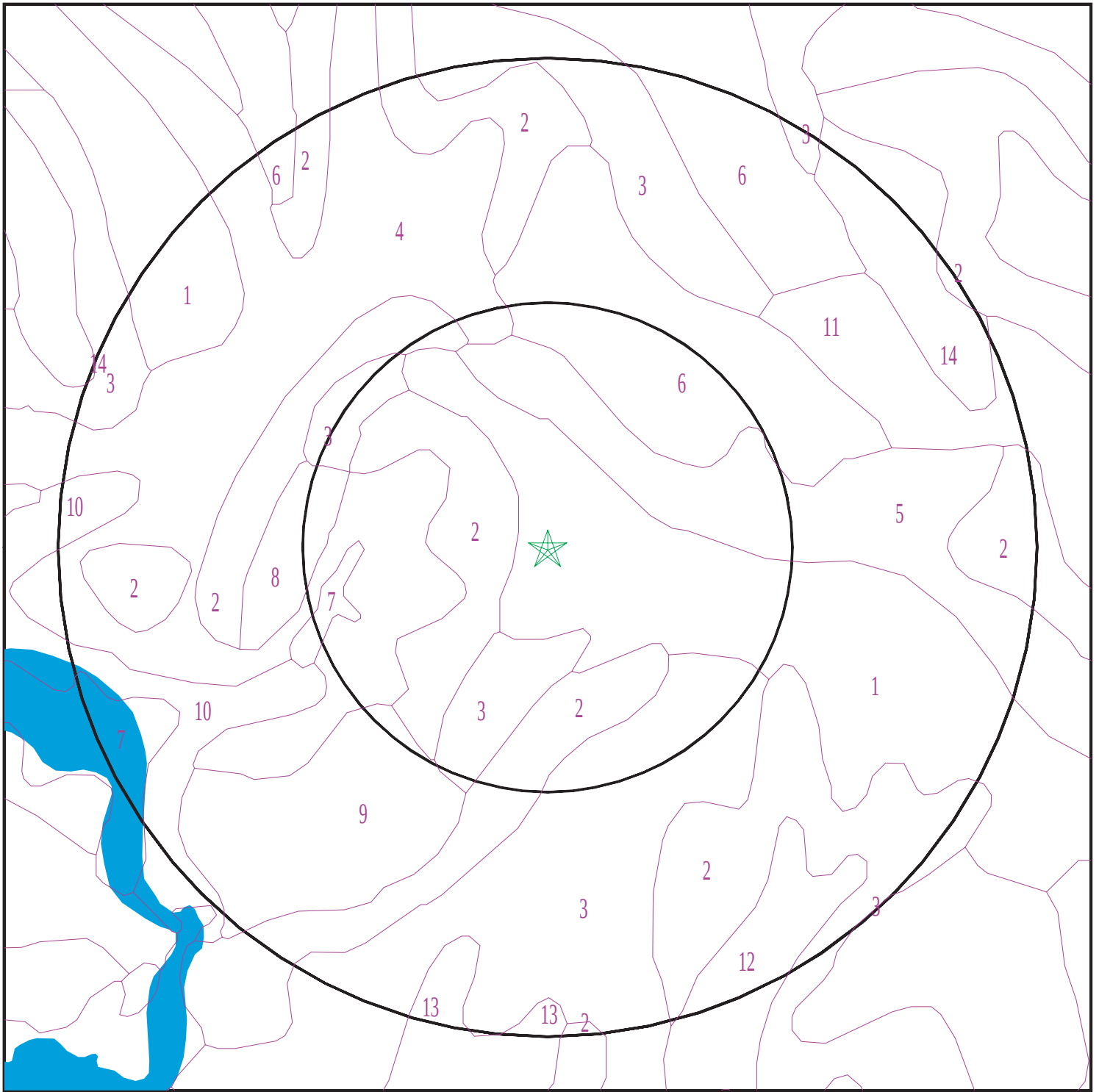
Era:	Cenozoic
System:	Tertiary
Series:	Miocene
Code:	Tm (decoded above as Era, System & Series)

GEOLOGIC AGE IDENTIFICATION

Category: Stratified Sequence

Geologic Age and Rock Stratigraphic Unit Source: P.G. Schruben, R.E. Arndt and W.J. Bawiec, Geology of the Conterminous U.S. at 1:2,500,000 Scale - a digital representation of the 1974 P.B. King and H.M. Beikman Map, USGS Digital Data Series DDS - 11 (1994).

SSURGO SOIL MAP - 7766043.2s



- ★ Target Property
- SSURGO Soil
- Water

0 1/16 1/8 1/4 Miles



SITE NAME: 1807 Jamestown Road
ADDRESS: 1807 Jamestown Road
Williamsburg VA 23185
LAT/LONG: 37.239957 / 76.764561

CLIENT: Property Solutions Inc.
CONTACT: Brian Gallagher
INQUIRY #: 7766043.2s
DATE: September 17, 2024 11:49 am

GEOCHECK® - PHYSICAL SETTING SOURCE SUMMARY

DOMINANT SOIL COMPOSITION IN GENERAL AREA OF TARGET PROPERTY

The U.S. Department of Agriculture's (USDA) Soil Conservation Service (SCS) leads the National Cooperative Soil Survey (NCSS) and is responsible for collecting, storing, maintaining and distributing soil survey information for privately owned lands in the United States. A soil map in a soil survey is a representation of soil patterns in a landscape. The following information is based on Soil Conservation Service SSURGO data.

Soil Map ID: 1

Soil Component Name: Slagle

Soil Surface Texture: fine sandy loam

Hydrologic Group: Class C - Slow infiltration rates. Soils with layers impeding downward movement of water, or soils with moderately fine or fine textures.

Soil Drainage Class: Moderately well drained

Hydric Status: Partially hydric

Corrosion Potential - Uncoated Steel: Moderate

Depth to Bedrock Min: > 0 inches

Depth to Watertable Min: > 69 inches

Soil Layer Information							
Layer	Boundary		Soil Texture Class	Classification		Saturated hydraulic conductivity micro m/sec	Soil Reaction (pH)
	Upper	Lower		AASHTO Group	Unified Soil		
1	0 inches	9 inches	fine sandy loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	FINE-GRAINED SOILS, Silts and Clays (liquid limit less than 50%), silt.	Max: 4 Min: 0.01	Max: 5.5 Min: 3.6
2	9 inches	25 inches	clay loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	FINE-GRAINED SOILS, Silts and Clays (liquid limit less than 50%), silt.	Max: 4 Min: 0.01	Max: 5.5 Min: 3.6
3	25 inches	59 inches	clay loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	FINE-GRAINED SOILS, Silts and Clays (liquid limit less than 50%), silt.	Max: 4 Min: 0.01	Max: 5.5 Min: 3.6

GEOCHECK® - PHYSICAL SETTING SOURCE SUMMARY

Soil Map ID: 2

Soil Component Name: Uchee

Soil Surface Texture: loamy fine sand

Hydrologic Group: Class C - Slow infiltration rates. Soils with layers impeding downward movement of water, or soils with moderately fine or fine textures.

Soil Drainage Class: Moderately well drained

Hydric Status: Not hydric

Corrosion Potential - Uncoated Steel: Low

Depth to Bedrock Min: > 0 inches

Depth to Watertable Min: > 76 inches

Soil Layer Information							
Layer	Boundary		Soil Texture Class	Classification		Saturated hydraulic conductivity micro m/sec	Soil Reaction (pH)
	Upper	Lower		AASHTO Group	Unified Soil		
1	0 inches	24 inches	loamy fine sand	Granular materials (35 pct. or less passing No. 200), Silty, or Clayey Gravel and Sand.	COARSE-GRAINED SOILS, Sands, Sands with fines, Clayey sand.	Max: 14 Min: 1.4	Max: 5.5 Min: 4.5
2	24 inches	55 inches	sandy clay loam	Granular materials (35 pct. or less passing No. 200), Silty, or Clayey Gravel and Sand.	COARSE-GRAINED SOILS, Sands, Sands with fines, Clayey sand.	Max: 14 Min: 1.4	Max: 5.5 Min: 4.5
3	55 inches	64 inches	sandy loam	Granular materials (35 pct. or less passing No. 200), Silty, or Clayey Gravel and Sand.	COARSE-GRAINED SOILS, Sands, Sands with fines, Clayey sand.	Max: 14 Min: 1.4	Max: 5.5 Min: 4.5

Soil Map ID: 3

Soil Component Name: Slagle

Soil Surface Texture: fine sandy loam

Hydrologic Group: Class C - Slow infiltration rates. Soils with layers impeding downward movement of water, or soils with moderately fine or fine textures.

Soil Drainage Class: Moderately well drained

GEOCHECK® - PHYSICAL SETTING SOURCE SUMMARY

Hydric Status: Not hydric

Corrosion Potential - Uncoated Steel: Moderate

Depth to Bedrock Min: > 0 inches

Depth to Watertable Min: > 69 inches

Soil Layer Information							
Layer	Boundary		Soil Texture Class	Classification		Saturated hydraulic conductivity micro m/sec	Soil Reaction (pH)
	Upper	Lower		AASHTO Group	Unified Soil		
1	0 inches	9 inches	fine sandy loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	FINE-GRAINED SOILS, Silts and Clays (liquid limit less than 50%), silt.	Max: 4 Min: 0.01	Max: 5.5 Min: 3.6
2	9 inches	25 inches	clay loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	FINE-GRAINED SOILS, Silts and Clays (liquid limit less than 50%), silt.	Max: 4 Min: 0.01	Max: 5.5 Min: 3.6
3	25 inches	59 inches	clay loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	FINE-GRAINED SOILS, Silts and Clays (liquid limit less than 50%), silt.	Max: 4 Min: 0.01	Max: 5.5 Min: 3.6

Soil Map ID: 4

Soil Component Name: Emporia

Soil Surface Texture: fine sandy loam

Hydrologic Group: Class C - Slow infiltration rates. Soils with layers impeding downward movement of water, or soils with moderately fine or fine textures.

Soil Drainage Class: Well drained

Hydric Status: Partially hydric

Corrosion Potential - Uncoated Steel: Moderate

Depth to Bedrock Min: > 0 inches

Depth to Watertable Min: > 114 inches

GEOCHECK® - PHYSICAL SETTING SOURCE SUMMARY

Soil Layer Information							
Layer	Boundary		Soil Texture Class	Classification		Saturated hydraulic conductivity micro m/sec	Soil Reaction (pH)
	Upper	Lower		AASHTO Group	Unified Soil		
1	0 inches	12 inches	fine sandy loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	COARSE-GRAINED SOILS, Sands, Sands with fines, Clayey sand.	Max: 14 Min: 4	Max: 6 Min: 3.6
2	12 inches	57 inches	loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	COARSE-GRAINED SOILS, Sands, Sands with fines, Clayey sand.	Max: 14 Min: 4	Max: 6 Min: 3.6
3	57 inches	75 inches	sandy clay loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	COARSE-GRAINED SOILS, Sands, Sands with fines, Clayey sand.	Max: 14 Min: 4	Max: 6 Min: 3.6

Soil Map ID: 5

Soil Component Name: Emporia

Soil Surface Texture: fine sandy loam

Hydrologic Group: Class C - Slow infiltration rates. Soils with layers impeding downward movement of water, or soils with moderately fine or fine textures.

Soil Drainage Class: Well drained

Hydric Status: Partially hydric

Corrosion Potential - Uncoated Steel: Moderate

Depth to Bedrock Min: > 0 inches

Depth to Watertable Min: > 114 inches

GEOCHECK® - PHYSICAL SETTING SOURCE SUMMARY

Soil Layer Information							
Layer	Boundary		Soil Texture Class	Classification		Saturated hydraulic conductivity micro m/sec	Soil Reaction (pH)
	Upper	Lower		AASHTO Group	Unified Soil		
1	0 inches	12 inches	fine sandy loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	COARSE-GRAINED SOILS, Sands, Sands with fines, Clayey sand.	Max: 14 Min: 4	Max: 6 Min: 3.6
2	12 inches	57 inches	loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	COARSE-GRAINED SOILS, Sands, Sands with fines, Clayey sand.	Max: 14 Min: 4	Max: 6 Min: 3.6
3	57 inches	75 inches	sandy clay loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	COARSE-GRAINED SOILS, Sands, Sands with fines, Clayey sand.	Max: 14 Min: 4	Max: 6 Min: 3.6

Soil Map ID: 6

Soil Component Name: Kempsville

Soil Surface Texture: fine sandy loam

Hydrologic Group: Class B - Moderate infiltration rates. Deep and moderately deep, moderately well and well drained soils with moderately coarse textures.

Soil Drainage Class: Well drained

Hydric Status: Not hydric

Corrosion Potential - Uncoated Steel: Low

Depth to Bedrock Min: > 0 inches

Depth to Watertable Min: > 114 inches

GEOCHECK® - PHYSICAL SETTING SOURCE SUMMARY

Soil Layer Information							
Layer	Boundary		Soil Texture Class	Classification		Saturated hydraulic conductivity micro m/sec	Soil Reaction (pH)
	Upper	Lower		AASHTO Group	Unified Soil		
1	0 inches	14 inches	fine sandy loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	COARSE-GRAINED SOILS, Sands, Sands with fines, Silty Sand.	Max: 14 Min: 4	Max: 6 Min: 4.5
2	14 inches	55 inches	sandy clay loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	COARSE-GRAINED SOILS, Sands, Sands with fines, Silty Sand.	Max: 14 Min: 4	Max: 6 Min: 4.5
3	55 inches	68 inches	fine sandy loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	COARSE-GRAINED SOILS, Sands, Sands with fines, Silty Sand.	Max: 14 Min: 4	Max: 6 Min: 4.5

Soil Map ID: 7

Soil Component Name: Water

Soil Surface Texture: fine sandy loam

Hydrologic Group: Class B - Moderate infiltration rates. Deep and moderately deep, moderately well and well drained soils with moderately coarse textures.

Soil Drainage Class:
Hydric Status: Unknown

Corrosion Potential - Uncoated Steel: Not Reported

Depth to Bedrock Min: > 0 inches

Depth to Watertable Min: > 0 inches

No Layer Information available.

GEOCHECK® - PHYSICAL SETTING SOURCE SUMMARY

Soil Map ID: 8

Soil Component Name: Dogue

Soil Surface Texture: loam

Hydrologic Group: Class C - Slow infiltration rates. Soils with layers impeding downward movement of water, or soils with moderately fine or fine textures.

Soil Drainage Class: Moderately well drained

Hydric Status: Partially hydric

Corrosion Potential - Uncoated Steel: High

Depth to Bedrock Min: > 0 inches

Depth to Watertable Min: > 69 inches

Soil Layer Information							
Layer	Boundary		Soil Texture Class	Classification		Saturated hydraulic conductivity micro m/sec	Soil Reaction (pH)
	Upper	Lower		AASHTO Group	Unified Soil		
1	0 inches	11 inches	loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	COARSE-GRAINED SOILS, Sands, Sands with fines, Clayey sand.	Max: 14 Min: 4	Max: 6 Min: 4.5
2	11 inches	51 inches	clay	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	COARSE-GRAINED SOILS, Sands, Sands with fines, Clayey sand.	Max: 14 Min: 4	Max: 6 Min: 4.5
3	51 inches	59 inches	sandy loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	COARSE-GRAINED SOILS, Sands, Sands with fines, Clayey sand.	Max: 14 Min: 4	Max: 6 Min: 4.5

Soil Map ID: 9

Soil Component Name: Udorthents

Soil Surface Texture: loam

Hydrologic Group: Class D - Very slow infiltration rates. Soils are clayey, have a high water table, or are shallow to an impervious layer.

Soil Drainage Class:

GEOCHECK® - PHYSICAL SETTING SOURCE SUMMARY

Hydric Status: Partially hydric

Corrosion Potential - Uncoated Steel: Not Reported

Depth to Bedrock Min: > 0 inches

Depth to Watertable Min: > 0 inches

No Layer Information available.

Soil Map ID: 10

Soil Component Name: Johnston

Soil Surface Texture: silt loam

Hydrologic Group: Class D - Very slow infiltration rates. Soils are clayey, have a high water table, or are shallow to an impervious layer.

Soil Drainage Class: Very poorly drained

Hydric Status: All hydric

Corrosion Potential - Uncoated Steel: High

Depth to Bedrock Min: > 0 inches

Depth to Watertable Min: > 0 inches

Soil Layer Information							
Layer	Boundary		Soil Texture Class	Classification		Saturated hydraulic conductivity micro m/sec	Soil Reaction (pH)
	Upper	Lower		AASHTO Group	Unified Soil		
1	0 inches	33 inches	silt loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	COARSE-GRAINED SOILS, Sands, Sands with fines, Clayey sand.	Max: 141 Min: 42	Max: 5.5 Min: 4.5
2	33 inches	59 inches	fine sandy loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	COARSE-GRAINED SOILS, Sands, Sands with fines, Clayey sand.	Max: 141 Min: 42	Max: 5.5 Min: 4.5

GEOCHECK® - PHYSICAL SETTING SOURCE SUMMARY

Soil Map ID: 11

Soil Component Name: Norfolk

Soil Surface Texture: sandy loam

Hydrologic Group: Class B - Moderate infiltration rates. Deep and moderately deep, moderately well and well drained soils with moderately coarse textures.

Soil Drainage Class: Well drained

Hydric Status: Not hydric

Corrosion Potential - Uncoated Steel: Moderate

Depth to Bedrock Min: > 0 inches

Depth to Watertable Min: > 153 inches

Soil Layer Information							
Layer	Boundary		Soil Texture Class	Classification		Saturated hydraulic conductivity micro m/sec	Soil Reaction (pH)
	Upper	Lower		AASHTO Group	Unified Soil		
1	0 inches	16 inches	sandy loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	COARSE-GRAINED SOILS, Sands, Sands with fines, Clayey sand.	Max: 14 Min: 4	Max: 7.3 Min: 4.5
2	16 inches	72 inches	sandy clay loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	COARSE-GRAINED SOILS, Sands, Sands with fines, Clayey sand.	Max: 14 Min: 4	Max: 7.3 Min: 4.5

Soil Map ID: 12

Soil Component Name: Emporia

Soil Surface Texture: fine sandy loam

Hydrologic Group: Class C - Slow infiltration rates. Soils with layers impeding downward movement of water, or soils with moderately fine or fine textures.

Soil Drainage Class: Well drained

GEOCHECK® - PHYSICAL SETTING SOURCE SUMMARY

Hydric Status: Partially hydric

Corrosion Potential - Uncoated Steel: Moderate

Depth to Bedrock Min: > 0 inches

Depth to Watertable Min: > 114 inches

Soil Layer Information							
Layer	Boundary		Soil Texture Class	Classification		Saturated hydraulic conductivity micro m/sec	Soil Reaction (pH)
	Upper	Lower		AASHTO Group	Unified Soil		
1	0 inches	12 inches	fine sandy loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	COARSE-GRAINED SOILS, Sands, Sands with fines, Clayey sand.	Max: 14 Min: 4	Max: 6 Min: 3.6
2	12 inches	57 inches	loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	COARSE-GRAINED SOILS, Sands, Sands with fines, Clayey sand.	Max: 14 Min: 4	Max: 6 Min: 3.6
3	57 inches	75 inches	sandy clay loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	COARSE-GRAINED SOILS, Sands, Sands with fines, Clayey sand.	Max: 14 Min: 4	Max: 6 Min: 3.6

Soil Map ID: 13

Soil Component Name: Newflat

Soil Surface Texture: silt loam

Hydrologic Group: Class D - Very slow infiltration rates. Soils are clayey, have a high water table, or are shallow to an impervious layer.

Soil Drainage Class: Somewhat poorly drained

Hydric Status: Partially hydric

Corrosion Potential - Uncoated Steel: High

Depth to Bedrock Min: > 0 inches

Depth to Watertable Min: > 31 inches

GEOCHECK® - PHYSICAL SETTING SOURCE SUMMARY

Soil Layer Information							
Layer	Boundary		Soil Texture Class	Classification		Saturated hydraulic conductivity micro m/sec	Soil Reaction (pH)
	Upper	Lower		AASHTO Group	Unified Soil		
1	0 inches	7 inches	silt loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	FINE-GRAINED SOILS, Silts and Clays (liquid limit less than 50%), silt.	Max: 0.42 Min: 0.01	Max: 5.5 Min: 3.6
2	7 inches	79 inches	clay	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	FINE-GRAINED SOILS, Silts and Clays (liquid limit less than 50%), silt.	Max: 0.42 Min: 0.01	Max: 5.5 Min: 3.6

Soil Map ID: 14

Soil Component Name: Emporia

Soil Surface Texture: fine sandy loam

Hydrologic Group: Class C - Slow infiltration rates. Soils with layers impeding downward movement of water, or soils with moderately fine or fine textures.

Soil Drainage Class: Well drained

Hydric Status: Not hydric

Corrosion Potential - Uncoated Steel: Moderate

Depth to Bedrock Min: > 0 inches

Depth to Watertable Min: > 114 inches

Soil Layer Information							
Layer	Boundary		Soil Texture Class	Classification		Saturated hydraulic conductivity micro m/sec	Soil Reaction (pH)
	Upper	Lower		AASHTO Group	Unified Soil		
1	0 inches	12 inches	fine sandy loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	COARSE-GRAINED SOILS, Sands, Sands with fines, Clayey sand.	Max: 14 Min: 4	Max: 6 Min: 3.6

GEOCHECK® - PHYSICAL SETTING SOURCE SUMMARY

Soil Layer Information							
Layer	Boundary		Soil Texture Class	Classification		Saturated hydraulic conductivity micro m/sec	Soil Reaction (pH)
	Upper	Lower		AASHTO Group	Unified Soil		
2	12 inches	57 inches	loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	COARSE-GRAINED SOILS, Sands, Sands with fines, Clayey sand.	Max: 14 Min: 4	Max: 6 Min: 3.6
3	57 inches	75 inches	sandy clay loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	COARSE-GRAINED SOILS, Sands, Sands with fines, Clayey sand.	Max: 14 Min: 4	Max: 6 Min: 3.6

LOCAL / REGIONAL WATER AGENCY RECORDS

EDR Local/Regional Water Agency records provide water well information to assist the environmental professional in assessing sources that may impact ground water flow direction, and in forming an opinion about the impact of contaminant migration on nearby drinking water wells.

WELL SEARCH DISTANCE INFORMATION

<u>DATABASE</u>	<u>SEARCH DISTANCE (miles)</u>
Federal USGS	1.000
Federal FRDS PWS	Nearest PWS within 1 mile
State Database	1.000

FEDERAL USGS WELL INFORMATION

<u>MAP ID</u>	<u>WELL ID</u>	<u>LOCATION FROM TP</u>
1	USGS40001202702	0 - 1/8 Mile WSW
3	USGS40001202681	1/8 - 1/4 Mile SW
5	USGS40001202671	1/4 - 1/2 Mile SE
6	USGS40001202677	1/4 - 1/2 Mile ESE
A8	USGS40001202764	1/2 - 1 Mile NNW
A9	USGS40001202765	1/2 - 1 Mile NNW
A11	USGS40001202768	1/2 - 1 Mile NNW
B12	USGS40001202770	1/2 - 1 Mile NNW
13	USGS40001202625	1/2 - 1 Mile South
B14	USGS40001202775	1/2 - 1 Mile NNW
C16	USGS40001202777	1/2 - 1 Mile NNW

GEOCHECK® - PHYSICAL SETTING SOURCE SUMMARY

FEDERAL USGS WELL INFORMATION

MAP ID	WELL ID	LOCATION FROM TP
C17	USGS40001202776	1/2 - 1 Mile NNW
C18	USGS40001202778	1/2 - 1 Mile NNW
C19	USGS40001202781	1/2 - 1 Mile NNW
D21	USGS40001202663	1/2 - 1 Mile WSW
D22	USGS40001202666	1/2 - 1 Mile WSW
E23	USGS40001202797	1/2 - 1 Mile North
24	USGS40001202673	1/2 - 1 Mile ESE
25	USGS40001202758	1/2 - 1 Mile NW
E26	USGS40001202802	1/2 - 1 Mile North
F27	USGS40001202665	1/2 - 1 Mile ESE
F28	USGS40001202668	1/2 - 1 Mile ESE

FEDERAL FRDS PUBLIC WATER SUPPLY SYSTEM INFORMATION

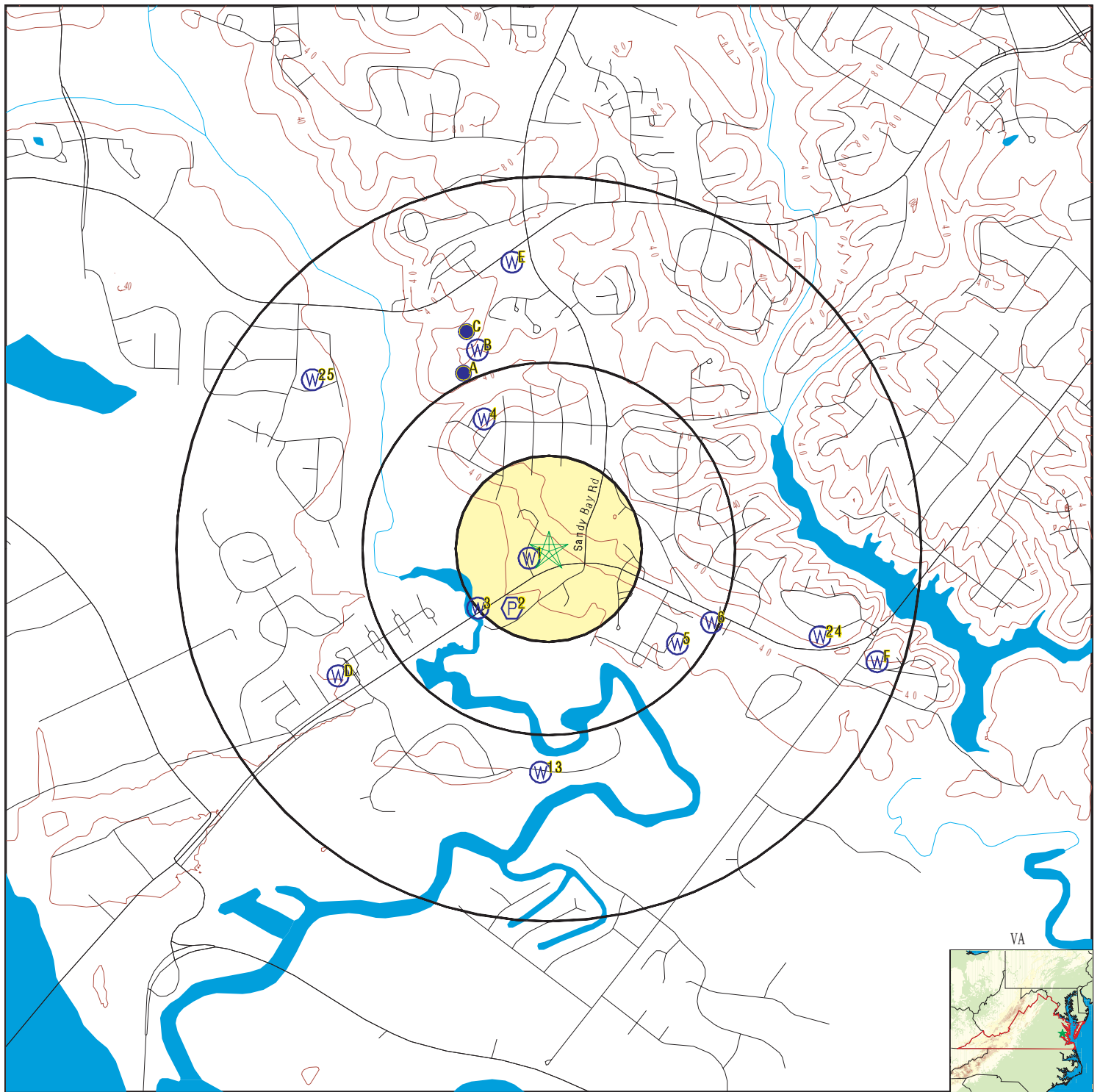
MAP ID	WELL ID	LOCATION FROM TP
2	VA3095490	1/8 - 1/4 Mile SSW

Note: PWS System location is not always the same as well location.

STATE DATABASE WELL INFORMATION

MAP ID	WELL ID	LOCATION FROM TP
4	VA7000000003202	1/4 - 1/2 Mile NNW
A7	VA7000000003201	1/2 - 1 Mile NNW
A10	VA7000000003204	1/2 - 1 Mile NNW
C15	VA7000000003203	1/2 - 1 Mile NNW
C20	VA7000000003205	1/2 - 1 Mile NNW

PHYSICAL SETTING SOURCE MAP - 7766043.2s



- County Boundary
- Major Roads
- Contour Lines
- Earthquake epicenter, Richter 5 or greater
- Water Wells
- Public Water Supply Wells
- Cluster of Multiple Icons

- Groundwater Flow Direction
- Indeterminate Groundwater Flow at Location
- Groundwater Flow Varies at Location
- Closest Hydrogeological Data
- Oil, gas or related wells

SITE NAME: 1807 Jamestown Road
 ADDRESS: 1807 Jamestown Road
 Williamsburg VA 23185
 LAT/LONG: 37.239957 / 76.764561

CLIENT: Property Solutions Inc.
 CONTACT: Brian Gallagher
 INQUIRY #: 7766043.2s
 DATE: September 17, 2024 11:49 am

GEOCHECK® - PHYSICAL SETTING SOURCE MAP FINDINGS

Map ID
Direction
Distance
Elevation

Database EDR ID Number

1
WSW
0 - 1/8 Mile
Lower

FED USGS USGS40001202702

Organization ID:	USGS-VA	Organization Name:	USGS Virginia Water Science Center
Monitor Location:	56F 25	Type:	Well
Description:	Not Reported	HUC:	02080206
Drainage Area:	Not Reported	Drainage Area Units:	Not Reported
Contrib Drainage Area:	Not Reported	Contrib Drainage Area Unts:	Not Reported
Aquifer:	Not Reported	Formation Type:	Not Reported
Aquifer Type:	Not Reported	Construction Date:	Not Reported
Well Depth:	200	Well Depth Units:	ft
Well Hole Depth:	200	Well Hole Depth Units:	ft

2
SSW
1/8 - 1/4 Mile
Lower

FRDS PWS VA3095490

Epa region:	03	State:	VA
Pwsid:	VA3095490	Pwsname:	JCSA - CENTRAL SYSTEM
Cityserved:	Not Reported	Stateserved:	VA
Zipsserved:	Not Reported	Fipscounty:	51095
Status:	Active	Retpopsrvid:	48271
Pwssvcconn:	19080	Psource longname:	Groundwater
Pwstype:	CWS	Owner:	Local_Govt
Contact:	FOSTER, LARRY	Contactorgname:	FOSTER, LARRY
Contactphone:	757-253-6805	Contactaddress1:	101 E MOUNTS BAY ROAD
Contactaddress2:	P O BOX 8784	Contactcity:	WILLIAMSBURG
Contactstate:	VA	Contactzip:	23187
Pwsactivitycode:	A		
Pwsid:	VA3095490	Facid:	30042
Facname:	OWENS-ILLINOIS HYPOCHLORINATOR		
Factype:	Treatment_plant	Facactivitycode:	A
Trtobjective:	disinfection	Trtprocess:	hypochlorination, pre
Factypecode:	TP		
Pwsid:	VA3095490	Facid:	30045
Facname:	TOANO HYPOCHLORINATOR	Factype:	Treatment_plant
Facactivitycode:	I	Trtobjective:	disinfection
Trtprocess:	hypochlorination, pre	Factypecode:	TP
Pwsid:	VA3095490	Facid:	30046
Facname:	POTTERY HYPOCHLORINATOR	Factype:	Treatment_plant
Facactivitycode:	A	Trtobjective:	disinfection
Trtprocess:	hypochlorination, pre	Factypecode:	TP
Pwsid:	VA3095490	Facid:	30047
Facname:	EWELL HALL HYPOCHLORINATOR		
Factype:	Treatment_plant	Facactivitycode:	A
Trtobjective:	disinfection	Trtprocess:	hypochlorination, pre
Factypecode:	TP		
Pwsid:	VA3095490	Facid:	30048
Facname:	LAFAYETTE HS HYPOCHLORINATOR		
Factype:	Treatment_plant	Facactivitycode:	I

GEOCHECK® - PHYSICAL SETTING SOURCE MAP FINDINGS

Trtobjective:	disinfection	Trtprocess:	hypochlorination, pre
Factypecode:	TP		
Pwsid:	VA3095490	Facid:	30049
Facname:	CANTERBURY HILLS HYPOCHLORINATOR		
Factype:	Treatment_plant	Facactivitycode:	A
Trtobjective:	disinfection	Trtprocess:	hypochlorination, pre
Factypecode:	TP		
Pwsid:	VA3095490	Facid:	30050
Facname:	FORD'S COLONY HYPOCHLORINATOR		
Factype:	Treatment_plant	Facactivitycode:	A
Trtobjective:	disinfection	Trtprocess:	hypochlorination, pre
Factypecode:	TP		
Pwsid:	VA3095490	Facid:	30051
Facname:	KRISTIANSAND HYPOCHLORINATOR		
Factype:	Treatment_plant	Facactivitycode:	A
Trtobjective:	disinfection	Trtprocess:	hypochlorination, pre
Factypecode:	TP		
Pwsid:	VA3095490	Facid:	30052
Facname:	CHICKAHOMINY ROAD HYPOCHLORINATOR		
Factype:	Treatment_plant	Facactivitycode:	I
Trtobjective:	disinfection	Trtprocess:	hypochlorination, pre
Factypecode:	TP		
Pwsid:	VA3095490	Facid:	31337
Facname:	FOREST GLEN HYPO	Factype:	Treatment_plant
Facactivitycode:	I	Trtobjective:	disinfection
Trtprocess:	hypochlorination, post	Factypecode:	TP
Pwsid:	VA3095490	Facid:	31668
Facname:	FFWTF	Factype:	Treatment_plant
Facactivitycode:	A	Trtobjective:	inorganics removal
Trtprocess:	sequestration	Factypecode:	TP
Pwsid:	VA3095490	Facid:	31668
Facname:	FFWTF	Factype:	Treatment_plant
Facactivitycode:	A	Trtobjective:	inorganics removal
Trtprocess:	reverse osmosis	Factypecode:	TP
Pwsid:	VA3095490	Facid:	34872
Facname:	STONEHOUSE BLENDING	Factype:	Treatment_plant
Facactivitycode:	A	Trtobjective:	other
Trtprocess:	fluoridation	Factypecode:	TP
Pwsid:	VA3095490	Facid:	34876
Facname:	STONEHOUSE HYPOCHLORINATOR		
Factype:	Treatment_plant	Facactivitycode:	A
Trtobjective:	disinfection	Trtprocess:	hypochlorination, post
Factypecode:	TP		
Pwsid:	VA3095490	Facid:	34877
Facname:	STONEHOUSE WELL WATER W25-2		
Factype:	Treatment_plant	Facactivitycode:	A
Trtobjective:	disinfection	Trtprocess:	hypochlorination, post
Factypecode:	TP		
PWS ID:	VA3095490	PWS name:	JCAS - CENTAL SYSTEM
Address:	101 E MOUNTS BAY ROAD	Care of:	BRUCE CAPPS
City:	WILLIAMSBURG	State:	VA

GEOCHECK® - PHYSICAL SETTING SOURCE MAP FINDINGS

Zip:	23185	Owner:	JCAS - CENTAL SYSTEM
Source code:	Ground water	Population:	16772
PWS ID:	VA3095490	PWS type:	System Owner/Responsible Party
PWS name:	JAMES CITY SERVICE AUTHORITY		
PWS address:	Not Reported	PWS city:	WILLIAMSBURG
PWS state:	VA	PWS zip:	23517
PWS ID:	VA3095490	Activity status:	Active
Date system activated:	8404	Date system deactivated:	Not Reported
Retail population:	00016772	System name:	JCAS - CENTAL SYSTEM
System address:	BRUCE CAPPS	System address:	101 E MOUNTS BAY ROAD
System city:	WILLIAMSBURG	System state:	VA
System zip:	23185		
County FIPS:	095	City served:	JAMES CITY
Population served:	10,001 - 50,000 Persons	Treatment:	Untreated
Latitude:	372115	Longitude:	0764902
Latitude:	372110	Longitude:	0764903
Latitude:	372113	Longitude:	0764907
Latitude:	371530	Longitude:	0774445
Latitude:	371910	Longitude:	0764704
Latitude:	371900	Longitude:	0764430
Latitude:	371910	Longitude:	0764704
Latitude:	371415	Longitude:	0764500
Latitude:	371415	Longitude:	0764600
Latitude:	371412	Longitude:	0764534
Latitude:	371914	Longitude:	0764537
Latitude:	371832	Longitude:	0764525
Latitude:	373200	Longitude:	0764815
Latitude:	372052	Longitude:	0764534
Latitude:	371407	Longitude:	0764621
Latitude:	371325	Longitude:	0764550
Latitude:	371446	Longitude:	0764632
State:	VA	Latitude degrees:	37
Latitude minutes:	13	Latitude seconds:	25.0000
Longitude degrees:	76	Longitude minutes:	45
Longitude seconds:	50.0000		
State:	VA	Latitude degrees:	37
Latitude minutes:	14	Latitude seconds:	7.0000
Longitude degrees:	76	Longitude minutes:	46
Longitude seconds:	21.0000		

GEOCHECK® - PHYSICAL SETTING SOURCE MAP FINDINGS

State:	VA	Latitude degrees:	37
Latitude minutes:	14	Latitude seconds:	12.0000
Longitude degrees:	76	Longitude minutes:	45
Longitude seconds:	34.0000		
State:	VA	Latitude degrees:	37
Latitude minutes:	14	Latitude seconds:	15.0000
Longitude degrees:	76	Longitude minutes:	45
Longitude seconds:	0.0000		
State:	VA	Latitude degrees:	37
Latitude minutes:	14	Latitude seconds:	15.0000
Longitude degrees:	76	Longitude minutes:	46
Longitude seconds:	0.0000		
State:	VA	Latitude degrees:	37
Latitude minutes:	14	Latitude seconds:	46.0000
Longitude degrees:	76	Longitude minutes:	46
Longitude seconds:	32.0000		
State:	VA	Latitude degrees:	37
Latitude minutes:	15	Latitude seconds:	30.0000
Longitude degrees:	77	Longitude minutes:	44
Longitude seconds:	45.0000		
State:	VA	Latitude degrees:	37
Latitude minutes:	18	Latitude seconds:	32.0000
Longitude degrees:	76	Longitude minutes:	45
Longitude seconds:	25.0000		
State:	VA	Latitude degrees:	37
Latitude minutes:	19	Latitude seconds:	0.0000
Longitude degrees:	76	Longitude minutes:	44
Longitude seconds:	30.0000		
State:	VA	Latitude degrees:	37
Latitude minutes:	19	Latitude seconds:	10.0000
Longitude degrees:	76	Longitude minutes:	47
Longitude seconds:	4.0000		
State:	VA	Latitude degrees:	37
Latitude minutes:	19	Latitude seconds:	14.0000
Longitude degrees:	76	Longitude minutes:	45
Longitude seconds:	37.0000		
State:	VA	Latitude degrees:	37
Latitude minutes:	20	Latitude seconds:	52.0000
Longitude degrees:	76	Longitude minutes:	45
Longitude seconds:	34.0000		
State:	VA	Latitude degrees:	37
Latitude minutes:	21	Latitude seconds:	10.0000
Longitude degrees:	76	Longitude minutes:	49
Longitude seconds:	3.0000		
State:	VA	Latitude degrees:	37
Latitude minutes:	21	Latitude seconds:	15.0000
Longitude degrees:	76	Longitude minutes:	49
Longitude seconds:	2.0000		
State:	VA	Latitude degrees:	37
Latitude minutes:	32	Latitude seconds:	0.0000

GEOCHECK® - PHYSICAL SETTING SOURCE MAP FINDINGS

Longitude degrees: 76
Longitude seconds: 15.0000

Longitude minutes: 48

3
SW
1/8 - 1/4 Mile
Lower

FED USGS USGS40001202681

Organization ID: USGS-VA
Monitor Location: 56F 24
Description: Not Reported
Drainage Area: Not Reported
Contrib Drainage Area: Not Reported
Aquifer: Not Reported
Aquifer Type: Not Reported
Well Depth: 100
Well Hole Depth: 100

Organization Name: USGS Virginia Water Science Center
Type: Well
HUC: 02080206
Drainage Area Units: Not Reported
Contrib Drainage Area Units: Not Reported
Formation Type: Not Reported
Construction Date: Not Reported
Well Depth Units: ft
Well Hole Depth Units: ft

Ground water levels, Number of Measurements: 1
Feet below surface: 25.77
Note: The site had been pumped recently.

Level reading date: 1978-05-16
Feet to sea level: Not Reported

4
NNW
1/4 - 1/2 Mile
Higher

VA WELLS VA7000000003202

WELLS:

TINWSF: 2679660
System Name: JCSA - CENTRAL SYSTEM
Facility Name: FFWTF - LP-3
PWS Fed Class: Community
Max Production: 4432800 GPD

PWS ID: 3095490
Type: Well
Fed Primary Src Class: Groundwater
Population Served: 58785
Avg Daily Production: 3400000 GPD

5
SE
1/4 - 1/2 Mile
Lower

FED USGS USGS40001202671

Organization ID: USGS-VA
Monitor Location: 56F 22
Description: Not Reported
Drainage Area: Not Reported
Contrib Drainage Area: Not Reported
Aquifer: Not Reported
Aquifer Type: Confined single aquifer
Well Depth: 204
Well Hole Depth: 204

Organization Name: USGS Virginia Water Science Center
Type: Well
HUC: 02080206
Drainage Area Units: Not Reported
Contrib Drainage Area Units: Not Reported
Formation Type: Eocene Series
Construction Date: Not Reported
Well Depth Units: ft
Well Hole Depth Units: ft

Ground water levels, Number of Measurements: 3
Feet below surface: 59.16
Note: Not Reported

Level reading date: 1978-06-21
Feet to sea level: Not Reported

Level reading date: 1977-12-19
Feet to sea level: Not Reported

Feet below surface: 65.16
Note: The site had been pumped recently.

GEOCHECK® - PHYSICAL SETTING SOURCE MAP FINDINGS

Level reading date:	1963-04-03	Feet below surface:	44.00
Feet to sea level:	Not Reported	Note:	Not Reported

6
ESE
1/4 - 1/2 Mile
Higher

FED USGS USGS40001202677

Organization ID:	USGS-VA	Organization Name:	USGS Virginia Water Science Center
Monitor Location:	56F 26	Type:	Well
Description:	Not Reported	HUC:	02080206
Drainage Area:	Not Reported	Drainage Area Units:	Not Reported
Contrib Drainage Area:	Not Reported	Contrib Drainage Area Unts:	Not Reported
Aquifer:	Not Reported	Formation Type:	Not Reported
Aquifer Type:	Not Reported	Construction Date:	Not Reported
Well Depth:	220	Well Depth Units:	ft
Well Hole Depth:	220	Well Hole Depth Units:	ft

Ground water levels,Number of Measurements:	1	Level reading date:	1978-09-20
Feet below surface:	64.24	Feet to sea level:	Not Reported
Note:	Not Reported		

A7
NNW
1/2 - 1 Mile
Higher

VA WELLS VA7000000003201

WELLS:

TINWSF:	2678372	PWS ID:	3095490
System Name:	JCSA - CENTRAL SYSTEM	Type:	Well
Facility Name:	FFWTF - LP-2	Fed Primary Src Class:	Groundwater
PWS Fed Class:	Community	Population Served:	58785
Max Production:	4432800 GPD	Avg Daily Production:	3400000 GPD

A8
NNW
1/2 - 1 Mile
Higher

FED USGS USGS40001202764

Organization ID:	USGS-VA	Organization Name:	USGS Virginia Water Science Center
Monitor Location:	56F 58	Type:	Well
Description:	Not Reported	HUC:	02080206
Drainage Area:	Not Reported	Drainage Area Units:	Not Reported
Contrib Drainage Area:	Not Reported	Contrib Drainage Area Unts:	Not Reported
Aquifer:	Not Reported	Formation Type:	Patuxent Formation
Aquifer Type:	Confined single aquifer	Construction Date:	Not Reported
Well Depth:	Not Reported	Well Depth Units:	Not Reported
Well Hole Depth:	Not Reported	Well Hole Depth Units:	Not Reported

GEOCHECK® - PHYSICAL SETTING SOURCE MAP FINDINGS

Map ID
Direction
Distance
Elevation

Database EDR ID Number

A9
NNW
1/2 - 1 Mile
Higher

FED USGS USGS40001202765

Organization ID:	USGS-VA	Organization Name:	USGS Virginia Water Science Center
Monitor Location:	56F 60	Type:	Well
Description:	Not Reported	HUC:	02080206
Drainage Area:	Not Reported	Drainage Area Units:	Not Reported
Contrib Drainage Area:	Not Reported	Contrib Drainage Area Unts:	Not Reported
Aquifer:	Northern Atlantic Coastal Plain aquifer system		
Formation Type:	Patuxent Formation	Aquifer Type:	Confined single aquifer
Construction Date:	20031210	Well Depth:	1190
Well Depth Units:	ft	Well Hole Depth:	1222
Well Hole Depth Units:	ft		

A10
NNW
1/2 - 1 Mile
Higher

VA WELLS VA7000000003204

WELLS:

TINWSF:	2679662	PWS ID:	3095490
System Name:	JCSA - CENTRAL SYSTEM	Type:	Well
Facility Name:	FFWTF - MP-2	Fed Primary Src Class:	Groundwater
PWS Fed Class:	Community	Population Served:	58785
Max Production:	4432800 GPD	Avg Daily Production:	3400000 GPD

A11
NNW
1/2 - 1 Mile
Higher

FED USGS USGS40001202768

Organization ID:	USGS-VA	Organization Name:	USGS Virginia Water Science Center
Monitor Location:	56F 57	Type:	Well
Description:	Not Reported	HUC:	02080206
Drainage Area:	Not Reported	Drainage Area Units:	Not Reported
Contrib Drainage Area:	Not Reported	Contrib Drainage Area Unts:	Not Reported
Aquifer:	Northern Atlantic Coastal Plain aquifer system		
Formation Type:	Patapsco Formation	Aquifer Type:	Confined single aquifer
Construction Date:	20030806	Well Depth:	754
Well Depth Units:	ft	Well Hole Depth:	765
Well Hole Depth Units:	ft		

B12
NNW
1/2 - 1 Mile
Higher

FED USGS USGS40001202770

Organization ID:	USGS-VA	Organization Name:	USGS Virginia Water Science Center
Monitor Location:	56F 59	Type:	Well
Description:	Not Reported	HUC:	02080206
Drainage Area:	Not Reported	Drainage Area Units:	Not Reported
Contrib Drainage Area:	Not Reported	Contrib Drainage Area Unts:	Not Reported

GEOCHECK® - PHYSICAL SETTING SOURCE MAP FINDINGS

Aquifer:	Northern Atlantic Coastal Plain aquifer system	Aquifer Type:	Confined single aquifer
Formation Type:	Patuxent Formation	Well Depth:	1193
Construction Date:	Not Reported	Well Hole Depth:	Not Reported
Well Depth Units:	ft		
Well Hole Depth Units:	Not Reported		

13 South 1/2 - 1 Mile Lower

FED USGS USGS40001202625

Organization ID:	USGS-VA	Organization Name:	USGS Virginia Water Science Center
Monitor Location:	56F 28	Type:	Well
Description:	Not Reported	HUC:	02080206
Drainage Area:	Not Reported	Drainage Area Units:	Not Reported
Contrib Drainage Area:	Not Reported	Contrib Drainage Area Unts:	Not Reported
Aquifer:	Not Reported	Formation Type:	Not Reported
Aquifer Type:	Not Reported	Construction Date:	Not Reported
Well Depth:	370	Well Depth Units:	ft
Well Hole Depth:	400	Well Hole Depth Units:	ft

Ground water levels, Number of Measurements:	3	Level reading date:	1978-09-20
Feet below surface:	66.70	Feet to sea level:	Not Reported
Note:	Not Reported		
Level reading date:	1972-01-01	Feet below surface:	50.00
Feet to sea level:	Not Reported	Note:	Not Reported
Level reading date:	1972	Feet below surface:	50.00
Feet to sea level:	Not Reported	Note:	Not Reported

B14 NNW 1/2 - 1 Mile Higher

FED USGS USGS40001202775

Organization ID:	USGS-VA	Organization Name:	USGS Virginia Water Science Center
Monitor Location:	56F 56	Type:	Well
Description:	Not Reported	HUC:	02080206
Drainage Area:	Not Reported	Drainage Area Units:	Not Reported
Contrib Drainage Area:	Not Reported	Contrib Drainage Area Unts:	Not Reported
Aquifer:	Northern Atlantic Coastal Plain aquifer system		
Formation Type:	Patapsco Formation	Aquifer Type:	Confined single aquifer
Construction Date:	20011119	Well Depth:	745
Well Depth Units:	ft	Well Hole Depth:	753
Well Hole Depth Units:	ft		

C15 NNW 1/2 - 1 Mile Higher

VA WELLS VA7000000003203

WELLS:

TINWSF:	2679661	PWS ID:	3095490
System Name:	JCSA - CENTRAL SYSTEM	Type:	Well

GEOCHECK® - PHYSICAL SETTING SOURCE MAP FINDINGS

Facility Name:	FFWTF - MP-1	Fed Primary Src Class:	Groundwater
PWS Fed Class:	Community	Population Served:	58785
Max Production:	4432800 GPD	Avg Daily Production:	3400000 GPD

C16
NNW
1/2 - 1 Mile
Higher

FED USGS USGS40001202777

Organization ID:	USGS-VA	Organization Name:	USGS Virginia Water Science Center
Monitor Location:	56F 53	Type:	Well
Description:	Not Reported	HUC:	02080206
Drainage Area:	Not Reported	Drainage Area Units:	Not Reported
Contrib Drainage Area:	Not Reported	Contrib Drainage Area Units:	Not Reported
Aquifer:	Northern Atlantic Coastal Plain aquifer system		
Formation Type:	Upper Cretaceous Series	Aquifer Type:	Confined single aquifer
Construction Date:	20011114	Well Depth:	378
Well Depth Units:	ft	Well Hole Depth:	390
Well Hole Depth Units:	ft		

C17
NNW
1/2 - 1 Mile
Higher

FED USGS USGS40001202776

Organization ID:	USGS-VA	Organization Name:	USGS Virginia Water Science Center
Monitor Location:	56F 52	Type:	Well
Description:	Not Reported	HUC:	02080206
Drainage Area:	Not Reported	Drainage Area Units:	Not Reported
Contrib Drainage Area:	Not Reported	Contrib Drainage Area Units:	Not Reported
Aquifer:	Northern Atlantic Coastal Plain aquifer system		
Formation Type:	Patuxent Formation	Aquifer Type:	Confined single aquifer
Construction Date:	20010306	Well Depth:	1263
Well Depth Units:	ft	Well Hole Depth:	1297
Well Hole Depth Units:	ft		

C18
NNW
1/2 - 1 Mile
Higher

FED USGS USGS40001202778

Organization ID:	USGS-VA	Organization Name:	USGS Virginia Water Science Center
Monitor Location:	56F 55	Type:	Well
Description:	Not Reported	HUC:	02080206
Drainage Area:	Not Reported	Drainage Area Units:	Not Reported
Contrib Drainage Area:	Not Reported	Contrib Drainage Area Units:	Not Reported
Aquifer:	Northern Atlantic Coastal Plain aquifer system		
Formation Type:	Patapsco Formation	Aquifer Type:	Confined single aquifer
Construction Date:	20010511	Well Depth:	731
Well Depth Units:	ft	Well Hole Depth:	748.4
Well Hole Depth Units:	ft		

GEOCHECK® - PHYSICAL SETTING SOURCE MAP FINDINGS

Map ID
Direction
Distance
Elevation

Database EDR ID Number

C19
NNW
1/2 - 1 Mile
Higher

FED USGS USGS40001202781

Organization ID:	USGS-VA	Organization Name:	USGS Virginia Water Science Center
Monitor Location:	56F 54	Type:	Well
Description:	Not Reported	HUC:	02080206
Drainage Area:	Not Reported	Drainage Area Units:	Not Reported
Contrib Drainage Area:	Not Reported	Contrib Drainage Area Unts:	Not Reported
Aquifer:	Northern Atlantic Coastal Plain aquifer system		
Formation Type:	Patuxent Formation	Aquifer Type:	Confined single aquifer
Construction Date:	20010509	Well Depth:	1260
Well Depth Units:	ft	Well Hole Depth:	1277
Well Hole Depth Units:	ft		

C20
NNW
1/2 - 1 Mile
Higher

VA WELLS VA7000000003205

WELLS:

TINWSF:	2686616	PWS ID:	3095490
System Name:	JCSA - CENTRAL SYSTEM	Type:	Well
Facility Name:	FFWTF-LP-1A	Fed Primary Src Class:	Groundwater
PWS Fed Class:	Community	Population Served:	58785
Max Production:	4432800 GPD	Avg Daily Production:	3400000 GPD

D21
WSW
1/2 - 1 Mile
Lower

FED USGS USGS40001202663

Organization ID:	USGS-VA	Organization Name:	USGS Virginia Water Science Center
Monitor Location:	56F 18	Type:	Well
Description:	Not Reported	HUC:	02080206
Drainage Area:	Not Reported	Drainage Area Units:	Not Reported
Contrib Drainage Area:	Not Reported	Contrib Drainage Area Unts:	Not Reported
Aquifer:	Not Reported	Formation Type:	Upper Cretaceous Series
Aquifer Type:	Confined single aquifer	Construction Date:	Not Reported
Well Depth:	409	Well Depth Units:	ft
Well Hole Depth:	409	Well Hole Depth Units:	ft

Ground water levels,Number of Measurements:	2	Level reading date:	1977-08-19
Feet below surface:	70.04	Feet to sea level:	Not Reported
Note:	Not Reported		

Level reading date:	1974-03-22	Feet below surface:	65.00
Feet to sea level:	Not Reported	Note:	The site had been pumped recently.

GEOCHECK® - PHYSICAL SETTING SOURCE MAP FINDINGS

Map ID
Direction
Distance
Elevation

Database EDR ID Number

D22
WSW
1/2 - 1 Mile
Lower

FED USGS USGS40001202666

Organization ID: USGS-VA
Monitor Location: 56F 17
Description: Not Reported
Drainage Area: Not Reported
Contrib Drainage Area: Not Reported
Aquifer: Not Reported
Aquifer Type: Not Reported
Well Depth: 414
Well Hole Depth: 414

Organization Name: USGS Virginia Water Science Center
Type: Well
HUC: 02080206
Drainage Area Units: Not Reported
Contrib Drainage Area Units: Not Reported
Formation Type: Not Reported
Construction Date: Not Reported
Well Depth Units: ft
Well Hole Depth Units: ft

Ground water levels, Number of Measurements: 1
Feet below surface: 65.00
Note: Not Reported

Level reading date: 1974-02-27
Feet to sea level: Not Reported

E23
North
1/2 - 1 Mile
Higher

FED USGS USGS40001202797

Organization ID: USGS-VA
Monitor Location: 56G 22
Description: Not Reported
Drainage Area: Not Reported
Contrib Drainage Area: Not Reported
Aquifer: Not Reported
Aquifer Type: Not Reported
Well Depth: 414
Well Hole Depth: 500

Organization Name: USGS Virginia Water Science Center
Type: Well
HUC: 02080206
Drainage Area Units: Not Reported
Contrib Drainage Area Units: Not Reported
Formation Type: Not Reported
Construction Date: Not Reported
Well Depth Units: ft
Well Hole Depth Units: ft

24
ESE
1/2 - 1 Mile
Higher

FED USGS USGS40001202673

Organization ID: USGS-VA
Monitor Location: 56F 23
Description: Not Reported
Drainage Area: Not Reported
Contrib Drainage Area: Not Reported
Aquifer: Not Reported
Aquifer Type: Confined single aquifer
Well Depth: 246
Well Hole Depth: 255

Organization Name: USGS Virginia Water Science Center
Type: Well
HUC: 02080206
Drainage Area Units: Not Reported
Contrib Drainage Area Units: Not Reported
Formation Type: Eocene Series
Construction Date: Not Reported
Well Depth Units: ft
Well Hole Depth Units: ft

Ground water levels, Number of Measurements: 1
Feet below surface: 75.00
Note: Not Reported

Level reading date: 1958-05-12
Feet to sea level: Not Reported

GEOCHECK® - PHYSICAL SETTING SOURCE MAP FINDINGS

Map ID
Direction
Distance
Elevation

Database EDR ID Number

25
NW
1/2 - 1 Mile
Lower

FED USGS USGS40001202758

Organization ID: USGS-VA
Monitor Location: 56F 19
Description: Not Reported
Drainage Area: Not Reported
Contrib Drainage Area: Not Reported
Aquifer: Not Reported
Aquifer Type: Confined single aquifer
Well Depth: 390
Well Hole Depth: 400

Organization Name: USGS Virginia Water Science Center
Type: Well
HUC: 02080206
Drainage Area Units: Not Reported
Contrib Drainage Area Units: Not Reported
Formation Type: Patapsco Formation
Construction Date: Not Reported
Well Depth Units: ft
Well Hole Depth Units: ft

Ground water levels, Number of Measurements: 1
Feet below surface: 70.00
Note: Not Reported

Level reading date: 1973-07-16
Feet to sea level: Not Reported

E26
North
1/2 - 1 Mile
Higher

FED USGS USGS40001202802

Organization ID: USGS-VA
Monitor Location: 56G 48
Description: Not Reported
Drainage Area: Not Reported
Contrib Drainage Area: Not Reported
Aquifer: Not Reported
Aquifer Type: Not Reported
Well Depth: 270
Well Hole Depth: 300

Organization Name: USGS Virginia Water Science Center
Type: Well
HUC: 02080206
Drainage Area Units: Not Reported
Contrib Drainage Area Units: Not Reported
Formation Type: Not Reported
Construction Date: Not Reported
Well Depth Units: ft
Well Hole Depth Units: ft

Ground water levels, Number of Measurements: 2
Feet below surface: 96.37
Note: Not Reported

Level reading date: 1978-09-20
Feet to sea level: Not Reported

Level reading date: 1977-06-02
Feet to sea level: Not Reported

Feet below surface: 93.98
Note: Not Reported

F27
ESE
1/2 - 1 Mile
Higher

FED USGS USGS40001202665

Organization ID: USGS-VA
Monitor Location: 57F 10
Description: Not Reported
Drainage Area: Not Reported
Contrib Drainage Area: Not Reported
Aquifer: Not Reported
Aquifer Type: Confined single aquifer
Well Depth: 206
Well Hole Depth: 206

Organization Name: USGS Virginia Water Science Center
Type: Well
HUC: 02080206
Drainage Area Units: Not Reported
Contrib Drainage Area Units: Not Reported
Formation Type: Eocene Series
Construction Date: Not Reported
Well Depth Units: ft
Well Hole Depth Units: ft

GEOCHECK® - PHYSICAL SETTING SOURCE MAP FINDINGS

Ground water levels,Number of Measurements:	12	Level reading date:	1985-09-19
Feet below surface:	83.38	Feet to sea level:	Not Reported
Note:	Not Reported		
Level reading date:	1985-07-17	Feet below surface:	83.52
Feet to sea level:	Not Reported	Note:	Not Reported
Level reading date:	1985-03-19	Feet below surface:	79.53
Feet to sea level:	Not Reported	Note:	Not Reported
Level reading date:	1984-12-12	Feet below surface:	81.33
Feet to sea level:	Not Reported	Note:	Not Reported
Level reading date:	1984-09-18	Feet below surface:	82.88
Feet to sea level:	Not Reported	Note:	Not Reported
Level reading date:	1984-06-27	Feet below surface:	79.10
Feet to sea level:	Not Reported	Note:	Not Reported
Level reading date:	1984-04-02	Feet below surface:	75.10
Feet to sea level:	Not Reported	Note:	Not Reported
Level reading date:	1984-02-03	Feet below surface:	76.23
Feet to sea level:	Not Reported	Note:	Not Reported
Level reading date:	1983-12-20	Feet below surface:	77.17
Feet to sea level:	Not Reported	Note:	Not Reported
Level reading date:	1977-12-19	Feet below surface:	65.50
Feet to sea level:	Not Reported	Note:	The site had been pumped recently.
Level reading date:	1954-12-01	Feet below surface:	40.00
Feet to sea level:	Not Reported	Note:	Not Reported
Level reading date:	1954-12	Feet below surface:	40.00
Feet to sea level:	Not Reported	Note:	Not Reported

F28
ESE
1/2 - 1 Mile
Higher

FED USGS USGS40001202668

Organization ID:	USGS-VA	Organization Name:	USGS Virginia Water Science Center
Monitor Location:	57F 15	Type:	Well
Description:	Not Reported	HUC:	02080206
Drainage Area:	Not Reported	Drainage Area Units:	Not Reported
Contrib Drainage Area:	Not Reported	Contrib Drainage Area Unts:	Not Reported
Aquifer:	Not Reported	Formation Type:	Not Reported
Aquifer Type:	Not Reported	Construction Date:	Not Reported
Well Depth:	354	Well Depth Units:	ft
Well Hole Depth:	354	Well Hole Depth Units:	ft

Ground water levels,Number of Measurements:	2	Level reading date:	1978-02-24
Feet below surface:	113.73	Feet to sea level:	Not Reported
Note:	A nearby site that taps the same aquifer had been pumped recently.		
Level reading date:	1941-10-04	Feet below surface:	58.00
Feet to sea level:	Not Reported	Note:	Not Reported

GEOCHECK® - PHYSICAL SETTING SOURCE MAP FINDINGS RADON

AREA RADON INFORMATION

EPA Region 3 Statistical Summary Readings for Zip Code: 23185

Number of sites tested: 162.

Maximum Radon Level: 20.7 pCi/L.

Minimum Radon Level: 0.0 pCi/L.

pCi/L <4	pCi/L 4-10	pCi/L 10-20	pCi/L 20-50	pCi/L 50-100	pCi/L >100
140 (86.42%)	16 (9.88%)	4 (2.47%)	2 (1.23%)	0 (0.00%)	0 (0.00%)

Federal EPA Radon Zone for JAMES CITY County: 3

Note: Zone 1 indoor average level > 4 pCi/L.

: Zone 2 indoor average level >= 2 pCi/L and <= 4 pCi/L.

: Zone 3 indoor average level < 2 pCi/L.

PHYSICAL SETTING SOURCE RECORDS SEARCHED

TOPOGRAPHIC INFORMATION

USGS 7.5' Digital Elevation Model (DEM)

Source: United States Geologic Survey

EDR acquired the USGS 7.5' Digital Elevation Model in 2002 and updated it in 2006. The 7.5 minute DEM corresponds to the USGS 1:24,000- and 1:25,000-scale topographic quadrangle maps. The DEM provides elevation data with consistent elevation units and projection.

Current USGS 7.5 Minute Topographic Map

Source: U.S. Geological Survey

HYDROLOGIC INFORMATION

Flood Zone Data: This data was obtained from the Federal Emergency Management Agency (FEMA). It depicts 100-year and 500-year flood zones as defined by FEMA. It includes the National Flood Hazard Layer (NFHL) which incorporates Flood Insurance Rate Map (FIRM) data and Q3 data from FEMA in areas not covered by NFHL.

Source: FEMA

Telephone: 877-336-2627

Date of Government Version: 2003, 2015

NWI: National Wetlands Inventory. This data, available in select counties across the country, was obtained by EDR in 2002, 2005, 2010 and 2015 from the U.S. Fish and Wildlife Service.

HYDROGEOLOGIC INFORMATION

AQUIFLOW^R Information System

Source: EDR proprietary database of groundwater flow information

EDR has developed the AQUIFLOW Information System (AIS) to provide data on the general direction of groundwater flow at specific points. EDR has reviewed reports submitted to regulatory authorities at select sites and has extracted the date of the report, hydrogeologically determined groundwater flow direction and depth to water table information.

GEOLOGIC INFORMATION

Geologic Age and Rock Stratigraphic Unit

Source: P.G. Schruben, R.E. Arndt and W.J. Bawiec, Geology of the Conterminous U.S. at 1:2,500,000 Scale - A digital representation of the 1974 P.B. King and H.M. Beikman Map, USGS Digital Data Series DDS - 11 (1994).

STATSGO: State Soil Geographic Database

Source: Department of Agriculture, Natural Resources Conservation Service (NRCS)

The U.S. Department of Agriculture's (USDA) Natural Resources Conservation Service (NRCS) leads the national Conservation Soil Survey (NCSS) and is responsible for collecting, storing, maintaining and distributing soil survey information for privately owned lands in the United States. A soil map in a soil survey is a representation of soil patterns in a landscape. Soil maps for STATSGO are compiled by generalizing more detailed (SSURGO) soil survey maps.

SSURGO: Soil Survey Geographic Database

Source: Department of Agriculture, Natural Resources Conservation Service (NRCS)

Telephone: 800-672-5559

SSURGO is the most detailed level of mapping done by the Natural Resources Conservation Service, mapping scales generally range from 1:12,000 to 1:63,360. Field mapping methods using national standards are used to construct the soil maps in the Soil Survey Geographic (SSURGO) database. SSURGO digitizing duplicates the original soil survey maps. This level of mapping is designed for use by landowners, townships and county natural resource planning and management.

PHYSICAL SETTING SOURCE RECORDS SEARCHED

LOCAL / REGIONAL WATER AGENCY RECORDS

FEDERAL WATER WELLS

PWS: Public Water Systems

Source: EPA/Office of Drinking Water

Telephone: 202-564-3750

Public Water System data from the Federal Reporting Data System. A PWS is any water system which provides water to at least 25 people for at least 60 days annually. PWSs provide water from wells, rivers and other sources.

PWS ENF: Public Water Systems Violation and Enforcement Data

Source: EPA/Office of Drinking Water

Telephone: 202-564-3750

Violation and Enforcement data for Public Water Systems from the Safe Drinking Water Information System (SDWIS) after August 1995. Prior to August 1995, the data came from the Federal Reporting Data System (FRDS).

USGS Water Wells: USGS National Water Inventory System (NWIS)

This database contains descriptive information on sites where the USGS collects or has collected data on surface water and/or groundwater. The groundwater data includes information on wells, springs, and other sources of groundwater.

STATE RECORDS

Virginia Public Water Supplies

Source: Department of Health, Office of Water Programs

Telephone: 804-786-1756

OTHER STATE DATABASE INFORMATION

Virginia Oil and Gas Wells

Source: Department of Mines, Minerals and Energy

Telephone: 804-692-3200

A listing of oil and gas well locations.

RADON

Area Radon Information

Source: USGS

Telephone: 703-356-4020

The National Radon Database has been developed by the U.S. Environmental Protection Agency (USEPA) and is a compilation of the EPA/State Residential Radon Survey and the National Residential Radon Survey. The study covers the years 1986 - 1992. Where necessary data has been supplemented by information collected at private sources such as universities and research institutions.

EPA Radon Zones

Source: EPA

Telephone: 703-356-4020

Sections 307 & 309 of IRRA directed EPA to list and identify areas of U.S. with the potential for elevated indoor radon levels.

EPA Region 3 Statistical Summary Readings

Source: Region 3 EPA

Telephone: 215-814-2082

Radon readings for Delaware, D.C., Maryland, Pennsylvania, Virginia and West Virginia.

OTHER

Airport Landing Facilities: Private and public use landing facilities

Source: Federal Aviation Administration, 800-457-6656

Epicenters: World earthquake epicenters, Richter 5 or greater

Source: Department of Commerce, National Oceanic and Atmospheric Administration

Earthquake Fault Lines: The fault lines displayed on EDR's Topographic map are digitized quaternary faultlines, prepared in 1975 by the United State Geological Survey

PHYSICAL SETTING SOURCE RECORDS SEARCHED

STREET AND ADDRESS INFORMATION

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July 1, 2025

Roberta AG Sulouff, Senior Planner
101 Mounts Bay Road
Building A
Williamsburg, VA 23185

**RE: SUP-24-0035 – Haven Health Mental Health Treatment Facility - Parking
Justification Letter**

Dear Ms. Suloff,

As part of our Special Use Permit request to allow a hospital and mental health facility, we recognize that James City County's ordinance requires two parking spaces per hospital bed. However, the proposed facility will operate as a mental health treatment center with a significantly lower parking demand, and we are therefore requesting a reduction in the required parking.

As stated in the submitted Community Impact Statement, patients served by the facility will not be permitted to park their own vehicles on-site. Patients are either transported to and from the facility by staff, or by their family member(s). In addition, visitors are not permitted on site and may only drop off individuals seeking treatment. Three (3) company cars (Ford Explorers or similar) will assist with pickups and drop offs for individuals to the facility. Finally, the maximum number of employees at any one time on site is 30. Typical shifts will have approximately 20 staff members.

The proposed parking as shown on the Master Plan is designated for the maximum number of employees at any one time (30) and three company cars.

Given these operational characteristics, the standard requirement of two spaces per bed would result in significant excess parking. We respectfully request that the requirement be reduced to reflect the specific needs of this facility.

Regards,



Cheyenne Riker
General Counsel

**SPECIAL USE PERMIT-28-05. New Dawn Assisted Living Facility
Staff Report for the November 8, 2005, Board of Supervisors Public Hearing**

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.

PUBLIC HEARINGS

Planning Commission:

Board of Supervisors:

Building F Board Room; County Government Complex

October, 3, 2005, 7 p.m.

November 8, 2005, 7 p.m.

SUMMARY FACTS

Applicant:

Mr. Brian May, Dewberry & Davis

Land Owner:

Erin C. Ibele, Health Care REIT, Inc.

Proposal:

To construct three 10,000-square-foot assisted living units

Location:

1807 Jamestown Road

Tax Map/Parcel Nos.:

(47-3) (1-70A)

Parcel Size:

6.1 acres

Existing Zoning:

R-8, Rural Residential, and LB, Limited Business

Comprehensive Plan:

Neighborhood Commercial

Primary Service Area:

Inside

STAFF RECOMMENDATION

Staff believes the proposed assisted living facility is a complementary use to the surrounding community, and is consistent with the Comprehensive Plan. Based on this information, staff recommends that the James City County Board of Supervisors approve this application with the attached conditions.

Staff Contact:

Joel Almquist

Phone: 253-6685

PLANNING COMMISSION RECOMMENDATION

On October 3, 2005, the Planning Commission voted 6-0 to approve this application.

Proposed Changes Made Since Planning Commission Meeting

The wording to Special Use Permit (SUP) Condition No. 1 "Master Plan" was changed to read: "This Special Use Permit shall be valid for an assisted living facility no larger than 30,000 square feet and accessory uses thereto." The condition had previously read "shall be valid for thirty-six months," this was a typographical error that staff caught the day of the Planning Commission and was unable to change prior to the Public Hearing.

PROJECT DESCRIPTION

Brian May, on behalf of New Dawn Assisted Living Corporation, is proposing to amend SUP-7-99 to allow the construction of an assisted living facility no larger than 30,000 square feet with a design that will consist of three buildings with approximately 9,500 square feet each. Most patients are in varying stages of Alzheimer's and will be provided with 24-hour nursing care in a gated community that includes walking trails and flower and/or vegetable gardens.

A SUP was approved in 1998 (SUP-8-98) for a skilled nursing facility no greater than 50,000 square feet and an office development no greater than 20,000 square feet (the skilled nursing facility has been built and is operating). An SUP amendment (SUP-7-99) and rezoning (Z-3-99) were approved in 1999. The amendment allowed 22,000 square feet of assisted living facility in lieu of the 20,000 square foot office development. At that time a subdivision was approved which created two lots from the one original lot.

The proposed SUP amendment covers only the portions of SUP-7-99 that apply to Parcel No.1-70A where the assisted living facility is to be located. The new conditions for SUP-28-05 will be for the Master Plan titled "New Dawn Assisted Living Facility" and is a combination of the previous applicable conditions with the new conditions requested by staff. All of the conditions of SUP-7-99 will still apply to the existing skilled nursing facility.

PUBLIC IMPACTS

Environmental

Watershed: Powhatan Creek

Environmental Staff Comment: The Environmental Division has no major issues associated with this SUP application.

Public Utilities

The site is served by public water and sewer. Water conservation measures are proposed and reflected with the attached conditions.

JCSA Staff Comment: Staff has noted minor changes that can be addressed during the site plan development stage.

Transportation

Proposed Traffic: The applicant's traffic consultant evaluated ITE trip generation information for the proposed land use and determined that the proposed assisted living facility will generate approximately 26 peak hour trips and 210 daily trips. This number is below the 100 peak hour trips threshold for requiring a traffic impact study.

2005 Traffic Counts: Approximately 7,072 vehicles per day in this area of Jamestown Road.

2026 Volume Projected: 10,000 vehicles per day in this area on Jamestown Road.

Road Improvements: No road improvements are warranted.

VDOT Comments: VDOT concurs with the trip generation and distribution as presented by the applicant's consultant and believes that this proposal will not adversely impact the existing roadway network. VDOT also concluded that no road improvements are necessary neither for this project nor to accommodate traffic from both this project and the existing on-site use.

COMPREHENSIVE PLAN

Land Use Map Designation

The 2003 James City County Comprehensive Plan Land Use Map designates this property as Low Density Residential. Acceptable land uses within this designation include single-family homes, duplexes, cluster housing, recreation areas, schools, churches, community-oriented public facilities, and very limited commercial establishments. Non-residential uses should not alter, but rather, complement the residential character of the low-density residential area in which they are located and should have traffic, noise, lighting and other impacts similar to surrounding or planned residential uses.

Other Considerations

Development Standards: Prior to final site plan approval, the Planning Director shall review and approve the final architectural design of the building.

Community Character: The parcel is located on Jamestown Road within a Community Character Corridor. The portion of the parcel that fronts on Jamestown Road is held in a County open space easement to preserve the rural and natural character of the Jamestown Road Corridor.

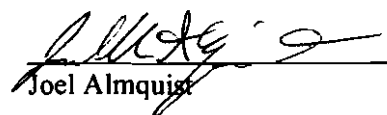
Staff Comments: The applicant has proposed landscape buffers, open space easements, enhanced landscaping and improved lighting to reduce the impact of their business on the surrounding community. Preservation of the front of the parcel in an open space easement was a significant public benefit of SUP-8-98. Staff believes that some vegetative restoration is needed and has provided a condition to address this. Staff also believes that the proposed assisted living facility will not have a negative effect on the surrounding residential areas and with the SUP conditions is consistent with the Comprehensive Plan.

A comparative analysis of the traffic generated, amount of impervious surface and open space shows that the additional 8,000 square feet will not have a significant impact on the surrounding community:

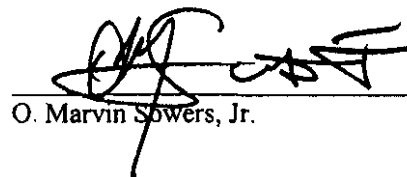
- **Peak Hour Trips Generated:**
 - 22,000 sq./ft. = 17 peak hour trips
 - 30,000 sq./ft. = 26 peak hour trips
- **Impervious Surface:**
 - 22,000 sq./ft. building and parking = 43,700 square feet or 16 percent
 - 30,000 sq./ft. building and parking = 45,206 square feet or 17 percent
- **Percentage of Open Space:**
 - 22,000 sq./ft. = 84 percent
 - 30,000 sq./ft. = 83 percent

RECOMMENDATION

Staff believes the proposed assisted living facility is a complimentary use to the surrounding businesses, and believes that this use meets the intent of the Low Density Residential Land Use designation of the Comprehensive Plan for acceptable non-residential uses. Based on this information, staff recommends that the James City County Board of Supervisors approve this application with the conditions in the attached resolution.


Joel Almquist

CONCUR:


O. Marvin Sowers, Jr.

JA/gs
sup-28-05.doc

ATTACHMENTS:

1. Minutes from the October 3, 2005, Planning Commission
2. Location Map
3. Architectural Elevations
4. Master Plan (under separate cover)
5. Resolution

RESOLUTION

CASE NO. SUP-28-05. NEW DAWN ASSISTED LIVING

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit (SUP) process; and

WHEREAS, Mr. Brian May has applied for an amendment to SUP-7-99 to allow for the construction of a 30,000 square foot assisted living facility; and

WHEREAS, the land is located on a parcel zoned both R-8, Rural Residential, and LB, Limited Business, and can be further identified as Parcel No. (1-70A) on James City County Real Estate Tax Map No. (47-3); and

WHEREAS, the Planning Commission of James City County, following a public hearing on October 3, 2005, recommended approval of Case No. SUP-28-05 by a 6-0 vote.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-28-05 as described herein with the following conditions:

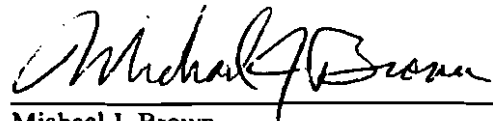
1. **Master Plan:** This Special Use Permit shall be valid for an assisted living facility no larger than 30,000 square feet and accessory uses thereto. Development of the site shall be generally in accordance with the master plan titled "New Dawn Assisted Living Facility," dated August 22, 2005, as determined by the Development Review Committee of the James City County Planning Commission. Minor changes may be permitted by the DRC, as long as they do not change the basic concept or character of the development.
2. **Architecture:** Prior to final site plan approval, the Director of Planning shall review and approve the final architectural design of the building. Such building shall be generally consistent, as determined by the Director of Planning, with the architectural elevations titled "New Dawn Assisted Living Facility" submitted with this special use permit application, dated August 22, 2005, and drawn by Dewberry and Davis, Inc.
3. **Buffers:** There shall be a minimum 50-foot undisturbed wooded buffer between the proposed assisted living facility and the residential properties to the east as shown on the master plan titled "New Dawn Assisted Living Facility," dated August 22, 2005. The construction of a trail within the landscape buffer as shown on the master plan is permitted provided no trees are removed before or after construction. There shall also be a 10-foot building setback line from all natural open space conservation easements as shown on the master plan titled "New Dawn Assisted Living Facility," dated August 22, 2005.
4. **Lighting:** Any new exterior site lighting shall be limited to fixtures which are horizontally mounted on light poles not to exceed 15 feet in height and/or other structures and shall be recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light

fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare, defined as 0.1 footcandle or higher, shall extend outside the property lines.

5. **Dumpsters:** All dumpsters and heating and cooling units, whether on the ground or affixed on the rooftop, shall be screened from view by landscaping, fencing, or other alternative that provides similarly adequate screening, as determined and approved by the Director of Planning prior to final site plan approval.
6. **Archaeology:** A Phase I Archaeological Study for the entire site shall be submitted to the Director of Planning for review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' *Guidelines for Preparing Archaeological Resource Management Reports* and the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation*, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's *Professional Qualification Standards*. All approved treatment plans shall be incorporated into the plan of development for the site and the clearing, grading, or construction activities thereon.
7. **Buffer Enhancement:** Prior to the issuance of a certificate of occupancy for the assisted living facility, the natural open space easement along Jamestown Road as designated on the master plan titled "New Dawn Assisted Living Facility," dated August 22, 2005, shall be seeded with a native woodland mix to enhance the buffer. The composition of this mix shall be indicated on the site plan and shall be approved by the Director of Planning prior to final site plan approval.
8. **Enhanced Landscaping:** The landscape plan shall be approved by the Planning Director prior to final site plan approval for any section or phase of this project and shall include enhanced landscaping around the perimeter of each building, so that the required number of plants equals at least 133 percent of the County's Landscaping Ordinance requirements with a minimum of 33 percent of the required number of trees being evergreen.
9. **Water Conservation:** The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority prior to final development plan approval. The standards may include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of

approved landscaping materials including the use of drought tolerant plants where appropriate, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.

10. Stormwater Management: The owner shall submit to the County a master stormwater management plan as a part of the initial site or development plan submittal for the Property, including the stormwater management BMP ponds, methods and measure to reduce fecal bacteria, low impact design techniques where appropriate and feasible for review and approval by the Environmental Division. The master stormwater management plan may be revised and/or updated during the development of the Property with the prior approval of the Environmental Division. The County shall not be obligated to approve any final development plans for development on the Property until the master stormwater management plan has been approved. The approved master stormwater management plan, as revised and/or updated, shall be implemented in all development plans for the Property.
11. Construction: If construction has not commenced on this project within 36 months from the issuance of a special use permit, the special use permit shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
12. Severance Clause: This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.



Michael J. Brown
Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
HARRISON	AYE
GOODSON	AYE
MCGLENNON	AYE
BRADSHAW	AYE
BROWN	AYE

ATTEST:



Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of November, 2005.

Sup-28-05.res

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
August 6, 2025
6:00 PM

A. CALL TO ORDER

Mr. Haldeman called the meeting to order at 6 p.m.

B. ROLL CALL

Planning Commissioners Present:

Jack Haldeman, Chair

Frank Polster

Stephen Rodgers

Jay Everson

Scott Maye

Kira Allmann, Vice Chair

Crystal Haskins

Staff Present:

Susan Istenes, Director of Planning

Liz Parman, Deputy County Attorney

Sarah Propst, Principal Planner

Roberta Sulouff, Senior Planner

Linda Titus, Community Development Assistant

Hannah Hunnicutt, Community Development Assistant

C. PUBLIC COMMENT

Mr. Haldeman opened Public Comment.

As no one wished to speak, Mr. Haldeman closed Public Comment.

D. REPORTS OF THE COMMISSION

Mr. Polster stated that the Development Review Committee (DRC) met at 4 p.m. on July 23, 2025, to discuss C-25-0021. Stonehouse - Tract 2. With a vote of 4-0, the DRC found the conceptual plan consistent with the Zoning Ordinance requirements, adopted Master Plan, adopted Proffers, and other applicable County policies.

Mr. Everson stated that the Policy Committee did not meet in July.

E. CONSENT AGENDA

1. Minutes of the July 2, 2025, Regular Meeting

Mr. Polster 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. Zoning Ordinance Section 24-35, Pedestrian and Bicycle Accommodations

Ms. Liz Parman, Deputy County Attorney, presented to the Commission a recommendation to amend Section 24-35 of the Zoning Ordinance. Ms. Parman stated that there were Constitutional concerns with the requirement to dedicate land for pedestrian and bicycle lanes for projects that would not necessarily need such accommodation. Ms. Parman stated that when the County asked for dedication of land for such projects, they must be examined under the Supreme Court's decision related to takings and exactions.

Ms. Parman stated that the County Attorney's Office recommends three additional exemptions, being that the development is for outdoor operations or storage, but with the exemption of outdoor sports, entertainment, or retail, there is not an existing sidewalk within one mile of the development, or that the development is more than 500 feet from the road.

Ms. Parman explained that with these exemptions, the County would have more leeway to exempt this requirement for proposed developments that do not need pedestrian and bicycle accommodation.

Ms. Parman asked the Commission to recommend approval to the Board of Supervisors.

Mr. Polster asked for clarification as to which road the Ordinance amendment applied to.

Ms. Parman stated that it referred to the road that the proposed development was adjacent to.

Mr. Polster asked what the significance of the public roads shown on the Pedestrian Accommodation Master Plan and Regional Bicycle Facilities Plan was.

Ms. Parman answered that the public roads were example locations of where the accommodations should be.

Mr. Haldeman opened the Public Hearing.

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

Mr. Haldeman asked for a motion to recommend approval of Zoning Ordinance Section 24-35, Pedestrian and Bicycle Accommodations to the Board of Supervisors.

Mr. Polster made a motion to recommend approval of Zoning Ordinance Section 24-35, Pedestrian and Bicycle Accommodations to the Board of Supervisors.

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

2. JCC Case No. SUP-24-0035. Haven Health Mental Health and Substance Abuse Hospital

Ms. Roberta Sulouff, Senior Planner, addressed the Commission stating that Mr. Cheyenne Riker of Haven Health Management had applied for a Special Use Permit (SUP) to allow the operation of a mental and substance abuse treatment facility at the current site of the New Dawn Assisted Living Facility. Ms. Sulouff noted that the property is located at 1807 Jamestown Road, inside the Primary Service Area, split- zoned R-8, Rural Residential, and LB, Limited Business, and is designated Low Density Residential on the 2045 Comprehensive Plan.

Ms. Sulouff stated that the proposed facility would serve up to 50 individuals for periods of 30-60 days. Ms. Sulouff explained that patients would not be permitted to park vehicles on-site during their stay, nor were visitors permitted. Ms. Sulouff noted that an average of 20 employees would be on-site at any time, up to a maximum of 30 employees. Ms. Sulouff stated that three company vehicles would also be parked on-site and that the applicant had provided parking for the maximum number of employees and three company vehicles.

Ms. Sulouff explained that the site had operated as an assisted living facility, another specially permitted use, for over two decades. Ms. Sulouff noted that the applicant proposed very minor changes to the site, as most changes needed to accommodate the proposed use would be internal to the building. Ms. Sulouff explained that if this application was approved, the assisted living use would no longer be permitted at this site.

Ms. Sulouff stated that this use fell under the definition of Hospitals and mental health facilities found in Section 24-2 of the Zoning Ordinance. Ms. Sulouff noted that staff proposed SUP conditions that would mitigate potential impacts of the proposed use, and incorporate earlier conditions associated with the SUP for the assisted living use.

Ms. Sulouff stated that with the attached conditions staff found that the proposal was compatible with surrounding zoning and development and consistent with the Comprehensive Plan.

Ms. Sulouff stated that staff recommended that the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the attached conditions.

Mr. Rodgers asked if staff was concerned about this proposed facility being located across the street from a brewery.

Ms. Sulouff stated that staff does not evaluate the use of surrounding properties in relation to proposed projects and ultimately referred to the applicant.

Mr. Haldeman asked if the building was vacant.

Ms. Sulouff answered that it was not vacant.

Mr. Haldeman asked if the only land disturbance would be from work on the parking lot.

Ms. Sulouff confirmed that was correct.

Mr. Haldeman stated that the Best Management Practice (BMP) would have to be upgraded, which would contribute to land disturbance.

Ms. Sulouff stated that any BMP upgrades would occur during the site plan stage.

Mr. Haldeman opened the Public Hearing.

Mr. Cheyenne Riker, 5556 South Rockport Road, Bloomington, IN, addressed the Commission, stating that he was representing Haven Health Management. Mr. Riker stated that Haven Health specializes in management of behavioral health facilities and are fully licensed in every state they operate in and accredited through multiple agencies.

Mr. Riker stated that trained staff would always be on-site, and they have never received a complaint about the security of the facilities. Mr. Riker explained that transportation of the patients was done by the facility, and patients were always supervised while in the building.

Mr. Riker noted that each facility was renovated to fit with its design standards, to make it a more comfortable environment for its patients.

Ms. Jackie Daniels, 8314 South Anne Avenue, Bloomington, IN, gave a brief presentation to the Commission about the need for mental health and substance abuse care in the state of Virginia. Ms. Daniels explained the program that would operate in the proposed facility would be inpatient specific, and only voluntary patients would be admitted.

Mr. Mike Urban, 123 Penns Grant Drive, Morrisville, PA, gave a presentation to the Commission about the veteran and active-duty populations in need of mental health and substance abuse care in the Williamsburg region.

Ms. Taylor Parker, 2010 Grove Avenue, Richmond, VA, introduced herself to the Commission as a planner working for Timmons Group, Inc., and gave a brief presentation about the site changes for the proposed project. Ms. Parker stated that the proposed site changes included increasing the parking lot to include 33 spaces, two ADA spaces, and two drop-off spaces. Ms. Parker noted that the open space easement along Jamestown Road would remain undisturbed.

Mr. Riker requested that the Commission extend the requirement to obtain a license to operate to 36 months, to accommodate for any delays with their application.

Mr. Haldeman asked if the facility would open shortly after obtaining the license.

Mr. Riker confirmed that was correct.

Mr. Haldeman asked if Mr. Riker was confident they would be able to staff the proposed facility.

Mr. Riker responded that they pay higher than market rates and were confident in its ability to encourage people to work at their facilities.

Discussion ensued.

Mr. Haldeman closed the Public Hearing.

Mr. Polster commended the applicant for the completeness of their application, and the level of detail in the Phase 1 environmental study.

Mr. Rodgers also commended the applicant for their application and encouraged the applicant to reach out to the adjacent property owners regarding the project to address any concerns.

Dr. Haskins stated that the application for the proposed project should be used as an example for future applications that have a similar purpose.

Mr. Haldeman asked for a motion to recommend approval of SUP-24-0035, Haven Health Mental Health and Substance Abuse Hospital to the Board of Supervisors.

Mr. Polster made a motion to recommend approval of SUP-24-0035, Haven Health Mental Health and Substance Abuse Hospital to the Board of Supervisors.

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

G. PLANNING COMMISSION CONSIDERATIONS

There were no items for consideration

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - August 2025

Ms. Istenes stated she did not have anything to add to the report.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. Haldeman recognized the Scouts that came to view the public hearing.

Mr. Haldeman reminded the Commission that there would be no Board of Supervisors meeting in August and that the Policy Committee meeting had been canceled, but there would be a DRC meeting on August 20, 2025.

Mr. Haldeman spoke to the Commission in remembrance of Ms. Sarah Kadec, a resident of James City County, who had passed away.

J. ADJOURNMENT

Mr. Haldeman asked for a motion to adjourn.

Mr. Everson made a motion to adjourn.

The meeting was adjourned at approximately 6:52 p.m.

Susan Istenes, Secretary

Jack Haldeman, Chair

MEMORANDUM

DATE: October 14, 2025

TO: The Board of Supervisors

FROM: Morgan Risinger, Senior Planner

SUBJECT: Case No. LU-20-0002. Eastern State - Parcel C Land Use Designation Change

At the Board of Supervisors meetings on July 13, 2021, September 28, 2021, and October 26, 2021, the Board considered the 2045 Comprehensive Plan, and adopted the Plan on October 26, 2021. As part of its consideration of the Plan, the Board voted to postpone the Eastern State land use designation change applications for six months or until such time as rezoning applications for the properties involved had been submitted. No applications were submitted during that time, and on April 12, 2022, the Board voted to postpone these applications for 12 months or until such time as rezoning applications for the properties involved had been submitted. Additionally, the Board provided guidance that Case No. LU-20-0002 should be incorporated into the Eastern State Mixed Use Area rather than the New Town Mixed Use Area. As no formal applications were submitted by its April 11, 2023, meeting, the Board further postponed Case No. LU-20-0002 until such time that a rezoning application was submitted and considered by the Board.

A rezoning application, Case Nos. Z-23-0004/MP-23-0001, was submitted to the County on May 22, 2023, considered by the Planning Commission at its April 2, 2025, meeting, and has been placed on the Board's agenda. Accordingly, staff has provided the portion of the proposed Eastern State Mixed Use Area description which pertains to the portion of the Eastern State property encompassing Case No. LU-20-0002 below. No changes have been made to this language following the Board's April 11, 2023, meeting.

“Mixed Use Area No. 15 Eastern State. UDA: Medium Town or Suburban Center”

For the portion of the Eastern State property located directly north of New Town and abutting Route 199, the principal suggested uses are a mixture of commercial, office, residential, and limited industrial. It is of critical importance that environmentally sensitive features such as topography, RPA features and wooded areas be protected and permanently preserved, where possible. New development or redevelopment in this area should follow consistent design guidelines and strive to integrate uses. The design, scale, and development pattern shall complement the existing New Town development located to the south.

Staff Recommendation

As a rezoning application has been submitted and is on the Board's Agenda, staff recommends the Board of Supervisors approve the attached resolution to approve the land use designation change to Mixed Use for Parcel C of the Eastern State property, as well as to create the Eastern State Mixed Use Area with the proposed description language listed above.

MR/ap
LU20-2EstrnSt-mem

Attachments:

1. Resolution
2. Location Map
3. Eastern State Parcel Map
4. LU-20-0002. Eastern State - New Town Addition, Staff Report (April 27, 2021)
5. Public Comments and Applicant Correspondence

RESOLUTION

CASE NO. LU-20-0002. EASTERN STATE - PARCEL C

LAND USE DESIGNATION CHANGE

- WHEREAS, at its October 26, 2021, meeting, the Board of Supervisors of James City County adopted the James City County Comprehensive Plan *Our County, Our Shared Future: James City County 2045 Comprehensive Plan*; and
- WHEREAS, at its September 28, 2021, October 26, 2021, April 12, 2022, and April 11, 2023, meetings, the Board of Supervisors postponed a component of the Comprehensive Plan, a land use designation change request submitted as Case No. LU-20-0002. Eastern State - Parcel C located at a portion of 4601 Ironbound Road, further identified as James City County Real Estate Tax Map Parcel No. 3910100152; and
- WHEREAS, the request was to change a portion of the property from the Federal, State, or County Land use designation to the Mixed Use land use designation; and
- WHEREAS, at its March 22, 2021, meeting, the Planning Commission Working Group voted 6-1 to recommend approval of Case No. LU-20-0002. Eastern State - Parcel C; and
- WHEREAS, at its June 24, 2021, meeting, the Planning Commission voted 5-2 to adopt the Comprehensive Plan, including accepting the recommendation of approval of the Planning Commission Working Group for Case No. LU-20-0002.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves Case No. LU-20-0002. Eastern State - Parcel C and associated Mixed Use description language and directs that the James City County Comprehensive Plan Future Land Use Map and Land Use Chapter description be updated accordingly.

James O. Icenhour, Jr.
Chair, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

HIPPLE
NULL
LARSON
MCGLENNON
ICENHOUR

VOTES

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

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

JCC LU-20-0002: Eastern State - Parcel C Land Use Designation Change





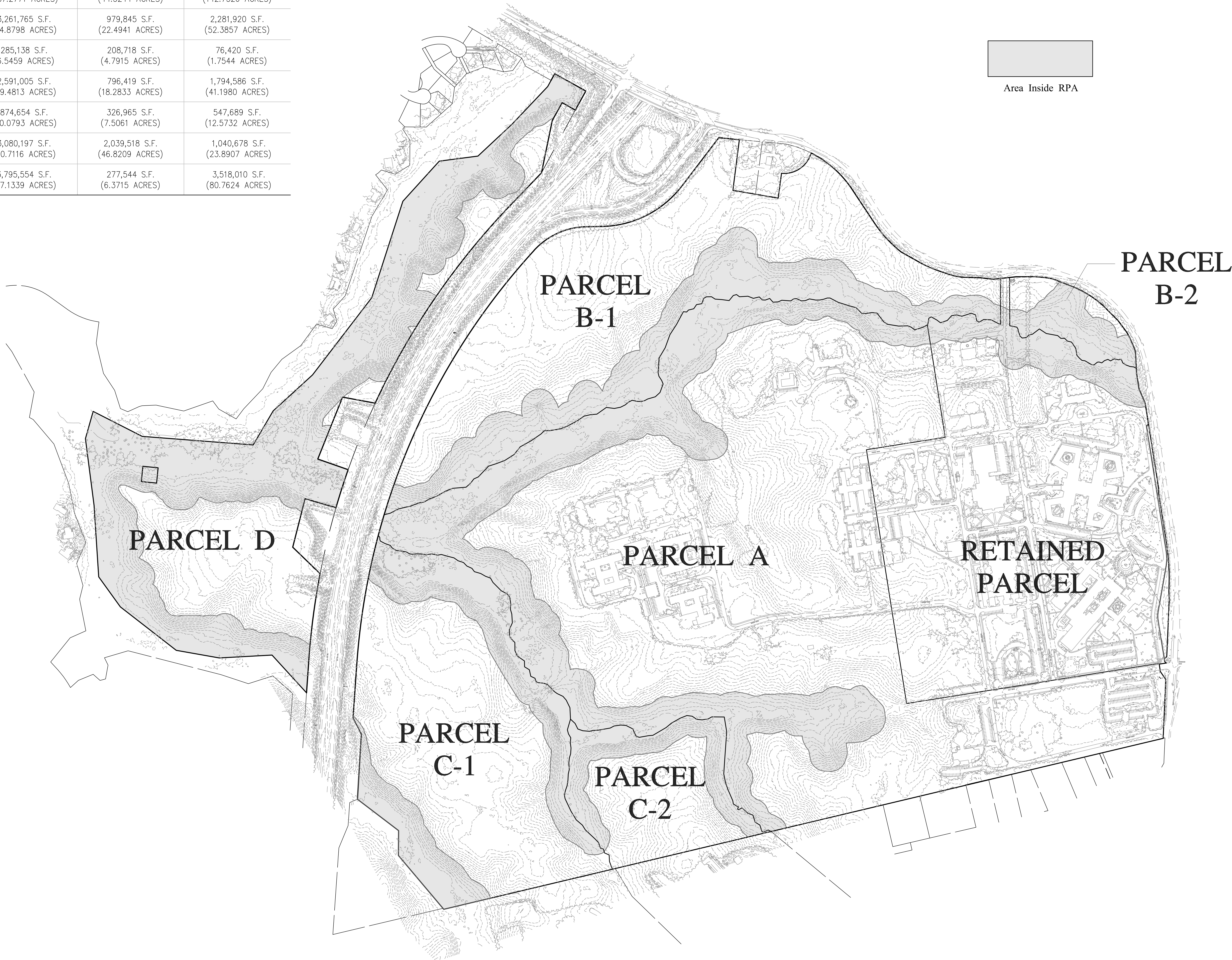
Vanasse Hangen Brustlin, Inc.

Transportation
Land Development
Environmental Services

Two Columbus Center
4500 Main Street, Suite 400
Virginia Beach, Virginia 23462
757.490.0132 • FAX 757.490.0136



Parcel Area Table			
Parcel	Total Area	Area Inside RPA	Area Outside RPA
PARCEL A	8,157,789 S.F. (187.2771 ACRES)	1,939,485 S.F. (44.5244 ACRES)	6,218,304 S.F. (142.7526 ACRES)
PARCEL B-1	3,261,765 S.F. (74.8798 ACRES)	979,845 S.F. (22.4941 ACRES)	2,281,920 S.F. (52.3857 ACRES)
PARCEL B-2	285,138 S.F. (6.5459 ACRES)	208,718 S.F. (4.7915 ACRES)	76,420 S.F. (1.7544 ACRES)
PARCEL C-1	2,591,005 S.F. (59.4813 ACRES)	796,419 S.F. (18.2833 ACRES)	1,794,586 S.F. (41.1980 ACRES)
PARCEL C-2	874,654 S.F. (20.0793 ACRES)	326,965 S.F. (7.5061 ACRES)	547,689 S.F. (12.5732 ACRES)
PARCEL D	3,080,197 S.F. (70.7116 ACRES)	2,039,518 S.F. (46.8209 ACRES)	1,040,678 S.F. (23.8907 ACRES)
RETAINED PARCEL	3,795,554 S.F. (87.1339 ACRES)	277,544 S.F. (6.3715 ACRES)	3,518,010 S.F. (80.7624 ACRES)



No.	Revision	Date	Appr.
Designed by	Drawn by <i>DWP</i>	Checked by	
CAD checked by	Approved by <i>DWA</i>		
Scale: 1"=250'	Date: July 30, 2014		
Project Title			

Eastern State Hospital

4601 Ironbound Road
James City County, Virginia
Issued for
Virginia
Department of General Services

Drawing Title
Existing Conditions
Topographic Survey
Area Table

COMMONWEALTH OF VIRGINIA

DAVID W. ANDREA

Lic. No. 2215

LAND SURVEYOR

Drawing Number

Exh-1

Sheet of 1

Project Number 33606.00

LU-20-0002: Eastern State-New Town Addition
Staff Report for the April 27, 2021 BOS Business Meeting

SUMMARY FACTS

Case Number:	LU-20-0002
Case Description:	Eastern State-New Town Addition
Source:	Property owner-initiated
Property Address:	4601 Ironbound Rd
Tax Map/Parcel No.:	3910100152
Acreage:	± 540.65
Property Owner:	Commonwealth of Virginia Eastern State Hospital
Zoning:	PL Public Lands
Primary Service Area: (PSA)	Inside
Current Land Use Designation:	Federal, State, and County Land
Proposed Land Use Designation:	Mixed Use-New Town
PSA Change:	No

Proposal Rationale

See applicant narrative on PermitLink:
https://comdev.jamestowncityva.gov/EnerGov_Prod/SelfService/#/plan/62d37899-9ee4-482e-9f29-2e2d2a7207bf?tab=attachments

Parcel Background

This parcel is located between Route 199 and Depue Rd and is located north of the New Town development. The Commonwealth of Virginia has utilized this property as a psychiatric hospital and intends to continue this use in the portion of the parcel not subject to this proposal.

Agency Comments

VDOT recommended the County be aware that in the case of Olive Drive and Rollison Drive, a large increase in traffic through narrow residential streets with on-street parking may be problematic.

JCSA noted that upgrades to the existing sewer main will be required if the developer intends to connect to it. If the developer intends to use the private sewer mains outside of the site, the private infrastructure will have to be transferred to JCSA. JCSA raised no issues with extending water mains to serve the site, on the condition that capacity analyses be submitted and required upgrades be provided by the developer.

SRP noted the location of these properties within the Powhatan Creek watershed and the requirement for this proposal to adhere to the Special Stormwater Criteria (where appropriate),

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.

the approved Powhatan Creek watershed management plan, and other administrative requirements. SRP also noted the need for Olive Drive and Rollison Drive to be upgraded.

Fire, OED, Parks and Rec, & Neighborhood Development raised no comments regarding this proposal.

Key Land Use Policy Ideas Analysis

Key Land Use Policy Idea #3: Encouraging the majority of new growth as Complete Communities by redesignating land as Mixed Residential/Commercial (e.g. some existing Low Density Residential areas) or Mixed Commercial/Industrial (e.g. the existing Economic Opportunity areas)

Key Land Use Policy Idea #4 : Directing some new growth as feasible into redevelopment and infill development rather than into vacant rural areas.

Key Land Use Policy Idea #6: Directing new commercial growth into Mixed Use areas, as part of Complete Communities by redesignating existing commercial areas and/or revising zoning to encourage mixed use in these areas.

Transportation Considerations

This parcel is surrounded by Community Character Corridors to the west (Route 199) north (Longhill Road) and east (Depue Rd, and Ironbound Road). For Longhill Road, Phase 1 of the widening is under way to include bicycle and pedestrian facilities. The proposed access to this property is through the

extension of Olive Drive and Discovery Park Boulevard, meaning no additional entrances are proposed on Route 199 or Longhill Rd. The conceptual plan for this proposal shows Community Character buffering adjacent to Route 199, in accordance with County policy.

Transportation Road Networks

Per the traffic congestion mapping provided by EPR, the immediate surrounding transportation network (Longhill Road, Depue Drive and Ironbound Road) is currently experiencing low levels of congestion, with some congestion already at the Longhill Road & Depue Drive intersection.

In the Virtual Future Scenario A map, some congestion is expected to continue at the Longhill Road & Depue Drive intersection.

In the Alternative Future Scenario B map, there is less congestion at some of the Route 199 & Monticello Avenue ramps. The immediate surrounding roads continue to operate with low levels of congestion.

Land Use Designation Description Language

Proposed Revised Draft Language for Mixed Use New Town: "New development or redevelopment in this area, including any portion of the Eastern State Hospital property to be brought into the New Town development, should follow consistent design guidelines and strive to integrate uses." Please see the Land Use Designation Descriptions and Development Standards for the full description of the New Town Mixed Use designation.

Staff Recommendation

Approval

Recommendation Rationale

This application aligns with the key land use policy ideas recommended as a result of the public input provided during the Engage 2045 process. Specifically, this proposal supports the redevelopment/infill development of an existing site within the Primary Service Area (PSA) by the redesignation of land to Mixed Use, which also supports future growth in the form of the Complete Communities concept. The projected traffic congestion for this area is not expected to be severe, nor are the transportation linkages required for the development expected to hinder the County's Corridor vision for Longhill Road and Route 199. Finally, the proposed Land Use designation description language contains development standards and clear expectations regarding design that will guide any future legislative applications to ensure the preservation of the established community character of the area.

PCWG Recommendation

The PCWG recommended approval of this proposal by a vote of 6-1 at its March 22, 2021 meeting.

Attachments

1. Location Map

New Town Residential Association, Inc.

c/o Chesapeake Bay Management, Inc.
337 McLaws Circle, Suite 1
Williamsburg, VA 23185

March 3, 2023

Paul Holt
JCC Planning Director
paul.holt@jamescitycountyva.gov
James City County Governmental Center
101 Mounts Bay Road
Williamsburg, VA 23185

Dear Mr. Holt:

Members of the New Town Residential Association (NTRA) Board of Directors recently met with Michael Youngblood, ABVA Development LLC and were briefed on their revised preliminary plan for the rezoning of Parcel C of the Eastern State Hospital property that adjoins New Town. It appears that the developer has adjusted their past proposal to mitigate some of the numerous problems raised by New Town residents, particularly those affecting the Charlotte Park neighborhood.

However, our community remains concerned about the development and the potential impact that it will likely have on New Town residents, especially because past verbal and written promises by ABVA have not been fulfilled. For example, in July 2021 ABVA testified to the Board of Supervisors and wrote that they were preparing to deed the property at the end of Olive Drive, platted as a right of way and originally proposed to connect to the Eastern State property, to the NTRA. That has not happened to date. Similarly, ABVA has increased the density of past acreage after the initial County planning approval process.

The NTRA community requests that the concepts presented at our recent meeting be included as requirements in any rezoning process and recorded in ABVA proffers with James City County for the future Eastern State property development. Those conditions are listed below:

1. Olive Drive will not be extended into the Eastern State development or accessible for emergency vehicular traffic.
2. The property at the intersection of Olive and Rollison Drive owned by ABVA (5214 Rollison Drive – Parcel 3824100006A) will be deeded to the NTRA.
3. The new development will have its own name/identity and the New Town name will not be associated with the Eastern State development. This is important to avoid misconceptions and prevent confusion to potential home buyers.
4. An additional 100-foot buffer will be added to the existing 50-foot buffer that currently abuts several Charlotte Park homesites making the buffer between the two areas a minimum of 150 feet between the back of Charlotte Park lots and the back of the Eastern State development lots.
5. The Eastern State development will have its own independent amenities such as swimming pool, gym and a clubhouse.

6. Parcel C2 should be restricted to 86 single-family homes as briefed in our meeting.
7. Parcel C1 should be restricted to 150 townhouse/apartment units as briefed in our meeting.
8. The number and sizes of commercial units in C1 should be specified.
9. The new development must be governed by its own separate homeowners' association with no connection to the NTRA and/or the New Town Commercial Association (NTCA). (Note that if homes in the proposed Eastern State development are incorporated as part of the NTCA, their owners would be able to utilize NTRA facilities per the 2015 Amenities Use Easement and Agreement (Instrument 15001927) . This document also allows New Town Associates to add future real estate to this agreement without our association's approval. Such a unilateral action is unacceptable to the NTRA and must be specifically prohibited in the Eastern State Parcel C development proffers.)
10. Trails from the new development should not be further connected with the New Town trail system beyond the current configuration, i.e. no additional new connection should be cut towards our residential neighborhoods. There is sufficient connectivity in the current trail system (via the bridge behind 5186 Rollison Drive to Discovery Park Boulevard) for the two community's separate trails to function as a network. The focus for entry to the new development's trails should be where Discovery Park Boulevard currently ends.

The proffer negotiation will be a critical element in our community's acceptance of any new Eastern State Hospital land development, so we want to share these expectations early. We would appreciate your attention and consideration of these conditions when a rezoning application is filed. We further anticipate that increased traffic both on Discovery Park Boulevard and on the cross-streets of Casey Boulevard and New Town Avenue will need to be addressed. Our Board is available to meet with County staff at any time as the rezoning process evolves. Feel free to contact me by Email: jack.espinal@cox.net or by Cell Phone 703 946 5787.

Sincerely,



Jack Espinal

President, Board of Directors

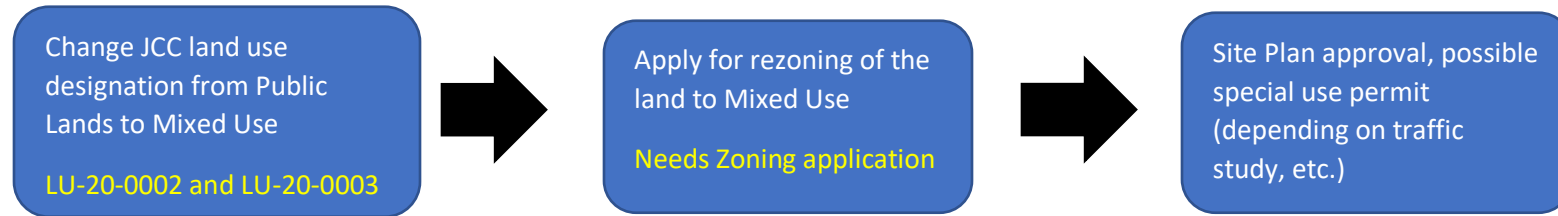
cc: Supervisor Jim Icenhour
Tom Leininger, Planner
Ken Allen, ABVA
Michael Youngblood, ABVA

Land Use and Rezoning Steps: Eastern State Hospital and “Manor on the Green” Developments - Opportunities for Public Input/comment

1st STEP/JCC HEARING

2nd STEP/JCC HEARING

3rd STEP/JCC HEARING



PROJECT 1:

EASTERN STATE HOSPITAL IS HERE

Note: The State has separately submitted a conceptual plan for Parcel C. This plan's review is complete.

PROJECT 2:



NEXT STEP FOR MANOR ON THE GREEN

Note: The County is currently reviewing a conceptual plan from The Whitmore Company for this property. The parcel is already zoned as Mixed Use.

DRAFT - 3/29/22

MEMORANDUM

DATE: October 14, 2025

TO: The Board of Supervisors

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

SUBJECT: An Ordinance to Amend and Re-Ordain Various Provisions of Chapter 23, The Chesapeake Bay Preservation Ordinance

In 1990, James City County (JCC) adopted the Chesapeake Bay Preservation Ordinance to control and regulate runoff at the source to protect against and minimize pollution and deposition of sediment in wetlands, streams, and lakes in JCC which are tributaries of the Chesapeake Bay. Since then, JCC staff have performed plan reviews for compliance with requirements contained in this Ordinance including permitted uses, development criteria for Resource Protection Areas (RPAs), permitted buffer modifications, water quality impact assessments, and exception requests. These reviews are based on a set of regulations promulgated at the state level by the Virginia Department of Environmental Quality (DEQ) called the Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC25-830).

The DEQ has now updated these regulations to address Bay Act resiliency and the preservation of mature trees. As part of this update, a resiliency assessment is required for any proposed land development during the plan of development or other project review process in the RPA in order to consider the potential impacts of sea level rise, storm surge, and flooding on buffer function in light of a proposed RPA encroachment. There are also provisions to identify mature trees and protect them during development such that they should only be removed where necessary, including to provide for the proposed use or development.

As part of this regulatory process, every Chesapeake Bay locality in Virginia needs to adopt an amended Ordinance. This amended and re-ordained Chapter 23 will remain as the Chesapeake Bay Preservation Ordinance of James City County and contains language from the updated regulation, language from the new model Ordinance, and some carryover language from the existing Chapter 23.

To ensure consistency with the new State Code requirements, staff recommends adoption of the attached Ordinance.

TES/ap
Ch23CBPAAmdt-mem

Attachment

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 23, CHESAPEAKE BAY PRESERVATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY REPEALING SECTION 23-1, SHORT TITLE; SECTION 23-2, STATEMENT OF INTENT; SECTION 23-3, DEFINITIONS; SECTION 23-4, DESIGNATION OF CHESAPEAKE BAY PRESERVATION AREA (CBPA); SECTION 23-5, PERMITTED USES; SECTION 23-6, LOT SIZE; SECTION 23-7, DEVELOPMENT CRITERIA FOR RPAS; SECTION 23-8, DETERMINING RESOURCE PROTECTION AREA BOUNDARIES; SECTION 23-9, PERFORMANCE STANDARDS; SECTION 23-9.1, PERFORMANCE STANDARDS FOR RETAINING WALLS; SECTION 23-10, PLAN OF DEVELOPMENT; SECTION 23-11, WATER QUALITY IMPACT ASSESSMENT; SECTION 23-12, WAIVERS FOR NONCOMPLYING STRUCTURES; SECTION 23-13, EXEMPTIONS; SECTION 23-14, EXCEPTIONS; SECTION 23-15; APPLICATIONS FOR EXCEPTIONS; SECTION 23-16, GRANTING WAIVERS OR EXCEPTIONS; SECTION 23-17, APPEALS; SECTION 23-18, VIOLATIONS; PENALTIES; AND BY AMENDING CHAPTER 23 CHESAPEAKE BAY PRESERVATION BY REPLACING WITH NEW SECTION 23-1, SHORT TITLE; SECTION 23-2, STATEMENT OF INTENT; SECTION 23-3, DEFINITIONS; SECTION 23-4, DESIGNATION OF CHESAPEAKE BAY PRESERVATION AREA (CBPA); SECTION 23-5, PERMITTED USES; SECTION 23-6, LOT SIZE; SECTION 23-7, DEVELOPMENT CRITERIA FOR RPAS; SECTION 23-8, DETERMINING RESOURCE PROTECTION AREA BOUNDARIES; SECTION 23-9, PERFORMANCE STANDARDS; SECTION 23-9.1, PERFORMANCE STANDARDS FOR RETAINING WALLS; SECTION 23-10, PLAN OF DEVELOPMENT; SECTION 23-11, WATER QUALITY IMPACT ASSESSMENT; SECTION 23-11.1, RESILIENCY ASSESSMENT; SECTION 23-12, WAIVERS FOR NONCOMPLYING STRUCTURES; SECTION 23-13, EXEMPTIONS; SECTION 23-14, EXCEPTIONS; SECTION 23-15; APPLICATIONS FOR EXCEPTIONS; SECTION 23-16, GRANTING WAIVERS OR EXCEPTIONS; SECTION 23-17, APPEALS; SECTION 23-18, VIOLATIONS; PENALTIES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 23, Chesapeake Bay Preservation, is hereby amended and reordained by repealing Section 23-1, Short title; Section 23-2, Statement of intent; Section 23-3, Definitions; Section 23-4, Designation Of Chesapeake Bay Preservation Area (CBPA); Section 23-5, Permitted uses; Section 23-6, Lot size; Section 23-7, Development criteria for RPAs; Section 23-8, Determining resource protection area boundaries; Section 23-9, Performance standards; Section 23-9.1, Performance standards for retaining walls; Section 23-10, Plan of development; Section 23-11, Water quality impact assessment; Section 23-12, Waivers for noncomplying structures; Section 23-13, Exemptions; Section 23-14, Exceptions; Section 23-15;

Applications for exceptions; Section 23-16, Granting waivers or exceptions; Section 23-17, Appeals; Section 23-18, Violations; penalties; and by amending Chapter 23 Chesapeake Bay Preservation by replacing with new Section 23-1, Short title; Section 23-2, Statement of intent; Section 23-3, Definitions; Section 23-4, Designation of Chesapeake Bay Preservation Area (CBPA); Section 23-5, Permitted uses; Section 23-6, Lot size; Section 23-7, Development criteria for RPAs; Section 23-8, Determining resource protection area boundaries; Section 23-9, Performance standards; Section 23-9.1, Performance standards for retaining walls; Section 23-10, Plan of development; Section 23-11, Water quality impact assessment; Section 23-11.1, Resiliency assessment; Section 23-12, Waivers for noncomplying structures; Section 23-13, Exemptions; Section 23-14, Exceptions; Section 23-15; Applications for exceptions; Section 23-16, Granting waivers or exceptions; Section 23-17, Appeals; Section 23-18, Violations; penalties.

Chapter 23. Chesapeake Bay Preservation

Sec. 23-1. Short title.

~~This chapter shall be known and may be cited as “The Chesapeake Bay Preservation Ordinance” (ordinance).~~

Sec. 23-2. Statement of intent.

~~The Chesapeake Bay Preservation Act (Act), chapter 3.1 of title 62.1 of the Code of Virginia, recognizes that healthy state and local economies are integrally related to each other and the environmental health of the Chesapeake Bay. The purpose of this chapter is to control and regulate runoff at the source to protect against and minimize pollution and deposition of sediment in wetlands, streams and lakes in James City County which are tributaries of the Chesapeake Bay. This chapter is intended to assist in protection of the Chesapeake Bay and its tributaries from nonpoint source pollution from land uses or appurtenances within the Chesapeake Bay drainage area. Regulations in this chapter are necessary for:~~

- ~~(1) Protection of existing high quality state waters and restoration of all other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, which might reasonably be expected to inhabit them;~~
- ~~(2) Safeguarding the clean waters of the commonwealth from pollution;~~
- ~~(3) Prevention of any increase in pollution;~~
- ~~(4) Reduction of existing pollution; and~~
- ~~(5) Promotion of water resource conservation in order to provide for the health, safety and welfare of present and future citizens of the commonwealth.~~

~~This chapter establishes criteria used by James City County in granting, denying or modifying requests to subdivide or develop land in Chesapeake Bay Preservation Areas.~~

Sec. 23-3. Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings ascribed below:

~~*Act.* The Chesapeake Bay Preservation Act, article 2.5 of chapter 3.1 of title 62.1 of the Code of Virginia.~~

~~*Agricultural lands.* Those lands used for tilling soil, planting and harvesting crops or plant growth of any kind in the open, pasture, horticulture, dairying, floriculture, or raising poultry and/or livestock. Buildings and structures are not included in this definition.~~

~~*Best management practice (BMP).* A practice, or combination of practices, that is determined by a state, local or regional agency to be the most effective, practicable means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.~~

~~*Board.* The Chesapeake Bay Board, which is comprised of the members of the James City County Wetlands Board.~~

~~*Buffer area.* An area of natural or established vegetation managed to protect other components of resource protection areas and county and state waters from significant degradation due to land disturbances or uses.~~

~~*Caliper.* The diameter of a tree trunk measured six inches above the ground for nursery stock.~~

~~*Chesapeake Bay Preservation Act land-disturbing activity.* As defined in [section 8-21](#) of the county code.~~

~~*Chesapeake Bay Preservation Area (CBPA).* All land in James City County designated by the board of supervisors pursuant to part III of the Chesapeake Bay Regulations in 9VAC25-830-70 et seq. and §§ 62.1-44.15:73 of the Act. The CBPA shall consist of Resource Protection Areas (RPAs) and Resource Management Areas (RMAs).~~

~~*Development.* The construction or substantial alteration of residential, commercial, industrial, institutional, recreational, transportation, or utility facilities or structures.~~

~~*Dripline.* A vertical projection to the ground surface from the furthest lateral extent of a tree's leaf canopy.~~

~~*Erosion and Sediment Control Law.* Sections 62.1-44.15:51-66 of the Code of Virginia.~~

~~*Floodplain.* All lands that would be inundated by floodwater as a result of a storm event of a 100-year return interval as designated by Chapter 24, [Section 24-586](#), et seq., of the County Code.~~

~~*Highly erodible soils.* Soils (excluding vegetation) with an erodibility index (EI) from sheet and rill erosion equal to or greater than eight. The erodibility index for any soil is defined by the Universal Soil Loss Equation as the product of the formula $RKLS-T$, where K is the soil susceptibility to water erosion in the surface layer; R is the rainfall and runoff, LS is the combined effects of slope length and steepness; and T is the soil loss tolerance.~~

~~*Highly permeable soils.* Soils with a given potential to transmit water through the soil profile. Highly permeable soils are identified as any soil having a permeability equal to or greater than six inches of water movement per hour in any part of the soil profile to a depth of 72 inches (permeability groups "rapid" and "very rapid") as found in the National Soil Survey Handbook of November 1996, in the "Field Office Technical Guide" of the U.S. Department of Agriculture Natural Resources Conservation Service.~~

~~*Hydric soils.* Soils that are saturated, flooded or ponded long enough during the growing season to support wetland vegetation.~~

~~*Impervious cover.* A surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to, roofs, buildings, streets,~~

~~parking areas, and any concrete, asphalt or compacted aggregate surface. Pervious pavement surfaces will not be considered as totally impervious but will be given partial credit based on the open area and runoff characteristics of the paver structure and the proposed installation.~~

~~Infill.~~ Utilization of vacant land in previously developed areas.

~~Local program.~~ Measures by which a local government complies with the Act and this chapter.

~~Local program adoption date.~~ Date a local government meets the requirements of subdivisions 1 and 2 of 9VAC25-830-60.

~~Land disturbing activity.~~ As defined in the [section 8-21](#) of the county code.

~~Manager.~~ The director of the county division of engineering and resource protection.

~~Nonpoint source pollution (NSP).~~ Includes, but is not limited to, the following stormwater-borne pollutants resulting from land use activities:

- ~~(1) Sediment;~~
- ~~(2) Nutrients, such as phosphorus and nitrogen;~~
- ~~(3) Bacteria; such as fecal coliforms~~
- ~~(4) Viruses;~~
- ~~(5) Oxygen depletion;~~
- ~~(6) Hydrocarbons, such as fuels and lubricants;~~
- ~~(7) Toxic metals, such as lead, zinc, copper;~~
- ~~(8) Toxic chemicals;~~
- ~~(9) Chlorides, chlorinated water; and~~
- ~~(10) Increases in water temperature above normal, ambient levels.~~

~~Nontidal wetlands.~~ Those wetlands, other than tidal wetlands, that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency pursuant to section 404 of the Federal Clean Water Act, in 33 CFR 328.3b.

~~Noxious weeds.~~ Weeds that are difficult to control effectively, such as Johnson Grass, Kudzu and multiflora rose. A complete list is contained in the Department of Conservation and Recreation, Division of Natural Heritage publication entitled Invasive Plant Species of Virginia.

~~Plan of development.~~ Site plans, subdivision plans or other plans submitted pursuant to [section 23-10](#) to ensure compliance with this chapter.

~~Public road.~~ A publicly owned road designed and constructed in accordance with water quality protection criteria at least as stringent as requirements applicable to the Virginia Department of Transportation, including regulations promulgated pursuant to (i) the Erosion and Sediment Control Law and (ii) the Virginia

~~Stormwater Management Act. This definition includes those roads where the Virginia Department of Transportation exercises direct supervision over the design or construction activities, or both.~~

Redevelopment. The process of developing land that is or has been previously developed.

~~Resource management area (RMA).~~ That component of the CBPA that is not classified as the resource protection area. Lands of particular sensitivity within RMAs include, but are not limited to, nontidal wetlands not in RPAs, floodplains, highly erodible soils, highly permeable soils, and hydric soils.

~~Resource protection area (RPA).~~ That component of a CBPA comprised of land adjacent to water bodies with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters. RPAs shall include:

- ~~1. Tidal wetlands;~~
- ~~2. Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;~~
- ~~3. Tidal shores;~~
- ~~4. A buffer area not less than 100 feet in width located adjacent to and landward of the components listed in subdivisions 1 through 3 above, and along both sides of any water body with perennial flow.~~

~~Runoff.~~ That portion of precipitation that is discharged across the land surface through conveyances to one or more waterways.

~~Sightline.~~ A line extending from a fixed point to a viewed object or area through an opening or passageway.

~~Silvicultural activities.~~ Forest management activities, including but not limited to the harvesting of timber, the construction of roads and trails for forest management purposes, and the preparation of property for reforestation that are conducted in accordance with the silvicultural best management practices developed and enforced by the State Forester pursuant to § 10.1-1105 of the Code of Virginia and are located on property defined as real estate devoted to forest use under § 58.1-3230 of the Code of Virginia.

~~Substantial alteration.~~ Expansion or modification of a building or development which would result in a disturbance of land exceeding an area of 2,500 square feet in the RMA only.

~~Tidal shore or shore.~~ Land contiguous to a tidal body of water between the mean low water level and the mean high water level.

~~Tidal wetlands.~~ Vegetated and nonvegetated wetlands, as defined in section 28.2-1300 of the Code of Virginia.

~~Tidewater Virginia.~~ Those jurisdictions named in § 62.1-44.15:68 of the Act.

~~Virginia Erosion and Sediment Control program authority or VESCP authority.~~ As defined in [section 8-21](#) of the county code.

~~Virginia Stormwater Management Act.~~ Article 2.3 of chapter 3.1 of title 62.1 of the Code of Virginia.

~~Virginia Stormwater Management Program authority or VSMP authority.~~ As defined in [section 8-21](#) of the county code.

~~*Water Body with Perennial flow.* A body of water that flows in a natural or man-made channel year-round during a year of normal precipitation. This includes, but is not limited to, streams, estuaries, and tidal embayments, and may include drainage ditches or channels constructed in wetlands or from former natural drainageways, which convey perennial flow. Lakes and ponds through which a perennial stream flows are part of the perennial stream. Generally, the water table is located above the streambed for most of the year and groundwater is the primary source for stream flow. The methodology to determine perennial flow shall be in accordance with [section 23-10\(2\)\(d\)](#) of this chapter.~~

~~*Water-dependent facility.* A development of land that cannot exist outside of the RPA and must be located on the shoreline because of the intrinsic nature of its operation. These facilities include, but are not limited to:~~

- ~~(1) Ports;~~
- ~~(2) The intake and outfall structures of power plants, water treatment plants, sewage treatment plants and storm sewers;~~
- ~~(3) Marinas and other boat docking structures;~~
- ~~(4) Beaches and other public water-oriented recreation areas; and~~
- ~~(5) Fisheries or other marine resources facilities.~~

~~*Wetlands.* Tidal and nontidal wetlands.~~

Sec. 23-4. Designation of Chesapeake Bay Preservation Area (CBPA).

~~The board of supervisors hereby designates all of James City County, Virginia, as a CBPA. The CBPA is further delineated on the CBPA map as resource protection areas (RPAs) and resource management areas (RMAs). The CBPA map shows general locations of RPAs and RMAs and should be consulted by persons contemplating development. Site-specific determinations of RPAs shall occur through the Plan of Development review process or through the review of a Water Quality Impact Assessment developed pursuant to [section 23-11](#) of this chapter.~~

Sec. 23-5. Permitted uses.

~~Permitted uses, special permit uses, accessory uses and special requirements shall be as established by the zoning district for that lot, parcel or acreage as specified in chapter 24 of this Code, unless specifically modified by the requirements set forth herein. All land-disturbing activities shall be prohibited on slopes of 25 percent or greater unless determined by the manager to be consistent with the intent of this chapter.~~

Sec. 23-6. Lot size.

~~Lot size shall be subject to the requirements of the zoning ordinance; provided, that any lot shall have sufficient area outside the RPA to accommodate an intended use, in accordance with performance standards in [section 23-9](#), when this use is not otherwise allowed in the RPA.~~

Sec. 23-7. Development criteria for RPAs.

~~In addition to the general performance criteria set forth in [section 23-9](#), the criteria in this section are applicable in RPAs.~~

- ~~(a) Development in RPAs may be allowed only when permitted by the manager and if it (i) is water dependent; (ii) constitutes redevelopment; (iii) is a new use subject to the provisions of subsection (e)(2) of this section; (iv) is a road or driveway crossing satisfying the conditions set forth in subdivision (3) of this section; or (v) is a flood control or stormwater management facility satisfying the conditions set forth in subdivision (4) of this section.~~
- ~~(1) A new or expanded water dependent facility may be allowed provided that the following criteria are met:~~
- ~~a. It does not conflict with either the comprehensive plan or any applicable approved watershed management plan;~~
 - ~~b. It complies with the performance criteria set forth in [section 23-9](#) of this chapter;~~
 - ~~c. Any nonwater dependent component is located outside of the RPA; and~~
 - ~~d. Access to the water dependent facility will be provided with the minimum disturbance necessary. Where practicable, a single point of access will be provided.~~
- ~~(2) Redevelopment on isolated redevelopment sites shall be permitted only if there is no increase in the amount of impervious cover and no further encroachment within the RPA and it shall conform to [sections 23-9\(b\)\(4\)](#) and [\(5\)](#), and the stormwater management requirements outlined in this chapter.~~
- ~~(3) Roads and driveways not exempt under [section 23-13](#) and which, therefore, must comply with the provisions of this chapter, may be constructed in or across RPAs if each of the following conditions are met:~~
- ~~a. The manager makes a finding that there are no reasonable alternatives to aligning the road or drive in or across the RPA, and;~~
 - ~~b. The alignment and design of the road or driveway are optimized, consistent with other applicable requirements, to minimize encroachment in the RPA and minimize adverse effects on water quality, and;~~
 - ~~c. The design and construction of the road or driveway satisfy all applicable criteria of this chapter including the submission of a water quality impact assessment, and;~~
 - ~~d. The manager reviews the plan for the road or driveway proposed in or across the RPA in coordination with the plan of development requirements as required under [section 23-10](#).~~
- ~~(4) Flood control and stormwater management facilities that drain or treat water from multiple development projects or from a significant portion of a watershed may be allowed in RPAs provided such facilities are allowed and constructed in accordance with the Virginia Stormwater Management Act and this chapter, and provided that:~~
- ~~a. The manager has conclusively established that location within the RPA is the optimum location, meaning that it is the best place to locate the facility from an engineering/functionality consideration regardless of the presence of an RPA;~~
 - ~~b. The size of the facility is the minimum necessary to provide necessary flood control, stream channel protection, stormwater treatment or all three;~~

- ~~e.— The facility must be consistent with a comprehensive stormwater program plan developed and approved in accordance with 9VAC25-870-92 or with a VSMP that has been approved prior to July 1, 2012, by the State Water Control Board, the Chesapeake Bay Local Assistance Board prior to its abolition on July 1, 2012, or the Department of Conservation and Recreation;~~
- ~~d.— All applicable permits for construction in state or federal waters must be obtained from the appropriate state and federal agencies;~~
- ~~e.— Approval must be received from the county prior to construction; and,~~
- ~~f.— Routine maintenance must be performed on the facility to assure that it continues to function as designed.~~

~~It is not the intent of this subdivision to allow a stormwater management/BMP facility that collects and treats runoff from only an individual lot or some portion of the lot to be located within a resource protection area.~~

- ~~(b) A water quality impact assessment as outlined in [section 23-11](#) of this chapter shall be required for any proposed land disturbance, development or redevelopment within RPAs and for any other development within RMAs when required by the manager because of the unique characteristics of the site, intensity of development, or potential impacts on water quality or RPAs in accordance with the provisions of [section 23-11](#) of this chapter.~~
- ~~(c) Buffer area requirements. To minimize the adverse effects of human activities on the other components of RPAs, state waters and aquatic life, a 100-foot buffer area of vegetation that is effective in retarding runoff, preventing erosion and filtering nonpoint source pollution from runoff shall be retained if present and established during development where it does not exist. The buffer shall have three layers of vegetation comprised of native trees, shrubs, and ground covers. Where the buffer is being established, a buffer modification plan will be prepared that may incorporate existing vegetation. A list of acceptable native plants is available from the manager. A buffer area not less than 100 feet in width shall be located adjacent to and landward of other RPA components and along both sides of any water body with perennial flow. The full buffer area shall be designated as the landward component of the RPA. The 100-foot buffer area shall be deemed to achieve a 75 percent reduction of sediments and a 40 percent reduction of nutrients. All subdivision plats submitted for approval after August 6, 1990, shall clearly identify the boundaries of any RPA within the property. Such plat shall contain a statement that all existing vegetation within the RPA shall remain in its undisturbed natural state, except for vegetation weakened by age, storm, fire or other natural cause. Developers shall install signs identifying the landward limit of the RPA. Signs shall be obtained, installed and maintained in accordance with guidelines established by the manager.~~
 - ~~(1) Permitted buffer modifications. In order to maintain the functional value of the buffer area, existing vegetation may be removed upon approval by the manager of a buffer modification plan only to provide for reasonable sight lines, access paths, general wood lot management, and BMPs including those that prevent upland erosion and concentrated flows of stormwater, as follows:~~
 - ~~a.— Trees may be pruned or removed as necessary to provide for sight lines provided, that where removed they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion and filtering nonpoint source pollution from runoff;.~~
 - ~~b.— Access paths shall be constructed and surfaced so as to effectively control erosion;~~
 - ~~c.— Dead, diseased, or dying trees or shrubbery, or noxious weeds may be removed based upon the approval of the manager, who may require a recommendation by a professional forester or arborist; and~~

- d. ~~For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed and appropriate vegetation established to protect or stabilize the shoreline and restore the function of the buffer in accordance with the best available technical advice and applicable permit conditions or requirements.~~

~~(2) Permitted buffer encroachments.~~

- a. ~~When application of the buffer would result in the loss of a buildable area on a lot or parcel recorded prior to August 6, 1990, encroachments into the buffer may be allowed through an administrative process in accordance with the following criteria:~~

- 1. ~~Encroachments into the buffer shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities;~~
- 2. ~~Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the buffer encroachment, and is equal to the area of encroachment into the buffer area shall be established elsewhere on the lot or parcel; and~~
- 3. ~~The encroachment may not extend into the seaward 50 feet of the buffer area.~~

- b. ~~When application of the buffer would result in the loss of a buildable area on a lot or parcel recorded between August 6, 1990, and January 1, 2004, encroachments into the buffer may be allowed through an administrative process in accordance with the following criteria:~~

- 1. ~~The lot or parcel was created as a result of a legal process conducted in conformity with the county's subdivision regulations;~~
- 2. ~~Conditions or mitigation measures imposed through a previously approved exception shall be met;~~
- 3. ~~If the use of a best management practice (BMP) was previously required, the BMP shall be evaluated to determine if it continues to function effectively and, if necessary, the BMP shall be reestablished or repaired and maintained as required; and~~
- 4. ~~The criteria in subdivision (c)(2)a. of this section shall be met.~~

~~(3) On agricultural lands, the agricultural buffer area shall be managed to prevent concentrated flows of surface water from breaching the buffer area and appropriate measures may be taken to prevent noxious weeds from invading the buffer area. Agricultural activities may encroach into the buffer area as follows:~~

- a. ~~Agricultural activities may encroach into the landward 50 feet of the 100-foot wide buffer area when at least one agricultural BMP which, in the opinion of the local soil and water conservation district board, addresses the more predominant water quality issue on the adjacent land—erosion control or nutrient management—is being implemented on the adjacent land, provided that the combination of the undisturbed buffer area and the BMP achieves water quality protection, pollutant removal and water resource conservation at least the equivalent of the 100-foot buffer area. If nutrient management is identified as the predominant water quality issue, a nutrient management plan, including soil tests, must be developed and implemented consistent with the Virginia Nutrient Training and Certification Regulations (4 VAC50-85) administered by the Virginia Department of Conservation and Recreation.~~
- b. ~~Agricultural activities may encroach within the landward 75 feet of the 100-foot wide buffer area when agricultural BMPs which address erosion control, nutrient management, and pest~~

~~chemical control, are being implemented on the adjacent land. The erosion control practices must prevent erosion from exceeding the soil loss tolerance level, referred to as "T," as defined in the "Field Office Technical Guide" of the U.S. Department of Agriculture Natural Resource Conservation Service. A nutrient management plan, including soil tests, must be developed and implemented consistent with the Virginia Nutrient Management Training and Certification Regulations (4 VAC 50-85) administered by the Virginia Department of Conservation and Recreation. In conjunction with the remaining buffer area, this collection of BMPs shall be presumed to achieve water quality protection at least the equivalent of that provided by the 100-foot wide buffer area.~~

~~c. The buffer area is not required to be designated for agricultural drainage ditches if at least one BMP which, in the opinion of the local soil and water conservation district board, addresses the more predominant water quality issue on the adjacent land—erosion control or nutrient management—is being implemented on the adjacent land.~~

~~(4) When agricultural or silvicultural uses within the buffer area cease, and the lands are proposed to be converted to other uses, the full 100-foot wide buffer area shall be reestablished. In reestablishing the buffer, management measures shall be undertaken to provide woody vegetation that assures the buffer functions are maintained or established~~

Sec. 23-8. Determining resource protection area boundaries.

~~The county CBPA map shall be used as a guide to the general location of RPAs. In addition, reference materials that may be used as general guidance for estimating locations of Resource Protection Areas include federal, state and county topographic maps, wetland maps, and aerial photography. Site-specific boundaries of the RPA shall be determined by the applicant through the performance of an environmental inventory required as part of the plan of development review process or a water quality impact assessment. Site-specific boundaries determined by the applicant shall be reviewed and approved by the manager.~~

Sec. 23-9. Performance standards.

~~(a) *Purpose and intent.* The performance standards establish the means to minimize erosion and sedimentation potential, reduce land application of nutrients and toxics, and maximize rainwater infiltration. Natural ground cover, especially woody vegetation, is most efficient in holding soil in place and preventing site erosion. Indigenous vegetation, with its adaptability to local conditions without the use of harmful fertilizers or pesticides, filters and infiltrates stormwater runoff. Keeping impervious cover to a minimum enhances rainwater infiltration and effectively reduces increases of stormwater runoff.~~

~~The purpose and intent of these requirements is also to implement the following objectives: prevent a net increase in nonpoint source pollution from new development and development on previously developed land where the runoff was treated by a water quality protection best management practice; achieve a ten percent reduction in nonpoint source pollution from development on previously developed land where the runoff was not treated by one or more water quality best management practices; and achieve a 40 percent reduction in nonpoint source pollution from agricultural and silvicultural uses.~~

~~(b) *General performance standards:*~~

~~(1) Land disturbance shall be limited to the area necessary to provide for the proposed use or development.~~

- a. ~~In accordance with an approved plan of development, the limits of clearing and/or grading shall be clearly defined. These limits shall be clearly shown on submitted plans and physically marked on the development site in accordance with subsection (2)b. below.~~
 - b. ~~Impervious cover shall not exceed 60 percent of the site unless it can be demonstrated that the project will have the same impact on water quality as the project would have if it were 60 percent impervious. Demonstration of equivalent water quality will be through compliance with guidelines developed by the manager. For projects with an approved stormwater master plan, compliance with this impervious cover provision can be demonstrated on a project basis rather than an individual site basis. However, in no case shall impervious cover exceed the limits established in [section 24-99\(c\)\(4\)](#) of the zoning ordinance.~~
 - c. ~~Ingress and egress during construction shall be limited to one access point, unless otherwise approved by the manager.~~
- (2) ~~Existing vegetation shall be preserved to the maximum extent practicable, consistent with the use or development permitted by an approved plan of development.~~
- a. ~~Existing trees over 12 inches in diameter at breast height shall be preserved except in impervious areas and as necessary to accommodate site grading. Upon approval by the manager, diseased trees or trees weakened by age, storm, fire or other injury may be removed; provided, that when such removal results in a 20 percent or greater reduction in existing tree canopy, a sufficient number of trees with a 1½ inch caliper shall be planted to restore the full canopy.~~
 - b. ~~Prior to clearing or grading, suitable protective barriers, such as safety fencing, shall be erected outside of the dripline of any tree or stand of trees to be preserved unless otherwise approved on the clearing plan. Protective barriers shall remain so erected throughout all phases of construction. The storage of equipment, materials, debris or fill shall not be allowed within the area protected by the barrier.~~
- (3) ~~Land development shall minimize impervious cover to promote infiltration of stormwater into the ground consistent with the proposed use or development permitted.~~
- (4) ~~All development and redevelopment exceeding 2,500 square feet of land disturbance shall be subject to a plan of development review process conducted in accordance with [section 23-10](#) of this chapter.~~
- (5) ~~Any land-disturbing activity exceeding 2,500 square feet, including construction of all single-family houses, and septic tanks and drainfields shall comply with the requirements of [chapter 8](#) of this Code.~~
- (6) ~~All on-site sewage disposal systems not requiring a National Pollutant Discharge Elimination System permit shall be pumped out at least once every five years. However, in lieu of requiring proof of septic tank pump-out every five years, owners of on-site sewage disposal systems can submit documentation every five years, certified by an operator or on-site soil evaluator licensed or certified pursuant to §§ 54.1-2300 et seq. of the Code of Virginia as being qualified to operate, maintain, or design on-site sewage systems, that the septic system has been inspected, is functioning properly, and the tank does not need to have the effluent pumped out of it.~~
- (7) ~~A reserve sewage disposal site, with a capacity at least equal to that of the primary sewage disposal site, shall be provided. This requirement shall not apply to any lot or parcel recorded prior to August 6, 1990, if such lot or parcel is not sufficient in capacity to accommodate a reserve~~

~~sewage disposal site, as determined by the local health department. Building or construction of any impervious surface shall be prohibited on the area of all sewage disposal sites or on an on-site sewage treatment system which operates under a permit issued by the State Water Control Board until the structure is served by public sewer.~~

- ~~(8) Any Chesapeake Bay Preservation Act land-disturbing activity shall comply with the requirements of 9VAC25-870-51 and 9VAC25-870-103 of the Virginia Administrative Code and chapter 8-22(b) of the county code.~~
- ~~a. A stormwater management plan consistent with these requirements must be designed and implemented during the land-disturbing activity;~~
 - ~~b. Prior to land disturbance, the stormwater management plan must be approved by the Virginia Stormwater Management Program authority;~~
 - ~~c. Exceptions to technical criteria for regulated land-disturbing activities (Part IIB or Part IIC) may be requested in accordance with 9VAC25-870-57 and section 8-28(g) of the county code; and~~
 - ~~d. Long-term maintenance of stormwater management facilities shall be provided for and conducted in accordance with 9VAC25-870-58 and section 8-29 of the county code.~~
- ~~(9) For any development or redevelopment BMPs that is designated as a Chesapeake Bay Preservation Act land-disturbing activity or is subject to grandfathering provisions of 9VAC25-870-48 of the Virginia Administrative Code and section 8-28(c) of the county code and deemed subject to Part IIC technical criteria of the VSMP Regulations, 9VAC25-870-93 through 99, the following applies:~~
- ~~a. If stormwater management compliance is based in whole or part on the use of existing downstream onsite or offsite structural stormwater management and/or BMP facility, evidence shall be provided that such facilities are currently in good working order and performing at the design levels of service;~~
 - ~~b. The manager may require a review of both the original design and maintenance plans to verify this provision; and~~
 - ~~c. A new maintenance agreement may be required to ensure compliance with this chapter;~~
- ~~(10) Prior to initiating grading or other on-site activities on any portion of a lot or parcel, all wetlands permits required by federal, state and county laws and regulations shall be obtained and evidence of such submitted to the manager. For those projects where no wetlands are proposed to be impacted or where the impacts do not require written authorization, documentation shall be submitted to the manager by a qualified wetlands professional attesting that the wetlands permitting process has been completed and no further documentation is necessary from the regulatory agencies.~~
- ~~(11) All lands upon which agricultural activities are being conducted shall undergo a soil and water quality conservation assessment. Such assessment shall evaluate the effectiveness of existing practices pertaining to soil erosion and sediment control, nutrient management and management of pesticides, and where necessary, results in a plan that outlines additional practices needed to ensure that water quality protection is accomplished consistent with this chapter. Plans of development or water quality impact assessments are not required for activities on agricultural lands except for land disturbing activities not related to food and/or fiber production.~~

Sec. 23-9.1 Performance standards for retaining walls.

~~Retaining walls constructed in the CPBA supporting three feet or more of ordinary unbalanced fill, or constructed for the purpose of impounding Class I, II, or III-A liquids, or supporting a surcharge other than ordinary unbalanced fill, or located in a flood zone, or that are part of a stormwater BMP shall require a building permit and shall be subject to the following:~~

- ~~(1) Upon completion of the wall construction and prior to the issuance of any final inspections by the office of building safety and permits, certifications of the soil compaction and drainage system by an appropriate licensed design professional and a certification that an appropriate licensed design professional has overseen construction of the wall shall be provided to the director of stormwater and resource protection. In addition, in accordance with USBC Section 111.2 and when required by USBC Section 1704, a Statement of Special Inspections shall be provided by the registered design professional licensed in Virginia and shall be submitted to the office of building safety and permits within seven days of the inspections being performed.~~
- ~~(2) The materials used to construct the wall shall be masonry, stone, vinyl, aluminum, and/or steel. Marine-grade timber may only be used for retaining walls located on a single-family residential lot when the total wall height is less than six feet.~~
- ~~(3) Should the overall height of the wall exceed six feet of unbalanced fill (i.e., finished grade to finished grade):~~
 - ~~a. The wall shall be broken into multiple stepped walls with a maximum height of six feet for each wall segment, and a minimum horizontal separation between the wall segments of at least nine feet;~~
 - ~~b. Guards for fall protection (e.g., fencing) are required to be installed at the top of the wall;~~
 - ~~c. The total of all wall segments shall not exceed 24 feet in height;~~
- ~~(4) A minimum 12-foot-wide access easement shall be located along both the bottom of the wall and along the top of the wall. Such easement shall be able to support a tracked vehicle, shall not be located within any required landscape buffer, shall be exclusive of any public or private right-of-way, and shall be free of any structures or utilities; provided, however:~~
 - ~~a. no such access easement shall be required at the bottom of the wall when the function of the wall is to impound or retain standing water or liquids, or other similar environmental constraints exist as determined by the director of stormwater and resource protection;~~
 - ~~b. landscaping may be permitted within the easements as approved by the director of stormwater and resource protection.~~
- ~~(5) The design of the retaining wall system shall be such that its construction and removal of the entire wall shall be possible without impacting the foundations or proposed foundations for habitable structures.~~
- ~~(6) The design of the retaining wall system shall include a maintenance plan, which has been prepared by an appropriate licensed design professional. A copy of the retaining wall system maintenance plan shall be submitted to the office of building safety and permits prior to the issuance of any final inspections. The maintenance plan shall include the estimated life-cycle of the retaining wall system. Over the anticipated life span of the retaining wall system, the maintenance plan shall also include recommended maintenance at corresponding time intervals.~~

- ~~(7) At each time interval noted within the maintenance plan, an appropriate licensed professional shall complete the recommended maintenance. Within seven days of such maintenance being performed, the individual performing the maintenance shall submit a copy of their report to the office of building safety and permits.~~
- ~~(8) Prior to the issuance of any final inspection, the property owner shall record restrictive covenants noting that there is a retaining wall on the property, identifying the easement(s) required by subsection (4), and committing to maintaining the retaining wall in accordance with the maintenance plan provided by an appropriate licensed design professional, and providing evidence of such maintenance to the county in accordance with the requirements of this section. Such restrictive covenants shall be in a form acceptable to the county attorney.~~
- ~~(9) Exclusions:~~
- ~~a. This section shall not apply to decorative walls or retaining walls less than three feet in height.~~
 - ~~b. This section shall not apply to any dwelling foundation, crawl space, or in the building materials or finishes specific to the construction of a single family dwelling unit.~~
 - ~~c. This section shall not apply to bulkheads and seawalls that are used to separate the land from tidal waters.~~
 - ~~c. Retaining walls for industrial uses, as enumerated in [chapter 24](#), Zoning, article V, Districts, as amended, are not subject to subsection (3)a. above.~~

~~(10) Exceptions:~~

- ~~a. For retaining walls located on a single family residential lot that do not cross a property line, the director of building safety and permits or designee may grant an administrative waiver to the height limit in subsection (3); however, each wall segment shall not exceed six feet and six inches.~~
- ~~b. Unless otherwise permitted by (10)a. or (10)b, upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver for a single wall taller than six feet in height or for a total wall height of greater than 24 feet, upon finding that:~~
 - ~~1. Such structure will not obstruct light from adjacent property;~~
 - ~~2. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest;~~
 - ~~3. Such structure will not impair surrounding developments, adjacent property, or the rural or historic nature of the county;~~
 - ~~4. Such structure will not impair property values in the surrounding area;~~
 - ~~5. The visual impact to adjoining properties and roadways is minimized;~~
 - ~~6. Such structure is adequately designed and served from the standpoint of safety from the perspective of the county fire chief, the director of stormwater and resource protection, and the director of the building safety and permits division;~~

- ~~7. The on-going costs of maintenance or repair of such structure would not unduly burden a property owner or homeowners association;~~
- ~~8. Such structure would not be contrary to the public health, safety or general welfare; and~~
- ~~9. Such structure is necessary due to unusual character of the property, including dimensions or other environmental considerations.~~
- e. Upon application and the payment of appropriate fees, the board of adjustments and appeals may grant an exception for the use of a material other than listed in subsection (2), upon finding that:
 - ~~1. The use of the alternative material will not impair the enjoyment of historic attractions and areas of significant historic interest;~~
 - ~~2. The use of the alternative material will not impair surrounding developments, adjacent property, or the rural or historic nature of the county;~~
 - ~~3. The use of the alternative material will not impair property values in the surrounding area;~~
 - ~~4. The visual impact to adjoining properties and roadways is minimized as determined by the director of planning;~~
 - ~~5. Such structure is adequately designed and served from the standpoint of safety from the perspective of the county fire chief, the director of stormwater and resource protection, and the director of the building safety and permits division;~~
 - ~~6. The on-going costs of maintenance or repair of such alternative material would not unduly burden a property owner or homeowners association;~~
 - ~~7. Such alternative material would not be contrary to the public health, safety or general welfare; and~~
 - ~~8. Such materials will not materially shorten the life span of the retaining wall system when compared to the full list of other materials permitted in subsection (2) so as to unduly burden a property owner or homeowners association.~~

~~Sec. 23-10. Plan of development.~~

~~Any development or redevelopment exceeding 2,500 square feet of land disturbance in the CBPA shall be accomplished through a plan of development process prior to any clearing or grading of the site or the issuance of any building permit to assure compliance with all applicable requirements of this chapter and any applicable approved watershed management plans. Administration of the plan of development process shall be in accordance with [chapter 24](#) of this Code for site plans and [chapter 19](#) of this Code for subdivision plans. The following plans or studies shall be submitted, unless otherwise provided for:~~

- ~~(1) *Site and subdivision plans.* Site plans in accordance with the provisions of [chapter 24](#) of the county code or subdivision plans in accordance with [chapter 19](#) of the county code. In the event that [chapter 24](#) does not require the preparation of a site plan for a development activity that exceeds 2,500 square feet of land disturbance, a plan will still be required for the purposes of this chapter that complies with items 2, 3, and 5 of this subsection.~~

- (2) ~~Environmental inventory.~~ An environmental inventory shall be submitted in conjunction with preliminary site plan or preliminary subdivision plan approval applications. Except for the perennial stream determination required in item d. of this subsection, this requirement may be waived by the manager when the proposed use or development would result in less than 5,000 square feet of disturbed area. For existing single-family lots in a RPA, showing items required by subsection a. on the plat plan normally required as part of the building permit application shall satisfy the requirements for an environmental inventory. An environmental inventory is not required for existing single-family lots in the RMA.
- a. ~~The environmental inventory shall be drawn to scale clearly delineating the following components:~~
- ~~1. Tidal wetlands;~~
 - ~~2. Tidal shores;~~
 - ~~3. Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow (i.e., RPA wetlands);~~
 - ~~4. A 100-foot buffer area located adjacent to and landward of the components listed in items 1 through 3 above, and along both sides of any water body with perennial flow;~~
 - ~~5. Nontidal wetlands not included in item 3 (i.e., RMA wetlands);~~
 - ~~6. 100-year floodplains as designated by [chapter 24](#) of the county code; and~~
 - ~~7. Slopes 25 percent or greater.~~
- b. ~~Wetlands delineations shall be performed consistent with the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands currently approved for use by the Army Corps of Engineers.~~
- c. ~~The environmental inventory shall be drawn at the same scale as the preliminary site plan or subdivision plan and shall be certified as complete and accurate by a person or firm competent to make the inventory.~~
- d. ~~The environmental inventory shall include a reliable, site specific evaluation to determine whether water bodies on or adjacent to the development site have perennial flow. This evaluation shall be provided by the person applying to use or develop the site using one of the county or state approved methods of in-field indicators of perennial flow unless the county has already made a field determination of perennial flow for the site. These site-specific determinations shall be confirmed by the manager and shall be used to establish the boundaries of the RPA.~~
- (3) ~~Clearing plan.~~ A clearing plan shall be submitted in conjunction with site plan review or subdivision plan review. No clearing or grading of any lot or parcel shall be permitted without an approved clearing plan. For existing single-family lots, a clearing line shown on the plat plan normally submitted as part of the building permit application shall satisfy clearing plan requirements. No clearing or grading shall occur on existing single-family lots until a complete building permit application is submitted.

Clearing plans shall be prepared and/or certified by design professionals practicing within their areas of competence as prescribed by the Code of Virginia.

a. ~~Contents of the plan:~~

- ~~1. The clearing plan shall be drawn to scale and clearly delineate the location, size and description of existing and proposed plant material. All existing trees on the site 12 inches or greater diameter at breast height (DBH) shall be shown on the clearing plan, or where there are groups of trees, the woodlines of the group may be outlined instead. The~~

~~specific number of trees 12 inches or greater DBH to be preserved outside of the impervious cover and outside the groups shall be indicated on the plan. Trees to be removed and woodlines to be changed to create desired impervious cover shall be clearly delineated on the clearing plan.~~

- ~~2. Any required buffer area shall be clearly delineated and any plant material to be added to establish or supplement the buffer area, as required by this chapter, shall be shown on the clearing plan.~~
- ~~3. Within the RPA buffer area, trees to be removed for sight lines, vistas, access paths, and BMPs, as provided for in this chapter, shall be shown on the plan. Vegetation required by this chapter to replace any existing trees within the buffer area shall also be shown on the clearing plan.~~
- ~~4. Erosion and sediment controls shall be provided as necessary and in accordance with [chapter 8](#) of the County Code.~~
- ~~5. The clearing plan shall clearly delineate the location, size, and description of existing and proposed retaining walls subject to the performance standards found in [section 23-9.1](#).~~

~~b. Plant specifications:~~

- ~~1. All plant materials necessary to supplement the buffer area or vegetated areas outside the impervious cover shall be installed according to standard planting practices and procedures.~~
- ~~2. All supplementary or replacement plant materials shall be living and in healthy condition. Plant materials shall conform to the standards of the most recent edition of the American Standard for Nursery Stock, published by the American Association of Nurserymen.~~
- ~~3. Where areas to be preserved, as designated on an approved clearing plan, are encroached, replacement of existing trees and other vegetation will be achieved at a ratio of two planted trees to one removed. Replacement trees shall be a minimum 1-½ inches caliper at the time of planting.~~

~~e. Maintenance:~~

- ~~1. The applicant shall be responsible for the maintenance, repair and replacement of all vegetation as may be required by the provisions of this chapter.~~
- ~~2. In buffer areas and areas outside the impervious cover, plant material shall be tended and maintained in a healthy growing condition and free from refuse and debris. Unhealthy, dying or dead plant materials shall be replaced during the next planting season, as required by the provisions of this chapter.~~

~~d. Installation and bonding requirements:~~

- ~~1. Where buffer areas are required, no certificate of occupancy shall be issued until the installation of required plant material to establish or supplement the buffer is completed, in accordance with the approved clearing plan.~~

- ~~2. When the occupancy of a structure is desired prior to the completion of the plan, a certificate of occupancy may be issued only if the applicant provides a form of surety satisfactory to the county attorney in an amount equal to the costs of the remaining plant materials, related materials and installation costs.~~
- ~~3. All required plant material shall be installed and approved by the first planting season following issuance of a certificate of occupancy or the surety may be forfeited.~~
- ~~(4) *Stormwater management plan.* A stormwater management plan shall be submitted as part of the plan of development process required by [chapter 8](#) of the county code and in conjunction with site plan or subdivision plan preliminary approval. A stormwater management plan is not required for individual single-family detached residential structures that utilize an agreement in lieu of a stormwater management plan in accordance with section 8-25(a) of the county code. Performance assurances shall be provided that all stormwater management and/or BMP facilities required in plans of development shall be constructed to comply with the performance criteria set forth therein. The form of agreement and type of bond, letter of credit or other security shall be to the satisfaction of and approved by the county attorney. The amount of bond, letter of credit or other security and designated length of completion time shall be set by the manager or his authorized designee.~~
 - ~~a. Contents of the plan must meet the requirements of section 8-25 of the county code.~~
 - ~~b. Plan must be submitted and reviewed in accordance with 9VAC25-870-108 and section 8-27(a) of the county code;~~
 - ~~c. Prior to land disturbance, the stormwater management plan must be approved by the VSMP authority;~~
 - ~~d. Exceptions to technical criteria for regulated land-disturbing activities (Part IIB or Part IIC) may be requested in accordance with 9VAC25-870-57 and section 8-28(g) of the county code; and~~
 - ~~e. Long-term maintenance of stormwater management facilities shall be provided for and conducted in accordance with 9VAC25-870-58 and section 8-29 of the county code.~~
- ~~(5) *Erosion and sediment control plan.* An erosion and sediment control plan consistent with the requirements of the Erosion and Sediment Control Law and regulations and [chapter 8](#) of the county code must be designed and implemented during land disturbing activities. Prior to land disturbance, this plan must be approved by the VESCP authority.~~
- ~~(6) *Landscaping plan.* Landscaping plan in accordance with [chapter 24](#) of the county code.~~
- ~~(7) *Final plan.* Final site plans or final subdivision plans for all lands within CBPAs shall include the following information:~~
 - ~~a. Delineation of the RPA boundary;~~
 - ~~b. Delineation of required buffer areas;~~
 - ~~c. Delineation of RMA wetlands;~~
 - ~~d. All wetlands permits required by law;~~
 - ~~e. Delineation of slopes 25 percent or greater; and~~
 - ~~f. BMP maintenance agreement to ensure proper maintenance of BMPs in order to continue their functions.~~

Sec. 23-11. Water quality impact assessment.

~~A water quality impact assessment shall be required for any proposed land disturbance development or redevelopment within RPAs and for development or redevelopment in RMAs, when required by the manager, because of the unique characteristics of the site or intensity of the proposed development or redevelopment or potential impact on water quality or RPAs. A water quality impact assessment shall identify impacts of proposed development on water quality and land in RPAs and recommended measures for mitigation of these impacts. Water quality impact assessments shall address NSP components set forth in [section 23-3](#) of this chapter and shall follow guidelines established by the manager. Development or redevelopment within an RMA shall not require a water quality impact assessment when impervious cover is less than 40 percent of the total site area.~~

Sec. 23-12. Waivers for noncomplying structures.

~~The manager through an administrative process may permit the continued use, alteration, or the expansion of any structure in existence on August 6, 1990, which is not in conformity with the provisions of this chapter. The process requires that:~~

- ~~(1) The manager may grant a waiver for noncomplying structures on legal nonconforming lots or parcels to provide for alterations or expansions to such nonconforming structures provided that:~~
 - ~~(b) There will be no increase in nonpoint source pollution load;~~
 - ~~(c) Any development or land disturbance exceeding an area of 2,500 square feet complies with all erosion and sediment control requirements of this chapter; and~~
 - ~~(d) For expansion of a principal noncomplying structure, the manager makes the following findings:~~
 - ~~1. The request for the waiver is the minimum necessary to afford relief;~~
 - ~~2. Granting the waiver will not confer upon the applicant any specific privileges that are denied by this chapter to other property owners in similar situations;~~
 - ~~3. The waiver is in harmony with the purpose and intent of this chapter and does not result in water quality degradation;~~
 - ~~4. The waiver is not based on conditions or circumstances that are self-created or self-imposed;~~
 - ~~5. Reasonable and appropriate conditions are imposed, as warranted, that will prevent the waiver from causing a degradation of water quality;~~
 - ~~6. Other findings, as appropriate and required by the manager are met; and~~
 - ~~7. In no case shall this provision apply to accessory structures as defined in [chapter 24](#) of the County Code.~~
 - ~~(e) The waiver does not conflict with the comprehensive plan or any applicable approved watershed management plan.~~
- ~~(2) An application for a waiver shall be made in writing to the manager and shall include for the purpose of proper enforcement of this chapter, the following information:~~

- ~~a. Name and address of applicant and property owner;~~
 - ~~b. Legal description of the property and type of proposed use and development;~~
 - ~~c. A sketch of the dimensions of the lot or parcel, location of buildings and proposed additions relative to the lot lines, and boundary of the Resource Protection Area;~~
 - ~~d. Location and description of any existing private water supply or sewage system; and,~~
 - ~~(f) A plan that depicts the impacts to components of the environmental inventory as required by [section 23-10\(2\)](#) of this chapter, and identification of the amount of impact to each component.~~
- ~~(3) A waiver shall become null and void if building foundations are not completed within 12 months from the date issued.~~

Sec. 23-13. Exemptions.

- ~~(a) *Public utilities, railroads, public roads, and related facilities.*~~
- ~~(1) Construction, installation, operation and maintenance of electric, natural gas, fiber-optic, and telephone transmission lines, railroads, and public roads and their appurtenant structures in compliance with (i) the Erosion and Sediment Control Law (sections 62.1-44.15:51:66 of the Code of Virginia) and the Stormwater Management Act (section 62.1-44.15:24:50 of the Code of Virginia), (ii) an erosion and sediment control plan and a stormwater management plan approved by the Virginia Department of Environmental Quality, or (iii) this chapter's water quality protection criteria which is at least as stringent as the above state requirements will be deemed to comply with the regulations adopted pursuant to the Act. The exemption of public roads is further conditioned on the following:~~
 - ~~a. The road alignment and design have been optimized, consistent with all applicable requirements, to prevent or otherwise minimize the encroachment in the RPA and to minimize the adverse effects on water quality.~~
 - ~~(2) Construction, installation and maintenance by public agencies of water and sewer, natural gas, and underground telecommunications and cable television lines owned, permitted or both, by the county or a regional service authority shall be exempt from this chapter; provided that:~~
 - ~~a. To the degree possible, the location of such utilities and facilities should be outside RPAs;~~
 - ~~b. No more land shall be disturbed than is necessary to provide for the proposed utility installation;~~
 - ~~c. All such construction, installation and maintenance of such utilities and facilities shall be in compliance with all applicable federal, state and county permits and designed and conducted in a manner that protects water quality; and~~
 - ~~d. Any land disturbance exceeding an area of 2,500 square feet complies with [chapter 8](#) of this Code.~~
- ~~(b) *Exemptions for silvicultural activities.* Silvicultural activities are exempt from the requirements of this chapter; provided that silvicultural operations adhere to water quality protection procedures prescribed by the Department of Forestry in its Virginia's Forestry Best Management Practices for Water Quality.~~

~~(c) *Exemptions for Resource Protection Areas.* The following land disturbances may be exempted by the manager from the requirements of this chapter provided that they comply with subdivisions 1 through 3 of this subdivision: (i) water wells; (ii) passive recreational facilities, such as boardwalks, trails, and pathways; and, (iii) historic preservation and archaeological activities.~~

- ~~(1) Any required permits, except those to which this exception specifically applies, shall have been issued;~~
- ~~(2) Sufficient and reasonable proof is submitted that the intended use will not deteriorate water quality; and,~~
- ~~(3) Any land disturbance exceeding an area of 2,500 square feet shall comply with [chapter 8](#) of this Code.~~

Sec. 23-14. Exceptions.

Exceptions to the requirements of [section 23-7](#) of this chapter may be granted, provided that:

- ~~(a) A request for an exception to the requirements of this section shall be made in writing to the Chesapeake Bay Board (Board), which is comprised of the members of the James City County Wetlands Board. The request shall identify the impacts of the proposed exception on water quality and on lands within the RPA through the performance of a water quality impact assessment which complies with the provisions of [section 23-11](#).~~
- ~~(b) No later than 60 days after receipt of a complete exception request, the board shall hold a public hearing on the request. The board shall notify the affected public of any such exception requests and shall consider these requests in a public hearing in accordance with section 15.2-2204 of the Code of Virginia, except that only one hearing shall be required. Also, when giving any required notice to the owners, their agents, or the occupants of abutting property and property immediately across the street or road from the property affected, the notice shall be given by first-class mail to the last known address as shown on the current real estate tax assessment book or records.~~
- ~~(c) The board shall review the request for an exception and the water quality impact assessment and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of this chapter if the board finds that:~~
 - ~~(1) The exception request is the minimum necessary to afford relief;~~
 - ~~(2) Granting the exception will not confer upon the applicant any special privileges denied by this chapter to other property owners similarly situated in the vicinity;~~
 - ~~(3) The exception request will be in harmony with the purpose and intent of this chapter, and is not of substantial detriment to water quality;~~
 - ~~(4) The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels; and~~
 - ~~(5) Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.~~
- ~~(d) A request for an exception to the requirements of provisions of this chapter other than [sections 23-7](#) shall be made in writing to the manager. The manager may grant these exceptions provided that:~~

- ~~(1) Exceptions to the requirements are the minimum necessary to afford relief; and~~
- ~~(2) Reasonable and appropriate conditions are placed upon any exception that is granted, as necessary, so that the purpose and intent of this chapter is preserved.~~
- ~~(3) Exceptions to [section 23-9](#) may be made provided the findings as noted in [section 23-14\(c\)](#) are made.~~

Sec. 23-15. Applications for exceptions.

~~Applications for exceptions shall be made in writing to the board or the manager as appropriate in accordance with [sections 23-14\(a\)](#) and (e), and shall include the following:~~

- ~~(1) Name and address of applicant and property owner;~~
- ~~(2) Legal description of the property and type of proposed use and development;~~
- ~~(3) A sketch of the dimensions of the lot or parcel, location of buildings and proposed additions relative to the lot lines, the RPA, slopes greater than 25 percent and all wetlands;~~
- ~~(4) Location and description of any existing private water supply or sewage system;~~
- ~~(5) A water quality impact assessment completed in accordance with [section 23-11](#) of this chapter and guidelines established by the manager;~~
- ~~(6) For exceptions that must be granted by the Chesapeake Bay Board, a nonrefundable processing fee set forth in Appendix A—Fee Schedule for Development Related Permits shall accompany each application to cover the cost of processing;~~
- ~~(7) For exceptions that must be granted by the manager, a nonrefundable processing fee set forth in Appendix A—Fee Schedule for Development Related Permits shall accompany each application to cover the cost of processing. This fee shall be collected for any administrative approval, waiver, exception, exemption, variance and buffer modification which may be necessary through the plan of development process as outlined in [sections 23-5](#), [23-7\(a\)](#), [23-7\(c\)](#), [23-9](#), [23-10](#), [23-12](#), [23-13](#), and [23-14\(e\)](#).~~
- ~~(8) Payment of any permit fees established in [section 23-15](#) shall be waived for the county, any entity created solely by the county and those regional entities to which the county is a party provided that: (1) The other parties to the regional entity similarly waive fees; and (2) The regional entity has locations in more than one locality.~~

Sec. 23-16. Granting waivers or exceptions.

~~The board or the manager may grant waivers or exceptions as set forth herein. When reviewing applications, the board or the manager will consider written comments from the county engineer, the director of planning and other interested parties. Waivers or exceptions granted will become null and void if building foundations are not completed within 12 months.~~

- ~~(a) The manager shall act on a complete application for an administrative waiver or exception as described in [section 23-15](#) within 21 calendar days of receipt;~~
- ~~(b) The board shall make its determination within 30 days of the hearing; and~~

- (c) If the board or the manager fails to act within these time frames, the application shall be deemed to be approved

Sec. 23-17. Appeals.

- (a) An owner of property subject to an administrative decision, order or requirement under this chapter may appeal by submitting a written request for review to the board no later than 30 days from the rendering of such decision, order or requirement. The board shall hear the appeal as soon as practical after receipt of the request. The appellant, the board of supervisors, the manager, the planning director and any person or agency expressing an interest in the matter shall be notified by the board not less than ten days prior to the date of the hearing. Published notice of the board's public meetings shall state that appeals from decision under the Chesapeake Bay Preservation Ordinance may be heard.
- (b) In rendering its decision, the board shall balance the hardship to the property owner with the purpose, intent and objectives of this chapter. The board shall not decide in favor of the appellant unless it finds:
 - (1) The hardship is not generally shared by other properties in the vicinity;
 - (2) The Chesapeake Bay, its tributaries and other properties in the vicinity will not be adversely affected; and
 - (3) The appellant acquired the property in good faith and the hardship is not self-inflicted.
- (c) The board may impose conditions to the granting of any waiver, exception or appeal as it may deem necessary in the public interest, and may, to ensure compliance with the imposed conditions, require a cash escrow, bond with surety, letter of credit or other security as is acceptable to the county attorney.
- (d) An owner of a property subject to a board decision, order or requirement may appeal to the circuit court of James City County no later than 30 days from the rendering of such decision, order or requirement.

Sec. 23-18. Violations; penalties.

- (a) Without limiting the remedies which may be obtained under this section, any person who violates any provision of this chapter or who violates, fails, neglects, or refuses to obey any variance or permit condition authorized under this chapter shall, upon such finding by the circuit court, be assessed a civil penalty not to exceed \$5,000.00 for each day of violation. Such penalties may, at the discretion of the court assessing them, be directed to be paid into the treasury of the county for the purpose of abating environmental damage to or restoring Chesapeake Bay Preservation Areas within the county, in such a manner as the court may direct by order.
- (b) Without limiting the remedies which may be obtained under this section, and with the consent of any person who has violated any provision of this chapter, or who has violated, failed, neglected, or refused to obey any variance or permit condition authorized under this chapter, the county may provide for the issuance of an order against such person for the one-time payment of civil charges for each violation in specific sums, not to exceed \$10,000.00 for each violation. Such civil charges shall be paid into the treasury of the county for the purpose of abating environmental damage to or restoring Chesapeake Bay Preservation Areas in the county. Civil charges shall be in lieu of any appropriate civil penalty that could be imposed under subdivision (a) of this section. Civil charges may be in addition to the costs of any restoration required by the board of supervisors.
- (c) In addition to, and not in lieu of, the penalties prescribed in sections (a) and (b) hereof, the county may apply to the circuit court for an injunction against the continuing violation of any of the provisions of this ordinance and may seek any other remedy authorized by law.

Chapter 23. Chesapeake Bay Preservation

Sec. 23-1. Short title.

This chapter shall be known and may be cited as “The Chesapeake Bay Preservation Ordinance” (ordinance).

Sec. 23-2. Statement of intent.

The Chesapeake Bay Preservation Act (Act), chapter 3.1 of title 62.1 of the Code of Virginia, recognizes that healthy state and local economies are integrally related to each other and the environmental health of the Chesapeake Bay. The purpose of this chapter is to control and regulate runoff at the source to protect against and minimize pollution and deposition of sediment in wetlands, streams and lakes in James City County which are tributaries of the Chesapeake Bay. This chapter is intended to assist in protection of the Chesapeake Bay and its tributaries from nonpoint source pollution from land uses or appurtenances within the Chesapeake Bay drainage area. Regulations in this chapter are necessary for:

- (1) Protection of existing high quality state waters and restoration of all other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, which might reasonably be expected to inhabit them;
- (2) Safeguarding the clean waters of the commonwealth from pollution;
- (3) Prevention of any increase in pollution;
- (4) Reduction of existing pollution; and
- (5) Promotion of water resource conservation in order to provide for the health, safety and welfare of present and future citizens of the commonwealth.

This chapter establishes criteria used by James City County in granting, denying or modifying requests to subdivide or develop land in Chesapeake Bay Preservation Areas.

Sec. 23-3. Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings ascribed below:

Accessory structures or uses. Any structure located on a lot or parcel not identified as a principal structure as defined herein. Accessory structures include, but are not limited to, detached garages, gazebos, free standing decks, storage buildings or tool sheds, guest houses, and similar forms of development that are incidental and subordinate to the principal structure. Accessory uses include, but are not limited to, in-ground pools, patios, terraces, tennis courts, synthetic turf, and other impermeable landings that do not permit infiltration to groundwater. Any modification or expansion to an accessory use must be reviewed and approved using a formal exception process.

Act. The Chesapeake Bay Preservation Act, article 2.5 of chapter 3.1 of title 62.1 of the Code of Virginia.

Adaptation measure. A project, practice, or approach to mitigate or address an impact of climate change including sea-level rise, storm surge, and flooding including increased or recurrent flooding.

Agricultural lands. Those lands used for tilling soil, planting and harvesting crops or plant growth of any kind in the open, pasture, horticulture, dairying, floriculture, or raising poultry and/or livestock. Buildings and structures are not included in this definition.

Applicant. Any person submitting any application required or permitted pursuant to any of the provisions of this Ordinance, and any person on whose behalf such an application is submitted.

Best management practice (BMP). A practice, or combination of practices, that is determined by a state, local or regional agency to be the most effective, practicable means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

Best management practice, structural. A best management practice that requires the design and certification of a licensed design professional.

Board. The Chesapeake Bay Board, which is comprised of the members of the James City County Wetlands Board.

Buffer area. An area of natural or established vegetation managed to protect other components of resource protection areas and county and state waters from significant degradation due to land disturbances or uses.

Caliper. The diameter of a tree trunk measured six inches above the ground for nursery stock.

Canopy tree. A tree that reaches 35 feet in height or taller when mature.

Channelward: in the direction of the channel or waterway.

Chesapeake Bay Preservation Act land-disturbing activity. As defined in section 8-2 of the county code.

Chesapeake Bay Preservation Area (CBPA). All land in James City County designated by the board of supervisors pursuant to part III of the Chesapeake Bay Regulations in 9VAC25-830-70 et seq. and §§ 62.1-44.15:73 of the Act. The CBPA shall consist of Resource Protection Areas (RPAs) and Resource Management Areas (RMAs).

Development. The construction, substantial alteration, or installation of residential, commercial, industrial, institutional, recreational, transportation, or utility facilities or structures, or any land disturbance associated therewith.

Diameter at breast height (DBH). The diameter of a tree measured at a point four and one-half (4-1/2) feet above the existing grade, or the natural surface or contour of a site.

Dripline. A vertical projection to the ground surface from the furthest lateral extent of a tree's leaf canopy.

Erosion and Sediment Control Law. Sections 62.1-44.15:51-66 of the Code of Virginia.

Fill. Material such as sand, soil, gravel, or crushed stone which is placed in an area, often to adjust elevation or create land contouring.

Floodplain. As defined in section 24-2 of the county code.

Freeboard. As defined in section 24-2 of the county code.

Highly erodible soils. Soils (excluding vegetation) with an erodibility index (EI) from sheet and rill erosion equal to or greater than eight. The erodibility index for any soil is defined by the Universal Soil Loss Equation as the product of the formula $RKLS-T$, where K is the soil susceptibility to water erosion in the surface layer; R is the rainfall and runoff, LS is the combined effects of slope length and steepness; and T is the soil loss tolerance.

Highly permeable soils. Soils with a given potential to transmit water through the soil profile. Highly permeable soils are identified as any soil having a permeability equal to or greater than six inches of water movement per hour in any part of the soil profile to a depth of 72 inches (permeability groups “rapid” and “very rapid”) as found in the National Soil Survey Handbook of November 1996, in the “Field Office Technical Guide” of the U.S. Department of Agriculture Natural Resources Conservation Service.

Hydric soils. Soils that are saturated, flooded or ponded long enough during the growing season to support wetland vegetation.

Impervious cover. A surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to, roofs, buildings, streets, parking areas, and any concrete, asphalt or compacted aggregate surface.

Infill. Utilization of vacant land in previously developed areas.

Land Disturbance or Land disturbing activity. As defined in section 8-2 of the county code.

Limit of Moderate Wave Action (LiMWA). The LiMWA is an informational line that can be found on flood maps for some coastal areas. On a flood map, it is shown as a black line with black arrows that point to areas where wave heights are between one and one-half (1.5) and three (3) feet. It also marks the inland limit of the Coastal Zone A.

Living Shoreline. A shoreline management practice that: provides erosion control and water quality benefits; protects, restores, or enhances natural shoreline habitat; and maintains coastal processes through the strategic placement of plants, stone, sand fill, and other structural and organic materials. When practicable, a living shoreline may enhance coastal resilience and attenuation of wave energy and storm surge. Pursuant to Va. Code §28.2-104.1, living shorelines are recognized as the preferred alternative for stabilizing shorelines in the Commonwealth. Only living shorelines shall be permitted for shoreline management unless the best available science shows that such approaches are not suitable.

Local program. Measures by which a local government complies with the Act and this chapter.

Local program adoption date. Date a local government meets the requirements of subdivisions 1 and 2 of 9VAC25-830-60.

Manager. The director of the county division of stormwater and resource protection or designee.

Mature tree. A canopy tree with a diameter at breast height (DBH) of 12 inches or greater or an understory tree with a DBH of four (4) inches or greater.

Nature-based solution. An approach that reduces the impacts of sea-level rise, flooding, and storm events through the use of environmental processes and natural systems.

Nonpoint source pollution. Pollution consisting of constituents such as sediment, nutrients, and organic and toxic substances from diffuse sources, such as runoff from agriculture and urban land development and use.

Nontidal wetlands. Those wetlands, other than tidal wetlands, that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency pursuant to section 404 of the Federal Clean Water Act, in 33 CFR 328.3b.

Noxious weeds. A complete list is provided from the Department of Conservation and Recreation, Division of Natural Heritage publication entitled Virginia Invasive Plant Species List. As defined in Va. Code §3.2-800, any living plant, or part thereof, declared by the Board of Agriculture and Consumer Services through

regulations to be detrimental to crops, surface waters, including lakes, or other desirable plants, livestock, land, or other property, or to be injurious to public health, the environment, or the economy, except when in-state production of such living plant, or part thereof, is commercially viable or such living plant is commercially propagated in Virginia. Including, but not limited to plants such as Johnson grass, kudzu, and multiflora rose.

Other structural and organic materials. Materials or features that provide added protection or stability for the natural shoreline habitat components of a living shoreline that attenuate wave energy and do not interfere with natural coastal processes or the natural continuity of the land-water interface. They may be composed of a variety of natural or man-made materials, including rock, concrete, or vegetation-based fiber such as coir logs, oyster shells, and geotextiles; however, structural features shall be free from contaminants, including structural metal such as rebar, and shall be adequately secured to prevent full or partial dislodging or detachment due to wave action or other natural forces as per Va. Code § 28.2-104.1. This term is referenced in the definition for Living Shoreline.

Person. An individual, fiduciary, corporation, firm, partnership, association, organization, or any other entity or combination thereof.

Plan of development. Site plans, subdivision plans or other plans submitted pursuant to [section 23-10](#) to ensure compliance with this chapter.

Principal structure. A primary structure that is necessary to use the land in the manner permitted by the underlying zoning classification. For the purposes of this ordinance the term principal structure shall not include appurtenances including (i) a required parking area as set forth in the chapter 24 of this code, (ii) a driveway connecting the required parking area to the public right-of-way, and (iii) a sidewalk connecting any outside entrance or exit of the principal structure to the required parking area.

Public road. A publicly owned road designed and constructed in accordance with water quality protection criteria at least as stringent as requirements applicable to the Virginia Department of Transportation, including regulations promulgated pursuant to (i) the Erosion and Sediment Control Law and (ii) the Virginia Stormwater Management Act. This definition includes those roads where the Virginia Department of Transportation exercises direct supervision over the design or construction activities, or both.

Redevelopment. The process of developing land that is or has been previously developed.

Resilience. The capability to anticipate, prepare for, respond to, and recover from significant multi-hazard threats with minimum damage to social well-being, health, the economy, and the environment.

Resource management area (RMA). That component of the CBPA that is not classified as the resource protection area. Lands of particular sensitivity within RMAs include, but are not limited to, nontidal wetlands not in RPAs, floodplains, highly erodible soils, highly permeable soils, and hydric soils.

Resource protection area (RPA). That component of a CBPA comprised of land adjacent to water bodies with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters. RPAs shall include:

1. Tidal wetlands;
2. Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;
3. Tidal shores;

4. A buffer area not less than 100 feet in width located adjacent to and landward of the components listed in subdivisions 1 through 3 above, and along both sides of any water body with perennial flow.

Runoff. That portion of precipitation that is discharged across the land surface through conveyances to one or more waterways.

Shrub. A woody plant smaller than 12 feet when mature, usually having multiple permanent stems branching from or near the ground.

Sightline. A line extending from a fixed point to a viewed object or area through an opening or passageway.

Silvicultural activities. Forest management activities, including but not limited to the harvesting of timber, the construction of roads and trails for forest management purposes, and the preparation of property for reforestation that are conducted in accordance with the silvicultural best management practices developed and enforced by the State Forester pursuant to § 10.1-1105 of the Code of Virginia and are located on property defined as real estate devoted to forest use under § 58.1-3230 of the Code of Virginia.

Special flood hazard area (SFHA). The land in the flood plain subject to a one (1) percent or greater chance of flooding in any given year.

Storm surge. The resulting temporary rise in sea level due to the action of wind stress on the water surface and low atmospheric pressure created during storms which can cause coastal flooding. Surge is the difference from expected tide level. Storm tide is the total water level.

Substantial alteration. Expansion or modification of a building or development which would result in a disturbance of land exceeding an area of 2,500 square feet in the RMA only.

Tidal shore or shore. Land contiguous to a tidal body of water between the mean low water level and the mean high-water level.

Tidal wetlands. Vegetated and nonvegetated wetlands, as defined in section 28.2-1300 of the Code of Virginia.

Tidewater Virginia. Those jurisdictions named in § 62.1-44.15:68 of the Act.

Understory tree. A tree that reaches 12 to 35 feet in height when mature.

Use. An activity on the land other than development including agriculture, horticulture, and silviculture.

Virginia Erosion and Stormwater Management Act or VESMA. Article 2.3 of chapter 3.1 of title 62.1 of the Code of Virginia.

Virginia Erosion and Stormwater Management Program authority or VESMP authority. As defined in chapter 8 of the county code.

Water Body with Perennial flow. A body of water that flows in a natural or man-made channel year-round during a year of normal precipitation. This includes, but is not limited to, streams, estuaries, and tidal embayments, and may include drainage ditches or channels constructed in wetlands or from former natural drainageways, which convey perennial flow. Lakes and ponds through which a perennial stream flows are part of the perennial stream. Generally, the water table is located above the streambed for most of the year and groundwater is the primary source for stream flow. The methodology to determine perennial flow shall be in accordance with [section 23-10\(2\)\(d\)](#) of this chapter.

Water-dependent facility. A development of land that cannot exist outside of the RPA and must be located on the shoreline because of the intrinsic nature of its operation. These facilities include, but are not limited to:

- (1) Ports;
- (2) The intake and outfall structures of power plants, water treatment plans, sewage treatment plants and storm sewers;
- (3) Marinas and other boat docking structures;
- (4) Beaches and other public water-oriented recreation areas; and
- (5) Fisheries or other marine resources facilities.

Wetlands. Tidal and nontidal wetlands.

Sec. 23-4. Designation of Chesapeake Bay Preservation Area (CBPA).

The board of supervisors hereby designates all of James City County, Virginia, as a CBPA. The CBPA is further delineated on the CBPA map as resource protection areas (RPAs) and resource management areas (RMAs). The CBPA map shows general locations of RPAs and RMAs and should be consulted by persons contemplating development. Site specific determinations of RPAs shall occur through the Plan of Development review process or through the review of a Water Quality Impact Assessment developed pursuant to [section 23-11](#) of this chapter.

Sec. 23-5. Permitted uses.

Permitted uses, special permit uses, accessory uses and special requirements shall be as established by the zoning district for that lot, parcel or acreage as specified in chapter 24 of this code, unless specifically modified by the requirements set forth herein. All land-disturbing activities shall be prohibited on slopes of 25 percent or greater unless determined by the manager to be consistent with the intent of this chapter.

Sec. 23-6. Lot size.

Lot size shall be subject to the requirements of the zoning ordinance; provided, that any lot shall have sufficient area outside the RPA to accommodate an intended use, in accordance with performance standards in [section 23-9](#), when this use is not otherwise allowed in the RPA.

Sec. 23-7. Development criteria for RPAs.

In addition to the general performance criteria set forth in [section 23-9](#), the criteria in this section are applicable in RPAs.

- (a) Development in RPAs may be allowed only when permitted by the manager and if it (i) is water dependent; (ii) constitutes redevelopment; (iii) is a new use subject to the provisions of subsection (c)(2) of this section; (iv) is a road or driveway crossing satisfying the conditions set forth in subdivision (3) of this section; or (v) is a flood control or stormwater management facility satisfying the conditions set forth in subdivision (4) of this section.
 - (1) A resiliency assessment set forth in section 23-11.1 of this ordinance shall be required for any proposed land development during the plan on development or other project review process in the RPA.

- (2) A new or expanded water dependent facility may be allowed provided that the following criteria are met:
 - a. It does not conflict with either the comprehensive plan or any applicable approved watershed management plan;
 - b. It complies with the performance criteria set forth in [section 23-9](#) of this chapter;
 - c. Any non-water-dependent component is located outside of the RPA; and
 - d. Access to the water-dependent facility will be provided with the minimum disturbance necessary. Where practicable, a single point of access will be provided.
- (3) Redevelopment on isolated redevelopment sites shall be permitted only if there is no increase in the amount of impervious cover and no further encroachment within the RPA and it shall conform to [sections 23-9\(b\)\(4\)](#) and (5), and the stormwater management requirements outlined in this chapter.
- (4) Roads and driveways not exempt under [section 23-13](#) and which, therefore, must comply with the provisions of this chapter, may be constructed in or across RPAs if each of the following conditions are met:
 - a. The manager makes a finding that there are no reasonable alternatives to aligning the road or drive in or across the RPA, and;
 - b. The alignment and design of the road or driveway are optimized, consistent with other applicable requirements, to minimize encroachment in the RPA and minimize adverse effects on water quality, and;
 - c. The design and construction of the road or driveway satisfy all applicable criteria of this chapter including the submission of a water quality impact assessment, and;
 - d. The manager reviews the plan for the road or driveway proposed in or across the RPA in coordination with the plan of development requirements as required under [section 23-10](#).
- (5) Flood control and stormwater management facilities that drain or treat water from multiple development projects or from a significant portion of a watershed may be allowed in RPAs provided such facilities are allowed and constructed in accordance with the Virginia Stormwater Management Act and this chapter, and provided that:
 - a. The manager has conclusively established that location within the RPA is the optimum location, meaning that it is the best place to locate the facility from an engineering/functionality consideration regardless of the presence of an RPA;
 - b. The size of the facility is the minimum necessary to provide necessary flood control, stream channel protection, stormwater treatment or all three;
 - c. The facility must be consistent with a comprehensive stormwater management plan developed and approved in accordance with 9VAC25-875-660;
 - d. All applicable permits for construction in state or federal waters must be obtained from the appropriate state and federal agencies;
 - e. Approval must be received from the county prior to construction; and,

- f. Routine maintenance must be performed on the facility to ensure that it continues to function as designed.

It is not the intent of this subdivision to allow a stormwater management/BMP facility that collects and treats runoff from only an individual lot or some portion of the lot to be located within a resource protection area.

- (b) A water quality impact assessment as outlined in [section 23-11](#) of this chapter shall be required for any proposed land disturbance, development or redevelopment within RPAs and for any other development within RMAs when required by the manager because of the unique characteristics of the site, intensity of development, or potential impacts on water quality or RPAs in accordance with the provisions of [section 23-11](#) of this chapter.
- (c) Buffer area requirements. To minimize the adverse effects of human activities on the other components of RPAs, state waters and aquatic life, a 100-foot buffer area of vegetation that is effective in retarding runoff, preventing erosion and filtering nonpoint source pollution from runoff shall be retained if present and established during development where it does not exist. The planting of trees shall be incorporated into the reestablishment of the 100-foot buffer, as appropriate to site conditions and in such a manner to maximize the buffer function. Inclusion of native species in tree planting is preferred. The buffer shall have three layers of vegetation comprised of native trees, shrubs, and ground covers. Where the buffer is being established, a buffer modification plan will be prepared that may incorporate existing vegetation. A list of acceptable native plants is available from the manager. A buffer area not less than 100 feet in width shall be located adjacent to and landward of other RPA components and along both sides of any water body with perennial flow. The full buffer area shall be designated as the landward component of the RPA. The 100-foot buffer area shall be deemed to achieve a 75 percent reduction of sediments and a 40 percent reduction of nutrients. All subdivision plats submitted for approval after August 6, 1990, shall clearly identify the boundaries of any RPA within the property. Such plat shall contain a statement that all existing vegetation within the RPA shall remain in its undisturbed natural state, except for vegetation weakened by age, storm, fire or other natural cause. Developers shall install signs identifying the landward limit of the RPA. Signs shall be obtained, installed and maintained in accordance with guidelines established by the manager.
 - (1) Permitted buffer modifications. In order to maintain the functional value of the buffer area, existing vegetation may be removed upon approval by the manager of a buffer modification plan only to provide for reasonable sight lines, access paths, general wood lot management, and BMPs including those that prevent upland erosion and concentrated flows of stormwater, shoreline erosion control projects, or adaptation measures. Such buffer modifications shall be permitted under the following conditions, and consistent with the requirements of this ordinance.
 - a. In general, where the removal of trees within the buffer area is proposed, mature trees shall be preserved and trimmed or pruned in lieu of removal as site conditions permit and removal should be limited to the fewest number of trees feasible. Where tree planting for mitigation, conservation landscaping, or for buffer establishment is proposed, inclusion of native species in tree planting is preferred.
 - b. Trees may be pruned or thinned as necessary to provide for sight lines, vistas, and access paths provided, that where removed they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion and filtering nonpoint source pollution from runoff;
 - 1. When trees are proposed for removal to provide for site lines, vistas, and access paths they shall be replaced with trees as appropriate to site conditions and in such a manner as to maximize the buffer function and to protect the quality of state waters;

2. Trees may not be removed where reasonable sight lines, vistas, or access paths can be created by pruning of the trees alone.
 3. Trees may not be pruned or removed from the buffer area until a written determination is obtained from the manager that the proposed activity is in accordance with the requirements of this ordinance.
- c. Access paths shall be constructed and surfaced so as to effectively control erosion;
- d. Dead, diseased, or dying trees or shrubbery, or noxious weeds may be removed based upon the approval of the manager, who may require a recommendation by a professional forester or arborist, provided that where removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff. Vegetation may not be removed from any RPA component listed in section 23-10(2)(a)(1) through (3) or within a perennial stream;
1. All dead or diseased trees must be checked by the manager prior to their removal.
 2. When questions arise concerning the health of trees proposed to be removed, the property owner shall be responsible for providing documentation from a certified arborist as to the health and viability of the trees. Such documentation shall be subject to review and approval of the manager.
 3. No unauthorized land disturbance in the buffer area may occur or result from the removal of dead or diseased trees or noxious weeds.
 4. Dead or diseased trees must be replaced with 1-inch DBH minimum caliper trees at a 1:1 rate or with 15-inch minimum height shrubs at a 3:1 rate, absent conditions that suggest a higher or lower replacement ratio.
 5. Removal of noxious weeds is permitted in the buffer area provided they are replaced with vegetation equally adapted for the growing environment.
 6. Replacement vegetation should be protected by a surety bond and is subject to inspection one year after planting to ensure survival.
 7. For removal of trees larger than six (6) inches DBH, a buffer modification plan is required.
 - a. The buffer modification plan shall be reviewed and approved by the manager prior to removal of tree(s).
 - b. Tree restoration shall be required within six (6) months of removal. A subsequent inspection for the replanting of tree(s) shall be performed by the manager. If in the opinion of the manager, the replanting requirements may lead to further future structural damage to the principal building, the replanting requirement may be reduced or waived.
 - c. Site clearing shall be allowed only to provide necessary access, positive site drainage, water quality BMPs, and the installation of utilities, as approved by the manager through the plan of development review process outlined under section 23-10 of this ordinance.
 - d. A buffer modification plan violation is a violation and is subject to section 23-18.

- e. For shoreline erosion-control projects, trees and woody vegetation may be removed, necessary control techniques employed and appropriate vegetation established to protect or stabilize the shoreline and restore the function of the buffer in accordance with the best available technical advice and applicable permit conditions or requirements.
 - 1. The removal of mature trees for the installation and maintenance of proposed shoreline erosion control projects shall only be permitted as necessary and consistent with the best available technical advice, approved project plans, and applicable permit conditions or requirements.
 - 2. Where vegetation is proposed for removal within the buffer area as part of a shoreline erosion control project, a water quality impact assessment with vegetative mitigation equal to the area of encroachment is required. Trees shall be incorporated, as appropriate to the site conditions and the project specifications. In addition, vegetation in the form of a mixture of grasses, sedges, flowers, and shrubs can be used by property owners to provide natural stabilization of shorelines. Inclusion of native species is preferred.
 - 3. Existing trees, proposed plantings, and clearing limits must be shown on the state and/or federal Wetlands Permit and/or Water Quality Impact Assessment.
 - 4. Shoreline erosion control within the RPA shall be consistent with the Wetlands Act (Chapter 13 Title 28.2), the Virginia Marine Resources Commission (VMRC) *Tidal Wetlands Guidelines* which provide for “minimum standards for the protection and conservation of wetlands,” and “ensure protection of shorelines and sensitive coastal habitat from sea level rise and coastal hazard.”
- f. Adaptation measures proposed for location within the Resource Protection Area, shall meet the following conditions:
 - 1. The selected adaptation measure shall be a nature-based solution that uses environmental processes, natural systems, or natural features identified as being appropriate for existing site conditions.
 - 2. An identified adaptation measure shall be selected from one of the following sources: Chesapeake Bay program approved BMP list, the Virginia Stormwater BMP Clearinghouse, the VMRC Tidal Wetlands Guidelines, or be a project that is eligible for funding by the Virginia Community Flood Preparedness Fund Grant.
 - a. Adaptation measures should consist of trees, vegetation, stone or enhance existing natural elements.
 - 3. Adaptation measures approved for use in the RPA shall be designed, installed, and maintained in accordance with the applicable specifications for the selected adaptation measure.
 - 4. Adaptation measures should be placed channelward of the proposed development whenever possible and should maximize the preservation of mature trees and other natural vegetation to minimize adverse impacts to the RPA and to maximize water quality benefits.

5. The use of fill as a component of an adaptation measure may be permitted, provided it meets the following conditions:
 - a. The grading and slope created by the use of fill shall be no greater than necessary based upon the project specification and implemented in a manner that minimize the impact of run-off.
 - b. Fill shall have the necessary biogeochemical characteristics, including sufficient organic content, to support the growth of vegetation and adequate permeability to allow infiltration consistent with project specifications. The applicant shall:
 - i. Provide documentation specifying the proposed depth, extent, and type of fill material proposed for use.
 - c. The use of fill shall not exacerbate stormwater run-off, and lateral flow onto adjacent properties shall be controlled.
 - i. Any impacts on the management of stormwater upland of the resource protection area created by the use of fill shall be mitigated, as necessary.
 - d. The use of fill for an adaptation measure shall not negatively impact septic systems and drainfields located within the RPA. Where present, the proximity of the adaptation measure using fill should be considered such that the fill will not interfere with the proper function or maintenance of either of these features.
 - e. The use of fill shall be consistent with any applicable local, state, or federal floodplain requirements. The applicant shall provide documentation to verify that proposed adaptation measures do not conflict with any constraints or requirements of floodplain management or flood control provision, including federal floodplain management regulations found in Title 40 CFR Part 60. The allowance of fill under these provisions does not negate those independent requirements.
6. The preservation of existing natural vegetation shall be maximized, including mature trees, and land disturbance consistent with design specifications shall be minimized.
7. Adaptation measures shall comply with all federal, state and local requirements, including any required permits and conditions such as the need for a Water Quality Impact Assessment.
8. Nothing in these provisions shall be construed to authorize approval or allowance of an adaptation measure in contravention of floodplain management requirements, including Article VI Division 3 Floodplain Area Regulations.

(2) Permitted buffer encroachments.

- a. When application of the buffer would result in the loss of an adequate buildable area on a lot or parcel recorded prior to August 6, 1990, encroachments into the buffer may be allowed through an administrative process in accordance with the following criteria:

1. Encroachments into the buffer shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities;
 2. Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the buffer encroachment, and is equal to the area of encroachment into the buffer area shall be established elsewhere on the lot or parcel. Where established, such vegetated area shall include the planting of trees as appropriate to site conditions. Inclusion of native species in tree planting is preferred; and
 3. The encroachment may not extend into the seaward 50 feet of the buffer area.
 4. Encroachments into the buffer area processed through an administrative review shall be subject to the findings required by section 23-14 of this ordinance but without the requirement for a public hearing, such findings to be made instead by the manager.
- b. When application of the buffer would result in the loss of a buildable area on a lot or parcel recorded between August 6, 1990, and January 1, 2004, encroachments into the buffer may be allowed through an administrative process in accordance with the following criteria:
1. The lot or parcel was created as a result of a legal process conducted in conformity with the county's subdivision regulations;
 2. Conditions or mitigation measures imposed through a previously approved exception shall be met;
 3. If the use of a best management practice (BMP) was previously required, the BMP shall be evaluated to determine if it continues to function effectively and, if necessary, the BMP shall be reestablished or repaired and maintained as required; and
 4. The criteria in subdivision (c)(2)a. of this section shall be met.
- (3) On agricultural lands, the agricultural buffer area shall be managed to prevent concentrated flows of surface water from breaching the buffer area and appropriate measures may be taken to prevent noxious weeds from invading the buffer area. Agricultural activities may encroach into the buffer area as follows:
- a. Agricultural activities may encroach into the landward 50 feet of the 100-foot-wide buffer area when at least one agricultural BMP which, in the opinion of the local soil and water conservation district board, addresses the more predominant water quality issue on the adjacent land - erosion control or nutrient management - is being implemented on the adjacent land, provided that the combination of the undisturbed buffer area and the BMP achieves water quality protection, pollutant removal and water resource conservation at least the equivalent of the 100-foot buffer area. If nutrient management is identified as the predominant water quality issue, a nutrient management plan, including soil tests, must be developed and implemented consistent with the Virginia Nutrient Training and Certification Regulations (4 VAC50-85) administered by the Virginia Department of Conservation and Recreation.
 - b. Agricultural activities may encroach within the landward 75 feet of the 100-foot-wide buffer area when agricultural BMPs which address erosion control, nutrient management, and pest chemical control, are being implemented on the adjacent land. The erosion control practices must prevent erosion from exceeding the soil loss tolerance level, referred to as "T," as defined in the "Field Office Technical Guide" of the U.S. Department of Agriculture Natural Resource Conservation Service. A nutrient management plan, including soil tests, must be

developed and implemented consistent with the Virginia Nutrient Management Training and Certification Regulations (4 VAC 50-85) administered by the Virginia Department of Conservation and Recreation. In conjunction with the remaining buffer area, this collection of BMPs shall be presumed to achieve water quality protection at least the equivalent of that provided by the 100-foot-wide buffer area.

- c. The buffer area is not required to be designated for agricultural drainage ditches if at least one BMP which, in the opinion of the local soil and water conservation district board, addresses the more predominant water quality issue on the adjacent land - erosion control or nutrient management - is being implemented on the adjacent land.
 - d. If specific problems are identified pertaining to agricultural activities that are causing pollution of the nearby water body with perennial flow or violate performance standards pertaining to the vegetated buffer area, the manager, in cooperation with the soil and water conservation district, shall recommend a compliance schedule to the landowner and require the problems to be corrected consistent with that schedule. This schedule shall expedite environmental protection while considering the seasons and other temporal considerations so that the probability for successfully implementing the corrective measures is greatest.
 - e. In cases where the landowner or the landowner's agent or operator has refused assistance from the local soil and water conservation district in complying with or documenting compliance with the agricultural requirements of this ordinance, the district shall report the noncompliance to the manager. The manager shall require the landowner to correct the problems within a specified period not to exceed 18 months from their initial notification of the deficiencies to the landowner. The local government, in cooperation with the district, shall recommend a compliance schedule to the landowner. This schedule shall expedite environmental protection while considering the seasons and other temporal considerations so that the probability for successfully implementing the corrective measures is greatest.
- (4) When agricultural or silvicultural uses within the buffer area cease, and the lands are proposed to be converted to other uses, the full 100-foot-wide buffer area shall be reestablished with woody vegetation. In reestablishing the buffer, management measures shall be undertaken to provide woody vegetation that ensures the buffer functions are maintained or established. The planting of trees shall be incorporated into the reestablishment of the 100-year buffer, as appropriate to site conditions and in such a manner to maximize the buffer function. Inclusion of native species in tree planting is preferred.
 - a. A comprehensive planting plan for the entire buffer area that will ensure survivability of vegetation and viability of the newly established buffer shall be submitted and approved by the manager prior to approval of a new land use or development plan (including subdivision) for the property.
 - b. The comprehensive planting plan should provide for the planting of a standard buffer adjacent to all impacted RPA features and along all water bodies with perennial flow on the site. The planting plan should also provide for management measures such as proper monitoring and maintenance of the installed woody vegetation that ensures the buffer functions set forth in this ordinance.
 - c. If, prior to plan of development approval, the manager determines that the 100-foot buffer is adequately vegetated and meets the pollutant removal criteria listed within this subsection, replanting additional vegetation may not be necessary. In these cases, the full 100-foot RPA buffer should be allowed to naturally regenerate, and no land disturbing activities should be permitted within this area.

Sec. 23-8. Determining resource protection area boundaries.

The county CBPA map shall be used as a guide to the general location of RPAs. In addition, reference materials that may be used as general guidance for estimating locations of resource protection areas include federal, state and county topographic maps, wetland maps, and aerial photography. Site-specific boundaries of the RPA shall be determined by the applicant through the performance of an environmental inventory required as part of the plan of development review process or a water quality impact assessment. Site-specific boundaries determined by the applicant shall be reviewed and approved by the manager.

Sec. 23-9. Performance standards.

- (a) *Purpose and intent.* The performance standards establish the means to minimize erosion and sedimentation potential, reduce land application of nutrients and toxics, and maximize rainwater infiltration. Natural ground cover, especially woody vegetation, is most efficient in holding soil in place and preventing site erosion. Indigenous vegetation, with its adaptability to local conditions without the use of harmful fertilizers or pesticides, filters and infiltrates stormwater runoff. Keeping impervious cover to a minimum enhances rainwater infiltration and effectively reduces increases of stormwater runoff.

The purpose and intent of these requirements is also to implement the following objectives: prevent a net increase in nonpoint source pollution from new development and development on previously developed land where the runoff was treated by a water quality protection best management practice; achieve a ten percent reduction in nonpoint source pollution from development on previously developed land where the runoff was not treated by one or more water quality best management practices; and achieve a 40 percent reduction in nonpoint source pollution from agricultural and silvicultural uses.

- (b) *General performance standards:*

- (1) Land disturbance shall be limited to the area necessary to provide for the proposed use or development.
 - a. In accordance with an approved plan of development, the limits of clearing and/or grading shall be clearly defined. These limits shall be clearly shown on submitted plans and physically marked on the development site in accordance with subsection (2)c below.
 - b. Impervious cover shall not exceed 60 percent of the site unless it can be demonstrated that the project will have the same impact on water quality as the project would have if it were 60 percent impervious. Demonstration of equivalent water quality will be through compliance with guidelines developed by the manager. For projects with an approved stormwater master plan, compliance with this impervious cover provision can be demonstrated on a project basis rather than an individual site basis. However, in no case shall impervious cover exceed the limits established in [section 24-101\(c\)\(4\)](#) of the zoning ordinance.
 - c. Ingress and egress during construction shall be limited to one access point, unless otherwise approved by the manager.
- (2) Existing vegetation shall be preserved to the maximum extent practicable, consistent with the use or development permitted by an approved plan of development.
 - a. Mature trees shall be protected during development and only removed where necessary, including to provide for the proposed use or development.

- b. Existing trees over 12 inches in diameter at breast height shall be preserved except in impervious areas and as necessary to accommodate site grading. Upon approval by the manager, diseased trees or trees weakened by age, storm, fire or other injury may be removed; provided, that when such removal results in a 20 percent or greater reduction in existing tree canopy, a sufficient number of trees with a 1-½ inch caliper shall be planted to restore the full canopy.
 - c. Prior to clearing or grading, suitable protective barriers, such as safety fencing, shall be erected outside of the dripline of any tree or stand of trees to be preserved unless otherwise approved on the clearing plan. Protective barriers shall remain so erected throughout all phases of construction. The storage of equipment, materials, debris or fill shall not be allowed within the area protected by the barrier.
- (3) Land development shall minimize impervious cover to promote infiltration of stormwater into the ground consistent with the proposed use or development permitted.
- (4) All development and redevelopment exceeding 2,500 square feet of land disturbance shall be subject to a plan of development review process conducted in accordance with [section 23-10](#) of this chapter.
- (5) Any land-disturbing activity exceeding 2,500 square feet, including construction of all single-family houses, and septic tanks and drainfields shall comply with the requirements of [chapter 8](#) of this Code.
- (6) Conventional on-site sewage treatment systems not requiring a Virginia Pollutant Discharge Elimination System (VPDES) permit shall be pumped out at least once every five (5) years.
 - a. Owners of conventional on-site sewage disposal systems must submit a copy of each pump-out report or maintenance report to the stormwater and resource protection division within 30 days of completion. In lieu of a pump-out report, owners of conventional on-site sewage disposal systems must submit maintenance documentation, certified by an operator or on-site soil evaluator licensed or certified under Chapter 23 (§ 54.1-2300 et seq.) of Title 54.1 of the Code of Virginia as being qualified to operate, maintain, or design on-site sewage systems, that the septic system has been inspected, is functioning properly, and that - as of the date of inspection - pump-out of the effluent was not deemed necessary.
- (7) Owners of alternative onsite sewage systems (AOSS) shall continue to submit maintenance reports directly to the Virginia Department of Health as required by state law (Code of Virginia § 32.1-164; 12 VAC 5-613-150) and are not required to provide duplicate records to the county.
- (8) A reserve sewage disposal site, with a capacity at least equal to that of the primary sewage disposal site, shall be provided. This requirement shall not apply to any lot or parcel recorded prior to August 6, 1990, if such lot or parcel is not sufficient in capacity to accommodate a reserve sewage disposal site, as determined by the local health department. Building or construction of any impervious surface shall be prohibited on the area of all sewage disposal sites or on an on-site sewage treatment system which operates under a permit issued by the State Water Control Board until the structure is served by public sewer.
- (9) Prior to initiating grading or other on-site activities on any portion of a lot or parcel, all wetlands permits required by federal, state and county laws and regulations shall be obtained and evidence of such submitted to the manager. For those projects where no wetlands are proposed to be impacted or where the impacts do not require written authorization,

documentation shall be submitted to the manager by a qualified wetlands professional attesting that the wetlands permitting process has been completed and no further documentation is necessary from the regulatory agencies.

- (10) All lands upon which agricultural activities are being conducted shall undergo a soil and water quality conservation assessment. Such assessment shall evaluate the effectiveness of existing practices pertaining to soil erosion and sediment control, nutrient management and management of pesticides, and where necessary, results in a plan that outlines additional practices needed to ensure that water quality protection is accomplished consistent with this chapter. Plans of development or water quality impact assessments are not required for activities on agricultural lands except for land disturbing activities not related to food and/or fiber production.

Sec. 23-9.1 Performance standards for retaining walls.

Retaining walls constructed in the CPBA supporting three feet or more of ordinary unbalanced fill, or constructed for the purpose of impounding Class I, II, or III-A liquids, or supporting a surcharge other than ordinary unbalanced fill, or located in a flood zone, or that are part of a stormwater BMP shall require a building permit and shall be subject to the following:

- (1) Upon completion of the wall construction and prior to the issuance of any final inspections by the office of building safety and permits, certifications of the soil compaction and drainage system by an appropriate licensed design professional and a certification that an appropriate licensed design professional has overseen construction of the wall shall be provided to the director of stormwater and resource protection. In addition, in accordance with USBC Section 111.2 and when required by USBC Section 1704, a Statement of Special Inspections shall be provided by the registered design professional licensed in Virginia and shall be submitted to the office of building safety and permits within seven days of the inspections being performed.
- (2) The materials used to construct the wall shall be masonry, stone, vinyl, aluminum, and/or steel. Marine-grade timber may only be used for retaining walls located on a single-family residential lot when the total wall height is less than six feet.
- (3) Should the overall height of the wall exceed six feet of unbalanced fill (i.e., finished grade to finished grade):
 - a. The wall shall be broken into multiple stepped walls with a maximum height of six feet for each wall segment, and a minimum horizontal separation between the wall segments of at least nine feet;
 - b. Guards for fall protection (e.g., fencing) are required to be installed at the top of the wall;
 - c. The total of all wall segments shall not exceed 24 feet in height;
- (4) A minimum 12-foot-wide access easement shall be located along both the bottom of the wall and along the top of the wall. Such easement shall be able to support a tracked vehicle, shall not be located within any required landscape buffer, shall be exclusive of any public or private right-of-way, and shall be free of any structures or utilities; provided, however:
 - a. no such access easement shall be required at the bottom of the wall when the function of the wall is to impound or retain standing water or liquids, or other similar environmental constraints exist as determined by the director of stormwater and resource protection;

- b. landscaping may be permitted within the easements as approved by the director of stormwater and resource protection.
- (5) The design of the retaining wall system shall be such that its construction and removal of the entire wall shall be possible without impacting the foundations or proposed foundations for habitable structures.
- (6) The design of the retaining wall system shall include a maintenance plan, which has been prepared by an appropriate licensed design professional. A copy of the retaining wall system maintenance plan shall be submitted to the office of building safety and permits prior to the issuance of any final inspections. The maintenance plan shall include the estimated life-cycle of the retaining wall system. Over the anticipated life span of the retaining wall system, the maintenance plan shall also include recommended maintenance at corresponding time intervals.
- (7) At each time interval noted within the maintenance plan, an appropriate licensed professional shall complete the recommended maintenance. Within seven days of such maintenance being performed, the individual performing the maintenance shall submit a copy of their report to the office of building safety and permits.
- (8) Prior to the issuance of any final inspection, the property owner shall record restrictive covenants noting that there is a retaining wall on the property, identifying the easement(s) required by subsection (4), and committing to maintaining the retaining wall in accordance with the maintenance plan provided by an appropriate licensed design professional, and providing evidence of such maintenance to the county in accordance with the requirements of this section. Such restrictive covenants shall be in a form acceptable to the county attorney.
- (9) Exclusions.
 - a. This section shall not apply to decorative walls or retaining walls less than three feet in height.
 - b. This section shall not apply to any dwelling foundation, crawl space, or in the building materials or finishes specific to the construction of a single-family dwelling unit.
 - c. This section shall not apply to bulkheads and seawalls that are used to separate the land from tidal waters.
 - d. Retaining walls for industrial uses, as enumerated in [chapter 24](#), Zoning, article V, Districts, as amended, are not subject to subsection (3)a. above.
- (10) Exceptions.
 - a. For retaining walls located on a single-family residential lot that do not cross a property line, the director of building safety and permits or designee may grant an administrative waiver to the height limit in subsection (3); however, each wall segment shall not exceed six feet and six inches.
 - b. Unless otherwise permitted by (10)a. or (10)b, upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver for a single wall taller than six feet in height or for a total wall height of greater than 24 feet, upon finding that:
 - 1. Such structure will not obstruct light from adjacent property;

2. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest;
 3. Such structure will not impair surrounding developments, adjacent property, or the rural or historic nature of the county;
 4. Such structure will not impair property values in the surrounding area;
 5. The visual impact to adjoining properties and roadways is minimized;
 6. Such structure is adequately designed and served from the standpoint of safety from the perspective of the county fire chief, the director of stormwater and resource protection, and the director of the building safety and permits division;
 7. The on-going costs of maintenance or repair of such structure would not unduly burden a property owner or homeowners association;
 8. Such structure would not be contrary to the public health, safety or general welfare; and
 9. Such structure is necessary due to unusual character of the property, including dimensions or other environmental considerations.
- c. Upon application and the payment of appropriate fees, the board of adjustments and appeals may grant an exception for the use of a material other than listed in subsection (2), upon finding that:
1. The use of the alternative material will not impair the enjoyment of historic attractions and areas of significant historic interest;
 2. The use of the alternative material will not impair surrounding developments, adjacent property, or the rural or historic nature of the county;
 3. The use of the alternative material will not impair property values in the surrounding area;
 4. The visual impact to adjoining properties and roadways is minimized as determined by the director of planning;
 5. Such structure is adequately designed and served from the standpoint of safety from the perspective of the county fire chief, the director of stormwater and resource protection, and the director of the building safety and permits division;
 6. The on-going costs of maintenance or repair of such alternative material would not unduly burden a property owner or homeowners association;
 7. Such alternative material would not be contrary to the public health, safety or general welfare; and
 8. Such materials will not materially shorten the life span of the retaining wall system when compared to the full list of other materials permitted in subsection (2) so as to unduly burden a property owner or homeowners association.

Any development or redevelopment exceeding 2,500 square feet of land disturbance in the CBPA shall be accomplished through a plan of development process prior to any clearing or grading of the site or the issuance of any building permit to assure compliance with all applicable requirements of this chapter and any applicable approved watershed management plans. Administration of the plan of development process shall be in accordance with [chapter 24](#) of this code for site plans and [chapter 19](#) of this code for subdivision plans. The following plans or studies shall be submitted, unless otherwise provided for:

- (1) *Site and subdivision plans.* Site plans in accordance with the provisions of [chapter 24](#) of the county code or subdivision plans in accordance with [chapter 19](#) of the county code. In the event that [chapter 24](#) does not require the preparation of a site plan for a development activity that exceeds 2,500 square feet of land disturbance, a plan will still be required for the purposes of this chapter that complies with items 2, 3, and 5 of this subsection.
- (2) *Environmental inventory.* An environmental inventory shall be submitted in conjunction with preliminary site plan or preliminary subdivision plan approval applications. Except for the perennial stream determination required in item d. of this subsection, this requirement may be waived by the manager when the proposed use or development would result in less than 5,000 square feet of disturbed area. For existing single-family lots in a RPA, showing items required by subsection a. on the plat plan normally required as part of the building permit application shall satisfy the requirements for an environmental inventory. An environmental inventory is not required for existing single-family lots in the RMA.
 - a. The environmental inventory shall be drawn to scale clearly delineating the following components:
 1. Tidal wetlands;
 2. Tidal shores;
 3. Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow (i.e., RPA wetlands);
 4. A 100-foot buffer area located adjacent to and landward of the components listed in items 1 through 3 above, and along both sides of any water body with perennial flow;
 5. Nontidal wetlands not included in item 3 (i.e., RMA wetlands);
 6. 100-year floodplains as designated by [chapter 24](#) of the county code; and
 7. Slopes 25 percent or greater.
 - b. Wetlands delineations shall be performed consistent with the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands currently approved for use by the Army Corps of Engineers.
 - c. The environmental inventory shall be drawn at the same scale as the preliminary site plan or subdivision plan and shall be certified as complete and accurate by a person or firm competent to make the inventory.
 - d. The environmental inventory shall include a reliable, site specific evaluation to determine whether water bodies on or adjacent to the development site have perennial flow. This evaluation shall be provided by the person applying to use or develop the site using one of the county or state approved methods of in-field indicators of perennial flow unless the county has already made a field determination of perennial flow for the site. These site-specific determinations shall be confirmed by the manager and shall be used to establish the boundaries of the RPA.
- (3) *Clearing plan.* A clearing plan shall be submitted in conjunction with site plan review or subdivision plan review. No clearing or grading of any lot or parcel shall be permitted without an approved clearing plan. For existing single-family lots, a clearing line shown on the plat plan

normally submitted as part of the building permit application shall satisfy clearing plan requirements. No clearing or grading shall occur on existing single-family lots until a complete building permit application is submitted.

Clearing plans shall be prepared and/or certified by design professionals practicing within their areas of competence as prescribed by the Code of Virginia.

a. Contents of the plan:

1. The clearing plan shall be drawn to scale and clearly delineate the location, size and description of existing and proposed plant material. All existing trees on the site 12 inches or greater diameter at breast height (DBH) shall be shown on the clearing plan, or where there are groups of trees, the woodlines of the group may be outlined instead. The specific number of trees 12 inches or greater DBH to be preserved outside of the impervious cover and outside the groups shall be indicated on the plan. Trees to be removed and woodlines to be changed to create desired impervious cover shall be clearly delineated on the clearing plan.
2. Any required buffer area shall be clearly delineated and any plant material to be added to establish or supplement the buffer area, as required by this chapter, shall be shown on the clearing plan.
3. Within the RPA buffer area, trees to be removed for sight lines, vistas, access paths, and BMPs, as provided for in this chapter, shall be shown on the plan. Vegetation required by this chapter to replace any existing trees within the buffer area shall also be shown on the clearing plan.
4. Erosion and sediment controls shall be provided as necessary and in accordance with [chapter 8](#) of the county code.
5. The clearing plan shall clearly delineate the location, size, and description of existing and proposed retaining walls subject to the performance standards found in [section 23-9.1](#).

b. Plant specifications:

1. All plant materials necessary to supplement the buffer area or vegetated areas outside the impervious cover shall be installed according to standard planting practices and procedures.
2. All supplementary or replacement plant materials shall be living and in healthy condition. Plant materials shall conform to the standards of the most recent edition of the American Standard for Nursery Stock, published by the American Association of Nurserymen.
3. Where areas to be preserved, as designated on an approved clearing plan, are encroached, replacement of existing trees and other vegetation will be achieved at a ratio of two planted trees to one removed. Replacement trees shall be a minimum 1-½ inches caliper at the time of planting.

c. Maintenance:

1. The applicant shall be responsible for the maintenance, repair and replacement of all vegetation as may be required by the provisions of this chapter.

2. In buffer areas and areas outside the impervious cover, plant material shall be tended and maintained in a healthy growing condition and free from refuse and debris. Unhealthy, dying or dead plant materials shall be replaced during the next planting season, as required by the provisions of this chapter.
- d. Installation and bonding requirements:
 1. Where buffer areas are required, no certificate of occupancy shall be issued until the installation of required plant material to establish or supplement the buffer is completed, in accordance with the approved clearing plan.
 2. When the occupancy of a structure is desired prior to the completion of the plan, a certificate of occupancy may be issued only if the applicant provides a form of surety satisfactory to the county attorney in an amount equal to the costs of the remaining plant materials, related materials and installation costs.
 3. All required plant material shall be installed and approved by the first planting season following issuance of a certificate of occupancy or the surety may be forfeited.
- (4) Stormwater management plan. A stormwater management plan consistent with the requirements of the chapter 8 of the county code must be designed and implemented during land disturbing activities. Prior to land disturbance, this plan must be approved by the VESMP authority.
- (5) Erosion and sediment-control plan. An erosion and sediment control plan consistent with the requirements of the Erosion and Sediment Control Law and regulations and [chapter 8](#) of the county code must be designed and implemented during land disturbing activities. Prior to land disturbance, this plan must be approved by the VESCP authority.
- (6) Final plan. Final site plans or final subdivision plans for all lands within CBPAs shall include the following information:
 - a. Delineation of the RPA boundary;
 - b. Delineation of required buffer areas;
 - c. Delineation of RMA wetlands;
 - d. All wetlands permits required by law;
 - e. Delineation of slopes 25 percent or greater; and
- (7) A water quality impact assessment according to [section 23-11](#) of this ordinance.
- (8) A resiliency assessment according to [section 23-11.1](#) of this ordinance.

Sec. 23-11. Water quality impact assessment.

- (a) The purpose of a water quality impact assessment is to: (i) identify the potentially adverse impacts of proposed development on water quality and lands within the Chesapeake Bay Preservation Areas consistent with the goals and objectives of this Ordinance; (ii) ensure that, where use, development or redevelopment takes place within Chesapeake Bay Preservation Areas, it will be located on those portions of a site in a manner that will be least disruptive to the natural functions of Resource Protection Areas and other sensitive lands; and (iii) specify means to avoid, minimize or mitigate the impacts of development for water quality protection.
- (b) A water quality impact assessment must demonstrate that the undisturbed buffer area, enhanced by vegetative plantings and any other best management practices will result in the removal of no less than 75 percent of sediments and 40 percent of nutrients from post-development stormwater runoff and will

retard runoff, prevent erosion, and filter non-point source pollution equivalent to an undisturbed 100-foot buffer area.

- (c) A water quality impact assessment shall be required for any proposed land disturbance, development or redevelopment within a Resource Protection Area consistent with this Section, and for any other development in Chesapeake Bay Preservation Areas that may warrant such assessment because of the unique characteristics of the site or intensity of the proposed use or development.
- (d) A water quality impact assessment shall include the following information:
 - (1) A narrative that describes the nature of the proposed RPA encroachment, provides justification for the proposed impacts to the RPA, and addresses the findings required in [section 23-14](#) of this ordinance.
 - (a) An analysis of the anticipated reduction in buffer function due to the proposed land development, its impact on the buffer area, proposed mitigation or adaptation measures, and the anticipated effect of the proposed project on water quality.
 - (b) A description of the extent and nature of any proposed disturbance or disruption of wetlands.
 - (c) Impacts of the proposed development on topography, soils, surface and groundwater hydrology on the site and adjacent lands.
 - (d) Source location and description of proposed excavation and fill material.
 - (e) For any water-dependent activity, the location of, and potential adverse impacts upon, shellfish beds, submerged aquatic vegetation, and fish spawning and nursery areas.
 - (f) A statement of any anticipated future land disturbance within the RPA.
 - (g) All federal, state, and local permits required for the development of the site.
 - (2) A site drawing to scale which depicts the following:
 - (a) Delineation of the RPA components, including the 100-foot buffer area and the location of any water body with perennial flow.
 - (b) Existing topography, soils information (including depth to groundwater and infiltration rate), where appropriate, surface and groundwater hydrology, wetlands and, if necessary, drainage patterns from adjacent lands.
 - (c) Location and nature of the proposed encroachment into the buffer area, including limits of clearing or grading and the area of land disturbance; location of any structures, driveways, or other impervious cover; type(s) of paving material(s); area of proposed impervious cover; and location of proposed utilities, including sewage disposal systems or reserve drainfield sites.
 - (d) Location and area (in square feet) of existing impervious cover.
 - (e) Existing vegetation, including the number and type of trees and other vegetation to be removed in the RPA to accommodate the proposed buffer encroachment or modification.
 - (f) Proposed vegetative mitigation plan.

- (g) Type and location of proposed additional best management practices that may be necessary to mitigate for the proposed encroachment.
- (h) Type and location of proposed adaptation measures necessary to address the impacts of storm surge, sea level rise, and flooding.

Sec. 23-11. 1 Resiliency assessment

- (a) Submittal of a resiliency assessment that considers the potential impacts of sea level rise, storm surge, and flooding on buffer function in light of a proposed RPA encroachment is required during the review of a plan of development or other review process. Such an assessment is to be based upon the RPA as delineated at the time of the proposed land development and is required in addition to all other requirements of this and other local ordinances. At a minimum the resiliency assessment should contain the following information:
 - (1) A scaled drawing or aerial image of the proposed project that includes the RPA boundary, required setbacks, existing topography, and a graphic depiction of the anticipated impacts of sea level rise, flooding, and storm surge on the parcel and the proposed project, based upon a review of approved models and forecasts, to include the following:
 - (a) For sea level rise, use the 2017 National Oceanographic and Atmospheric Administration (NOAA) Intermediate-High scenario projection curve or any subsequently updated version thereof on the project site.
 - (b) For storm surge, use the most up to date NOAA hydrodynamic Sea, Lake, and Overland Surges Hurricanes (SLOSH) model on the project site.
 - (c) For flooding, use the most up to date Special Flood Hazard Area and the Limit of Moderate Wave Action (LiMWA) model on the project site according to the Virginia Flood Risk Information System (VFRIS) model in conjunction with the requirements and application of Article VI Division 3 Floodplain Area Regulations.
 - (d) The anticipated impacts shall be based upon a thirty (30) year timeframe, unless the applicant demonstrates that the lifespan of the project proposed for development is less than thirty (30) years based upon the information in section 23-11.1(2) as approved by the manager. Where a lifespan of less than 30 years is proposed, the applicant shall provide documentation of proposed building materials, anticipated quality of construction, design specifications, and other materials or information in support of a predicted lifespan of less than 30 years for the project.
 - (2) A report that analyzes the results of the data and graphic research, and provides the following information:
 - (a) Define the intended service life of the proposed structure(s).
 - (b) Identification of any proposed impact directly from proposed impervious cover or structures in the RPA and the extent of such impact.
 - (c) Identification of extent of impact on the current buffer area including impacts to existing vegetation from the landward movement of water and vegetative migration.

- (d) Describe the extent to which anticipated impacts can be or have been mitigated by altering the location design, size, or orientation of proposed structures or impervious cover, by preserving and/or supplementing existing buffer areas as provided for in [section 23-11](#) of this Ordinance, and/or by considering other limiting site conditions including required setbacks and parcel size, and/or by proposing an adaptation measure in accordance with the provisions of [section 23-11](#).
 - (e) Identification of the utilization of existing local programs that already take potential impacts into account through the building permit or site design review processes, such as freeboard requirements enacted through Article VI Division 3 Floodplain Area Regulations.
- (3) The manager will review the report from (2) along with the water quality impact assessment and determine whether the anticipated impacts necessitate an alteration or conditions to the proposed project or implementation of an adaptation measure for approval.
 - (a) In considering whether a requirement for project alteration or adaptation measure is appropriate, the manager will ensure that the proposed alteration or adaptation measure is practical, achievable, and necessary to mitigate the identified impact.
 - (b) Where possible, consideration will be given to modifying the proposed development size or location, such that the extent of land disturbance or impervious cover can be reduced to avoid or minimize the area or areas of the parcel that the assessment indicates will be impacted.
 - (c) If the resiliency assessment reveals that impacts on the parcel can be addressed by structural design or siting alterations, then supplemental information on the potential alterations shall be provided for consideration by manager. Supplemental information may include additional sketches or plans, including plan and section views, building specifications, and other supporting materials.
 - (d) Approval may be conditioned on the implementation of the proposed alterations, conditions, or adaptation measure.
 - (e) The resiliency assessment may also indicate that no alterations, conditions, or adaptation measures are required, in which case the applicant may proceed through the remainder of the approval process.
- (4) Should an impact from sea-level rise, storm surge, or flooding be identified that exceeds available design alterations, approval of the proposed project should then be conditioned with the requirement for an adaptation measure and the following information provided:

- (a) Describe the proposed adaptation measure(s) for the site as selected from one of the sources listed in section 23-11.1(a) of this ordinance and submit documentation of the proposed adaptation measure and its suitability for use on the site, such as design specifications, construction methods and materials that will provide shoreline stabilization until vegetation is established, and a proposed maintenance plan.
 - (b) Describe how the selected adaptation measure meets the requirement for being a nature-based solution.
 - (c) Describe how the selected adaptation measure(s) comply with applicable regulatory or permitting requirements. Submit a water quality impact assessment pursuant to section 23-11 of this ordinance and a site plan pursuant to section 23-10 of this Ordinance detailing the proposed placement of the adaptation measure, existing and proposed topography and vegetation, proposed limits of clearing and grading, and mitigation for the area of land disturbance within the RPA. Additionally, provide documentation of as-built documentation of the final design and installation, including photographs, and final inspection is required upon completion of installation.
- (5) The resiliency assessment may be submitted as a standalone document as part of the plan of development process or it may be submitted as part of a water quality impact assessment pursuant to section 23-11 of this ordinance for those projects disturbing less than 2,500 square feet.

Sec. 23-12. Waivers for noncomplying structures.

The manager through an administrative process may permit the continued use, alteration, or the expansion of any structure in existence on August 6, 1990, which is not in conformity with the provisions of this chapter. The process requires that:

- (1) The manager may grant a waiver for noncomplying structures on legal nonconforming lots or parcels to provide for alterations or expansions to such nonconforming structures provided that:
 - a. There will be no increase in nonpoint source pollution load;
 - b. Any development or land disturbance exceeding an area of 2,500 square feet complies with all erosion and sediment control requirements of this chapter; and
 - c. For expansion of a principal noncomplying structure, the manager makes the following findings:
 - 1. The request for the waiver is the minimum necessary to afford relief;
 - 2. Granting the waiver will not confer upon the applicant any specific privileges that are denied by this chapter to other property owners in similar situations;
 - 3. The waiver is in harmony with the purpose and intent of this chapter and does not result in water quality degradation;
 - 4. The waiver is not based on conditions or circumstances that are self-created or self-imposed;
 - 5. Reasonable and appropriate conditions are imposed, as warranted, that will prevent the waiver from causing a degradation of water quality;
 - 6. Other findings, as appropriate and required by the manager are met; and

7. In no case shall this provision apply to accessory structures.
- d. The waiver does not conflict with the comprehensive plan or any applicable approved watershed management plan.
- (2) An application for a waiver shall be made in writing to the manager and shall include for the purpose of proper enforcement of this chapter, the following information:
 - a. Name and address of applicant and property owner;
 - b. Legal description of the property and type of proposed use and development;
 - c. A sketch of the dimensions of the lot or parcel, location of buildings and proposed additions relative to the lot lines, and boundary of the Resource Protection Area;
 - d. Location and description of any existing private water supply or sewage system; and,
 - e. A plan that depicts the impacts to components of the environmental inventory as required by section 23-10(2) of this chapter, and identification of the amount of impact to each component.
- (3) A waiver shall become null and void 12 months from the date of issuance if the manager documents that no substantial work has commenced. The manager shall notify the permittee of the revocation of the waiver in writing.

Sec. 23-13. Exemptions.

- (a) Public utilities, railroads, public roads, and related facilities.
- (1) Construction, installation, operation and maintenance of electric, natural gas, fiber-optic, and telephone transmission lines, railroads, and public roads and their appurtenant structures in compliance with (i) the Erosion and Sediment Control Law (sections 62.1-44.15:51:66 of the Code of Virginia) and the Stormwater Management Act (section 62.1-44.15:24-:50 of the Code of Virginia), (ii) an erosion and sediment control plan and a stormwater management plan approved by the Virginia Department of Environmental Quality or the VESMP authority, as required, or (iii) this chapter's water quality protection criteria which is at least as stringent as the above state requirements will be deemed to comply with the regulations adopted pursuant to the Act. The exemption of public roads is further conditioned on the following:
- a. The road alignment and design have been optimized, consistent with all applicable requirements, to prevent or otherwise minimize the encroachment in the RPA and to minimize the adverse effects on water quality.
- (2) Construction, installation and maintenance by public agencies of water and sewer, natural gas, and underground telecommunications and cable television lines owned, permitted or both, by the county or a regional service authority shall be exempt from this chapter; provided that:
- a. To the degree practicable, the location of such utilities and facilities should be outside RPAs;
- b. No more land shall be disturbed than is necessary to provide for the proposed utility installation;

- c. All such construction, installation and maintenance of such utilities and facilities shall be in compliance with all applicable federal, state and county permits and designed and constructed in a manner that protects water quality; and
 - d. Any land disturbance exceeding an area of 2,500 square feet complies with [chapter 8](#) of this code.
- (b) Exemptions for silvicultural activities. Silvicultural activities are exempt from the requirements of this chapter; provided that silvicultural operations adhere to water quality protection procedures prescribed by the Department of Forestry in its Virginia's Forestry Best Management Practices for Water Quality. The Virginia Department of Forestry will oversee and document installation of best management practices and will monitor in-stream impacts of forestry operations in CBPAs.
 - (1) The exemption of silvicultural activities only applies to those operations that install and properly implement all necessary forestry best management practices. Failure to properly install or maintain any of the forestry BMPs within the RPA would automatically eliminate the silvicultural exemption status under this Section and may subject the property owner to penalties for violations under section 23-18 of this ordinance and possible enforcement actions from the Virginia Department of Forestry.
 - (2) Silviculture entails the continued production of trees, wood, or wood products and any related actions that occur during the management of the land for these purposes. Silviculture does not include clearing a site in preparation for future development nor does it involve the removal of stumps for any reason. If the manager determines that the intended use of the site is not silvicultural in nature, all exemptions from this ordinance are null and void and the project would have to comply with all requirements of this ordinance. This may include preserving the full 100-foot RPA buffer or replanting it in woody vegetation, if necessary, and full compliance with all erosion and sediment control requirements if more than 2,500 square feet of land has been disturbed.
- (c) Exemptions for Resource Protection Areas. The following land disturbances may be exempted by the manager from the requirements of this chapter provided that they comply with subdivisions 1 through 3 of this subdivision: (i) water wells; (ii) passive recreational facilities, such as boardwalks, trails, and pathways; and, (iii) historic preservation and archaeological activities.
 - (1) Any required permits, except those to which this exemption specifically applies, shall have been issued;
 - (2) Sufficient and reasonable proof is submitted to the manager that the intended use will not deteriorate water quality; and,
 - (3) Any land disturbance exceeding an area of 2,500 square feet shall comply with [chapter 8](#) of this code.
- (d) Exemptions for living shorelines. A living shoreline, as defined by Va. Code § 28.2-104.1 is exempt from additional performance criteria requirements of section 23-7, including a water quality impact assessment in section 23-11, provided the project minimizes land disturbance, maintains or establishes a vegetative buffer inland of the living shoreline, complies with the fill conditions in subsection 23-7(c) of this ordinance, and receives approval from the VMRC or the local wetlands board, as applicable.

Sec. 23-14. Exceptions.

Exceptions to the requirements of [section 23-7](#) of this chapter may be granted, provided that:

- (a) A request for an exception to the requirements of this section shall be made in writing to the Chesapeake Bay Board (Board), which is comprised of the members of the James City County Wetlands Board. The request shall identify the impacts of the proposed exception on water quality and on lands within the RPA through the performance of a water quality impact assessment which complies with the provisions of [section 23-11](#), and shall examine the impacts of sea level rise, storm surge, and flooding on the project through the performance of a resiliency assessment pursuant to [section 23-11.1](#).
- (b) No later than 60 days after receipt of a complete exception request, the board shall hold a public hearing on the request. The board shall notify the affected public of any such exception requests and shall consider these requests in a public hearing in accordance with [section 15.2-2204](#) of the Code of Virginia, except that only one hearing shall be required. Also, when giving any required notice to the owners, their agents, or the occupants of abutting property and property immediately across the street or road from the property affected, the notice shall be given by first-class mail to the last known address as shown on the current real estate tax assessment book or records.
- (c) The board shall review the request for an exception and the water quality impact assessment and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of this chapter if the board finds that:
 - (1) The exception request is the minimum necessary to afford relief;
 - (2) Granting the exception will not confer upon the applicant any special privileges denied by this chapter to other property owners similarly situated in the vicinity;
 - (3) The exception request will be in harmony with the purpose and intent of this chapter, and is not of substantial detriment to water quality;
 - (4) The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels; and
 - (5) Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.
 - (6) Other findings, as appropriate to the manager are met.
- (d) A request for an exception to the requirements of provisions of this chapter other than [sections 23-7](#) shall be made in writing to the manager. The manager may grant these exceptions provided that:
 - (1) Exceptions to the requirements are the minimum necessary to afford relief; and
 - (2) Reasonable and appropriate conditions are placed upon any exception that is granted, as necessary, so that the purpose and intent of this chapter is preserved.
 - (3) Exceptions to [section 23-9](#) may be made provided the findings as noted in [section 23-14\(c\)](#) are made.

Sec. 23-15. Applications for exceptions.

Applications for exceptions shall be made in writing to the board or the manager as appropriate in accordance with [section 23-14](#), and shall include the following:

- (1) Name and address of applicant and property owner;
- (2) Legal description of the property and type of proposed use and development;
- (3) A sketch of the dimensions of the lot or parcel, location of buildings and proposed additions relative to the lot lines, the RPA, slopes greater than 25 percent and all wetlands;
- (4) Location and description of any existing private water supply or sewage system;
- (5) A water quality impact assessment completed in accordance with [section 23-11](#) of this chapter and guidelines established by the manager;
- (6) For exceptions that must be granted by the Chesapeake Bay Board, a nonrefundable processing fee set forth in Appendix A-Fee Schedule for Development Related Permits shall accompany each application to cover the cost of processing;
- (7) For exceptions that must be granted by the manager, a nonrefundable processing fee set forth in Appendix A-Fee Schedule for Development Related Permits shall accompany each application to cover the cost of processing. This fee shall be collected for any administrative approval, waiver, exception, exemption, variance and buffer modification which may be necessary through the plan of development process as outlined in [sections 23-5](#), [23-7\(a\)](#), [23-7\(c\)](#), [23-9](#), [23-10](#), [23-12](#), [23-13](#), and [23-14](#).
- (8) Payment of any permit fees established in [section 23-15](#) shall be waived for the county, any entity created solely by the county and those regional entities to which the county is a party provided that: (1) The other parties to the regional entity similarly waive fees; and (2) The regional entity has locations in more than one locality.
- (9) No application for relief from sections 23-7 or 23-9 of this code shall be considered complete where a resiliency assessment, as outlined in section 23-11.1 of this code has not occurred or the proposed adaptation measure allows for the use of fill in a resource protection area in contravention to the requirements of section 23-7(c)(1)(f).

Sec. 23-16. Granting waivers or exceptions.

The board or the manager may grant waivers or exceptions as set forth herein. When reviewing applications, the board or the manager will consider written comments from the county staff, the director of planning and other interested parties. Waivers or exceptions granted will become null and void 12 months from the date of issuance if the manager documents that no substantial work has commenced. The manager shall notify the permittee of the revocation of the waiver in writing.

- (a) The manager shall act on a complete application for an administrative waiver or exception as described in [section 23-15](#) within 35 calendar days of receipt;
- (b) The board shall make its determination within 30 days of the hearing; and
- (c) If the board or the manager fails to act within these time frames, the application shall be deemed to be approved.

Sec. 23-17. Appeals.

- (a) An owner of property subject to an administrative decision, order or requirement under this chapter may appeal by submitting a written request for review to the board no later than 30 days from the rendering of such decision, order or requirement. The board shall hear the appeal as soon as practical after receipt of the request. The appellant, the board of supervisors, the manager, the planning director and any person or agency expressing an interest in the matter shall be notified by the board not less than ten days prior to the date of the hearing. Published notice of the board's public meetings shall state that appeals from decision under the Chesapeake Bay Preservation Ordinance may be heard.
- (b) In rendering its decision, the board shall balance the hardship to the property owner with the purpose, intent and objectives of this chapter. The board shall not decide in favor of the appellant unless it finds:
 - (1) The hardship is not generally shared by other properties in the vicinity;
 - (2) The Chesapeake Bay, its tributaries and other properties in the vicinity will not be adversely affected; and
 - (3) The appellant acquired the property in good faith and the hardship is not self-inflicted.
- (c) The board may impose conditions to the granting of any waiver, exception or appeal as it may deem necessary in the public interest, and may, to ensure compliance with the imposed conditions, require a cash escrow, bond with surety, letter of credit or other security as is acceptable to the county attorney.
- (d) An owner of a property subject to a board decision, order or requirement may appeal to the circuit court of James City County no later than 30 days from the rendering of such decision, order or requirement.

Sec. 23-18. Violations; penalties.

- (a) Without limiting the remedies which may be obtained under this section, any person who violates any provision of this chapter or who violates, fails, neglects, or refuses to obey any variance or permit condition authorized under this chapter shall, upon such finding by the circuit court, be assessed a civil penalty not to exceed \$5,000.00 for each day of violation. Such penalties may, at the discretion of the court assessing them, be directed to be paid into the treasury of the county for the purpose of abating environmental damage to or restoring Chesapeake Bay Preservation Areas within the county, in such a manner as the court may direct by order.
- (b) Without limiting the remedies which may be obtained under this section, and with the consent of any person who has violated any provision of this chapter, or who has violated, failed, neglected, or refused to obey any variance or permit condition authorized under this chapter, the county may provide for the issuance of an order against such person for the one-time payment of civil charges for each violation in specific sums, not to exceed \$10,000.00 for each violation. Such civil charges shall be paid into the treasury of the county for the purpose of abating environmental damage to or restoring Chesapeake Bay Preservation Areas in the county. Civil charges shall be in lieu of any appropriate civil penalty that could be imposed under subdivision (a) of this section. Civil charges may be in addition to the costs of any restoration required by the board of supervisors.
- (c) In addition to, and not in lieu of, the penalties prescribed in sections (a) and (b) hereof, the county may apply to the circuit court for an injunction against the continuing violation of any of the provisions of this ordinance and may seek any other remedy authorized by law.
- (d) Upon notice from the manager that any activity is being conducted in violation of any of the provisions of this ordinance, such activity shall immediately be stopped. An order to stop work shall be in writing

and shall state the nature of the violation and the conditions under which the activity may be resumed. No such order shall be effective until it shall have been tendered to the owner of the property upon which the activity is conducted or his agent or to any person conducting such activity. Any person who shall continue an activity ordered to be stopped, except as directed by the stop work order, shall be guilty of a violation of this ordinance.

James O. Icenhour, Jr.
Chair, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

HIPPLE
NULL
LARSON
MCGLENNON
ICENHOUR

VOTES

AYE NAY ABSTAIN ABSENT

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

Ch23CBPA-rev-ord

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 23, CHESAPEAKE BAY PRESERVATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY REPEALING SECTION 23-1, SHORT TITLE; SECTION 23-2, STATEMENT OF INTENT; SECTION 23-3, DEFINITIONS; SECTION 23-4, DESIGNATION OF CHESAPEAKE BAY PRESERVATION AREA (CBPA); SECTION 23-5, PERMITTED USES; SECTION 23-6, LOT SIZE; SECTION 23-7, DEVELOPMENT CRITERIA FOR RPAS; SECTION 23-8, DETERMINING RESOURCE PROTECTION AREA BOUNDARIES; SECTION 23-9, PERFORMANCE STANDARDS; SECTION 23-9.1, PERFORMANCE STANDARDS FOR RETAINING WALLS; SECTION 23-10, PLAN OF DEVELOPMENT; SECTION 23-11, WATER QUALITY IMPACT ASSESSMENT; SECTION 23-12, WAIVERS FOR NONCOMPLYING STRUCTURES; SECTION 23-13, EXEMPTIONS; SECTION 23-14, EXCEPTIONS; SECTION 23-15; APPLICATIONS FOR EXCEPTIONS; SECTION 23-16, GRANTING WAIVERS OR EXCEPTIONS; SECTION 23-17, APPEALS; SECTION 23-18, VIOLATIONS; PENALTIES; AND BY AMENDING CHAPTER 23 CHESAPEAKE BAY PRESERVATION BY REPLACING WITH NEW SECTION 23-1, SHORT TITLE; SECTION 23-2, STATEMENT OF INTENT; SECTION 23-3, DEFINITIONS; SECTION 23-4, DESIGNATION OF CHESAPEAKE BAY PRESERVATION AREA (CBPA); SECTION 23-5, PERMITTED USES; SECTION 23-6, LOT SIZE; SECTION 23-7, DEVELOPMENT CRITERIA FOR RPAS; SECTION 23-8, DETERMINING RESOURCE PROTECTION AREA BOUNDARIES; SECTION 23-9, PERFORMANCE STANDARDS; SECTION 23-9.1, PERFORMANCE STANDARDS FOR RETAINING WALLS; SECTION 23-10, PLAN OF DEVELOPMENT; SECTION 23-11, WATER QUALITY IMPACT ASSESSMENT; SECTION 23-11.1, RESILIENCY ASSESSMENT; SECTION 23-12, WAIVERS FOR NONCOMPLYING STRUCTURES; SECTION 23-13, EXEMPTIONS; SECTION 23-14, EXCEPTIONS; SECTION 23-15; APPLICATIONS FOR EXCEPTIONS; SECTION 23-16, GRANTING WAIVERS OR EXCEPTIONS; SECTION 23-17, APPEALS; SECTION 23-18, VIOLATIONS; PENALTIES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 23, Chesapeake Bay Preservation, is hereby amended and reordained by repealing Section 23-1, Short title; Section 23-2, Statement of intent; Section 23-3, Definitions; Section 23-4, Designation Of Chesapeake Bay Preservation Area (CBPA); Section 23-5, Permitted uses; Section 23-6, Lot size; Section 23-7, Development criteria for RPAs; Section 23-8, Determining resource protection area boundaries; Section 23-9, Performance standards; Section 23-9.1, Performance standards for retaining walls; Section 23-10, Plan of development; Section 23-11, Water quality impact assessment; Section 23-12, Waivers for

noncomplying structures; Section 23-13, Exemptions; Section 23-14, Exceptions; Section 23-15; Applications for exceptions; Section 23-16, Granting waivers or exceptions; Section 23-17, Appeals; Section 23-18, Violations; penalties; and by amending Chapter 23 Chesapeake Bay Preservation by replacing with new Section 23-1, Short title; Section 23-2, Statement of intent; Section 23-3, Definitions; Section 23-4, Designation of Chesapeake Bay Preservation Area (CBPA); Section 23-5, Permitted uses; Section 23-6, Lot size; Section 23-7, Development criteria for RPAs; Section 23-8, Determining resource protection area boundaries; Section 23-9, Performance standards; Section 23-9.1, Performance standards for retaining walls; Section 23-10, Plan of development; Section 23-11, Water quality impact assessment; Section 23-11.1, Resiliency assessment; Section 23-12, Waivers for noncomplying structures; Section 23-13, Exemptions; Section 23-14, Exceptions; Section 23-15; Applications for exceptions; Section 23-16, Granting waivers or exceptions; Section 23-17, Appeals; Section 23-18, Violations; penalties.

Chapter 23. Chesapeake Bay Preservation

Sec. 23-1. Short title.

This chapter shall be known and may be cited as “The Chesapeake Bay Preservation Ordinance” (ordinance).

Sec. 23-2. Statement of intent.

The Chesapeake Bay Preservation Act (Act), chapter 3.1 of title 62.1 of the Code of Virginia, recognizes that healthy state and local economies are integrally related to each other and the environmental health of the Chesapeake Bay. The purpose of this chapter is to control and regulate runoff at the source to protect against and minimize pollution and deposition of sediment in wetlands, streams and lakes in James City County which are tributaries of the Chesapeake Bay. This chapter is intended to assist in protection of the Chesapeake Bay and its tributaries from nonpoint source pollution from land uses or appurtenances within the Chesapeake Bay drainage area. Regulations in this chapter are necessary for:

- (1) Protection of existing high quality state waters and restoration of all other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, which might reasonably be expected to inhabit them;
- (2) Safeguarding the clean waters of the commonwealth from pollution;
- (3) Prevention of any increase in pollution;
- (4) Reduction of existing pollution; and
- (5) Promotion of water resource conservation in order to provide for the health, safety and welfare of present and future citizens of the commonwealth.

This chapter establishes criteria used by James City County in granting, denying or modifying requests to subdivide or develop land in Chesapeake Bay Preservation Areas.

Sec. 23-3. Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings ascribed below:

Accessory structures or uses. Any structure located on a lot or parcel not identified as a principal structure as defined herein. Accessory structures include, but are not limited to, detached garages, gazebos, free standing decks, storage buildings or tool sheds, guest houses, and similar forms of development that are incidental and subordinate to the principal structure. Accessory uses include, but are not limited to, in-ground pools, patios, terraces, tennis courts, synthetic turf, and other impermeable landings that do not permit infiltration to groundwater. Any modification or expansion to an accessory use must be reviewed and approved using a formal exception process.

Act. The Chesapeake Bay Preservation Act, article 2.5 of chapter 3.1 of title 62.1 of the Code of Virginia.

Adaptation measure. A project, practice, or approach to mitigate or address an impact of climate change including sea-level rise, storm surge, and flooding including increased or recurrent flooding.

Agricultural lands. Those lands used for tilling soil, planting and harvesting crops or plant growth of any kind in the open, pasture, horticulture, dairying, floriculture, or raising poultry and/or livestock. Buildings and structures are not included in this definition.

Applicant. Any person submitting any application required or permitted pursuant to any of the provisions of this Ordinance, and any person on whose behalf such an application is submitted.

Best management practice (BMP). A practice, or combination of practices, that is determined by a state, local or regional agency to be the most effective, practicable means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

Best management practice, structural. A best management practice that requires the design and certification of a licensed design professional.

Board. The Chesapeake Bay Board, which is comprised of the members of the James City County Wetlands Board.

Buffer area. An area of natural or established vegetation managed to protect other components of resource protection areas and county and state waters from significant degradation due to land disturbances or uses.

Caliper. The diameter of a tree trunk measured six inches above the ground for nursery stock.

Canopy tree. A tree that reaches 35 feet in height or taller when mature.

Channelward: in the direction of the channel or waterway.

Chesapeake Bay Preservation Act land-disturbing activity. As defined in section 8-2 of the county code.

Chesapeake Bay Preservation Area (CBPA). All land in James City County designated by the board of supervisors pursuant to part III of the Chesapeake Bay Regulations in 9VAC25-830-70 et seq. and §§ 62.1-

44.15:73 of the Act. The CBPA shall consist of Resource Protection Areas (RPAs) and Resource Management Areas (RMAs).

Development. The construction, substantial alteration, or installation of residential, commercial, industrial, institutional, recreational, transportation, or utility facilities or structures, or any land disturbance associated therewith.

Diameter at breast height (DBH). The diameter of a tree measured at a point four and one-half (4-1/2) feet above the existing grade, or the natural surface or contour of a site.

Dripline. A vertical projection to the ground surface from the furthest lateral extent of a tree's leaf canopy.

Erosion and Sediment Control Law. Sections 62.1-44.15:51-66 of the Code of Virginia.

Fill. Material such as sand, soil, gravel, or crushed stone which is placed in an area, often to adjust elevation or create land contouring.

Floodplain. As defined in section 24-2 of the county code.

Freeboard. As defined in section 24-2 of the county code.

Highly erodible soils. Soils (excluding vegetation) with an erodibility index (EI) from sheet and rill erosion equal to or greater than eight. The erodibility index for any soil is defined by the Universal Soil Loss Equation as the product of the formula $RKLS-T$, where K is the soil susceptibility to water erosion in the surface layer; R is the rainfall and runoff, LS is the combined effects of slope length and steepness; and T is the soil loss tolerance.

Highly permeable soils. Soils with a given potential to transmit water through the soil profile. Highly permeable soils are identified as any soil having a permeability equal to or greater than six inches of water movement per hour in any part of the soil profile to a depth of 72 inches (permeability groups "rapid" and "very rapid") as found in the National Soil Survey Handbook of November 1996, in the "Field Office Technical Guide" of the U.S. Department of Agriculture Natural Resources Conservation Service.

Hydric soils. Soils that are saturated, flooded or ponded long enough during the growing season to support wetland vegetation.

Impervious cover. A surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to, roofs, buildings, streets, parking areas, and any concrete, asphalt or compacted aggregate surface.

Infill. Utilization of vacant land in previously developed areas.

Land Disturbance or Land disturbing activity. As defined in section 8-2 of the county code.

Limit of Moderate Wave Action (LiMWA). The LiMWA is an informational line that can be found on flood maps for some coastal areas. On a flood map, it is shown as a black line with black arrows that point to areas where wave heights are between one and one-half (1.5) and three (3) feet. It also marks the inland limit of the Coastal Zone A.

Living Shoreline. A shoreline management practice that: provides erosion control and water quality benefits; protects, restores, or enhances natural shoreline habitat; and maintains coastal processes through the strategic placement of plants, stone, sand fill, and other structural and organic materials. When practicable, a living shoreline may enhance coastal resilience and attenuation of wave energy and storm surge. Pursuant to Va. Code §28.2-104.1, living shorelines are recognized as the preferred alternative for stabilizing shorelines in the Commonwealth. Only living shorelines shall be permitted for shoreline management unless the best available science shows that such approaches are not suitable.

Local program. Measures by which a local government complies with the Act and this chapter.

Local program adoption date. Date a local government meets the requirements of subdivisions 1 and 2 of 9VAC25-830-60.

Manager. The director of the county division of stormwater and resource protection or designee.

Mature tree. A canopy tree with a diameter at breast height (DBH) of 12 inches or greater or an understory tree with a DBH of four (4) inches or greater.

Nature-based solution. An approach that reduces the impacts of sea-level rise, flooding, and storm events through the use of environmental processes and natural systems.

Nonpoint source pollution. Pollution consisting of constituents such as sediment, nutrients, and organic and toxic substances from diffuse sources, such as runoff from agriculture and urban land development and use.

Nontidal wetlands. Those wetlands, other than tidal wetlands, that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency pursuant to section 404 of the Federal Clean Water Act, in 33 CFR 328.3b.

Noxious weeds. A complete list is provided from the Department of Conservation and Recreation, Division of Natural Heritage publication entitled Virginia Invasive Plant Species List. As defined in Va. Code §3.2-800, any living plant, or part thereof, declared by the Board of Agriculture and Consumer Services through regulations to be detrimental to crops, surface waters, including lakes, or other desirable plants, livestock, land, or other property, or to be injurious to public health, the environment, or the economy, except when in-state production of such living plant, or part thereof, is commercially viable or such living plant is commercially propagated in Virginia. Including, but not limited to plants such as Johnson grass, kudzu, and multiflora rose.

Other structural and organic materials. Materials or features that provide added protection or stability for the natural shoreline habitat components of a living shoreline that attenuate wave energy and do not interfere with natural coastal processes or the natural continuity of the land-water interface. They may be composed of a variety of natural or man-made materials, including rock, concrete, or vegetation-based fiber such as coir logs, oyster shells, and geotextiles; however, structural features shall be free from contaminants, including structural metal such as rebar, and shall be adequately secured to prevent full or partial dislodging or detachment due to wave action or other natural forces as per Va. Code § 28.2-104.1. This term is referenced in the definition for Living Shoreline.

Person. An individual, fiduciary, corporation, firm, partnership, association, organization, or any other entity or combination thereof.

Plan of development. Site plans, subdivision plans or other plans submitted pursuant to [section 23-10](#) to ensure compliance with this chapter.

Principal structure. A primary structure that is necessary to use the land in the manner permitted by the underlying zoning classification. For the purposes of this ordinance the term principal structure shall not include appurtenances including (i) a required parking area as set forth in the chapter 24 of this code, (ii) a driveway connecting the required parking area to the public right-of-way, and (iii) a sidewalk connecting any outside entrance or exit of the principal structure to the required parking area.

Public road. A publicly owned road designed and constructed in accordance with water quality protection criteria at least as stringent as requirements applicable to the Virginia Department of Transportation, including regulations promulgated pursuant to (i) the Erosion and Sediment Control Law and (ii) the Virginia Stormwater Management Act. This definition includes those roads where the Virginia Department of Transportation exercises direct supervision over the design or construction activities, or both.

Redevelopment. The process of developing land that is or has been previously developed.

Resilience. The capability to anticipate, prepare for, respond to, and recover from significant multi-hazard threats with minimum damage to social well-being, health, the economy, and the environment.

Resource management area (RMA). That component of the CBPA that is not classified as the resource protection area. Lands of particular sensitivity within RMAs include, but are not limited to, nontidal wetlands not in RPAs, floodplains, highly erodible soils, highly permeable soils, and hydric soils.

Resource protection area (RPA). That component of a CBPA comprised of land adjacent to water bodies with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters. RPAs shall include:

1. Tidal wetlands;
2. Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;
3. Tidal shores;
4. A buffer area not less than 100 feet in width located adjacent to and landward of the components listed in subdivisions 1 through 3 above, and along both sides of any water body with perennial flow.

Runoff. That portion of precipitation that is discharged across the land surface through conveyances to one or more waterways.

Shrub. A woody plant smaller than 12 feet when mature, usually having multiple permanent stems branching from or near the ground.

Sightline. A line extending from a fixed point to a viewed object or area through an opening or passageway.

Silvicultural activities. Forest management activities, including but not limited to the harvesting of timber, the construction of roads and trails for forest management purposes, and the preparation of property for reforestation that are conducted in accordance with the silvicultural best management practices developed and enforced by the State Forester pursuant to § 10.1-1105 of the Code of Virginia and are located on property defined as real estate devoted to forest use under § 58.1-3230 of the Code of Virginia.

Special flood hazard area (SFHA). The land in the flood plain subject to a one (1) percent or greater chance of flooding in any given year.

Storm surge. The resulting temporary rise in sea level due to the action of wind stress on the water surface and low atmospheric pressure created during storms which can cause coastal flooding. Surge is the difference from expected tide level. Storm tide is the total water level.

Substantial alteration. Expansion or modification of a building or development which would result in a disturbance of land exceeding an area of 2,500 square feet in the RMA only.

Tidal shore or shore. Land contiguous to a tidal body of water between the mean low water level and the mean high water level.

Tidal wetlands. Vegetated and nonvegetated wetlands, as defined in section 28.2-1300 of the Code of Virginia.

Tidewater Virginia. Those jurisdictions named in § 62.1-44.15:68 of the Act.

Understory tree. A tree that reaches 12 to 35 feet in height when mature.

Use. An activity on the land other than development including agriculture, horticulture, and silviculture.

Virginia Erosion and Stormwater Management Act or VESMA. Article 2.3 of chapter 3.1 of title 62.1 of the Code of Virginia.

Virginia Erosion and Stormwater Management Program authority or VESMP authority. As defined in Chapter 8 of the county code.

Water Body with Perennial flow. A body of water that flows in a natural or man-made channel year-round during a year of normal precipitation. This includes, but is not limited to, streams, estuaries, and tidal embayments, and may include drainage ditches or channels constructed in wetlands or from former natural drainageways, which convey perennial flow. Lakes and ponds through which a perennial stream flows are part of the perennial stream. Generally, the water table is located above the streambed for most of the year and groundwater is the primary source for stream flow. The methodology to determine perennial flow shall be in accordance with [section 23-10\(2\)\(d\)](#) of this chapter.

Water-dependent facility. A development of land that cannot exist outside of the RPA and must be located on the shoreline because of the intrinsic nature of its operation. These facilities include, but are not limited to:

- (1) Ports;
- (2) The intake and outfall structures of power plants, water treatment plans, sewage treatment plants and storm sewers;
- (3) Marinas and other boat docking structures;
- (4) Beaches and other public water-oriented recreation areas; and
- (5) Fisheries or other marine resources facilities.

Wetlands. Tidal and nontidal wetlands.

Sec. 23-4. Designation of Chesapeake Bay Preservation Area (CBPA).

The board of supervisors hereby designates all of James City County, Virginia, as a CBPA. The CBPA is further delineated on the CBPA map as resource protection areas (RPAs) and resource management areas (RMAs). The CBPA map shows general locations of RPAs and RMAs and should be consulted by persons contemplating development. Site specific determinations of RPAs shall occur through the Plan of Development review process or through the review of a Water Quality Impact Assessment developed pursuant to [section 23-11](#) of this chapter.

Sec. 23-5. Permitted uses.

Permitted uses, special permit uses, accessory uses and special requirements shall be as established by the zoning district for that lot, parcel or acreage as specified in chapter 24 of this code, unless specifically modified by the requirements set forth herein. All land-disturbing activities shall be prohibited on slopes of 25 percent or greater unless determined by the manager to be consistent with the intent of this chapter.

Sec. 23-6. Lot size.

Lot size shall be subject to the requirements of the zoning ordinance; provided, that any lot shall have sufficient area outside the RPA to accommodate an intended use, in accordance with performance standards in [section 23-9](#), when this use is not otherwise allowed in the RPA.

Sec. 23-7. Development criteria for RPAs.

In addition to the general performance criteria set forth in [section 23-9](#), the criteria in this section are applicable in RPAs.

- (a) Development in RPAs may be allowed only when permitted by the manager and if it (i) is water dependent; (ii) constitutes redevelopment; (iii) is a new use subject to the provisions of subsection (c)(2) of this section; (iv) is a road or driveway crossing satisfying the conditions set forth in subdivision (3) of this section; or (v) is a flood control or stormwater management facility satisfying the conditions set forth in subdivision (4) of this section.
 - (1) A resiliency assessment set forth in section 23-11.1 of this ordinance shall be required for any proposed land development during the plan on development or other project review process in the RPA.

- (2) A new or expanded water dependent facility may be allowed provided that the following criteria are met:
 - a. It does not conflict with either the comprehensive plan or any applicable approved watershed management plan;
 - b. It complies with the performance criteria set forth in [section 23-9](#) of this chapter;
 - c. Any non-water-dependent component is located outside of the RPA; and
 - d. Access to the water-dependent facility will be provided with the minimum disturbance necessary. Where practicable, a single point of access will be provided.
- (3) Redevelopment on isolated redevelopment sites shall be permitted only if there is no increase in the amount of impervious cover and no further encroachment within the RPA and it shall conform to [sections 23-9\(b\)\(4\)](#) and (5), and the stormwater management requirements outlined in this chapter.
- (4) Roads and driveways not exempt under [section 23-13](#) and which, therefore, must comply with the provisions of this chapter, may be constructed in or across RPAs if each of the following conditions are met:
 - a. The manager makes a finding that there are no reasonable alternatives to aligning the road or drive in or across the RPA, and;
 - b. The alignment and design of the road or driveway are optimized, consistent with other applicable requirements, to minimize encroachment in the RPA and minimize adverse effects on water quality, and;
 - c. The design and construction of the road or driveway satisfy all applicable criteria of this chapter including the submission of a water quality impact assessment, and;
 - d. The manager reviews the plan for the road or driveway proposed in or across the RPA in coordination with the plan of development requirements as required under [section 23-10](#).
- (5) Flood control and stormwater management facilities that drain or treat water from multiple development projects or from a significant portion of a watershed may be allowed in RPAs provided such facilities are allowed and constructed in accordance with the Virginia Stormwater Management Act and this chapter, and provided that:
 - a. The manager has conclusively established that location within the RPA is the optimum location, meaning that it is the best place to locate the facility from an engineering/functionality consideration regardless of the presence of an RPA;
 - b. The size of the facility is the minimum necessary to provide necessary flood control, stream channel protection, stormwater treatment or all three;
 - c. The facility must be consistent with a comprehensive stormwater management plan developed and approved in accordance with 9VAC25-875-660;

- d. All applicable permits for construction in state or federal waters must be obtained from the appropriate state and federal agencies;
- e. Approval must be received from the county prior to construction; and,
- f. Routine maintenance must be performed on the facility to ensure that it continues to function as designed.

It is not the intent of this subdivision to allow a stormwater management/BMP facility that collects and treats runoff from only an individual lot or some portion of the lot to be located within a resource protection area.

- (b) A water quality impact assessment as outlined in [section 23-11](#) of this chapter shall be required for any proposed land disturbance, development or redevelopment within RPAs and for any other development within RMAs when required by the manager because of the unique characteristics of the site, intensity of development, or potential impacts on water quality or RPAs in accordance with the provisions of [section 23-11](#) of this chapter.
- (c) Buffer area requirements. To minimize the adverse effects of human activities on the other components of RPAs, state waters and aquatic life, a 100-foot buffer area of vegetation that is effective in retarding runoff, preventing erosion and filtering nonpoint source pollution from runoff shall be retained if present and established during development where it does not exist. The planting of trees shall be incorporated into the reestablishment of the 100-foot buffer, as appropriate to site conditions and in such a manner to maximize the buffer function. Inclusion of native species in tree planting is preferred. The buffer shall have three layers of vegetation comprised of native trees, shrubs, and ground covers. Where the buffer is being established, a buffer modification plan will be prepared that may incorporate existing vegetation. A list of acceptable native plants is available from the manager. A buffer area not less than 100 feet in width shall be located adjacent to and landward of other RPA components and along both sides of any water body with perennial flow. The full buffer area shall be designated as the landward component of the RPA. The 100-foot buffer area shall be deemed to achieve a 75 percent reduction of sediments and a 40 percent reduction of nutrients. All subdivision plats submitted for approval after August 6, 1990, shall clearly identify the boundaries of any RPA within the property. Such plat shall contain a statement that all existing vegetation within the RPA shall remain in its undisturbed natural state, except for vegetation weakened by age, storm, fire or other natural cause. Developers shall install signs identifying the landward limit of the RPA. Signs shall be obtained, installed and maintained in accordance with guidelines established by the manager.
 - (1) Permitted buffer modifications. In order to maintain the functional value of the buffer area, existing vegetation may be removed upon approval by the manager of a buffer modification plan only to provide for reasonable sight lines, access paths, general wood lot management, and BMPs including those that prevent upland erosion and concentrated flows of stormwater, shoreline erosion control projects, or adaptation measures. Such buffer modifications shall be permitted under the following conditions, and consistent with the requirements of this ordinance.
 - a. In general, where the removal of trees within the buffer area is proposed, mature trees shall be preserved and trimmed or pruned in lieu of removal as site conditions permit and removal should be limited to the fewest number of trees feasible. Where tree planting for

mitigation, conservation landscaping, or for buffer establishment is proposed, inclusion of native species in tree planting is preferred.

- b. Trees may be pruned or thinned as necessary to provide for sight lines, vistas, and access paths provided, that where removed they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion and filtering nonpoint source pollution from runoff;
 - 1. When trees are proposed for removal to provide for site lines, vistas, and access paths they shall be replaced with trees as appropriate to site conditions and in such a manner as to maximize the buffer function and to protect the quality of state waters;
 - 2. Trees may not be removed where reasonable sight lines, vistas, or access paths can be created by pruning of the trees alone.
 - 3. Trees may not be pruned or removed from the buffer area until a written determination is obtained from the manager that the proposed activity is in accordance with the requirements of this ordinance.
- c. Access paths shall be constructed and surfaced so as to effectively control erosion;
- d. Dead, diseased, or dying trees or shrubbery, or noxious weeds may be removed based upon the approval of the manager, who may require a recommendation by a professional forester or arborist, provided that where removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff. Vegetation may not be removed from any RPA component listed in section 23-10(2)(a)(1) through (3) or within a perennial stream;
 - 1. All dead or diseased trees must be checked by the manager prior to their removal.
 - 2. When questions arise concerning the health of trees proposed to be removed, the property owner shall be responsible for providing documentation from a certified arborist as to the health and viability of the trees. Such documentation shall be subject to review and approval of the manager.
 - 3. No unauthorized land disturbance in the buffer area may occur or result from the removal of dead or diseased trees or noxious weeds.
 - 4. Dead or diseased trees must be replaced with 1-inch DBH minimum caliper trees at a 1:1 rate or with 15-inch minimum height shrubs at a 3:1 rate, absent conditions that suggest a higher or lower replacement ratio.
 - 5. Removal of noxious weeds is permitted in the buffer area provided they are replaced with vegetation equally adapted for the growing environment.
 - 6. Replacement vegetation should be protected by a surety bond and is subject to inspection one year after planting to ensure survival.
 - 7. For removal of trees larger than six (6) inches DBH, a buffer modification plan is required.

- a. The buffer modification plan shall be reviewed and approved by the manager prior to removal of tree(s).
- b. Tree restoration shall be required within six (6) months of removal. A subsequent inspection for the replanting of tree(s) shall be performed by the manager. If in the opinion of the manager, the replanting requirements may lead to further future structural damage to the principal building, the replanting requirement may be reduced or waived.
- c. Site clearing shall be allowed only to provide necessary access, positive site drainage, water quality BMPs, and the installation of utilities, as approved by the manager through the plan of development review process outlined under section 23-10 of this ordinance.
- d. A buffer modification plan violation is a violation and is subject to section 23-18.
- e. For shoreline erosion-control projects, trees and woody vegetation may be removed, necessary control techniques employed and appropriate vegetation established to protect or stabilize the shoreline and restore the function of the buffer in accordance with the best available technical advice and applicable permit conditions or requirements.
 1. The removal of mature trees for the installation and maintenance of proposed shoreline erosion control projects shall only be permitted as necessary and consistent with the best available technical advice, approved project plans, and applicable permit conditions or requirements.
 2. Where vegetation is proposed for removal within the buffer area as part of a shoreline erosion control project, a water quality impact assessment with vegetative mitigation equal to the area of encroachment is required. Trees shall be incorporated, as appropriate to the site conditions and the project specifications. In addition, vegetation in the form of a mixture of grasses, sedges, flowers, and shrubs can be used by property owners to provide natural stabilization of shorelines. Inclusion of native species is preferred.
 3. Existing trees, proposed plantings, and clearing limits must be shown on the state and/or federal Wetlands Permit and/or Water Quality Impact Assessment.
 4. Shoreline erosion control within the RPA shall be consistent with the Wetlands Act (Chapter 13 Title 28.2), the Virginia Marine Resources Commission (VMRC) *Tidal Wetlands Guidelines* which provide for “minimum standards for the protection and conservation of wetlands,” and “ensure protection of shorelines and sensitive coastal habitat from sea level rise and coastal hazard.”
- f. Adaptation measures proposed for location within the resource protection area, shall meet the following conditions:
 1. The selected adaptation measure shall be a nature-based solution that uses environmental processes, natural systems, or natural features identified as being appropriate for existing site conditions.

2. An identified adaptation measure shall be selected from one of the following sources: Chesapeake Bay program approved BMP list, the Virginia Stormwater BMP Clearinghouse, the VMRC Tidal Wetlands Guidelines, or be a project that is eligible for funding by the Virginia Community Flood Preparedness Fund Grant.
 - a. Adaptation measures should consist of trees, vegetation, stone or enhance existing natural elements.
3. Adaptation measures approved for use in the RPA shall be designed, installed, and maintained in accordance with the applicable specifications for the selected adaptation measure.
4. Adaptation measures should be placed channelward of the proposed development whenever possible and should maximize the preservation of mature trees and other natural vegetation to minimize adverse impacts to the RPA and to maximize water quality benefits.
5. The use of fill as a component of an adaptation measure may be permitted, provided it meets the following conditions:
 - a. The grading and slope created by the use of fill shall be no greater than necessary based upon the project specification and implemented in a manner that minimize the impact of run-off.
 - b. Fill shall have the necessary biogeochemical characteristics, including sufficient organic content, to support the growth of vegetation and adequate permeability to allow infiltration consistent with project specifications. The applicant shall:
 - i. Provide documentation specifying the proposed depth, extent, and type of fill material proposed for use.
 - c. The use of fill shall not exacerbate stormwater run-off, and lateral flow onto adjacent properties shall be controlled.
 - i. Any impacts on the management of stormwater upland of the Resource Protection Area created by the use of fill shall be mitigated, as necessary.
 - d. The use of fill for an adaptation measure shall not negatively impact septic systems and drainfields located within the RPA. Where present, the proximity of the adaptation measure using fill should be considered such that the fill will not interfere with the proper function or maintenance of either of these features.
 - e. The use of fill shall be consistent with any applicable local, state, or federal floodplain requirements. The applicant shall provide documentation to verify that proposed adaptation measures do not conflict with any constraints or requirements of floodplain management or flood control provision, including federal floodplain management regulations found in

Title 40 CFR Part 60. The allowance of fill under these provisions does not negate those independent requirements.

6. The preservation of existing natural vegetation shall be maximized, including mature trees, and land disturbance consistent with design specifications shall be minimized.
7. Adaptation measures shall comply with all federal, state and local requirements, including any required permits and conditions such as the need for a Water Quality Impact Assessment.
8. Nothing in these provisions shall be construed to authorize approval or allowance of an adaptation measure in contravention of floodplain management requirements, including Article VI Division 3 Floodplain Area Regulations.

(2) Permitted buffer encroachments.

- a. When application of the buffer would result in the loss of an adequate buildable area on a lot or parcel recorded prior to August 6, 1990, encroachments into the buffer may be allowed through an administrative process in accordance with the following criteria:
 1. Encroachments into the buffer shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities;
 2. Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the buffer encroachment, and is equal to the area of encroachment into the buffer area shall be established elsewhere on the lot or parcel. Where established, such vegetated area shall include the planting of trees as appropriate to site conditions. Inclusion of native species in tree planting is preferred; and
 3. The encroachment may not extend into the seaward 50 feet of the buffer area.
 4. Encroachments into the buffer area processed through an administrative review shall be subject to the findings required by section 23-14 of this ordinance but without the requirement for a public hearing, such findings to be made instead by the manager.
- b. When application of the buffer would result in the loss of a buildable area on a lot or parcel recorded between August 6, 1990, and January 1, 2004, encroachments into the buffer may be allowed through an administrative process in accordance with the following criteria:
 1. The lot or parcel was created as a result of a legal process conducted in conformity with the county's subdivision regulations;
 2. Conditions or mitigation measures imposed through a previously approved exception shall be met;
 3. If the use of a best management practice (BMP) was previously required, the BMP shall be evaluated to determine if it continues to function effectively and, if necessary, the BMP shall be reestablished or repaired and maintained as required; and
 4. The criteria in subdivision (c)(2)a. of this section shall be met.

- (3) On agricultural lands, the agricultural buffer area shall be managed to prevent concentrated flows of surface water from breaching the buffer area and appropriate measures may be taken to prevent noxious weeds from invading the buffer area. Agricultural activities may encroach into the buffer area as follows:
- a. Agricultural activities may encroach into the landward 50 feet of the 100-foot wide buffer area when at least one agricultural BMP which, in the opinion of the local soil and water conservation district board, addresses the more predominant water quality issue on the adjacent land - erosion control or nutrient management - is being implemented on the adjacent land, provided that the combination of the undisturbed buffer area and the BMP achieves water quality protection, pollutant removal and water resource conservation at least the equivalent of the 100-foot buffer area. If nutrient management is identified as the predominant water quality issue, a nutrient management plan, including soil tests, must be developed and implemented consistent with the Virginia Nutrient Training and Certification Regulations (4 VAC50-85) administered by the Virginia Department of Conservation and Recreation.
 - b. Agricultural activities may encroach within the landward 75 feet of the 100-foot-wide buffer area when agricultural BMPs which address erosion control, nutrient management, and pest chemical control, are being implemented on the adjacent land. The erosion control practices must prevent erosion from exceeding the soil loss tolerance level, referred to as "T," as defined in the "Field Office Technical Guide" of the U.S. Department of Agriculture Natural Resource Conservation Service. A nutrient management plan, including soil tests, must be developed and implemented consistent with the Virginia Nutrient Management Training and Certification Regulations (4 VAC 50-85) administered by the Virginia Department of Conservation and Recreation. In conjunction with the remaining buffer area, this collection of BMPs shall be presumed to achieve water quality protection at least the equivalent of that provided by the 100-foot-wide buffer area.
 - c. The buffer area is not required to be designated for agricultural drainage ditches if at least one BMP which, in the opinion of the local soil and water conservation district board, addresses the more predominant water quality issue on the adjacent land - erosion control or nutrient management - is being implemented on the adjacent land.
 - d. If specific problems are identified pertaining to agricultural activities that are causing pollution of the nearby water body with perennial flow or violate performance standards pertaining to the vegetated buffer area, the manager, in cooperation with the soil and water conservation district, shall recommend a compliance schedule to the landowner and require the problems to be corrected consistent with that schedule. This schedule shall expedite environmental protection while considering the seasons and other temporal considerations so that the probability for successfully implementing the corrective measures is greatest.

- e. In cases where the landowner or the landowner's agent or operator has refused assistance from the local soil and water conservation district in complying with or documenting compliance with the agricultural requirements of this Ordinance, the district shall report the noncompliance to the manager. The manager shall require the landowner to correct the problems within a specified period not to exceed 18 months from their initial notification of the deficiencies to the landowner. The local government, in cooperation with the district, shall recommend a compliance schedule to the landowner. This schedule shall expedite environmental protection while considering the seasons and other temporal considerations so that the probability for successfully implementing the corrective measures is greatest.
- (4) When agricultural or silvicultural uses within the buffer area cease, and the lands are proposed to be converted to other uses, the full 100-foot-wide buffer area shall be reestablished with woody vegetation. In reestablishing the buffer, management measures shall be undertaken to provide woody vegetation that ensures the buffer functions are maintained or established. The planting of trees shall be incorporated into the reestablishment of the 100-year buffer, as appropriate to site conditions and in such a manner to maximize the buffer function. Inclusion of native species in tree planting is preferred.
- a. A comprehensive planting plan for the entire buffer area that will ensure survivability of vegetation and viability of the newly established buffer shall be submitted and approved by the manager prior to approval of a new land use or development plan (including subdivision) for the property.
 - b. The comprehensive planting plan should provide for the planting of a standard buffer adjacent to all impacted RPA features and along all water bodies with perennial flow on the site. The planting plan should also provide for management measures such as proper monitoring and maintenance of the installed woody vegetation that ensures the buffer functions set forth in this ordinance.
 - c. If, prior to plan of development approval, the manager determines that the 100-foot buffer is adequately vegetated and meets the pollutant removal criteria listed within this subsection, replanting additional vegetation may not be necessary. In these cases, the full 100-foot RPA buffer should be allowed to naturally regenerate, and no land disturbing activities should be permitted within this area.

Sec. 23-8. Determining resource protection area boundaries.

The county CBPA map shall be used as a guide to the general location of RPAs. In addition, reference materials that may be used as general guidance for estimating locations of Resource Protection Areas include federal, state and county topographic maps, wetland maps, and aerial photography. Site-specific boundaries of the RPA shall be determined by the applicant through the performance of an environmental inventory required as part of the plan of development review process or a water quality impact assessment. Site-specific boundaries determined by the applicant shall be reviewed and approved by the manager.

Sec. 23-9. Performance standards.

- (a) *Purpose and intent.* The performance standards establish the means to minimize erosion and sedimentation potential, reduce land application of nutrients and toxics, and maximize rainwater infiltration. Natural ground cover, especially woody vegetation, is most efficient in holding soil in

place and preventing site erosion. Indigenous vegetation, with its adaptability to local conditions without the use of harmful fertilizers or pesticides, filters and infiltrates stormwater runoff. Keeping impervious cover to a minimum enhances rainwater infiltration and effectively reduces increases of stormwater runoff.

The purpose and intent of these requirements is also to implement the following objectives: prevent a net increase in nonpoint source pollution from new development and development on previously developed land where the runoff was treated by a water quality protection best management practice; achieve a ten percent reduction in nonpoint source pollution from development on previously developed land where the runoff was not treated by one or more water quality best management practices; and achieve a 40 percent reduction in nonpoint source pollution from agricultural and silvicultural uses.

(b) *General performance standards:*

- (1) Land disturbance shall be limited to the area necessary to provide for the proposed use or development.
 - a. In accordance with an approved plan of development, the limits of clearing and/or grading shall be clearly defined. These limits shall be clearly shown on submitted plans and physically marked on the development site in accordance with subsection (2)c below.
 - b. Impervious cover shall not exceed 60 percent of the site unless it can be demonstrated that the project will have the same impact on water quality as the project would have if it were 60 percent impervious. Demonstration of equivalent water quality will be through compliance with guidelines developed by the manager. For projects with an approved stormwater master plan, compliance with this impervious cover provision can be demonstrated on a project basis rather than an individual site basis. However, in no case shall impervious cover exceed the limits established in [section 24-101\(c\)\(4\)](#) of the zoning ordinance.
 - c. Ingress and egress during construction shall be limited to one access point, unless otherwise approved by the manager.
- (2) Existing vegetation shall be preserved to the maximum extent practicable, consistent with the use or development permitted by an approved plan of development.
 - a. Mature trees shall be protected during development and only removed where necessary, including to provide for the proposed use or development.
 - b. Existing trees over 12 inches in diameter at breast height shall be preserved except in impervious areas and as necessary to accommodate site grading. Upon approval by the manager, diseased trees or trees weakened by age, storm, fire or other injury may be removed; provided, that when such removal results in a 20 percent or greater reduction in existing tree canopy, a sufficient number of trees with a 1-½ inch caliper shall be planted to restore the full canopy.
 - c. Prior to clearing or grading, suitable protective barriers, such as safety fencing, shall be erected outside of the dripline of any tree or stand of trees to be preserved unless otherwise approved on the clearing plan. Protective barriers shall remain so erected throughout all

phases of construction. The storage of equipment, materials, debris or fill shall not be allowed within the area protected by the barrier.

- (3) Land development shall minimize impervious cover to promote infiltration of stormwater into the ground consistent with the proposed use or development permitted.
- (4) All development and redevelopment exceeding 2,500 square feet of land disturbance shall be subject to a plan of development review process conducted in accordance with [section 23-10](#) of this chapter.
- (5) Any land-disturbing activity exceeding 2,500 square feet, including construction of all single-family houses, and septic tanks and drainfields shall comply with the requirements of [chapter 8](#) of this code.
- (6) Conventional on-site sewage treatment systems not requiring a Virginia Pollutant Discharge Elimination System (VPDES) permit shall be pumped out at least once every five (5) years.
 - a. Owners of conventional on-site sewage disposal systems must submit a copy of each pump-out report or maintenance report to the stormwater and resource protection division within 30 days of completion. In lieu of a pump-out report, owners of conventional on-site sewage disposal systems must submit maintenance documentation, certified by an operator or on-site soil evaluator licensed or certified under Chapter 23 (§ 54.1-2300 et seq.) of Title 54.1 of the Code of Virginia as being qualified to operate, maintain, or design on-site sewage systems, that the septic system has been inspected, is functioning properly, and that - as of the date of inspection - pump-out of the effluent was not deemed necessary.
- (7) Owners of alternative onsite sewage systems (AOSS) shall continue to submit maintenance reports directly to the Virginia Department of Health as required by state law (Code of Virginia § 32.1-164; 12 VAC 5-613-150) and are not required to provide duplicate records to the county.
- (8) A reserve sewage disposal site, with a capacity at least equal to that of the primary sewage disposal site, shall be provided. This requirement shall not apply to any lot or parcel recorded prior to August 6, 1990, if such lot or parcel is not sufficient in capacity to accommodate a reserve sewage disposal site, as determined by the local health department. Building or construction of any impervious surface shall be prohibited on the area of all sewage disposal sites or on an on-site sewage treatment system which operates under a permit issued by the State Water Control Board until the structure is served by public sewer.
- (9) Prior to initiating grading or other on-site activities on any portion of a lot or parcel, all wetlands permits required by federal, state and county laws and regulations shall be obtained and evidence of such submitted to the manager. For those projects where no wetlands are proposed to be impacted or where the impacts do not require written authorization, documentation shall be submitted to the manager by a qualified wetlands professional attesting that the wetlands permitting process has been completed and no further documentation is necessary from the regulatory agencies.
- (10) All lands upon which agricultural activities are being conducted shall undergo a soil and water quality conservation assessment. Such assessment shall evaluate the effectiveness of existing practices pertaining to soil erosion and sediment control, nutrient management and management of pesticides, and where necessary, results in a plan that outlines additional practices needed to

ensure that water quality protection is accomplished consistent with this chapter. Plans of development or water quality impact assessments are not required for activities on agricultural lands except for land disturbing activities not related to food and/or fiber production.

Sec. 23-9.1 Performance standards for retaining walls.

Retaining walls constructed in the CPBA supporting three feet or more of ordinary unbalanced fill, or constructed for the purpose of impounding Class I, II, or III-A liquids, or supporting a surcharge other than ordinary unbalanced fill, or located in a flood zone, or that are part of a stormwater BMP shall require a building permit and shall be subject to the following:

- (1) Upon completion of the wall construction and prior to the issuance of any final inspections by the office of building safety and permits, certifications of the soil compaction and drainage system by an appropriate licensed design professional and a certification that an appropriate licensed design professional has overseen construction of the wall shall be provided to the director of stormwater and resource protection. In addition, in accordance with USBC Section 111.2 and when required by USBC Section 1704, a Statement of Special Inspections shall be provided by the registered design professional licensed in Virginia and shall be submitted to the office of building safety and permits within seven days of the inspections being performed.
- (2) The materials used to construct the wall shall be masonry, stone, vinyl, aluminum, and/or steel. Marine-grade timber may only be used for retaining walls located on a single-family residential lot when the total wall height is less than six feet.
- (3) Should the overall height of the wall exceed six feet of unbalanced fill (i.e., finished grade to finished grade):
 - a. The wall shall be broken into multiple stepped walls with a maximum height of six feet for each wall segment, and a minimum horizontal separation between the wall segments of at least nine feet;
 - b. Guards for fall protection (e.g., fencing) are required to be installed at the top of the wall;
 - c. The total of all wall segments shall not exceed 24 feet in height;
- (4) A minimum 12-foot-wide access easement shall be located along both the bottom of the wall and along the top of the wall. Such easement shall be able to support a tracked vehicle, shall not be located within any required landscape buffer, shall be exclusive of any public or private right-of-way, and shall be free of any structures or utilities; provided, however:
 - a. no such access easement shall be required at the bottom of the wall when the function of the wall is to impound or retain standing water or liquids, or other similar environmental constraints exist as determined by the director of stormwater and resource protection;
 - b. landscaping may be permitted within the easements as approved by the director of stormwater and resource protection.
- (5) The design of the retaining wall system shall be such that its construction and removal of the entire wall shall be possible without impacting the foundations or proposed foundations for habitable structures.

- (6) The design of the retaining wall system shall include a maintenance plan, which has been prepared by an appropriate licensed design professional. A copy of the retaining wall system maintenance plan shall be submitted to the office of building safety and permits prior to the issuance of any final inspections. The maintenance plan shall include the estimated life-cycle of the retaining wall system. Over the anticipated life span of the retaining wall system, the maintenance plan shall also include recommended maintenance at corresponding time intervals.
- (7) At each time interval noted within the maintenance plan, an appropriate licensed professional shall complete the recommended maintenance. Within seven days of such maintenance being performed, the individual performing the maintenance shall submit a copy of their report to the office of building safety and permits.
- (8) Prior to the issuance of any final inspection, the property owner shall record restrictive covenants noting that there is a retaining wall on the property, identifying the easement(s) required by subsection (4), and committing to maintaining the retaining wall in accordance with the maintenance plan provided by an appropriate licensed design professional, and providing evidence of such maintenance to the county in accordance with the requirements of this section. Such restrictive covenants shall be in a form acceptable to the county attorney.
- (9) *Exclusions.*
 - a. This section shall not apply to decorative walls or retaining walls less than three feet in height.
 - b. This section shall not apply to any dwelling foundation, crawl space, or in the building materials or finishes specific to the construction of a single-family dwelling unit.
 - c. This section shall not apply to bulkheads and seawalls that are used to separate the land from tidal waters.
 - c. Retaining walls for industrial uses, as enumerated in [chapter 24](#), Zoning, article V, Districts, as amended, are not subject to subsection (3)a. above.
- (10) *Exceptions.*
 - a. For retaining walls located on a single-family residential lot that do not cross a property line, the director of building safety and permits or designee may grant an administrative waiver to the height limit in subsection (3); however, each wall segment shall not exceed six feet and six inches.
 - b. Unless otherwise permitted by (10)a. or (10)b, upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver for a single wall taller than six feet in height or for a total wall height of greater than 24 feet, upon finding that:
 1. Such structure will not obstruct light from adjacent property;
 2. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest;

3. Such structure will not impair surrounding developments, adjacent property, or the rural or historic nature of the county;
 4. Such structure will not impair property values in the surrounding area;
 5. The visual impact to adjoining properties and roadways is minimized;
 6. Such structure is adequately designed and served from the standpoint of safety from the perspective of the county fire chief, the director of stormwater and resource protection, and the director of the building safety and permits division;
 7. The on-going costs of maintenance or repair of such structure would not unduly burden a property owner or homeowners association;
 8. Such structure would not be contrary to the public health, safety or general welfare; and
 9. Such structure is necessary due to unusual character of the property, including dimensions or other environmental considerations.
- c. Upon application and the payment of appropriate fees, the board of adjustments and appeals may grant an exception for the use of a material other than listed in subsection (2), upon finding that:
1. The use of the alternative material will not impair the enjoyment of historic attractions and areas of significant historic interest;
 2. The use of the alternative material will not impair surrounding developments, adjacent property, or the rural or historic nature of the county;
 3. The use of the alternative material will not impair property values in the surrounding area;
 4. The visual impact to adjoining properties and roadways is minimized as determined by the director of planning;
 5. Such structure is adequately designed and served from the standpoint of safety from the perspective of the county fire chief, the director of stormwater and resource protection, and the director of the building safety and permits division;
 6. The on-going costs of maintenance or repair of such alternative material would not unduly burden a property owner or homeowners association;
 7. Such alternative material would not be contrary to the public health, safety or general welfare; and
 8. Such materials will not materially shorten the life span of the retaining wall system when compared to the full list of other materials permitted in subsection (2) so as to unduly burden a property owner or homeowners association.

Sec. 23-10. Plan of development.

Any development or redevelopment exceeding 2,500 square feet of land disturbance in the CBPA shall be accomplished through a plan of development process prior to any clearing or grading of the site or the issuance of any building permit to assure compliance with all applicable requirements of this chapter and any applicable approved watershed management plans. Administration of the plan of development process shall be in accordance with [chapter 24](#) of this code for site plans and [chapter 19](#) of this code for subdivision plans. The following plans or studies shall be submitted, unless otherwise provided for:

- (1) *Site and subdivision plans.* Site plans in accordance with the provisions of [chapter 24](#) of the county code or subdivision plans in accordance with [chapter 19](#) of the county code. In the event that [chapter 24](#) does not require the preparation of a site plan for a development activity that exceeds 2,500 square feet of land disturbance, a plan will still be required for the purposes of this chapter that complies with items 2, 3, and 5 of this subsection.
- (2) *Environmental inventory.* An environmental inventory shall be submitted in conjunction with preliminary site plan or preliminary subdivision plan approval applications. Except for the perennial stream determination required in item d. of this subsection, this requirement may be waived by the manager when the proposed use or development would result in less than 5,000 square feet of disturbed area. For existing single-family lots in a RPA, showing items required by subsection a. on the plat plan normally required as part of the building permit application shall satisfy the requirements for an environmental inventory. An environmental inventory is not required for existing single-family lots in the RMA.
 - a. The environmental inventory shall be drawn to scale clearly delineating the following components:
 1. Tidal wetlands;
 2. Tidal shores;
 3. Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow (i.e., RPA wetlands);
 4. A 100-foot buffer area located adjacent to and landward of the components listed in items 1 through 3 above, and along both sides of any water body with perennial flow;
 5. Nontidal wetlands not included in item 3 (i.e., RMA wetlands);
 6. 100-year floodplains as designated by [chapter 24](#) of the county code; and
 7. Slopes 25 percent or greater.
 - b. Wetlands delineations shall be performed consistent with the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands currently approved for use by the Army Corps of Engineers.
 - c. The environmental inventory shall be drawn at the same scale as the preliminary site plan or subdivision plan and shall be certified as complete and accurate by a person or firm competent to make the inventory.
 - d. The environmental inventory shall include a reliable, site-specific evaluation to determine whether water bodies on or adjacent to the development site have perennial flow. This evaluation shall be provided by the person applying to use or develop the site using one of the county or state approved methods of in-field indicators of perennial flow unless the county has already made a field determination of perennial flow for the site. These site-

specific determinations shall be confirmed by the manager and shall be used to establish the boundaries of the RPA.

- (3) *Clearing plan.* A clearing plan shall be submitted in conjunction with site plan review or subdivision plan review. No clearing or grading of any lot or parcel shall be permitted without an approved clearing plan. For existing single-family lots, a clearing line shown on the plat plan normally submitted as part of the building permit application shall satisfy clearing plan requirements. No clearing or grading shall occur on existing single-family lots until a complete building permit application is submitted.

Clearing plans shall be prepared and/or certified by design professionals practicing within their areas of competence as prescribed by the Code of Virginia.

a. Contents of the plan:

1. The clearing plan shall be drawn to scale and clearly delineate the location, size and description of existing and proposed plant material. All existing trees on the site 12 inches or greater diameter at breast height (DBH) shall be shown on the clearing plan, or where there are groups of trees, the woodlines of the group may be outlined instead. The specific number of trees 12 inches or greater DBH to be preserved outside of the impervious cover and outside the groups shall be indicated on the plan. Trees to be removed and woodlines to be changed to create desired impervious cover shall be clearly delineated on the clearing plan.
2. Any required buffer area shall be clearly delineated and any plant material to be added to establish or supplement the buffer area, as required by this chapter, shall be shown on the clearing plan.
3. Within the RPA buffer area, trees to be removed for sight lines, vistas, access paths, and BMPs, as provided for in this chapter, shall be shown on the plan. Vegetation required by this chapter to replace any existing trees within the buffer area shall also be shown on the clearing plan.
4. Erosion and sediment controls shall be provided as necessary and in accordance with [chapter 8](#) of the county code.
5. The clearing plan shall clearly delineate the location, size, and description of existing and proposed retaining walls subject to the performance standards found in [section 23-9.1](#).

b. Plant specifications:

1. All plant materials necessary to supplement the buffer area or vegetated areas outside the impervious cover shall be installed according to standard planting practices and procedures.
2. All supplementary or replacement plant materials shall be living and in healthy condition. Plant materials shall conform to the standards of the most recent edition of the American Standard for Nursery Stock, published by the American Association of Nurserymen.

3. Where areas to be preserved, as designated on an approved clearing plan, are encroached, replacement of existing trees and other vegetation will be achieved at a ratio of two planted trees to one removed. Replacement trees shall be a minimum 1-½ inches caliper at the time of planting.
- c. Maintenance:
1. The applicant shall be responsible for the maintenance, repair and replacement of all vegetation as may be required by the provisions of this chapter.
 2. In buffer areas and areas outside the impervious cover, plant material shall be tended and maintained in a healthy growing condition and free from refuse and debris. Unhealthy, dying or dead plant materials shall be replaced during the next planting season, as required by the provisions of this chapter.
- d. Installation and bonding requirements:
1. Where buffer areas are required, no certificate of occupancy shall be issued until the installation of required plant material to establish or supplement the buffer is completed, in accordance with the approved clearing plan.
 2. When the occupancy of a structure is desired prior to the completion of the plan, a certificate of occupancy may be issued only if the applicant provides a form of surety satisfactory to the county attorney in an amount equal to the costs of the remaining plant materials, related materials and installation costs.
 3. All required plant material shall be installed and approved by the first planting season following issuance of a certificate of occupancy or the surety may be forfeited.
- (4) *Stormwater management plan.* A stormwater management plan consistent with the requirements of the chapter 8 of the county code must be designed and implemented during land disturbing activities. Prior to land disturbance, this plan must be approved by the VESMP authority.
- (5) *Erosion and sediment-control plan.* An erosion and sediment control plan consistent with the requirements of the Erosion and Sediment Control Law and regulations and [chapter 8](#) of the county code must be designed and implemented during land disturbing activities. Prior to land disturbance, this plan must be approved by the VESCP authority.
- (6) *Final plan.* Final site plans or final subdivision plans for all lands within CBPA's shall include the following information:
- a. Delineation of the RPA boundary;
 - b. Delineation of required buffer areas;
 - c. Delineation of RMA wetlands;
 - d. All wetlands permits required by law;
 - e. Delineation of slopes 25 percent or greater; and
- (7) A water quality impact assessment according to section 23-11 of this ordinance.

- (8) A resiliency assessment according to section 23-11.1 of this ordinance.

Sec. 23-11. Water quality impact assessment.

- (a) The purpose of a water quality impact assessment is to: (i) identify the potentially adverse impacts of proposed development on water quality and lands within the Chesapeake Bay Preservation Areas consistent with the goals and objectives of this Ordinance; (ii) ensure that, where use, development or redevelopment takes place within Chesapeake Bay Preservation Areas, it will be located on those portions of a site in a manner that will be least disruptive to the natural functions of Resource Protection Areas and other sensitive lands; and (iii) specify means to avoid, minimize or mitigate the impacts of development for water quality protection.
- (b) A water quality impact assessment must demonstrate that the undisturbed buffer area, enhanced by vegetative plantings and any other best management practices will result in the removal of no less than 75 percent of sediments and 40 percent of nutrients from post-development stormwater runoff and will retard runoff, prevent erosion, and filter non-point source pollution equivalent to an undisturbed 100-foot buffer area.
- (c) A water quality impact assessment shall be required for any proposed land disturbance, development or redevelopment within a Resource Protection Area consistent with this Section, and for any other development in Chesapeake Bay Preservation Areas that may warrant such assessment because of the unique characteristics of the site or intensity of the proposed use or development.
- (d) A water quality impact assessment shall include the following information:
- (1) A narrative that describes the nature of the proposed RPA encroachment, provides justification for the proposed impacts to the RPA, and addresses the findings required in [section 23-14](#) of this ordinance.
- (a) An analysis of the anticipated reduction in buffer function due to the proposed land development, its impact on the buffer area, proposed mitigation or adaptation measures, and the anticipated effect of the proposed project on water quality.
- (b) A description of the extent and nature of any proposed disturbance or disruption of wetlands.
- (c) Impacts of the proposed development on topography, soils, surface and groundwater hydrology on the site and adjacent lands.
- (d) Source location and description of proposed excavation and fill material.
- (e) For any water-dependent activity, the location of, and potential adverse impacts upon, shellfish beds, submerged aquatic vegetation, and fish spawning and nursery areas.
- (f) A statement of any anticipated future land disturbance within the RPA.
- (g) All federal, state, and local permits required for the development of the site.
- (2) A site drawing to scale which depicts the following:

- (a) Delineation of the RPA components, including the 100-foot buffer area and the location of any water body with perennial flow.
- (b) Existing topography, soils information (including depth to groundwater and infiltration rate), where appropriate, surface and groundwater hydrology, wetlands and, if necessary, drainage patterns from adjacent lands.
- (c) Location and nature of the proposed encroachment into the buffer area, including limits of clearing or grading and the area of land disturbance; location of any structures, driveways, or other impervious cover; type(s) of paving material(s); area of proposed impervious cover; and location of proposed utilities, including sewage disposal systems or reserve drainfield sites.
- (d) Location and area (in square feet) of existing impervious cover.
- (e) Existing vegetation, including the number and type of trees and other vegetation to be removed in the RPA to accommodate the proposed buffer encroachment or modification.
- (f) Proposed vegetative mitigation plan.
- (g) Type and location of proposed additional best management practices that may be necessary to mitigate for the proposed encroachment.
- (h) Type and location of proposed adaptation measures necessary to address the impacts of storm surge, sea level rise, and flooding.

Sec. 23-11. 1 Resiliency assessment

- (a) Submittal of a resiliency assessment that considers the potential impacts of sea level rise, storm surge, and flooding on buffer function in light of a proposed RPA encroachment is required during the review of a plan of development or other review process. Such an assessment is to be based upon the RPA as delineated at the time of the proposed land development and is required in addition to all other requirements of this and other local ordinances. At a minimum the resiliency assessment should contain the following information:
 - (1) A scaled drawing or aerial image of the proposed project that includes the RPA boundary, required setbacks, existing topography, and a graphic depiction of the anticipated impacts of sea level rise, flooding, and storm surge on the parcel and the proposed project, based upon a review of approved models and forecasts, to include the following:
 - (a) For sea level rise, use the 2017 National Oceanographic and Atmospheric Administration (NOAA) Intermediate-High scenario projection curve or any subsequently updated version thereof on the project site.
 - (b) For storm surge, use the most up to date NOAA hydrodynamic Sea, Lake, and Overland Surges Hurricanes (SLOSH) model on the project site.

- (c) For flooding, use the most up to date Special Flood Hazard Area and the Limit of Moderate Wave Action (LiMWA) model on the project site according to the Virginia Flood Risk Information System (VFRIS) model in conjunction with the requirements and application of Article VI Division 3 Floodplain Area Regulations.
 - (d) The anticipated impacts shall be based upon a thirty (30) year timeframe, unless the applicant demonstrates that the lifespan of the project proposed for development is less than thirty (30) years based upon the information in section 23-11.1(2) as approved by the manager. Where a lifespan of less than 30 years is proposed, the applicant shall provide documentation of proposed building materials, anticipated quality of construction, design specifications, and other materials or information in support of a predicted lifespan of less than 30 years for the project.
- (2) A report that analyzes the results of the data and graphic research, and provides the following information:
- (a) Define the intended service life of the proposed structure(s).
 - (b) Identification of any proposed impact directly from proposed impervious cover or structures in the RPA and the extent of such impact.
 - (c) Identification of extent of impact on the current buffer area including impacts to existing vegetation from the landward movement of water and vegetative migration.
 - (d) Describe the extent to which anticipated impacts can be or have been mitigated by altering the location design, size, or orientation of proposed structures or impervious cover, by preserving and/or supplementing existing buffer areas as provided for in [section 23-11](#) of this ordinance, and/or by considering other limiting site conditions including required setbacks and parcel size, and/or by proposing an adaptation measure in accordance with the provisions of [section 23-11](#).
 - (e) Identification of the utilization of existing local programs that already take potential impacts into account through the building permit or site design review processes, such as freeboard requirements enacted through Article VI Division 3 Floodplain Area Regulations.
- (3) The manager will review the report from (2) along with the water quality impact assessment and determine whether the anticipated impacts necessitate an alteration or conditions to the proposed project or implementation of an adaptation measure for approval.
- (a) In considering whether a requirement for project alteration or adaptation measure is appropriate, the manager will ensure that the proposed alteration or adaptation measure is practical, achievable, and necessary to mitigate the identified impact.
 - (b) Where possible, consideration will be given to modifying the proposed development size or location, such that the extent of land disturbance or impervious cover can be reduced to avoid or minimize the area or areas of the parcel that the assessment indicates will be impacted.

- (c) If the resiliency assessment reveals that impacts on the parcel can be addressed by structural design or siting alterations, then supplemental information on the potential alterations shall be provided for consideration by manager. Supplemental information may include additional sketches or plans, including plan and section views, building specifications, and other supporting materials.
 - (d) Approval may be conditioned on the implementation of the proposed alterations, conditions, or adaptation measure.
 - (e) The resiliency assessment may also indicate that no alterations, conditions, or adaptation measures are required, in which case the applicant may proceed through the remainder of the approval process.
- (4) Should an impact from sea-level rise, storm surge, or flooding be identified that exceeds available design alterations, approval of the proposed project should then be conditioned with the requirement for an adaptation measure and the following information provided:
- (a) Describe the proposed adaptation measure(s) for the site as selected from one of the sources listed in section 23-11.1(a) of this ordinance and submit documentation of the proposed adaptation measure and its suitability for use on the site, such as design specifications, construction methods and materials that will provide shoreline stabilization until vegetation is established, and a proposed maintenance plan.
 - (b) Describe how the selected adaptation measure meets the requirement for being a nature-based solution.
 - (c) Describe how the selected adaptation measure(s) comply with applicable regulatory or permitting requirements. Submit a water quality impact assessment pursuant to section 23-11 of this ordinance and a site plan pursuant to section 23-10 of this ordinance detailing the proposed placement of the adaptation measure, existing and proposed topography and vegetation, proposed limits of clearing and grading, and mitigation for the area of land disturbance within the RPA. Additionally, provide documentation of as-built documentation of the final design and installation, including photographs, and final inspection is required upon completion of installation.
- (5) The resiliency assessment may be submitted as a standalone document as part of the plan of development process or it may be submitted as part of a water quality impact assessment pursuant to section 23-11 of this ordinance for those projects disturbing less than 2,500 square feet.

Sec. 23-12. Waivers for noncomplying structures.

The manager through an administrative process may permit the continued use, alteration, or the expansion of any structure in existence on August 6, 1990, which is not in conformity with the provisions of this chapter. The process requires that:

- (1) The manager may grant a waiver for noncomplying structures on legal nonconforming lots or parcels to provide for alterations or expansions to such nonconforming structures provided that:
 - a. There will be no increase in nonpoint source pollution load;

- b. Any development or land disturbance exceeding an area of 2,500 square feet complies with all erosion and sediment control requirements of this chapter; and
 - c. For expansion of a principal non-complying structure, the manager makes the following findings:
 - 1. The request for the waiver is the minimum necessary to afford relief;
 - 2. Granting the waiver will not confer upon the applicant any specific privileges that are denied by this chapter to other property owners in similar situations;
 - 3. The waiver is in harmony with the purpose and intent of this chapter and does not result in water quality degradation;
 - 4. The waiver is not based on conditions or circumstances that are self-created or self-imposed;
 - 5. Reasonable and appropriate conditions are imposed, as warranted, that will prevent the waiver from causing a degradation of water quality;
 - 6. Other findings, as appropriate and required by the manager are met; and
 - 7. In no case shall this provision apply to accessory structures.
 - d. The waiver does not conflict with the comprehensive plan or any applicable approved watershed management plan.
- (2) An application for a waiver shall be made in writing to the manager and shall include for the purpose of proper enforcement of this chapter, the following information:
- a. Name and address of applicant and property owner;
 - b. Legal description of the property and type of proposed use and development;
 - c. A sketch of the dimensions of the lot or parcel, location of buildings and proposed additions relative to the lot lines, and boundary of the resource protection area;
 - d. Location and description of any existing private water supply or sewage system; and,
 - e. A plan that depicts the impacts to components of the environmental inventory as required by [section 23-10](#)(2) of this chapter, and identification of the amount of impact to each component.
- (3) A waiver shall become null and void 12 months from the date of issuance if the manager documents that no substantial work has commenced. The manager shall notify the permittee of the revocation of the waiver in writing.

Sec. 23-13. Exemptions.

- (a) *Public utilities, railroads, public roads, and related facilities.*
- (1) Construction, installation, operation and maintenance of electric, natural gas, fiber-optic, and telephone transmission lines, railroads, and public roads and their appurtenant structures in compliance with (i) the Erosion and Sediment Control Law (sections 62.1-44.15:51:66 of the Code of Virginia) and the Stormwater Management Act (section 62.1-44.15:24-:50 of the Code of Virginia), (ii) an erosion and sediment control plan and a stormwater management plan approved by the Virginia Department of Environmental Quality or the VESMP authority, as required, or (iii) this chapter's water quality protection criteria which is at least as stringent as the above state requirements will be deemed to comply with the regulations adopted pursuant to the Act. The exemption of public roads is further conditioned on the following:
 - a. The road alignment and design have been optimized, consistent with all applicable requirements, to prevent or otherwise minimize the encroachment in the RPA and to minimize the adverse effects on water quality.
 - (2) Construction, installation and maintenance by public agencies of water and sewer, natural gas, and underground telecommunications and cable television lines owned, permitted or both, by the county or a regional service authority shall be exempt from this chapter; provided that:
 - a. To the degree practicable, the location of such utilities and facilities should be outside RPAs;
 - b. No more land shall be disturbed than is necessary to provide for the proposed utility installation;
 - c. All such construction, installation and maintenance of such utilities and facilities shall be in compliance with all applicable federal, state and county permits and designed and constructed in a manner that protects water quality; and
 - d. Any land disturbance exceeding an area of 2,500 square feet complies with [chapter 8](#) of this code.
- (b) *Exemptions for silvicultural activities.* Silvicultural activities are exempt from the requirements of this chapter; provided that silvicultural operations adhere to water quality protection procedures prescribed by the Department of Forestry in its Virginia's Forestry Best Management Practices for Water Quality. The Virginia Department of Forestry will oversee and document installation of best management practices and will monitor in-stream impacts of forestry operations in CBPAs.
- (1) The exemption of silvicultural activities only applies to those operations that install and properly implement all necessary forestry best management practices. Failure to properly install or maintain any of the forestry BMPs within the RPA would automatically eliminate the silvicultural exemption status under this Section and may subject the property owner to penalties for violations under section 23-18 of this ordinance and possible enforcement actions from the Virginia Department of Forestry.
 - (2) Silviculture entails the continued production of trees, wood, or wood products and any related actions that occur during the management of the land for these purposes. Silviculture does not include clearing a site in preparation for future development nor does it involve the removal of

stumps for any reason. If the manager determines that the intended use of the site is not silvicultural in nature, all exemptions from this ordinance are null and void and the project would have to comply with all requirements of this ordinance. This may include preserving the full 100-foot RPA buffer or replanting it in woody vegetation, if necessary, and full compliance with all erosion and sediment control requirements if more than 2,500 square feet of land has been disturbed.

- (c) *Exemptions for Resource Protection Areas.* The following land disturbances may be exempted by the manager from the requirements of this chapter provided that they comply with subdivisions 1 through 3 of this subdivision: (i) water wells; (ii) passive recreational facilities, such as boardwalks, trails, and pathways; and, (iii) historic preservation and archaeological activities.
- (1) Any required permits, except those to which this exemption specifically applies, shall have been issued;
 - (2) Sufficient and reasonable proof is submitted to the manager that the intended use will not deteriorate water quality; and,
 - (3) Any land disturbance exceeding an area of 2,500 square feet shall comply with [chapter 8](#) of this code.
- (d) *Exemptions for living shorelines.* A living shoreline, as defined by Va. Code § 28.2-104.1 is exempt from additional performance criteria requirements of section 23-7, including a water quality impact assessment in section 23-11, provided the project minimizes land disturbance, maintains or establishes a vegetative buffer inland of the living shoreline, complies with the fill conditions in subsection 23-7(c) of this ordinance, and receives approval from the VMRC or the local wetlands board, as applicable.

Sec. 23-14. Exceptions.

Exceptions to the requirements of [section 23-7](#) of this chapter may be granted, provided that:

- (a) A request for an exception to the requirements of this section shall be made in writing to the Chesapeake Bay Board (Board), which is comprised of the members of the James City County Wetlands Board. The request shall identify the impacts of the proposed exception on water quality and on lands within the RPA through the performance of a water quality impact assessment which complies with the provisions of [section 23-11](#), and shall examine the impacts of sea level rise, storm surge, and flooding on the project through the performance of a resiliency assessment pursuant to section 23-11.1.
- (b) No later than 60 days after receipt of a complete exception request, the board shall hold a public hearing on the request. The board shall notify the affected public of any such exception requests and shall consider these requests in a public hearing in accordance with section 15.2-2204 of the Code of Virginia, except that only one hearing shall be required. Also, when giving any required notice to the owners, their agents, or the occupants of abutting property and property immediately across the street or road from the property affected, the notice shall be given by first-class mail to the last known address as shown on the current real estate tax assessment book or records.

- (c) The board shall review the request for an exception and the water quality impact assessment and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of this chapter if the board finds that:
 - (1) The exception request is the minimum necessary to afford relief;
 - (2) Granting the exception will not confer upon the applicant any special privileges denied by this chapter to other property owners similarly situated in the vicinity;
 - (3) The exception request will be in harmony with the purpose and intent of this chapter, and is not of substantial detriment to water quality;
 - (4) The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels; and
 - (5) Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.
 - (6) Other findings, as appropriate to the manager are met.
- (d) A request for an exception to the requirements of provisions of this chapter other than [sections 23-7](#) shall be made in writing to the manager. The manager may grant these exceptions provided that:
 - (1) Exceptions to the requirements are the minimum necessary to afford relief; and
 - (2) Reasonable and appropriate conditions are placed upon any exception that is granted, as necessary, so that the purpose and intent of this chapter is preserved.
 - (3) Exceptions to [section 23-9](#) may be made provided the findings as noted in [section 23-14\(c\)](#) are made.

Sec. 23-15. Applications for exceptions.

Applications for exceptions shall be made in writing to the board or the manager as appropriate in accordance with [section 23-14](#), and shall include the following:

- (1) Name and address of applicant and property owner;
- (2) Legal description of the property and type of proposed use and development;
- (3) A sketch of the dimensions of the lot or parcel, location of buildings and proposed additions relative to the lot lines, the RPA, slopes greater than 25 percent and all wetlands;
- (4) Location and description of any existing private water supply or sewage system;
- (5) A water quality impact assessment completed in accordance with [section 23-11](#) of this chapter and guidelines established by the manager;

- (6) For exceptions that must be granted by the Chesapeake Bay Board, a nonrefundable processing fee set forth in Appendix A-Fee Schedule for Development Related Permits shall accompany each application to cover the cost of processing;
- (7) For exceptions that must be granted by the manager, a nonrefundable processing fee set forth in Appendix A-Fee Schedule for Development Related Permits shall accompany each application to cover the cost of processing. This fee shall be collected for any administrative approval, waiver, exception, exemption, variance and buffer modification which may be necessary through the plan of development process as outlined in [sections 23-5, 23-7\(a\), 23-7\(c\), 23-9, 23-10, 23-12, 23-13, and 23-14](#).
- (8) Payment of any permit fees established in [section 23-15](#) shall be waived for the county, any entity created solely by the county and those regional entities to which the county is a party provided that: (1) The other parties to the regional entity similarly waive fees; and (2) The regional entity has locations in more than one locality.
- (9) No application for relief from sections 23-7 or 23-9 of this code shall be considered complete where a resiliency assessment, as outlined in section 23-11.1 of this code has not occurred or the proposed adaptation measure allows for the use of fill in a resource protection area in contravention to the requirements of section 23-7(c)(1)(f).

Sec. 23-16. Granting waivers or exceptions.

The board or the manager may grant waivers or exceptions as set forth herein. When reviewing applications, the board or the manager will consider written comments from the county staff, the director of planning and other interested parties. Waivers or exceptions granted will become null and void 12 months from the date of issuance if the manager documents that no substantial work has commenced. The manager shall notify the permittee of the revocation of the waiver in writing.

- (a) The manager shall act on a complete application for an administrative waiver or exception as described in [section 23-15](#) within 35 calendar days of receipt;
- (b) The board shall make its determination within 30 days of the hearing; and
- (c) If the board or the manager fails to act within these time frames, the application shall be deemed to be approved.

Sec. 23-17. Appeals.

- (a) An owner of property subject to an administrative decision, order or requirement under this chapter may appeal by submitting a written request for review to the board no later than 30 days from the rendering of such decision, order or requirement. The board shall hear the appeal as soon as practical after receipt of the request. The appellant, the board of supervisors, the manager, the planning director and any person or agency expressing an interest in the matter shall be notified by the board not less than ten days prior to the date of the hearing. Published notice of the board's public meetings shall state that appeals from decision under the Chesapeake Bay Preservation Ordinance may be heard.

- (b) In rendering its decision, the board shall balance the hardship to the property owner with the purpose, intent and objectives of this chapter. The board shall not decide in favor of the appellant unless it finds:
 - (1) The hardship is not generally shared by other properties in the vicinity;
 - (2) The Chesapeake Bay, its tributaries and other properties in the vicinity will not be adversely affected; and
 - (3) The appellant acquired the property in good faith and the hardship is not self-inflicted.
- (c) The board may impose conditions to the granting of any waiver, exception or appeal as it may deem necessary in the public interest, and may, to ensure compliance with the imposed conditions, require a cash escrow, bond with surety, letter of credit or other security as is acceptable to the county attorney.
- (d) An owner of a property subject to a board decision, order or requirement may appeal to the circuit court of James City County no later than 30 days from the rendering of such decision, order or requirement.

Sec. 23-18. Violations; penalties.

- (a) Without limiting the remedies which may be obtained under this section, any person who violates any provision of this chapter or who violates, fails, neglects, or refuses to obey any variance or permit condition authorized under this chapter shall, upon such finding by the circuit court, be assessed a civil penalty not to exceed \$5,000.00 for each day of violation. Such penalties may, at the discretion of the court assessing them, be directed to be paid into the treasury of the county for the purpose of abating environmental damage to or restoring Chesapeake Bay Preservation Areas within the county, in such a manner as the court may direct by order.
- (b) Without limiting the remedies which may be obtained under this section, and with the consent of any person who has violated any provision of this chapter, or who has violated, failed, neglected, or refused to obey any variance or permit condition authorized under this chapter, the county may provide for the issuance of an order against such person for the one-time payment of civil charges for each violation in specific sums, not to exceed \$10,000.00 for each violation. Such civil charges shall be paid into the treasury of the county for the purpose of abating environmental damage to or restoring Chesapeake Bay Preservation Areas in the county. Civil charges shall be in lieu of any appropriate civil penalty that could be imposed under subdivision (a) of this section. Civil charges may be in addition to the costs of any restoration required by the board of supervisors.
- (c) In addition to, and not in lieu of, the penalties prescribed in sections (a) and (b) hereof, the county may apply to the circuit court for an injunction against the continuing violation of any of the provisions of this ordinance and may seek any other remedy authorized by law.
- (d) Upon notice from the manager that any activity is being conducted in violation of any of the provisions of this ordinance, such activity shall immediately be stopped. An order to stop work shall be in writing and shall state the nature of the violation and the conditions under which the activity may be resumed. No such order shall be effective until it shall have been tendered to the owner of the property upon which the activity is conducted or his agent or to any person conducting such

activity. Any person who shall continue an activity ordered to be stopped, except as directed by the stop work order, shall be guilty of a violation of this ordinance.

Ch23CBPAAmdt-rev-ord-final

MEMORANDUM

DATE: October 14, 2025

TO: The Board of Supervisors

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

SUBJECT: Partial Right-of-Way Abandonment of Route 322 - Ashbury Lane

As part of the proposed plan to construct a new County complex, a partial right-of-way abandonment of Ashbury Lane is required.

Until recently, the portion of Ashbury Lane between DePue Drive and Longhill Road was maintained by the Virginia Department of Transportation (VDOT) under its Highways at State Institutions designation and not as a Secondary Street; a reference to when the property was owned by Eastern State Hospital (ESH). The property was transferred from the Commonwealth of Virginia to the James City Service Authority (JCSA) in 1998 and from JCSA to the County in 2001. As such, ESH has not had any ownership or operational interest in this portion of Ashbury Lane since 1998.

As part of the Master Plan and development of the consolidated County complex, the site, along with other uses such as a potential library, the James City County Recreation Center, the ball fields and the playground, will become a multiuse and multipurpose campus with uses located on both sides of the road. Various improvements for safety, vehicle circulation and pedestrian connections will be made to Ashbury Lane. As such, Ashbury Lane will function more as an internal driveway than a roadway. Similar to the VDOT right-of-way abandonment, a similar process is required by the County to ensure no formal right-of-way interests remain.

Staff recommends approval of the attached Ordinance abandoning the right-of-way of Ashbury Lane from DePue Drive to Longhill Road, a distance of approximately 0.17 miles. Ashbury Lane will continue to be maintained by the County, it will continue to be open to the public, and it will continue to be a through connection from DePue Drive and Longhill Road.

PDH/ap
PROWAbdAshburyLn-mem

Attachment

ORDINANCE NO. _____

AN ORDINANCE TO VACATE THAT CERTAIN PLAT ENTITLED “PLAT FOR CONVEYANCE AND DEDICATION OF RIGHT-OF-WAY A PARCEL CONTAINING 0.217 AC. ± FROM: COUNTY OF JAMES CITY AND CITY OF WILLIAMSBURG TO: COMMONWEALTH OF VIRGINIA” RECORDED AT THE OFFICE OF THE CLERK OF THE CIRCUIT COURT FOR THE CITY OF WILLIAMSBURG AND COUNTY OF JAMES CITY ON JANUARY 16, 1991 IN PLAT BOOK 53, PAGE 55.

WHEREAS, a 22-foot right-of-way and a 12-foot strip 0.217 ac. to be conveyed to the Commonwealth of Virginia are shown on a plat entitled “PLAT FOR CONVEYANCE AND DEDICATION OF RIGHT-OF-WAY A PARCEL CONTAINING 0.217 AC. ± FROM: COUNTY OF JAMES CITY AND CITY OF WILLIAMSBURG TO: COMMONWEALTH OF VIRGINIA” dated October 4, 1990, and recorded on January 16, 1991, in the Clerk’s Office of the Circuit Court for the City of Williamsburg and County of James City in Plat Book 53, Page 55; and

WHEREAS, until recently, the portion of Ashbury Lane between DePue Drive and Longhill Road was maintained by the Virginia Department of Transportation (VDOT) under its Highways at State Institutions designation and not as a Secondary Street; a reference to when the property located at 5231 Longhill Road, further identified as James City County Real Estate Tax Map Parcel No. 3820100002 was owned by Eastern State Hospital (ESH); and

WHEREAS, VDOT has abandoned its interests in this portion of Ashbury Lane; and

WHEREAS, as part of the Master Plan and development of the consolidated County complex, the site, along with other uses such as a potential library, the James City County Recreation Center, the ball fields and the playground, will become a multiuse and multipurpose campus with uses located on both sides of the road; and

WHEREAS, various improvements for safety, vehicle circulation and pedestrian connections will be made to Ashbury Lane by the County and, as such, Ashbury Lane will function more as an internal driveway than a roadway; and

WHEREAS, similar to the VDOT right-of-way abandonment, a similar process is required by the County to ensure no formal right-of-way interests remain; and

WHEREAS, notice that the Board of Supervisors of the County of James City, Virginia, would consider this vacation has been given pursuant to Section 15.2-2204 of the *Code of Virginia*, 1950, as amended (the “Virginia Code”); and

WHEREAS, pursuant to Section 15.2-2272 of the Virginia Code, this Ordinance of Vacation shall be recorded in the Clerk’s Office for the Circuit Court of the County of James City; and

WHEREAS, upon recordation of the Ordinance of Vacation fee simple title of the Right-of-Ways (ROWS) is vested in the owners of abutting lots; and

WHEREAS, pursuant to Section 15.2-2272 of the Virginia Code, the Board of Supervisors held a public hearing and considered the vacation of the ROWs and the Board of Supervisors was of the opinion that the vacation would not result in any inconvenience, would not cause any irreparable damage to any owner of a lot shown on the Plat, and is in the interest of public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that:

1. The Board of Supervisors has considered the statements contained in the preceding "WHEREAS" clauses and hereby finds and adopts each as a part of its determination to vacate the rights-of-way.
2. The rights-of-way shown on the plat entitled "PLAT FOR CONVEYANCE AND DEDICATION OF RIGHT-OF-WAY A PARCEL CONTAINING 0.217 AC.± FROM: COUNTY OF JAMES CITY AND CITY OF WILLIAMSBURG TO: COMMONWEALTH OF VIRGINIA" on the attached Exhibit A prepared by AES Consulting Engineers and dated October 4, 1990, is hereby VACATED.
3. That the County Attorney is directed to record this Ordinance among the records in the Clerk's Office for the Circuit Court of the County of James City.

This Ordinance shall be in full force and effect from the date of its adoption.

James O. Icenhour, Jr.
Chair, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

HIPPLE
NULL
LARSON
MCGLENNON
ICENHOUR

VOTES

AYE NAY ABSTAIN ABSENT

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

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

PROWAbdAshburyLn-ord

Partial §33.2-906 Abandonment of Route 322 – Ashbury

- Eastern State Property
- James City County Property
- Route 322 Ashbury Lane

Route 322 Ashbury Lane
Primary abandonment – 33.2-906
Approx. +/- 0.17 miles
From Route 612 Longhill Road
To Route 615 Depue Road



OWNER'S CERTIFICATE

THIS PLAT IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS AND/OR TRUSTEES.

11/27/90
DATE
11/11/91
DATE
AGENT OF THE COUNTY OF JAMES CITY
AGENT OF THE CITY OF WILLIAMSBURG

CERTIFICATE OF NOTARIZATION FOR COUNTY OF JAMES CITY

STATE OF VIRGINIA
CITY/COUNTY OF James City I, William Sprigg
A NOTARY PUBLIC IN AND FOR THE CITY/COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT THE PERSONS WHOSE NAMES ARE SIGNED TO THE FOREGOING WRITING HAVE ACKNOWLEDGED THE SAME BEFORE ME IN THE CITY/COUNTY AFORESAID. GIVEN UNDER MY NAME THIS 27 DAY OF November, 1990. MY COMMISSION EXPIRES March 23, 1993
William Sprigg
SIGNATURE

CERTIFICATE OF NOTARIZATION FOR CITY OF WILLIAMSBURG

STATE OF VIRGINIA
CITY/COUNTY OF Williamsburg I, Shelley Crist
A NOTARY PUBLIC IN AND FOR THE CITY/COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT THE PERSONS WHOSE NAMES ARE SIGNED TO THE FOREGOING WRITING HAVE ACKNOWLEDGED THE SAME BEFORE ME IN THE CITY/COUNTY AFORESAID. GIVEN UNDER MY NAME THIS 16 DAY OF January, 1991. MY COMMISSION EXPIRES July 24, 1992
Shelley Crist
SIGNATURE

CERTIFICATE OF SOURCE OF TITLE

THE PROPERTY SHOWN ON THIS PLAT WAS CONVEYED TO THE COUNTY OF JAMES CITY AND CITY OF WILLIAMSBURG PER DEED BOOK 292, PAGE 308, RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF JAMES CITY COUNTY.

CERTIFICATE OF APPROVAL

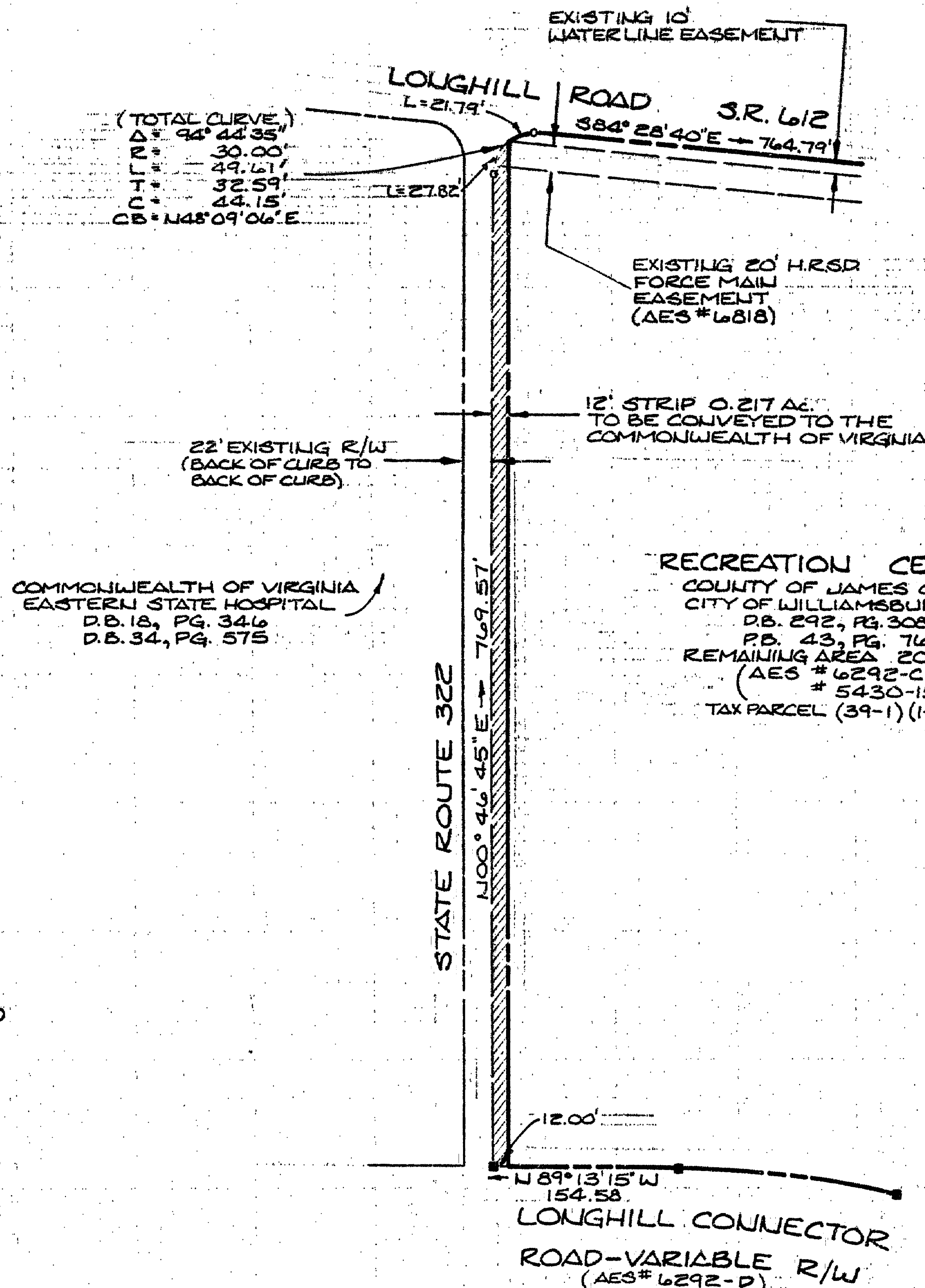
THIS PLAT IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH EXISTING SUBDIVISION REGULATIONS AND MAY BE ADMITTED TO RECORD
1/11/91
DATE
AGENT OF GOVERNING BODY

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE OR BELIEF, THIS PLAT COMPLIES WITH ALL OF THE REQUIREMENTS OF THE BOARD OF SUPERVISORS AND ORDINANCES OF THE COUNTY OF JAMES CITY, VIRGINIA, REGARDING THE PLATTING OF SUBDIVISIONS WITHIN THE COUNTY.

OCT. 8, 1990
DATE
G. T. WILSON, JR. C.L.S.

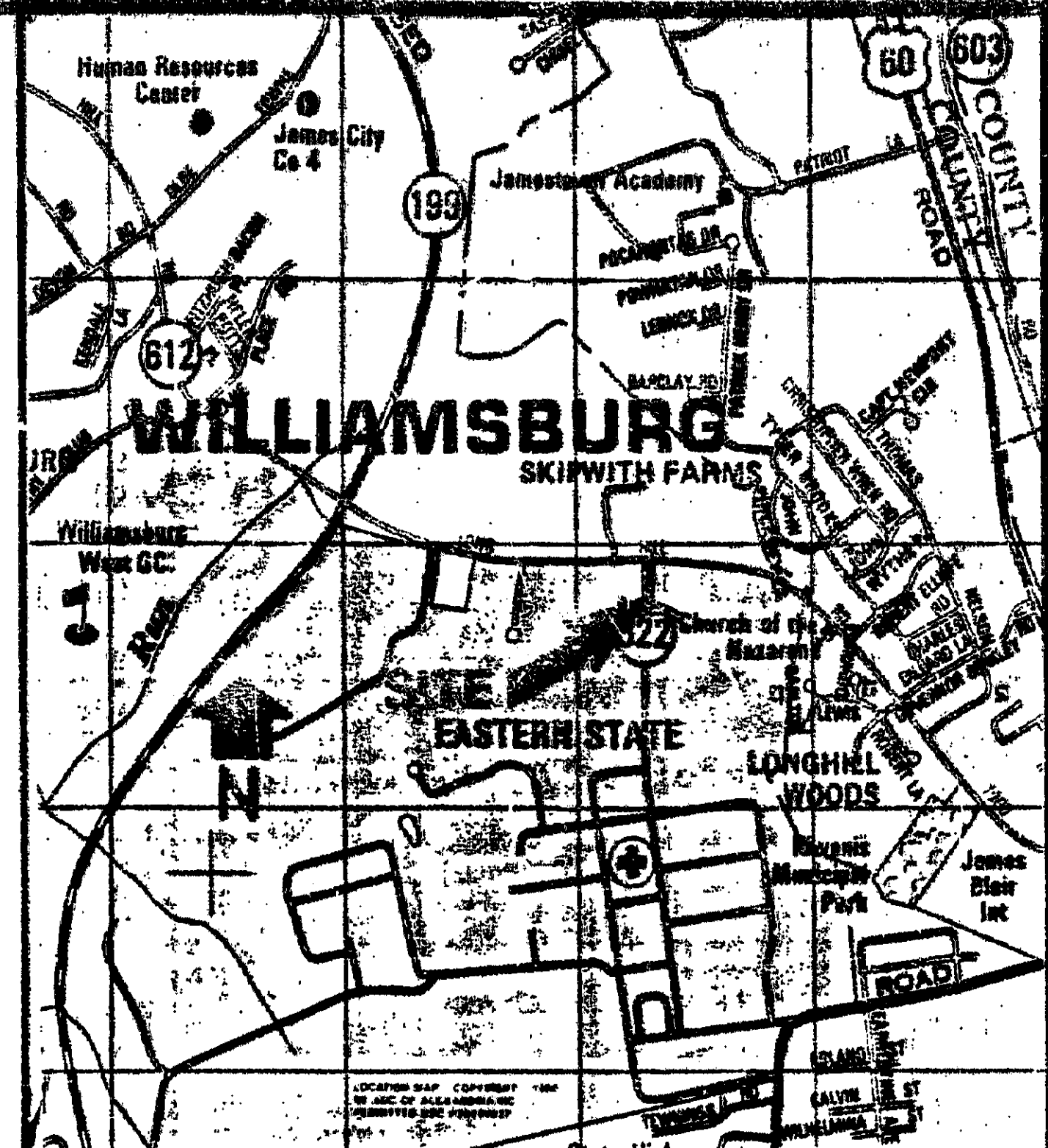
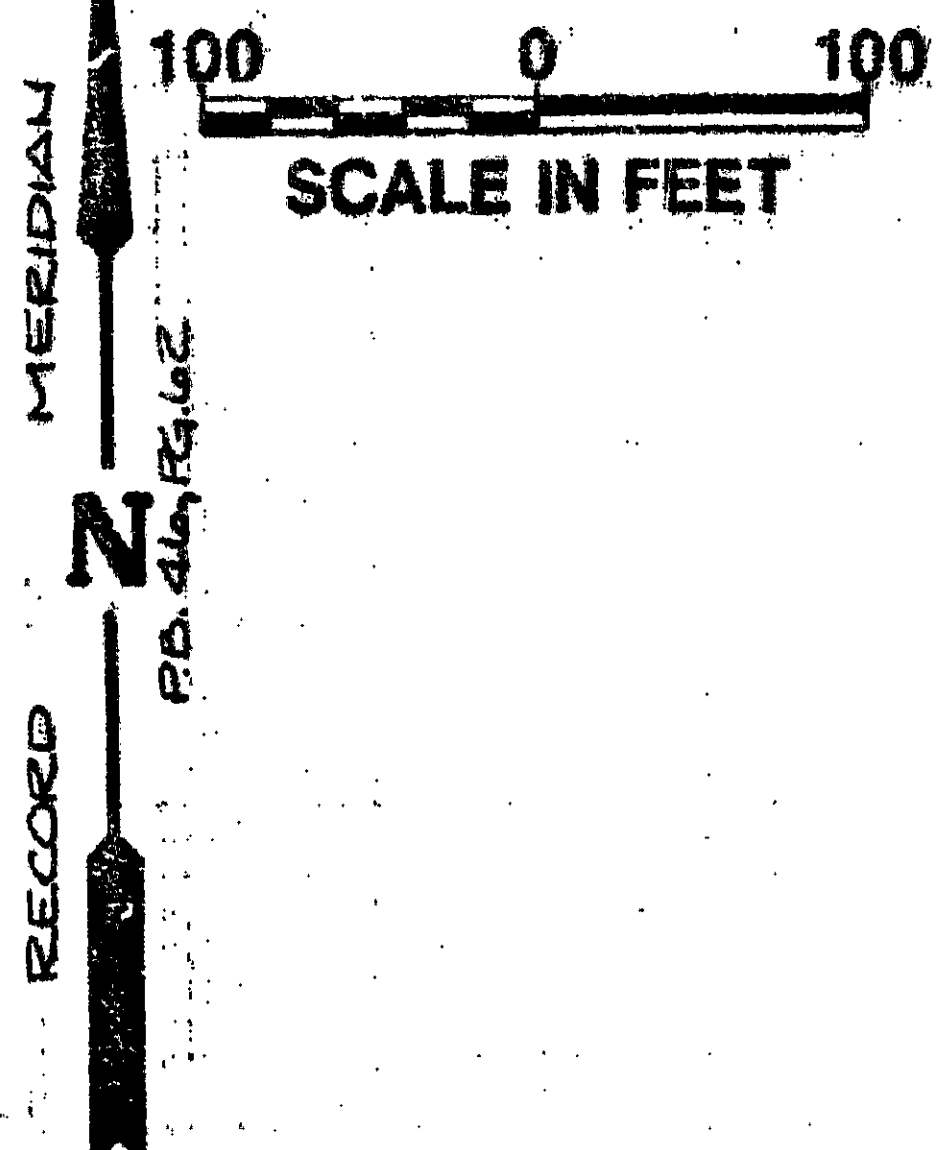
NOTE: THIS PLAT IS BASED UPON THE REFERENCES NOTED. IT DOES NOT REPRESENT A FIELD SURVEY AND IS SUBJECT TO VERIFICATION.



COMMONWEALTH OF VIRGINIA
EASTERN STATE HOSPITAL
D.B. 18, PG. 346
D.B. 34, PG. 575

RECREATION CENTER
COUNTY OF JAMES CITY &
CITY OF WILLIAMSBURG
D.B. 292, PG. 308
D.B. 43, PG. 76
REMAINING AREA 20.61 Ac.±
(AES # 6292-C
5430-15)
TAX PARCEL (39-1) (1-153)

COMMONWEALTH OF VIRGINIA
EASTERN STATE HOSPITAL
D.B. 18, PG. 346
D.B. 34, PG. 575



CONSULTING ENGINEERS
5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23185
(804) 253-0040

PLAT FOR CONVEYANCE AND DEDICATION OF RIGHT-OF-WAY A PARCEL CONTAINING 0.217 Ac.± FROM: COUNTY OF JAMES CITY AND CITY OF WILLIAMSBURG TO: COMMONWEALTH OF VIRGINIA
BERKELEY DISTRICT JAMES CITY COUNTY VIRGINIA



No.	DATE	REVISION / COMMENT / NOTE	BY

Designed: 9.24.90 Drawn: 10/4/90
Scale: 1" = 100' Date: 10/4/90
Project No.: 5430-15A
Drawing No.: 618
PLAT

MEMORANDUM

DATE: October 14, 2025

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer, Assistant County Administrator

SUBJECT: Early Site-Work Package for New Consolidated Government Center

At the January 23, 2024, Board of Supervisors (BOS) Meeting, the Board directed the County Administrator to negotiate an Interim Agreement with Henderson/Gilbane, a Joint Venture (HGJV) with the intent of moving forward with the potential construction of a new consolidated government center located at 5231 Longhill Road. That Interim Agreement was signed and executed in February of 2024. This first Interim Agreement took the project up to 30% design. At the December 10, 2024, BOS meeting, the BOS directed the County Administrator to negotiate a second Interim Agreement that will take the design of the facility up to a 100% completion status along with final construction documents. HGJV is now in the process of completing construction documents for this project. The County now desires to begin site work at the location of the proposed government center prior to completion of construction documents. Staff has negotiated an early site-work package to begin clearing, site work, and stormwater management work at the proposed parcel located at 5231 Longhill Road. If the County chose to move to the actual construction phase, a comprehensive agreement to begin construction would be negotiated and brought before the Board of Supervisors for approval after the completion of construction documents. The cost for the services provided under this early site-work package is not to exceed \$16.5 million. The BOS is of the understanding that the total anticipated cost of design and construction of the consolidated government center will not exceed \$179 million. Funding for this phase of the project was previously approved in the County's Capital Improvement Program. Staff recommends the adoption of the attached resolution.

BJR/ap
SiteWrkPkgGovCtr-mem

Attachment

RESOLUTION

EARLY SITE-WORK PACKAGE FOR NEW CONSOLIDATED GOVERNMENT CENTER

- WHEREAS, the James City County Board of Supervisors (the “Board”), on December 10, 2024, directed the County Administrator to execute a Second Interim Agreement for the complete design of a consolidated government center (the “Project”); and
- WHEREAS, James City County selected Henderson, Inc., a Virginia stock corporation (“Henderson”) and Gilbane Building Company, a Virginia stock corporation (“Gilbane”), jointly and severally, hereinafter (“HGJV”), as the primary partners in this project; and
- WHEREAS, the County desires to begin site work on the proposed location of the project at 5231 Longhill Road prior to the completion of construction documents; and
- WHEREAS, funds were previously allocated in the County’s Capital Improvement Program to cover this expense; and
- WHEREAS, the Board desires to begin site work on the proposed government center location at 5231 Longhill Road with the understanding that the total anticipated construction and design cost of the consolidated government center will not exceed \$179 million.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the County Administrator to execute an agreement with HGJV authorizing this site work not to exceed \$16.5 million.

James O. Icenhour, Jr.
Chair, Board of Supervisors

ATTEST:

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

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

SiteWrkPkgGovCtr-res

MEMORANDUM

DATE: October 14, 2025

TO: The Board of Supervisors

FROM: Teresa J. Saeed, Deputy Clerk

SUBJECT: Designation of Voting Delegate for VACo Annual Conference

Each year, the Virginia Association of Counties (VACo) holds an Annual Business Meeting during its Annual Conference. As a member county of VACo, James City County is entitled to one voting delegate to cast the County's vote(s) at this meeting.

The VACo Annual Business Meeting will be held on Tuesday, November 11, 2025, during the VACo Annual Conference at the Omni Homestead Resort in Bath County, Virginia. At this meeting, VACo members will vote on policy issues, resolutions, and other matters impacting counties across the Commonwealth.

Staff recommends that James O. Icenhour, Jr., Chair of the Board of Supervisors, be designated as James City County's voting delegate for the upcoming VACo Annual Business Meeting. Chair Icenhour has experience representing our County at state events and is well-versed in the policy issues to be addressed.

If approved, Chair Icenhour will be authorized to cast James City County's vote(s) on all matters brought before the VACo Annual Business Meeting. A formal resolution documenting this designation has been prepared for your consideration.

TJS/tm
VoteDelVACoNov25-mem

Attachment

RESOLUTION

DESIGNATION OF VOTING DELEGATE FOR VACo ANNUAL CONFERENCE

WHEREAS, James City County is a member of the Virginia Association of Counties (VACo); and

WHEREAS, VACo's Annual Business Meeting will be held on Tuesday, November 11, 2025, during the VACo Annual Conference at the Omni Homestead Resort in Bath County, Virginia; and

WHEREAS, VACo's policy allows each member county to designate one voting delegate to cast the County's vote(s) at the Annual Business Meeting; and

WHEREAS, the Chair of the Board of Supervisors, James O. Icenhour, Jr., has been determined to serve as the voting delegate for James City County at the VACo Annual Business Meeting.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby designates James O. Icenhour, Jr., Chair of the Board of Supervisors, as the voting delegate for James City County at the VACo Annual Business Meeting to be held on Tuesday, November 11, 2025, in Bath County, Virginia.

BE IT FURTHER RESOLVED that James O. Icenhour, Jr. is authorized to cast James City County's vote(s) as required on all matters brought before the VACo Annual Business Meeting.

James O. Icenhour, Jr.
Chair, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

NULL
HIPPLE
MCGLENNON
ICENHOUR
LARSON

VOTES

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

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

VoteDelVACoNov25-res