

AGENDA
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
March 10, 2026
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leader - Stevie Boone, a kindergarten student at Covenant Christian School and resident of the Jamestown District

E. PUBLIC COMMENT

F. CONSENT CALENDAR

G. PUBLIC HEARING(S)

1. Short-Term Rental Compliance Review for Certain Special Use Permits
2. AFD-25-0001. 2756, 2900, and 3006 Jolly Pond Road Gordon Creek AFD Addition
3. Z-25-0003/SUP-25-0006. 297 and 279 Neck-O-Land Road

H. BOARD CONSIDERATION(S)

1. Request for Special Use Permit Extension: SUP-21-0022. 360 Racefield Drive Solar Farm

I. BOARD REQUESTS AND DIRECTIVES

J. REPORTS OF THE COUNTY ADMINISTRATOR

K. CLOSED SESSION

1. Consideration of a personnel matter, the appointment of individuals to County Boards and/or Commissions, pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia, and pertaining to the Colonial Behavioral Health Board.
2. Certification of Closed Session

L. ADJOURNMENT

1. Adjourn until 1 pm on March 24, 2026 for the Business Meeting

MEMORANDUM

DATE: March 10, 2026

TO: The Board of Supervisors

FROM: Christy H. Parrish, Zoning Administrator

SUBJECT: Short-Term Rental Compliance Review for Certain Special Use Permits

At its meeting on February 10, 2026, staff presented a Compliance Review summary to the Board of Supervisors (the “Board”) in accordance with the previously approved Special Use Permits (“SUP”) for Short-Term Rentals, for the following cases:

Case No.	Address	Parcel No.	Use Type
SUP-22-0022	4711 Rochambeau Drive	2410200030	Tourist Home
SUP-22-0023	2878 Monticello Avenue	4420100006	Tourist Home
SUP-23-0001	2886 Lake Powell Road	4810100044	Rental of Rooms
SUP-23-0003	2884 Chickahominy Road	2230100007	Tourist Home
SUP-23-0009	2868 Lake Powell Road	4810100046	Tourist Home
SUP-23-0010	2884 Lake Powell Road	4820100009B	Tourist Home

For each of these applications, the Board had previously adopted the following condition:

Compliance Review. On or before November 28, 2025, the owner of the Property must submit a letter to the Director of Planning requesting either the continuance or cancellation of the SUP. If the owner requests cancellation of the SUP or does not submit the required letter, the Director of Planning shall initiate proceedings for the Board of Supervisors to revoke the SUP pursuant to Section 24-12 of the County Code. If the owner of the Property requests continuance of the SUP, the owner must also submit a statement certifying that the use and Property are in compliance with all SUP conditions. The Director of Planning shall then prepare a memorandum setting forth any and all complaints received by staff since issuance of the SUP and any violations of the SUP conditions. The Director of Planning shall place the compliance review on the Board of Supervisors’ February 2026 Board meeting as a Public Hearing item at no cost to the Property owner. Following the public hearing, the Board of Supervisors shall determine whether to initiate proceedings to revoke the SUP due to incompatibility with the surrounding neighborhood, violation of the SUP conditions, or any other reason related to the health, safety, and welfare of the community or may instead set a new compliance review date.

Following the staff presentation and public comment period on February 10, staff recommended the Board continue the public hearing to the March 10, 2026, Board meeting to allow staff to draft new resolutions for each SUP for the Board’s consideration.

Upon consultation with the County Attorney following the meeting, it was discovered that the Board cannot amend the existing conditions of the SUP without going through the same procedure as it did when originally approved.

At tonight’s meeting, the Board may wish to consider the following actions upon closing the public hearing:

- Initiate proceedings to revoke one or more of the SUPs.
- Initiate proceedings to amend one or more of the SUPs.
- Direct staff to provide another compliance review at a particular time for one or more of the SUPs.
- Take no action and allow one or more of the SUPs to run with the land.

Short-Term Rental Compliance Review for Certain Special Use Permits

March 10, 2026

Page 2

Should the Board wish to take no action and allow the use to run with the land as described in each SUP, the Board would retain the ability to initiate the revocation of any SUP for any repeated violations or a change in conditions affecting the public health, safety, and welfare since the adoption of the SUP through Section 24-12, Revocation of special use permits of the Zoning Ordinance.

Recommendation

Based upon the Board's comments at the February 10 Board meeting, staff recommends the following two actions:

1. Take no action on the following properties and allow the short-term rental use to continue subject to the conditions described in their respective SUPs:

Case No.	Address	Parcel No.	Use Type
SUP-22-0022	4711 Rochambeau Drive	2410200030	Tourist Home
SUP-22-0023	2878 Monticello Avenue	4420100006	Tourist Home
SUP-23-0001	2886 Lake Powell Road	4810100044	Rental of Rooms
SUP-23-0003*	2884 Chickahominy Road	2230100007	Tourist Home
SUP-23-0010	2884 Lake Powell Road	4820100009B	Tourist Home

* On February 13, 2026, the Commissioner of Revenue's Office confirmed that the owner filed the required lodging tax coupons and is now in compliance with their office.

2. Direct staff to provide another compliance review on the following property at a March 2027 Board meeting:

Case No.	Address	Parcel No.	Use Type
SUP-23-0009	2868 Lake Powell Road	4810100046	Tourist Home

Staff looks forward to discussing this matter with the Board and receiving direction on desired action(s).

CHP/tm

SUPSSTRCR-mem

Attachments:

1. February 10, 2026, Memorandum

MEMORANDUM

DATE: February 10, 2026

TO: The Board of Supervisors

FROM: Christy H. Parrish, Zoning Administrator

SUBJECT: Short-Term Rental Compliance Review for Certain Special Use Permits

The Board of Supervisors has previously approved Special Use Permits (“SUP”) for Short-Term Rentals, including the following:

Case No.	Address	Parcel Number	Use Type
SUP-22-0022	4711 Rochambeau Drive	2410200030	Tourist Home
SUP-22-0023	2878 Monticello Avenue	4420100006	Tourist Home
SUP-23-0001	2886 Lake Powell Road	4810100044	Rental of Rooms
SUP-23-0003	2884 Chickahominy Road	2230100007	Tourist Home
SUP-23-0009	2868 Lake Powell Road	4810100046	Tourist Home
SUP-23-0010	2884 Lake Powell Road	4820100009B	Tourist Home

For each of these applications, the Board adopted the following condition:

Compliance Review. On or before November 28, 2025, the owner of the Property must submit a letter to the Director of Planning requesting either the continuance or cancellation of the SUP. If the owner requests cancellation of the SUP or does not submit the required letter, the Director of Planning shall initiate proceedings for the Board of Supervisors to revoke the SUP pursuant to Section 24-12 of the County Code. If the owner of the Property requests continuance of the SUP, the owner must also submit a statement certifying that the use and Property are in compliance with all SUP conditions. The Director of Planning shall then prepare a memorandum setting forth any and all complaints received by staff since issuance of the SUP and any violations of the SUP conditions. The Director of Planning shall place the compliance review on the Board of Supervisors’ February 2026 Board meeting as a Public Hearing item at no cost to the Property owner. Following the public hearing, the Board of Supervisors shall determine whether to initiate proceedings to revoke the SUP due to incompatibility with the surrounding neighborhood, violation of the SUP conditions, or any other reason related to the health, safety, and welfare of the community or may instead set a new compliance review date.

The purpose of this memorandum is to provide the Board with the information it needs to conduct the public hearing and complete its compliance review.

Each property owner or their agent has requested continuance of their SUP and has provided a statement that the use and the Property are in compliance with all SUP conditions. Staff can confirm that this information was submitted prior to November 28, 2025. These requests are included as attachments, as well as copies of the original staff reports.

Short-Term Rental Compliance Review for Certain Special Use Permits

February 10, 2026

Page 2

The following chart summarizes the compliance review completed by staff on each property:

Case No.	Address	Complaints Received*	Business License Status	Have Any Violations of the SUP Conditions Been Cited Since Approval of the Application	Is the Property Currently in Violation of the Adopted SUP Conditions	Notes
SUP-22-0022	4711 Rochambeau Drive	None	Current	No	No	
SUP-22-0023	2878 Monticello Avenue	None	Current	Yes	No	After SUP approval, the rental listing advertised more bedrooms to rent than was permitted by SUP. The rental listing has since been revised to correct the number of bedrooms.
SUP-23-0001	2886 Lake Powell Road	None	Current	Yes	Yes	One rental listing is advertising more bedrooms and guests than permitted.
SUP-23-0003	2884 Chickahominy Road	None	Please see No. 1, below	Yes	No	After SUP approval, the rental listing advertised more bedrooms to rent than was permitted by SUP. The rental listing has since been revised to correct the number of bedrooms.
SUP-23-0009	2868 Lake Powell Road	Police reported one noise complaint. **	Please see No. 2, below	Yes	Yes	One rental listing is advertising more bedrooms and guests than permitted.
SUP-23-0010	2884 Lake Powell Road	None	Current	No	No	

Reported information above is as of January 23, 2026.

*In checking whether or not any complaints have been received regarding the use of the property as Short-Term Rental, staff checked with the Planning and Zoning Divisions and with the James City County Police Department. The Police Department's report contained calls received between mid-2024 to present.

**The report listed receiving a noise complaint from the dwelling and for people being loud in the yard at 2868 Lake Powell Road. It is unknown if the complaint was related to the short-term rental use.

1. Per the Commissioner of the Revenue Office: 2884 Chickahominy Road (Mario A. Medina) has a 2025 license that is good through March 2, 2026, when the 2026 renewal is due; however, the business owner has not filed or paid monthly lodging taxes, as required. Further, the amount due is presently unknown because sales have not been reported, as required.
2. Per the Commissioner of the Revenue Office: 2868 Lake Powell Road (Rebecca Waltrip) has a 2025 license that is good through March 2, 2026, when the 2026 renewal is due; however, the business owner has not filed or paid monthly lodging taxes, as required. Further, the amount due is presently unknown because sales have not been reported, as required.

Per the currently adopted SUP condition, following the public hearing, the Board of Supervisors shall determine whether to initiate proceedings to revoke the SUP due to incompatibility with the surrounding neighborhood, violation of the SUP conditions, or any other reason related to the health, safety, and welfare of the community or may instead set a new compliance review date.

As desired, staff also notes that since the time of the original approvals of these SUPs, the Code of Virginia has been amended and now allows localities to establish a sunset clause in SUPs for the short-term rental use.

Staff looks forward to discussing this matter with the Board and receiving direction on desired next steps.

CHP/ap

SUPSTRCompRev-rev-mem

Attachments:

1. SUP-22-0022. 4711 Rochambeau Drive Tourist Home (Letter, SUP Resolution, Master Plan)
2. SUP-22-0023. 2878 Monticello Avenue Tourist Home (Letter, SUP Resolution, Master Plan)
3. SUP-23-0001. 2886 Lake Powell Road Rental of Rooms (Letter, SUP Resolution, Master Plan)
4. SUP-23-0003. 2884 Chickahominy Road Tourist Home (Letter, SUP Resolution, Master Plan)
5. SUP-23-0009. 2868 Lake Powell Road Tourist Home (Letter, SUP Resolution, Master Plan)
6. SUP-23-0010. 2884 Lake Powell Road Tourist Home (Letter, SUP Resolution, Master Plan)

**AGRICULTURAL AND FORESTAL DISTRICT-25-0001. 2756, 2900, and 3006 Jolly Pond Road Gordon Creek AFD Addition
Staff Report for the March 10, 2026, Board of Supervisors Public Hearing**

SUMMARY FACTS

Applicant: Mr. William C. Kane

Landowners: Mr. William C. Kane, Jr., Trustee, and Ms. Angelia K. Kane, Trustee

Proposal: Addition of ± 50 acres to the Gordon Creek Agricultural and Forestal District (AFD)

Locations: 2756 Jolly Pond Road
2900 Jolly Pond Road
3006 Jolly Pond Road

Tax Map/Parcel Nos.: 3520100007
3610100001
3030100007

Project Acreage: ± 50 acres

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area: Outside

Staff Contact: Will Albiston, Planner

PUBLIC HEARING DATES

AFD Advisory Committee: January 15, 2026, 4:00 p.m.

Planning Commission: March 4, 2026, 6:00 p.m.

Board of Supervisors: March 10, 2026, 5:00 p.m.

FACTORS FAVORABLE

1. Staff finds that this addition to the Gordon Creek Agricultural and Forestal District (AFD) would not adversely affect surrounding development and is consistent with the core of the District.
2. Staff finds the proposal consistent with the 2045 Comprehensive Plan Land Use (LU) Action 6.1.1.
3. This proposal is not anticipated to generate any impacts that require mitigation.

FACTORS UNFAVORABLE

None.

SUMMARY STAFF RECOMMENDATION

Staff finds that the proposed addition meets all state and local requirements for inclusion in the Gordon Creek AFD. Staff recommends that the Board of Supervisors approve the application, subject to the proposed conditions, consistent with other properties in the District.

AFD ADVISORY COMMITTEE RECOMMENDATION

At its January 15, 2026, meeting, the AFD Advisory Committee voted to recommend approval of the application by a vote of 9-0.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission is scheduled to hear this application at its March 4, 2026, Regular Meeting. Staff will present the Planning Commission's recommendation at the March 10, 2026, Board of Supervisors 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.

**AGRICULTURAL AND FORESTAL DISTRICT-25-0001. 2756, 2900, and 3006 Jolly Pond Road Gordon Creek AFD Addition
Staff Report for the March 10, 2026, Board of Supervisors Public Hearing**

CHANGES SINCE THE PLANNING COMMISSION MEETING

Should there be any changes to this application after the March 4, 2026, Planning Commission Regular Meeting, staff will present such changes at the March 10, 2026, Board of Supervisors Regular Meeting.

PROJECT DESCRIPTION

- Mr. Bill Kane has applied to enroll $\pm$ 50 acres of land located at 2756 Jolly Pond Road, 2900 Jolly Pond Road, and 3006 Jolly Pond Road into the Gordon Creek AFD. The land is primarily forested while it also contains a portion of Jolly Pond and a portion of the vacated section of Jolly Pond Road. The majority of 2756 Jolly Pond Road is already enrolled in the Gordon Creek AFD. The remainder that is proposed to be added resulted from various boundary line adjustments with adjacent parcels. The applicant has stated that he currently has no plans to harvest timber or develop the properties.
- The subject parcels are within one mile of the core parcels in the Gordon Creek AFD and are contiguous with other parcels currently in the District, which is consistent with the criteria listed in the *Code of Virginia* (see Attachment No. 4).
- Per the United States Department of Agriculture's *Soil Survey of James City and York Counties and the City of Williamsburg Virginia*, the parcels consist of the following soils:

Soil Type	Erosion Hazard	Equipment Limitation	Seedling Mortality	Windthrow Hazard
11C, Craven-Uchee complex, 6-12% slopes	Slight	Moderate	Moderate	Slight
14B, Emporia fine sandy loam, 2-6% slopes	Slight	Slight	Slight	Slight
15E, Emporia complex, 15-25% slopes	Slight	Moderate	Slight	Slight
29B, Slagle fine sandy loam, 2-6% slopes	Slight	Moderate	Slight	Slight

DISTRICT HISTORY

- The Gordon Creek AFD was created in 1986 for a term of four years and originally consisted of 26 parcels totaling $\pm$ 3,337 acres.
- The District was renewed in 1990, 1994, 1998, 2002, 2006, 2010, 2014, 2018, and 2022 for four-year periods. Various additions and withdrawals occurred throughout these years.
- If this addition is approved, the District would consist of $\pm$ 3,387 acres.

**AGRICULTURAL AND FORESTAL DISTRICT-25-0001. 2756, 2900, and 3006 Jolly Pond Road Gordon Creek AFD Addition
Staff Report for the March 10, 2026, Board of Supervisors Public Hearing**

SURROUNDING ZONING AND DEVELOPMENT

The following table lists the information on the adjacent parcels:

	ZONING DESIGNATION	EXISTING LAND USE	FUTURE LAND USE DESIGNATION
NORTH	PL, Public Lands	Landfill	Federal, State, or County Lands
SOUTH	A-1, General Agricultural	Forested Land/ Wetlands	Rural Lands
EAST	A-1, General Agricultural	Single- Family Residential /Forested Land	Rural Lands
WEST	A-1, General Agricultural	Single- Family Residential /Forested Land	Rural Lands

NATURAL AND CULTURAL ASSETS

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

ASSET	PRESENCE	IMPACT
Habitat Core	Present on Site	- All habitat cores identified in the Natural & Cultural Assets Plan are important ecologically. The core to the North of Jolly Pond Road is listed as a standard Habitat Core and the core to the South of Jolly Pond Road is listed as a Heightened Priority Habitat Core. - The entirety of the area proposed for addition is in a habitat core except for the vacated portion of Jolly Pond Road which separates the two Cores. - No mitigation required as the cores are proposed to be added to the AFD and there are no current plans for development.
Habitat Corridors	Present on Site	- This corridor, listed in the plan as "local connection - small road or train track", crosses Jolly Pond Road and is centered along the shared property line between 2756 Jolly Pond Road and 2900 Jolly Pond Road. - No mitigation required as the entire corridor will be added to the AFD should the application be approved and there are no current plans for development.
Agricultural Assets	Present on Site	- ± 14.9 acres or 12.9% of the subject parcels is rated prime farmland.

2045 COMPREHENSIVE PLAN

The subject parcels are designated Rural Lands on the 2045 Comprehensive Plan LU Map. Appropriate uses in Rural Lands include traditional agricultural and forestal activities. LU Action 6.1.1 of the 2045 Comprehensive Plan states that the County shall “Support both the use value assessment and AFD programs to the maximum degree allowed by the Code of Virginia. Explore extending the terms of the County’s Districts.” Staff finds this application to be consistent with both the Rural Lands designation and LU Action 6.1.1.

PUBLIC IMPACTS

This proposal is not anticipated to generate any impacts that require mitigation.

STAFF RECOMMENDATION

Staff finds that the proposed addition meets all state and local requirements for inclusion in the Gordon Creek AFD. Staff recommends that the Board of Supervisors approve the application, subject to the proposed conditions, consistent with other properties in the District.

WA/ap
AFD25-1_JollyPdRd

Attachments:

1. Ordinance
2. Location Map
3. Gordon Creek AFD Map
4. Adopted Gordon Creek AFD 2022 Renewal Ordinance
5. State Code § 15.2-4305 and § 15.2-4306 Regarding Application and Review Criteria for AFD Additions
6. Unapproved Minutes of the January 15, 2026, AFD Committee Meeting

ORDINANCE NO. _____

AGRICULTURAL AND FORESTAL DISTRICT-25-0001.

2756, 2900, AND 3006 JOLLY POND ROAD GORDON CREEK AFD ADDITION

WHEREAS, a request has been filed with the Board of Supervisors of James City County, Virginia, (the "Board") to add $\pm$ 50 acres of land owned by Mr. William C. Kane, Jr., Trustee, and Ms. Angelia K. Kane, Trustee, located at 2756, 2900, and 3006 Jolly Pond Road, further identified as James City County Real Estate Tax Map Parcel Nos. 3520100007, 3610100001, and 3030100007, to the Agricultural and Forestal District (AFD) No. 09-86, which is generally known as the "Gordon Creek Agricultural and Forestal District" (the "Application"); and

WHEREAS, at its January 15, 2026, meeting, the AFD Advisory Committee voted 9-0 to recommend approval of the Application; and

WHEREAS, a public hearing was advertised and held by the Planning Commission (the "Commission") at its March 4, 2026, meeting, after which the Commission voted **X-X** to recommend approval of the Application; and

WHEREAS, a public hearing was advertised and held by the Board of Supervisors.

NOW, THEREFORE, BE IT ORDAINED that the Board of Supervisors of James City County, Virginia, hereby adds $\pm$ 50 acres located at 2756, 2900, and 3006 Jolly Pond Road and identified as James City County Real Estate Tax Map Parcel Nos. 3520100007, 3610100001, and 3030100007, (the "Property") to AFD-09-86, which is generally known as the "Gordon Creek Agricultural and Forestal District" (the "District") with the following conditions:

1. That pursuant to Virginia Code Section 15.2-4309 of the Act, the Board of Supervisors requires that any parcel in the District shall not, without the prior approval of the Board of Supervisors, be developed to any more intensive use, other than uses resulting in more intensive agricultural or forestal production. Specifically, the following restrictions shall apply:
 - a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCFs), provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.
 - b. Land within the District may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from Agricultural and Forestal Districts, adopted September 28, 2010.

- c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the Act, which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for WCFs on properties in the District that are in accordance with the County's policies and Ordinances regulating such facilities.

John J. McGlennon
Chair, Board of Supervisors

ATTEST:

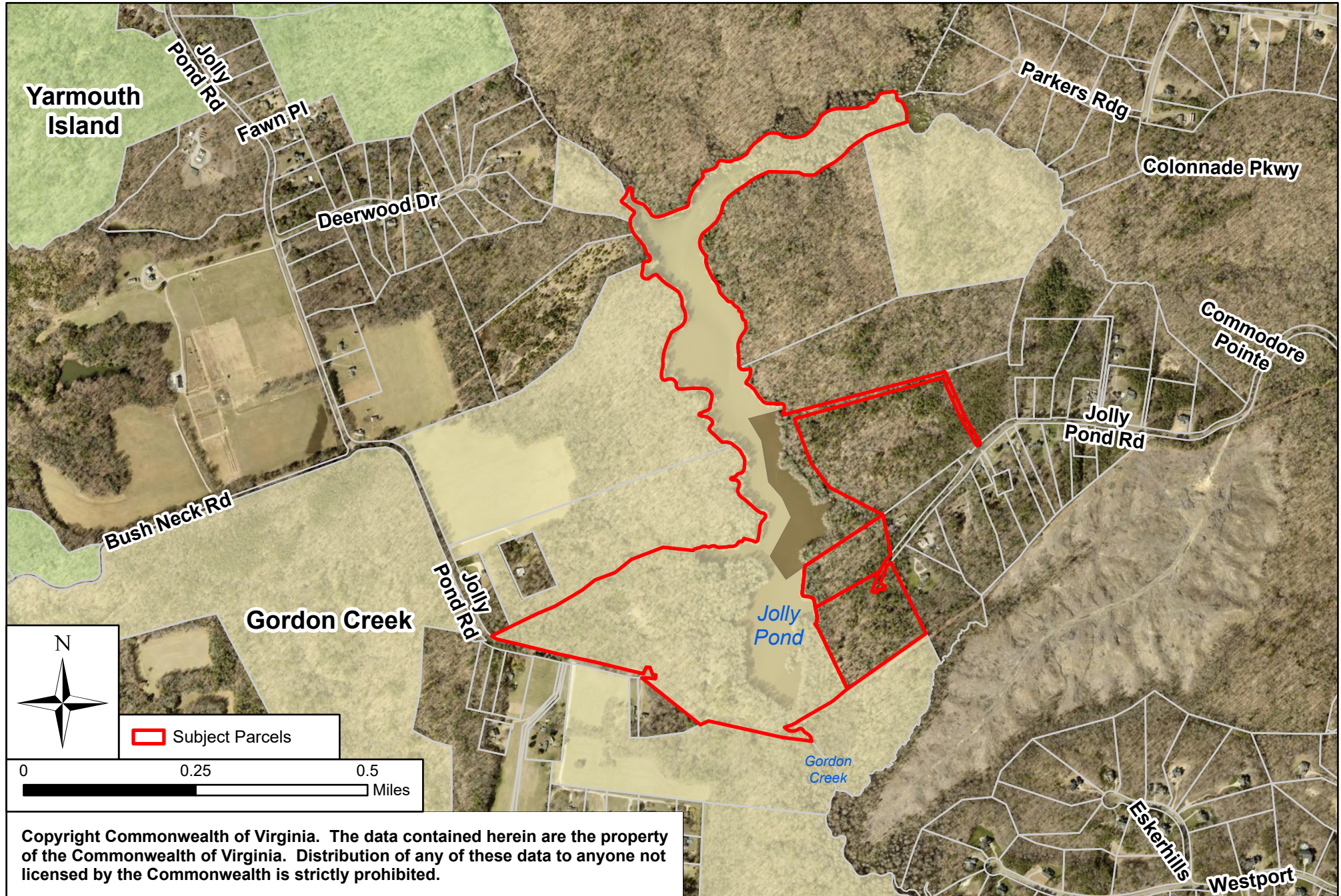
Teresa J. Saeed
Deputy Clerk to the Board

	VOTES			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
WAINWRIGHT	_____	_____	_____	_____
NULL	_____	_____	_____	_____
ICENHOUR	_____	_____	_____	_____
LARSON	_____	_____	_____	_____
MCGLENNON	_____	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of March, 2026.

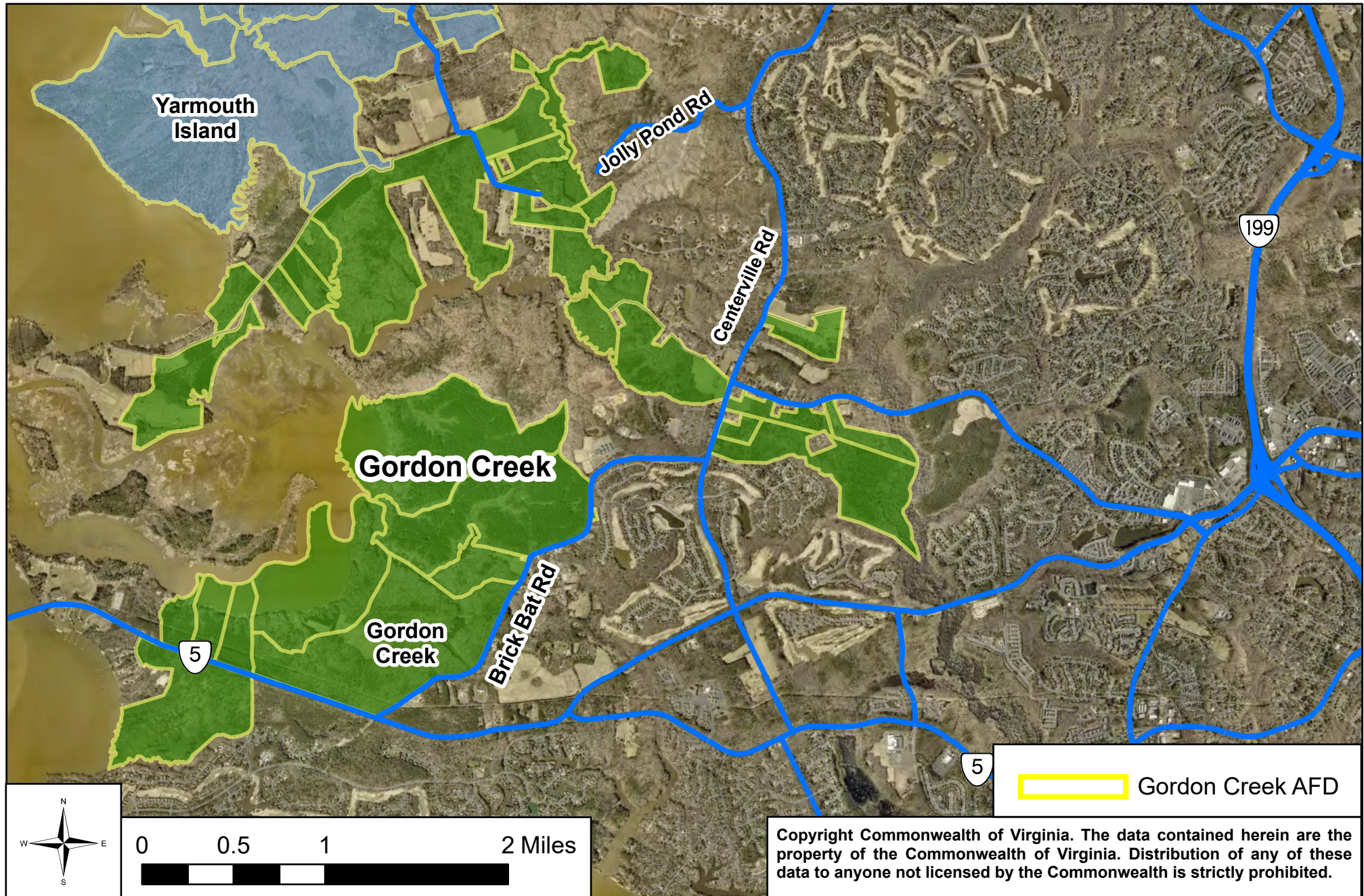
AFD25-1_JollyPdRd-ord

JCC AFD-25-0001. 2756, 2900, & 3006 Jolly Pond Road Gordon Creek AFD Addition



JCC AFD-22-0008

Gordon Creek Agricultural Forestal District



ADOPTED

SEP 13 2022

ORDINANCE NO. 170A-23

Board of Supervisors
James City County, VA

AGRICULTURAL AND FORESTAL DISTRICT-22-0008

GORDON CREEK 2022 RENEWAL

WHEREAS, James City County has completed a review of the Gordon Creek Agricultural and Forestal District (the "District"); and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code"), property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the District; and

WHEREAS, the Agricultural and Forestal District (AFD) Advisory Committee at its meeting on July 21, 2022, voted 6-0 to recommend renewal of the District; and

WHEREAS, the Planning Commission following its public hearing on August 3, 2022, concurred with the recommendation of staff and the AFD Advisory Committee and voted 7-0 to recommend renewal of the District with the conditions listed below.

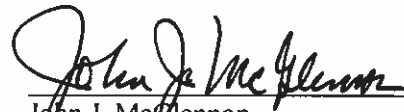
NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that:

1. The Gordon Creek Agricultural and Forestal District (the "District") is hereby continued to October 31, 2026, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq. (the "Act").
2. That the District shall include the following parcels, provided, however, that all land within 25 feet of road rights-of-way is excluded from the District:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Martha W. McMurran & SWR-Pinewood	3540100001	394.50
Edward D, III, and Regina L. Warburton	3520100001B	29.00
Marion P. Warburton	2940100011	56.20
David H. & Stephanie M. Allen	3420100002	132.98
Thomas R. Tucker, Trustee	3420100002A	25.02
Martha W. McMurran & SWR-Pinewood	3630100003	264.00
Thomas L. and Victoria R. Hitchens, Trustee	3610100006	35.00
William Albert Thompson, Trustee and InSight Law PLLC, Trustee	3620100040	136.96
Claybank Landing, LLC	4320100012	33.83
Claybank Landing, LLC	4320100013	46.04
Claybank Landing, LLC	4320100014	44.92
Richardson Holdings Limited Partnership	3640100007	109.65
Richardson Holdings Limited Partnership	3030100003	33.00
Scott Arthur Carswell and Robert. Anson Carswell	3610100003	44.00

James M. and Deborah S. Wright, Trustee	3610100004	36.92
Powhatan Associates	4410100001	360.50
Powhatan Associates	3540100016	25.52
Powhatan Associates	3530100001	241.68
Gregory R. Davis, Trustee	3540100009	56.15
Linda Henderson Gordon	3420100001	35.30
Nayses Bay Land Company, LLC	3510100003	32.00
Nayses Bay Land Company, LLC	3510100006	34.30
William C. Jr. and Angelia Kane, Trustee	2940100003	4.00
William C. Jr. and Angelia Kane, Trustee	3520100007	110.00
William C. Jr. and Angelia Kane, Trustee	3610100002	13.00
Baxter I. Bell Jr., Trustee	4320100003	207.95
Robert Anson and S. Carswell	3520100010	28.36
Beatrice Richardson Est.	3640100009	22.00
Richardson Holdings Limited Partnership	3640100008	38.00
Pickett Holdings, LLC	3510100001	349.00
Jerry W. & Martha M. Nixon	3730100003	30.74
Michael B. & Michelle Ann Isler	3630100004	1.11
Total:		<u>3,011.63</u>

3. That pursuant to Section 15.2-4309 of the Act, The Board of Supervisors requires that any parcel in the District shall not, without the prior approval of the Board of Supervisors, be developed to any more intensive use, other than uses resulting in more intensive agricultural or forestal production. Specifically, the following restrictions shall apply:
 - a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCF), provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.
 - b. Land within the District may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from Agricultural and Forestal Districts, adopted September 28, 2010.
 - c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the Act, which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SPUs for WCFs on properties in the District that are in accordance with the County's policies and Ordinances regulating such facilities.



John J. McGlennon
Chairman, Board of Supervisors

ATTEST:



Teresa J. Saegert
Deputy Clerk to the Board

ICENHOUR
HIPPLE
LARSON
SADLER
MCGLENNON

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 13th day of September, 2022.

AFD22-8GrdnCrkRen-res-rev

§ 15.2-4305. Application for creation of district in one or more localities; size and location of parcels

On or before November 1 of each year or any other annual date selected by the locality, any owner or owners of land may submit an application to the locality for the creation of a district or addition of land to an existing district within the locality. Each district shall have a core of no less than 200 acres in one parcel or in contiguous parcels. A parcel not part of the core may be included in a district (i) if the nearest boundary of the parcel is within one mile of the boundary of the core, (ii) if it is contiguous to a parcel in the district the nearest boundary of which is within one mile of the boundary of the core, or (iii) if the local governing body finds, in consultation with the advisory committee or planning commission, that the parcel not part of the core or within one mile of the boundary of the core contains agriculturally and forestally significant land. No land shall be included in any district without the signature on the application, or the written approval of all owners thereof. A district may be located in more than one locality, provided that (i) separate application is made to each locality involved, (ii) each local governing body approves the district, and (iii) the district meets the size requirements of this section. In the event that one of the local governing bodies disapproves the creation of a district within its boundaries, the creation of the district within the adjacent localities' boundaries shall not be affected, provided that the district otherwise meets the requirements set out in this chapter. In no event shall the act of creating a single district located in two localities pursuant to this subsection be construed to create two districts.

1977, c. 681, § 15.1-1511; 1979, c. 377; 1981, c. 546; 1984, c. 20; 1985, c. 13; 1987, c. 552; 1993, cc. 745, 761; 1997, c. 587; 1998, c. [833](#); 2011, cc. [344](#), [355](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 15.2-4306. Criteria for evaluating application

Land being considered for inclusion in a district may be evaluated by the advisory committee and the planning commission through the Virginia Land Evaluation and Site Assessment (LESA) System or, if one has been developed, a local LESA System. The following factors should be considered by the local planning commission and the advisory committee, and at any public hearing at which an application that has been filed pursuant to § 15.2-4303 is being considered:

1. The agricultural and forestal significance of land within the district or addition and in areas adjacent thereto;
2. The presence of any significant agricultural lands or significant forestal lands within the district and in areas adjacent thereto that are not now in active agricultural or forestal production;
3. The nature and extent of land uses other than active farming or forestry within the district and in areas adjacent thereto;
4. Local developmental patterns and needs;
5. The comprehensive plan and, if applicable, the zoning regulations;
6. The environmental benefits of retaining the lands in the district for agricultural and forestal uses; and
7. Any other matter which may be relevant.

In judging the agricultural and forestal significance of land, any relevant agricultural or forestal maps may be considered, as well as soil, climate, topography, other natural factors, markets for agricultural and forestal products, the extent and nature of farm structures, the present status of agriculture and forestry, anticipated trends in agricultural economic conditions and such other factors as may be relevant.

1977, c. 681, § 15.1-1511; 1979, c. 377; 1981, c. 546; 1984, c. 20; 1985, c. 13; 1987, c. 552; 1993, cc. 745, 761; 1997, c. 587.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

**Unapproved Minutes of the January 15, 2026
Agricultural and Forestal District Advisory Committee Regular Meeting**

SUP-25-0001. 2756, 2900, & 3006 Jolly Pond Road Gordon Creek AFD Addition

Mr. Albiston, Planner, provided an overview of the application and reiterated staff's analysis from the Staff Report. He stated that Mr. William C. Kane has applied on behalf of Mr. William C. Kane, Jr., Trustee, and Ms. Angelia K. Kane, Trustee, to request the addition of ±50 acres to the Gordon Creek Agricultural and Forestal District (AFD). Mr. Albiston noted that the land is primarily forested while it also contains a portion of Jolly Pond and a portion of the vacated section of Jolly Pond Road. Mr. Albiston added that the majority of 2756 Jolly Pond Road is already enrolled in the Gordon Creek AFD and that the remainder which is proposed to be added resulted from various boundary line adjustments with adjacent parcels. Mr. Albiston finished by stating that staff finds the proposed addition meets all state and local requirements for inclusion in the Gordon Creek AFD and that staff recommends approval. Mr. Albiston thanked the Committee and welcomed questions.

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

Mr. Harcum seconded the motion.

On a voice vote the committee voted to recommend approval of SUP-25-0001. 2756, 2900, & 3006 Jolly Pond Road Gordon Creek AFD Addition (9-0).

**REZONING-25-0003/SPECIAL USE PERMIT-25-0006. 297 and 279 Neck-O-Land Road Rezoning and Waterline Extension
Staff Report for the March 10, 2026, Board of Supervisors Public Hearing**

SUMMARY FACTS

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

Landowners: Ms. Marina Fotiadis and Mr. Konstantin Fotiadis, Trustees

Proposal: A request to rezone the subject properties from R-8, Rural Residential to R-2, General Residential, with Proffers and for a Special Use Permit (SUP) to permit the extension of public water to the subject properties.

Locations: 297 Neck-O-Land Road
279 Neck-O-Land Road

Tax Map/Parcel Nos.: 4730100047
4730100043

Property Acreage: $\pm$ 2.796 acres
 $\pm$ 0.804 acres

Zoning: R-8, Rural Residential

Proposed Zoning: R-2, General Residential, with Proffers

Comprehensive Plan: Low Density Residential

Primary Service Area (PSA): Inside

Staff Contact: Roberta Sulouff, Senior Planner

PUBLIC HEARING DATES

Planning Commission: February 4, 2026, 6:00 p.m.

Board of Supervisors: March 10, 2026, 5:00 p.m.

FACTORS FAVORABLE

1. The proposal is compatible with surrounding zoning and development.
2. The proposal is consistent with the 2045 Comprehensive Plan Land Use Designation for this site.
3. The applicant proposes restoration of the Resource Protection Area (RPA) buffer which was impacted by previous commercial activities at this site.
4. The proposal creates an opportunity to bring the site into greater conformance with the Zoning Ordinance.
5. Impacts: See Impact Analysis on Pages 4-8.

FACTORS UNFAVORABLE

1. The proposal exceeds the Comprehensive Plan base recommended net density for Low Density Residential (LDR) (one unit per acre); however, the Comprehensive Plan allows for densities up to four units per acre, provided the application proposes particular public benefits, including enhanced environmental protection.
2. Impacts: See Impact Analysis on Pages 4-8.

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-25-0003/SPECIAL USE PERMIT-25-0006. 297 and 279 Neck-O-Land Road Rezoning and Waterline Extension
Staff Report for the March 10, 2026, Board of Supervisors Public Hearing**

PLANNING COMMISSION RECOMMENDATION

At its February 5, 2026, meeting, the Planning Commission voted 7-0 to recommend the Board of Supervisors approve these applications, subject to the proposed conditions and proffers. The Planning Commission also approved a resolution to find the proposal consistent with the Comprehensive Plan in accordance with Section 15.2-2232 of the Code of Virginia.

CHANGES SINCE THE PLANNING COMMISSION MEETING

None.

SUMMARY STAFF RECOMMENDATION

Staff recommends approval of the proposed Rezoning and SUP applications, subject to the proposed conditions and proffers.

PROJECT DESCRIPTION

Mr. Vernon Geddy of Geddy & Franck, LLP, has applied on behalf of Ms. Marina and Mr. Konstantin Fotiadis to rezone the properties located at 297 and 279 Neck-O-Land Road from R-8, Rural Residential, to R-2, General Residential, with Proffers, and for an SUP to permit the extension of public water to the subject properties.

The rezoning would allow for the subdivision of two existing lots into three residential lots. Currently, the properties are zoned R-8, Rural Residential, which requires a minimum lot size of three acres (i.e., the minimum lot size is three acres because these parcels are less than 25 acres in size and were legally in existence as of January 1, 2022). The total acreage of the site is 3.60 acres. By rezoning to R-2, General Residential, minimum lot size is reduced to 10,000 square feet, if connected to public water and sewer. The application results in a net density, which excludes RPA and floodplain, of 1.6 units per acre (please see Page 8 for further discussion of net density calculation).

Per the James City Service Authority (JCSA) regulations, any subdivision located within the PSA and within 1000 feet of usable JCSA infrastructure must connect to public water and/or sewer. The closest usable, existing JCSA water infrastructure is at the Neck-O-Land Road and Gate House Boulevard intersection. Water infrastructure is within 1,000 feet of the proposed subdivision and is thus required to connect at the owner's expense. Extensions of public utilities are specially permitted uses in the R-2 Zoning District. Existing sewer facilities do not need to be upgraded or extended to serve the property.

PLANNING AND ZONING HISTORY

- Historical records and satellite imagery indicate that this property previously operated as a commercial marina, boat repair, and snack bar for several decades. Additionally, records indicate that several existing, and some now-demolished, structures were used as residential rental properties and/or primary residences.
- In 1997, the Planning Division received an application for an SUP to permit a marina in the R-8 District. That application was deferred and ultimately did not move forward through the public hearing process.
- The Planning Division has received and reviewed several conceptual plans for the property, pertaining to both potential commercial and residential uses.
- In 2025, the property owner applied for, and received, demolition permits for two buildings, both of which have since been demolished and are not shown on the proposed Master Plan (Attachment No. 4).

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-25-0003/SPECIAL USE PERMIT-25-0006. 297 and 279 Neck-O-Land Road Rezoning and Waterline Extension
Staff Report for the March 10, 2026, Board of Supervisors Public Hearing**

SURROUNDING ZONING AND DEVELOPMENT

	ZONING DESIGNATION	EXISTING LAND USE	FUTURE LAND USE DESIGNATION
NORTH	R-8, Rural Residential and R-2, General Residential	Residential	Low Density Residential
SOUTH	R-8, Rural Residential and R-1, Limited Residential	Residential	Low Density Residential
EAST	R-1, Limited Residential	Residential	Low Density Residential
WEST	R-2, General Residential	Residential - Landfall at Jamestown HOA Property	Low Density Residential

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-25-0003/SPECIAL USE PERMIT-25-0006. 297 and 279 Neck-O-Land Road Rezoning and Waterline Extension
Staff Report for the March 10, 2026, Board of Supervisors Public Hearing

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Public Transportation: Vehicular</u>	<u>Mitigated</u>	- <i>Rezoning</i>: There are no impacts to the right-of-way. - <i>Waterline Extension</i>: Impacts to traffic will be temporary during construction of the waterline. Impacts to the Neck-O-Land right-of-way are addressed by proposed SUP conditions, which limit construction hours, lighting, and replanting.
<u>Public Transportation: Bicycle/Pedestrian</u>	<u>No Mitigation Required</u>	- The subject parcels do not front on a road that requires bicycle accommodations. - While a sidewalk is shown in this area on the adopted Pedestrian Accommodations Master Plan, minor subdivisions are exempt from this requirement. Additionally, the subject property is also located over one mile from any other existing sidewalk infrastructure and is therefore also exempt from sidewalk construction requirements. - These properties are not within walking distance of an existing Williamsburg Area Transit Authority bus stop.
<u>Public Safety</u>	<u>No Mitigation Required</u>	- Fire Station 3, located on John Tyler Highway, serves this site. The site is located approximately 3.5 miles from Fire Station 3. - <i>Waterline Extension</i>: This plan does not propose any new fire hydrants. The Fire Department reviewed this application and did not request the installation of any new fire hydrants.
<u>Public Schools</u>	<u>No Mitigation Required</u>	- The proposal is expected to generate negligible impacts to public schools.
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	- The proposal is not expected to generate impacts to public parks and recreation.
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	- The proposal is not expected to generate impacts to public libraries and cultural centers.
<u>Groundwater and Drinking Water Resources</u>	<u>Mitigated</u>	- The project proposes the extension of public water to three lots, which will include the construction of approximately 700 linear feet of water main line. A Water Conservation Agreement is required by both conditions and proffers. Extension of public sewer is not required, as the existing infrastructure is suitable and available to serve the property.

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-25-0003/SPECIAL USE PERMIT-25-0006. 297 and 279 Neck-O-Land Road Rezoning and Waterline Extension
Staff Report for the March 10, 2026, Board of Supervisors Public Hearing**

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Watersheds, Streams, and Reservoirs</u> Project is located in the Powhatan Creek Watershed. Portions of the site are located in FEMA Floodplain Zone AE.	<u>Mitigated</u>	- The Stormwater and Resource Protection Division (SRP) has reviewed this application and has no objections to the proposed rezoning and SUP. - The newly created lot will be outside of the RPA and floodplain areas. Additionally, staff has confirmed the existence of a suitable building envelope outside of the floodplain and RPA, should the current structure on proposed Lot 1 be destroyed. - A significant portion of the site is located inside of RPA. Much of this area was previously disturbed during the commercial operation of the site. The applicant is proffering restoration of some of this area, as well as the removal of a building located inside the floodplain and RPA (Attachment No. 3). The proposed proffers represent mitigation that would otherwise not be required, as disturbance of this area can be documented prior to the adoption of the Chesapeake Bay Preservation Act. - The applicant has brought the existing docks and bulkheads up to code and properly permitted them through the Virginia Marine Resources Commission.
<u>Cultural/Historic</u>	<u>No Mitigation Required</u>	- There are no impacts to cultural and historic resources as the site has been previously disturbed by the marina and associated operations.
<u>Nearby and Surrounding Properties</u>	<u>Mitigated</u>	- <i>Rezoning</i>: Staff finds this project does not generate impacts that require mitigation. - <i>SUP</i>: Proposed SUP conditions (Attachment No. 1) address potential impacts to neighbors such as adverse construction hours (Condition No. 2), lighting (Condition No. 3), and the disturbance of existing vegetation (Condition No. 5).
<u>Community Character</u>	<u>No Mitigation Required</u>	- The subject parcels and right-of-way are not located in a Community Character Area or Community Character Corridor.
<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.

IMPACT ANALYSIS

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-25-0003/SPECIAL USE PERMIT-25-0006. 297 and 279 Neck-O-Land Road Rezoning and Waterline Extension
Staff Report for the March 10, 2026, Board of Supervisors Public Hearing**

Anticipated Impacts on Public Facilities and Services:

- *Traffic/Transportation:* Neck-O-Land is classified as a local road per the Virginia Department of Transportation's Roadway Classification Map. Per Section 24-23 of the Zoning Ordinance, this application did not require the submittal of a formal Traffic Impact Analysis. Per the Institute of Transportation Engineers standards, this application is expected to generate 0.75 trips per A.M. peak hour and 0.99 trips per P.M. peak hour. Staff have proposed conditions (Attachment No. 1) to mitigate temporary impacts to the public right-of-way, such as limiting construction hours, lighting, and requiring replanting of vegetation upon completion of the project. The applicant is not proposing any new entrances to the site.
- *Schools:* The application proposes one additional single-family detached dwelling unit. Per the James City County Fiscal Impact Analysis Model, this could produce up to one new student. This passes the adopted Adequate Public School Facilities Test, as it would not cause Laurel Lane Elementary School, Berkeley Middle School, or Lafayette High School to exceed their respective design capacities.
- *Parks:* Due to scale, submittal requirements for park information was waived upon application. Parks & Recreation affirmed this waiver request.
- *Utilities:* The application proposes the extension of ± 700 linear feet of water main of at least one inch in diameter. The site is currently served by private well but is within the PSA. Per the JCSA regulations adopted in 2024, any newly proposed subdivision inside the PSA and within 1,000 feet of an existing water main must connect to public utilities. The site is served by public sewer, and upon review JCSA staff have determined that

existing sewer infrastructure is sufficient to serve the additional dwelling unit generated by this application.

Anticipated Environmental Impacts:

- The site includes 0.70 acres of land inside the RPA and 1.02 acres of land located in area designated FEMA Flood Zone AE-Level. 7. Much of this area has been disturbed by prior commercial use of the property. Historical records and satellite imagery show several structures, inside and outside of the RPA and floodplain, that have since been removed by the current owners of the site, including several piers, outbuildings, and homes.
- The application proposes no new disturbance of RPA or flood zone areas. Much of the physical disturbance of the site occurred prior to current RPA regulations and therefore is not subject to compulsory removal or remediation. In addition to the general site cleanup and removals listed above that the applicant has already completed, the applicant is also proffering the restoration of a significant portion of currently disturbed RPA. Please see below for further discussion on specific proffers.

COMPREHENSIVE PLAN

The properties are designated LDR on the Comprehensive Plan Land Use Map. Recommended uses include single-family residential, and the Comprehensive Plan suggests that, for areas designated LDR and zoned R-8, "[f]or residential uses, it may be appropriate to rezone to a residential zoning district" (LU-29).

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-25-0003/SPECIAL USE PERMIT-25-0006. 297 and 279 Neck-O-Land Road Rezoning and Waterline Extension
Staff Report for the March 10, 2026, Board of Supervisors Public Hearing**

While the suggested base density for LDR is one dwelling unit per acre of net developable area, the Comprehensive Plan allows for up to four units per acre if the application proposes the provision of “particular public benefits” including enhanced environmental protections. The total acreage of the site is 3.6 acres; however, 1.72 acres of the site lies in the RPA or in a FEMA flood zone. Thus, the net developable acreage of the site is 1.88 acres. The application includes three dwelling units, which results in a net density of 1.6 units per acre. The applicant is proffering Water Conservation Standards and proposing a significant effort to restore previously disturbed areas of RPA and floodplain:

- *Proffer No. 3:* Provides for the demolition of an existing dwelling within the RPA and floodplain within six months of Board of Supervisors approval of the application.
- *Proffer No. 4:* Provides for the removal of invasive bamboo on the property. This proffer stipulates that the area must be replanted with grass within 12 months of Board of Supervisors approval of the application.
- *Proffer No. 6:* Provides for replanting a portion of the RPA adjacent to Powhatan Creek. The area is currently a mixture of denuded earth and turf grass. The applicant, in consultation with Stormwater and Resource Protection Division staff, has proffered to replant some of this area with appropriate bunch grasses.
- *Proffer No. 7:* Bonds the removal of the bamboo and all aforementioned replanting. The proposed bond is for a five-year period and would require inspection and approval before complete release of the bond.

FINDING OF CONSISTENCY

Section 15.2-2232 of the Code of Virginia requires that unless a utility facility is shown on the Comprehensive Plan or other Master Plans for the County, the local Planning Commission and governing body shall review the facility to determine whether the location, character, and extent of the facility is substantially in accord with the Comprehensive Plan.

The Planning Commission approved a resolution (Attachment No. 6) to find the proposal consistent with the Comprehensive Plan in accordance with Section 15.2-2232 of the Code of Virginia.

PROPOSED SUP CONDITIONS

The full text of the proposed conditions is provided in Attachment No. 1.

PROFFERS

The applicant has submitted signed proffers, as discussed above, included as Attachment No. 3.

STAFF RECOMMENDATION

Staff finds these applications to be generally consistent with the County’s Zoning Ordinance, Comprehensive Plan, and adopted policies. Staff recommends that the Board of Supervisors approve the proposed Rezoning and SUP applications, subject to the attached conditions and proffers.

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-25-0003/SPECIAL USE PERMIT-25-0006. 297 and 279 Neck-O-Land Road Rezoning and Waterline Extension
Staff Report for the March 10, 2026, Board of Supervisors Public Hearing**

RS/ap
RZ25-3_SUP25-6NkOLand

Attachments:

1. Resolution
2. Ordinance
3. Proposed Proffers
4. Location Map
5. Master Plan
6. Adopted Resolution of Consistency
7. Unapproved Minutes of the February 4, 2026, Planning
Commission Meeting

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

RESOLUTION

CASE NO. SUP-25-0006. 297 AND 279 NECK-O-LAND ROAD WATERLINE EXTENSION

- 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. Vernon Geddy of Geddy & Franck, LLP, has applied for an SUP on behalf of Ms. Marina and Mr. Konstantin Fotiadis, the owners of properties located at 297 and 279 Neck-O-Land Road and further identified as James City County Real Estate Tax Map Parcel Nos. 4730100047 and 4730100043, respectively (the “Properties”), to allow for the extension of public water to the Properties; and
- WHEREAS, the Planning Commission, following its public hearing on February 4, 2026, recommended approval of Case No. SUP-25-0006 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-25-0006; 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-25-0006 as described herein with the following conditions:
1. Master Plan. This SUP shall be valid for the installation of a water main, with a diameter of one inch or greater, within the existing Virginia Department of Transportation (“VDOT”) right-of-way for Neck-O-Land Road (Route 682). Installation of the water main (the “Project”) shall occur generally as shown on the exhibit drawn by Landtech Resources, Inc., entitled: “Master Plan 297 Neck-O-Land Road JCC Parcels #4730100047 & #4730100043” dated January 22, 2026 (the “Master Plan”), with any deviations considered pursuant to Section 24-23(a)(2) of the James City County Code, as amended.
 2. Construction Hours. The hours of construction for the Project shall be limited to daylight hours, Monday through Friday. Limited night and weekend work may be approved by the Director of Planning if requested in advance and it is determined that such work will not negatively affect surrounding properties.
 3. Lighting. There shall be no new permanent lighting associated with the Project, unless required by VDOT or other applicable Virginia state code.
 4. Water Conservation Standards. Water Conservation Standards shall be submitted to and approved by the James City Service Authority prior to final subdivision plat approval.

5. Replanting. Prior to issuance of a Land Disturbing Permit, a plan addressing the replanting of disturbed vegetation within the right-of-way shall be submitted to and approved by the Director of Planning or designee, subject to VDOT approval. The intent of the plan is to restore the area to pre-land disturbing conditions.
6. Commencement of Construction. Construction for the Project shall commence within 36 months from the date of issuance of the SUP, or the SUP shall become void. Construction shall be defined as clearing, grading, and digging or drilling necessary for the Project.
7. Severability. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

John J. McGlennon
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>
WAINWRIGHT	_____	_____	_____	_____
NULL	_____	_____	_____	_____
ICENHOUR	_____	_____	_____	_____
LARSON	_____	_____	_____	_____
MCGLENNON	_____	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of March, 2026.

RZ25-3_SUP25-6NkOLand-res

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE ZONING DISTRICT MAPS OF JAMES CITY COUNTY, VIRGINIA, TO REZONE APPROXIMATELY 3.6 ACRES AT 297 AND 279 NECK-O-LAND ROAD (JAMES CITY COUNTY REAL ESTATE TAX MAP PARCEL NOS. 4730100047 AND 4730100043, RESPECTIVELY) FROM R-8, RURAL RESIDENTIAL TO R-2, GENERAL RESIDENTIAL, WITH PROFFERS, AS DESCRIBED IN CASE NO. Z-25-0003.

WHEREAS, Mr. Vernon Geddy of Geddy & Franck, LLP, has applied on behalf of Ms. Marina and Mr. Konstantin Flotiadis, to rezone approximately 3.6 acres from R-8, Rural Residential to R-2, General Residential, with Proffers; and

WHEREAS, the properties proposed to be rezoned are located at 297 and 279 Neck-O-Land Road and further identified as James City County Real Estate Tax Map Parcel Nos. 4730100047 and 4730100043, respectively, and are shown on the on the exhibit drawn by Landtech Resources, Inc., entitled, “Master Plan 297 Neck-O-Land Road JCC Parcels #4730100047 & #4730100043” dated January 22, 2026 (the “Master Plan”); and

WHEREAS, the Planning Commission, following its public hearing on February 4, 2026, recommended approval with proffers of Case No. Z-25-0003 by a vote of 7-0; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. Z-25-0003; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds Case No. Z-25-0003 to promote the health, safety, convenience, and general welfare of the public and further accomplish the objectives of zoning.

NOW, THEREFORE, BE IT ORDAINED that the Board of Supervisors of James City County, Virginia, that Case No. Z-25-0003 is hereby approved as described therein and the voluntary proffers are accepted.

John J. McGlennon
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>
WAINWRIGHT	_____	_____	_____	_____
NULL	_____	_____	_____	_____
ICENHOUR	_____	_____	_____	_____
LARSON	_____	_____	_____	_____
MCGLENNON	_____	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of March, 2026.

RZ25-3_SUP25-6NkOLand-ord

Tax Parcels: 4730100047 and 4730100043

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

PROFFERS

THESE PROFFERS are made this 2nd day of February, 2026 by Konstantin Fotiadis and Marina Fotiadis, Trustees of the Fotiadis Living Trust dated June 5, 2012 (together with its successors in title and assigns, the "Owner").

RECITALS

A. Owner is the owner of two parcels of land located at 297 Neck-O-Land Road in James City County, Virginia, being Tax Parcel No's. 4730100047 and 4730100043, containing approximately 3.6 acres, more or less, and being more particularly described on Schedule A hereto (the "Property").

B. The Property is designated Low Density Residential on the County's Comprehensive Plan Land Use Map and is now zoned R-8. Owner has applied to rezone the Property from R-8 to R-2, General Residential District, with proffers.

C. Owner has submitted to the County a master plan entitled "Master Plan 297 Neck-O-Land Road JCC Parcels#4730100047 & 4730100043" prepared by LandTech Resources, Inc. dated May 21, 2025 (the "Master Plan") for the Property in accordance with the County Zoning Ordinance.

D. Owners desire to offer to the County certain conditions on the development of the Property not generally applicable to land zoned R-2 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, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these Proffers shall be null and void.

CONDITIONS

1. The Property shall be developed generally as shown and set out on the Master Plan. Final plans may vary from the Master Plan to the extent permitted by Section 24-23 of the Zoning Ordinance.

2. There shall be no commercial uses on the Property, including, without limitation, any previously permitted or grandfathered commercial uses.

3. Owner shall remove the structure currently on the Property labeled on the Master Plan as "STRUCTURE TO BE REMOVED" within six months of the date of approval of the requested rezoning by the Board of Supervisors.

4. Owner shall remove the existing stand of bamboo located along the northern boundary of the Property and replant the area with grass within twelve months of the date of approval of the requested rezoning by the Board of Supervisors.

5. Owner shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority ("JCSA"). 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

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 JCSEA prior to final subdivision or site plan approval.

6. Within six months of the date of approval of the requested rezoning by the Board of Supervisors, turf grass within the area outlined on Schedule B attached hereto shall be replaced with 5 rows of bunch grasses in 1-gallon containers spaced 5 feet apart in a staggered formation with mulch 4 inches thick spread around them.

/ 7. The restoration area and the bamboo removal shall be bonded in the amount of \$20,000.00 for a 5-year period after planting and/or removal to ensure that the buffer is thriving and providing the water quality benefits normally associated with an RPA buffer and the bamboo does not regrow within the area cleared, with up to 20 percent of the bond amount eligible to be released each year.

[signatures appear on next page]

WITNESS the following signature.

dated



Konstantin Fotiadis, Trustee of the Fotiadis Living Trust
June 5, 2012:

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

The foregoing instrument was acknowledged before me this 2nd day of February, 2026,
by Konstantin Fotiadis, Trustee of the Fotiadis Living Trust dated June 5, 2012.



NOTARY PUBLIC

My commission expires: 12/31/28
Registration No.: 183270



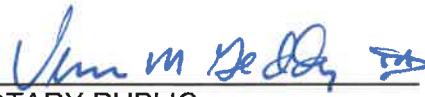
June



Marina Fotiadis, Trustee of the Fotiadis Living Trust dated
5, 2012

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

The foregoing instrument was acknowledged before me this 2nd day of February, 2026,
by Marina Fotiadis, Trustee of the Fotiadis Living Trust dated June 5, 2012.



NOTARY PUBLIC

My commission expires: 12/31/28
Registration No.: 183270



Schedule A

(As to Parcel A) All that certain tract of land, together with the buildings and improvements thereon, situate in Jamestown Magisterial District, James City County, Virginia, bounded and described as follows: Commencing at a stake on the edge of State Highway leading from Williamsburg to Jamestown Island; thence North 47° 37' W. a distance of 520 feet to a stake on Powhatan Creek; thence along the said creek in a northerly direction as it meanders to an iron pipe on said creek; thence S. 56° 20' E. a distance of 587.3 feet along the line of the property hereby described and the property now or formerly of Clyde Holmes to an iron pipe on said Jamestown Road; thence N. 42° 30' W. to a stake on said Jamestown Road, the point of departure.

(As to Parcel B) All that certain piece or parcel of land situate, lying and being in James City County, Virginia, designated as "Parcel B" as shown on plat entitled "A Survey of a Parcel of Land Standing in the Name of Gene K. & Jean B. Waltrip, lying in Jamestown District, James City County, Virginia", dated April 9, 1975, prepared by Woodson, Littlepage & Deyoung, Inc., said plat being duly recorded in the Clerk's Office of the Circuit Court for James City County, Virginia, in Plat Book 33, page 14; said plat showing revised date of June 18, 1975.

TOGETHER with all and singular, the buildings, and improvements thereon, rights and privileges, tenements, hereditaments, easements, and appurtenances unto the said land belonging or in anywise appertaining.

SUBJECT, however, to restrictions, easements, and rights of way of record affecting said property.

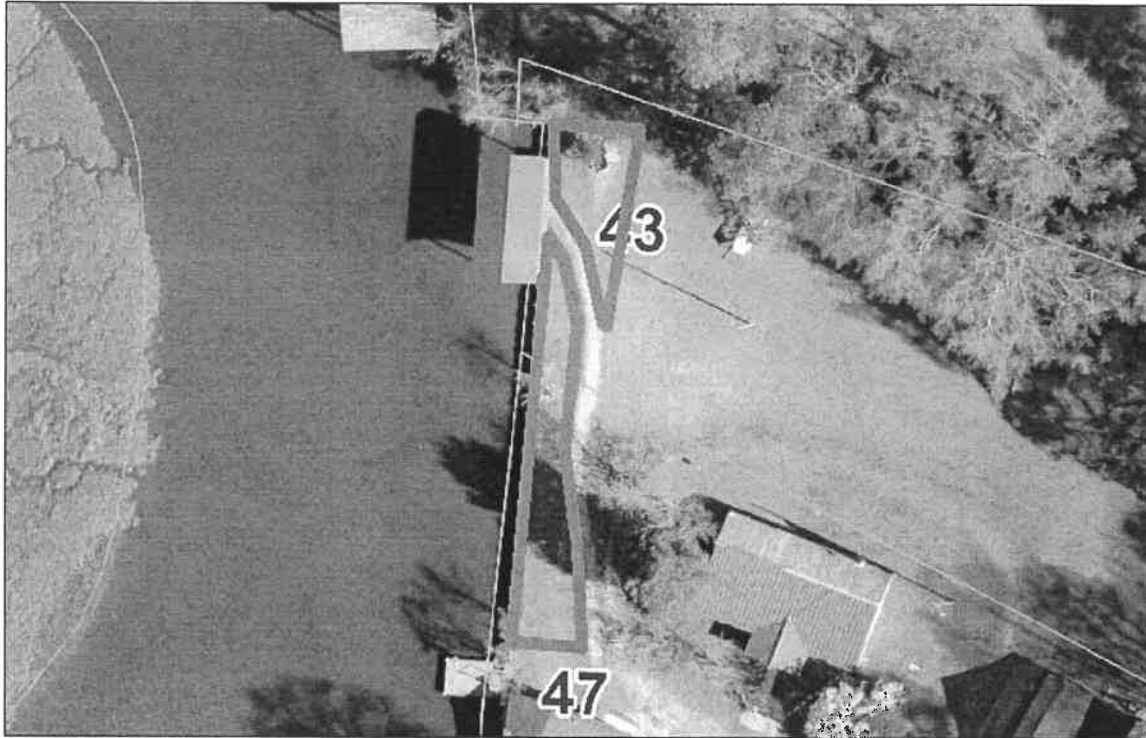
(As to Parcel A) IT BEING the same property conveyed to Clarence Edward Heath and Wanda Stout Heath from Robert E. Berry and Ruth W. Berry, by Deed dated February 25, 1967 and recorded on March 20, 1967 in Deed Book 1 10, page 205. The said Clarence E. Heath having died January 15, 1984 as evidenced by Will Book 22, page 718, subject property passed to Wanda Stout Heath by Provision in Deed; The said Wanda Heath Phillips, formerly Wanda Stout Heath, having died August 14, 2020 as evidenced by Will File Number 10227, subject property was devised to Trustees of the Wanda Heath Phillips Trust dated February 20, 2019.

(As to Parcel B) IT BEING the same property conveyed to Wanda Heath Phillips and Larry E. Heath and Ann W. Heath, Trustees of the Wanda Heath Phillips Trust dated February 20, 2019 from Wanda Heath Phillips, by Deed dated February 20, 2019 and recorded on November 5, 2020 as Document No. 200018907.

Schedule B

James City Property Map

1" = 40'

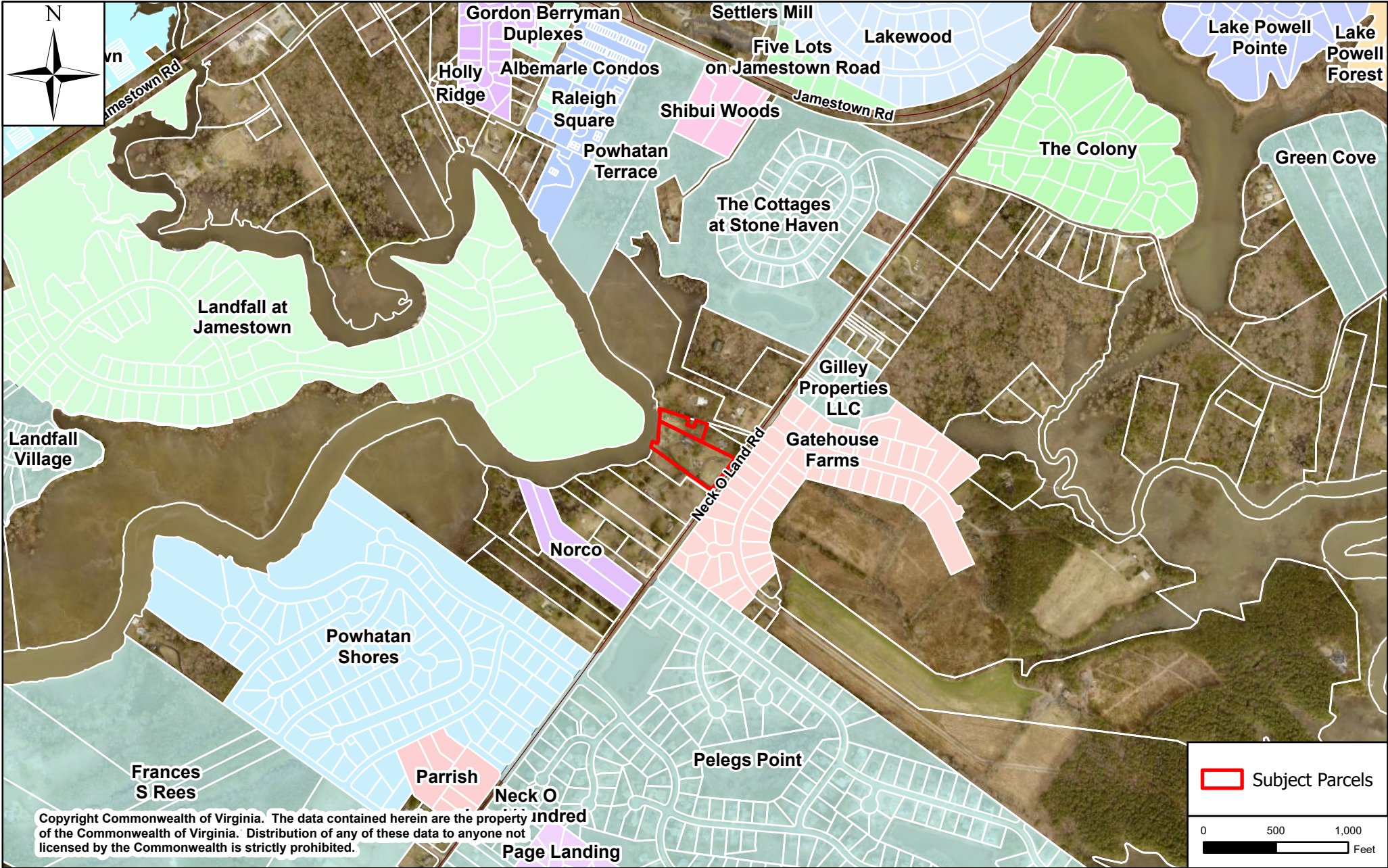


James City County, Virginia

-  Parcel
-  Vacated Right of Way
-  Owner Undetermined

THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressed or implied, including, but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Site-specific information is best obtained after an onsite visit by a competent professional.

Z-25-0003/SUP-25-0006, 279 Neck O Land Road Rezoning and Waterline Extension





VICINITY MAP
SCALE: 1"=1 MILE

[illegible]

MASTER PLAN
297 NECK-O-LAND ROAD
JCC PARCELS #4730100047 & #4730100043
JCC CASE NO. Z-25-0003 & SUP-25-0006

Scale: 1" = 30'
Date: 05-21-2025
Job Number: 24-338
Designed By: WSF
Sheet Title:
MASTER PLAN
Sheet Number:
1 OF 2

LINE TYPES LEGEND

EXISTING EDGE OF PAVEMENT
OVERHEAD UTILITY LINE
PARCEL BOUNDARY
WATER LINE
SANITARY SEWER LINE
FORCEMAIN
STORM PIPE
DRAINAGE DITCH
COMMUNICATIONS LINE
NATURAL GAS LINE
UNDERGROUND ELECTRIC LINE
EDGE OF GRAVEL
FENCE

EXISTING FEATURES LEGEND

WATER VALVE
SANITARY MH
FORCEMAIN VALVE
UTILITY POLE
MAILBOX
COMMUNICATIONS PEDESTAL
CONCRETE

SURVEY MONUMENTS LEGEND

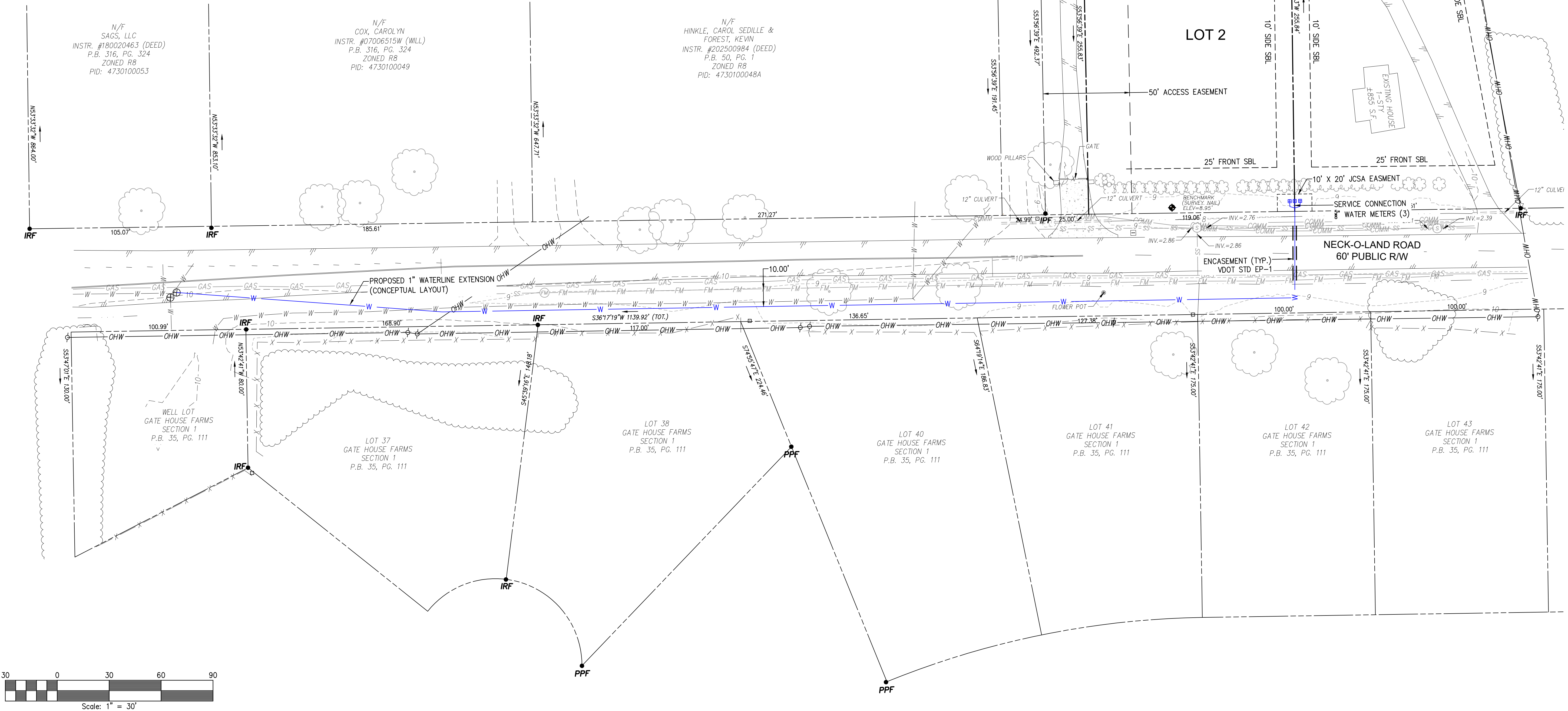
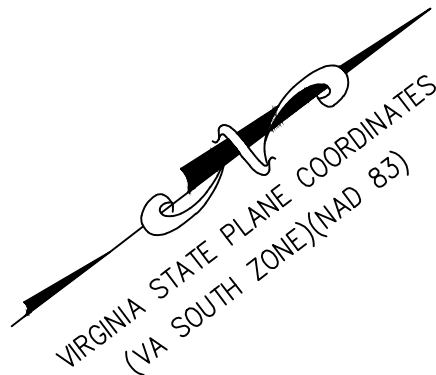
IRF = IRON ROD FOUND
IPF = IRON PIPE FOUND
PPF = PINCHED PIPE FOUND

GENERAL NOTES:

1. THE PROPOSED WATERLINE AND EASEMENT LOCATION IS FOR CONCEPTUAL PURPOSES ONLY. EXACT WATERLINE AND EASEMENT SHALL BE DETERMINED DURING SITE PLAN REVIEW PROCESS.

SURVEY NOTES:

- THE TOPOGRAPHICAL SURVEY SHOWN HEREON IS FROM A FIELD SURVEY COMPLETED UNDER THE DIRECT AND RESPONSIBLE CHARGE OF W. CHASE GROGG FROM AN ACTUAL GROUND AND AERIAL SURVEY MADE UNDER HIS SUPERVISION. THE IMAGERY AND/OR ORIGINAL DATA WAS OBTAINED IN NOVEMBER 2025. THIS PLAT, MAP OR DIGITAL GEOSPATIAL DATA INCLUDING METADATA MEETS MINIMUM ACCURACY STANDARDS UNLESS OTHERWISE NOTED.
- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. NOT ALL EASEMENTS MAY BE SHOWN.
- UNDERGROUND UTILITIES ARE SHOWN PER FIELD-LOCATED UTILITY MARKINGS BY MISS UTILITY. THE EXISTENCE AND LOCATION (HORIZONTAL AND VERTICAL) OF EXISTING UTILITIES ARE NOT GUARANTEED AND SHALL BE FIELD VERIFIED BY THE CONTRACTOR; ANY DISCREPANCIES SHOULD BE REPORTED IMMEDIATELY TO THIS OFFICE BEFORE ANY FURTHER WORK IS COMPLETED.
- ELEVATIONS AS SHOWN HEREON ARE IN FEET AND ARE RELATIVE TO THE NAVD 1988 VERTICAL DATUM BASED ON GPS OBSERVATIONS.
- THIS FIRM IS NOT RESPONSIBLE FOR THE LOCATION OF ANY STRUCTURE, MANHOLE, VALVE, ETC., HIDDEN OR OBSTRUCTED AT THE TIME THE FIELD SURVEY WAS PERFORMED.
- THIS SURVEY DOES NOT CONSTITUTE A BOUNDARY SURVEY, PROPERTY LINES ARE APPROXIMATE AND SHOWN PER PLATS OF RECORD AND MONUMENTATION FOUND.



REVISION / COMMENT / NOTE	
NO.	DATE
1	12-08-25
2	01-14-26
3	01-22-26



MASTER PLAN
297 NECK-O-LAND ROAD
JCC PARCELS #4730100047 & #4730100043
JCC CASE NO. Z-25-0003 & SUP-25-0006
JAMES CITY COUNTY
ROBERTS DISTRICT
VIRGINIA

Scale: 1" = 30'
Date: 05-21-2025
Job Number: 24-338
Designed By: WSF
Sheet Title:

MASTER PLAN

Sheet Number:
2 OF 2

RESOLUTION

VIRGINIA CODE § 15.2-2232 ACTION ON

CASE NO. SUP-25-0006. 297 & 279 NECK O LAND WATERLINE EXTENSION

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

WHEREAS, Mr. Vernon Geddy of Geddy, Harris, Franck & Hickman, LLP, has applied on behalf of Mrs. Marina Fotiadis and Mr. Konstantin Fotiadis for a Special Use Permit (SUP) to allow for the extension of public water to properties located at 297 and 279 Neck O Land and further identified as James City County Real Estate Tax Map Parcel Nos. 4730100047 and 4730100043, respectively (collectively, the "Properties"), as shown on a plan titled "Master Plan 297 Neck-O-Land Road JCC Parcels #4730100047 & #4730100043" prepared by Landtech Resources, Inc, and dated January 22, 2026; and

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia and Section 24-9 of the James City County Zoning Ordinance, a public hearing was advertised, adjacent property owners notified, and a hearing scheduled for Case No. SUP-25-0006.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, for the reasons expressed in the written minutes which shall be transmitted to the Board of Supervisors, finds that the general or approximate location, character, and extent of the public utilities applied for in Case No. SUP-25-0006 are substantially in accord with the Comprehensive Plan and applicable parts thereof.



Jack Haldeman
Chair, Planning Commission

ATTEST:



Susan Istenes, Secretary

Adopted by the Planning Commission of James City County, Virginia, this 4th day of February, 2026.

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
February 4, 2026
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
Steve Rodgers
Jay Everson
Kira Allman
Crystal Haskins
Vincent Passero

Staff Present:

Susan Istenes, Director of Planning
Liz Parman, Deputy County Attorney
Roberta Sulouff, Senior Planner
Will Albiston, Planner
Linda Titus, Administrative Coordinator
Hannah Hunnicutt, Administrative Coordinator

C. PUBLIC COMMENT

Mr. Haldeman opened Public Comment.

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

D. REPORTS OF THE COMMISSION

Mr. Haldeman stated that the Policy Committee and Development Review Committee (DRC) did not meet in January.

E. CONSENT AGENDA

1. Minutes of the January 7, 2026, Regular Meeting

On a voice vote, the Commission voted to approve the minutes. (5-0)

Dr. Allman and Mr. Passero abstained from voting.

F. PUBLIC HEARING(S)

1. AFD-25-0001. 2756, 2900, & 3006 Jolly Pond Road Gordon Creek AFD Addition

There was no Public Hearing.

2. Z-25-0003/SUP-25-0006. 297 and 279 Neck-O-Land Rezoning and Waterline Extension

Ms. Roberta Sulouff, Senior Planner, addressed the Commission stating that Mr. Vernon Geddy of Geddy and Franck LLP, had applied on behalf of Mrs. and Mr. Marina and Konstantin Fotiadis to rezone two lots, located at 297 and 279 Neck-O-Land Road, from R-8, Rural Residential to R-2, General Residential, with Proffers.

Ms. Sulouff explained that the applicant was also requesting a Special Use Permit (SUP) to allow for the extension of public water to the site. Ms. Sulouff noted that the subject properties were located inside the Primary Service Area (PSA), zoned R-8, Rural Residential, and designated Low Density Residential on the Comprehensive Plan.

Ms. Sulouff explained that lots in R-8 were subject to a three-acre minimum lot size and because the total combined acreage of the site was only 3.6 acres, the owners must rezone to achieve three lots from the two existing. Ms. Sulouff stated that extensions of public utilities require an SUP in R-2, and per James City Service Authority (JCSA) regulations, if subdivided, this site would be required to connect to public water.

Ms. Sulouff explained that the site previously operated as a commercial marina and housed related uses such as boat repair and a snack bar. Ms. Sulouff noted that several existing, and some now-demolished, structures were used as residential rental properties and/or primary residences. Ms. Sulouff stated that those structures predate the existing Chesapeake Bay Act, floodplain, and zoning regulations and would otherwise be permitted to remain as-is.

Ms. Sulouff explained that the new owners of the property did not wish to operate a marina or any other commercial use at the site and had demolished several structures and worked to clean up the property.

Ms. Sulouff discussed the proffers provided by the applicant and how the project was considered a public benefit in regard to the Comprehensive Plan.

Ms. Sulouff explained that staff found the impacts related to the SUP to be temporary in nature and directly caused by the construction process and proposed conditions that limit construction hours and required the replanting of any vegetation removed during the construction process.

Ms. Sulouff explained that unless a utility facility is shown on the adopted Comprehensive Plan, the Planning Commission and governing body shall review the facility to determine whether the location, character, and extent of the project was substantially in accord with the Comprehensive Plan. Ms. Sulouff stated that staff recommended that the Planning Commission find the waterline extension substantially

in accord with the Comprehensive Plan and applicable parts thereof, as required by Section 15.2-2232 of the Code of Virginia.

Ms. Sulouff stated that staff found this proposal 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 proffers and conditions.

Mr. Rodgers asked for clarification on extending public water and if there was water already going past the subject property.

Ms. Sulouff explained that water was not going past the property, and that it would connect from the Gatehouse Farms subdivision.

Dr. Allman disclosed that she knew the applicant personally, but it would not affect her decision.

Mr. Haldeman opened the Public Hearing.

Mr. Vernon Geddy of Geddy and Franck LLP, 1177 Jamestown Road, gave a presentation to the Commission about the proposed project. Mr. Geddy stated that the applicant had purchased the property with the goal of creating a family compound with three lots. Mr. Geddy noted the substantial improvements the applicant had made on the property, including removing the unused boat slips and docks, trailers, and demolishing two houses from the lot. Mr. Geddy discussed the proposed proffers, how the proposed proffers would only positively affect the Resource Protection Area (RPA) and asked for a recommendation of approval to the Board of Supervisors.

Mr. Chase Grogg, of Landtech Resources, Inc, 205-E Bulifants Boulevard, addressed the Commission and stated that staff performed an elevation certificate for the existing two-story structure on the property and explained how the building met the current flood zone requirements.

Discussion ensued.

Mr. David Van Dyke, 285 Neck-O-Land Road, addressed the Commission in support of the proposed project.

Mr. Haldeman closed the Public Hearing.

Mr. Rodgers stated he would be in support of the project.

Mr. Haldeman explained that this case would have two votes, one to determine compliance with the Comprehensive Plan, and another to recommend approval to the Board of Supervisors.

Mr. Polster made a motion that the Z-25-0003/SUP-25-0006. 297 and 279 Neck-O-Land Rezoning and Waterline Extension was consistent with the Comprehensive Plan.

On a roll call vote, the Commission voted to find Z-25-0003/SUP-25-0006. 297 and 279 Neck-O-Land Rezoning and Waterline Extension substantially in accord with the Comprehensive Plan and applicable parts thereof. (7-0)

Mr. Polster made a motion to recommend approval of Z-25-0003/SUP-25-0006. 297 and 279 Neck-O-Land Rezoning and Waterline Extension 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 - February 2026

Ms. Istenes reminded the Commission that there would be two meetings in March.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. Haldeman stated the Policy Committee would meet on February 12 and 26, 2026.

Mr. Haldeman stated that the Development Review Committee was scheduled for February 18, 2026.

Mr. Haldeman stated that he would be covering the February 10, 2026, Board of Supervisors meeting.

Discussion ensued.

J. ADJOURNMENT

Mr. Haldeman asked for a motion to adjourn.

Mr. Polster made a motion to adjourn.

The meeting was adjourned at approximately 6:40 p.m.

Susan Istenes, Secretary

Jack Haldeman, Chair

MEMORANDUM

DATE: March 10, 2026

TO: The Board of Supervisors

FROM: Morgan Risinger, Senior Planner

SUBJECT: Request for Special Use Permit Extension: SUP-21-0022. 360 Racefield Drive Solar Farm

Mr. Shaun Reilly of Virginia Electric and Power Company (“Dominion Energy”) has requested that the Board of Supervisors (the “Board”) grant an extension of Case No. SUP-21-0022 (the “SUP”). The SUP was approved by the Board on March 8, 2022, and permitted development of the 360 Racefield Drive Solar Farm project.

Condition No. 23 of the SUP requires the solar farm to be operational within 48 months from March 8, 2022 (March 8, 2026), or the SUP will become void. At this time, construction of the solar farm is still in progress and the solar farm is not operational. Outstanding items include:

- the completion of the necessary site work and landscape plantings in accordance with the approved plans and permits; and
- the completion of all necessary site and building inspections; and
- the completion of the stream restoration project required by Condition No. 19; and
- the completion of an informational and training session for County public safety personnel as required by Condition No. 7; and
- the completion of a post-construction assessment of conditions along Racefield Drive to identify any damage caused by construction traffic and the subsequent repair of any such damage as required by Condition No. 9.

Section 15.2-2209.1:2(B) of the Code of Virginia, 1950, as amended (the “Virginia Code”) grants the Board the authority to extend the approvals of a solar photovoltaic project SUP until July 1, 2026, or such longer period as may be agreed to by the Board. Pursuant to this Virginia Code section, Mr. Reilly has requested the Board grant an extension of the operational deadline contained in Condition No. 23 to July 1, 2026. Should the Board approve the requested extension of the SUP, all other conditions of the SUP will remain in full force and effect.

Staff recommends the Board approve the attached resolution to grant an extension of Case No. SUP-21-0022 to July 1, 2026.

MR/tm
SUP21-22-360RceFld-mem

Attachments:

1. Resolution
2. SUP Extension Request Letter
3. Approved SUP-21-0022 Location Map
4. Approved SUP-21-0022 Staff Report
5. Approved SUP-21-0022 Resolution
6. Approved SUP-21-0022 Master Plan
7. Virginia Code Section 15.2-2209.1:2

RESOLUTION

REQUEST FOR SPECIAL USE PERMIT EXTENSION:

SUP-21-0022. 360 RACEFIELD DRIVE SOLAR FARM

WHEREAS, on March 8, 2022, the Board of Supervisors of James City County, Virginia (the “Board”), approved Case No. SUP-21-0022 (the “SUP”) permitting the construction of a solar electrical generation facility (the “Facility”) on property located at 360 Racefield Drive and further identified as James City County Real Estate Tax Map Parcel No. 0310100003 (the “Property”); and

WHEREAS, Condition No. 23 of the SUP requires that the Facility be operational within 48 months of March 8, 2022, or the SUP shall automatically be void; and

WHEREAS, Section 15.2-2209.1:2(B) of the Code of Virginia, 1950, as amended (the “Virginia Code”) permits the Board to grant extensions of solar photovoltaic projects until July 1, 2026, or such longer period as may be agreed to by the locality; and

WHEREAS, Mr. Shaun Reilly of Virginia Electric and Power Company (“Dominion Energy”), has requested an extension of the SUP to July 1, 2026; and

WHEREAS, the Board has determined that granting an extension of the SUP’s expiration date to July 1, 2026, is required by public necessity, convenience, general welfare, and good zoning practice.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, pursuant to Section 15.2-2209.1:2(B) of the Code of Virginia, 1950, as amended, does hereby extend the operational deadline contained in Condition No. 23 of Case No. SUP-21-0022 to July 1, 2026.

John J. McGlennon
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>	
WAINWRIGHT	_____	_____	_____	_____	
NULL	_____	_____	_____	_____	
ICENHOUR	_____	_____	_____	_____	
LARSON	_____	_____	_____	_____	
MCGLENNON	_____	_____	_____	_____	

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of March, 2026.

February 19, 2026

VIA ELECTRONIC AND US MAIL

Tom Leininger, Principal Planner
James City County, Virginia
101 Mounts Bay Road
Building A
Williamsburg, VA 23185

RE: Special Use Permit (SUP-21-0022)(“SUP”), Tax Parcel ID (PIN) 0310100003, James City County, Virginia (the “County”)

Dear Mr. Leininger:

I am writing on behalf of Virginia Electric and Power Company (“VEPCO”), regarding the above-reference SUP, which was approved on March 8, 2022, for the solar electrical generation facility commonly known as the “Racefield Solar Facility” (the “Facility”). The SUP was approved subject to certain conditions, including Condition 23 (which falls under the heading “Commencement”) and requires that the Facility be “operational” within 48 months of SUP approval (by **March 8, 2026**). Condition 23 requires that the Facility operator submit a signed letter to the Planning Director prior to 48 months of SUP approval to confirm the operational status of the Facility. Per the SUP requirements, VEPCO has provided a letter to the County confirming that the Facility is operational for the purposes of SUP compliance and requesting verification from the Planning Director of the same.

Pending confirmation from the County that Condition 23 has been satisfied, VEPCO respectfully requests that the expiration date of the SUP be extended until July 1, 2026. VEPCO requests that the Planning Department present a resolution to the County Board of Supervisors (the “Board”) for its consideration, extending the expiration of the SUP until July 1, 2026, in accordance with Virginia Code §15.2-2209.1:2. We ask that the resolution be presented to the Board at its meeting on March 10, 2026, and we understand that the submittal of this written request shall toll any expiration of the SUP which might otherwise occur on March 8, 2026, if the Facility is not deemed to be operational on or before that date.

Should you need any additional information or have any questions regarding any of the foregoing, please do not hesitate to contact me. Thank you for your assistance and your courtesy in this regard.

Sincerely,

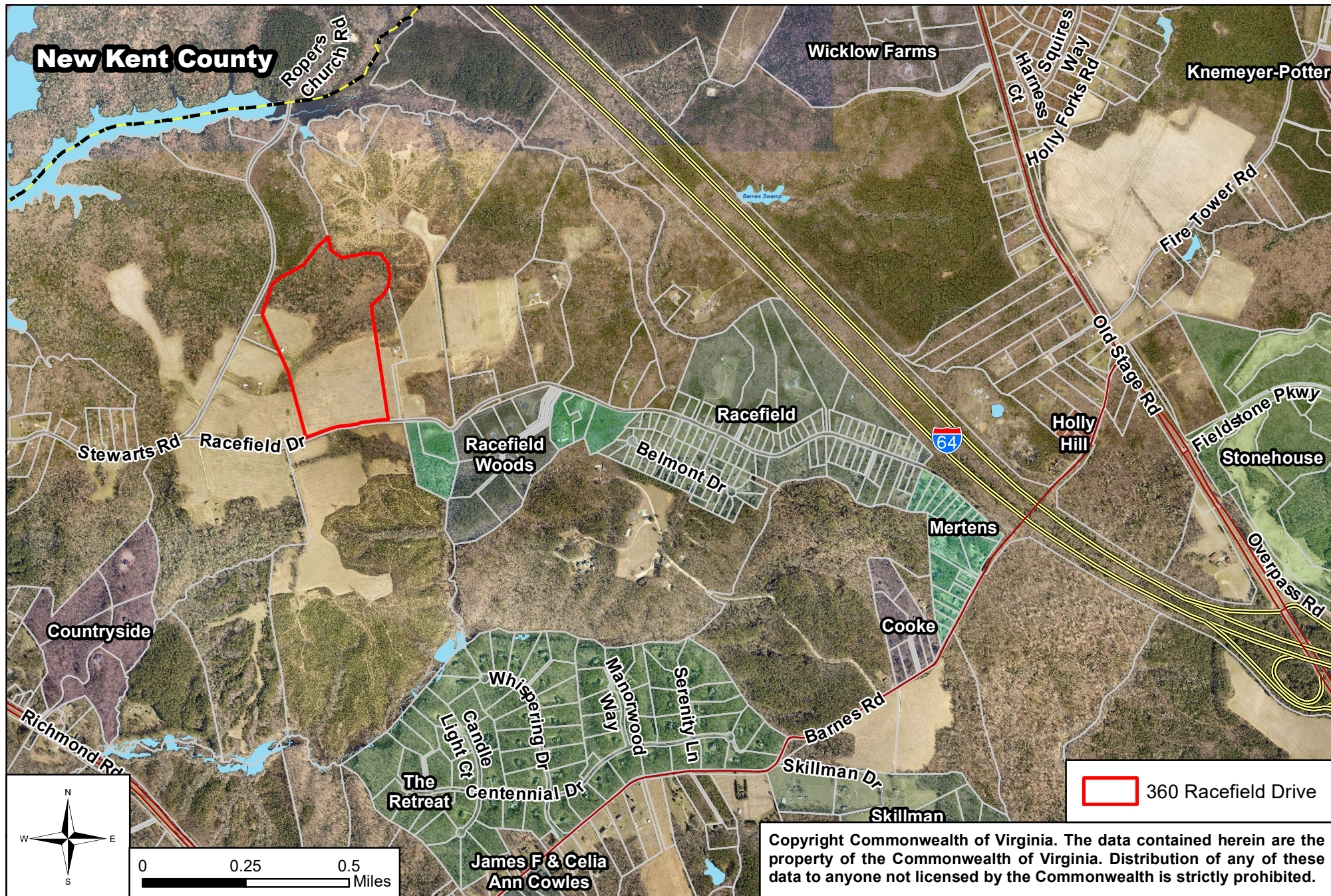
Shaun Reilly

Manager – Project Construction
Dominion Energy

cc: Christy Parrish, Zoning Administrator
Morgan Risinger, Planner
Adam Kinsman, Esq., County Attorney

JCC SUP-21-0022

360 Racefield Drive Solar Farm



**SPECIAL USE PERMIT-21-0022. 360 Racefield Drive Solar Farm
Staff Report for the March 8, 2022, Board of Supervisors Public Hearing**

SUMMARY FACTS

Applicant:	Mr. Brendan Grajewski, Hexagon Energy, LLC
Land Owners:	Katherine Hockaday, Justin Martin, and Ann Martin
Proposal:	Development and construction of a solar farm facility for electrical power generation, storage, transmission, and accessory uses
Location:	360 Racefield Drive
Tax Map/Parcel No.:	0310100003
Property Acreage:	65.26 acres
Zoning:	A-1, General Agricultural
Comprehensive Plan:	Rural Lands
Primary Service Area: (PSA)	Outside
Staff Contact:	Tom Leininger, Principal Planner

PUBLIC HEARING DATES

Planning Commission:	February 2, 2022, 6:00 p.m.
Board of Supervisors:	March 8, 2022, 5:00 p.m.

FACTORS FAVORABLE

1. With the exception of traffic impacts to Racefield Drive, staff finds the proposed conditions will mitigate impacts to surrounding properties and development.
2. Impacts: See Impact Analysis on Pages 4-6.

FACTORS UNFAVORABLE

1. Staff does not find the proposal consistent with the 2045 Comprehensive Plan.
2. The proposed project site is accessed by a narrow, substandard rural road. As such, it may not be generally suitable for heavy construction traffic.
3. Should the Board of Supervisors deny the applicant's Agricultural and Forestal District (AFD) withdrawal request, then this use would not be consistent with the terms of the AFD.
4. Impacts: See Impact Analysis on Pages 4-6.

SUMMARY STAFF RECOMMENDATION

Staff recommends the Board of Supervisors deny the proposed Special Use Permit (SUP). Should the Board of Supervisors approve this case, staff has included proposed conditions to mitigate the potential impacts of this development.

PLANNING COMMISSION RECOMMENDATION

At its February 2, 2022, meeting, the Planning Commission voted 4-1 to recommend approval of the SUP request to the Board of

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-21-0022. 360 Racefield Drive Solar Farm
Staff Report for the March 8, 2022, Board of Supervisors Public Hearing**

Supervisors. The Planning Commission also approved, by a vote of 4-1, a resolution to find the proposal consistent with the Comprehensive Plan in accordance with Section 15.2-2232 of the Code of Virginia (Attachment No. 4).

PROPOSED CHANGES MADE SINCE THE PLANNING COMMISSION MEETING

At the February 2, 2022, Planning Commission Regular Meeting, the Commission recommended denial of AFD-21-0003, 360 Racefield Drive Barnes Swamp Withdrawal and approval of SUP-21-0022, 360 Racefield Drive Solar Farm to the Board of Supervisors. Staff has prepared the resolution (Attachment No. 1) to state that this SUP shall not be effective and no site plan may be approved until the area shown on the master plan for the project is withdrawn from the Barnes Swamp AFD enacted by Ordinance No. 167A-14 adopted on September 11, 2018.

PROJECT DESCRIPTION

Mr. Brendan Grajewski, Hexagon Energy, LLC, has applied for an SUP for a 3-megawatt (MW) solar farm located at 360 Racefield Drive. If approved, the proposed solar farm will be developed on 26 acres of the total 65.26 acres and would connect to the existing utility line using an on-site, pad-mounted switchgear. The panels will be on a single axis tracking system that will rotate throughout the day to track the sun.

The proposed 26-acre solar farm site is currently used as a farm and is mostly clear of mature vegetation and trees. The site will be accessed by Racefield Drive, which is a narrow rural road.

COMPARISON TO PREVIOUSLY APPROVED SOLAR FARM FACILITY APPLICATIONS

There have been two previously approved SUPs for solar farms, Norge Solar Farm and Rochambeau Solar Farm. These two solar farms were significantly larger, comprising of 224 acres and 193 acres, respectively.

The Norge Solar Farm was approved in 2018. The Norge Solar Farm site is zoned A-1, General Agriculture and R-2, General Residential. The properties are designated Low Density Residential and located inside of the PSA. The properties consisted of an existing mature buffer around the majority of the property to screen the facility. Additionally, the site takes access from Old Church Road and is approximately 0.25 miles from Richmond Road.

The Rochambeau Solar Farm was approved in 2019. The project site is zoned A-1, General Agriculture. The property is designated Economic Opportunity and located outside of the PSA. This site has an existing mature buffer around the majority of the project site and has direct access from Rochambeau Drive.

The solar farms for those properties were determined to be a temporary use and that the land would be restored at the end of the term and would allow for future development of the site. As noted above, these two previous solar farm projects have direct access to a primary roadway to support heavy construction traffic.

PLANNING AND ZONING HISTORY

The property at 360 Racefield Drive has been used as active farmland. It is located within the Barnes Swamp AFD and there have not been any previous SUPs or rezoning cases associated with the property.

SURROUNDING ZONING AND DEVELOPMENT

All surrounding properties are zoned A-1, General Agriculture and are designated Rural Lands on the 2045 Comprehensive Plan Land Use Map.

Properties to the east, north, and south are within the Barnes Swamp AFD.

FINDING OF CONSISTENCY

Section 15.2-2232 of the Code of Virginia requires that unless a utility facility is shown on the adopted Comprehensive Plan or other master plans for the County, the local Planning Commission and a governing body shall review the facility to determine whether the location, character, and extent of the project is substantially in accord with the adopted Comprehensive Plan.

The proposed solar electrical generation facility is not currently shown on the County's adopted Comprehensive Plan and, therefore, requires this additional level of review by the Planning Commission and the Board of Supervisors. For the Planning Commission's consideration, a consistency determination resolution is included as Attachment No. 6 and staff's analysis and findings as to consistency with the adopted Comprehensive Plan can be found later in this staff report.

SPECIAL USE PERMIT-21-0022. 360 Racefield Drive Solar Farm
Staff Report for the March 8, 2022, Board of Supervisors Public Hearing

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Public Transportation: Vehicular</u>	<u>Not Fully Mitigated</u>	- The new solar farm would not exceed 100 peak hour trips. - Access to the property is from Racefield Drive. While the access road into the property will be improved, no improvements to Racefield Drive are warranted or proposed. - Staff finds that Racefield Drive is a narrow, substandard rural road that may not be suitable for heavy construction traffic. - Proposed Condition Nos. 9 and 10 address the potential damage to the existing roadway and limiting the number of employee vehicles parking on-site during construction.
<u>Public Transportation: Bicycle/Pedestrian</u>	<u>No Mitigation Required</u>	- Pedestrian/bicycle accommodations are not shown on the adopted Pedestrian/Bicycle Accommodations Master Plan.
<u>Public Safety</u>	<u>Mitigated</u>	- Fire Station 1 on Forge Road serves this area of the County, approximately 6.3 miles from the proposed solar farm. - Proposed SUP Conditions include a condition that the Facility Operator prepare and maintain an Emergency Management Plan to address situations that may require response from public safety personnel (Condition No. 7).
<u>Public Schools</u>	<u>No Mitigation Required</u>	- N/A since no residential dwelling units are proposed.
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	- N/A since no residential dwelling units are proposed.
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	- Staff finds that this project does not generate impacts that require mitigation.
<u>Groundwater and Drinking Water Resources</u>	<u>No Mitigation Required</u>	- The property does not receive public water and sewer. The solar farm would not need water or sewer services.

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-21-0022. 360 Racefield Drive Solar Farm
Staff Report for the March 8, 2022, Board of Supervisors Public Hearing

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Watersheds, Streams, and Reservoirs</u> Project is located in the Diascund Creek Watershed and Diascund Creek Reservoir.	<u>Mitigated</u>	- The Master Plan shows a conceptual layout for stormwater management facilities. - Should this SUP be approved, this project will need to demonstrate full compliance with environmental regulations at the development plan stage, but no other specific environmental impacts have been identified for mitigation. Language has been included for the decommissioning plan to address stormwater ponds (Condition No. 12). - Condition Nos. 2 and 11 address the requirement for a nutrient management plan and spill prevention control and countermeasures plan, respectively. - The Stormwater and Resource Protection Division provided additional SUP Conditions (Condition Nos. 15, 16, 17, 18, 19, and 20) to address off-site nutrient credits, special stormwater criteria, channel protection, flood protection, stream channel restoration, and erosion and control inspections.
<u>Cultural/Historic</u>	<u>Mitigated</u>	- Per Section 24-145 of the Zoning Ordinance, an archaeological study and natural resource inventory will be required at the development plan stage.
<u>Nearby and Surrounding Properties</u>	<u>Mitigated</u>	- A vegetated buffer to screen the project from nearby properties is specified in proposed SUP Condition No. 3. - The project will also need to demonstrate full compliance with lighting and landscaping regulations in the Zoning Ordinance at the development plan stage. - Following construction of the facility, staff does not anticipate significant noise, odor, lighting, or other similar impacts on nearby properties. However, to address any potential impacts of this nature, the project includes enhanced landscaping along all side and front property lines. - Condition Nos. 13 and 14 also limit the height of the panels and address use of materials to prevent glare. - Condition No. 9 requires a construction management and mitigation plan which is intended in part to address impacts to nearby properties during the construction stage. - Condition No. 6 limits the height and the color of the perimeter fence.

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-21-0022. 360 Racefield Drive Solar Farm
Staff Report for the March 8, 2022, Board of Supervisors Public Hearing

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	- Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Community Character</u>	<u>Mitigated</u>	- Racefield Drive is not a designated Community Character Corridor. - A vegetated buffer to screen the project from the roadway and nearby properties is specified in Condition No. 3.
<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.

2045 COMPREHENSIVE PLAN

The site is designated Rural Lands on the 2045 Comprehensive Plan Land Use Map.

Rural Lands are areas containing farms, forests, and scattered houses, exclusively outside of the PSA, where a lower level of public service delivery exists or where utilities and urban services do not exist and are not planned for in the future. Rural Lands uses are intended to help protect and enhance the viability of agricultural and forestal resources and compatible rural economic development uses as important components of the local economy.

Appropriate primary uses include traditional agricultural and forestal activities, but also innovative agriculture, horticulture, silviculture, specialty or niche farming, commercial and non-commercial equine opportunities, agri-tourism, rural-based public or commercial recreation, rural-support businesses, and certain public or semi-public and institutional uses that require a spacious site and are compatible with the natural and rural surroundings.

Retail and other commercial uses serving Rural Lands are encouraged to be located at planned commercial locations on major thoroughfares inside the PSA. However, appropriately scaled and located direct agricultural or forestal-support uses (including agri-business and eco-tourism), home-based occupations, or certain uses which require very low intensity settings relative to the site in which it will be located may be considered based on a case-by-case review, provided such uses are compatible with the natural and rural character of the area and are in accordance with the Rural Lands Development Standards. These uses should be located in a manner that minimizes effects on agricultural and forestal activities, and where public services and facilities, especially roads, can adequately accommodate them.

Uses proposed in the Rural Lands should reflect and enhance the rural character of the County. Particular attention should be given to the following:

- i. Locating structures and uses outside of sensitive areas;
- ii. Maintaining existing topography, vegetation, trees, and tree lines to the maximum extent possible, especially along roads and between uses;
- iii. Discouraging development on farmland, open fields, scenic roadside vistas, and other important agricultural/forestal soils and resources;
- iv. Encouraging enhanced landscaping to screen structures located in open fields using a natural appearance or one that resembles traditional hedgerows and windbreaks;
- v. Locating new driveways or service roads so that they follow existing contours and old roadway corridors whenever feasible;
- vi. Generally limiting the height of structures to an elevation below the height of surrounding mature trees and scaling buildings to be compatible with the character of the existing community;
- vii. Minimizing the number of street and driveway intersections along the main road by providing common driveways; and
- viii. Utilizing lighting only where necessary and in a manner that eliminates glare and brightness.

The 2045 Comprehensive Plan also recommends sitting more intensive uses in areas where the existing road network can accommodate the additional vehicle trips without the need for significant upgrades or modifications that would impact the character of the rural road network. In addition, the 2045 Comprehensive Plan discourages development on farmland, open fields, scenic roadside vistas, and other important agricultural and forestal soils and resources.

**SPECIAL USE PERMIT-21-0022. 360 Racefield Drive Solar Farm
Staff Report for the March 8, 2022, Board of Supervisors Public Hearing**

Within the Transportation Chapter of the 2045 Comprehensive Plan, it is stated that capacity improvements and non-rural land uses should be avoided on rural roads. These facilities are often two lanes, have smaller typical cross sections, and have limited driveways and intersections. Such roadways are not designed for speed or capacity, but rather to provide access and complement the rural character of the area. These roads are unique because they showcase the County's mature tree canopies and rural landscapes.

Racefield Drive specifically is part of the existing, local, rural road network. The roadway is intended for two-way traffic, does not contain any centerline markings, and the pavement is approximately 14 feet wide, in total. Current Virginia Department of Transportation (VDOT) standards for rural, local roads call for a minimum width of surfacing of between 18-22 feet. VDOT standards also suggest considering using a lane width of 12 feet where substantial truck volumes are present or agricultural equipment frequently uses the road.

To the west of this property, the closest roadway intersection with a non-rural roadway is the intersection with Route 60; a distance of approximately 1.6 miles. To the east of this property, the closest roadway intersection with a non-rural roadway is the intersection of Route 30 via Barnes Road; a distance of approximately 2.2 miles.

Within the Community Character Chapter of the 2045 Comprehensive Plan, Goals, Strategies, and Actions (GSAs) GSA 1.5 calls for preserving the character of rural roads by identifying roads that should be preserved and work with VDOT to maintain their rural character while providing an acceptable level of safety.

While GSA 1.6 of the Land Use Chapter of the Comprehensive Plan calls for exploring emerging technologies in the renewable energy industry, with the intention of protecting the County's unique rural character, preserving natural resources, and mitigating impacts to

neighboring properties, GSA LU 6.16 calls for protecting farming and forestry uses from conflicting activities by encouraging buffers and open space design and by raising awareness among new rural land purchasers about existing farming and forestry uses in the County.

As noted above, staff therefore finds the proposed application not consistent with the Comprehensive Plan for the following reasons:

- Staff finds the proposed solar farm is not an appropriate primary use, as listed on the previous page of the staff report;
- The location is not on, near, or adjacent to a major thoroughfare;
- The proposed solar farm is not a direct agricultural or forestal-support use;
- Staff finds the proposed solar farm in this location is not compatible with the natural and rural character of the area;
- Staff finds that Racefield Drive is not ideally suited to accommodate the construction vehicles and related traffic;
- The proposed solar farm in this location does not reflect and enhance the rural character of the County; and
- The proposed solar farm in this location is located on an open field that provides scenic roadside vistas.

PROPOSED SUP CONDITIONS

The full text of the proposed conditions is provided in Attachment No. 1.

STAFF RECOMMENDATION

Staff recommends the Board of Supervisors not approve the proposed SUP. Should the Board of Supervisors approve this case, staff has included proposed conditions to mitigate the potential impacts of this development.

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-21-0022. 360 Racefield Drive Solar Farm
Staff Report for the March 8, 2022, Board of Supervisors Public Hearing**

TL/md
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Attachments:

1. Resolution
2. Location Map
3. Applicant Narrative
4. Master Plan
5. Proposed Landscape Buffer
6. Applicant Review of 2045 Comprehensive Plan
7. Adopted Resolution for Consistency with Section 15.2-2232
8. Unapproved Minutes of the February 2, 2022, Planning Commission Meeting

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

RESOLUTION

CASE NO. SUP-21-0022. 360 RACEFIELD DRIVE SOLAR FARM

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

WHEREAS, Mr. Brendan Grajewski of Hexagon Energy, LLC, on behalf of Katherine Hockaday, Justin Martin, and Ann Martin, the owners of property located at 360 Racefield Drive and further identified as James City County Tax Map Parcel No. 0310100003 (the "Property"), has applied for an SUP to allow for the construction of a solar electrical generation facility on the Property as shown on a plan titled "Racefield Solar, LLC" dated November 12, 2021, and revised January 24, 2022; and

WHEREAS, the Planning Commission, following its public hearing on February 2, 2022, recommended approval of Case No. SUP-21-0022 by a vote of 4-1; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-21-0022; and

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after consideration of the factors in Section 24-9 of the James City County Code, does hereby approve the issuance of Case No. SUP-21-0022 as described herein with the following conditions:

1. Master Plan. This SUP shall be valid for the construction of a photovoltaic solar electrical generation facility (the "Facility"), electrical substations serving the Facility with a capacity of 5,000-kilovolt amperes or more, and electrical transmission lines serving the Facility capable of transmitting 69 kilovolts or more (all together, the "Project") on property located at 360 Racefield Drive and further identified as James City County Real Estate Tax Map Parcel No. 0310100003 (the "Property"). The Property shall be developed and the Project constructed substantially in accordance with the master plan titled "Racefield Solar, LLC" prepared by Hexagon Energy, LLC, and dated November 12, 2021 and revised January 24, 2022, (the "Master Plan"), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.
2. Nutrient Management Plan. The Facility operator shall provide a nutrient management plan (NMP) prepared by a certified nutrient management planner for all of the area within the defined limits of work (disturbance) for the Property. The purpose of the NMP is to provide for long-term establishment and maintenance of turf grass, pasture, rangeland, or other similar type vegetative cover which preserve the long-term soil health for potential future farming purposes. The NMP shall have a component which specifically identifies and maintain and protects designated Prime Farmland soil mapping units consistent with the Soil Survey of James City County and the City of Williamsburg Virginia (April 1985) and the County's Comprehensive Plan. The NMP shall be submitted for review and approval by the County's Director of Stormwater and Resource Protection prior to approval of any final site plan for the Facility. Upon approval of the NMP, the

Facility operator shall be responsible for ensuring that any nutrient applied in the area within the defined limits of work is in strict accordance with the NMP.

3. Vegetated Buffer. Prior to final approval of any site plan, the Planning Director or designee shall review and approve a landscape plan for the Project. The landscape plan shall provide a 50-foot landscaped buffer (the "Perimeter Buffer") along the perimeter of the Project site. The Perimeter Buffer shall be increased to 75 feet in the following locations: (i) along the boundary of the Property that fronts on Racefield Drive, (ii) along approximately 200 feet of the eastern perimeter of the Project as shown on the Master Plan, and (iii) along approximately 200 feet of the western perimeter to screen the Project as shown on the Master Plan. The Perimeter Buffer shall be shown on the site plan. The Perimeter Buffer shall be provided by one of the three treatment options listed below:
 - a. In areas of the Perimeter Buffer that are currently comprised of mature forest, as determined by the Planning Director or designee, the buffer shall be left undisturbed in its natural state.
 - b. In areas of the Perimeter Buffer that are not completely comprised of mature forest, as determined by the Planning Director or designee, supplementation with evergreen shrubs and trees shall be required in accordance with Condition No. 3c.
 - c. In areas of the Perimeter Buffer where little or no vegetation exists, as determined by the Planning Director or designee, the buffer shall be landscaped to the provisions of Section 24-96 of the Zoning Ordinance for General Landscape Areas except that the required evergreen tree and shrub mixture shall be increased from 35% to at least 45%.
4. Lighting. If any lighting of the Project is proposed, the Planning Director or designee shall review and approve a lighting plan prior to final site plan approval. Any exterior site or building lighting on the Property shall be shielded and directed downward. No glare, defined as 0.1 foot-candle or higher, shall extend outside the boundaries of the Property. Lights shall be operated by a motion detector or be able to be turned on as needed by the Facility operator and shall not be routinely illuminated at night. No light poles shall exceed a height of 16 feet above finished grade unless otherwise approved in writing by the Planning Director prior to final site plan approval.
5. Signage. Unless otherwise exempt by Section 24-74 of the Zoning Ordinance, no outdoor signage related to the Project shall be permitted on the Property.
6. Fencing. Any fence on the Property shall be black or other neutral color and shall not exceed a height of 8 feet above finished grade and not consist of barbed wire. Prior to final approval of any site plan, the Planning Director or designee shall review and approve a detail of any proposed fencing on the Property for consistency with this condition.

7. Emergency Management Plan. The Facility operator shall prepare and maintain an Emergency Management Plan (EMP) to address situations that may require response from James City County public safety personnel, including, without limitation, fire safety and emergency response personnel. The EMP shall:
 - Be developed in conjunction with and approved by the County Fire Chief and County Police Chief or their designees prior to final approval of any site plan.
 - Provide a mutually agreed-upon schedule for the Facility operator to provide information sessions and training for James City County public safety personnel relative to possible emergency response situations at the Facility.
 - Provide pertinent contact numbers for the Facility operator emergency personnel.
 - Provide that all emergency contact information will be posted on access gates.
8. Construction Management and Mitigation Plan. Prior to final approval of any site plan, the Facility operator shall provide a Construction Management and Mitigation Plan (CMMP) for review and approval of the Planning Director or designee. The CMMP shall include those items listed below:
 - a. Construction Management:
 - Designated parking areas.
 - All piling driving activity on the Property shall be limited to the hours of 8 a.m. to 6 p.m., Monday through Friday.
 - Other construction activities, including clearing and grading of the Property shall be limited to the hours of 7 a.m. to 7 p.m., Monday through Friday.
 - Construction delivery traffic to the Property shall not be allowed during pick-up/drop-off times for surrounding schools.
 - Appropriate methods for the storage, transportation, and disposal of any waste and/or hazardous materials.
 - b. Construction Mitigation:
 - Dust mitigation, such as water trucks, mulch, or similar methods.
 - Smoke and burn mitigation, such as containments or similar methods.
9. Construction Traffic Mitigation Plan. A Construction Traffic Mitigation Plan (CTMP) shall be submitted to the Virginia Department of Transportation (VDOT) and the Planning Director, or designee, for review and approval prior to the issuance of a land disturbing permit for the Facility. The CTMP shall identify all existing conditions along Racefield Drive, provide a plan to address all necessary repairs required as a result of damage from construction traffic, and provide a timeline for completion of repairs, and provide a surety in a form acceptable to the County Attorney guaranteeing such repairs. All road repairs as identified by the approved CTMP shall be completed within six months of the Facility becoming operational.

10. Off-Site Parking. Prior to issuance of a land disturbing permit, an Off-Site Parking Plan (OPP) shall be submitted to the Planning Director, or designee, for review and approval. The off-site parking area shall be used by construction workers who shall be transported to the Property via a shuttle van and/or bus. The OPP shall conform to all Zoning Ordinance requirements and shall identify elements such as, but not limited to, the number of off-site parking spaces provided and the location of the off-site parking area. In order to reduce the amount of construction-related traffic along Racefield Drive and to ensure that construction workers are parking their vehicles at the off-site parking area, no more than 20 vehicles may be parked on the Property for the Project at any time except for trucks, as defined by the Zoning Ordinance, and delivery vehicles. No on-street parking for the Project shall be allowed. The OPP shall identify the need for additional Erosion and Sediment Control measures and Stormwater measures generated by the off-site parking area and those needs be approved through an erosion and sediment control plan prior to issuance of land disturbance permit for the Facility.
11. Spill Prevention Control and Countermeasure Plan. Prior to approval of any site plan, the Facility operator shall submit a Spill Prevention Control and Countermeasure Plan (SPCCP) for the Project to the County Director of Stormwater and Resource Protection or designee for review and approval. The SPCCP shall outline spill prevention and pollutant containment measures and procedures necessary for the operation of the Facility until decommissioning.
12. Decommissioning and Restoration Plan and Agreement. Prior to final approval of any site plan, a Decommissioning and Restoration Plan (DRP) shall be submitted to the Planning Director or designee for review and approval. The DRP shall outline the required steps for removal of above and below-ground Facility components, disposal and/or recycling of wastes and materials, soil stabilization, and the revegetation and restoration of native habitat of the Property. At the time of decommission of the Facility, the stormwater facilities on the Property must be evaluated for continued need and the final DRP must include the close-out or remediation of stormwater facilities. The DRP shall be enforceable by a written Decommissioning Agreement in accordance with and subject to the terms of Virginia Code § 15.2-2241.2(B). To ensure sufficient funds are available to the County to conduct the DRP, a surety in an amount sufficient for decommissioning the Facility and remediating the Property shall be posted with James City County in a form acceptable to the County Attorney. The Decommissioning Agreement shall be executed prior to approval of a site plan for the Facility.
13. Height Limitation. The maximum height of all structures in the Facility, including the photovoltaic solar panel mounts, shall not exceed 16 feet above finished grade.
14. Glare. All photovoltaic solar panels on the Property shall be of made of or be coated with anti-reflective materials to prevent glare.
15. Virginia Runoff Reduction Method. The Forested Open Space land use category may be used to account for a maximum of 50% of the required water quality associated with the Project. The purchase of offsite nutrient credits toward needed water quality associated with the Project will not be allowed.
16. Special Stormwater Criteria. Special stormwater criteria measures as defined in the Special Stormwater Criteria Task Group shall be required for the Project.

17. Channel Protection. The stormwater management design shall provide channel protection for the 1-year, 24-hour storm event per energy balance, as defined in 9 VAC 25-870-66(B)(3)(a), for all outfall and discharge locations for the Project.
18. Flood Protection. The stormwater management design shall provide flood protection through attenuation of the 10-year, 24-hour storm event, per 9 VAC 25-870-66(C)(2)(b).
19. Stream Channel Restoration. The development plan for the Project must include a restoration plan for approximately 200 linear feet of the upper reaches of the perennial stream channel on the Property that is experiencing severe degradation. The restoration plan must be shown as part of the overall plan of development for the Project and be approved by the Director of Stormwater and Resource Protection prior to site plan approval. Restoration of the stream channel must be guaranteed in a manner acceptable to the County Attorney prior to site plan approval and completed prior to the Facility being operational.
20. Erosion and Sediment Control Inspection.
 - a. The person responsible for carrying out the erosion and sediment control plan on the Property shall be responsible for monitoring and inspecting the land disturbing activity in accordance with Section 8-6(a) of the County Code. All inspection documentation shall be submitted to the Stormwater and Resource Protection Division for review and approval in accordance with Chapter 8 of the County Code. Prior to the issuance of land disturbance permit, the Facility operator and any third-party inspector shall conduct a pre-construction meeting with the Stormwater and Resource Protection Division to discuss schedule, submittal requirements, and other necessary items to complete the monitoring and inspections.
 - b. At the County's sole discretion, the County may engage the services of County-contracted inspectors for inspections required by County Code Section 8-6(b), or as deemed appropriate by the County to ensure compliance with applicable codes and Ordinances. The Facility operator shall be financially responsible for the costs of any inspections contracted for by the County for the Facility or the Property.
21. Public Improvements. Pursuant to Code of Virginia § 15.2-2288.8(B), after commercial operation of the Facility, a payment of \$1,400 per megawatt of alternating current (AC) generation capacity shall be made to the County on July 1 of each year to support construction of public improvements (including but not limited to transportation infrastructure, facilities for provision of public safety, etc.), the need for which is not generated solely by the Facility, but are reasonably related to it.
22. Solar Panel Details. As part of the Site Plan review, the Applicant shall provide documentation that the selected panels are non-regulated waste under Resource Conservation Recovery Act (RCRA) classification. Furthermore, the applicant shall provide documentation that the selected panels are "Tier 1" modules as established by the most recent "PV Module Tier 1 List" issued by BloombergNEF or a similar third-party analysis widely accepted in the solar industry.

23. Commencement. The Facility shall be operational within 48 months from the date of adoption of this resolution authorizing the SUP, or this SUP shall automatically be void. The Facility operator shall submit a signed letter to the Planning Director prior to 48 months from the issuance of this SUP to confirm the operational status of the Facility.
24. Severance Clause. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

BE IT FURTHER RESOLVED by the Board of Supervisors of James City County, Virginia, that SUP-21-0022 authorized herein shall not be effective and no site plan may be approved until the area shown on the Master Plan for the Project is withdrawn from the Barnes Swamp Agricultural and Forestal District enacted by Ordinance No. 167A-14 adopted on September 11, 2018.


John J. McGlennon
Chairman, Board of Supervisors

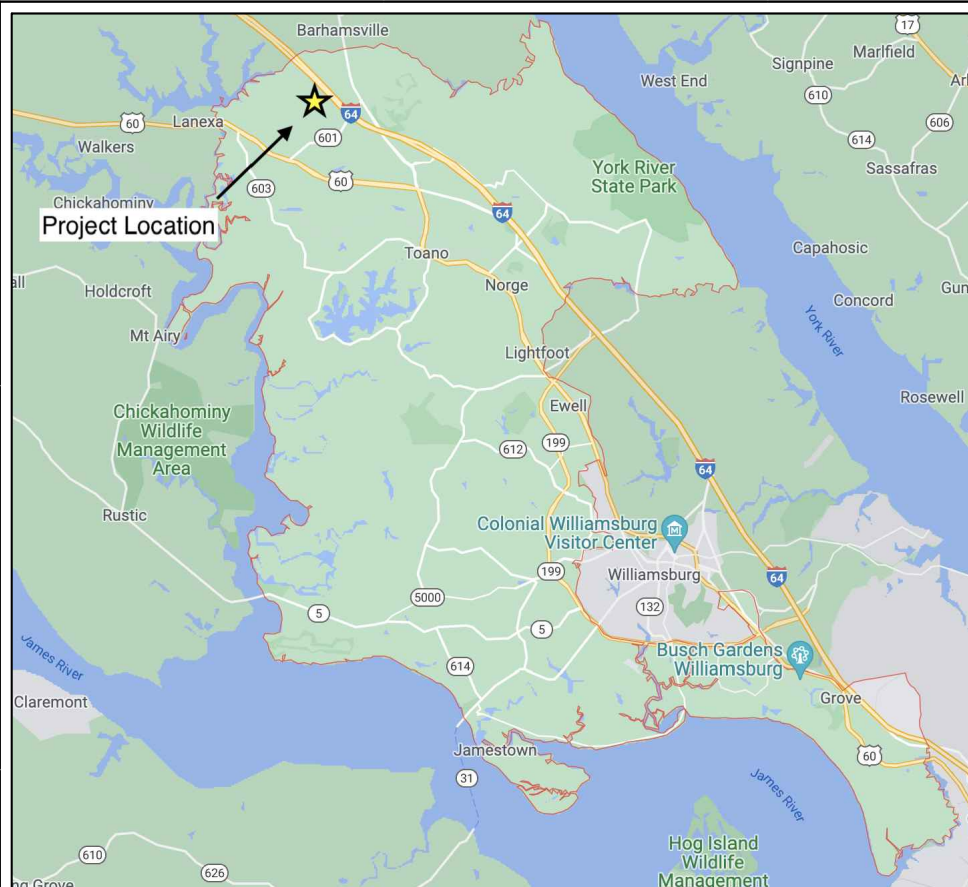
ATTEST:


Teresa J. Saeed
Deputy Clerk to the Board

	VOTES			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
ICENHOUR	☒	☐	☐	☐
HIPPLE	☒	☐	☐	☐
LARSON	☒	☐	☐	☐
SADLER	☒	☐	☐	☐
MCGLENNON	☒	☐	☐	☐

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of March, 2022.

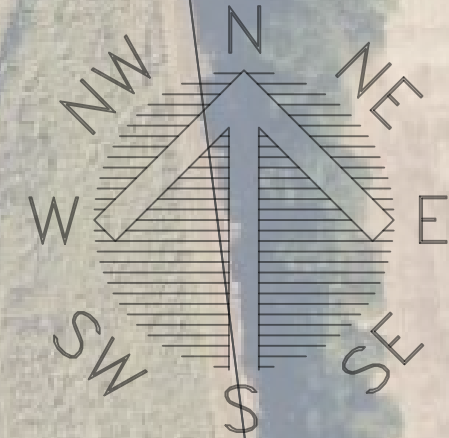
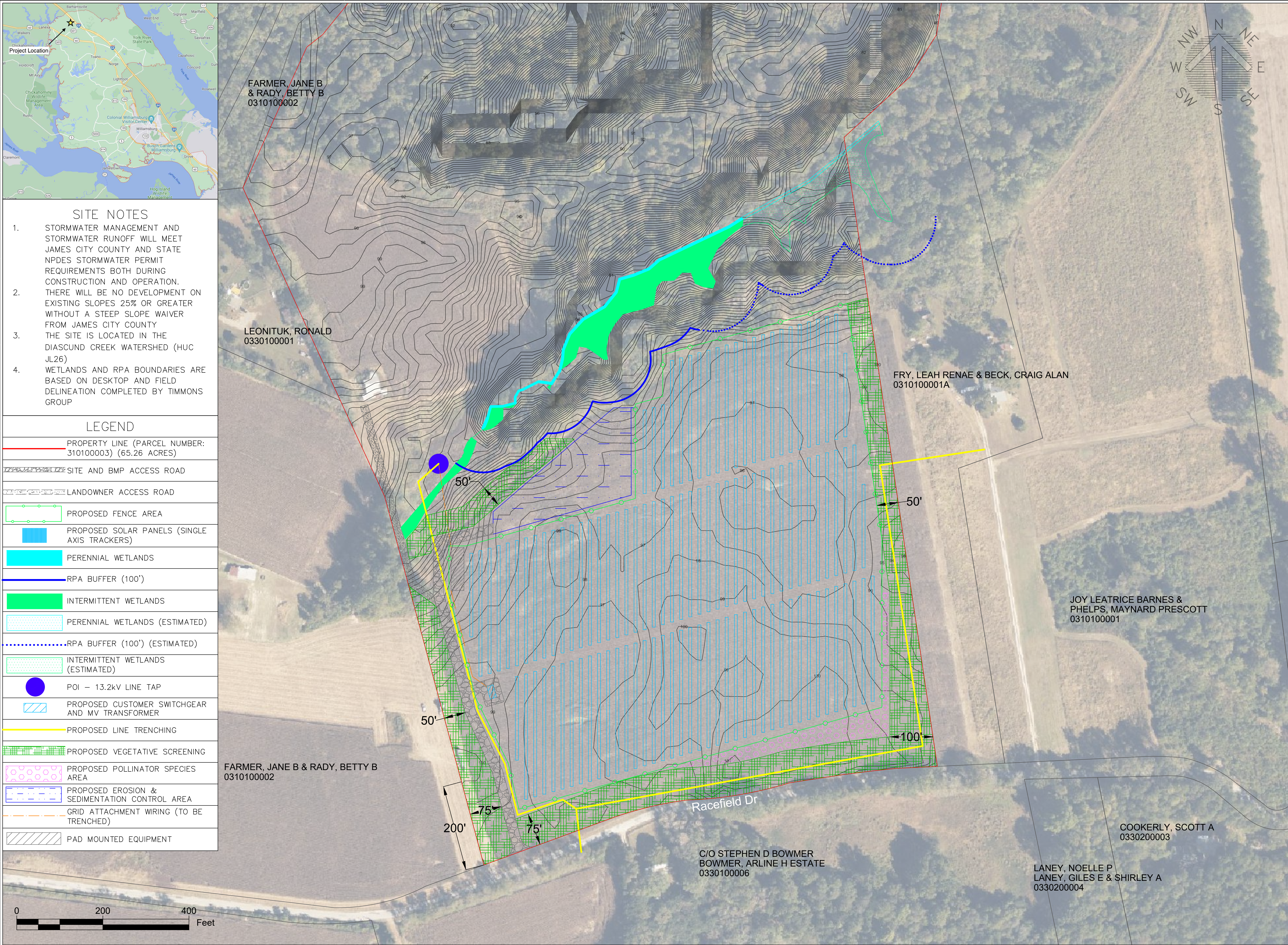
SUP21-22_360RacefldDrSF-res



- SITE NOTES**
- STORMWATER MANAGEMENT AND STORMWATER RUNOFF WILL MEET JAMES CITY COUNTY AND STATE NPDES STORMWATER PERMIT REQUIREMENTS BOTH DURING CONSTRUCTION AND OPERATION. THERE WILL BE NO DEVELOPMENT ON EXISTING SLOPES 25% OR GREATER WITHOUT A STEEP SLOPE WAIVER FROM JAMES CITY COUNTY.
 - THE SITE IS LOCATED IN THE DIASCUND CREEK WATERSHED (HUC JL26).
 - WETLANDS AND RPA BOUNDARIES ARE BASED ON DESKTOP AND FIELD DELINEATION COMPLETED BY TIMMONS GROUP.

LEGEND

	PROPERTY LINE (PARCEL NUMBER: 310100003) (65.26 ACRES)
	SITE AND BMP ACCESS ROAD
	LANDOWNER ACCESS ROAD
	PROPOSED FENCE AREA
	PROPOSED SOLAR PANELS (SINGLE AXIS TRACKERS)
	PERENNIAL WETLANDS
	RPA BUFFER (100')
	INTERMITTENT WETLANDS
	PERENNIAL WETLANDS (ESTIMATED)
	RPA BUFFER (100') (ESTIMATED)
	INTERMITTENT WETLANDS (ESTIMATED)
	POI - 13.2kV LINE TAP
	PROPOSED CUSTOMER SWITCHGEAR AND MV TRANSFORMER
	PROPOSED LINE TRENCHING
	PROPOSED VEGETATIVE SCREENING
	PROPOSED POLLINATOR SPECIES AREA
	PROPOSED EROSION & SEDIMENTATION CONTROL AREA
	GRID ATTACHMENT WIRING (TO BE TRENCHED)
	PAD MOUNTED EQUIPMENT



HEXAGON ENERGY

HEXAGON ENERGY, LLC
321 E Main St, Suite 500
Charlottesville, VA 22902
Phone: 434.227.5090
Website: www.hexagon-energy.com

Professional Engineer:

PE Seal:

DRAWING TYPE

☐ Preliminary	☐ Construction
☐ Customer Approval	☐ As-built
☒ Permitting	☐ Other

REVISIONS

Rev	By	Description	Date
0	EO	RFP PLAN	7/30/2021
1	EO	ADD CONTOUR LABELS	9/14/2021
2	EO	PERMIT PLAN	11/12/2021
3	EO	REVISE CONTOURS AND ACCESS ROADS	1/6/2022
4	EO	REVISE ACCESS ROADS	1/19/2022
5	EO	REVISE VEGETATIVE BUFFER	1/24/2022

SITE INFORMATION

PARCEL ID NUMBER (PIN)	APPROX ACREAGE	ZONING	R/W SETBACK	SIDE YARD SETBACK	REAR YARD SETBACK	LANDSCAPE BUFFER
310100003	±65.26	A1	+75'	+50'	+1000'	+50'

Project Name:
RACEFIELD SOLAR, LLC

Site Address:
**360 RACEFIELD DR
TOANO, VA 23168
37.432°N, -76.868°W**

Sheet Name:

MASTER PLAN

Scale: 1in=100ft | Project ID: TBD

Sheet No:
L1.1

§ 15.2-2209.1:2. Extension of land use approvals for solar photovoltaic projects

A. An initial approval of a special exception, special use permit, or conditional use permit for a solar photovoltaic or energy storage project shall provide the landowner or developer a minimum of three years to commence the project.

For so long as the special exception, special use permit, or conditional use permit remains valid, no change or amendment to any local ordinance, map, resolution, rule, regulation, policy, or plan adopted subsequent to the date of approval of the special exception, special use permit, or conditional use permit shall adversely affect the right of the developer or his successor in interest to commence and complete an approved development in accordance with the lawful terms of the special exception, special use permit, or conditional use permit unless the change or amendment is required to comply with state law or there has been a mistake, fraud, or a change in circumstances substantially affecting the public health, safety, or welfare.

Application for minor modifications to special exceptions, special use permits, or conditional use permits made during the period of validity shall not constitute a waiver of the provisions hereof nor shall the approval of minor modifications extend the period of validity of such plats or plans.

B. Notwithstanding any other provision of this chapter, for any valid special exception, special use permit, or conditional use permit, or any modifications thereto, for a solar photovoltaic or energy storage project outstanding as of July 1, 2023, any deadline in the exception permit, or in the local zoning ordinance that requires the landowner or developer to commence the project within a certain time, may be extended by a resolution of the governing body until July 1, 2026, or such longer period as may be agreed to by the locality.

2023, cc. [499](#), [500](#); 2024, c. [301](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.