

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 29TH DAY OF OCTOBER, NINETEEN HUNDRED NINETY, AT 7:02 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Perry M. DePue, Chairman, Powhatan District
Stewart U. Taylor, Vice Chairman, Stonehouse District

Judith N. Knudson, Jamestown District
Jack D. Edwards, Berkeley District
Thomas K. Norment, Jr., Roberts District
David B. Norman, County Administrator
Frank M. Morton, III, County Attorney

B. MINUTES - October 15, 1990

C. PRESENTATIONS

1. Constitution Week Essay Awards

Mr. Leo P. Rogers, Assistant County Attorney, announced the winners of the Constitution Essay Contest from Williamsburg-James City County Public Schools Grades 4 through 8 and thanked the 15-judge panel, Ms. Pam Marini for coordinating the contest with the Schools and Mr. William Bryant, Chairman of the Williamsburg/James City County Bicentennial Commission, promoter and supporter of the contest.

Mr. DePue presented certificates to the following: 4th grade first place, Jennifer Chong, Norge; honorable mention, Katie Mearns and Chris Johnson, Matthew Whaley; 5th grade first place, Kevin Deaver, Clara Byrd Baker; honorable mention, Charlie Trader and C.J. Carder, Rawls Byrd; Shannon O'Reilly, D.J. Montague and Lauren Zotto, Norge; 6th grade first place, Teresa Hudik, James Blair; 7th grade first place, Sean McGinley, Berkeley; honorable mention, Tamarah Camp and Stephen Merritt, Berkeley; 8th grade first place, Adrienne Hunt, James Blair; honorable mention, Ross Garner and Jessica Coe, James Blair.

Mr. DePue expressed the Board's thanks to the winners, participants, faculty, staff and parents.

2. Outstanding Service Award

The Employee Recognition Review Committee recommended four employees for the outstanding service award. Mr. DePue presented a plaque to Keith Leonard, James City Service Authority, for maintaining excellent service during a two-month period when his workload doubled.

Mr. DePue also presented plaques to Ms. Elizabeth Johnson, Ms. Susan Malechek, and Ms. Mary Frances Rieger for their creation and production of the Telephone Information Manual for County employees.

On behalf of the Board, Mr. DePue congratulated the recipients.

D. MINUTES - October 15, 1990

Mr. DePue asked if there were corrections or additions to the minutes.

Mr. Edwards made a motion to approve the minutes as presented.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, Knudson, DePue (5). NAY: (0).

E. CONSENT CALENDAR

Mr. DePue asked if any Board member wished to remove an item from the Consent Calendar.

Mr. Norment made a motion to remove Item No. 7 on the Consent Calendar.

Mr. DePue made a motion to approve Items No. 1 through 6 on the Consent Calendar.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, Knudson, DePue (5). NAY: (0).

1. Police Mutual Aid Agreement

R E S O L U T I O N

POLICE MUTUAL AID AGREEMENT

WHEREAS, Virginia law authorizes local government to enter into reciprocal agreements for mutual aid and for cooperation in the furnishing of police services; and

WHEREAS, it is beneficial to James City County to participate in a mutual aid agreement with the Cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk and Virginia Beach.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that it hereby authorizes David B. Norman, County Administrator, to execute to Police Mutual Aid Agreement.

2. Emergency Operations Plan

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R E S O L U T I O NJAMES CITY COUNTY EMERGENCY OPERATIONS PLAN

WHEREAS, there exist many dangers of many types, including man-made disasters, natural disasters, and possible hostile actions of an unknown enemy; and

WHEREAS, the safety and protection of the citizens and property is of foremost concern to the Board of Supervisors of the County of James City; and

WHEREAS, the Board of Supervisors desires and Commonwealth of Virginia statutes require the adoption of appropriate planned protective measures.

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the James City County Emergency Operations Plan dated October, 1990.

3. School Appropriations

R E S O L U T I O NAMENDMENTS TO THE SCHOOL APPROPRIATION - FY 1991

WHEREAS, the Board of Supervisors has been requested to amend the total appropriation of funds to the Williamsburg-James City County School Board for the fiscal year ending June 30, 1991.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the following total appropriation to the Williamsburg-James City County School Board and the amendments listed:

Original Appropriation	<u>\$31,985,171</u>
plus amendments	
Hotel/Motel Marketing	\$ 25,000
Technology Initiative	76,419
Drug Free School Grant	7,973
	<u>109,392</u>
Amended Appropriation	<u>\$32,094,563</u>

4. VHPF Rehabilitation Loan Commitment Revenue

R E S O L U T I O NAPPROPRIATION OF VHPF REHABILITATION LOAN COMMITMENT REVENUE

WHEREAS, James City County has entered into a Local Administrator Agreement with the Virginia Department of Housing and Community Development to originate VHPF housing rehabilitation loans and grants; and

WHEREAS, under the Agreement loan commitment fees may be charged to compensate the County for the cost of processing loan applications.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes that the appropriated funds for the Office of Housing and Community Development to be amended as follows:

Revenues

VHPF Rehabilitation Loan Commitment Fees	\$975.00
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Expenditures

Housing Rehabilitation Program Operation Expenses	\$975.00
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5. Homeless Intervention Program - FY 1991 Grant

R E S O L U T I O NAMENDMENT OF THE APPROPRIATION OF FUNDS FOR THESHARE - HOMELESS INTERVENTION PROGRAM

WHEREAS, the Virginia Department of Housing and Community Development has increased by \$4,906 the grant awarded James City County under the SHARE - Homeless Intervention Program.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, authorizes that the appropriated funds for the Office of Community Development be amended as follows:

Revenues

SHARE - Homeless Intervention Program	<u>\$4,906</u>
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Expenditures

Homeless Intervention Grants and Loans	\$3,680
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Homeless Intervention Program Administration	<u>1,226</u>
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\$4,906

6. VHPF Indoor Plumbing Program GrantR E S O L U T I O NAPPROPRIATION OF FUNDS FOR THEVHPF - INDOOR PLUMBING PROGRAM

WHEREAS, the Virginia Department of Housing and Community Development has awarded James City County a grant of \$184,342 under the VHPF - Indoor Plumbing Program; and

WHEREAS, this grant was awarded subsequent to adoption of the FY 1991 Budget and is to be administered by the Office of Housing and Community Development; and

WHEREAS, that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to execute the grant agreement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the appropriated funds for the Office of Housing and Community Development be amended as follows:

Revenue

VHPF Indoor Plumbing Program	<u>\$184,342</u>
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Expenditures

Plumbing and Rehabilitation	\$162,000
Energy-related Rehabilitation	6,142
Administration	<u>16,200</u>
	<u>\$184,342</u>

7. Landfill Elevating Scraper Bid Contract

Mr. Norment questioned whether approval of the item could be delayed until after a budget work session planned for the November 19, 1990, Board of Supervisors' meeting.

Staff responded that the bid conditions would be checked.

Mr. DePue postponed the item until later in the meeting so that staff could review information.

E. PUBLIC HEARINGS

1. Case No. SUP-42-90. Settler's Mill, Inc.

Mr. Marvin Sowers, Jr., Director of Planning, stated that Mr. Sheldon Franck, Esq., had applied on behalf of Settler's Mill, Inc., for a special use permit to allow a residential cluster development, located on the north side of the intersection of Jamestown Road and Ironbound Road, in R-1, Limited Residential, further identified as Parcel (1-109) on James City County Real Estate Tax Map No. (47-1).

In concurrence with staff, the Planning Commission recommended approval, by a vote of 9-1, with conditions listed in the resolution.

Board discussion included construction of an entrance on Ironbound Road when 50 percent of the lots have been platted, minimum buffers along highways, and definition of cluster housing in this case meant unattached single dwellings on smaller lots, maximum density 2 houses per acre.

Mr. DePue opened the public hearing.

1. Mr. Sheldon Franck, representing the applicant, mentioned several advantages of the cluster housing concept: the commitment to develop site with curb and gutter, maintain an 80-foot lot frontage, and reduce the traffic volume from that projected by current density requirements.

2. Mr. R. J. Exton, 111 Ware Road, representing the Homeowner's Association of Lakewood Subdivision, expressed concern that the developers were unaware of the Lakewood Subdivision covenants.

Mr. DePue suggested Mr. Exton contact Mr. Franck about that concern.

Mr. DePue closed the public hearing.

Mr. Norment made a motion to approve the resolution.

Mr. Edwards made a substitute motion to postpone the case to allow review of the buffer area.

On a roll call, on the substitute motion, the vote was AYE: Norment, Taylor, Edwards, Knudson, DePue (5). NAY: (0).

2. Well Ordinance

Mr. Larry Foster, General Manager, James City Service Authority, stated that the purpose of the Ordinance was to protect and preserve groundwater and public health by the establishment of well construction standards for the County.

Mr. DePue opened the public hearing.

1. Mr. Jay Everson, 130 Oslo Court, stated that a well drilled correctly, with County inspection, should be sufficient without a test requirement.

2. Mr. Howard Gammon, Providence Forge, spoke in favor of the ordinance as a step in the right direction to protect the groundwater and public health.

3. Mr. Ed Oyer, 139 Indian Circle, spoke in favor of the ordinance as groundwater contamination by nitrates is a major concern.

Mr. DePue closed the public hearing.

Mr. Taylor strongly voiced his opposition to the ordinance as further restriction to the rural population with prohibitive cost for homeowners and well drillers, and would discourage industrial development. He also stated that additional employees and vehicles would be needed.

Ms. Knudson made a motion to approve the ordinance.

On a roll call, the vote was: AYE: Norment, Edwards, Knudson, DePue (4). NAY: Taylor (1).

3. Case No. ZO 15 90. Zoning Ordinance Amendment/Floodplain

Mr. Wayland Bass, County Engineer, stated that the County was currently in the emergency program of the National Flood Insurance Program.

Staff recommended approval of the ordinance which contained provisions required by Federal Emergency Management Agency to permit participation in the Regular Flood Insurance Program.

Mr. DePue opened the public hearing.

1. Mr. David Hertzler, 101 Mattaponi, spoke in favor of the ordinance and explained the circumstances of the flooding of his business on Merrimac Trail last year.

2. Mr. Gene Farley, Chickahominy Haven, stated that from personal experience, he felt additional training for floods was needed for emergency personnel, and emphasized the citizens' desire to elevate the portion of Hicks Island Road that has tidal flooding.

Mr. DePue closed the public hearing.

Mr. DePue made a motion to approve the ordinance.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, Knudson, DePue (5). NAY: (0).

Mr. DePue stated that he would talk to staff about the previous investigation of Hicks Island flooding issue.

4. Case No. SUP-47 90. Jolly Pond Road Water Main Extension

Mr. Sowers stated that Mr. Larry Foster had applied on behalf of the James City Service Authority for a special use permit to allow the construction of a 12 inch water transmission main, approximately 7,000 feet in

length, located along Jolly Pond Road within the Virginia Department of Transportation right-of-way, between Centerville Road and Cranston's Mill Pond Road.

Mr. Sowers further stated that the proposed transmission main would connect to an existing Service Authority 12-inch water transmission main located at Centerville Road, with future plans to extend the main along Cranston's Mill Pond Road to connect to an existing main located on Chickahominy Road.

In accordance with staff, the Planning Commission unanimously recommended approval with conditions listed in the resolution.

Mr. DePue opened the public hearing, and as no wished to speak, he closed the public hearing.

Mr. Taylor made a motion to amend the resolution by deletion of Condition 6.

Board discussion included number of persons served, and cost of installation.

On a roll call, on the amendment, the vote was: AYE: Taylor (1). NAY: Norment, Edwards, Knudson, DePue (4).

Mr. DePue made a motion to approve the resolution as presented.

On a roll call, on the main motion, the vote was: AYE: Norment, Edwards, Knudson, DePue (4). NAY: Taylor (1).

R E S O L U T I O N

CASE NO. SUP-47-90. JOLLY POND ROAD WATERMAIN EXTENSION

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance, specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the Planning Commission of James City County, following its public hearing on October, 9, 1990, unanimously recommended approval of Case No. SUP-47-90 to permit a 12-inch water main within the right-of-way of Jolly Pond Road commencing at Centerville Road and extending northwest a distance of approximately 7,000 feet to Cranston's Mill Pond Road.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-47-90 as described herein with the following conditions:

1. Construction, operation and maintenance of the water transmission main shall comply with all local, State and Federal requirements.

2. The project shall comply with all State erosion and sediment control regulations as specified in the 1980 Virginia Erosion and Sediment Control Handbook.
3. All required permits and easements shall be acquired prior to the commencement of construction.
4. If construction has not commenced on the project within a period of 24 months from the date of issuance of the permit, it shall become void. Construction shall be defined as the clearing, grading and excavation of trenches necessary for the construction of the water main.
5. For pipeline construction adjacent to existing development, adequate dust and siltation control measures shall be taken to prevent adverse effects on the adjacent property. It is intended that the present and future results of the proposed water transmission main do not create effects adverse to the public health, safety, comfort, convenience, or value of the surrounding property and uses thereon.
6. No connections shall be made to the water main which would serve any property located outside the Primary Service Area except for connections to the Williamsburg/James City County Schools Operations and Maintenance Center and existing structures located outside the PSA, on property adjacent to the proposed mains.

Mr. DePue requested staff prepare policy on expansion of waterlines outside Primary Service Area.

5. Case No. AFD-9-86. Gordon Creek Agricultural and Forestal District
Case No. AFD-10-86. Christenson's Corner Agricultural and Forestal District
Case No. AFD-11-86. Yarmouth Island Agricultural and Forestal District
Case Nos. AFD-12-86 and AFD-13-86. Gospel Spreading Church Farm Agricultural and Forestal Districts

Mr. Sowers stated that the State Code required review of established districts, due to expire before December 1, 1990, to be continued, modified, or terminated.

Mr. Sowers requested that Case No. AFD-9-86 be postponed until the next Board of Supervisors' meeting on November 19, 1990.

In accordance with staff, the Planning Commission unanimously recommended approval of the continuation of the districts for a term of 4 years with conditions listed in the ordinances.

The Board concurred with postponement of Case No. AFD-9-86.

Following a brief discussion regarding the length of term, Mr. DePue opened the public hearings for Case Nos. AFD-10 through 13, and as no one wished to speak, he closed the public hearings.

Mr. DePue made a motion to approve Case Nos. AFD 10- through 13-86.

By consensus of the Board, the public hearing on Case No. AFD-9-86 was continued until November 14, 1990.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, Knudson, DePue (5). NAY: (0).

6. VPSA Bonds

Mr. John E. McDonald, Manager, Financial and Management Services, stated that approval was needed to guarantee the County's participation in the Virginia Public School Authority bond sale, which includes bonds of \$6,900,000 to complete the funding for the new middle school.

Staff recommended approval of the resolutions.

Mr. DePue opened the public hearing, and as no one wished to speak, he closed the public hearing.

Mr. Edwards made a motion to approve the resolutions.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, Knudson, DePue (5). NAY: (0).

The undersigned Clerk of the Board of Supervisors of James City County, Virginia, hereby certifies as follows:

At a regular meeting of the Board of Supervisors of James City County, Virginia, held on the 29th day of October, 1990, at the time and place established by such Board for its regular meetings at its preceding annual meeting in accordance with Section 15.1-536 of the Code of Virginia of 1950, as amended, at which the following members were present and absent:

PRESENT: Thomas K. Norment, Jr.
Perry M. DePue
Stewart U. Taylor
Jack D. Edwards
Judith N. Knudson

ABSENT: None

the following resolution, having been the subject of a public hearing held on this date after newspaper publication of notice thereof in accordance with Sections 15.1-171.1 and 15.1-186 of the Code of Virginia of 1950, as amended, held at the time and place set out in such notice, was adopted by a majority of all members of the Board of Supervisors by a roll call vote, the ayes and nays being recorded in the minutes of the meeting as shown below:

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MEMBERVOTE

Norment
Taylor
Edwards
Knudson
DePue

AYE
AYE
AYE
AYE
AYE

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF SCHOOL
BONDS OF JAMES CITY COUNTY, VIRGINIA, IN THE MAXIMUM AMOUNT
OF \$6,900,000 TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF JAMES CITY COUNTY, VIRGINIA:

1. The Williamsburg-James City County School Board has advised the Board of Supervisors (the "Board") of James City County, Virginia (the "County"), of the necessity to undertake capital projects for public schools. The Board hereby determines that it is advisable to do so and to borrow money for such purpose and issue the County's general obligation bonds therefor.

2. Pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act, there are hereby authorized to be issued school bonds of the County in the maximum amount of \$6,900,000 to provide funds, together with other available funds, to finance capital projects for public schools. The bonds shall be sold to the Virginia Public School Authority, a State agency prescribed by the General Assembly pursuant to Article VII, Section 10(b) of the Constitution.

3. Pursuant to Section 15.1-186 of the Code of Virginia of 1950, as amended, the Board hereby estimates that the average rate of interest to be borne by the bonds is 7.5% per year and the amount of interest charges required to repay and retire the bonds is \$5,430,000. In making this estimate, the Board has assumed a 20-year debt retirement schedule providing for approximately equal annual principal payments.

4. The bonds shall bear such date or dates, mature at such time or times not exceeding 40 years from their date, bear interest at such rate or rates not to exceed the maximum rate authorized by law at the time the bonds are sold, be in such denominations and form, be executed in such manner and be sold at such time or times and in such manner as the Board may hereafter provide by appropriate resolution or resolutions.

5. The bonds shall be general obligations of the County for the payment of principal of and interest on which its full faith and credit shall be irrevocably pledged.

6. This resolution shall take effect immediately.

The undersigned Clerk of the Board of Supervisors of James City County, Virginia, hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a regular meeting of the Board of Supervisors held the 29th day of October, 1990, and of the whole thereof so far as applicable to the matters referred to in such extract.

WITNESS my signature and the seal of the Board of Supervisors of James City County, Virginia, this 29th day of October, 1990.

The undersigned Clerk of the Board of Supervisors (the "Board") of James City County, Virginia (the "County"), hereby certifies as follows:

1. A regular meeting of the Board was held on October 29, 1990, at the time and place established by such Board for its regular meetings at its preceding annual meeting in accordance with Section 15.1-536 of the Code of Virginia of 1950, as amended, at which the following members were present and absent:

PRESENT: Thomas K. Norment, Jr.
Stewart U. Taylor
Jack D. Edwards
Judith N. Knudson
Perry M. DePue

ABSENT: None

2. A resolution entitled "Resolution Providing for the Issuance of \$4,400,000 School Bonds, Series of 1990B, of James City County, Virginia, Heretofore Authorized, To Be Sold To the Virginia Public School Authority, and Setting Forth the Form and Details Thereof" was adopted by a majority of all members of the Board by a roll call vote, the ayes and nays being recorded in the minutes of the meeting as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Norment	Aye
Taylor	Aye
Edwards	Aye
Knudson	Aye
DePue	Aye

3. Attached hereto is a true, correct and complete copy of such resolution as adopted at such meeting.

WITNESS my signature and the seal of the Board of Supervisors of James City County, Virginia, this 29th day of October, 1990.

F. BOARD CONSIDERATIONS

1. Little Creek Housing Improvement Project CDBG Grant Agreement and Budget

2. Little Creek Housing Improvement Project Program Guidelines

Mr. Richard Hanson, Director, Office of Housing and Community Development, stated that a grant agreement had been received from the Virginia Department of Housing and Community Development and that agreement must be executed before the County obligated or expended any Community Development Block Grant funds.

Mr. Hanson explained the Housing Rehabilitation Program Guidelines, Off Site Replacement Housing Assistance Guidelines and Residential Anti-Displacement and Relocation Plan, proposed to govern provision of housing rehabilitation, replacement housing and relocation assistance from the Little Creek Housing Improvement CDBG.

Staff recommended approval of the resolutions.

Ms. Knudson made a motion to approve the resolutions.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, Knudson, DePue (5). NAY: (0).

R E S O L U T I O N

AUTHORIZATION TO SIGN COMMUNITY DEVELOPMENT

BLOCK GRANT AGREEMENT AND APPROPRIATION OF FUNDS

WHEREAS, the James City County Board of Supervisors authorized by Resolution on March 5, 1990, the submission to the Virginia Department of Housing and Community Development (DHCD) of an application for a \$700,000 Community Development Block Grant (CDBG) to fund the Little Creek Housing Improvement Project; and

WHEREAS, James City County has been notified of the award of the CDBG and has completed all actions required by DHCD prior to entering into an agreement to receive the CDBG funds.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to sign the Community Development Block Grant Agreement with the Virginia Department of Housing and Community Development.

BE IT FURTHER RESOLVED THAT the Board of Supervisors of James City County, Virginia, hereby amends the Budget, as adopted for the fiscal year ending June 30, 1991 as follows:

Revenues:

Community Development Block Grant	<u>\$700,000</u>
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Expenditures:

CDBG Housing Rehabilitation	\$440,000
CDBG Lot Development	140,000
CDBG Relocation/Demolition	64,000
CDBG Administration	<u>56,000</u>
	<u>\$700,000</u>

BE IT FURTHER RESOLVED that the appropriation of funds for the CDBG project be designated a continuing appropriation, to carry beyond FY 1991 until the Little Creek Housing Improvement Project is completed.

R E S O L U T I O NADOPTION OF CDBG AND REVOLVING REHABILITATION LOANFUND PROGRAM GUIDELINES

WHEREAS, the Virginia Department of Housing and Community Development requires that a locality, which utilizes Community Development Block Grant funds for housing rehabilitation, replacement housing, and relocation assistance, have Program Guidelines adopted by its governing body.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the attached Housing Rehabilitation Program Guidelines, Off-site Replacement Housing Assistance Guidelines, and Residential Anti-Displacement and Relocation Plan as the policies that shall govern the provision of housing rehabilitation, replacement housing, and relocation assistance financed with Community Development Block Grant funds.

BE IT FURTHER RESOLVED that the Housing Rehabilitation Program Guidelines shall also govern the provision of housing rehabilitation assistance financed with funds from the Revolving Rehabilitation Loan Fund.

G. PUBLIC COMMENT

Mr. Grant Olson, 105 Holman, commended the Board of Supervisors for its investment of time and funds in the development of the Comprehensive Plan, and urged restraint in decision making until the updated Comprehensive Plan was adopted.

H. REPORTS OF THE COUNTY ADMINISTRATOR - None

I. BOARD REQUESTS AND DIRECTIVES

Mr. Norment brought back Consent Calendar Item No. 7 and withdrew his postponement of the case.

Mr. DePue made a motion to approve the resolution.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, Knudson, DePue (5). NAY: (0).

R E S O L U T I O N

LANDFILL ELEVATING SCRAPER CONTRACT

WHEREAS, funds are appropriated in the FY 1991 Landfill Operating Budget to purchase a new elevating scraper at the Landfill; and

WHEREAS, requests for bids were issued, responses evaluated and the lowest bid meeting the critical specifications and being in the best interest of the County was determined; and

WHEREAS, it has been determined that the bid submitted by Carter Machinery Company, Inc., for a Caterpillar 615C elevating scraper in the amount of \$165,473 (total cost bid) meets the critical specifications and was the lowest responsible/responsive bidder in the best interest of the County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs the County Administrator to enter into a contract with Carter Machinery Company, Inc., for the purchase of a Caterpillar 615C Elevating Scraper for the sum of \$185,411 (initial purchase price).

Ms. Knudson referred to a Reading File memorandum from Mr. Anthony Conyers regarding AIDS Education Funding Request.

Mr. Conyers stated that Dr. James Lee had scheduled a course at the Human Services Building for November 13, 1990, and staff recommended that approval of the funding not exceed \$1,500.

Mr. Sanford Wanner, Assistant County Administrator, stated a resolution for appropriation of \$1,500 would be on the Board agenda for November 19, 1990, meeting.

Ms. Knudson made a motion to appropriate \$1,500 for the AIDS Education Program.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, Knudson, DePue (5). NAY: (0).

Mr. Taylor reported a citizen's complaint and asked staff to investigate reopening of a bid at the auction for County equipment held Saturday, October 27, 1990.

Mr. Taylor asked staff to investigate installation of streetlights on Diascund Road near Lawrence Talley's residence.

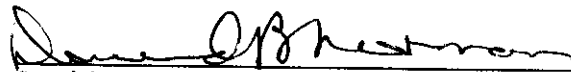
Mr. DePue requested staff attend a public information meeting on Tuesday, October 30, 1990, in Charles City County, requested by Delegate George Grayson, to discuss preliminary findings of subcommittee established by House Joint Resolution 88 on Route 5.

Mr. DePue mentioned a newspaper article regarding police operation, "Pest Control," which achieved good results in the drug operation efforts. Mr. DePue suggested that the other Board members contact the Police Drug Officer for information on County drug issues.

Mr. Taylor made a motion to adjourn.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, Knudson, DePue (5). NAY: (0).

The Board adjourned at 9:50 p.m.


David B. Norman
Clerk to the Board

ORDINANCE NO. 81A-5

OCT 29 1990

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 4, BUILDING REGULATIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY ADDING ARTICLE VI, WELL CONSTRUCTION.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 4, Building Regulations, is hereby amended and reordained by adding Section 4-50. Short title, Section 4-51. Purpose, Section 4-52. Definitions, Section 4-53. Application and compliance, Section 4-54. Administration and enforcement, Section 4-55. General requirements for all wells, Section 4-56. Specifications for construction of shallow wells, Section 4-57. Specifications for construction of deep wells, Section 4-58. Specifications for grouting, Section 4-59. Specifications for well abandonment, Section 4-60. Administrative fees, Section 4-61. Inspections, Section 4-62. Notice to correct, Section 4-63. Penalties. Section 4-64. Exceptions, and Section 4-65. Appeals.

Chapter 4. Building Regulations

Article VI. Well Construction

Section 4-50. Short title.

This Article shall be known and may be cited as the "James City County, Virginia Water Well Ordinance" or simply as the "Well Ordinance."

Section 4-51. Purpose

The Board of Supervisors acting pursuant to Section 1 of Chapter 3 of the Acts of Assembly of 1985, as amended, and Sections 32-1-176.5, 15.1-510 and 15.1-510.1 of the Code of Virginia of 1950, as amended, for the purpose of preserving and protecting groundwater and protecting the public health, adopt this Article regulating the construction of wells.

Section 4-52. Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

Approved - Material, equipment, workmanship, process or method that has been accepted by the Office of Code Compliance and the local Health Department as suitable for the proposed use.

Authority - The James City Service Authority.

Contaminant - Any physical, chemical, biological or radiological substance or matter in water which exceeds the safe level for human consumption.

Disinfection - The destruction of all pathogens.

Exception - A relaxation or conditional waiver of a specific regulation where such exception will not be contrary to the public interest or any existing State Water Control Board or Health Department regulations.

Groundwater - Subsurface water occupying the zone of saturation.

Health Department - The Commonwealth of Virginia Department of Health.

Non-potable Water - All water not classified as potable water.

Person - Any individual, firm, corporation, partnership or other entity, singular or plural.

Pitless Adapter - A mechanical, gasketed device which is attached through a hole drilled or cut in the well casing, connecting to the pump drop pipe which is approved by the Health Department.

Potable Water - Water fit for human consumption and domestic use which is sanitary and normally free of minerals, organic substances, toxic agents and meeting all the testing standards of this Article.

Private Well Regulations - Regulations issued by the Health Department effective September 1, 1990, and any revisions thereof.

Water Well Completion Report - Form GW-2, published by the State Water Control Board or the Uniform Water Well Completion Report published by the Health Department and completed by the well driller.

Waterworks Regulations - Regulations issued by the Health Department dated February 1, 1982, and any revisions thereof.

Well - An artificial opening or artificially altered natural opening, however made, by which groundwater is sought or is intended to be artificially drawn. Wells deriving water at depths of one hundred feet or less are classified as "shallow," while wells deriving water at greater than one hundred feet are classified as "deep." Any water source heat pump, drive-point, exploration, testing, monitoring, observation or production well for whatever purpose constructed, is subject to this Article since improper construction can lead to groundwater contamination. This definition shall not apply to soil borings, dewatering wells, and similar holes.

Well Grouting - The filling of the annular space between the well casing and the natural earth or rock with a mixture of neat Portland cement and water or a combination of sand, Portland cement and water applied under pressure from the lower terminus of the grouting to the top of the well.

Section 4-53. Application and compliance.

- (a) The requirements of this Section shall apply to all new wells, both private and public, potable or non-potable.
- (b) Building contractors, developers, plumbers, well drillers and all persons making well and well pump installations shall be responsible for compliance with applicable sections of this Article and the Virginia Uniform Statewide Building Code. It shall be the responsibility of the well driller to secure the well permit from the Office of Code Compliance. The permit does not exempt persons from securing any approval or permit required by the Health Department, State Water Control Board or any other permit required by the Office of Code Compliance.
- (c) All well drillers shall comply with the minimum requirements of this Article and the Health Department Regulations.

Section 4-54. Administration and enforcement.

This Article shall be administered and enforced by the Director of Code Compliance or the General Manager of the Authority or their appointed designees.

Section 4-55. General requirements for all wells.

- a. All well construction shall conform with the Waterwork Regulations or Private Well Regulations;
- b. All well drillers shall be certified by the County. Proof of a well drillers certification by the County shall be required prior to issuing a permit. After January 1, 1992, all well drillers will be required to be certified in order to be issued a permit;
- c. All wells constructed under this Article shall be required to have the water tested for petroleum products. In addition, all wells constructed as a potable water source shall be required to have water tested for nitrates, chlorides and bacteriological contamination upon completion of the well and the installation of the well pump. All contaminants shall be tested by a State certified lab and shall not exceed the primary maximum contamination level as provided in the Waterworks Regulations;
- d. A Water Well Completion Report shall be prepared for each well and submitted to the owner, Health Department and the Authority;
- e. Drilling fluid mix water shall be from a potable water source;
- f. Drilling fluids shall be sodium bentonite drilling clay Organic (starch-guard type) drilling muds shall not be used in any phases of drilling or construction, nor shall lime be used to thicken the drilling mud;
- g. Contractor shall not use any dangerous or toxic substances (bromides, petrochemicals, etc.) in the drilling fluid;
- h. Wells under construction shall be protected at all times so as to prevent any drainage or foreign matter from entering the casing or bore hole. When drilling operations are suspended temporarily, (i.e., overnight, weekends, holidays, etc.) the casing or bore hole shall be securely covered or capped. Upon completion of drilling, a secure cap or plug shall be placed on or in the top of the casing. In no case shall the driller remove his rig prior to the completion of grouting, and the installation of a secure cap, seal, or similar protective device on the casing;
- i. Upon completing construction of any potable well and the installation of the pumping equipment, the well shall be disinfected with a one hundred parts per million solution of calcium or sodium hypochlorite. After a minimum of 24 hours has elapsed, the well shall be thoroughly flushed by pumping until there is no residual chlorine detectable. After completion of disinfection, the driller shall provide evidence of at least one water sample showing an absence of bacteriological contamination

- j. Casings shall not terminate in a pit, but extend a minimum of 12 inches above final ground or pumphouse floor elevation and a minimum of 2 feet above the 100-year flood elevation;
- k. The ground immediately surrounding the top of the well casing shall be sloped away from the well to a minimum distance of a five-foot radius with a minimum slope of a half an inch per foot;
- l. Centering guides shall be installed on well casings within five feet of ground level, at fifty feet below ground level and then at 100-foot intervals thereafter; and
- m. Reinjection of water or any other substances back into the groundwater system for heat pumps or any reason shall be prohibited.

Section 4-56. Specifications for construction of shallow wells.

Shallow wells are not desirable from a public health standpoint. However, when shallow wells are installed the following requirements shall apply:

- a. Casing or lining for bored or shallow wells shall be concrete, pvc or steel meeting all Health Department regulations;
- b. All bore hole diameters shall be drilled a minimum of three inches larger than the outer diameter of the casing or couplings which ever is greater. In the case of bored wells, the diameter shall be a minimum of six inches greater. Bore holes shall be sufficiently large enough for the installation of the tremie pipe(s) to ensure proper grouting;
- c. A solid concrete slab shall be provided at least two feet greater in diameter than the well casing and with a slope of at least one inch from the well casing to the edge of the concrete. This slab shall be at least six inches thick and the outer edge shall be above or flush with the final ground level;
- d. When PVC pipe is used and exposed outside, a steel protective casing and cap shall be secured into the concrete slab around that portion of the well exposed above ground level; and
- e. Grout mixtures and installation shall conform with specifications detailed in Section 4-58.

Section 4-57. Specifications for construction of deep wells.

Deep wells that are screened and gravel packed are the most desirable from a public health standpoint and shall conform with the following requirements:

- a. Casings and screens shall be pvc or steel meeting all Health Department Regulations;
- b. All bore hole diameters shall be drilled a minimum of three inches larger than the outer diameter of the casing or couplings whichever is greater. Bore holes shall be sufficiently large enough for the installation of the tremie pipe(s) to ensure proper grouting;
- c. All casings shall be constructed and installed so as to be watertight throughout the depth used and shall be approved by the Health Department;
- d. Screens when used shall be securely sealed to the casing by either welding or suitable threads so as to be watertight and shall be either stainless steel or pvc. Lead packers are prohibited for attaching screens to casings;
- e. The well casing shall conform with Section 4-55(j);
- f. Grout mixtures and installation shall conform with specifications detailed in Section 4-58;
- g. When PVC pipe is used and exposed outside, a steel protective casing and cap shall be secured into the concrete slab around that portion of the well exposed above ground level;
- h. A solid concrete slab shall be provided at least two feet greater in diameter than the well casing and with a slope of at least one half inch per foot from the well casing to the edge of the concrete. This slab shall be at least six inches thick and the outer edge shall be above or flush with the final ground level;
- i. The well terminus shall be sealed with an approved sanitary gasketed well seal or an approved pitless adapter and watertight vented terminus cap;
- j. Well vents, where required, shall be screened to protect against insects and shall be gooseneck type vents; and
- k. Pitless adapters if used shall be installed prior to grouting.

Section 4-58. Specifications for grouting.

All grouting procedures shall be inspected and the permit holder shall notify the Authority at least one working day in advance of any grouting operations. Grouting shall conform with all Health Department regulations and the following requirements:

- a. All wells shall be pressure grouted using an external steel tremie pipe(s) installed to the required depth to be grouted. All grouting that exceeds 20 feet must be pumped through the tremie pipe(s). Pouring grout through the tremie pipe(s) is acceptable if the depth does not exceed 20 feet;
- b. The tremie pipe(s) shall be constructed in such a manner to ensure positive placement of the grout around the casing;
- c. Grout shall be one of the following and may contain up to 6% by weight bentonite;
 - 1. Sand Cement Grout: A mixture of pure Portland cement (ASTM C-150), sand and water in the proportion of not more than two parts by weight of sand to one part of cement with not more than six (6) gallons of clean water per bag of cement (one cubic foot or 94 pounds) shall be used; or
 - 2. Neat Cement Grout: A mixture of pure Portland cement (ASTM C-150) and not more than six (6) gallons of clean water per bag (one cubic foot or 94 pounds) of cement, shall be used;
- d. Pumping equipment used for grouting shall be capable of installing the grout under adequate pressure to ensure positive placement of the grout around the casing;
- e. Grout shall be pumped through the tremie pipe until the grout appears at the surface. Grout shall be placed in one continuous operation. The tremie shall always remain beneath the surface of the cement during grouting and should be slowly raised as the cement level rises. The equipment used for pumping the grout shall be thoroughly clean of all foreign matter. Fuel oils and other petroleum liquids shall not be used to prevent cement from sticking to the pumping equipment;
- f. No further well construction work shall be done on the well until the grout has firmly set, a minimum of 48 hours;
- g. Any other method of grouting shall be approved by the Authority and the Health Department; and
- h. Well grouting shall be completed prior to the removal of the drill rig.

Section 4-59. Specifications for well abandonment.

Should any well be determined or required to be abandoned due to poor construction, potential source of contamination or any other reason the well shall be abandoned in the presence of the Authority General Manager or his appointed designee. Well abandonments shall meet all Health Department regulations and comply with the following procedures:

a. Well abandonment

1. The well shall be checked from land surface to the entire depth of the well to ascertain freedom from obstructions that may interfere with sealing operations;
2. The well shall be chlorinated by adding a minimum one hundred parts per million chlorine;
3. All casings may be salvaged;
4. Water bearing formations may be gravel packed opposite consolidated formations, but all unconsolidated formations must be grouted; and
5. The remaining area shall be completely filled with cement grout or clay slurry by introduction through a pipe initially extending to the bottom of the well. Such pipe shall be raised, but remain submerged in grout, as the well is filled. All grouting depths that exceed 20 feet must be pumped through the tremie pipe(s).

Section 4-60. Administrative fees.

A fee of \$50 shall be charged at the time of application to offset the cost of making inspections, issuing permits, enforcement and other expenses incident to the administration of this Article or to the filing or processing of any appeal or amendment thereto.

Section 4-61. Inspections.

The General Manager of the Authority, Director of Code Compliance, or their appointed designee shall be responsible for inspections and the approval or rejection of any material, equipment, workmanship, process or method involved in the construction and installation of wells. Inspections shall be scheduled at least one working day in advance and occur during the Authority's normal working hours. Inspections can be scheduled by calling the Office of Code Compliance. Inspections are required for all grouting operations and the completed well. An Operational Permit will be issued upon the satisfactory completion of the well and acceptance of the water quality test results.

Section 4-62. Notice to correct.

The General Manager of the Authority or Director of Code Compliance shall issue written notice requiring the permit holder to correct any violations of this Article or the terms of the permit within a reasonable period of time. Should any violation be uncorrectable the permit holder may be required to abandon the well as detailed in Section 4-59. Certificates of Occupancy and Operational Permits will not be issued by Code Compliance until all work is satisfactory completed. Failure to comply shall result in penalties being assessed under Section 4-63 and the denial of any further permits under this Article.

Section 4-63. Penalties.

Any person, whether as principal, agent, employee or otherwise, violating, causing or permitting the violation of any provision of this Article shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine up to \$1,000.00 or undergo imprisonment for not more than one year, or both. Such person shall be guilty of a separate offense for each and every day during which any portion of any violation of this Article is committed, continued or permitted by such person and shall be punished as herein provided.

Section 4-64. Exceptions.

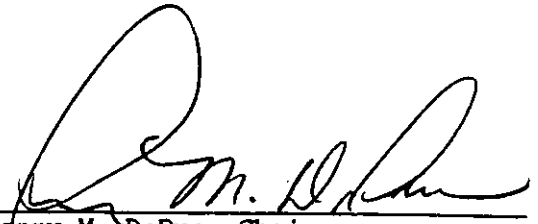
The Director of Code Compliance shall have the authority to grant exceptions to this Article for the use of alternative materials or construction methods subject to the following:

- a. the exception shall be consistent with the intent of this Article;
- b. the exception shall provide equivalent or greater protection to water quality and-or public safety;
- c. the exception does not conflict with any State Water Control Board or Health Department regulations;
- d. the exception shall be requested in writing with justification and documentation satisfactory to the Director of Code Compliance; and
- e. the Director of Code Compliance may impose reasonable conditions to the granting of the exception.


Section 4-65. Appeals.

An owner of property subject to an administrative decision, order or requirement under this Article, or any well driller, building contractor, developer, plumber, or other person making installation of a well on such property may appeal by submitting a written application to the County Administrator no later than thirty days from the rendering of such decision, order or requirement. The County Administrator or his designee shall hear the appeal as soon as practicable after receipt of the application. In rendering a decision, the County Administrator or his designee shall balance the additional costs of complying with the administrative decision with any potential degradation of water quality and-or any potential safety hazard caused by granting an exception.

This Ordinance shall be in full force and effect beginning the 1st day of January, 1991.


Perry M. DePue, Chairman
Board of Supervisors

ATTEST:


David B. Norman
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
NORMENT	AYE
TAYLOR	NAY
EDWARDS	AYE
KNUDSON	AYE
DEPUE	AYE

Adopted by the Board of Supervisors of James City County, Virginia,
this 29th day of October, 1990.

0321H

OCT 29 1990

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

ORDINANCE NO. 31A-127

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY REPEALING AND REPLACING ARTICLE X. OVERLAY DISTRICTS, DIVISION 2. FLOODPLAIN AREA REGULATIONS, SECTIONS 20-546 THROUGH 20-560, AND BY ADDING NEW SECTIONS 20-561 THROUGH 20-563.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Zoning, is hereby amended and reordained by repealing and replacing those sections with new Article X. Overlay Districts, Division 2. Floodplain Area Regulations, Section 20-546. Statement of intent, Section 20-547. Applicability, Section 20-548. Compliance and liability, Section 20-549. Definitions, Section 20-550. Designation of floodplain districts, Section 20-551. Official map, Section 20-552. Permits, Section 20-553. Permitted uses, Section 20-554. Prohibited uses, Section 20-555. Regulations for construction, Section 20-556. Regulations for subdivisions and site plans, Section 20-557. Regulations for replacement manufactured homes, Section 20-558. Recreational vehicles, Section 20-559. Design criteria for utilities and facilities, Section 20-560. Regulations for filling in flood fringe and approximated floodplain districts, and by adding new Section 20-561. Watercourse modification, Section 20-562. Existing structures in floodplain districts, and Section 20-563. Variances: Factors to be considered.

CHAPTER 20. ZONING

Article X. Overlay Districts

Division 2. Floodplain Area Regulations

Section 20-546. Statement of intent

- A. These regulations are intended to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:
1. regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities and development, may cause unacceptable increases in flood heights, velocities and frequencies;
 2. restricting or prohibiting certain uses, activities and development within districts subject to flooding;
 3. requiring activities and developments that do occur in flood-prone districts to be protected and-or flood proofed against flooding and flood damage; and
 4. protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.
- B. These regulations comply with the requirements of the National Flood Insurance Program (42 U.S.C. 4001-4128) of the Federal Insurance Administration. These regulations are necessary in order for all property owners within the County to be eligible for the National Flood Insurance Program and thereby purchase such insurance at nominal rates.

Section 20-547. Applicability.

These regulations shall apply to all property located within an area designated as a floodplain area, and as such shall supplement the regulations of the zoning district within which such property is located. Where these

regulations are at variance with other provisions of this chapter, it is intended that these regulations shall apply. These regulations shall only apply to property which is designated as being within a floodplain area.

Section 20-548. Compliance and liability.

- A. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered except in full compliance with the terms and provisions of these regulations and any other applicable ordinances and regulations.
- B. The degree of flood protection sought by the provisions of these regulations is for reasonable regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. These regulations do not imply that districts outside the floodplain district, or that land uses permitted within such district will be free from flooding or flood damage.

Section 20-549. Definitions.

- A. Base Flood-100-Year Flood - A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one (1) percent chance of occurring each year although the flood may occur in any year).
- B. Development - Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, the placement of manufactured homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, drilling operations, storage of equipment or materials.
- C. Floodplain - a) A relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation; and, b) any area subject to the unusual and rapid accumulation or runoff of surface water from any source.
- D. Floodway - The designated area of the floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of these regulations, the floodway shall be capable of accommodating a flood of the 100-year magnitude.
- E. Manufactured Home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

- F. Recreational Vehicle - A vehicle which is:
1. built on a single chassis;
 2. 400 square feet or less when measured at the largest horizontal projection;
 3. designed to be self-propelled or permanently towable by a light duty truck; and
 4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel or seasonal use.
- G. Start of construction - The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading or filling; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration on any wall, ceiling, floor, or other structural part of a building, whether or not the alternation affects the external dimensions of the building.

Section 20-550. Designation of floodplain districts.

- A. The various floodplain districts shall include areas subject to inundation by waters of the 100-year flood. The minimum basis for the delineation of these districts shall be, but not limited to the February 6, 1991, Flood Insurance Study since other flood-prone areas exist in James City which are not shown on the floodplain maps. To determine these areas, the 100-year flood elevations and floodways from Federal, State, and local sources may be used when available. Where the specific 100-year flood elevation cannot be determined for an area by using available sources of data, then the applicant for the proposed use, development and-or activity shall determine this elevation to the satisfaction of the Director of Code Compliance in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc.,

shall consider full development of the watershed and shall be submitted in sufficient detail to allow a thorough review by the County Engineer.

Where flood elevations are provided by the FIS these elevations shall not be changed except with FEMA approval. Local sources of floodplain data include but are not limited to the following reports. Drainage Study of Upper Powhatan Creek Watersheds, Camp Dresser and McKee 1987. Mill Creek-Lake Watershed Study, GKY and Associates, 1988.

- B. The Floodway District, minimally shown on the maps accompanying the Flood Insurance Study, is established for purposes of these regulations, using the criterion that certain areas within the floodplain must be kept free of encroachment in order that the 100-year flood be conveyed without increasing the water surface areas included in this District.
- C. The Flood-Fringe District shall be that area of the 100-year floodplain not included in the Floodway District. The basis for the outmost boundary of the District shall be the 100-year flood elevations minimally shown as Zone AE on the maps accompanying the Flood Insurance Study.
- D. The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a 100-year floodplain boundary has been approximated. Such areas are minimally shown as Zone A on the maps accompanying the Flood Insurance Study.

Section 20-551. Official map.

The boundaries of Floodway, Flood-fringe and Approximated Floodplain Districts in B,C, D above are established as minimum areas, as shown on the Flood Insurance Rate Map which is declared to be a part of these regulations and which shall be kept on file at the Office of Code Compliance.

Section 20-552. Permits.

No specific permit shall be required by these regulations. An application for subdivision, site plan, rezoning, building permit, special use permit, sedimentation and erosion control permit, wetlands permit or other local development permit shall be considered an application for development under these regulations. The applicant shall be informed of the provisions of this article as they may apply to the property, and no permit shall be issued until the applicant has complied with such provisions.

Section 20-553. Permitted uses.

Permitted uses, special permit uses, accessory uses, dimensional standards, and special requirements shall be as established by the underlying zoning district, except as specifically modified herein.

Section 20-554. Prohibited uses.

1. The following uses shall be specifically prohibited within all Floodplain Districts:
 - A. Sanitary landfills, junkyards, outdoor storage of inoperative vehicles.
 - B. Manufactured Homes.
 - C. Surface mines-borrow pits.
 - D. Manufacture, bulk storage, transformation or distribution of petroleum, chemical or asphalt products or any hazardous materials as defined in either or both of the following:
 - o Superfund Amendment and Re-authorization Act of 1986.
 - o Identification and Listing of Hazardous Wastes, 40 C.F.R. Section 261 (1987).

The following products shall be specifically included:

- (1) Oil and oil products including petrochemicals.
 - (2) Radioactive materials.
 - (3) Any material transported or stored in large commercial quantities (such as 55-gallon drums) which is a very soluble acid or base, causes abnormal growth of an organ or organism, or is highly biodegradable, exerting a strong oxygen demand.
 - (4) Biologically accumulative poisons.
 - (5) Substances containing the active ingredients of poisons that are or were ever registered in accordance with the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 USC 135 et seq.)
 - (6) Substances highly lethal to mammalian or aquatic life.
- E. Storage or land application of industrial wastes.
 - F. Outdoor storage of equipment, materials, or supplies which are buoyant, flammable or explosive.

2. Nonconforming Uses of this Chapter notwithstanding, no expansion of any of the above uses located within the Floodplain District shall be permitted.

Section 20-555. Regulations for construction.

The construction or placement of any structure or obstruction, filling or changing the cross-section or flow characteristics within the 100-year floodplain shall not be permitted unless the project is in conformance with the following requirements:

1. In case of residential usage, the finished grade shall be at least one foot above the 100-year flood elevation for the lowest floor, including basement or cellar of structure. For nonresidential structures, watertight flood proofing in accordance with the Virginia Uniform Statewide Building Code may be provided in lieu of the finished grade requirement described herein. Prior to issuance of a Certificate of Occupancy, the owner of any structure located in a Floodplain District shall submit a completed Elevation Certificate or Flood Proofing Certificate as appropriate to the Director of Code Compliance.
2. Utility and sanitary facilities shall be flood proofed up to the level of the 100-year flood.
3. Encroachments, including fill, new construction, substantial improvements, and other development are prohibited within the Floodway district unless it has been demonstrated through hydrologic and hydraulic analyses that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.
4. All other Federal and State permits shall be obtained by the applicant before a building permit can be issued.

It shall be the responsibility of the applicant to provide this data, certified by a licensed surveyor or engineer or other source acceptable to the Director of Code Compliance.

Section 20-556. Regulations for subdivisions and site plans.

The applicant of any subdivision of land or site plan within the County shall submit with his application a statement by a licensed surveyor or engineer as to whether or not any property shown on the plat or plan is at an elevation lower than the 100-year flood level. Where a 100-year flood level exists the extent of this area shall be shown on the plat or plan. Further, the elevation of the finished surface of the ground at each building location shall be shown. Lots created after February 6, 1991, which are within a floodplain district having a 100-year flood elevation greater than 8.5 feet,

shall contain a natural, unfilled building site at least one foot above the 100-year flood elevation, adequate to accommodate all proposed structures. All structures shall be constructed solely within said building site.

Section 20-557. Regulations for replacement manufactured homes.

- (a) Replacement manufactured homes shall be elevated on a permanent foundation so that the lowest floor is one foot above the level of the 100-year flood.
- (b) In floodplain areas, replacement manufactured homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors in either of the following arrangements:
 - (1) Over-the-top ties at each corner plus one (1) frame tie at the middle of each side; or
 - (2) Frame ties at each corner plus no less than five (5) evenly spaced additional frame ties per side.
- (c) All ties to the ground shall be able to carry a force of four thousand eight hundred (4,800) pounds.

Section 20-558. Recreational vehicles.

Recreational vehicles placed on sites must either:

- a. be on the site for fewer than 180 consecutive days; and
- b. be fully licensed and ready for highway use; or
- c. meet requirements for placement, elevation and anchoring requirements for manufactured homes.

Section 20-559. Design criteria for utilities and facilities.

A. Sanitary sewer facilities.

All new or replacement sanitary sewer facilities shall be designed to eliminate infiltration of floodwaters into the systems up to the 100-year flood level and discharges from the systems into the floodwaters. In addition, they should be located and constructed to eliminate flood damage and impairment.

B. Water facilities.

All new or replacement water facilities shall be designed to eliminate infiltration of flood waters into the systems and be located and constructed to minimize or eliminate flood damages.

C. Drainage facilities.

All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The systems shall ensure drainage away from buildings and on site waste disposal sites.

D. Septic tanks.

New or replacement septic tank drain fields shall be placed where they shall not be impaired or contaminated by a base flood. The Virginia Department of Health shall be consulted to verify compliance with this requirement.

E. Utilities.

All utilities, such as gas lines, electrical and telephone systems being placed in flood-prone areas should be located and constructed to eliminate the chance of impairment during a 100-year flooding occurrence.

F. Streets and sidewalks.

Streets and sidewalks should be designed to minimize their potential for increasing and aggravating the levels of flood flow. Drainage openings shall be required to sufficiently discharge flood flows without unduly increasing flood heights.

Section 20-560. Regulations for filling in flood fringe and approximated floodplain districts.

No permit shall be issued or approved until the site development plan for such fill meets the following requirements:

1. The filling of land shall be designed and constructed to minimize obstruction to and effect upon the flow of water and more particularly that:
 - a. Such fill will not, result in any increase in flood levels during the occurrence of a 100-year flood discharge.
 - b. The flood carrying capacity of the watercourse shall be maintained.
2. Fill shall be effectively protected against erosion by vegetative cover, riprap, gabions, bulkhead or other acceptable method. Any structure, equipment or material permitted shall be firmly anchored to prevent dislocation due to flooding;
3. Fill shall be of a material that will not pollute surface water or groundwater;

4. Where, in the opinion of the Director of Code Compliance additional topographic, engineering and other data or studies are necessary to determine the effects of flooding on a proposed structure or fill and-or the effect of such structure or fill on the flow of water in flood stage, the applicant shall submit such data or studies.

Section 20-561. Watercourse modification.

The Federal Insurance Administrator, adjacent jurisdictions and the Department of Conservation and Recreation, Division of Soil and Water Conservation shall be notified prior to the alteration or relocation of any water course. The flood carrying capacity to such watercourse shall be maintained.

Section 20-562. Existing Structures in Floodplain Districts.

A structure or use of a structure or premises which lawfully existed before the enactment of these regulations, but which is not in conformity with these regulations, may be continued subject to the following conditions:

- A. Existing structures in the Floodway District shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed expansion would not result in any increase in the 100-year flood elevation;
- B. Any modifications, alteration, repair, reconstruction, or improvement of any kind to a structure and-or use located in any floodplain area to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and-or flood proofed to the greatest extent possible; and,
- C. The modification, alteration, repair, reconstruction or improvement of any kind to a structure and-or use, regardless of its locations in a floodplain area, to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with the provisions of these regulations and the Virginia Uniform Statewide Building Code.

Section 20-563. Variances: Factors to be Considered.

In passing upon applications for variances, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

- A. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development or activity within any Floodway District that will cause any increase in the 100-year flood elevation.

- B. The danger that materials may be swept on to other lands or downstream to the injury of others.
- C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- E. The importance of the services provided by the proposed facility to the community.
- F. The requirements of the facility for a waterfront location.
- G. The availability of alternative locations not subject to flooding for the proposed use.
- H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- I. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- J. The safety of access by ordinary and emergency vehicles to the property in time of flood.
- K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- L. The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- M. Such other factors which are relevant to the purposes of this ordinance.

The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

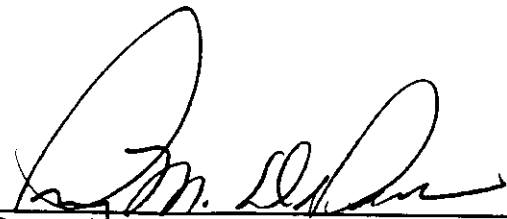
In reviewing all variance applications, the Board of Zoning Appeals shall consider the following factors: a) increases in flood heights; b) additional threats to public safety; c) extraordinary public expense; d) creation of nuisances; e) fraud or victimization of the public; and f) conflicts with local laws or ordinances.

Variances shall be issued only after the Board of Zoning Appeals has determined that variance will be the minimum required to provide relief from any hardship to the applicant.

The Board of Zoning Appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the 100-year flood elevation: a) increases the risks to life and property; and b) will result in increased premium rates for flood insurance.

A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances which are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

Ordinance to Amend and Reordain
Chapter 20. Zoning
Page 13



Perry M. DePue
Chairman, Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
NORMENT	AYE
TAYLOR	AYE
EDWARDS	AYE
KNUDSON	AYE
DEPUE	AYE

Adopted by the Board of Supervisors of James City County, Virginia,
this 29th day of October, 1990.

0311U

ESTABLISHING THE CHRISTENSON'S CORNER
AGRICULTURAL AND FORESTAL DISTRICT
(AFD-10-86)

OCT 29 1990

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

WHEREAS, James City County, has completed a review of the Christenson's Corner Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.1-1511(F) of the Code of Virginia, property owners have been notified, public meetings have been held, public hearings have been advertised, and public hearings have been held on the continuation of the Christenson's Corner Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on August 28, 1990, recommended approval of the application; and

WHEREAS, the Planning Commission following its public meeting on October 9, 1990, recommended approval of the application.

NOW THEREFORE BE IT ORDAINED:

1. That the Christenson's Corner Agricultural and Forestal District is hereby continued for a period of four years beginning the first day of December, 1990, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.1-1506 et. seq.

2. That the district shall include the following parcels:

(16-4)(1-3)	B.F., S.W. & D.R. Steffen	402.900 ac.
(16-3)(1-10)	C. M. Chandler	6.000 ac.
(16-3)(1-1)	C. M. Chandler	8.014 ac.
(15-4)(1-11)	C. M. Chandler	151.250 ac.

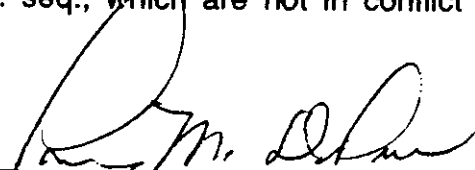
provided, however, that all land within 25 feet of the rights-of-way of Newman Road (Route 646) and Riverview Road (Route 606) shall be excluded from the district.

3. That pursuant to Virginia Code, Section 15.1-1512, as amended, the Board of Supervisors requires that no parcel in the Christenson's Corner Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

a. The subdivision of land is to be limited to parcels of 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.

b. No land within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than 6 months prior to the expiration of the district.

- c. No Special Use Permit shall be issued except for agricultural, forestal or other activities and uses consistent with State Code Section 15.1-1506 et. seq., which are not in conflict with the policies of this district.


Perry M. DePue
Chairman, Board of Supervisors

ATTEST:


David B. Norman
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
NORMENT	AYE
TAYLOR	AYE
EDWARDS	AYE
KNUDSON	AYE
DEPUE	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this
29th day of October, 1990.

1533w

OCT 29 1990

ORDINANCE NO. 172A-1

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIAESTABLISHING THE YARMOUTH ISLAND
AGRICULTURAL AND FORESTAL DISTRICT
(AFD-11-86)

WHEREAS, James City County, has completed a review of the Yarmouth Island Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.1-1511(F) of the Code of Virginia, property owners have been notified, public meetings have been held, public hearings have been advertised, and public hearings have been held on the continuation of the Yarmouth Island Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on August 28, 1990, recommended approval of the application; and

WHEREAS, the Planning Commission following its public meeting on October 9, 1990, recommended approval of the application.

NOW THEREFORE BE IT ORDAINED:

1. That the Yarmouth Island Agricultural and Forestal District is hereby continued for a period of four years beginning the first day of December, 1990, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.1-1506 et. seq.
2. That the district shall include the following parcels:

(29-3)(1-5)	J. C. Richardson	172.840 ac.
(29-3)(1-2)	J. C. Richardson	68.500 ac.
(28-4)(1-5)	J. C. Richardson	968.500 ac.
(29-2)(1-1)	J. C. Richardson	123.000 ac.
(29-4)(1-1)	John G. Warburton	37.750 ac.
(29-2)(1-2)	David W. Ware	63.828 ac.
(30-1)(1-7)	David W. Ware	26.000 ac.
(30-3)(1-1)	David W. Ware	26.000 ac.
(29-4)(1-2)	Clyde Van Calhoun, Jr.	38.380 ac.

provided, however, that all land within 25 feet of the right-of-way of Jolly Pond Road (Route 611) shall be excluded from the district.

3. That pursuant to Virginia Code, Section 15.1-1512, as amended, the Board of Supervisors requires that no parcel in the Yarmouth Island Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
 - a. The subdivision of land is to be limited to parcels of 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.

- b. No land within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than 6 months prior to the expiration of the district.
- c. No Special Use Permit shall be issued except for agricultural forestal or other activities and uses consistent with State Code Section 15.1-1506 et. seq., which are not in conflict with the policies of this district.


Perry M. DePue
Chairman, Board of Supervisors

ATTEST:


David B. Norman
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
NORMENT	AYE
TAYLOR	AYE
EDWARDS	AYE
KNUDSON	AYE
DEPUE	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this
29th day of October, 1999

1532w

**ESTABLISHING THE GOSPEL SPREADING CHURCH
AGRICULTURAL AND FORESTAL DISTRICT
(AFD-12-86)**

OCT 29 1990

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

WHEREAS, James City County, has completed a review of the Gospel Spreading Church Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.1-1511(F) of the Code of Virginia, property owners have been notified, public meetings have been held, public hearings have been advertised, and public hearings have been held on the continuation of the Gospel Spreading Church Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on August 28, 1990, recommended approval of the application; and

WHEREAS, the Planning Commission following its public meeting on October 9, 1990, recommended approval of the application.

NOW THEREFORE BE IT ORDAINED:

1. That the Gospel Spreading Church Agricultural and Forestal District is hereby continued for a period of four years beginning the first day of December, 1990, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.1-1506 et. seq.

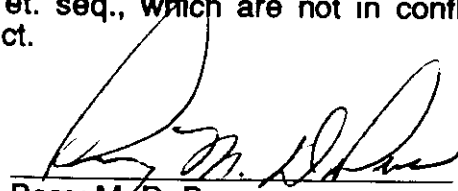
2. That the district shall include the following parcels:

(48-3)(1-35)	National Memorial for Progress of Colored People	504.47 ac.
(56-2)(1-1)	Gospel Spreading Church	458.80 ac.
(47-4)(1-33)	Dr. Stanley H. & Marvis Powell	27.92 ac.
(47-4)(1-37)	Floyd P. Carmines	27.95 ac.
(47-4)(1-11)	Lyman R. & Dorothy Hall	18.00 ac.
(47-4)(1-13)	Dorothy Hall	41.00 ac.
(48-3)(1-39)	Thomas M. Mikula	14.42 ac.
(48-3)(1-40)	Thomas M. Mikula	8.55 ac.

provided, however, that all land within 25 feet of the rights-of-way of Treasure Island Road (Route 617), Lake Powell Road (Route 617 and 618), Neck-O-Land Road (Route 682), and Jamestown Road (Route 31) shall be excluded from the district.

3. That pursuant to Virginia Code, Section 15.1-1512, as amended, the Board of Supervisors requires that no parcel in the Gospel Spreading Church Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

- a. The subdivision of land is to be limited to parcels of 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.
- b. No land within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than 6 months prior to the expiration of the district.
- c. No Special Use Permit shall be issued except for agricultural, forestal or other activities and uses consistent with State Code Section 15.1-1506 et. seq., which are not in conflict with the policies of this district.


Perry M. DePue
Chairman, Board of Supervisors

ATTEST:


David B. Norman
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
NORMENT	AYE
TAYLOR	AYE
EDWARDS	AYE
KNUDSON	AYE
DEPUE	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 29th day of October, 1990.

1531w

ORDINANCE NO. 173A-2

GOSPEL SPREADING CHURCH FARM (GILLEY ADDITION)
AGRICULTURAL AND FORESTAL DISTRICT
(AFD-13-86)

OCT 29 1990

BOARD OF SUPERVISORS
 JAMES CITY COUNTY
 VIRGINIA

WHEREAS, James City County, has completed a review of the Gospel Spreading Church Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.1-1511(F) of the Code of Virginia, property owners have been notified, public meetings have been held, public hearings have been advertised, and public hearings have been held on the continuation of the Gospel Spreading Church Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on August 28, 1990, recommended approval of the application; and

WHEREAS, the Planning Commission following its public meeting on October 9, 1990, recommended approval of the application.

NOW THEREFORE BE IT ORDAINED:

1. That the Gospel Spreading Church Agricultural and Forestal District is hereby continued for a period of four years beginning the first day of December, 1990, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.1-1506 et. seq.

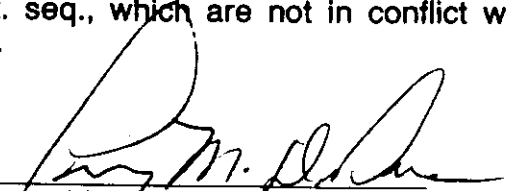
2. That the district shall include the following parcels:

(47-4)(1-42A)	JoAnn H. & R. E. Gilley	18.020 ac.
(47-4)(1-40)(part)	JoAnn H. Gilley	33.000 ac.
(47-4)(1-41)(part)	JoAnn H. Gilley	49.000 ac.
(47-3)(1-67)	John R. & Helen J. Rees	25.000 ac.
(47-3)(1-66)	John R. & Helen J. Rees	83.698 ac.

provided, however, that all land within 25 feet of Neck-O-Land Road (Route 682) shall be excluded from the district.

3. That pursuant to Virginia Code, Section 15.1-1512, as amended, the Board of Supervisors requires that no parcel in the Gospel Spreading Church Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
 - a. The subdivision of land is to be limited to parcels of 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.
 - b. No land within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than 6 months prior to the expiration of the district.

- c. No Special Use Permit shall be issued except for agricultural, forestal or other activities and uses consistent with State Code Section 15.1-1506 et. seq., which are not in conflict with the policies of this district.


Perry M. DePue
Chairman, Board of Supervisors

ATTEST:


David B. Norman
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
NORMENT	AYE
TAYLOR	AYE
EDWARDS	AYE
KNUDSON	AYE
DEPUE	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this
29th day of October, 1990.

1529w