

**A G E N D A**  
**JAMES CITY COUNTY PLANNING COMMISSION**  
**REGULAR MEETING**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg VA 23185**  
**March 6, 2019**  
**6:00 PM**

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. PUBLIC COMMENT**

**D. REPORTS OF THE COMMISSION**

**E. CONSENT AGENDA**

1. Minutes of the February 6, 2019 Regular Meeting
2. Development Review Committee Action Item: SP-18-0089, Extra Mile Landscapes and Two Drummers Smokehouse Expansion

**F. PUBLIC HEARINGS**

1. SUP-19-0004. James City Service Authority College Creek Pipeline Project
2. AFD-02-86-2-2018. 4450 Ware Creek Road Croaker AFD Addition
3. AFD-18-0016. 365, 358, and 382 Ivy Hill Road Mill Creek AFD Addition
4. AFD-18-0017. 9888 Sycamore Landing Road Croaker AFD Addition
5. AFD-18-0019. 4928 Fenton Mill Road Croaker AFD Addition
6. AFD-18-0020. 8328 Diascund Road Mill Creek AFD Addition

**G. PLANNING COMMISSION CONSIDERATIONS**

1. Planning Commission and Board of Zoning Appeals 2018 Annual Report

**H. PLANNING DIRECTOR'S REPORT**

1. Planning Director's Report - March 2019

**I. PLANNING COMMISSION DISCUSSION AND REQUESTS**

**J. ADJOURNMENT**

**ITEM SUMMARY**

DATE: 3/6/2019

TO: The Planning Commission

FROM: Paul D. Holt, III, Secretary

SUBJECT: Minutes of the February 6, 2019 Regular Meeting

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**ATTACHMENTS:**

	Description	Type
	Minutes of the February 6, 2019 Regular Meeting	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	ComSecretary, Planning	Approved	2/27/2019 - 2:13 PM



**MINUTES**  
**JAMES CITY COUNTY PLANNING COMMISSION**  
**REGULAR MEETING**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg VA 23185**  
**February 6, 2019**  
**6:00 PM**

**A. CALL TO ORDER**

Mr. Danny Schmidt called the meeting to order at 6:00 p.m.

**B. ROLL CALL**

**Planning Commissioners Present:**

Danny Schmidt

Rich Krapf

Tim O'Connor

Jack Haldeman

Frank Polster

Julia Leverenz

Odessa Dowdy

**Staff Present:**

Paul Holt, Director of Community Development and Planning

Max Hlavin, Deputy County Attorney

Alex Baruch, Senior Planner

Scott Whyte, Senior Landscape Planner

Tori Haynes, Planner

Mr. Schmidt welcomed Ms. Odessa Dowdy to the Commission.

**C. PUBLIC COMMENT**

Mr. Schmidt opened Public Comment.

Mr. Timothy O. Trant, Kaufman & Canoles, PC, 4801 Courthouse Street, stated that he is speaking on behalf of Carter's Grove Associates, the owners of the 76-acre parcel that Hampton Roads Sanitation District (HRSD) is proposing to condemn. Mr. Trant noted that Carter's Grove Associates also owns the adjacent house and gardens. Mr. Trant stated that the property owners have invested a significant amount of money and time in restoring the property. Mr. Trant further stated that the owners are willing to work out a reasonable expansion plan with HRSD; however, the current proposal is unacceptable. Mr. Trant stated that endorsing the proposal to confiscate the entire 76 acres is counterproductive to developing a mutually acceptable expansion plan. Mr. Trant noted that the acreage to be condemned is nearly ten times the amount required. Mr. Trant further noted that the parcel is crucial buffering for the Carter's Grove Historic Landmark. Mr. Trant further stated that HRSD has indicated that the property is needed to buffer its site. Mr. Trant stated that the HRSD site is highly stable and they have adequate property with easements across the Carter's Grove properties to protect their facility. Mr. Trant stated that ownership of the 76-acre parcel and the fact that the property is in an Agricultural and Forestal District (AFD) is all that protects the Carter's Grove Historic Landmark from unreasonable intrusion. Mr. Trant stated that the HRSD, if it owned the parcel, could choose not to renew enrollment in the AFD.

in the future. Mr. Trant stated that for these reasons, the property owners do not believe that the matter meets the necessary criteria and request that the Commission uphold the determination of the AFD Committee.

Mr. Jay Everson, 103 Branscome Boulevard, stated that he is pleased with the change in how school enrollment is projected for Capital Improvements Program (CIP) requests. Mr. Everson stated that in regard to the high school expansion the new elementary school, the figures are still being overstated. Mr. Everson noted the Future Think method of estimating enrollment has a number of pitfalls and should be replaced with a better method. Mr. Everson further stated that adding the Bright Beginnings program to the elementary schools is causing the projected shortage of space. Mr. Everson stated that there are more economical solutions to solve the space problem such as adding three separate centers in different locations.

As no one further wished to speak, Mr. Schmidt closed Public Comment.

#### **D. REPORTS OF THE COMMISSION**

Mr. Rich Krapf stated that the Development Review Committee (DRC) met on January 23, 2019 to review two Conceptual Plan cases.

Mr. Krapf stated that the Committee reviewed Conceptual Plan-18-0118, 4704 Lady Slipper Fence. Mr. Krapf stated that the applicant requested approval to construct a fence within a scenic easement located at the rear of the property, which abuts John Tyler Highway. Mr. Krapf stated that the easement is 75 feet wide and runs from the highway to the applicant's residence. Mr. Krapf further stated that the intent of scenic easements is not to have structures constructed in the easement area.

Mr. Krapf stated that at the time Graylin Woods was developed, there was no requirement for scenic easements to be owned by the Homeowners Association, which is required today, therefore, the County owns the easement, which is why the DRC reviewed this case.

Mr. Krapf stated that the applicant proposes to build a 6-foot-tall wooden privacy fence that would sit 8 feet closer to the house than the property line, resulting in a distance of 33 feet from the road. Mr. Krapf noted that three adjacent properties also have wooden fences. Mr. Krapf stated that the purpose of the proposed fence is to reduce noise and provide a safe play area for pets.

Mr. Krapf noted that the existing fences were not visible in the pictures taken with the area in full foliage and the weathered wooden fences blend well with the landscape in the absence of foliage.

Mr. Krapf stated that the DRC recommended approval of the application and associated conditions by a vote of 4-0. Mr. Krapf noted that in addition to the fence not being a visible intrusion in the scenic easement, the Committee felt that it was a significant safety enhancement from the busy traffic on John Tyler Highway.

Mr. Krapf stated that the Committee also reviewed Conceptual Plan-18-0124, 3889 News Road, The Village at Ford's Colony. Mr. Krapf stated that this case was submitted for a Master Plan Amendment to Case No. Z-0008-2007, The Village at Ford's Colony (Ford's Colony Section 37).

Mr. Krapf stated that the previously approved Master Plan contained 741 senior housing units; whereas this amended Conceptual Master Plan shows a decrease to 550 units (230 independent living cottages and townhomes, 80 independent living apartments, 60 assisted

living beds, 40 memory care beds and 40 skilled nursing beds).

Mr. Krapf stated that the total parcel size is approximately 180 acres, of which 41 acres are developable. Mr. Krapf stated that the proposed density is 3.94 dwelling units per acre. Mr. Krapf stated that the Continuing Care Retirement Community will not be a part of the Ford's Colony HOA.

Mr. Krapf stated that Mr. Bruce Hedrick, Retirement Unlimited, Inc., and Mr. Tim Trant, Kaufman & Canoles, PC, gave a presentation to the Committee. Mr. Krapf stated that during the discussion, the Committee requested the applicant incorporate several items from the approved master plan into the amended Master Plan:

- Continue to restrict the second entrance to emergency vehicles only, in order to limit traffic on News Road.
- Consider a green roof on buildings 1 and 2, EarthCraft construction standards and other environmentally friendly features.
- Incorporate watershed monitoring and protection.

Mr. Krapf stated that the applicant only requested feedback on the project so no vote was taken.

Mr. Jack Haldeman stated that the Policy Committee met on January 10, 2019.

Mr. Haldeman stated that Mr. Paul Holt, Director of Community Development and Planning, continued the discussion initiated by the Board of Supervisors about revising the process for handling residential developments that deviate from the Master Plan. Mr. Haldeman stated that several Committee members expressed concern that the draft ordinance revisions placed unfair burdens on developers, creating unintended consequences and risking the viability of the project. Mr. Haldeman stated that staff was requested to prepare three alternatives for discussion with the Board of Supervisors at a joint work session on January 22.

Mr. Haldeman further stated that Ms. Tammy Rosario led a discussion about the Comprehensive Plan revision process. Mr. Haldeman noted that the first steps will be a survey of residents and the formation of the Community Participation Team in the spring. Mr. Haldeman noted that the Commonwealth has added projected sea level rise and recurrent flooding; consideration of broadband infrastructure; and groundwater and surface water availability, quality and sustainability to requirements since adoption of the last Comprehensive Plan.

Mr. Haldeman stated that Ms. Rosario also led an exercise to determine which topics, in addition to those previously submitted by the Board of Supervisors, the Planning Commission would like to be considered during the review process. Mr. Haldeman stated that the Committee's priorities were Purchase of Development Rights (PDR); realignment of the Primary Service Area (PSA); the Economic Opportunity Zone; incorporating a public facilities master plan into the next Strategic Plan revision; and diversifying the County's revenue sources.

Mr. Haldeman further stated that Ms. Tori Haynes led a tutorial on using the on-line CIP ranking system. Mr. Haldeman stated that departments are currently preparing their requests, and packets will be ready by February.

## **E. CONSENT AGENDA**

1. Minutes of the December 5, 2018 Regular Meeting

2. Minutes of the January 2, 2019 Regular Meeting
3. Development Review Committee Action Item: Case No. C-18-0118. 4704 Lady Slipper Fence

Ms. Julia Leverenz made a motion to approve the Consent Agenda.

On a voice vote the Commission voted to approve the Consent Agenda.

Mr. Paul Holt, Director of Community Development and Planning, stated that for clarity in the minutes, Ms. Odessa Dowdy abstained from voting on the two Minutes items as she was not present at those meetings; however, her vote was registered in support of the DRC item.

## **F. PUBLIC HEARINGS**

1. SUP-18-0027. 121 Leisure Road, Luxterra Electric Inc.

A motion to Approve was made by Jack Haldeman, the motion result was Passed.

AYES: 7 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Dowdy, Haldeman, Krapf, Leverenz, O'Connor, Polster, Schmidt

Mr. Scott Whyte, Senior Landscape Planner, stated that Mr. Clif Martin has applied on behalf of Luxterra Electric Inc. for a Special Use Permit (SUP) to allow a contractor's office with equipment storage on a parcel located at 121 Leisure Road.

Mr. Whyte stated that the original owner operated this business since 1990. Mr. Whyte stated that in order to bring the current operation into compliance with the Zoning Ordinance, an SUP is required as Contractor's warehouses, sheds and offices are specially permitted uses in the A-1 zoning district.

Mr. Whyte stated that the existing single-family dwelling on the site is not part of the SUP and shall remain residential.

Mr. Whyte stated that other existing structures on the property include a 2,600-square-foot pole barn, a 2,800-square-foot shop and a 1,600-square-foot office.

Mr. Whyte stated that the business currently employs nine full-time employees. Mr. Whyte further stated that operating hours are generally between 6:30 a.m. and 6:30 p.m., Monday through Saturday, with most employees just stopping by the shop in the morning or evening.

Mr. Whyte stated that surrounding properties contain single-family residential dwellings and the parcel across Leisure Road is currently undeveloped but is designated for future economic opportunity uses.

Mr. Whyte stated that the site is designated Rural Lands on the 2035 Comprehensive Plan Land Use Map.

Mr. Whyte stated that staff finds that the proposed commercial use does not fully meet the rural lands descriptive language of "certain uses, which require very low-intensity settings relative to the site in which it will be located". Mr. Whyte stated that staff finds this use is slightly more intense than the surrounding properties; however, with the proposed SUP conditions staff finds that it is unlikely that the proposed operation, particularly with the parking of vehicles and storage of electrical contracting equipment located behind the residence, would

visually impact either the right-of-way or adjacent properties.

Mr. Whyte stated that, therefore, staff finds the proposal to be compatible with the Comprehensive Plan, the Zoning Ordinance, and surrounding development. Mr. Whyte stated that staff recommends that the James City County Planning Commission recommend approval of this application to the Board of Supervisors, subject to the conditions listed in the staff report.

Mr. Schmidt opened the floor for questions by the Commission.

Ms. Leverenz inquired if any neighbors had expressed concern about the proposal. Mr. Whyte stated that there were no concerns.

Mr. Schmidt called for disclosures from the Commission.

There were no disclosures.

Mr. Schmidt opened the Public Hearing.

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

Mr. Schmidt opened the floor for discussion by the Commission.

Mr. Krapf stated that the proposed use is similar to the prior use. Mr. Krapf further stated that with the improvements to the buffer and the stormwater management plans, he will support the application.

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

On a roll call vote the Commission voted to recommend approval of SUP-18-0027. 121 Leisure Road, Luxterra Electric Inc. to the Board of Supervisors (7-0).

2. SUP-18-0031. 115 Constance Lane Detached Accessory Apartment

A motion to Approve was made by Rich Krapf, the motion result was Passed.

AYES: 7 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Dowdy, Haldeman, Krapf, Leverenz, O'Connor, Polster, Schmidt

Ms. Tori Haynes, Planner, stated that Ms. Kristen Baum of Guernsey Tingle has applied on behalf of homeowners Mr. and Mrs. Bryan and Barbara Burris for an SUP to allow a detached accessory apartment to be constructed within a new detached accessory structure at 115 Constance Avenue. Ms. Haynes stated that the property is zoned R-8, Rural Residential, is designated Low Density Residential on the Comprehensive Plan Land Use Map, and is inside the Primary Service Area.

Ms. Haynes stated that the detached accessory structure will be 2,064 square feet, with the proposed apartment being 393 square feet. Ms. Haynes stated that the accessory structure will also include a garage and workshop.

Ms. Haynes stated that the R-8 Zoning District allows detached accessory apartments as a specially permitted use in accordance with Section 24-32(b) of the Zoning Ordinance. Ms. Haynes stated that staff has reviewed the proposed design and finds that all requirements have been met.

Ms. Haynes stated that staff finds this proposal to be compatible with surrounding development and consistent with the Comprehensive Plan and Zoning Ordinance. Ms. Haynes further stated that staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the proposed conditions.

Mr. Schmidt called for disclosures from the Commission.

There were no disclosures.

Mr. Schmidt opened the Public Hearing.

Mr. Bryan Burris, 115 Constance Lane, addressed the Commission in support of the application. Mr. Burris requested that the Commission extend the deadline to complete construction from 24 months to 36 months.

Mr. O'Connor inquired if the applicant could complete the project within the 36 months. Mr. Burris stated that he had anticipated more time; however, he could make the 24-month deadline work, but 36 months would be preferred.

As no one else wished to speak, Mr. Schmidt closed the Public Hearing.

Mr. Schmidt opened the floor for discussion by the Commission.

Mr. Polster inquired if the Commission could extend the deadline.

Mr. Holt stated that the Commission could make an extension of the deadline part of its recommendation to the Board of Supervisors. Mr. Holt further stated that staff would not object to a 36-month extension.

Mr. Haldeman noted that he supports the application and would not be opposed to a 36-month extension.

Mr. Krapf made a motion to recommend approval of the application with a change to SUP Condition No. 2 to allow a 36-month deadline.

On a roll call vote, the Commission voted to recommend approval of SUP-18-0031. 115 Constance Lane Detached Accessory Apartment (7-0).

3. SUP-18-0032. 3020 Ironbound Road Rental of Rooms

A motion to Approve was made by Rich Krapf, the motion result was Passed.

AYES: 7 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Dowdy, Haldeman, Krapf, Leverenz, O'Connor, Polster, Schmidt

Ms. Haynes stated that Mr. Ryan Newsom has applied for an SUP to allow the short-term rental of up to two bedrooms in an owner-occupied single-family home at 3020 Ironbound Road. Ms. Haynes stated that the property is zoned R-8, Rural Residential, is designated Low Density Residential on the 2035 Comprehensive Plan Land Use Map, and is located inside the PSA.

Ms. Haynes stated that the owner and his family will continue to reside in the home and will be present at the time of rentals. Ms. Haynes stated that short-term rental tenants will use an

existing parking area located on the southern end of the property. Ms. Haynes further stated that no changes to the home's footprint are proposed. Ms. Haynes noted that staff considered the home's location, parking provisions, and screening all to be favorable factors in the evaluation of this application.

Ms. Haynes stated that this property is located near two tourist homes that were approved in 2018 by the Board of Supervisors. Ms. Haynes further stated that unlike the "Tourist Home" use, the "Rental of Rooms" limits rentals to a maximum of three bedrooms and requires the homeowner(s) to continue residing at the property during the time of rental.

Ms. Haynes stated that staff is recommending conditions which are intended to mitigate the impacts of the use and preserve the residential character of the home, including limitations on the number of rooms rented and total number of rental occupants per stay.

Ms. Haynes stated that staff finds the proposal to be compatible with the Comprehensive Plan, Zoning Ordinance, and surrounding development, and recommends that the Planning Commission recommend approval of this application, subject to the proposed conditions.

Mr. Polster inquired about access to the property.

Ms. Haynes stated that the home was originally constructed with two driveways and the driveway on the southern end of the property will be used for the rental tenants.

Mr. Schmidt called for disclosures from the Commission.

There were no disclosures.

Mr. Schmidt opened the Public hearing.

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

Mr. Schmidt opened the floor for discussion by the Commission.

Mr. Schmidt noted that this was the third similar application from the same area that the Commission had considered recently. Mr. Schmidt further noted that he appreciated the applicants abiding by the Zoning Ordinance by bringing these proposals before the Commission and the Board of Supervisors.

Mr. Krapf stated that this use is less intense than the two that were previously approved by the Board of Supervisors.

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

On a roll call vote, the Commission voted to recommend approval of SUP-18-0032. 3020 Ironbound Road Rental of Rooms (7-0).

4. Z-19-0001. Powhatan Terrace Proffer Amendment

A motion to Approve was made by Julia Leverenz, the motion result was Passed.

AYES: 7 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Dowdy, Haldeman, Krapf, Leverenz, O'Connor, Polster, Schmidt

Ms. Haynes stated that Tom Tingle of Guernsey Tingle Architects has submitted a request on

behalf of Housing Partnerships to amend Condition No. 19 of the adopted Proffers for Powhatan Terrace. Ms. Haynes stated that the development was approved by the Board of Supervisors on March 28, 2008 as a cluster development consisting of 36 townhome units. Ms. Haynes further stated that at that time, all units were intended to be offered for sale. Ms. Haynes stated that an amendment to Condition No. 1 of the original Proffers was adopted on January 9, 2018, which allowed the development the ability to offer units for rent.

Ms. Haynes stated that per the applicant, Powhatan Terrace is being developed with the use of the Low-Income Housing Tax Credit (LIHTC) program, an affordable housing tax credit program administered by the Virginia Housing Development Authority (VHDA) that focuses on rental housing.

Ms. Haynes stated that currently, Condition No. 19 requires at least three affordable units to be offered for sale. Ms. Haynes stated that the applicant has determined that having three units for sale could disqualify the project from the LIHTC program, and has requested to revise this condition to instead require at least three affordable rental units with rates at or below 60% of Average Median Income, with annual verification of rental rates to the Planning Director for 15 years.

Ms. Haynes stated that staff notes that the amended Proffer by itself doesn't fully satisfy the Housing Opportunities Policy; however, as the amended Proffer binds the owner to the requirements of the LIHTC program, staff felt that the combination of the voluntary amended Proffer and inclusion in LIHTC better satisfies the intent of the HOP than the original proffer.

Ms. Haynes stated that staff finds the proposal to be compatible with surrounding development and consistent with the adopted Comprehensive Plan regarding affordable housing. Ms. Haynes stated that staff recommends that the Planning Commission recommend approval of this application and acceptance of the amended Proffers to the Board of Supervisors.

Ms. Leverenz inquired if the concerns about the deep ravine were brought forward during previous discussions.

Ms. Haynes stated that she was not certain if the ravine itself was discussed; however, there is an environmental mitigation proffer and any of the policies and procedures that have been updated since prior approvals would apply.

Ms. Leverenz inquired whether this would apply to flood plain regulations as well.

Ms. Haynes confirmed.

Mr. Polster noted that the Commission had received a letter from a concerned citizen related to flooding issues on the property. Mr. Polster stated that sea level rise has been impacting that area for a number of years. Mr. Polster further stated that the issue is not that there is flood plain on the property but the siting of the development. Mr. Polster stated that the question for him is if the site plan would go through a legislative review that would allow the Commission to consider those implications.

Ms. Haynes stated that site plans are able to be reviewed and approved administratively; however, environmental proffers would have to be satisfied and current regulations would have to be satisfied. Ms. Haynes noted that in this early draft, none of the development occurs in an environmentally sensitive area.

Mr. Polster inquired if the Commission would consider this matter again.



Ms. Haynes stated that the Commission would not review the site plan; however, it will be held to the approved Proffers.

Mr. Haldeman inquired why the Proffer Condition was 15 years instead of 30 years. Mr. Haldeman noted that the VHDA requirement is 30 years.

Ms. Haynes stated that she would defer to the applicant; however, the LITEC program does require the applicant to commit to a 30-year affordability time period. Ms. Haynes stated that the Proffer requires reporting to the Director of Planning for 15 years. Ms. Haynes stated that the Proffer combined with the LITEC requirements brings the application closer to compliance with the HOP and the LITEC requirement will keep the affordability period at 30 years.

Mr. Polster stated that he would like to understand the applicant's rationale for the 15-year time frame. Mr. Polster stated that the County no longer has a HOP and saying that the project conforms to the HOP does not hold any weight.

Mr. Haldeman inquired if the original conditions dating from 2008 are still in force. Ms. Haynes confirmed. Mr. Haldeman inquired about the 2008 requirement for establishment of an Owners Association when the proposal is now for all rental units.

Ms. Haynes stated that the County Attorney's Office believes that the requirement can be met in other ways. Mr. Haldeman stated that his concern was how the financial responsibilities for maintenance of the property and stormwater facilities would be covered. Mr. Haldeman inquired whether the cash proffers would remain the same. Ms. Haynes stated that the cash proffers would be the same, with adjustment for inflation. Ms. Haynes noted that cash proffers are paid after the final inspection is approved. Mr. Haldeman noted that this property seems vulnerable to flooding issues from stormwater runoff from adjacent properties that are at higher elevations. Mr. Haldeman asked staff to look carefully at the siting of the development at the site plan stage.

Mr. Schmidt called for disclosures from the Commission.

Mr. Haldeman noted that he visited the property.

Mr. Schmidt stated that he spoke briefly with one of the applicant's representatives.

Mr. Schmidt opened the Public Hearing.

Mr. Tom Tingle, Guernsey Tingle Architects, representing the applicant, stated that he did not have a formal presentation; however, he would be happy to answer the Commission's questions. Mr. Tingle noted that this is an opportunity for a significant affordable housing project with few new impacts to the infrastructure and surrounding development. Mr. Tingle stated that the reason for the proffer amendment is to make the project eligible for the LIHTC program by making the three units rental units. Mr. Tingle stated that the 15-year commitment is the initial compliance period under LIHTC. Mr. Tingle stated that LIHTC does require that the properties remain rent restricted for 30 years. Mr. Tingle further stated that the 15-year commitment under the Proffers is to provide additional assurance to the County that the units will remain affordable. Mr. Tingle noted that the request is only to amend the Proffers and that the previously proposed site plan and master plan are not being changed.

Mr. Steve Romeo, VHB, 351 McLaws Circle, stated that his firm is developing the site plan for the project. Mr. Romeo stated that the property has a steep drop-off at the back and at least 50% of the parcel is undevelopable. Mr. Romeo stated that the development would be sighted more toward the front of the parcel. Mr. Romeo noted that the difference in elevation between the flood plain and the lowest sited apartment is at least 20 feet. Mr. Romeo further

noted that the older adjacent developments discharge their drainage uncontrolled across the subject property through the natural ravine system which creates further incising of the ravine. Mr. Romeo further noted that the design for the property takes this into account with proposed remediation.

Mr. Polster requested additional clarification on the siting of the development.

Mr. Romeo stated that less than half the property is developable and that the farthest extent is approximately in line with Shibui Woods.

Mr. O'Connor noted that one of the main concerns mentioned in the letter was whether the units would be built on slabs or with a crawl space.

Mr. Romeo stated that the units would be built on slabs, primarily because of accessibility concerns.

As no one else wished to speak, Mr. Schmidt closed the Public Hearing.

Mr. Schmidt opened the floor for discussion by the Commission.

Mr. Polster stated that the clarification on the siting of the development has removed many of his concerns. Mr. Polster further stated that he still has reservations about the 15-year commitment in the Proffers. Mr. Polster noted that some other developments have actually increased their length of commitment to ensure that the units would not quickly become market rate units. Mr. Polster stated that he will support the application but would prefer to see the term increased to 30 years.

Mr. Holt clarified that these are voluntary proffers and that the County cannot further attach conditions or make recommendations as with an SUP. Mr. Holt noted that the Commission would vote on the application as submitted.

Mr. Schmidt noted that he is supportive of the application.

Ms. Leverenz made a motion to recommend approval of the application.

On a roll call vote the Committee voted to recommend approval of Z-19-0001. Powhatan Terrace Proffer Amendment (7-0).

5. SUP-18-0030. 6446 Richmond Rd. Convenience Store with Gas Pumps (Wawa)

A motion to Approve was made by Jack Haldeman, the motion result was Failed.

AYES: 2 NAYS: 5 ABSTAIN: 0 ABSENT: 0

Ayes: Haldeman, Schmidt

Nays: Dowdy, Krapf, Leverenz, O'Connor, Polster

Mr. Alex Baruch, Senior Planner, stated that Tim Trant of Kaufman and Canoles, PC has applied for an SUP to allow for the construction of a convenience store and gas station which sells and dispenses fuel. Mr. Baruch stated that the parcels are located at the corner of Lightfoot Road and Richmond Road across from Lightfoot Marketplace and are currently used as an Exxon gas station with convenience store. Mr. Baruch stated that the parcels are zoned B-1, General Business and are designated Mixed Use by the 2035 Comprehensive Plan. Mr. Baruch further stated that a convenience store which sells and dispenses fuel is a specially permitted use in the B-1 Zoning District.

Mr. Baruch stated that the parcel is split by the James City County and York County jurisdictional line with the entrance from Richmond Road in James City County. Mr. Baruch stated that one of the proposed gas pumps and a portion of the canopy also fall on the James City County side of the parcel. Mr. Baruch stated that this site is within a Community Character Corridor (CCC) and is an entryway into the County. Mr. Baruch stated that staff does not find that the visual impacts from the proposed development to this entry corridor have been mitigated through enhanced architectural design, signage and landscaping requirements that have been approved by the Board of Supervisors in previous applications along a CCC.

Mr. Baruch stated that staff recommends that the Planning Commission recommend denial of this application to the Board of Supervisors due to the visual impacts on the entry corridor. Mr. Baruch stated that should the Planning Commission recommend approval of this application to the Board of Supervisors, staff recommends that the conditions listed in Attachment 2 be applied.

Mr. Schmidt opened the floor for questions from the Commission.

Ms. Leverenz inquired about the County's authority to impose the CCC requirements on the architecture for this case.

Mr. Baruch stated that the CCC guidelines have been approved by the Board of Supervisors to ensure that visual appeal is maintained. Ms. Leverenz inquired if having an entrance on Richmond Road gave the County the right to enforce these standards. Mr. Baruch stated that because a portion parcel lies in James City County it is subject to the Zoning Ordinance which requires an SUP for this use.

Mr. Holt clarified that the County cannot write conditions that would be binding on the portion of the development in York County; the SUP conditions would only apply to the portion of the parcel in James City County.

Mr. Haldeman inquired if the revised landscape plan and signage submitted earlier in the day had alleviated any of the concerns.

Mr. Baruch stated that there are still aspects of the plan that do not meet James City County standards. Mr. Baruch noted that the digital sign would not be allowed under the Sign Ordinance and the landscaping plan still does not fully meet the landscape requirements.

Mr. Haldeman noted that there is an existing digital sign which is taller than the proposed sign.

Mr. Krapf stated that it appears that the three major concerns are the canopy design, the LED sign and the landscaping plan. Mr. Krapf further stated that the York County Planning Commission has already recommended approval and the case is moving forward through the York County processes. Mr. Krapf inquired if staff met with York County and the applicant early in the process to discuss these issues.

Mr. Baruch stated that there have been a number of meetings with York County and the applicant throughout the process. Mr. Baruch stated that these three issues remain because the James City County Zoning Ordinance sets higher standards. Mr. Baruch further stated that York County has approved similar canopies and signs throughout their jurisdiction and did not want to impose different standards for this development.

Mr. Holt stated that the case is very unique due to the split jurisdiction. Mr. Holt stated that the landscaping and the sign are located on the York County side. Mr. Holt further stated that the

only thing the Commission can address is the portion of the canopy on the County side of the parcel. Mr. Holt stated that staff has suggested acknowledging that the canopy is not consistent with County requirements and the standards imposed with recent cases, including the one at Lightfoot Marketplace.

Mr. Polster requested clarification on the landscaping concern along the corridor. Mr. Baruch stated that the landscaping only extends 45 feet along the greenway as opposed to the 50 feet that the James City County standards require.

Ms. Leverenz inquired about the difference between this digital sign and the two existing signs at Five Forks.

Mr. Holt stated that those signs are most likely non-conforming. Mr. Holt clarified that at one time digital signs were permitted; however, they are not permitted under the current Sign Ordinance.

Mr. O'Connor inquired if the Commission was limited to considering traffic impacts on Richmond Road or if impacts on the intersection and Lightfoot Road could be considered as well.

Mr. Holt stated that the Traffic Study considered everything together. Mr. Holt further stated that if the improvements on Lightfoot Road were not implemented, then the traffic would be funneled to the Richmond Road entrance which lies in the County. Mr. Holt noted that the SUP Conditions attempt to address and mitigate this concern.

Mr. O'Connor inquired if VDOT has provided a timeframe to connect the signalization for the Railroad Crossing.

Mr. Holt stated that at this time VDOT has not yet identified funding for that project.

Mr. Schmidt asked if York County has already approved the project.

Mr. Baruch clarified that the case has only been heard by the York County Planning Commission to date.

Mr. Schmidt inquired if they approved the multi-purpose path on Lightfoot Road.

Mr. Baruch stated that York County did approve the multi-purpose path. Mr. Baruch further stated that York County has a separate process in their Zoning Ordinance that allows swapping of different types of bicycle accommodations. Mr. Baruch stated that the multi-purpose path will replace what is shown on the plan.

Mr. Krapf inquired if the Traffic Study included the proposed apartment complex to be constructed in York County adjacent to the subject property.

Mr. Baruch stated that it he believes it was included.

Mr. Polster stated that he believes the apartment complex may not have been included.

Mr. Schmidt called for disclosures from the Commission.

Mr. Schmidt stated that he had spoken with Mr. Trant about the matter.

Mr. Krapf stated that he had also spoke with Mr. Trant.

Mr. Schmidt opened the Public Hearing.

Mr. Tim Trant, Kaufman and Canoles, PC, 4801 Courthouse Street, provided a presentation to the Commission. Mr. Trant provided background on Doswell Ventures and Wawa. Mr. Trant noted that Wawa is distinguished in the convenience store industry and provides a very clean, well designed, well landscaped product.

Mr. Trant noted that this store will provide approximately 30 new jobs which come with full benefits and tuition reimbursement, even for part-time positions.

Mr. Trant stated that the design team attempted to place the improvements within the larger York County portion of the site in order to facilitate site plan review as well as construction reviews. Mr. Trant noted that in spite of those efforts, a portion of the fuel canopy falls within James City County.

Mr. Trant stated that the applicant has made a number of concessions to James City County recommendations. Mr. Trant further stated that the applicant believes the monoplane fuel canopy is a better and less visually intrusive design. Mr. Trant requested that the Commission endorse the proposed canopy design.

Mr. Trant noted proposed changes to the SUP Conditions including a change to the size of the building footprint to 6,500 square feet; a 10-foot multi-purpose path instead of a shoulder bike lane; and that the fuel canopy be consistent with the elevations provided for review.

Mr. Polster stated that he is still trying to understand whether the setback is 40 or 50 feet.

Mr. Trant stated that the setback is 50 feet in James City County and drops down to 45 feet in York County to accommodate the standpipes for the fuel tank.

Mr. Polster inquired about the landscaping concern along the line with Hardee's.

Mr. Trant stated that the James City County Zoning Ordinance requires a landscaping island every 90 feet in a parking area. Mr. Trant noted that York County does not have the same requirement. Mr. Trant noted that there are areas on this plan where the landscaping gap is approximately 10 feet more.

Mr. Polster stated that his question on the Traffic Study is the left-turn lane on Lightfoot Road going north where the entrance has been pushed back toward the railroad tracks. Mr. Polster noted that the VDOT comments indicate that this may ultimately be only a right-out.

Mr. Trant stated that the entrance has been pushed back far as possible toward the railroad tracks to still have the necessary right-in taper; however, this is still not far enough from the Richmond Road/ Lightfoot Road intersection to qualify for access management. Mr. Trant stated that a condition of VDOT's approval of the entrance design is that the left-out may be eliminated.

Mr. Polster stated that the figures he has reviewed indicate the Traffic Study did not include the apartment complex along with its retail and restaurant components. Mr. Polster further stated that when buildout is complete, that segment of road will be at LOS E/F in 2023 where that LOS was not anticipated until 2040. Mr. Polster stated that to him, the left-out is almost unacceptable and he believes it should be eliminated at this stage.

Mr. Trant stated that it was important to VDOT and to both localities that the background traffic numbers include the apartment development as well as the changes to Lightfoot

Marketplace.

Mr. Carl Hultgren, Ramey Kemp & Associates, 4343 Cox Road, Glen Allen VA, stated that the trip potential for the apartment community and the expansion at Lightfoot Marketplace was included in the Traffic Study. Mr. Hultgren stated that the projected 2040 figures fell outside the scope of the analysis which was to assess the Wawa build out year of 2020.

Mr. Polster stated that the 2040 study figures were based on the Mooretown Road Extension not being built. Mr. Polster stated that the figures for Wawa at build out equal or exceed those figures.

Mr. Hultgren stated that Mr. Polster's figures could be correct. Mr. Hultgren stated that the 2040 projections would also include the traffic on Richmond Road as well which is an even more heavily traveled corridor. Mr. Hultgren noted that if you grow traffic far enough out to the future, most intersections would be a LOS E or LOS F.

Mr. Polster stated that even the projections in the Comprehensive Plan show the intersection at LOS E/F. Mr. Polster stated that it is the cumulative impact of the traffic impact. Mr. Polster stated that his concern is the impact of the left-out.

Mr. Hultgren noted that VDOT shares those concerns. Mr. Hultgren noted that VDOT. Had concerns about the initial location of the full movement driveway. Mr. Hultgren stated in response to VDOT comments, the entrance has been moved as close to the railroad tracks as possible and the left-in turning movement has been removed. Mr. Hultgren noted that the reduction in turning movements would make the left-out easier. Mr. Hultgren stated that VDOT has provided conceptual approval of the proposed design; however, VDOT has made it clear that they reserve the right to modify the driveway should it prove necessary.

Mr. Hultgren noted that currently there are two access points to the property along Richmond Road. Mr. Hultgren stated that the one closest to the intersection would be closed under this proposal. Mr. Hultgren stated that the second entrance would be right-in; right-out. Mr. Hultgren further stated that the right turn lane on Lightfoot Road and the left-turn lane on Richmond Road at the signal would be extended.

Mr. O'Connor inquired if there had been any discussion about making the right turn from Lightfoot Road onto Richmond Road a "No Right on Red" due to the potential increase in U Turns at the intersection.

Mr. Hultgren stated that the "No Right on Red" had not been discussed.

Mr. O'Connor inquired if there was any data on the delays due to train crossings.

Mr. Hultgren stated that the figures did not include the impact of train crossings. Mr. Hultgren noted that the intersection signal is not affected by the train crossing.

Mr. O'Connor noted that the impact would be to the Wawa.

Mr. O'Connor inquired about the difference between trip generation for the Wawa and trip generation for the existing Exxon station.

Mr. Hultgren noted that most of the trips would be pass by traffic from vehicles already on the road. Mr. Hultgren noted that Wawa generally created very few new trips.

Mr. Krapf noted that it appears that Wawa has used A-Frame canopies in other locations. Mr. Krapf inquired whether, since it is an approved Wawa design, the A-Frame canopy could be

substituted for the proposed design to eliminate staff objections.

Mr. Trant stated that Wawa takes pride in continually improving its design to be more aesthetically pleasing. Mr. Trant stated that Wawa believes the A-Frame is an inferior design that would be more obtrusive than the proposed design.

Mr. Krapf if the applicant has received confirmation from staff that the landscaping plan for the James City County parcel does meet the Enhanced Landscaping Policy.

Mr. Trant stated that there has not been direct confirmation; however, it appears that it is only the landscaping plan for York County that is in question. Mr. Hultgren stated that based on standard trip generation figures, the Exxon would generate 1,720 trips and the Wawa 2,766, roughly a difference of 1,000 trips over a 24-hour period.

Mr. Trant noted that a condition coming out of York County requires the facility to be generator equipped to provide service in times of emergency. Mr. Trant further noted that the conditions for the York County Conditional Use Permit do address traffic improvements.

Mr. O'Connor inquired when VDOT might approve the exception for Lightfoot Road.

Mr. Trant stated that it had already been approved.

Mr. O'Connor inquired if the James City Service Authority is providing water for the site.

Mr. Trant stated that he did not have this information.

Mr. O'Connor noted that he was trying to assess other impacts on the County. Mr. O'Connor inquired if James City County would receive any financial benefit from the gas pump located on the County portion of the parcel.

Mr. Trant stated that he did not have information on how the sales tax would be apportioned.

As no one else wished to speak, Mr. Schmidt closed the Public Hearing.

Mr. Schmidt opened the floor for discussion by the Commission.

Mr. Haldeman stated that this proposal is a far better use for the property than its existing use. Mr. Haldeman stated that the Wawa would be an improvement visually and financially. Mr. Haldeman noted that a digital sign would not be new to the site and that the proposed landscaping is much better than what exists. Mr. Haldeman stated that the entrance changes would also be a great improvement. Mr. Haldeman stated that if this were a proposal for an undeveloped site, he might look at it differently. Mr. Haldeman stated that he intends to support the application with the two changes proposed by the applicant to Condition Nos. 5 and 9.

Mr. Krapf stated that he concurs with Mr. Haldeman on the aesthetics. Mr. Krapf stated that the traffic impacts of an additional 1,000 trips per day are a concern due to the existing conditions on Lightfoot Road and Richmond Road. Mr. Krapf stated that he has no concern about the proposed change to the square footage in Condition No. 1. Mr. Krapf further stated that he also has no objection to the change to Condition No. 5 to provide a 10-foot multi-purpose path instead of the bike lane. Mr. Krapf inquired if these proposed changes were acceptable to staff.

Mr. Baruch stated that staff would still recommend what is shown on the adopted Bikeways Master Plan which is the bike lane separate from the multi-purpose path. Mr. Baruch further

stated that staff would not recommend any change to the condition for the canopy architecture.

Ms. Leverenz inquired if staff concurred to the change in square footage.

Mr. Baruch confirmed.

Mr. Polster stated that the proposal is an aesthetic improvement over the existing use. Mr. Polster further stated that there is not much that can be done about the conditions on Richmond Road. Mr. Polster stated that he does have on Lightfoot Road. Mr. Polster noted that the right-turn lane on Lightfoot Road can move quickly. Mr. Polster stated that anyone attempting to negotiate a left turn onto Lightfoot Road already has difficulty. Mr. Polster stated that it would be almost impossible to negotiate that left turn with the increase in traffic.

Ms. Leverenz stated that while the Wawa would be an aesthetic improvement over the existing use, James City County works very hard to maintain the standards that preserve the character of the area. Ms. Leverenz stated that she does not see a compelling reason to relax those standards. Ms. Leverenz stated that doing so would be a disservice to the businesses that have adhered to the standard, particularly those in proximity to this location. Ms. Leverenz stated that she finds the A-Frame canopy to be more aesthetically pleasing and appropriate.

Mr. Schmidt stated that he does not see the Wawa as generating so many more trips. Mr. Schmidt noted that the apartment community certainly would generate a substantial increase. Mr. Schmidt stated that he believes the multi-purpose path would be much safer and would be more likely to be continued with future development.

Mr. Krapf stated that bicycle accommodations are very important in the County; however, a bit of flexibility could be applied depending on the intensity of the roadway. Mr. Krapf stated that he believes the 10-foot multi-use path is a safer option than the dedicated bike lane.

Mr. Schmidt stated that it appears that York County has approved the multi-use path for their portion of the parcel. Mr. Schmidt stated that he hoped that similar pedestrian accommodations would be incorporate for the apartment community.

Mr. O'Connor stated that it is not the trip generation that concerns him but the increase in turning movements. Mr. O'Connor noted that the Commission did not recommend approval of another proposal for similar concerns. Mr. O'Connor stated that he appreciated the improvements and desire to invest in the community; however, he does not see the greater benefit to the County economically. Mr. O'Connor stated that he is not inclined to support the application.

Mr. Haldeman made a motion to recommend approval of the application with the conditions listed in the staff report with three changes: Condition No. 1 would be amended for the square footage to change from 5,850 square feet to 6,500 square feet; Condition No. 5 would be amended to state a 10-foot multi-use path and condition No. 9 would be amended to state that the architecture of the canopy shall be consistent with the elevations shown on that certain exhibit entitled "WAWA GAS CANOPY STRAIGHT 6 – TRASH COMPOUND MASQ17-R – STORE #8458", prepared by Cuhaci & Peterson Architects Engineers Planners, dated January 7, 2019, a copy of which is on file with the Planning Director.

On a roll call vote the motion to recommend approval of SUP -18-0030, 6446 Richmond Rd. Convenience Store with Gas Pumps (Wawa) failed by a vote of 2-5.

## **G. PLANNING COMMISSION CONSIDERATIONS**



1. C-18-0123. HRSD Treatment Plant Expansion within Carter's Grove AFD

A motion to Approve was made by Frank Polster, the motion result was Passed.

AYES: 5 NAYS: 2 ABSTAIN: 0 ABSENT: 0

Ayes: Dowdy, Haldeman, Krapf, Leverenz, Polster

Nays: O'Connor, Schmidt

Ms. Tori Haynes, Planner, stated that the Hampton Roads Sanitation District (HRSD) currently operates the Williamsburg Treatment Plant located at 300 Ron Springs Drive. Ms. Haynes stated that this is a landlocked parcel that is wholly surrounded by 250 Ron Springs Drive and the Carter's Grove AFD.

Ms. Haynes stated that HRSD has stated that it requires a facility expansion adjacent to the Williamsburg Treatment Plant. Ms. Haynes further stated that this expansion is in response to federal enforcement action taken by the Environmental Protection Agency (EPA) and the Department of Justice. Ms. Haynes stated that HRSD has stated there is insufficient property on their current parcel to accommodate the facility expansion, and as such has stated its intent to acquire 250 Ron Springs Drive by condemnation for public utility purposes.

Ms. Haynes stated that HRSD is not requesting a withdrawal of the property from the AFD or any approvals for the facility itself at this time. Rather, per State Code, utilities may acquire interests in properties within an AFD, provided that the Board of Supervisors, in consultation with the AFD Advisory Committee and Planning Commission, reviews the proposal and specifically examines the following three criteria: the effect the action would have upon the preservation and enhancement of agricultural and forestal resources within the district and associated policies; the necessity of the proposed action to provide service to the public in the most economical and practical manner; and whether reasonable alternatives to the proposed action are available that would minimize or avoid any adverse impacts within the district.

Ms. Haynes stated that ultimately, the Board of Supervisors will make a determination as to whether the proposed action is necessary to provide service to the public in the most economical and practical manner, and whether it will have an unreasonably adverse effect upon state or local policy.

Ms. Haynes stated that in consideration of the State Code criteria, HRSD has stated that they will reduce clearing impacts to approximately 7 acres, and would not need to remove the entire parcel from the AFD. Ms. Haynes stated that undeveloped portions of the parcel and the resources therein would be preserved in the AFD and subject to AFD regulations. Ms. Haynes stated that the proposed action is in response to a federal enforcement action taken against HRSD and the proposed facilities would provide necessary service to the public by alleviating groundwater shortages in the Hampton Roads region. Ms. Haynes stated that given the landlocked nature of the HRSD parcel, staff finds there is no practical way to avoid action within the Carter's Grove AFD if the project is to be completed in the most economical and practical manner possible. Ms. Haynes stated that should HRSD pursue a nearby non-contiguous parcel, they would still need an access and utility corridor through the subject parcel, and per HRSD's estimate, this would increase capital costs.

Ms. Haynes stated that staff recommends that the Planning Commission find the proposal necessary to provide service to the public in the most economical and practical manner and that it will not have an unreasonably adverse effect upon state or local policy.

Ms. Haynes stated that at its January 24, 2019 meeting, the AFD Advisory Committee voted 5-1-1 that the proposal is not necessary and would have an unreasonably adverse effect upon state or local policy.

Mr. Krapf inquired if there had been any recent developments on the discussion of the conservation easement.

Ms. Haynes stated that HRSD does not own the parcel at this time so there have been no formal talks. Ms. Haynes stated that HRSD has indicated that they would be willing to put some of that land in a conservation easement.

Mr. Holt stated that those details would come as part of a later decision. Mr. Holt further stated that the Commission's recommendation should focus around the three specific criteria. Mr. Holt stated the Commission would have an opportunity to consider legislative applications at a later time that would allow the Commission to consider those design details.

Mr. Krapf stated that he believed the question was germane to the three criteria, particularly Criteria No. 1, the effect the action would have upon the preservation and enhancement of agricultural and forestal resources within the district and associated policies. Mr. Krapf stated that he was looking at the case from both the standpoint of the criteria as well as from the historic perspective of a landmark case which would affect the Carter's Grove property which would be affected by activities taking place within the buffer.

Mr. Haldeman noted that acquiring more acreage than is actually needed would affect the economic viability of the project. Mr. Haldeman noted that the additional costs would potentially affect water rates.

Mr. Krapf commented that at this time the action is for a taking of the property since HRSD and the property owner have not been able to agree on a purchase price.

Ms. Haynes stated that this was staff's understanding as well.

Mr. O'Connor inquired if there is a market value attached to the property as part of the condemnation process.

Mr. Max Hlavin, Deputy County Attorney, stated that there are a number of steps that there are a number of steps that a political subdivision or municipality must take as part of the condemnation process. Mr. Hlavin further stated that at the time the taking is finalized, there must be a valuation attached to the property. Mr. Hlavin stated that assessing the valuation is part of a separate process than what the Commission is considering at this time. Mr. Hlavin stated that what the Commission is making a recommendation on is the effect of the purchase or taking of the property on the district as a whole.

Mr. O'Connor stated that his concern with the valuation is to compare the cost with the cost of acquiring a portion of 200 Ron Springs Road in order to determine if it fits the criteria of a reasonable alternative.

Mr. Polster stated that he understands that the reason for acquiring the entire 76 acres is because HRSD has not been allowed to make a site visit to determine where the project could reasonably be located which would result in acquiring something substantially less. Mr. Polster further stated that if HRSD did pursue the alternative site, they would still need an easement across 250 Ron Springs Drive to access the project. Mr. Polster stated that if they cannot reach an agreement on acquisition of a portion of the property, then they likely will not be able to acquire the easement either.

Ms. Leverenz inquired if the property required for the easement would have to be negotiated or could it be condemned rather than taking the entire property.

Mr. Schmidt noted that this is not a public hearing case and inquired if letting the applicant speak would then require opening the floor for others to speak.

Mr. Hlavin stated that it is within the Commission's prerogative to ask questions of the applicant on this matter. Mr. Hlavin noted that an easement or any other property right can be acquired by condemnation.

Ms. Robyn Hansen, of Jones, Blechman, Woltz & Kelly, P.C., stated that she serves as counsel for HRSD. Ms. Hansen stated that HRSD has considered the parcel at 200 Ron Springs Drive; however, the current HRSD facility is completely surrounded by the 76 acre AFD parcel. Ms. Hansen further stated that to develop and operate the new facility, the facility must be able to work with the existing treatment plant. Ms. Hansen further stated that the AFD will be impacted no matter which parcel is acquired. Ms. Hansen stated that HRSD is committed to developing as little of the parcel as necessary to accomplish what is required. Ms. Hansen further noted that much of the parcel is undevelopable. Ms. Hansen stated that the remainder of the parcel would be used to protect its facilities. Ms. Hansen stated that acquiring the parcel is the most economical option.

Ms. Lauren Zuravnsky, PE, stated that by seeking approval for a more open-ended plan at this time, it would allow HRSD to find the best location for the new facility without having to return to the Commission multiple times. Ms. Zuravnsky stated that HRSD seeks have the flexibility to layout the site in the most cost effective manner with one action and put the remaining land in a preservation easement.

Mr. Polster inquired about the location of the existing easement across the AFD parcel.

Ms. Zuravnsky stated that the easement runs where the force mains exist. Ms. Zuravnsky stated that those easement would not be available for the new facility.

Mr. Polster inquired if there were any other easements on the property.

Ms. Zuravnsky stated that she was not aware of other easements.

Mr. Polster inquired about the footprint of the HRSD Sustainable Water Infrastructure for Tomorrow (SWIFT) research facility in Suffolk.

Ms. Zuravnsky stated that the facility in Suffolk is a research and public outreach center which is of a different character and size than the full scale facility.

Mr. Polster inquired if the treatment processes are the same.

Ms. Zuravnsky stated that the process is the same; however, the intent with the research facility was to have a flexible design to support all of the permitting and development going forward.

Mr. Polster stated that he was looking for an idea of the scale and footprint of the facilities on the proposed site and how the SWIFT facility interacted with the existing treatment plant.

Ms. Zuravnsky explained the flow of the process through the existing facility. Ms. Zuravnsky noted that there would be some additional facilities constructed on the existing site to support the SWIFT process. Ms. Zuravnsky stated that HRSD hopes to nest the new facility on a potentially buildable area close to the existing influent force mains. Ms. Zuravnsky further stated that the additional wells to support the process would primarily be scattered throughout the existing site with one or two located on the new site.

Mr. Polster inquired about the reason for the increased cost of locating the new facility on the alternate parcel.

Ms. Zuravnsky stated that some of the wells would be relocated as not all of them can be on the same site. Ms. Zuravnsky further stated that it is more efficient for the new facility to be located as close to the existing facility as possible.

Mr. Polster inquired if there was a plan to monitor subsidence.

Ms. Zuravnsky stated that there are associated monitoring wells; however, they are not monitoring subsidence. Ms. Zuravnsky further stated that there is an extensometer at the Nansemond facility in Suffolk through a partnership with the U.S. Geological Survey (USGS).

Mr. O'Connor inquired about the approximate cost of the project.

Ms. Zuravnsky stated that the construction cost for the treatment works is approximately \$120,000,000. Ms. Zuravnsky further stated that she believes that figure includes the recharge and monitoring wells.

Mr. O'Connor inquired about the \$1,000,000 additional cost to locate the new facility on the 200 Ron Springs parcel.

Ms. Hansen stated that the cost comes from creating the necessary utility corridor for the water to move back and forth between the existing and new facility. Ms. Hansen further stated that even under this option the AFD would be impacted. Ms. Hansen noted that the \$1,000,000 does not factor in the cost of acquiring the 24-acre parcel.

Ms. Zuravnsky stated that the \$1,000,000 is related to construction cost alone; however, there are other greater costs associated with using the 24-acre parcel.

Ms. Leverenz noted that the cost to acquire 24 acres is likely less than the cost to acquire 76 acres.

Ms. Hansen stated the 24-acre parcel is developable whereas the 76-acre parcel is not and would, therefore, have a greater land value.

Mr. Polster noted that HRSD has been working for two years to find a suitable location on the parcel. Mr. Polster inquired why they have not yet been successful.

Ms. Hansen stated that they do not own the property. Ms. Hansen further stated that HRSD has been denied access to the property. Ms. Hansen stated that negotiations to purchase the property or acquire an easement have failed, which has led to the condemnation action.

Mr. Polster inquired about the deadline imposed by the consent decree.

Ms. Hansen stated that this is one of the major projects that HRSD must complete under the Consent Decree. Ms. Hansen further stated that HRSD filed the condemnation action as a last resort to meet those obligations. Ms. Hansen stated that the request tonight is to consider the three criteria and determine if the proposal meets those criteria.

Mr. O'Connor inquired about the easements currently in place. Mr. O'Connor inquired about any easements at the shore line.

Ms. Zuravnsky stated that there are no easements in that location and that is part of the reason HRSD wants to acquire the entire 76 acres to protect its assets. Ms. Hansen stated that the

only existing easements are over the influent force mains. Mr. O'Connor inquired about the size of the lines needed to access the wells. Ms. Zuravnsky stated that the wells are 24 inches and the supply lines would be approximately the same size.

Mr. Krapf inquired if there have been any adverse effects on water quality in the aquifer in other locations where the water is injected when it does not meet purity standards. Mr. Krapf further inquired if there was any evidence of land movement where water has been injected in the aquifer.

Ms. Zuravnsky stated that there is an extensometer in Suffolk which has shown subsidence and recovery when flushing the wells and recharging waste water. Ms. Zuravnsky further stated that these measurements were, however, only millimeters. Ms. Zuravnsky stated that there is some evidence that the project could impact subsidence in a positive way. Ms. Zuravnsky stated that there is a full suite of critical control sensors monitoring the water quality in the aquifer on a continual basis. Ms. Zuravnsky stated that each sensor monitors a particular set of parameters. Ms. Zuravnsky further stated that any one of those sensors can trip and divert the water.

Mr. Polster stated that this project represents a vast public benefit, particularly to the County as it will put water back in the aquifer. Mr. Polster further stated that the ability of the aquifer to provide water for the County is critical based on the County's growth rate. Mr. Polster stated that if only a portion of the property is ultimately withdrawn from the AFD and the remainder stays in the AFD or is put in a conservation easement, the impact on the AFD is minimal and is far outweighed by the public benefit.

Ms. Zuravnsky stated that this project also represents a benefit to rate payers as an economical method of effluent management.

Mr. Polster further noted that there is a benefit also from the Total Maximum Daily Load (TMDL) credits. Mr. Polster noted that the TMDL credits can be sold and represent an economic benefit.

Mr. Schmidt noted that he did discuss the matter with Mr. Trant.

Mr. Krapf, Mr. Haldeman and Ms. Leverenz stated that they also spoke with Mr. Trant.

Mr. Polster stated that Mr. Trant contacted him but he did not return the call.

Mr. Schmidt noted that this is a complicated matter. Mr. Schmidt noted that the environmental benefit is there. Mr. Schmidt noted that his main concern is any impact on cultural resources in that area.

Mr. Haldeman inquired if the Commission was making a recommendation on the matter.

Mr. Holt clarified that the request was for the Commission to find whether the proposal provides service to the public in the most economical and practical manner and that it will not have an unreasonably adverse effect upon state or local policy.

Mr. Polster noted that AFDs only bind the property for a limited time and that property can be withdrawn for development during the renewal period. Mr. Polster noted that the subject property is zoned for residential development. Mr. Polster noted that the property would be better protected if it were in a conservation easement.

Ms. Leverenz noted that the majority of the parcel is not developable due to topographical constraints. Ms. Leverenz stated that if the impact is only the seven acres with the remainder

preserved, then it would meet the criteria of minimal effect on the AFD.

Mr. Krapf stated that he believes the proposal meets all three criteria and that he would support the application.

Mr. Polster made a motion that the proposed action set forth in C-18-0123, HRSD Treatment Plant Expansion within Carter's Grove AFD would not have an adverse impact have upon the preservation and enhancement of agricultural and forestal resources within the district and associated policies; proposed action is necessary to provide service to the public in the most economical and practical manner; there are no reasonable alternatives to the proposed action are available that would minimize or avoid any adverse impacts within the district.

On a roll call vote the Commission voted that the proposed action set forth in C-18-0123, HRSD Treatment Plant Expansion within Carter's Grove AFD would not have an adverse impact have upon the preservation and enhancement of agricultural and forestal resources within the district and associated policies; proposed action is necessary to provide service to the public in the most economical and practical manner; there are no reasonable alternatives to the proposed action are available that would minimize or avoid any adverse impacts within the district (5-2).

## **H. PLANNING DIRECTOR'S REPORT**

### **1. Planning Director's Report - February 2019**

Mr. Holt stated that he did not have anything in addition to what was included in the agenda packet.

## **I. PLANNING COMMISSION DISCUSSION AND REQUESTS**

Mr. Schmidt stated that due to Mr. Richardson leaving, it is necessary to elect officers.

Mr. Holt stated that pursuant to the Planning Commission's adopted By Laws, when there is a vacancy for the Chair or Vice Chair, an election shall be held on the next meeting date.

Mr. Haldeman inquired if this term would be through March.

Mr. Holt confirmed that the term would run until the Organizational Meeting on March 18.

Mr. Haldeman nominated Danny Schmidt for Chair.

There were no other nominations for Chair.

Mr. Schmidt nominated Jack Haldeman for Vice Chair.

There were no other nominations for Vice Chair.

On a voice vote, the Commission elected Mr. Schmidt as Chair and Mr. Haldeman as Vice Chair.

Mr. Schmidt noted that the Commission would discuss preferences for committee assignments prior to the organizational meeting.

Mr. O'Connor noted that it might be prudent to consider defining the differences between a convenience store and a super convenience store.

Mr. Polster stated that he hopes that the joint traffic study that is underway will address the Lightfoot Road corridor.

Mr. Holt noted the difficulty of increasing capacity on roads with an at grade railroad crossing.

Mr. O'Connor requested that VDOT look at connecting the controller for the train at the Richmond Road/ Lightfoot Road intersection.

**J. ADJOURNMENT**

Mr. Krapf made a motion to adjourn.

The meeting was adjourned at approximately 9:10 p.m.

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Danny Schmidt, Vice Chair

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Paul D. Holt, III, Secretary

**ITEM SUMMARY**

DATE: 3/6/2019

TO: The Planning Commission

FROM: Tori Haynes, Planner

SUBJECT: Development Review Committee Action Item: SP-18-0089, Extra Mile Landscapes and Two Drummers Smokehouse Expansion

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The existing restaurant has proposed an addition, which was approved by the Board of Supervisors in 2016.

To accommodate the restaurant expansion, the applicant is proposing 106 parking spaces, which goes above the 120% maximum parking cap allowed by the Zoning Ordinance. A waiver may be granted by the Planning Director from the 120% maximum cap if it can be shown that due to unique circumstances a particular activity would be expected to generate more parking demand than that allowed by the maximum parking cap. The Planning Director has determined that the expansion of a restaurant is not a unique circumstance, and further evidence should be provided that demonstrates that the demand generated by the expansion justifies the requested parking total.

Reason for DRC Review: To appeal the decision of the Planning Director.

Link to the DRC Agenda and staff  
report: <https://jamescity.novusagenda.com/AgendaPublic/CoverSheet.aspx?ItemID=4422&MeetingID=816>

DRC Recommendation on February 20, 2019: Approval of the requested number of parking spaces (3-0).

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	2/25/2019 - 9:47 AM
Planning Commission	Holt, Paul	Approved	2/25/2019 - 9:48 AM
Publication Management	Daniel, Martha	Approved	2/25/2019 - 9:51 AM
Planning Commission	Holt, Paul	Approved	2/25/2019 - 3:50 PM



**ITEM SUMMARY**

DATE: 3/6/2019

TO: The Planning Commission

FROM: Terry Costello, Deputy Zoning Administrator

SUBJECT: SUP-19-0004. James City Service Authority College Creek Pipeline Project

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**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Location Map	Backup Material
▣	Master Plan	Backup Material
▣	Proposed Conditions SUP-19-0004	Backup Material
▣	Environmental Inventory and Constraints	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	2/27/2019 - 11:42 AM
Planning Commission	Holt, Paul	Approved	2/27/2019 - 11:42 AM
Publication Management	Burcham, Nan	Approved	2/27/2019 - 11:46 AM
Planning Commission	Holt, Paul	Approved	2/27/2019 - 11:50 AM

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**SPECIAL USE PERMIT-19-0004. James City Service Authority College Creek Pipeline Project**

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**Staff Report for the March 6, 2019, Planning Commission Public Hearing****SUMMARY FACTS**

Applicant:	Mr. Mike Gaffney, of Rummel, Klepper, & Kahl (RK&K)
Land Owner:	Virginia Department of Transportation (VDOT)
Proposal:	To allow for the installation of +/- 1100 linear feet of a 14-inch water main
Location:	Under College Creek, along the south side of the Humelsine Parkway (State Route 199) eastbound bridge.
Tax Map/Parcel Nos.:	Bounded by Humelsine Parkway, 4920100002 and 49103A0002
Project Acreage:	+/- .95 acres
Zoning:	R-5, Multifamily Residential, R-8, Rural Residential, and R-1, Limited Residential
Comprehensive Plan:	Low Density Residential
Primary Service Area:	Inside
Staff Contact:	Terry Costello, Deputy Zoning Administrator

**PUBLIC HEARING DATES**

Planning Commission:	March 6, 2019, 6:00 p.m.
Board of Supervisors:	April 9, 2019, 5:00 p.m. (Tentative)

**FACTORS FAVORABLE**

1. With the recommended conditions, the proposal is compatible with surrounding zoning and would not impact surrounding development.
2. The proposal promotes public health and safety by providing reliable and efficient water service.
3. There will be limited land disturbance due to using the trenchless horizontal directional drilling method for installation.
4. The proposal also includes the co-location of fiber optics which will add support to the County's commitment to provide a cost-effective high-speed information service.

**FACTORS UNFAVORABLE**

1. With the attached Special Use Permit (SUP) conditions for each application, staff finds that there are no unfavorable factors.

**SUMMARY STAFF RECOMMENDATION**

Recommend approval of this application to the Board of Supervisors, subject to the attached conditions.

**PROJECT DESCRIPTION**

Mr. Mike Gaffney of RK&K has applied on behalf of the James City Service Authority (JCSA) to permit the installation of approximately 1,100 linear feet of a 14-inch water main underneath College Creek, along the south side of the Humelsine Parkway (State Route 199) eastbound bridge. The property is currently VDOT right-of-way,

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

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## **SPECIAL USE PERMIT-19-0004. James City Service Authority College Creek Pipeline Project**

### **Staff Report for the March 6, 2019, Planning Commission Public Hearing**

generally bounded by the Humelsine Parkway, and Tax Map Parcels 4820100002 and 49103A0002.

In order to improve local infrastructure and to mitigate the risk of future failures, a new water main is required. The current water main is located along the north side of Humelsine Parkway westbound bridge and is attached to the bridge itself. This waterline was installed in 1976 and is in need of major repair and rehabilitation.

Horizontal Directional Drilling under College Creek is expected to be the method of construction. The length of the pipeline would be approximately 1,100 feet from the entry and exit points. The entry point is proposed to be approximately 200 feet west and 50 feet south of the western end of the eastbound bridge. The exit point is proposed to be approximately 200 feet east and 50 feet south of the eastern end of the bridge.

Simultaneously, the County will also be co-locating a fiber optic cable. This project will enhance the County's communication system and will also serve the Williamsburg-James City County School Division.

The work will take place within VDOT's right-of-way and within the JCSA easement on the east end (at the exit point) of the bridge. Land disturbance would be limited to clearing of staging areas as needed. Agency permits will be required from the United States Army Corps of Engineers, Virginia Marine Resources Commission, and the Virginia Department of Environmental Quality. Condition No. 3 will ensure that disturbed areas are replanted.

#### **PLANNING AND ZONING HISTORY**

- The current water main is located on the north side of Humelsine Parkway eastbound bridge. This existing water line was installed in 1976 when water lines were a permitted use in accordance with

the issuance of a conditional use permit. However, staff was unable to locate a conditional use permit in County records.

- In 1979, the Zoning Ordinance was changed to require an SUP for water lines that were located outside a subdivision or other approved development.
- The proposed line will be installed under College Creek and will handle a larger capacity of water than what is currently in use. Therefore, an SUP is required.

#### **SURROUNDING ZONING AND DEVELOPMENT**

- The location of the project is under College Creek, along the south side of the Humelsine Parkway eastbound bridge. It is bordered on the west by the Williamsburg Landing Development, south by College Creek, and east by undeveloped land owned by College Creek Estates. Property to the north of the site is located in the City of Williamsburg.
- Surrounding Zoning Designations Include:
  - R-5, Multifamily Residential to the west (Williamsburg Landing), R-8 Rural Residential to the south (College Creek), and R-1, Limited Residential to the west (College Creek Estates).
  - The two properties in the City of Williamsburg are zoned RS-1, Single-Family Residential.

#### **COMPREHENSIVE PLAN**

- The properties are designated Low Density Residential on the 2035 Comprehensive Plan Land Use Map.

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*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-19-0004. James City Service Authority College Creek Pipeline Project**

### **Staff Report for the March 6, 2019, Planning Commission Public Hearing**

- Principal suggested uses include single-family and multifamily units, accessory units, cluster housing, and recreation areas.
- Although water facilities are not a suggested principal use, staff finds that this proposal is consistent with Comprehensive Plan as it promotes public health and safety as well as supporting the County's commitment to a high speed information service.
- Surrounding Comprehensive Plan Designations Include:
  - Low Density Residential to the east, south, and west.

#### **PUBLIC IMPACTS**

##### **1. Anticipated Impact on Public Facilities and Services:**

- a. *Traffic.* Impacts to traffic will be temporary. Access to the site will be through the right-of-way on the west side of the bridge at College Creek. There may be times where one lane may be closed to accommodate equipment moving to and from the site. JCSA has estimated that this project should take 2-3 weeks and will take place in the fall or winter months to avoid summer traffic.
- b. *Schools/Fire/Utilities.* No impacts anticipated. JCSA and the Fire Department have reviewed the proposals and have no comments.

- 2. Environmental: There is a Resource Protection Area (RPA) located in the project area. It will be necessary to obtain an approval from the Chesapeake Bay Board for activities in the RPA. The proposal is located in a special flood hazard area. All activities shall comply with the Floodplain Area Regulations of the Zoning Ordinance.

##### **3. Nearby and Surrounding Properties:**

- a. *Visual Impacts:* Access to the site will be off of Humelsine Parkway on the eastbound side of the bridge. During the installation of the water main, equipment, and construction trucks may be visible from Humelsine Parkway. There will be no equipment permanently stored on-site. No permanent access is required once the water main is installed.
- b. *Noise and Other Impacts:* Noise associated with the project will be limited, with the volume anticipated to similar to that produced by a generator. The directional drilling process does not produce vibrations.

#### **PROPOSED CONDITIONS**

- The full text of the proposed conditions is attached.

#### **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the attached conditions.

TC/nb  
SUP19-04JCSACollegeCr

##### Attachments:

- 1. Location Map
- 2. Master Plan "Water Main Layout Plan" dated February 2019
- 3. Proposed SUP Conditions SUP-19-0004
- 4. Environmental Inventory and Constraints

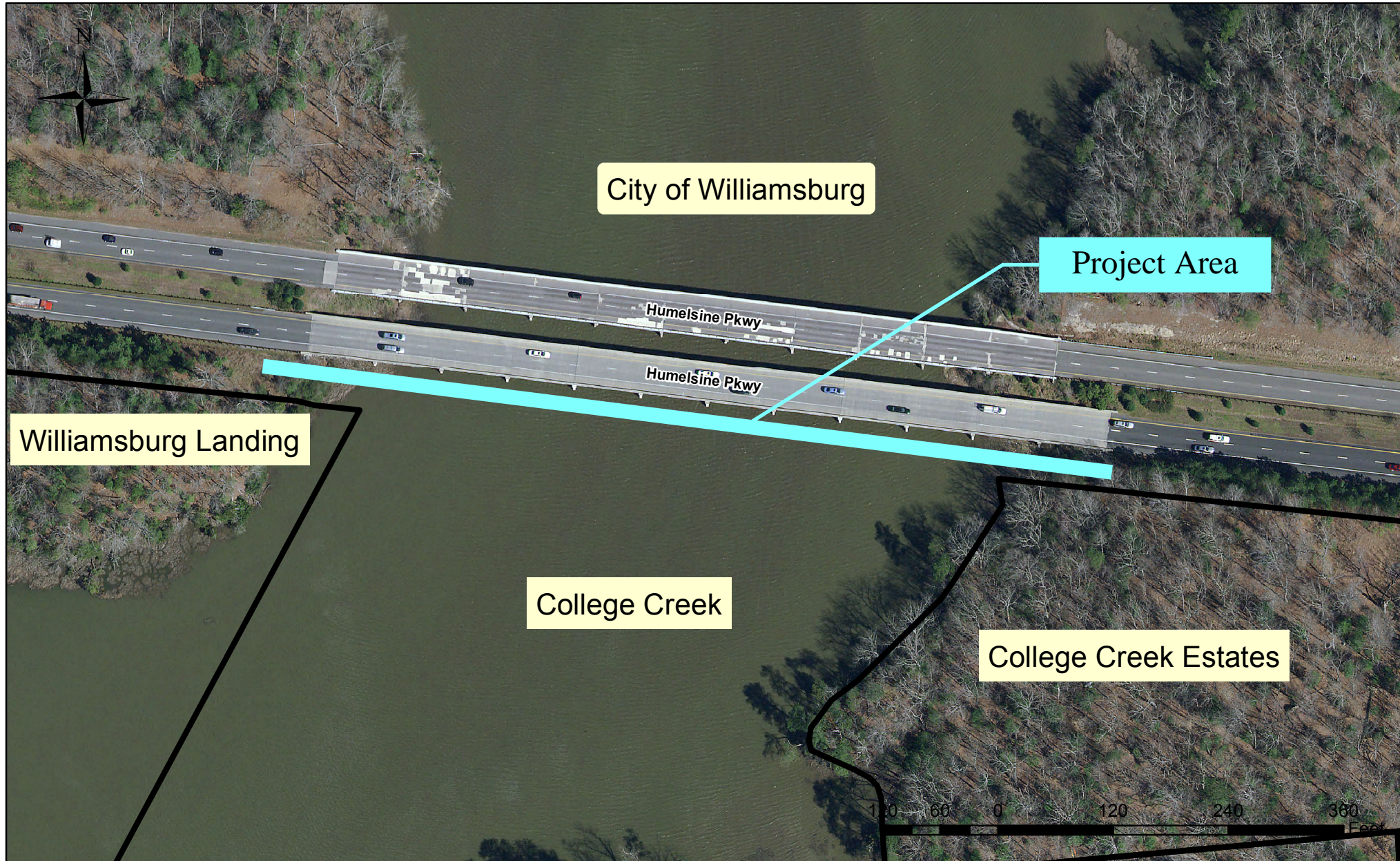
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*This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general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



# SUP-19-0004

## JCSA College Creek Pipeline Project





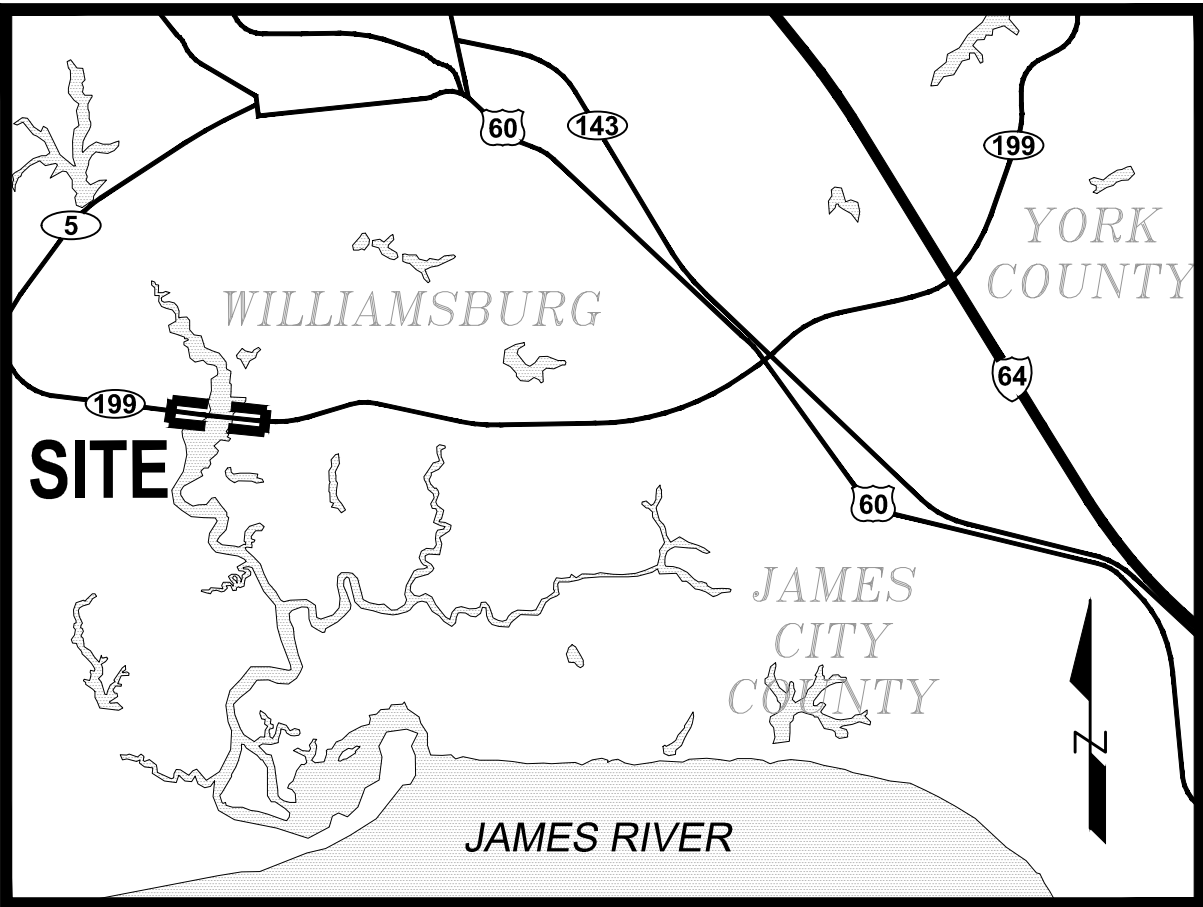
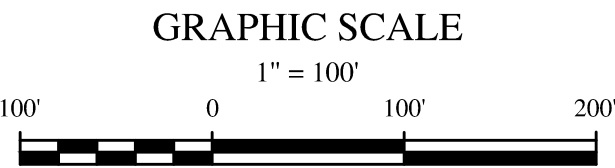
FILE NAME: T:\PROJECTS\2018\18240 CoCreekMM\240\02\18240-C-x(SpecialUsePermit).dwg LAYOUT NAME: OVERALL PLOTTED: Monday, February 25, 2019 - 5:59pm



COLLEGE CREEK WATER MAIN LAYOUT PLAN  
SCALE: 1"= 100'

- NOTES:**
1. HDPE PIPE LAYOUT SHALL BE COORDINATED WITH INGRESS/EGRESS REQUIREMENTS.
  2. RPA AND WETLAND LIMITS SHOWN AS DELINEATED BY RK&K PENDING JURISDICTIONAL DETERMINATION.
  3. CONTRACTOR SHALL INCLUDE TWO 2-INCH CONDUITS OF EQUAL LENGTH FOR PULL BACK WITH THE 14-INCH HDPE WATER MAIN.
  4. 2-INCH CONDUIT SHALL BE LEFT ABOVE GROUND FULL LENGTH FOR RETRIEVAL AND INSTALLATION OF FIBER OPTIC CABLE BY OTHERS.

- SITE DATA:**
1. LAND DISTURBING ACTIVITIES ARE LIMITED TO ZONE 'X' ACCORDING TO FEMA FLOOD MAP #51095C0202D (DATED 12/16/2015) AND IS SUBJECT TO MINIMAL FLOOD HAZARD.
  2. THE TRENCHLESS HORIZONTAL DIRECTIONAL DRILL INSTALLATION WILL CROSS UNDER ZONE 'AE' WITH A FLOOD ELEVATION OF 7.0 ACCORDING TO FEMA FLOOD MAP #51095C0202D (DATED 12/16/2015)



VICINITY MAP  
SCALE: 1" = 3,000'

SPECIAL  
USE  
PERMITTING  
SUBMITTAL  
NOT FOR  
CONSTRUCTION

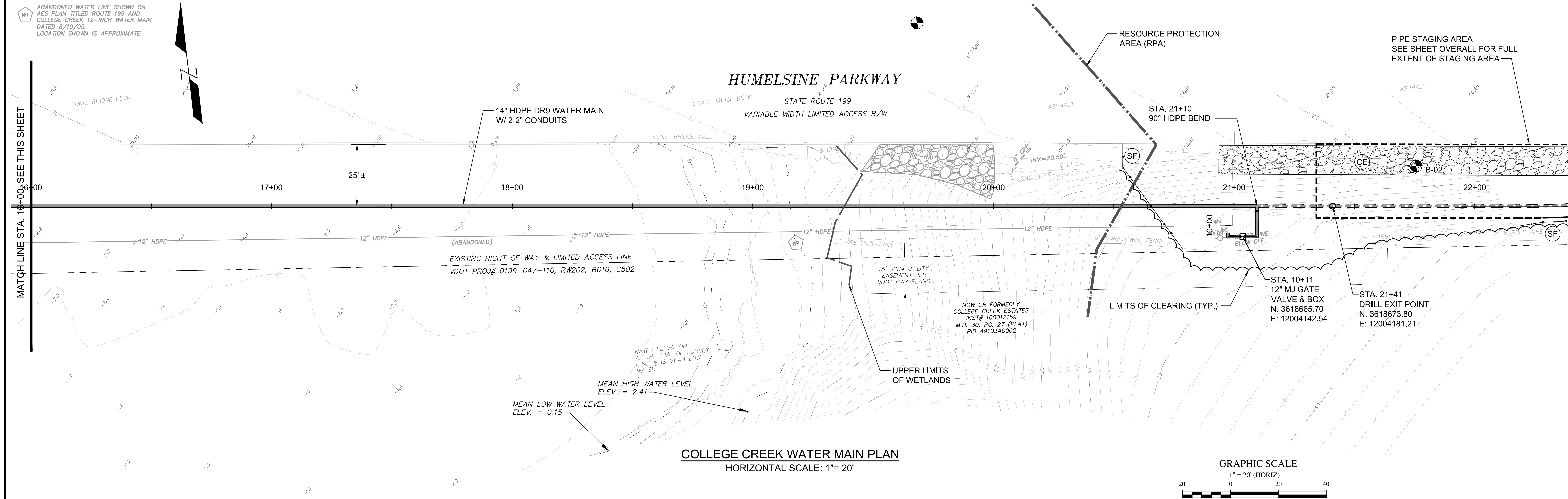
REVISIONS	DATE

COLLEGE CREEK WATER MAIN CROSSING	WATER MAIN LAYOUT PLAN
-----------------------------------	------------------------

DRAWN BY: PCP  
DESIGNED BY: AWP  
DATE: FEBRUARY 2019  
SCALE: AS NOTED

SHEET  
**OVERALL**





## ***SUP-19-0004: JCSA College Creek Pipeline Project***

### ***Draft SUP Conditions:***

1. *Master Plan:* The SUP shall be valid for a water transmission main of +/- 1,100 linear feet (the "Project"). Development of the Project shall be generally in accordance with the Master Plan titled "College Creek Water Main Crossing" dated January 2019, with any deviations considered pursuant to Section 24-23(a)(2) of the County Code, as amended.
2. *Hours of Operation:* The hours for construction of 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 demonstrated that such work will not negatively affect surrounding properties.
3. *Replanting Plan:* Prior to issuance of a land disturbing permit a plan addressing the replanting of disturbed vegetation within the right-of-way and utility easement shall be submitted and approved by the Director of Planning or his designee. The intent of the plan is to restore the area to pre-land disturbing conditions.
4. *Lighting:* No new permanent lighting associated with the Project shall be installed.
5. *Construction:* Construction for the Project shall commence within twenty-four (24) months from the date of issuance of the SUP, or the SUP shall become void. Construction shall be defined as clearing, grading, and drilling necessary for the Project.
6. *Severance Clause:* This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.





# **COLLEGE CREEK WATER MAIN CROSSING PROJECT**

## **ENVIRONMENTAL INVENTORY AND CONSTRAINTS**

**JANUARY 2019**

## 1. INTRODUCTION

The James City Service Authority (JCSA) proposes to provide a new primary supply line across College Creek, along the south side of the Humelsine Parkway (State Route 199) eastbound (EB) bridge, as part of the College Creek Water Main Crossing Project in James City County, Virginia. The Study Area for the project is shown in **Figure 1-1**.

Horizontal Directional Drilling (HDD) under College Creek is expected to be the method of construction for the new pipeline. The length of the pipeline would be approximately 1,062 feet (ft) from the entry and exit points. The entry point is proposed to be approximately 200 ft west and 50 ft south of the western end of the EB bridge. The exit point is proposed to be approximately 200 ft east and 50 ft south of the eastern end of the bridge.

## 2. PURPOSE

The purpose of this report is to document the existing environmental resources and potential constraints within the Study Area to obtain a Special Use Permit from James City County. JCSA completed the constraints analysis to assist James City County in identifying those key environmental issues that should be given consideration during the planning and design phase of the proposed water main crossing. It is intended to facilitate the project planning process, assist the engineering team in evaluating various alternatives, define a preferred project, and assess potential permitting and mitigation requirements. The resources evaluated herein include water resources, threatened and endangered species and species habitat, forested habitat, soils, floodplains, and topography.

## 3. METHODS

Natural resources in the Study Area were identified based on several sources including: review of existing available literature; Geographic Information System (GIS) databases; and mapping and field reconnaissance of the Study Area which occurred on January 9, 2019. The Study Area was established as an area in which the existing conditions would be assessed using GIS overlays of the Study Area and the geographic limits of the resources being analyzed. Database information was obtained from federal, state, and/or local agencies for each resource assessed in the following sections.

A limit-of-disturbance (LOD) has been developed for the project. The LOD is based on design-level engineering which accommodates potential temporary and permanent impacts, and construction access. The LOD was used to quantify the environmental impacts of the project and is shown on the Master Plan mapping included with the application submittal.

## 4. ENVIRONMENTAL INVENTORY AND CONSTRAINTS

The following sections provide details on the existing natural resources, and potential constraints, considered in this analysis. Environmental criteria are natural features or areas identified as important habitats that may interact with construction or operational activities of the JCSA College Creek Water Main Crossing Project.

Figure 1-1: Vicinity-Location Map



## Water Resources

The river basin including the Study Area was identified through use of the Watershed Boundary Dataset (WBD) maintained by the U.S. Geological Survey (USGS, 2018). The WBD defines the aerial extent of surface water drainage to a point, accounting for all land and surface areas, and identifies hydrologic units representing the watershed boundaries. Each hydrologic unit is given a Hydrologic Unit Code (HUC) as an identifier. According to the data, the Study Area includes a section of College Creek, a tidal tributary of the James River, and occurs entirely within HUC 020802060801 (College Creek).

Navigable waters in the Study Area were identified based on their flow regime (tidal vs. non-tidal), inclusion on the most recent (March 5, 2010) Navigable Waters of the United States (Section 10 of the Rivers and Harbors Act) list produced by the USACE Norfolk District (USACE, 2010a), or inclusion within the Navigable Waterways dataset, as of October 24, 2018, as part of the US Department of Transportation (USDOT)/Bureau of Transportation Statistics' National Transportation Atlas Database (USDOT, 2018).

No waterways within the Study Area are included as navigable waters on the USACE or USDOT lists. However, the USACE, by definition, considers all tidal waters as navigable. Tidal waters in the Study Area include College Creek. Therefore, the total channel length of navigable waters in the Study Area is approximately 63 linear ft.

Waters of the US (WOUS), including wetlands, located within the Study Area were delineated in the field on January 9, 2019 in accordance with the Routine Determination Method as outlined in the *1987 Corps of Engineers Wetland Delineation Manual* (USACE, 1987) and methods described in the *2010 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region* (Version 2.0) (USACE, 2010). Wetland flags were placed in the field at the determined jurisdictional boundaries and sequentially numbered to provide an on-site record of the delineation. The limits of WOUS, including wetlands, were then field located by means of a sub-meter capable GPS unit. Wetland systems were classified in accordance with the USFWS Classification of Wetlands and Deepwater Habitats in the United States (Cowardin et al. 1979).

WOUS, other than wetlands, were investigated in accordance with the limits defined in 33 C.F.R. § 328. The boundaries of non-tidal waters were set at the ordinary high-water mark (OHW). The OHW was determined in the field using physical characteristics established by the fluctuations of water (e.g., change in plant community, changes in the soil character, and shelving), in accordance with the USACE Regulatory Guidance Letter No. 05-05. The boundaries of tidal WOUS, other than wetlands, were set at the high-tide line (HTL); defined in 33 C.F.R. § 328.3(c)(7) as “the line of intersection of the land with the water’s surface at the maximum height reached by a rising tide”. The HTL was determined in the field by locating one or more of the following: the line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, and differences in vegetation.

A total of approximately 0.06 acre of emergent wetlands (PEM), 0.05 acre of scrub/shrub wetlands, and 0.03 acre of tidal shore wetlands (PUS) were identified within the 1.8-acre Study Area during this



investigation. The location of delineated wetlands is depicted on **Figure 4-1**. Dominant species observed within the wetlands include southern bayberry (*Morella cerifera*) and lamp rush (*Juncus effusus*). The JCSA proposes locating the drill entry and exit pits outside of delineated wetland areas. Therefore, no impacts to wetlands are anticipated with this project.

As mentioned above, approximately 63 linear ft of College Creek, a tidal tributary of the James River, occurs in the Study Area. As such, pipeline installation under the creek would be subject to regulation under Section 10 of the Rivers and Harbors Act. In addition, as the waterway is tidal, the Virginia Marine Resources Commission has jurisdiction over the project, and any activities which occur over, in, or under tidal waters and subaqueous bottoms.

Although no impacts are anticipated to WOUS as a result of this project, agency permits would be required from the USACE, VDEQ, and VMRC. The JCSA would apply for, and obtain, the necessary permits prior to initiation of construction activities. As no impacts are anticipated, no mitigation is proposed for the project.

The *Final 2016 305(b)/303(d) Water Quality Assessment Integrated Report* was released by the Virginia Department of Environmental Quality (VDEQ) on April 2, 2018. The report summarizes water quality conditions in Virginia from January 1, 2009 through December 31, 2014 (VDEQ, 2018b). Data from this report is available as GIS shapefiles (VDEQ, 2018c) and this data was used to determine the location and extent of impaired waters in the Study Area. According to the report, College Creek is listed as impaired for aquatic life (**Figure 4-1**). The source of the impairment is unknown. The JCSA would construct the project in accordance with the Virginia Erosion & Sediment Control Law and Regulations. Adherence to the law and regulations would reduce or eliminate pollutants before they are discharged into the impaired water body. Therefore, the project is not expected to contribute to the further impairment of College Creek.

### Resource Protection Areas

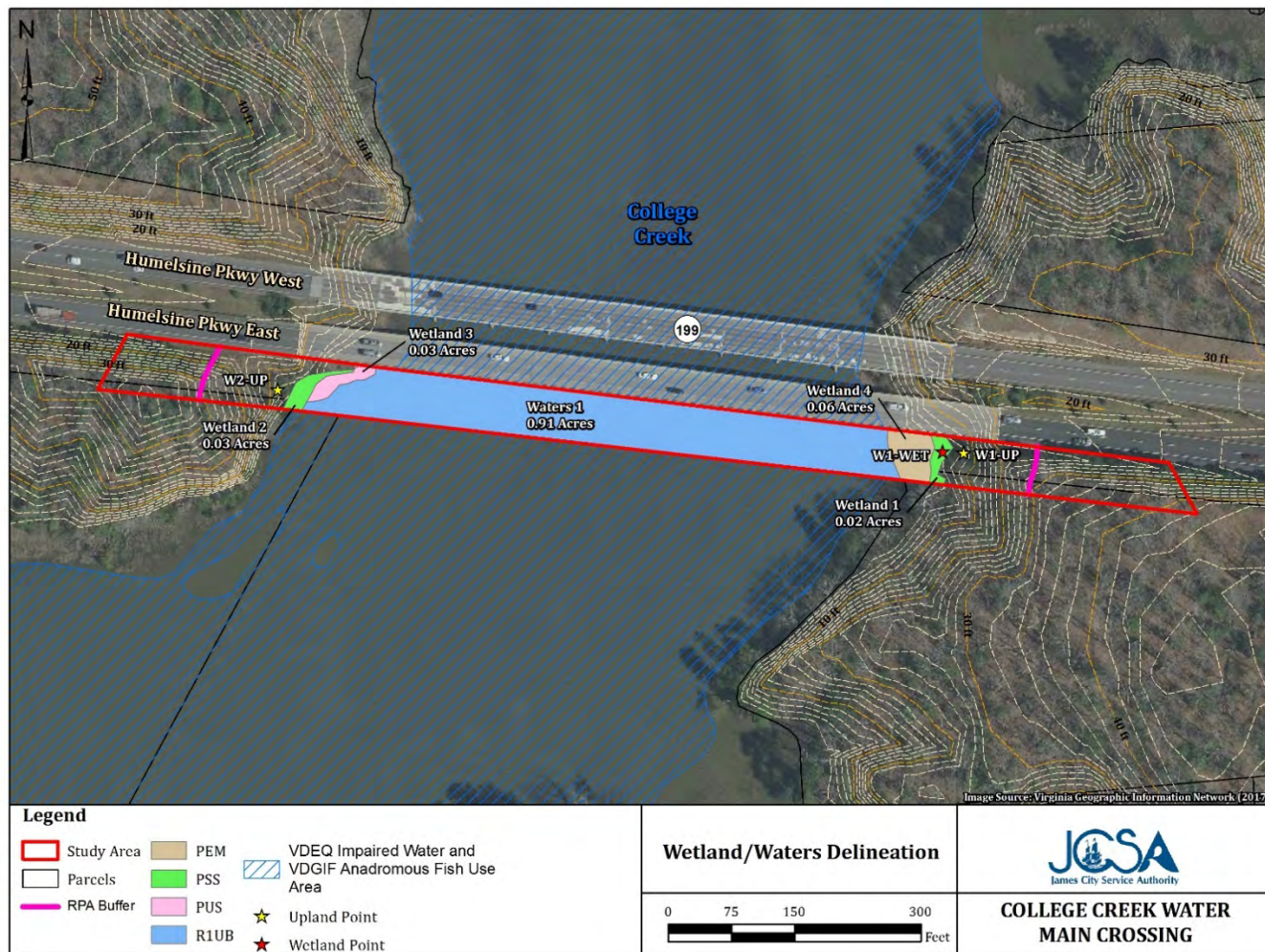
Within the Chesapeake Bay watershed of coastal counties, Resource Protection Areas (RPA) include tidal wetlands, tidal shores, waterbodies with perennial flow, and non-tidal wetlands connected by surface flow and contiguous to tidal wetlands or perennial water bodies, as well as a 100-foot vegetated buffer area located adjacent to and landward of these features. The RPAs preserve water quality by removing excess sediment, nutrients, and potentially harmful substances from groundwater and surface water prior to their entrance into the Chesapeake Bay watershed. The RPAs also serve as protected habitat and corridors for wildlife use and movement.

The RPA limits for the Study Area includes a 100-foot buffer of the upland edge of the delineated PSS wetlands which occur in the Study Area. The limits are shown on **Figure 4-1** and are included on the Master Plan mapping included with the Special Use Permit submittal.

### Threatened, Endangered, and Special Status Species and Species Habitat

State- and federally-listed species that are reported to occur within the vicinity of the Study Area were identified through use of the Virginia Department of Game and Inland Fisheries (VDGIF's) Virginia Fish and

Figure 4-1: Wetland/Waters Delineation



Wildlife Information Service (VaFWIS) database and the Virginia Department of Conservation and Recreation-Division of Natural Heritage's (VDCR-DNH's) Natural Heritage Database Explorer (NHDE). JCSA attempted to obtain an official species list for federally-listed species using the United States Fish and Wildlife Services' Information for Planning and Conservation (IPaC) database, however, the database system is not operational due to the government shutdown. The IPaC database would be queried during the permitting phase of the project. At this point, JCSA assumes that the IPaC official species list would include the Northern Long-eared Bat (NLEB) (*Myotis septentrionalis*). Supporting documentation from appropriate agencies with authority over threatened and endangered species is included as **Appendix A** to this report. A list of confirmed federal and/or state-listed species is included with **Table 4-1**. VDGIF's VaFWIS Coordination Recommendations indicate that coordination is required only for those species listed as "confirmed" in the Study Area search results. No species were confirmed for the Study Area using the VaFWIS database (VDGIF, 2019a).

**Table 4-1: Threatened and Endangered Species Mapped within the Vicinity of the Study Area**

Species	Status	Source of Listing
Atlantic Sturgeon ( <i>Acipenser oxyrinchus</i> )	Federally and State Endangered	NHDE
Northern Long-eared Bat ( <i>Myotis septentrionalis</i> )	Federally and State Threatened	IPaC <sup>1</sup>
Small Whorled Pogonia ( <i>Isotria medeoloides</i> )	Federally Threatened and State Endangered	NHDE

<sup>1</sup>Although not validated with use of the IPaC database, it is anticipated that an official species list for the Study Area would include the NLEB.

**Northern Long-Eared Bat** – On April 2, 2015, the USFWS determined that the NLEB should be listed as federally threatened under the Section 4d provision (80 FR 17974 – 18033) of the Endangered Species Act. The final ruling to list the NLEB took effect on May 4, 2015. A final 4d rule was issued and became effective as of February 15, 2016. The species was also listed as Threatened in Virginia subsequent to the federal listing.

The NLEB is a medium-sized bat in the genus *Myotis* that can be found throughout the eastern and midwestern US and southern Canada. Roosting habitat includes forested areas with live trees and/or snags with a diameter at breast height (dbh) of at least 3 inches with exfoliating bark, cracks, crevices, and/or other cavities. Trees are considered suitable if they meet those requirements and are located within 1,000 ft of the nearest suitable roost tree, woodlot, or wooded fencerow. Maternity habitat is defined as suitable summer habitat that is used by juveniles and reproductive females.

According to the VDGIF Northern Long-Eared Bat Winter Habitat and Roost Trees Application, no confirmed maternity roost trees or hibernacula are located within the vicinity of the Study Area (VDGIF, 2019b). The trees in the Study Area have the potential to serve as roost trees based on their size. However, trees in the Study Area are all unlikely to be utilized as roosts by NLEB as roosts would not be expected in close proximity to the existing transportation corridor. Therefore, harm to roosting NLEB from tree removal would be unlikely as a result of the project. Further, the JCSA would limit tree removal to the minimum necessary to complete the directional drill of the pipeline. **Appendix B** of this report contains

photographs of the Study Area and existing forested cover in the areas proposed for tree clearing at the drill pit locations.

**Small Whorled Pogonia** – On October 6, 1994, the USFWS reclassified the small whorled pogonia as a threatened species. It is a member of the orchid family which grows in older hardwood stands of beech, birch, maple, oak, and hickory and prefers slopes near small streams (USFWS, 2018). The portion of the Study Area which would be cleared to enable the directional drill of the pipeline does not contain older hardwood species, it contains a younger stand of pine saplings and small trees (See **Appendix B** photographs). In addition, the area of clearing occurs upslope of the stream bank, and no disturbance would occur to the bank or stream edge with project activities. Therefore, it is believed that the project would not have a negative effect on the listed species.

**Atlantic Sturgeon** – The Atlantic sturgeon is a Federal and State Endangered species. It is an anadromous fish species which has the potential to be present within College Creek in the Study Area. Juveniles may spend several years in rivers or estuaries before migrating to the ocean. Adult Atlantic sturgeons are benthic feeders and consume mainly worms, aquatic insects, shellfish, crustaceans, snails, sand lances, and large amounts of mud and debris (NMFS, 2019).

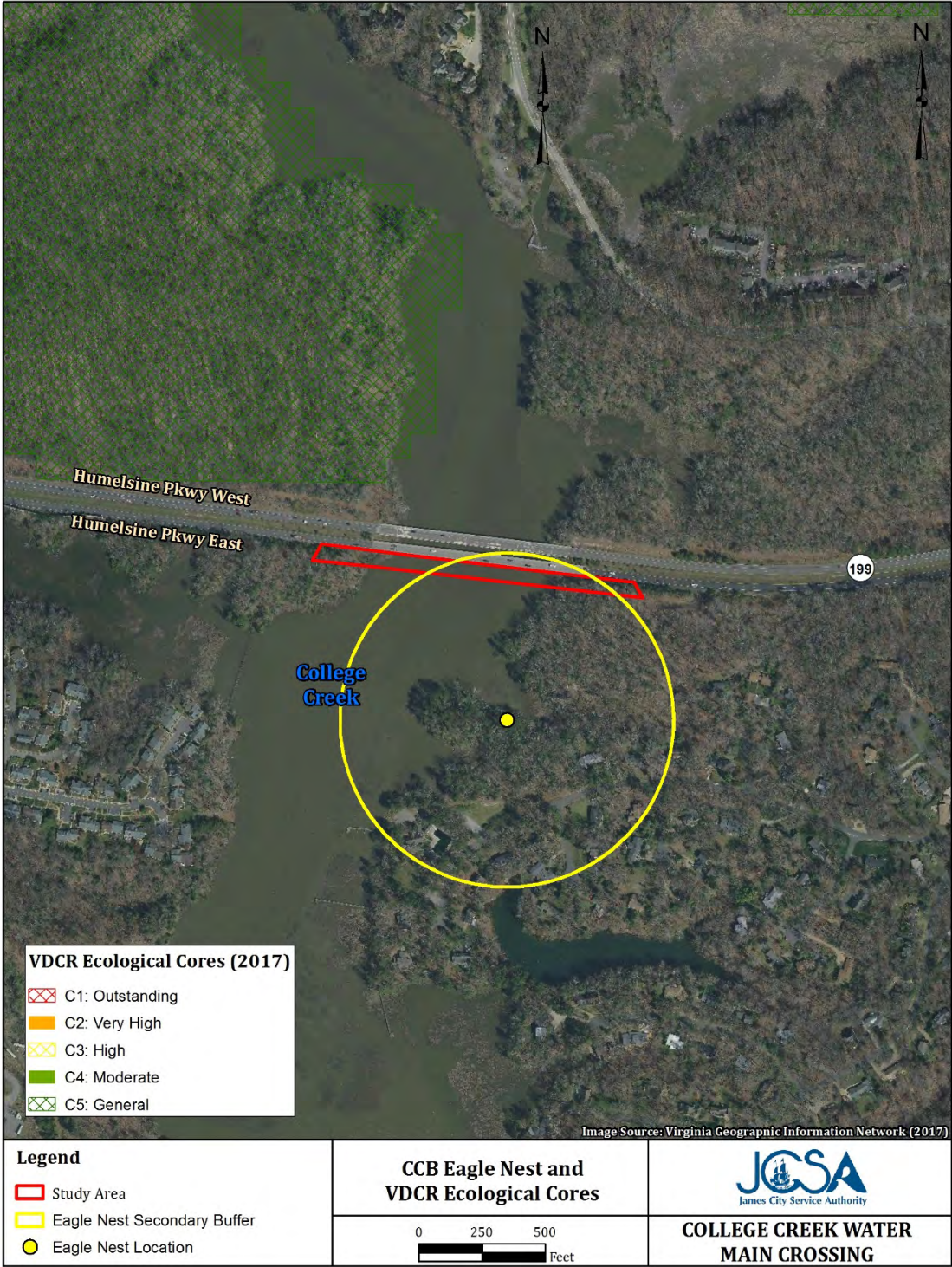
On September 18, 2017, the National Marine Fisheries Service issued a final rule designating critical habitat for the Chesapeake Bay Distinct Population Segment which included the following rivers in Virginia: Potomac, Rappahannock, York, Pamunkey, Mattaponi, and James. However, the critical habitat area for the James River does not include College Creek. Therefore, the project would not affect designated critical habitat for the species. Further, as no instream work is proposed with the project, no impacts to the species are anticipated with installation of the proposed water line.

**Bald Eagle** – Although bald eagles (*Haliaeetus leucocephalus*) are no longer federally- or state-listed, bald eagles currently are protected under the Bald and Golden Eagle Protection Act. As such, the USFWS' Virginia Field Office's Bald Eagle Map Tool and The Center for Conservation Biology (CCB) VaEagles Nest Locator were utilized to inform this report. The Bald Eagle Map tool indicates that Bald Eagle concentration areas do not occur in the Study Area. The CCB VaEagles Nest Locator (CCB, 2019) indicates that a known eagle nest occurs south of the Study Area, on the eastern side of College Creek (**Figure 4-2**). Nest sites such as this one are protected with primary and secondary buffers. The smaller 330' "primary buffer" is where human activities are considered to be detrimental to breeding pairs (e.g. residential/commercial development). The larger 660' "secondary buffer" is where human activities are considered to impact the integrity of the "primary buffer" (e.g. construction, multi-story buildings, and new roadways).

The Study Area occurs outside of the primary buffer but it does include a portion of the secondary buffer. JCSA contacted the Northeastern Region Eagle Coordinator (Tom Wittig) with the USFWS to determine the project's potential effect on the eagle nest. As detailed in the correspondence included in **Appendix A**, the USFWS indicated that noise and visibility would be mitigated by both distance and topography, as such, the USFWS believed an Eagle Act Permit would not be required for the project. Therefore, it is anticipated that the project would not have a negative effect on the species.



Figure 4-2: CCB Eagle Nest and VDCR Ecological Cores



**Anadromous Fish Use Areas** – Under the Fish & Wildlife Coordination Act, the VDGIF and VMRC, in combination with the NMFS, oversee anadromous fish in Virginia. The NMFS has jurisdiction over anadromous fish listed under the Endangered Species Act through their Office of Protected Resources. The VDGIF restricts instream work in designated anadromous fish use areas during certain times of the year. The VaFWIS database was queried to determine if confirmed anadromous fish use areas occur in the Study Area. The database indicates that College Creek, in the Study Area, is a confirmed anadromous fish use stream for striped bass (*Morone saxatilis*) and yellow perch (*Perca flavescens*) (VDGIF, 2019b). However, as no instream work is proposed with the project, no impacts to anadromous fish species are anticipated with installation of the proposed water line.

**Essential Fish Habitat** – The federal Magnuson-Steven Fisheries Conservation and Management Act of 1976, as amended, provides for the conservation and management of the nation’s fishery resources through the preparation and implementation of fishery management plans. Federal agencies are required to consult with the NMFS on proposed actions that may affect essential fish habitat (EFH); that is, waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity. According to data obtained from the NMFS, the Study Area does not contain waters designated as EFH (NMFS, 2019).

**Submerged Aquatic Vegetation** – Submerged aquatic vegetation (SAV) includes an assemblage of underwater plants found in shallow waters of the Chesapeake Bay and its river tributaries as well as coastal bays of Virginia. According to the Virginia Administrative Code (VAC), 4 VAC 20-337-30, any removal of SAV from State bottom or planting of nursery stock SAV for any purpose, other than pre-approved research or scientific investigation, would require prior approval by VMRC. Any request to remove SAV from, or plant SAV upon, State bottom would need to be accompanied by a complete Joint Permit Application submitted to the VMRC. Consideration of SAV may be coupled with EFH concerns and require coordination with NMFS. According to data obtained from the Virginia Institute of Marine Science for the 2017 survey year, no SAV beds were mapped in the Study Area (Orth et al. 2018). In addition, as no instream work is proposed with the project, no impacts to SAV beds are anticipated with installation of the proposed water line.

**Conservation Habitat** – The VDCR-DNH NHDE was queried for occurrences of natural heritage resources, including Conservation Sites and Stream Conservation Units, located within the Study Area. The data indicates that no Conservation Sites or Stream Conservation Units occur in the Study Area. Results of the database query are included in **Appendix A**. The VDCR Conservation Lands Database (12/18/18 version) was queried to determine if lands in public or private protective management, or conservation easements, occur in the Study Area. The data indicated that no conservation lands or easements occur in the Study Area (VDCR, 2018).

James City County requires that Special Use Permit applicants determine if their project areas coincide with mapped areas with natural heritage rankings of S1, S2, S3, G1, G2, or G3 as listed in the *Conservation Planning for the Natural Areas of the Lower Peninsula of Virginia* (VDCR, 1993). A review of the project area determined that it does not contain a natural heritage area with one of these rankings.

**Ecological Cores** – The VDCR-DNH Natural Landscape Assessment (VDCR, 2017) identifies the ecological integrity of habitat in the region as depicted on **Figure 4-2**. These areas are identified as ecological cores and receive a designation based upon an assessment of 50 attributes including information on rare species and habitats, environmental diversity, species diversity, patch characteristics, patch context, and water quality benefits. Larger, more biologically-diverse areas are generally given higher scores. According to

the data, no scored areas occur in the Study Area.

## Soils

Soil composition determines the suitability of land for farming and development. Its physical and chemical properties establish its appropriateness for these uses. Some soils have the best combination of properties for agricultural use, while the physical properties of others may cause land slippage and slope instability, poor foundation support, and poor drainage.

Agricultural lands, including those underlain with prime, unique, or important farmland soils are considered sensitive terrestrial resources. Soils data acquired using the Natural Resources Conservation Service (NRCS) Web Soil Survey was used to identify “prime farmland,” “farmland of statewide importance,” or “farmland of unique importance” soils in the Study Area. However, those lands not subject to the Farmland Protection Policy Act include:

- 1) Lands that receive a combined score of less than 160 points from the Land Evaluation and Site Assessment criteria;
- 2) Lands identified as an “urbanized area” on US Census Bureau maps;
- 3) Land with a “tint overprint” on the USGS topographical map;
- 4) Areas shown as white (not farmland) on US Department of Agriculture (USDA) Important Farmland Maps;
- 5) Areas shown as “urban-built up” on USDA Important Farmland Maps;
- 6) Land in water storage, including lands that have been acquired or planned for water storage prior to August 5, 1984;
- 7) Lands that are used for national defense; and
- 8) Private land where no federal funds or technical assistance is utilized.

According to the data obtained from the NRCS, prime farmland soils, and soils of statewide importance occur in the Study Area (**Figure 4-3**). However, the entire land-based portion of the Study Area occurs within an urbanized area as designated by the US Census Bureau (US Census Bureau, 2017). Therefore, as discussed above, these lands are not subject to the Farmland Protection Policy Act.

The hydrologic soil group for study area soils was determined using the Web Soil Survey. The Study Area contains soils within hydrologic groups B and D (**Figure 4-4**). James City County requires that the location of highly erodible soils be identified during the site planning process. **Figure 4-5** indicates that highly erodible and potentially highly erodible soils occur in the Study Area. As discussed above for water quality, the JCSA would construct the project in accordance with the Virginia Erosion & Sediment Control Law and Regulations. Adherence to the law and regulations would reduce or eliminate pollutants before they are discharged from the construction site as a result of eroding soils during construction. Therefore, the project is not expected to contribute to the further impairment of College Creek or to negatively affect State waters.

## Floodplains

The Federal Emergency Management Agency (FEMA) is required to identify and map the nation’s flood-prone areas through the development of Flood Insurance Rate Maps. Digital floodplain data was obtained from the FEMA Flood Map Service Center and plotted within the Study Area to determine the extent of



Figure 4-3: Farmland Soils

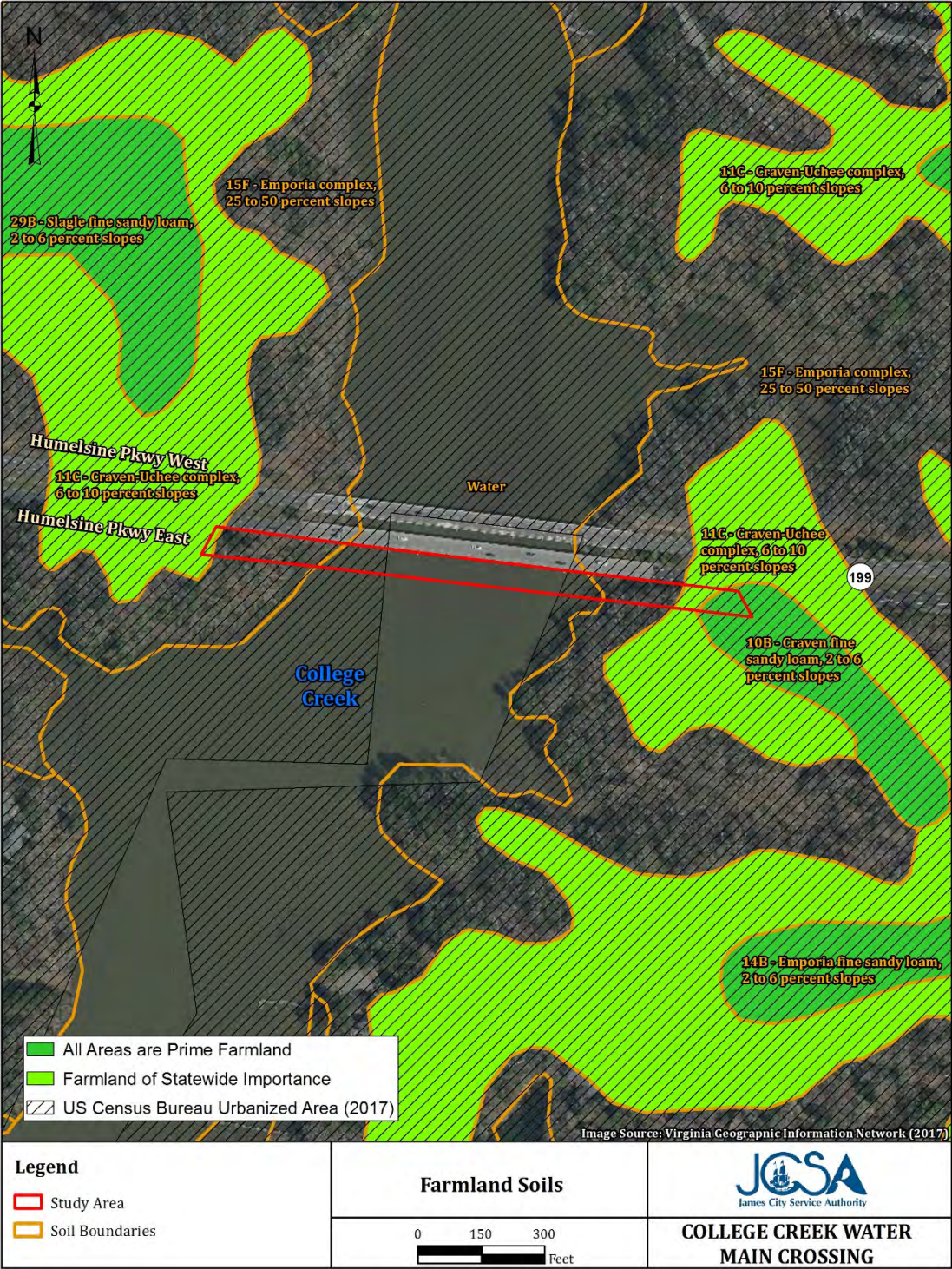




Figure 4-4: Hydrologic Soil Groups

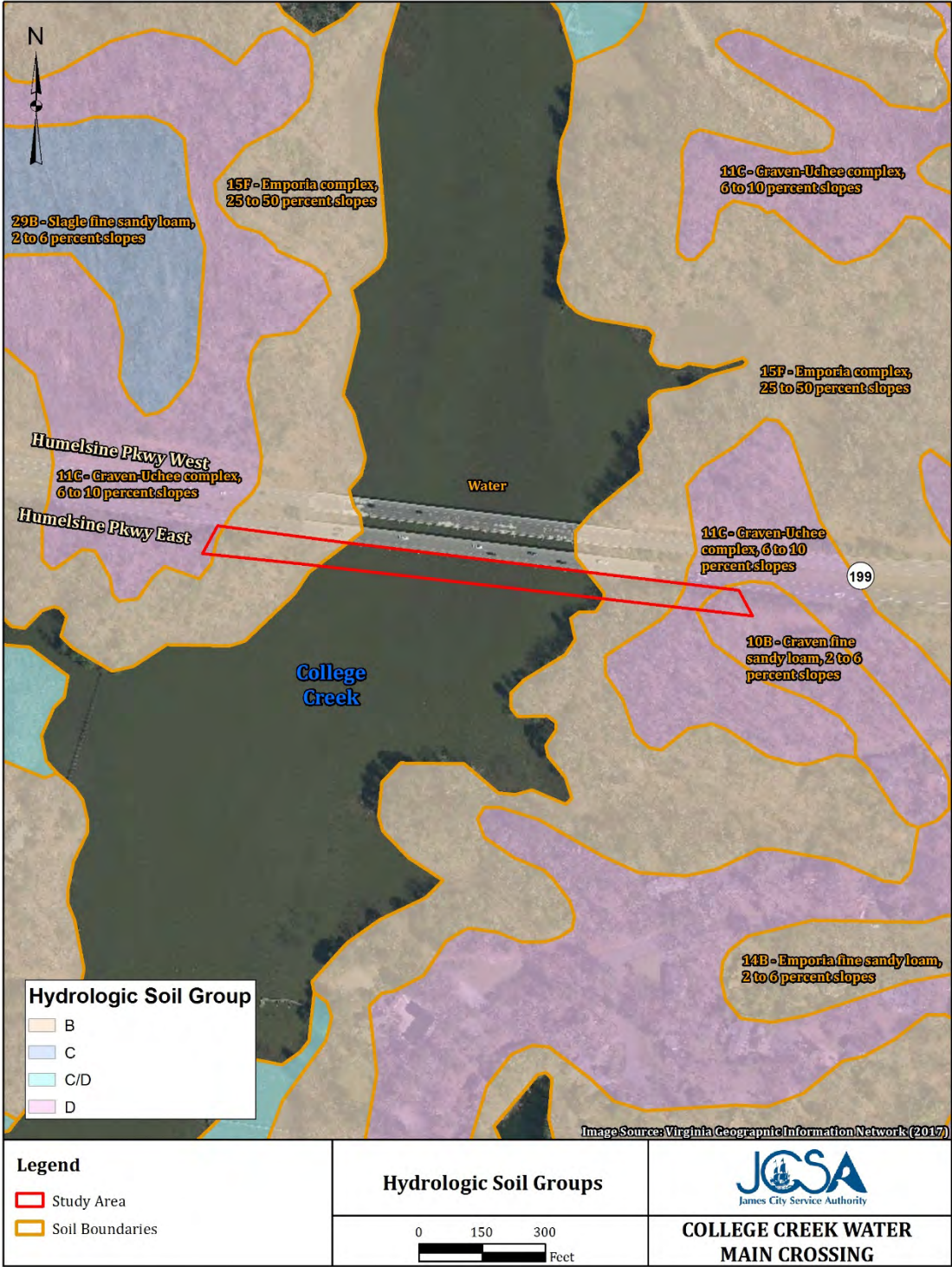
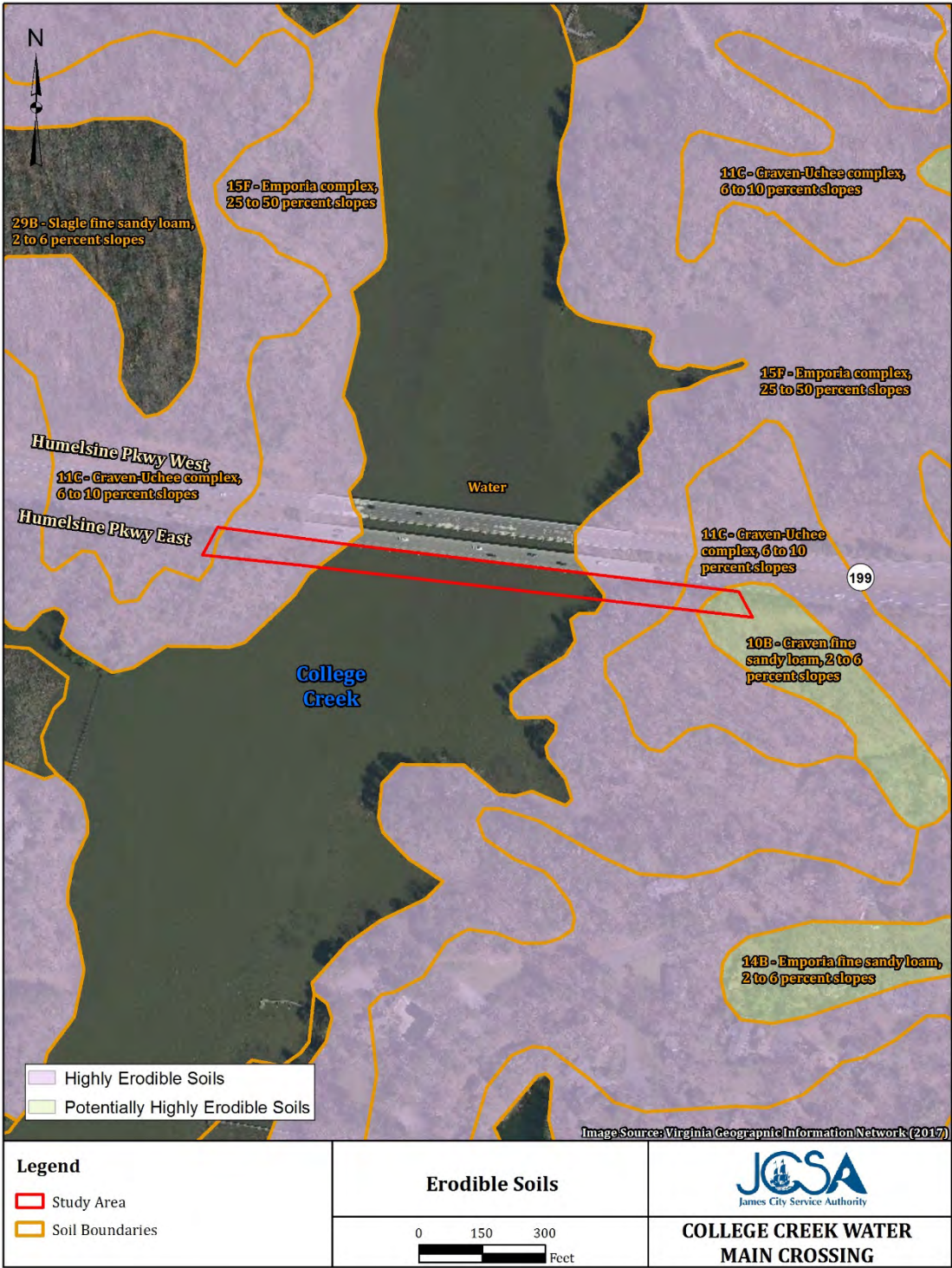


Figure 4-5: Erodible Soils





floodplain areas (FEMA, 2018). Floodplain areas were associated with the waterbody that controls hydrology affecting the floodplain elevation associated with the floodplain area.

The Study Area contains 100-year floodplains as designated by FEMA (FEMA, 2018). The 100-year floodplain includes those areas that statistically have a one percent chance of being flooded in any given year. The floodplains occurring within the Study Area are associated with College Creek (**Figure 4-6**). The entry and exit points would occur outside of the floodplain area and the proposed pipeline is not anticipated to affect upstream or downstream floodplain elevations.

### Steep Slopes

Terrain constraints are naturally occurring features of the landscape that can affect the construction or operation of the project, such as steep slopes. The approximate location of steep slopes greater than 25 percent were identified using James City County's GIS contour data, coupled with National Elevation Dataset information obtained from the USGS, and soil data descriptions provided from the Web Soil Survey. As shown on **Figure 4-7**, steep slopes occur in the Study Area along the shoreline of College Creek. These steep slopes areas are generally associated with the Emporia Complex soils shown on **Figure 4-3**. As with erodible soils, JCSA would construct the project in accordance with the Virginia Erosion & Sediment Control Law and Regulations to minimize negative effects resulting from disturbance of soils along steep slopes. Adherence to the law and regulations would reduce or eliminate pollutants before they are discharged from the construction site as a result of eroding soils during construction. Therefore, the project is not expected to contribute to the further impairment of College Creek or to negatively affect State waters.

## 5. CULTURAL RESOURCES

The project has the potential to affect historic properties and therefore meets the definition of an undertaking as defined by 36 CFR 800.16. **Figure 5-1** shows the archaeological and historic architectural area of potential effects (APE) that is approximately 1,315 ft long by 60 ft wide along the south edge of the eastbound bridge. This area is generally the area of direct effects of the undertaking. Surrounding land use is largely undeveloped forest immediately adjacent to the crossing, with suburban developments approximately 1,500 ft south of the bridge. The City of Williamsburg boundary is just north of the College Creek Bridge, and the Colonial National Historic Parkway is approximately a half-mile east of the bridge. James City County online parcel data indicates adjacent parcels with a view to the bridge south of the crossing were developed in the early 1980s (Williamsburg Landing on the southwest side of the crossing) and the early 2000s (Kingsport Club) on the southeast side of the crossing. Adjacent parcels on the north side of the crossing are undeveloped with continuous forestland extending at least 0.25 mile north from the College Creek bridges.

The historic architectural APE of this undertaking is the same as the archaeological APE. The project as proposed does not have the potential to indirectly affect historic architectural properties in the long-term. Because the waterline would be buried, no potential long-term indirect effects to historic architectural properties, if any were in the viewshed of the project, could occur. In addition, the temporary construction impacts would not be very visible to the surrounding areas because of heavy tree cover adjacent to the right-of-way. Therefore, only long-term direct effects could occur to historic architectural properties, if present.

Figure 4-1: Floodplains

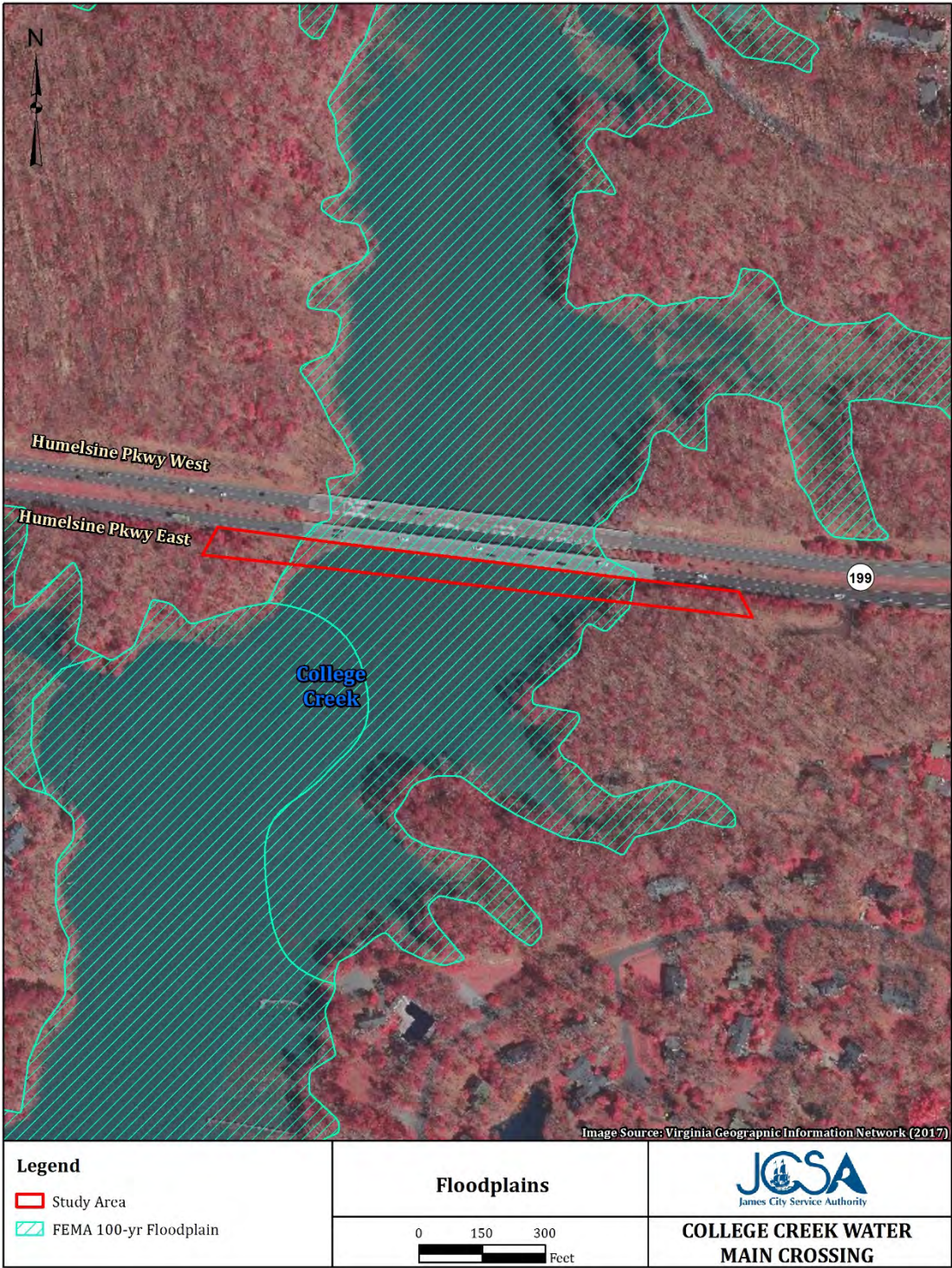




Figure 4-2: Topography

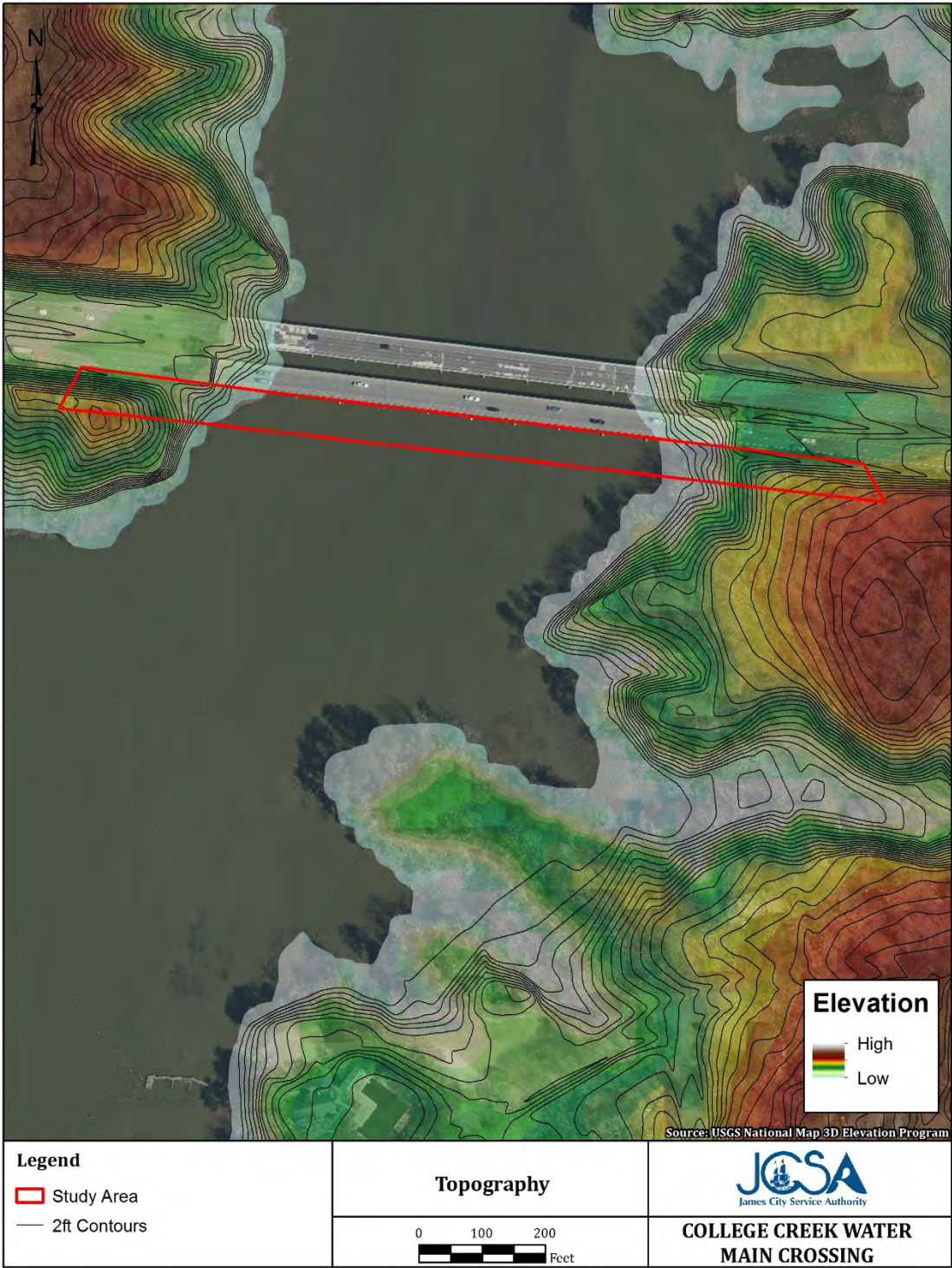
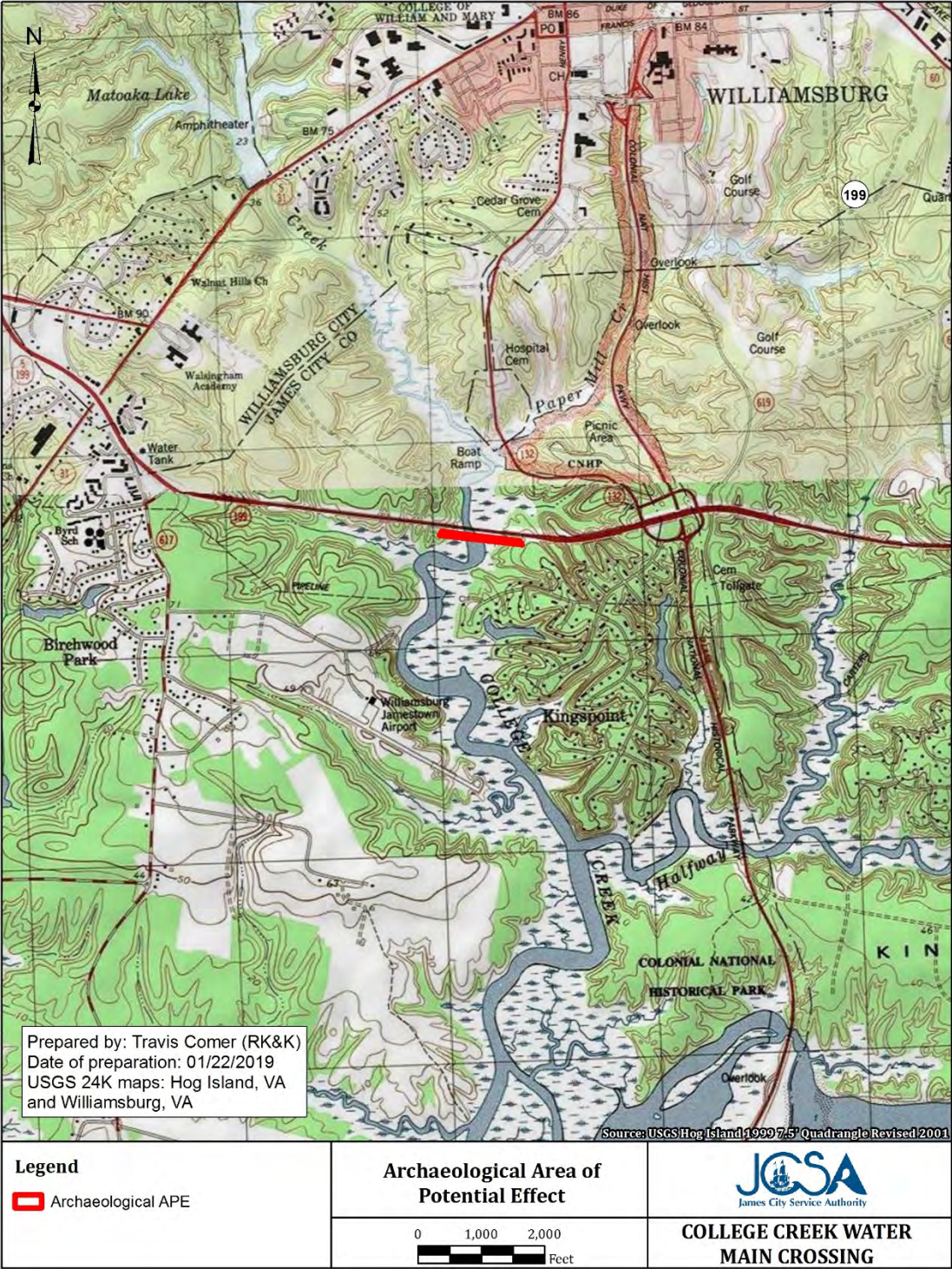




Figure 5-3: Archaeological Area of Potential Effect



The Virginia Cultural Resources Information System (V-CRIS) database of previously documented surveys and sites maintained by the Department of Historic Resources (DHR) was checked on January 17, 2019. **Figure 5-2** shows the V-CRIS search results for previous Phase I archaeological surveys within the current APE. In 1997, the College of William and Mary Center for Archaeology Research (WMCAR) completed a Phase I pedestrian and limited testing archaeological survey approximately 500-ft wide centered on SR-199, reported in *Archaeological Survey of Proposed Route 199 Widening Project, James City County* (DHR Report No. JC-129) (Higgins and Gray, 1997). No cultural resources were found in the current APE.

In 2003, WMCAR completed a Phase I archaeological survey approximately 225-ft wide extending slightly further south than the earlier 1997 survey. This effort is reported in *An Archaeological Survey of Expanded Right of Way, Proposed Route 199 Improvements Project (Segment II), James City County, Virginia* (DHR Report No. JC-171) (Jensen et al., 2003). Archaeological site 44JC1110 was documented in the extreme eastern extent of the APE in VDOT right-of-way (**Figure 5-3**). Limited testing found a low density, undiagnostic aboriginal lithic scatter partially disturbed by previous utility and waterline construction. Site 44JC1110 was evaluated not eligible for the National Register of Historic Places (NRHP) in consultation with DHR.

According to V-CRIS, the APE is not within any American Battlefield Protection Program site.

DHR's *Guidelines for Conducting Historic Resources Survey in Virginia* (rev. 2017) specify resources for which existing survey data is five years of age or older may need to be resurveyed. Although the current APE was surveyed for archaeological resources about 15 years ago, no further archaeological investigations are recommended in the APE. This is based on the degree of previous disturbance in the APE. The proposed project would abandon an existing waterline and replace it with a new waterline drilled approximately 35-40 ft below the bottom of College Creek. The new waterline would be offset approximately 10 ft from the existing line (see included Master Plan mapping). The former line was originally constructed by trenching, which disturbed all sediments above it. Further, the terrestrial surface of the APE was also previously disturbed by the construction of the College Creek bridges and approaches, as well as maintenance, as seen in **Appendix B** images.

Humelsine Parkway (State Route 199) and the College Creek original span were constructed circa 1975 as a concrete single span with two travel lanes. This structure was converted to westbound use only after completion of the new concrete trestle eastbound span circa 2003-2004. Therefore, both spans are more recent than 50 years before present and are considered modern. No other historic architectural resources are within the area of direct effect for the waterline.

Based on the above determinations, a finding of no historic properties affected is recommended for the undertaking in accordance with 36 CFR 800.4(d).



Figure 5-2: Previous Phase I Archaeological Surveys in the Study Area

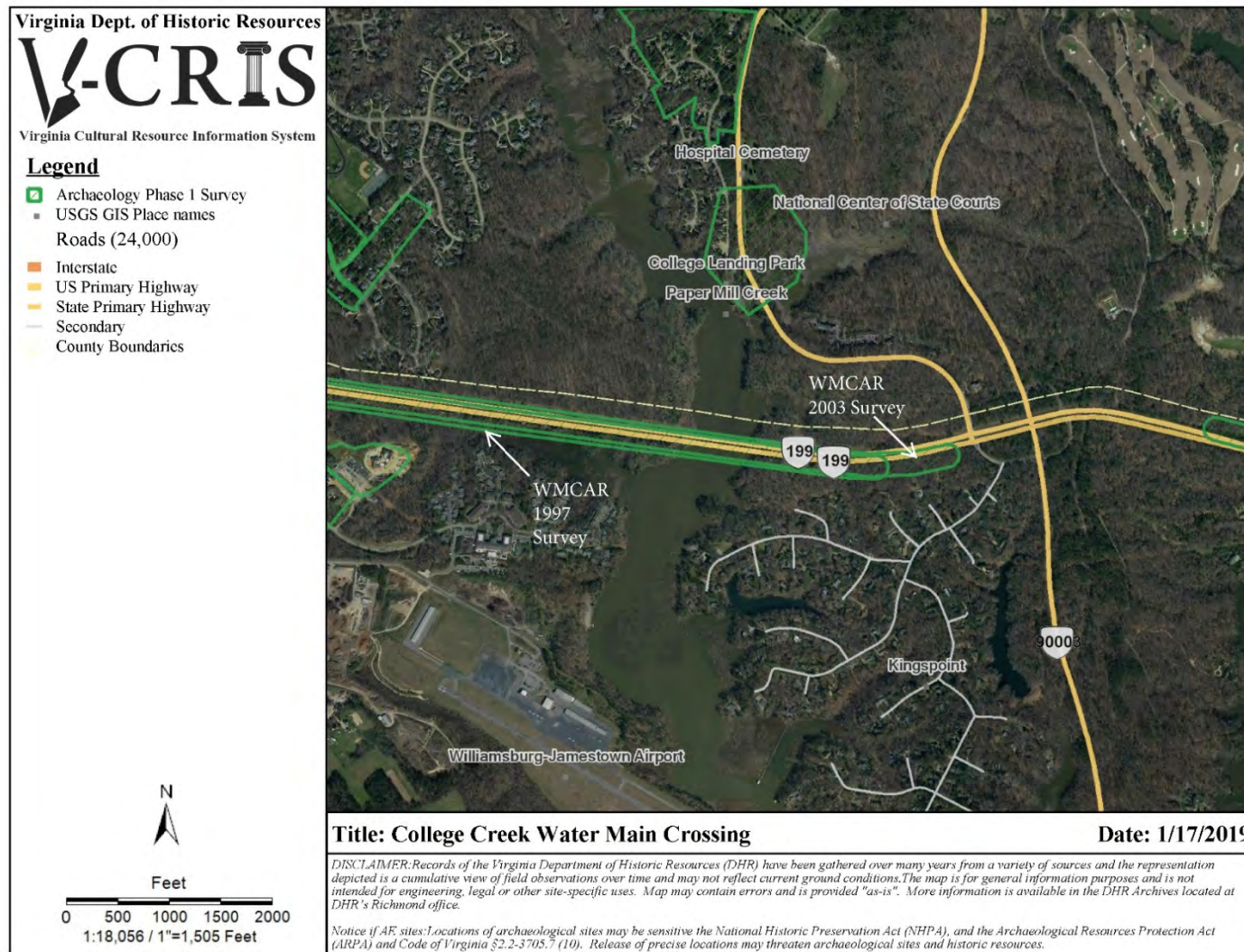
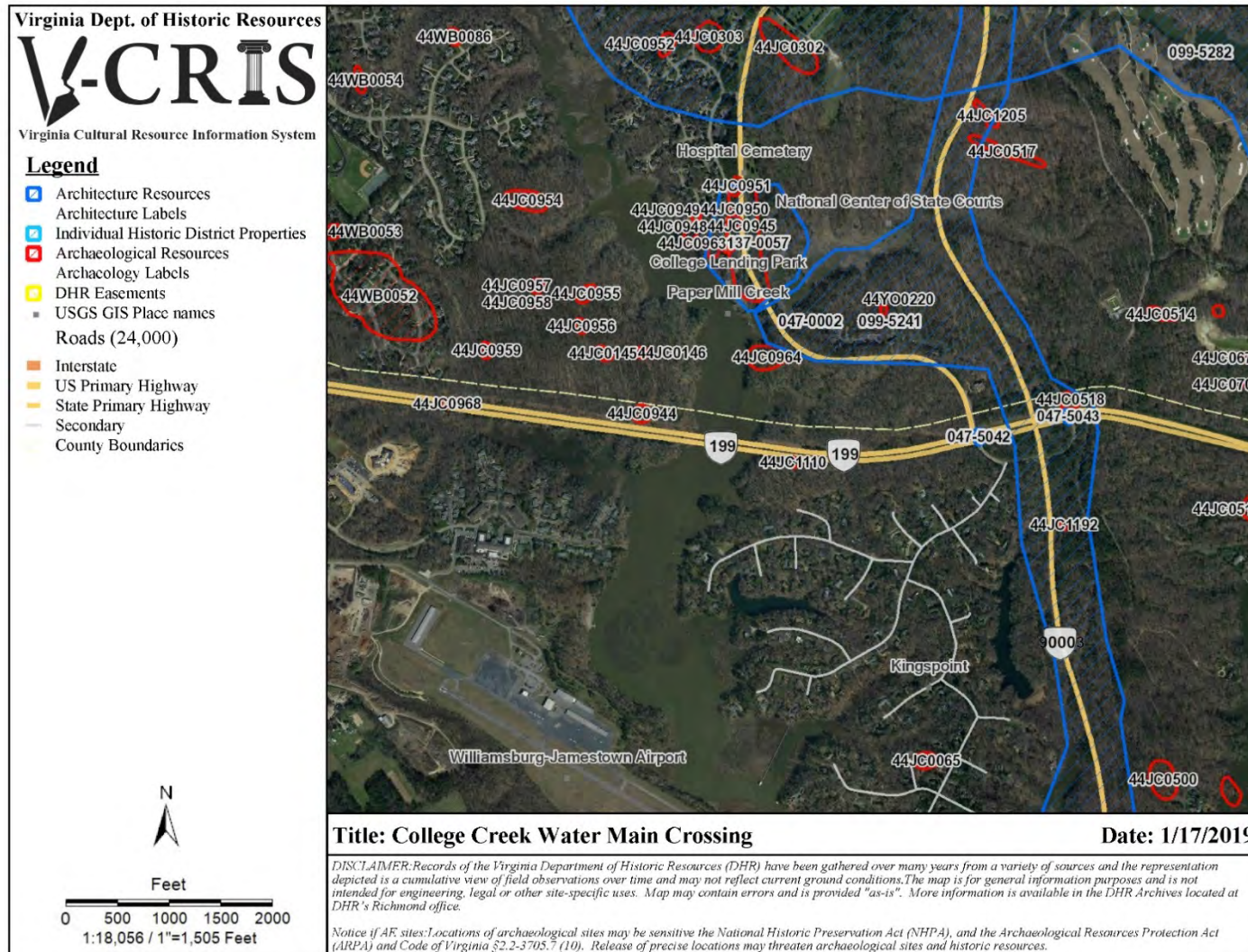


Figure 5-3: Recorded Resources in the Study Area





## 6. EXISTING AND PROPOSED CHANGES TO THE SITE

The Study Area for the project consists of undeveloped and forested lands separated by College Creek. It is bounded to the north by Humelsine Parkway. An existing residential development occurs approximately 300 ft to the south of the Study Area, along Meadow Rue Court, on the east side of College Creek. Another existing development occurs approximately 680 ft south of the western end of the Study Area along Williamsburg Landing Drive. No impacts are anticipated to these existing properties and neighborhoods as a result of this project.

No existing impervious surface occurs in the Study Area and no impervious surface is proposed with construction of the project. The installed pipeline would exist below grade. As such, an increase in stormwater discharge is not anticipated with the project. The project's LOD and limits of clearing are shown on the included Master Plan mapping.

## 7. MITIGATION MEASURES

The JCSA proposes to construct the water main using HDD. The HDD method is a minimal impact trenchless method of installing underground pipe. Best management practices would be followed to avoid accidental spills of fuel, oils, chemicals, concrete leachate, and sediments into aquatic habitats. These practices include proper storage, use, and cleanup of all construction-related chemicals. Construction routes would be carefully selected to avoid sensitive riparian and wetland area.

A summary of impact minimization strategies include:

- Minimize construction impacts on College Creek by implementing an erosion and sediment control plan and following best management practices.
- Limit vegetation clearing to what is necessary to construct the water main. Only trees and shrubs within the limits of clearing and tree limbs extending into the clearance area would be removed. Using and maintaining vegetative cover appropriately during construction would minimize soil erosion.
- Limit grading, excavation, and filling activities to what is necessary for construction.
- Use HDD construction methods to minimize sediment and soil disturbance.

## 8. SUPPLEMENTAL INFORMATION

Required supplemental information has been included with the submitted Special Use Permit application. This information includes:

- An *Application and Authorization for the VESCP and VSMP Authority Permit for Land Disturbing and Stormwater Construction Activity* form. The Study Area is owned by the Commonwealth of Virginia, and is under the control of the Virginia Department of Transportation (VDOT). An easement from VDOT is not required to construct the proposed pipeline. Therefore, a signature was not obtained from VDOT for the form.
- An *Original Signature EnerGov* form. The Original Signature EnterGOV document is included but a signature was not obtained as the Study Area is owned by the Commonwealth of Virginia.

- A completed *Rezoning and Special Use Permit Submittal Requirements Checklist*.

JCSA reviewed the supplemental requirements for Special Use Permit submittals adopted by the Board of Supervisors of James City County on December 1, 1999 to determine their applicability to the project. In addition, through consultation with James City County planning staff (Terry Costello) it was determined that these supplemental requirements do not apply to the project and that the JCSA would not have to comply by these requirements to construct the project.

James City County requires that each person or entity submitting an application for a Special Use Permit attach to such application a signed statement from the county treasurer certifying that, for the property listed in the application, all real estate taxes owed to the county have been paid in full. The required statement from the county treasurer was not retrieved as the owner of the project area is the Commonwealth of Virginia. Due to the project being within VDOT right of way, no taxes are obtained from this area, so the required statement does not apply.

## 9. REFERENCES

- Center for Conservation Biology. 2019. Virginia Bald Eagle Nest Locator. Accessed at <http://www.cccbirds.org/what-we-do/research/species-of-concern/virginia-eagles/nest-locator/>.
- Cowardin, L. M., Golet, F. C., and V. Carter. 1979. Classification of Wetlands and Deepwater Habitats of the United States. FWS/OBS-79/31. U.S. Fish and Wildlife Service. 142 pages. <https://www.fws.gov/wetlands/Documents/Classification-of-Wetlands-and-Deepwater-Habitats-of-the-United-States.pdf>.
- Federal Emergency Management Agency (FEMA). 2018. National Flood Hazard Layer. <https://catalog.data.gov/dataset/national-flood-hazard-layer-nfhl/resource/89b88927-fc8e-4557-a97f-3f3729aad36d>.
- Higgins, T.F., III and A.L. Gray. 1997 Archaeological Survey of the Proposed Route 199 Widening Project, James City County, Virginia. William and Mary Center for Archaeological Research, Williamsburg, Virginia. Submitted to Virginia Department of Transportation, Richmond.
- National Marine Fisheries Service (NMFS). 2019. Atlantic Sturgeon. Accessed at <https://www.fisheries.noaa.gov/species/atlantic-sturgeon>.
- Orth, R.J., Wilcox, D.J., Whiting, J.R., Keene, A.K., and E.R. Smith. 2018. 2017 Distribution of Submerged Aquatic Vegetation in Chesapeake Bay and Coastal Bays. Virginia Institute of Marine Science. Accessed at <http://web.vims.edu/bio/sav/sav16/quadindex.html>.
- United States Army Corps of Engineers (USACE). 1987. Corps of Engineers Wetlands Delineation Manual. Wetlands Research Program Technical Report Y-87-1. Waterways Experiment Station. Accessed at <http://www.lrh.usace.army.mil/Portals/38/docs/USACE%2087%20Wetland%20Delineation%20Manual.pdf>.
- United States Army Corps of Engineers (USACE). 2010a. Navigable Waters of the United States. Accessed at [http://www.nao.usace.army.mil/Portals/31/docs/regulatory/guidance/section\\_10\\_determinations.pdf](http://www.nao.usace.army.mil/Portals/31/docs/regulatory/guidance/section_10_determinations.pdf).

United States Army Corps of Engineers (USACE). 2010b. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (Version 2.0). Wetlands Regulatory Assistance Program. Accessed at

[http://www.usace.army.mil/Portals/2/docs/civilworks/regulatory/reg\\_supp/AGCP\\_regsupV2.pdf](http://www.usace.army.mil/Portals/2/docs/civilworks/regulatory/reg_supp/AGCP_regsupV2.pdf).

United States Census Bureau. 2017. Cartographic Boundary Shapefiles - Urban Areas. Accessed at

[https://www.census.gov/geo/maps-data/data/cbf/cbf\\_ua.html](https://www.census.gov/geo/maps-data/data/cbf/cbf_ua.html).

United States Department of Transportation (USDOT). 2018. Navigable Water Lines. Accessed at

<https://osav->

[usdot.opendata.arcgis.com/datasets/fdd63ec4b7bc4d278d03dceb2b8d2a7d\\_0?geometry=22.148%2C-31.846%2C-22.852%2C58.144](https://usdot.opendata.arcgis.com/datasets/fdd63ec4b7bc4d278d03dceb2b8d2a7d_0?geometry=22.148%2C-31.846%2C-22.852%2C58.144).

United States Fish and Wildlife Service (USFWS). 2018. Small Whorled Pogonia (*Isotria medeoloides*) Fact Sheet. Accessed at <https://www.fws.gov/midwest/endangered/plants/smallwhorledpogoniafs.html>.

United States Geologic Survey (USGS). 2018. National Hydrography Dataset. Accessed at

<https://viewer.nationalmap.gov/basic/?basemap=b1&category=nhd&title=NHD%20View>.

Virginia Department of Conservation and Recreation (VDCR). 1993. Conservation Planning for the Natural Areas of the Lower Peninsula of Virginia. Prepared by Kennedy H. Clark. Accessed at: <https://www.govinfo.gov/content/pkg/CZIC-ht393-v57-v8-1993/html/CZIC-ht393-v57-v8-1993.htm>.

Virginia Department of Conservation and Recreation (VDCR). 2017. Virginia Natural Landscape Assessment. Accessed at <http://www.dcr.virginia.gov/natural-heritage/vaconvisvnl>.

Virginia Department of Conservation and Recreation (VDCR). 2018. Natural heritage: Conservation Lands Shapefiles and Metadata. Accessed at <http://www.dcr.virginia.gov/natural-heritage/cldownload>.

Virginia Department of Environmental Quality (VDEQ). 2018. Final 2016 305(b)/303(d) Water Quality Assessment Integrated Report GIS Data. Accessed at <https://www.deq.virginia.gov/Portals/0/DEQ/Water/WaterQualityAssessments/GISData/ir16gisdata.zip>.

Virginia Department of Game and Inland Fisheries (VDGIF). 2019a. Virginia Fish and Wildlife Information Service. Species Information. Accessed at <https://vafwis.dgif.virginia.gov/fwis/>.

Virginia Department of Game and Inland Fisheries (VDGIF). 2019b. Northern Long-Eared Bat Winter Habitat & Roost Trees. Accessed at <https://www.dgif.virginia.gov/wildlife/bats/northern-long-eared-bat-application/>.



## **Appendix A**

**VaFWIS Search Report** Compiled on 1/22/2019, 12:14:16 PM[Help](#)

Known or likely to occur within a **2 mile radius around point 37.2478710 -76.7110125**  
in **095 James City County, 830 Williamsburg City, VA**

[View Map of Site Location](#)

513 Known or Likely Species ordered by Status Concern for Conservation  
(displaying first 29) (29 species with Status\* or Tier I\*\* or Tier II\*\* )

<a href="#">BOVA Code</a>	<a href="#">Status*</a>	<a href="#">Tier**</a>	<a href="#">Common Name</a>	<a href="#">Scientific Name</a>	<a href="#">Confirmed</a>	<a href="#">Database(s)</a>
010032	FESE	Ib	<a href="#">Sturgeon, Atlantic</a>	Acipenser oxyrinchus		BOVA,HU6
040144	FTST	Ia	<a href="#">Knot, red</a>	Calidris canutus rufa		HU6
050022	FTST	Ia	<a href="#">Bat, northern long-eared</a>	Myotis septentrionalis		BOVA
040110	FPSE	Ia	<a href="#">Rail, eastern black</a>	Laterallus jamaicensis jamaicensis		BOVA
050020	SE	Ia	<a href="#">Bat, little brown</a>	Myotis lucifugus		BOVA
050034	SE	Ia	<a href="#">Bat, Rafinesque's eastern big-eared</a>	Corynorhinus rafinesquii macrotis		HU6
050027	SE	Ia	<a href="#">Bat, tri-colored</a>	Perimyotis subflavus		BOVA
030013	SE	IIa	<a href="#">Rattlesnake, canebrake</a>	Crotalus horridus		HU6
040096	ST	Ia	<a href="#">Falcon, peregrine</a>	Falco peregrinus		BOVA
040293	ST	Ia	<a href="#">Shrike, loggerhead</a>	Lanius ludovicianus		BOVA
020044	ST	IIa	<a href="#">Salamander, Mabee's</a>	Ambystoma mabeei	<a href="#">Potential</a>	BOVA,Habitat,HU6
020002	ST	IIa	<a href="#">Treefrog, barking</a>	Hyla gratiosa		HU6
040292	ST		<a href="#">Shrike, migrant loggerhead</a>	Lanius ludovicianus migrans		BOVA
030067	CC	IIa	<a href="#">Terrapin, northern diamond-backed</a>	Malaclemys terrapin terrapin	<a href="#">Yes</a>	BOVA,SppObs,HU6
030063	CC	IIIa	<a href="#">Turtle, spotted</a>	Clemmys guttata	<a href="#">Yes</a>	BOVA,SppObs,HU6
010077		Ia	<a href="#">Shiner, bridle</a>	Notropis bifrenatus		BOVA
040040		Ia	<a href="#">Ibis, glossy</a>	Plegadis falcinellus		HU6
020063		IIa	<a href="#">Toad, oak</a>	Anaxyrus quercicus		HU6
040052		IIa	<a href="#">Duck, American black</a>	Anas rubripes	<a href="#">Potential</a>	BOVA,BBA,HU6
040033		IIa	<a href="#">Egret, snowy</a>	Egretta thula	<a href="#">Potential</a>	BOVA,BBA
040029		IIa	<a href="#">Heron, little blue</a>	Egretta caerulea caerulea		BOVA
040036		IIa	<a href="#">Night-heron, yellow-crowned</a>	Nyctanassa violacea violacea		BOVA
040181		IIa	<a href="#">Tern, common</a>	Sterna hirundo		BOVA,HU6
040320		IIa	<a href="#">Warbler, cerulean</a>	Setophaga cerulea		BOVA,HU6
040140		IIa	<a href="#">Woodcock, American</a>	Scolopax minor		BOVA,HU6
040203		IIb	<a href="#">Cuckoo, black-billed</a>	Coccyzus erythrophthalmus		BOVA
040105		IIb	<a href="#">Rail, king</a>	Rallus elegans		BOVA
040304		IIc	<a href="#">Warbler, Swainson's</a>	Limnothlypis swainsonii		HU6
100003		IIc	<a href="#">Skipper, rare</a>	Problema bulenta		HU6

To view **All 513 species** [View 513](#)

\*FE=Federal Endangered; FT=Federal Threatened; SE=State Endangered; ST=State Threatened; FP=Federal Proposed; FC=Federal Candidate; CC=Collection Concern

\*\*I=VA Wildlife Action Plan - Tier I - Critical Conservation Need; II=VA Wildlife Action Plan - Tier II - Very High Conservation Need; III=VA Wildlife Action Plan - Tier III - High Conservation Need; IV=VA Wildlife Action Plan - Tier IV - Moderate Conservation Need  
Virginia Wildlife Action Plan Conservation Opportunity Ranking:

a - On the ground management strategies/actions exist and can be feasibly implemented.;

b - On the ground actions or research needs have been identified but cannot feasibly be implemented at this time.;

c - No on the ground actions or research needs have been identified or all identified conservation opportunities have been exhausted.

[View Map of All Query Results from All Observation Tables](#)

Bat Colonies or Hibernacula: **Not Known**

#### Anadromous Fish Use Streams ( 3 records )

[View Map of All Anadromous Fish Use Streams](#)

Stream ID	Stream Name	Reach Status	Anadromous Fish Species			View Map
			Different Species	Highest TE*	Highest Tier**	
C14	<a href="#">College creek</a>	Confirmed	2			<a href="#">Yes</a>
C32	<a href="#">Halfway creek</a>	Confirmed	1			<a href="#">Yes</a>
C92	<a href="#">James River 1</a>	Confirmed	6		IV	<a href="#">Yes</a>

#### Impediments to Fish Passage ( 2 records )

[View Map of All Fish Impediments](#)

ID	Name	River	View Map
404	<a href="#">MOTOAKA DAM</a>	COLLEGE CREEK	<a href="#">Yes</a>
416	<a href="#">TUTTERS NECK POND DAM</a>	TR-HALFWAY CREEK	<a href="#">Yes</a>

#### Colonial Water Bird Survey ( 5 records )

[View Map of All Query Results Colonial Water Bird Survey](#)

Colony_Name	N Obs	Latest Date	N Species			View Map
			Different Species	Highest TE*	Highest Tier**	
<a href="#">Western Shore, Hog Island, James City</a>	2	May 4 2013	1			<a href="#">Yes</a>
<a href="#">Western Shore, Williamsburg, Williamsburg</a>	1	May 4 2013	1			<a href="#">Yes</a>
<a href="#">Lake Matoaka</a>	1	May 4 2003	1			<a href="#">Yes</a>
<a href="#">College Creek</a>	1	Apr 28 2003	1			<a href="#">Yes</a>
<a href="#">College Creek at Rt. 31</a>	1	Jun 1 1993	1			<a href="#">Yes</a>

Displayed 5 Colonial Water Bird Survey

#### Threatened and Endangered Waters

N/A

#### Managed Trout Streams

N/A

#### Bald Eagle Concentration Areas and Roosts

are present. [View Map of Bald Eagle Concentration Areas and Roosts](#)

( 3 records )

BEAR ID	Observation Year	Authority	Type	Comments	View Map
25	2009	Jeannette Parker (VDGIF)	Roost	Count 2	<a href="#">Yes</a>
49	2006 - 2007	Center for Conservation Biology at the College of William and Mary/Virginia Commonwealth University	Summer Concentration Area	Eagle_use Moderate	<a href="#">Yes</a>
52	2006 - 2007	Center for Conservation Biology at the College of William and Mary/Virginia Commonwealth University	Winter Concentration Area	Eagle_use Moderate	<a href="#">Yes</a>

**Bald Eagle Nests** ( 8 records )
[View Map of All Query Results](#)  
[Bald Eagle Nests](#)

Nest	N Obs	Latest Date	DGIF Nest Status	View Map
<a href="#">JC0102</a>	10	Apr 26 2007	HISTORIC	<a href="#">Yes</a>
<a href="#">JC0501</a>	2	Mar 3 2011	Unknown	<a href="#">Yes</a>
<a href="#">JC0605</a>	13	Apr 18 2011	Unknown	<a href="#">Yes</a>
<a href="#">JC0804</a>	8	Apr 18 2011	UNKNOWN	<a href="#">Yes</a>
<a href="#">JC0905</a>	4	Apr 18 2011	Unknown	<a href="#">Yes</a>
<a href="#">JC1003</a>	2	Mar 3 2011	UNKNOWN	<a href="#">Yes</a>
<a href="#">JC1105</a>	2	Apr 18 2011	Unknown	<a href="#">Yes</a>
<a href="#">JC1106</a>	2	Apr 18 2011	Unknown	<a href="#">Yes</a>

Displayed 8 Bald Eagle Nests

**Species Observations** ( 160 records - displaying first 20 , 3  
Observations with Threatened or  
Endangered species )
[View Map of All Query Results](#)  
[Species Observations](#)

obsID	class	Date Observed	Observer	N Species			View Map
				Different Species	Highest TE*	Highest Tier**	
<a href="#">50916</a>	SppObs	May 13 1996	Michael Odom, USFWS, David Peterson, Edward Darlington	17	CC	II	<a href="#">Yes</a>
<a href="#">50917</a>	SppObs	Oct 3 1995	Michael Odom, USFWS, David Peterson, Edward Darlington	20	CC	II	<a href="#">Yes</a>
<a href="#">29731</a>	SppObs	Jan 1 1900	Mitchell, J. C.	1	CC	III	<a href="#">Yes</a>
<a href="#">618534</a>	SppObs	Jul 23 2012	Angela; Zappalla  Benjamin; Proshek	2		III	<a href="#">Yes</a>
<a href="#">603998</a>	SppObs	Sep 24 2008	Ashley; Haines	13		III	<a href="#">Yes</a>
<a href="#">339348</a>	SppObs	May 3 2000	D. FOWLER, B. MEHL	3		III	<a href="#">Yes</a>
<a href="#">339375</a>	SppObs	Apr 19 2000	D. FOWLER, B. MEHL	11		III	<a href="#">Yes</a>
<a href="#">339349</a>	SppObs	Apr 19 2000	D. FOWLER, B. MEHL	12		III	<a href="#">Yes</a>
<a href="#">339368</a>	SppObs	Apr 7 2000	D. FOWLER, B. MEHL	7		III	<a href="#">Yes</a>
<a href="#">339341</a>	SppObs	Sep 14 1999	Greenlee, RLH	7		III	<a href="#">Yes</a>
<a href="#">339364</a>	SppObs	Nov 20 1998	R. Simmonds & J. Graber	11		III	<a href="#">Yes</a>
<a href="#">339183</a>	SppObs	Nov 20 1998	R. Simmonds & J. Graber	9		III	<a href="#">Yes</a>
<a href="#">339324</a>	SppObs	Nov 18 1998	R. Simmonds & J. Graber	12		III	<a href="#">Yes</a>
<a href="#">339182</a>	SppObs	May 28 1998	R. Simmonds & C. Routh	14		III	<a href="#">Yes</a>
<a href="#">339295</a>	SppObs	May 26 1998	R. Simmonds & C. Routh	16		III	<a href="#">Yes</a>
<a href="#">339323</a>	SppObs	May 26 1998	R. Simmonds & C. Routh	15		III	<a href="#">Yes</a>
<a href="#">50919</a>	SppObs	Oct 2 1995	Michael Odom, USFWS, David Peterson, Edward Darlington	19		III	<a href="#">Yes</a>
<a href="#">365654</a>	SppObs	Jan 1 1900		7		III	<a href="#">Yes</a>
<a href="#">29824</a>	SppObs	Jan 1 1900	Mitchell, J. C.	1		III	<a href="#">Yes</a>
<a href="#">29825</a>	SppObs	Jan 1 1900	Mitchell, J. C.	1		III	<a href="#">Yes</a>

Displayed 20 Species Observations

**Selected 160 Observations** [View all 160 Species Observations](#)

**Habitat Predicted for Aquatic WAP Tier I & II Species**

N/A

**Habitat Predicted for Terrestrial WAP Tier I & II Species**

BOVA Code	Status*	Tier**	Common Name	Scientific Name	View Map
020044	ST	IIa	<a href="#">Salamander, Mabee's</a>	Ambystoma mabeei	<a href="#">Yes</a>

**Virginia Breeding Bird Atlas Blocks** ( 4 records )
[View Map of All Query Results](#)  
[Virginia Breeding Bird Atlas Blocks](#)

BBA ID	Atlas Quadrangle Block Name	Breeding Bird Atlas Species			View Map
		Different Species	Highest TE*	Highest Tier**	
57062	<a href="#">Hog Island, NE</a>	105		II	<a href="#">Yes</a>
57061	<a href="#">Hog Island, NW</a>	80		II	<a href="#">Yes</a>
57076	<a href="#">Williamsburg, SE</a>	38		III	<a href="#">Yes</a>
57075	<a href="#">Williamsburg, SW</a>	14		IV	<a href="#">Yes</a>

**Public Holdings:** ( 1 names )

Name	Agency	Level
Colonial National Historical Park	National Park Service	Federal

**Summary of BOVA Species Associated with Cities and Counties of the Commonwealth of Virginia:**

FIPS Code	City and County Name	Different Species	Highest TE	Highest Tier
095	<a href="#">James City</a>	420	FESE	I
830	<a href="#">Williamsburg City</a>	361	FTSE	I

**USGS 7.5' Quadrangles:**

Hog Island  
Williamsburg

**USGS NRCS Watersheds in Virginia:**

N/A

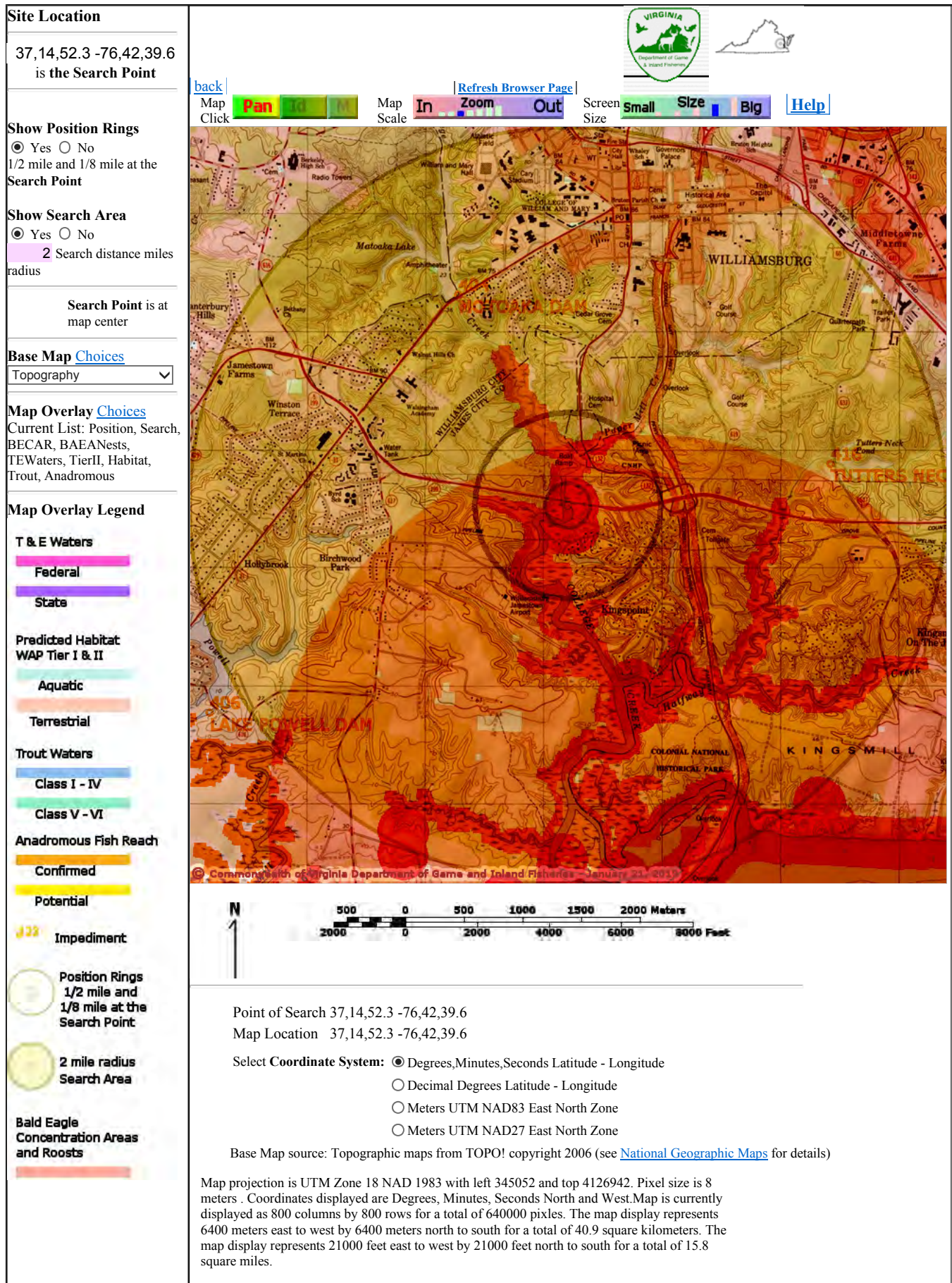
**USGS National 6th Order Watersheds Summary of Wildlife Action Plan Tier I, II, III, and IV Species:**

HU6 Code	USGS 6th Order Hydrologic Unit	Different Species	Highest TE	Highest Tier
JL33	<a href="#">James River-Lower Chippokes Creek</a>	85	FESE	I
JL34	<a href="#">College Creek</a>	76	FTST	I
JL35	<a href="#">James River-Skiffes Creek</a>	98	FESE	I
YO67	<a href="#">Queen Creek</a>	72	FTST	I

Compiled on 1/22/2019, 12:14:16 PM 1955622.0 report=all searchType= R dist= 3218 poi= 37.2478710 -76.7110125

PixelSize=64; Anadromous=0.033313; BBA=0.066806; BECAR=0.047617; Bats=0.023595; Buffer=0.097153; County=0.107834; HU6=0.114838; Impediments=0.035097; Init=0.175701; PublicLands=0.043872; Quad=0.06639; SppObs=0.353805; TEWaters=0.031348; TierReaches=0.038568; TierTerrestrial=0.076219; Total=1.484706; Tracking\_BOVA=0.176586; Trout=0.027139; huva=0.056273





Topographic maps and Black and white aerial photography for year 1990+-  
are from the United States Department of the Interior, United States Geological Survey.  
Color aerial photography aquired 2002 is from Virginia Base Mapping Program, Virginia  
Geographic Information Network.  
Shaded topographic maps are from TOPO! ©2006 National Geographic  
<http://www.national.geographic.com/topo>  
All other map products are from the Commonwealth of Virginia Department of Game and Inland  
Fisheries.

map assembled 2019-01-21 10:55:07 (qa/qc March 21, 2016 12:20 - tn=955511.0 dist=3218  
I )  
\$poi=37.2478710 -76.7110128

| [DGIF](#) | [Credits](#) | [Disclaimer](#) | Contact [vafwis\\_support@dgif.virginia.gov](mailto:vafwis_support@dgif.virginia.gov) | Please view our [privacy policy](#) |  
© 1998- 2019 Commonwealth of Virginia Department of Game and Inland Fisheries

# NHDE Search Results



Virginia Department of Conservation and Recreation

Log In

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- Map
- Species/Communities Search
- Terms & Conditions
- About Us
- Contact Us
- Help

## Natural Heritage Resources

### Your Criteria

Taxonomic Group: Select All  
Global Conservation Status Rank: Select All  
State Conservation Status Rank: Select All  
Federal Legal Status: Select All  
State Legal Status: Select All  
Watershed (8 digit HUC): 02080206 - Lower James River  
Subwatershed (12 digit HUC): JL34 - College Creek  
Search Run: 1/22/2019 10:59:01 AM

### Result Summary

Total Species returned: 2  
Total Communities returned: 0

Click scientific names below to go to NatureServe report.

Click column headings for an explanation of species and community ranks.

Common Name/Natural Community	Scientific Name	Global Conservation Status Rank	State Conservation Status Rank	Federal Legal Status	State Legal Status	Statewide Occurrences	Virginia Coastal Zone
Lower James							
College Creek							
FISH							
Atlantic Sturgeon	<i>Acipenser oxyrinchus</i>	G3	S2	LE	LE	2	Y
VASCULAR PLANTS							
Small Whorled Pogonia	<i>Isotria medeoloides</i>	G2?	S2	LT	LE	55	Y

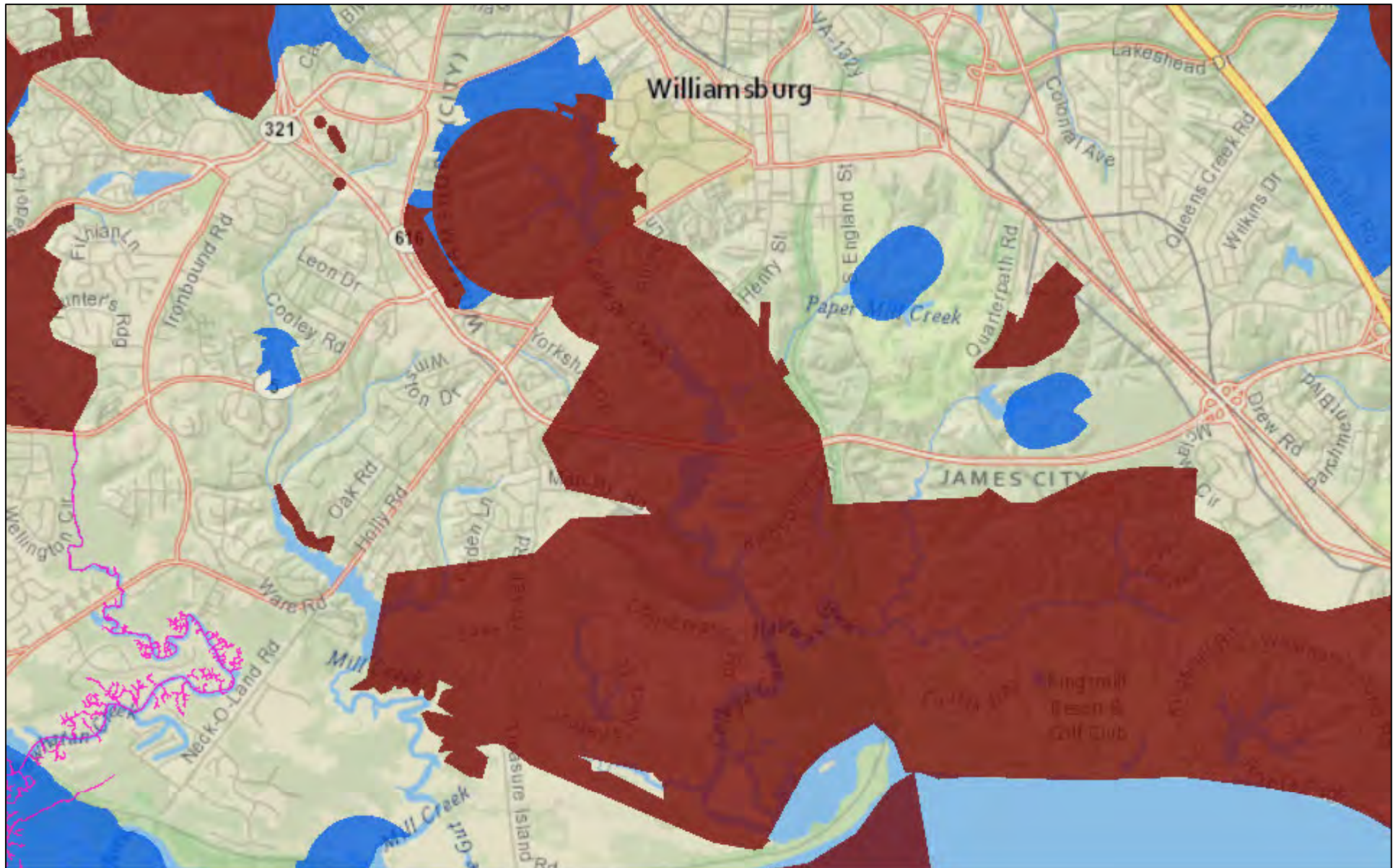
**Note:** On-line queries provide basic information from DCR's databases at the time of the request. They are NOT to be substituted for a project review or for on-site surveys required for environmental assessments of specific project areas.

**For Additional Information** on locations of Natural Heritage Resources please submit an [information request](#).

**To Contribute information** on locations of natural heritage resources, please fill out and submit a [rare species sighting form](#).







# JCSA College Creek Water Line Crossing

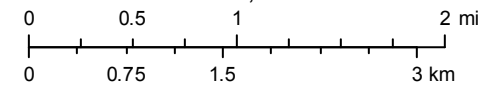


January 21, 2019

## NH Screening Layer

-  SCU
-  Conservation Site
-  GLNHR
-  Adjacent States

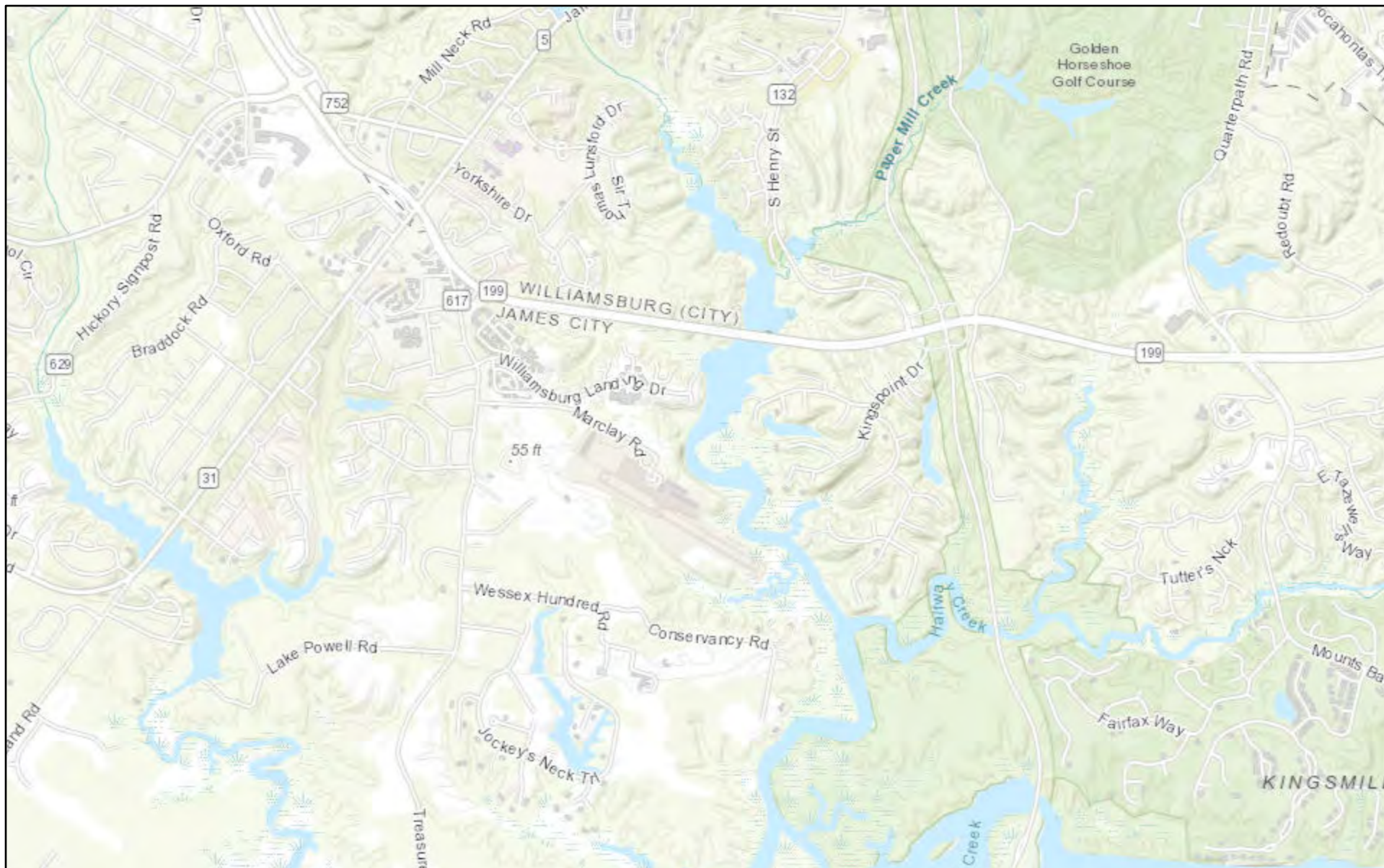
1:58,381



Content may not reflect National Geographic's current map policy. Sources: National Geographic, Esri, Garmin, HERE, UNEP-WCMC, USGS, NASA,

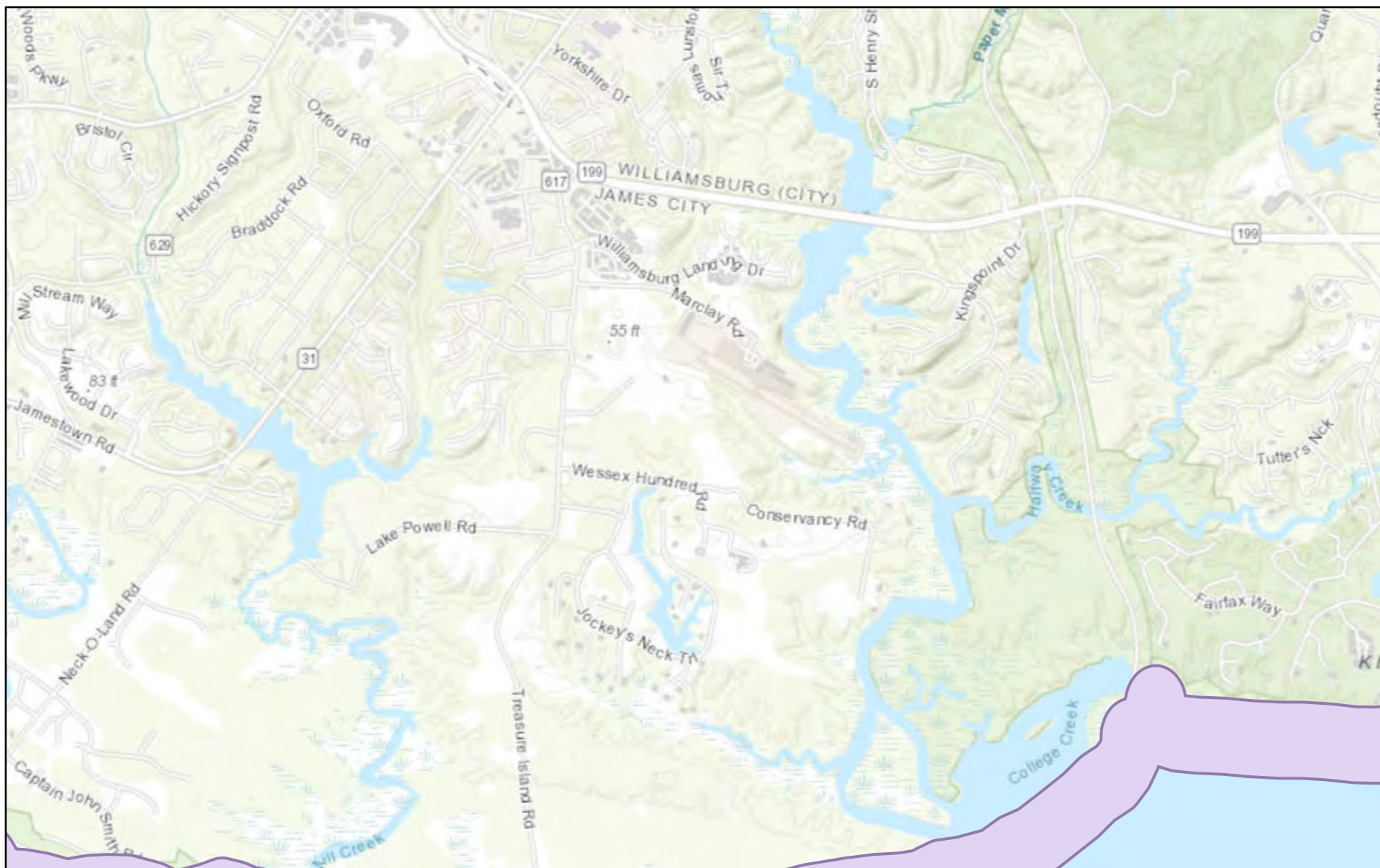


# NLEB Locations and Roost Trees



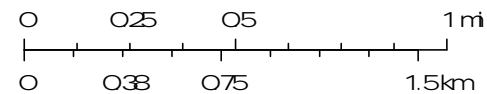
1/21/2019 11:21:58 AM

# College Creek Water Main Crossing



January 21, 2019

1:36,112



Sources Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS,



[illegible]

**From:** [Wittig, Thomas](#)  
**To:** [Travis R. Comer](#)  
**Subject:** Re: [EXTERNAL] James City Waterline  
**Date:** Thursday, September 27, 2018 4:17:55 PM  
**Attachments:** [image001.png](#)  
[image005.png](#)

---

Hello Travis,

Thanks again for calling. As discussed, the entry point for HDD drilling under College Creek will be on the west side of the creek and the exit on the east side, both outside the 660-foot nest management buffer. Where the pipeline passes within this buffer, it will be beneath the creek and imperceptible to the nest. The noise and visibility of drilling will be mitigated by both distance and topography. Additionally, the volume of regular traffic on Virginia Route 199, which passes within the outer management buffer, likely creates a level of ambient noise which is comparable to what the project will introduce.

The Center for Conservation Biology Roost Registry does not report any bald eagle roosts with 660 feet of the project. The project also lies outside what the Service generally considers as concentration area along the mid and lower stretches of the James River.

Please let me know if I can provide any further assistance.

Best,  
Tom

On Thu, Sep 27, 2018 at 11:41 AM Travis R. Comer <[tcomer@rkk.com](mailto:tcomer@rkk.com)> wrote:

Topo map attached.

---

**TRAVIS COMER, PWS, CSE**

**Project Planner**



11827 Canon Boulevard, Suite 402

Newport News, Virginia 23606

757.320.1037 D | 757.846.0783 C  
[www.rkk.com](http://www.rkk.com)





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--

***Tom Wittig***

Northeast Region Eagle Coordinator  
US Fish and Wildlife Service  
Division of Migratory Birds  
300 Westgate Center Drive  
Hadley, MA 01035  
(413)253-8577 phone  
(413)253-8424 fax

***We have a new mailing address:***

***US Fish and Wildlife Service  
Migratory Bird Permit Office  
[300 Westgate Center Dr.](#)  
[Hadley, MA 01035](#)***

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## **Appendix B**



Location: 1                      Company: RK&K  
Date: 01/04/2019           Photographer: T. Comer  
Description: Facing west towards drill entry area



Location: 2                      Company: RK&K  
Date: 01/04/2019           Photographer: T. Comer  
Description: Facing east towards College Creek





Location: 3                      Company: RK&K  
Date: 01/04/2019            Photographer: T. Comer  
Description: Facing east towards drill exit area



Location: 4                      Company: RK&K  
Date: 01/04/2019            Photographer: T. Comer  
Description: Facing west towards College Creek

## **Special Use Permit Application Supplemental Materials**





## Application and Authorization for the VESCP and VSMP Authority Permit for Land Disturbing and Stormwater Construction Activity

This local permit application and authorization is for the following land disturbing activity (LDA):

☐ Land Disturbing

☐ Stormwater Construction

Date: \_\_\_\_\_

Landowner/Permittee: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

(Street)

(City)

(State)

(Zip)

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Contact: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Project Name: \_\_\_\_\_

Project Street Address: \_\_\_\_\_

County Plan No.: \_\_\_\_\_ Parcel ID(s): \_\_\_\_\_

Total Size of Tract or Lot (acres): \_\_\_\_\_ Total Area to Be Disturbed (acres): \_\_\_\_\_

Description of Land Disturbing Activity (LDA): \_\_\_\_\_

### Owner's Certification and Right of Entry

The undersigned owner/permittee hereby grants employees of James City County, Virginia and its agents, as local VESCP and VSMP authority, the right to enter the above referenced property for the purpose of inspecting or monitoring for compliance with any component of an approved stormwater pollution prevention plan SWPPP ("Plan") for the above-referenced project and further certifies that they understand the provisions of the Virginia Erosion and Sediment Control and Virginia Stormwater Management Act and Regulations and the local Erosion and Sediment Control/VSMP ordinance and agrees to carry out the approved Plan for the above-referenced project. Further, the permittee understands that one year after issuance of this permit annual local permit maintenance fees apply unless the general permit coverage is appropriately terminated.

N/A

\_\_\_\_\_  
(Print Name and Title of Landowner)

\_\_\_\_\_  
(Signature of Landowner)

**Evidence of registration and general permit coverage under the General VPDES Permit for Discharges of Stormwater from Construction Activities (VAR10), if applicable, is required prior to local VESCP or VSMP permit issuance. If applicable, a Certificate to Construct stormwater facilities and fees should be submitted with this application.**

**This permit does not authorize a Certificate to Construct public water and sewer utilities which is issued separately by the James City Service Authority, 757-253-6805.**

**(For Office Use Only)** Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

Permit No.: \_\_\_\_\_ Surety Amount: \$ \_\_\_\_\_

Permit Conditions: \_\_\_\_\_

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

(Administrator – VESCP and/or VSMP Authority)

Project Code: \_\_\_\_\_ HUC: \_\_\_\_\_ Planner: \_\_\_\_\_ Proffer: \_\_\_\_\_ Treasurer: \_\_\_\_\_

CGP Registration No.: \_\_\_\_\_ VSMP fee: \_\_\_\_\_ CC fee: \_\_\_\_\_ DOC: \_\_\_\_\_

## **REZONING AND SPECIAL USE PERMIT SUBMITTAL REQUIREMENTS CHECKLIST**

Please complete the following checklist to ensure that your application meets the requirements of the Zoning Ordinance. Any section not completed can delay processing of this application and the date of the Planning Commission hearing.

Please note that this checklist is only a guide to facilitate the application process. Section 24-23 of the James City County Zoning Ordinance should be reviewed for a complete list of submittal requirements required with any application for a rezoning or request for a special use permit.

Any request for a waiver to any submittal requirement should be made in accordance with Section 24-23 of the Zoning Ordinance at least one week prior to submittal of any application.

### **Traffic Impacts:**

1. How many weekday peak hour trips to and from the site during hours of operation will your project generate? 0
2. What level of service does the roadway have where your project will enter or exit? B - Principal Arteri

*If your answer to #1 is greater than 100, or if your answer to #2 is "D" or lower, a Traffic Impact Analysis must be submitted pursuant to the Traffic Impact Analysis Submittal Requirement Policy.*

### **Water and sewer impact study:**

1. What is the anticipated average daily flow of water and sewer volume, in gallons? 0
2. How many residential lots are proposed? None

*If your answer to #1 is greater than 15,500 gallons, or if your answer to #2 is greater than 50 lots, a water and sewer impact study must be submitted.*

### **Environmental Constraints Analysis:**

1. Have you provided the environmental information required in accordance with the Environmental Constraints Analysis? Yes ☒ No ☐

### **Adequate public facilities:**

1. Have you attached an adequate public facilities report to include sewer, water, schools, fire stations, libraries, and other major locally-financed facilities? Yes ☐ No ☒

### **Historic and archaeological study:**

1. Is the property identified as being a highly sensitive area on the James City County archaeological assessment? Yes ☐ No ☒

*If yes, a Phase IA historic and archaeological study is required.*

### **Environmental inventory:**

1. Have you provided an environment inventory in accordance with the James City County Natural Resource policy? Yes ☒ No ☐

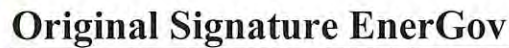
### **Fiscal impacts:**

1. Does your proposal include residential dwelling units? Yes ☐ No ☒

*If yes, a fiscal impact analysis is required, using the worksheet and assumptions provided by the planning division.*

### **Parks and recreation facilities:**

1. Have you provided parks and recreation information based on the Parks and Recreation Master Plan Proffer Guidelines? Yes ☐ No ☒



**Master Plan:**


1. Does your master plan depict the approximate boundaries and general location of all principal land uses and their building square footage and height, roads, rights-of-ways (with an indication of whether public or private), accesses, open spaces, public uses, and other features located on the site for which approval is sought? Yes ☒ No ☐
2. Has your master plan been prepared by a licensed surveyor, engineer, architect, landscape architect or planner? Yes ☒ No ☐

*A total of 12 copies of the master plan should be submitted along with an application for rezoning or special use permit; if necessary, additional copies of the master plan may be required for submittal.*

**Supplemental Information:**

1. Supplemental information should be submitted in accordance with the "Supplemental Submittal Requirements for Special Use Permits and Rezoning" policy as adopted by the Board of Supervisors and any additional policies as deemed necessary by the planning director.  
Is this information attached? Yes ☒ No ☐

**I attest that this checklist is filled out in full. Any section not completed can delay processing of this application and the date of the Planning Commission public hearing.**

  
Applicant Signature

1/23/2019  
Date

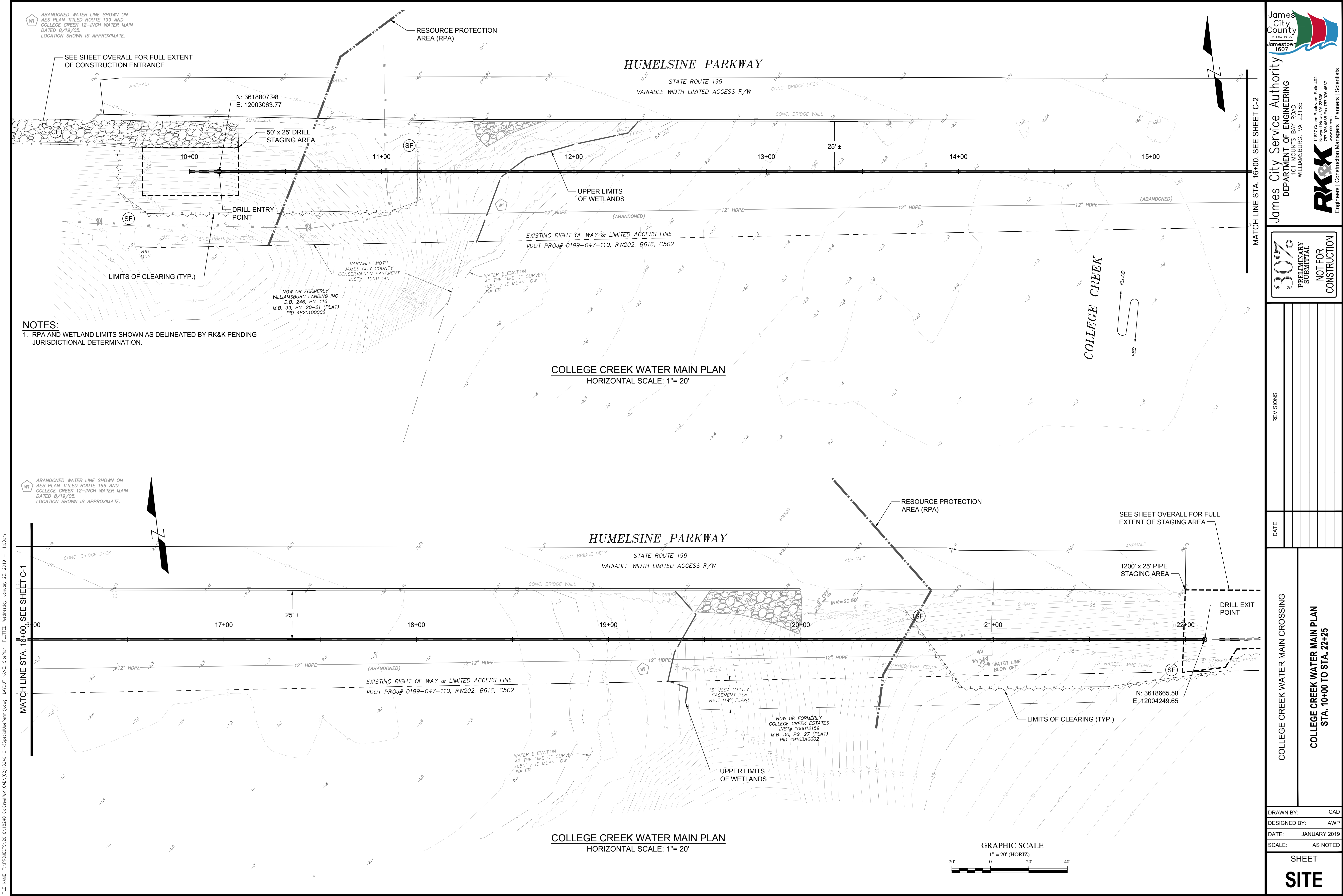
Please note that before accepting this application, County staff will verify that all real estate taxes owed for the subject properties have been paid in full in accordance with Section 24-24. If you are unsure if your payments are up-to-date, please contact the County Treasurer at 757-253-6705.

**Attachments to this application (please check off):**

- ☐ Traffic Impact Study
- ☐ Water/Sewer Impact Study
- ☒ Environmental Constraints Analysis
- ☐ Adequate Public Facilities
- ☒ Historical and Archaeological Study
- ☒ Environmental Inventory
- ☐ Fiscal Impact Analysis
- ☐ Parks and Recreation Information
- ☒ Master Plan
- ☒ Supplemental Information

## **Master Plan Mapping**





ABANDONED WATER LINE SHOWN ON  
AES PLAN TITLED ROUTE 199 AND  
COLLEGE CREEK 12-INCH WATER MAIN  
DATED 8/19/05.  
LOCATION SHOWN IS APPROXIMATE.

SEE SHEET OVERALL FOR FULL EXTENT  
OF CONSTRUCTION ENTRANCE

N: 3618807.98  
E: 12003063.77

50' x 25' DRILL  
STAGING AREA

DRILL ENTRY  
POINT

LIMITS OF CLEARING (TYP.)

NOW OR FORMERLY  
WILLIAMSBURG LANDING INC  
O.B. 246, PG. 116  
M.B. 39, PG. 20-21 (PLAT)  
PID 4820100002

**NOTES:**  
1. RPA AND WETLAND LIMITS SHOWN AS DELINEATED BY RK&K PENDING  
JURISDICTIONAL DETERMINATION.

RESOURCE PROTECTION  
AREA (RPA)

**HUMELSINE PARKWAY**

STATE ROUTE 199  
VARIABLE WIDTH LIMITED ACCESS R/W

UPPER LIMITS  
OF WETLANDS

EXISTING RIGHT OF WAY & LIMITED ACCESS LINE  
VDOT PROJ# 0199-047-110, RW202, B616, C502

**COLLEGE CREEK WATER MAIN PLAN**  
HORIZONTAL SCALE: 1"= 20'

**COLLEGE CREEK**

FLOOD  
EBB

MATCH LINE STA. 16+00. SEE SHEET C-2

ABANDONED WATER LINE SHOWN ON  
AES PLAN TITLED ROUTE 199 AND  
COLLEGE CREEK 12-INCH WATER MAIN  
DATED 8/19/05.  
LOCATION SHOWN IS APPROXIMATE.

MATCH LINE STA. 16+00. SEE SHEET C-1

RESOURCE PROTECTION  
AREA (RPA)

**HUMELSINE PARKWAY**

STATE ROUTE 199  
VARIABLE WIDTH LIMITED ACCESS R/W

SEE SHEET OVERALL FOR FULL  
EXTENT OF STAGING AREA

1200' x 25' PIPE  
STAGING AREA

DRILL EXIT  
POINT

EXISTING RIGHT OF WAY & LIMITED ACCESS LINE  
VDOT PROJ# 0199-047-110, RW202, B616, C502

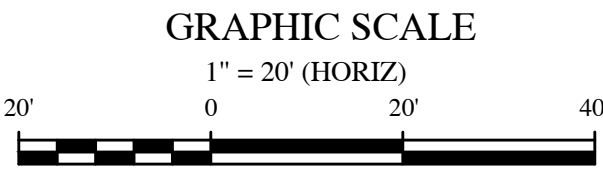
NOW OR FORMERLY  
COLLEGE CREEK ESTATES  
INST# 100012159  
M.B. 30, PG. 27 (PLAT)  
PID 4910340002

UPPER LIMITS  
OF WETLANDS

N: 3618665.58  
E: 12004249.65

LIMITS OF CLEARING (TYP.)

**COLLEGE CREEK WATER MAIN PLAN**  
HORIZONTAL SCALE: 1"= 20'



James City  
County  
VIRGINIA  
Jamestown  
1607

James City Service Authority  
DEPARTMENT OF ENGINEERING  
101 MOUNTS BAY ROAD  
WILLIAMSBURG, VA 23185  
757.526.4558 Fax: 757.526.4537  
www.jcsa.net

Engineers | Construction Managers | Planners | Scientists

30%  
PRELIMINARY  
SUBMITTAL  
NOT FOR  
CONSTRUCTION

REVISIONS	DATE

COLLEGE CREEK WATER MAIN CROSSING

COLLEGE CREEK WATER MAIN PLAN  
STA. 10+00 TO STA. 22+25

DRAWN BY: CAD

DESIGNED BY: AWP

DATE: JANUARY 2019

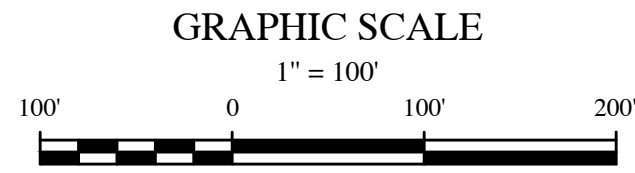
SCALE: AS NOTED

SHEET

**SITE**



FILE NAME: T:\PROJECTS\2018\18240 ColCreek\MM\CAD\02\18240-C-(SpecialUsePermit).dwg LAYOUT NAME: C-3 PLOTTED: Wednesday, January 23, 2019 - 10:56am



COLLEGE CREEK WATER MAIN LAYOUT PLAN  
SCALE: 1"= 20'

NOTES:  
1. HDPE PIPE LAYOUT SHALL BE COORDINATED WITH INGRESS/EGRESS REQUIREMENTS.

James City  
County  
Virginia  
Jamestown  
1607

James City Service Authority  
DEPARTMENT OF ENGINEERING  
101 MOUNTS BAY ROAD  
WILLIAMSBURG, VA 23185  
11827 Canon Boulevard, Suite 402  
757.526.4688 Fax 757.526.4537  
www.jcsa.com

Engineers | Construction Managers | Planners | Scientists

30%  
PRELIMINARY  
SUBMITTAL  
NOT FOR  
CONSTRUCTION

DATE	REVISIONS

COLLEGE CREEK WATER MAIN CROSSING	WATER MAIN LAYOUT PLAN

DRAWN BY:	CAD
DESIGNED BY:	AWP
DATE:	JANUARY 2019
SCALE:	AS NOTED

SHEET  
**OVERALL**



**ITEM SUMMARY**

DATE: 3/6/2019

TO: The Planning Commission

FROM: Roberta Sulouff, Senior Planner

SUBJECT: AFD-02-86-2-2018. 4450 Ware Creek Road Croaker AFD Addition

---

**ATTACHMENTS:**

	Description	Type
☐	Staff Report	Staff Report
☐	Attachment 1. Location Map	Backup Material
☐	Attachment 2. Croaker 2018 AFD Renewal Staff Report and Ordinance	Backup Material
☐	Attachment 3. State Code Regarding AFD Application Criteria	Backup Material
☐	Attachment 4. Property Narrative Provided by the Applicant	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	2/27/2019 - 11:17 AM
Planning Commission	Holt, Paul	Approved	2/27/2019 - 11:17 AM
Publication Management	Burcham, Nan	Approved	2/27/2019 - 11:19 AM
Planning Commission	Holt, Paul	Approved	2/27/2019 - 11:22 AM

**AFD-2-86-2-2018. 4450 Ware Creek Road Croaker AFD Addition**

**Staff Report for the March 6, 2019, Planning Commission Public Hearing**

**SUMMARY FACTS**

Applicant: Mr. Jonathan Kinney of Bean, Kinney, and Korman Attorneys

Land Owner: Mr. Jonathan Kinney, Trustee

Proposal: Addition of ± 14.18 acres of land to the Croaker Agricultural and Forestal District (AFD)

Location: 4450 Ware Creek Road

Tax Map/Parcel No.: 1410100046

Project Acreage: ± 14.18 acres

Current Zoning: A-1, General Agricultural

Comprehensive Plan: Low-Density Residential

Primary Service Area: Inside

Staff Contact: Roberta Sulouff, Senior Planner

**PUBLIC HEARING DATES**

AFD Advisory Committee: January 24, 2019, 4:00 p.m.

Planning Commission: March 6, 2019, 6:00 p.m.

Board of Supervisors: April 9, 2019, 5:00 p.m. (tentative)

**FACTORS FAVORABLE**

1. With the proposed Ordinance, the proposal is compatible with surrounding development.
2. The proposal is consistent with the recommendations of the James City County Comprehensive Plan adopted in 2015, "*Toward 2035: Leading the Way*."
3. The proposal is consistent with local and State Code governing the addition of lands into AFDs.

**FACTORS UNFAVORABLE**

1. No factors unfavorable.

**STAFF RECOMMENDATION**

Staff finds that the proposed addition meets all state and local requirements for inclusion in the Croaker AFD and recommends that the Planning Commission recommend approval of the proposed addition to the Croaker AFD subject to the conditions listed in the attached Ordinance.

**AGRICULTURAL AND FORESTAL DISTRICT ADVISORY COMMITTEE RECOMMENDATION**

At its January 24, 2019 meeting, the AFD Advisory Committee voted 7-0 to recommend approval of this addition to the Planning Commission and Board of Supervisors.

**PROJECT DESCRIPTION**

- Mr. Jonathan Kinney has applied to add an approximate 14.18-acre parcel to the Croaker AFD.

## AFD-2-86-2-2018. 4450 Ware Creek Road Croaker AFD Addition

### Staff Report for the March 6, 2019, Planning Commission Public Hearing

- The land is currently undeveloped and wooded, and under the care of a professional forester.
- Per the United States Department of Agriculture Soil Survey, the majority of soil on this parcel is Suffolk fine sandy loam (31B). The Soil Survey indicates this soil has very high potential for the production of important trees with very limited or insignificant limitations on production such as slope, seedling mortality, and potential equipment usage limitations.

#### DISTRICT HISTORY

- The Croaker AFD was created in 1986 for a term of four years and originally consisted of 13 parcels totaling  $\pm$  1,341 acres.
- The District was last renewed earlier in 2018. The District consists of approximately 1,182.23 acres of land located between I-64 and York River State Park.
- If this addition were approved, the District would consist of approximately 1,197.3 acres.

#### SURROUNDING ZONING AND DEVELOPMENT

- All surrounding properties are zoned A-1, General Agricultural, and designated Rural Lands or Low-Density Residential on the Comprehensive Plan.
- The District consists primarily of forested land. The principal land use on adjacent properties is undeveloped, forested land with single-family residences.

#### COMPREHENSIVE PLAN AND ZONING

The Comprehensive Plan designates this parcel as Low-Density Residential. Land Use Action 6.1.1 of the 2035 Comprehensive Plan

states the County shall “support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*.”

#### STATE AND LOCAL CODE

- Section 15.2-4301 of the Virginia State Code, Agricultural and Forestal Districts Act-Declaration of Policy Findings and Purpose states that:

*“It is the policy of the Commonwealth to conserve and protect and to encourage the development and improvement of the Commonwealth’s agricultural and forestal lands for the production of food and other agricultural and forestal products. It is also the policy of the Commonwealth to conserve and protect agricultural and forestal lands as valued natural and ecological resources which provide essential open spaces for clean air sheds, watershed protection, wildlife habitat, as well as for aesthetic purposes...”*

- State Code establishes the AFD Advisory Committee to:

*“...advise the local planning commission and the local governing body and assist in creating, reviewing, modifying, continuing, or terminating districts within the locality. In particular, the committee shall render expert advice as to the nature of farming and forestry and agricultural and forestal resources within the district and their relation to the entire locality.”*

- Section 15.2-4305 states that a parcel may be added to a District if it is directly contiguous to the core of the District, within a mile of the core, or directly contiguous to a parcel whose boundary lines are within a mile to the core. This parcel is directly contiguous to the core of the Croaker AFD.



**Staff Report for the March 6, 2019, Planning Commission Public Hearing**

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- Section 15.2-4306 (Attachment No. 3) includes factors for consideration in the addition of lands to AFDs. One such factor includes the presence of any significant forestal lands within the District and in areas adjacent thereto that are not now in active forestal production. The Code later states that the presence of suitable soils may be considered in the determination of forestal significance.

**STAFF RECOMMENDATION**

Staff finds that the proposed addition meets all state and local requirements for inclusion in the Croaker AFD and recommends that the Planning Commission recommend approval of the proposed addition to the Croaker AFD subject to the conditions listed in the attached Ordinance.

RS/nb

AFD2-86-2-18-4450WareCrk

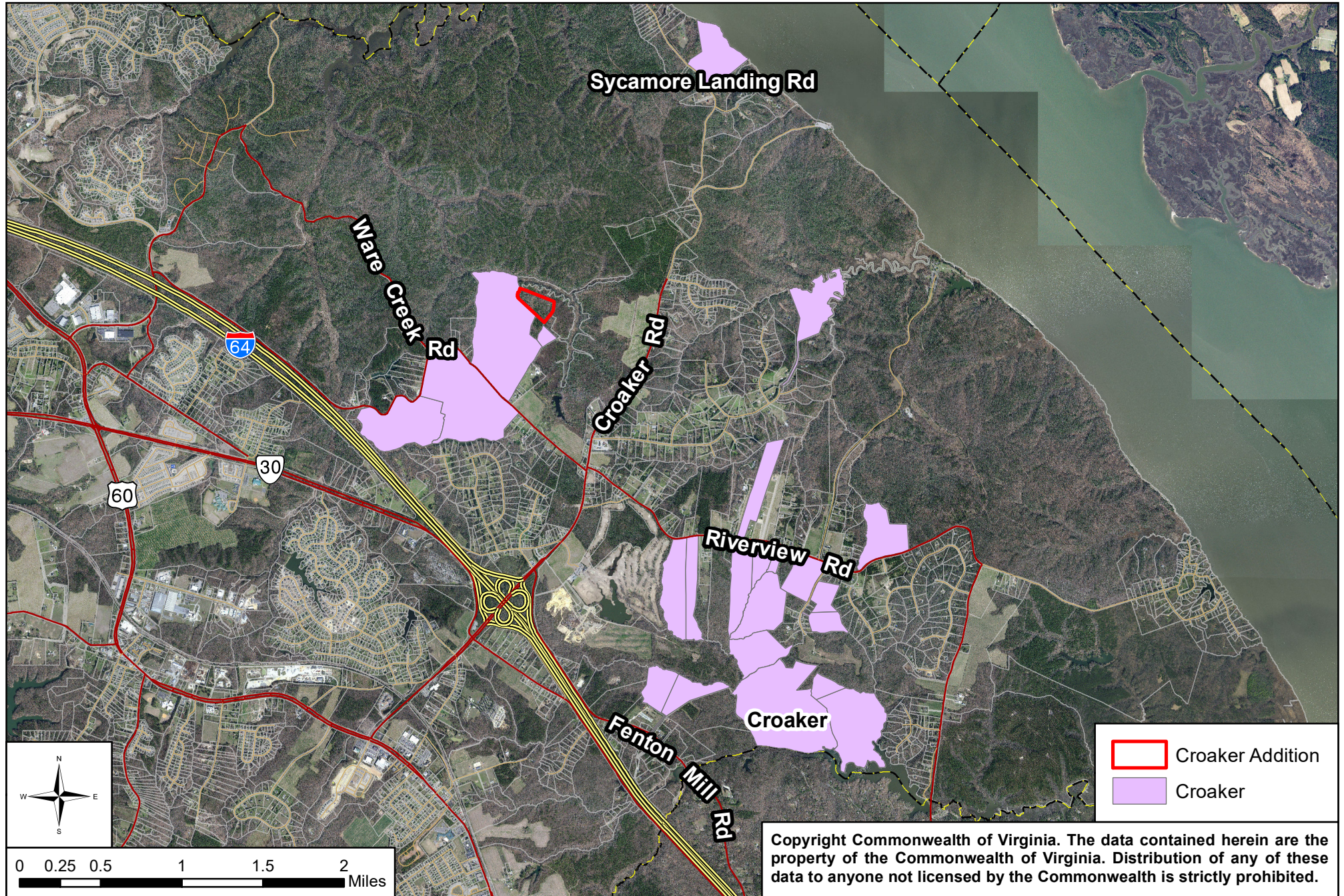
Attachments:

1. Location Map
2. Croaker 2018 AFD Renewal Staff Report and Ordinance
3. State Code Regarding AFD Application Criteria
4. Property Narrative Provided by the Applicant



JCC AFD-02-86-2-2018

# 4450 Ware Creek Rd Croaker AFD Addition





**AGRICULTURAL AND FORESTAL DISTRICT-02-86-1-2018. Croaker Renewal****Staff Report for the September 11, 2018, Board of Supervisors Public Hearing****SUMMARY FACTS**

<u>LAND OWNERS</u>	<u>PARCEL ID</u>	<u>ACRES (±)</u>
Hankins Land Trust	1530100044	119.00
William L. & Mary M. Apperson	1440100015	26.05
William L. & Mary M. Apperson	1440100015A	26.23
Ronald McManus, et al.	1530100043	119.85
Ronald McManus, et al.	1530100042	10.10
Ronald McManus, et al.	1530100036	40.40
Hazel M. & L. Richardson	1530100002	39.76
Hazel M. Richardson	1530100034	39.78
J. Rosalie Will, Trustee	1440100010	40.00
Stephanie L. Billon-Wolfe, Trustee	1440100009	49.08
Wenger Farms, LLC	1320100018	95.30
Wenger Farms, LLC	1410100001	150.00
Wenger Farms, LLC	1410100014	143.50
Thomas B. Ballard	1530100035	53.17
Sharpe Family Properties, LLC	1530100018	16.05
William R. Atkins, Jr.	1530100019	16.40
William R. Atkins, Jr.	1530100029	30.94
Milly Wallis	1540100004	40.00
Thomas B. Ballard	1530100035A	4.91
Thomas B. Ballard	1530100032	16.22
Wenger Farms, LLC	1410100007	7.00
Katherine G. & William Mann	1510400003	50.00
Mitchell Family Ltd. Partnership	0740100002	48.49
<b>TOTAL ACRES</b>		<b>1,182.23</b>

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands  
Low-Density Residential

Primary Service Area

(PSA): Inside and Outside

Staff Contact: Roberta Sulouff, Senior Planner

**PUBLIC HEARING DATES**

Planning Commission: August 1, 2018, 6:00 p.m.

Board of Supervisors: September 11, 2018, 5:00 p.m.

**STAFF RECOMMENDATION**

Approval, subject to the proposed conditions.

**AGRICULTURAL AND FORESTAL DISTRICT (AFD)  
ADVISORY COMMITTEE RECOMMENDATION**

At its June 21, 2018 meeting, the AFD Advisory Committee voted 9-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

**PLANNING COMMISSION**

At its August 1, 2018 meeting, the Planning Commission voted 5-0 to recommend the continuation of the District to the Board of Supervisors.

**DISTRICT HISTORY**

- The Croaker AFD was created in 1986 for a term of four years and originally consisted of 13 parcels totaling ±1,341 acres.
- The District was renewed for four-year intervals in 1990, 1994, 1998, 2002, 2006, 2010 and 2014 with various withdrawals and additions occurring during that period.

## **AGRICULTURAL AND FORESTAL DISTRICT-02-86-1-2018. Croaker Renewal**

### **Staff Report for the September 11, 2018, Board of Supervisors Public Hearing**

- In 2017, the Board of Supervisors approved the addition of 48.49 acres of land located at 9730 Sycamore Landing Road to the AFD.

#### **DISTRICT DESCRIPTION**

While still conforming to applicable area and proximity requirements this District is somewhat geographically dispersed. According to the United States Geological Service Soils Survey, the bulk of the District appears to consist of soils which are prime for crop cultivation or forestry. The majority of the District is forested and remains rural in nature. All the land in this District is zoned A-1, General Agricultural. Pieces of the District are located both outside and inside of the PSA, and are designated both Rural Lands and Low-Density Residential by the adopted Comprehensive Plan.

Total acreage includes all the land in the above properties with the exception of all land within 25 feet of right-of-ways. This area has been excluded to allow for possible road and/or drainage improvements.

#### **ADDITION/WITHDRAWAL REQUESTS/OTHER CHANGES IN ACREAGE**

- *Addition Requests:*
  - The owner of the property located at 4450 Ware Creek Road (Tax Map ID No. 1410100046) has applied to add approximately 14.8 acres to the District. That application will be evaluated under a separate cover and is tentatively scheduled for the AFD Committee's consideration at the October 25, 2018, meeting.
  - The owner of the property located at 4960 Fenton Mill Road (Tax Map ID 2420100035) has applied to add approximately 52.28 acres to the District. That application will be evaluated

under a separate cover and is tentatively scheduled for the AFD Committee's consideration at the October 25, 2018 meeting.

#### **CHANGES TO CONDITIONS**

None.

#### **SURROUNDING ZONING AND DEVELOPMENT**

The majority of this District is located southeast of the Croaker Road/Interstate 64 interchange, though several small pieces are located north and east of the interchange as well. The surrounding area is mostly zoned A-1, General Agricultural; however, the northern and eastern portions of the District are surrounded by undeveloped portions of the Stonehouse Development, which is zoned PUD-R, Planned Unit Development-Residential. The Christenson's Corner AFD lies to the southeast of the District and the Hill Pleasant Farm AFD lies to the southwest of the District.

#### **COMPREHENSIVE PLAN**

The Comprehensive Plan designates these parcels as Rural Lands and Low-Density Residential. Land Use Action 6.1.1 of the adopted Comprehensive Plan states the County shall "support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*."

#### **STAFF RECOMMENDATION**

Staff finds the Croaker AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Board of Supervisors approve the renewal of this AFD for a period of four years, subject to conditions listed in the District Ordinance (Attachment No. 1).



**AGRICULTURAL AND FORESTAL DISTRICT-02-86-1-2018. Croaker Renewal**

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**Staff Report for the September 11, 2018, Board of Supervisors Public Hearing**

RS/md

AFD-CroakerRnw

Attachments:

1. Ordinance
2. Location Map
3. Adopted conditions for the Croaker AFD
4. Board of Supervisors staff report for the 2014 renewal of the Croaker AFD

CORRECTED

ADOPTED

SEP 11 2018

ORDINANCE NO. 164A-17

Board of Supervisors  
James City County, VA

AGRICULTURAL AND FORESTAL DISTRICT-02-86-1-2018

CROAKER 2018 RENEWAL

- WHEREAS, James City County has completed a review of the Croaker 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 June 21, 2018, voted 9-0 to recommend renewal of the District; and
- WHEREAS, the Planning Commission following its public hearing on August 1, 2018, concurred with the recommendation of staff and the AFD Advisory Committee and voted 5-0 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 Croaker Agricultural and Forestal District (the "District") is hereby continued to October 31, 2022 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 right-of-ways is excluded from the District:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Hankins Land Trust	1530100044	119.00
William and Mary M. Apperson	1440100015	26.05
William and Mary M. Apperson	1440100015A	26.23
Ronald McManus, et al.	1530100043	119.85
Ronald McManus, et al.	1530100042	10.10
Ronald McManus, et al.	1530100036	40.40
Hazel M. Richardson & LA Richardson	1530100002	39.76
Hazel M. Richardson	1530100034	39.78
J. Rosalie Will, Trustee	1440100010	40.00
Stephanie L. Billon-Wolfe, Trustee	1440100009	49.08
Wenger Farms LLC	1320100018	95.30
Wenger Farms LLC	1410100001	150.00
Wenger Farms LLC	1410100014	143.50
Thomas B. Ballard	1530100035	53.17
Sharpe Family Properties, LLC	1530100018	16.05



William R. Atkins, Jr.	1530100019	16.40
William R. Atkins, Jr	1530100029	30.94
Milly Wallis	1540100004	40.00
Thomas B. Ballard	1530100035A	4.91
Thomas B. Ballard	1530100032	16.22
Wenger Farms, LLC	1410100007	7.00
Katherine G. & William Mann	1510400003	50.00
Mitchell Family Ltd. Partnership	0740100002	48.49
Total:		<u>1,182.23</u>

3. That pursuant to Sections 15.2-4312 and 15.2-4313 of the Act, the Board of Supervisors requires that no parcel in the 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 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. No land outside the Primary Service Area and within the District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. 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.

*Ruth M. Larson*

Ruth M. Larson  
Chairman, Board of Supervisors

ATTEST:

*Teresa J. Fellows*  
Teresa J. Fellows  
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MC GLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ICENHOUR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SADLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2018.

## § 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 may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.





2300 WILSON BOULEVARD  
7TH FLOOR  
ARLINGTON, VA 22201  
PHONE 703.525.4000  
FAX 703.525.2207

May 21, 2018

JONATHAN C. KINNEY  
Ext: 305  
Fax 703.525.2207  
[Jkinney@beankinney.com](mailto:Jkinney@beankinney.com)

Paul D. Holt, Director  
James City County Department of  
Community Development and Planning  
101 Mounts Bay Road  
Building A  
Williamsburg, Virginia 23185

Re: **Agriculture and Forest District Renewals**

Dear Mr. Holt:

I appreciate your reaching out to me in your April 18, 2018 letter regarding the renewal of the Barnes Swamp and Croaker Agricultural and Forestal Districts. As an adjacent property owner, I would be interested in adding the attached properties to the Districts.

Tax parcel 0410100010 is a 196-acre parcel that is immediately adjacent to the Barnes Swamp Agricultural and Forestal District. We would like this property to be considered for inclusion in the District.


Tax parcel 141-010-0046 is a 14.7-acre parcel, which we would like to be considered for inclusion in the Croaker Agricultural and Forestal District. While this property is less than 20 acres, it is surrounded on three sides by parcels within the Croaker Agricultural and Forestal District. The property is undeveloped as are the surrounding properties.

For both of these property we work with Paul Verbyla, a professional Forrester.

~~I have enclosed completed applications for both properties along with the application fees.~~  
If there is any additional information you would like on either of these properties, please let me know.

Sincerely,

BEAN, KINNEY & KORMAN, P.C.



Jonathan C. Kinney

JCK/dso  
Enclosures

**ITEM SUMMARY**

DATE: 3/6/2019

TO: The Planning Commission

FROM: Roberta Sulouff, Senior Planner

SUBJECT: AFD-18-0016. 365, 358, and 382 Ivy Hill Road Mill Creek AFD Addition

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**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Attachment 1. Location Map	Backup Material
▣	Attachment 2. Mill Creek 2018 AFD Renewal Staff Report and Ordinance	Backup Material
▣	Attachment 3. State Code Regarding AFD Application Criteria	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	2/27/2019 - 11:27 AM
Planning Commission	Holt, Paul	Approved	2/27/2019 - 11:27 AM
Publication Management	Burcham, Nan	Approved	2/27/2019 - 11:31 AM
Planning Commission	Holt, Paul	Approved	2/27/2019 - 11:32 AM



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**Agricultural and Forestal District-18-0016. 365, 358 and 382 Ivy Hill Road Mill Creek AFD Addition**

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**Staff Report for the March 6, 2019, Planning Commission Public Hearing****SUMMARY FACTS**

Applicant: WGI Land Holdings LLC

Land Owner: WGI Land Holdings LLC

Proposal: Addition of  $\pm$  60.73 acres to the Mill Creek Agricultural and Forestal District (AFD)

Locations: 365, 358, and 382 Ivy Hill Road

Tax Map/Parcel Nos.: 1040100004, 1130100011, and 1130100011A

Project Acreage:  $\pm$  60.73 acres

Current Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area: Outside

Staff Contact: Roberta Sulouff, Senior Planner

**PUBLIC HEARING DATES**

AFD Advisory Committee: January 24, 2019, 4:00 p.m.

Planning Commission: March 6, 2019, 6:00 p.m.

Board of Supervisors: April 9, 2019, 5:00 p.m. (tentative)

**FACTORS FAVORABLE**

1. With the proposed Ordinance, the proposal is compatible with surrounding development.

2. The proposal is consistent with the recommendations of the James City County Comprehensive Plan adopted in 2015, "*Toward 2035: Leading the Way*".
3. The proposal is consistent with local and State Code governing the addition of lands into AFDs.

**FACTORS UNFAVORABLE**

1. No factors unfavorable.

**STAFF RECOMMENDATION**

Staff finds that the proposed addition meets all state and local requirements for inclusion in the Mill Creek AFD and recommends that the Planning Commission recommend approval of the proposed addition to the Mill Creek AFD subject to the conditions listed in the attached Ordinance.

**AGRICULTURAL AND FORESTAL DISTRICT ADVISORY COMMITTEE RECOMMENDATION**

At its January 24, 2019 meeting, the AFD Advisory Committee voted 7-0 to recommend approval of this addition to the Planning Commission and Board of Supervisors.

**PROJECT DESCRIPTION**

- Mr. John Michael Sim has applied to enroll  $\pm$  60.73 acres of land located at 365, 358, and 382 Ivy Hill Road into the Mill Creek AFD.
- The proposed addition includes the entirety of the subject parcels.
- The parcels are currently undeveloped and wooded.

- Per the United States Department of Agriculture Soil Survey, the majority of soil on these parcels is Emporia Complex 15-25% slopes (15E) and Emporia Complex 15-25% slopes (15F). The Soil Survey indicates that both 15E and 15F soils have moderately high potential for the production of important trees with generally limited or moderate limitations on production such as slope, seedling mortality and potential equipment usage limitations.

### **DISTRICT HISTORY**

- The Mill Creek AFD was created in 1986 for a term of four years and originally consisted of 28 parcels totaling ± 3,547 acres.
- The District was renewed at four-year intervals again in 1990, 1994, 1998, 2002, 2006, 2010, 2014, and 2018 with various additions and withdrawals taking place during that period.
- If this addition is approved the District would consist of approximately 3,274.39 acres.

### **SURROUNDING ZONING AND DEVELOPMENT**

All surrounding properties are zoned A-1, General Agricultural and designated Rural Lands on the Comprehensive Plan.

### **COMPREHENSIVE PLAN AND ZONING**

The Comprehensive Plan designates these parcels as Rural Lands. Appropriate primary uses in Rural Lands include traditional agricultural and forestal activities. Land Use Action 6.1.1 of the 2035 Comprehensive Plan states the County shall “support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*.”

### **STATE AND LOCAL CODE**

- Section 15.2-4301 of Virginia State Code, Agricultural and Forestal Districts Act-Declaration of policy findings and purpose states that:

*“It is the policy of the Commonwealth to conserve and protect and to encourage the development and improvement of the Commonwealth's agricultural and forestal lands for the production of food and other agricultural and forestal products. It is also the policy of the Commonwealth to conserve and protect agricultural and forestal lands as valued natural and ecological resources which provide essential open spaces for clean air sheds, watershed protection, wildlife habitat, as well as for aesthetic purposes...”*

- The State Code establishes the AFD Advisory Committee to:

*“...advise the local planning commission and the local governing body and assist in creating, reviewing, modifying, continuing, or terminating districts within the locality. In particular, the committee shall render expert advice as to the nature of farming and forestry and agricultural and forestall resources within the district and their relation to the entire locality.”*

- Section 15.2-4305 states that a parcel may be added to a District if it is directly contiguous to the core of the District, within a mile of the core, or directly contiguous to a parcel whose boundary lines are within a mile to the core. These parcels are directly contiguous to the core of the Mill Creek AFD.
- Section 15.2-4306 (Attachment No. 3) includes the factors for consideration in the addition of lands to AFDs. One such factor includes the presence of any significant forestal lands within the District and in areas adjacent thereto that are not now in active forestal production. The Code later states that the presence of



**Staff Report for the March 6, 2019, Planning Commission Public Hearing**

suitable soils may be considered in the determination of forestal significance.

**STAFF RECOMMENDATION**

Staff finds that the proposed addition meets all state and local requirements for inclusion in the Mill Creek AFD and recommends that the Planning Commission recommend approval of the proposed addition to the Mill Creek AFD subject to the conditions listed in the attached Ordinance.

RS/nb  
AFD18-16-365and382IvyHill

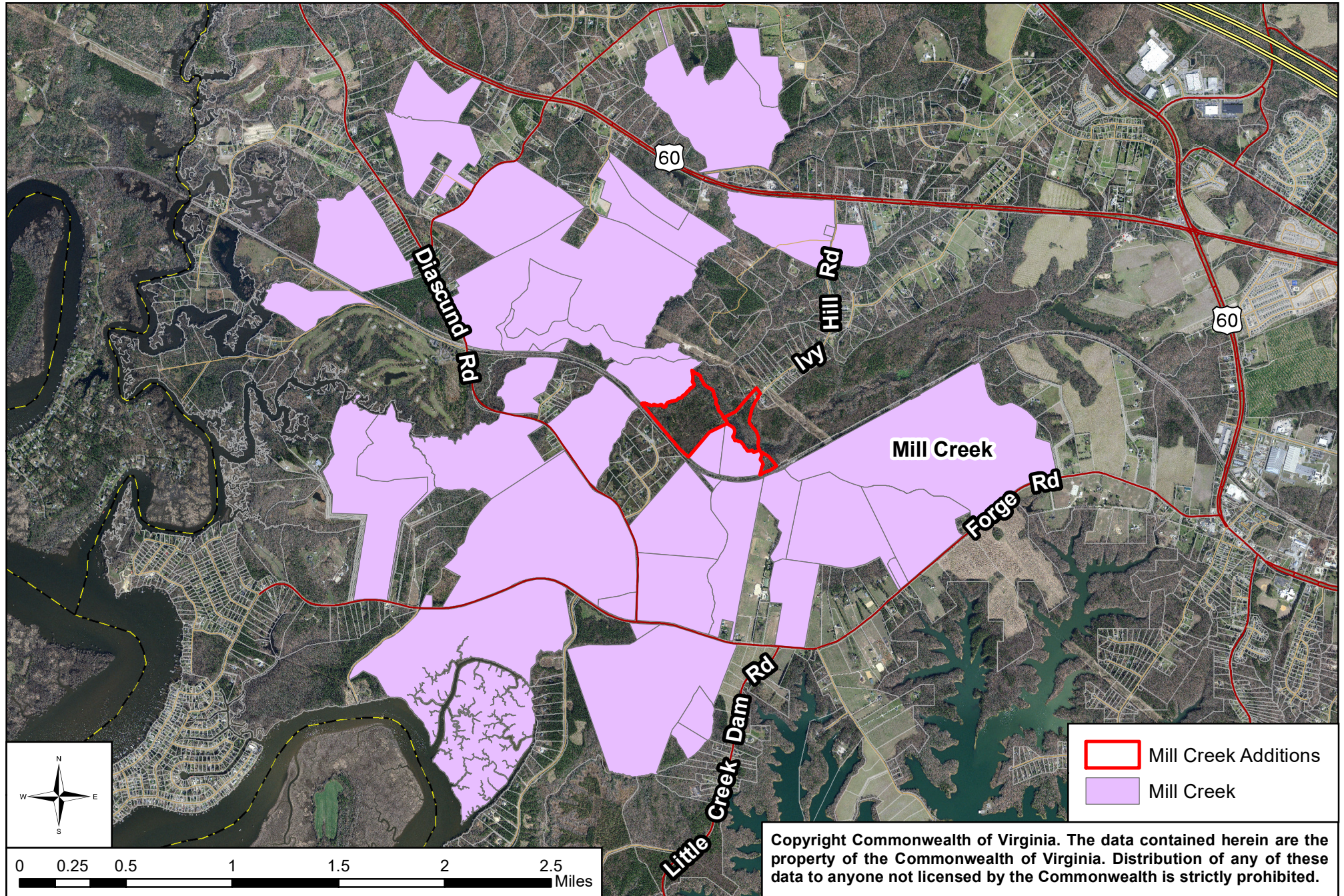
Attachments:

1. Location Map
2. Mill Creek AFD 2018 Renewal Staff Report and Ordinance
3. State Code Regarding AFD Application Criteria



JCC AFD-18-0016

# 365, 358 and 382 Ivy Hill Road Mill Creek AFD Addition





**AGRICULTURAL AND FORESTAL DISTRICT-07-86-1-2018. Mill Creek Renewal****Staff Report for the September 11, 2018, Board of Supervisors Public Hearing****SUMMARY FACTS**

<u>LAND OWNERS</u>	<u>PARCEL ID</u>	<u>±ACRES</u>
Cowles-Lobbs LLC	2020100006	352.96
Dale Cowles Henderson & John Cowles Dozier, et al.	2020100003	102.66
Dale Cowles Henderson & John Cowles Dozier, et al.	20201000001	8.75
Mayes D. & Cheryl M. Matthews	2110100005	46.01
Pamela C. & Steve L. Massie	1130100028	98.76*
Pamela C. & Steve L. Massie	1130100028A	32.74*
Richard W. & Margaret Krapf	1140100006	4.73
Nancy Cottrell Kruse & M. Anderson Bradshaw	1140100002	297.28
Cowles-Cowlesville LLC	1040100005	249.88
Cowles-Cowlesville LLC	1040100006	124.76
J. Michael Sim	1040100003	103.26
8700 Barnes Road LLC	1010100037	104.00
Sarah H. Armistead	1010100038	50.00
Daniel R. & Marion Virginia Winall	1030100019	97.59
Pamaka, LLC	1020100017	242.70*
Albert T. & Joan Lloyd Slater	1010100028	69.69
McRae O. Selph	1010100007	50.00
Walter N. Marshall, III Trustee	1140100005	79.94
Martha M. Ware Trust	2020100002	57.41
Christopher M. Ware	0920100036	39.13*
Pamaka, LLC	1030100003	45.80*
<i>Ralph Benjamin Dozier, Charles Norris Dozier III &amp; Mary Elizabeth Sink</i>	<i>2020100005</i>	<i>186.16**</i>
Ralph Benjamin Dozier, Charles Norris Dozier III & Mary Elizabeth Sink	2020100007	16.50
Ralph Benjamin Dozier, Charles Norris Dozier III & Mary Elizabeth Sink	2020100008	12.00
Dennis P. & Christina A. Weygand	1030100013	34.02
John M. L. Barnes Estate	1020100004	215.76
John M. L. Barnes Estate	1110100001	29.00

Cowles-Cowlesville LLC	2010100002	2.00
Randolph G. & Michelle H. Gulden	1020100012	62.20
Randolph G. & Michelle H. Gulden	1020100032	25.00
John E. & Elaine M. Sharp	0940100008N	57.81
John G. & Marie Antoinette Findlay	0940100008H	118.29
Richard F. Abbitt Investment LC	0920100040	95.51
Ivy Hill LLC	1110100013	100.18
Ivy Hill LLC	1110100024	1.18
<b>TOTAL ACRES</b>		<b>3,213.66</b>

\* Updated parcel acreage based on boundary survey

\*\* Requesting to withdraw a portion of property

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area  
(PSA): Outside and Inside

Staff Contact: Savannah Pietrowski, Senior Planner

**PUBLIC HEARING DATES**

Planning Commission: August 1, 2018, 6:00 p.m.

Board of Supervisors: September 11, 2018, 5:00 p.m.

**STAFF RECOMMENDATION**

Approval, subject to the proposed conditions.

**AGRICULTURAL AND FORESTAL DISTRICT (AFD) ADVISORY COMMITTEE RECOMMENDATION**

At its June 21, 2018 meeting, the AFD Advisory Committee voted 9-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

## **PLANNING COMMISSION RECOMMENDATION**

At its August 1, 2018 meeting, the Planning Commission voted 5-0 to recommend the continuation of the District to the Board of Supervisors.

## **DISTRICT HISTORY**

- The Mill Creek AFD was created in 1986 for a term of four years and originally consisted of 28 parcels totaling ±3,547 acres.
- The District was renewed in 1990, 1994, 1998, 2002, 2006, 2010 and 2014 for four-year periods. Various additions and withdrawals occurred throughout these years.
- Since the 2014 renewal, the Board of Supervisors approved the addition of ±101.36 acres and the addition of ±95.5 acres to the District.
- Acreages for parcels denoted with an asterisk (\*) in the summary facts table have been updated based on boundary surveys that have been recorded for these properties.

## **DISTRICT DESCRIPTION**

The Mill Creek AFD consists of ±3,213.66 acres, the majority of which are located along Forge Road or Diascund Road. The majority of the District contains either woodland or active agriculture. All parcels are zoned A-1, General Agriculture and are designated Rural Lands on the Comprehensive Plan.

Total acreage includes all the land in the above properties with the exception of all land within 25 feet of right-of-ways. This area has been excluded to allow for possible road and/or drainage improvements.

## **ADDITION/WITHDRAWAL REQUESTS**

Since the Planning Commission meeting, the owners of the property located at 1827 Forge Road (Parcel ID No. 2020100005) have requested to withdraw approximately 7.73 acres of their parcel from the District. The District will continue to meet minimum area requirements.

## **CHANGES TO CONDITIONS**

None.

## **SURROUNDING ZONING AND DEVELOPMENT**

The surrounding area consists mostly of forestland. The majority of the surrounding property is zoned A-1 and is designated Rural Lands on the Comprehensive Plan. The Chickahominy River is located to the west. The Barnes Swamp AFD is located to the north and the Wright's Island AFD is located to the south.

## **COMPREHENSIVE PLAN**

The Comprehensive Plan designates these parcels as Rural Lands. Land Use Action 6.1.1 of the adopted Comprehensive Plan states the County shall "support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*."

## **STAFF RECOMMENDATION**

Staff finds the Mill Creek AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Board of Supervisors approve the renewal of this AFD for a period of four years, subject to the conditions listed in the District Ordinance (Attachment No. 1).



**AGRICULTURAL AND FORESTAL DISTRICT-07-86-1-2018. Mill Creek Renewal**

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**Staff Report for the September 11, 2018, Board of Supervisors Public Hearing**

SP/nb  
AFD-MillCrkRnw

Attachments:

1. Ordinance
2. Location Map
3. Property Owner withdrawal request for 1827 Forge Road
4. Adopted conditions for the Mill Creek AFD
5. Board of Supervisors staff report for the 2014 renewal of the Mill Creek AFD

# ADOPTED

SEP 11 2018

ORDINANCE NO. 169A-18

Board of Supervisors  
James City County, VA

AGRICULTURAL AND FORESTAL DISTRICT-07-86-1-2018

MILL CREEK 2018 RENEWAL

WHEREAS, James City County has completed a review of the Mill 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 June 21, 2018, voted 9-0 to recommend renewal of the District; and

WHEREAS, the Planning Commission following its public hearing on August 1, 2018, concurred with the recommendation of staff and the AFD Advisory Committee and voted 5-0 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 Mill Creek Agricultural and Forestal District (the "District") is hereby continued to October 31, 2022 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 right-of-way is excluded from the District:

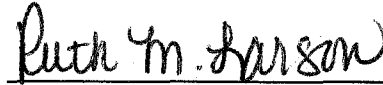
<u>Owner</u>	<u>Parcel No.</u>	<u>±Acres</u>
Cowles-Lobbs LLC	2020100006	352.96
Dale Cowles Henderson & John Cowles Dozier, et al.	2020100003	102.66
Dale Cowles Henderson & John Cowles Dozier, et al.	2020100001	8.75
Mayes D. & Cheryl M. Matthews	2110100005	46.01
Pamela C. & Steve L. Massie	1130100028	98.76
Pamela C. & Steve L. Massie	1130100028A	32.74
Richard W. & Margaret Krapf	1140100006	4.73
Nancy Cottrell Kruse & M. Anderson Bradshaw	1140100002	297.28
Cowles-Cowlesville LLC	1040100005	249.88
Cowles-Cowlesville LLC	1040100006	124.76
J. Michael Sim	1040100003	103.26



8700 Barnes Road LLC	1010100037	104.00
Sarah H. Armistead	1010100038	50.00
Daniel R. & Marion Virginia Winall	1030100019	97.59
Pamaka LLC	1020100017	242.70
Albert T. & Joan Lloyd Slater	1010100028	69.69
McRae O. Selph	1010100007	50.00
Walter N. Marshall, III Trustee	1140100005	79.94
Martha M. Ware Trust	2020100002	57.41
Christopher M. Ware	0920100036	39.13
Pamaka LLC	1030100003	45.80
Ralph Benjamin Dozier, Charles Norris Dozier III & Mary Elizabeth Sink	2020100005	178.44
Ralph Benjamin Dozier, Charles Norris Dozier III & Mary Elizabeth Sink	2020100007	16.50
Ralph Benjamin Dozier, Charles Norris Dozier III & Mary Elizabeth Sink	2020100008	12.00
Dennis P. & Christine A. Weygand	1030100013	34.02
John M. L. Barnes Estate	1020100004	215.76
John M. L. Barnes Estate	1110100001	29.00
Cowles-Cowlesville LLC	2010100002	2.00
Randolph G. & Michelle H. Gulden	1020100012	62.20
Randolph G. & Michelle H. Gulden	1020100032	25.00
John E. & Elaine M. Sharp	0940100008N	57.81
John G. & Marie Antoinette Findlay	0940100008H	118.29
Richard F. Abbitt Investment LC	0920100040	95.51
Ivy Hill LLC	1110100013	100.18
Ivy Hill LLC	1110100024	1.18
Total:		<u>3,205.94</u>

3. That pursuant to Sections 15.2-4312 and 15.2-4313 of the Act, the Board of Supervisors requires that no parcel in the 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 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. No land outside the Primary Service Area and within the District may be rezoning and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. 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 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 special use permits for WCFs on properties in the District that are in accordance with the County's policies and Ordinances regulating such facilities.



Ruth M. Larson  
Chairman, Board of Supervisors

ATTEST:



Teresa J. Fellows  
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ICENHOUR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SADLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2018.

AFD-MillCrkRnw-res



## § 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 may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

**ITEM SUMMARY**

DATE: 3/6/2019

TO: The Planning Commission

FROM: Roberta Sulouff, Senior Planner

SUBJECT: AFD-18-0017. 9888 Sycamore Landing Road Croaker AFD Addition

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**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Attachment 1. Location Map	Backup Material
▣	Attachment 2. Croaker 2018 AFD Renewal Staff Report and Ordinance	Backup Material
▣	Attachment 3. State Code Regarding AFD Application Criteria	Backup Material
▣	Attachment 4. Applicant Narrative	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	2/27/2019 - 11:21 AM
Planning Commission	Holt, Paul	Approved	2/27/2019 - 11:21 AM
Publication Management	Burcham, Nan	Approved	2/27/2019 - 11:23 AM
Planning Commission	Holt, Paul	Approved	2/27/2019 - 11:24 AM

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**AFD-18-0017. 9888 Sycamore Landing Road Croaker AFD Addition****Staff Report for the March 6, 2019, Planning Commission Public Hearing**

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**SUMMARY FACTS**

Applicant: Ms. Kelly Fulton

Land Owner: Mr. Thomas W. Dana, III, Trustee

Proposal: Addition of ± 62.35 acres of land to the Croaker Agricultural and Forestal District (AFD)

Location: 9888 Sycamore Landing Road

Tax Map/Parcel No.: 0720100006

Project Acreage: ± 62.35 acres

Current Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area: Outside

Staff Contact: Roberta Sulouff, Senior Planner

**PUBLIC HEARING DATES**

AFD Advisory Committee: January 24, 2019, 4:00 p.m.

Planning Commission: March 6, 2019, 6:00 p.m.

Board of Supervisors: April 9, 2019, 5:00 p.m. (tentative)

**FACTORS FAVORABLE**

1. With the proposed Ordinance, the proposal is compatible with the surrounding development.

2. The proposal is consistent with the recommendations of the James City County Comprehensive Plan adopted in 2015, “*Toward 2035: Leading the Way.*”

**FACTORS UNFAVORABLE**

1. No factors unfavorable.

**STAFF RECOMMENDATION**

This parcel is more than one mile away from property that makes up the core of the Croaker AFD District. Per State Code, a parcel of land over one mile from the core may be added to an AFD only upon finding that the property contains agriculturally and forestally significant land. At its January 24, 2019 meeting, the AFD Advisory Committee found the parcel is agriculturally and forestally significant and recommended approval of this application to the Planning Commission by a vote of 7-0. With the AFD Advisory Committee’s recommendation of approval and finding that this property is agriculturally significant, staff recommends that the Planning Commission recommend approval of the proposed addition to the Croaker AFD, subject to the conditions listed in the attached Ordinance, consistent with other properties in the District.

**AGRICULTURAL AND FORESTAL DISTRICT ADVISORY COMMITTEE RECOMMENDATION**

At its January 24, 2019 meeting, the AFD Advisory Committee recommended approval of this addition by a vote of 7-0.

**PROJECT DESCRIPTION**

- Ms. Kelly Fulton has applied to add an approximately 62.35-acre parcel to the Croaker AFD.

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*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.*



## **AFD-18-0017. 9888 Sycamore Landing Road Croaker AFD Addition**

### **Staff Report for the March 6, 2019, Planning Commission Public Hearing**

- The majority of the land is currently undeveloped and wooded, with a home site also located on the parcel.
- Per the United States Department of Agriculture Soil Survey, the majority of soil on this parcel is Craven-Uchee Complex, 6-10% slopes (11C), Emporia Complex 25-50% slopes (15F) and Suffolk fine sandy loam (31B). The Soil Survey indicates that both 11C and 15F soils have moderately high potential for the production of important trees with moderate to significant limitations on timbering, due to slope limitations on equipment usage. The Survey also indicates that 31B soils are well-suited to crop cultivation and moderately high timbering potential with very limited or insignificant limitations on production such as slope, seedling mortality, and potential equipment usage limitations.

#### **DISTRICT HISTORY**

- The Croaker AFD was created in 1986 for a term of four years and originally consisted of 13 parcels totaling  $\pm$  1,341 acres.
- The District was last renewed earlier in 2018. The District consists of approximately 1,182.23 acres of land located between I-64 and York River State Park.
- If this addition were approved, the District would consist of approximately 1,244.58 acres.
- This parcel is over one mile away from the core parcels in the Croaker AFD; therefore, as specified in the Code of Virginia, the governing body must decide if this property contains agriculturally and forestally significant land to be added to the Croaker AFD (see Attachment No. 3). The Committee reviewed a similar case for addition to the Croaker AFD on an adjacent property in 2017 (AFD-2-86-1-2017, 9730 Sycamore Landing Road).

#### **SURROUNDING ZONING AND DEVELOPMENT**

- All surrounding properties are zoned A-1, General Agricultural, or M-1, Limited Business/Industrial and designated Rural Lands or Mixed-Use on the Comprehensive Plan.
- The District consists primarily of forested land. The principal land use on most adjacent properties is undeveloped, forested land with single-family residences. The Hankins-Croaker Mixed-Use District lies north/northwest of the parcel and is actively mined.

#### **COMPREHENSIVE PLAN AND ZONING**

The Comprehensive Plan designates this parcel as Rural Lands. Land Use Action 6.1.1 of the 2035 Comprehensive Plan states the County shall “support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*.”

#### **STATE AND LOCAL CODE**

- Section 15.2-4301 of Virginia State Code, Agricultural and Forestal Districts Act-Declaration of Policy Findings and Purpose states that:

*“It is the policy of the Commonwealth to conserve and protect and to encourage the development and improvement of the Commonwealth’s agricultural and forestal lands for the production of food and other agricultural and forestal products. It is also the policy of the Commonwealth to conserve and protect agricultural and forestal lands as valued natural and ecological resources which provide essential open spaces for clean air sheds, watershed protection, wildlife habitat, as well as for aesthetic purposes...”*

## AFD-18-0017. 9888 Sycamore Landing Road Croaker AFD Addition

### Staff Report for the March 6, 2019, Planning Commission Public Hearing

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- The State Code establishes the AFD Advisory Committee to:

*“...advise the local planning commission and the local governing body and assist in creating, reviewing, modifying, continuing, or terminating districts within the locality. In particular, the committee shall render expert advice as to the nature of farming and forestry and agricultural and forestall resources within the district and their relation to the entire locality.”*

- Section 15.2-4305 (Attachment No. 3) states that a parcel may be added to a District if it is outside of a mile radius of the core of the District if the Agricultural and Forestal District Advisory Committee finds that the property contains agriculturally and forestally significant land.
- Section 15.2-4306 (Attachment No. 3) states the factors for consideration in the addition of lands to AFDs. One such factor includes the presence of any significant forestal lands within the District and in areas adjacent thereto that are not now in active forestal production. The Code later states that the presence of suitable soils may be considered in the determination of forestal significance.

#### STAFF RECOMMENDATION

This parcel is more than one mile away from property that makes up the core of the Croaker AFD District. Per State Code, a parcel of land over one mile from the core may be added to an AFD only upon finding that the property contains agriculturally and forestally significant land. At its January 24, 2019 meeting, the AFD Advisory Committee found the parcel is agriculturally and forestally significant and recommended approval of this application to the Planning Commission by a vote of 7-0. With the AFD Advisory Committee's recommendation of approval and finding that this property is agriculturally significant, staff recommends that the Planning

Commission recommend approval of the proposed addition to the Croaker AFD, subject to the conditions listed in the attached Ordinance, consistent with other properties in the District.

RS/nb

AFD18-17-9888SycamoreLnd

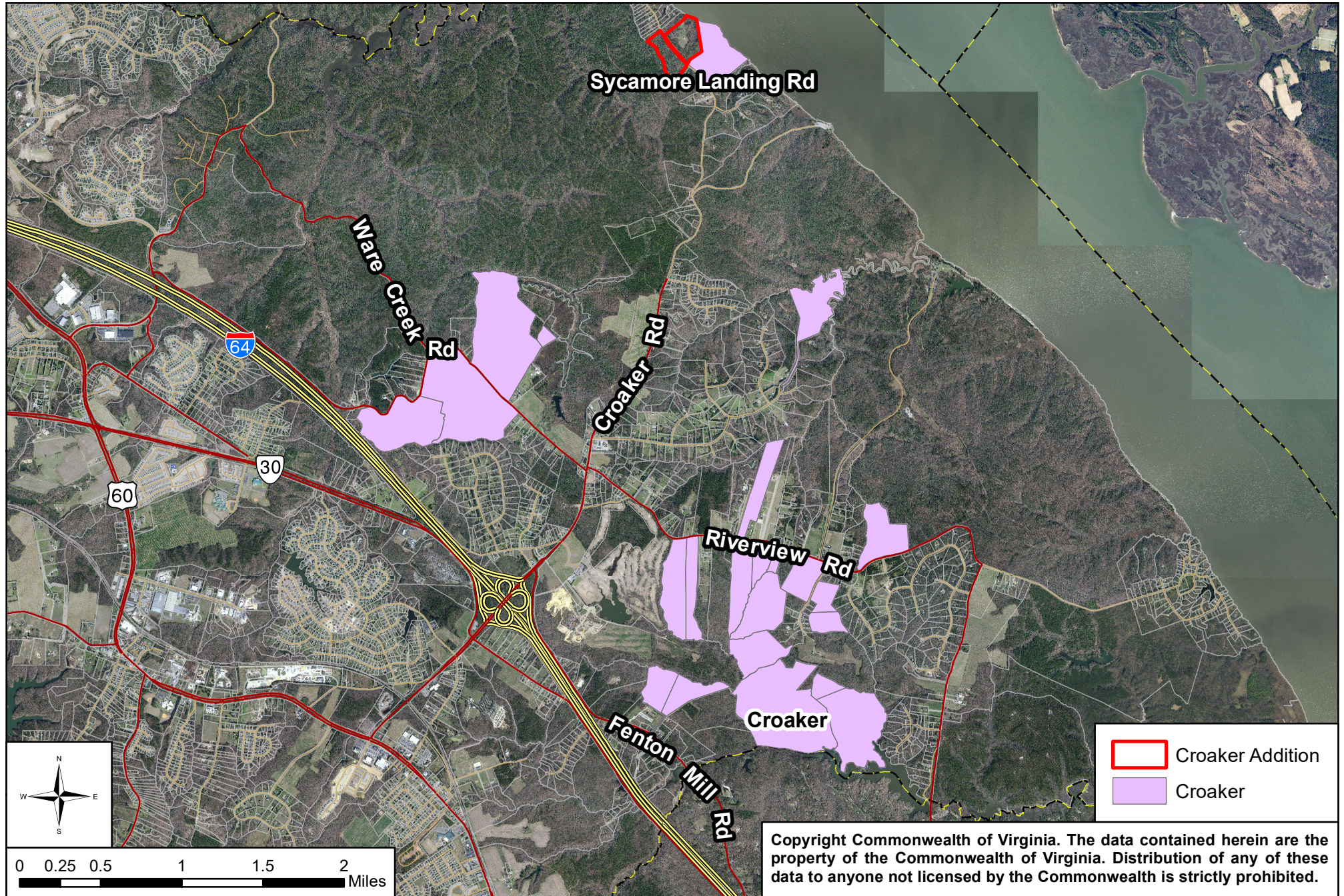
#### Attachments:

1. Location Map
2. Croaker 2018 AFD Renewal Staff Report and Ordinance
3. State Code Regarding AFD Application Criteria
4. Applicant Narrative



JCC AFD-18-0017

# 9888 Sycamore Landing Road Croaker AFD Addition





**AGRICULTURAL AND FORESTAL DISTRICT-02-86-1-2018. Croaker Renewal****Staff Report for the September 11, 2018, Board of Supervisors Public Hearing****SUMMARY FACTS**

<u>LAND OWNERS</u>	<u>PARCEL ID</u>	<u>ACRES (±)</u>
Hankins Land Trust	1530100044	119.00
William L. & Mary M. Apperson	1440100015	26.05
William L. & Mary M. Apperson	1440100015A	26.23
Ronald McManus, et al.	1530100043	119.85
Ronald McManus, et al.	1530100042	10.10
Ronald McManus, et al.	1530100036	40.40
Hazel M. & L. Richardson	1530100002	39.76
Hazel M. Richardson	1530100034	39.78
J. Rosalie Will, Trustee	1440100010	40.00
Stephanie L. Billon-Wolfe, Trustee	1440100009	49.08
Wenger Farms, LLC	1320100018	95.30
Wenger Farms, LLC	1410100001	150.00
Wenger Farms, LLC	1410100014	143.50
Thomas B. Ballard	1530100035	53.17
Sharpe Family Properties, LLC	1530100018	16.05
William R. Atkins, Jr.	1530100019	16.40
William R. Atkins, Jr.	1530100029	30.94
Milly Wallis	1540100004	40.00
Thomas B. Ballard	1530100035A	4.91
Thomas B. Ballard	1530100032	16.22
Wenger Farms, LLC	1410100007	7.00
Katherine G. & William Mann	1510400003	50.00
Mitchell Family Ltd. Partnership	0740100002	48.49
<b>TOTAL ACRES</b>		<b>1,182.23</b>

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands  
Low-Density Residential

Primary Service Area

(PSA): Inside and Outside

Staff Contact: Roberta Sulouff, Senior Planner

**PUBLIC HEARING DATES**

Planning Commission: August 1, 2018, 6:00 p.m.

Board of Supervisors: September 11, 2018, 5:00 p.m.

**STAFF RECOMMENDATION**

Approval, subject to the proposed conditions.

**AGRICULTURAL AND FORESTAL DISTRICT (AFD)  
ADVISORY COMMITTEE RECOMMENDATION**

At its June 21, 2018 meeting, the AFD Advisory Committee voted 9-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

**PLANNING COMMISSION**

At its August 1, 2018 meeting, the Planning Commission voted 5-0 to recommend the continuation of the District to the Board of Supervisors.

**DISTRICT HISTORY**

- The Croaker AFD was created in 1986 for a term of four years and originally consisted of 13 parcels totaling ±1,341 acres.
- The District was renewed for four-year intervals in 1990, 1994, 1998, 2002, 2006, 2010 and 2014 with various withdrawals and additions occurring during that period.

## **AGRICULTURAL AND FORESTAL DISTRICT-02-86-1-2018. Croaker Renewal**

### **Staff Report for the September 11, 2018, Board of Supervisors Public Hearing**

- In 2017, the Board of Supervisors approved the addition of 48.49 acres of land located at 9730 Sycamore Landing Road to the AFD.

#### **DISTRICT DESCRIPTION**

While still conforming to applicable area and proximity requirements this District is somewhat geographically dispersed. According to the United States Geological Service Soils Survey, the bulk of the District appears to consist of soils which are prime for crop cultivation or forestry. The majority of the District is forested and remains rural in nature. All the land in this District is zoned A-1, General Agricultural. Pieces of the District are located both outside and inside of the PSA, and are designated both Rural Lands and Low-Density Residential by the adopted Comprehensive Plan.

Total acreage includes all the land in the above properties with the exception of all land within 25 feet of right-of-ways. This area has been excluded to allow for possible road and/or drainage improvements.

#### **ADDITION/WITHDRAWAL REQUESTS/OTHER CHANGES IN ACREAGE**

- *Addition Requests:*
  - The owner of the property located at 4450 Ware Creek Road (Tax Map ID No. 1410100046) has applied to add approximately 14.8 acres to the District. That application will be evaluated under a separate cover and is tentatively scheduled for the AFD Committee's consideration at the October 25, 2018, meeting.
  - The owner of the property located at 4960 Fenton Mill Road (Tax Map ID 2420100035) has applied to add approximately 52.28 acres to the District. That application will be evaluated

under a separate cover and is tentatively scheduled for the AFD Committee's consideration at the October 25, 2018 meeting.

#### **CHANGES TO CONDITIONS**

None.

#### **SURROUNDING ZONING AND DEVELOPMENT**

The majority of this District is located southeast of the Croaker Road/Interstate 64 interchange, though several small pieces are located north and east of the interchange as well. The surrounding area is mostly zoned A-1, General Agricultural; however, the northern and eastern portions of the District are surrounded by undeveloped portions of the Stonehouse Development, which is zoned PUD-R, Planned Unit Development-Residential. The Christenson's Corner AFD lies to the southeast of the District and the Hill Pleasant Farm AFD lies to the southwest of the District.

#### **COMPREHENSIVE PLAN**

The Comprehensive Plan designates these parcels as Rural Lands and Low-Density Residential. Land Use Action 6.1.1 of the adopted Comprehensive Plan states the County shall "support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*."

#### **STAFF RECOMMENDATION**

Staff finds the Croaker AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Board of Supervisors approve the renewal of this AFD for a period of four years, subject to conditions listed in the District Ordinance (Attachment No. 1).

**AGRICULTURAL AND FORESTAL DISTRICT-02-86-1-2018. Croaker Renewal**

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**Staff Report for the September 11, 2018, Board of Supervisors Public Hearing**

RS/md

AFD-CroakerRnw

Attachments:

1. Ordinance
2. Location Map
3. Adopted conditions for the Croaker AFD
4. Board of Supervisors staff report for the 2014 renewal of the Croaker AFD



CORRECTED

ADOPTED

SEP 11 2018

ORDINANCE NO. 164A-17

Board of Supervisors  
James City County, VA

AGRICULTURAL AND FORESTAL DISTRICT-02-86-1-2018

CROAKER 2018 RENEWAL

WHEREAS, James City County has completed a review of the Croaker 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 June 21, 2018, voted 9-0 to recommend renewal of the District; and

WHEREAS, the Planning Commission following its public hearing on August 1, 2018, concurred with the recommendation of staff and the AFD Advisory Committee and voted 5-0 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 Croaker Agricultural and Forestal District (the "District") is hereby continued to October 31, 2022 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 right-of-ways is excluded from the District:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Hankins Land Trust	1530100044	119.00
William and Mary M. Apperson	1440100015	26.05
William and Mary M. Apperson	1440100015A	26.23
Ronald McManus, et al.	1530100043	119.85
Ronald McManus, et al.	1530100042	10.10
Ronald McManus, et al.	1530100036	40.40
Hazel M. Richardson & LA Richardson	1530100002	39.76
Hazel M. Richardson	1530100034	39.78
J. Rosalie Will, Trustee	1440100010	40.00
Stephanie L. Billon-Wolfe, Trustee	1440100009	49.08
Wenger Farms LLC	1320100018	95.30
Wenger Farms LLC	1410100001	150.00
Wenger Farms LLC	1410100014	143.50
Thomas B. Ballard	1530100035	53.17
Sharpe Family Properties, LLC	1530100018	16.05

William R. Atkins, Jr.	1530100019	16.40
William R. Atkins, Jr	1530100029	30.94
Milly Wallis	1540100004	40.00
Thomas B. Ballard	1530100035A	4.91
Thomas B. Ballard	1530100032	16.22
Wenger Farms, LLC	1410100007	7.00
Katherine G. & William Mann	1510400003	50.00
Mitchell Family Ltd. Partnership	0740100002	48.49
Total:		<u>1,182.23</u>

3. That pursuant to Sections 15.2-4312 and 15.2-4313 of the Act, the Board of Supervisors requires that no parcel in the 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 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. No land outside the Primary Service Area and within the District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. 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.

*Ruth M. Larson*

Ruth M. Larson  
Chairman, Board of Supervisors

ATTEST:

*Teresa J. Fellows*  
Teresa J. Fellows  
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MC GLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ICENHOUR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SADLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2018.

## § 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.



### Applicant Narrative

"I would like to add our property to the Croaker AFD. We have 62 acres that have approximately 50 acres of woods. This has been in our family for over 100 years and will continue to be passed down. We have no plans to develop or commercialize this property and want to maintain it's natural state. The property is in a Trust. This property goes back into the Byrd and Custis families of historical significance. Thank you for this opportunity"

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Kelly Fulton

Submitted to PermitLink on August 3, 2018

**ITEM SUMMARY**

DATE: 3/6/2019

TO: The Planning Commission

FROM: Roberta Sulouff, Senior Planner

SUBJECT: AFD-18-0019. 4928 Fenton Mill Road Croaker AFD Addition

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**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Attachment 1. Location Map	Backup Material
▣	Attachment 2. Croaker 2018 AFD Renewal Staff Report and Ordinance	Backup Material
▣	Attachment 3. State Code Regarding AFD Application Criteria	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	2/27/2019 - 11:29 AM
Planning Commission	Holt, Paul	Approved	2/27/2019 - 11:29 AM
Publication Management	Burcham, Nan	Approved	2/27/2019 - 11:32 AM
Planning Commission	Holt, Paul	Approved	2/27/2019 - 11:32 AM

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**AFD-18-0019. 4928 Fenton Mill Road Croaker AFD Addition****Staff Report for the March 6, 2019, Planning Commission Public Hearing**

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**SUMMARY FACTS**

Applicants: Mr. Charles Apperson and Ms. Patricia Russo

Land Owners: Mr. Charles Apperson and Ms. Patricia Russo

Proposal: Addition of ± 52.28 acres of land to the Croaker Agricultural and Forestal District (AFD)

Location: 4928 Fenton Mill Road

Tax Map/Parcel No.: 2420100035

Project Acreage: ± 52.28 acres

Current Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area: Outside

Staff Contact: Roberta Sulouff, Senior Planner

**PUBLIC HEARING DATES**

AFD Advisory Committee: January 24, 2019, 4:00 p.m.

Planning Commission: March 6, 2019, 6:00 p.m.

Board of Supervisors: April 9, 2019, 5:00 p.m. (tentative)

**FACTORS FAVORABLE**

1. With the proposed Ordinance, the proposal is compatible with surrounding development.

2. The proposal is consistent with the recommendations of the James City County Comprehensive Plan adopted in 2015, "*Toward 2035: Leading the Way.*"
3. The proposal is consistent with local and State Code governing the addition of lands into AFDs.

**FACTORS UNFAVORABLE**

1. No factors unfavorable.

**STAFF RECOMMENDATION**

Staff finds that the proposed addition meets all state and local requirements for inclusion in the Croaker AFD and recommends that the Planning Commission recommend approval of the proposed addition to the Croaker AFD subject to the conditions listed in the attached Ordinance.

**AGRICULTURAL AND FORESTAL DISTRICT ADVISORY COMMITTEE RECOMMENDATION**

At its January 24, 2019 meeting, the AFD Advisory Committee voted 7-0 to recommend approval of this addition to the Planning Commission and Board of Supervisors.

**PROJECT DESCRIPTION**

- Mr. Charles Apperson and Ms. Patricia Russo have applied to add an approximately 52.28-acre parcel to the Croaker AFD.
- The majority of the land is currently undeveloped and wooded, with some active farming occurring on the remainder of the parcel.

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*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.*



**Staff Report for the March 6, 2019, Planning Commission Public Hearing**

- Per the United States Department of Agriculture Soil Survey, the majority of soil on this parcel is Craven-Uchee Complex, 6-10% slopes (11C), Emporia Complex 25-50% slopes (15F) and Kempsville-Emporia fine sandy loams 2-6% slopes (19B). The Soil Survey indicates that both 11C and 15F soils have moderately high potential for the production of important trees with moderate to significant limitations on timbering due to slope limitations on equipment usage. The Survey also indicates that 19B soils are well-suited to crop cultivation and moderately high timbering potential with very limited or insignificant limitations on production such as slope, seedling mortality and potential equipment usage limitations.

**DISTRICT HISTORY**

- The Croaker AFD was created in 1986 for a term of four years and originally consisted of 13 parcels totaling ± 1,341 acres.
- The District was last renewed earlier in 2018. The District consists of approximately 1,182.23 acres of land located between I-64 and York River State Park.
- If this addition were approved, the District would consist of approximately 1,234.51 acres.
- This parcel was originally part of Tax Map Parcel ID 1440100015, which has been included in the District since its creation in 1986. In 1995, it was subdivided to create two parcels and as part of what appears to be an administrative error, the parcel was not included in notifications during the next renewal period.

**SURROUNDING ZONING AND DEVELOPMENT**

- All surrounding properties are zoned A-1, General Agricultural, or M-1, Limited Business/Industrial and designated Rural Lands, or

Mixed-Use on the Comprehensive Plan.

- The District consists primarily of forested land. The principal land use on most adjacent properties is undeveloped, forested land with single-family residences. The Hankins Resource Recovery Facility, zoned MU, Mixed-Use, lies north/northwest of the parcel and is actively mined.

**COMPREHENSIVE PLAN AND ZONING**

The Comprehensive Plan designates this parcel as Rural Lands. Land Use Action 6.1.1 of the 2035 Comprehensive Plan states the County shall “support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*.”

**STATE AND LOCAL CODE**

- Section 15.2-4301 of Virginia State Code, Agricultural and Forestal Districts Act-Declaration of policy findings and purpose states that:

*“It is the policy of the Commonwealth to conserve and protect and to encourage the development and improvement of the Commonwealth's agricultural and forestal lands for the production of food and other agricultural and forestal products. It is also the policy of the Commonwealth to conserve and protect agricultural and forestal lands as valued natural and ecological resources which provide essential open spaces for clean air sheds, watershed protection, wildlife habitat, as well as for aesthetic purposes...”*

## AFD-18-0019. 4928 Fenton Mill Road Croaker AFD Addition

### Staff Report for the March 6, 2019, Planning Commission Public Hearing

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- The State Code establishes the AFD Advisory Committee to:

*“...advise the local planning commission and the local governing body and assist in creating, reviewing, modifying, continuing, or terminating districts within the locality. In particular, the committee shall render expert advice as to the nature of farming and forestry and agricultural and forestall resources within the district and their relation to the entire locality.”*

- Section 15.2-4305 states that a parcel may be added to a District if it is directly contiguous to the core of the District, within a mile of the core, or directly contiguous to a parcel whose boundary lines are within a mile to the core. This parcel is directly contiguous to the core of the Croaker AFD.
- Section 15.2-4306 (Attachment No. 3) includes factors for consideration in the addition of lands to AFDs. One such factor includes the presence of any significant forestal lands within the District and in areas adjacent thereto that are not now in active forestal production. The Code later states that the presence of suitable soils may be considered in the determination of forestal significance.

#### STAFF RECOMMENDATION

Staff finds that the proposed addition meets all state and local requirements for inclusion in the Croaker AFD and recommends that the Planning Commission recommend approval of the proposed addition to the Croaker AFD subject to the conditions listed in the attached Ordinance.

RS/nb

AFD18-19-4928FentonMill

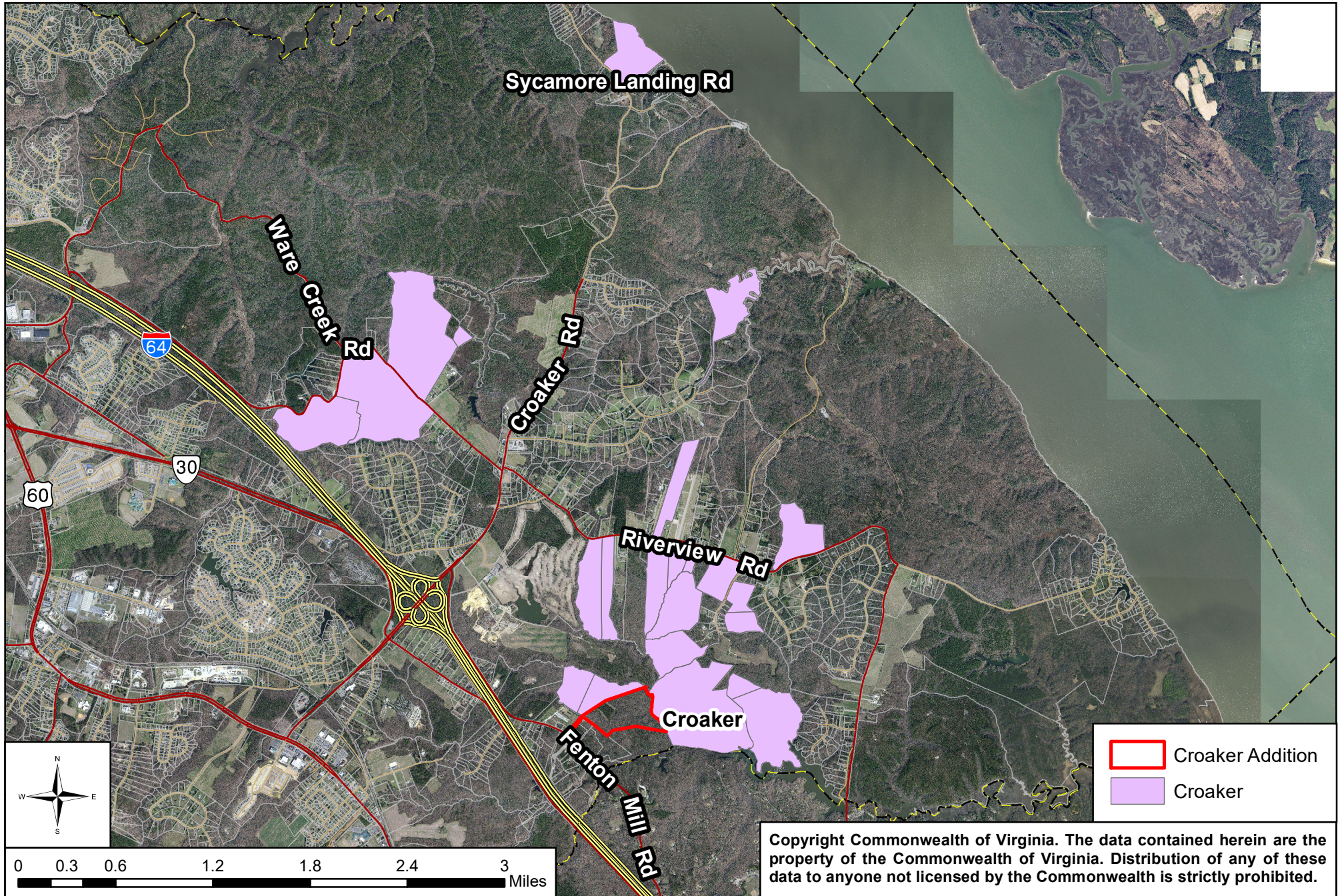
#### Attachments:

1. Location Map
2. Croaker 2018 AFD Renewal Staff Report and Ordinance
3. State Code Regarding AFD Application Criteria



JCC AFD-18-0019

# 4928 Fenton Mill Road Croaker AFD Addition





**AGRICULTURAL AND FORESTAL DISTRICT-02-86-1-2018. Croaker Renewal****Staff Report for the September 11, 2018, Board of Supervisors Public Hearing****SUMMARY FACTS**

<u>LAND OWNERS</u>	<u>PARCEL ID</u>	<u>ACRES (±)</u>
Hankins Land Trust	1530100044	119.00
William L. & Mary M. Apperson	1440100015	26.05
William L. & Mary M. Apperson	1440100015A	26.23
Ronald McManus, et al.	1530100043	119.85
Ronald McManus, et al.	1530100042	10.10
Ronald McManus, et al.	1530100036	40.40
Hazel M. & L. Richardson	1530100002	39.76
Hazel M. Richardson	1530100034	39.78
J. Rosalie Will, Trustee	1440100010	40.00
Stephanie L. Billon-Wolfe, Trustee	1440100009	49.08
Wenger Farms, LLC	1320100018	95.30
Wenger Farms, LLC	1410100001	150.00
Wenger Farms, LLC	1410100014	143.50
Thomas B. Ballard	1530100035	53.17
Sharpe Family Properties, LLC	1530100018	16.05
William R. Atkins, Jr.	1530100019	16.40
William R. Atkins, Jr.	1530100029	30.94
Milly Wallis	1540100004	40.00
Thomas B. Ballard	1530100035A	4.91
Thomas B. Ballard	1530100032	16.22
Wenger Farms, LLC	1410100007	7.00
Katherine G. & William Mann	1510400003	50.00
Mitchell Family Ltd. Partnership	0740100002	48.49
<b>TOTAL ACRES</b>		<b>1,182.23</b>

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands  
Low-Density Residential

Primary Service Area

(PSA): Inside and Outside

Staff Contact: Roberta Sulouff, Senior Planner

**PUBLIC HEARING DATES**

Planning Commission: August 1, 2018, 6:00 p.m.

Board of Supervisors: September 11, 2018, 5:00 p.m.

**STAFF RECOMMENDATION**

Approval, subject to the proposed conditions.

**AGRICULTURAL AND FORESTAL DISTRICT (AFD)  
ADVISORY COMMITTEE RECOMMENDATION**

At its June 21, 2018 meeting, the AFD Advisory Committee voted 9-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

**PLANNING COMMISSION**

At its August 1, 2018 meeting, the Planning Commission voted 5-0 to recommend the continuation of the District to the Board of Supervisors.

**DISTRICT HISTORY**

- The Croaker AFD was created in 1986 for a term of four years and originally consisted of 13 parcels totaling ±1,341 acres.
- The District was renewed for four-year intervals in 1990, 1994, 1998, 2002, 2006, 2010 and 2014 with various withdrawals and additions occurring during that period.

## **AGRICULTURAL AND FORESTAL DISTRICT-02-86-1-2018. Croaker Renewal**

### **Staff Report for the September 11, 2018, Board of Supervisors Public Hearing**

- In 2017, the Board of Supervisors approved the addition of 48.49 acres of land located at 9730 Sycamore Landing Road to the AFD.

#### **DISTRICT DESCRIPTION**

While still conforming to applicable area and proximity requirements this District is somewhat geographically dispersed. According to the United States Geological Service Soils Survey, the bulk of the District appears to consist of soils which are prime for crop cultivation or forestry. The majority of the District is forested and remains rural in nature. All the land in this District is zoned A-1, General Agricultural. Pieces of the District are located both outside and inside of the PSA, and are designated both Rural Lands and Low-Density Residential by the adopted Comprehensive Plan.

Total acreage includes all the land in the above properties with the exception of all land within 25 feet of right-of-ways. This area has been excluded to allow for possible road and/or drainage improvements.

#### **ADDITION/WITHDRAWAL REQUESTS/OTHER CHANGES IN ACREAGE**

- *Addition Requests:*
  - The owner of the property located at 4450 Ware Creek Road (Tax Map ID No. 1410100046) has applied to add approximately 14.8 acres to the District. That application will be evaluated under a separate cover and is tentatively scheduled for the AFD Committee's consideration at the October 25, 2018, meeting.
  - The owner of the property located at 4960 Fenton Mill Road (Tax Map ID 2420100035) has applied to add approximately 52.28 acres to the District. That application will be evaluated

under a separate cover and is tentatively scheduled for the AFD Committee's consideration at the October 25, 2018 meeting.

#### **CHANGES TO CONDITIONS**

None.

#### **SURROUNDING ZONING AND DEVELOPMENT**

The majority of this District is located southeast of the Croaker Road/Interstate 64 interchange, though several small pieces are located north and east of the interchange as well. The surrounding area is mostly zoned A-1, General Agricultural; however, the northern and eastern portions of the District are surrounded by undeveloped portions of the Stonehouse Development, which is zoned PUD-R, Planned Unit Development-Residential. The Christenson's Corner AFD lies to the southeast of the District and the Hill Pleasant Farm AFD lies to the southwest of the District.

#### **COMPREHENSIVE PLAN**

The Comprehensive Plan designates these parcels as Rural Lands and Low-Density Residential. Land Use Action 6.1.1 of the adopted Comprehensive Plan states the County shall "support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*."

#### **STAFF RECOMMENDATION**

Staff finds the Croaker AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Board of Supervisors approve the renewal of this AFD for a period of four years, subject to conditions listed in the District Ordinance (Attachment No. 1).

**AGRICULTURAL AND FORESTAL DISTRICT-02-86-1-2018. Croaker Renewal**

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**Staff Report for the September 11, 2018, Board of Supervisors Public Hearing**

RS/md

AFD-CroakerRnw

Attachments:

1. Ordinance
2. Location Map
3. Adopted conditions for the Croaker AFD
4. Board of Supervisors staff report for the 2014 renewal of the Croaker AFD



CORRECTED

ADOPTED

SEP 11 2018

ORDINANCE NO. 164A-17

Board of Supervisors  
James City County, VA

AGRICULTURAL AND FORESTAL DISTRICT-02-86-1-2018

CROAKER 2018 RENEWAL

- WHEREAS, James City County has completed a review of the Croaker 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 June 21, 2018, voted 9-0 to recommend renewal of the District; and
- WHEREAS, the Planning Commission following its public hearing on August 1, 2018, concurred with the recommendation of staff and the AFD Advisory Committee and voted 5-0 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 Croaker Agricultural and Forestal District (the "District") is hereby continued to October 31, 2022 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 right-of-ways is excluded from the District:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Hankins Land Trust	1530100044	119.00
William and Mary M. Apperson	1440100015	26.05
William and Mary M. Apperson	1440100015A	26.23
Ronald McManus, et al.	1530100043	119.85
Ronald McManus, et al.	1530100042	10.10
Ronald McManus, et al.	1530100036	40.40
Hazel M. Richardson & LA Richardson	1530100002	39.76
Hazel M. Richardson	1530100034	39.78
J. Rosalie Will, Trustee	1440100010	40.00
Stephanie L. Billon-Wolfe, Trustee	1440100009	49.08
Wenger Farms LLC	1320100018	95.30
Wenger Farms LLC	1410100001	150.00
Wenger Farms LLC	1410100014	143.50
Thomas B. Ballard	1530100035	53.17
Sharpe Family Properties, LLC	1530100018	16.05

William R. Atkins, Jr.	1530100019	16.40
William R. Atkins, Jr	1530100029	30.94
Milly Wallis	1540100004	40.00
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Thomas B. Ballard	1530100032	16.22
Wenger Farms, LLC	1410100007	7.00
Katherine G. & William Mann	1510400003	50.00
Mitchell Family Ltd. Partnership	0740100002	48.49
Total:		<u>1,182.23</u>

3. That pursuant to Sections 15.2-4312 and 15.2-4313 of the Act, the Board of Supervisors requires that no parcel in the 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 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. No land outside the Primary Service Area and within the District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. 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.

*Ruth M. Larson*

Ruth M. Larson  
Chairman, Board of Supervisors

ATTEST:

*Teresa J. Fellows*  
Teresa J. Fellows  
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MC GLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ICENHOUR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SADLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2018.

## § 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 may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.



**ITEM SUMMARY**

DATE: 3/6/2019

TO: The Planning Commission

FROM: Roberta Sulouff, Senior Planner

SUBJECT: AFD-18-0020. 8328 Diascund Road Mill Creek AFD Addition

---

**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Attachment 1. Location Map	Backup Material
▣	Attachment 2. Mill Creek 2018 AFD Renewal Staff Report and Ordinance	Backup Material
▣	Attachment 3. State Code Regarding AFD Application Criteria	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	2/27/2019 - 11:32 AM
Planning Commission	Holt, Paul	Approved	2/27/2019 - 11:32 AM
Publication Management	Burcham, Nan	Approved	2/27/2019 - 11:35 AM
Planning Commission	Holt, Paul	Approved	2/27/2019 - 11:42 AM

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**Agricultural and Forestal District-18-0020. 8328 Diascund Road Mill Creek AFD Addition**

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**Staff Report for the March 6, 2019, Planning Commission Public Hearing****SUMMARY FACTS**

Applicant: Mr. John Michael Sim

Land Owner: Mr. John Michael Sim

Proposal: Addition of  $\pm$  10 acres to the Mill Creek Agricultural and Forestal District (AFD)

Location: 8328 Diascund Road

Tax Map/Parcel No.: 1040100001A

Project Acreage:  $\pm$  10 acres

Current Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area: Outside

Staff Contact: Roberta Sulouff, Senior Planner

**PUBLIC HEARING DATES**

AFD Advisory Committee: January 24, 2019, 4:00 p.m.

Planning Commission: March 6, 2019, 6:00 p.m.

Board of Supervisors: April 9, 2019, 5:00 p.m. (tentative)

**FACTORS FAVORABLE**

1. With the proposed Ordinance, the proposal is compatible with surrounding development.

2. The proposal is consistent with the recommendations of the James City County Comprehensive Plan adopted in 2015, "*Toward 2035: Leading the Way*".
3. The proposal is consistent with local and State Code governing the addition of lands into AFDs.

**FACTORS UNFAVORABLE**

1. No factors unfavorable.

**STAFF RECOMMENDATION**

Staff finds that the proposed addition meets all state and local requirements for inclusion in the Mill Creek AFD and recommends that the Planning Commission recommend approval of the proposed addition to the Mill Creek AFD subject to the conditions listed in the attached Ordinance.

**AGRICULTURAL AND FORESTAL DISTRICT ADVISORY COMMITTEE RECOMMENDATION**

At its January 24, 2019 meeting, the AFD Advisory Committee voted 7-0 to recommend approval of this addition to the Planning Commission and Board of Supervisors.

**PROJECT DESCRIPTION**

- Mr. John Michael Sim has applied to enroll  $\pm$  10 acres of land located at 8328 Diascund Road into the Mill Creek AFD.
- The proposed addition includes the entirety of the subject parcel.
- The parcel is currently undeveloped and wooded.

- Per the United States Department of Agriculture Soil Survey, the majority of soil on this parcel is Craven-Uchee Complex, 6-10% slopes (11C) and Emporia Complex 15-25% slopes (15F) and Kempsville-Emporia fine sandy loams 2-6% slopes (19B). The Soil Survey indicates that both 11C and 15F soils have moderately high potential for the production of important trees with very limited or insignificant limitations on production such as slope, seedling mortality and potential equipment usage limitations.

### **DISTRICT HISTORY**

- The Mill Creek AFD was created in 1986 for a term of four years and originally consisted of 28 parcels totaling ± 3,547 acres.
- The District was renewed at four-year intervals again in 1990, 1994, 1998, 2002, 2006, 2010, 2014 and 2018 with various additions and withdrawals taking place during that period.
- If this addition is approved the District would consist of approximately 3,223.66 acres.

### **SURROUNDING ZONING AND DEVELOPMENT**

All surrounding properties are zoned A-1, General Agricultural and designated Rural Lands on the Comprehensive Plan.

### **COMPREHENSIVE PLAN AND ZONING**

The Comprehensive Plan designates this parcel as Rural Lands. Appropriate primary uses in Rural Lands include traditional agricultural and forestal activities. Land Use Action 6.1.1 of the 2035 Comprehensive Plan states the County shall “support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*.”

### **STATE AND LOCAL CODE**

- Section 15.2-4301 of Virginia State Code, Agricultural and Forestal Districts Act-Declaration of policy findings and purpose states that:

*“It is the policy of the Commonwealth to conserve and protect and to encourage the development and improvement of the Commonwealth's agricultural and forestal lands for the production of food and other agricultural and forestal products. It is also the policy of the Commonwealth to conserve and protect agricultural and forestal lands as valued natural and ecological resources which provide essential open spaces for clean air sheds, watershed protection, wildlife habitat, as well as for aesthetic purposes...”*

- The State Code establishes the AFD Advisory Committee to:

*“...advise the local planning commission and the local governing body and assist in creating, reviewing, modifying, continuing, or terminating districts within the locality. In particular, the committee shall render expert advice as to the nature of farming and forestry and agricultural and forestal resources within the district and their relation to the entire locality.”*

- Section 15.2-4305 states that a parcel may be added to a district if it is directly contiguous to the core of the district, within a mile of the core, or directly contiguous to a parcel whose boundary lines are within a mile to the core. This parcel is directly contiguous to the core of the Mill Creek AFD.
- Section 15.2-4306 (Attachment No. 3) includes the factors for consideration in the addition of lands to AFDs. One such factor includes the presence of any significant forestal lands within the district and in areas adjacent thereto that are not now in active forestal production. The Code later states that the presence of



**Staff Report for the March 6, 2019, Planning Commission Public Hearing**

suitable soils may be considered in the determination of forestal significance.

**STAFF RECOMMENDATION**

Staff finds that the proposed addition meets all state and local requirements for inclusion in the Mill Creek AFD and recommends that the Planning Commission recommend approval of the proposed addition to the Mill Creek AFD subject to the conditions listed in the attached Ordinance.

RS/nb  
AFD18-20-8328DiascundRd

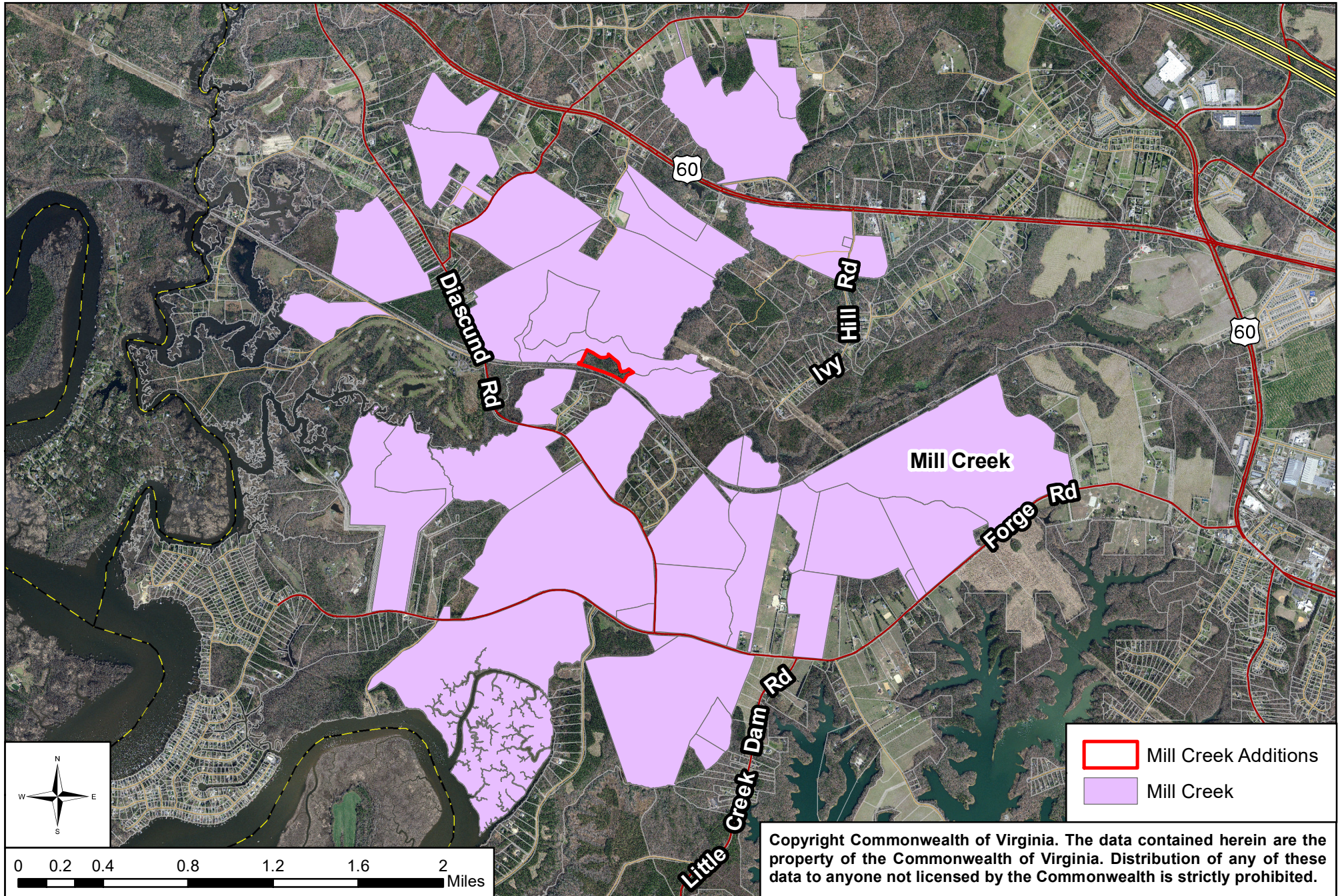
Attachments:

1. Location Map
2. Mill Creek AFD 2018 Renewal Staff Report and Ordinance
3. State Code Regarding AFD Application Criteria



# JCC AFD-18-0020

## Mill Creek 8328 Diascund Rd Addition





**AGRICULTURAL AND FORESTAL DISTRICT-07-86-1-2018. Mill Creek Renewal****Staff Report for the September 11, 2018, Board of Supervisors Public Hearing****SUMMARY FACTS**

<u>LAND OWNERS</u>	<u>PARCEL ID</u>	<u>±ACRES</u>
Cowles-Lobbs LLC	2020100006	352.96
Dale Cowles Henderson & John Cowles Dozier, et al.	2020100003	102.66
Dale Cowles Henderson & John Cowles Dozier, et al.	20201000001	8.75
Mayes D. & Cheryl M. Matthews	2110100005	46.01
Pamela C. & Steve L. Massie	1130100028	98.76*
Pamela C. & Steve L. Massie	1130100028A	32.74*
Richard W. & Margaret Krapf	1140100006	4.73
Nancy Cottrell Kruse & M. Anderson Bradshaw	1140100002	297.28
Cowles-Cowlesville LLC	1040100005	249.88
Cowles-Cowlesville LLC	1040100006	124.76
J. Michael Sim	1040100003	103.26
8700 Barnes Road LLC	1010100037	104.00
Sarah H. Armistead	1010100038	50.00
Daniel R. & Marion Virginia Winall	1030100019	97.59
Pamaka, LLC	1020100017	242.70*
Albert T. & Joan Lloyd Slater	1010100028	69.69
McRae O. Selph	1010100007	50.00
Walter N. Marshall, III Trustee	1140100005	79.94
Martha M. Ware Trust	2020100002	57.41
Christopher M. Ware	0920100036	39.13*
Pamaka, LLC	1030100003	45.80*
<i>Ralph Benjamin Dozier, Charles Norris Dozier III &amp; Mary Elizabeth Sink</i>	<i>2020100005</i>	<i>186.16**</i>
Ralph Benjamin Dozier, Charles Norris Dozier III & Mary Elizabeth Sink	2020100007	16.50
Ralph Benjamin Dozier, Charles Norris Dozier III & Mary Elizabeth Sink	2020100008	12.00
Dennis P. & Christina A. Weygand	1030100013	34.02
John M. L. Barnes Estate	1020100004	215.76
John M. L. Barnes Estate	1110100001	29.00

Cowles-Cowlesville LLC	2010100002	2.00
Randolph G. & Michelle H. Gulden	1020100012	62.20
Randolph G. & Michelle H. Gulden	1020100032	25.00
John E. & Elaine M. Sharp	0940100008N	57.81
John G. & Marie Antoinette Findlay	0940100008H	118.29
Richard F. Abbitt Investment LC	0920100040	95.51
Ivy Hill LLC	1110100013	100.18
Ivy Hill LLC	1110100024	1.18
<b>TOTAL ACRES</b>		<b>3,213.66</b>

\* Updated parcel acreage based on boundary survey

\*\* Requesting to withdraw a portion of property

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area  
(PSA): Outside and Inside

Staff Contact: Savannah Pietrowski, Senior Planner

**PUBLIC HEARING DATES**

Planning Commission: August 1, 2018, 6:00 p.m.

Board of Supervisors: September 11, 2018, 5:00 p.m.

**STAFF RECOMMENDATION**

Approval, subject to the proposed conditions.

**AGRICULTURAL AND FORESTAL DISTRICT (AFD) ADVISORY COMMITTEE RECOMMENDATION**

At its June 21, 2018 meeting, the AFD Advisory Committee voted 9-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.



## **PLANNING COMMISSION RECOMMENDATION**

At its August 1, 2018 meeting, the Planning Commission voted 5-0 to recommend the continuation of the District to the Board of Supervisors.

## **DISTRICT HISTORY**

- The Mill Creek AFD was created in 1986 for a term of four years and originally consisted of 28 parcels totaling ±3,547 acres.
- The District was renewed in 1990, 1994, 1998, 2002, 2006, 2010 and 2014 for four-year periods. Various additions and withdrawals occurred throughout these years.
- Since the 2014 renewal, the Board of Supervisors approved the addition of ±101.36 acres and the addition of ±95.5 acres to the District.
- Acreages for parcels denoted with an asterisk (\*) in the summary facts table have been updated based on boundary surveys that have been recorded for these properties.

## **DISTRICT DESCRIPTION**

The Mill Creek AFD consists of ±3,213.66 acres, the majority of which are located along Forge Road or Diascund Road. The majority of the District contains either woodland or active agriculture. All parcels are zoned A-1, General Agriculture and are designated Rural Lands on the Comprehensive Plan.

Total acreage includes all the land in the above properties with the exception of all land within 25 feet of right-of-ways. This area has been excluded to allow for possible road and/or drainage improvements.

## **ADDITION/WITHDRAWAL REQUESTS**

Since the Planning Commission meeting, the owners of the property located at 1827 Forge Road (Parcel ID No. 2020100005) have requested to withdraw approximately 7.73 acres of their parcel from the District. The District will continue to meet minimum area requirements.

## **CHANGES TO CONDITIONS**

None.

## **SURROUNDING ZONING AND DEVELOPMENT**

The surrounding area consists mostly of forestland. The majority of the surrounding property is zoned A-1 and is designated Rural Lands on the Comprehensive Plan. The Chickahominy River is located to the west. The Barnes Swamp AFD is located to the north and the Wright's Island AFD is located to the south.

## **COMPREHENSIVE PLAN**

The Comprehensive Plan designates these parcels as Rural Lands. Land Use Action 6.1.1 of the adopted Comprehensive Plan states the County shall "support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*."

## **STAFF RECOMMENDATION**

Staff finds the Mill Creek AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Board of Supervisors approve the renewal of this AFD for a period of four years, subject to the conditions listed in the District Ordinance (Attachment No. 1).

**AGRICULTURAL AND FORESTAL DISTRICT-07-86-1-2018. Mill Creek Renewal**

---

**Staff Report for the September 11, 2018, Board of Supervisors Public Hearing**

SP/nb  
AFD-MillCrkRnw

Attachments:

1. Ordinance
2. Location Map
3. Property Owner withdrawal request for 1827 Forge Road
4. Adopted conditions for the Mill Creek AFD
5. Board of Supervisors staff report for the 2014 renewal of the Mill Creek AFD

# ADOPTED

SEP 11 2018

ORDINANCE NO. 169A-18

Board of Supervisors  
James City County, VA

AGRICULTURAL AND FORESTAL DISTRICT-07-86-1-2018

MILL CREEK 2018 RENEWAL

WHEREAS, James City County has completed a review of the Mill 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 June 21, 2018, voted 9-0 to recommend renewal of the District; and

WHEREAS, the Planning Commission following its public hearing on August 1, 2018, concurred with the recommendation of staff and the AFD Advisory Committee and voted 5-0 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 Mill Creek Agricultural and Forestal District (the "District") is hereby continued to October 31, 2022 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 right-of-way is excluded from the District:

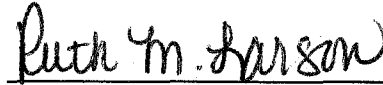
<u>Owner</u>	<u>Parcel No.</u>	<u>±Acres</u>
Cowles-Lobbs LLC	2020100006	352.96
Dale Cowles Henderson & John Cowles Dozier, et al.	2020100003	102.66
Dale Cowles Henderson & John Cowles Dozier, et al.	2020100001	8.75
Mayes D. & Cheryl M. Matthews	2110100005	46.01
Pamela C. & Steve L. Massie	1130100028	98.76
Pamela C. & Steve L. Massie	1130100028A	32.74
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J. Michael Sim	1040100003	103.26



8700 Barnes Road LLC	1010100037	104.00
Sarah H. Armistead	1010100038	50.00
Daniel R. & Marion Virginia Winall	1030100019	97.59
Pamaka LLC	1020100017	242.70
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McRae O. Selph	1010100007	50.00
Walter N. Marshall, III Trustee	1140100005	79.94
Martha M. Ware Trust	2020100002	57.41
Christopher M. Ware	0920100036	39.13
Pamaka LLC	1030100003	45.80
Ralph Benjamin Dozier, Charles Norris Dozier III & Mary Elizabeth Sink	2020100005	178.44
Ralph Benjamin Dozier, Charles Norris Dozier III & Mary Elizabeth Sink	2020100007	16.50
Ralph Benjamin Dozier, Charles Norris Dozier III & Mary Elizabeth Sink	2020100008	12.00
Dennis P. & Christine A. Weygand	1030100013	34.02
John M. L. Barnes Estate	1020100004	215.76
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John E. & Elaine M. Sharp	0940100008N	57.81
John G. & Marie Antoinette Findlay	0940100008H	118.29
Richard F. Abbitt Investment LC	0920100040	95.51
Ivy Hill LLC	1110100013	100.18
Ivy Hill LLC	1110100024	1.18
Total:		<u>3,205.94</u>

3. That pursuant to Sections 15.2-4312 and 15.2-4313 of the Act, the Board of Supervisors requires that no parcel in the 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 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. No land outside the Primary Service Area and within the District may be rezoning and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. 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 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 special use permits for WCFs on properties in the District that are in accordance with the County's policies and Ordinances regulating such facilities.



Ruth M. Larson  
Chairman, Board of Supervisors

ATTEST:



Teresa J. Fellows  
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ICENHOUR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SADLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2018.

AFD-MillCrkRnw-res

## § 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 may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.



**ITEM SUMMARY**

DATE: 3/6/2019

TO: The Planning Commission

FROM: Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: Planning Commission and Board of Zoning Appeals 2018 Annual Report

---

The 2018 Annual Report is attached for the Commission's review and consideration.

**ATTACHMENTS:**

	Description	Type
📎	2018 PC and BZA Annual Report	Exhibit

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	2/27/2019 - 3:38 PM
Planning Commission	Holt, Paul	Approved	2/27/2019 - 3:38 PM
Publication Management	Colonna, Tina	Approved	2/27/2019 - 3:52 PM
Planning Commission	Holt, Paul	Approved	2/27/2019 - 3:55 PM

# **PLANNING COMMISSION AND BOARD OF ZONING APPEALS 2018 ANNUAL REPORT**



**DEPARTMENT OF COMMUNITY DEVELOPMENT  
101-A MOUNTS BAY ROAD  
WILLIAMSBURG, VA 23185**

PLANNING DIVISION  
757.253.6685  
PLANNING@JAMESCITYCOUNTYVA.GOV  
WWW.JAMESCITYCOUNTYVA.GOV/404/PLANNING

ZONING DIVISION  
757.253.6671  
ZONING@JAMESCITYCOUNTYVA.GOV  
WWW.JAMESCITYCOUNTYVA.GOV/447/ZONING



## 2018 PLANNING COMMISSION ANNUAL REPORT

On behalf of the James City County Planning Commission, I am pleased to present our 2018 Annual Report.

<b>Number of Cases Reviewed by the Planning Commission</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Agricultural and Forestal District	1	1	1	13
Height Waiver	2	0	4	1
Master Plan	2	2	2	0
Rezoning	5	7	3	2
Special Use Permit	10	12	13	11

In 2016, the Planning Commission's Policy Committee commenced drafting new policies and ordinance amendments that would begin to replace residential proffers. In 2018, the Planning Commission adopted code amendments that focused on streetscapes, archaeology, natural resources, bicycle and pedestrian accommodations and traffic impact analyses. The Commission also adopted code amendments that were necessary due to changes by the General Assembly to the State Code.

In other business, the Commission adopted its first Policy regarding deferrals of Legislative Applications. From January to July 2018, the Commission spent significant time with staff, the Virginia Department of Transportation (VDOT) and its consultant, RK&K, working through the second and third phases of the Pocahontas Trail Corridor Study. The overall purpose of the study was to examine the Pocahontas Trail corridor between Fire Station 2 and James River Elementary School and engage the community in identifying key transportation needs and a vision for the future of the corridor. The Commission unanimously recommended approval of the recommendations in the study.

In 2018, the Commission also considered the renewal of 13 Agricultural and Forestal Districts, several Special Use Permits, and the consideration of rezoning a parcel in Norge for the Oakland Pointe apartments which generated much interest and public engagement for the year.

It has been an honor to serve with my colleagues and I would like to take this opportunity to thank them and the entire staff of the Planning Division for their hard work and dedication.

Heath Richardson, 2018 Planning Commission Chair

James City County Planning Commission



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## 2018 PLANNING COMMISSION

<b>Name</b>	<b>District</b>	<b>Appointment</b>	<b>Term Expires</b>
Heath Richardson** (Chair)	Stonehouse	2/25/2014	1/31/2019
Danny Schmidt** (Vice Chair)	Roberts	2/23/2016	1/31/2020
Rich Krapf**	Powhatan	1/23/2007	1/31/2022
Tim O'Connor**	At-Large	8/10/2010	1/31/2021
Jack Haldeman**	Berkeley	1/10/2017	1/31/2021
Frank Polster**	Jamestown	2/01/2018	1/28/2022
Julia Leverenz**	At-Large	2/27/2018	1/31/2022

## 2018 PLANNING DIVISION STAFF

Paul D. Holt, III, AICP, CNU-A, CFM, Director of Community Development and Planning\*\*

Ellen Cook, AICP, Principal Planner

Tammy Rosario, AICP, Principal Planner

Jose Ribeiro, AICP, Senior Planner II

Scott Whyte, AICP, Senior Landscape Planner II

Alex Baruch, Senior Planner

Savannah Pietrowski, Senior Planner

Roberta Sulouff, Senior Planner

Thomas Wysong, Senior Planner

Tori Haynes, Planner

Tom Leininger, Planner

Beth Klapper, Community Development Assistant

John Risinger, Community Development Assistant

Katie Pelletier, Community Development Assistant

## 2018 ZONING DIVISION STAFF

Christy Parrish, CZA, CFM, Zoning Administrator

Terry Costello, CZA, Deputy Zoning Administrator

John Rogerson, CZA, Senior Zoning Officer

Louis Pancotti, CZA, Senior Zoning Officer

\*\*Virginia Certified Planning Commissioner

AICP – American Institute of Certified Planners

CNU-A – Congress for the New Urbanism – Accredited

CZA – Certified Zoning Administrator

CFM – Certified Floodplain Manager

## INTRODUCTION

The James City County Planning Commission (Commission) is composed of seven members, one member from each of the County's five magisterial districts (Powhatan, Roberts, Stonehouse, Jamestown, Berkeley) and two at-large members. Members are required to participate on one or two subcommittees: Development Review Committee (DRC) and the Policy Committee. The DRC reviews subdivisions and site plans for consistency with approved master plans, County Zoning and Subdivision Ordinances, the Comprehensive Plan, and other Board-adopted policies. The Policy Committee works with staff to (1) prioritize Capital Improvements Program (CIP) requests in accordance with the Comprehensive Plan, and (2) address specific planning-related issues such as policy and ordinance revisions.

*Townhomes in Liberty Crossing*



## PLANNING COMMISSION RESPONSIBILITIES

The Board appoints members to the Commission to review cases and make recommendations regarding land use, transportation, public facilities and utilities. The Commission shall, among other activities:

- Update and coordinate the implementation of the County's Comprehensive Plan;
- Review and make recommendations to the Board of Supervisors on rezoning, master plan, special use permit, subdivision and site plan applications;
- Consider and prepare policy and ordinance revisions;
- Assess the annual CIP priorities; and
- Participate in community planning forums and committee studies.

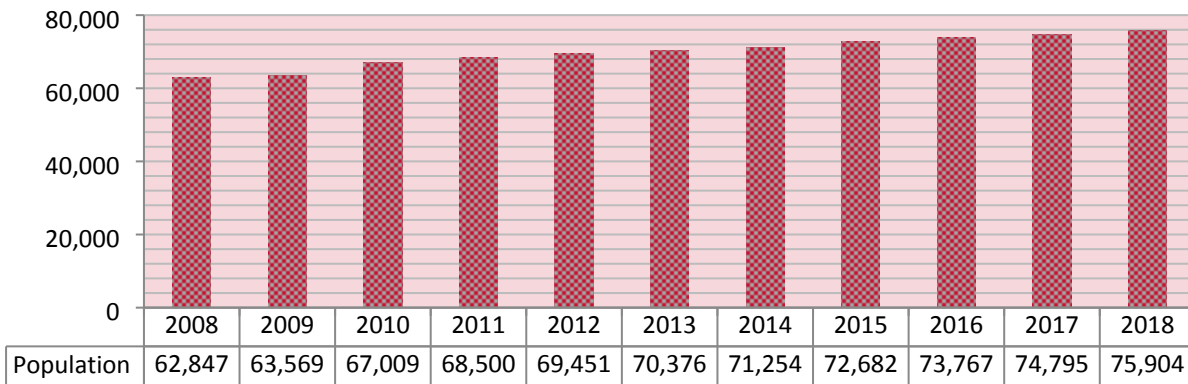
2018 Planning Commission Schedule		
Regular Meetings		Work Sessions & Special Meetings
January 3 (canceled)	July 3	March 19*
February 7	August 1	May 22**
March 7	September 5	
April 4	October 17	
May 2	November 7	
June 6	December 5	

\*Organizational and CIP Recommendation Meeting

\*\*Joint Work Session with Board of Supervisors

## DEVELOPMENT AND GROWTH

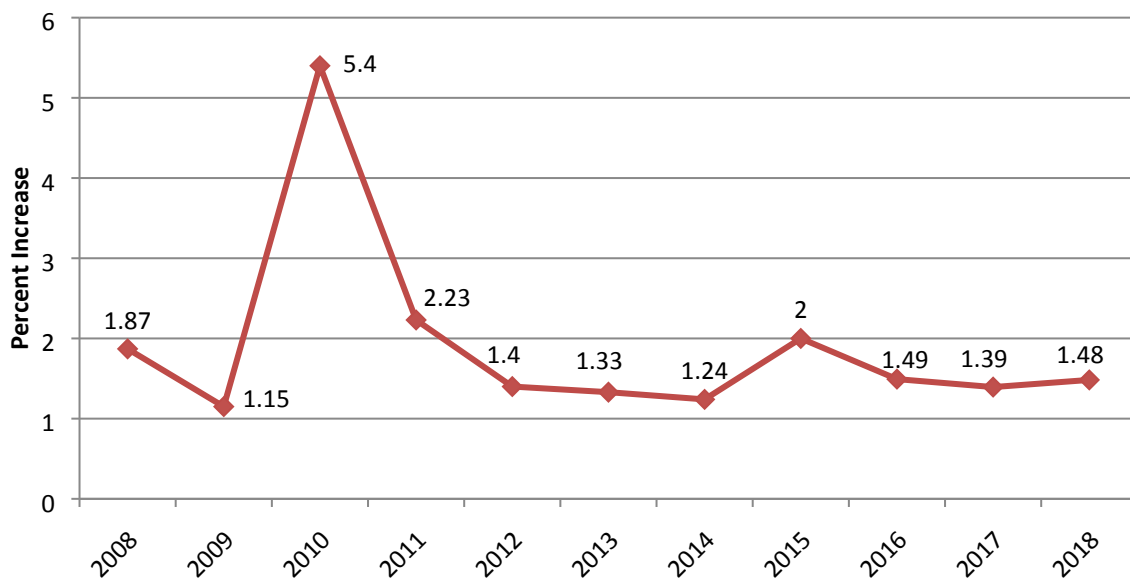
### James City County Population



Source: Staff population estimates (2008-2009, 2011-2018) and United States Census Bureau (2010).

Note: Staff population estimates are as of December of the year indicated.

### Percent Annual Population Increase



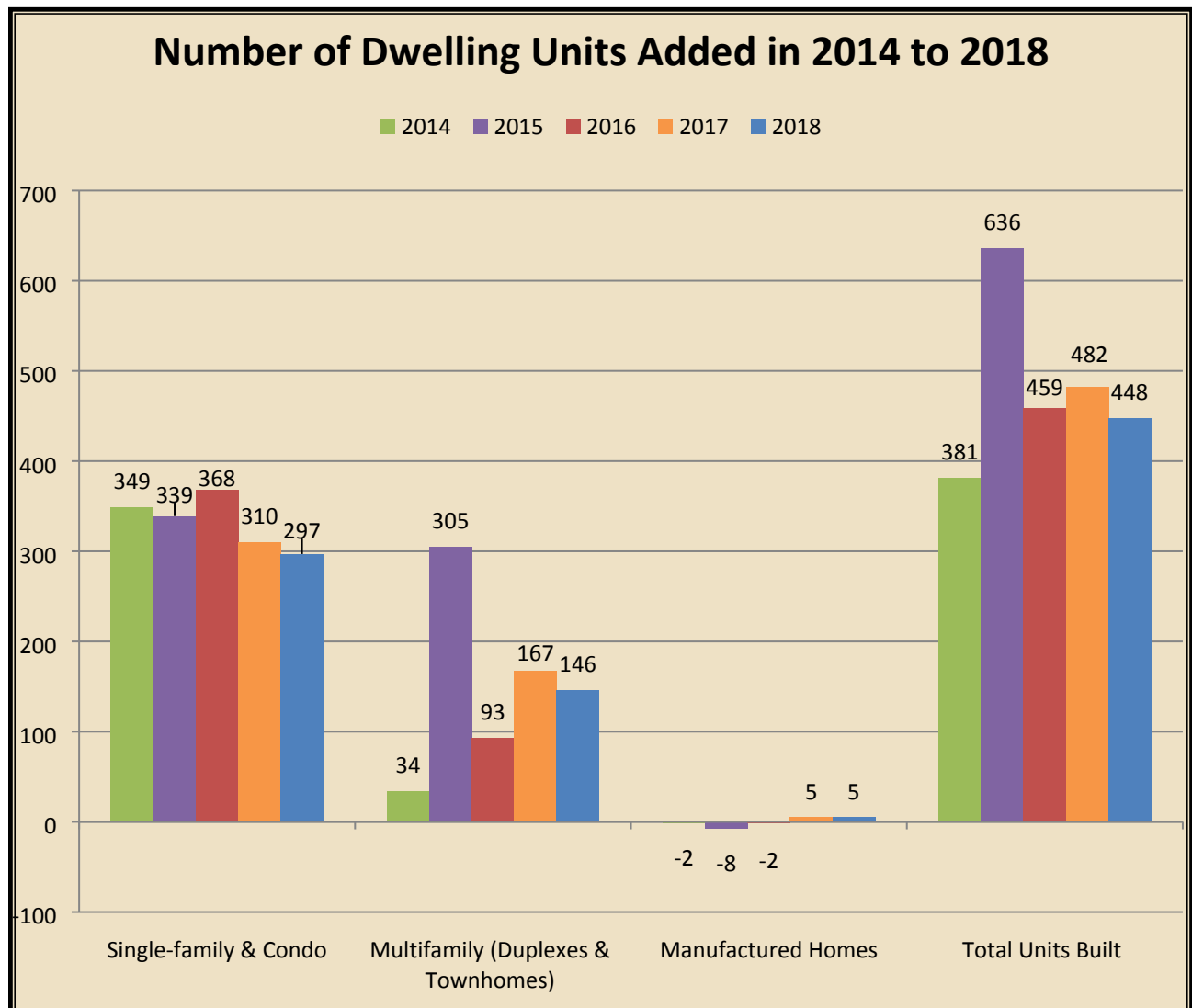
The apparent “jump” in population numbers between the years 2009 and 2010 represented in the above graphic by a sharp vertical line does not reflect real population growth; rather, the “jump” is attributed to a recalibration of the population figure based on new data from the U.S. Census Bureau released in 2010.



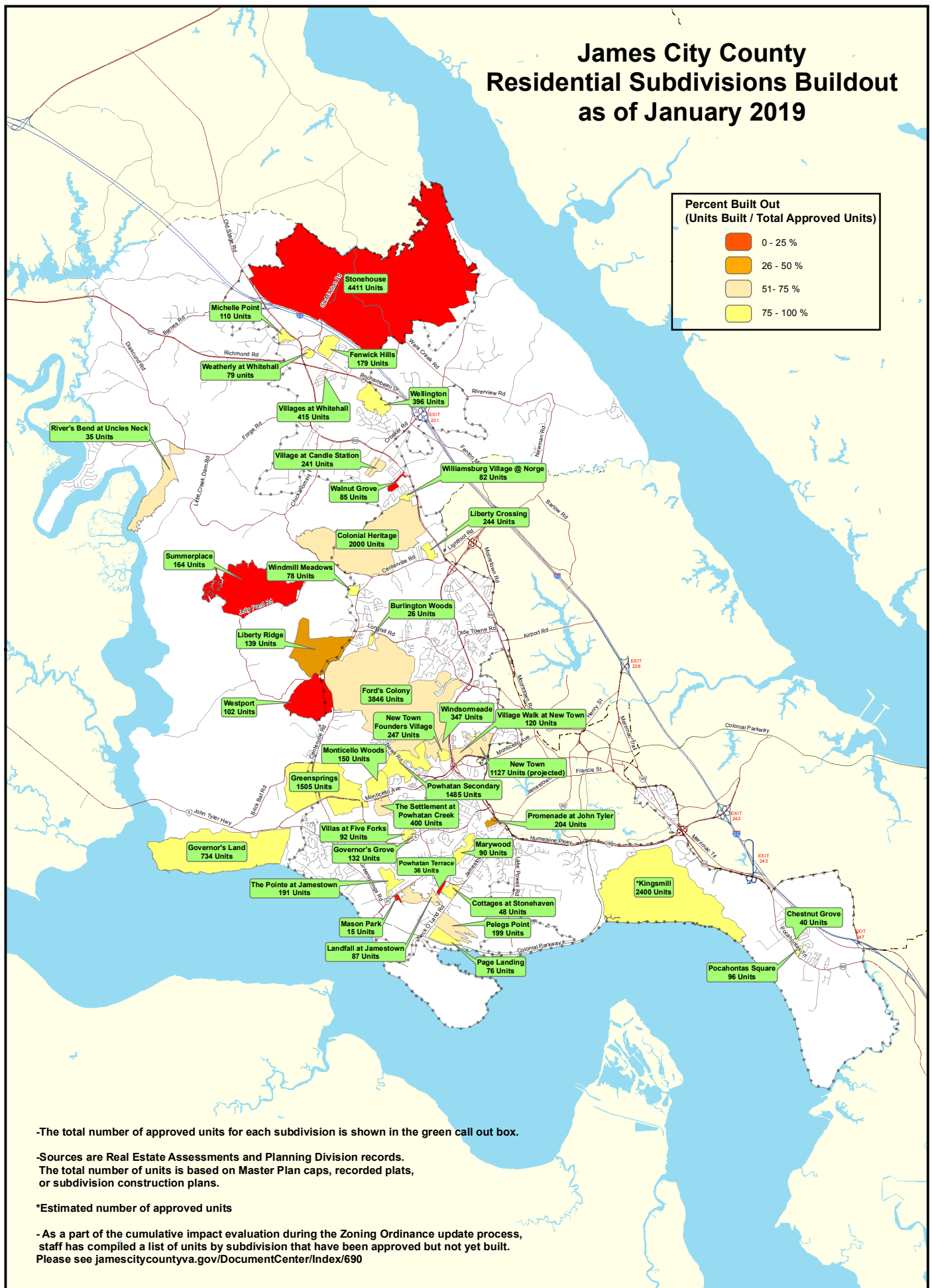
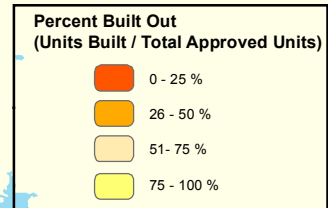
Number of Dwelling Units Added in 2014 to 2018					
Calendar Year	Single Family & Condo	Multi-Family (includes duplexes and townhomes)	Manufactured Homes	Total Number of Dwelling Units Added Each Year	Total Unit Count*
2014	349	34	-2	381	31,724
2015	339	305	-8	636	32,360
2016	368	93	-2	459	32,819
2017	310	167	5	482	33,301
2018	297	146	5	448	33,749

As of 2010, the U.S. Census Bureau no longer provides a breakdown of dwelling units by housing type.

\* The Total Unit Count represents the total net number of dwelling units in the County per the 2010 Census (29,797 dwelling units) plus the number of residential Certificates of Occupancy issued in 2016-2018. To better align with the date range for the Planning Commission Annual Report, data is now reported on a calendar year basis.



# James City County Residential Subdivisions Buildout as of January 2019



-The total number of approved units for each subdivision is shown in the green call out box.

-Sources are Real Estate Assessments and Planning Division records.  
The total number of units is based on Master Plan caps, recorded plats,  
or subdivision construction plans.

\*Estimated number of approved units

- As a part of the cumulative impact evaluation during the Zoning Ordinance update process,  
staff has compiled a list of units by subdivision that have been approved but not yet built.  
Please see [jamestownva.gov/DocumentCenter/Index/690](http://jamestownva.gov/DocumentCenter/Index/690)

## RESIDENTIAL SUBDIVISION BUILDING DATA / CUMULATIVE IMPACT DATABASE

The Residential Subdivision Buildout Map has been updated. Staff exported and coded data for all newly created parcels from Real Estate Assessments/GIS as part of the cumulative impact evaluation. Based on this information, staff has also updated the series of reports that provide detailed information for all subdivisions within James City County. Each report is organized by subdivision alphabetically or by election district.

The following reports are described below and posted in the Development Status Report folder under Forms and Publications then Policy Guidelines: <https://jamescitycountyva.gov/DocumentCenter/Index/690>

- “Development Status Report - All Data” - reports the number of vacant parcels, improved parcels, residential units and all parcel unit classifications. This report includes common areas, timeshares, public lands, commercial, etc. A summary of the data from this report is present in the table below:

Election District	Residential Unit Count	Vacant Parcels	Improved Parcels	Total Parcels
<b>Berkeley</b>	7,400	533	6,789	7,322
<b>Jamestown</b>	7,736	545	5,973	6,518
<b>Powhatan</b>	6,550	903	5,674	6,577
<b>Roberts</b>	6,934	587	5,361	5,948
<b>Stonehouse</b>	7,163	982	7,082	8,064
<b>TOTAL</b>	35,783	3,550	30,879	34,429

- “Residential Development Status Report - Residential Only,” provides information only on residential units and continuing care facilities. This report is condensed and excludes unit classification. The unit counts do not include common areas, timeshares, public lands, commercial, etc. An updated summary of the data from this report is presented in the table below:

Election District	Residential Unit Count	Vacant Parcels	Improved Parcels	Total Parcels
<b>Berkeley</b>	6,457	222	5,978	6,200
<b>Jamestown</b>	7,287	298	5,212	5,510
<b>Powhatan</b>	6,334	760	5,287	6,047
<b>Roberts</b>	6,933	286	5,000	5,286
<b>Stonehouse</b>	7,154	709	6,759	7,468
<b>TOTAL</b>	34,511	2,275	28,236	30,511

- “Residential Development Status Report - Schools” - displays information sorted by school districts. A report is provided for (1) elementary schools, (2) middle schools and (3) high schools.

As part of the FY19 budget, staff secured funding for several strategic plan initiatives to be accomplished during the upcoming Comprehensive Plan review. One of these initiatives was a cumulative fiscal, infrastructure, community character and environmental impact analysis of expanding the Primary Service Area (PSA). Staff will be soliciting bids for this effort in the upcoming year. Staff also is currently evaluating features within the new permitting software which may also aid with tracking capabilities.



## PLANNING COMMISSION HIGHLIGHTS AND ACTIVITIES

### DEVELOPMENT REVIEW

Development review activities consist primarily of rezonings, special use permits, site plans, subdivisions and conceptual plans.

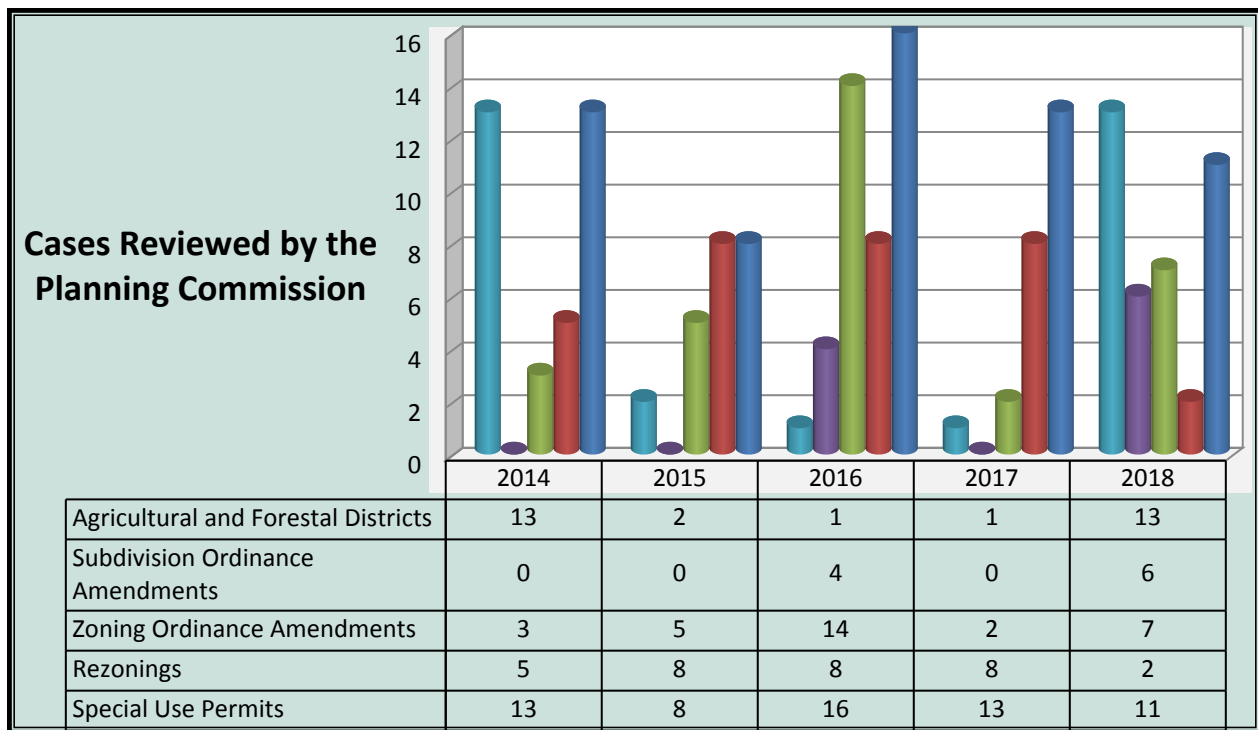
**Special Use Permits (SUP):** The Planning Commission reviewed 11 SUP applications including a request to renew the SUP for rental of rooms on Merrimac Trail; a request to allow a tourist home on Peach Street and a request to allow a tourist home on Ironbound Road; requests to renew the SUPs for two borrow pits on Blow Flats Road; a request to allow a weekend outdoor flea market adjacent to the new Lightfoot Antique Mall; a request to amend the SUP for Yard Works to allow for the manufacture and sale of wood products; a request to allow a detached accessory apartment; and a request to allow a place of public assembly for LifePointe Christian Church.

**Rezonings:** Two rezoning applications were considered by the Commission including a request to rezone 14.96 acres from A-1, General Agricultural to R-5, Multifamily Residential to allow the development of an affordable housing apartment complex, Oakland Pointe, on Richmond Road near the intersection with Croaker Road and a request to rezone 7.4 acres from R-5, Multifamily Residential to MU, Mixed Use to allow the operation of a mixed-use building including continuing independent living, assisted living and skilled nursing uses while adding a medical office at Colonial Manor.

**Master Plan:** No master plans or master plan amendments were brought before the Commission in 2018.

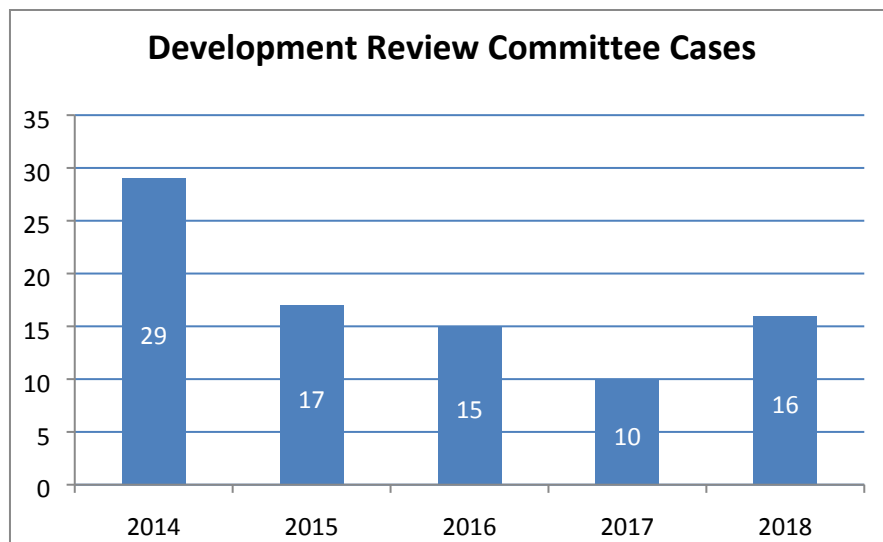
**Residential Units Legislatively Approved in 2018:** 126 residential units were recommended for approval by the Planning Commission with the Oakland Pointe rezoning; however, the Board of Supervisors has not yet heard this matter.

**Agricultural and Forestal Districts (AFDs):** The Planning Commission reviewed 13 AFD renewals as 2018 marked the required renewal point for all of the County's AFDs. All of the Districts were continued with only small changes to the total acreage enrolled in the AFD program. Additions to several AFDs will be reviewed early in 2019.



#### **DEVELOPMENT REVIEW COMMITTEE (DRC)**

The DRC reviewed 16 cases. These included C-0006-2018, 7250 Otey Off-Site Drain Field; C-0018-2018, Stonehouse Density Transfer 2018; C-0024-2018, Lightfoot McDonald's Remodel; C-0025-2018, Forest Heights/Neighbors Drive Rezoning Amendment; C-0038-2018, Chickahominy Riverfront Park Improvements; C-0039-2018, Stonehouse 2018 Proposed Master Plan Amendment; C-18-0091, 4621 Ware Creek Road - Overhead Utility Waiver; C-18-0064, 7083 Menzels Road Minor Subdivision; C-18-0071, BASF Temporary Overhead Power Line C-18-0082, 7082 Menzels Road; SP-0129-2017, Williamsburg Honda Parking Lot Expansion; SP-0130-2017, Berkeley's Green Recreation Area Amendment; SP-0003-2018, Chickahominy Riverfront Park Dumpster Pad and Fence; SP-0047-2018, 4521 John Tyler Highway McDonald's Site Improvements; S-0037-2012/SP-0071-2012, Walnut Grove; and S-0022-2018, 9812 Old Stage Road Minor Subdivision.



### **POLICY COMMITTEE**

Policy Committee review functions include reviewing the Capital Improvements Program as well as reviewing any changes to the Zoning and Subdivision Ordinances or Commission Bylaws.

In 2018, the Committee considered potential ordinance amendments which would clarify master plan consistency determinations; delete duplicate fee references; address protections for the public water supply and areas of public health and water quality sensitivity; address a Code of Virginia change prohibiting mandatory conceptual plans; address Code of Virginia changes regarding wireless communication facilities; and authorize the Board of Zoning Appeals to grant a reasonable modification in accordance with the Americans with Disabilities Act or state and federal fair housing laws.

The Committee also reviewed amendments related to bicycle and pedestrian accommodations, the archaeological policy and the natural resource policy that would address development impacts by incorporating certain requirements in the Zoning and Subdivision Ordinances.

The Committee also reviewed and recommended adoption of the Planning Commission Legislative Application Deferral Policy.



# PLANNING COMMISSION ACTIONS

## SPECIAL USE PERMITS

Case Number	Name of Project	Location	Acres	Case Description	Staff	PC	BOS
<b>SUP-0014-2017</b>	Yard Works SUP Amendment	3, 20 and 100 Marclay Road; 164 Waltrip Lane	49.9	Amendment to an existing SUP to allow the manufacture and sale of wood products.	Approval	Approval	Approval
<b>SUP-0012-2017</b>	Wendy's Toano	9210 and 9220 Old Stage Road; 9131 Barhamsville Road	6.33	Request to allow a ± 3,324-square-foot drive-through restaurant.	Approval	Approval	Approval
<b>SUP-0001-2018</b>	LifePointe Christian Church	8541 and 8851 Richmond Road	10.17	Request to establish a place of public assembly using the structures currently on-site and planning for future growth.	Approval	Approval	Approval
<b>SUP-0002-2018</b>	234 Peach Street Tourist Home	234 Peach Street	2.76	Request to allow for the short-term rental of an entire four-bedroom residential home.	Approval	Approval	Approval
<b>SUP-0004-2018</b>	3021 Ironbound Road Tourist Home	3021 Ironbound Road	0.69	Request to allow for the short-term rental of an entire two-bedroom residential home.	Approval	Approval	Approval
<b>SUP-18-0010</b>	Outdoor Flea Market at 6623 Richmond Road	6623 Richmond Road	11.09	Request to allow a weekend outdoor flea market with 15-20 vendors.	Approval	Approval	Approval
<b>SUP-18-0011</b>	750 Blow Flats Road Borrow Pit Renewal	750 Blow Flats Road	281	Request to renew an existing SUP to allow continued operation of a borrow pit-surface mine for sand and clay.	Approval	Approval	Approval

Case Number	Name of Project	Location	Acres	Case Description	Staff	PC	BOS
<b>SUP-18-0023</b>	700 Blow Flats Road Borrow Pit Renewal	700 Blow Flats Road	139	Request to renew an existing SUP to allow continued operation of a borrow pit-surface mine for sand and clay.	Approval	Approval	Approval
<b>SUP-18-0024</b>	Christ Community Church Multipurpose Building	9001 Richmond Road	19.2	Request to allow a place of public assembly (existing) with a proposed multipurpose building expansion.	Approval	Approval	Approval
<b>SUP-18-0026</b>	6096 Centerville Road Detached Accessory Apartment	6096 Centerville Road	4.52	Request to allow construction of a 374-square-foot detached accessory apartment.	Approval	Approval	Approval
<b>SUP-18-0029</b>	7206 Merrimac Trail Rental of Rooms Renewal	7206 Merrimac Trail	1.4	Request to renew an existing SUP that allows for the rental of up to three rooms in an owner-occupied home.	Approval	Approval	Approval

*Case numbering format changed after implementing PermitLink software in June 2018. Cases originating from the previous CaseTrak system use a "CaseType-XXXX-YYYY" format, and cases originating within the PermitLink system use a "CaseType-YY-XXXX" format.*

**REZONINGS**

Case Number	Name of Project	Location	Acres	Case Description	Staff	PC	BOS
<b>Z-0003-2017</b>	Oakland Pointe	7581 Richmond Road	14.54	Request to rezone ± 14.54 acres of land from A-1, General Agricultural to R-5, Multifamily Residential District for the purpose of constructing up to 126 apartment units.	Deferral	Deferral (Withdrawn)	
<b>Z-0002-2018</b>	Colonial Manor	8679 Pocahontas Trail	7.4	Request to rezone 7.4 acres of land from R-5, Multifamily Residential with proffers, to MU, Mixed Use with proffers, to permit the operation of a mixed-use building including the uses of independent living, assisted living, skilled nursing and a medical office.	Approval	Approval	Approval
<b>Z-18-0004</b>	Oakland Pointe	7581 and 7607 Richmond Road	14.96	Request to rezone ± 14.54 acres of land from A-1, General Agricultural to R-5, Multifamily Residential District for the purpose of constructing up to 126 apartment units.	Denial	Approval	Deferral

*Case numbering format changed after implementing PermitLink software in June 2018. Cases originating from the previous CaseTrak system use a "CaseType-XXXX-YYYY" format, and cases originating within the PermitLink system use a "CaseType-YY-XXXX" format.*



**AGRICULTURAL AND FORESTAL DISTRICTS**

Case Number	Name of Project	Acres	Case Description	Staff	PC	BOS
<b>AFD-02-86-1-2018</b>	Croaker Renewal	1,182.23	Renewal of District until 10/31/2022	Approval	Approval	Approval
<b>AFD-03-86-1-2018</b>	Hill Pleasant Farm Renewal	587.39	Renewal of District until 10/31/2022	Approval	Approval	Approval
<b>AFD-04-86-1-2017</b>	Pates Neck Renewal	755.3	Renewal of District until 10/31/2022	Approval	Approval	Approval
<b>AFD-05-86-1-2018</b>	Barnes Swamp Renewal	1,719.98	Renewal of District until 10/31/2022	Approval	Approval	Approval
<b>AFD-06-86-1-2018</b>	Cranston's Pond Renewal	774.31	Renewal of District until 10/31/2022	Approval	Approval	Approval
<b>AFD-07-86-1-2018</b>	Mill Creek Renewal	3,213.66	Renewal of District until 10/31/2022	Approval	Approval	Approval
<b>AFD-09-86-1-2018</b>	Gordon Creek Renewal	3,127.60	Renewal of District until 10/31/2022	Approval	Approval	Approval
<b>AFD-10-86-1-2018</b>	Christenson's Corner Renewal	1,179.32	Renewal of District until 10/31/2022	Approval	Approval	Approval
<b>AFD-11-86-1-2018</b>	Yarmouth Island Renewal	2,142.88	Renewal of District until 10/31/2022	Approval	Approval	Approval
<b>AFD-12-86-1-2018</b>	Gospel Spreading Church Renewal	1,133.18	Renewal of District until 10/31/2022	Approval	Approval	Approval
<b>AFD-01-89-1-2018</b>	Armistead Renewal	311.53	Renewal of District until 10/31/2022	Approval	Approval	Approval
<b>AFD-01-94-1-2018</b>	Wright's Island Renewal	1,496.55	Renewal of District until 10/31/2026	Approval	Approval	Approval
<b>AFD-01-02-1-2018</b>	Carter's Grove Renewal	316.14	Renewal of District until 10/31/2022	Approval	Approval	Approval

*Case numbering format for Agricultural and Forestal District Cases also changed after implementing PermitLink software in June 2018 and no longer references the AFD's creation (Ex: AFD-02-86-XX-YYY). The revised format is now consistent with all other cases.*

**Please note that some cases were omitted from this list as they had no Planning Commission action in 2018:**

- AFD-02-86-2-2018. 4450 Ware Creek Road Croaker AFD Addition
- AFD-05-86-2-2018. 10039 Old Stage Road Barnes Swamp AFD Addition
- AFD-18-0017. 9888 Sycamore Landing Road Croaker AFD Addition
- AFD-18-0019. 4928 Fenton Mill Road Croaker AFD Addition
- AFD-18-0020. 8328 Diascund Road Mill Creek AFD Addition
- AFD-18-0016. 365, 358 and 382 Ivy Hill Road Mill Creek AFD Addition

## ZONING ORDINANCE AMENDMENTS

Case Number	Case Name	Case Description	PC	BOS
ZO-0003-2017	Zoning Ordinance Amendments for Streetscapes	Creates a new section that lists standards and specifications for street trees in multifamily and apartment developments, or areas of multifamily or apartment units within a larger development.	Approval	Approval
ZO-0004-2018	Amendments to Delete References to Fees which are Set Forth in the County Code Appendix A - Fee Schedule for Development Related Permits	Removes references to fees which have been consolidated in Appendix A - Fees Schedule for Development Related Permits.	Approval	Approval
ZO-0002-2018	Ordinance Amendments for Bicycle and Pedestrian Accommodations	Adds bicycle improvements to many of the required pedestrian accommodation improvements based on the Historic Triangle Bikeways Master Plan, amends the construction standards and exemptions sections to ensure clarity and clarifies James City Service Authority (JCSA) and VDOT's roles in approving plans.	Approval	Approval
ZO-001-2018	Amendments for the Natural Resource Policy	Updates submittal requirements for rezoning and Special Use Permit applications to require an environmental inventory and/or a project review detailing Natural Heritage Resources and a Phase IA Archaeological Study, establishes standards and specifications for Natural Resource Inventories and establishes a requirement for the submittal of a Natural Resource Inventory and a Phase I Archaeological Study for site plans.	Approval	Approval



## ZONING ORDINANCE AMENDMENTS

Case Number	Case Name	Case Description	PC	BOS
ZO-0003-2018	Amendments for the Archaeological Policy	Updates submittal requirements for rezoning and Special Use Permit applications to require an environmental inventory and/or a project review detailing Natural Heritage Resources and a Phase IA Archaeological Study, establishes standards and specifications for Archaeological Studies and establishes a requirement for the submittal of a Natural Resource Inventory and a Phase I Archaeological Study for site plans.	Approval	Approval
ORD-18-007	Zoning Ordinance Amendment to Authorize the Board of Zoning Appeals to Grant a Reasonable Modification in Accordance with the Americans with Disabilities Act or State and Federal Fair Housing Laws, as Applicable	Amends Section 24-650 to simply adopt the powers granted by the Code of Virginia by referencing Section 15.2-2309 of the Code of Virginia.	Approval	No Action in 2018
ORD-18-0010	Amendments to Address a Code of Virginia Change Prohibiting Mandatory Conceptual Plans	Deletes language referencing the resubmittal of conceptual plans if required by the planning director, replaces language referencing required review by the DRC of enhanced conceptual plans with language referencing site plans and reorganizes this section, and replaces language referencing required review by the DRC of enhanced conceptual plans with language referencing site plans and reorganizes this section.	Approval	No Action in 2018

# **SUBDIVISION ORDINANCE AMENDMENTS**

Case Number	Case Name	Case Description	PC	BOS
SO-0001-2017	Subdivision Ordinance Amendments for Streetscapes	Adds submission of a landscape plan to the list of preliminary plan submittal requirements and creates a new section that lists the standards and specifications for street trees in major subdivisions.	Approval	Approval
SO-0004-2018	Amendments to Delete References to Fees which are Set Forth in the County Code Appendix A - Fee Schedule for Development Related Permits	Removes references to fees which have been consolidated in Appendix A - Fees Schedule for Development Related Permits.	Approval	Approval
SO-0002-2018	Subdivision Ordinance Amendments for Bicycle and Pedestrian Accommodations	Clarifies James City Service Authority and VDOT's role in approving plans.	Approval	Approval
SO-0001-2018	Amendments for the Natural Resource Policy	Establishes a requirement for the submittal of a Natural Resource Inventory for preliminary plans for subdivisions, with certain exemption criteria.	Approval	Approval
SO-0003-2018	Amendments for the Archaeological Policy	Establishes a requirement for the submittal of a Phase I Archaeological Study for preliminary plans for subdivisions, with certain exemption criteria.	Approval	Approval
ORD-18-0011	Amendments to Address a Code of Virginia Change Prohibiting Mandatory Conceptual Plans	Deletes language referencing the resubmittal of conceptual plans if required by the planning director.	Approval	No Action in 2018

## **MAJOR INITIATIVES**

### **ORDINANCE UPDATES AND PROCESS REVISIONS**

Throughout 2018, the Planning Division and Planning Commission worked on a variety of ordinance amendments, policy items and process improvements. Many of these were prompted by changes in the Code of Virginia, particularly those that affected the County's ability to receive proffers for residential developments. Others were in response to requests from the Board of Supervisors or were more housekeeping in nature. Some items were completed at a staff level, while others went through multiple stages of research, public input, refinement and review with the Policy Committee. Ordinance updates were highlighted in the previous table; additional Items that were completed are noted below:

- Planning staff drafted a Planning Commission Legislative Application Deferral Policy for the Policy Committee's consideration to enable the Planning Commission to have similar guidelines regarding deferral as the Board of Supervisors.
- Planning staff and the Policy Committee discussed potential amendments regarding the number of residential dwelling units that could be transferred via a master plan consistency determination that is made under Section 24-23 of the Zoning Ordinance.
- In June, Community Development staff launched EnerGov's Land Development and Asset Management Software, known as PermitLink, to provide and support interactive service and allow online transactions, among other benefits. In particular, staff worked to integrate all of the existing databases into the EnerGov system to create a better customer experience and to enhance communications between divisions.

### **POCAHONTAS TRAIL CORRIDOR STUDY**

From January to July 2018, James City County, VDOT and its consultant, RK&K, worked through the second and third phases of the Pocahontas Trail Corridor Study. The overall purpose of the study was to examine the Pocahontas Trail corridor between Fire Station 2 and James River Elementary School and engage the community in identifying key transportation needs and a vision for the future of the corridor. The study's scope included developing concepts, calculating cost estimates and recommending strategies to prioritize improvements along the Corridor.

On a regular basis, RK&K presented information to both a technical committee comprised of various agency stakeholders and a steering committee comprised of neighborhood, church and business representatives along the corridor. These committees provided feedback on the technical analysis and shared their perspectives on their vision for the corridor.

Following the technical analysis and work with the committees associated with each phase of the study, Planning staff and the consultant solicited broader public input. The efforts included a public workshop held January 24 at the Little Zion Baptist Church regarding preliminary concepts



and a web survey on the project website for community members who were not able to attend the workshop. Another workshop held on April 25 at Mount Gilead Church garnered additional input about the improvement concepts, including cost estimates and possible phasing options. Throughout the study period, the public was invited to follow the process and provide input via the corridor study website (<http://www.jamescitycountyva.gov/PocTrailStudy>).

After each phase of the study, the consultant briefed the Planning Commission and Board of Supervisors, culminating in the Planning Commission's recommendation of approval of the study in June and the Board of Supervisors' unanimous adoption in July. Planning staff and RK&K immediately utilized the study results in three separate applications to VDOT for Smart Scale funding.

### **TRANSPORTATION IMPROVEMENTS**

Staff aggressively pursued funding and worked toward construction of transportation improvements identified in the Comprehensive Plan adopted in 2015, *Toward 2035: Leading the Way*. Progress made on key projects included the following:

- Completion of construction of I-64 Widening - Segment 1
- Progress on construction of I-64 Widening - Segments 2 and 3
- Start of right-of-way (ROW) phase for Longhill Road widening - Phase 1
- Start of ROW phase for Olde Towne Road/Longhill Road intersection improvements
- Completion of Route 199/Brookwood Drive intersection improvements
- Start of ROW for Centerville Road/News Road intersection improvements
- Progress on preliminary engineering (PE) for Skiffes Creek Connector
- Start of PE for Croaker Road widening
- Additional funding for Pocahontas Trail multi-modal improvements
- Receipt of Transportation Alternatives funding for Safe Routes to Schools improvements and Clara Byrd Baker Elementary School and Five Forks
- Receipt of Revenue Sharing funding for roadway and stormwater improvements on Richmond Road in Toano and in various roadways in Grove



## 2018 JAMES CITY COUNTY PLANNING COMMISSIONERS



Heath Richardson, Chair  
Stonehouse District



Danny Schmidt, Vice Chair  
Roberts District



Rich Krapf  
Powhatan District



Tim O'Connor  
At-Large



Jack Haldeman  
Berkeley District



Frank Polster  
Jamestown District



Julia Leverenz  
At-Large

PLANNING DIVISION OF COMMUNITY DEVELOPMENT

101-A MOUNTS BAY ROAD

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## 2018 BOARD OF ZONING APPEALS ANNUAL REPORT

### 2018 BOARD OF ZONING APPEAL MEMBERS

Name	District	Appointment	Term Expires
William J. Geib , Chairman *	Powhatan	4/2013	3/31/2023
Stephen M. Rodgers, Vice Chairman	Berkeley	4/2011	3/31/2019
Ron Campana, Jr. *	Jamestown	8/2011	6/30/2021
Mark Jakobowski *†	Roberts	4/2018	3/31/2023
David Otey, Jr. *	Roberts	3/2010	3/31/2020

\* Virginia Certified BZA Member

† Virginia Certified Planning Commissioner

### INTRODUCTION

The James City County's Board of Zoning Appeals (BZA) is a five-member, quasi-judicial body appointed by the local circuit court to serve five-year terms. Any community adopting a Zoning Ordinance must also establish an appeals board for review of circumstances where landowners may be unjustly burdened by the Zoning Ordinance. The Board conducts public hearings to consider requests for variances to the County's Zoning Ordinance, as well as appeals of decisions made by the Zoning Administrator.

The definition of variance reads:

*Variance means, in the application of a zoning ordinance, a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land, or the size, height, area, bulk, or location of a building or structure when the strict application of the ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.*

The Board must find that the strict application of the Zoning Ordinance would unreasonably restrict the utilization of the property. Any decision made by the Board may be appealed to the James City County Circuit Court within 30 days.

State Code language places the burden of proof on the applicant with these five standards as the criteria:

*Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of a variance would alleviate a hardship*



*due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and*

- (i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;*
- (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;*
- (iii) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;*
- (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and*
- (v) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A4 of § 15.2-2286 at the time of the filing of the variance application.*

## MEETINGS

The James City County BZA is scheduled to meet the first Thursday of every month at 5 p.m. in Building F at the James City County Government Complex. The BZA met four times in 2018.

Board of Zoning Appeals 2018 Schedule	
February 1	June 7
March 1	December 6



## VARIANCES

Six applications for variances were considered in 2018. Two were for administrative variances and four applications went before the BZA. The synopses of the applications are as follows:

**ZA-0001-2018, 7801 Richmond Road** - This was an application for a variance to Section 24-216(a), Minimum Lot Width and Frontage, to reduce the required minimum lot width at setback for lots of five acres or more from 250 feet to 194.2 feet for the continued placement and proposed expansion of the existing dwelling. Staff recommended denial of the application based on criteria set forth by the General Assembly. However, staff recognized that the existing dwelling met the minimum lot width requirements at the time of construction and that the Zoning Ordinance changed in 1989, creating the nonconforming situation. This application was approved by the BZA on March 1, 2018.

**ZA-0002-2018, 3095 North Riverside Drive** - This was an application for a variance to Section 24-258(b), Yard Requirements, to reduce the required yard setback for accessory structures from 5 feet to 4 feet. This was to permit the continued placement of the existing garage. This application was approved by the Zoning Administrator on March 15, 2018.

**ZA-0003-2018, 106 Southeast Trace** - This was an application for a variance to Section 24-258(a), Yard Requirements, to reduce the required side setback from 10 feet to 9.8 feet on the left side of the property. This application was to allow for the continued placement of the single-family dwelling. This application was approved by the Zoning Administrator on March 6, 2018.

**ZA-0004-2018, 7213 Merrimac Trail** - This was an application for a variance to Section 24-39, Special Provisions for Lots for Public Utilities, to reduce the required setback from 15 feet from any property line to 2 feet from the rear property line. This variance allowed for the continued placement and proposed improvement of the existing Lift Station 5-4 Control Building. Staff recommended approval ensuring that JCSA remains in compliance with a State Consent Order and also to reduce flooding and overflow during heavy rain events. This application was approved by the BZA on June 7, 2018.

**BZA-18-0007, 8864 Richmond Road** - This was an application for a variance to Section 24-215(a), Setback Requirements, to reduce the required front building setback from 50 feet to 18.9 feet to allow for the continued placement and alteration of the existing front porch. Staff recommended denial of the application based on criteria set forth by the General Assembly. This application was approved by the BZA on November 1, 2018.

**BZA-18-0009, 5124 Grace Court** - This was an application for a variance to Section 24-258(b), Yard Requirements, to reduce the required rear yard setback from 35 feet to 26 feet to allow for the construction of a sunroom, deck and hot tub. Staff recommended denial of the application based on criteria set forth by the General Assembly. This application was denied by the BZA on December 6, 2018.

#### JAMES CITY BOARD OF ZONING APPEALS



From left to right: Ron Campana, Jr.; David Otey, Jr.; William J. Geib; Mark Jakobowski; and Stephen Rodgers

## COMPREHENSIVE PLAN - TOWARD 2035: LEADING THE WAY

Following the adoption of the County's Comprehensive Plan in June 2015, County staff and partner agencies made strides in implementing the Comprehensive Plan. Progress made on many items are noted below.

In addition, Planning staff began preparations for the five-year review of the plan, which is scheduled to get underway in late 2019. Activities included securing consultant funding, partnering with the City of Williamsburg and York County on a transportation study with the Hampton Roads Transportation Planning Organization, and engaging the Planning Commissioners on discussions regarding the scope of work for the review. Additional discussions with both the Planning Commission and the Board of Supervisors will occur in 2019 as the Planning Division works to establish the methodology and timeline for the review process.

## GOALS, STRATEGIES AND ACTIONS ANNUAL REVIEW

Most sections of the Comprehensive Plan include goals, strategies and actions (GSAs), which collectively provide a mechanism for turning the written guidance of the Comprehensive Plan into tangible steps that can affect positive change, either through action or by identification of areas where additional resources are needed. The Planning Commission Annual Report provides an update on the progress that has been made in implementing the GSAs.



The Workforce Housing Task Force conducted public outreach by sponsoring banners on WATA buses.

Specifically, the report lists tasks have been undertaken toward completion of actions previously identified as high priority. The Board of Supervisors will officially prioritize projects, based on available funding and resources, through the annual budget and Strategic Plan processes.

*Note: The following list focuses on completed high priority actions, as previously referenced in the 2009 Comprehensive Plan Implementation Schedule. The list does not include actions with lower priorities.*



<i>Tasks with a 0-5 year timeframe</i>	
<i>Action</i>	<i>Task Completed</i>
<b>ED</b>	<b>ECONOMIC DEVELOPMENT</b>
<b>ED 1.4.</b> Encourage private/public partnerships or similar initiatives to ensure the development and attraction of quality and innovative business ventures.	The Office of Economic Development (OED) and the Economic Development Authority (EDA) continue to seek opportunities for public-private partnerships. In 2018, several options were being considered regarding public-private partnerships on industrial sites. In 2019, an opportunity will be released for a new public-private partnership for the Amblers House.
<b>ED 1.6.</b> Update and support the recommendations of the Business Climate Task Force Report as determined by the Board of Supervisors.	In 2018, OED examined the recommendations from the Business Climate Task Force and looked to update the needs of County businesses through a survey.
<b>ED 2.2.</b> Consider establishing and expanding incentive zone(s) and other programs as allowed by the Code of Virginia.	OED staff continued to examine the implementation of a Technology Zone to replace the Enterprise Zone. Staff worked on creating a formal incentive policy that will allow checks and balances for prospective businesses and expansions. Governor Northam submitted 212 Opportunity Zones to the Treasury in April 2018, all of which were approved. The Grove area of James City County was officially designated an Opportunity Zone by the U.S. Department of Treasury in May 2018.
<b>ED 2.3.</b> Promote tourism and associated industries as a year-round industry.	During 2018, there were 53 posts created and published to the Tourism website. There were 201 posts to social media (Facebook and Twitter). The Tourism & Marketing Coordinator continued to partner with the Virginia Tourism Corporation and Greater Williamsburg Chamber & Tourism Alliance to highlight County businesses. More than 25,000 users visited explorejccva.com in 2018 and nearly a quarter of these visits derived from social media. The continued growth of outdoor recreation and the craft beverage industry both helped to promote the County as a year-round destination.
<b>ED 2.4.</b> Analyze the opportunities for development and expansion of healthcare business, medical research sector jobs and related services.	In August 2018, Presidents Pavilion at Patriots Colony opened. This addition brought the total independent living residences to 260 apartments and homes serving 400 residents. The investment in this phase of expansion of Patriots Colony totaled \$34.5 million dollars.

	Also, H&H Medical Corporation continued to expand its manufacturing efforts for its first aid products at its location in McLaws Circle. Brookdale Williamsburg and The Williamsburg Landing also underwent expansion in 2018.
<b>CC</b>	<b>COMMUNITY CHARACTER</b>
<b>CC 3.2.</b> Use the conceptual plan process to provide early input from staff and where appropriate, appointed or elected officials, to allow applicants to better assess critical issues with the goal of having a predictable and timely development plan approval process.	In 2018, Planning staff processed a record 125 conceptual plans.
<b>CC 7.1.</b> Update the Wireless Communications Division of the Zoning Ordinance as necessary to accommodate the use of new and emerging wireless communication services.	In 2018, Planning staff reviewed new state code provisions concerning wireless communication towers and began consideration of appropriate changes to the Zoning Ordinance.
<b>ENV</b>	<b>ENVIRONMENT</b>
<b>ENV 1.2.5.</b> Promoting early submission of environmental inventories in order to protect trees, County wetlands, and highly erodible soils; to save or most efficiently use permeable soils; and to limit impervious cover.	This effort was ongoing with all legislative cases. In 2018 Christ Community Church was one of the cases that the County received an early extensive environmental inventory.
<b>ENV 1.9.</b> Develop Total Maximum Daily Load (TMDL) Program Action Plans to address water quality impairments within James City County and the Chesapeake Bay, including proposed actions and implementation schedule. Begin implementation in accordance with the approved action plans.	The Chesapeake Bay TMDL Action Plan was submitted to the Department of Environmental Quality (DEQ) as a draft for the 2nd MS4 permit cycle in 2018.
<b>ENV 1.14.2.</b> Provide assistance as funding permits to identify failing neighborhood stormwater and drainage facilities and to implement repairs on a prioritized basis.	Throughout 2018, the Stormwater Division provided \$258,000 in matching grants through the Clean Water Heritage Program to Homeowners' Associations (HOAs) for maintenance of stormwater management facilities. Stormwater Division staff provided technical assistance to owners as part of grant program.

<b>ENV 4.3.</b> Through existing mechanisms such as encouraging enhanced pedestrian accommodations via a density bonus and reductions in required parking with approval of a mass or alternative transportation plan, or appropriate similar provisions, improve air quality and seek to reduce traffic congestion by promoting alternative modes of transportation and a reduction in auto dependency and trip distances.	In 2018, Planning staff worked on multimodal transportation improvements at the Croaker Road and Richmond Road intersection and with the Longhill Road widening and intersection improvements.
<b>H</b>	<b>HOUSING</b>
<b>H 2.1.</b> Support with technical assistance, referrals and funding when possible, the efforts of private and nonprofit entities to improve the condition of the County's housing stock.	Funding to Housing Partnerships Inc. (HPI) was reduced from \$60,000 to \$50,000 in 2018. Housing staff partnered with Housing Partnerships Inc. on eight Emergency Repair projects throughout the County.
<b>H 2.2.</b> Ensure that all housing in the County meets HUD's Housing Quality Standards.	In 2018, Housing staff conducted 346 inspections using Housing Choice Vouchers (HCV), which included 10 new Veterans Administration Supportive Housing (VASH) vouchers. Home Energy Loss Prevention (HELP) had four new applications completed, and Rural Homeowner Rehab conducted 10 additional inspections.
<b>H 2.4.</b> Continue to support, through marketing, partnering, or other means, programs that provide emergency home repair; preventive maintenance; and counseling in home finance, rental assistance, budgeting and sanitary health conditions.	The Virginia Housing Development Association (VHDA) Homebuyer Education Program had zero participants in 2018; however, the Group Financial Education Program conducted 58 workshops including Understanding Credit, Understanding Banking, Avoiding Scams, How To Be a Successful Renter, and Energy Conservation.
<b>H 2.5.</b> Continue to support, through marketing, partnering, or other means, private nonprofit groups such as Housing Partnerships, Inc., Habitat for Humanity, and the Community Action Agency.	Housing staff coordinated a relationship/conversation between Housing Partnerships Inc. and Habitat for Humanity to work toward a plan to build four homes on Forest Heights Road.
<b>H 2.6.</b> Continue to promote the deferred payment policy of the JCSA as a means to promote utility connections to existing homes in areas with health, safety, and general welfare concerns.	In 2018, Housing staff coordinated a request for assistance with utility connections for lots developed on Howard Drive and Moses Lane on behalf of Habitat for Humanity.
<b>H 2.9.</b> Continue efforts to attract funds from Federal	Housing staff completed four Rural Homeowner Rehabs in 2018.



and State sources for housing and neighborhood rehabilitation.	
<b>H 3.1.</b> Target publicly funded or publicly sponsored housing programs toward County residents and persons employed in the County.	In 2018, two homes were sold in Ironbound Square and one on Neighbors Drive. During this same time frame, the County also provided 13 Employer Assisted Homeownership Program matching funds to employees.
<b>H 3.3.</b> Continue to ensure that housing units constructed or rehabilitated with public funds remain affordable to families with low-to-moderate incomes.	County staff completed two Home Energy Loss Prevention (HELP) projects in 2018.
<b>LU</b>	<b>LAND USE</b>
<b>LU 1.5.</b> Collaborate with OED to investigate ways to maintain and promote an appropriate balance between residential and non-residential development and facilitate continued diversification of the local economy (i.e., study the amount and characteristics of land available for commercial/industrial development, etc.).	The County partnered with York County and the City of Williamsburg in 2016 to conduct a study of target industry sectors the region should pursue. The study recommended three target areas (advanced materials and components, food and beverage, and professional & technical services) in addition to two legacy sectors (tourism and defense) to grow our local region, both in terms of employment opportunities and tax revenue. OED staff continued efforts in this area throughout 2018.
<b>LU 3.1.2.</b> Engaging in joint planning efforts and allocating resources toward implementation.	Planning staff completed work with Newport News, York County, Joint Base Langley-Eustis and other regional stakeholders on the Joint Land Use Study, which was adopted by the Board of Supervisors in July 2018.
<b>LU 3.2.</b> Communicate with adjacent jurisdictions regarding development plans that have potential impacts on adjacent localities and public facilities. Work with them to coordinate plans and to identify and mitigate areas where there are conflicts.	Planning staff regularly communicates with adjacent localities when reviewing development plans near County borders, such as the site plan for 7-Eleven on Pocahontas Trail and SUP application for the proposed Wawa at Lightfoot.
<b>LU 3.3.</b> Continue to participate in regional planning processes with York County and the City of Williamsburg. Use the Historic Triangle Coordinated Comprehensive Plan Review Summary Report as a regional planning resource, particularly with regard to transportation and to land use issues in the three geographic focus areas (Riverside/Marquis/Busch,	Planning staff completed several courtesy reviews for York County in 2018, particularly near Lightfoot.

Lightfoot/Pottery, Northeast Triangle and Surrounding Area).	
<b>LU 4.2.</b> Provide for low density and moderate density residential development in appropriate locations inside the PSA and prohibit such development on rural lands outside the PSA.	On January 9, 2018 the Board of Supervisors approved a proffer amendment for the Powhatan Terrace development to allow apartment units. Planning staff also reviewed a rezoning and height waiver application for Oakland Pointe, proposing up to 126 apartment units.
<b>LU 4.4.</b> Encourage development of public facilities and the provision of public services within the PSA. As one component of this, restrict the extension of water and sewer utilities and the formation of new central sewer systems in areas outside the PSA. Extend water and sewer service in the PSA according to a phased plan in accordance with the County's Comprehensive Plan and JCSA's master water/sewer planning.	In 2018, extension of water and sewer utilities continued to conform to all applicable land use requirements and relevant planning documents such as the Comprehensive Plan and JCSA regulations and standards.
<b>LU 4.6.</b> Encourage developments which provide mixed use development, as further defined in the Mixed Use land use designation and development standards, within the PSA. Support design flexibility to promote mixing of various types of residential and non-residential uses and structures.	On September 11, 2018 the Board of Supervisors approved a rezoning for Colonial Manor which utilized the amendments to the Mixed Use district adopted in 2017.
<b>LU 4.7.1.</b> Encouraging multiple uses within office parks in the PSA to assure employees convenient access to shopping, services, and open space.	Staff reviewed 28 Change of Use applications in 2018 to allow new businesses to move into existing commercial spaces, many within existing office parks.
<b>LU 5.1.1.</b> Continuing to further develop and refine a model or models to assess and track the cumulative impact of development proposals and development on existing and planned public facilities and services.	Throughout 2018, the Planning Division continued to update the cumulative impacts tracking spreadsheet and included a comprehensive update as part of the Planning Commission's 2018 Annual Report. Staff has also implemented the Tyler software, which may facilitate development tracking in the future.
<b>LU 6.1.1.</b> Support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the Code of Virginia.	On July 10, 2018, the Board of Supervisors approved the renewal of the Pates Neck AFD. On September 11, 2018, the Board of Supervisors approved the renewal of the remaining 12 AFDs. All were renewed for

	a period of four years.
<b>PR</b>	<b>PARKS &amp; RECREATION</b>
<b>PR 3.3.</b> Submit grant applications to secure funds for new parks and recreation programs, services, facilities, and related transportation services.	In May 2018, the Parks and Recreation Department received a \$6,000 grant from the Chesapeake Bay Restoration Fund to conduct Environmental Education Days for its summer camps. In October 2018, staff submitted an application for the Chesapeake Bay Restoration Fund to conduct Environmental Education Days for the summer camps in 2019. Staff also worked with Stormwater Department throughout 2018 to submit grants for Marina improvements and shoreline stabilization at Chickahominy Riverfront Park (CRP).
<b>PR 6.5.</b> Incorporate leadership and volunteerism in teen programs in an effort to increase skill building and employability within the County.	In 2018, 25 teens participated in the Teens Toward Success (TTS) Program, volunteering 2,678 hours in Parks and Recreation programs. A total of 38 past TTS volunteers have been hired as recreation leaders since the program's inception. Parks and Recreation staff also led a six-member Youth Advisory Council of teens, grades 8-12; teens dedicated 90 hours of service, learning government processes, leadership development and community service.
<b>PR 8.1.</b> Enhance the partnerships with Williamsburg-James City County Schools to offer joint programming for health and wellness.	In 2018, the Parks and Recreation Department partnered with Williamsburg/James City County School's (WJCC) Nutrition Services to provide free summer meal programs to Grove, Forest Glen I and II and Lafayette Square/Village neighborhoods. The Parks and Recreation Department also partnered with the School Health Initiative Program (SHIP) to offer healthy cooking demonstrations to youth and families in the RECn' It Out Neighborhood Summer camp programs. The REC Connect program supported WJCC schools SHIP adult volleyball league. The children and staff attended games, cheered on faculty, made signs and assisted with scorekeeping.
<b>PF</b>	<b>PUBLIC FACILITIES</b>
<b>PF 4.1.</b> Utilize energy efficient heating, cooling, ventilation, lighting, and similar systems and designs for newly constructed facilities, and where feasible, for renovations of existing County facilities. Innovation and technology (such as that found in geothermal	In 2018, General Services continued to evaluate opportunities to upgrade equipment and monitored the equipment to minimize energy usage, consistent with policy and creature comfort.



heating and cooling systems, green roofs, and solar panels) should similarly be employed where feasible, and where appropriate levels of long-term sustainability, cost savings, efficiency, and durability can be clearly expected or demonstrated.	
<b>PF 5.1.</b> Evaluate the security of public schools and other County facilities from internal and external threats to better ensure the safety of citizens, visitors, and County staff, and to better protect County assets, sensitive data and data systems, the public water supply and property.	Throughout 2018, the Police Department evaluated County facilities to ensure safety. Also in 2018, the Fire and Police Departments advertised Active Shooter trainings to the community, to begin in January 2019.
<b>T</b>	<b>TRANSPORTATION</b>
<b>T 1.3.1.</b> Adding the road segment to the Six-Year Improvement Program and considering public-private partnerships among other mechanisms to fund proposed improvements.	In May 2018, Planning staff worked with VDOT and the Board of Supervisors to include improvements to Longhill Road, Croaker Road, and the Hick's Island Road bridge to the County's Six-Year Improvement Program, all of which were also priorities identified in the FY17-22 SSYP.
<b>T 2.5.</b> Coordinate with Williamsburg Area Transit Authority (WATA) and/or Hampton Roads Transit Authority (HRT) during review of development applications to ensure that proposals are conducive to incorporating the use of transit.	Throughout 2018, the Planning Division continued to work with WATA and developers to identify locations for bus routes and stops. In particular, Planning staff worked with staff from WATA and Parker View-Bay Aging Senior Apartments to provide a new bus stop.
<b>T 3.2.</b> Actively pursue additional local, State, Federal, and private funding to accelerate the construction for all needed modes of transportation facilities.	In October 2018, the County received funding from the Transportation Alternatives Program (TAP) for a Safe Routes to School project in the vicinity of Clara Byrd Elementary School. In August 2018, the County also applied for funds through Smart Scale for multi-modal improvements on Longhill Road.
<b>T 3.10.</b> Implement the adopted James City County Pedestrian Accommodations Master Plan and Regional Bicycle Facilities Plan by planning for bikeways and pedestrian facilities in primary and secondary road plans and projects.	Planning staff continued to evaluate both legislative and administrative development applications using the adopted Bicycle and Pedestrian Accommodations Master Plans throughout 2018. Such accommodations were considered in the case of the 7-Eleven on Route 60, resulting in a multi-use path connection to the Quarterpath development, and as part of several applications for subdivisions and

	developments throughout the County.
<i>Tasks with a 6-10 year timeframe</i>	
<i>Action</i>	<i>Task Completed</i>
<b>ED</b>	<b>ECONOMIC DEVELOPMENT</b>
<b>ED 5.1.</b> Encourage the rehabilitation of abandoned and/or underutilized facilities by promoting them to new business.	In 2018, OED staff updated all properties listed on the Virginia Economic Development Partnership's Virginia Scan as the software and website were overhauled. These properties included existing facilities that need rehabilitation.
<b>ED 7.1.</b> Participate in the development of master plans for the County's I-64 interchanges, specifically the Croaker Road and Barhamsville Road interchange areas, to preserve capacity for economic development for these areas.	Segment 2 of I-64 widening is under construction. Segment 1 was completed in 2017. Segment 2 should be completed in 2019 with Segment 3 under construction at that time. This project will increase capacity at multiple interchanges in James City County and provide for more reliable interstate travel for commercial and commuter trips.
<i>Tasks with a 10 + year timeframe</i>	
<i>Action</i>	<i>Task Completed</i>
<b>T</b>	<b>TRANSPORTATION</b>
<b>T 1.3.</b> Identify road segments with future moderate to severe road capacity deficiencies and develop a plan to mitigate congestion that may include one or more of the following actions:	Planning staff worked toward having Croaker Road, Longhill Road and the Skiffe's Creek Connector all identified as road segments in need of improvements on the Hampton Roads Transportation Planning Organization's adopted Long-Range Transportation Plan. In 2018, Planning staff worked with VDOT and the Board of Supervisors to include improvements to Croaker Road, Longhill Road and the Hick's Island Road bridge on the County's six-year plan.
<b>T 1.3.4.</b> Maximizing current road capacity by adding turn lanes or travel lanes, where appropriate, in a context sensitive manner.	Staff worked with VDOT to upgrade the intersection of Brookwood Drive and Route 199 in spring 2018. Staff also worked with VDOT and area stakeholders throughout 2018 to plan for transportation improvements on Pocahontas Trail, including the addition of a center turn lane.

<p style="text-align: center;"><i>Ongoing</i>  <i>(While tasks with an Ongoing timeframe represent items that will not have measurable yearly progress, the following items had substantial progress achieved in the last calendar year.)</i></p>	
Action	Task Completed
<b>ED</b>	<b>ECONOMIC DEVELOPMENT</b>
<b>ED 1.1.</b> Maintain an active and effective economic development strategy, which includes existing business retention and expansion, assistance to new business, new business recruitment and support to the tourism industry.	OED continued to refine its economic development strategy in conjunction with regional and state efforts. In October 2018, the Board of Supervisors approved James City County's joining the Regional Industrial Facility Authority. The Economic Development Authority held its annual retreat in December 2018 and developed its mission statement, "The Authority's mission is to assist and support James City County and the Office of Economic Development in fostering the development and expansion of a diversified and health base of primary businesses and industry to balance the tax base, increase job opportunities, enhance the quality of life in James City County and perform required statutory roles."
<b>ED 1.3.</b> Continue to emphasize the benefits of locating new business and industry within the Enterprise Zone.	Although the Enterprise Zone expired in 2016, OED continued to review potential incentives to replace the Enterprise Zone.
<b>ED 2.1.</b> Support the development of diverse types of retail and non-retail core business.	In 2018 efforts were on-going, including support for Launchpad, Start! Peninsula, Greater Williamsburg Partnership (GWP), and implementation of the target industry study. High Threat Concealment (HTC) opened in James City County in October 2018, bringing 15 new jobs to its 9,500-square-foot location in McLaws Circle. In 2017, HTC sold \$1.2 million in products. HTC is participating in the Virginia Leaders in Export Trade (VALET) program through the Virginia Economic Development Partnership (VEDP). In addition, OED is assisting SVT Robotics, a Launchpad client in the process of growing out of its Launchpad space.
<b>ED 4.1.</b> Work with the College of William and Mary Office of Economic Development and the Thomas Nelson Workforce Development Center in support of business attraction and expansion.	In 2018 OED staff continued to seek opportunities to partner with the College of William & Mary and Thomas Nelson Community College.
<b>ED 6.1.</b> Foster tourism development in James City	The third year of the concert series produced steady attendance with



County and the Historic Triangle by continuing to partner with the Greater Williamsburg Chamber and Tourism Alliance.	2,585 attending three events in 2018. Four total Jamestown Jams were scheduled, but July was canceled due to weather. The County has continued to work with the Greater Williamsburg Chamber & Tourism Alliance, and the Tourism & Marketing Coordinator participated in several committees.
<b>CC</b>	<b>COMMUNITY CHARACTER</b>
<b>CC 1.1.</b> Expect that development along Community Character Corridors (CCCs) protects the natural views of the area; promotes the historic, rural or unique character of the area; maintains the greenbelt network; and establishes entrance corridors that enhance the experience of residents and visitors.	In 2018 Planning staff reviewed SUP proposals for the Richmond Road CCC, including Christ Community Church and an outdoor flea market. Staff coordinated the landscape plan for the outdoor flea market. Staff also reviewed a proposal for a Wawa on Richmond Road which is mostly in York County, but the CCC buffer is within James City County. Staff also inspected the CCC buffer and berm on Route 199 for the Promenade development.
<b>CC 2.1.</b> In New Town, continue to support the design review process. Encourage developers to apply the design guidelines developed for Toano and Five Forks to projects within these areas. Within the other CCA boundaries, continue to establish development management and preservation techniques to meet specific historic preservation and community character needs. Encourage development patterns and building designs that maintain and reinforce the visual separation of CCAs.	In November 2018, Planning staff began reviewing a proposal to rezone a parcel adjacent to Courthouse Commons and New Town and encouraged the developer to present the case to the New Town Design Review Board. The proffers for the case aim to keep the development consistent with the design guidelines of both New Town.
<b>CC 2.2.</b> Expect that development along CCAs protects the natural views of the area; promotes the historic, rural or unique character of the area; maintains greenbelt network; and establishes entrance corridors that enhance the experience of residents and visitors.	Planning staff reviewed three separate development plans throughout 2018 which provided the Norge Center and the intersection of Croaker and Richmond roads with pedestrian accommodations along the road and internal to the shopping center. In 2018, Planning staff assisted with landscape design work to the northern end of Route 199 to renovate landscaping that was installed prior to 2007.
<b>CC 3.3.</b> Expect illustrative drawings, including streetscapes, architecture and perspectives as a binding component for appropriate rezoning and SUP applications.	In 2018, Planning staff reviewed illustrative drawings for the following developments: Christ Community Church, York County Wawa, Ironbound Road Self Storage and Ironbound Crossing.

<b>CC 4.1.</b> Protect farming and forestry from conflicting activities by utilizing the available tools to permanently preserve open space throughout the County and to encourage development to occur within the PSA.	In 2018 Planning staff processed the renewals for 13 AFDs. The Board of Supervisors renewed more than 16,000 acres for four-year terms.
<b>CC 5.3.</b> Improve the methods the County uses during planning, pre-construction, construction and post-construction phases to make sure tree preservation measures are properly performed, resulting in healthier trees, buffers and proper maintenance.	In spring 2018, Planning staff inspected the tree preservation, tree planting and berm for various developments, including the Promenade along Route 199 and the buffer screening at Winston Terrace.
<b>CC 6.1.</b> Expect archaeological studies for development proposals requiring legislative approval on lands identified by the James City County staff as warranting such study and require their recommendations to be implemented. In making the determination, staff will consult archaeological studies and seek the recommendation of representatives of the County's Historical Commission or other qualified archaeologists if necessary.	In 2018, Planning staff reviewed legislative cases and other development plans, as applicable, to determine if archaeology studies would be required. As an example, staff reviewed an archeology report for the Dominion Energy switching station, which was required to be submitted as a condition of its SUP.
<b>ENV</b>	<b>ENVIRONMENTAL</b>
<b>ENV 1.2.</b> Promote the use of Better Site Design, Low Impact Development (LID), and effective Best Management Practices (BMPs). Promote these techniques by:	This item was ongoing in 2018 as regulations require site development approach to include LID measures. Additionally, several rezonings or SUP applications in sensitive areas had conditions attached to the approvals requiring LID measures above and beyond the regulations.
<b>ENV 1.14.1.</b> Utilizing available resources, including enforcement of maintenance agreements and covenants.	In 2018, this program was still ongoing and mandated.
<b>ENV 1.16.</b> Increase education and use of sound policies such as watershed planning, agricultural BMPs, erosion control measures, stream bank buffers, and other nonpoint source controls in order to minimize negative effects of urban development and agricultural practices on water quality.	Stormwater and Resource Protection (Stormwater) staff worked on developing the Skimino Creek Watershed Management Plan throughout 2018.

<b>ENV 1.18.</b> Continue to develop watershed management plans for the remaining County watersheds that identify environmentally sensitive areas and specific protection, restoration, and retrofit recommendations.	As noted, Stormwater staff continued to work on the Skimino Creek (York River) Watershed Management Plan.
<b>ENV 3.5.</b> Continue to develop and enforce zoning regulations and other County ordinances that ensure the preservation to the maximum extent possible of rare, threatened, and endangered species; wetlands; flood plains; shorelines; wildlife habitats; natural areas; perennial streams; groundwater resources; and other environmentally sensitive areas.	In September 2018, the Board of Supervisors approved ordinance revisions which converted the National Heritage Resource Policy into an ordinance requirement for all eligible site plans.
<b>ENV 3.7.</b> Site development projects, including those initiated by the County, to be consistent with the protection of environmentally sensitive areas and the maintenance of the County's overall environmental quality so that development projects do not exacerbate flooding in flood prone areas.	In 2018, a rain garden/bioretention area was constructed at the Jamestown Event Park beach area to address ponding.
<b>ENV 4.1.</b> Continue to implement reduction strategies by reducing building energy and transportation fuel consumption.	General Services staff continued to actively conduct energy audits and closely monitored energy usage at all County facilities throughout 2018. Staff also held monthly Facilities Energy meetings to consider strategic opportunities for reducing energy. Normalized energy per square foot continued to decrease.
<b>PR</b>	<b>PARKS AND RECREATION</b>
<b>PR 2.1.</b> Continue to coordinate with VDOT, the Historic Triangle Bicycle Advisory Committee (HTBAC) and local running, hiking and bicycling clubs to develop a bikeway network consistent with the adopted Regional Bikeways Map and support the public provision of bicycle facilities by seeking County funding whenever feasible and by seeking non-County funding sources.	Staff continued to support and participate in committees such as VDOT's Pedestrian Bicycle Committee and HTBAC. The project to widen Longhill Road, entered its right-of-way acquisition phase and included the provisions of sharrows (a shared-lane street marking) and multi-use paths. Other continuing projects which include the provision of bike lanes/facilities are the Croaker Road Multi-use Trail and the Pocahontas Trail Multi-Modal project.
<b>PR 5.2.</b> Encourage new developments to dedicate right-of-way and construct sidewalks, bikeways, and	On November 16, 2018, a rezoning application for a residential development (Z- 18-0004, Oakland Pointe) was submitted. The



greenway trails for transportation and recreation purposes, and construct such facilities concurrent with road improvements and other public projects in accordance with the Pedestrian Accommodation Master Plan, the Regional Bikeways Map and the Greenway Master Plan.	application proposes a sidewalk and a new bike lane along the property's frontage with Richmond Road (and in accordance with the Pedestrian Accommodation Master Plan and the Regional Bikeways Plan). The proposal also includes approximately 2,500 linear feet of soft and hard surface trails.
<b>PR 5.3.</b> Encourage new developments requiring legislative review to proffer public recreation facilities consistent with standards in the Parks and Recreation Master Plan. New developments should have neighborhood parks with trails, bikeways, playgrounds, practice fields and open spaces.	Although cash contributions are no longer accepted by the County certain recreational improvements have been incorporated into master plans. One example of a project that has incorporated (or proposes to incorporate) its recreational improvements in a master plan is JCC Case No. Z-18-0004, Oakland Pointe (submitted for staff review in November 2018 and tentatively scheduled for Board of Supervisors consideration in February 2019).
<b>PR 6.3.</b> Continue to offer the Inclusion service and conduct assessments with persons with disabilities to ensure necessary accessibility for participation in recreation programs.	Parks and Recreation staff completed a total of 50 new assessments and provided 549 citizens with accommodations in programs, classes and facilities in 2018 (32 in Jan.-June; 18 in July-Dec.). Staff established a new partnership with Area 6 Special Olympics to offer additional sport programs for individuals with disabilities. Staff also completed an Americans with Disabilities Act (ADA) assessment in the outdoor developed areas at Freedom Park. The Inclusion Coordinator offered disability awareness and behavior modification training to specialty, sports and outdoor camp instructors and department staff. Finally, staff completed the ADA walkway at Jamestown Beach Event Park and installed a new pool lift chair at Upper County Park.
<b>PR 9.1.</b> Continue to disseminate brochures and keep up to date information on the website to inform County residents and visitors about County parks and recreational opportunities in accordance with approved public information plans.	Parks and Recreation staff produced 2018 Spring/Summer and Fall/Winter activity brochures. They used the County website, news flashes and social media to disseminate information about Parks and Recreation programs, events, activities and schedule updates. Centers program staff created and uploaded monthly calendars of land and water group fitness classes for the website. Staff also produced the <i>Rec Center Times</i> , a bi-monthly newsletter to keep patrons informed of Centers happenings. The newsletter is emailed to all pass holders, posted on the web, and printed for on-site pick-up, attended numerous corporate benefits fairs including the schools and Colonial Williamsburg

	<p>to disseminate information on classes and memberships, and created a Lounge Road Show to take to neighborhoods and civic organizations to increase awareness and membership. In addition, staff worked with Virginia Department of Game and Inland Fisheries to include the Greensprings Interpretive Trail and Chickahominy Riverfront Park in a newly developed brochure for the Virginia Birding &amp; Wildlife Trail customized for Williamsburg and the Lower Peninsula. They also worked with the James River Association and the Historic Rivers Chapter of Virginia Master Naturalists to develop a field guide to the flora and fauna of Powhatan Creek. The guide was printed and is available to check out for free to park users. Finally staff provided information at 28 community events such as WJCC's School Open House, Kindergarten Registration and Back to School Nights, Williamsburg Families' Summer Camp Fair and Grove Christian Outreach Bread Days. They created a new Sports &amp; Athletics website page to promote programs and updated the Outdoor website page that highlights programs in trips/excursions, summer camps, special events and classes and programs across all divisions.</p>
<b>PF</b>	<b>PUBLIC FACILITIES</b>
<b>PF 1.6.</b> Apply appropriate zoning, land use and other adopted County criteria when evaluating public facility sites and uses.	During 2018, Planning staff reviewed site plans for improvements at Stonehouse Elementary and the JCSA Control Building.
<b>PF 3.1.</b> Development should occur concurrently with the adequacy and accessibility of existing facilities and phased in accordance with the provision of new facilities and services.	Planning staff worked with the Planning Commission throughout the winter of 2018 to prepare the CIP recommendations for the Board of Supervisors' budget process. Planning staff also evaluated all legislative applications against public facility needs, with notable examples being the Oakland Pointe and Stonehouse rezonings.
<b>PF 5.4.</b> Prepare and maintain detailed emergency preparedness plans to protect the County's citizens, facilities and infrastructure.	In January 2018, James City County became StormReady with the National Weather Service. A Reception Assistance Center/Family Assistance Center Plan was exercised and completed. FEMA approved, and the Board of Supervisors adopted, the Debris Management Support Annex to the Emergency Operations Plan (EOP). Two more annexes were also completed, Emergency Support Function 11 -

	Agriculture and Natural Resources and Emergency Support Function 13 - Public Safety. Additionally, the Virginia State Animal Response Team declared us Community Animal Rescue Team (CART) "operational capable."
<b>PN</b>	<b>POPULATION NEEDS</b>
<b>PN 3.1.</b> Continue to pro-rate membership to community centers and cost of programs according to income.	Throughout 2018, Parks and Recreation programs and center memberships continued to be eligible for the department's discount assistance program. Discounts were based on gross household income and household size.
<b>PN 3.4.</b> Promote affordable senior housing options, from independent living to Continuing Care Retirement Communities (CCRCs) and skilled care for all.	Housing staff, in conjunction with Neighborhood Development staff, received a rural rehab grant. The grant focuses on low income, seniors with significant housing repair needs. The goal is to make significant housing improvements to 11 senior, qualifying Low and Moderate income homeowners in James City County.
<b>T</b>	<b>TRANSPORTATION</b>
<b>T 1.1.</b> Ensure that new development follows recommended densities, intensities and development patterns that will serve to preserve the road capacities and support CCC designations of existing and proposed roads.	In 2018, Planning staff reviewed the Stonehouse Master Plan and proffers amendment, the Hazelwood Farm traffic study, and the Lifepoint Community Church and median break.
<b>T 1.2.1.</b> Limiting driveways and other access points and providing shared entrances, side street access and frontage roads.	In November 2018, Planning staff reviewed the Oakland Pointe rezoning and recommended that the entrance to be reconfigured to provide better access from Richmond Road.
<b>T 1.2.3.</b> Concentrating commercial development in compact nodes or in Mixed Use areas with internal road systems and interconnected parcel access rather than extending development with multiple access points along existing primary and secondary roads.	In 2018, Planning staff continued to encourage these principles. For example, staff worked with the developers of the Wickre Street Dollar General to reduce truck traffic on Wickre Street.
<b>T 1.3.2.</b> Precluding high traffic generating uses in or near the affected road segment as allowed by the <i>Code of Virginia</i> .	Cases are evaluated on a case-by-case basis against this criteria; for example, In 2018, the Board of Supervisors cited traffic concerns in its discussions about rerouting traffic for the Oakland Pointe development.
<b>T 1.3.5.</b> Designing and implementing transit,	In 2018, Planning staff worked on providing multimodal transportation



pedestrian, and/or cycling alternatives along the corridor, including multi-use paths and paved shoulders.	options as part of the Longhill Road improvements, the Pocahontas Corridor Study and a Safe Routes to School application at Clara Byrd Baker Elementary School.
<b>T 2.1.</b> Continue to participate in the Hampton Roads Transportation Planning Organization (HRTPO), which serves as the transportation planning body for the region.	Planning staff continued to attend and be an active contributor to HRTPO's Transportation Technical Advisory Committee (TTAC). In 2018, the James City County Board of Supervisor's Chair served as Chair of that Committee.
<b>T 3.2.</b> Actively pursue additional local, state, federal and private funding to accelerate the construction for all needed modes of transportation facilities.	In 2018, the County applied for and received funding through the Transportation Alternatives Program, and also applied for SmartScale funding for the Pocahontas Trail corridor improvements and for closing a multi-use trail gap along the Longhill Road.
<b>T 3.5.</b> Work with VDOT to design new or enhanced complete streets that allow for the safe accommodation of automobiles, public transit, pedestrians, cyclists and other users.	In 2018, staff worked to ensure that complete street design is considered during the preliminary engineering phase of the Longhill Road widening project, the Croaker Road widening project, and as part of the Pocahontas Trail Corridor Study.

## **GLOSSARY OF TERMS**

AFD	Agricultural and Forestal District
BCTF	Business Climate Task Force
BMP	Best Management Practice
BOS	Board of Supervisors
CCA	Community Character Area
CCC	Community Character Corridor
CIP	Capital Improvements Program
CO	Certificate of Occupancy
DHCD	Virginia Department of Housing and Community Development
DCR	Department of Conservation and Recreation
DHR	Virginia Department of Historic Resources
DRC	Development Review Committee
EDA	Economic Development Authority
EOC	Emergency Operations Center
GSA	Goal, Strategy and/or Action
HOP	Housing Opportunities Policy
JCCRC	James City County Recreation Center
LEED	Leadership in Energy and Environmental Design
LID	Low Impact Development
LOS	Level of Service
MPO	Metropolitan Planning Organization
MSA	Metropolitan Statistical Areas
OED	Office of Economic Development
OHCD	Office of Housing and Community Development
PC	Planning Commission
PDR	Purchase of Development Rights
PLAT	Professional Landscape Assessment Team
PSA	Primary Service Area
SSPRIT	Subdivision / Site Plan Review Improvement Team
TDR	Transfer of Development Rights
VDOT	Virginia Department of Transportation
VHDA	Virginia Housing Development Authority

**ITEM SUMMARY**

DATE: 3/6/2019

TO: The Planning Commission

FROM: Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: Planning Director's Report - March 2019

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**ATTACHMENTS:**

	Description	Type
☐	Memorandum	Cover Memo
☐	Spreadsheet Listing New Applications Received	Cover Memo
☐	Proposed PC Schedule 2019 2020 (DRAFT)	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	2/27/2019 - 11:50 AM
Planning Commission	Holt, Paul	Approved	2/27/2019 - 11:50 AM
Publication Management	Burcham, Nan	Approved	2/27/2019 - 11:54 AM
Planning Commission	Holt, Paul	Approved	2/27/2019 - 11:57 AM



## **PLANNING DIRECTOR'S REPORT**

### **March 2019**

This report summarizes the status of selected Department of Community Development activities during the past month.

- **Planning**

- **Monthly Case Report:** For a list of all cases received in the last month, please see the attached documents.
- **Board Action Results:**
  - **February 12, 2019**
    - Z-18-0004 / HW-18-0004. Oakland Pointe.  
Deferred to the February 26 BOS Work Session (4-1)
  - **February 26, 2019**
    - Z-18-0004 / HW-18-0004. Oakland Pointe.  
Approved (4-1)

- **Building Safety & Permits**

- Theresa Soles attended a residential plan review training module at the Jack Proctor Virginia Code Academy. This training will enhance her ability to verify that residential plan submittals are complete and ready to enter the plan review queue.
- Tom Coghill is working on a *Building Code Effectiveness Grading Schedule* questionnaire for the Insurance Services Office. ISO uses the BCEGS document, along with a face to face interview with the Building Official, to evaluate how we enforce the building codes in JCC. ISO provides this information to insurers who may use the evaluations in underwriting property insurance policies. The JCC Building Safety and Permits division was previously evaluated by ISO in 2010.

- **Neighborhood Development**

- Workforce Housing Task Force met for the last time on February 19. The 16 member group, appointed by the Board of Supervisors, first met in December 2017. The Task Force was formed as a result of the 2035 Strategic Plan Goal #3: Expanding and Diversifying Local Economy. The Task Force submitted a final draft of its recommendations to the Board on January 22nd. The four recommendations cover:
  1. Housing Preservation
  2. Housing Production
  3. Housing Access
  4. Funding

Now that the Workforce Housing Task Force has completed its work, staff will develop an action plan as the Board has requested.



New Cases for March 2019

Case Type	Plan Number	Case Title	Address	Description	Assigned To	District
Conceptual Plan	C-19-0008	9333 Richmond Road Subdivision	9333 RICHMOND RD	Conceptual plan for 3 lot subdivision of 9333 Richmond Road.	Ribeiro, Jose	Powhatan
	C-19-0009	Harper's Station Assisted Living Facility	4101 MONTICELLO AVE	Conceptual plan for a 120 unit memory care / assisted living facility within The Settlement at Powhatan Creek.	Sulouff, Roberta	Berkeley
	C-19-0010	8231 Richmond Road, Bicast Inc.	8231 RICHMOND RD	Conceptual plan to rezone 8231 Richmond Road from A-1 to M-1 for laser engraving business.	Leininger, Thomas	Powhatan
	C-19-0011	3097 Ironbound Road Kitchen and Short Term Rental	3097 IRONBOUND RD	Conceptual plan for short term rentals and agricultural tourism business at 3097 Ironbound Road.	Sulouff, Roberta	Berkeley
	C-19-0012	Norge Dental Center Expansion	7450 RICHMOND RD	Conceptual plan for the expansion of the Norge Dental Center building and parking lot at 7450 Richmond Road.	Leininger, Thomas	Stonehouse
	C-19-0013	3599 Brick Bat Rd Subdivision	3599 BRICK BAT RD	Conceptual plan for subdividing one 6 acre parcel from existing 241 acre parcel at 3599 Brick Bat Road.	Ribeiro, Jose	Powhatan
	C-19-0015	Go Karts Plus Elevated Track	6910 RICHMOND RD	Conceptual plan for elevated go kart track at Go Karts Plus, 6910 Richmond Road.	Baruch, Alex	Stonehouse
	C-19-0016	Williamsburg Community Growers, Phase II	5700 WARHILL TRL	Conceptual plan for phase two of the community garden and agricultural education areas at the Warhill Sports Complex.	Sulouff, Roberta	Powhatan
Subdivision	S-19-0005	The Promenade at John Tyler - Phase 17	5304 JOHN TYLER HWY	Courthouse plat for The Promenade at John Tyler - Phase 17.	Cook, Ellen	Berkeley
	S-19-0010	The Promenade at John Tyler - Phase 16	5304 JOHN TYLER HWY	Courthouse plat for The Promenade at John Tyler - Phase 16.	Cook, Ellen	Berkeley
	S-19-0011	The Promenade at John Tyler - Phase 15	5304 JOHN TYLER HWY	Courthouse plat for The Promenade at John Tyler - Phase 15.	Cook, Ellen	Berkeley
	S-19-0012	3902, 3908 and 3912 Rochambeau BL Agreement	3902 ROCHAMBEAU DR	Boundary Line Agreement between 3902, 3908 and 3912 Rochambeau Drive.	Haynes, Tori	Stonehouse
	S-19-0014	9415 Sycamore Landing Rd Subdivision	9415 SYCAMORE LANDING RD	Subdivision of 9415 Sycamore Landing Road into 5 lots.	Wysong, Thomas	Stonehouse
	S-19-0015	The Promenade at John Tyler - Phase 5	5304 JOHN TYLER HWY	Courthouse plat for The Promenade at John Tyler - Phase 5.	Cook, Ellen	Berkeley
	S-19-0016	129 & 137 Industrial Blvd. Conservation Easement	129 INDUSTRIAL BLVD	Courthouse plat for 129 & 137 Industrial Blvd. Conservation Easement.	Cook, Ellen	Stonehouse
Site Plan	SP-19-0002	Stonehouse Golf Course SP Amend.	9755 MILL POND RUN	Site plan for drainage improvements at Hole #10 and Hole #14 of the Stonehouse Golf Course.	Risinger, John	Stonehouse
	SP-19-0004	Iwo Jima Memorial Park	1620 JAMESTOWN RD	Site plan for proposed memorial park and walking trails on 1620 Jamestown Road.	Leininger, Thomas	Berkeley
	SP-19-0005	6666 Richmond Road Wendy's Parking SP Amend.	6666 RICHMOND RD	Site plan for changes to existing parking spaces and handicap parking spaces.	Baruch, Alex	Stonehouse
	SP-19-0006	5501 Discovery Park Blvd. Office Building	5501 DISCOVERY PARK BLVD	Site plan for a 9,888 sq. ft. office building on land to be subdivided from 5501 Discovery Park Blvd.	Wysong, Thomas	Jamestown
	SP-19-0007	Busch Gardens - Main Gate SP Amend.	7851 POCAHONTAS TRL	Site plan for changes to the Main Gate structure at Busch Gardens.	Baruch, Alex	Roberts
	SP-19-0008	Monticello Woods Clubhouse SP Amend.	4200 AMBASSADOR CIR	Site plan for basketball court at the Monticello Woods Clubhouse.	Whyte, Scott	Jamestown
	SP-19-0009	LifePointe Christian Church Improvements	8851 RICHMOND RD	Site plan for improvements at the LifePointe Christian Church at 8851 Richmond Road.	Wysong, Thomas	Powhatan
	SP-19-0011	Busch Gardens - Festa Italia Expansion	7851 POCAHONTAS TRL	Site plan for the Festa Italia expansion at Busch Gardens.	Sulouff, Roberta	Roberts
Special Use Permit	SUP-19-0004	JCSA College Creek Pipeline Project	97 KINGSPOINT DR	Special use permit for water main underneath College Creek along Route 199.	Costello, Terry	Roberts

## Proposed PC Schedule 2019 2020 (DRAFT)

### Planning Commission 2019/20 (6PM)

- April 3
- May 1
- June 5
- June 25 Joint Work Session w/BOS (4pm)
- July 3
- August 7
- September 4
- October 2
- November 6
- December 4
- January 8 (2020)
- February 5 (2020)
- March 4 (2020)
- March 16 (2020)\*

\*Special Meeting (Organizational and CIP)

### Policy Committee 2019/20 (4PM)

- April 11
- May 9
- June 13
- July 11
- August 8
- September 12
- October 10
- November 14
- December 12
- January 9 (2020)
- February 13 (2020)\*\*
- February 20 (2020)\*\*
- February 27 (2020)\*\*
- March 5 (2020)\*\*
- March 12 (2020)

\*\*CIP Meetings

### DRC 2019/20 (4PM)

- March 27
- April 17
- May 22
- June 19
- July 24
- August 21
- September 18
- October 23
- November 20
- December 18
- January 22 (2020)
- February 19 (2020)

### Planning Commission 2020/21 (6PM)

- April 1
- May 6
- May 26 Joint Work Session w/BOS (4pm)
- June 3
- July 1
- August 5
- September 2
- October 7
- November 4
- December 2
- January 6 (2021)
- February 3 (2021)
- March 3 (2021)
- March 15 (2021)\*

\*Special Meeting (Organizational and CIP)

### Policy Committee 2020/21 (4PM)

- April 9
- May 14
- June 11
- July 9
- August 13
- September 10
- October 8
- November 12
- December 10
- January 14 (2021)
- February 11 (2021)\*\*
- February 18 (2021)\*\*
- February 25 (2021)\*\*
- March 4 (2021)\*\*
- March 11 (2021)

\*\*CIP Meetings

### DRC 2020/21 (4PM)

- March 25
- April 22
- May 20
- June 17
- July 22
- August 19
- September 23
- October 21
- November 18
- December 16
- January 20 (2021)
- February 17 (2021)

2019/20 Calendar Year = March 19, 2019 – March 16, 2020

2020/21 Calendar Year = March 17, 2020 – March 15, 2021 (2020/21 Calendar provided for reference only)