

AGENDA
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
March 6, 2024
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 7, 2024, Regular Meeting
2. Initiation of Consideration of Amendments to the Zoning Ordinance Regarding Solar Energy Generating Facilities

F. PUBLIC HEARING(S)

1. ORD-24-0002. Amendments and Policy to Address Solar Energy Generating Facilities

G. PLANNING COMMISSION CONSIDERATIONS

1. Planning Commission and Board of Zoning Appeals 2023 Annual Report

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - March 2024
2. Draft Calendar for 2024/2025

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

J. ADJOURNMENT

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
February 7, 2024
6:00 PM

A. CALL TO ORDER

Mr. Polster called the meeting to order at 6 p.m.

B. ROLL CALL

Planning Commissioners Present:

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

Staff Present:

Susan Istenes, Director of Planning
Liz Parman, Deputy County Attorney
Suzanne Yeats, Planner
Amanda Frazier, Community Development Assistant

C. PUBLIC COMMENT

Mr. Polster opened Public Comment.

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

D. REPORTS OF THE COMMISSION

E. CONSENT AGENDA

1. Minutes of the January 3, 2024 Regular Meeting

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

On a voice vote, the Commission voted to approve the Consent Agenda. (6-0-1, with Mr. Everson abstaining)

F. PUBLIC HEARING(S)

There were no items for Public Hearing.

G. PLANNING COMMISSION CONSIDERATIONS

1. Z-23-0010. Luck Stone Toano Proffer Amendment

Ms. Suzanne Yeats, Planner, stated Ms. Kimberly Shepherd of Troutman Pepper, LLP, on behalf of Luck Stone Corporation, has applied to amend the existing proffers for two parcels located at 7734 Richmond Road and 3920 Cokes Lane. Ms. Yeats stated that the properties are split zoned M-1, Limited Business/Industrial, and M-2, General Industrial with proffers, located within the Primary Service Area (PSA) and are designated General Industry and Mixed Use on the adopted 2045 Comprehensive Plan Land Use Map. Ms. Yeats stated that the current proffers were adopted on May 11, 1994, to approve a conditional rezoning of properties shown in attachment entitled, "Cokes Lane Rezoning Legend."

Ms. Yeats stated that the current internal industrial driveway was not constructed to Virginia Department of Transportation (VDOT) standards and does not meet the requirements necessary for VDOT to accept the road into the Secondary System. Ms. Yeats stated that the proposed proffer amendment would remove the requirement for the Industrial Access Road to be accepted into the Secondary System and remove the requirement for a 50-foot minimum right-of-way width.

Ms. Yeats stated that staff finds that the condition of the existing industrial road leading to aggregate stockpiles and other operations germane to Luck Stone Toano are currently unsuitable for public access or use. Ms. Yeats further stated that staff also finds the proposed proffer amendment would not negatively impact surrounding property owners. Ms. Yeats stated that staff recommends that the Planning Commission recommend approval of the amended proffers to the Board of Supervisors.

Mr. Vik Murthy, Land Use & Development Manager of Luck Stone Corporation, gave a brief presentation on the history and request for the proffer amendment for Luck Stone Toano.

Mr. Everson made a motion to recommend approval of the amended proffers.

On a roll call vote, the Commission voted to recommend approval of Z-23-0010. Luck Stone Toano Proffer Amendment. (7-0)

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report February 2024

Ms. Istenes stated that she had nothing in addition to the report provided in the Agenda Packet. Ms. Istenes welcomed the newest members of the Planning Commission.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

There were no items for discussion and requests.

J. ADJOURNMENT

Mr. Haldeman made a motion to adjourn.

The meeting was adjourned at approximately 6:07 p.m.

Susan Istenes, Secretary

Frank Polster, Chair

MEMORANDUM

DATE: March 6, 2024

TO: The Planning Commission

FROM: Jose R. Ribeiro, Senior Planner II/Landscape Planner

SUBJECT: Initiation of Consideration of Amendments to the Zoning Ordinance Regarding Solar Energy Generating Facilities

Since 2019, the County has received a total of six applications for utility-scale solar energy generating facilities, with five of them approved and one denied through the Special Use Permit (SUP) process. In the current Zoning Ordinance, utility-scale solar facilities are considered to be an “electrical generation facility,” a use (either public or private) that is allowed in all of the County’s zoning districts with the issuance of an SUP. The County does not have a comprehensive policy on the consideration of these SUPs, nor does the Zoning Ordinance detail specific factors, processes, regulations, or requirements for utility-scale solar energy generating facilities. Rather, the County has relied upon the SUP process and the conditions to address the unique needs of these applications and uses.

At the March 14, 2023, Board of Supervisors’ meeting, Board members expressed concern that its consideration of future solar facility applications would occur without the benefit of the completion of the three solar-farm-related goals (the “Goals”) set forth in the Natural & Cultural Assets Plan (the “Assets Plan”) adopted by the Board of Supervisors on October 25, 2022.

Subsequently, on April 11, 2023, the Board adopted a resolution directing staff to analyze the manpower, financial assets, and the recommended work timeline required to conduct an analysis of the Goals listed in the Assets Plan (Attachment No. 2). The resolution also directed staff to retain an outside consultant to assist both staff and the Board in devising a comprehensive Board policy on large-scale solar farm projects and to present a draft policy document to the Board of Supervisors on September 12, 2023.

Staff and its consultant, The Berkley Group, met with the Board of Supervisors several more times throughout the summer and fall to discuss options for development standards and review processes for the consideration of utility-scale solar facility applications as well as other types and scales of solar energy generating facilities. Based on Board feedback, these options have included a comprehensive policy as well as potential Zoning Ordinance amendments.

Staff recommends the Planning Commission adopt the attached resolution to initiate consideration of such amendments to the Zoning Ordinance.

JRR/md
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Attachments:

1. Initiating Resolution
2. Original Initiating Resolution from the Board of Supervisors - April 11, 2023

RESOLUTION

INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE

REGARDING SOLAR ENERGY GENERATING FACILITIES

WHEREAS, Code of Virginia § 15.2-2286 and James City County Code § 24-13 permit the Planning Commission of James City County (the “Commission”) to, by motion, initiate amendments to the regulations of the Zoning Ordinance that the Commission finds to be prudent; and

WHEREAS, the Commission is of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant the consideration of amendments to the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, does hereby initiate amendment of James City County Code Chapter 24 - Zoning, to consider possible amendments to Definitions, Special Regulations, and the Use Lists of the General Agricultural District, A-1; Limited Residential District, R-1; General Residential District, R-2; Residential Redevelopment District, R-3; Residential Planned Community District, R-4; Multifamily Residential District, R-5; Low Density Residential District, R-6; Rural Residential District, R-8; Limited Business District, LB; General Business District, B-1; Limited Business/Industrial District, M-1; General Industrial, M-2; Research and Technology District, RT; Planned Unit Development Districts, PUD; Mixed Use, MU; Public Land District, PL; and Economic Opportunity, EO, to address solar energy generating facilities. The Planning Commission shall hold at least one public hearing on the consideration of amendments to said Ordinances and shall forward its recommendation to the Board of Supervisors in accordance with the law.

Frank Polster
Chair, Planning Commission

ATTEST:

Susan Istenes, Secretary

Adopted by the Planning Commission of James City County, Virginia, this 6th day of March, 2024.

InConsZOASolEGFac-res

RESOLUTION

LARGE-SCALE SOLAR FARM APPLICATIONS

- WHEREAS, the James City County Code (the “County Code”) permits any property owner, contract purchaser with the owner’s written consent, or the owner’s agent to apply to amend, supplement, or change by Ordinance the boundaries of zoning districts or the regulations established in the James City County Zoning Ordinance (the “Zoning Ordinance”), including zoning map amendments (collectively, “Owner Applications”); and
- WHEREAS, Owner Applications are regularly submitted for consideration by the Board of Supervisors (the “Board”), all of which are given thorough consideration by staff and the James City County Planning Commission (the “Commission”) prior to transmittal to the Board; and
- WHEREAS, major factors for the consideration of any amendment to the Zoning Ordinance, including Owner Applications, include whether staff, the Commission, and the Board believe that the proposed amendment is consistent with the James City County Comprehensive Plan (the “Comprehensive Plan”), the James City County Code (the “County Code”) and any other adopted plans and policies; and
- WHEREAS, at its meeting on October 25, 2022, the Board of Supervisors adopted the Natural & Cultural Assets Plan (the “Assets Plan”); and
- WHEREAS, Goal No. 1.1 of the Assets Plan calls for the development of “zoning tools and guidance for siting large-scale solar sites to avoid or minimize disturbance of habitats or cultural resources”; and
- WHEREAS, Goal No. 2.A of the Assets Plan calls for the inclusion of “high-value agriculture soils maps in County Geographic Information System layers and property information and recommend minimal disturbance of those soils during development (especially for utility solar sites)”; and
- WHEREAS, Goal No. 3.D of the Assets Plan calls for the prevention of “stormwater impacts from utility-scale solar projects by adopting stormwater standards as required by the Virginia Department of Environmental Quality”; and
- WHEREAS, at the March 14, 2023, Board meeting, members of the Board expressed concern that its consideration of any Owner Applications involving solar farms would be done so without the benefit of the completion of the three solar-farm-related goals (the “Goals”) set forth in the Assets Plan; and
- WHEREAS, the Board finds that it promotes the health, safety, and welfare of the citizens of the County and good zoning practice to ensure that all Owner Applications involving large-scale solar farms are considered with analysis set forth in the Goals.
- NOW, THEREFORE, BE IT RESOLVED the Board does hereby direct staff to analyze the manpower, financial assets, and the recommended work timeline that will be required to conduct the analysis of the goals listed in the Assets Plan and to present that information to the Board at its July 25, 2023, Business Meeting so that the Board can determine the most effective way to proceed with meeting these goals.

BE IT FURTHER RESOLVED the Board does hereby direct staff to retain an outside consultant to assist both staff and the Board in devising a comprehensive Board Policy on Large-Scale Solar Farm projects and present a draft policy document to the Board at its September 12, 2023, Regular Meeting.

BE IT FURTHER RESOLVED the Board does hereby direct staff to not place any large-scale solar farm application on the Board’s Calendar until its first meeting in December 2023, or at such earlier time as the Board may determine.

BE IT FURTHER RESOLVED that any Owner Application for a large-scale solar farm associated with a conceptual plan submitted to the County on or prior to April 10, 2023 may be placed on the Board’s Calendar following consideration by the Planning Commission.


Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:


Teresa J. Saegert
Deputy Clerk to the Board

SADLER
ICENHOUR
MCGLENNON
LARSON
HIPPLE

VOTES			
<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
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Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of April, 2023.

LgSolarFrm-res

MEMORANDUM

DATE: March 6, 2024

TO: The Planning Commission

FROM: Jose R. Ribeiro, Senior Planner II/Landscape Planner

SUBJECT: ORD-24-0002. Amendments and Policy to Address Solar Energy Generating Facilities

History

At the March 14, 2023, Board of Supervisors' meeting, Board members expressed concern that its consideration of future solar farm applications would occur without the benefit of the completion of the three solar-farm-related goals (the "Goals") set forth in the Natural & Cultural Assets Plan (the "Assets Plan") adopted by the Board of Supervisors on October 25, 2022.

Subsequently, on April 11, 2023, the Board adopted a resolution directing staff to analyze the manpower, financial assets, and the recommended work timeline required to conduct an analysis of the Goals listed in the Assets Plan (Attachment No. 4). The resolution also directed staff to retain an outside consultant to assist both staff and the Board in devising a comprehensive Board policy on large-scale solar farm projects and to present a draft policy document to the Board of Supervisors on September 12, 2023.

At the July 25, 2023, Board of Supervisors' meeting, the Board discussed the preliminary scope of work and options for development standards and review processes for the consideration of utility-scale solar facility applications with staff and its consultant, The Berkley Group. The Board members provided feedback, and The Berkley Group then developed materials based on this feedback. For more information, the full materials from this meeting can be accessed through the link in the Attachments list.

On September 12, 2023, staff and The Berkley Group presented to the Board draft solar policy language and a draft Ordinance template for Zoning Ordinance amendments that would address various types and scales of solar facilities. For more information, the full materials from this meeting can be accessed through the link in the Attachments list.

At the October 24, 2023, Board of Supervisors' meeting, staff shared executive summaries of the draft policy and Ordinance template that highlighted revisions requested by Board members. The Board passed a motion for the policy and Ordinance to be finalized based upon the content of these materials. For more information, the full materials from this meeting can be accessed through the link in the Attachments list.

Following the October Board meeting, staff refined these documents in accordance with the Board's guidance and prepared a draft policy and Ordinance. On February 8, 2024, the Policy Committee reviewed the draft policy and Ordinance and provided input to staff. Among other items, the feedback included concerns about the potential intensity of small-scale or community solar facilities within residential zoning districts, concerns about the Ordinance and policy language being too restrictive, and a recommendation to address battery storage. Additional feedback from a Planning Commissioner included a recommendation to stipulate that American-made products be used for the solar panels. For the full discussion, please refer to the unapproved minutes of the Policy Committee dated February 8, 2024 (Attachment No. 5).

Since the Policy Committee meeting, staff has made a few minor edits to the draft policy and Ordinance (Attachment Nos. 1-3) to clarify the community solar facility definition as well as the requirements for siting agreements, height, screening, fencing, monitoring, and inspections.

Policy Highlights

The proposed Board policy is intended to apply to solar facility cases that come before the Planning Commission and Board of Supervisors seeking legislative approval through the Special Use Permit (SUP) process. It will set expectations for solar facility plan applicants, establish parameters to evaluate the solar facilities and their impacts to their surroundings, and provide guidance regarding appropriate mitigation of these impacts through conditions and other measures. Below is a list of some of the issues that this policy seeks to address:

- Location and size relative to the Primary Service Area and zoning districts;
- Proximity to natural and cultural resources, other land uses, and other solar facilities;
- Impacts on viewsheds, open space, and stormwater conditions;
- Impacts on agricultural lands, the mobility of wildlife, and natural resources, especially in previously undeveloped areas;
- Impacts on the electric grid and transmission network within the County;
- Impacts created by noise and traffic on adjacent and nearby properties, particularly residential properties; and
- Encouragement for co-location and expectation for economic analyses.

Highlights of the Ordinance

The proposed Zoning Ordinance amendments will provide standards for all developments of solar facilities in the County, regardless of whether they require SUPs or are permitted by-right. Highlights of the proposed Ordinance are as follows:

- Definitions - Addition of definitions related to solar energy, including the different types and scales of solar energy generating facilities;
- Special Regulations - Creation of new special regulations specific to solar facilities detailing the SUP application review process; submittal requirements; minimum development standards (e.g., setbacks, buffering, fencing); and construction, operation, and decommissioning requirements; and
- Use Lists - Amendment of the use lists in various zoning districts to establish where different types and scales of solar facility uses will be permitted by-right or require an SUP.

RECOMMENDATION

Planning staff finds that the proposed Ordinance and policy fulfill the intent of the Initiating Resolution for ORD-24-0002. Staff recommends the Planning Commission recommend approval of these items for the Board of Supervisors' public hearing at its April 9, 2024, Regular Meeting.

Given the direction from the Board of Supervisors as detailed previously in this memorandum, staff will be moving directly from the Planning Commission meeting to advertising the Ordinance for the Board of Supervisors' public hearing at its April 9, 2024, Regular Meeting. Staff notes that any comments or specific recommendations from the Planning Commission for changes to the policy or Ordinance will be forwarded to the Board along with the Planning Commission's overall recommendation.

Attachments:

1. Draft Board of Supervisors Utility-Scale and Community Solar Facilities Policy
2. Proposed Solar Energy Generating Facilities Ordinance Amendments - Strikethrough Version
3. Proposed Solar Energy Generating Facilities Ordinance Amendments - Clean Version
4. Unapproved Policy Committee Minutes, dated February 8, 2024
5. Board of Supervisors Initiating Resolution, dated April 11, 2023
6. Hyperlinks for Board of Supervisors Meetings on the Proposed Policy and Ordinance:
 - a. July 25, 2023: <https://jamescitycova.portal.civicclerk.com/event/492/files/agenda/361>
 - b. September 12, 2023: <https://jamescitycova.portal.civicclerk.com/event/18/files/agenda/997>
 - c. October 24, 2023: <https://jamescitycova.portal.civicclerk.com/event/64/files/agenda/1058>

RESOLUTION

UTILITY-SCALE AND COMMUNITY SOLAR FACILITIES POLICY

- WHEREAS, the James City County Natural & Cultural Assets Plan identifies specific goals, objectives, and recommendations concerning the evaluation and development of solar facilities within the County; and
- WHEREAS, the James City County Board of Supervisors (the “Board”) adopted a resolution on April 11, 2023, directing staff to assess solar farms, and identify best practices with regard to policies and regulations; and
- WHEREAS, the Board further directed the development of a comprehensive Board policy for solar farm projects based upon this assessment; and
- WHEREAS, on July 25, 2023, September 12, 2023, and October 4, 2023, the Board was presented with an assessment, research, and best practices concerning solar facilities.
- NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, hereby establishes the following Utility-Scale and Community Solar Facilities Policy (the “Policy”) to inform the Board’s consideration of Special Use Permits (“SUP”) for such facilities.

Background and Expectations

In early 2023, based on solar facility development, legislative application activity, and the goals established in the County’s Natural & Cultural Assets Plan, the County endeavored to evaluate its future consideration of applications for solar facilities. To that end, the focus of this Policy is on utility-scale and community solar facilities, generally defined as those facilities which are non-accessory facilities and consist of ground-mounted photovoltaic panels generating electricity for commercial distribution.

Land use applications for utility-scale and community solar facilities should be considered, developed, and operated consistent with the policies and criteria outlined below. Conditions may be imposed upon individual SUPs for utility-scale or community solar facilities to ensure consistency with these policies and criteria and to mitigate negative impacts associated with a facility. An SUP application may be denied where one or more of these policies or criteria are not met. It is expected that SUP applications for utility-scale and community solar facilities provide information and plans consistent with this Policy.

Impacts and Mitigation

The Board has identified the following negative impacts associated with utility-scale and community solar facilities and hereby adopts the following mitigation policies:

1. There are different sizes and types of solar facilities, and certain sizes and types are only appropriate in certain areas of the County, or under certain circumstances. With respect to utility-scale solar facilities and this Policy, the County has established that

large-scale solar facilities are those that have a rated generation capacity of one megawatt (MW) and greater and that small-scale solar facilities are those that have a rated generation capacity of less than one MW. Large-scale and community solar facilities capable of generating one MW or greater or facilities with 20 or more acres of total fenced acreage should be located outside the County's designated Primary Service Area (PSA), in the General Agricultural (A-1), Rural Residential (R-8), or Public Land (PL) zoning districts, and be subject to a SUP. Generally, small-scale solar facilities and community solar facilities generating less than one MW, and consisting of less than 20 acres of total fenced acreage may be appropriate within the PSA and within certain zoning districts, subject to an SUP, and upon demonstrating unique design characteristics to limit project impact and/or enhanced economic and community benefits. The total project area for any facility, measured as the total fenced acreage, shall not exceed 300 acres. Site-specific limitations notwithstanding, the Board may also consider solar facilities on brownfield sites and landfill properties as appropriate locations.

2. Utility-scale and community solar facilities may have negative impacts on resources and other land uses because of their industrial nature and developed state. Active components of utility-scale and community solar facilities, including but not limited to solar panels, substations, and inverters, and developed features, including but not limited to fences, gates, stormwater control measures, and maintenance/operations buildings, shall not be located or designed to be in close proximity to residences or to historic, cultural, recreational, special flood hazard areas, and environmentally sensitive areas and resources. Utility-scale and community solar facilities shall incorporate appropriate setbacks, buffers, and screening to address proximity to above-named resources.
3. Utility-scale and community solar facilities may have negative impacts on viewsheds. Facilities, including fencing and support equipment, should be fully screened by buffers from ground-level view of adjacent properties and rights-of-way. Buffers shall consist of screening which utilizes existing vegetation and landforms and/or be landscaped with a mix of plant materials, with trees at least eight feet in height at the time of planting. Landscaping materials should be native to the Virginia Coastal Plain and exclude the use of invasive species as specified by the Virginia Department of Conservation and Recreation. Additional screening and/or setbacks may be required to mitigate potential impacts of a project owing to its location or design.
4. Utility-scale and community solar facilities in close proximity to one another may have negative impacts on the immediate area due to overdevelopment, incompatibility with other land uses, and competition with other land uses; however, the County also recognizes that there are limited lands suitable for this land use. Generally, there should be a minimum distance of one mile between fenced areas of separate utility-scale and/or community solar facilities; however, consideration may be made for a closer distance based upon the size, scale, and design of a facility and the overall suitability of a given site.

5. Utility-scale and community solar facilities spread across noncontiguous parcels may have negative impacts on the viewshed. Compact facilities developed on single or contiguous parcels, lessen the potential for impacts on a wider area. If a utility-scale or community solar facility consists of multiple parcels, solar panels included as part of the same facility should be sited on contiguous parcels to limit project fragmentation and viewshed impacts.
6. Utility-scale and community solar facilities may have negative impacts on open space and on stormwater conditions. The number of utility-scale solar and community solar facilities in the County and the size of individual utility-scale solar and community solar facilities should be limited to ensure the preservation of open space and to guard against negative stormwater conditions. The County considers solar panels to be impervious for the land cover calculation and stormwater management needs. Impervious cover on individual facility sites shall not exceed 60% as required by the County's Chesapeake Bay Preservation Ordinance Section 23-9(b)(1)(b).
7. Utility-scale and community solar facilities may have negative impacts on existing habitat areas. The County has identified the importance of protecting existing habitat areas, inventorying habitat areas, and establishing goals for their conservation as part of the County's Natural & Cultural Assets Plan. Utility-scale and community solar facilities should be designed to conserve and protect habitat cores, blocks, and corridors connecting habitat areas. While disturbance of less than 10 acres of these areas may be acceptable for an individual project, utility-scale and community solar facilities should generally strive to avoid development of existing habitat areas. Disturbance of 10 to 20 acres of these areas shall be considered an adverse impact requiring mitigative action, and disturbance of more than 20 acres of these areas shall be discouraged. When considering the level, nature, and acceptability of impacts to habitat areas, the County and applicants should consult the Natural & Cultural Assets Plan, the Virginia Department of Conservation and Recreation Natural Heritage Data Explorer, and other relevant and accepted resources, as well as determine the particular mix of species and composition of affected habitat areas.
8. Utility-scale and community solar facilities may have negative impacts on agricultural lands. Protecting existing agricultural lands, as well as lands suitable for future agricultural use is important, as identified in the Natural & Cultural Assets Plan. Utility-scale solar facilities should avoid development of areas identified as prime farmland by the United States Department of Agriculture's Natural Resources Conservation Service and/or areas recently farmed preceding an application, unless portions of the parcels utilized for the facility will continue to be farmed. While disturbance of less than 10 acres of these areas may be acceptable for any individual project, disturbance of 10 to 50 acres shall be considered an adverse impact requiring mitigation, and disturbance of more than 50 acres shall be discouraged.
9. Utility-scale and community solar facilities that fence large areas for security and safety may have negative impacts on the mobility of wildlife and on natural resources, especially in areas previously undeveloped. Corridors to allow for the movement of wildlife across facility sites should be incorporated in the design of utility-scale and community solar facilities and the latest guidance from state environmental departments should be considered; for example, the Virginia Department of Wildlife Resources has Solar Energy Facility Guidance which

includes recommendations for wildlife passages and fencing. Designed corridors are encouraged to both connect to and protect other natural resources identified in the County's Natural & Cultural Assets Plan, including ecological and forest cores.

10. Utility-scale and community solar facilities situated far from existing electrical transmission line corridors could require the undesirable extension or upgrade of overhead utilities. A standard for the proximity of utility-scale and community solar facilities to existing electrical transmission line corridors will ensure greater predictability in the siting of utility-scale and community solar facilities, as well as limit the unnecessary extension of infrastructure to connect proposed facilities. At least the closest point of any utility-scale and community solar facility should be located within two miles of an existing transmission line corridor within the County or an adjoining locality. Any generation lead lines (gen-tie) lines or electrical lines to connect noncontiguous portions of facilities and/or leading to a facility's substation or point of interconnection should be located underground.
11. Utility-scale and community solar facilities may impact the electric grid and transmission network within the County. Specifically, additional or improved overhead utility lines negatively impact community character, are less reliable during significant weather events, and are actively discouraged by the adopted Comprehensive Plan. Accordingly, applications for utility-scale and community solar facilities should identify existing electric distribution or transmission infrastructure that may need to be upgraded for the facility. Larger system-wide improvements or upgrades beyond the point of interconnection and not necessarily associated with a single facility, performed by a utility, will be subject to review by the County pursuant to Virginia Code Section 15.2-2232, unless otherwise exempt.
12. Greater setbacks are necessary for utility-scale and community solar facilities because of their industrial nature and potential incompatibility with other land uses. Setbacks (along with buffering and screening) should be sufficient to ensure that facility components are sited from property lines, roads, and residences a distance appropriate to ensure viewshed impacts are minimized or eliminated and that the use does not detract from other existing or potential land uses. Applicants, through their design, may consider, and the County, through their evaluation, may require, greater setbacks up to 300 feet to mitigate impacts associated with the location, scale, and design of individual projects in relation to residences, major thoroughfares, and railways.
13. It is feasible to develop utility-scale and community solar facilities in conjunction with other uses on the same site, and this co-location possibility should be accommodated. Utility-scale and community solar facilities are encouraged to allow for the continued residential, agricultural, commercial, industrial, or recreational use of portions of project parcels, or the incorporation of agricultural, commercial, industrial, or passive recreational uses within project sites. Additionally, projects are encouraged to permanently protect undeveloped areas.

14. The development and construction phases of utility-scale and community solar facilities may have negative impacts associated with noise and traffic on adjacent and nearby properties, particularly residential properties. Impacts from the development and construction of facilities shall be managed and limited to protect nearby properties, uses, and public infrastructure. Applicants should consider and propose mitigation strategies for noise and traffic impacts which may include designating the hours for construction, designating the hours and location for delivery and storage of materials, and general traffic plans.
15. Significant construction traffic, as it relates to the volume of trips and the size of vehicles, may be inconsistent with typical conditions for the area of a facility site. utility-scale solar facility and community solar facility sites should have principal access from roads meeting Virginia Department of Transportation (“VDOT”) standards and classified as collector or arterial roads; however, roads meeting VDOT standards and classified as local may be considered. Principal access from local roads not meeting VDOT standards, local roads through neighborhoods or platted subdivisions, or rural roads are not acceptable, and secondary or construction access from these roads is discouraged. If such access is proposed, the distance between the facility entrance and the collector road will be a point of evaluation. Facility access across railroad tracks is not acceptable.
16. It is in the best interest of County residents to ensure that developed utility-scale and community solar facilities provide for economic returns beyond those which could otherwise be anticipated for a given property. Utility-scale and community solar facilities should provide maximum benefits to the County as demonstrated by a thorough economic analysis provided by the applicant and a realization of those benefits through potential participation in a solar siting agreement.
17. To further address the negative impacts associated with construction and the negative impacts on erosion, sedimentation, and stormwater; viewsheds; and environmental, natural, and agricultural resources, the Board recommends the following to applicants:
 - a. Applications should include a construction management/mitigation plan outlining, at a minimum, the anticipated construction schedule, phases, hours of construction, noise impacts and mitigation measures, the location of construction parking and storage parking for employees, and information on traffic impacts.
 - b. Applications should include information on, and preliminary plans for addressing erosion and sedimentation, grading, and stormwater management outlining, at a minimum, proposed grading and disturbance of the site, drainage patterns, location and extent of stormwater features including stormwater basins, and groundwater, surface water, and soil testing and monitoring.
 - c. Applications should include a report describing viewshed impacts of the facility, addressing facility visibility from adjacent properties, public areas, roads, and historic and cultural resources within a one-mile buffer of the fenced area of the facility. Additionally, applications should include a landscape plan outlining plans for buffers, screening, and plant materials and species, including plans for the use of native plants and pollinators, and the exclusion of invasive plants.

- d. Applications should include a report inventorying and mapping wetlands, rivers, streams, floodplains, forested areas, soils, and prime farmland/agricultural land within and adjacent to near the facility site. The report should discuss the facility's impacts on the above-named resources and any planned mitigation.

Frank Polster
Chair, Planning Commission

ATTEST:

Susan Istenes, Secretary

Adopted by the Planning Commission of James City County, Virginia, this 6th day of March, 2024.

ORD24-ZOSolFac-res

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-2, DEFINITIONS; AND BY AMENDING ARTICLE II, SPECIAL REGULATIONS, BY ADDING NEW DIVISION 8, SOLAR ENERGY GENERATING FACILITIES; AND BY AMENDING ARTICLE V, DISTRICTS BY AMENDING DIVISION 2, GENERAL AGRICULTURAL DISTRICT, A-1, SECTION 24-212, USE LIST; DIVISION 3, LIMITED RESIDENTIAL DISTRICT, R-1, SECTION 24-232, USE LIST; DIVISION 4, GENERAL RESIDENTIAL DISTRICT, R-2, SECTION 24-252, USE LIST; DIVISION 4.1, RESIDENTIAL REDEVELOPMENT DISTRICT, R-3, SECTION 24-273.2, USE LIST; DIVISION 5, RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4, SECTION 24-281, USE LIST; DIVISION 6, MULTIFAMILY RESIDENTIAL DISTRICT, R-5, SECTION 24-305, USE LIST; DIVISION 7, LOW DENSITY RESIDENTIAL DISTRICT, R-6, SECTION 24-328, PERMITTED USES, AND SECTION 24-329, USES PERMITTED BY SPECIAL USE PERMIT ONLY; DIVISION 8, RURAL RESIDENTIAL DISTRICT, R-8, SECTION 24-348, USE LIST; DIVISION 9, LIMITED BUSINESS DISTRICT, LB, SECTION 24-368, USE LIST; DIVISION 10, GENERAL BUSINESS DISTRICT, B-1, SECTION 24-390, USE LIST; DIVISION 11, LIMITED BUSINESS/INDUSTRIAL DISTRICT, M-1, SECTION 24-411, USE LIST; DIVISION 12, GENERAL INDUSTRIAL, M-2, SECTION 24-436, USE LIST; DIVISION 13, RESEARCH AND TECHNOLOGY DISTRICT, RT, SECTION 24-461, USE LIST; DIVISION 14, PLANNED UNIT DEVELOPMENT DISTRICTS, PUD, SECTION 24-493, USE LIST; DIVISION 15, MIXED USE, MU, SECTION 24-518, USE LIST; DIVISION 16, PUBLIC LAND DISTRICT, PL, SECTION 24-535.1, PERMITTED USES, AND SECTION 24-535.2, USES PERMITTED BY SPECIAL USE PERMIT ONLY; AND DIVISION 17, ECONOMIC OPPORTUNITY, EO, SECTION 24-536.4, USE LIST.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article I, In General, Section 24-2, Definitions; and by amending Article II, Special Regulations, by adding new Division 8, Solar Energy Generating Facilities; and by amending Article V, Districts by amending Division 2, General Agricultural District, A-1, Section 24-212, Use list; Division 3, Limited Residential District, R-1, Section 24-232, Use list; Division 4, General Residential District, R-2, Section 24-252, Use list; Division 4.1, Residential Redevelopment District, R-3, Section 24-273.2, Use list; Division 5, Residential Planned Community District, R-4, Section 24-281, Use list; Division 6, Multifamily Residential District, R-5, Section 24-305, Use list; Division 7, Low Density Residential District, R-6, Section 24-328, Permitted Uses, and Section 24-329, Uses Permitted

by Special Use Permit Only; Division 8, Rural Residential District, R-8, Section 24-348, Use list; Division 9, Limited Business District, LB, Section 24-368, Use list; Division 10, General Business District, B-1, Section 24-390, Use list; Division 11, Limited Business/Industrial District, M-1, Section 24-411, Use list; Division 12, General Industrial, M-2, Section 24-436, Use list; Division 13, Research and Technology District, RT, Section 24-461, Use list; Division 14, Planned Unit Development Districts, PUD, Section 24-493, Use list; Division 15, Mixed Use, MU, Section 24-518, Use list; Division 16, Public Land District, PL, Section 24-535.1, Permitted Uses, and Section 24-535.2, Uses Permitted by Special Use Permit Only; and Division 17, Economic Opportunity, EO, Section 24-536.4, Use list.

Chapter 24. Zoning

Article I. In General

Sec. 24-2. Definitions.

Brownfield: A former industrial or commercial site typically containing low levels of environmental pollution such as hazardous waste or industrial byproducts.

Solar energy generating facility (solar facility). Solar energy generating facilities may include, but are not limited to, solar energy generating devices, inverters, a substation, ancillary equipment, buildings, security fencing, access roads, stormwater control measures, and screening on the site. Solar energy generating devices utilize sunlight as an energy source to heat or cool buildings, heat or cool water, or produce mechanical power by means of any combination of collecting, transferring, or converting solar generated energy. The term applies to, but is not limited to, solar photovoltaic systems, solar thermal systems, and solar hot water systems. The following words, terms and phrases pertaining to solar energy generating facilities, when used in the James City County Zoning Ordinance or in the administration thereof, shall have the following meanings ascribed to them:

Accessory solar facility. A solar facility comprised of photovoltaics attached to and/or incorporated into building components and/or materials for structures, such as roofs or shingles, along with supporting equipment, the facility being an accessory use to the principal use of the property. Such facilities may be ground-mounted and not attached to a building. Supporting equipment commonly includes panels, racking, inverters, performance monitoring, grid connection, and energy storage systems. Accessory solar hot water systems shall also be incorporated within this term.

Community solar facility. A solar facility, ground- and/or building-mounted, on an area adequate to support a rated capacity of five (5) megawatt (MW) alternating current or less. The facility directly provides generated electricity and/or utility bill reductions through net metering to multiple owners or subscribers.

Decommissioning. The process of removing all improvements and restoring a site to the conditions that existed prior to the commencement of a permitted facility, which includes the completion of all steps outlined in a Decommissioning and Reclamation Plan.

Decommissioning and reclamation plan. A plan demonstrating the removal of improvements including but not limited to structures, footings, pilings, materials, buildings, roads (unless the previous items are to be retrofitted for another purpose), cabling, electrical components, large-scale operational equipment, and any other associated facilities at the abandonment or closure of a facility slated for decommissioning.

Operator. The entity or individual responsible for the operation and management of the solar facility.

Owner. The entity or individual who owns all or a portion of a solar facility.

Participating landowner. A person who owns real property under lease or other property agreement with the owner or operator of a solar facility.

Photovoltaic (PV). Materials and devices that absorb sunlight and convert it directly into electricity.

Prime agricultural soils. Soils recognized as prime farmland by the United States Department of Agriculture.

Rated capacity. The maximum capacity of a solar facility based on the sum total of each photovoltaic system's nameplate capacity.

Siting agreement. An agreement between the County and the entity per Code of Virginia Section 15.2-2316.7.

Utility-scale solar facility. A type of solar facility with ground-mounted PV panels generating electricity for commercial distribution. The following facilities are considered utility-scale solar facilities:

Large-scale solar facility. A ground-mounted solar facility located on an area adequate to support a rated capacity of one (1) megawatt (MW) alternating current or greater.

Small-scale solar facility. A ground-mounted solar facility located on an area adequate to support a rated capacity of less than one (1) megawatt (MW) of alternating current.

Viewshed. The view of an area from a specific vantage point. It includes all surrounding points that are in line of sight with that location.

Article II. Special Regulations

Division 8. Solar Energy Generating Facilities

Sec. 24-137. Solar energy generating facilities.

- (a) *Applicability and permitting.* The requirements set forth in this section shall govern the location, siting, development, construction, installation, operation and decommissioning of solar energy generating facilities in the County. Solar facilities are permitted either by-right or subject to a special use permit as specified within the applicable zoning district.

(b) Application review process. In addition to the submittal requirements in sections 24-23 and 24-24, special use permits for solar facilities shall be subject to the following procedures:

(1) Pre-application meeting. Prior to submission of a special use permit application, a pre-application meeting shall be held with the director of planning to discuss the location, scale, and nature of the proposed use, as well as the potential for a siting agreement, if applicable.

(2) Completeness/compliance review. Upon submission, the director of planning or designee shall review the application and determine whether it is complete and compliant with the submittal requirements and procedures. Based upon this review, the director of planning may determine that an application is incomplete and/or noncompliant and either reject the application or require the applicant to submit additional or revised materials prior to proceeding to further review.

Third-party review. The County may hire an independent third-party consultant at its discretion, to act as the director of planning's designee to review any special use permit application and all associated documents for completeness and compliance with this division, County policies, and any other local, state, and federal codes. Any costs associated with the review shall be paid by the applicant. Payment of such costs is in addition to payment for any other application fees otherwise required by the County.

(3) Neighborhood meeting. Following application submission and at least 28 days prior to the review conducted pursuant to section 24-137(b)(5), a public neighborhood meeting shall be held by the applicant to give the community an opportunity to hear from the applicant and to ask questions regarding the proposed application. The meeting shall adhere to the following requirements:

a. The applicant shall inform the director of planning and adjacent property owners in writing of the date, time, and location of the meeting, at least 28 days in advance of the meeting date.

b. The date, time and location of the meeting shall be advertised in a newspaper of record in the County by the applicant, at least 7 but no more than 14 days, in advance of the meeting date.

c. The meeting shall be held within the County, at a location open to the public with adequate parking and seating facilities that will accommodate persons with disabilities.

d. The meeting shall give members of the public the opportunity to review application materials, ask questions of the applicant, and to provide written and spoken feedback.

e. The applicant shall provide the director of planning with a written summary including the meeting location details, any input received from members of the public at the meeting, and copies of any written submissions from the public.

(4) Public hearing required. Prior to the issuance of a special use permit, a public hearing shall be held by the planning commission and the board of supervisors pursuant to sections 24-9 and 24-10.

(5) *Comprehensive plan review.* Pursuant to Code of Virginia section 15.2-2232, the planning commission shall consider, at a public meeting in conjunction with the public hearing on a special use permit, whether the general or approximate location, character, and extent of a proposed solar facility is substantially in accord with the County's Comprehensive Plan or part thereof. The planning commission shall communicate its findings to the board of supervisors, indicating its approval or disapproval with written reasons therefor. The board of supervisors may overrule the action of the planning commission by a vote of a majority of its membership.

(6) *Siting agreement.* Prior to the issuance of a special use permit for a large-scale solar facility generating more than 5 MW, applicants shall enter into a siting agreement with the County and approved by the county attorney, pursuant to and as authorized by Code of Virginia Title 15.2, Article 7.3. Siting of Solar Projects and Energy Storage Projects unless this requirement is waived by the board of supervisors.

(c) *Special use permit factors to be considered.* In addition to the factors to be considered when reviewing and acting on an application for a special use permit as established in section 24-9 and this division, the planning commission and board of supervisors will consider the guidance and criteria included in the board of supervisors' Utility-Scale and Community Solar Facilities Policy adopted ## ##, 2024 as amended.

(d) *Submittal requirements.* In addition to application materials required pursuant to sections 24-23 and 24-24, all special use permit applications for solar facilities for which a special use permit is required shall include the following materials and information:

(1) *Project narrative.* A detailed narrative identifying the applicant, owner, participating landowner, and operator, stormwater management approach, and describing the proposed energy facility, including an overview of the facility and its location; the size of the site, and the facility area; the current and recent previous use of the site; the estimated time for construction, any phasing schedule, location of staging areas or off-site storage facilities, and proposed date for commencement of operations; the planned maximum rated capacity of the facility; the approximate number, representative types and expected footprint of equipment to be constructed, including the maximum number of photovoltaic panels; specifications for proposed equipment, including the manufacturer and model, materials, color and finish, and racking type; ancillary facilities; and how and where the electricity will be transmitted, including the location of the proposed electrical grid interconnection.

(2) *Master plan.* A visual depiction and scaled representation of the proposed facility prepared by an appropriate licensed design professional and including the following:

- a. Identification of subject parcels, facility boundaries, and property lines and/or leased portions of parcels;
- b. Identification of subject parcels' zoning designations and required setbacks;
- c. Existing and proposed buildings and structures, including those buildings, structures, or features to be removed or retained; proposed locations and heights of solar panels, ground equipment, ancillary equipment, and other structures; the location of proposed fencing, driveways, internal roads, and structures; and the location of points of ingress/egress;

- d. Location and nature of proposed buffers and screening elements, including existing vegetative and constructed and planted buffers;*
- e. Existing and proposed access roads, drives, turnout locations, stormwater facilities, and parking;*
- f. Location of substations, electrical cabling from the facility to substations, ancillary equipment, buildings, and structures, including those within any applicable setback or proposed buffer;*
- g. Fencing or other methods of ensuring public safety;*
- h. Proposed lighting;*
- i. Aerial imagery showing the proposed location and boundaries of the facility, fenced areas, ingress/egress, and the closest distance to all adjacent property lines and buildings, noting their uses; and*
- j. Additional information may be required as determined by the director of planning, such as a scaled elevation view of the property and other supporting drawings, photographs of the proposed site, coverage map, and additional information that may be necessary for a technical review of the proposal.*

(3) Grading plan. A draft grading plan that limits grading to the greatest extent practicable. The plan shall include:

- a. Existing and proposed one-foot contours;*
- b. Location of prime agricultural soils;*
- c. Locations and amount of topsoil to be stripped and stockpiled onsite (if any);*
- d. Percent of the site to be graded;*
- e. Clearing and grading phases in compliance with section 24-89;*
- f. Areas to be disced;*
- g. An earthwork balance achieved on-site with no import or export of soil; and*
- h. Indication of natural flow patterns in drainage design and amount of impervious surface. Impervious surface shall include all solar panels and mounts.*

(4) Landscape plan. A draft landscape plan identifying:

- a. The location of existing vegetation and the limits of proposed clearing;*
- b. Location and nature of proposed landscape buffers and all proposed plant species to be used for ground cover, screening and buffering materials, and landscaping, along with landscape buffer cross-sections and elevations. Native and pollinator-friendly plant species shall be utilized to the greatest extent possible;*
- c. Locations of wildlife corridors; and*
- d. Landscape maintenance requirements.*

(5) Visual impact analysis. An analysis demonstrating facility siting and proposed mitigation, if necessary, so that the proposed facility minimizes impacts on the visual character, viewsheds, and/or vistas of the County. At a minimum, the visual impact analysis shall include accurate, to scale, photographic simulations showing the relationship of the facility and its associated equipment and development to its surroundings. The photographic simulations shall show such views of the facility from locations such as property lines, roadways, and/or scenic viewsheds/vistas as deemed necessary by the County in order to assess the visual impact of the facility. The total number of simulations and the perspectives from which they are prepared shall be

established by the director of planning after the pre-application meeting. Visual representations shall be in color and shall include actual pre-construction photographs and accurate post-construction simulations of facilities, active components, and structures. All visual representations will include existing, as well as proposed structures, buildings, active components to include stormwater management facilities, and tree coverage.

(6) *Community impact assessment. An assessment of the impact of the proposed facility on the immediate vicinity as well as the greater County. The assessment shall be prepared and presented in written form and shall analyze in specific terms the probable impact of the facility on the vicinity and community over time. Specific attention, as may be appropriate to the individual proposal, should be given but not be limited to the following elements:*

- a. Consistency of the proposed facility with applicable policies contained in the County's Comprehensive Plan;*
- b. Information on the facility's distance from existing transmission infrastructure, development areas, municipal boundaries, political boundaries, and other existing or approved solar facilities, as well as the total rated capacity and acreage of existing and approved solar facilities, and the overall electrical demand of the County;*
- c. Anticipated direct revenues to the County from real estate and personal property taxes;*
- d. An assessment of employment opportunities to be created by the proposed facility;*
- e. An assessment of the short- and long-term economic impact of the proposed facility;*
- f. If the facility is replacing an existing enterprise, including agriculture and forestry, an assessment of the impact the current enterprise has on the local economy and how the local economy will be impacted by the loss of the existing enterprise; and in the case of existing agricultural use, the assessment shall include a history of the agricultural use of the site;*
- g. An assessment of fire, rescue, and law enforcement requirements as compared to existing capacities and facilities;*
- h. An assessment of utility, water, sewer, and stormwater management needs as compared to existing capacities and facilities;*
- i. An aerial exhibit showing the facility in relation to historic resources within one mile of the facility, as well as a narrative summarizing any anticipated impacts to the historic resources;*
- j. The costs in both capital and operating funds of providing public services to the proposed development; and*
- k. What efforts, if any, are proposed to mitigate the service demands or costs to the County.*

The director of planning may waive certain elements of the impact assessment where the nature of the proposed facility makes such elements inapplicable.

(7) *Environmental impact assessment. An assessment of the impact of the proposed facility, to include the following:*

- a. *A statement regarding any site and viewshed impacts, including direct and indirect impacts to national or state forests and grasslands, national or state parks, County parks, wildlife management areas, conservation easements, recreational areas, or any known historic or cultural resources within one mile of the facility parcel(s);*
- b. *An inventory of wetlands, resource protection areas, rivers, streams, and floodplains, delineated and mapped, to provide baseline data for the evaluation of the current proposal and for the evaluation of the decommissioning plan. The inventory and mapping of the floodplain shall not be construed to permit development within regulatory floodplain areas without a development in the floodplain permit;*
- c. *A statement regarding impacts to wildlife and describing facility design features to mitigate any impacts to wildlife, such as wildlife corridors;*
- d. *Information on native and invasive plants within the facility area and plans to retain native species and remove invasive species; and*
- e. *Information regarding soil conditions present in the facility area, especially areas directly impacted by facility development and construction; areas identified as “prime farmland” and/or comprised of soil classifications suitable for agriculture; and areas at risk for erosion.*

(8) *Traffic and transportation assessment. An assessment of the impact of the proposed facility, including construction, on traffic and transportation infrastructure, to include the following:*

- a. *The time of day that operations and construction transport activities will occur;*
- b. *A map showing the desired primary and secondary transportation routes for operations and construction traffic;*
- c. *Characteristics of operations and construction vehicles, including:*
 - i. *Length, height, width, curb weight;*
 - ii. *Maximum load capacity;*
 - iii. *Number of axles, including trailers; and*
 - iv. *Distance between axles.*
- d. *An exhibit and narrative detailing all proposed haul route(s) planned to be utilized for the construction, operation, maintenance, and decommissioning of the facility.*

After review, the County may require a traffic impact analysis to be performed by an engineer and approved by the director of planning.

(9) *Decommissioning and reclamation plan. A draft decommissioning and reclamation plan certified by an appropriate licensed design professional to include the following and demonstrating compliance with the requirements of section 24-137(f)(9):*

- a. *The anticipated life of the facility, along with the basis for determining the anticipated life of the facility;*
- b. *The estimated decommissioning cost in current dollars (excluding salvage values);*

- c. The method for determining the estimated decommissioning cost;*
- d. The method for ensuring that funds will be available for decommissioning and restoration;*
- e. The estimation method for keeping the decommissioning cost current, per the agreement; and*
- f. The manner in which the facility will be decommissioned and the site restored.*

(e) Minimum development standards for solar energy generating facilities. The following minimum development standards shall apply to solar energy generating facilities:

(1) Compliance with building codes and standards and stormwater management regulations and standards. All solar generating facilities shall be designed and maintained in compliance with standards contained in applicable local, state, and federal codes, including stormwater management regulations and standards.

(2) Co-location. All solar facilities may be co-located on parcels with land uses, as permitted.

(3) Location, dimensional, and setback standards.

a. Accessory solar facilities and small-scale solar facilities shall be subject to the applicable setbacks of the zoning district in which the facility is located.

b. Community solar facilities and large-scale solar facilities shall be subject to the following location, dimensional, and setback standards:

i. The maximum facility area shall be 300 acres, measured as the total fenced acreage.

ii. Impervious cover shall not exceed 60% as required by the County's Chesapeake Bay Preservation Ordinance section 23-9(b)(1)b. Impervious cover shall include all solar panels and mounts.

iii. Setbacks: Solar facilities shall meet all setback requirements for primary structures for the zoning district in which the facility is located and the requirements set forth below. In the event of conflict, the more restrictive requirements shall apply. The minimum setback of structures and uses associated with the facility, including fencing, PV panels, parking areas, and outdoor storage, but not including landscaping and berming, shall be:

a. 200 feet from adjacent property lines.

b. 200 feet from all public rights-of-way.

c. 400 feet from dwellings on adjacent parcels.

(4) Height. For all solar facilities, the maximum height of the lowest edge of ground-mounted photovoltaic panels shall be 10 feet as measured from the finished grade. The maximum height of panels, buildings, structures, and other components of a solar facility shall be 20 feet. These limits shall not apply to utility poles, substations, roof- or building-mounted solar panels, or the interconnection to the overhead electric utility grid. The board of supervisors may approve a greater height based upon the demonstration of a significant need where the impacts of increased height are

mitigated. All roof or building mounted solar panels shall comply with height requirements of the applicable zoning district.

- (5) *Buffering and screening. Community solar facilities, and small- and large-scale solar facilities, shall be screened from the ground-level view of public streets by a buffer zone at least 100 feet in width and from adjacent properties by a buffer zone at least 50 feet in width. The buffer shall be located within the setbacks required under this section and shall be located around the entire perimeter of the property. The buffer zone and screening shall be maintained for the life of the facility.*

Additional screening may also be required in other locations on-site to screen the solar facility from residences or historic, cultural, recreational, special flood hazard areas, and environmentally sensitive areas and resources. A recommendation that the screening and/or buffer requirements be waived or altered may be made by the planning commission when the applicant proposes to use existing wetlands or woodlands and the existing wetlands or woodlands are verified by the director of planning as having sufficient buffer material to meet the screening requirements. Screening methods may include:

a. *Existing screening. Existing vegetation, topography, buildings, open space, or other elements located on the site may be considered as part of the required screening. Existing trees and vegetation shall be retained within the buffer area except as approved by the director of planning for the removal of dead, diseased, dying, invasive, or overcrowded vegetation for general wood lot management, or as approved on the master plan. The director of planning may require a recommendation by a professional forester or arborist for such approvals.*

b. *Vegetative screening. In the event existing vegetation or landforms providing screening are inadequate or disturbed as part of site development, new plantings shall be provided in a landscaped strip at least 50 feet wide. Landscaping intended for screening shall consist of a combination of non-invasive species, pollinator species, and native plants, shrubs, trees, grasses, forbs, and wildflowers, with the minimum number of trees and shrubs per section 24-96. Size requirements for new plantings shall be in accordance with section 24-92. Trees intended for screening shall consist of a combination of evergreen and deciduous trees with a size and mixture requirement as specified in Section 24-96(b). Species listed on Virginia Department of Conservation and Recreation's Invasive Plant Species list shall not be used.*

c. *Fencing. Fencing intended for screening may be used in combination with other screening methods but shall not be the primary method. A typical example is the use of wood privacy fencing and landscaping to screen structures such as substations. Fencing material shall not include plastic slats.*

- (6) *Ground cover. For community solar facilities, and small- and large-scale solar facilities, permanent ground cover on the site shall be vegetation native to the County's region of Virginia and maintained in accordance with the landscaping plan and in accordance with Chapter 8 of the county code. A performance surety reflecting the costs of anticipated maintenance shall be posted and maintained. Failure to*

maintain the ground cover may result in the revocation of the special use permit and require the facility's decommissioning.

(7) *Security fencing. For community solar facilities, and small- and large-scale solar facilities, such facilities shall be enclosed by security fencing located interior of the buffer area no greater than eight (8) feet in height and black in color, unless as otherwise specified within an approved special use permit. No razor/barbed wire is permitted.*

(8) *Wildlife corridors. For community solar facilities, and small- and large-scale solar facilities, the applicant shall identify and provide access corridor(s) for wildlife to navigate through and across the solar facility. The proposed wildlife corridor(s) shall be shown on the site plan submitted to the County. Fencing may also be placed around sections of the infrastructure (not the entire site) to provide access corridors for wildlife to navigate through the facility. Areas between fencing shall be kept open to allow for the movement of migratory animals and other wildlife. Access corridors for wildlife to navigate through the solar facility shall be identified and shown on the master plan submitted to the County.*

(9) *Lighting. For community solar facilities, and small- and large-scale solar facilities, proposed lighting fixtures shall be shown on a lighting plan and reviewed and approved in accordance with Chapter 24, Article II, Division 7. Lights shall be operated by a motion detector or be able to be turned on as needed by the facility operator and shall not be routinely illuminated at night. No light poles shall exceed a height of 17 feet above finished grade unless otherwise approved by the planning director prior to final site plan approval.*

(10) *Signage. For all solar facilities, no signage of any type may be placed on the facility other than notices, warnings, and identification information required by law and not in conflict with Chapter 24, Article II, Division 3. Warning signage shall be placed on solar equipment to the extent appropriate or legally required. Solar equipment shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar energy facility. All signs, flags, streamers, or similar items, both temporary and permanent, are prohibited on solar equipment except as follows:*

- a. Manufacturer's or installer's identification;*
- b. appropriate warning signs and placards;*
- c. signs that may be required by a federal agency; and*
- d. signs that provide a 24-hour emergency contact phone number and warn of any danger. Educational signs providing information about the facility and benefits of renewable energy may be allowed as provided in the local sign ordinance.*

(11) *For all solar facilities, including accessory solar facilities, public utilities shall be in accordance with section 24-200.*

(12) *Nutrient management plan. Prior to approval of any site plan for community solar facilities, and small- and large-scale solar facilities, the facility operator shall provide a nutrient management plan (NMP) prepared by a nutrient management*

planner certified in the Commonwealth of Virginia for all of the area within the defined limits of work (disturbance) for the properties. The purpose of the NMP is to provide for long-term establishment and maintenance of turf grass, pasture, rangeland, or other similar type vegetative cover which preserve the long-term soil health for potential future farming purposes. The NMP shall have a component which specifically identifies and maintains and protects designated prime agricultural soil. The NMP shall be submitted for review and approval by the director of stormwater and resource protection prior to approval of any final site plan for the project. Upon approval of the NMP, the facility operator shall be responsible for ensuring that any nutrient applied in the area within the defined limits of work is in strict accordance with the NMP.

(13) Spill prevention control and countermeasure plan. Prior to approval of any site plan, the facility operator shall submit a spill prevention control and countermeasure (SPCC) plan for the facility to the director of stormwater and resource protection for review and approval. The SPCC plan shall outline measures and procedures necessary for the operation of the facility until decommissioning, as applicable.

(14) Decommissioning and reclamation plan. Prior to site plan approval, the applicant shall submit the final decommissioning and reclamation plan to the director of planning for review and approval. The decommissioning and reclamation plan shall meet the standards of section 24-137(f)(9). Accessory solar facilities shall be exempt from this requirement.

(f) Construction, operational, and decommissioning requirements for solar energy generating facilities. For community, small- and large-scale solar facilities, the following requirements shall be met during the construction phase and throughout the operational life of solar facilities subject to a special use permit:

(1) Environmental monitoring. The owner shall prepare a baseline monitoring plan that includes the parameters for environmental monitoring to include soils, groundwater, and surface water monitoring, and a map showing the locations of said monitoring. This plan shall be submitted and approved by the director of stormwater and resource protection prior to the issuance of land disturbing permit. Environmental monitoring to assess the level of contamination shall take place prior to, and upon completion of construction of a facility, throughout the area of the facility in accordance with the approved baseline monitoring plan. Environmental monitoring shall take place every five years of the operation of the facility, and upon completion of decommissioning. Results from said monitoring shall be delivered to the director of stormwater and resource protection. Should the results of this monitoring show any contamination, as determined by the director of stormwater and resource protection, the operator shall submit a remediation plan to the director of stormwater and resource protection within 60 days for review and approval, after which the operator shall commence remediation efforts within 60 days after approval of the remediation plan. The actual remediation shall provide for environmental remediation required by local, state, or federal law, and adverse impacts identified by the monitoring shall be mitigated by the owner or operator of the solar facility to the satisfaction of the director of stormwater and resource protection.

- (2) *Coordination of local emergency services; emergency response plan. Prior to completion of construction, the owner or operator of a facility shall coordinate with the County's emergency services to provide materials, education, and/or training on how to safely respond to on-site emergencies, and to develop, implement, and periodically update, an emergency response plan. Emergency personnel will be given a key or code to access the facility in case of an on-site emergency.*
- (3) *Monitoring and maintenance. The owner or operator shall maintain the solar facility in good condition. Such monitoring and maintenance shall include, but not be limited to painting; evaluating the structural integrity of equipment, foundations, structures, fencing and security barriers; and maintenance of the buffer areas, stormwater facilities, and landscaping. The facility owner or operator shall be responsible for the cost of maintaining the facility and access roads, and the cost of repairing damage to private roads occurring as a result of construction and operation. Failure to maintain the facility may result in revocation of the special use permit and the facility's decommissioning. Any cleaning products used to maintain photovoltaic materials must be biodegradable.*
- (4) *Materials. As part of the site plan review, the applicant shall provide documentation that the selected panels and all power generating equipment onsite are "Tier 1" modules as established by the most recent "PV Module Tier 1 List" issued by BloombergNEF or a similar third-party analysis widely accepted in the solar industry. Additionally, the make and model of the selected panels and all power generating equipment initially installed and replaced on the site must qualify, for disposal purposes, as non-hazardous waste under applicable U.S. Environmental Protection Agency tests (e.g. Toxicity Characteristic Leaching Procedure).*
- (5) *Compliance with local, state, and federal requirements. The operation of facilities shall fully comply with all applicable local regulations, as well as all applicable state and federal regulations, including but not limited to, the U.S. Environmental Protection Agency (EPA), Federal Aviation Administration (FAA), State Corporation Commission (SCC) or equivalent, any state departments related to environmental quality, parks, and wildlife protection, as well as all the applicable regulations of any other agencies in effect at the time of the special use permit approval.*
- (6) *Inspections.*
 - a. *The applicant, owner, or operator will allow designated County representatives or employees access to a facility for inspection and decommissioning purposes. The County representative or employee will provide the facility operator with 24-hour notice prior to such inspection when practicable.*
 - b. *At the County's sole discretion, the County may hire an independent third-party consultant to conduct inspections required by Chapter 8 of the county code. The applicant, or operator of a facility shall reimburse the County its costs in obtaining an independent third-party to conduct inspections.*

(7) *Storage and removal of damaged panels. All physically damaged panels or any portion of physically damaged panels or debris thereof shall be collected by the facility operator and removed from the site or stored on site in a location protected from weather and wildlife and from any contact with ground or water until removal from the site can be arranged. On-site storage of damaged panels or portion or debris thereof shall not exceed thirty (30) days. The area designated for damaged panel storage shall be shown on the initial site plan.*

(8) *Change in ownership. Notice of any change of ownership or operator of the facility shall be provided to the director of planning by certified mail within 30 working days of any such change.*

(9) *Decommissioning and reclamation.*

a. *Decommissioning shall be performed in compliance with the approved decommissioning and reclamation plan. The proposed decommissioning and reclamation plan must demonstrate compliance with the requirements of this section. The director of planning may approve any appropriate amendments to or modifications of the decommissioning and reclamation plan.*

b. *Decommissioning shall include, but is not limited to the removal of, all electric systems, panels, buildings, cabling, electrical components, security barriers, roads, foundations, footers, pilings, fencing, and any other associated facilities or structures, including stormwater management, so that any agricultural ground upon which the facility and/or system was located is again tillable and suitable for agricultural uses. The site shall be graded and re-seeded to restore it to as natural a condition as possible.*

c. *Solar facilities which have reached the end of their useful life or have not been in active and continuous service for a period of 6 months shall be removed at the owner's or operator's expense. If repairs to a facility require more than 6 months in order to bring the facility back to service, the director of planning may grant an extension of time, up to an additional 6 months, provided satisfactory evidence to support a necessary longer repair period is provided to the director of planning.*

d. *The owner or operator shall notify the director of planning within 6 months by certified mail of the proposed date of discontinued operations and plans for removal.*

e. *The site shall be re-graded and re-seeded to as natural condition as possible within 12 months of removal of facilities. Re-grading and re-seeding shall be initiated within a 6-month period of removal of equipment.*

f. *All material from the facility shall be disposed of in accordance with federal, state, and local law.*

- g. The estimated cost of decommissioning shall be guaranteed by the deposit of funds in an amount equal to the estimated cost in an escrow account at a federally insured financial institution approved by the County.*
- i. The applicant and/or the operator shall deposit the required amount into the approved escrow account before any land disturbing permit is issued to allow construction of the solar facility.*
- ii. The escrow account agreement shall prohibit the release of the escrow funds without the written consent of the County. The County shall consent to the release of the escrow funds upon the owner's or operator's compliance with the approved decommissioning and reclamation plan. The County may approve the partial release of escrow funds as portions of the approved decommissioning and reclamation plan are performed.*
- iii. The amount of funds required to be deposited in the escrow account shall be the full amount of the estimated decommissioning cost without regard to the possibility of salvage value.*
- iv. The owner or operator shall recalculate the estimated cost of decommissioning annually. If the recalculated estimated cost of decommissioning exceeds the original estimated cost of decommissioning by ten percent (10%), then the owner or operator shall deposit additional funds into the escrow account to meet the new cost estimate. If the recalculated estimated cost of decommissioning is less than ninety percent (90%) of the original estimated cost of decommissioning, then the County may approve reducing the amount of the escrow account to the recalculated estimate of decommissioning cost.*
- v. The County may approve alternative methods to secure the availability of funds to pay for the decommissioning of a solar energy generating facility, such as a performance bond, letter of credit, or other security approved by the county attorney.*
- vi. If the owner or operator of the solar facility fails to remove the facility in accordance with the decommissioning and reclamation plan and agreement and decommissioning surety language or within the proposed date of decommissioning, the County may collect the surety and the County or hired third party may enter the property to physically remove the facility and may assess the cost of removal as a lien against the property.*

Article V. Districts

Division 2. General Agricultural District, A-1

Sec. 24-212. Use list.

Utility Uses	<i>Accessory solar facilities.</i>	<i>P</i>	
	<i>Community solar facilities.</i>		<i>SUP</i>
	<i>Large-scale solar facilities.</i>		<i>SUP</i>
	<i>Non-solar</i> Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.		<i>SUP</i>
	<i>Small-scale solar facilities.</i>		<i>SUP</i>

Division 3. Limited Residential District, R-1

Sec. 24-232. Use list.

Utility Uses	<i>Accessory solar facilities.</i>	<i>P</i>	
	<i>Community solar facilities generating less than 1MW and located on less than 20 acres of land.</i>		<i>SUP</i>
	<i>Non-solar</i> Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.		<i>SUP</i>
	<i>Small-scale solar facilities located on less than 20 acres of land.</i>		<i>SUP</i>

Division 4. General Residential District, R-2

Sec. 24-252. Use list.

Utility Uses	<i>Accessory solar facilities.</i>	<i>P</i>	
	<i>Community solar facilities generating less than 1MW and located on less than 20 acres of land.</i>		<i>SUP</i>
	<i>Non-solar</i> Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.		<i>SUP</i>
	<i>Small-scale solar facilities located on less than 20 acres of land.</i>		<i>SUP</i>

Division 4.1. Residential Redevelopment District, R-3

Sec. 24-273.2. Use list.

Utility Uses	<i>Accessory solar facilities.</i>	P	
	<i>Community solar facilities generating less than 1MW and located on less than 20 acres of land.</i>		SUP
	<i>Non-solar</i> Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.		SUP
	<i>Small-scale solar facilities located on less than 20 acres of land.</i>		SUP

Division 5. Residential Planned Community District, R-4

Sec. 24-281. Use list.

Utility Uses	<i>Accessory solar facilities.</i>	P	
	<i>Community solar facilities generating less than 1MW and located on less than 20 acres of land.</i>		SUP
	<i>Small-scale solar facilities located on less than 20 acres of land.</i>		SUP

Division 6. Multifamily Residential District, R-5

Sec. 24-305. Use list.

Utility Uses	<i>Accessory solar facilities.</i>	P	
	<i>Community solar facilities generating less than 1MW and located on less than 20 acres of land.</i>		SUP
	<i>Non-solar</i> Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.		SUP
	<i>Small-scale solar facilities located on less than 20 acres of land.</i>		SUP

Division 7. Low-Density Residential District, R-6

Sec. 24-328. - Permitted Uses.

Accessory solar facilities

Sec. 24-329. - Uses permitted by special use permit only.

Community solar facilities generating less than 1MW and located on less than 20 acres of land.

Non-solar Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.

Small-scale solar facilities located on less than 20 acres of land.

Division 8. Rural Residential District, R-8

Sec. 24-348. Use list.

Utility Uses	<i>Accessory solar facilities.</i>	P	
	<i>Community solar facilities.</i>		SUP
	<i>Large-scale solar facilities.</i>		SUP
	<i>Non-solar</i> Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.		SUP
	<i>Small-scale solar facilities.</i>		SUP

Division 9. Limited Business District, LB

Sec. 24-368. Use list.

Utility Uses	<i>Accessory solar facilities.</i>	P	
	<i>Community solar facilities generating less than 1MW and located on less than 20 acres of land.</i>		SUP
	<i>Non-solar</i> Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.		SUP
	<i>Small-scale solar facilities located on less than 20 acres of land.</i>		SUP

Division 10. General Business District, B-1

Sec. 24-390. Use list.

Utility Uses	<i>Accessory solar facilities.</i>	P	
	<i>Community solar facilities generating less than 1MW and located on less than 20 acres of land.</i>		SUP
	<i>Non-solar</i> Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.		SUP
	<i>Small-scale solar facilities located on less than 20 acres of land.</i>		SUP

Division 11. Limited Business/Industrial District, M-1

Sec. 24-411. Use list.

Utility Uses	<i>Accessory solar facilities.</i>	P	
	<i>Community solar facilities generating less than 1MW and located on less than 20 acres of land.</i>		SUP
	<i>Non-solar</i> Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.		SUP
	<i>Small-scale solar facilities located on less than 20 acres of land.</i>		SUP

Division 12. General Industrial District, M-2

Sec. 24-436. Use list.

Utility Uses	<i>Accessory solar facilities.</i>	P	
	<i>Community solar facilities generating less than 1MW and located on less than 20 acres of land.</i>		SUP
	<i>Non-solar</i> Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.		SUP
	<i>Small-scale solar facilities located on less than 20 acres of land.</i>		SUP

Division 13. Research and Technology District, RT

Sec. 24-461. Use list.

Utility Uses	<i>Accessory solar facilities.</i>	<i>P</i>	
	<i>Community solar facilities generating less than 1MW and located on less than 20 acres of land.</i>		<i>SUP</i>
	<i>Non-solar</i> Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.		<i>SUP</i>
	<i>Small-scale solar facilities located on less than 20 acres of land.</i>		<i>SUP</i>

Division 14. Planned Unit Development District, PUD

Sec. 24-493. - Use list.

- (a) In the planned unit development district, residential (PUD-R), all structures to be erected or land to be used shall be for the following uses:

Utility Uses	<i>Accessory solar facilities.</i>	<i>P</i>	
	<i>Community solar facilities generating less than 1MW and located on less than 20 acres of land.</i>		<i>SUP</i>
	<i>Small-scale solar facilities located on less than 20 acres of land.</i>		<i>SUP</i>

- (b) In the planned unit development district, commercial (PUD-C), all structures to be erected or land to be used shall be for one or more of the following uses:

Utility Uses	<i>Accessory solar facilities.</i>	<i>P</i>	
	<i>Community solar facilities generating less than 1MW and located on less than 20 acres of land.</i>		<i>SUP</i>
	<i>Small-scale solar facilities located on less than 20 acres of land.</i>		<i>SUP</i>

Division 15. Mixed Use, MU

Sec. 24-518. Use list.

Utility Uses	<i>Accessory solar facilities.</i>	P	
	<i>Community solar facilities generating less than 1MW and located on less than 20 acres of land.</i>		SUP
	<i>Non-solar</i> Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.		SUP
	<i>Small-scale solar facilities located on less than 20 acres of land.</i>		SUP

Division 16. Public Land, PL

Sec. 24-535.1. - Permitted Uses.

Accessory solar facilities

Sec. 24-535.2. - Uses permitted by special use permit only.

Community solar facilities

Large-scale solar facilities

Non-solar Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.

Small-scale solar facilities

Division 17. Economic Opportunity, EO

Sec. 24-536.4. Use list.

Utility Uses	<i>Accessory solar facilities.</i>	P	
	<i>Community solar facilities generating less than 1MW and located on less than 20 acres of land.</i>		SUP
	<i>Non-solar</i> Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.		SUP
	<i>Small-scale solar facilities located on less than 20 acres of land.</i>		SUP

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-2, DEFINITIONS; AND BY AMENDING ARTICLE II, SPECIAL REGULATIONS, BY ADDING NEW DIVISION 8, SOLAR ENERGY GENERATING FACILITIES; AND BY AMENDING ARTICLE V, DISTRICTS BY AMENDING DIVISION 2, GENERAL AGRICULTURAL DISTRICT, A-1, SECTION 24-212, USE LIST; DIVISION 3, LIMITED RESIDENTIAL DISTRICT, R-1, SECTION 24-232, USE LIST; DIVISION 4, GENERAL RESIDENTIAL DISTRICT, R-2, SECTION 24-252, USE LIST; DIVISION 4.1, RESIDENTIAL REDEVELOPMENT DISTRICT, R-3, SECTION 24-273.2, USE LIST; DIVISION 5, RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4, SECTION 24-281, USE LIST; DIVISION 6, MULTIFAMILY RESIDENTIAL DISTRICT, R-5, SECTION 24-305, USE LIST; DIVISION 7, LOW DENSITY RESIDENTIAL DISTRICT, R-6, SECTION 24-328, PERMITTED USES, AND SECTION 24-329, USES PERMITTED BY SPECIAL USE PERMIT ONLY; DIVISION 8, RURAL RESIDENTIAL DISTRICT, R-8, SECTION 24-348, USE LIST; DIVISION 9, LIMITED BUSINESS DISTRICT, LB, SECTION 24-368, USE LIST; DIVISION 10, GENERAL BUSINESS DISTRICT, B-1, SECTION 24-390, USE LIST; DIVISION 11, LIMITED BUSINESS/INDUSTRIAL DISTRICT, M-1, SECTION 24-411, USE LIST; DIVISION 12, GENERAL INDUSTRIAL, M-2, SECTION 24-436, USE LIST; DIVISION 13, RESEARCH AND TECHNOLOGY DISTRICT, RT, SECTION 24-461, USE LIST; DIVISION 14, PLANNED UNIT DEVELOPMENT DISTRICTS, PUD, SECTION 24-493, USE LIST; DIVISION 15, MIXED USE, MU, SECTION 24-518, USE LIST; DIVISION 16, PUBLIC LAND DISTRICT, PL, SECTION 24-535.1, PERMITTED USES, AND SECTION 24-535.2, USES PERMITTED BY SPECIAL USE PERMIT ONLY; AND DIVISION 17, ECONOMIC OPPORTUNITY, EO, SECTION 24-536.4, USE LIST.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article I, In General, Section 24-2, Definitions; and by amending Article II, Special Regulations, by adding new Division 8, Solar Energy Generating Facilities; and by amending Article V, Districts by amending Division 2, General Agricultural District, A-1, Section 24-212, Use list; Division 3, Limited Residential District, R-1, Section 24-232, Use list; Division 4, General Residential District, R-2, Section 24-252, Use list; Division 4.1, Residential Redevelopment District, R-3, Section 24-273.2, Use list; Division 5, Residential Planned Community District, R-4, Section 24-281, Use list; Division 6, Multifamily Residential District, R-5, Section 24-305, Use list; Division 7, Low Density Residential District, R-6, Section 24-328, Permitted Uses, and Section 24-329, Uses Permitted

by Special Use Permit Only; Division 8, Rural Residential District, R-8, Section 24-348, Use list; Division 9, Limited Business District, LB, Section 24-368, Use list; Division 10, General Business District, B-1, Section 24-390, Use list; Division 11, Limited Business/Industrial District, M-1, Section 24-411, Use list; Division 12, General Industrial, M-2, Section 24-436, Use list; Division 13, Research and Technology District, RT, Section 24-461, Use list; Division 14, Planned Unit Development Districts, PUD, Section 24-493, Use list; Division 15, Mixed Use, MU, Section 24-518, Use list; Division 16, Public Land District, PL, Section 24-535.1, Permitted Uses, and Section 24-535.2, Uses Permitted by Special Use Permit Only; and Division 17, Economic Opportunity, EO, Section 24-536.4, Use list.

Chapter 24. Zoning

Article I. In General

Sec. 24-2. Definitions.

Brownfield: A former industrial or commercial site typically containing low levels of environmental pollution such as hazardous waste or industrial byproducts.

Solar energy generating facility (solar facility). Solar energy generating facilities may include, but are not limited to, solar energy generating devices, inverters, a substation, ancillary equipment, buildings, security fencing, access roads, stormwater control measures, and screening on the site. Solar energy generating devices utilize sunlight as an energy source to heat or cool buildings, heat or cool water, or produce mechanical power by means of any combination of collecting, transferring, or converting solar generated energy. The term applies to, but is not limited to, solar photovoltaic systems, solar thermal systems, and solar hot water systems. The following words, terms and phrases pertaining to solar energy generating facilities, when used in the James City County Zoning Ordinance or in the administration thereof, shall have the following meanings ascribed to them:

Accessory solar facility. A solar facility comprised of photovoltaics attached to and/or incorporated into building components and/or materials for structures, such as roofs or shingles, along with supporting equipment, the facility being an accessory use to the principal use of the property. Such facilities may be ground-mounted and not attached to a building. Supporting equipment commonly includes panels, racking, inverters, performance monitoring, grid connection, and energy storage systems. Accessory solar hot water systems shall also be incorporated within this term.

Community solar facility. A solar facility, ground- and/or building-mounted, on an area adequate to support a rated capacity of five (5) megawatt (MW) alternating current or less. The facility directly provides generated electricity and/or utility bill reductions through net metering to multiple owners or subscribers.

Decommissioning. The process of removing all improvements and restoring a site to the conditions that existed prior to the commencement of a permitted facility, which includes the completion of all steps outlined in a Decommissioning and Reclamation Plan.

Decommissioning and reclamation plan. A plan demonstrating the removal of improvements including but not limited to structures, footings, pilings, materials, buildings, roads (unless the previous items are to be retrofitted for another purpose), cabling, electrical components, large-scale operational equipment, and any other associated facilities at the abandonment or closure of a facility slated for decommissioning.

Operator. The entity or individual responsible for the operation and management of the solar facility.

Owner. The entity or individual who owns all or a portion of a solar facility.

Participating landowner. A person who owns real property under lease or other property agreement with the owner or operator of a solar facility.

Photovoltaic (PV). Materials and devices that absorb sunlight and convert it directly into electricity.

Prime agricultural soils. Soils recognized as prime farmland by the United States Department of Agriculture.

Rated capacity. The maximum capacity of a solar facility based on the sum total of each photovoltaic system's nameplate capacity.

Siting agreement. An agreement between the County and the entity per Code of Virginia section 15.2-2316.7.

Utility-scale solar facility. A type of solar facility with ground-mounted PV panels generating electricity for commercial distribution. The following facilities are considered utility-scale solar facilities:

Large-scale solar facility. A ground-mounted solar facility located on an area adequate to support a rated capacity of one (1) megawatt (MW) alternating current or greater.

Small-scale solar facility. A ground-mounted solar facility located on an area adequate to support a rated capacity of less than one (1) megawatt (MW) of alternating current.

Viewshed. The view of an area from a specific vantage point. It includes all surrounding points that are in line of sight with that location.

Article II. Special Regulations

Division 8. Solar Energy Generating Facilities

Sec. 24-137. Solar energy generating facilities.

- (a) Applicability and permitting. The requirements set forth in this section shall govern the location, siting, development, construction, installation, operation and decommissioning of solar energy generating facilities in the County. Solar facilities are permitted either by-right or subject to a special use permit as specified within the applicable zoning district.

(b) Application review process. In addition to the submittal requirements in sections 24-23 and 24-24, special use permits for solar facilities shall be subject to the following procedures:

- (1) Pre-application meeting. Prior to submission of a special use permit application, a pre-application meeting shall be held with the director of planning to discuss the location, scale, and nature of the proposed use, as well as the potential for a siting agreement, if applicable.
- (2) Completeness/compliance review. Upon submission, the director of planning or designee shall review the application and determine whether it is complete and compliant with the submittal requirements and procedures. Based upon this review, the director of planning may determine that an application is incomplete and/or noncompliant and either reject the application or require the applicant to submit additional or revised materials prior to proceeding to further review.

Third-party review. The County may hire an independent third-party consultant at its discretion, to act as the director of planning's designee to review any special use permit application and all associated documents for completeness and compliance with this division, County policies, and any other local, state, and federal codes. Any costs associated with the review shall be paid by the applicant. Payment of such costs is in addition to payment for any other application fees otherwise required by the County.

- (3) Neighborhood meeting. Following application submission and at least 28 days prior to the review conducted pursuant to section 24-137(b)(5), a public neighborhood meeting shall be held by the applicant to give the community an opportunity to hear from the applicant and to ask questions regarding the proposed application. The meeting shall adhere to the following requirements:
 - a. The applicant shall inform the director of planning and adjacent property owners in writing of the date, time, and location of the meeting, at least 28 days in advance of the meeting date.
 - b. The date, time and location of the meeting shall be advertised in a newspaper of record in the County by the applicant, at least 7 but no more than 14 days, in advance of the meeting date.
 - c. The meeting shall be held within the County, at a location open to the public with adequate parking and seating facilities that will accommodate persons with disabilities.
 - d. The meeting shall give members of the public the opportunity to review application materials, ask questions of the applicant, and to provide written and spoken feedback.
 - e. The applicant shall provide the director of planning with a written summary including the meeting location details, any input received from members of the public at the meeting, and copies of any written submissions from the public.
- (4) Public hearing required. Prior to the issuance of a special use permit, a public hearing shall be held by the planning commission and the board of supervisors pursuant to sections 24-9 and 24-10.

- (5) Comprehensive plan review. Pursuant to Code of Virginia section 15.2-2232, the planning commission shall consider, at a public meeting in conjunction with the public hearing on a special use permit, whether the general or approximate location, character, and extent of a proposed solar facility is substantially in accord with the County's Comprehensive Plan or part thereof. The planning commission shall communicate its findings to the board of supervisors, indicating its approval or disapproval with written reasons therefor. The board of supervisors may overrule the action of the planning commission by a vote of a majority of its membership.
- (6) Siting agreement. Prior to the issuance of a special use permit for a large-scale solar facility generating more than 5 MW, applicants shall enter into a siting agreement with the County and approved by the county attorney, pursuant to and as authorized by Code of Virginia Title 15.2, Article 7.3. Siting of Solar Projects and Energy Storage Projects, unless this requirement is waived by the board of supervisors.
 - (c) Special use permit factors to be considered. In addition to the factors to be considered when reviewing and acting on an application for a special use permit as established in section 24-9 and this division, the planning commission and board of supervisors will consider the guidance and criteria included in the board of supervisors' Utility-Scale and Community Solar Facilities Policy adopted ## ##, 2024 as amended.
 - (d) Submittal requirements. In addition to application materials required pursuant to sections 24-23 and 24-24, all special use permit applications for solar facilities for which a special use permit is required shall include the following materials and information:
 - (1) Project narrative. A detailed narrative identifying the applicant, owner, participating landowner, and operator, stormwater management approach, and describing the proposed energy facility, including an overview of the facility and its location; the size of the site, and the facility area; the current and recent previous use of the site; the estimated time for construction, any phasing schedule, location of staging areas or off-site storage facilities, and proposed date for commencement of operations; the planned maximum rated capacity of the facility; the approximate number, representative types and expected footprint of equipment to be constructed, including the maximum number of photovoltaic panels; specifications for proposed equipment, including the manufacturer and model, materials, color and finish, and racking type; ancillary facilities; and how and where the electricity will be transmitted, including the location of the proposed electrical grid interconnection.
 - (2) Master plan. A visual depiction and scaled representation of the proposed facility prepared by an appropriate licensed design professional and including the following:
 - a. Identification of subject parcels, facility boundaries, and property lines and/or leased portions of parcels;
 - b. Identification of subject parcels' zoning designations and required setbacks;
 - c. Existing and proposed buildings and structures, including those buildings, structures, or features to be removed or retained; proposed locations and heights of solar panels, ground equipment, ancillary equipment, and other structures; the location of proposed fencing, driveways, internal roads, and structures; and the location of points of ingress/egress;

- d. Location and nature of proposed buffers and screening elements, including existing vegetative and constructed and planted buffers;
 - e. Existing and proposed access roads, drives, turnout locations, stormwater facilities, and parking;
 - f. Location of substations, electrical cabling from the facility to substations, ancillary equipment, buildings, and structures, including those within any applicable setback or proposed buffer;
 - g. Fencing or other methods of ensuring public safety;
 - h. Proposed lighting;
 - i. Aerial imagery showing the proposed location and boundaries of the facility, fenced areas, ingress/egress, and the closest distance to all adjacent property lines and buildings, noting their uses; and
 - j. Additional information may be required as determined by the director of planning, such as a scaled elevation view of the property and other supporting drawings, photographs of the proposed site, coverage map, and additional information that may be necessary for a technical review of the proposal.
- (3) Grading plan. A draft grading plan that limits grading to the greatest extent practicable. The plan shall include:
- a. Existing and proposed one-foot contours;
 - b. Location of prime agricultural soils;
 - c. Locations and amount of topsoil to be stripped and stockpiled onsite (if any);
 - d. Percent of the site to be graded;
 - e. Clearing and grading phases in compliance with section 24-89;
 - f. Areas to be disced;
 - g. An earthwork balance achieved on-site with no import or export of soil; and
 - h. Indication of natural flow patterns in drainage design and amount of impervious surface. Impervious surface shall include all solar panels and mounts.
- (4) Landscape plan. A draft landscape plan identifying:
- a. The location of existing vegetation and the limits of proposed clearing;
 - b. Location and nature of proposed landscape buffers and all proposed plant species to be used for ground cover, screening and buffering materials, and landscaping, along with landscape buffer cross-sections and elevations. Native and pollinator-friendly plant species shall be utilized to the greatest extent possible;
 - c. Locations of wildlife corridors; and
 - d. Landscape maintenance requirements.
- (5) Visual impact analysis. An analysis demonstrating facility siting and proposed mitigation, if necessary, so that the proposed facility minimizes impacts on the visual character, viewsheds, and/or vistas of the County. At a minimum, the visual impact analysis shall include accurate, to scale, photographic simulations showing the relationship of the facility and its associated equipment and development to its surroundings. The photographic simulations shall show such views of the facility from locations such as property lines, roadways, and/or scenic viewsheds/vistas as

deemed necessary by the County in order to assess the visual impact of the facility. The total number of simulations and the perspectives from which they are prepared shall be established by the director of planning after the pre-application meeting. Visual representations shall be in color and shall include actual pre-construction photographs and accurate post-construction simulations of facilities, active components, and structures. All visual representations will include existing, as well as proposed structures, buildings, active components to include stormwater management facilities, and tree coverage.

- (6) Community impact assessment. An assessment of the impact of the proposed facility on the immediate vicinity as well as the greater County. The assessment shall be prepared and presented in written form and shall analyze in specific terms the probable impact of the facility on the vicinity and community over time. Specific attention, as may be appropriate to the individual proposal, should be given but not be limited to the following elements:
- a. Consistency of the proposed facility with applicable policies contained in the County's Comprehensive Plan;
 - b. Information on the facility's distance from existing transmission infrastructure, development areas, municipal boundaries, political boundaries, and other existing or approved solar facilities, as well as the total rated capacity and acreage of existing and approved solar facilities, and the overall electrical demand of the County;
 - c. Anticipated direct revenues to the County from real estate and personal property taxes;
 - d. An assessment of employment opportunities to be created by the proposed facility;
 - e. An assessment of the short- and long-term economic impact of the proposed facility;
 - f. If the facility is replacing an existing enterprise, including agriculture and forestry, an assessment of the impact the current enterprise has on the local economy and how the local economy will be impacted by the loss of the existing enterprise; and in the case of existing agricultural use, the assessment shall include a history of the agricultural use of the site;
 - g. An assessment of fire, rescue, and law enforcement requirements as compared to existing capacities and facilities;
 - h. An assessment of utility, water, sewer, and stormwater management needs as compared to existing capacities and facilities;
 - i. An aerial exhibit showing the facility in relation to historic resources within one mile of the facility, as well as a narrative summarizing any anticipated impacts to the historic resources;
 - j. The costs in both capital and operating funds of providing public services to the proposed development; and
 - k. What efforts, if any, are proposed to mitigate the service demands or costs to the County.

The director of planning may waive certain elements of the impact assessment where the nature of the proposed facility makes such elements inapplicable.

- (7) Environmental impact assessment. An assessment of the impact of the proposed facility, to include the following:
 - a. A statement regarding any site and viewshed impacts, including direct and indirect impacts to national or state forests and grasslands, national or state parks, County parks, wildlife management areas, conservation easements, recreational areas, or any known historic or cultural resources within one mile of the facility parcel(s);
 - b. An inventory of wetlands, resource protection areas, rivers, streams, and floodplains, delineated and mapped, to provide baseline data for the evaluation of the current proposal and for the evaluation of the decommissioning plan. The inventory and mapping of the floodplain shall not be construed to permit development within regulatory floodplain areas without a development in the floodplain permit;
 - c. A statement regarding impacts to wildlife and describing facility design features to mitigate any impacts to wildlife, such as wildlife corridors;
 - d. Information on native and invasive plants within the facility area and plans to retain native species and remove invasive species; and
 - e. Information regarding soil conditions present in the facility area, especially areas directly impacted by facility development and construction; areas identified as “prime farmland” and/or comprised of soil classifications suitable for agriculture; and areas at risk for erosion.

- (8) Traffic and transportation assessment. An assessment of the impact of the proposed facility, including construction, on traffic and transportation infrastructure, to include the following:
 - a. The time of day that operations and construction transport activities will occur;
 - b. A map showing the desired primary and secondary transportation routes for operations and construction traffic;
 - c. Characteristics of operations and construction vehicles, including:
 - i. Length, height, width, curb weight;
 - ii. Maximum load capacity;
 - iii. Number of axles, including trailers; and
 - iv. Distance between axles.

 - d. An exhibit and narrative detailing all proposed haul route(s) planned to be utilized for the construction, operation, maintenance, and decommissioning of the facility.

After review, the County may require a traffic impact analysis to be performed by an engineer and approved by the director of planning.

- (9) Decommissioning and reclamation plan. A draft decommissioning and reclamation plan certified by an appropriate licensed design professional to include the following and demonstrating compliance with the requirements of section 24-137(f)(9):
 - a. The anticipated life of the facility, along with the basis for determining the anticipated life of the facility;
 - b. The estimated decommissioning cost in current dollars (excluding salvage values);
 - c. The method for determining the estimated decommissioning cost;
 - d. The method for ensuring that funds will be available for decommissioning and restoration;
 - e. The estimation method for keeping the decommissioning cost current, per the agreement; and
 - f. The manner in which the facility will be decommissioned and the site restored.
- (e) Minimum development standards for solar energy generating facilities. The following minimum development standards shall apply to solar energy generating facilities:
 - (1) Compliance with building codes and standards and stormwater management regulations and standards. All solar generating facilities shall be designed and maintained in compliance with standards contained in applicable local, state, and federal codes, including stormwater management regulations and standards.
 - (2) Co-location. All solar facilities may be co-located on parcels with land uses, as permitted.
 - (3) Location, dimensional, and setback standards.
 - a. Accessory solar facilities and small-scale solar facilities shall be subject to the applicable setbacks of the zoning district in which the facility is located.
 - b. Community solar facilities and large-scale solar facilities shall be subject to the following location, dimensional, and setback standards:
 - i. The maximum facility area shall be 300 acres, measured as the total fenced acreage.
 - ii. Impervious cover shall not exceed 60% as required by the County's Chesapeake Bay Preservation Ordinance section 23-9(b)(1)b. Impervious cover shall include all solar panels and mounts.
 - iii. Setbacks: Solar facilities shall meet all setback requirements for primary structures for the zoning district in which the facility is located and the requirements set forth below. In the event of conflict, the more restrictive requirements shall apply. The minimum setback of structures and uses associated with the facility, including fencing, PV panels, parking areas, and outdoor storage, but not including landscaping and berming, shall be:
 - a. 200 feet from adjacent property lines.
 - b. 200 feet from all public rights-of-way.
 - c. 400 feet from dwellings on adjacent parcels.

- (4) Height. For all solar facilities, the maximum height of the lowest edge of ground-mounted photovoltaic panels shall be 10 feet as measured from the finished grade. The maximum height of panels, buildings, structures, and other components of a solar facility shall be 20 feet. These limits shall not apply to utility poles, substations, roof- or building-mounted solar panels, or the interconnection to the overhead electric utility grid. The board of supervisors may approve a greater height based upon the demonstration of a significant need where the impacts of increased height are mitigated. All roof or building mounted solar panels shall comply with height requirements of the applicable zoning district.
- (5) Buffering and screening. Community solar facilities, and small- and large-scale solar facilities, shall be screened from the ground-level view of public streets by a buffer zone at least 100 feet in width and from adjacent properties by a buffer zone at least 50 feet in width. The buffer shall be located within the setbacks required under this section and shall be located around the entire perimeter of the property. The buffer zone and screening shall be maintained for the life of the facility.

Additional screening may also be required in other locations on-site to screen the solar facility from residences or historic, cultural, recreational, special flood hazard areas, and environmentally sensitive areas and resources. A recommendation that the screening and/or buffer requirements be waived or altered may be made by the planning commission when the applicant proposes to use existing wetlands or woodlands and the existing wetlands or woodlands are verified by the director of planning as having sufficient buffer material to meet the screening requirements. Screening methods may include:

- a. Existing screening. Existing vegetation, topography, buildings, open space, or other elements located on the site may be considered as part of the required screening. Existing trees and vegetation shall be retained within the buffer area except as approved by the director of planning for the removal of dead, diseased, dying, invasive, or overcrowded vegetation for general wood lot management, or as approved on the master plan. The director of planning may require a recommendation by a professional forester or arborist for such approvals.
- b. Vegetative screening. In the event existing vegetation or landforms providing screening are inadequate or disturbed as part of site development, new plantings shall be provided in a landscaped strip at least 50 feet wide. Landscaping intended for screening shall consist of a combination of non-invasive species, pollinator species, and native plants, shrubs, trees, grasses, forbs, and wildflowers, with the minimum number of trees and shrubs per section 24-96. Size requirements for new plantings shall be in accordance with section 24-92. Trees intended for screening shall consist of a combination of evergreen and deciduous trees with a size and mixture requirement as specified in section 24-96(b). Species listed on Virginia Department of Conservation and Recreation's Invasive Plant Species list shall not be used.

- c. Fencing. Fencing intended for screening may be used in combination with other screening methods but shall not be the primary method. A typical example is the use of wood privacy fencing and landscaping to screen structures such as substations. Fencing material shall not include plastic slats.
- (6) Ground cover. For community solar facilities, and small- and large-scale solar facilities, permanent ground cover on the site shall be vegetation native to the County's region of Virginia and maintained in accordance with the landscaping plan and in accordance with Chapter 8 of the county code. A performance surety reflecting the costs of anticipated maintenance shall be posted and maintained. Failure to maintain the ground cover may result in the revocation of the special use permit and require the facility's decommissioning.
 - (7) Security fencing. For community solar facilities, and small- and large-scale solar facilities, such facilities shall be enclosed by security fencing located interior of the buffer area no greater than eight (8) feet in height and black in color, unless as otherwise specified within an approved special use permit. No razor/barbed wire is permitted.
 - (8) Wildlife corridors. For community solar facilities, and small- and large-scale solar facilities, the applicant shall identify and provide access corridor(s) for wildlife to navigate through and across the solar facility. The proposed wildlife corridor(s) shall be shown on the site plan submitted to the County. Fencing may also be placed around sections of the infrastructure (not the entire site) to provide access corridors for wildlife to navigate through the facility. Areas between fencing shall be kept open to allow for the movement of migratory animals and other wildlife. Access corridors for wildlife to navigate through the solar facility shall be identified and shown on the master plan submitted to the County.
 - (9) Lighting. For community solar facilities, and small- and large-scale solar facilities, proposed lighting fixtures shall be shown on a lighting plan and reviewed and approved in accordance with Chapter 24, Article II, Division 7. Lights shall be operated by a motion detector or be able to be turned on as needed by the facility operator and shall not be routinely illuminated at night. No light poles shall exceed a height of 17 feet above finished grade unless otherwise approved by the planning director prior to final site plan approval.
 - (10) Signage. For all solar facilities, no signage of any type may be placed on the facility other than notices, warnings, and identification information required by law and not in conflict with Chapter 24, Article II, Division 3. Warning signage shall be placed on solar equipment to the extent appropriate or legally required. Solar equipment shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar energy facility. All signs, flags, streamers, or similar items, both temporary and permanent, are prohibited on solar equipment except as follows:
 - a. Manufacturer's or installer's identification;
 - b. appropriate warning signs and placards;
 - c. signs that may be required by a federal agency; and

- d. signs that provide a 24-hour emergency contact phone number and warn of any danger. Educational signs providing information about the facility and benefits of renewable energy may be allowed as provided in the local sign ordinance.
- (11) For all solar facilities, including accessory solar facilities, public utilities shall be in accordance with section 24-200.
 - (12) Nutrient management plan. Prior to approval of any site plan for community solar facilities, and small- and large-scale solar facilities, the facility operator shall provide a nutrient management plan (NMP) prepared by a nutrient management planner certified in the Commonwealth of Virginia for all of the area within the defined limits of work (disturbance) for the properties. The purpose of the NMP is to provide for long-term establishment and maintenance of turf grass, pasture, rangeland, or other similar type vegetative cover which preserve the long-term soil health for potential future farming purposes. The NMP shall have a component which specifically identifies and maintains and protects designated prime agricultural soil. The NMP shall be submitted for review and approval by the director of stormwater and resource protection prior to approval of any final site plan for the project. Upon approval of the NMP, the facility operator shall be responsible for ensuring that any nutrient applied in the area within the defined limits of work is in strict accordance with the NMP.
 - (13) Spill prevention control and countermeasure plan. Prior to approval of any site plan, the facility operator shall submit a spill prevention control and countermeasure (SPCC) plan for the facility to the director of stormwater and resource protection for review and approval. The SPCC plan shall outline measures and procedures necessary for the operation of the facility until decommissioning, as applicable.
 - (14) Decommissioning and reclamation plan. Prior to site plan approval, the applicant shall submit the final decommissioning and reclamation plan to the director of planning for review and approval. The decommissioning and reclamation plan shall meet the standards of section 24-137(f)(9). Accessory solar facilities shall be exempt from this requirement.
- (f) Construction, operational, and decommissioning requirements for solar energy generating facilities. For community, small- and large-scale solar facilities, the following requirements shall be met during the construction phase and throughout the operational life of solar facilities subject to a special use permit:
- (1) Environmental monitoring. The owner shall prepare a baseline monitoring plan that includes the parameters for environmental monitoring to include soils, groundwater, and surface water monitoring, and a map showing the locations of said monitoring. This plan shall be submitted and approved by the director of stormwater and resource protection prior to the issuance of land disturbing permit. Environmental monitoring to assess the level of contamination shall take place prior to, and upon completion of construction of a facility, throughout the area of the facility in accordance with the approved baseline monitoring plan. Environmental monitoring shall take place every five years of the operation of the facility, and upon completion of decommissioning. Results from said monitoring shall be delivered to the director of stormwater and

resource protection. Should the results of this monitoring show any contamination, as determined by the director of stormwater and resource protection, the operator shall submit a remediation plan to the director of stormwater and resource protection within 60 days for review and approval, after which the operator shall commence remediation efforts within 60 days after approval of the remediation plan. The actual remediation shall provide for environmental remediation required by local, state, or federal law, and adverse impacts identified by the monitoring shall be mitigated by the owner or operator of the solar facility to the satisfaction of the director of stormwater and resource protection.

- (2) Coordination of local emergency services; emergency response plan. Prior to completion of construction, the owner or operator of a facility shall coordinate with the County's emergency services to provide materials, education, and/or training on how to safely respond to on-site emergencies, and to develop, implement, and periodically update, an emergency response plan. Emergency personnel will be given a key or code to access the facility in case of an on-site emergency.
- (3) Monitoring and maintenance. The owner or operator shall maintain the solar facility in good condition. Such monitoring and maintenance shall include, but not be limited to painting; evaluating the structural integrity of equipment, foundations, structures, fencing and security barriers; and maintenance of the buffer areas, stormwater facilities, and landscaping. The facility owner or operator shall be responsible for the cost of maintaining the facility and access roads, and the cost of repairing damage to private roads occurring as a result of construction and operation. Failure to maintain the facility may result in revocation of the special use permit and the facility's decommissioning. Any cleaning products used to maintain photovoltaic materials must be biodegradable.
- (4) Materials. As part of the site plan review, the applicant shall provide documentation that the selected panels and all power generating equipment onsite are "Tier 1" modules as established by the most recent "PV Module Tier 1 List" issued by BloombergNEF or a similar third-party analysis widely accepted in the solar industry. Additionally, the make and model of the selected panels and all power generating equipment initially installed and replaced on the site must qualify, for disposal purposes, as non-hazardous waste under applicable U.S. Environmental Protection Agency tests (e.g. Toxicity Characteristic Leaching Procedure).
- (5) Compliance with local, state, and federal requirements. The operation of facilities shall fully comply with all applicable local regulations, as well as all applicable state and federal regulations, including but not limited to, the U.S. Environmental Protection Agency (EPA), Federal Aviation Administration (FAA), State Corporation Commission (SCC) or equivalent, any state departments related to environmental quality, parks, and wildlife protection, as well as all the applicable regulations of any other agencies in effect at the time of the special use permit approval.

- (6) Inspections.
 - a. The applicant, owner, or operator will allow designated County representatives or employees access to a facility for inspection and decommissioning purposes. The County representative or employee will provide the facility operator with 24-hour notice prior to such inspection when practicable.
 - b. At the County's sole discretion, the County may hire an independent third-party consultant to conduct inspections required by Chapter 8 of the county code. The applicant, or operator of a facility shall reimburse the County its costs in obtaining an independent third-party to conduct inspections.
- (7) Storage and removal of damaged panels. All physically damaged panels or any portion of physically damaged panels or debris thereof shall be collected by the facility operator and removed from the site or stored on site in a location protected from weather and wildlife and from any contact with ground or water until removal from the site can be arranged. On-site storage of damaged panels or portion or debris thereof shall not exceed thirty (30) days. The area designated for damaged panel storage shall be shown on the initial site plan.
- (8) Change in ownership. Notice of any change of ownership or operator of the facility shall be provided to the director of planning by certified mail within 30 working days of any such change.
- (9) Decommissioning and reclamation.
 - a. Decommissioning shall be performed in compliance with the approved decommissioning and reclamation plan. The proposed decommissioning and reclamation plan must demonstrate compliance with the requirements of this section. The director of planning may approve any appropriate amendments to or modifications of the decommissioning and reclamation plan.
 - b. Decommissioning shall include, but is not limited to the removal of, all electric systems, panels, buildings, cabling, electrical components, security barriers, roads, foundations, footers, pilings, fencing, and any other associated facilities or structures, including stormwater management, so that any agricultural ground upon which the facility and/or system was located is again tillable and suitable for agricultural uses. The site shall be graded and re-seeded to restore it to as natural a condition as possible.
 - c. Solar facilities which have reached the end of their useful life or have not been in active and continuous service for a period of 6 months shall be removed at the owner's or operator's expense. If repairs to a facility require more than 6 months in order to bring the facility back to service, the director of planning may grant an extension of time, up to an additional 6 months, provided satisfactory evidence to support a necessary longer repair period is provided to the director of planning.

- d. The owner or operator shall notify the director of planning within 6 months by certified mail of the proposed date of discontinued operations and plans for removal.
- e. The site shall be re-graded and re-seeded to as natural condition as possible within 12 months of removal of facilities. Re-grading and re-seeding shall be initiated within a 6-month period of removal of equipment.
- f. All material from the facility shall be disposed of in accordance with federal, state, and local law.
- g. The estimated cost of decommissioning shall be guaranteed by the deposit of funds in an amount equal to the estimated cost in an escrow account at a federally insured financial institution approved by the County.
 - i. The applicant and/or the operator shall deposit the required amount into the approved escrow account before any land disturbing permit is issued to allow construction of the solar facility.
 - ii. The escrow account agreement shall prohibit the release of the escrow funds without the written consent of the County. The County shall consent to the release of the escrow funds upon the owner's or operator's compliance with the approved decommissioning and reclamation plan. The County may approve the partial release of escrow funds as portions of the approved decommissioning and reclamation plan are performed.
 - iii. The amount of funds required to be deposited in the escrow account shall be the full amount of the estimated decommissioning cost without regard to the possibility of salvage value.
 - iv. The owner or operator shall recalculate the estimated cost of decommissioning annually. If the recalculated estimated cost of decommissioning exceeds the original estimated cost of decommissioning by ten percent (10%), then the owner or operator shall deposit additional funds into the escrow account to meet the new cost estimate. If the recalculated estimated cost of decommissioning is less than ninety percent (90%) of the original estimated cost of decommissioning, then the County may approve reducing the amount of the escrow account to the recalculated estimate of decommissioning cost.
 - v. The County may approve alternative methods to secure the availability of funds to pay for the decommissioning of a solar energy generating facility, such as a performance bond, letter of credit, or other security approved by the county attorney.

- vi. If the owner or operator of the solar facility fails to remove the facility in accordance with the decommissioning and reclamation plan and agreement and decommissioning surety language or within the proposed date of decommissioning, the County may collect the surety and the County or hired third party may enter the property to physically remove the facility and may assess the cost of removal as a lien against the property.

Article V. Districts

Division 2. General Agricultural District, A-1

Sec. 24-212. Use list.

Utility Uses	Accessory solar facilities.	P	
	Community solar facilities.		SUP
	Large-scale solar facilities.		SUP
	Non-solar electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.		SUP
	Small-scale solar facilities.		SUP

Division 3. Limited Residential District, R-1

Sec. 24-232. Use list.

Utility Uses	Accessory solar facilities.	P	
	Community solar facilities generating less than 1MW and located on less than 20 acres of land.		SUP
	Non-solar electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.		SUP
	Small-scale solar facilities located on less than 20 acres of land.		SUP

Division 4. General Residential District, R-2

Sec. 24-252. Use list.

Utility Uses	Accessory solar facilities.	P	
	Community solar facilities generating less than 1MW and located on less than 20 acres of land.		SUP
	Non-solar electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.		SUP
	Small-scale solar facilities located on less than 20 acres of land.		SUP

Division 4.1. Residential Redevelopment District, R-3

Sec. 24-273.2. Use list.

Utility Uses	Accessory solar facilities.	P	
	Community solar facilities generating less than 1MW and located on less than 20 acres of land.		SUP
	Non-solar electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.		SUP
	Small-scale solar facilities located on less than 20 acres of land.		SUP

Division 5. Residential Planned Community District, R-4

Sec. 24-281. Use list.

Utility Uses	Accessory solar facilities.	P	
	Community solar facilities generating less than 1MW and located on less than 20 acres of land.		SUP
	Small-scale solar facilities located on less than 20 acres of land.		SUP

Division 6. Multifamily Residential District, R-5

Sec. 24-305. Use list.

Utility Uses	Accessory solar facilities.	P	
	Community solar facilities generating less than 1MW and located on less than 20 acres of land.		SUP
	Non-solar electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.		SUP
	Small-scale solar facilities located on less than 20 acres of land.		SUP

Division 7. Low-Density Residential District, R-6

Sec. 24-328. - Permitted Uses.

Accessory solar facilities

Sec. 24-329. - Uses permitted by special use permit only.

Community solar facilities generating less than 1MW and located on less than 20 acres of land.

Non-solar electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.

Small-scale solar facilities located on less than 20 acres of land.

Division 8. Rural Residential District, R-8

Sec. 24-348. Use list.

Utility Uses	Accessory solar facilities.	P	
	Community solar facilities.		SUP
	Large-scale solar facilities.		SUP
	Non-solar electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.		SUP
	Small-scale solar facilities.		SUP

Division 9. Limited Business District, LB

Sec. 24-368. Use list.

Utility Uses	Accessory solar facilities.	P	
	Community solar facilities generating less than 1MW and located on less than 20 acres of land.		SUP
	Non-solar electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.		SUP
	Small-scale solar facilities located on less than 20 acres of land.		SUP

Division 10. General Business District, B-1

Sec. 24-390. Use list.

Utility Uses	Accessory solar facilities.	P	
	Community solar facilities generating less than 1MW and located on less than 20 acres of land.		SUP
	Non-solar electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.		SUP
	Small-scale solar facilities located on less than 20 acres of land.		SUP

Division 11. Limited Business/Industrial District, M-1

Sec. 24-411. Use list.

Utility Uses	Accessory solar facilities.	P	
	Community solar facilities generating less than 1MW and located on less than 20 acres of land.		SUP
	Non-solar electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.		SUP
	Small-scale solar facilities located on less than 20 acres of land.		SUP

Division 12. General Industrial District, M-2

Sec. 24-436. Use list.

Utility Uses	Accessory solar facilities.	P	
	Community solar facilities generating less than 1MW and located on less than 20 acres of land.		SUP
	Non-solar electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.		SUP
	Small-scale solar facilities located on less than 20 acres of land.		SUP

Division 13. Research and Technology District, RT

Sec. 24-461. Use list.

Utility Uses	Accessory solar facilities.	P	
	Community solar facilities generating less than 1MW and located on less than 20 acres of land.		SUP
	Non-solar electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.		SUP
	Small-scale solar facilities located on less than 20 acres of land.		SUP

Division 14. Planned Unit Development District, PUD

Sec. 24-493. Use list.

- (a) In the planned unit development district, residential (PUD-R), all structures to be erected or land to be used shall be for the following uses:

Utility Uses	Accessory solar facilities.	P	
	Community solar facilities generating less than 1MW and located on less than 20 acres of land.		SUP
	Small-scale solar facilities located on less than 20 acres of land.		SUP

- (b) In the planned unit development district, commercial (PUD-C), all structures to be erected or land to be used shall be for one or more of the following uses:

Utility Uses	Accessory solar facilities.	P	
	Community solar facilities generating less than 1MW and located on less than 20 acres of land.		SUP
	Small-scale solar facilities located on less than 20 acres of land.		SUP

Division 15. Mixed Use, MU

Sec. 24-518. Use list.

Utility Uses	Accessory solar facilities.	P	
	Community solar facilities generating less than 1MW and located on less than 20 acres of land.		SUP
	Non-solar electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.		SUP
	Small-scale solar facilities located on less than 20 acres of land.		SUP

Division 16. Public Land, PL

Sec. 24-535.1. - Permitted Uses.

Accessory solar facilities

Sec. 24-535.2. - Uses permitted by special use permit only.

Community solar facilities

Large-scale solar facilities

Non-solar electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.

Small-scale solar facilities

Division 17. Economic Opportunity, EO

Sec. 24-536.4. Use list.

Utility Uses	Accessory solar facilities.	P	
	Community solar facilities generating less than 1MW and located on less than 20 acres of land.		SUP
	Non-solar electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.		SUP
	Small-scale solar facilities located on less than 20 acres of land.		SUP

ORD24-ZOSolFac-ord-rev-final

MINUTES
JAMES CITY COUNTY POLICY
COMMITTEE REGULAR MEETING
BUILDING A LARGE CONFERENCE ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA
23185
February 8, 2024
3:00 PM

A. CALL TO ORDER

Mr. Jack Haldeman called the meeting to order at 3 p.m.

B. ROLL CALL

Policy Committee Members Present:

Tim O'Connor
Frank Polster
Jack Haldeman, Chair

Planning Commissioners Present:

Jay Everson

Staff Present:

Susan Istenes, Planning Director
Tammy Rosario, Assistant Director of Community Development
Josh Crump, Principal Planner
Tom Leininger, Principal Planner
Christy Parrish, Zoning Administrator
Paxon Condon, Deputy Zoning Administrator
Terry Costello, Senior Planner
Jose Ribeiro, Senior Landscape Planner II
Cheryl Holland, Financial and Management Specialist
Margo Zechman, Budget and Accounting Analyst

C. MINUTES

1. Minutes of the October 12, 2023, Regular Meeting

Mr. Polster made a motion to approve the Minutes.

On a voice vote, the Committee approved the Minutes of the October 12, 2023, Regular Meeting.

D. OLD BUSINESS

There was no Old Business to discuss.

E. NEW BUSINESS

1. Fiscal Year 2025-2029 Capital Improvements Program Review

Ms. Costello made a presentation to the Committee on the Capital Improvements Program (CIP) process. Ms. Costello noted that there are five new CIP applications for the Committee to rank. Ms. Costello stated that the Committee would submit questions about the individual applications by email and staff would work with the applicants to provide answers. Ms. Costello stated that this meeting was to address any questions the Committee

has about the process.

Ms. Holland described this year's evaluation process and how it would be different from that of prior years. The five projects, including a new warehouse, a space study for the courthouse, two projects for the Chickahominy River Park, and a Police firing range classroom will be evaluated separately from unfunded projects left over from prior years.

Mr. Polster provided a set of questions about how the projects would be prioritized and funded. Mr. Polster noted that he would be more comfortable with prioritizing previously submitted projects that were not funded, projects that should have been on the list, and then the new projects.

Mr. O'Connor inquired if the Committee could count on there being matching funds for transportation and stormwater projects.

Mr. Polster noted that the stormwater projects would be predicated on staffing. Mr. Polster noted that there is a proposal to add staff in General Services to address this problem.

Mr. Haldeman inquired if the Committee should begin ranking the project now.

Ms. Costello stated that the Committee could develop a preliminary ranking which would be finalized at a later meeting.

2. Utility-Scale Solar Farm Applications

Mr. Ribeiro gave an overview of the draft Ordinance and Policy.

Mr. Haldeman commented that the less than one megawatt facilities in residential districts can require four to six acres and be comprised of 5,000 panels. Mr. Haldeman stated that this seems to be a fairly intense use for a residential district.

Mr. Polster noted that a similar facility had been proposed with a potential development application to provide power to the homes. Mr. Polster stated that similar proposals should be centralized in the interior of the development or have the panels roof-mounted.

Mr. Ribeiro stated that a less than one megawatt facility is considered small-scale in the draft Policy. Mr. Ribeiro further stated that the Policy does set acreage restrictions.

Mr. Haldeman reiterated his concern that this use, even at just four to six acres, would be fairly intense in a residential district.

Mr. Polster noted that it would be difficult to adequately buffer the facility. Ms. Rosario stated that this particular use would require a Special Use Permit (SUP). Ms. Rosario further stated that it would be incumbent on the developer to show how it fits into the character of the residential neighborhood so that it is acceptable to the remainder of the community. Ms. Rosario stated that both the Ordinance and the Policy establish criteria that the developer would need to follow for buffering and screening. Ms. Rosario stated that it would be up to the Planning Commission and the Board of Supervisors (BOS) whether the impacts were sufficiently mitigated to meet the Ordinance requirements and community expectations.

Mr. Polster stated that he is concerned about how the criteria would be applied and what the unintended consequences might be. Mr. Polster further stated that it should be clear why staff has determined how the proposal meets or does not meet specific criteria. Mr. Polster stated that some criteria are not clear as to intent and basis. Mr. Polster requested that staff consider whether the existing projects would have been approved if they had been subject to the proposed Ordinance criteria. Mr. Polster stated that he was struggling

with whether these were hard and fast rules or whether there is discretion based on context.

Mr. Ribeiro stated that some of the criteria are based on recommendations from the consultant as well as industry standards. Mr. Ribeiro noted that staff would certainly look at these items.

Mr. Polster stated that he had questions about the criteria applied to Public Lands outside of the Primary Service Area (PSA) and how they might be applied to projects that the County may pursue.

Mr. Polster further stated that he is concerned about putting an Ordinance in place that is so restrictive that a property owner may feel they have no other option than to sell the land for development. Mr. Polster suggested that the Policy or Ordinance call for a fiscal impact statement to outline the fiscal benefits of the project. Mr. Polster requested information on what a fiscal impact statement should include.

Ms. Rosario stated that there has been internal discussion on past cases and how that might fit in with the Policy considerations and the Ordinance requirements.

Mr. Polster commented that he wanted to understand the impetus behind the restrictions being developed outside of the conditions that were already proven to mitigate impacts.

Ms. Rosario noted that the criteria outlined in the Policy would have some room for discretion and interpretation.

Mr. Polster stated that the Policy and Ordinance criteria would be listed out in the staff report and be the basis for whether staff recommends for or against approval of the project.

Ms. Rosario noted that staff must consider the project based on the criteria; however, the Planning Commission and the BOS would have the discretion to weigh the project based on its context.

Mr. Polster stated that he was concerned about having a similar dilemma in interpreting Solar Farm Policy and Ordinance criteria that currently exist with short-term rentals.

Ms. Rosario noted that the goal of this discussion was to record the Committee's suggestions and carry forward the suggestions and recommendations to the Planning Commission discussion.

Ms. Rosario noted that if the Committee believes that the one-mile distance between solar farms or the requirement to be within two miles of the transmission mains is too restrictive, staff would bring that forward for discussion.

Mr. Polster stated that there was a lack of context. Mr. Polster noted that staff should plot out where the transmission lines would be for the project and take into account the location. Mr. Polster further noted that one of the proposed requirements would make the applicant responsible for the Dominion Energy lines. Mr. Polster stated that he found that to be unreasonable. Mr. Polster noted that the state had been struggling with developing legislation for solar farms. Mr. Polster further stated that it would not be prudent to adopt an ordinance that is more restrictive than what the state would allow.

Mr. Haldeman inquired why solar farms are excluded from the M-2 Zoning District. Mr. Haldeman noted that a solar farm would be a good use of some of those parcels.

Mr. Leininger stated that solar farms are specially permitted uses in the M-2 Zoning District.

Mr. Polster stated that those parcels are not in the PSA and would be restricted in size. Mr. Polster noted that the proposed criteria would not allow a good reuse of some of those properties.

Mr. O'Connor noted that there seems to be a conflict between Criteria No. 4 and No. 5 which he presumes to be for separate facilities. Mr. O'Connor noted that there should be some clarification in the event that two separate owners would work together to accommodate a larger project.

Mr. O'Connor inquired about the reason to stipulate that the facility be located within two miles of the transmission lines if the applicant would be required to bury the lines.

Mr. Polster noted that the issue was the definition of where the connection point is.

Mr. O'Connor inquired about Criteria No. 11 to require upgraded plans from the interconnection point to the switching stations and whether that would unduly influence the application.

Mr. Polster inquired about why this criteria was included since this is a Dominion Energy issue.

Mr. Polster inquired about the criteria limiting the facility to 60% of the property.

Ms. Rosario stated that this was incorporated to reflect the existing requirements related to impervious cover.

Mr. Polster stated that the Chesapeake Bay Preservation Act (CBPA) allows for mitigation for greater amounts of impervious cover; however, those are not spelled out in the Ordinance or Policy.

Mr. Polster stated that this was also the issue with the stipulations regarding agricultural soils. Mr. Polster stated that he wanted clarification and concurrence that those agricultural soils were based on the James City County Agricultural Soils definitions.

Mr. Haldeman inquired if Mr. Everson had any comments.

Mr. Everson inquired if there was any stipulation in the Ordinance or Policy regarding traffic crossing railroad tracks.

Mr. Polster stated that this was not specifically included in the Ordinance or Policy; however, the stipulation about local roads covers disturbance to neighborhoods and subdivisions and defines what those local roads were.

Mr. Leininger stated that the Policy does state that access across railroad track would be unacceptable.

Mr. Polster inquired about the rationale for this stipulation.

Mr. Leininger stated that there were safety concerns.

Mr. O'Connor noted there had been concerns with prior applications about several sharp turns and steep grades that would be unsafe for the construction vehicles.

Mr. O'Connor inquired if it is anticipated that solar facilities will be considered a temporary use or a permanent facility.

Mr. Crump stated that there had been some discussion on this and that since SUPs run with the land, it could be considered permanent.

Mr. O'Connor stated that if it was a permanent use, then the stipulations on prime soils would be irrelevant.

Mr. Haldeman stated that if the alternative is housing; that is not good for prime soils either. Mr. Haldeman inquired about stockpiling soil for the reclamation process.

Mr. Polster noted that this was an SUP condition for one of the approved solar farms. Mr. O'Connor inquired about the siting agreement.

Ms. Rosario stated that the Ordinance defined it as an agreement between the County and the entity per Code of Virginia Section 15.2-2316.7. to allow for the mitigation of impacts and can include financial compensation to the host locality. Ms. Rosario stated that is akin to proffers. Ms. Rosario further stated that when the County signs a siting agreement, it is confirming that the facility is consistent with the Comprehensive Plan in lieu of a 2232 review.

Mr. O'Connor noted that he did not favor requiring neighborhood meetings as it can lead to a misunderstanding about what was requested and what was conditioned by the County.

Mr. Polster stated that he favored meetings between the developer and the individuals directly impacted by the development.

Mr. Polster inquired about the limitations on impervious surface.

Mr. Crump clarified that Criteria No. 6 had been revised to state: "The County considers solar panels to be impervious for the land cover calculation and stormwater management needs. Impervious cover on individual facility sites shall not exceed 60 percent as required by the County's Chesapeake Bay Preservation Ordinance Section 23-9(b)(1)(b)."

Mr. Polster inquired about the mitigation strategies approved in the CBPA. Mr. Polster further inquired about the reference to parking lots.

Ms. Rosario noted that staff would check the Code section references.

Mr. O'Connor inquired if the impervious cover was calculated when the solar panel was flat.

Mr. Polster confirmed and stated that this was how the state had chosen to calculate the impervious area.

Mr. Everson inquired about remediation of groundwater contamination.

Ms. Rosario stated that solar farms are not known to contaminate groundwater; however, staff included this in an abundance of caution. Ms. Rosario noted that staff would follow up with Stormwater and Resource Protection for examples of such remediation strategies.

Mr. Polster noted that there have been studies done in North Carolina that address not only contamination but also occupational safety. Mr. Polster noted that these facilities seem to pose minimal concern to groundwater and were generally safe for the community and the workers.

Mr. Everson made a recommendation to include a stipulation for American-made products.

Mr. O'Connor inquired about the Ordinance language related to spill prevention and countermeasures and what a spill might entail.

Ms. Rosario stated that this was a provision Stormwater and Resource Protection

recommended; however, they did not provide any details on what a spill might be.

Mr. Polster noted that this could be related to the construction phase where there could be an oil spill from a construction vehicle. Mr. Polster further stated that having an emergency management plan in place made good sense.

Mr. O'Connor inquired if there is potential for battery storage facilities to be part of a solar farm in the future.

Ms. Rosario confirmed that this is possible; however, it has not been included in the Ordinance. Ms. Rosario stated that the County could amend the Ordinance later if it became necessary.

Mr. Polster recommended that staff look at this issue.

Mr. Polster commented on the requirement for wildlife corridors. Discussion ensued on what those corridors might look like.

Mr. Polster stated that staff should incorporate the need for a wildlife corridor in the plan review.

Mr. O'Connor stated that he recommended developing requirements for battery storage facilities sooner rather than later.

F. ADJOURNMENT

Mr. Polster made a motion to adjourn.

The meeting was adjourned at approximately 4:33 p.m.

Susan Istenes, Secretary

Jack Haldeman, Chair

RESOLUTION

LARGE-SCALE SOLAR FARM APPLICATIONS

- WHEREAS, the James City County Code (the “County Code”) permits any property owner, contract purchaser with the owner’s written consent, or the owner’s agent to apply to amend, supplement, or change by Ordinance the boundaries of zoning districts or the regulations established in the James City County Zoning Ordinance (the “Zoning Ordinance”), including zoning map amendments (collectively, “Owner Applications”); and
- WHEREAS, Owner Applications are regularly submitted for consideration by the Board of Supervisors (the “Board”), all of which are given thorough consideration by staff and the James City County Planning Commission (the “Commission”) prior to transmittal to the Board; and
- WHEREAS, major factors for the consideration of any amendment to the Zoning Ordinance, including Owner Applications, include whether staff, the Commission, and the Board believe that the proposed amendment is consistent with the James City County Comprehensive Plan (the “Comprehensive Plan”), the James City County Code (the “County Code”) and any other adopted plans and policies; and
- WHEREAS, at its meeting on October 25, 2022, the Board of Supervisors adopted the Natural & Cultural Assets Plan (the “Assets Plan”); and
- WHEREAS, Goal No. 1.1 of the Assets Plan calls for the development of “zoning tools and guidance for siting large-scale solar sites to avoid or minimize disturbance of habitats or cultural resources”; and
- WHEREAS, Goal No. 2.A of the Assets Plan calls for the inclusion of “high-value agriculture soils maps in County Geographic Information System layers and property information and recommend minimal disturbance of those soils during development (especially for utility solar sites)”; and
- WHEREAS, Goal No. 3.D of the Assets Plan calls for the prevention of “stormwater impacts from utility-scale solar projects by adopting stormwater standards as required by the Virginia Department of Environmental Quality”; and
- WHEREAS, at the March 14, 2023, Board meeting, members of the Board expressed concern that its consideration of any Owner Applications involving solar farms would be done so without the benefit of the completion of the three solar-farm-related goals (the “Goals”) set forth in the Assets Plan; and
- WHEREAS, the Board finds that it promotes the health, safety, and welfare of the citizens of the County and good zoning practice to ensure that all Owner Applications involving large-scale solar farms are considered with analysis set forth in the Goals.
- NOW, THEREFORE, BE IT RESOLVED the Board does hereby direct staff to analyze the manpower, financial assets, and the recommended work timeline that will be required to conduct the analysis of the goals listed in the Assets Plan and to present that information to the Board at its July 25, 2023, Business Meeting so that the Board can determine the most effective way to proceed with meeting these goals.

BE IT FURTHER RESOLVED the Board does hereby direct staff to retain an outside consultant to assist both staff and the Board in devising a comprehensive Board Policy on Large-Scale Solar Farm projects and present a draft policy document to the Board at its September 12, 2023, Regular Meeting.

BE IT FURTHER RESOLVED the Board does hereby direct staff to not place any large-scale solar farm application on the Board’s Calendar until its first meeting in December 2023, or at such earlier time as the Board may determine.

BE IT FURTHER RESOLVED that any Owner Application for a large-scale solar farm associated with a conceptual plan submitted to the County on or prior to April 10, 2023 may be placed on the Board’s Calendar following consideration by the Planning Commission.


Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:


Teresa J. Saegert
Deputy Clerk to the Board

SADLER
ICENHOUR
MCGLENNON
LARSON
HIPPLE

VOTES			
<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of April, 2023.

LgSolarFrm-res

Board of Supervisors Business Meetings on the Proposed Policy and Ordinance:

- July 25, 2023: <https://jamescitycova.portal.civicclerk.com/event/492/files/agenda/361>
- September 12, 2023: <https://jamescitycova.portal.civicclerk.com/event/18/files/agenda/997>
- October 24, 2023: <https://jamescitycova.portal.civicclerk.com/event/64/files/agenda/1058>



Planning Commission and Board of Zoning Appeals

ANNUAL REPORT

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101-A Mounts Bay Rd.
Williamsburg, VA 23185

Planning Division

757-253-6685

Planning@jamescitycountyva.gov
jamescitycountyva.gov/404

Zoning Division

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Zoning@jamescitycountyva.gov
jamescitycountyva.gov/447

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2023 PLANNING COMMISSION ANNUAL REPORT

On behalf of the James City County Planning Commission, I am pleased to present our 2023 Annual Report. This is the second year since the Board of Supervisors adopted the 2045 Comprehensive Plan, *Our County, Our Future*, an expression of our citizen’s aspirations for the future of the County. This second year was marked by continued effort on the part of dedicated Planning staff and the Planning Commission to translate these aspirations into actions by reviewing a diverse range of development cases and advancing important policy initiatives.

Continuing the work started in 2022, the Policy Committee and staff continued working on five Ordinance amendments, which the Board of Supervisors had initiated. Two were approved, two were withdrawn, and one is still pending. Planning staff also began work on a Large-Scale Solar Facilities policy and a Zoning Ordinance template that addressed various scales of solar facilities.

In addition, staff also began two small amendments to the Comprehensive Plan regarding revisions to the Community Character Corridor (CCC) and Short-Term Rental Development Standards. These revisions aim to ensure the Comprehensive Plan remains relevant and effectively addresses evolving community needs.

Planning staff and the Commission also supported and participated in collaborative efforts led by other County divisions and departments on projects, including drafting the Powhatan Creek and Yarmouth Creek Watershed Management Plans. This collaboration fosters a comprehensive approach to addressing critical environmental concerns in James City County.

Lastly, we said goodbye to Mr. Richard Krapf, who had served as a member of the Planning Commission for 17 years. We will miss his balanced approach as a champion for the County’s Rural Lands. We also said goodbye to Dr. Rob Rose and Ms. Barbara Null, who is now a Board Supervisor representing the Stonehouse District. With those departures, we welcomed three new Planning Commissioners: Ms. Kira Allman, Roberts District; Mr. Scott Maye, Powhatan District; and Mr. Jay Everson, Stonehouse District, to the Planning Commission.

It was an honor to serve as chair alongside my dedicated colleagues on the Commission, 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. Staffing still has not recovered from the pandemic and we still have personnel shortfalls. Their hard work and creativity were instrumental in providing solid analyses of the cases that the Planning Commission has reviewed and forwarded to the Board for its approval. All of the Planning staff are true professionals who have facilitated responsible development while fostering a vibrant, sustainable community.

Thank you to all for your service.

FRANK POLSTER
2023 Planning Commission Chair
James City County Planning Commission

Number of Cases Reviewed by the Planning Commission	2019	2020	2021	2022	2023
Agricultural and Forestal District	7	2	1	15	3
Height Waiver	2	0	0	1	0
Master Plan	3	0	2	0	1
Rezoning	10	3	9	3	2
Special Use Permit	16	12	11	21	21

TABLE OF CONTENTS

List of Commission Members and Staff.....	4	Major Initiatives	18
Introduction	5	Contact Information	19
Development and Growth.....	6	Comprehensive Plan Implementation	20
Planning Commission Highlights	10	Board of Zoning Appeals/Variances.....	21
Planning Commission Actions	13	Glossary of Terms	24
Ordinance Amendments.....	17		

2023 Planning Commission

Name	District	Appointment	Term Expires
Frank Polster, Chair**	Jamestown	2/1/2018	1/31/2026
Rob Rose, Vice Chair**	Roberts	1/28/2020	1/31/2024
Jack Haldeman**	At-Large	2/1/2022	1/31/2026
Rich Krapf**	Powhatan	1/23/2007	1/31/2026
Barbara Null**	Stonehouse	2/25/2020	1/31/2024
Tim O'Connor**	At-Large	8/10/2010	1/31/2025
Stephen Rodgers**	Berkeley	2/11/2022	1/31/2025

2023 Planning Division Staff

- Paul D. Holt, III, AICP, CNU-A, CFM, Director of Community Development**
- Tammy Rosario, AICP, Assistant Director of Community Development
- Susan Istenes, AICP, Director of Planning
- Ellen Cook, AICP, Principal Planner
- Josh Crump, Principal Planner
- Tom Leininger, AICP, Principal Planner
- Thomas Wysong, AICP, Principal Planner
- Jose Ribeiro, AICP, Senior Landscape Planner II
- Terry Costello, CZA, Senior Planner
- John Risinger, Planner II
- Tess Lynch, Planner II
- Suzanne Yeats, Planner I
- Ben Loppacker, Planner I
- Beth Klapper, Administrative Coordinator III
- Amanda Frazier, Administrative Coordinator II
- Andrea Case, Administrative Coordinator II
- Armani Franklin, Administrative Coordinator II

2023 Zoning Division Staff

- Christy Parrish, CZA, CTM, CFM, Zoning Administrator
- Paxton Condon, CZA, Deputy Zoning Administrator/Planner II
- Taylor Orne, CZA, Senior Zoning Officer
- John Rogerson, CZA, CTM, 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
CTM – Certified Transportation Manager



View of Chickahominy Riverfront Park and Scenic State Route 5

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 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.

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.

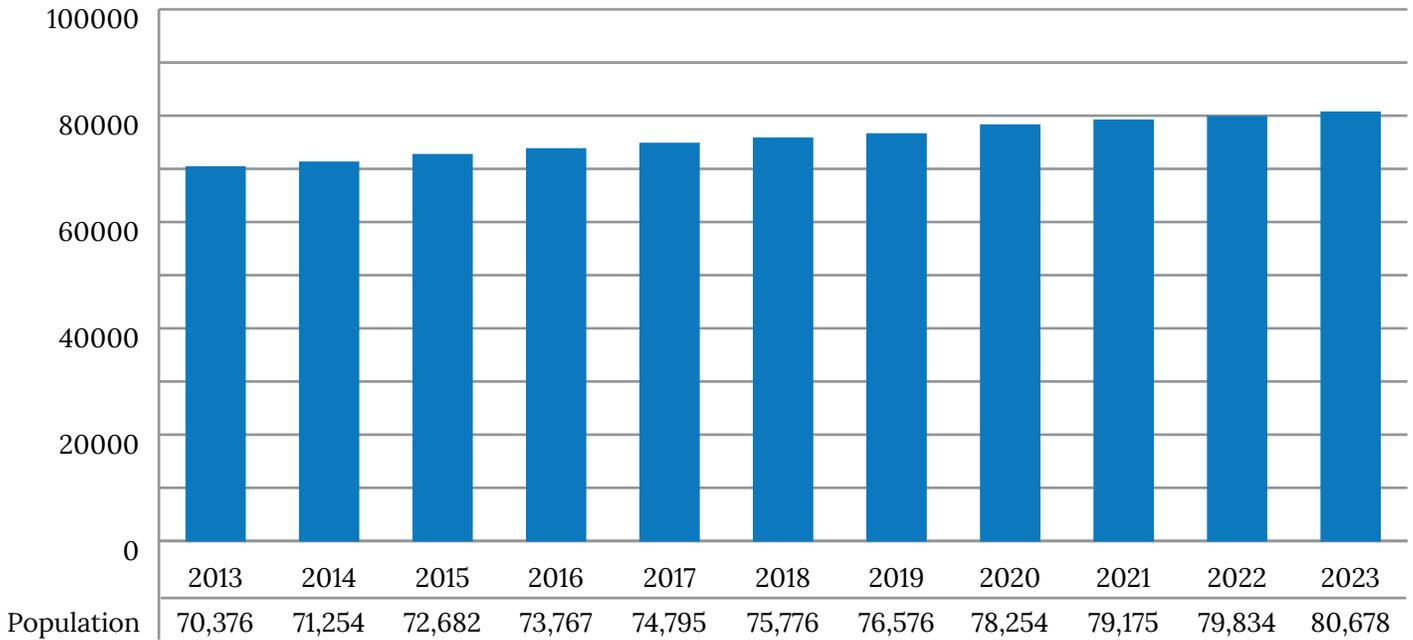
2023 Planning Commission Schedule		
Regular Meetings		Work Sessions and Special Meetings
January 4	July 5	March 20*
February 1	August 2	May 23**
March 1	September 6	
April 5	October 4	
May 3	November 1	
June 7	December 6	

*Organizational and CIP Recommendation Meeting

**Joint Work Session with Board of Supervisors

DEVELOPMENT AND GROWTH

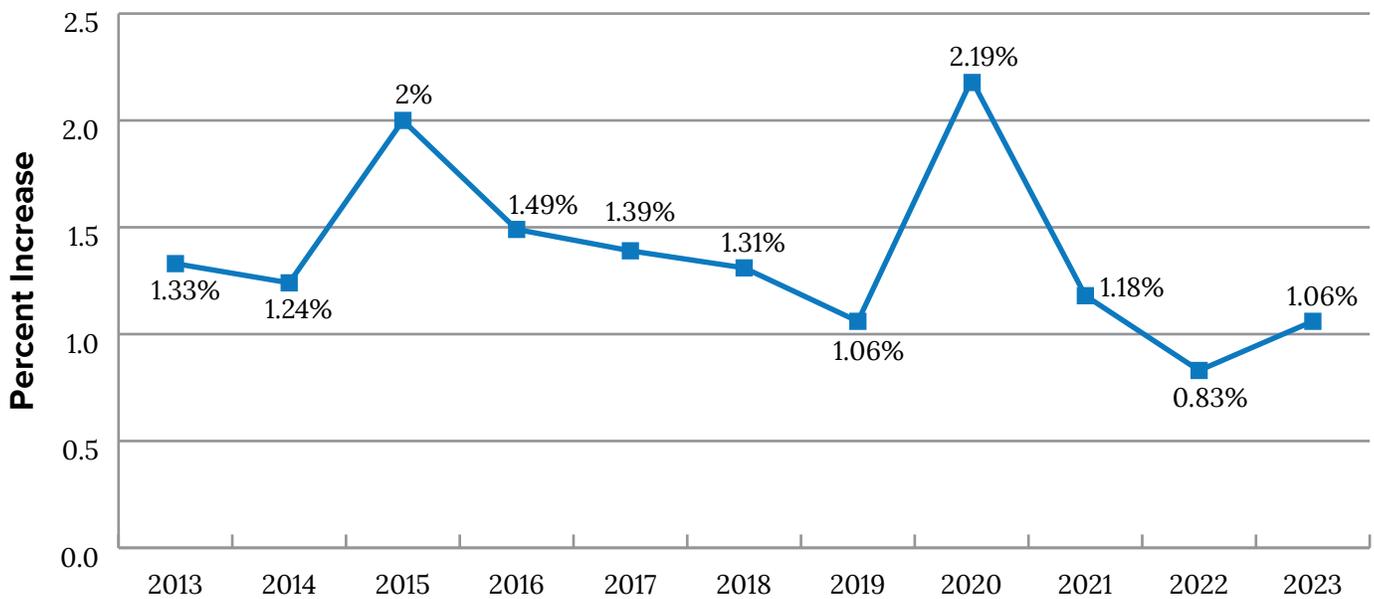
James City County Population



Source: Staff population estimates (2013–2019, 2021–2022), United States Census Bureau (2020), and Weldon Cooper Center for Public Service (2023).

Note: Staff population estimates are as of December 31 of the year indicated.

Percent Annual Population Increase



The jump in population growth rate between the years 2019 and 2020 in the above graphic is attributed to a recalibration of the population figure based on the 2020 Census. The drop in the growth rate in 2022 is attributed to a reduction in institutional populations compared to previous years rather than a reduction in the amount of new dwelling units.

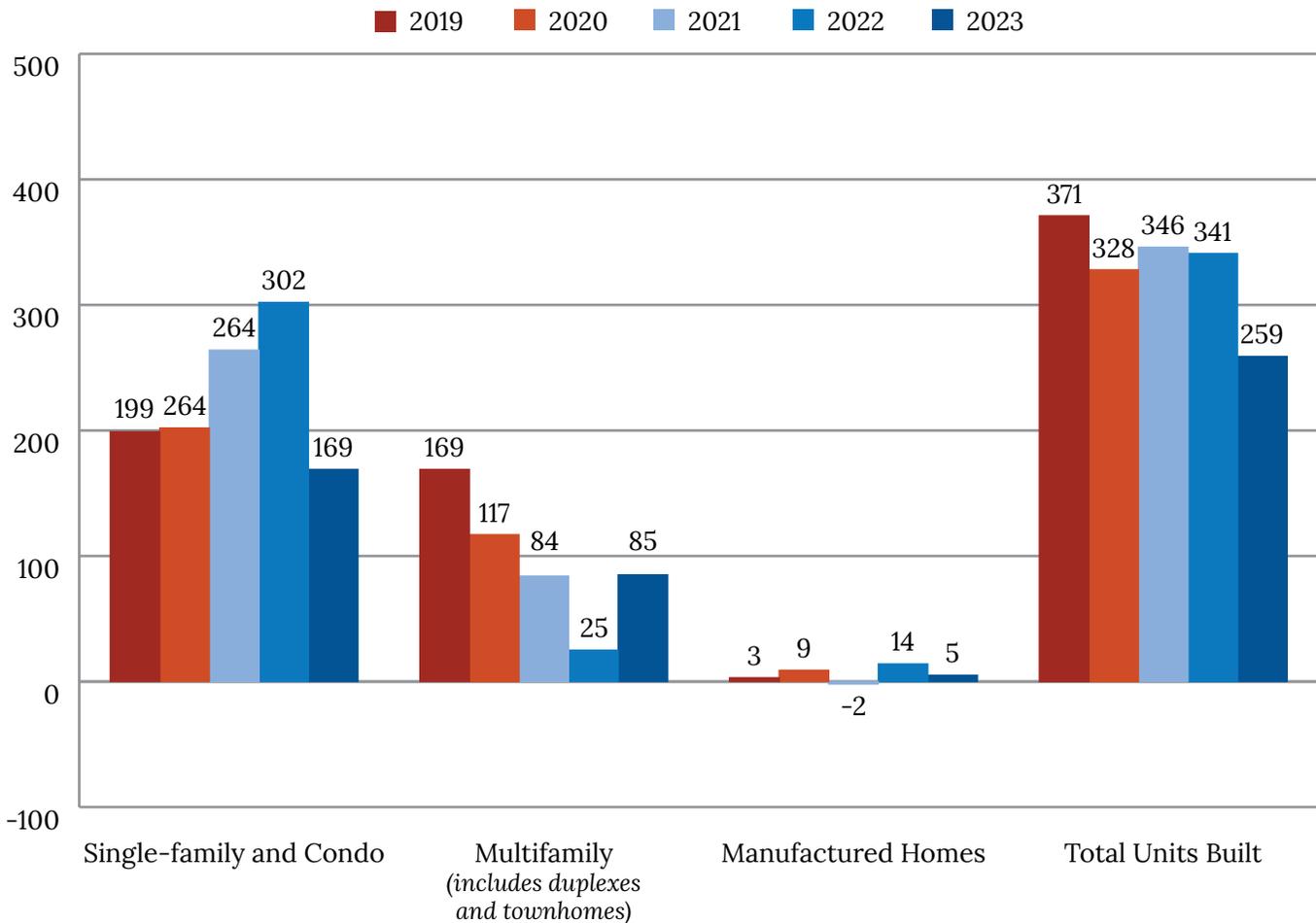
Number of Dwelling Units Added from 2019 to 2023

Calendar Year	Single-family and Condo	Multifamily <i>(includes duplexes and townhouses)</i>	Manufactured Homes	Total Number of Dwelling Units Added Each Year	Total Unit Count*
2019	199	169	3	371	34,120
2020	202	117	9	328	33,993
2021	264	84	-2	346	34,339
2022	302	25	14	341	34,680
2023	169	85	5	259	34,939

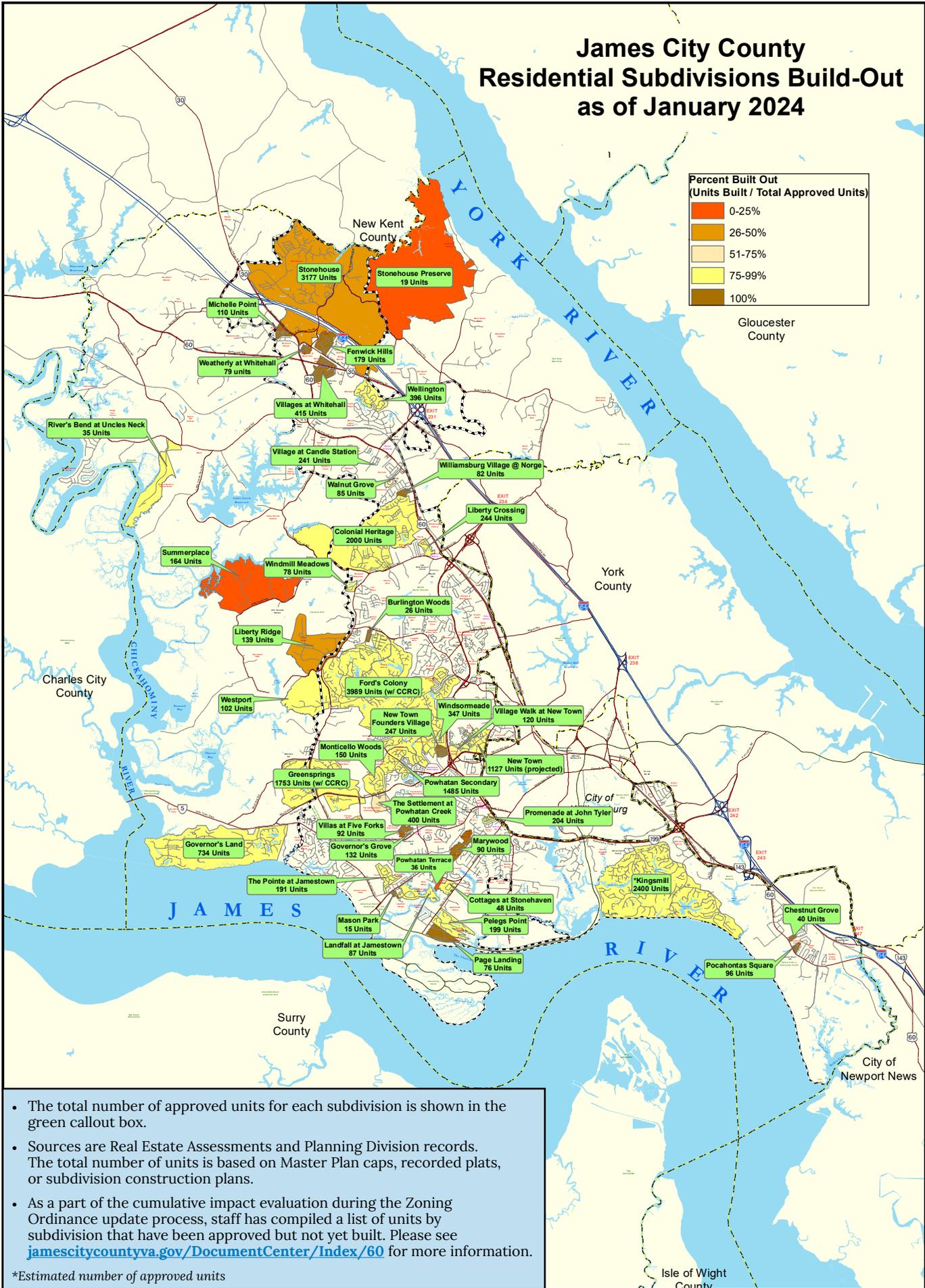
*As of 2010, the U.S. Census Bureau no longer provides a breakdown of dwelling units by housing type.

For 2019, the Total Unit Count represents the total number of dwelling units in the County per the 2010 Census (29,797 dwelling units) plus the number of dwelling units added in 2011-2019. For 2020, the Total Unit Count is 33,993 per the 2020 Census. For 2021-2023, the Total Unit Count represents the total number of dwelling units in the County per the 2020 Census plus the number of dwelling units added in 2021-2023. The number of dwelling units added each year includes the number of residential Certificates of Occupancy issued, the number of dwellings demolished, and the number of dwellings destroyed by fires.

Number of Dwelling Units Added from 2019 to 2023



James City County Residential Subdivisions Build-Out as of January 2024



- The total number of approved units for each subdivision is shown in the green callout 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.
- 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/60 for more information.

*Estimated number of approved units

Residential Subdivision Building Data/Cumulative Impact Database

The Residential Subdivision Build-out 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 > Annual Reports > Developmental Status Reports > 2024:

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 presented in the table below:

Election District	Residential Unit Count	Vacant Parcels	Improved Parcels	Total Parcels
Berkeley	7,403	473	6,699	7,172
Jamestown	7,960	434	6,178	6,612
Powhatan	7,349	838	6,561	7,399
Roberts	7,455	574	5,909	6,483
Stonehouse	7,360	794	7,307	8,101
TOTAL	37,527	3,113	32,654	35,767

- **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
Berkeley	6,806	186	5,900	6,086
Jamestown	7,505	191	5,416	5,607
Powhatan	7,128	674	6,155	6,829
Roberts	7,453	230	5,520	7,750
Stonehouse	7,355	522	6,998	7,520
TOTAL	36,247	1,803	29,989	31,792

- **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 an outgrowth of the Engage 2045 Comprehensive Plan update process, staff continues to work with consultants on integrated land use, transportation and cumulative impact modeling efforts using GIS, CommunityViz, a customized travel demand model, and a fiscal model. These efforts guide land use decisions. Staff continues 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 22 SUP applications including eight requests for short-term rentals, four amendments to existing Park Facility SUPs to account for updates to their Master Plans, an Event Facility, and a Solar Electrical Generation Facility. Other applications included tie-ins to the James City Service Authority (JCSA) Water System for Liberty Ridge and Westport, an adaptive reuse of a vacant bank building for a drive-through coffee shop, a self-storage facility, expansion of facilities for Grove Christian Outreach Center, and the expansion of facilities at the Williamsburg Place.

Rezonings: The Planning Commission reviewed two rezonings. One case was submitted in conjunction with an SUP for a self-storage facility to amend the existing proffers and Master Plan. Another case was submitted in conjunction with the SUP for an event facility. A third rezoning application was submitted but withdrawn prior to the Planning Commission hearing.

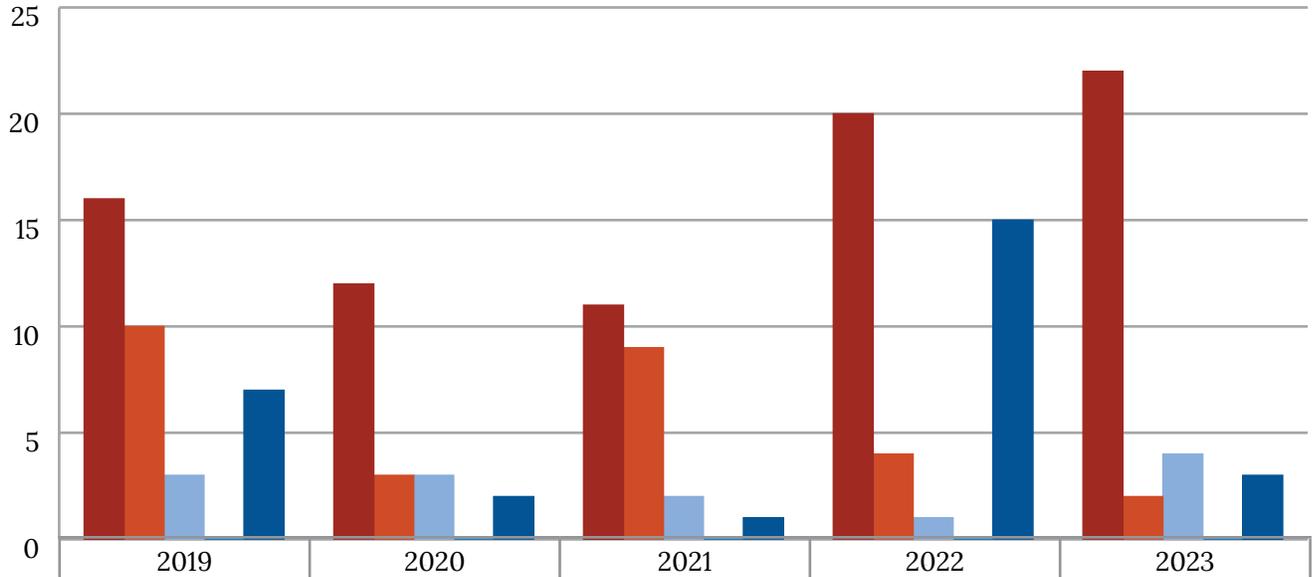
Master Plan: One Master Plan Amendment was reviewed by the Commission in 2023 in conjunction with SUP-22-0017 to allow for a self-storage facility at 4399 John Tyler Hwy. and a proposed rezoning to amend the existing proffers and Master Plan for Governors Grove at Five Forks to include the proposed use and facilitate its implementation.

Residential Units Legislatively Approved in 2023: One new residential unit was approved for a detached accessory apartment at 213 Southpoint Dr. (SUP-23-0019) in 2023.

Agricultural and Forestal Districts (AFDs): The Planning Commission reviewed two AFD additions which added ±256 Acres to the Mill Creek AFD and ±46 acres to the Barnes Swamp AFD. The Commission also reviewed a request to withdraw ±23 acres from the Barnes Swamp AFD.



Cases Reviewed by the Planning Commission



■ SUP	16	12	11	20	22
■ Rezoning	10	3	9	4	2
■ ZO	3	3	2	1	4
■ SUB	0	0	0	0	0
■ AFD	7	2	1	15	3

ZO – Zoning Ordinances
 SUB – Subdivisions

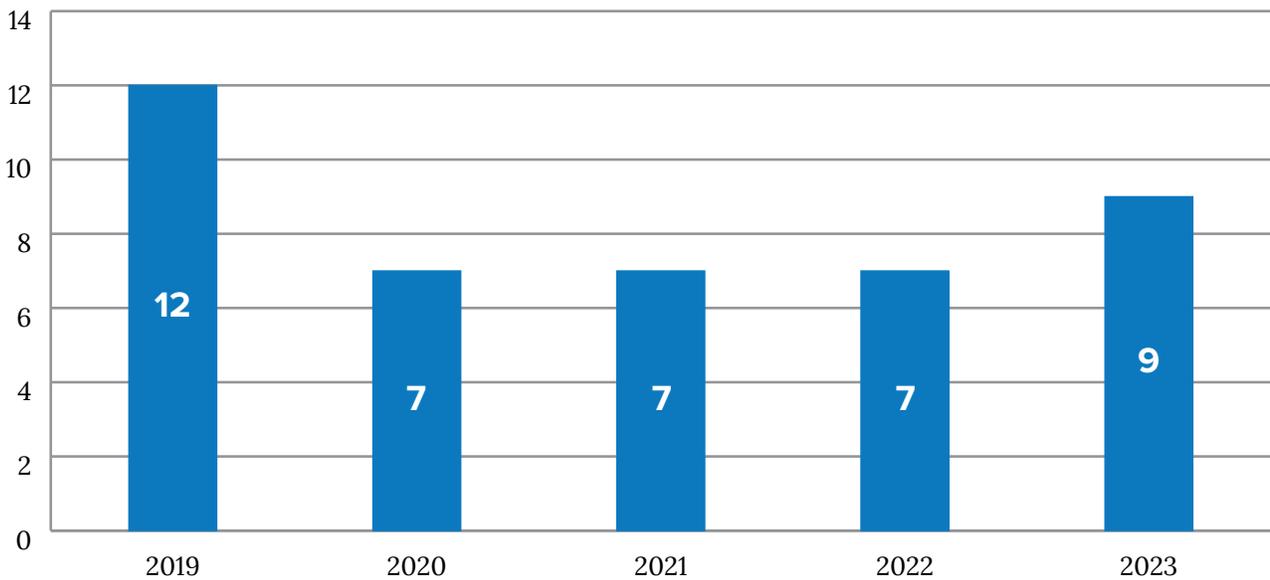
Policy Committee

The Policy Committee is responsible for developing recommendations on the CIP and Zoning Ordinance amendments. In 2023, the Committee considered Zoning and Subdivision Ordinance amendments for the calculation of Residential Development Density, Scenic Roadway Protection, and Vape and Smoke Shops. The Committee considered a Comprehensive Plan Amendment for CCC and Short-Term Rental Development Standards revisions. The Committee also discussed potential revisions to the Use List of the General Business District, B-1.

Development Review Committee (DRC)

The DRC reviewed nine cases in 2023, including an appeal of a Planning Director determination regarding proposed landscaping for the Ironbound Road Wawa, a determination of consistency with the Master Plan for proposed changes to the RV and boat storage lot at Chickahominy Riverfront Park, Shared Driveway Exception requests for 3426 N. Riverside Dr., 3150 Jolly Pond Rd., and 8425 Croaker Rd., a determination of consistency for an addition to the JCSA Five Forks Water Treatment Plant, a determination of Master Plan Consistency for additional parking spaces at LifePointe Christian Church, approval to allow an additional waterline within a greenbelt buffer at The Settlement at Powhatan Creek, a request for feedback on proposed residential and recreation developments, amenities, and improvements throughout the Kingsmill Master Plan area.

Development Review Committee Cases



PLANNING COMMISSION ACTIONS

Special Use Permits

Plan Number	Name of Project	Location	Acres	Case Description	Staff	PC	BOS
SUP-22-0017	4399 John Tyler Hwy. Five Forks Self-Storage Facility	4399 John Tyler Hwy. Williamsburg, VA 23185	2.97	An SUP to allow for a self-storage facility at 4399 John Tyler Highway and a proposed rezoning to amend the existing proffers and Master Plan for Governors Grove at Five Forks to include the proposed use and facilitate its implementation.	Approval	Approval	Approval
SUP-22-0018	5477 Mooretown Rd. Williamsburg Place Additions	5477 Mooretown Rd. Williamsburg, VA 23188	7.75	Increasing the number of inpatient psychiatric treatment beds by 41, intermediate care substance abuse beds by 10, outpatient domiciliary beds by 28; removing the four previously approved residential units; adding a second story addition and bump out to an already approved wellness building to provide additional administrative office spaces; expanding the indoor and outdoor dining and kitchen facilities.	Approval	Approval	Approval
SUP-22-0022	4711 Rochambeau Dr. Tourist Home	4711 Rochambeau Dr. Williamsburg, VA 23188	0.45	Tourist Home rental of the entirety of a three-bedroom home.	Denial	Approval	Approval
SUP-22-0023	2878 Monticello Ave. Tourist Home	2878 Monticello Ave. Williamsburg, VA 23188	3	Tourist Home rental of the entirety of a three-bedroom home.	Denial	Denial	Approval
SUP-22-0025	7504 Richmond Rd. Starbucks	7504 Richmond Rd. Williamsburg, VA 23188	1.45	Adaptive reuse of the vacant bank with drive-through into a coffee shop with drive-through.	Approval	Approval	Approval
SUP-22-0026	8290 Richmond Rd. Hankins-Dunn Property Rezoning and Residential Cluster Development	8290 Richmond Rd. Toano, VA 23168	222.23	Rezoning of approximately 220 acres from A-1, General Agricultural to R-2, General Residential, Cluster Overlay to allow for up to 582 residential dwellings and a request for an SUP to allow for a density of up to 3.74 dwelling units per acre.	Denial	Withdrawn	Withdrawn at PC Level

Plan Number	Name of Project	Location	Acres	Case Description	Staff	PC	BOS
SUP-23-0001	2886 Lake Powell Rd. Short-Term Rental of Rooms	2886 Lake Powell Rd. Williamsburg, VA 23185	0.61	Short-Term Rental of up to three rooms in a single-family dwelling.	Denial	Approval	Approval
SUP-23-0003	2884 Chickahominy Rd. Tourist Home	2884 Chickahominy Rd. Toano, VA 23168	5.05	Tourist Home rental of an entire four-bedroom home.	Denial	Approval	Approval
SUP-23-0004	Chickahominy Riverfront Park Master Plan Amendment	1350 John Tyler Hwy. Williamsburg, VA 23188	139.2	This proposed SUP amendment is to update and ensure consistency with the Park's Master Plan to include removing camping and RV camping in certain areas; adding a long-term RV and boat storage area; adding a future JCSA water treatment plant; realigning internal roadways and removing a second entrance on Route 5; adding and relocating rowing and boat launch facilities.	Approval	Approval	Approval
SUP-23-0005	Jamestown Beach Event Park Master Plan Amendment	2205 Jamestown Rd. Williamsburg, VA 23185	94.75	This proposed SUP amendment is to update and ensure consistency with the Park's Master Plan to include, adding long-term boat storage and a running center; changes to roadways including realigning the park entrance to create a new intersection with Jamestown Road and the Colonial Parkway.	Approval	Approval	Approval
SUP-23-0006	Upper County Park Master Plan Amendment	180 Leisure Rd. Toano, VA 23168	55.99	This proposed SUP amendment is to update and ensure consistency with the Park's Master Plan to include, adding and reconfiguring multiuse trails, a pickleball/tennis court, an off-leash dog area, and a community gymnasium.	Approval	Approval	Approval

Plan Number	Name of Project	Location	Acres	Case Description	Staff	PC	BOS
SUP-23-0007	Warhill Sports Complex Master Plan Amendment	4900 Stadium Rd. Williamsburg, VA 23188	442.23	This proposed SUP amendment is to update and ensure consistency with the Park's Master Plan to include, adding four multiuse fields, restrooms/concessions, stadium complex for softball and baseball, a connection to roads linking Longhill Road and Opportunity Way, lighted pickleball/tennis courts, and additional parking to support existing amenities and facilities.	Approval	Approval	Approval
SUP-23-0009	2868 Lake Powell Rd. Rental of Rooms	2868 Lake Powell Rd. Williamsburg, VA 23185	0.89	A request for the Rental of Rooms.	Denial	Denial	Approval
SUP-23-0010	2884 Lake Powell Rd. Short-Term Rental	2884 Lake Powell Rd. Williamsburg, VA 23185	0.756	A request for a Short-Term Rental.	Denial	Denial	Approval
Sup-23-0011	Stonehouse Water and Sewer Improvements	3820 Rochambeau Dr. Williamsburg, VA 23188	90.46	A request to extend water and sewer lines to the Stonehouse development.	Approval	Approval	Approval
SUP-23-0012	8659 Richmond Rd. Solar Project	8659 Richmond Rd. Toano, VA 23168	130.25	A request to permit a solar panel facility.	Approval	Approval	Approval
SUP-23-0013	The Overlook at Rochambeau	4097 Rochambeau Dr. Williamsburg, VA 23188	15.02	A request to develop and permit an event facility and two accessory cottages, and an outdoor ceremony pavilion.	Approval	Approval	Approval
SUP-23-0014	7649 Cypress Dr. Short-Term Rental	7649 Cypress Dr. Lanexa, VA 23089	0.5	A request for a Short-Term Rental.	Denial	Approval	Approval
SUP-23-0015	David Nice Building Expansion SUP Amendment	4575 Ware Creek Rd. Williamsburg, VA 23188	3.93	To amend the existing SUP to allow for the building expansion for a contractor's office.	Approval	Approval	Approval
SUP-23-0018	Grove Christian Outreach Center SUP Amendment	8800 Pocahontas Trail Williamsburg, VA 23185	1.95	To amend the existing SUP to allow the existing Outreach Center to operate as the primary use.	Approval	Approval	Approval

Plan Number	Name of Project	Location	Acres	Case Description	Staff	PC	BOS
SUP-23-0019	213 Southpoint Dr. Detached Accessory Apartment	213 Southpoint Dr. Williamsburg, VA 23185	2.36	A request for a Detached Accessory Apartment	Approval	Approval	Approval
SUP-23-0027	118 Winston Dr. Short-Term Rental SUP	118 Winston Dr. Williamsburg, VA 23185	0.28	A request for a Short-Term Rental	Denial	Denial	Withdrawn

Rezoning

Plan Number	Name of Project	Location	Acres	Case Description	Staff	PC	BOS
Z-22-0002	4399 John Tyler Hwy. Proffer Amendment Five Forks Storage Facility	4399 John Tyler Hwy. Williamsburg, VA 23185		An SUP to allow for a self-storage facility at 4399 John Tyler Highway and a proposed rezoning to amend the existing proffers and Master Plan for Governors Grove at Five Forks to include the proposed use and facilitate its implementation.	Approval	Approval	Approval
Z-22-0004	8290 Richmond Rd. Hankins-Dunn Property Rezoning and Residential Cluster Development	8290 Richmond Rd. Toano, VA 23168		Rezoning of approximately 220 acres from A-1, General Agricultural to R-2, General Residential, Cluster Overlay to allow for up to 582 residential dwellings and a request for an SUP to allow for a density of up to 3.74 dwelling units per acre.	Denial	Withdrawn	Withdrawn at PC Level
Z-23-0003	The Overlook at Rochambeau	4097 Rochambeau Dr. Williamsburg, VA 23188		Rezoning in conjunction with SUP-22-0013 to develop and permit an event facility and two accessory cottages, and an outdoor ceremony pavilion.	Approval	Approval	Approval

Agricultural and Forestal Districts

Plan Number	Name of Project	Location	Acres	Case Description	Staff	PC	BOS
AFD-22-0018	278 Ivy Hill Rd. Mill Creek AFD Addition	278 Ivy Hill Rd. Toano, VA 23168	256.85	Addition of 256.85 acres to the Mill Creek AFD.	Approval	Approval	Approval
AFD-22-0019	1245 Stewarts Rd. 23.84 Acre Withdrawal	1245 Stewarts Rd. Lanexa, VA 23089	23.84	Withdrawal of 23.84 acres from the Barnes Swamp AFD.	Denial	Denial	Approval
AFD-23-0001	1105 Stewarts Rd. AFD Addition	1105 Stewarts Rd. Lanexa, VA 23089	46.95	Addition of 46.95 acres to the Barnes Swamp AFD.	Approval	Approval	No Action Taken in 2023

Zoning Ordinance Amendments

Plan Number	Name of Project	Case Description	Staff	PC	BOS
ORD-22-0001	Amendments for Scenic Roadway Protection	Amendments for Scenic Roadway Protection	Approval	Approval	No Action Taken in 2023
ORD-22-0003	Amendments for Calculation of Residential Development Density	Amendments for Calculation of Residential Development Density	Approval	Denial	Approval
ORD-22-0004	Amendments for Community Recreation Facilities in Residential Districts	Amendments for Community Recreation Facilities in Residential Districts	Denial	Denial	Postponed Indefinitely
ORD-22-0005	Amendments for Uses in the B-1, General Business District	Amendments for Uses in the B-1, General Business District	At the 09/26/23 BOS Business Meeting, BOS directed staff to no longer review this Ordinance Amendment		
ORD-23-0001	Vape/Smoke Shops	Amendments to add new definitions for vape/smoke shops and vape/smoke lounges; amend the existing “retail stores and shop” definition to exclude vape/smoke shops and vape/smoke lounges; remove “tobacco and pipe” from the retail and service stores use category in the R-4, LB, B-1, M-1, PUD, MU, and EO Zoning Districts; add vape/smoke shop and vape/smoke lounge as a specially permitted use in the R-4, LB, B-1, M-1, PUD, MU, and EO Zoning Districts.	Approval	Approval	Approval

MAJOR INITIATIVES

Ordinance Updates and On-Going Projects

Throughout 2023, the Planning Division and Planning Commission worked on a variety of on-going projects.

- As described in the Zoning Ordinance Amendments section of this report, staff continued to work on five Ordinance amendments which had been initiated by the Board of Supervisors, with two being approved, two being withdrawn, and one still pending.
- Planning staff began work on a draft solar policy language for Large-Scale Solar Facilities and a draft Zoning Ordinance template that addressed various scales of solar facilities, which had been initiated by the Board of Supervisors.
- Planning staff also began two small amendments to the Comprehensive Plan regarding revisions to the CCC and Short-Term Rental Development Standards, which had been initiated by the Board of Supervisors.
- Planning staff also supported efforts led by other County divisions and departments on projects, including participating in the Powhatan Creek and Yarmouth Creek Watershed Management Plan efforts.

Transportation Improvements

Staff pursued new funding and worked toward construction of several transportation improvements identified in the 2045 Comprehensive Plan, including:

- Continued the right-of-way (RW) phase for the Croaker Road widening project.
- Continued to pursue additional funding for the Pocahontas Trail multi-modal improvements project and the preliminary engineering (PE) phase continued. Staff submitted applications from the following funding sources: Smart Scale, RAISE Grant, Safe Streets for All Grant, and Reconnecting Communities Grant.
- The Safe Routes to Schools improvements project at Clara Byrd Baker Elementary School and Five Forks was completed in August of 2023 and is open to users.
- Progress on PE and RW phases for the roadway and stormwater improvements of various roadways in Grove.
- PE and RW phases for the roadway and stormwater improvements on Richmond Road in Toano were completed and construction began in January 2023.
- On November 17, the Virginia Department of Transportation opened the newly constructed bridge on Hicks Island Road over Diascund Creek to motorists.
- Various Revenue Share and Active Transportation applications were submitted for the following projects: Jamestown High School Sidewalk Project, Pocahontas Trail Widening and Complete Street, Longhill Road and Warhill Trail Intersection Improvements, Moses Lane Improvements, Laurel Lane Safe Routes to School Sidewalk Improvements, Skiffes Creek Industrial Park Improvements, Longhill Road Shared Use Path, and the Richmond Road Sidewalk Infill Project.

2023 JAMES CITY COUNTY PLANNING COMMISSIONERS



Frank Polster, Chair
Jamestown District



Rob Rose, Vice Chair
Roberts District



Rich Krapf
Powhatan District



Jack Haldeman
At-Large



Tim O'Connor
At-Large



Barbara Null
Stonehouse District



Stephen Rodgers
Berkeley District

Planning Division of Community Development

101-A Mounts Bay Rd.
Williamsburg, VA 23185
Phone: 757-253-6685
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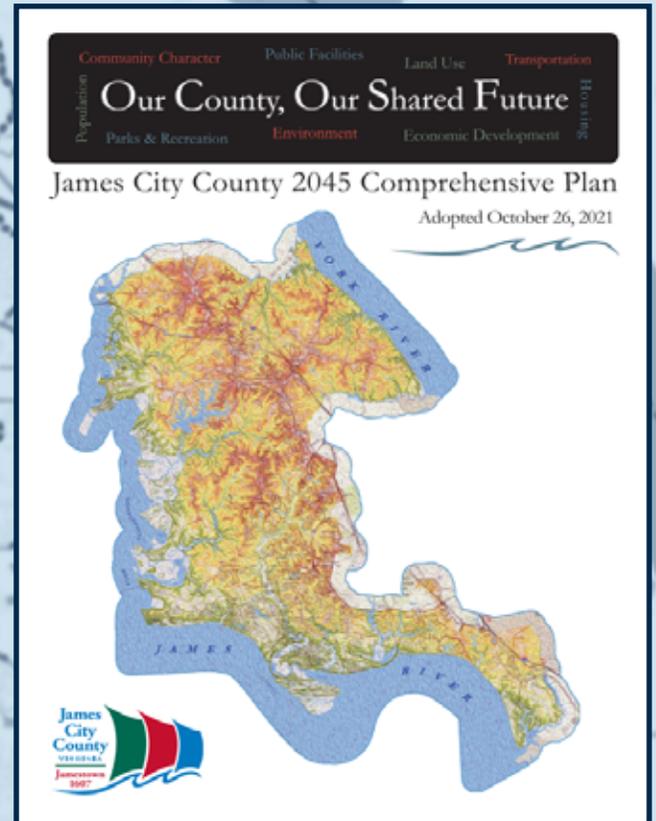
Planning@jamescitycountyva.gov
jamescitycountyva.gov/404

COMPREHENSIVE PLAN IMPLEMENTATION

The **2045 James City County Comprehensive Plan: Our County, Our Shared Future** is a policy guide for the County that sets a long-range vision and a strategy for implementing the vision. The County's Comprehensive Plan was developed from direction provided by residents, business owners, community stakeholders, and appointed and elected officials. The Comprehensive Plan includes a renewed community vision, goals, strategies, and implementation actions to achieve James City County's vision for an array of outcomes based on key community topics: community character, economic development, environment, housing, land use, parks and recreation, population, public facilities, and transportation.

Accordingly, the chapters of the Comprehensive Plan include Goals, Strategies, and Actions (GSAs) which list recommended implementation actions and activities. In 2023, staff continued implementing the updated set of GSAs in the 2045 Comprehensive Plan through a variety of mechanisms, including administrative plan review and consistency evaluations for legislative cases such as rezonings and SUPs.

Planning staff has also worked closely with the Policy Committee and Planning Commission on Board directed initiatives, including the development of draft Ordinances for protection measures for scenic roadways within the County. This Ordinance process is ongoing and expected to continue into the coming year.



2045 Comprehensive Plan

Click or scan the QR code to read the 2045 Comprehensive Plan.



2023 BOARD OF ZONING APPEALS ANNUAL REPORT

2023 Board of Zoning Appeals Members

Name	District	Appointment	Term Expires
Mark Jakobowski, Chairman*	Roberts	4/2018	3/31/2028
Ron Campana Jr., Vice Chairman*	Jamestown	8/2011	6/30/2026
Andrew Dean**	Berkeley	4/2022	3/31/2024
Andrew M. Franck	Powhatan	11/2023	3/31/2024
William J. Geib*	Powhatan	4/2013	3/31/2028
David Otey Jr.	Roberts	3/2010	3/31/2025

*Virginia Certified BZA Member

**Resigned from the BZA in October 2023

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.*

Any variance granted to provide a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability may expire when the person benefited by it is no longer in need of the modification to such property or improvements provided by the variance, subject to the provisions of state and federal fair housing laws, or the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.), as applicable. If a request for a reasonable modification is made to a locality and is appropriate under the provisions of state and federal fair housing laws, or the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.), as applicable, such request shall be granted by the locality unless a variance from the board of zoning appeals under this section is required in order for such request to be granted.





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 Center. The BZA met four times in 2023.

APPEALS/VARIANCES

Two applications for variances were considered in 2023. The synopses of the applications are as follows:

BZA-23-0002, 196 The Maine - This was an application for a variance to Section 24-238(a), Yard requirements, to reduce the required side yard setback from 15 feet to 10.5 feet on the left side for the construction of a first-floor master bedroom addition. The BZA approved the application on August 3, 2023.

BZA-23-0003, 8224 Bridlington Way - This was an application for a variance to Section 24-238(b), Yard requirements of the James City County Zoning Ordinance. The variance request is to reduce the required rear yard setback from 35 feet to 26 feet to allow for the construction of a deck on the rear of the dwelling. The BZA approved the application on October 5, 2023.



(Pictured left to right: Mark Jakobowski, William Geib, David Otey Jr., Ron Campana Jr., and Andrew Franck)

Approved by the Board of Zoning Appeals on January 4, 2024.

GLOSSARY OF TERMS

AFD	Agricultural and Forestal District
BMP	Best Management Practice
BOS	Board of Supervisors
CCA	Community Character Area
CCC	Community Character Corridor
CIP	Capital Improvements Program
DRC	Development Review Committee
GSA	Goal, Strategies and/or Action
HRTPO	Hampton Roads Transportation Planning Organization
INFRA	Infrastructure for Rebuilding America
JCCRC	James City County Recreation Center
OED	Office of Economic Development
PC	Planning Commission
PSA	Primary Service Area
VDOT	Virginia Department of Transportation

PLANNING DIRECTOR'S REPORT
March 2024

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 document.

- **Board Action Results:**
 - S-22-0027. 4525 William Bedford Subdivision Plat Vacation (Approved 5-0)
 - SUP-23-0022. Westport JCSA Water System Tie-in (Approved 5-0)
 - SUP-23-0023. Liberty Ridge JCSA Water System Tie-in (Approved 5-0)
 - SUP-23-0026. 206 The Maine Detached Accessory Apartment (Denied 4-1)
 - Z-23-0006/SUP-23-0025. Brickyard Landing Park (Approved 5-0)

New Cases for March						
Plan Type	Plan Number	Case Title	Address	Plan District	Plan Description	Plan Assigned To
Agricultural & Forestal District	AFD-24-0001	2394 Forge Road Mill Creek AFD Addition	2394 FORGE RD Toano, VA 23168	Powhatan	2394 Forge Road Mill Creek AFD Addition	Tess Lynch
	C-24-0004	244 Old Stage Road Dog Kennel	244 OLD STAGE RD Toano, VA 23168	Powhatan	244 Old Stage Road Dog Kennel	Thomas Wysong
	C-24-0005	6150 Centerville Road- Modular Duplexes	6150 CENTERVILLE RD Williamsburg, VA 23188	Powhatan	6150 Centerville Road- Modular Duplexes	Thomas Wysong
	C-24-0006	297 Neck-O-Land 4 lot subdivision	297 NECK O LAND RD Williamsburg, VA 23185	Roberts	297 Neck-O-Land 4 lot subdivision	Thomas Wysong
	C-24-0007	400 Hill Lane Two-family dwellings	400 HILL LN Toano, VA 23168	Powhatan	400 Hill Lane Two-family dwellings	Thomas Wysong
	C-24-0008	8849 Diascund Rd & 8905 Hicks Island Rd BLA	8849 DIASCUND RD Lanexa, VA 23089	Powhatan	8849 Diascund Rd & 8905 Hicks Island Rd BLA	Paxton Condon
	C-24-0009	3897 Longhill Road BLA and Natural Open Space Easement Vacation	3897 LONGHILL RD Williamsburg, VA 23188	Powhatan	3897 Longhill Road BLA and Natural Open Space Easement Vacation	Suzanne Yeats
	C-24-0010	Addition and renovation of existing country club facility.	1400 TWO RIVERS RD Williamsburg, VA 23185	Berkeley	Addition and renovation of existing country club facility.	TBD
	C-24-0011	8936 Croaker Rd Family Subdivision	8936 CROAKER RD Williamsburg, VA 23188	Stonehouse	8936 Croaker Rd Family Subdivision	Tess Lynch
Master Plan	MP-24-0001	Ford's Colony Master Plan Amendment	125 FIRESTONE 3740100019 Williamsburg, VA 23188	Jamestown	Ford's Colony Master Plan Amendment	Tess Lynch
	MP-24-0002	Water and sewer master plan for Ford's Village Development	3889 NEWS RD Williamsburg, VA 23188	Jamestown	Water and sewer master plan for Ford's Village Development	JCSA Plan Reviewer
Ordinance Update	ORD-24-0002	Amendments and Policy to Address Solar Energy Generating Facilities	101-A MOUNTS BAY RD Unit: A Williamsburg, VA 23185	Roberts	Amendments and Policy to Address Solar Energy Generating Facilities	Jose Ribeiro
Subdivision Plat	S-24-0003	9131 Barhamsville Road Subdivision	9131 BARHAMSVILLE RD Toano, VA 23168	Powhatan	9131 Barhamsville Road Subdivision	Terry Costello
Subdivision Construction Plan	SPLN-24-0001	Stonehouse Land Bay 5 Amendment #3	9354 FIELDSTONE PKWY Toano, VA 23168	Stonehouse	Stonehouse Land Bay 5 Amendment #3	John Risinger

Plan Type	Plan Number	Case Title	Address	Plan District	Plan Description	Plan Assigned To
Site Plan	SP-24-0006	James City County Library Natural Playground	7770 CROAKER RD Williamsburg, VA 23188	Stonehouse	James City County Library Natural Playground	Suzanne Yeats
	SP-24-0007	Veterans Park Lighting Plan Amendment - Sports Lighting	3793 IRONBOUND RD 3830100010 Williamsburg, VA 23188	Berkeley	Veterans Park Lighting Plan Amendment - Sports Lighting	Tess Lynch
	SP-24-0008	Norge Elementary School Security Bollards	7311 RICHMOND RD Williamsburg, VA 23188	Stonehouse	Norge Elementary School Security Bollards	Paxton Condon
	SP-24-0009	Warhill High School Security Bollards	4615 OPPORTUNITY WAY Williamsburg, VA 23188	Powhatan	Warhill High School Security Bollards	Paxton Condon
	SP-24-0010	Matoaka Elementary School Security Bollards	4001 BRICK BAT RD Williamsburg, VA 23188	Berkeley	Matoaka Elementary School Security Bollards	Paxton Condon
	SP-24-0011	7581 Richmond Rd- Blaine Landing Apartments Amendment #2 (Lighting)	1000 COWPEN CT Williamsburg, VA 23188	Stonehouse	7581 Richmond Rd- Blaine Landing Apartments Amendment #2 (Lighting)	John Risinger
	SP-24-0012	Warhill Sports Complex- Fitness court addition SP Amend	4900 STADIUM RD Williamsburg, VA 23188	Powhatan	Warhill Sports Complex- Fitness court addition SP Amend	Suzanne Yeats
	SP-24-0013	Lovett 64 Commerce Center- Phase 1 Road Improvements (Old Stage Road and Route 30)	275 OLD STAGE RD Toano, VA 23168	Powhatan	Lovett 64 Commerce Center- Phase 1 Road Improvements (Old Stage Road and Route 30)	Tess Lynch
	SP-24-0014	Wal-Mart Distribution Center Fueling area SP Amend	9305 POCAHONTAS TRL Williamsburg, VA 23185	Roberts	Wal-Mart Distribution Center Fueling area SP Amend	Terry Costello
	SP-24-0015	Luck Stone: Toano Yard Storage Yard Expansion Parcel A	7734 RICHMOND RD Toano, VA 23168	Stonehouse	Luck Stone: Toano Yard Storage Yard Expansion Parcel A	Suzanne Yeats
	SP-24-0016	Country Village Mobile Home Park Community Mailbox Lighting SP Amend	10 GRAY GABLES DR Williamsburg, VA 23185	Roberts	Country Village Mobile Home Park Community Mailbox Lighting SP Amend	Paxton Condon
	SP-24-0017	9000 Westmont Drive Owens & Minor Lighting Plan Amendment	9000 WESTMONT DR Toano, VA 23168	Stonehouse	9000 Westmont Drive Owens & Minor Lighting Plan Amendment	Roberta Sulouff
Special Use Permit	SUP-24-0001	7146 Little Creek Dam Rd- Short Term Rental	7146 LITTLE CREEK DAM RD Toano, VA 23168	Powhatan	7146 Little Creek Dam Rd- Short Term Rental	Terry Costello
	SUP-24-0002	Bright Beginning Pre-K Center at Clara Byrd Baker Elementary School	3175 IRONBOUND RD 4710100057 Williamsburg, VA 23185	Berkeley	Bright Beginning Pre-K Center at Clara Byrd Baker Elementary School	Suzanne Yeats
	SUP-24-0003	Bright Beginning Pre-K Center at Norge Elementary School	7311 RICHMOND RD Williamsburg, VA 23188	Stonehouse	Bright Beginning Pre-K Center at Norge Elementary School	Ben Loppacker
Rezoning	Z-24-0002	Bright Beginning Pre-K Center at Clara Byrd Baker Elementary School Rezoning (R-8 to PL)	3175 IRONBOUND RD 4710100057 Williamsburg, VA 23185	Berkeley	Bright Beginning Pre-K Center at Clara Byrd Baker Elementary School Rezoning (R-8 to PL)	Suzanne Yeats
	Z-24-0003	Bright Beginning Pre-K Center at Norge Elementary School (R-2 to PL)	7311-A RICHMOND RD 2320100035A Unit: A Williamsburg, VA 23188	Stonehouse	Bright Beginning Pre-K Center at Norge Elementary School (R-2 to PL)	Ben Loppacker
	Z-24-0004	Ford's Colony Proffer Amendment	125 FIRESTONE 3740100019 Williamsburg, VA 23188	Jamestown	Ford's Colony Proffer Amendment	Tess Lynch
Zoning Verification Letter	ZVL-24-0003	ZVL for 3925 Midlands Road	3925 MIDLANDS RD Williamsburg, VA 23188	Jamestown	ZVL for 3925 Midlands Road	John Rogerson

James City County PC/Policy/DRC Meeting Schedule, 2024-2025

Meeting locations, unless otherwise noted: Planning Commission (PC) - Government Center Board Room, 101-F Mounts Bay Rd.
Policy Committee and Development Review Committee (DRC) - Government Center Building A Conference Room, 101-A Mounts Bay Rd.

Planning Commission 2024-2025 (5PM)

- April 3
- May 1
- May 28 Joint Work Session w/ BOS (1pm)*
- June 5
- July 2 (Tuesday)
- August 7
- September 4
- October 2
- November 6
- December 4
- January 8 (2025)**
- February 5 (2025)
- March 5 (2025)
- March 17 (2025)***

* Tentative

**One week later due to New Years Day

***Special Meeting (Organizational and CIP)

Planning Commission 2025-2026 (5PM)

- April 2
- May 7
- May 20 Joint Work Session w/ BOS (1pm)
- June 4
- July 2
- August 6
- September 3
- October 1
- November 5
- December 3
- January 7 (2026)
- February 4 (2026)
- March 4 (2026)
- March 16 (2026)*

*Special Meeting (Organizational and CIP)

Policy Committee 2024-2025 (3PM)

- April 11
- May 9
- June 13
- July 11
- August 8
- September 12
- October 10
- November 14
- December 12
- January 9 (2025)
- February 13 (2025)*
- February 20 (2025)*
- February 27 (2025)*
- March 6 (2025)*
- March 13 (2025)

*CIP Meetings

Policy Committee 2025-2026 (3PM)

- April 10
- May 8
- June 12
- July 10
- August 14
- September 11
- October 9
- November 13
- December 11
- January 8 (2026)
- February 12 (2026)*
- February 19 (2026)*
- February 26 (2026)*
- March 5 (2026)*
- March 12 (2026)

*CIP Meetings

DRC 2024-2025 (3PM)

- March 27
- April 17
- May 22
- June 12*
- July 24
- August 21
- September 18
- October 23
- November 20
- December 18
- January 22 (2025)
- February 19 (2025)

* One week early due to Juneteenth Holiday

DRC 2025-2026 (3PM)

- March 26
- April 23
- May 21
- June 18
- July 23
- August 20
- September 17
- October 22
- November 19
- December 17
- January 21 (2026)
- February 18 (2026)