

**AGENDA**  
**JAMES CITY COUNTY PLANNING COMMISSION**  
**REGULAR MEETING**  
**COUNTY GOVERNMENT CENTER BOARD ROOM**  
**101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185**  
**September 4, 2024**  
**6:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. PUBLIC COMMENT**

**D. REPORTS OF THE COMMISSION**

**E. CONSENT AGENDA**

1. Minutes of the August 7, 2024, Regular Meeting

**F. PUBLIC HEARING(S)**

1. ORD-22-0001/Z-24-0008. Amendments for Scenic Roadway Protection

**G. PLANNING COMMISSION CONSIDERATIONS**

**H. PLANNING DIRECTOR'S REPORT**

1. Planning Director's Report - September 2024

**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**

**August 7, 2024**

**6:00 PM**

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**A. CALL TO ORDER**

Mr. O'Connor called the meeting to order at 6 p.m.

**B. ROLL CALL**

**Planning Commissioners Present:**

Tim O'Connor, Chair  
Jack Haldeman  
Frank Polster  
Stephen Rodgers  
Jay Everson  
Scott Maye

**Planning Commissioners Absent:**

Kira Allmann

**Staff Present:**

Susan Istenes, Director of Planning  
Liz Parman, Deputy County Attorney  
Thomas Wysong, Principal Planner  
Jose Ribeiro, Senior Planner/Landscape Planner  
Tess Lynch, Senior Planner  
Ben Loppacker, Planner  
Will Albiston, Community Development Assistant

**C. PUBLIC COMMENT**

Mr. O'Connor stated that the third public hearing item on the Agenda, ORD-22-0001/Z-24-0008. Amendments for Scenic Roadway Protection, would not be opened at this meeting and would be readvertised and scheduled for the September Regular Meeting of the Planning Commission. He stated that the upcoming Public Comment portion of the meeting would be the time for anyone to speak regarding that item at this meeting.

Mr. O'Connor opened Public Comment.

As no one wished to speak, Mr. O'Connor closed Public Comment.

**D. REPORTS OF THE COMMISSION**

Mr. Rodgers stated that the Development Review Committee (DRC) met on Wednesday July 24, 2024, at 4 p.m. with two New Business items.

Mr. Rodgers stated that the first item was a Conceptual Development Plan review for proposed new development of Stonehouse Tract 10B. The 2019 Stonehouse Proffers and Master Plan

required this review to ensure consistency with the Zoning Ordinance, Proffers, and Master Plan. The Plan includes 100 residential units, broken down into 32 single-family units and 68 multifamily units, as well as a 9-acre commercial parcel, a 20-acre recreation area, and an interpretive kiosk. The staff's review found that the plan was generally consistent with the Zoning Ordinance, Proffers, and Master Plan. He stated that the Committee voted unanimously to find the plan consistent with the Zoning Ordinance, Proffers, and Master Plan.

Mr. Rodgers stated that the second New Business item was an appeal of a determination made by the Planning Director. He further stated that upon administrative review of SP-23-0051 for a RV and boat storage site at 7816 Richmond Road, staff determined that, for the site plan to be approved, a bike lane was required to be built to VDOT standards in the VDOT right-of-way pursuant to Section 24-35 in the Zoning Ordinance titled "Pedestrian and bicycle accommodations." However, the right-of-way appeared not wide enough to accommodate a bike path built to Virginia Department of Transportation (VDOT) standards. Section 24-35 allows for an exception to be granted by the Planning Director if she were to determine any of the following three criteria are met: 1) pedestrian or bicycle accommodation otherwise required would be substantially damaged or need to be replaced as a result of a fully engineered roadway construction project; 2) where topographical conditions make construction of pedestrian or bicycle accommodations impractical; or 3) pedestrian or bicycle accommodations are shown on a master plan or corridor plan that differs from the regional bikeways plan. If these criteria existed and if this exception is granted the applicant would be required to pay into the pedestrian or bicycle accommodation construction and maintenance fund. This section also allows the applicant to appeal the Planning Director's determination to the DRC to make a recommendation to the Planning Commission. The Planning Director determined that none of the criteria were met to grant the exception. The Planning Director specifically noted that the exception in Section 24-35 for "circumstances where topographical conditions make construction of pedestrian or bicycle accommodations impractical" did not apply because the lack of a right-of-way is not a topographical condition. The applicant based his appeal on that determination.

Mr. Rodgers stated that the DRC voted 2-1 to recommend the Planning Commission approve the appeal to grant the exception with the proviso that VDOT waive its existing bike lane standards to accommodate a narrower bike path. A memorandum submitted to the Planning Commission from Mr. Ribeiro, Senior Planner/Landscape Planner dated August 7, 2024, stated that an engineer from VDOT had reviewed the request submitted via email by the applicant and there was not a waiver for this type of request. Furthermore, VDOT believed the current conditions on the site do not support installation of a 5-foot-wide bike lane within VDOT's existing right-of-way. Because the proviso had not been met, the decision of the Planning Director would stand.

Mr. Haldeman stated that the Policy Committee met on July 11, 2024, with a quorum present. The Committee was tasked by the Board of Supervisors with implementing Land Use Goals, Strategies, and Action 6.3 by amending the Zoning Ordinance to create an Overlay District to protect and preserve scenic roadways. Parcels included in the new district would be those over 40 acres outside the Primary Service Area (PSA) with frontage on Forge Road, Diascund Road, and North Riverside Drive. Staff had prepared maps of the effected areas and a draft Ordinance that included tiered setbacks of up to 400 feet for structures to be applied to unimproved parcels that would be rezoned to the Overlay District. This tiered approach would specify lots with a depth greater than 300 feet and up to and including 500 feet to have a setback requirement of 200 feet and lots with a depth greater than 500 feet to have a 400-foot setback. Lots with a depth of 300 feet or less and flag lots would continue to have setbacks determined by the underlying Zoning District. After studying the maps and discussing the draft Ordinance the Committee decided that the limited benefit provided by the new Ordinance was not worth the significant negative impact to the selected few property holders and the Committee therefore voted unanimously to recommend the full Planning Commission recommend denial to the Board of Supervisors. The enhanced buffering of the four Wooded Community Corridors as

unanimously recommended by the Policy Committee at its November 10, 2022, meeting would be advanced to the Planning Commission for its consideration. The Policy Committee adjourned at 3:26 p.m.

**E. CONSENT AGENDA**

1. Minutes of the July 2, 2024, Regular Meeting
2. Development Review Committee Action Item: C-24-0001. Stonehouse Tract 10B
3. Development Review Committee Action Item: SP-23-0051. Toano RV Storage at 7816 Richmond Road - Appeal of the Director of Planning

Mr. Polster requested to pull Development Review Committee Action Item: SP-23-0051. Toano RV Storage at 7816 Richmond Road - Appeal of the Director of Planning from the Consent Agenda. There were no objections.

On a voice vote, the Commission voted to approve the remaining Consent Agenda items. (7-0)

Mr. Polster provided his perspective on the background of the case.

Mr. Polster made a motion to uphold the Director of Planning's decision in SP-23-0051. Toano RV Storage at 7816 Richmond Road and deny the appeal.

The motion passed 6-0.

**F. PUBLIC HEARING(S)**

1. SUP-24-0010. 724 Arlington Island Road Tourist Home

Ms. Tess Lynch, Senior Planner, stated that Mr. Cory Pignone applied for a Special Use Permit (SUP) to allow a Short-Term Rental for a one-bedroom home. Ms. Lynch stated the property is located at 724 Arlington Island Road, Zoned, A-1 General Agricultural, and is designated Rural Lands on the Comprehensive Plan Land Use Map. She noted that if granted, this SUP would allow for Short-Term Rentals throughout the year and no changes to the footprint of the home were proposed. Ms. Lynch stated staff finds some favorable factors for this application such as the presence of adequate off-street parking and that the applicant has stated that he would obtain the proper licensing and inspections. Ms. Lynch stated staff finds that this proposal is not fully consistent with the adopted Comprehensive Plan recommendations for Short-Term Rentals and staff is unable to recommend approval of this application. Ms. Lynch stated that should the Planning Commission recommend approval of this recommendation; staff has included proposed conditions for consideration.

Mr. Everson asked if it was correct that the Short-Term Rental was operating without an SUP after the applicant was notified that he needed one.

Ms. Lynch stated that the applicant applied for an SUP for a Short-Term Rental for the property in 2023 but withdrew it. He was operating the Short-Term Rental at that time and was issued a Zoning notification this year.

Mr. Everson asked if the applicant continued to operate after receiving the Zoning notification.

Ms. Lynch stated that the Airbnb listing was still active and showing as available to be rented.

Mr. Everson stated that the applicant clearly knew in 2023 that he needed an SUP and that in 2024 and it is currently posted on Airbnb.

Mr. Everson inquired about the absence of a Building Permit associated with the property.

Ms. Lynch stated that there was a set of stairs leading to the water which was rebuilt without the proper permits. She further stated an application for a permit through the Building Safety and Permits Division was submitted on July 19, 2024, and the Chesapeake Bay Permit had been applied for and it did not appear that the State Permit had been applied for yet.

Mr. Everson asked if any of these actions carried penalties.

Ms. Lynch stated that penalties are not levied while there is an active legislative process to rectify the situation.

Mr. Everson asked if staff became aware of the posting of the Airbnb listing after the applicant submitted his second application for an SUP.

Ms. Lynch stated that staff was aware of the listing before the second SUP was submitted and that was what prompted the Zoning notification.

Mr. Everson asked if it was correct that there is no penalty because the applicant is applying for the SUP.

Ms. Lynch stated yes.

Mr. Everson asked if there was no penalty even though the applicant withdrew the first application.

Ms. Lynch stated yes.

Mr. Everson asked if there was a penalty for not applying for the Building Permit or if there was a penalty for not applying for or receiving the Chesapeake Bay Permit.

Ms. Lynch stated that she was unsure and would have to check.

Mr. Maye asked if the property has deeded access to a boat ramp on an adjacent property.

Ms. Lynch replied that the landowner who stated that at the previous meeting did not respond to staff's outreach to provide confirmation.

Mr. Haldeman asked if the stairs discussed earlier lead to a dock.

Ms. Lynch stated yes.

Mr. O'Connor reopened the Public Hearing which was opened at the previous meeting.

Mr. Cory Pignone, 1305 Hampton Street, Richmond, VA, gave a presentation in support of the application.

Mr. Maye asked if the gravel road was maintained privately and not by the State.

Mr. Pignone stated yes and that there was no formal agreement but that one neighbor coordinates the gravel. He stated that he contributed to last year's fund and that he plans to contribute twice as much if it is an operating Airbnb.

Mr. Rodgers asked about the co-host shown on the Airbnb listing.

Mr. Pignone stated that the co-host also lives in Richmond, and they work together on other business ventures. He further stated that the co-host functions as a backup in case Mr. Pignone is unable to respond to messages in a timely manner.

Mr. Everson asked what the typical reservation size was.

Mr. Pignone stated that one or two guests was most common but that there was a family with several kids that stayed once.

Mr. O'Connor closed the Public Hearing.

Mr. Rodgers asked about the public content of the comment made at the previous meeting regarding this case.

Mr. O'Connor stated that his understanding was that the comment was made by a neighbor with a boat launch who stated that there was an easement to his boat launch for the owner of the applicant's property and not for guests. Mr. O'Connor noted that he did not believe that the subject was the purview of the Planning Commission.

Mr. Everson stated that he was troubled by the history of Short-Term Rentals and permits on the property and that he felt there should be a penalty.

Mr. Polster provided background on the County's outreach to property owners operating Short-Term Rentals without SUPs. He stated that as a result of the outreach, property owners have sought to rectify those issues. He stated that he ascribes no ill intent to the applicant's actions. He noted the application is not on a major road and that the owner does not live on-site, both of which are inconsistent with the Comprehensive Plan's guidelines for Short-Term Rentals.

Mr. Haldeman stated that if there were violations of the County Code or Chesapeake Bay regulations that the Planning Commission was not the entity that would issue punitive action.

Mr. O'Connor reiterated that the Planning Commission's job was not punitive.

Mr. Rodgers noted his concern that two of the four criteria in the Comprehensive Plan for Short-Term Rentals were not met.

Discussion ensued between the Commissioners regarding the Comprehensive Plan's Short-Term Rental guidelines.

Mr. Polster made a motion to approve SUP-24-0010. 724 Arlington Island Road Tourist Home with the proposed conditions.

The motion did not pass (3-3).

Mr. O'Connor stated that the Planning Commission had no recommendation for the Board of Supervisors.

2. SUP-24-0014 111 Druid Drive Rental of Rooms

Mr. Ben Loppacker, Planner, stated that Ms. Roberta Valentine applied for an SUP to allow for the short-term rental of one bedroom in a four-bedroom single-family home located at 111 Druid Drive. He stated that the property is zoned R-1, Limited Residential, is designated Low Density Residential on the Comprehensive Plan Land Use Map and is located inside the PSA. He noted if granted, this SUP would allow for short-term rentals throughout the year.

Mr. Loppacker stated that staff found some favorable factors for this application, such as the owner living on-site during the time of rentals; however, staff found the proposal not fully consistent with the recommendations for Short-Term Rentals in the Comprehensive Plan. Therefore, staff was unable to recommend approval of this application. He noted that staff included proposed conditions for consideration.

Mr. Everson asked if a letter from the County was sent to the applicant in 2022 notifying her that she was in violation of the Short-Term Rental policy.

Mr. Loppacker stated yes.

Mr. Everson asked if the Short-Term Rental was operating in 2023 and 2024 without an SUP

Mr. Loppacker stated yes.

Mr. Everson asked if he correctly understood that four off-street parking spaces were needed if the SUP was approved.

Mr. Loppacker stated yes. He further stated that two spaces are currently required for the single family home and that an additional two would be required for the Rental of Rooms.

Mr. Everson asked how the spots would be configured.

Mr. Loppacker stated that the location of the spots was up to the applicant but that the proposed conditions would require the applicant to submit a parking plan for approval prior to the issuance of a Certificate of Occupancy for the Short-Term Rental.

Mr. O'Connor asked for confirmation that if the applicant wished to rent for periods longer than 30 days then an SUP would not be needed.

Mr. O'Connor opened the Public Hearing.

The applicant, Ms. Roberta Valentine, 111 Druid Drive, gave a presentation to the Commission in support of the application.

Ms. Lisa Garber, 115 Kingspoint Drive spoke in support of the application.

Ms. Joyce S. Hedgepeth, 116 Druid Drive spoke in support of the application.

Ms. Dawn Ciliberto, 409 Tyler Street spoke in support of the application.

Mr. Joe Ziarko, 456 Crooked Stick spoke in support of the application.

As no one else wished to speak, Mr. O'Connor closed the Public Hearing.

Mr. O'Connor asked for any disclosures.

Mr. Polster recused himself from this case.

Mr. O'Connor asked if the SUP and its proposed conditions would affect the possibility of

rentals for more than 30 days.

Mr. Loppacker stated that it would not and that any rental beyond 30 days would be a by-right use.

Mr. Everson stated his belief that if four parking spots were created on the property it would look almost like a neighborhood commercial use with that much parking in the front yard.

Mr. Everson inquired about how frequently rentals were under and over 30 days.

Mr. Loppacker stated that he would have to defer to the applicant.

Mr. Everson inquired if a variance is possible for the parking requirements.

Mr. Thomas Wysong, Principal Planner, stated that the Zoning Ordinance does not allow a variance for this purpose.

Mr. Everson stated his concern about the applicant having to pay for the creation of the required four parking spaces.

Mr. O'Connor stated his understanding was that the Ordinance allows for residential parking to be configured two spaces deep by two spaces wide and that four spaces wide was not required in this instance.

Mr. Everson asked if there was enough space for the two-by-two configuration.

Mr. Loppacker stated that staff measured the proposed parking area and stated that there would be enough space for that configuration.

Mr. Haldeman stated that the property is not in Rural Lands, is not on a main road, and is internal to a neighborhood. He further stated that this case was difficult for him because he felt he understood the personal economic situation. He noted that he was on the Policy Committee at the time the Short-Term Rental policy was discussed. Mr. Haldeman finished by stating that this case does not meet three of the four requirements for Short-Term Rental in the Comprehensive Plan.

Mr. Rodgers stated that he was not as concerned with the potential for this property to operate Short-Term Rentals as much as he was concerned about the precedent set by allowing a Short-Term Rental in a residential neighborhood. Mr. Rodgers also sought confirmation that any action on this case would not affect long-term rentals for this property.

Mr. O'Connor confirmed that fact.

Mr. Haldeman made a motion to recommend approval of the case to the Board of Supervisors.

The motion failed 0-5.

Mr. Haldeman made a motion to recommend denial of this case to the Board of Supervisors.

The motion passed 5-0.

3. ORD-22-0001/Z-24-0008. Amendments for Scenic Roadway Protection

Mr. O'Connor noted this case would be heard at the September 4, 2024, Regular Meeting.

4. Z-23-0001/SUP-23-0031 Monticello Avenue Shops

Mr. Ben Loppacker, Planner, stated that Mr. Tim Trant, Kaufman & Canoles, P.C. on behalf of Mr. Brett Skinner of Verdad Real Estate Development, applied for a Rezoning and a commercial SUP for the development of three properties located at 4744 Old News Road, 3897 Ironbound Road, and 3905 Ironbound Road. The three parcels are currently zoned R-8, Rural Residential, and are designated Neighborhood Commercial by the Comprehensive Plan Land Use Map.

Mr. Loppacker stated that the proposal is to rezone 2.75 acres from R-8, Rural Residential, to B-1, General Business, with Proffers. The commercial SUP is to permit more than 10,000 square feet of commercial development of three 4,000-square-foot buildings fronting Monticello Avenue with shared parking. Mr. Loppacker noted that the applicant has indicated there is no specific commercial or office user at this point and the proposed site would take access from the existing right-in/right-out intersection located between the project area and Monticello Marketplace Shoppes.

Mr. Loppacker stated that the proposed site is located along the Monticello Community Character Corridor and is within the New Town Community Character Area. Mr. Loppacker stated that the applicant provided proffered design guidelines to ensure consistency with the character of the area.

Mr. Loppacker stated that staff finds this proposal to be compatible with surrounding development and consistent with the Comprehensive Plan and Zoning Ordinance. He stated that staff recommends that the Planning Commission recommend approval to the Board of Supervisors subject to the proposed proffers and SUP conditions. He further stated that staff also recommend modifying Condition No. 2 to require architectural elevations to be approved by the Director of Planning with consultation from the New Town Design Review Board (DRB).

Mr. Polster asked if the condition regarding maximum vehicle trips of 72 PM peak hour trips for this site would restrict the approval of the development of the adjoining parcel to the east if the potential new project led to an estimated PM peak hour trip count of over 72 for both sites.

Mr. Loppacker stated that the condition only applies to the three parcels included in this case. He further stated that the intent of the condition is that if a future proposed commercial use at the adjoining site were to cause the combined site to exceed 72 PM or 48 AM peak hour trips staff would be able to enforce that limit upon the submittal of a site plan. Mr. Loppacker further noted that not all changes of use on this site would require a site plan.

Mr. Polster stated he was concerned about how or if the condition in this SUP regarding vehicle trips would affect a potential future SUP for the adjoining parcel to the east of this site.

Mr. Loppacker stated that any future commercial use on that property would likely require a rezoning which would need to go before the Planning Commission and receive Board approval. He stated that he would have to double check if the vehicle trip cap condition for this SUP would apply to the adjoining parcel.

Mr. O'Connor opened the Public Hearing.

Mr. Trant, Kaufman & Canoles P.C., 4801 Courthouse Street, Suite 300, made a presentation to the Commission in support of the project.

Mr. Haldeman noted his concern about the required sidewalk on the southern side of the site.

Mr. Trant stated that the applicant was willing for that to not be included but his understanding was that it is required by the Ordinance and cannot be waived.

Mr. Polster stated he had concerns regarding the traffic impacts that this project would have. He referred to Table 3 on Page 8 of the project's Traffic Impact Analysis (TIA) which shows many traffic movements after the project is built with Level of Service ratings of D, E, and F. He noted that the County's Comprehensive Plan calls for ratings of C and above.

Mr. Trant stated that the ratings describe measures or ranges of delay at specific intersections. Mr. Trant stated that at the Monticello Avenue and Monticello Marketplace intersection the AM rating is C and the PM rating is D in both the build and no-build projections. Mr. Trant stated that he believes the only traffic movement that is notably impacted in the TIA is the westbound left turn lane on Monticello Avenue at the Monticello Avenue and Monticello Marketplace intersection. He stated that he believed this was because the entrance to the site was right-in/right-out and could not be directly entered from the west. He stated that the impact on that movement from the build to no-build projection was 34.6 seconds in the no-build projection to 37.5 seconds which he noted was less than 3 seconds.

Mr. Rodgers asked what was the maximum peak hour trips generated by the existing site to the west of this case's site.

Mr. Trant stated it was significantly more than 72 but he did not know the specific number.

Mr. Haldeman asked if Mr. Trant knew if any of these three parcels were previously taken to expand Monticello Avenue.

Mr. Trant stated that he did not know the answer but that Ms. Sutherland, who is a member of the family that owns two of the parcels, intends to speak to the Commission and that she may know the answer.

Mr. O'Connor asked if vape shops or CBD shops would be a permitted use if this case is approved with the proposed proffers and conditions.

Mr. Trant stated that he did not see either of those uses in the prohibited use list in the proffers but that it was not an intentional omission.

Mr. O'Connor stated that he views those uses as inconsistent with the Neighborhood Commercial designation.

Mr. Loppacker stated that vape shops and CBD shops would require a SUP to operate in the B-1 District which the applicant has requested for the rezoning of the properties.

Mr. O'Connor thanked Mr. Loppacker.

Mr. Polster asked Mr. Jason Grimes about the planned stormwater management measures for the site.

Mr. Grimes, AES Consulting Engineers, 5248 Olde Towne Road, Suite 1, stated that the intent was to manage the stormwater on-site as opposed to directing or sending it to any nearby sites. He further stated that the stormwater management for the site has not been fully designed and that it was purposefully not depicted on the Master Plan for this case because of the present state of flux that the State and County stormwater regulations were in. Mr. Grimes noted that if it were included there was the possibility that what was shown might not comply with the new regulations which would require an amendment to the Master Plan. Mr. Grimes stated that some of the stormwater management concepts they are considering are underground storage, manufactured treatment devices built for smaller footprints, and small rain gardens.

Mr. Polster asked if the drainage of any stormwater would go to the nearby VDOT drainage area.

Mr. Grimes stated yes and further described the current stormwater flow on the property.

Ms. Miriam Zumbur, 101 Indigo Dam Road, spoke about her thoughts and concerns regarding the application.

Ms. Cheryl Ertl Sutherland, 1010 Brandon Court, Danville, VA, spoke in support of the application.

Mr. Leonard Sazaki, 3927 Ironbound Road, spoke about his thoughts on the application.

As no one else wished to speak, Mr. O'Connor closed the Public Hearing.

Mr. Polster spoke about the history of a similar project at this property and the traffic conditions and projections on Monticello Avenue near the project site. Mr. Polster stated that the Powhatan Creek subwatershed is rated suboptimal by the Powhatan Creek Watershed Management Plan due to the amount of impervious surface and that this project would compound the issue. He stated his wish that the forest area be preserved while compensating the landowners for the commercial value of the property. He recognized that option carries its own issues.

Mr. Everson inquired about how projected traffic impacts factor into the recommendation made by staff.

Mr. Loppacker stated that staff is guided by the Traffic Impact Analysis Submittal Requirements Policy which describes the Adequate Transportation Facilities Test for rezonings and SUPs. He stated that this test is passed if either no off-site improvements are required by the TIA approved by VDOT and the Planning Director, which he noted is not the case for this project, or all off-site improvements that are recommended by the approved TIA report are guaranteed in a form approved by the Planning Director and the County Attorney. Mr. Loppacker stated that the only warranted improvement by the TIA report was the construction of a 100-foot eastbound right turn taper at the right-in/right-out intersection that accesses the site. Mr. Loppacker stated that the improvement was shown on the Master Plan, which means that the Adequate Transportation Facilities Test was passed. Mr. Loppacker noted that the passing of the test was noted in the Factors Favorable section of the staff report.

Mr. Polster asked if it was correct that the Comprehensive Plan has a traffic service goal of a C rating.

Mr. Loppacker stated yes.

Mr. Haldeman asked if it was correct that the intersections would not pass the test regardless of whether the project is built.

Mr. Loppacker stated yes.

Mr. Everson stated that the previous application for this property was the last case he voted on during his previous time on the Planning Commission and that he regretted his vote. He stated that the area surrounding the project was prone to high traffic due to its somewhat urban nature. He stated the area is roughly the same size as the commercial area near Patrick Henry Mall and Oyster Point Road in Newport News. Mr. Everson stated that at the time the area surrounding the project site was developed the high traffic was expected to be a result. He stated he saw two options for this property; either the County purchases the site or a project like this one is approved because he believes nothing would be made worse. He stated that he thought the required sidewalk did not make sense and asked if there was any possibility to waive it.

Mr. Loppacker stated that it is a requirement in the County's Ordinance but that there were

specific exceptions and exemptions in Section 24-35 that he would double check to ensure they were not possible.

Mr. Haldeman spoke about the previous application for this property. He noted that he supported the previous application. He stated that the current traffic conditions on Monticello Avenue are the result of James City County's Land Use policies of the last 50 years. He stated that the intent of New Town and the Monticello Avenue corridor was to concentrate commercial and residential development to create a close-knit community without sprawl. He noted that sprawl developed nonetheless and has added to traffic issues in the area. He noted the Comprehensive Plan's TIA from 2017 found that on Monticello Avenue from News Road to Ironbound Road there were 43,254 average daily trips and it projected 69,000 average daily trips for that same area in 2045 which is a 60% increase. He stated that on Ironbound Road from John Tyler Highway to Monticello Avenue the average daily trips were 13,700 in 2017 while projecting 18,436 for 2045 which is a 40% increase. He noted that both of those projections would lead to a rating of severe for those roads and that the scope of these projections outweigh the traffic impacts of this application. He stated his belief that the owners of the properties in the application have been treated unfairly and that they deserve an opportunity to sell their properties. He noted his support for the application.

Mr. O'Connor noted his agreement with Mr. Haldeman about the responsibility of finding a way for the project to make sense for the property owners as well as the community. He thanked the applicant for the thoughtful nature of the application. He noted his preference for an exit onto Ironbound Road while acknowledging the benefits of the right-in/right-out on Monticello Avenue. He stated that he felt this was a smart use for the properties.

Mr. Rodgers stated that he felt this application was a no brainer due to its proximity to Route 199 and Monticello Avenue. He stated that since these are low density businesses this project would be the lesser of evils.

Mr. O'Connor asked for disclosures and apologized for not asking sooner.

Mr. Haldeman, Mr. Polster, and Mr. Maye each stated that they spoke with Mr. Trant earlier in the day.

Mr. Rodgers made a motion to approve Z-23-0001/SUP-23-0031. Monticello Avenue Shops with the attached conditions.

The motion passed 6-0.

#### **G. PLANNING COMMISSION CONSIDERATIONS**

There were no items for consideration.

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

1. Planning Director's Report - August 2024

Ms. Istenes stated that she had nothing in addition to the report provided in the Agenda Packet.

#### **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 8:45 p.m.

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Susan Istenes, Secretary

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Tim O'Connor, Chair

## MEMORANDUM

DATE: September 4, 2024

TO: The Planning Commission

FROM: Morgan Risinger, Senior Planner

SUBJECT: ORD-22-0001/Z-24-0008. Amendments for Scenic Roadway Protection

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### Introduction

At its meeting on October 26, 2021, the Board of Supervisors unanimously adopted the 2045 James City County Comprehensive Plan: *Our County, Our Shared Future*. The adopted plan includes the following strategy within the Goals, Strategies, and Actions (GSA) portion of the Land Use Chapter that focuses on preserving scenic roadways:

*LU 6.3 - To help retain the character of Rural Lands, develop additional zoning and subdivision tools (e.g., scenic easement dedication requirements, increased minimum lot sizes, increased setbacks, and/or overlay districts) to protect and preserve scenic roadways such as Forge Road. Consider 400-foot setbacks along Community Character Corridors outside the PSA.*

In accordance with the Initiating Resolution adopted by the Board of Supervisors at its November 23, 2021, meeting (Attachment No. 1), Planning staff attended multiple Policy Committee, Planning Commission, and Board meetings to discuss potential zoning text amendments to fulfill this GSA. At its January 9, 2024, meeting, the Board requested additional time to consider the proposed amendments due to concerns regarding how the proposed regulations would be applied. During its February 27, 2024, and March 26, 2024, meetings, the Board indefinitely deferred the proposed amendments and directed staff to prepare materials to create an Overlay District to apply setback regulations to parcels which are at least 40 acres in size and located outside of the Primary Service Area (PSA) along Forge Road, North Riverside Drive, and Diascund Road (from Forge Road to the CSX railroad right-of-way). Subsequently, at its May 14, 2024, meeting, the Board adopted an Initiating Resolution directing staff to prepare an amendment to the Zoning Ordinance which would create an Overlay District to protect and preserve scenic roadways and to include the parcels identified on the exhibit titled "Parcels over 40 acres outside the PSA with road frontage" and dated March 12, 2024, in a rezoning to the Overlay District (Attachment No. 2).

### Scenic Road Overlay District

Staff has prepared draft Ordinance language to create the Scenic Roadway (SR) Overlay District (Attachment Nos. 3 and 4). The Overlay District would include language establishing a tiered setback of up to 400 feet for structures to be applied to existing parcels rezoned to the district. This tiered approach would specify that unimproved parcels with a depth greater than 500 feet would have a setback requirement of 400 feet, unimproved parcels with a depth greater than 300 feet and up to and including 500 feet would have a setback requirement of 200 feet, and unimproved parcels with a depth of 300 feet or less and flag lots would continue to have setbacks determined by the underlying zoning district. This tiered setback is the same approach previously presented to the Planning Commission at its November 1, 2023, meeting, and to the Board at its January 9, 2024, meeting. In addition to the tiered setback approach for existing parcels, the draft Ordinance language specifies that any new parcels created after the effective date of the Ordinance would have a setback requirement of 400 feet. For context, staff has included an analysis of setback distances from Forge Road used in the development of the tiered approach (Attachment No. 5). As the setback is the only proposed regulation in the draft Ordinance language, the underlying zoning district regulations would remain in effect for parcels within the Overlay District.

At its July 11, 2024, meeting, the Policy Committee voted 4-0 to recommend that the full Planning Commission recommend denial of the Ordinance to the Board of Supervisors.

Should the draft Ordinance language be approved to create the SR Overlay District, staff has prepared an Ordinance to rezone the 22 parcels identified within the map referenced in the Initiating Resolution so that they are included within the Overlay District (Attachment No. 6). As shown in the map referenced within the Initiating Resolution, the parcels identified to be rezoned are at least 40 acres in size and located outside of the PSA along Forge Road, North Riverside Drive, and Diascund Road (from Forge Road to the CSX railroad right-of-way). These parcels are currently zoned A-1, General Agricultural, and designated Rural Lands on the Comprehensive Plan Land Use Map. Should the rezoning be approved, the parcels would continue to follow the regulations of the A-1 Zoning District except that the building setback requirement along these roadways would be regulated by the Overlay District. As requested by the Policy Committee, staff has included a map which visualizes the anticipated effect of the Overlay District setback regulations on the parcels included within the rezoning based on the parcels' improvement status (Attachment No. 7). It should be noted that this map depicts the tiered setbacks that would be applied to the existing unimproved parcels but does not depict the potential 400-foot setback for new parcels created as the setbacks would need to be evaluated during the subdivision review process.

### **Timber Setback and Buffering Requirements**

As previously presented to the Planning Commission at its November 1, 2023, meeting, and to the Board at its January 9, 2024, Regular Meeting, staff has prepared draft Ordinance language of proposed amendments to the Zoning Ordinance to provide additional timber setback and landscape buffer requirements along Wooded Community Character Corridors (CCCs). The Comprehensive Plan states that Wooded CCCs are intended to preserve natural wooded areas and encourage supplementary planting to ensure that buffers visually screen development from the road, which is best accomplished by establishing setbacks for timbering and landscape buffers, rather than building setbacks. The draft language includes the following provisions to align with the Comprehensive Plan guidance:

- Propose landscape buffer requirements along Wooded CCCs located outside the PSA to include a 100-foot-wide buffer average for commercial projects.
- Propose a 200-foot-wide buffer average requirement for major residential developments along Wooded CCCs located outside the PSA.
- Propose a timbering setback of at least 50 feet on properties along Wooded CCCs outside the PSA.

Staff has combined these provisions within a singular Ordinance (Attachment Nos. 8 and 9) but has otherwise made no changes from the language presented to the Board at its January 9, 2024, Regular Meeting.

This Ordinance is also accompanied by an Ordinance (Attachment Nos. 10 and 11) which would create a new section in the Subdivision Ordinance to implement the buffer requirement for major subdivisions as a requirement of the subdivision review process. Staff has made no changes to this proposed Ordinance language.

### **Staff Recommendation**

Staff finds that the attached Ordinances will fulfill the intent of the Board's Initiating Resolutions and recommends the Planning Commission recommend approval of the attached Ordinances to the Board of Supervisors.

MR/ap

ORD22-1\_Z24-8AmdScRP-mem

Attachments:

1. Initiating Resolution
2. Overlay District Initiating Resolution and Map
3. Overlay District Ordinance Strikethrough
4. Overlay District Ordinance Clean Copy
5. Setback Exhibits
6. Overlay District Rezoning Ordinance
7. Overlay District Rezoning Setback Map
8. Timber Setback and Landscape Buffer Ordinance Strikethrough
9. Timber Setback and Landscape Buffer Ordinance Clean Copy
10. Subdivision Buffering Ordinance Strikethrough
11. Subdivision Buffering Ordinance Clean Copy
12. Approved Minutes of the November 1, 2023, Planning Commission Regular Meeting
13. Approved Minutes of the January 9, 2024, Board of Supervisors Regular Meeting
14. Approved Minutes of the February 27, 2024, Board of Supervisors Business Meeting
15. Approved Minutes of the March 26, 2024, Board of Supervisors Business Meeting
16. Draft Minutes of the July 11, 2024, Policy Committee Regular Meeting

## RESOLUTION

### INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE AND

### SUBDIVISION ORDINANCE TO PROVIDE ADDITIONAL REQUIREMENTS TO PROTECT

### AND PRESERVE SCENIC ROADWAYS SUCH AS FORGE ROAD

WHEREAS, section 15.2-2286(A)(7) of the Code of Virginia, 1950, as amended (the "Virginia Code"), and County Code Section 24-13 authorize the Board of Supervisors of James City County, Virginia (the "Board"), to, by resolution, initiate amendments to the regulations of the Zoning Ordinance that the Board finds to be prudent and required by public necessity, convenience, general welfare, or good zoning practice; and

WHEREAS, section 15.2-2253 of the Virginia Code and County Code Section 19-10 authorize the Board to request the Planning Commission to prepare and recommend amendments to the Subdivision Ordinance; and

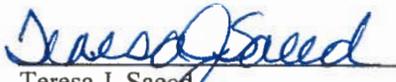
WHEREAS, the Board is of the opinion that the public necessity, general welfare, and good zoning practice warrant the consideration of amendments to the Zoning Ordinance and Subdivision Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby initiate amendment of the James City County Code, Chapter 24, Zoning in order to consider additional requirements to protect and preserve scenic roadways such as Forge Road. The Planning Commission shall hold at least one public hearing on the consideration of amendments to said Zoning Ordinances and shall forward its recommendation to the Board of Supervisors in accordance with the law.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request the Planning Commission to prepare and recommend amendments to Chapter 19, Subdivisions, in order to consider additional requirements to protect and preserve scenic roadways such as Forge Road. The Planning Commission shall hold at least one public hearing on the consideration of amendments to said Subdivision Ordinances and shall forward its recommendation to the Board of Supervisors in accordance with the law.

  
Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

  
Teresa J. Saeed  
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of November, 2021.

InitConsdForgeRd-res

## RESOLUTION

### INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE

### TO CREATE AN OVERLAY DISTRICT TO PROTECT AND PRESERVE SCENIC ROADWAYS

### AND INITIATION OF REZONING OF IDENTIFIED PARCELS TO THE

### NEW OVERLAY DISTRICT

WHEREAS, Section 15.2-2286(A)(7) of the Code of Virginia, 1950, as amended (the “Virginia Code”), and County Code Section 24-13 authorize the Board of Supervisors of James City County, Virginia (the “Board”), to, by resolution, initiate amendments to the boundaries of the districts or the regulations of the Zoning Ordinance that the Board finds to be prudent and required by public necessity, convenience, general welfare, or good zoning practice; and

WHEREAS, at its November 23, 2021, meeting, the Board initiated consideration of amendments to the regulations of the Zoning Ordinance and Subdivision Ordinance to provide additional requirements to protect scenic roadways such as Forge Road; and

WHEREAS, at its February 27, 2024, meeting, the Board requested staff to prepare materials for the creation of a new Overlay District that includes additional requirements to protect and preserve scenic roadways; and

WHEREAS, at its March 26, 2024, meeting, the Board directed staff to include the 22 parcels identified on the exhibit titled “Parcels over 40 acres outside the PSA with road frontage” and dated March 12, 2024, in a rezoning to the new Overlay District; and

WHEREAS, the Board 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 Board of Supervisors of James City County, Virginia, does hereby initiate amendment of the James City County Code, Chapter 24, Zoning, for the creation of a new Overlay District to protect and preserve scenic roadways. The Planning Commission shall hold at least one public hearing on the consideration of amendments to said Zoning Ordinance and shall forward its recommendation to the Board of Supervisors in accordance with the law.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby initiate the rezoning of the 22 parcels identified on the exhibit titled “Parcels over 40 acres outside the PSA with road frontage” and dated March 12, 2024, and any other parcels deemed to require inclusion in the Overlay District, so that they are included within the new Overlay District. The Planning Commission shall hold at least one public hearing on the consideration of the rezoning and shall forward its recommendation to the Board of Supervisors in accordance with the law.



*Ruth M. Larson*

Ruth M. Larson  
Chair, Board of Supervisors

ATTEST:

*Teresa J. Saeed*

Teresa J. Saeed  
Deputy Clerk to the Board

VOTES

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

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of May, 2024.

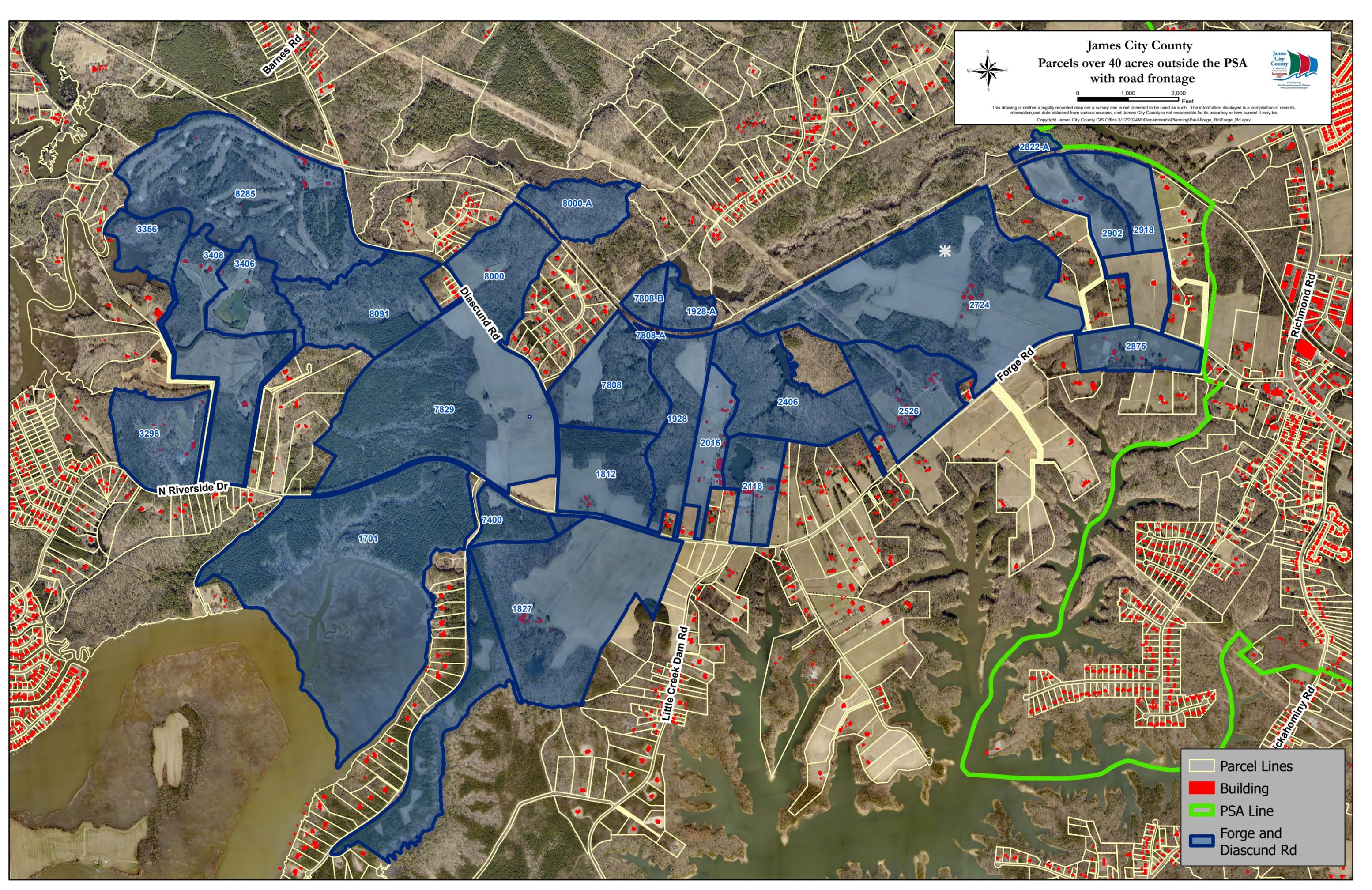
ScenicRPOvrlyDis-res

# James City County Parcels over 40 acres outside the PSA with road frontage



0 1,000 2,000  
Feet

This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be.  
Copyright James City County GIS Office 3/12/2024M:\Departments\Planning\Paul Forge\_Rd\Forge\_Rd.aprx



- Parcel Lines
- Building
- PSA Line
- Forge and Diascund Rd

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE VI, OVERLAY DISTRICTS, BY ADDING NEW DIVISION 2, SCENIC ROADWAY OVERLAY DISTRICT, SR; BY ADDING NEW SECTION 24-564, STATEMENT OF INTENT; BY ADDING NEW SECTION 24-565, APPLICABILITY; BY ADDING NEW SECTION 24-566, SCENIC ROADWAYS DEFINED; AND BY ADDING NEW SECTION 24-567, SETBACK REQUIREMENTS.

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 VI, Overlay Districts, by adding new Division 2, Scenic Roadway Overlay District, SR; by adding new Section 24-564, Statement of intent; by adding new Section 24-565, Applicability; by adding new Section 24-566, Scenic roadways defined; and by adding new Section 24-567, Setback requirements.

**Chapter 24. Zoning**

**Article VI. Overlay Districts**

***Division 2. Scenic Roadway Overlay District, SR***

***Sec. 24-564. Statement of intent.***

*The Scenic Roadway Overlay District is intended to protect and preserve the viewshed of scenic roadways. The district establishes an increased building setback to maintain the existing rural character along the roadways. The district is intended to impose special requirements in addition to the regulations of the principal zoning district where it applies.*

***Sec. 24-565. Applicability.***

*The governing body of James City County, Virginia, hereby establishes and delineates on the zoning district map the Scenic Roadway Overlay District, to be referred to on the zoning district map by the symbol SR. Unless otherwise stated herein, the permitted uses and other regulations of the underlying zoning districts and all other sections of this Zoning Ordinance shall continue to apply.*

***Sec. 24-566. Scenic roadways defined.***

*A "scenic roadway," for the purposes of this district, shall include State Route 610 (Forge Road), State Route 603 (Diascund Road), and State Route 715 (North Riverside Drive).*

***Sec. 24-567. Setback requirements.***

*(a) Any unimproved parcel or lot in existence as of [insert date of adoption], shall adhere to the following setback requirements:*

1. *For those parcels or lots containing a lot depth of greater than 500 feet, structures shall be located a minimum of 400 feet from the street right-of-way of a scenic roadway.*
2. *For those parcels or lots containing a lot depth of greater than 300 feet but less than or equal to 500 feet, structures shall be located a minimum of 200 feet from the street right-of-way of a scenic roadway.*
3. *For those parcels or lots containing a lot depth of 300 feet or less or those parcels approved as a flag lot, the applicable setback shall be determined by the underlying zoning district regulations.*

*An unimproved parcel or lot shall mean any parcel or lot which does not have a building placed upon or affixed to land. Any change in a recorded subdivision plat as defined in section 19-11 of the subdivision ordinance to circumvent the above requirements shall not be permitted.*

- (b) *For any parcel or lot created after **[insert date of adoption]**, structures shall be located a minimum of 400 feet from the street right-of-way of a scenic roadway.*

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE VI, OVERLAY DISTRICTS, BY ADDING NEW DIVISION 2, SCENIC ROADWAY OVERLAY DISTRICT, SR; BY ADDING NEW SECTION 24-564, STATEMENT OF INTENT; BY ADDING NEW SECTION 24-565, APPLICABILITY; BY ADDING NEW SECTION 24-566, SCENIC ROADWAYS DEFINED; AND BY ADDING NEW SECTION 24-567, SETBACK REQUIREMENTS.

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 VI, Overlay Districts, by adding new Division 2, Scenic Roadway Overlay District, SR; by adding new Section 24-564, Statement of intent; by adding new Section 24-565, Applicability; by adding new Section 24-566, Scenic roadways defined; and by adding new Section 24-567, Setback requirements.

**Chapter 24. Zoning**

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The Scenic Roadway Overlay District is intended to protect and preserve the viewshed of scenic roadways. The district establishes an increased building setback to maintain the existing rural character along the roadways. The district is intended to impose special requirements in addition to the regulations of the principal zoning district where it applies.

**Sec. 24-565. Applicability.**

The governing body of James City County, Virginia, hereby establishes and delineates on the zoning district map the Scenic Roadway Overlay District, to be referred to on the zoning district map by the symbol SR. Unless otherwise stated herein, the permitted uses and other regulations of the underlying zoning districts and all other sections of this Zoning Ordinance shall continue to apply.

**Sec. 24-566. Scenic roadways defined.**

A “scenic roadway,” for the purposes of this district, shall include State Route 610 (Forge Road), State Route 603 (Diascund Road), and State Route 715 (North Riverside Drive).

**Sec. 24-567. Setback requirements.**

- (a) Any unimproved parcel or lot in existence as of [insert date of adoption], shall adhere to the following setback requirements:

1. For those parcels or lots containing a lot depth of greater than 500 feet, structures shall be located a minimum of 400 feet from the street right-of-way of a scenic roadway.
2. For those parcels or lots containing a lot depth of greater than 300 feet but less than or equal to 500 feet, structures shall be located a minimum of 200 feet from the street right-of-way of a scenic roadway.
3. For those parcels or lots containing a lot depth of 300 feet or less or those parcels approved as a flag lot, the applicable setback shall be determined by the underlying zoning district regulations.

An unimproved parcel or lot shall mean any parcel or lot which does not have a building placed upon or is affixed to land. Any change in a recorded subdivision plat as defined in section 19-11 of the subdivision ordinance to circumvent the above requirements shall not be permitted.

- (b) For any parcel or lot created after [insert date of adoption], structures shall be located a minimum of 400 feet from the street right-of-way of a scenic roadway.



# Rural Roadway Preservation



James City County Zoning Update  
**DRAFT August 2, 2022**

*Prepared by EPR,PC*

# Contents

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Methodology.....	9
Results: .....	9
Conclusions.....	13

# Rural Roadway Preservation

## Part 1. Visual Analysis of Viewsheds

### Introduction

In 2021, the James City County Board of Supervisors approved a Resolution to initiate the amendment of the James City Zoning and Subdivision ordinances in order to consider additional requirements to protect and preserve scenic roadways such as Forge Road. As part of an analysis to consider new standards for protection of these scenic roadways, EPR, PC was asked to develop analytic visualizations of the visual impacts of the viewshed on Forge Road.

The results of this analysis are presented here in two parts:

1. **Ground Level Visualizations** - The first part is a series of photomontages that were developed based on alternative measured distances from the road.
2. **Aerial Visualizations** - The second part is a series of aerial photographs of the Forge Road corridor showing different distances from the road as colored buffers along the roadway, with existing structures highlighted to show where they fall within the distance buffers.

It is important to note that, even though these are illustrative visualizations, they are based on actual measured dimensions using computer mapping for the distances so they represent a reasonably accurate representation of what potential distance standards could look like in reality.

### Ground Level Visualizations

#### *Methodology*

For the purposes of the visualizations, a photograph of a segment of Forge Road was used that represents a typical “view from the road” on a relatively level portion of the road without any existing screening or buffering along the roadway. Using computer mapping, house sites were located at the following distances from the edge of the roadway (which is also the edge of the Right of Way):

- 100 feet
- 200 feet
- 300 feet
- 400 feet



Figure 1. Existing photo of Forge Road with computer mapping of different setback distances

Secondly, photographs of two typical houses were selected at the same view angle as the “view from the road” photograph to be used in composing the photomontages. House A was a simple one story brick home with attached garage and minimal landscaping and House B was a more elaborate house with detached garage and extensive landscaping in the front yard.

These houses were then photo montaged into the existing Forge Road photograph precisely at each of the distance points to show a reasonably realistic view of the visual impact of the houses at each distance parameter.

### **Results**

The images below show the final photomontages with each house at each of the distances from the road.

**House A:**



Figure 2. House A. 100 ft. distance



Figure 4. House A. 200 ft. distance



Figure 3. House A. 300 ft. distance



Figure 5. House A. 400 ft. distance

**House B.**



Figure 6. House B. 100 ft. distance



Figure 7. House B. 200 ft. distance



Figure 8. House B. 300 ft. distance



Figure 9. House B. 400 ft. distance

### Conclusions

The use of computer aided photomontage visualizations is a practical way to assess the potential visual impacts of alternative provisions for distances from the road. However, it is important to recognize that many other factors can influence the perception of different distances to houses when viewed from the road. These include topography, the presence of existing vegetation, and the general architectural character of structures. The above visualizations are of course open to different interpretations regarding what distance standards should be developed. From the consultant's perspective, a few observations are offered for consideration from a professional planning perspective:

- The visual impact of both houses at the 100 foot distance is considerable. This scale of this distance is more reminiscent of a suburban development pattern than what is typically seen in a rural, farming based landscape.
- 300 to 400 foot distances are more similar to a typically rural context and view from the road, although houses on large lots are frequently set back even more than that. Often, homeowners who purchased large lots prefer a wide set back from the road to maintain their sense of private space and rural character.
- Particularly at the 400 foot distance line, there is an opportunity to create buffering and screening around the houses with vegetation that would be more reminiscent of a rural farm scape rather than a suburban landscape pattern.
- The architecture and landscaping around the house also influence the character of the view from the road. Large suburban houses with tall roofs and suburban style landscaping create more of a discontinuity with the rural landscape than a low ranch house with an attached garage.

## Aerial Visualizations

### Methodology

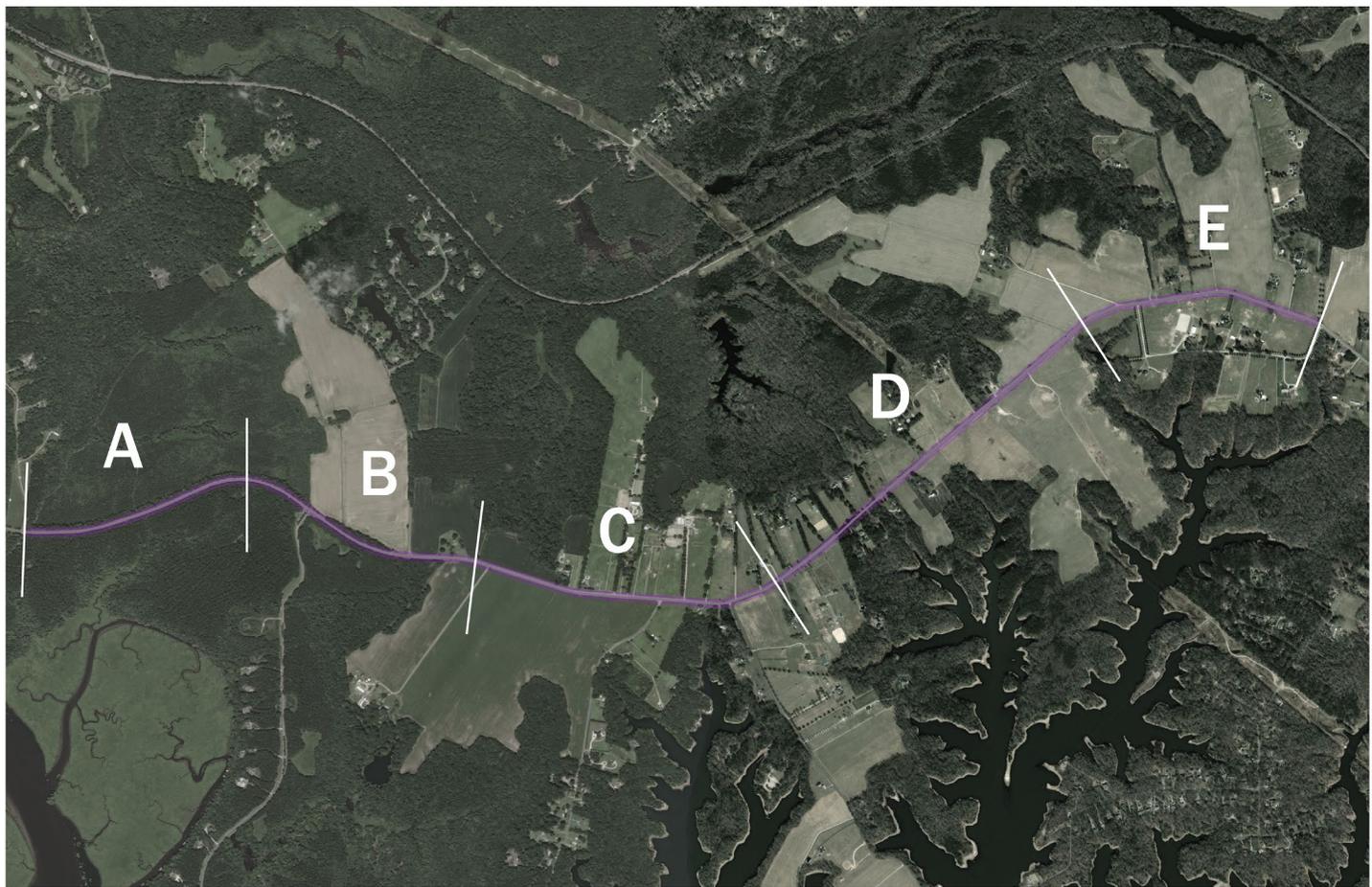
Based on County staff request, EPR developed an aerial mapping analysis of different distance widths applied to a section of Forge Road located outside of the PSA. The maps were presented as aerial photos with the distances shown as colored buffers on the photos and as oblique aerial views of segments of Forge Road showing existing structures.

The following maps were developed:

- **Baseline Setback Map.** This map shows the setback that currently applies under the existing zoning requirements for A-1.
- **Potential Alternate Distance Analysis Map:** This maps shows potential distances of 100', 200', 300' and 400'.
- **Oblique Aerials of Segments of Forge Road.** These maps show detailed oblique views of five segments of Forge Road with the potential distance ranges from 100' to 400' and highlight existing structures.

### Results:

#### JAMES CITY COUNTY ZONING ANALYSIS | Forge Rd. Basemap (Existing Setback)

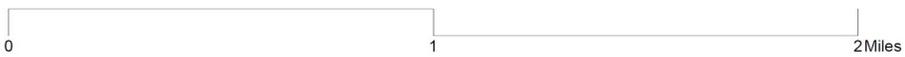
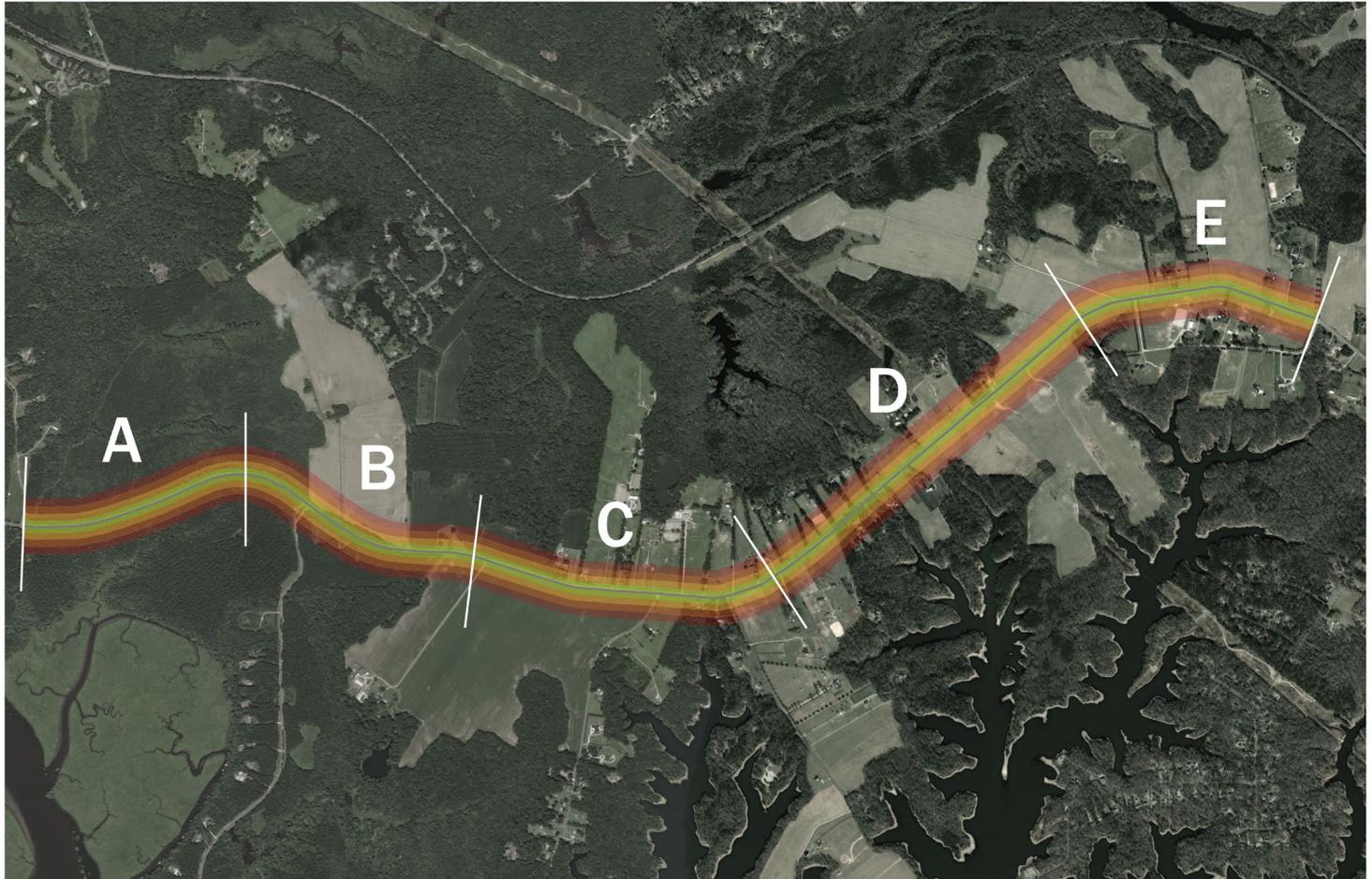


Gray: Forge Rd.  
Purple: Existing 75' Setback



Figure 10. Base Map showing Existing Setback for A1 Zone

**JAMES CITY COUNTY ZONING ANALYSIS | Forge Rd. Basemap (Proposed Setbacks)**



Gray: Forge Rd.    Green: 100'  
 Orange: 200'    Red: 300'  
 Dark Red: 400'



Figure 11. Base map showing alternate distances from the roadway

**JAMES CITY COUNTY ZONING ANALYSIS | Forge Rd. Basemap (Proposed Setbacks) - Segment A**

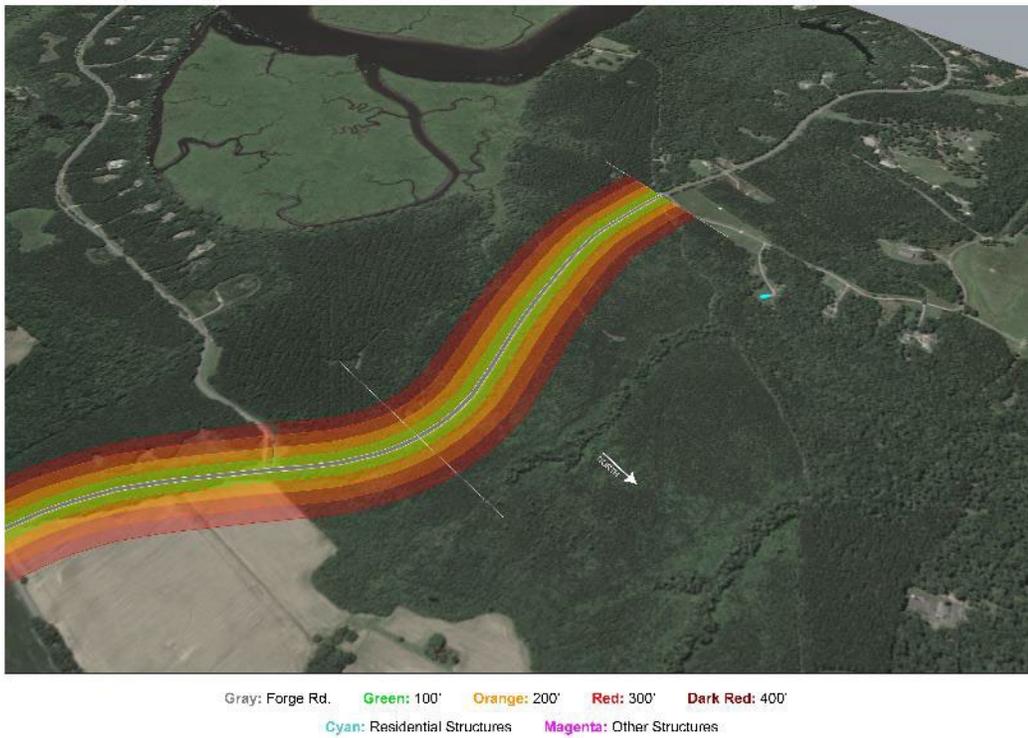


Figure 13. Potential distances - Segment A.

**JAMES CITY COUNTY ZONING ANALYSIS | Forge Rd. Basemap (Proposed Setbacks) - Segment B**



Figure 12. Potential distances - Segment B.

JAMES CITY COUNTY ZONING ANALYSIS | Forge Rd. Basemap (Proposed Setbacks) - Segment C

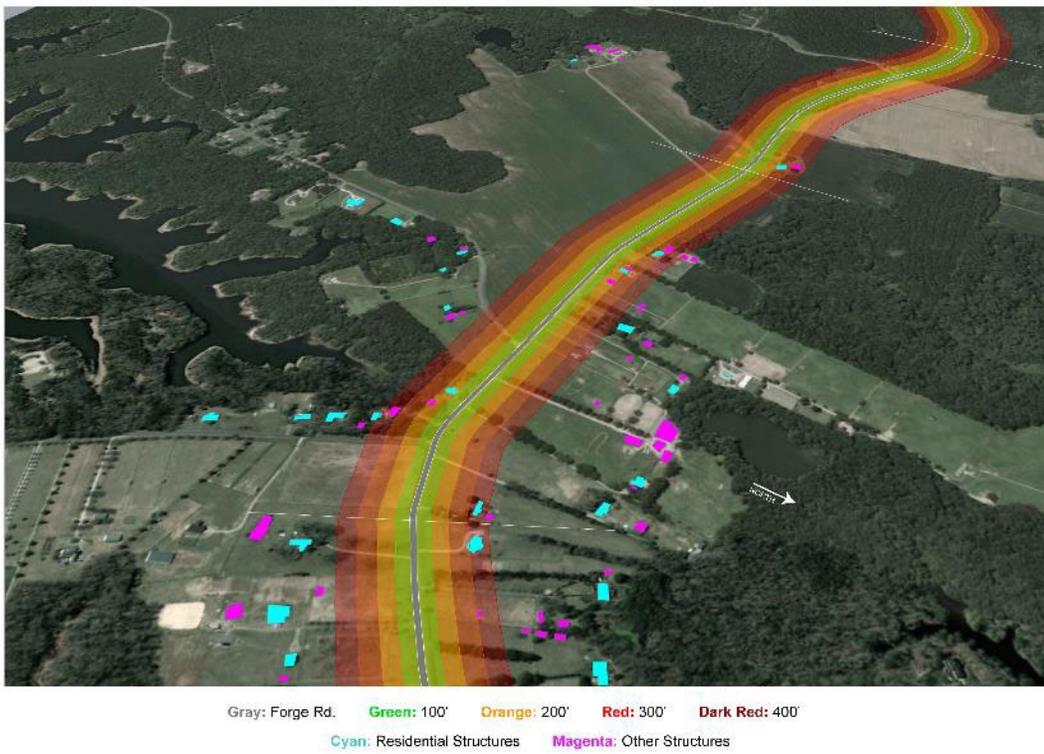


Figure 15. Potential distances - Segment C.

JAMES CITY COUNTY ZONING ANALYSIS | Forge Rd. Basemap (Proposed Setbacks) - Segment D

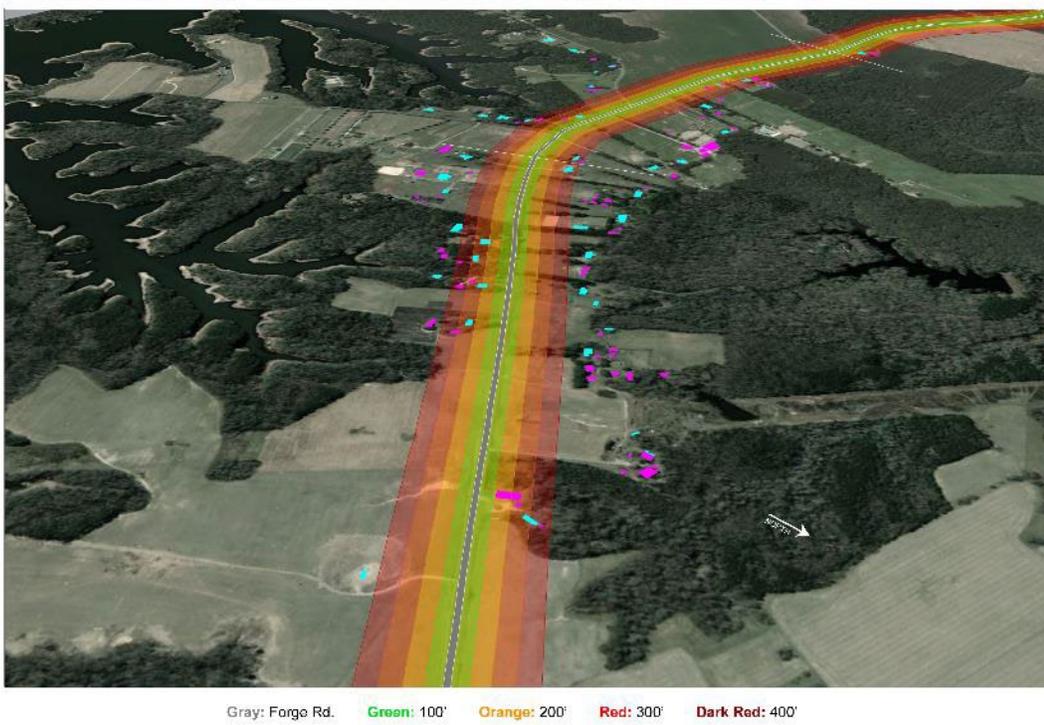


Figure 14. Potential distances - Segment D.

**JAMES CITY COUNTY ZONING ANALYSIS | Forge Rd. Basemap (Proposed Setbacks) - Section E**

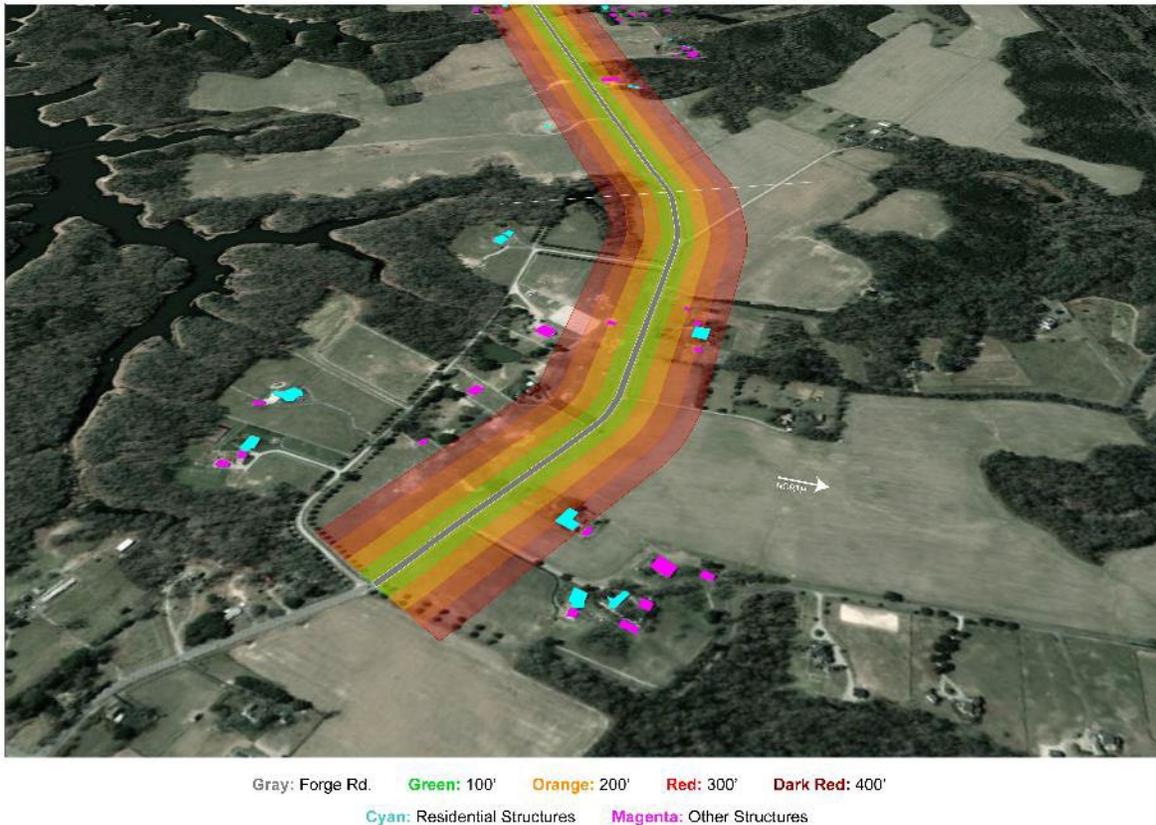


Figure 16. Potential distances - Segment E.

**Conclusions**

The analysis of existing and potential distances through aerial photography provides a useful assessment of the existing conditions along Forge Rd and the existing setbacks of existing structures. A few summary findings from this analysis include:

- Very few existing structures are built right up to the existing setback line of 75 feet for the A1 zoning district.
- Only one residential structure in segment C and one residential structure in segment D approach the 100 foot distance line. Also, one nonresidential structure in segment D is also built at the 100 foot distance line.
- The majority of structures that fall within the potential distance buffers range from 200 to 400 foot distances.
- a great number of structures are set back well beyond the 400 foot distance line. Segments C and D show a wide variety of structures set well back from the road up to 1000 feet or more.
- In general, both the diversity of setbacks of existing structures and the extensive average distance from the road contribute to the scenic character of Forge Rd and ensure that view sheds are not dominated by views of houses or other structures.
- In addition, the rolling terrain and pattern of existing trees and vegetation break up the views of the structures and contribute to the overall pastoral viewsheds from the road.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND THE ZONING DISTRICT MAPS OF JAMES CITY COUNTY, VIRGINIA, TO REZONE APPROXIMATELY 2,671.354 ACRES FROM A-1, GENERAL AGRICULTURAL, TO A-1/SR, GENERAL AGRICULTURAL/SCENIC ROADWAY OVERLAY.

CASE NO. Z-24-0008 SCENIC ROAD OVERLAY DISTRICT

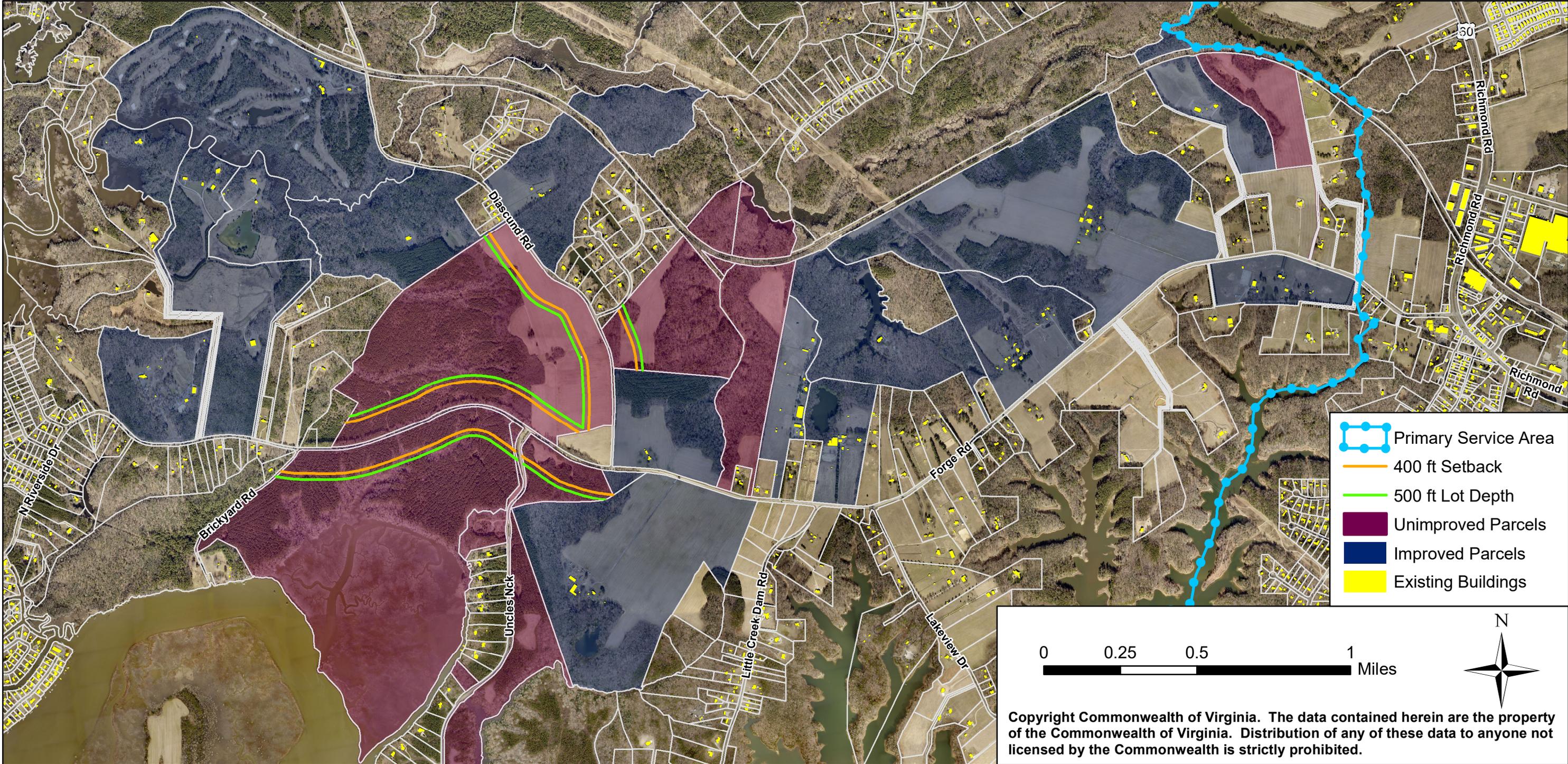
WHEREAS, on May 14, 2024, the Board adopted a resolution initiating the consideration of rezoning of approximately 2,671.354 acres from A-1, General Agricultural to A-1/SR, General Agricultural/Scenic Roadway Overlay; and

WHEREAS, the properties are located at the following James City County Real Estate Tax Map Nos. and address:

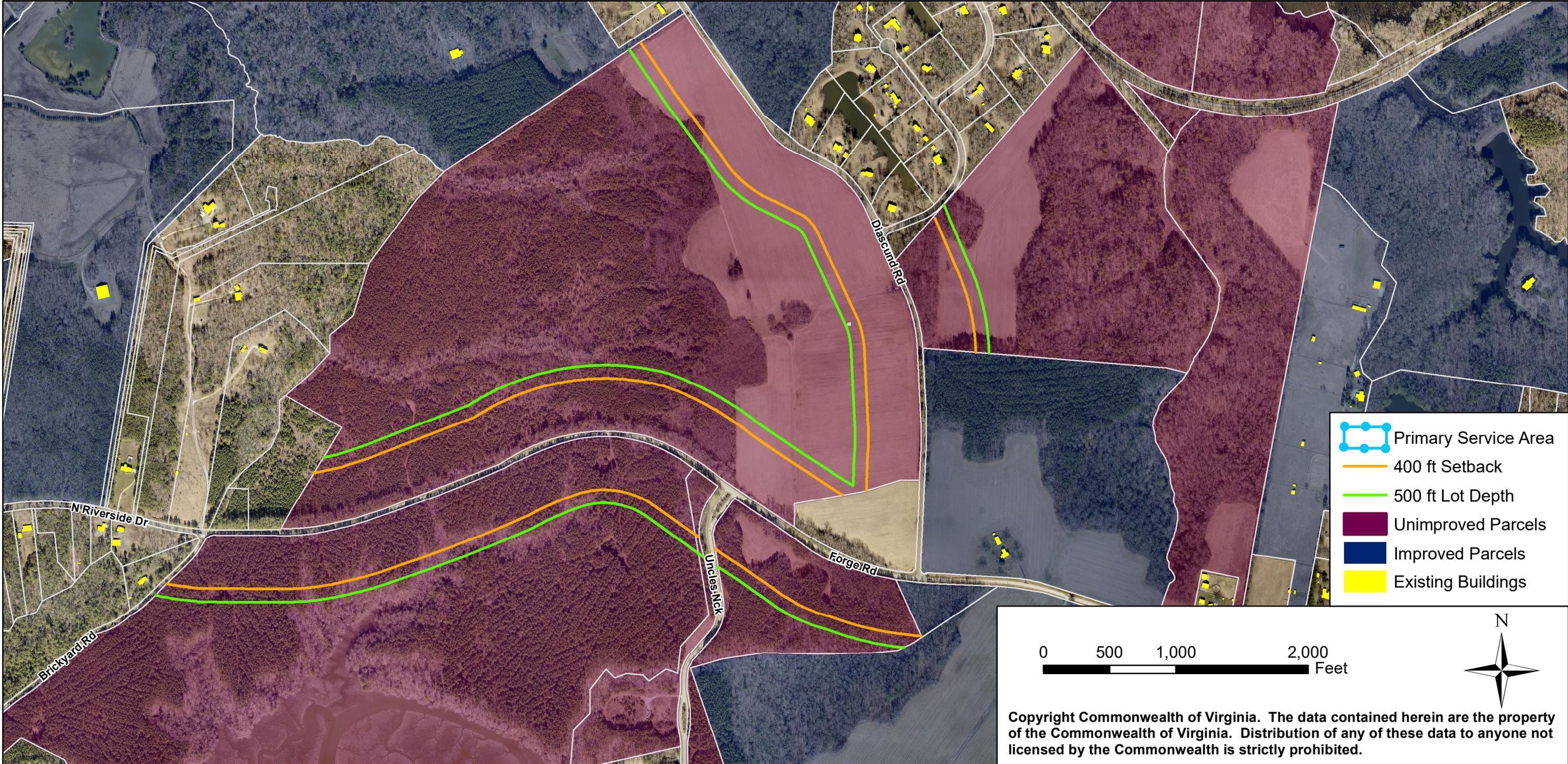
1. JCC Tax Map No. 940100002, 8285 Diascund Road
2. JCC Tax Map No. 0940100008E, 3298 North Riverside Drive
3. JCC Tax Map No. 0940100008G, 3356 North Riverside Drive
4. JCC Tax Map No. 0940100008H, 3408 North Riverside Drive
5. JCC Tax Map No. 0940100008N, 3406 North Riverside Drive
6. JCC Tax Map No. 1030100019, 8091 Diascund Road
7. JCC Tax Map No. 1040100003, 8000 Diascund Road
8. JCC Tax Map No. 1040100005, 7829 Diascund Road
9. JCC Tax Map No. 1040100006, 7808 Diascund Road
10. JCC Tax Map No. 1130100028, 2406 Forge Road
11. JCC Tax Map No. 1140100002, 2724 Forge Road
12. JCC Tax Map No. 1140100005, 7829 Forge Road
13. JCC Tax Map No. 1140200006, 2875 Forge Road
14. JCC Tax Map No. 1230100018B, 2902 Forge Road
15. JCC Tax Map No. 1230100018C, 2918 Forge Road
16. JCC Tax Map No. 2010200001A, 7400 Uncles Neck
17. JCC Tax Map No. 2020100002, 1812 Forge Road
18. JCC Tax Map No. 2020100003, 1928 Forge Road
19. JCC Tax Map No. 2020100005, 1827 Forge Road
20. JCC Tax Map No. 2020100006, 1701 Forge Road
21. JCC Tax Map No. 2110100001, 2016 Forge Road
22. JCC Tax Map No. 2110100005, 2116 Forge Road

WHEREAS, in accordance with Section § 15.2-2204 of the Code of Virginia, 1950, as amended, and Section 24-13 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Case No. Z-24-0008; and

# JCC ORD-22-0001, Amendments for Scenic Roadway Protection.



# JCC ORD-22-0001, Amendments for Scenic Roadway Protection.



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SPECIAL REGULATIONS, BY AMENDING DIVISION 1, IN GENERAL, SECTION 24-43, BUFFER AND SETBACK REQUIREMENTS FOR TIMBERING ACTIVITIES; AND BY AMENDING DIVISION 4, LANDSCAPING, SECTION 24-98, LANDSCAPE AREA(S) ALONG RIGHT(S)-OF-WAY; AND BY AMENDING ARTICLE V, DISTRICTS, DIVISION 2, GENERAL AGRICULTURAL DISTRICT, A-1, BY ADDING NEW SECTION 24-223, BUFFER REQUIREMENTS.

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 II, Special Regulations, by amending Division 1, In General, Section 24-43, Buffer and setback requirements for timbering activities; and by amending Division 4, Landscaping, Section 24-98, Landscape area(s) along right(s)-of-way; and by amending Article V, Districts, Division 2, General Agricultural District, A-1, by adding new Section 24-223, Buffer requirements.

**Chapter 24. Zoning**

**Article II. Special Regulations**

**Division 1. In General**

**Sec. 24-43. Buffer and setback requirements for timbering activities.**

The requirements in this section shall apply to timbering activities located in all districts. This section shall not apply to tree removal activities conducted as part of a site plan, subdivision plan, or building permit that is currently under review by the county or has received final approval. Approval of site plans, subdivision plans, or building permits shall be in accordance with other provisions of the zoning ordinance and shall not be governed or guided by the provisions of this section. This section shall also not apply to timbering activities where all timbering is conducted outside of the buffers or setback for timbering listed in paragraph (1), (2) or (3) or for timbering within such buffers or setback for timbering to construct access drives having a maximum width of 30 feet. The following provisions shall apply to all timbering activities subject to this section except as otherwise noted:

- (1) *Buffer along public roads.* This paragraph shall not apply to the General Agricultural District, A-1. An undisturbed buffer at least 75 feet wide shall be maintained along all public roads. No trees or other vegetation shall be removed from this buffer except as permitted under this section.
- (2) *Buffer along community character corridor.* This paragraph shall not apply to the General Agricultural District, A-1. On all other property fronting on roads that are identified as community character corridors on the comprehensive plan, an undisturbed buffer at least 150

feet wide shall be maintained along the community character corridor on properties that are zoned residential. No trees or other vegetation shall be removed from this buffer except as permitted under this section.

- (3) *Setback for timbering.* In the General Agricultural District, A-1, for properties that are in the primary service area, all timbering activities shall be located a minimum of 50 feet from any public road right-of-way unless done in accordance with other provisions in section 24-43. This distance shall be known as the setback for timbering. In the general agricultural district, A-1, for properties outside the primary service area, there shall be no setback for timbering *except that those parcels adjacent to Wooded Community Character Corridors shall have a 50-foot-wide setback for timbering.*
- (4) *Buffer and setback for timbering measurement and determinations.* The width of required buffers and setbacks for timbering shall exclude any planned future right-of-way as designated on the Six-Year Primary or Secondary Road Plan.
- (5) *Tree protection.* Required buffer areas and setbacks for timbering shall be marked by painting trees along the interior edge of the buffer. Equipment, timber, or other materials shall not be placed within the buffer or setback for timbering area.
- (6) *Processing requirements.* Prior to commencing any timbering activities within a buffer or setback for timbering except for a 30-foot access drive, the property owner or agent shall complete a timber buffer modification application and submit it along with a James City County Tax Map (with topography) to the planning director that shows the site's property lines, any existing and proposed driveway entrances, required buffer areas, and setbacks for timbering, and tree protection measures. The planning director shall determine whether to permit timbering activities within a buffer or setback for timbering in accordance with paragraphs (7) and (8) below. Upon approval of the application by the planning director, timbering activities within a buffer or setback for timbering may proceed. All timbering activities within a buffer or setback for timbering including location of driveways or any other land disturbing activities, shall take place only in those areas indicated on the approved map and in accordance with the methods approved by the planning director. The planning director shall have no more than ten working days from the filing of such application to approve or disapprove the application. If disapproved, the planning director shall write a letter to the applicant identifying the revisions to be made to gain approval.
- (7) *Modifications.* The planning director may grant modifications to the buffer, setback for timbering, and tree protection requirements when, in the opinion of the planning director, an alternative design provides equivalent measures, or retains the rural character of the property, or when buffers, setbacks for timbering, or tree protection are unnecessary due to a site's physical conditions such as topography or presence of streambeds, wetlands or other natural features. The planning director may also permit tree removal within the buffer or setback for timbering when trees are weakened, dying, diseased, or insect damaged, or, in the opinion of the state forester or a certified horticulturalist, unlikely to survive or such removal will enhance the long-term effectiveness of the buffer or setback for timbering as a visual barrier.
- (8) *Partial timbering within a buffer or setback for timbering.* The planning director may approve partial timbering of buffer areas and setback for timbering and the use and type of equipment for partial timbering, after considering the following:

- a. The effect of the timbering on the long-term effectiveness of the buffer area, or setback for timbering and on adjacent roads and properties;
  - b. The anticipated development of the property and the surrounding area;
  - c. The condition of any adjacent dwelling or subdivision including whether the structures are abandoned or dilapidated;
  - d. Any recommendations of the state forester or a certified horticulturalist, including recommendations on the use and type of equipment for partial timbering;
  - e. The health and diversity of trees with emphasis on protection of mixed hardwood trees, and the reforestation of the buffer or setback for timbering; and
  - f. The market value of the timber in the buffer or setback for timbering and the timber to be removed, and the market value of the timber on the balance of the property.
- (9) *Development review committee review.* The development review committee shall consider the timber buffer modification application if there are unresolved problems between the applicant and the planning director.
- (10) *Tree Replacement.* If timbering occurs within the buffers or setbacks for timbering described above in paragraphs (1), (2) and (3) and such timbering is not approved in accordance with paragraphs (7) and (8) above, trees shall be replaced at a ratio of one tree for each 800 square feet of area timbered. All replacement trees shall be of a species native to eastern Virginia. Such trees shall meet the standards for trees stated in section 24-2. The number and type of trees and their placement shall be approved by the planning director.

All trees shall be planted within 30 days from the date the trees were removed from the buffer or setback unless such period does not fall within the planting season. In such cases, their replacement in the next planting season (October 1 through March 31) shall be guaranteed by entering into a written agreement with the county and furnishing to the county a certified check, bond with surety satisfactory to the county, or a letter of credit in an amount to cover all costs of the plantings and their installation as estimated by the planning director. Such written agreement shall be entered into and such financial guarantee shall be provided to the county within 30 days from the date the trees were removed. The form of the agreement, financial guarantee, or type of surety shall be to the satisfaction of and approved by the county attorney. If the improvements are not completed in a timely manner, the planning director shall proceed to complete the improvements by calling on the surety or financial guarantee. After the first full growing season (February 1 to November 30) after planting, any trees not in a healthy growing condition or determined to be dead, diseased, or dying, shall be replaced as determined by the planning director. Thereafter, all trees shall be maintained in a healthy growing environment and in a healthy growing condition.

The planning director may allow some or all of the trees required by this paragraph to be planted outside the buffer or off-site when, if in the opinion of the planning director, such an alternative mitigates the environmental, buffering, or wildlife habitat impacts of the tree removal.

- (11) *Violations and penalties.* Prior to any criminal or civil enforcement under this section, the administrator or designee shall give five days written notice of the violation to the owner of the

property prior to commencing enforcement. The violation of any provision of this section concerning tree replacement in paragraph 10 above is subject to a civil fine pursuant to section 24-22. The violation of any other provisions in this section is subject to a criminal sanction under section 24-22.

**Division 4. Landscaping**

**Sec. 24-98. Landscape area(s) along right(s)-of-way.**

- (a) *Width requirements.* A landscape area having an average width as specified in the following chart shall be provided adjacent to any existing or planned road right-of-way.

<b>Width Requirements for Landscape Areas along Right(s)-of-Way.</b>			
<b>(1) Community Character Corridors</b>			
	Standard	Minimum width conditioned upon approval of planning director. Reference section 24-98(e) for the criteria.	Reduction for lots less than 1.5 acres which were recorded or legally in existence prior to July 3, 1990.
Average Width	50-feet	30-feet	20-feet or 10% of the average lot depth, whichever is greater.
Minimum Width	25-feet	20-feet	15-feet
<b>(2) Wooded Community Character Corridors Outside the Primary Service Area</b>			
	<i>Standard</i>		<i>Reduction for lots less than 1.5 acres which were recorded or legally in existence prior to July 3, 1990.</i>
<i>Average Width</i>	<i>100-feet</i>		<i>20-feet or 10% of the average lot depth, whichever is greater.</i>
<i>Minimum Width</i>	<i>50-feet</i>		<i>15-feet</i>
<b>(3) All Other Roads</b>			
	Standard		Reduction for lots less than 1.5 acres which were recorded or legally in existence prior to July 3, 1990.
Average Width	30-feet		20-feet or 10% of the average lot depth, whichever is greater.
Minimum Width	15-feet		15-feet
<b>(34) Further Reductions for Master Planned Communities with Approved Design Guidelines.</b>			
The standards provided above can be further reduced for developments that are part of an approved master-planned community and have a governing set of design guidelines approved by the county. The design guidelines shall specify architectural standards, building placement and massing, parking location, sidewalks, street-lighting, streetscape standards, landscaping, signage, and other important community aesthetic features.			

- (b) *Square footage calculation for landscape areas.* All landscape areas along a right-of-way shall contain a minimum amount of square footage which shall be equal to:

Square Footage Calculation
Square Footage = [Applicable Average Width Requirement] * [Length of Right-of-Way Frontage]

In no case shall any portion of any landscape area located more than *125 feet from the right-of-way of a Wooded Community Character Corridor outside the Primary Service Area*, 65 feet from the right-of-way of all other Community Character Corridors or 45 feet from the right-of-way along all other roads be counted toward meeting the requirements of this paragraph. All required square footage shall be contiguous and located in an area that is directly adjacent to the right-of-way except as provided for in section 24-98 (f)(1).

- (c) *Outdoor operations and storage.*

Any commercial or industrial operation or storage conducted in whole or in part out-of-doors shall:

- (1) Be screened from the right of way and conform to the landscape requirements in section 24-98 and 24-100 (a) of the zoning ordinance. Evergreen tree and shrub mixture requirements of section 24-94 (b) shall be used to screen the outdoor operations from the public right-of-way; and
- (2) Be well drained with adequate provisions to control storm drainage and erosion; and
- (3) Where the ground cover would be routinely disturbed because of the nature of the activity to be conducted or because of vehicular traffic, the area shall be maintained in an all-weather surface; and
- (4) Be screened from adjacent property by landscaping and fencing, except that outdoor displays for sale of vehicles, equipment, machinery and/or plant materials shall be exempt from the screening requirements where such screening would materially interfere with the visibility of the items for sale from a public road; and
- (5) Be limited to uses and items to be stored which do not create noise, odor, dust or other objectionable effects. The effects of an activity shall be assessed at the nearest property line.

- (d) *“Construction zone” setback for structures.*

- (1) All structures shall be setback a minimum of 15-feet from the perimeter of the landscape area buffer required in section 24-98 (a). For example, if the required landscape area buffer measures 50-feet in width from the right-of-way, then the structure(s) shall be no closer than 65-feet from the right-of-way.
- (2) The “construction zone” setback shall be clearly delineated on the site plan.
- (3) This “construction zone” setback shall not apply to parking lots. Parking lots may be constructed up to the edge of the required landscape buffer provided no grading, tree removal, or land disturbance occurs within the required landscape buffer.

- (e) *Waiver criteria for landscape areas along Community Character Corridors.* The average width requirement of the required landscape areas along Community Character Corridors may be reduced by the planning director if subsection(s) (1) and/or (2) provided below is satisfied. In no case shall the total reduction exceed 20 feet. In deciding whether a reduction in the standard landscape area width is warranted, the planning director shall consider the impact of proposed road and/or utility improvements on existing trees and vegetation. Planned road and/or utility improvements that will remove existing trees and vegetation will reduce the likelihood of a reduction in landscape area required. In approving a reduction request, the planning director may require additional plantings beyond the minimum ordinance requirements, alter the mixture of plantings provided, and/or specify the types of plantings to be used.
- (1) The applicant may achieve a maximum reduction of 10 feet by providing superior site design with a combination of elements such as:
    - a. Parking located away from public view behind buildings or screened by other architectural features (i.e. decorative brick walls);
    - b. Innovative use of grading and topography to minimize visual impacts of parking and other unsightly features (i.e. dumpsters, HVAC equipment, loading areas, etc.);
    - c. Provision of pedestrian amenities beyond what the ordinance requires. Examples may include brick pavers to connect existing and planned pedestrian walkways, lighting, and benches; or
    - d. The use of monument style signs that are of a scale and type that complement the positive features of the surrounding architecture and streetscape. The use of wood, brick, or other natural features is recommended.
  - (2) The applicant may achieve a maximum reduction of 15 feet by providing superior architecture and building materials that meet the following standards.
    - a. The building architecture and materials complement the positive features of nearby existing or planned development and/or the character of Colonial Williamsburg and James City County;
    - b. Architecture and materials should be unique and not replicate standard and/or conventional prototypes; and
    - c. The proposed location of the building and parking areas shall not require the removal of specimen trees or large stands of viable mature trees.
- (f) *Right-of-way landscape area performance standards.*
- (1) Permitted breaks in landscape areas.
    - a. All landscape areas along rights-of-way shall be continuous along the road right-of-way frontage, except where driveway, utility or other breaks running perpendicular to the right-of-way are necessary, and shall be designed in a manner that achieves the intent of this division.



## Article V. Districts

### Division 2. General Agricultural District, A-1

#### **Sec. 24-223. Buffer requirements.**

(a) *Right-of-way buffer. Within any major subdivision approved under this division, there shall be planned and maintained buffers along all external existing and planned road rights-of-way, as follows:*

(1) *The minimum right-of-way buffer on Wooded Community Character Corridors located outside the primary service area as defined in the comprehensive plan shall be 200 feet.*

(2) *The right-of-way buffer shall be planted in accordance with section 24-96, General landscape area standards and shall also adhere to the Community Character Corridor Buffer Treatment Guidelines and Map.*

(3) *Waiver provisions. The planning director may reduce the buffer depth requirements specified in (1) of this section for residential developments when:*

(i) *The developer demonstrates that due to natural or protected features, or due to adjoining physical features, a reduced buffer will screen the development as effectively as a full buffer; or*

(ii) *The developer demonstrates that the development will be adequately screened and buffered from the road using berms and landscaping. Such a request shall be supplemented with a landscaping plan and/or planting plan with photos of the existing site.*

*In no case shall the right-of-way buffer be reduced by a waiver provision to less than 100 feet. The planning director may also, in the event of granting a waiver, require additional landscaping as determined on a case-by-case basis.*

(b) *Requirements for buffers. All required buffers shall be exclusive of lots, remain free of structures and parking, and remain undisturbed, except for additional plantings and selective clearing approved by the planning director or designee. Soil stockpiles and staging areas shall not be permitted within any buffer, except that temporary soil stockpiles may be allowed upon approval by the planning director under the following circumstances:*

(1) *The buffer in which the temporary stockpile is to occur is non-wooded, defined as having no mature trees.*

(2) *The stockpile shall not be visible from a Community Character Corridor or Community Character Area unless the soil stockpiling is needed for approved berming in that buffer.*

(3) *Stockpiles shall not exceed 35 feet in height.*

(4) *Stockpiles shall be temporary, with a time limit of six months.*

- (5) *Once the use of the temporary soil stockpiles is completed, the ground must be adequately prepared for planting and revegetated in a manner that meets or exceeds the amount and quality of vegetation on the site previously.*
- (6) *Stockpiling shall conform with any applicable requirements of the Virginia erosion and sediment control regulations, the Virginia erosion and sediment control handbook and county erosion and sediment control program policies.*
- (c) *Limitations on buffers. Structural BMPs such as wet and dry ponds shall not generally be permitted in the buffers, except that the planning director may approve them under the following circumstances:*
  - (1) *The need is necessitated by site conditions rather than economic factors; and*
  - (2) *The screening/buffering effect of the buffer has been retained by the design of the BMP and any degradation has been mitigated with additional plantings or berms as necessary.*
- (d) *Improvements allowable within buffers. An entrance road, community and directional signage, bicycle and/or pedestrian paths, and utility connections and drainage improvements shall be permitted within the buffer with approval of the planning director. Permitted utilities and constructed drainage conveyance systems shall cross the buffer at or near a perpendicular angle to the property line, with clearing kept to a minimum necessary to accommodate the utilities, except that minor improvements to natural drainage channels may be permitted at a different angle to the property line upon approval of the planning director.*
- (e) *Roads within buffers. Entrance roads through these buffers shall be built to the narrowest cross-section possible. Roads and open space shall be located and designed in a manner that minimizes views of structures within the development from the adjoining primary or secondary road as determined by the planning director.*
- (f) *Appeals. In the event the planning director disapproves the items specified in this section or recommends conditions or modifications that are unacceptable to the applicant, the applicant may appeal the decision of the planning director to the development review committee which shall forward a recommendation to the planning commission. Any appeal shall be in writing and may be subject to fees as specified in article I of this chapter.*

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SPECIAL REGULATIONS, BY AMENDING DIVISION 1, IN GENERAL, SECTION 24-43, BUFFER AND SETBACK REQUIREMENTS FOR TIMBERING ACTIVITIES; AND BY AMENDING DIVISION 4, LANDSCAPING, SECTION 24-98, LANDSCAPE AREA(S) ALONG RIGHT(S)-OF-WAY; AND BY AMENDING ARTICLE V, DISTRICTS, DIVISION 2, GENERAL AGRICULTURAL DISTRICT, A-1, BY ADDING NEW SECTION 24-223, BUFFER REQUIREMENTS.

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 II, Special Regulations, by amending Division 1, In General, Section 24-43, Buffer and setback requirements for timbering activities; and by amending Division 4, Landscaping, Section 24-98, Landscape area(s) along right(s)-of-way; and by amending Article V, Districts, Division 2, General Agricultural District, A-1, by adding new Section 24-223, Buffer requirements.

**Chapter 24. Zoning**

**Article II. Special Regulations**

**Division 1. In General**

**Sec. 24-43. Buffer and setback requirements for timbering activities.**

The requirements in this section shall apply to timbering activities located in all districts. This section shall not apply to tree removal activities conducted as part of a site plan, subdivision plan, or building permit that is currently under review by the county or has received final approval. Approval of site plans, subdivision plans, or building permits shall be in accordance with other provisions of the zoning ordinance and shall not be governed or guided by the provisions of this section. This section shall also not apply to timbering activities where all timbering is conducted outside of the buffers or setback for timbering listed in paragraph (1), (2) or (3) or for timbering within such buffers or setback for timbering to construct access drives having a maximum width of 30 feet. The following provisions shall apply to all timbering activities subject to this section except as otherwise noted:

- (1) *Buffer along public roads.* This paragraph shall not apply to the General Agricultural District, A-1. An undisturbed buffer at least 75 feet wide shall be maintained along all public roads. No trees or other vegetation shall be removed from this buffer except as permitted under this section.
- (2) *Buffer along community character corridor.* This paragraph shall not apply to the General Agricultural District, A-1. On all other property fronting on roads that are identified as

community character corridors on the comprehensive plan, an undisturbed buffer at least 150 feet wide shall be maintained along the community character corridor on properties that are zoned residential. No trees or other vegetation shall be removed from this buffer except as permitted under this section.

- (3) *Setback for timbering.* In the General Agricultural District, A-1, for properties that are in the primary service area, all timbering activities shall be located a minimum of 50 feet from any public road right-of-way unless done in accordance with other provisions in section 24-43. This distance shall be known as the setback for timbering. In the general agricultural district, A-1, for properties outside the primary service area, there shall be no setback for timbering except that those parcels adjacent to Wooded Community Character Corridors shall have a 50-foot-wide setback for timbering.
- (4) *Buffer and setback for timbering measurement and determinations.* The width of required buffers and setbacks for timbering shall exclude any planned future right-of-way as designated on the Six-Year Primary or Secondary Road Plan.
- (5) *Tree protection.* Required buffer areas and setbacks for timbering shall be marked by painting trees along the interior edge of the buffer. Equipment, timber, or other materials shall not be placed within the buffer or setback for timbering area.
- (6) *Processing requirements.* Prior to commencing any timbering activities within a buffer or setback for timbering except for a 30-foot access drive, the property owner or agent shall complete a timber buffer modification application and submit it along with a James City County Tax Map (with topography) to the planning director that shows the site's property lines, any existing and proposed driveway entrances, required buffer areas, and setbacks for timbering, and tree protection measures. The planning director shall determine whether to permit timbering activities within a buffer or setback for timbering in accordance with paragraphs (7) and (8) below. Upon approval of the application by the planning director, timbering activities within a buffer or setback for timbering may proceed. All timbering activities within a buffer or setback for timbering including location of driveways or any other land disturbing activities, shall take place only in those areas indicated on the approved map and in accordance with the methods approved by the planning director. The planning director shall have no more than ten working days from the filing of such application to approve or disapprove the application. If disapproved, the planning director shall write a letter to the applicant identifying the revisions to be made to gain approval.
- (7) *Modifications.* The planning director may grant modifications to the buffer, setback for timbering, and tree protection requirements when, in the opinion of the planning director, an alternative design provides equivalent measures, or retains the rural character of the property, or when buffers, setbacks for timbering, or tree protection are unnecessary due to a site's physical conditions such as topography or presence of streambeds, wetlands or other natural features. The planning director may also permit tree removal within the buffer or setback for timbering when trees are weakened, dying, diseased, or insect damaged, or, in the opinion of the state forester or a certified horticulturalist, unlikely to survive or such removal will enhance the long-term effectiveness of the buffer or setback for timbering as a visual barrier.
- (8) *Partial timbering within a buffer or setback for timbering.* The planning director may approve partial timbering of buffer areas and setback for timbering and the use and type of equipment for partial timbering, after considering the following:

- a. The effect of the timbering on the long-term effectiveness of the buffer area, or setback for timbering and on adjacent roads and properties;
  - b. The anticipated development of the property and the surrounding area;
  - c. The condition of any adjacent dwelling or subdivision including whether the structures are abandoned or dilapidated;
  - d. Any recommendations of the state forester or a certified horticulturalist, including recommendations on the use and type of equipment for partial timbering;
  - e. The health and diversity of trees with emphasis on protection of mixed hardwood trees, and the reforestation of the buffer or setback for timbering; and
  - f. The market value of the timber in the buffer or setback for timbering and the timber to be removed, and the market value of the timber on the balance of the property.
- (9) Development review committee review. The development review committee shall consider the timber buffer modification application if there are unresolved problems between the applicant and the planning director.
- (10) Tree Replacement. If timbering occurs within the buffers or setbacks for timbering described above in paragraphs (1), (2) and (3) and such timbering is not approved in accordance with paragraphs (7) and (8) above, trees shall be replaced at a ratio of one tree for each 800 square feet of area timbered. All replacement trees shall be of a species native to eastern Virginia. Such trees shall meet the standards for trees stated in section 24-2. The number and type of trees and their placement shall be approved by the planning director.

All trees shall be planted within 30 days from the date the trees were removed from the buffer or setback unless such period does not fall within the planting season. In such cases, their replacement in the next planting season (October 1 through March 31) shall be guaranteed by entering into a written agreement with the county and furnishing to the county a certified check, bond with surety satisfactory to the county, or a letter of credit in an amount to cover all costs of the plantings and their installation as estimated by the planning director. Such written agreement shall be entered into and such financial guarantee shall be provided to the county within 30 days from the date the trees were removed. The form of the agreement, financial guarantee, or type of surety shall be to the satisfaction of and approved by the county attorney. If the improvements are not completed in a timely manner, the planning director shall proceed to complete the improvements by calling on the surety or financial guarantee. After the first full growing season (February 1 to November 30) after planting, any trees not in a healthy growing condition or determined to be dead, diseased, or dying, shall be replaced as determined by the planning director. Thereafter, all trees shall be maintained in a healthy growing environment and in a healthy growing condition.

The planning director may allow some or all of the trees required by this paragraph to be planted outside the buffer or off-site when, if in the opinion of the planning director, such an alternative mitigates the environmental, buffering, or wildlife habitat impacts of the tree removal.

- (11) Violations and penalties. Prior to any criminal or civil enforcement under this section, the administrator or designee shall give five days written notice of the violation to the owner of the

property prior to commencing enforcement. The violation of any provision of this section concerning tree replacement in paragraph 10 above is subject to a civil fine pursuant to section 24-22. The violation of any other provisions in this section is subject to a criminal sanction under section 24-22.

**Division 4. Landscaping**

**Sec. 24-98. Landscape area(s) along right(s)-of-way.**

- (a) *Width requirements.* A landscape area having an average width as specified in the following chart shall be provided adjacent to any existing or planned road right-of-way.

<b>Width Requirements for Landscape Areas along Right(s)-of-Way.</b>			
<b>(1) Community Character Corridors</b>			
	Standard	Minimum width conditioned upon approval of planning director. Reference section 24-98(e) for the criteria.	Reduction for lots less than 1.5 acres which were recorded or legally in existence prior to July 3, 1990.
Average Width	50-feet	30-feet	20-feet or 10% of the average lot depth, whichever is greater.
Minimum Width	25-feet	20-feet	15-feet
<b>(2) Wooded Community Character Corridors Outside the Primary Service Area</b>			
	Standard		Reduction for lots less than 1.5 acres which were recorded or legally in existence prior to July 3, 1990.
Average Width	100-feet		20-feet or 10% of the average lot depth, whichever is greater.
Minimum Width	50-feet		15-feet
<b>(3) All Other Roads</b>			
	Standard		Reduction for lots less than 1.5 acres which were recorded or legally in existence prior to July 3, 1990.
Average Width	30-feet		20-feet or 10% of the average lot depth, whichever is greater.
Minimum Width	15-feet		15-feet
<b>(4) Further Reductions for Master Planned Communities with Approved Design Guidelines.</b>			
The standards provided above can be further reduced for developments that are part of an approved master-planned community and have a governing set of design guidelines approved by the county. The design guidelines shall specify architectural standards, building placement and massing, parking location, sidewalks, street-lighting, streetscape standards, landscaping, signage, and other important community aesthetic features.			

- (b) *Square footage calculation for landscape areas.* All landscape areas along a right-of-way shall contain a minimum amount of square footage which shall be equal to:

Square Footage Calculation
Square Footage = [Applicable Average Width Requirement] * [Length of Right-of-Way Frontage]

In no case shall any portion of any landscape area located more than 125 feet from the right-of-way of a Wooded Community Character Corridor outside the Primary Service Area, 65 feet from the right-of-way of all other Community Character Corridors or 45 feet from the right-of-way along all other roads be counted toward meeting the requirements of this paragraph. All required square footage shall be contiguous and located in an area that is directly adjacent to the right-of-way except as provided for in section 24-98 (f)(1).

- (c) *Outdoor operations and storage.*

Any commercial or industrial operation or storage conducted in whole or in part out-of-doors shall:

- (1) Be screened from the right of way and conform to the landscape requirements in section 24-98 and 24-100 (a) of the zoning ordinance. Evergreen tree and shrub mixture requirements of section 24-94 (b) shall be used to screen the outdoor operations from the public right-of-way; and
- (2) Be well drained with adequate provisions to control storm drainage and erosion; and
- (3) Where the ground cover would be routinely disturbed because of the nature of the activity to be conducted or because of vehicular traffic, the area shall be maintained in an all-weather surface; and
- (4) Be screened from adjacent property by landscaping and fencing, except that outdoor displays for sale of vehicles, equipment, machinery and/or plant materials shall be exempt from the screening requirements where such screening would materially interfere with the visibility of the items for sale from a public road; and
- (5) Be limited to uses and items to be stored which do not create noise, odor, dust or other objectionable effects. The effects of an activity shall be assessed at the nearest property line.

- (d) *“Construction zone” setback for structures.*

- (1) All structures shall be setback a minimum of 15-feet from the perimeter of the landscape area buffer required in section 24-98 (a). For example, if the required landscape area buffer measures 50-feet in width from the right-of-way, then the structure(s) shall be no closer than 65-feet from the right-of-way.
- (2) The “construction zone” setback shall be clearly delineated on the site plan.
- (3) This “construction zone” setback shall not apply to parking lots. Parking lots may be constructed up to the edge of the required landscape buffer provided no grading, tree removal, or land disturbance occurs within the required landscape buffer.

- (e) *Waiver criteria for landscape areas along Community Character Corridors.* The average width requirement of the required landscape areas along Community Character Corridors may be reduced by the planning director if subsection(s) (1) and/or (2) provided below is satisfied. In no case shall the total reduction exceed 20 feet. In deciding whether a reduction in the standard landscape area width is warranted, the planning director shall consider the impact of proposed road and/or utility improvements on existing trees and vegetation. Planned road and/or utility improvements that will remove existing trees and vegetation will reduce the likelihood of a reduction in landscape area required. In approving a reduction request, the planning director may require additional plantings beyond the minimum ordinance requirements, alter the mixture of plantings provided, and/or specify the types of plantings to be used.
- (1) The applicant may achieve a maximum reduction of 10 feet by providing superior site design with a combination of elements such as:
- a. Parking located away from public view behind buildings or screened by other architectural features (i.e. decorative brick walls);
  - b. Innovative use of grading and topography to minimize visual impacts of parking and other unsightly features (i.e. dumpsters, HVAC equipment, loading areas, etc.);
  - c. Provision of pedestrian amenities beyond what the ordinance requires. Examples may include brick pavers to connect existing and planned pedestrian walkways, lighting, and benches; or
  - d. The use of monument style signs that are of a scale and type that complement the positive features of the surrounding architecture and streetscape. The use of wood, brick, or other natural features is recommended.
- (2) The applicant may achieve a maximum reduction of 15 feet by providing superior architecture and building materials that meet the following standards.
- a. The building architecture and materials complement the positive features of nearby existing or planned development and/or the character of Colonial Williamsburg and James City County;
  - b. Architecture and materials should be unique and not replicate standard and/or conventional prototypes; and
  - c. The proposed location of the building and parking areas shall not require the removal of specimen trees or large stands of viable mature trees.
- (f) *Right-of-way landscape area performance standards.*
- (1) Permitted breaks in landscape areas.
- a. All landscape areas along rights-of-way shall be continuous along the road right-of-way frontage, except where driveway, utility or other breaks running perpendicular to the right-of-way are necessary, and shall be designed in a manner that achieves the intent of this division.



## Article V. Districts

### Division 2. General Agricultural District, A-1

#### Sec. 24-223. Buffer requirements.

(a) *Right-of-way buffer.* Within any major subdivision approved under this division, there shall be planned and maintained buffers along all external existing and planned road rights-of-way, as follows:

1. The minimum right-of-way buffer on Wooded Community Character Corridors located outside the primary service area as defined in the comprehensive plan shall be 200 feet.
2. The right-of-way buffer shall be planted in accordance with section 24-96, General landscape area standards and shall also adhere to the Community Character Corridor Buffer Treatment Guidelines and Map.
3. Waiver provisions. The planning director may reduce the buffer depth requirements specified in (1) of this section for residential developments when:
  - i. The developer demonstrates that due to natural or protected features, or due to adjoining physical features, a reduced buffer will screen the development as effectively as a full buffer; or
  - ii. The developer demonstrates that the development will be adequately screened and buffered from the road using berms and landscaping. Such a request shall be supplemented with a landscaping plan and/or planting plan with photos of the existing site.

In no case shall the right-of-way buffer be reduced by a waiver provision to less than 100 feet. The planning director may also, in the event of granting a waiver, require additional landscaping as determined on a case-by-case basis.

(b) *Requirements for buffers.* All required buffers shall be exclusive of lots, remain free of structures and parking, and remain undisturbed, except for additional plantings and selective clearing approved by the planning director or designee. Soil stockpiles and staging areas shall not be permitted within any buffer, except that temporary soil stockpiles may be allowed upon approval by the planning director under the following circumstances:

1. The buffer in which the temporary stockpile is to occur is non-wooded, defined as having no mature trees.
2. The stockpile shall not be visible from a Community Character Corridor or Community Character Area unless the soil stockpiling is needed for approved berming in that buffer.
3. Stockpiles shall not exceed 35 feet in height.
4. Stockpiles shall be temporary, with a time limit of six months.

5. Once the use of the temporary soil stockpiles is completed, the ground must be adequately prepared for planting and revegetated in a manner that meets or exceeds the amount and quality of vegetation on the site previously.
  6. Stockpiling shall conform with any applicable requirements of the Virginia erosion and sediment control regulations, the Virginia erosion and sediment control handbook and county erosion and sediment control program policies.
- (c) *Limitations on buffers.* Structural BMPs such as wet and dry ponds shall not generally be permitted in the buffers, except that the planning director may approve them under the following circumstances:
1. The need is necessitated by site conditions rather than economic factors; and
  2. The screening/buffering effect of the buffer has been retained by the design of the BMP and any degradation has been mitigated with additional plantings or berms as necessary.
- (d) *Improvements allowable within buffers.* An entrance road, community and directional signage, bicycle and/or pedestrian paths, and utility connections and drainage improvements shall be permitted within the buffer with approval of the planning director. Permitted utilities and constructed drainage conveyance systems shall cross the buffer at or near a perpendicular angle to the property line, with clearing kept to a minimum necessary to accommodate the utilities, except that minor improvements to natural drainage channels may be permitted at a different angle to the property line upon approval of the planning director.
- (e) *Roads within buffers.* Entrance roads through these buffers shall be built to the narrowest cross-section possible. Roads and open space shall be located and designed in a manner that minimizes views of structures within the development from the adjoining primary or secondary road as determined by the planning director.
- (f) *Appeals.* In the event the planning director disapproves the items specified in this section or recommends conditions or modifications that are unacceptable to the applicant, the applicant may appeal the decision of the planning director to the development review committee which shall forward a recommendation to the planning commission. Any appeal shall be in writing and may be subject to fees as specified in article I of this chapter.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, REQUIREMENTS FOR DESIGN AND MINIMUM IMPROVEMENTS, SECTION 19-73.2, BUFFER REQUIREMENT.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivision, is hereby amended and reordained by amending Article III, Requirements for Design and Minimum Improvements, Section 19-73.2, Buffer requirement.

### **Chapter 19. Subdivisions**

#### **Article III. Requirements for Design and Minimum Improvements**

##### ***Sec. 19-73.2. Buffer requirement.***

*Buffering shall be required for all major subdivisions abutting a roadway designated a Wooded Community Character Corridor and located outside the primary service area, as identified on the Land Use Plan Map in the Comprehensive Plan in accordance with section 24-223 of the zoning ordinance.*

ORD22-1AmdBffrReq-ord

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, REQUIREMENTS FOR DESIGN AND MINIMUM IMPROVEMENTS, SECTION 19-73.2, BUFFER REQUIREMENT.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivision, is hereby amended and reordained by amending Article III, Requirements for Design and Minimum Improvements, Section 19-73.2, Buffer requirement.

### **Chapter 19. Subdivisions**

#### **Article III. Requirements for Design and Minimum Improvements**

##### **Sec. 19-73.2. Buffer requirement.**

Buffering shall be required for all major subdivisions abutting a roadway designated a Wooded Community Character Corridor and located outside the primary service area, as identified on the Land Use Plan Map in the Comprehensive Plan in accordance with section 24-223 of the zoning ordinance.

ORD22-1AmdBffrReq-ord-final

**MINUTES**  
**JAMES CITY COUNTY PLANNING COMMISSION**  
**REGULAR MEETING**  
**COUNTY GOVERNMENT CENTER BOARD ROOM**  
**101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185**  
**November 1, 2023**  
**6:00 PM**

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**A. CALL TO ORDER**

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

**B. ROLL CALL**

**Planning Commissioners Present:**

Frank Polster  
Rich Krapf  
Tim O'Connor  
Jack Haldeman  
Rob Rose  
Barbara Null  
Stephen Rodgers

**Staff Present:**

Susan Istenes, Director of Planning  
Liz Parman, Deputy County Attorney  
Josh Crump, Principal Planner  
Thomas Wysong, Senior Planner II  
John Risinger, Senior Planner  
Tess Lynch, Planner II

Mr. Polster noted if anyone in attendance was present for Case No. Z-22-0004 and SUP-22-0026. 8290 Richmond Road Hankins-Dunn Rezoning and Residential Cluster Development, that item (Public Hearing Item No. 1) had been withdrawn. He added that item would not be heard.

Ms. Null thanked Mr. Polster for that announcement, adding her initial and current opposition to the project.

**C. PUBLIC COMMENT**

Mr. Polster opened Public Comment.

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

**D. REPORTS OF THE COMMISSION**

Mr. Haldeman stated that the Policy Committee met on October 12, 2023. He noted staff attendees included Mr. Crump, Mr. Risinger, Mr. Wysong, and Ms. Istenes. Mr. Haldeman further noted the Committee's continued discussion on scenic roadway protection according to the Board of Supervisors' Initiating Resolution and the 2045 Comprehensive Plan's Goals, Strategies, and Actions (GSA) 6.3. He cited the details of staff's draft language per the Board's guidance and the Committee's 3-1 vote in favor of approval. Mr. Haldeman noted clarification

on small farm sheds as restricted structures in setbacks was confirmed by staff. He highlighted additional points discussed during the Policy Committee meeting which included Community Character Corridors (CCCs). Mr. Haldeman noted the portion of Old Stage Road outside of the Primary Service Area (PSA) would no longer be classified as a CCC. He further noted Old Stage Road and Barhamsville Road (at the intersection of Routes 30 and 60 - Anderson's Corner) and the intersection of Barnes Road and Route 30 be reclassified from Open Agricultural to Wooded CCC at the next Comprehensive Plan update. Mr. Haldeman referenced removal of the development standard for the short-term rental requirement to have the owner live on-site in the home during the rental period. He noted the Policy Committee voted unanimously not to remove that standard.

**E. CONSENT AGENDA**

1. Minutes of the October 4, 2023, Regular Meeting

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

On a voice vote, the Commission approved the Consent Agenda. (7-0)

**F. PUBLIC HEARING(S)**

Item No. 1 was removed as noted previously in the meeting.

1. Z-22-0004 and SUP-22-0026. 8290 Richmond Road Hankins-Dunn Rezoning and Residential Cluster Development

2. SUP-23-0027. 118 Winston Drive Short Term Rental

Mr. Polster welcomed Ms. Tess Lynch, Planner, to her first Planning Commission meeting.

Ms. Tess Lynch, Planner II, cited the details of the Special Use Permit (SUP) requested by L&A Renovation, LLC, for short-term rental of property at 118 Winston Drive. She noted staff had not recommended approval, adding proposed conditions had been attached if the Planning Commission approved this SUP application. Ms. Lynch further noted the applicant was present if the Commission had any questions.

Mr. Polster opened the Public Hearing.

Ms. Julia Holland, 118 Winston Drive, the applicant, addressed the Board noting she was available for questions.

Mr. Haldeman asked Ms. Holland if she resided at 118 Winston Drive.

Ms. Holland replied no, adding she and her family lived approximately five miles away. She noted possibilities for various uses for the property.

Mr. Polster closed the Public Hearing as there were no additional speakers.

Mr. Haldeman stated a number of rentals were in this particular neighborhood, adding he thought most of the renters were college students. He referenced the four criteria regarding short-term rentals and the difficulty with this particular SUP as it failed to fit any of those criteria. Mr. Haldeman stated he was not in support of the SUP application.

Mr. Krapf echoed Mr. Haldeman's sentiments. He noted he was not in support either.

Ms. Null noted she was not supportive of short-term rentals, but felt a long-term rental, which required no SUP, could be a better option.

Mr. Haldeman concurred.

Mr. O'Connor noted his stance against Airbnb rentals was twofold. He further noted for the local community, it reduced available housing stock for the workforce and the affordable housing group. Mr. O'Connor stated the Airbnb rentals also increased the costs of adjacent properties which increased the affordability component. He cited additional factors and stated his opposition to this application.

Mr. Rodgers stated his agreement with his fellow Commissioners. He noted the guiding principles in the Comprehensive Plan and maintaining good stewardship to County properties. Mr. Rodgers further noted the outcome if all four criteria were waived and its future impact, particularly on a property internal to a neighborhood. He stated he was not in support of the short-term rental application.

Mr. Krapf made a motion to deny SUP-23-0027.

On a roll call vote, the Commission voted to deny SUP-23-0027. 118 Winston Drive Short-Term Rental. (7-0)

### 3. ORD-22-0001. Amendments for Scenic Roadway Protection

Mr. Thomas Wysong, Senior Planner II, addressed the Board citing specifics of the adopted 2045 Comprehensive Plan regarding land use criteria for preservation of County scenic roadways. He noted the Board of Supervisors adopted an Initiating Resolution that pertained to the Zoning Ordinance and Subdivision Ordinance in 2021. Mr. Wysong further noted the Initiating Resolution directed staff to consider additional requirements in both the Zoning and Subdivision Ordinances to preserve scenic roadways such as Forge Road. He stated the term scenic roadway was not defined in the County Code, but with the Comprehensive Plan as guidance, the Policy Committee identified a portion of the CCC, outside the PSA, such as Forge Road, for the sake of this Ordinance. Mr. Wysong noted Forge Road, Old Stage Road, Richmond Road, Monticello Avenue, John Tyler Memorial Highway, and Riverview Road with the latter four classified as Wooded CCCs. He cited classifications and specifics for CCCs, adding the Policy Committee had recommended preservation tools specific to the road types. Mr. Wysong noted the setback requirements in the draft Ordinance before the Commission. He further noted a proposed amendment to the Comprehensive Plan was slated for presentation later in the meeting which proposed removal of a portion of Old Stage Road outside the PSA from the Agricultural CCC category. Mr. Wysong stated he would speak in more detail on that point later. He continued noting additional criteria regarding tiered setback requirements. He added the tiered system was specifically recommended by the Board of Supervisors. Mr. Wysong noted the specific draft language as directed by the Policy Committee regarding landscape buffering along Wooded CCCs, outside the PSA, for inclusion of a 100-foot buffer average for commercial projects. He continued noting a 200-foot-wide buffer average for major residential projects along Wooded CCCs, outside the PSA and a proposed minimum 50-foot timbered setback on properties located along Wooded CCCs, outside the PSA. Mr. Wysong stated the Policy Committee voted in favor 3-1 of the draft language at its October 12, 2023, meeting. He noted a post-meeting amendment for authorization to the major subdivision buffering. Mr. Wysong stated staff recommended the Planning Commission approve the draft language to the Board of Supervisors for approval at its December 12, 2023, Regular Meeting.

Mr. O'Connor referenced the 400-foot setback with 40 nonconforming structures and four exempt parcel structures. He questioned the exemption.

Mr. Wysong explained no tiered system was used initially and the structures nonconforming to the 400-foot setback were removed. He explained 14 residents were nonconforming with 22 nonconforming structures for a total of 36.

Mr. O'Connor questioned if a barn, a stable, shed, greenhouse, and roadside vegetable stand would be considered as structures and not allowed within the 400-foot setback.

Mr. Wysong confirmed yes.

Mr. Polster opened the Public Hearing.

Mr. Polster closed the Public Hearing as there were no speakers.

Mr. O'Connor noted his initial and continued opposition to this point. He further noted the preservation of the rural character of Forge Road, in particular, was impacted by restrictions to a number of permitted uses. Mr. O'Connor stated unwanted uses had been incorporated into SUPs. He noted the impact of the 400-foot buffer to a horse owner who wanted a paddock and referenced other diminishment to landowners. Mr. O'Connor stated he would not support this Ordinance amendment nor the Comprehensive Plan amendment (Item No. 4).

Mr. Krapf noted his support of the 400-foot setback for numerous reasons. He cited community citizen surveys during the Comprehensive Plan revisions, adding the highest scoring item was preservation of the rural lands and viewsheds within those lands. Mr. Krapf stated the importance as a visual component of the beauty and its desirability to live in James City County. He noted the agricultural use of the land and local farmer markets, adding this action preserved a significant feature of the County. Mr. Krapf further noted the new construction at the 400-foot setback along Forge Road. He referenced the Photoshop analysis of properties at the various setbacks and the visual impact. Mr. Krapf addressed several points including the potential for future compensation for the 400-foot setbacks or other factors. He noted his support of this item.

Mr. Haldeman stated his strong support of the Wooded character buffering. He noted he was amenable to a smaller setback of 250 feet versus 400 feet but concurred with Mr. Krapf's comment on the Photoshop depictions at those setbacks. He noted his support of this item in its entirety.

Mr. O'Connor addressed the question of open lands in a rural landscape or promotion of agricultural uses. He noted if agricultural uses were wanted then why were solar farms being placed on agricultural land. Mr. O'Connor questioned the intent.

Mr. Polster concurred with Mr. Haldeman on the Wooded character buffering. He noted review of Barhamsville Road as Wooded and not Agricultural at the next Comprehensive Plan review. Mr. Polster further noted he had no objection to the 400-foot setback but rather the unintended consequences. He cited Old Hickory Church on Forge Road as an example.

Several Commissioners noted it was St. John Baptist Church.

Mr. Polster noted if St. John Baptist Church had wanted to put in a paved parking lot they would not be allowed to do so. He added the preacher had a mobile home and if he wanted a permanent one he would be able to do so. Mr. Polster noted if anything happened to the church and the congregation could not start rebuilding within a year then they would not be able to do so due to the lack of the 400-foot setback. He referenced accessory structures outside of the feeding areas at horse farms along the beginning of Forge Road. Mr. Polster noted if those structures were wooden and older then they were not replaceable if they collapsed. He further noted these were unintended consequences. Mr. Polster stated he was not in support, but not

based on the 400-foot setback, but rather the unintended consequences. He noted other points such as the accessory structures for consideration.

Mr. Krapf stated the accessory structures were not detriments to the rural vista in his opinion and they served a practical use. He noted Policy Committee discussion on several of these points. He cited reference to concern of an overlay district. Mr. Krapf stated the draft Ordinance language was good, but added there were valid revisions to consider in the future, particularly in reference to Mr. Polster's points.

Discussion ensued on legally nonconforming uses.

Mr. Rose noted he aligned with the majority of the Commissioners' comments with the exception of the solar farm use. He stated he felt solar farms were a totally appropriate use in agricultural land. Mr. Rose noted the definition and interpretation of rural vista and the Comprehensive Plan and the varied responses to that phrase. He further noted allowing landowners to use their land accordingly. Mr. Rose stated he felt the 400-foot setback was excessive in this case, adding he felt this was a flawed plan that may not have these necessary issues addressed. Mr. Rose stated he was not in support.

Ms. Null commented on rural lands and corridors and how they looked. She noted this language limited a landowner's ability to put up a roadside vegetable stand. Ms. Null stated she was not in support as she felt this language lacked leeway for change.

Mr. Rodgers stated he felt 400 feet was an excessive amount. He noted he was not in support as the Ordinance was drafted.

Mr. Krapf made a motion to approve the draft language of ORD-22-0001.

Mr. Polster asked Ms. Istenes to verify the yes and no vote designations.

Ms. Istenes stated a vote of yes for the motion would show support of the amendments as presented by staff.

On a roll call vote, the motion failed. (2-5)

Mr. Haldeman noted the Board of Supervisors had requested a draft Ordinance amendment to protect scenic viewsheds. He asked if the Policy Committee reworked this language to a more acceptable form or was this forwarded to the Board in its current language.

Ms. Istenes noted the Commission would be making a recommendation to the Board based on the language presented at the current meeting. She further noted this item would continue to move forward to the Board with the Planning Commission's recommendation not to support the amendments. Ms. Istenes added the Board would then consider the amendments at the Public Hearing during its meeting for a final vote.

Ms. Parman noted a motion to recommend denial would be appropriate on the Planning Commission's decision.

Mr. Rodgers made a motion to deny the draft language of ORD-22-0001.

Mr. Polster noted the importance of conveying to the Board where the Planning Commission was on the language. He further noted three to four Commissioners were accepting of the 400-foot setback of which the unintended consequences are a part. Mr. Polster added there were no issues with the Wooded component as that piece had been supported all along. He wanted the Board to know the Commission's areas of concern. He asked if there were other exceptions for consideration as part of this motion or leave the matter as currently presented.

Mr. Krapf questioned language to address accessory structures.

Mr. Polster concurred. He noted with the denial motion, he wanted the motion to convey the consensus was for the Wooded piece and for the possibility of the accessory facilities. Mr. Polster asked if the Commissioners were in agreement on those points.

Mr. O'Connor noted the Commission was mixed on the 400-foot setback piece.

Discussion ensued.

On a roll call vote, the motion to deny was approved. (5-2)

4. Comprehensive Plan Amendment: Community Character Corridor and Short-Term Rental Development Standards Revision

Mr. Wysong addressed the Commission with the details of the September 12, 2023, Board of Supervisors meeting where Planning staff was directed to prepare a very focused and very limited amendment to the Comprehensive Plan to include only these two items. He noted the first item was the revision of the CCC table list that included the portion of Old Stage Road, outside of the PSA, would no longer be classified as a CCC. Mr. Wysong further noted the second item was removal of the recommended development standard for short-term rentals regarding the property owner living and residing on the property during rental. He stated the other three criteria would remain in effect for staff's use in evaluating applications. Mr. Wysong noted staff's review process would remain unchanged with this amendment. He stated the Policy Committee, at its October 12, 2023, meeting, recommended approval of the amendment to the CCC table by a 3-1 vote. Mr. Wysong noted the development standard for short-term rentals was unanimously recommended for denial by a 4-0 vote. He further noted Planning staff recommended the Planning Commission recommend approval of both revisions to the Board.

Mr. O'Connor questioned if the CCC revision would allow the Board to remove Forge Road and allow for the 400-foot setback.

Mr. Wysong noted the revision would remove Old Stage Road.

Mr. O'Connor questioned if it would preserve the 400-foot setback on Forge Road.

Mr. Wysong responded essentially yes. He added the category revision would only include Forge Road. Mr. Wysong noted if the Board approved the revision, then the 400-foot setback would only apply to Forge Road as it was the only road in this category.

Mr. O'Connor questioned if that point was due to the 400-foot setback not working for both Old Stage Road and Forge Road.

Mr. Wysong confirmed yes. He added the setback would work, but noted the Board saw no value in doing that.

Mr. Polster opened the Public Hearing.

Mr. Polster closed the Public Hearing as there were no speakers.

Mr. O'Connor reiterated some earlier points of revisions to the Comprehensive Plan and unintended consequences. He noted he was not in support of this amendment for two reasons: the 400-foot setback on Forge Road and intermittent, spot amendments to the Comprehensive Plan.

Mr. Haldeman noted he had no objections to spot amendments as it was difficult to see everything. He further noted he had no objections to Old Stage Road's removal from the CCC designation. Mr. Haldeman indicated his support of the revision.

Mr. Krapf commented the Comprehensive Plan was not stagnant but evolved where necessary for particular situations. He noted his support of the amendment revision.

Mr. Rose indicated he was not in support of the revision.

Mr. Rodgers noted he was in favor of the ability to spot fix the Comprehensive Plan.

Mr. Polster noted the 400-foot setback in the CCC. He further noted he was in favor of removal of the area outside the PSA and not in the CCC. Mr. Polster concurred with Mr. Haldeman on the point regarding the intersection of Anderson's Corner to Interstate 64 and its reclassification from Open Agricultural to Wooded CCC at the next Comprehensive Plan update. He noted a 100-foot setback was already included in the property at that location. Mr. Polster addressed the second piece of this item which referenced the short-term rental criteria. He asked Ms. Parman about the reasoning behind the decision.

Ms. Parman noted this recommendation was to remove one of the performance standards for short-term rentals which required owners to live on-site. She cited a recent opinion from the 5th Circuit that a residency requirement such as that discriminates against interstate commerce. Ms. Parman noted while James City County was not in the 5th Circuit jurisdiction, it was a persuasive opinion that could potentially be applied in the County's circuit. She further noted the County Attorney's Office felt that performance standard should be omitted.

Mr. Polster asked the location of the 5th Circuit.

Ms. Parman responded Louisiana was the appeal location.

Mr. Polster asked if any other Virginia localities had been considered in this performance standard decision. He questioned if Hampton, Newport News, Danville, or the City of Richmond had issues and what policies these localities implemented. Mr. Polster also inquired if these localities had policies which were in conflict with the recent 5th Circuit opinion.

Ms. Parman stated she had not reviewed those localities' policies, but she would obtain that information.

Mr. Polster noted he had seen recent articles which addressed that same requirement. He further noted references to a sign-in addition to fire and safety inspections which were not currently required. Mr. Polster addressed decisions over the past few years regarding the on-site criteria. He noted he was not in support of the short-term rental change but was in support of the CCC.

Discussion ensued.

Mr. Krapf asked Mr. Polster to clarify that his comment was to retain the residency requirement in the performance factors.

Mr. Polster confirmed yes. He noted a better solution and language were needed. Mr. Polster further noted other comparable localities were experiencing this same situation and he recommended reviewing their policies on this point.

Mr. Krapf stated his viewpoint, adding the on-site residency component created a filter on short-term rentals. He discussed that point in more depth.

Mr. O'Connor asked for a point of clarification regarding an approval or denial motion.

Ms. Istenes suggested two votes as the topics were distinctly separate.

Mr. Polster requested a motion on the CCC component.

Mr. Haldeman made a motion for recommendation of approval for the Comprehensive Plan amendment for Community Character Corridor revision.

On a voice vote, the Commission approved the motion. (6-1)

Mr. Polster sought a motion on the short-term rental piece.

Mr. Haldeman made a motion for recommendation of approval for the short-term rental development standards revision.

Mr. O'Connor questioned if the motion was to remove the performance standard.

Mr. Haldeman confirmed yes.

Mr. Polster asked that the motion be restated.

Mr. Haldeman made a motion to deny the short-term rental development standards revision.

On a voice vote, the Commission approved the denial motion. (6-1)

## **G. PLANNING COMMISSION CONSIDERATIONS**

### **1. Yarmouth Creek Watershed Management Plan Update**

Ms. Toni Small, Director of Stormwater and Resource Protection, noted the Division was working with a consultant for updates on the Yarmouth Creek Watershed Management Plan, originally approved by the County in 2003. She further noted two public meetings were held and the draft plan was available on the County's website until November 9 for review and public comments. Ms. Small stated final revisions and draft plan would then be presented to the Board of Supervisors for consideration. She introduced Mr. Daniel Proctor and Mr. Ari Daniels from Stantec, consultants on the plan, who would provide an update and answer any questions.

Mr. Proctor, Principal Water Resources Engineer, addressed the Board noting this update was similar to the Powhatan Creek Watershed Management Plan presented to the Planning Commission earlier in the year. He noted a brief presentation highlighting the plan's components would be presented with a three-part approach to the plan. Mr. Proctor further noted the three components were review of past information, field-level reconnaissance, and desktop-level analysis and modeling. He continued the presentation with key findings regarding water quality, flood risk, and other factors. Mr. Proctor stated overall much of the watershed was very healthy despite some impairments. He added development along the Route 60 corridor could impact the watershed health if left unmitigated. Mr. Proctor highlighted the type of recommendations in the presentation. He continued the presentation highlighting public engagement elements.

Mr. O'Connor questioned Mr. Proctor's reference to Route 60 development and future impacts if unmitigated. He inquired if the impact was due to older development without stormwater infrastructure or failing stormwater infrastructure. Mr. O'Connor questioned if the current work was part of the mitigation plan and were benefits expected as part of that plan.

Mr. Proctor replied it was a variety of issues with some older development with little stormwater controls in place. He added that a fair amount of development had occurred since stormwater requirements. Mr. Proctor noted the modeling systems accounted for some system failures.

Mr. O'Connor questioned if the runoff was nutrient loaded from fertilizer. He also asked about the downstream effects.

Mr. Proctor responded it was nutrient runoff and bacteria load from pet waste and agricultural uses. He added those factors were accounted for in the analysis.

Mr. Haldeman referenced page 5 of the presentation and the field assessment note on 30% of field channels being classified as poor or marginal condition. He asked if that point referenced erosion.

Mr. Proctor noted erosion was one aspect. He further noted a variety of factors were considered and accounted for in the analysis.

Mr. Haldeman asked if this was pollution.

Mr. Proctor responded it was the health of the stream and not just pollution itself.

Ms. Small noted that 30% reflected the percentage of stream channels evaluated as all the stream channels could not be accessed. She further noted some stream channels could not be evaluated as the property owners had not granted permission.

Mr. Proctor highlighted the stream assessment in the PowerPoint that Ms. Small referenced.

Mr. Polster questioned improvements and developer involvement to address stormwater issues. He noted the upstream impact to people downstream.

Mr. Proctor noted the suggestions for upstream improvement were in the plan.

Mr. Polster noted the funding to fix the watersheds. He addressed the missing hydrology component in this plan as identified in the Powhatan Creek plan. Mr. Polster asked if that impact was known or was modeling required.

Mr. Proctor noted the modeling would need to be reviewed.

Mr. Polster noted upcoming Capital Improvements Program (CIP) budget projects. He asked Ms. Small if the CIP would include the hydrology issue for Diascund Creek, Powhatan Creek, and Yarmouth Creek.

Ms. Small noted that was a logical next step as these plans moved forward.

Discussion ensued.

Mr. Haldeman asked if development was accounted for in projections.

Mr. Proctor confirmed yes based on known future development.

Mr. Haldeman addressed headwater pollution and erosion and that impact downstream as development continued along Route 60.

Mr. Proctor confirmed yes.

Discussion ensued on these points.

Mr. Polster thanked Mr. Proctor for the presentation.

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

### **1. Planning Director's Report - November 2023**

Ms. Istenes stated she did not have anything in addition to what was provided in the Agenda Packet.

Mr. Polster noted Mr. Rodgers was the Planning Commission representative for the Board of Supervisors November meeting.

Mr. Haldeman expressed concern with the Commission's advance reading format and difficulties accessing parts of the Agenda Packet.

Mr. Polster noted some issues when files were downloaded.

Discussion ensued.

Ms. Istenes noted she would investigate those concerns.

Mr. Rose addressed light pollution in the County, adding it was possibly a statewide problem also. He noted Dominion Energy was replacing streetlights with high-intensity LEDs with no shielding. Mr. Rose further noted the LEDs were harmful to birds and bird migrations. He stated he had checked with the County and had been notified there were no regulations on Dominion Energy regarding the lights.

Ms. Null referenced Dominion Energy's program to replace the bulbs in homes and the intensity of those lights. She noted Colonial Heritage's lanterns and regulations on lumens there in reference to the LEDs.

Mr. O'Connor noted this trend was prevalent in Northern Virginia. He further noted the removal of the shield around streetlights.

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

Mr. O'Connor noted there was no policy regarding affordable housing and workforce housing. He further noted the cost of local rent and looking in surrounding localities for affordable housing. Mr. O'Connor stated those were the reasons he felt so strongly about some of these issues.

Mr. Crump addressed some of Mr. O'Connor's concerns. He noted staff had been working with Mr. Vaughn Poller, Neighborhood Development Administrator, and Ms. Marion Paine, Neighborhood Development Assistant Administrator, to review State Code and development of a County affordable housing policy in the future.

Mr. Rose noted the challenges of housing within the County. He stated the frustration of hiring yet there was no good solution for housing rentals or purchases for the employees. Mr. Rose noted a County-wide policy was important and questioned if the occasional short-term rentals had much impact.

Discussion ensued on growth, density, and affordable housing.

**J. ADJOURNMENT**

Ms. Null made a motion to adjourn.

The meeting was adjourned at approximately 7:43 p.m.

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Susan Istenes, Secretary

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Frank Polster, Chair

**MINUTES**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**REGULAR MEETING**  
**COUNTY GOVERNMENT CENTER BOARD ROOM**  
**101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185**

**January 9, 2024**

**5:00 PM**

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**A. CALL TO ORDER**

**ADOPTED**

**B. ROLL CALL**

**FEB 27 2024**

Barbara E. Null, Stonehouse District  
Michael J. Hipple, Powhatan District  
John J. McGlennon, Roberts District  
James O. Icenhour, Jr., Vice Chair, Jamestown District  
Ruth M. Larson, Chair, Berkeley District

**Board of Supervisors**  
**James City County, VA**

Scott A. Stevens, County Administrator  
Adam R. Kinsman, County Attorney

Ms. Larson introduced the Pledge Leader Charlotte “Charlie” Jenkins, a 5th grade student at Matthew Whaley Elementary School. She noted Supervisor Icenhour would provide further information.

Mr. Icenhour gave highlights of Charlotte’s various interests and activities.

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE**

Charlotte led the Board and citizens in the Pledge of Allegiance.

Ms. Larson noted Mr. Stevens desired to make an announcement.

Mr. Stevens requested Ms. Barbara Watson, Director of Social Services, come to the podium. He formally recognized Ms. Watson as the new Director of Social Services. Mr. Stevens stated Ms. Watson had resided in the County since 1967, she graduated from Lafayette High School, and had worked for the County for 37 years. He further stated Ms. Watson had served in the leadership capacity in James City County (JCC) since 2001 when she began working as the Director of Neighborhood Connections. Mr. Stevens added since 2006, Ms. Watson had served as the Assistant Director of Social Services. He highlighted Ms. Watson’s qualifications and experience. Mr. Stevens expressed positive remarks of Ms. Watson’s work ethic, experience, and robust relationships within the community. He turned the discussion over to Ms. Watson.

Ms. Watson addressed the Board and citizens noting she was really excited about her new role and eager to lead the talented group of professionals in the Social Services Department into the future. She mentioned she loved working for JCC. Ms. Watson stated she took her job very seriously, adding Social Services work was very challenging but vital. She mentioned she

looked forward to continuing to meet the needs of the most vulnerable of JCC.

The Board and citizens applauded.

Ms. Larson expressed her desire to thank her Board colleagues for entrusting her as the Board's Chair and thanked Mr. Hipple for serving as the Board's Chair last year, adding he did an outstanding job.

The Board and citizens applauded.

**E. PRESENTATION(S)**

1. James City County's FY2023 Audit Presentation

Mr. Rob Churchman, partner with Cherry Bekaert, LLP, addressed the Board noting he recently conducted the audit for the James City Service Authority (JCSA). He noted global standards he was required to identify for the Board at the beginning and end of each audit. Mr. Churchman provided a brief overview of the Audit Agenda on the PowerPoint presentation. He began the presentation highlighting the members of the Client Service Team displayed on the PowerPoint presentation. Mr. Churchman stated the audit issued a clean unmodified opinion. He touched on significant percentage increases regarding the County's net position, General Fund, and Unassigned Fund Balance. Mr. Churchman noted the audit showed no instances of noncompliance to be reported under *Government Auditing Standards* or the *Specifications for Audits of Counties, Cities, and Towns*, issued by the Auditor of Public Accounts of the Commonwealth of Virginia. He further noted the audit reported a material weakness in internal control over financial reporting related to the restatement of fiduciary activities' beginning net position, adding discussion on that point would be forthcoming on an upcoming PowerPoint slide. Mr. Churchman discussed the results of the single audit noting a clean unmodified opinion on the County's compliance with each major federal program, adding no material weaknesses were identified in internal control over compliance in accordance with the Uniform Guidance. He touched on corrected and uncorrected misstatements, adding the County had one misstatement which had been corrected. Mr. Churchman elaborated on that point in further detail. He spoke about changes in policies in relation to Governmental Accounting Standards Board (GASB). Mr. Churchman stated the County adopted accounting policies related to its accounting for conduit debt by adopting GASB Statement No. 91, *Conduit Debt Obligations* and leases by adopting GASB Statement No. 96, *Subscription-Based Information Technology Arrangements*. He spoke to that point in further detail. Mr. Churchman discussed related party relationships and transactions and reported no issues. He noted there were no significant unusual transactions found during the audit. Mr. Churchman further noted there were no unusual financial estimates found; in addition, the County's financial statement disclosures were considered neutral, consistent, and clear. He highlighted nonattest services and auditor independence aspects of the audit on the PowerPoint presentation. Mr. Churchman discussed required communications: difficulties encountered, disagreements with management, auditor consultations, and management representations. He noted those areas were all positive. Mr. Churchman highlighted some additional required communications: management consultations, other findings or issues, fraud and illegal acts, and ongoing concern. He reported no negative results were noted on those points. Mr. Churchman specified other information found in the audit report and highlighted some financial reporting and auditing changes forthcoming in upcoming years. He concluded the presentation and welcomed any questions the Board might have.

Ms. Larson asked if any Board members had questions.

Ms. Larson thanked Mr. Churchman.

**F. PUBLIC COMMENT**

None.

**G. CONSENT CALENDAR**

None.

**H. PUBLIC HEARING(S)**

Ms. Larson acknowledged Mr. Frank Polster, the Planning Commission representative, at the meeting.

1. Pre-Budget Public Hearing

Ms. Sharon McCarthy, Director of Financial and Management Services, addressed the Board noting this meeting offered public comment opportunity on the upcoming budget. She added the citizen input would provide guidance to aid staff during the budget process. Ms. McCarthy indicated there was no Board action required at this time.

Ms. Larson thanked Ms. McCarthy.

Ms. Larson opened the Public Hearing.

1. Mr. Paul Scott, 150 Point O Woods, addressed the Board noting he was present on behalf of Child Development Resources (CDR). He advised CDR was a nonprofit organization that originated in JCC in 1965. Mr. Scott stated CDR's mission was to inspire and empower children, families, and early childhood professionals to reach their full potential. Mr. Scott noted in 1965 CDR served five children, adding to date the organization served over 2,000 children annually. He further noted CDR was currently serving 248 families in the County. Mr. Scott mentioned CDR had expanded significantly over the years and the current sites utilized CDR had outgrown. He remarked thorough consideration and opportunity had been given to consolidate all locations to one centralized facility located at 312 Waller Mill Road. Mr. Scott stated the CDR Board had confirmed the site would be suitable after considerable renovations, adding it would allow for service enhancement and expansion. He remarked based on the design concept it would allow for partner agencies to utilize the facility and hoped to utilize the open space within the facility for community events. Mr. Scott requested Board consideration on a more formal discussion and support regarding this new milestone. He thanked the Board for its continued support.

Ms. Larson thanked Mr. Scott.

Ms. Larson closed the Public Hearing as there were no additional speakers.

2. AFD-23-0001. 1105 Stewarts Road Barnes Swamp AFD Addition

A motion to Approve was made by Michael Hipple, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

Mr. Ben Loppacker, Planner, addressed the Board noting Mr. Taylor Pruitt had applied to enroll approximately 46.95 acres of land located at 1105 Stewarts Road into the Barnes Swamp Agricultural and Forestal District (AFD). He cited the specifics of the Special Use Permit (SUP) application included in the staff report in the Agenda Packet. Mr. Loppacker stated the applicant intended to utilize the property for recreational purposes and potential tenant farming on the

cleared portion of the property. He added the applicant did not plan to pursue any timbering activities. Mr. Loppacker noted at its October 19, 2023, meeting, the AFD Advisory Committee recommended approval of the application by a vote of 7-0. He further noted at its December 6, 2023, meeting, the Planning Commission recommended approval of the application by a vote of 7-0. He stated staff recommended approval of the application, adding the applicant was not in attendance; however, he welcomed any questions the Board might have for staff.

Ms. Larson asked if any Board members had questions.

Mr. Polster addressed the Board noting there were no speakers during Public Comment and no Planning Commission discussion. He stated the Planning Commission voted 7-0 to recommend approval of the application. Mr. Polster welcomed any questions the Board might have.

Ms. Larson asked if any Board members had questions.

Ms. Larson opened the Public Hearing.

Ms. Larson closed the Public Hearing as there were no speakers.

### 3. SUP-23-0026. 206 The Maine Detached Accessory Apartment

A motion to Defer the application until the Board's February 13, 2024, Regular Meeting, was made by Barbara Null, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

Ms. Tess Lynch, Planner II, addressed the Board noting Mr. Jason Buckley, Promark Custom Homes, Inc., had applied for a SUP to build a detached garage to include a 365-square-foot accessory apartment. She cited the specifics of the SUP application included in the staff report in the Agenda Packet. Ms. Lynch advised that staff had reviewed the proposed design and found that most requirements had been met. She noted the property owners currently did not reside on the property, adding an SUP condition required the property owners or an immediate family member to reside in the single-family dwelling or the accessory apartment within 12 months from the issuance of the Certificate of Occupancy. Ms. Lynch further noted staff found the proposal to be compatible with surrounding development and consistent with the 2045 Comprehensive Plan and Zoning Ordinance. She stated at its December 6, 2023, meeting, the Planning Commission recommended approval of this application by a vote of 7-0. She stated staff recommended approval, subject to the proposed conditions. Ms. Lynch welcomed any questions the Board might have, adding the applicant was available as well.

Ms. Larson asked if any Board members had questions.

Ms. Larson asked if there were other detached accessory apartments in the surrounding area.

Ms. Lynch responded not that she was aware of.

Mr. Polster addressed the Board noting there were no speakers during Public Comment and no Planning Commission discussion. He noted the Planning Commission recommended approval by a vote of 7-0.

Ms. Larson asked if any Board members had questions.

Ms. Larson opened the Public Hearing.

Ms. Larson closed the Public Hearing as there were no speakers.

Mr. McGlennon requested staff provide data regarding the number of detached accessory apartment applications in the past several years.

Mr. Paul Holt, Director of Community Development, addressed the Board noting approximately two to four within the past four or five years.

Mr. McGlennon replied the Board recently approved an application for Kingspoint.

Mr. Holt confirmed yes and referenced another previous application for Centerville Road.

Mr. Icenhour mentioned there was one in Ford's Colony as well.

Mr. Holt replied to his knowledge that particular application was by-right as it was part of the main single-family dwelling versus being detached.

Mr. Icenhour asked if the detached accessory apartment could be rented out.

Mr. Holt replied long-term rental was possible; however, a short-term rental required a separate SUP. He noted this particular SUP would not allow short-term rental opportunities.

Mr. Icenhour asked if the detached accessory apartment could be leased to non-family members long-term.

Mr. Holt replied that was correct based on verbiage included in the County Ordinance.

Ms. Larson expressed her concern with the rental of the detached accessory apartment. She mentioned a previous instance in the neighborhood in relation to an ownership change that had caused a lot of discontent regarding surrounding neighbors. Ms. Larson noted some neighborhoods with no homeowners association created potential County involvement. She asked if the applicant could speak to the objective of the detached accessory apartment.

Mr. Buckley addressed the Board noting the property owners had planned to utilize the detached accessory apartment for their son who currently attended college at the College of William & Mary. He mentioned the landowners had no intent of renting the dwelling.

Ms. Larson expressed her concern for future use.

Mr. Buckley offered the possibility of the property owners signing written correspondence indicating no desire for rental opportunities for the detached accessory apartment.

Ms. Larson thanked Mr. Buckley. She asked Mr. Kinsman if there was a sunset clause that could be incorporated into the SUP.

Mr. Kinsman indicated the SUP ran with the land opposed to with the property owner(s). He noted a potential recorded affidavit could be submitted to confirm only family members would reside within the detached accessory apartment.

Ms. Larson asked if ownership changed the next property owner would be allowed to rent the detached accessory apartment.

Mr. Kinsman confirmed yes, adding an SUP condition could be incorporated; however, from a zoning standpoint there were challenges regarding that point.

Ms. Larson questioned the support for her request.

Mr. Icenhour asked if Ms. Larson desired extra time prior to a vote on this application.

Ms. Larson confirmed yes, if her fellow colleagues supported her request. She asked Mr. Buckley if the Board postponed action on the application if it would affect his construction timeline.

Mr. Buckley replied a building permit had not yet been acquired.

Ms. Larson thanked Mr. Buckley. She asked her fellow Board members to support her request.

Mr. McGlennon asked about the anticipated timeframe to address at a future Board meeting.

Ms. Larson replied the first meeting in February. She requested a deferral on this application. Ms. Larson asked if she could make that motion.

Mr. Kinsman stated Ms. Null's motion was currently on the floor for approval, adding Ms. Null would either need to amend or pull the motion.

Ms. Null made an amendment to the motion to defer the application until the Board's February 13, 2024, Regular Meeting.

4. SUP-23-0028. 9273 Richmond Road Contractor's Office and Warehouse

A motion to Approve was made by James Icenhour, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

Ms. Suzanne Yeats, Planner, addressed the Board noting Ms. Erin Martin, Crossroad Custom Builders, Inc., had applied for an SUP to allow for the construction of an approximately 6,000-square-foot building to be used as a contractor's office and warehouse. She cited the specifics of the SUP application included in the staff report in the Agenda Packet. Ms. Yeats stated the existing residence was currently occupied by a tenant and would remain as such. She mentioned the existing operation was a professional contractor's business that specialized in the building of custom homes, additions, or interior improvements. Ms. Yeats stated at its December 6, 2023, meeting, the Planning Commission voted 7-0 to recommend approval of the application with a motion to amend SUP Condition No. 8. She remarked staff found that the proposed conditions would mitigate impacts to the surrounding properties and development; in addition the proposal was compatible with surrounding zoning and development, and consistent with the 2045 Comprehensive Plan and Zoning Ordinance. Ms. Yeats noted staff recommended approval, subject to the proposed conditions. She welcomed any questions the Board might have, adding the applicant was available as well.

Ms. Larson asked if any Board members had questions.

Mr. Polster addressed the Board noting there was one speaker during Public Comment who had questioned SUP Condition Nos. 8 and 15, noise, and traffic concerns on Richmond Road in addition to future use. He spoke to that point in further detail. Mr. Polster indicated there was much discussion on SUP Condition No. 8 in relation to outdoor storage of heavy equipment. Mr. Polster discussed that point in further detail. He stated at its December 6, 2023, meeting, the Planning Commission voted 7-0 to recommend approval of the application with a motion to amend SUP Condition No. 8. Mr. Polster welcomed any questions the Board might have.

Mr. McGlennon asked about the number of residents on the property.

Ms. Yeats stated the property use consisted of 11 nonconforming units.

Mr. McGlennon asked the type of these units.

Ms. Yeats replied apartments.

Mr. McGlennon asked if all the units were currently occupied.

Ms. Yeats replied she was unsure; however, she could obtain that information for him.

Ms. Larson opened the Public Hearing.

Ms. Larson closed the Public Hearing as there were no speakers.

Mr. Icenhour expressed his concern regarding increased impervious cover on the property. He anticipated that the stormwater facilities would be able to mitigate and manage that. Mr. Icenhour noted the importance of Watershed Management Plans to determine the impacts on a larger scale.

5. ORD-22-0001. Amendments for Scenic Roadway Protection

A motion to Defer Agenda Item Nos. 5 and 6 until the Board's April 9, 2024, Regular Meeting, was made by Michael Hipple, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

Ms. Larson indicated Agenda Item Nos. 5 and 6 would be discussed and voted on together.

Mr. Thomas Wysong, Principal Planner, addressed the Board stating at its October 26, 2021, meeting, the Board of Supervisors unanimously adopted the 2045 James City County Comprehensive Plan: *Our County, Our Shared Future*. He noted the adopted plan included various strategies within the Goals, Strategies, and Actions (GSAs) portion of the Land Use (LU) Chapter that focused on preserving scenic roadways. Mr. Wysong referenced and cited LU 6.3. He stated at its November 23, 2021, meeting, the Board adopted an Initiating Resolution pertaining to the Zoning Ordinance and Subdivision Ordinance. He advised the Initiating Resolution directed staff to consider additional requirements in both the Zoning Ordinance and Subdivision Ordinance to preserve scenic roadways such as Forge Road. Mr. Wysong highlighted the scenic roadways referenced in GSA LU 6.3 and their classifications. He discussed the proposed setback requirements for Wooded Community Character Corridors (CCCs). Mr. Wysong indicated to provide flexibility regarding structures made nonconforming by this proposed setback, staff had prepared language that permitted those nonconforming structures to expand as long as the expansion was not further within the setback. He touched on that point in greater detail. Mr. Wysong asked the Board if he could grab his materials for Agenda Item No. 6.

The Board agreed.

Mr. Wysong continued his presentation noting that the 2045 Comprehensive Plan amendment would be to revise the CCC list so that the portion of Old Stage Road located outside the Primary Service Area (PSA) would no longer be included on the list. He further noted per the County Attorney's recommendation and the Board's Initiating Resolution the removal of the following development standard for short-term rentals: "Be operated in such a manner that the property owner will continue to live and reside on the property during the rental." He stated the other three criteria would remain and continue to be used in staff's evaluation of these applications. Mr. Wysong stated at its November 1, 2023, meeting, the Planning Commission recommended denial of the proposed amendment regarding the proposed setbacks by a vote of 5-2. He further stated the Planning Commission recommended denial of the proposed Comprehensive Plan amendment in relation to short-term rental development standards revisions by a vote of 6-1. He concluded the presentation and welcomed any questions the

Board might have.

Mr. Hipple asked if the short-term rental development standard for the property owner to live on-site would be removed.

Mr. Wysong confirmed yes.

Mr. Hipple asked about the major road criteria.

Mr. Wysong replied that standard would remain in place.

Mr. Hipple asked what the County considered a major road.

Mr. Wysong deferred that question to Mr. Holt.

Mr. Holt replied the way it had been enforced was by the Virginia Department of Transportation definition which was essentially the minor and major arterials and collector streets. He added roads that were not considered subdivision-level streets.

Mr. Hipple questioned the major road criteria based on the rural lands aspect.

Mr. Holt replied those were the standards adopted as part of the most recent update to the Comprehensive Plan in 2021.

Mr. Hipple mentioned the County had a lot of rural lands that were not connected to a major road, adding that would create significant limitations. He mentioned unique property and the major road aspect. Mr. Hipple recommended the major road criteria be on a case-by-case basis.

Mr. Holt replied in practice since 2021, there had been quite a few applications that had come through. He noted that staff was very upfront with applicants and the recommendations Planning included in the staff reports were based on the 2045 Comprehensive Plan criteria for short-term rentals, adding it was policy guidance for the Planning Commission and the Board of Supervisors. Mr. Holt further noted each site was considered unique and evaluated as such. He elaborated on that point in further detail.

Mr. Hipple expressed his concerns with the property owner must live on-site during the rental period criteria in addition to the major road criteria. He reiterated his recommendation of the major road criteria being on a case-by-case basis.

Ms. Larson mentioned it was currently 6:25 p.m. and potential inclement weather was projected for 7 p.m. She asked the Board if she could open the Public Hearing as there was a public speaker for this item and she wanted to ensure for safety purposes individuals were able to leave in a timely manner.

Mr. Hipple mentioned his desire to postpone action on this item.

Ms. Larson replied ok.

Ms. Larson noted based on the deferral request vote the Public Hearing would remain open. She advised any individual who signed up to speak this evening would be allowed to do so, but only one opportunity to speak during the Public Hearing process was allowed.

Mr. Holt desired to speak prior to opening the Public Hearing for staff guidance on these items.

Mr. Hipple requested a deferral for both items for further evaluation purposes. He spoke to that point in further detail.

Ms. Larson opened the Public Hearing for Agenda Item No. 5.

Ms. Larson continued the Public Hearing.

Ms. Larson opened the Public Hearing for Agenda Item No. 6.

Ms. Larson continued the Public Hearing.

Mr. Polster addressed the Board regarding Agenda Item No. 5 noting there were no speakers at the Public Hearing. He noted the ongoing challenges regarding the subject matter. Mr. Polster stated the Planning Commission had separated the Old Stage Road component with a consensus reached among the Planning Commission members with the exception of Forge Road. He noted some of the Planning Commission members thought the 400-foot setback was excessive and the various potential restrictions this amendment would pose on the surrounding area and development. Mr. Polster provided examples to the Board. He stated in summary the Planning Commission desired to convey to the Board the concern on the language to address accessory structures, adding a consensus on the Wooded CCC component in relation to Agenda Item No. 5. Mr. Polster stated three to four Planning Commission members were in acceptance of the 400-foot setback despite the unintended consequences. He stated the Planning Commission recommended denial to the Board of Supervisors by a vote of 5-2.

Mr. Polster addressed the Board regarding Agenda Item No. 6 noting there were no speakers at the Public Hearing. He further noted Planning Commission discussion on the CCCs and the 400-foot setback on Forge Road. Mr. Polster stated the Planning Commission members were supportive of the revisions to the CCCs and the modifications to Old Stage Road. He spoke about the short-term rental development standards and the progress made. Mr. Polster noted Planning Commission members had raised concern regarding the elimination of one of the short-term rental development standards for short-term rentals which required owners to live on-site during the rental period, adding that only left three determining factors for review and evaluation purposes. Mr. Polster mentioned a recent opinion from the 5th Circuit that a residency requirement such as that discriminated against interstate commerce. He added while JCC was not in the 5th Circuit jurisdiction, it was a persuasive opinion that could potentially be applied in the County's circuit. Mr. Polster stated the County Attorney's Office felt that development standard should be omitted. He noted the Planning Commission recommended approval to the Board of Supervisors on the Comprehensive Plan amendment for CCC standards revision by a vote of 6-1. Mr. Polster further noted the Planning Commission recommended denial to the Board of Supervisors regarding the short-term rental development standards revision by a vote of 6-1. He welcomed any questions the Board might have.

Ms. Larson asked if any Board members had questions.

Mr. Holt addressed the Board seeking guidance on next steps. He noted these Agenda items would need to be postponed for a particular date due to being Public Hearing items. Mr. Holt asked if he should bring materials to the future meeting for both Forge Road and Old Stage Road.

Mr. Icenhour expressed he felt the Board was pretty certain regarding the Old Stage Road component, adding he preferred just the Forge Road materials. He stated his concern was not with the 400-foot setback itself, but the ability to mitigate the adverse impacts to the individuals who essentially would be made nonconforming by the setback requirement. Mr. Icenhour added he was unsure of the legal flexibility to that point and recommended discussion to ensure protection to those individuals who would be impacted. He asked the Board if that was a fair assessment.

Mr. Hipple confirmed yes, adding it was imperative if the setback requirement were to be

approved that the individuals or businesses impacted would not have restrictions and/or limitations. He recommended time for further evaluation, adding he preferred to hold off on applications regarding these areas until the Board was able to work through the subject matter. Mr. Hipple looked to Mr. Kinsman on guidance in relation to that point.

Mr. Kinsman addressed the Board noting it depended on the timeframe aspect of things. He referenced the Comprehensive Plan update as an example, adding a formal resolution was required due to the lengthy timeframe. He recommended if the Board needed six months to a year on this item he would suggest a formal resolution to notify applicants.

Mr. Hipple asked Mr. Holt on the timeframe aspect.

Mr. Holt replied the only other option aside from the options presented this evening from a legal standpoint would be the idea of rezoning specific properties and an overlay district. He advised requested Board materials could be ready as early as the Board's February 27, 2024, Business Meeting. Mr. Holt mentioned if potential amendments, readvertisements, etc. were needed he would recommend postponing this item until the Board's April 9, 2024, Regular Meeting.

Mr. Hipple requested that Agenda Item Nos. 5 and 6 were postponed until the Board's April 9, 2024, Regular Meeting.

6. Comprehensive Plan Amendment: Community Character Corridor and Short-Term Rental Development Standards Revision

As Ms. Larson mentioned Agenda Item Nos. 5 and 6 would be discussed and voted on collectively. Refer to Agenda Item No. 5 for discussion.

7. Ordinance to Amend and Reordain Chapter 20, Taxation, of the Code of the County of James City, Virginia, by Amending Article I, Exemption of Certain Persons From Real Estate Taxes, Section 20-10, Qualifications for Exemption and Section 20-11, Amount of Exemption

A motion to Approve was made by James Icenhour, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

Mr. Richard Bradshaw, Commissioner of the Revenue, addressed the Board noting the County had provided tax relief to its elderly and disabled homeowners since 1973. He further noted the program was designed to assist those individuals with limited resources to remain in their homes without having undue tax burden. He indicated the program did require an annual application including documentation to verify qualifying assets and income. Mr. Bradshaw advised before the Board were two Ordinances, adding one would modify the income eligibility requirements and the other would modify the benefits to the taxpayer. He advised based on changing conditions he recommended the following changes to go into effect starting next fiscal year: raising the qualifying income to \$55,000; and raising the exemption to cover the first \$150,000. Mr. Bradshaw spoke to that point in further detail and welcomed any questions the Board might have.

Ms. Larson asked if any Board members had questions.

Ms. Larson opened the Public Hearing.

Ms. Larson closed the Public Hearing as there were no speakers.

Mr. Icenhour questioned the net combined financial worth total referenced in the Chapter 20 Taxation Ordinance for Section 20-10 (b) included in the Board's Agenda Packet. He asked if

the \$200,000 net combined financial worth went from \$200,000 to \$150,000.

Mr. Bradshaw replied no, adding the total assets should remain at \$200,000.

Mr. Icenhour requested Mr. Jason Purse, Assistant County Administrator, to verify that.

Mr. Purse clarified that the strikethrough seen in the Ordinance Chapter 20 Taxation Ordinance for Section 20-10 (b) should remain \$200,000 not decrease to \$150,000. He noted those changes would be made to reflect accuracy.

Ms. Larson thanked Mr. Bradshaw.

**I. BOARD CONSIDERATION(S)**

None.

**J. BOARD REQUESTS AND DIRECTIVES**

Mr. McGlennon mentioned he attended the dedication of new and expanded space at The Martha W. Goodson Center in McLaws Circle. He advised this facility provided support for individuals affected by memory disorders and other neurological disorders. He elaborated on that point in greater detail. Mr. McGlennon noted he attended JCC's Emerging Leaders Academy Graduation Ceremony. He mentioned positive remarks about the program.

Mr. Icenhour expressed his desire to share a photo with the community. He mentioned the Home for the Holidays Program noting this past year the program raised enough money to provide 43 Enlisted service members a \$300 stipend to travel home for the holidays. He recognized Captain Scott Rae, Command Officer, United States Coast Guard Training Center Yorktown. Mr. Icenhour displayed a photo of the service members who were not able to travel home for Christmas. Mr. Icenhour noted on Christmas Day those service members attended Sentara Williamsburg Regional Medical Center to serve meals to patients and staff. He expressed his sincerest gratitude to those service members.

Ms. Larson thanked Mr. Icenhour for all his efforts regarding the Home for the Holidays Program. She extended positive remarks to the newly elected Supervisor Null for her role and participation at her first meeting for the Board of Supervisors and the JCSA Board of Directors. Ms. Larson noted she was the Chair of Visit Williamsburg, adding Ms. Victoria Cimino, CEO of Visit Williamsburg, had decided to step down. She further noted Ms. Julia Smyth-Young had been selected as the Interim CEO of Visit Williamsburg. Ms. Larson indicated a national search would be conducted next week. She extended thanked to Ms. Cimino for her significant efforts during her tenure as CEO of Visit Williamsburg. Ms. Larson noted she attended the Visit Williamsburg Finance meeting earlier in the day and reported positive trends.

**K. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Stevens advised a Community Conversation would be held on Wednesday, January 31, 2024, at 6 p.m. at Legacy Hall in New Town. He highlighted topics for discussion included: the regional sports complex, trash consolidation, the proposed government center, and Police Chief Mark Jamison would provide a public safety update. Mr. Stevens encouraged County citizens to attend.

**L. CLOSED SESSION**

A motion to Enter a Closed Session was made by Barbara Null, the motion result was Passed.  
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0  
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

At approximately 6:43 p.m., the Board entered Closed Session.

At approximately 6:56 p.m., the Board re-entered Open Session.

1. Consideration of a personnel matter, the appointment of individuals to County Boards and/or Commissions pursuant to Section 2.2-3711(A)(1) of the Code of Virginia

a. Appointment - Williamsburg Area Transit Authority Board of Directors

A motion to Appoint Ms. Diane Finney as an Alternate Member (no term limit) was made by James Icenhour, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

b. Appointments - VPPSA Board of Directors

A motion to Appoint Ms. Grace Boone and Mr. Bob Dittman for terms to December 31, 2026, was made by James Icenhour, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

c. Appointments - Historic Triangle Bicycle Advisory Committee

A motion to Appoint Ms. Grace Bascetta for a term to expire December 31, 2025, was made by James Icenhour, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

d. Appointments - Board of Equalization

A motion to make recommendations to the Circuit Court Judge for four individuals for the Board of Equalization: Mr. Michael Grimes, Ms. Vickie Nase, Mr. Christopher Hedrick, and Mr. Robert Singley, Jr. for terms to expire December 31, 2027, was made by James Icenhour, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

e. Appointments - Planning Commission

A motion to Appoint Mr. Michael Scott Maye - Powhatan District for a term to expire January 31, 2026, and Mr. Jay Everson - Stonehouse District for a term to expire January 31, 2028, was made by James Icenhour, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

f. Appointment - Williamsburg Regional Library Board of Trustees

A motion to Appoint Mr. Eugene Bruss for a term to expire June 30, 2025, was made by James Icenhour, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

2. Certification of Closed Session

**M. ADJOURNMENT**

1. Adjourn until   1   pm on January  23 , 2024 for the Business Meeting

A motion to Adjourn was made by Michael Hipple, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

At approximately 6:58 p.m., Mr. Hipple adjourned the Board of Supervisors.

*Teresa J. Saeed*

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Deputy Clerk

**MINUTES**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**BUSINESS MEETING**  
**COUNTY GOVERNMENT CENTER BOARD ROOM**  
**101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185**

**February 27, 2024**

**1:00 PM**

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**A. CALL TO ORDER**

**ADOPTED**

**B. ROLL CALL**

**MAR 26 2024**

Barbara E. Null, Stonehouse District  
Michael J. Hipple, Powhatan District  
John J. McGlennon, Roberts District  
James O. Icenhour, Vice Chair, Jamestown District  
Ruth M. Larson, Chair, Berkeley District

**Board of Supervisors  
James City County, VA**

Scott A. Stevens, County Administrator  
Adam R. Kinsman, County Attorney

**C. PRESENTATION(S)**

1. Clean County Commission Annual Report

Ms. Peg Boarman, Chair of the Clean County Commission, addressed the Board with the Commission's Annual Report. She began the PowerPoint presentation with an introduction of the Clean County Commission's members. Ms. Boarman added Powhatan District still needed a representative as well as a second Commissioner for Roberts District. She highlighted the Great American Cleanup, which occurred in March 2023, in the PowerPoint. Ms. Boarman provided statistics for the event which included the number of volunteers, volunteer hours, and other data. She expressed appreciation for the volunteers and their work. Ms. Boarman continued the PowerPoint highlighting the 45th Annual County-wide Litter Cleanup which was held April 2023 and the Arbor Day Plant-A-Tree Ceremony at Freedom Park. She noted another event held was the Clean the Bay Day in June 2023. Ms. Boarman stated the Clean County Commission also participated in educational events such as the Fido Fest, the Family Fun Fest, and the Harvest Fest. She noted one highlight of the year centered on the Repair Fair and Recycling Expo. Ms. Boarman provided details on the event, adding it was well received by the community. She noted the Clean County Commission partnered with the Water Wise Garden and Human Services Center on programming. Ms. Boarman added the Clean County Commission also partnered with the Pollinator Garden at Veterans Park and the James City Lions Club. She noted the Volunteer Appreciation Will Barnes Day Picnic, held annually in June, in recognition of his legacy to the County. Ms. Boarman provided additional information on the event. She addressed the Good Neighbor Grants program and its beautification projects in the community. Ms. Boarman continued the presentation providing details on the Virginia Peninsula Clean Business Forum Awards. She noted the forum was sponsored by James City County, the Cities of Hampton and Newport News, and York County. Ms. Boarman noted several Stonehouse District businesses had been recognized previously. She encouraged businesses active in environmentally-friendly practices with adopted green initiatives from the

other districts to submit applications. Ms. Boarman thanked all the volunteers, adding 922 volunteer hours at 256 events had been logged. She provided information for community involvement with the Clean County Commission. Ms. Boarman announced Ms. Rachel West as the new Chair for the Clean County Commission in the upcoming year. Ms. Boarman noted she would be stepping down, adding it had been a difficult decision. She continued the presentation highlighting upcoming events. Ms. Boarman shared a video of Clean County Commission members and various events that had been attended. She noted Ms. West was unable to attend the meeting but wanted to share her thoughts via the video.

Ms. Larson asked if the Board had any questions for Ms. Boarman.

Ms. Boarman noted she would be back to still talk trash to the Board.

Mr. Hipple stated he had a question, adding he was very appreciative of all of Ms. Boarman's hard work over the years. He referenced the presentation highlighting the total volunteer hours, adding if those hours were paid then that information could be incorporated to show citizens the savings generated by the work of the Clean County Commission and its efforts. Mr. Hipple noted the savings to the community with the volunteer hours and not paid staff to pick up trash.

Ms. Boarman responded she had done that once previously but would work on incorporating that information into future presentations.

Mr. Hipple thanked Ms. Boarman.

Mr. McGlennon noted he had no questions, but he congratulated Ms. Boarman on her leadership during her tenure. He referenced the annual award in Ms. Boarman's name that was given in recognition of volunteers in the community. Mr. McGlennon commended the Clean County Commission for its work at many events and throughout the area.

Ms. Boarman thanked Mr. McGlennon. She commended Ms. Andrea Case and Ms. Regina Jackson as County staff members who assisted with the many events.

Mr. Icenhour extended his appreciation to Ms. Boarman. He noted the significance of the Will Barnes Picnic.

Ms. Boarman noted Board member attendance at the picnic and other events was greatly appreciated.

Ms. Larson asked when Ms. West would begin as the Chair of the Clean County Commission.

Ms. Boarman responded at the March 7, 2024, Clean County Commission meeting.

Ms. Larson asked Ms. Boarman how long she had been the Clean County Commission's Chair.

Ms. Boarman responded she had co-chaired with Mr. Barnes from 2010-2016. She added she moved into the Chair position in 2016. She cited some historical points of her time as originally it was a committee and then later became a commission in 1981. Ms. Boarman noted she had volunteered since 1979.

Ms. Larson noted that was tremendous and she extended her thanks to the Clean County Commission members. She expressed her appreciation of Ms. Boarman's educational and informative updates to address litter in the County. Ms. Larson noted Ms. Boarman's influence on her regarding personal attention to trash in the County. She thanked Ms. Boarman for her education and influence and the longevity of her volunteering commitment.

Ms. Boarman noted trash was a continual problem. She thanked the Board members for their

kind words.

Ms. Larson thanked Ms. Boarman.

## 2. VDOT Quarterly Update

Mr. Rossie Carroll, Virginia Department of Transportation (VDOT) Williamsburg Residency Administrator, addressed the Board noting his quarterly update covered the last quarter of 2023. He noted 442 of 510 maintenance work orders were completed, adding that was an 87% completion rate. Mr. Carroll stated some highlights included Norge Lane drop-in repair off Route 60, sinkhole and pipe repair at Nature's Way, Mount Laurel Road ditch repair, Route 60 pipe repairs, ditching in Brookhaven and several other locations, and tree and shrub clearing on Jamestown Road near the County-side of the Jamestown-Scotland Ferry. Mr. Carroll noted current project highlights included hit guardrail repairs. He added 95 of 97 identified hit repairs were completed. He further noted improvements to the Richmond Road bicycle path and sidewalk improvements with a projected completion date of the end of October 2024. Mr. Carroll stated the bridge project over Diascund Creek, adding many people referenced that area as the Hicks Island area, was ahead of schedule. He noted the pipe replacement on Route 60 between Route 30 and the New Kent County line prior to the unbonded concrete project for that area. Mr. Carroll addressed the completed projects in the closeout process. He noted upcoming projects included the Longhill Road Shared Use Path, Croaker Lane four-lane widening, Pocahontas Trail Reconstruction Phase One, a new hydraulic system on the Jamestown side of the Jamestown-Scotland Ferry pier, asphalt work, and others. Mr. Carroll referenced the PM5V, plant mix schedule, for various James City County roads this summer. He added the PM5V schedule was approximately double lane paving and cost as last year in the County. Mr. Carroll stated the Interstate 64 four-to-six lane widening project from the New Kent County line back to James City County was included in upcoming projects. He added the estimated completion date for that project was fall 2027. Mr. Carroll continued the update for County safety projects and provided details. He noted 2025 projects included work at Route 5, Greensprings Road, and the Centerville Road junction, as well as Old Stage Road and Route 30 across from School House Lane. Mr. Carroll stated those projects were currently in the Secondary Six-Year Plan and collaboration between County and VDOT staff would occur regarding project funding. He provided additional details on the projects. Mr. Carroll noted several traffic studies had occurred and he detailed the locations and results.

Ms. Larson thanked Mr. Carroll and asked the Board if there were any questions.

Mr. Icenhour asked for an update on Airport Road and Old Mooretown Road. He noted implementation of a potential traffic circle rather than a traffic light.

Mr. Carroll noted VDOT was currently in the pre-scoping phase of that intersection. He stated that project was funded through VDOT's SMART SCALE program, but it would not go to construction in the next year or two.

Mr. Icenhour noted it would be several more years before construction.

Mr. Carroll confirmed yes.

Mr. Icenhour stated it was fully funded.

Mr. Carroll confirmed yes, adding it was in the Secondary Six-Year Plan.

Mr. Icenhour thanked Mr. Carroll.

Mr. Hipple referenced the new curb on Route 60 in Toano near the former McKown's Store. He

noted the left turning issue at that location but stated the curb at Church Lane allowed for more turning access. Mr. Hipple asked Mr. Carroll to check the McKown's Store area. He thanked Mr. Carroll and VDOT for the Route 60 project, adding residents in that area of the County were pleased with the road raising project.

Mr. Carroll noted that much work had been done along Route 60.

Mr. Hipple agreed and noted it was very helpful.

Discussion ensued.

Mr. Hipple referenced the sound barriers coming down Route 60 near Rochambeau Drive. He noted he had received citizen concerns regarding the sound barriers.

Inaudible comments.

Mr. Carroll noted the contractor was also required to complete a sound study as part of the design-build project. He further noted those results could potentially impact the sound barrier locations.

Mr. Hipple asked if the design-build team would hold a public hearing to gather public input.

Mr. Carroll noted a public hearing was typically held initially. He added that once design began if issues arose that pertained to a certain area, then a meeting would be held with those communities. Mr. Carroll noted he would review that design-build to see if another public hearing would be available.

Mr. Hipple thanked Mr. Carroll. Mr. Hipple noted the two traffic lights near the Williamsburg Pottery. He further noted one was unnecessary and questioned if traffic lights were ever removed.

Mr. Carroll responded not generally, adding removal could be done.

Mr. Hipple asked if the traffic light could be repurposed to another location.

Mr. Carroll said no to relocation. He noted he was unsure who would pay for it. Mr. Carroll stated that traffic light was included as part of the development and agreement from the development would be needed. He noted future plans and development for that area were also factors. Mr. Carroll favored a blinking light status but added a large number of U-turns off Route 199 in that area. He noted the blinking light would eliminate the U-turn phase.

Discussion ensued.

Mr. Hipple asked if VDOT could review the first light coming out of Lightfoot to become a blinking light. He noted the second light could then be an actual working traffic light.

Mr. Carroll noted a need for the light at that location but that he would work with the County.

Mr. Icenhour stated as part of the need assessment there should be a study to identify the number of times traffic cones have that entrance to the Williamsburg Pottery blocked off. He noted approximately 90% of the time he traveled that way, traffic was blocked off from entering or exiting at that traffic light. Mr. Icenhour stated the owner had placed the barricade there so it was not a useful entrance or exit.

Mr. Carroll noted VDOT was the owner/operator. He stated after the development was built, then VDOT maintained the traffic light. He added the entrance from Lightfoot, though currently

coned off, was the entrance for access behind the Williamsburg Pottery. Mr. Carroll noted he was unsure of long-range plans for that area.

Ms. Null addressed the left turn heading north or west and the property there. She noted the property was under contract for an assisted living facility and the commercial use would have access with that traffic light. She cited some specifics to the road and the property.

Mr. Carroll suggested the flashing yellow and red sequence for the traffic light.

Ms. Null concurred that option was great.

Mr. McGlennon asked if the Gate House Farms issue off Neck-O-Land Road had been resolved. He added it focused on the intersection between Gate House Boulevard and Neck-O-Land Road.

Mr. Carroll asked if Mr. McGlennon was referencing the drainage test.

Mr. McGlennon confirmed yes.

Mr. Carroll replied he was unsure but he would look into that issue.

Mr. McGlennon asked Mr. Carroll to contact him regarding a final resolution. He added he was pleased with the Pocahontas Trail Phase One plans. Mr. McGlennon noted the start date for those plans was approximately two years out.

Mr. Carroll confirmed the May date was the award date.

Mr. McGlennon questioned the timeline and relaying information to citizens. He noted citizens were hoping for another public meeting for updates. Mr. McGlennon questioned if any property acquisition would be involved prior to advertisement or related matters.

Mr. Carroll noted he would get back with Mr. McGlennon on those points.

Mr. McGlennon thanked Mr. Carroll.

Ms. Larson asked about some trees closely bordering Route 5. She noted due to beaver damage there was concern the trees would fall into the road, adding she thought that area was VDOT property.

Mr. Carroll noted that was VDOT property and VDOT was aware of the issue.

Ms. Larson stated she had received concerns from several people. She requested an update on the bicycle path cleanup schedule. Ms. Larson added the County was checking pond levelers near Route 5 due to beaver activity.

Mr. Carroll noted the ongoing struggle with that point.

Ms. Larson thanked Mr. Carroll.

Mr. Carroll thanked the Board.

#### **D. CONSENT CALENDAR**

Ms. Larson asked if any Board member wished to pull any item(s).

1. Board Appropriation - Chesapeake Bay Mitigation Fund - 4113 South Riverside Drive - \$21,125

A motion to Approve was made by Michael Hipple, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

2. Compensation Plan and Personnel Policies Agreement with Clerk

A motion to Approve was made by Michael Hipple, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

3. Contract Award - \$123,750 - Replacement Emergency Medical Services Supervisor Vehicle

A motion to Approve was made by Michael Hipple, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

4. Dedication of the Streets in Phase 2 of the Landfall at Jamestown Subdivision

A motion to Approve was made by Michael Hipple, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

5. Grant Award - \$1,500 - LOVE Sign

A motion to Approve was made by Michael Hipple, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

6. Minutes Adoption

A motion to Approve was made by Michael Hipple, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

The Minutes Approved for Adoption included the following meetings:

- o December 1, 2023, James City County Board of Supervisors Joint Meeting with Williamsburg City Council and Williamsburg-James City County School Board
- o January 9, 2024, Regular Meeting
- o January 23, 2024, Business Meeting

Ms. Larson noted she wanted to draw attention to two items. She stated the first was the dedication of the streets in Phase 2 of the Landfall at Jamestown subdivision. Ms. Larson noted the subdivision was in Mr. McGlennon's district but had previously been in the Berkeley District for many years. She inquired if these roads were the last ones for dedication. Ms. Larson noted Ms. Toni Small, Director of Stormwater and Resource Protection Division, acknowledged yes with a head nod. Ms. Larson thanked Ms. Small for the confirmation. Ms. Larson then asked Ms. Elizabeth O'Connor, Clerk of the Circuit Court, if she would come forward for an introduction. She noted Ms. O'Connor had served as the Acting Clerk when Ms. Mona Foley, former Clerk of the Circuit Court, retired prior to Ms. O'Connor's election in November 2023. Ms. Larson stated Item No. 2 regarding the Compensation Plan and Personnel Policies Agreement was for the Clerk of the Circuit Court.

Ms. O'Connor confirmed yes.

Ms. Larson inquired if all the necessary parties had worked with Ms. O'Connor to establish the compensation plan and personnel policies.

Ms. O'Connor confirmed yes, adding Mr. Kinsman and Mr. Brad Rinehimer, Assistant County Administrator, had been very helpful. She thanked the Board for its review and support of the materials.

Ms. Larson thanked Ms. O'Connor for the opportunity to introduce her.

Ms. O'Connor thanked Ms. Larson.

## **E. BOARD DISCUSSIONS**

Ms. Larson asked if Mr. Stevens would address Item No. 1.

Mr. Stevens noted he would introduce Mr. Dayle Gallagher, Director of Real Estate Assessments Division, to address the reassessment process. He stated Mr. Gallagher had a short presentation followed by any questions from the Board.

### **1. Real Estate Assessments**

Mr. Gallagher addressed the Board stating one responsibility of the Real Estate Assessments Division was to determine fair market value. He began the PowerPoint presentation identifying fair market value. Mr. Gallagher detailed the components of a mass appraisal. He noted the analysis began with recent sales and provided criteria used. He stated the goal was to ensure the database contained sufficient information for verification of an arm's-length sale transaction and that the sale price reflected the market value of the real property. Mr. Gallagher noted many steps were taken by real estate assessors when sales occurred. He highlighted the number of residential sales used over the past two years, adding James City County performed biennial reassessments. Mr. Gallagher noted all sales were required to be submitted to the state. He added that disqualified sales were coded with an explanation as to the reason and the analysis was based on the remaining sales.

Mr. McGlennon referenced the biennial total of 2,488 and asked if that number was representative of approximately 7.5% of residential properties in the County as turnover in the past two years.

Mr. Gallagher responded possibly. He continued the presentation highlighting the preliminary results of the reassessment based on property classes. Mr. Gallagher noted the property classes were agricultural, commercial, residential, and multifamily. He further noted the residential results were based on valuation not revenue, adding the overall County residential increased 21%. Mr. Gallagher used four County neighborhoods as examples for the changes in median sales price and median assessed value. He cited factors that drove the market were location and price range. Mr. Gallagher displayed an example of the reassessment impact for years 2023 and 2024 using the median value at the \$0.83 tax rate.

Mr. Icenhour asked if the median value for a home in the County was \$411,000.

Mr. Gallagher replied that it was now. He continued the presentation displaying the reassessment notice postcard and the breakdown for the property.

Mr. Icenhour questioned the mail date for the postcards.

Mr. Gallagher noted the postcards would be mailed on February 29, 2024. He stated upon receipt of the postcard, homeowners would question the increase. Mr. Gallagher addressed options available to homeowners which included appealing the reassessment to the Board of Equalization (BOE).

Ms. Vickie Hogg Nase, a real estate broker for 43 years and an appraiser for 21 years, addressed the Board. She noted she had served on the BOE since 2014. Ms. Nase stated assessments were mailed to homeowners in February. She detailed the steps of the assessment process if a homeowner had questions. Ms. Nase noted the appraiser reviewed square footage, number of bedrooms, number of bathrooms, fireplaces, and other features that impacted the appraisal. She further noted if the homeowner was still dissatisfied with the review, then the homeowner received the BOE forms for completion within 30 days. She noted those forms were required to be returned to the Real Estate Assessor's Office by April 30. Ms. Nase explained that the appraiser from the Assessor's Office requested the homeowner select three properties within the homeowner's neighborhood to use as the basis for the assessment number. She added questions usually involved why the assessment number was lower. Ms. Nase stated homeowners were aware of neighboring home prices when sold but were unaware of the components of an assessment. She cited the specific details as mandated by federal law for assessments. Ms. Nase noted the homeowner(s) present their specific data and the assessors present their data. She addressed homeowners understanding the assessment process. Ms. Nase also addressed commercial property assessments. She noted the next step after the Assessor's Office and the BOE was court. Ms. Nase referenced her research was based on the Williamsburg Multiple Listing Service (WMLS) which was statistically updated monthly. She noted supply was low with a high demand and that pattern had led since the COVID-19 pandemic. Ms. Nase cited statistics for a variety of multiple listings since January 2024, adding the median home price in the County was \$587,500 with 29 days on the market. She noted in January 2023, the price was \$400,950 with 19 days on the market, adding that was a major difference. Ms. Nase stated these numbers reflected the median value and included condominiums, townhouses, and other specific criteria. She referenced statistics from one day and the bidding wars on property. Ms. Nase provided insight and past experience with sales, adding buyers were very savvy as 98% of homes were sold on the internet prior to actually being present on the property. She noted the use of Realtor.com and principles applied to listings on that site.

Mr. Gallagher continued the presentation highlighting some important dates. He noted the dates included the reassessment notice mailings, proposed budget release, community meetings with Supervisors, public hearing, and the Board meetings for the budget followed by its adoption.

Mr. McGlennon noted the average value price of a home. He asked about the average median sale price of a home and the difference between the two prices.

Ms. Nase noted the difference was vast.

Mr. Gallagher noted assessors used the number from sales and Ms. Nase was using WMLS numbers.

Mr. McGlennon asked if Mr. Gallagher was looking at all homes while Ms. Nase was looking at actual sales within the specified time period. Mr. McGlennon noted homes that were being reassessed versus home prices for those properties on the market. He further noted Mr. Gallagher's numbers were reflective of the County's housing stock.

Mr. Gallagher and Ms. Nase confirmed that point.

Mr. Hipple noted the reassessments were not based on the selling price.

Discussion ensued.

Ms. Sharon McCarthy, Director of Financial and Management Services, addressed the Board noting she worked closely with Mr. Gallagher. She noted the assessments were done every two years with Ms. Nase's numbers were based on the January data of each year. Ms. McCarthy stated the home values continued to escalate. She noted the values were based County-wide over the 2,500 sales which equated to approximately 7.5% of total taxable parcels over a two-year period. Ms. McCarthy stated median sales meant half of the sales were below that number while the other half were above it, adding mean represented the average.

Mr. Hipple noted the assessments were based on market values from two years prior and not current market values.

Ms. McCarthy noted calendar year 2022 and calendar year 2023.

Discussion ensued.

Mr. Gallagher noted the County podcast on the Real Estate Assessments process that was currently on the County website. He noted a sales statistic for 2022 that reflected sales were at 100% or more due to the market rise in 2023. Mr. Gallagher stated the impact on current reassessment values.

Mr. Hipple suggested citizens listen to the podcast. He stated it was very informative about the reassessment process.

Ms. Larson thanked Mr. Gallagher, Ms. Nase, and Ms. McCarthy. She noted if the Board members had additional questions, they could ask them at the Retreat though reassessments were not a topic. Ms. Larson stated Mr. Stevens would be available and other questions could be forwarded to Mr. Gallagher.

## 2. Financial Update, FY2024 Second Quarter

Ms. Cheryl Holland, Budget Manager, addressed the Board noting she would provide updates for Fiscal Year 2024 second quarter, which ended December 31, 2023. She stated the presentation would only focus on the General Fund and not covering the Capital Improvements Program, American Rescue Plan Act, or other grant funding. She highlighted the County's General Fund revenues in the PowerPoint presentation with a comparison to the prior year. Ms. Holland noted the General Property Taxes category was the largest revenue source at two-thirds of total revenue. She added the category included real estate and personal property taxes. Ms. Holland noted General Property Taxes reflected an increase primarily related to personal property with new vehicle purchases and a higher retention level of value for older vehicles. She added the other revenue types did not have the same billing or collection frequency as General Property Taxes. Ms. Holland provided details on the other categories depicted in the PowerPoint presentation. She continued with a breakdown of the General Fund Spending categories. Ms. Holland noted the Actual data reflected both expenditures and encumbrances. She continued the presentation with a departmental breakdown of the percentage of the budget use. Ms. Holland stated that departments with expenses over 50% reflected that not all expenses were incurred evenly during the year. She added the Information Technology Department had the majority of its contracts, licensing, and other factors due at the beginning of the year. Ms. Holland noted the Contribution & Transfers category reflected funding to outside services which typically occurred at the beginning of the fiscal year.

Ms. Larson thanked Ms. Holland for the update.

3. ORD-22-0001. Amendments for Scenic Roadway Protection  
Comprehensive Plan Amendment: Community Character Corridor and Short-Term  
Rental Development Standards Revision

Mr. Thomas Wysong, Principal Planner, addressed the Board regarding the specifics of this case. He noted the Board had requested more time for consideration regarding the proposed setback impact on existing structures along affected roadways and additional discussion on short-term rental standards. Mr. Wysong addressed the proposed amendments to the Zoning Ordinance regarding certain scenic roadways. He provided details regarding setbacks and highlighted the Forge Road Corridor in a PowerPoint presentation. Mr. Wysong noted only Forge Road would be affected if the Comprehensive Plan amendment were approved. He addressed the creation of the Overlay District regarding setback standards, adding in the absence of an Overlay District with varying setback standards was advised against by the County Attorney's Office. Mr. Wysong added that advice was based on uniformity of zoning regulations for each class or kind of building and use throughout each district and must treat similarly situated property similarly. He noted a limited Comprehensive Plan amendment regarding the Community Character Corridor (CCC) and revisions to the County's CCC Table designations list for a portion of Old Stage Road located outside of the Primary Service Area which would no longer be classified as a CCC. Mr. Wysong further noted that the proposed setback requirements would then only apply to Forge Road. He continued stating the second issue addressed the recommendation for removal of development standards for short-term rentals regarding the property owner continuing to live and reside on the property during the rental. Mr. Wysong noted the following standards, based on the Comprehensive Plan as adopted on October 26, 2021, would still be retained regarding short-term rentals: located on lands designated Rural Lands, Neighborhood Commercial, Community Commercial, Mixed Use, or Economic Opportunity; located on the edge or corner of an existing platted subdivision, rather than internal to it; and located on a major road. Mr. Wysong stated staff looked forward to the Board's feedback and guidance. He added a map was created to represent the affected lots by the setback concept.

Ms. Larson thanked Mr. Wysong. She looked to the Board for discussion.

Mr. Hipple noted he was fine with the removal of Old Stage Road. He added he was in favor of protecting Forge Road. He noted existing structures and application regarding new structures. Mr. Hipple discussed this point in detail adding the County needed to work with property owners who had limited amounts of land. He noted he was concerned for houses built on the roadside and losing the current look of the Forge Road corridor. Mr. Hipple added he did not want Forge Road crowded like other roads in the County. He noted his original proposal was to protect the existing corridor, protect the existing structures, and limit the proximity of new structures to the road. Mr. Hipple stated a compromise for corridor preservation and landowner rights was needed.

Ms. Null stated her agreement.

Mr. Icenhour addressed nonconformity and setbacks. He noted the use of the Overlay District and the ability to target particular areas for designation without arbitrary setbacks. Mr. Icenhour questioned staff if an Overlay District was created would Old Stage Road need to be removed from the CCC designation. He stated if Old Stage Road remained a CCC with an Overlay District then that designation would only apply to the areas identified for protection.

Mr. Hipple stated he wanted to focus on Forge Road first. He noted any knowledge learned in the process could later be applied to other areas.

Mr. Icenhour noted Overlay Districts could be applied to additional CCCs. He questioned the need then to remove Old Stage Road from the CCC designation if the Overlay District addressed concerns.

Mr. Hipple agreed.

Mr. Icenhour questioned staff on the timeline, workload, and other factors regarding these points.

Mr. Paul Holt, Director of Community Development, addressed the Board noting the public hearing on this item had been formally postponed until the Board's April 9, 2024, Regular Meeting. He noted one option was an indefinite postponement while staff worked on the Board's input. Mr. Holt stated the public hearing could be readvertised at a later date. He noted obtaining Board consensus on particular properties without reconsidering the varied setbacks was another factor. Mr. Holt stated he would review the timeline with staff and get that schedule to the Board.

Mr. Hipple cited the various criteria for the Overlay District and the setbacks while still protecting and preserving the land. He noted the Board would work on finding a happy medium that was beneficial to citizens.

The Board thanked Mr. Holt.

Mr. Holt noted at the April 9, 2024, Regular Meeting, this item would be on the Agenda but that it be deferred indefinitely pending Board consideration. He further noted that status would apply to both the Ordinance amendment and the Comprehensive Plan amendment. Mr. Holt stated at the time for those items to be presented, a public hearing would be readvertised.

Ms. Larson and Mr. Hipple thanked Mr. Holt.

Ms. Larson thanked Mr. Wysong.

**F. BOARD CONSIDERATION(S)**

None.

**G. BOARD REQUESTS AND DIRECTIVES**

Ms. Null noted she had no comments.

Mr. Hipple noted he had one, but he thought it would be discussed at the Board's upcoming Retreat. He stated a review of the \$0.83 per \$100 tax rate particularly in light of increased revenue.

Mr. McGlennon noted he would pass.

Mr. Icenhour noted on February 16, he and Mr. Hipple spoke to Ford's Colony newcomers. He stated the event was well attended with many good questions and answers. Mr. Icenhour added that opportunity was an enjoyable way to meet the public. He stated the Hampton Roads Workforce Council (HRWC) met on February 21, adding its annual budget was approximately \$38 million currently. Mr. Icenhour noted a major driver was the United States Navy contracts dealing with maritime trades. He added the HRWC Board was very productive in getting many things done for the region. Mr. Icenhour noted he had spoken with his fellow Board members and staff regarding upcoming changes to the County Code regarding stormwater management and erosion and sediment control. He further noted the state had issued a new model Ordinance to be effective July 1, 2024. Mr. Icenhour stated during the Board's consideration of these changes, opportunities for consideration of other amendments of interest to the County would be available. He noted the areas of special stormwater criteria and implementation of County

watershed management plans. Mr. Icenhour stated earlier watershed management plans had been based on rainfall and were very outdated. He noted the numbers were higher based on climate changes, adding many facilities were undersized and not performing well which would significantly impact future development. Mr. Icenhour indicated with upcoming changes that the Board had directed staff to draft a resolution to not schedule items for legislative consideration until after adoption of the changes. He noted additionally that staff was to inform applicants of the Board's expectation that forthcoming applications incorporate these changes. Mr. Icenhour asked his fellow Board members for support in requesting staff present at the March 26, 2024, Business Meeting, a resolution stating new legislative applications be postponed for Board consideration until the adoption of new Stormwater Ordinances with staff informing applicants of the anticipated changes. Mr. Icenhour noted these changes would significantly affect Eastern State properties around New Town, Chanco's Grant, and the White Hall development. He further noted these changes would ensure the proper size stormwater facilities were in place for these developments.

Mr. Hipple asked about the date.

Mr. Icenhour noted the resolution would be presented at the March 12, 2024, Regular Meeting. He further noted year-end for the study.

Discussion ensued.

Ms. Larson noted recent plans for a family whale watching trip in Virginia Beach. She further noted the event was cancelled due to high winds, so she and her family attended the Virginia Aquarium & Marine Science Center. Ms. Larson stated the Aquarium was very busy and lots of educational activities were available. She noted Hampton Roads Sanitation District was on-site doing a Sustainable Water Initiative for Tomorrow (SWIFT) presentation. Ms. Larson further noted the City of Virginia Beach's Department of Parks & Recreation was also there with numerous educational and informational games and exhibits. She provided details on the various presentations. Ms. Larson stated the opening of the sports complex would present a wonderful opportunity for regional education of local points of interest and programs like those for the Chesapeake Bay and area waterways.

## **H. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Stevens noted he would defer on his report due to the Closed Session Agenda.

## **I. CLOSED SESSION**

A motion to Enter a Closed Session was made by Michael Hipple, the motion result was Passed.  
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0  
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

At approximately 2:50 p.m., the Board of Supervisors entered a Closed Session.

At approximately 4:32 p.m., the Board re-entered Open Session.

A motion to Certify the Board only spoke about those matters indicated that it would speak about in Closed Session was made by John McGlennon, the motion result was Passed.  
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0  
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

1. Discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure, pursuant to Section 2.2-3711(A)(19) of the Code of Virginia
2. Discussion of the award of a public contract involving the expenditure of public funds, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711(A)(29) of the Code of Virginia and pertaining to the contract for the joint operation of schools between the County and the City of Williamsburg.
3. Consideration of a personnel matter, the appointment of individuals to County Boards and/or Commissions pursuant to Section 2.2-3711(A)(1) of the Code of Virginia

A motion for the following Appointments was made by James Icenhour, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

- a. Board of Zoning Appeals Appointment

Mr. Icenhour noted Mr. Andrew Franck was recommended for an appointment to the Circuit Court Judge for a five-year term that expires on March 31, 2029.

- b. Wetlands Board and Chesapeake Bay Board

Mr. Icenhour noted appointment of Mr. Mark McElroy as an alternate for a term that should begin March 1, 2024, and expire December 31, 2030.

- c. Historical Commission Appointment

Mr. Icenhour noted appointment of Mr. William Fox to a term that will expire June 30, 2026.

- d. Agricultural and Forestal District Advisory Committee Appointment

Mr. Icenhour noted appointment of Mr. Will McElfresh with no expiration date listed.

4. Certification of Closed Session

## **J. ADJOURNMENT**

1. Adjourn until 8 am on March 2, 2024 for the Board Retreat

A motion to Adjourn was made by Michael Hipple, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

At approximately 4:33 p.m., Ms. Larson adjourned the Board of Supervisors.

*Teresa J. Saeed*

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Deputy Clerk

**MINUTES**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**BUSINESS MEETING**  
**COUNTY GOVERNMENT CENTER BOARD ROOM**  
**101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185**

**March 26, 2024**

**1:00 PM**

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**A. CALL TO ORDER**

**ADOPTED**

**B. ROLL CALL**

**APR 23 2024**

Barbara E. Null, Stonehouse District  
Michael J. Hipple, Powhatan District  
John J. McGlennon, Roberts District  
James O. Icenhour, Vice Chair, Jamestown District  
Ruth M. Larson, Chair, Berkeley District

**Board of Supervisors**  
**James City County, VA**

Scott A. Stevens, County Administrator  
Adam R. Kinsman, County Attorney

**C. PRESENTATION(S)**

1. Proclamation Celebrating 100 years of Boy Scout Troop 103

Ms. Larson noted the Scout Master unfortunately was unable to attend, but she read several excerpts from the Proclamation. She added the Proclamation would be delivered to Troop 103 and its leaders.

2. Retiree Recognition - Bernadette Williams

Fire Chief Ryan Ashe addressed the Board noting he had two retirees being recognized. He stated Ms. Williams was present. Chief Ashe provided details regarding Ms. Williams' service years with the County's Fire Department. He noted during the early stages of the COVID-19 pandemic, Ms. Williams was instrumental in tracking the firefighters' protective gear, masks, and other necessities. Chief Ashe further noted Ms. Williams' work in tracking the necessary equipment and supplies for various County departments as well. He stated her dedication to also ensuring firefighters had drinks and food even during the early hour shifts. Chief Ashe thanked Ms. Williams and wished her well in her retirement.

Ms. Williams thanked Chief Ashe. She noted her 30-year tenure had been a fantastic time. She noted the exemplary work of the County staff and Fire Department toward citizens. Ms. Williams extended her thanks to the Board and the Fire Department.

3. Retiree Recognition - Eric Smith

Chief Ashe noted another retiree was to be recognized, but he was unable to attend. Chief Ashe presented details on Mr. Smith's 25-year tenure with the County's Fire Department. He added Mr. Smith's responsibility over the past 15 years as a primary Self-Contained Breathing Apparatus (SCBA) technician, adding SCBA units were the air packs firefighters wore on their

backs. Chief Ashe noted the SCBA maintenance performed by Mr. Smith was in addition to his firefighter duties. He extended well wishes to Mr. Smith in his retirement.

Ms. Larson asked Chief Ashe to extend the Board's thanks to Mr. Smith for his service to the County, adding she was sorry he was unable to attend. She thanked Chief Ashe for his comments regarding Mr. Smith.

#### 4. Update from Virginia Peninsula Community College

Ms. Larson welcomed Mr. Todd Estes, Vice President of Workforce Development and Innovation and Mr. Joe Fairchild, Associate Vice President for Academic Affairs from Virginia Peninsula Community College (VPCC).

Mr. Estes addressed the Board and highlighted VPCC's 2022-2023 enrollment numbers in a PowerPoint presentation. He noted enrollment included 8,676 academic credit students and 1,530 non-credit students. Mr. Estes explained the credit category reflected traditional post-secondary college courses while the non-credit category reflected primarily the workforce training. He stated skilled trades, Allied Health, and Information Technology were included in the latter category. Mr. Estes continued the presentation to address the growth of VPCC. He stated the increased enrollment reflected reversal of a trend where VPCC's enrollment had been declining for a while. He added that point was consistent with the national trend for community colleges since 2012. Mr. Estes cited some of the driving factors impacting that trend, adding VPCC had now entered a growth phase. He noted a 27% increase in dual enrollment and provided additional statistics on other areas. Mr. Estes further noted of the 23 community colleges in the system, VPCC was ranked fourth in the number of workforce industry credential trainings. He stated Mr. Fairchild would address the next section of the presentation.

Mr. Fairchild addressed the Board highlighting the dual enrollment breakdown. He noted categorical increases throughout VPCC with improved retention rates and graduation rates. Mr. Fairchild further noted these increases reflected more students returning to VPCC, more students successfully graduating, and more short-term certificate completions. He provided details on the Passport and Uniform Certificate of General Studies (UCGS) Program, adding the Passport and UCGS Program greatly benefited dual enrollment students.

Mr. Estes noted the importance of those pathway transfers and the university partnerships involved in the program. He continued the presentation highlighting employment statistics after program completion. Mr. Estes noted the return on investment to students and the community. He further noted workforce training was a vehicle to employment and VPCC was highly cognizant of that fact. Mr. Estes addressed the economic impact analysis factor which included approximately \$30 million in operational spending, \$5.5 million in student impact, and \$211.6 million in alumni impact. He continued the presentation with three perspectives for investment analysis: student, taxpayer, and social. Mr. Estes noted the positive outcome of the investment analysis findings. He stated VPCC was growing and addressed expansion projects that included rebuild of the Performing Arts Theater (Hampton campus), Student Success and Campus Administration Building (Hampton campus), the Center for Excellence in Childhood Development, and a New Skilled Trades Center with the latter two projects in the City of Newport News Southeast Center, near the Marshall-Ridley neighborhood. Mr. Estes noted the February 2023 opening of the Toano Trades Center emphasizing its welding and carpentry programs.

Mr. Fairchild addressed new academic programming was launching and would be housed at the Historic Triangle Campus. He provided details on the licensed practical nurse program, which would be accepting students in the fall semester. Mr. Fairchild noted the Passport and UCGS program would be available at the Historic Triangle Campus. He added VPCC was also reimagining its Dental Hygiene Assistant Program due to cost challenges. Mr. Fairchild provided details on the reimagining plan. He addressed other areas of increased future

community impact which included the Center for Career, Internship, and Transfer Services (Hampton campus), the Healthcare Training Center, and the Educational Programming and Innovation Center. Mr. Fairchild thanked the Board.

Ms. Larson asked the Board if any member had questions.

Mr. McGlennon noted increased community outreach from VPCC over the past months. He commended VPCC for its efforts particularly in the workforce area.

Ms. Larson referenced the Williamsburg-James City County (WJCC) School dual enrollment numbers. She questioned the reduction and if it was fewer students or program slots.

Mr. Fairchild responded that 218 students participated in dual enrollment in fall 2022.

Ms. Larson asked if the 218 was total or only WJCC students.

Mr. Fairchild stated 218 was students from Jamestown, Lafayette, and Warhill High Schools. He provided additional statistics on dual enrollment. Mr. Fairchild noted VPCC's concerted effort to work with school agencies regarding dual enrollment, adding challenges existed in matching programs to school systems and credentials for high school faculty regarding the college courses.

Ms. Larson thanked Mr. Fairchild. She cited personal experience with her youngest daughter in the dual enrollment program. Ms. Larson expressed her support of dual enrollment. She extended her appreciation to Mr. Estes and Mr. Fairchild.

#### **D. CONSENT CALENDAR**

Ms. Larson asked if any Board member wished to pull any item.

1. Authorization to Continue Leasing Flock Safety LPR Cameras

A motion to Approve was made by John McGlennon, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

2. Grant Award - \$7,974 - Circuit Court Records Preservation Program

A motion to Approve was made by John McGlennon, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

3. Grant Award - \$15,000 - Virginia DEQ CBPA Support Grant 2024

A motion to Approve was made by John McGlennon, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

4. Grant Award \$9,164 - Virginia Conservation Assistance Program Funding - Brickyard Landing Park

A motion to Approve was made by John McGlennon, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

5. Minutes Adoption

A motion to Approve was made by John McGlennon, the motion result was Passed.  
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0  
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

The Minutes Approved for Adoption included the following meetings:

- o February 13, 2024, Regular Meeting
- o February 27, 2024, Business Meeting
- o March 2, 2024, Board of Supervisors Retreat

6. Resolution of Chesapeake Bay Preservation Ordinance Violation at 156 Spencer's Grant

A motion to Approve was made by John McGlennon, the motion result was Passed.  
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0  
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

**E. BOARD DISCUSSIONS**

1. Forge Road Scenic Roadway Protection

Mr. Jason Purse, Assistant County Administrator, stated the Board had discussed this item several times over the past few months. He noted concern regarding the Community Character Corridor focus and potential regulatory impacts to additional properties which may be unwanted. Mr. Purse stated staff was reviewing the best option for addressing that point and the possibility of an Overlay District along Forge Road. He noted Agenda Packet material identified properties of 40 acres or more along Forge Road. Mr. Purse further noted the properties in a PowerPoint presentation. He asked if the Board could support this configuration and if so then staff could present it to the Policy Committee for additional discussion.

Mr. Hipple indicated he was fine with that point and ready to move forward.

As the Board had no questions or concerns, Ms. Larson thanked Mr. Purse.

2. Government Center Update

Mr. Brad Rinehimer, Assistant County Administrator, addressed the Board reiterating his commitment to provide updates on the Government Center at the Board's Business Meetings. He referenced a recent large staff meeting consisting of County leadership that offered the group an opportunity to provide input on their needs for the facility. Mr. Rinehimer provided additional details on that meeting. He added a list had been compiled for a stakeholder group comprised of citizens and business owners who lived or worked in the County. Mr. Rinehimer noted invitations had been extended to the stakeholder group for additional input. He further noted the timeline for the stakeholder meeting. Mr. Rinehimer stated the bi-weekly meetings with the builder group continued and added a tour of the Law Enforcement Center was slated for the group on March 27. He noted the tour offered the group the opportunity to see firsthand implementation of security and safety features. Mr. Rinehimer stated work continued on the programming phase. He added that the architects were currently meeting with department directors regarding space needs and addressing reduction of the total square footage. Mr. Rinehimer noted scheduling time with the Board for its input also. He further noted tours of the Virginia Beach Municipal Center and the Suffolk Municipal Building were being scheduled toward the end of April and welcomed any Board members who were available to attend. Mr. Rinehimer noted he would provide a definitive date to the Board for the tours.

Ms. Larson stated her appreciation for the large staff meeting and the safety and security

concerns from staff. She noted the many requests and varied ideas from staff for consideration, adding she thought the exercise had gone very well.

3. Appointment - Eastern Virginia Regional Industrial Facilities Authority

A motion to Appoint Ms. Null was made by Michael Hipple, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

Ms. Larson noted Board discussion on an appointment to the Eastern Virginia Regional Industrial Facilities Authority (EVRIFA).

Mr. Stevens stated Ms. Sue Sadler, former Supervisor, had been appointed to EVRIFA. He noted Mr. Chris Johnson, Director of Economic Development, had discussed the EVRIFA appointment with Ms. Null. Mr. Stevens added this was an elected official position and alternates were available if schedule conflicts arose. Mr. Stevens noted this appointment was therefore being brought to the Board's attention.

Ms. Larson thanked Mr. Stevens. She asked Ms. Null if she would serve on the EVRIFA.

Ms. Null stated she was willing and happy to take the appointment.

Ms. Larson asked if a roll call was necessary.

Mr. Stevens confirmed yes to make the appointment official.

**F. BOARD CONSIDERATION(S)**

None.

**G. BOARD REQUESTS AND DIRECTIVES**

Both Ms. Null and Mr. Hipple noted they had no comments.

Mr. McGlennon noted he had taken a tour of Jamestown High School on March 13. He stated he was joined by Ms. Amy Chen, a newly selected member of the Williamsburg City Council for the WJCC School Board. He provided details of the tour and expressed his appreciation of the opportunity to visit two classrooms and experience the teacher-student interaction. Mr. McGlennon referenced the Joint Meeting with the Williamsburg City Council and the WJCC School Board on March 15 and the budget requests.

Mr. Icenhour thanked Mr. Purse for his assistance with a constituent concern regarding abandoned vehicles in one of the neighborhoods in his district. Mr. Icenhour noted Mr. Purse had the situation quickly resolved. He added a nice thank you had been received and he wanted to be sure to direct the appreciation to Mr. Purse and staff on the matter. Mr. Icenhour stated he recently attended the Greater Williamsburg Chamber of Commerce Board meeting, adding the Chamber met every other month. He noted the meeting was held at the Yorktown Naval Weapons Station Training Center. Mr. Icenhour provided details of the meeting. He noted he was joined by Ms. Larson at a recent monthly breakfast group meeting.

Ms. Null noted she had attended the graduation at the Virginia Peninsula Regional Jail for the five women who had completed their class for getting off drugs. She further noted she was joined by the Honorable Virginia Delegate Amanda Batten and other dignitaries. Ms. Null provided additional details on the program and graduation.

Ms. Larson noted attendance at the Joint Meeting with the Williamsburg City Council and the WJCC School Board. She stated shortly after that meeting, she went to the Williamsburg Community Chapel where the Williamsburg Symphony was presenting a program for local elementary students. Ms. Larson noted the presentation was on Ellis Island and she provided additional details, adding it was an excellent program. She stated later that day she was joined by Mr. McGlennon, Williamsburg City Council Member Mr. Caleb Rogers, and Assistant County Administrator Brad Rinehimer for the local government talk with the Sorensen Institute for Political Leadership's Political Leaders Program (PLP) class for this year. She extended her thanks to Mr. McGlennon and Mr. Rinehimer. Ms. Larson noted her participation on a panel at the Williamsburg Landing and extended her thanks to the group. She stated she and Ms. Sarah Ortego, Chair of the WJCC School Board, participated in a webinar with the Virginia Association of Counties (VACo) about School Board and Board of Supervisor relations. Ms. Larson noted Ms. Null was in the VACo class for the Virginia Certified County Supervisors' Program certification. Ms. Larson further noted meeting with the owner of Muddy Marley's Dog Wash, Ms. Rebecca Mulvain, a Director on the County's Economic Development Authority. Ms. Larson provided information on an upcoming dog event coordinated by Ms. Mulvain. She noted she would provide additional details at a later date. Ms. Larson stated she and Mr. Stevens attended the Hampton Roads Transportation Planning Organization (HRTPO) and Hampton Roads Planning District Commission (HRPDC) meetings in Chesapeake on March 21. She noted a recap of the meetings should be available to Board members and to notify her if members were not receiving the recaps.

Mr. Hipple noted he had received notice of Ms. Larson's good comments made during the meetings.

Ms. Larson thanked Mr. Hipple.

## **H. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Stevens noted the 46th Annual County-wide Spring Cleanup will take place on Saturday, April 27. He further noted the Clean County Commission would provide equipment, location, and other details for volunteers. Mr. Stevens stated groups and individuals were welcome and more information was available by calling 757-259-5375. He noted the Real Estate Assessments Division had been fielding numerous calls related to the real estate assessments that had been sent in late February. Mr. Stevens asked for patience as staff returned calls. He added the assessment process was driven by State Code and if citizens felt their assessment value was wrong to contact the Real Estate Assessments Office at 757-253-6650. Mr. Stevens noted the staff deadline regarding assessments was the end of March while the Board of Equalization appeal deadline was April 29, adding there was still time for citizens to appeal their assessments if they felt they were in error. He further noted the Fiscal Year 2025-2026 Proposed Budget would be released March 29. Mr. Stevens encouraged residents to learn more about the budget, adding Board members would be hosting a public meeting in their respective districts regarding the proposed budget. He noted residents were welcome to attend any meeting regardless of the district. Mr. Stevens stated the schedule for the Community Budget Meetings included the following dates: Berkeley District, April 3 at Legacy Hall at 6 p.m., Jamestown District, April 4 at the James City County (JCC) Recreation Center at 6 p.m., Stonehouse District, April 8 at Toano Middle School at 6 p.m., Powhatan District, April 10 at Lois S. Hornsby Middle School at 6 p.m., and Roberts District, April 11 at the JCC Government Center, Building F at 4 p.m. Mr. Stevens noted the Public Hearing for the Proposed Budget would be held at the Board's April 9, 2024, Regular Meeting sometime after the 5 p.m. start of the meeting. He stated he and Ms. Sharon McCarthy, Director of Financial and Management Services, would participate in a budget podcast that would appear prior to April 5. Mr. Stevens noted the primary need for increased revenue was for staff, both County and WJCC School staff. He further noted the pay was not competitive in many areas and addressed those points. Mr. Stevens stated May 14 was slated for the Board to adopt the budget.

Ms. Larson referenced the 3% rate increase for WJCC School staff, but the WJCC School Board requested a 4.5% rate increase.

Mr. Stevens confirmed yes.

Ms. Larson asked if the Proposed Budget reflected the 4.5% rate increase.

Mr. Stevens confirmed yes. He stated if the School Division went with a 1% rate increase, particularly if above the state amount, then the difference was on the localities and would be a significant amount for the County and the City of Williamsburg. Mr. Stevens noted the cost of salaries and benefits and its impact on the budget.

Ms. Larson thanked Mr. Stevens. She noted the dog event was chesapeake dock dogs.org and sponsorships were available. Ms. Larson also extended thanks to the General Services Department with its assistance when a motorist hit a sign across from Jamestown High School. She noted no one claimed ownership on the sign, but General Services and Mr. Kinsman were very helpful on that point. Ms. Larson added a search for the party to assist with payment was underway.

## **I. CLOSED SESSION**

A motion to Enter a Closed Session was made by Michael Hipple, the motion result was Passed.  
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0  
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

At approximately 1:52 p.m., the Board of Supervisors entered a Closed Session.

At approximately 2:23 p.m., the Board re-entered Open Session.

A motion to Certify the Board only spoke about those matters indicated that it would speak about in Closed Session was made by John McGlennon, the motion result was Passed.  
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0  
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

1. Consultation with the County Attorney regarding specific legal matters requiring the provision of legal advice by the County Attorney; in particular, ownership and road maintenance status of the road known as Route 1101, Shellbank Drive, pursuant to Section 2.2-3711(A)(8) of the Code of Virginia
2. Certification of Closed Session

Ms. Larson asked if there were any other matters before the Board to address.

Mr. McGlennon referenced Board Requests and Directives. He noted over the past few years a constituent with a stormwater concern had contacted him. Mr. McGlennon further noted some concern between staff and the constituent over responsibility and stormwater erosion damage on the constituent's property. Mr. McGlennon stated the constituent was told by staff that no current funding for the erosion was earmarked, but that he would be put on a list for potential projects. He noted the constituent asked was there a list, where was he on the list, and was there any likelihood he would move on the list. Mr. McGlennon further noted despite several requests he had not received any answers. He questioned if any type of funding to address such issues was available and if not, should it be in the future. Mr. McGlennon also questioned

responsibility and a sense of direction on those points.

Ms. Larson noted that point was valid for both individuals as well as neighborhoods and ensuing development. She further noted grant funding but questioned if Mr. McGlennon's request could be addressed.

Mr. Stevens stated he had heard about a list but added with regard to stormwater the point to address the issue(s) needed to be determined. He referenced the Virginia Department of Transportation's (VDOT) criteria regarding drainage ditches.

Mr. Icenhour noted an earlier conversation with Mr. Stevens about the Meadows II neighborhood in his district. He stated the neighborhood had a homeowners association (HOA) that was responsible for a Best Management Practice (BMP) with a cost of approximately \$100,000 in upcoming maintenance. Mr. Icenhour noted the neighborhood was comprised of approximately 135 homes. He added about half of the drainage area from the BMP came from non-HOA homes or VDOT right-of-way. Mr. Icenhour noted the inequity of some homeowners paying while others did not have to address the issue. He further noted direction on these types of situations.

Mr. Stevens noted discussion on general stormwater issues and existing concerns with the Board at a future meeting. He further noted then a direction could be established.

Mr. McGlennon agreed. He noted the possibility of adding the stormwater issues on the Legislative Agenda with reference to VDOT. Mr. McGlennon stated the stormwater issues also had potential consequences to the Chesapeake Bay and other areas.

Ms. Larson thanked Mr. McGlennon.

Mr. Icenhour referenced the previous discussion on the Utility-Scale Solar Facility applications and the incorporation of a policy rather than an Ordinance. He noted he was in favor of Mr. Kinsman's suggestion to use a policy. Mr. Icenhour stated he had drafted policy revisions that he had shared with Mr. Stevens and Mr. Kinsman. He added he would give Mr. Paul Holt, Director of Community Development, a copy and email copies to his fellow Board members. Mr. Icenhour asked each member to review it and include additional revisions. He stated a policy would allow staff to address the applications without presenting them to the Board.

Ms. Larson asked if staff feedback would be noted.

Inaudible response.

Ms. Larson asked if the Community meetings would remain open for each meeting or what procedure would be used.

Inaudible response.

Mr. Stevens noted some concern regarding the recent court ruling. He further noted the meeting was not being held for a roll call. He added Ms. Larson and the respective District representative would be present but he and staff would facilitate the majority of speaking at the meetings. Mr. Stevens stated the Board members would not be taking any action at these meetings, but the meetings were advertised per the interpretation of the current law where if three Board members were in attendance with or without action taken then advertisement was required.

Ms. Larson questioned adjournment and if the meetings should be called and other procedural questions.

Mr. Kinsman's response was inaudible.

Ms. Larson noted the current meeting would be adjourned with a call for the April 3, 2024, Community Meeting, if three or more Board members were present. She further noted that procedure would be done for each Community Meeting.

Mr. Kinsman's response was inaudible.

Mr. Hipple questioned the process.

Mr. Kinsman's response was inaudible.

**J. ADJOURNMENT**

1. Adjourn until 6 pm on April 3, 2024 for the Berkeley District Community Meeting

A motion to Adjourn was made by Michael Hipple, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

At approximately 2:33 p.m., Ms. Larson adjourned the Board of Supervisors.

*Teresa J. Saeed*

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Deputy Clerk

**MINUTES**  
**JAMES CITY COUNTY POLICY COMMITTEE**  
**REGULAR MEETING**  
**BUILDING A LARGE CONFERENCE ROOM**  
**101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185**  
**July 11, 2024**  
**3:00 PM**

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**A. CALL TO ORDER**

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

**B. ROLL CALL**

Committee Members Present:

Jack Haldeman  
Frank Polster  
Jay Everson  
Kira Allmann

Staff Present:

Christy Parrish  
Josh Crump  
Thomas Wysong  
Morgan Risinger

**C. MINUTES**

1. Minutes of the February 22, 2024, Regular Meeting

Mr. Everson stated that he would abstain from voting on the Minutes as he was not present for that meeting. Dr. Allmann stated that she would also abstain from voting.

Mr. Polster made a motion to approve the Minutes.

On a voice vote, the Minutes of the February 22, 2024, meeting were approved 2-2-0.

**D. OLD BUSINESS**

1. ORD-22-0001. Amendments for Scenic Roadway Protection

Ms. Risinger made a presentation to the Committee on the Board of Supervisors' directive to create an Overlay District to protect and preserve scenic roadways. Ms. Risinger noted that parcels included in the Overlay District would be those over 40 acres and outside the PSA, with frontage on Forge Road, Diascund Road, and North Riverside Drive. Ms. Risinger further noted that the Ordinance provides for tiered setbacks of up to 400 feet for structures to be applied to unimproved parcels that would be rezoned to the Overlay District. This tiered approach specifies that lots with a depth greater than 300 feet and up to and including 500 feet to have a setback requirement of 200 feet, and lots with a depth greater than 500 feet to have the 400-foot setback. Lots with a depth of 300 feet or less and flag lots would continue to have setbacks determined by the underlying zoning district.

After studying the maps and discussing the draft ordinance, the Committee decided that the limited benefit provided by the Ordinance was not worth the significant negative impact to the selected property holders, and the Committee, therefore, voted unanimously to recommend that the full Planning Commission recommend denial of the Ordinance to the Board of Supervisors.

The enhanced buffering for four Wooded Community Character Corridors, as unanimously recommended by the Policy Committee at its November 10, 2022, meeting, will be advanced to the Planning Commission for its consideration.

**E. NEW BUSINESS**

There was no new business.

**F. ADJOURNMENT**

Mr. Polster made a motion to adjourn.

The meeting was adjourned at 3:26 pm

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Susan Istenes, Secretary

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Jack Haldeman, Chair

**PLANNING DIRECTOR'S REPORT**  
**September 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:**
  - The Board of Supervisors did not meet in August.

Plan Type	Plan Number	Address	Plan District	Plan Assigned To	Plan Description
Agricultural & Forestal District	<a href="#">AFD-24-0004</a>	101 IVY HILL RD Toano, VA 23168	Powhatan	Roberta Sulouff	101 & 121 Ivy Hill Rd. Mill Creek- 47.5-acre AFD withdrawal
Conceptual Plan	<a href="#">C-24-0046</a>	3100 JOHN TYLER HWY Williamsburg, VA 23188	Berkeley	Morgan Risinger	3100 John Tyler Hwy- 120 foot Communications Facilities Tower
	<a href="#">C-24-0047</a>	5987 JOHN JACKSON DR Williamsburg, VA 23188	Powhatan	Terry Costello	Windmill Meadows- Removing Pedestrian Trail Conceptual Plan
	<a href="#">C-24-0051</a>	900 KINGSMILL RD Williamsburg, VA 23185	Roberts	Morgan Risinger	900 Kingsmill Rd Frances Thacker Subdivision Conceptual Plan
	<a href="#">C-24-0052</a>	2524 ROBERT FENTON RD Williamsburg, VA 23185	Roberts	Ben Loppacker	Landfall Village - 2524 Robert Fenton Road and 2525 Robert Fenton Road BLA and NOS Adjustment
Site Plan	<a href="#">SP-24-0072</a>	2265 LITTLE CREEK DAM RD Toano, VA 23168	Powhatan & Stonehouse	Terry Costello	Required dam safety improvements to the Little Creek Reservoir dam embankment.
	<a href="#">SP-24-0074</a>	1006 BRICKYARD RD Lanexa, VA 23089	Powhatan	Ben Loppacker	Brickyard Landing Park Pedestrian Paths
	<a href="#">SP-24-0075</a>	4501 NEWS RD Williamsburg, VA 23188	Jamestown	Tess Lynch	4501 News Road- Goodwill Store Site Plan Amendment
	<a href="#">SP-24-0076</a>	7877 RICHMOND RD Toano, VA 23168	Stonehouse	Paxton Condon	7877 Richmond Road Car Dealership
	<a href="#">SP-24-0077</a>	104 NORGE LN Williamsburg, VA 23188	Stonehouse	Tess Lynch	St. Olaf Church SP Amend. Pastoral Center
	<a href="#">SP-24-0078</a>	1000 COWPEN CT Williamsburg, VA 23188	Stonehouse	Kyle Sirico	7581 Richmond Rd- Blaine Landing Apartments Amendment #5 (Lighting Plan Amendment)
	<a href="#">SP-24-0079</a>	4900 STADIUM RD Williamsburg, VA 23188	Powhatan	Kyle Sirico	Williamsburg Community Garden Fence SP Amend
	<a href="#">SP-24-0080</a>	244 OLD STAGE RD Toano, VA 23168	Powhatan	Kyle Sirico	244 Old Stage Rd - Pet Kennel Site Plan
	<a href="#">SP-24-0081</a>	5693 CENTERVILLE RD Williamsburg, VA 23188	Powhatan	Tess Lynch	5693 Centerville Rd JSG Mineral Resource Management Contractor's Office SP Amend
	<a href="#">SP-24-0082</a>	9001 WESTMONT DR Toano, VA 23168	Stonehouse	Kyle Sirico	9001 Westmont Dr. Nicewood Building Expansion SP Amend. #1
Special Use Permit	<a href="#">SUP-24-0016</a>	101 IVY HILL RD Toano, VA 23168	Powhatan	Roberta Sulouff	101 & 121 Ivy Hill Rd.- Community Solar Facility SUP.
	<a href="#">SUP-24-0017</a>	8936 CROAKER RD Williamsburg, VA 23188	Stonehouse	Terry Costello	8936 Croaker Rd. Family Subdivision SUP
	<a href="#">SUP-24-0020</a>	5378 RIVERVIEW RD Williamsburg, VA 23188	Stonehouse	Ben Loppacker	5378 Riverview Rd 3 Lot Family Subdivision SUP
Subdivision Construction Plan	<a href="#">SPLN-24-0006</a>	9100 SIX MOUNT ZION RD Toano, VA 23168	Stonehouse	Morgan Risinger	Stonehouse - Tract 11A - Phase 2
Subdivision Plat	<a href="#">S-24-0027</a>	3889 NEWS RD Williamsburg, VA 23188	Jamestown	Ben Loppacker	3889 News Road Subdivision Plat for Ford's Village CCRC Building
	<a href="#">S-24-0028</a>	4399 JOHN TYLER HWY Williamsburg, VA 23185	Berkeley	Kyle Sirico	4399 John Tyler Hwy Self Storage Facility (TSS Five Forks) Subdivision Plat
	<a href="#">S-24-0029</a>	4385 NEW TOWN AVE Williamsburg, VA 23188	Jamestown	Roberta Sulouff	New Town Section 3, Block 18 Subdivision Plat