

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg VA 23185
February 2, 2022
6:00 PM

A. CALL TO ORDER

Mr. Tim O'Connor called the meeting to order at 6:00 p.m.

B. ROLL CALL

Planning Commissioners Present:

Tim O'Connor
Frank Polster
Barbara Null
Rob Rose
Jack Haldeman

Planning Commissioners Absent:

Rich Krapf

Staff Present:

Paul Holt, Director of Community Development and Planning
Tammy Rosario, Assistant Director of Community Development
Max Hlavin, Deputy County Attorney
Tom Leininger, Principal Planner
John Risinger, Planner

Mr. O'Connor stated that there is a request to amend the Agenda to move the Update on the Natural and Cultural Assets Plan Effort forward to follow after the Consent Agenda.

Ms. Null made a motion to amend the Agenda.

On a voice vote, the Commission amended to move the Update on the Natural and Cultural Assets Plan Effort to follow the Consent Agenda.

1. Resolution of Appreciation - Ms. Julia Leverenz

Mr. O'Connor presented a Resolution of Appreciation to Ms. Leverenz.

Whereas, Ms. Julia Leverenz has served the citizens of James City County as a member of its Planning Commission from February 2018 to January 2022; and

Whereas, Ms. Leverenz served as Vice Chair of the 2020 Planning Commission; and

Whereas, Ms. Leverenz served on both the Policy Committee and the Development Review Committee during her tenure; and

Whereas, Mrs. Leverenz served as Chairman of the 2019 Policy Committee; and

Whereas, Ms. Leverenz actively participated in developing *Our County, Our Shared Future - James City County 2045 Comprehensive Plan*, by serving on both the Community Participation Team and Planning Commission Working Group for the Engage 2045 update process; and

Whereas, Ms. Leverenz actively participated in developing the 2015 Comprehensive Plan, *Toward 2035: Leading the Way*, by serving on the Steering Committee; and

Whereas, during Ms. Leverenz' service, the Planning Commission reviewed substantive updates to the Zoning Ordinance and Subdivision Ordinance and considered numerous legislative development cases; and

Whereas, Ms. Leverenz was a graduate of the Virginia Tech Certified Planning Commissioner Program.

Now, Therefore, Be It Resolved that the Planning Commission of James City County, Virginia does hereby extend its sincere appreciation to Ms. Julia Leverenz.

Be It Further Resolved that the Planning Commission wishes to express its gratitude to Ms. Julia Leverenz for her time of dedicated service to the citizens of James City County.

Mr. O'Connor stated that he appreciated Ms. Leverenz's service on the Commission and that he hoped she would be able to lend her expertise to the County in the future.

Ms. Leverenz stated that appreciated her time on the Commission and that she learned from each of the Commissioners. Ms. Leverenz further commended the Commissioners for the ability to disagree congenially and arrive at decisions that best served the Community. Ms. Leverenz further stated that she wanted him to know that he and the planning staff were a powerhouse of knowledge and expertise, with a reputation for being among the best in the Commonwealth.

C. PUBLIC COMMENT

Mr. O'Connor opened Public Comment.

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

D. REPORTS OF THE COMMISSION

Mr. Frank Polster stated that the Policy Committee did not meet and, therefore, there was no report.

Ms. Barbara Null stated that the Development Review Committee (DRC) met on January 19, 2022.

Ms. Null stated that there was one case for DRC consideration: C-21-0099. Stonehouse Tract 10A Conceptual Plan.

Ms. Null stated that Mr. Jeff Huentelman, Land Planning Solutions, LC, submitted a conceptual plan for new construction of 200 residential units. Ms. Null further stated that this case came before the DRC because Proffer No. 10, approved by the Board of Supervisors on November 12, 2019, with Case No. Z-19-0010, requires a conceptual plan to be submitted to the Planning Director and the DRC for review at least 60 days prior to submittal

of a development plan for the tract. The purpose of this review is to determine general consistency with Zoning Ordinance requirements, the adopted master plan, and other applicable County policies.

Ms. Null stated that staff found that the conceptual plan to be in compliance with the approved master plan for Stonehouse, the conceptual layout complies with the zoning requirements for Planned Unit Development – Residential, the majority of applicable proffers, and other applicable County policies; the number of units complies with the unit caps proffered for the Stonehouse development.

Ms. Null stated that staff found no unfavorable factors in the review and recommends that the DRC finds the conceptual plan to be generally consistent with the Zoning Ordinance, adopted master plan, adopted proffers, and other applicable County policies.

Ms. Null stated that the DRC and the applicant team discussed the reason for the request for the three-story option, the impact and timing of multiple Stonehouse tract applications, and whether any proffers would be triggered.

Ms. Null stated that the DRC found the conceptual plan to be generally consistent with the Zoning Ordinance, adopted master plan, adopted proffers, and other applicable County policies by a vote of 3-0.

Mr. Polster stated that the first plan submitted met the warrants for a traffic signal at Fieldstone Parkway and Route 30. Mr. Polster noted that this had been an intersection of concern during he discussion about development on the Hazelwood property.

E. CONSENT AGENDA

1. Minutes of the January 5, 2022, Regular Meeting
2. Development Review Committee Action Item: C-21-0099. Stonehouse Tract 10A

Ms. Null made a motion to approve the Consent Agenda.

On a voice vote, the Commission approved the Consent Agenda 4-0-1, with Mr. Haldeman abstaining.

Update on the Natural and Cultural Assets Plan Effort

The presentation was made at this point in the Agenda; however, the minutes are recorded under Item II.

F. PUBLIC HEARINGS

1. AFD-21-0003. 360 Racefield Drive Barnes Swamp Withdrawal

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

AYES: 2 NAYS: 3 ABSTAIN: 0 ABSENT: 1

Ayes: Polster, Rose

Nays: Haldeman, Null, O'Connor

Absent: Krapf

AFD-21-0003. 360 Racefield Drive Barnes Swamp Withdrawal and SUP-21-0022. 360 Racefield Drive Solar Farm were presented to the Commission as a combined Public Hearing.

Minutes of the hearing are recorded under SUP-21-0022. 360 Racefield Drive Solar Farm; however, the vote for AFD-21-0003. 360 Racefield Drive Barnes Swamp Withdrawal is recorded here.

Mr. Polster made a motion to recommend approval of the Agricultural and Forestal District (AFD) withdrawal.

On a roll call vote, the Commission did not recommend approval of AFD-21-0003. 360 Racefield Drive Barnes Swamp Withdrawal. (2-3)

2. SUP-21-0022. 360 Racefield Drive Solar Farm

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

AYES: 4 NAYS: 1 ABSTAIN: 0 ABSENT: 1

Ayes: Haldeman, O'Connor, Polster, Rose

Nays: Null

Absent: Krapf

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

AYES: 4 NAYS: 1 ABSTAIN: 0 ABSENT: 1

Ayes: Haldeman, O'Connor, Polster, Rose

Nays: Null

Absent: Krapf

Mr. Tom Leininger, Principal Planner, stated that Mr. Brendan Grajewski has applied, on behalf of Hexagon Energy, for a Special Use Permit (SUP) to construct a solar farm and an AFD Withdrawal request to remove a 26-acre portion of the 65.26-acre parcel within the Barnes Swamp AFD. Mr. Leininger stated that the parcel is located at 360 Racefield Drive, is currently zoned A-1, General Agricultural and designated Rural Lands on the 2045 Comprehensive Land Use Map and is located outside the Primary Service Area (PSA). Mr. Leininger stated that the subject parcel is one of 33 currently in the Barnes Swamp AFD, which totals 2,207 acres.

Mr. Leininger stated that prior to the approval of the SUP for the solar farm, the area subject to this SUP is required to be withdrawn from the AFD.

Mr. Leininger stated that outside of the AFD renewal periods, withdrawals must be approved by the Board of Supervisors according to the *Policy Governing the Withdrawals of Property from AFDs*.

Mr. Leininger stated that the proposed solar farm facility will consist of ground-mounted arrays of solar panels mounted on single-axis tracker. Mr. Leininger further stated that a 50-foot vegetated buffer is shown along the perimeter of the development, and the buffer is increased to 75 feet along areas nearest to Racefield Drive.

Mr. Leininger stated that the 2045 Comprehensive Plan Land Use Map designates the property Rural Lands. Mr. Leininger stated that the Comprehensive Plan does not specifically identify solar power or utilities in general, in Rural Lands. Mr. Leininger stated that Rural Land uses are intended to help protect and enhance the viability of agricultural and forestal resources with primary uses being agricultural and forestal activities and related uses. Mr. Leininger further stated that in addition to the land use designation, Racefield Drive is part of the existing, local, rural road network. Mr. Leininger noted that the 2045 Comprehensive Plan states that capacity improvements and non-rural land uses should be avoided on rural roads.

Mr. Leininger stated that according to Virginia Code Section 15.2-2232 unless a utility facility is shown on the adopted Comprehensive Plan or other master plans for the County, the local

Planning Commission and a governing body shall review the facility to determine whether the location, character, and extent of the project is substantially in accord with the adopted Comprehensive Plan.

Mr. Leininger stated that the AFD withdrawal was reviewed by staff and found that it only met one of the four criteria listed in the Board adopted *Policy Governing the Withdrawals of Property from AFDs*.

Mr. Leininger stated that the four criteria for AFD withdrawal are:

- The request is the result of an unforeseeable change in circumstances (traditionally interpreted to include death of a property owner).
- The request serves a public interest (typically defined as schools or fire stations as examples).
- The withdrawal should not result in a disruption of the existing district (this withdrawal does not bring the overall acreage below the AFD requirement).
- The resulting land use should be in conformance with the Comprehensive Plan's designation for that parcel.

Mr. Leininger stated that staff does not find a solar farm consistent with the Rural Lands designation in the 2045 Comprehensive Plan.

Mr. Leininger stated that at the AFD Advisory Committee meeting on January 27, 2022, the Committee voted 5-0-1 with one member abstaining to recommend denial of the withdrawal request to the Planning Commission and Board of Supervisors.

Mr. Leininger stated that based on an evaluation of criteria withdrawal policy, staff recommends that the Planning Commission recommend denial of the AFD withdrawal application to the Board of Supervisors. Mr. Leininger stated that staff also recommends that the Planning Commission not find this application consistent with the 2045 Comprehensive Plan and to recommend denial of the proposal to the Board of Supervisors. Mr. Leininger stated that should the Planning Commission recommend approval, conditions have been included that are designed to mitigate the potential impacts of this development.

Mr. Haldeman inquired if there was any correspondence from adjacent property owners.

Mr. Leininger stated that there was no formal correspondence; however, after the AFD Advisory Committee meeting, he did speak with an adjacent property owner who had general questions about the project.

Mr. Polster noted that Hexagon Energy hosted a community meeting and that there were no concerns expressed by the citizens.

Ms. Null stated that she attended the meeting and that the only discussion of note related to runoff at the back corner of the property.

Dr. Rose inquired if the property could be withdrawn during the renewal period without meeting any criteria.

Mr. Leininger stated that the property could be withdrawn by-right during the renewal period; however, the renewal period would not begin until later in the spring.

Mr. O'Connor inquired whether the decision would only be the SUP and the consistency with the Comprehensive Plan if the property were withdrawn during the renewal period.

Mr. Leininger confirmed that the Commission would still need to make a recommendation on

the SUP and consistency with the Comprehensive Plan.

Mr. O'Connor opened the Public Hearing.

Mr. Brendan Grajewski, Hexagon Energy, made a presentation to the Commission on the proposed solar farm. Mr. Haldeman inquired if there was a contract in place with Dominion Energy. Mr. Grajewski stated that the contract is being negotiated. Mr. Grajewski further stated that they have approximately 70 days to finalize the contract. Mr. Grajewski stated that this timing seemed to be the best to meet the specified deadlines and align the project schedule with the necessary permits.

Dr. Rose inquired if this is why they are pursuing the ADF Withdrawal at this time.

Mr. Grajewski confirmed.

Dr. Rose inquired how the County would benefit from the electricity from the project.

Mr. Grajewski stated that this project will provide grid resiliency and more localized options for clean energy.

Dr. Rose inquired if the buffer could be designed to look more natural.

Mr. Grajewski stated that the plan has to comply with the County's Landscape Ordinance; however, they are willing to look at options that would give a less planned appearance.

Mr. O'Connor inquired about the number of homes 3 megawatts would power.

Mr. Grajewski stated that it is approximately 200 homes.

Mr. O'Connor inquired about how the facility would connect to the grid.

Mr. Grajewski stated that the tie in was close to the property and would not require new transmission lines.

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

Mr. Holt noted that there are three votes required. Mr. Holt stated that the first vote would be on the ADF Withdrawal; the second vote on the Resolution of Substantial Accord with the Comprehensive Plan; and the third on the SUP.

Mr. O'Connor opened the floor for discussion. Mr. Polster stated that 94% of citizen responses for the Comprehensive Plan Survey ranked preservation of the rural character and environment.

Mr. Polster stated that, while the County was doing well, it was not doing enough. Mr. Polster further stated that during the Comprehensive Plan update, he recommended looking at new technology for potential updates to the Zoning Ordinance to include performance standards similar to what are found in this application. Mr. Polster further stated that looking at the benefits of this application compared to the benefits of the AFD, the solar farm would protect the land for the life of the project where the AFD protection lasts only four years. Mr. Polster noted that allowing the use of renewable energy is also in keeping with the goal of finding new ways for property owners to benefit economically from their property. Mr. Polster noted that the Commission had previously recommended approval of the Rochambeau solar project, with the same Zoning and Comprehensive Plan Land Use designation, including withdrawal of the property from an AFD. Mr. Polster stated that the project would also be much more

fiscally beneficial to the County than keeping the property in the AFD. Mr. Polster stated that he finds the project to be consistent with the intent of the Comprehensive Plan to control development in rural lands. Mr. Polster stated that he intends to support the AFD withdrawal and the SUP application.

Mr. Haldeman stated that the Commonwealth of Virginia has set a goal to have 30% renewable energy by 2030. Mr. Haldeman stated that he voted to recommend approval of the two previous solar farms as those properties were otherwise headed for very intensive use. Mr. Haldeman stated that there are a number of benefits to a solar farm including no use of pesticides or herbicides. Mr. Haldeman stated that he found the traffic management plan, stormwater plan, and buffering plan to be well thought out. Mr. Haldeman stated that his one concern is whether this will open the gate for more applications of this kind and the impact on the rural character.

Dr. Rose stated that the County can either look back at what rural lands have always been or look ahead to a new vision for what rural lands can be. Dr. Rose stated that this application is a progressive use that benefits the landowner, the County, and the Commonwealth moving towards the renewable energy goal.

Ms. Null stated that she does not find that the proposal enhances rural lands. Ms. Null stated that, going by the Comprehensive Plan survey, citizens do not want development, they want viewshed, the lands to stay rural, and no development. Ms. Null stated that setting a precedent for future applications would change the character of the County. Ms. Null noted that the two previously approved solar farms were located in the PSA, where this property is outside the PSA. Ms. Null stated that this application would have a detrimental effect on a beautiful area of the County.

Mr. Polster stated that if the Commission finds solar farms to be something of the future, it is necessary to develop the right Ordinances to ensure that these renewable energy applications conform with performance standards. Mr. Polster further stated that he appreciates the applicant's use of the items recommended by the Commonwealth and willingness to consider requests from the DRC and the Commission. Mr. Polster further stated that he appreciates the applicant's robust public engagement. Mr. Polster stated that it is these things that need to be formalized similar to short-term rentals.

Mr. O'Connor stated that he does share the concerns of opening the opportunity for many other projects to come forward and the impacts of numerous solar farms on the rural character of the County. Mr. O'Connor stated that he does not believe the public benefits of the project rise to the level of triggering a withdrawal from the AFD. Mr. O'Connor stated that allowing the withdrawal of the property could also set a precedent for other early withdrawal requests.

Mr. Polster stated that the Rochambeau Solar Farm property was also in an AFD and also rural lands. Mr. Polster stated that the precedent had already been set. Mr. Polster reiterated that it is imperative to establish an Ordinance, so the Commission has criteria to fall back on.

Mr. Haldeman inquired if the Commission could recommend that the property not be withdrawn from the AFD, but still find that the project is consistent with the Comprehensive Plan and recommend approval of the SUP.

Mr. Max Hlavin stated that there is nothing procedurally incorrect in recommending no withdrawal from the AFD, but finding the project consistent with the Comprehensive Plan and recommending approval of the SUP.

Mr. Holt noted that there is a condition for a 48-month commencement of construction and the property owner will be able to withdraw the property by-right in October.

Mr. Polster made a motion to recommend approval of the AFD withdrawal.

On a roll call vote, the Commission did not recommend approval of AFD-21-0003. 360 Racefield Drive Barnes Swamp Withdrawal. (2-3)

Mr. Polster made a motion to find the application consistent with the Comprehensive Plan.

On a roll call vote, the Commission voted to find the application consistent with the Comprehensive Plan (4-1)

Mr. Polster made a motion to recommend approval of the SUP application.

On a roll call vote, the Commission voted to recommend approval of SUP-21-0022. 360 Racefield Drive Solar Farm. (4-1)

3. SUP-21-0023. Bush Springs Road Extension of Public Water and Sewer Facilities

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

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Haldeman, Null, O'Connor, Polster, Rose

Absent: Krapf

Mr. John Risinger, Planner, stated that Mr. Jay Epstein has applied for an SUP to allow for the installation of public water and sewer facilities by extending an existing force main and water main within the Bush Springs Road right-of-way from the Bush Springs Road and Toano Woods Road intersection heading south. Mr. Risinger stated that the force main and water main would be further extended within right-of-way proposed to be located on private property owned by the applicant. Mr. Risinger stated that the existing Bush Springs Road right-of-way is zoned A-1, General Agricultural and R-1, Limited Residential and designated Low Density Residential on the 2045 Comprehensive Plan Land Use Map. Mr. Risinger further stated that properties for the proposed future right-of-way are zoned R-1, Limited Residential and designated Low Density Residential and Rural Lands.

Mr. Risinger stated that according to the application the purpose of the extension of public water and sewer facilities is to serve a proposed residential development south of the existing Bush Springs Road right-of-way, including properties which are outside the PSA. Mr. Risinger noted that Land Use applications submitted during prior Comprehensive Plan updates proposed expanding the PSA to include those properties but were not approved. The current application is specific to the extension of the public water and sewer facilities. Mr. Risinger stated that as a result, this SUP cannot include conditions on design aspects of the proposed development.

Mr. Risinger further stated that the County's Utility Policy strongly discourages utility extensions outside of the PSA. Past extensions of public water and sewer facilities outside of the PSA have predominantly served a significant public purpose, addressed health and safety situations for existing communities, or improved utility service inside the PSA. Mr. Risinger stated that the current application is intended to serve additional residential development and is not consistent with these past precedents.

Mr. Risinger stated that staff finds the proposal to be incompatible with surrounding development and inconsistent with the recommendations of the adopted 2045 Comprehensive Plan and, therefore, does not recommend approval of the proposed SUP. Mr. Risinger stated that should the Planning Commission wish to recommend approval, staff has included proposed conditions for consideration.

Dr. Rose inquired if there were any properties in the PSA along Bush Springs Road that might potentially benefit from the project.

Mr. Risinger stated that any property along Bush Springs Road would be able to connect if they so desired. Mr. Risinger further stated that if a well or septic field failed, then the James City Service Authority (JCSA) would require that the property connect at that time.

Dr. Rose inquired about the impacts to the road and the properties along the road.

Mr. Risinger stated that since the road is narrow and substandard, the construction would have certain impacts to travel and the adjacent properties.

Mr. Polster inquired if the applicant would be required to bring the road up to current standards.

Mr. Risinger stated that the Virginia Department of Transportation (VDOT) would determine this at the time of the development application.

Mr. O'Connor noted that he failed to ask for disclosures on the prior matter and inquired if any of the Commission had disclosures for the current matter.

Mr. O'Connor stated that he spoke with Mr. Geddy on the current matter.

Mr. Polster stated that he spoke with Mr. Geddy on the current matter, and with Mr. Grajewski on the prior matter.

Ms. Null stated that she spoke with Mr. Geddy on the current matter and attended the Town Hall meeting for the prior matter.

Mr. Haldeman stated that he had nothing to disclose.

Mr. O'Connor opened the Public Hearing.

Mr. Vernon Geddy, III, Geddy, Harris Franck & Hickman, 1177 Jamestown Road, made a presentation to the Commission on the proposed water and sewer extension.

Dr. Rose inquired about who would pay for installation of the water and sewer lines.

Mr. Geddy stated that the applicant would be responsible for the cost.

Mr. Haldeman noted that there is nothing in the conditions to confirm the limitation on the number of homes.

Mr. Geddy stated that this is a JCSA requirement. Mr. Geddy noted that for more than 49 homes, the JCSA requires a loop system in the event there is a failure. Mr. Geddy stated that there is no room to construct the required loop.

Dr. Rose requested clarification on how the extension of water and sewer would preserve trees.

Mr. Geddy stated that the lot clearance is less when you are not clearing for a primary and reserve drain field.

Mr. Jay Epstein, 22 Whittaker's Mill, applicant, stated that through discussion with the various

County departments, the plan evolved into a better design than what might have been developed by-right. Mr. Epstein stated that his dream is to build an environmentally friendly community.

Ms. Null inquired about the minimum lot size for a septic system.

Mr. Epstein stated that the minimum is 30,000 square feet.

Ms. Null noted that since the extension of water and sewer would be done at the applicant's expense, it appeared to be something the County might want to support.

Mr. Polster inquired about the size of the anticipated solar farm.

Mr. Epstein stated that it would be 1,100 panels over three acres.

Mr. Polster inquired about the megawatts.

Mr. Epstein stated that it would be less than one megawatt.

Mr. Polster inquired about how many homes it would serve.

Mr. Epstein stated that it would serve the 49 homes in the development. Mr. Epstein noted that the panels would be attached to each home.

Mr. Polster inquired if the homes would still be attached to the grid.

Mr. Epstein confirmed that they would still have the normal attachment to the power grid.

Ms. Null noted that the water and sewer extension would be fiscally positive for the County.

Mr. Epstein confirmed that it would be a major cash flow to the County.

Mr. Polster inquired if this would be an age restricted development.

Mr. Epstein stated that it would not be age restricted.

Mr. Polster stated that there would be some fiscal impacts to the County for schools.

Mr. Geddy stated that the positive impact would be to the JCSEA.

Mr. Mike Ware, 9024 Bar Harbor Lane, addressed the Commission in Support of the project.

Mr. and Mrs. Charles and Lori Walker, 261 Bush Springs Road addressed the Commission with concerns about the impacts of the water and sewer extension.

Ms. Alice Wilson, 236 Bush Springs Road, speaking on behalf of Ms. Vivian Morgan, 156 Bush Springs addressed the Commission in opposition to the application.

Ms. Wilson also addressed the Commission with concerns about the application.

Mr. Brandon Gregor, 155 Bush Springs Road, addressed the Commission with concerns about the application.

Mr. Clovis Braxton, 230 Bush Springs Road, addressed the Commission in support of the

application.

Ms. Janice Jackson, 140 Bush Springs Road, addressed the Commission in opposition to the application.

Mr. Geddy clarified that no one would be required to connect unless there is a failure of either well or septic.

Dr. Rose noted that he understood that a failed well or septic could be repaired if there was adequate room.

Mr. Max Hlavin, Deputy County Attorney, stated that the JCSA requires connection when it is available within a certain distance of a property unless there is a functioning well and septic. Mr. Hlavin further stated that if that system fails the property owner can make certain repairs before it reaches the level of requiring connection.

Mr. Tony Lee addressed the Commission with concerns about the cost of connecting to the utility.

Mr. Christian Rodgers, 176 Bush Spring Road, addressed the Commission with concerns about whether a property owner could repair a failed system.

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

Mr. O'Connor opened the floor for discussion by the Commission.

Ms. Null requested clarification on whether a property owner could replace a well and septic field if there were sufficient property to do so.

Mr. Hlavin stated that the JCSA regulations require a connection if there is access to a facility. Mr. Hlavin further stated that there are certain exceptions to that requirement including repair, and a great enough distance between the utility and the structure, indicating that the property would be sufficient to accommodate another well and septic system.

Mr. Polster inquired whether the Virginia Department of Health (VDH) required connection to the utility in the event of a failure.

Mr. Risinger stated that the VDH weighs in on whether a system has failed.

Mr. Polster stated that there are two things, then, that could factor into whether or not the system had to be replaced: something from the JCSA; and something from the VDH.

Mr. Risinger stated that the VDH is the primary agency that determines when a system has failed. Mr. Risinger further stated that the JCSA requires the connection only when it has been determined that the system has failed.

Dr. Rose inquired if there were any information on the difference in cost to connect to the utility as opposed to repairing a failed system.

Mr. Risinger stated that staff does not have the figures but will be happy to assist citizens in getting that information from the JCSA.

Dr. Rose inquired if the extension of the water and sewer line, and development of the road, will take any property from the residents along Bush Springs Road.

Mr. Risinger stated that the installation is only within the right-of-way, which should not affect the property owners.

Ms. Null commented that the right-of-way was still part of the individual's property.

Mr. O'Connor clarified that the right-of-way is owned by VDOT and extends several feet past the paved area on each side. Mr. O'Connor stated that it might impact some trees, but would not be a taking of property.

Mr. Polster inquired if Oakland Estates has water and sewer through the JCSA and would it be feasible to connect the new development through Oakland Estates. Mr. Polster further stated that he would like to hear from the JCSA on this question.

Mr. O'Connor noted that Oakland Estates does not have public water and sewer.

Dr. Rose inquired if Bush Springs Road would be improved at any point to accommodate the additional traffic to the new development.

Mr. Holt stated that the application before the Commission is only for installation of the water and sewer lines. Mr. Holt further stated that since this is not a traditional development application, the SUP conditions are limited to what is needed to put in the water and sewer.

Mr. O'Connor inquired about other options to connect the proposed development to water and sewer.

Mr. William Felts, Landtech Resources, Inc. stated that the only other viable option would have been through the Hunter's Creek subdivision. Mr. Felts noted that the environmental constraints would likely be prohibitive.

Mr. Polster stated that when the Land Use application was considered during the Comprehensive Plan update, the main issue was extending the PSA. Mr. Polster noted that one of the other issues was that of the central well, which is a financial drain on the County. Mr. Polster stated that extending the water and sewer lines has many positive aspects; however, he has concerns that, similar to other applications, there is no mechanism to require improvements to a substandard road. Mr. Polster further stated that the well and drain fields on Bush Springs Road are located in the front yards, making them vulnerable to damage during the construction. Mr. Polster stated that before approving the SUP, he would like to know which properties have the drain field in the front yard or would otherwise be impacted. Mr. Polster stated that he is not inclined to support an application that would make requirements of individuals who do not have the economic wherewithal to handle the impacts.

Mr. Geddy stated that if the Commission feels that it does not have sufficient information to make a decision at this time, the applicant does not intend to push something through that would have unintended consequences. Mr. Geddy stated that the applicant would be happy to defer the matter so that more information can be obtained.

Mr. Polster stated that he would support a deferral.

Ms. Null stated that she would be willing to support a deferral. Ms. Null stated that the Commission needs to have figures for the cost of connection to the utility, information on what damage might be done to the road, and the consequences if construction damages a drain field.

Dr. Rose stated that he supports the deferral. Dr. Rose stated that he would like to know what programs are available to assist the residents if they eventually need to connect to the system.

Mr. O'Connor requested that the applicant provide an overlay showing the homes, lots, and existing wells and drain fields along Busch Springs Road.

Mr. O'Connor inquired if a month would give the applicant enough time to prepare the requested information.

Mr. Geddy and Mr. Holt conferred about the time needed to have additional information for the Commission.

Mr. Holt stated that the request is to postpone the matter to the Commission's March 2, 2022, meeting.

Mr. Polster made a motion to defer the matter.

On a roll call vote, the Commission voted to postpone SUP-21-0023. Bush Springs Road Extension of Public Water and Sewer Facilities to its meeting on March 2, 2022. (5-0)

4. SUP-21-0026. Living Word Church of God

A motion to Approve was made by Barbara Null, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Haldeman, Null, O'Connor, Polster, Rose

Absent: Krapf

Mr. John Risinger, Planner, stated that Mr. Darren Curtis of DJG Inc. has applied on behalf of the Living Word Church of God for an SUP to allow the operation of a place of public assembly at 259 Ivy Hill Road. Mr. Risinger stated that the property is zoned A-1, General Agricultural, is designated Rural Lands on the Comprehensive Plan Land Use Map, and is located outside the PSA.

Mr. Risinger stated that a site plan was approved for the church in 1996 and an amendment to the site plan was approved in 2000. Mr. Risinger stated that initial construction included the church building currently on the property; however, the associated permits expired prior to completing work on the interior and other site improvements. Mr. Risinger stated that as a result, a new site plan and building permit are required to resume work on the property. Mr. Risinger further stated that in 2017, the A-1 Zoning District was amended to require an SUP for places of public assembly.

Mr. Risinger stated that the existing church building will be rehabilitated prior to occupancy and is planned to have seating for up to 150 people and site improvements will include 30 parking spaces.

Mr. Risinger stated that staff finds this proposal to be compatible with surrounding development, and consistent with the 2045 Comprehensive Plan and Zoning Ordinance. Mr. Risinger stated that staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the proposed conditions.

Mr. Haldeman inquired if there would be any changes to the footprint or height of the building or the location of the driveway.

Mr. Risinger stated that there would not be any changes to the building or the location of the driveway.

Dr. Rose inquired if there was adequate room for parking.

Mr. Risinger stated that the Zoning Ordinance requires one space for every five seats which accounts for the 30 spaces shown on the master plan.

Mr. O'Connor opened the Public Hearing.

Mr. Darren Curtis, DJG, Inc., addressed the Commission in with an overview of the project and requested that the Commission support the application.

Mr. Polster noted that he served with Mr. Curtis on the Stormwater Advisory Committee for several years.

Mr. Polster commented that he was impressed with the way the design took into account stormwater features.

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

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

On a roll call vote, the Commission voted to recommend approval of SUP-21-0026. Living Word Church of God. (5-0)

G. PLANNING COMMISSION CONSIDERATIONS

There were no items for consideration.

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - February 2022

Mr. Holt stated that he did not have anything to add to what was included in the Agenda materials.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

1. Update on the Natural and Cultural Assets Plan Effort

Ms. Tammy Rosario, Assistant Director of Community Development, introduced the Project Consultant, Ms. Karen Firehock, Assistant Director of GIC Inc.,

Ms. Firehock made a presentation to the Commission on the progress toward developing a Natural and Cultural Assets Plan to meet an operational initiative in the 2035 Strategic Plan and an outgrowth of affirmed community priorities established during the recent update of the County's Comprehensive Plan.

Dr. Rob Rose inquired if this project links with work being done by the state.

Ms. Firehock stated that the work done for the County is based on the information provided by the state; however, the state's data is not as up to date as what is prepared for the County.

Dr. Rose noted that it might be beneficial to see how the data from NatureServe intersects with the County's information.

Mr. Polster inquired how current and granular the LIDAR (Light Detection and Ranging) data is.

Ms. Firehock stated that the data is approximately a year old and came from the work being done by the Hampton Roads Planning District Commission.

Mr. Polster inquired when the shape files would be available.

Ms. Firehock stated that the shape files could be accessed at any time; however, they are still making edits.

Mr. O'Connor thanked Ms. Rosario and Ms. Firehock for the update.

Dr. Rose stated that he appreciated the community coming out to make their concerns heard regarding the Bush Springs Road matter.

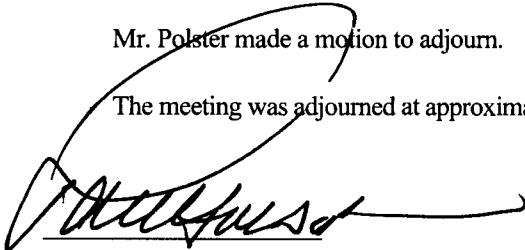
Mr. O'Connor noted that Mr. Polster has Board of Supervisors coverage for February.

Mr. O'Connor stated that the Policy Committee would meet the following week to begin review of the Capital Improvements Program requests.

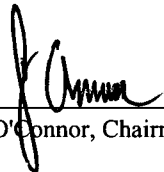
J. ADJOURNMENT

Mr. Polster made a motion to adjourn.

The meeting was adjourned at approximately 8:56 p.m.



Paul D. Holt, III, Secretary



Tim O'Connor, Chairman