

POLICY COMMITTEE MEETING

August 13, 2015

4:00 p.m.

County Government Center, Building A

1.) Roll Call

Present

Mr. John Wright
Mr. Tim O'Connor
Ms. Robin Bledsoe
Mr. Rich Krapf

Staff Present

Mr. Paul Holt
Ms. Christy Parrish
Mr. Darryl Cook
Mr. Alex Baruch

Others Present

Absent

Mr. Heath Richardson

Mr. John Wright called the meeting to order at 4:02 p.m.

2.) Minutes

a. July 16, 2015

Mr. Rich Krapf moved to approve the July 16, 2015 minutes.

In a unanimous voice vote, the minutes were approved as submitted 4-0.

b. Historic Minutes Reconciliation –Approval Date

Mr. Paul Holt stated that three sets needed approval dates and another had a typo in the year which was corrected. Approval of these minutes will make the Policy Committee minutes current and provide greater transparency for citizens once the Records Management division posts them online.

Ms. Robin Bledsoe moved to approve the Historic Minutes.

In a unanimous voice vote, the minutes were approved 4-0.

3.) Old Business

ZO-0001-2015, Article VI, Division 3 – Floodplain Area Regulations

Ms. Christy Parrish stated that staff has done the additional research the Planning Commission asked for at the end of the last meeting. Ms. Parrish stated that staff confirmed that James City County will receive at least 300 points towards a lower CRS rating should the County adopt the Coastal A zone as a higher standard and require all new construction and substantial improvements to be elevated as if located in VE zones with the criteria discussed at the previous Policy Committee meeting.

Ms. Parrish stated that no automatic points are received if the requirements are not adopted; however, should the County choose to provide an option to either meet the VE construction standards or provide the additional foot of freeboard some points may be awarded on a case-by-case basis.

Ms. Parrish stated that staff has forwarded the proposed ordinance changes to DCR and FEMA to ensure compliance with the National Flood Insurance Program. Feedback has not been received as of August 7, 2015.

Ms. Parrish stated that she spoke with Susan Gaston who stated that the Williamsburg Area Association of Realtors is comfortable with the proposed flood ordinance amendments and are on board with what is best for the CRS program and safest for the citizens.

Ms. Parrish stated that staff is recommending that the Policy Committee recommend adoption of the Coastal A zone as a higher standard where any properties within Coastal A would have to meet the VE zone construction standards.

Mr. Krapf stated that existing structures would be grandfathered unless they become over 50% damaged.

Mr. Wright inquired whether staff had added in the part in the ordinance about breakaway walls.

Ms. Parrish stated that the breakaway wall options are stated in the ordinance.

Ms. Parrish stated that she found out some new information about enclosures below the base flood elevation. Enclosures more than 299 square feet below the base flood elevation would incur a higher insurance rate. That means that if the whole ground level area was being used for an enclosed garage or storage there would be an increase in the insurance rate for that house.

Mr. Wright asked if that is something that someone would have in the back of their mind when building.

Ms. Parrish stated that they most likely would not know this unless they were talking to their mortgage or insurance company who understands the flood insurance rates

Ms. Bledsoe inquired how citizens learn about what building options effect their insurance prices.

Ms. Parrish stated that when a citizen purchases a house they know if they are purchasing in a floodplain and have to do their due diligence with their insurance provider to know what the cost will be if they purchase a house in the floodplain.

Mr. Tim O'Connor stated that when the citizen sits down with their insurance provider they will be able to tell the citizen what their costs will be and how the cost breaks down. Also, if a citizen has to rebuild their house and they are in a floodplain they will have to follow the ordinance/building standards.

Mr. Paul Holt stated that for new construction those permits get flagged when they come through the process. It is flagged at the building permit stage and it would be on the property owner to go to an insurance agent and see what being in a floodplain would do to their rate.

Ms. Bledsoe stated that the end result of doing better in the CRS program is that the County is helping them with their insurance rate by making these standards higher.

Mr. Wright stated that the Policy Committee has a decision to make on if the Committee would like to adopt the Coastal A as a higher standard or give the option to the home owner. Mr. Wright inquired about when the public was first notified about the changing floodplain maps and there was an opportunity for public comment, was there any discussion about the citizens wanting options?

Ms. Parrish stated that was before this process started and was a part of the FEMA open house. Ms. Parrish stated that she got some feedback from citizens but did not recall any feedback about changing the ordinance.

Mr. Purse stated that there was no letter sent out specifically for the ordinance update.

Mr. Wright stated that overall everyone was notified and there were public meetings.

Ms. Parrish stated that the next step in this process would be the public hearing process with the Planning Commission and Board of Supervisors which would give the public another opportunity to have their voices heard.

Mr. Purse stated that the citizens who received the letters at the beginning of the process are primarily concerned with their insurance rates because their house is already constructed.

Mr. Wright inquired if the County adopts the higher standard, if a house was built to a lower standard previously would their insurance be effected.

Ms. Parrish stated that the insurance is not broken down by line items showing the 15% discount, the discount James City County residents receive off their insurance is 15% less than the national average for flood insurance.

Mr. Wright stated that the insurance is determined by where a specific house is and what their conditions are when the insurance was purchase.

Ms. Parrish stated that because of the County's participation in the CRS program, residents receive on average a 15% discount compared to the national average.

Mr. Darryl Cook stated that the higher a citizen's finished floor is above the base flood elevation the insurance rates will be lower however every foot below the base flood elevation the rates increase tremendously.

Mr. Krapf moved to recommend approval of the Coastal A as the higher standard for the County to the Planning Commission.

In a unanimous voice vote, the Policy Committee recommended approval of Coastal A to the Planning Commission 4-0.

4.) New Business

a. ZO-0005-2015, Article VIII - Appeals

Mr. Purse stated that the Virginia State Code sections pertaining to variances were amended during the 2015 legislative session. These changes went into effect July 1, 2015. Unlike rezonings and special use permits, a consideration of applications for variances are reviewed by the Board of Zoning Appeals (BZA), instead of the Planning Commission and Board of Supervisors. The BZA is composed of five county residents appointed by the Circuit Court after endorsement by the Board of Supervisors. State Code empowers the BZA to hear and decide appeals of determinations made by the Zoning Administrator, as well as the ability to grant a variance.

Mr. Purse stated that the changes in State Code require a change to our definition of "variance" and an update to the "granting of variances" section in Article VIII. Even though the Planning Commission does not review these processes, the new changes must be reflected in our Zoning Ordinance, which requires Policy Committee, Planning Commission and Board of Supervisors approval.

Mr. Purse stated that since the BZA is a quasi-judicial body the scope of their approvals must strictly follow those requirements. Since the definition changed the BZA is now able to hear cases on a few additional issues including height, size, and area of a parcel/lot. Another change that was made was to the criteria for approving variances. Language was added that states if the utilization of the property is unreasonably restricted or there is a hardship on the property that is not generally shared by other people a variance can be granted. The utilization or property means that if you are able to use your piece of property then you are not being unreasonably restricted. The second issue where there is a hardship on the property that is not generally shared by other people is a based more on the characteristics of the property such as an overly narrow lot or excessive RPA on the property.

Mr. Purse stated that the burden of proof now falls on the applicant. They will be required to prove that they meet all of the criteria in order for the BZA to grant the variance.

Mr. Purse stated that Staff recommends approval of the changes to the Appeals section.

Ms. Bledsoe asked if zoning staff works with the applicant to help them through the process.

Mr. Purse stated that the County does not want to see variances because the County has regulations that are in place for a reason and they need to be followed unless there is a hardship. Mr. Purse stated that most of the requests that come in are purely personal reasons rather than those that meet the strict guidelines as stated in State Code. Mr. Purse stated that if the applicant is on the right track in looking for a variance then staff will work with them to help them build their case. Mr. Purse stated that a new application is in the works with fillable forms so applicants know the criteria that needs to be met before submitting an application.


Ms. Bledsoe moved to recommend approval of the Appeals Zoning Ordinance amendment to the Planning Commission.

In a unanimous voice vote, the Policy Committee recommended approval of Appeals Zoning Ordinance amendment to the Planning Commission 4-0.

4.) Adjournment

Mr. Krapf moved to adjourn (4-0).

The meeting was adjourned at approximately 4:31 p.m.



John Wright III



MEMORANDUM

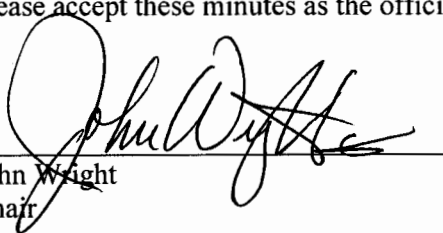
Date: August 14, 2015
To: Records Management
From: The Policy Committee
Subject: Policy Committee Minutes: 12/12/2011

The following minutes for the Policy Committee of James City County dated 12/12/2011 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

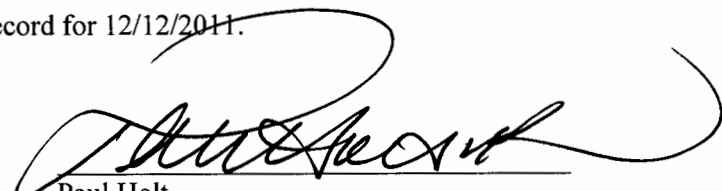
These minutes, to the best of my knowledge, are the official minutes for the 12/12/2011 Policy Committee meeting.

They were APPROVED by the current Policy Committee at the August 13, 2015 meeting.

Please accept these minutes as the official record for 12/12/2011.



John Wright
Chair



Paul Holt
Secretary



MEMORANDUM

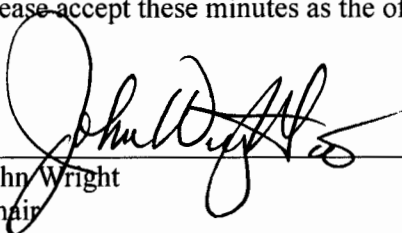
Date: August 14, 2015
To: Records Management
From: The Policy Committee
Subject: Policy Committee Minutes: 12/06/2011

The following minutes for the Policy Committee of James City County dated 12/06/2011 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

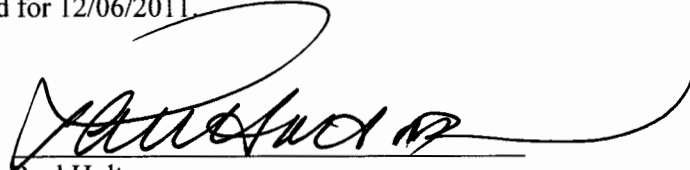
These minutes, to the best of my knowledge, are the official minutes for the 12/06/2011 Policy Committee meeting.

They were APPROVED by the current Policy Committee at the August 13, 2015 meeting.

Please accept these minutes as the official record for 12/06/2011.



John Wright
Chair



Paul Holt
Secretary



MEMORANDUM

Date: August 14, 2015
To: Records Management
From: The Policy Committee
Subject: Policy Committee Minutes: 2/15/2013

The following minutes for the Policy Committee of James City County dated 2/15/2013 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

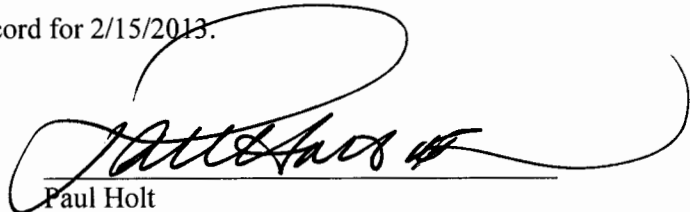
These minutes, to the best of my knowledge, are the official minutes for the 2/15/2013 Policy Committee meeting.

They were APPROVED by the current Policy Committee at the August 13, 2015 meeting.

Please accept these minutes as the official record for 2/15/2013.



John Wright
Chair



Paul Holt
Secretary



MEMORANDUM

Date: August 14, 2015
To: Records Management
From: The Policy Committee
Subject: Policy Committee Minutes: 12/06/2012

The following minutes for the Policy Committee of James City County are dated 12/06/2012.

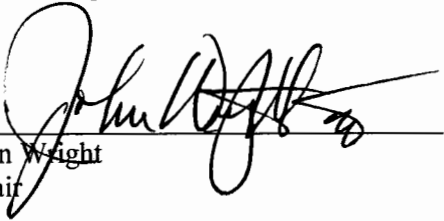
At the subsequent Policy Committee meeting on January 17, 2013, the Policy Committee moved to adopt minutes from their previous meeting, but the date referenced was December 6, 2013.

This appears to be a typo in the referenced date (year).

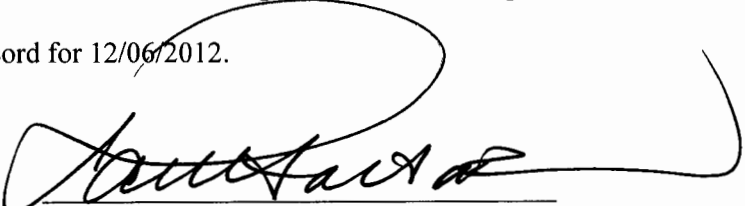
These minutes, to the best of my knowledge, are the official minutes for the 12/06/~~2012~~ Policy Committee meeting.

They were APPROVED by the current Policy Committee at the August 13, 2015 meeting.

Please accept these minutes as the official record for 12/06/2012.



John Wight
Chair



Paul Holt
Secretary