

**MINUTES**  
**JAMES CITY COUNTY POLICY COMMITTEE**  
**REGULAR MEETING**  
**Building A Large Conference Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**April 11, 2019**  
**4:00 PM**

---

**A. CALL TO ORDER**

Mr. Jack Haldeman called the meeting to order at approximately 4:00 p.m.

**B. ROLL CALL**

Present:

Julia Leverenz, Chair (arrived 4:35 p.m.)

Rich Krapf

Jack Haldeman

Absent:

Tim O'Connor

Staff:

Paul Holt, Director of Community Development and Planning

Ellen Cook, Principal Planner

Thomas Wysong, Senior Planner

John Risinger, Community Development Assistant

Max Hlavin, Deputy County Attorney

Darryl Cook, Assistant Director of Stormwater and Resource Protection

Michael Woolson, Senior Watershed Planner

**C. MINUTES**

1. March 7, 2019 Meeting Minutes

Mr. Rich Krapf made a motion to approve the March 7, 2019, meeting minutes.

The motion passed 3-0.

Editor's Note: The minutes were considered by the Committee following the discussion of item D.1, when a quorum of the Committee was present.

**D. OLD BUSINESS**

1. Proposed Ordinance Amendments to Address Protections for the Public Water Supply and Areas of Public Health and Water Quality Sensitivity, Stage I

Mr. Thomas Wysong presented the proposed Ordinance amendments. He stated that the Board of Supervisors (BOS) expressed interest in examining and discussing regulations to protect the drinking water supply and areas of public health and water quality sensitivity. He stated that the BOS adopted an initiating resolution on November 13, 2018, and on November 27, 2018, the BOS directed the Planning Commission and staff to develop the regulations in the Special Regulations section of the Zoning Ordinance. He stated that the County had worked to establish a reservoir in the 1980s by damming Ware Creek and that the County adopted a reservoir protection overlay district for the project. He stated that the

overlay district was removed from the Zoning Ordinance when the project was dropped. He stated that the County does not currently have any regulations specifically protecting reservoirs. He stated that the Chesapeake Bay Preservation Ordinance has regulations that help protect reservoirs. He stated that creating a new Ordinance in the Special Regulations section would allow the County to regulate land uses near reservoirs. He stated that staff reviewed regulations adopted by the City of Newport News and York County.

Mr. Haldeman asked if staff had considered creating an overlay district for the regulations.

Ms. Ellen Cook stated that the BOS had directed staff to create the draft Ordinance in the Special Regulations section.

Mr. Krapf stated that the spreadsheet comparing regulations implemented by adjacent localities was helpful.

Mr. Haldeman stated that the City of Newport News' regulations included land disturbing activity and grading in its definition of "Development". He stated that York County's definition of "Hazardous Material" included a reference to the Environmental Protection Agency's Superfund program and the Code of Federal Regulations (CFR). He stated that the draft language for James City County referenced "Any waste regulated by state or federal law...". He asked if including a reference to the Superfund program would be too specific.

Mr. Max Hlavin stated that if the Ordinance referenced specific CFRs, changes to the CFRs would require the County to amend the Ordinance.

Mr. Haldeman stated that encroachment by roads was an exception listed in the draft language. He asked if this was intended to allow public roads to cross reservoirs when needed. He stated that allowing roads could lead to additional development near reservoirs.

Mr. Krapf stated that private roads encroaching on the reservoirs could be a bigger issue than public roads.

Ms. Cook asked if the Commissioners were more comfortable with only public roads listed as an exception.

Mr. Haldeman stated that he would prefer to not have any roads encroach on reservoirs. He stated that some encroachment might be necessary for major transportation routes.

Mr. Wysong asked if the Commissioners would want the Ordinance to have a distinction for roads that are necessary.

Mr. Haldeman stated that a throughway would be acceptable.

Mr. Hlavin stated that they could distinguish between them with definitions from the Virginia Department of Transportation.

Mr. Haldeman invited Mr. Darryl Cook and Mr. Michael Woolson to provide input from the Stormwater and Resource Protection Division (SRP).

Mr. Woolson stated that, in the draft language, encroachments into the reservoir buffer require Planning Director approval. He asked if the Planning Director's approval would supersede the Chesapeake Bay Board's approval.

Mr. Hlavin stated that the proposed reservoir buffer would be in addition to the Chesapeake Bay Preservation Ordinance. He stated that the approval processes would be separate.

Mr. Michael Woolson stated that the proposed definition of "Intermittent Streams" is different from the definition used in the Chesapeake Bay Preservation Ordinance.

Mr. Haldeman asked if SRP had a preference for how it would be written.

Mr. Woolson stated that it could use the same definition used in the Chesapeake Bay Preservation Ordinance.

Mr. Cook asked if the proposed buffer of 100 feet from the edge of tributary streams included intermittent and perennial streams.

Mr. Wysong confirmed. He asked if the SRP Division was comfortable with providing a definition for the edge of reservoirs.

Mr. Woolson confirmed. He stated that the edge of reservoirs would be either the edge of the wetland system or the mean high water level, whichever was further landward.

Mr. Haldeman asked if there were any further questions.

Ms. Cook asked if the Committee would like staff to create a draft of the Ordinance and present it at a future meeting.

Mr. Haldeman confirmed.

Mr. Paul Holt asked if the Committee would like to enter a recess.

The Committee agreed to enter a recess. The Committee recessed at approximately 4:20 p.m.

The Committee reconvened at approximately 4:35 p.m.

Ms. Julia Leverenz joined the meeting at this time.

2. ORD-18-0013. Proposed Zoning Ordinance Amendments Regarding Master Plan Consistency Determinations

Mr. Holt stated that a draft Ordinance had been created to capture the intent of the initiation resolution passed by the BOS. He stated that the Committee could vote on the draft Ordinance or suggest edits to the draft.

Mr. Haldeman asked if a significant change affecting the community impact statement would require an amendment to the master plan.

Mr. Krapf stated that the criteria used to determine if a significant change occurs should capture scenarios where there is a significant impact to the community impact statement.

Mr. Holt stated that the Planning Director reviews master plan consistency determinations in the full scope of the original master plan. He stated that they could edit the draft Ordinance to add a submittal requirement for an updated community impact statement when appealing the Planning Director's determination. He stated that many master plan consistency determinations are of a small enough nature that it may be excessive to require an updated community impact statement.

Ms. Leverenz asked the other Commissioners if they would like to add any comments with the

recommendation.

Mr. Krapf stated that the comments could be forwarded with the Planning Commission's recommendation.

Ms. Leverenz stated the draft Ordinance should be consistent with the language used in Section 24-516.

Mr. Holt stated that the Committee could decide how it would like to proceed with the Ordinance. He stated that they could vote to recommend the Ordinance or they could vote to forward the Ordinance with no recommendation.

Mr. Haldeman made a motion to forward the Ordinance with the proposed amendments to the Planning Commission for consideration.

The motion passed 3-0.

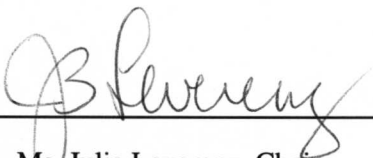
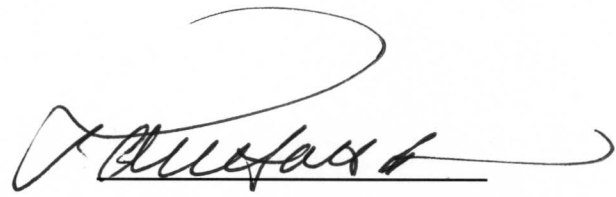
**E. NEW BUSINESS**

There was no new business.

**F. ADJOURNMENT**

Ms. Leverenz made a motion to Adjourn. The motion passed 3-0.

Ms. Leverenz adjourned the meeting at approximately 5:00 p.m.

  
Ms. Julia Leverenz, Chair  
Mr. Paul Holt, Secretary