

MINUTES
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
June 13, 2019
4:00 PM

A. CALL TO ORDER

Ms. Julia Leverenz called the meeting to order at approximately 4:00 p.m.

B. ROLL CALL

Present:

Julia Leverenz, Chair
Jack Haldeman
Rich Krapf

Absent:

Tim O'Connor

Staff:

Ellen Cook, Principal Planner
Thomas Wysong, Senior Planner
Tori Haynes, Planner
John Risinger, Community Development Assistant
Connor Kennedy, Planning Intern
Renee Liden, Planning Intern

C. MINUTES

There were no minutes.

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 II

Ms. Tori Haynes stated that the Policy Committee offered feedback at its April 11, 2019 meeting for the Stage I materials regarding the proposed special regulations for protections for public water supply reservoirs. She stated that recommendations included clarifying definitions, restricting the types of roads that can cross the reservoir protection buffer and continuing to work with the Stormwater and Resource Protection Division (SRP) to ensure that the language does not conflict with the County's Chesapeake Bay Preservation Ordinance. She stated that staff added a new section to the Ordinance and clarified definitions to incorporate the feedback received from the Policy Committee. She stated that the road projects administered by state or federal agencies are not subject to the County's Ordinances. She stated that other types of roads would only be able to impact a reservoir buffer with Planning Director approval if they meet the associated performance standards.

Ms. Haynes stated that staff had reviewed the proposed buffers with SRP and determined that the proposed 100-foot buffer around tributary streams would overlap with the existing Resource Protection Area (RPA) buffer. She stated that the overlap could result in conflicting requirements between the processes. She stated that staff suggests for the proposed 100-foot buffer to apply to only intermittent streams to reduce the chance of overlapping buffers. She

stated that encroachments into the RPA buffer require review by SRP and a public hearing before the Chesapeake Bay Board while the draft Ordinance requires review by the Planning Director with appeals heard by the Development Review Committee. She stated that staff suggests adding language to state that decisions made by the Chesapeake Bay Board would be final for any activities in the RPA. She stated that staff would work with the County Attorney's Office to verify the feasibility of that approach.

Ms. Haynes stated that it is staff's understanding that the Board of Supervisor's guidance has been that the primary focus of the regulations should be for commercial and industrial operations. She stated that feedlots and livestock impoundments had not been included in the draft Ordinance for that reason. She stated that certain agricultural and residential uses could be affected by the Ordinance as it is currently written. She stated that in keeping with the guidance from the Board, staff recommends including language specifying that the Ordinance only applies to commercial and industrial uses. She said that staff will incorporate feedback from the Policy Committee, the County Attorney's Office, and the Board and will present their findings at a future Policy Committee meeting.

Mr. Rich Krapf asked if any regulations governed the amount of agricultural chemicals stored near the RPA.

Ms. Haynes stated that SRP would review the situation in regards to the RPA. She stated that the Soil and Water Conservation District would review the plans for agricultural Best Management Practices.

Mr. Jack Haldeman asked if watersheds are defined in the Ordinance.

Ms. Haynes stated that watersheds are defined in the applicable section of the Ordinance.

Ms. Leverenz asked how staff would inspect the buffers for compliance with the Ordinance.

Ms. Haynes stated that new uses would have to comply with the Ordinance and existing encroachments would be reviewed when complaints are received.

Mr. Krapf asked staff to provide a scenario where a conflict could occur between the proposed 100-foot buffer and the RPA buffer.

Ms. Haynes stated that a citizen owning a lot near a reservoir seeking to build a deck within the RPA would require review by SRP and the Chesapeake Bay Board. She stated that staff wanted the technical review of impacts within the RPA to remain with SRP. She stated that staff wanted the Ordinance to complement the RPA and not conflict with the RPA regulations.

Mr. Krapf asked if that is why staff recommends having the 100-foot buffer only apply to intermittent streams.

Ms. Haynes confirmed. She stated that perennial streams already receive protection through RPA buffers. She stated that intermittent streams would have the 100-foot buffer because they are potentially vulnerable.

Mr. Haldeman stated that he agrees with having the 100-foot buffer only apply for intermittent streams. He stated that he would prefer to have feedlots and other agricultural uses prohibited within the buffer proposed by the Ordinance.

Ms. Haynes asked if they should be prohibited in the entire watershed as heavy industrial uses are or if they should be prohibited in the buffer alone.

Mr. Haldeman stated that they should be prohibited within the buffer.

Mr. Krapf asked staff to analyze the impacts of restricting agricultural uses within the watershed and compare it with restricting agricultural uses within the buffer.

Ms. Ellen Cook asked if the analysis should be done for existing agricultural uses or for potential impacts of new agricultural uses.

Mr. Krapf confirmed.

Ms. Leverenz stated that it could analyze the impacts of existing agricultural uses expanding.

Mr. Krapf stated that looking at current examples could help to understand how the Ordinance may impact future agricultural uses.

Mr. Haldeman stated that sanitary landfills should be prohibited in the buffer.

Ms. Haynes stated that the Ordinance prohibits sanitary landfills in the entire watershed.

Mr. Haldeman stated that subdivision or local roads should not be allowed to encroach in the buffer.

Ms. Haynes stated that subdivision roads would need to be reviewed by the Planning Director.

Mr. Haldeman stated that roads should be prohibited from the buffers. He stated that Section 24-41(c)(3)(f) should not list roads as an exception that can be reviewed by the Planning Director.

Ms. Cook stated that if the Ordinance does not apply to residential uses, then subdivision roads might not be able to be prohibited.

Mr. Haldeman stated that the Ordinance should apply to residential uses.

Ms. Haynes asked if roads used for specific access needs could be permitted.

Mr. Haldeman confirmed.

Mr. Krapf asked if major subdivisions might not be regulated by the Ordinance.

Ms. Cook stated that the current draft of the Ordinance applies to all uses. She stated that staff is suggesting limiting the Ordinance to commercial and industrial uses based on guidance from the Board of Supervisors.

Ms. Leverenz asked what the purpose of limiting the Ordinance to commercial and industrial uses would be.

Ms. Haynes stated that the Board had indicated it was concerned that the Ordinance could adversely affect residential and small agricultural uses. She stated that staff could work with the County Attorney's Office to analyze if it could specify language regarding major subdivisions.

Mr. Haldeman stated that he would be fine with having only roads removed from the Ordinance. He asked if the applicability section would be changed to restrict the Ordinance to commercial and industrial uses.

Ms. Haynes stated that the guidance received by the Board was to limit the Ordinance to

commercial and industrial uses. She stated that the Policy Committee's recommendations would also be incorporated pending further guidance from the Board at the upcoming work session.

Ms. Leverenz stated that the Ordinance should apply to all uses.

Mr. Krapf asked if staff had any concerns with removing roads from the exceptions in the Ordinance.

Ms. Haynes stated that staff could review the potential options for restricting roads from the buffers.

Mr. Haldeman asked if a Stage III of the draft Ordinance would be presented to the Policy Committee.

Ms. Haynes confirmed.

Ms. Leverenz asked if criteria could be added to guide the Planning Director in reviewing potential road encroachments into the buffer.

Ms. Haynes stated that language could be added to that effect.

Mr. Haldeman stated that another item could be added to Section 24-41(c)(3) to allow access roads for the water utility company.

Mr. Krapf asked if any language needed to be added pertaining to major subdivisions.

Ms. Leverenz stated that it would not need to be added if all roads other than access roads for the water utility company are prohibited.

Mr. Haldeman stated that the 100-foot buffer around perennial streams should be removed from the Ordinance. He stated that roads and feedlots should be prohibited within the buffer.

Mr. Krapf stated that further research should be done regarding removing roads from the Ordinance.

Ms. Cook asked if the Policy Committee would like the Ordinance to apply to all uses.

Ms. Leverenz confirmed.

Mr. Haldeman confirmed.

Mr. Thomas Wysong stated that feedlots established before August 6, 1990 could be exempt from the regulation based on Section 24-41(c)(3)(e).

Ms. Haynes stated that staff will review the comments about agricultural uses to ensure the Ordinance addresses them appropriately.

Ms. Leverenz asked if there were any further questions.

There were none.

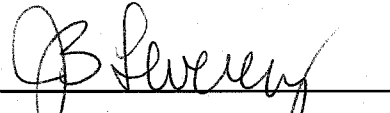
E. NEW BUSINESS

There was no new business.

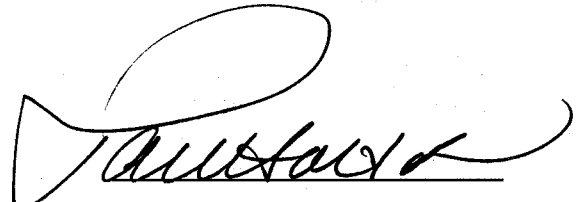
F. ADJOURNMENT

Mr. Haldeman made a motion to Adjourn. The motion passed 3-0.

Ms. Leverenz adjourned the meeting at approximately 4:40 p.m.



Ms. Julia Leverenz, Chair



Mr. Paul Holt, Secretary