

**MINUTES**  
**JAMES CITY COUNTY POLICY COMMITTEE**  
**REGULAR MEETING**  
**Building A Large Conference Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**January 9, 2020**  
**4:00 PM**

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**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  
Tim O'Connor

Staff:

Christy Parrish, Zoning Administrator  
Ellen Cook, Principal Planner  
Terry Costello, Deputy Zoning Administrator  
Scott Whyte, Senior Landscape Planner  
Thomas Wysong, Senior Planner  
John Risinger, Community Development Assistant

**C. MINUTES**

1. December 12, 2019 Meeting Minutes

Mr. Rich Krapf made a motion to Approve the December 12, 2019, meeting minutes.

The motion passed 3-0-1 with Mr. Jack Haldeman abstaining as he was not present at the meeting.

**D. OLD BUSINESS**

There was no old business.

**E. NEW BUSINESS**

1. ORD-19-0010. Zoning Ordinance Amendments to Address the Keeping of Bees in Residential Districts, Phase I

Ms. Terry Costello stated that the Board of Supervisors (BOS) adopted an Initiating Resolution in October 2019 that directed staff to review amendments to the Zoning Ordinance to address beekeeping in agricultural and residential zoning districts. She stated that beekeeping is permitted as an agricultural use in the General Agriculture (A-1) and the Rural Residential (R-8) Zoning Districts. She stated that, in 2014, President Obama issued a memorandum that encouraged federal and state agencies to promote the health of honeybees. She stated that in 2016, the State of Virginia adopted Best Management Practices (BMPs) for bee keeping. She stated that staff reviewed Ordinances related to beekeeping from various localities in Virginia. She stated that most of the Ordinances established restrictions for how close beehives could be to property lines, dwellings, and other structures. She stated that other

regulations included requiring barriers to be placed around the beehives, the location of a water source, and minimum area requirements for beehives. She stated that, if the Policy Committee recommended allowing beekeeping in residential Districts, there could be two different methods to amend the Zoning Ordinance. She stated the Policy Committee could decide if performance standards should be developed for beekeeping and if permits should be required. She asked if the Policy Committee had any questions.

Mr. Haldeman asked if it would make sense to permit beekeeping in commercial and industrial zoning districts in addition to agricultural and residential zoning districts.

Mr. Michael Garvin, Williamsburg Area Beekeepers, stated that commercial beekeepers tend to have 100 beehives or more while hobbyist beekeepers generally have a few beehives.

Mr. Haldeman asked if there was a reason why beekeeping should not be permitted in commercial zoning districts.

Ms. Costello stated that the Policy Committee could recommend permitting beekeeping in commercial zoning districts. She stated that a restaurant in the City of Williamsburg has one or two beehives on its' property.

Mr. Scott Whyte stated that the City of Williamsburg did not have regulations specific to beekeeping, so the beehives were permitted. He stated that beekeeping tends to be an agricultural hobby that fits best in agricultural and residential zoning districts.

Mr. Haldeman stated that there are undeveloped commercial properties near Toano which could have enough room for commercial beekeeping.

Mr. Krapf stated that it could make sense to permit beekeeping in all zoning districts if the beekeepers met the BMPs.

Mr. Whyte stated that commercial beekeeping operations may have additional challenges to meet the BMPs.

Ms. Costello stated that the Initiating Resolution may have specifically mentioned agricultural and residential zoning districts due to the public comments that were in support of beekeeping within neighborhoods.

Mr. Garvin stated that it could make sense to establish a permitting process so that adjacent property owners were aware that beehives were in their neighborhood.

Mr. Krapf asked if staff had encountered any restrictions related to bee allergies in other Ordinances.

Ms. Costello stated that some localities required signs posted in the front yards of properties with beehives or other methods of notifying adjacent property owners.

Mr. Krapf stated that it would make sense to require notifications to be sent to adjoining properties.

Ms. Leverenz stated that some localities required the entrance of beehives to be directed away from the nearest property line.

Mr. Garvin stated that honeybees are not usually aggressive.

Mr. Krapf stated that notifying adjacent property owners would allow them to take any

necessary precaution. He stated that he supported amending the Zoning Ordinance to allow beekeeping in residential districts.

Mr. Garvin stated that in 1622, Jamestown received the first beehives of honeybees in North America.

Mr. Haldeman asked if the Zoning Ordinance has any current restrictions on beekeeping in the A-1 and R-8 Zoning Districts.

Ms. Costello stated that there were not any current regulations.

Mr. Haldeman asked if other localities required barriers to be placed on all four sides of a beehive.

Mr. Garvin stated that many beekeepers install a privacy fence on all four sides of the property so that the bees will fly at a higher level than the fence if they leave the property.

Mr. Tim O'Connor asked if staff had a recommendation for minimum lot sizes for the number of beehives a property could have.

Mr. Garvin stated that Charlottesville had regulations that addressed minimum lot sizes as well as the position of hives on properties.

Ms. Costello stated that the BMPs adopted by the state address the acreage per beehive.

Mr. Garvin stated that the State of Virginia requires that beehives be placed more than 50 feet away from neighboring dwellings.

Mr. O'Connor asked how far honeybees typically fly away from their beehive.

Mr. Garvin stated that honeybees tend to fly up to two miles away from the beehive.

Mr. O'Connor asked what would happen if a beehive is not maintained.

Mr. Garvin stated that a neglected bee colony may collapse due to disease or pests, or the honeybees could move to a new location.

Ms. Costello stated that some localities have performance standards that require beehives to be maintained. She stated that the beehives would only be inspected when a complaint was received.

Mr. O'Connor stated that he had concerns with beekeeping in residential neighborhoods that have smaller lot sizes. He stated that ensuring compliance of beehives with performance standards or BMPs would require more frequent inspections.

Mr. Haldeman stated that he would support permitting beekeeping in all zoning districts with performance standards that addressed minimum lot sizes and restrictions on the position of beehives on properties.

Ms. Leverenz asked if having required distances from property lines and structures would also restrict the total number of beehives a property could have.

Mr. Krapf asked if there had been any discussion regarding a permit application process for beekeeping.

Ms. Leverenz asked if the County would benefit from having a record of properties Fcould allow staff to track how bee-friendly the County is.

Ms. Costello stated that a permitting process could be developed similar to the permit for chicken keeping in residential districts. She stated that the chicken keeping permit is inspected initially but then only enforced on a complaint basis. She stated that the number of beekeeping permits received might not accurately reflect the total number of beehives in the County.

Mr. Krapf stated that having strict regulations might make it impractical for staff to enforce.

Mr. Garvin suggested creating an online application that beekeepers could fill out so that the County could track the locations of beehives.

Mr. Krapf stated that he would support permitting beekeeping in all zoning districts with performance standards.

Mr. O'Connor stated that performance standards should be developed to regulate the placement of beehives. He stated that the performance standards should be practical to enforce.

Ms. Costello stated that many localities had regulations requiring a minimum of a quarter of an acre to have a beehive.

Mr. Whyte asked if the Policy Committee recommended developing performance standards for beekeeping.

Mr. Haldeman confirmed.

Ms. Leverenz asked if the performance standards should include any additional requirements to the BMPs adopted by the State of Virginia.

Mr. Krapf stated that the performance standards should include a requirement to notify adjacent property owners.

Ms. Costello asked if the Policy Committee recommended developing a permitting process for beekeeping.

Mr. Haldeman stated that a permitting process was not necessary.

Mr. Krapf agreed.

Ms. Leverenz stated that a permitting process could be developed in the future if needed.

Mr. O'Connor asked how performance standards would be enforced without a permitting process.

Ms. Costello stated that staff would inspect beehives when a complaint was received from a citizen.

Mr. O'Connor stated that a permitting process should be developed if there is a requirement to notify adjacent property owners.

Ms. Leverenz asked if the notifications would be the only items enforced through the permit.

Ms. Costello stated that staff would review permit applications against any requirements listed

in the performance standards.

Mr. Krapf stated that it might make sense to require a permit for beekeeping in districts with higher residential densities.

Ms. Leverenz stated that requiring a permit in certain districts might make it unnecessarily complex for citizens to navigate.

Mr. O'Connor stated that the performance standards should be reviewed when a permit application is submitted.

Ms. Leverenz asked why many localities did not allow beehives to be placed in front yards or side yards.

Mr. Whyte stated that there could be pedestrian traffic along sidewalks in front yards. He stated that requiring beehives to be placed in back yards mitigates the possibility of bee stings and other concerns.

Mr. O'Connor stated that the BMPs adopted by the State of Virginia require beehives to be placed more than 40 feet away from the right-of-way.

Ms. Leverenz asked if the Policy Committee would like to develop performance standards for minimum lot sizes for beehives. She stated that she supported not regulating minimum lot sizes.

Mr. O'Connor stated that the performance standards should allow one beehive per quarter of an acre of lot size.

Ms. Leverenz asked if the Policy Committee wanted to direct staff to develop draft Ordinance language with a quarter of an acre as the minimum lot size to have a beehive.

Mr. Krapf agreed.

Mr. Haldeman agreed.

Ms. Christy Parrish asked if the Policy Committee had any concerns with beehives located in the Resource Protection Area (RPA) or the floodplain.

Mr. Haldeman stated that he did not have any concerns with beehives in the RPA.

Mr. Krapf agreed. He stated that natural vegetation in the RPA might include a number of pollinator plants that benefit honeybees.

Ms. Leverenz stated that beehives should be 50 feet away from dwellings, commercial structures, and any other occupiable building.

Mr. O'Connor asked if a different set of performance standards should be developed for beehives in commercial districts.

Ms. Leverenz stated that it could be discussed during the next stage of the Ordinance review.

Mr. Whyte stated that many commercial properties may not be able to comply with the same performance standards that are developed for residential districts.

Mr. Garvin asked if citizens with beehives would be grandfathered after the Ordinance amendment is adopted.

Ms. Costello stated that, if a permitting process were developed, citizens would likely be encouraged to submit an application.

Ms. Leverenz asked if staff had sufficient direction to proceed to the next stage of review.

Ms. Costello confirmed.

Ms. Leverenz asked if there were any additional questions.

There were none.

2. ORD-19-0005. Consideration of Amendments to the Zoning Ordinance to Address Combat Tactical Training Facilities, Phase I

Mr. John Risinger stated that, on August 13, 2019, the BOS adopted an Initiating Resolution directing staff to explore amending the Zoning Ordinance to define combat tactical training facilities, exclude it as a permitted use in agricultural and residential zoning districts, and to evaluate its appropriateness as a specially permitted use in the General Industrial (M-2) Zoning District. He stated that combat tactical training facilities are designed to train individuals in tactical situations using target ranges, explosives ranges, and driving courses. He stated that the A-1 Zoning District is the only district that permits outdoor shooting ranges. He stated that staff reviewed development proposals and Ordinance amendments from other localities in Virginia. He stated that staff recommends creating a definition for combat tactical training facilities and not listing it as a permitted use in agricultural and residential districts.

Mr. Risinger stated that the Initiating Resolution directed staff to evaluate the appropriateness of combat tactical training facilities as a specially permitted use in the M-2 Zoning District. He stated that the primary purpose of the M-2 Zoning District is for industrial operations, which are not compatible with residential or commercial service establishments. He stated that combat tactical training facilities are not industrial and do not fulfill the intent of the M-2 Zoning District. He stated that the M-2 Zoning District currently permits indoor sports facilities, including firing and shooting ranges. He stated that the M-2 Zoning District does not permit outdoor shooting ranges. He stated that staff does not recommend including combat tactical training facilities as a specially permitted use in the M-2 Zoning District. He stated that, if the Policy Committee determined that it should be included as a specially permitted use, staff recommended creating performance standards within Chapter 24, Article II, Special Regulations of the Zoning Ordinance.

Ms. Leverenz asked if the County was restricted from not allowing the use in all zoning districts.

Mr. Risinger stated that staff's initial discussions had indicated that the County could define a use and not list it as a permitted use for any zoning district. He stated that staff would check with the County Attorney's Office when the draft definition was created to ensure that it met all legal requirements.

Ms. Leverenz stated that combat tactical training facilities did not fit with the character of James City County.

Mr. Haldeman agreed. He asked if the definition would only apply to privately owned facilities.

Mr. Risinger stated that there was flexibility to how the definition would be drafted. He stated that a definition adopted by New Kent County for combat tactical training facilities excluded government operated facilities.

Mr. Haldeman stated that the definition adopted by New Kent County would be a good basis for drafting the Ordinance amendment. He stated that combat tactical training facilities should not be a permitted use in any zoning district.

Mr. Krapf agreed.

Ms. Risinger asked if the Policy Committee's direction was to define combat tactical training facilities without listing it as a permitted or specially permitted use in any zoning district and without creating performance standards within the Special Regulations section of the Zoning Ordinance.

Ms. Leverenz confirmed.

Mr. Haldeman asked if the use could be specifically prohibited in the Zoning Ordinance.

Mr. Risinger stated that the Zoning Ordinance does not currently have a list of prohibited uses. He stated that the Zoning Ordinance is exclusionary in nature. He stated that a use is not permitted in a zoning district if it is not listed as permitted or specially permitted in the use list for the zoning district.

Mr. O'Connor asked if a company could operate an indoor shooting range with an outdoor driving course. He stated that private security companies could be interested in training facilities that have an indoor shooting range with a defensive driving course.

Mr. Haldeman stated that the definition adopted by New Kent County included "Evasive driving courses with or without the use of real or simulated firearms."

Mr. Risinger stated that, if combat tactical training facilities was listed as a specially permitted use in the M-2 Zoning District, performance standards could be created to limit the type of driving course that could be operated.

Mr. Haldeman asked if the County would continue to permit outdoor shooting ranges in the A-1 Zoning District.

Mr. Risinger confirmed. He stated that the intention of the Ordinance amendment was not to restrict any of the currently permitted or specially permitted uses for indoor or outdoor shooting ranges.

Ms. Parrish asked if outdoor shooting ranges were a specially permitted use in the A-1 Zoning District.

Mr. Risinger confirmed.

Ms. Parrish asked if indoor shooting ranges were permitted.

Mr. Risinger stated that multiple zoning districts listed indoor shooting ranges as permitted or specially permitted uses. He stated that the M-2 Zoning District listed indoor shooting ranges as a permitted use.

Mr. O'Connor stated that there was not a significant amount of undeveloped M-2 parcels in the County.

Mr. Risinger stated that the property that formerly has the BASF Corporation facility was the largest M-2 parcel that did not currently have a permanent use.

Ms. Ellen Cook stated that staff had provided maps of parcels that were designated General Industrial on the Comprehensive Plan Land Use Map. She stated that an application to rezone one of those parcels to the M-2 Zoning District could be supported by the Comprehensive Plan.

Mr. Risinger stated that parcels that were designated as General Industrial were mostly already in the M-2 Zoning District.

Mr. Haldeman asked if staff had enough feedback to proceed to the next stage of review.

Mr. Risinger asked if the Policy Committee had reached a consensus on whether combat tactical training facilities should not be permitted in any zoning district or if it should be listed as a specially permitted use in the M-2 Zoning District.

Mr. Haldeman stated that combat tactical training facilities should not be permitted in any zoning district.

Ms. Leverenz asked if racetracks were permitted in any of the zoning districts.

Ms. Parrish stated that outdoor sports facilities were permitted in some zoning districts. She stated that if an application were submitted to develop a racetrack, staff would determine if it could be considered an outdoor sports facility.

Ms. Leverenz stated that there might not be a significant difference between racetracks and a defensive driving course.

Ms. Parrish stated that a driver education course could be considered to be a school.

Mr. O'Connor stated that having combat tactical training facilities listed as a specially permitted use in the M-2 zoning district could leave flexibility in case there were unforeseen impacts of restricting the use from all zoning districts.

Ms. Krapf stated that the definition adopted by New Kent County was specific to facilities designed to train counter terrorism forces or other military style facilities. He stated that he would support prohibiting combat tactical training facilities from all zoning districts.

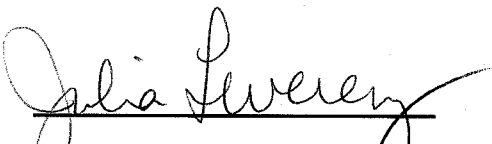
Ms. Leverenz asked if there were any further comments or questions.

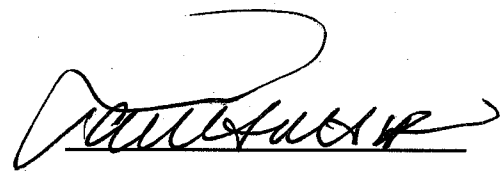
There were none.

#### **F. ADJOURNMENT**

Mr. Krapf made a motion to Adjourn. The motion passed 4-0.

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

  
Ms. Julia Leverenz, Chair

  
Mr. Paul Holt, Secretary