

A G E N D A
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
April 12, 2018
4:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. March 8, 2018 Meeting Minutes

D. OLD BUSINESS

1. ZO-0002-2018 and SO-0002-2018. Zoning and Subdivision Ordinance Amendments for Bicycle and Pedestrian Accommodations and Traffic Impact Analysis - Stage III
2. ZO-0001-2018/SO-0001-2018, Zoning and Subdivision Ordinance Amendments for the Natural Resource Policy and ZO-0003-2018/SO-0003-2018, Zoning and Subdivision Ordinance Amendments for the Archaeological Policy-Stage II

E. NEW BUSINESS

F. ADJOURNMENT

ITEM SUMMARY

DATE: 4/12/2018
TO: The Policy Committee
FROM: Paul D. Holt, III, Secretary
SUBJECT: March 8, 2018 Meeting Minutes

ATTACHMENTS:

	Description	Type
☐	March 8, 2018 Meeting Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Rosario, Tammy	Approved	3/29/2018 - 3:16 PM
Policy	Holt, Paul	Approved	3/30/2018 - 11:41 AM
Publication Management	Burcham, Nan	Approved	3/30/2018 - 11:43 AM
Policy Secretary	Secretary, Policy	Approved	3/30/2018 - 11:46 AM

MINUTES
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
March 8, 2018
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:

Jack Haldeman, Chair
Danny Schmidt
Heath Richardson
Rich Krapf

Staff:

Paul Holt, Planning Director
Tammy Rosario, Principal Planner
Jose Ribeiro, Senior Planner II
Savannah Pietrowski, Senior Planner
Tom Leininger, Community Development Assistant
Sharon Day, Assistant Director, Financial and Management Services (FMS)
Jeffrey Wiggins, Budget and Accounting Analyst, FMS

C. MINUTES

1. February 8, 2018 Meeting Minutes

Mr. Danny Schmidt made a motion to Approve the February 8, 2018 meeting minutes.

The motion passed 4-0.

2. February 15, 2018 Meeting Minutes

Mr. Danny Schmidt made a motion to Approve the February 15 2018, meeting minutes.

The motion passed 4-0.

3. February 22, 2018 Meeting Minutes

Mr. Danny Schmidt made a motion to Approve the February 22 2018, meeting minutes.

The motion passed 4-0.

D. OLD BUSINESS

1. FY 2019-2023 Capital Improvements Program (CIP) Review

Mr. Jack Haldeman opened the discussion.

Ms. Savannah Pietrowski stated that she compiled the rankings for all of the Policy Committee members into a spreadsheet. She stated that she took the average for each application to generate the overall ranking presented on the screen. She stated that there will be a memorandum attached to the rankings for the Planning Commission (PC).

Mr. Heath Richardson stated that he wanted to make one change to his special considerations for the school entrance redesign.

Ms. Pietrowski stated that the Amblers House Capital Improvements Program (CIP) request was reduced by County Administration and the Office of Economic Development to reflect only those costs associated with the stabilization of the house. She stated that the request was for \$504,500 for FY 19.

Mr. Danny Schmidt stated that the changes to the application could impact his rankings.

Mr. Haldeman asked if the seven priority recommendations in the Guernsey Tingle Study were included in the cost.

Ms. Pietrowski asked Ms. Sharon Day if the Policy Committee could recommend a portion of the application to receive funding.

Ms. Day confirmed. She stated that the Ambler House is a tourism project and does not compete with the general fund tax dollars.

Mr. Richardson asked for a clarification on why the Policy Committee does not focus on cost.

Ms. Day stated that her understanding was that the Policy Committee should rank the applications objectively. She stated that the Budget Office will look at the funding priorities.

Mr. Paul Holt stated that the CIP funding is the responsibility of the Board of Supervisors and it seeks to balance out the available resources. He stated that the PC and the Policy Committee would recommend to the Board which CIP items would have a greater impact. He stated that the Policy Committee can send comments along with the rankings to give the Board additional input.

Mr. Haldeman stated that he wanted to recommend enough of the Ambler House application to save the house.

Mr. Holt stated that additional notes can be added to the rankings.

Mr. Rich Krapf stated that the special consideration will bring the application forward regardless of the rankings. He stated that for the Ambler House, the items listed in the report provided by Guernsey Tingle Architects would be a higher priority rather than the entire application.

Mr. Haldeman stated that while the \$504,500 CIP request for the Amblers House application were given a priority number of ninth overall, funding of the seven priority recommendations identified in the report provided by Guernsey Tingle Architects was a very high priority to the Policy Committee.

Mr. Krapf stated that he was generally comfortable with the rankings, but asked why the transportation match ranked fourth.

Mr. Richardson stated that the transportation match ranked fifth in his rankings.

Mr. Haldeman stated that he ranked the transportation match lower for quality of life.

Mr. Krapf stated that in his scoring, he assessed that the quality of life could be improved if the roads were improved. He stated that he also saw that the transportation match was a budget offset for the County and ranked the application higher.

Mr. Haldeman stated that with those considerations he would adjust his rankings to raise the score of the transportation match.

Mr. Richardson asked if the scores should be adjusted or if a note can be provided to the Board.

Mr. Krapf stated that he would prefer to change the numbers if possible.

Mr. Haldeman provided revised scores to staff.

Mr. Richardson stated that after the numbers have been adjusted, the transportation match tied for third with the exterior sewer line at Lafayette High School.

Mr. Haldeman stated that he will also adjust the scoring of the school expansion applications.

Mr. Krapf stated that the entrance redesigns are ranked lower in his scores because the individual schools have security procedures in place at the moment.

Mr. Richardson stated that he ranked the redesigns higher and would include force protection elements.

Mr. Schmidt stated that the meeting with Williamsburg-James City County Schools (WJCC) did not give him the sense of a high priority.

Mr. Krapf stated that the WJCC Schools have ranked the redesigns lower in their own rankings.

Mr. Richardson stated that he did not see where the numbers could be further adjusted.

Ms. Pietrowski stated that once the Policy Committee was comfortable with the rankings, the list would go to the PC including the notes.

Mr. Richardson asked if any member had additional comments.

Mr. Krapf stated that he did not have any questions or comments.

Mr. Haldeman asked where the fire station was ranked.

Ms. Pietrowski stated that the application ranked sixth.

Mr. Krapf stated that this process went well for both the Policy Committee and staff.

Mr. Richardson stated that he was pleased with the WJCC Schools CIP process.

Mr. Krapf made a motion to recommend the CIP rankings with the notes to the PC.

The motion passed 4-0.

Ms. Tammy Rosario asked if there were any reflections on this process that staff should apply in its efforts to make the CIP process web-based.

Mr. Richardson asked if the rankings would be updated as the members are inputting their scores.

Ms. Rosario stated that staff will work with Information Technology to allow as much functionality as desired by the Policy Committee.

Mr. Krapf stated that he and Mr. Haldeman have made several comments during a trial of the web-based process. He stated that comments were made to make sure that the rankings would update as members make their scores and that members could see the scores for all applications on the screen.

Mr. Haldeman asked if there were additional comments.

There were no further comments.

E. NEW BUSINESS

There was no new business.

F. ADJOURNMENT

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

Mr. Haldeman adjourned the meeting at approximately 4:45 p.m.

Mr Jack Haldeman, Chair

Mr. Paul Holt, Secretary

ITEM SUMMARY

DATE: 4/12/2018

TO: The Policy Committee

FROM: Alex Baruch, Planner I and Roberta Sulouff, Senior Planner II

SUBJECT: ZO-0002-2018 and SO-0002-2018. Zoning and Subdivision Ordinance Amendments for Bicycle and Pedestrian Accommodations and Traffic Impact Analysis - Stage III

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Subdivision Ordinance and Zoning Ordinance Draft Final Language	Ordinance
☐	Traffic Impact Analysis Policy Submittal Requirement Policy Draft Final Language	Backup Material
☐	Adequate Public Schools Facilities Test Policy	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Rosario, Tammy	Approved	4/6/2018 - 9:04 AM
Policy	Holt, Paul	Approved	4/6/2018 - 12:03 PM
Publication Management	Daniel, Martha	Approved	4/6/2018 - 12:22 PM
Policy Secretary	Secretary, Policy	Approved	4/6/2018 - 1:36 PM

MEMORANDUM

DATE: April 12, 2018

TO: The Policy Committee

FROM: Alex Baruch, Planner
Roberta Sulouff, Senior Planner

SUBJECT: ZO-0002-2018 and SO-0002-2018. Zoning and Subdivision Ordinance Amendments for Bicycle and Pedestrian Accommodations and Traffic Impact Analysis - Stage III

HISTORY

The Policy Committee met on September 14, 2017, to discuss strategies for addressing impacts associated with legislative cases which would formerly have been addressed through Proffers per the requirements of various adopted administrative policies. Included in those considerations were impacts frequently accounted for through provisions of the Transportation Impacts Analysis (TIA) Policy and the Regional Bikeways Master Plan. At that meeting, the Committee asked staff to prepare further benchmarking research regarding Ordinance language to capture offsite traffic impacts through the Administrative Development Review process. The Committee also directed staff to prepare draft language including the recommendations of the adopted Regional Bikeways Master Plan as a requirement for by-right development in the Zoning Ordinance. On February 8, 2018, the Policy Committee met again to discuss these topics and staff researched the Ordinances of other localities to create a benchmarking worksheet and drafted narrative versions of Ordinance and Policy language for the Committee's review and feedback. The Policy Committee directed staff to prepare the final versions of the Ordinance and Policy language and bring them back to the Policy Committee for final recommendations.

DISCUSSION ITEMS

Bicycle and Pedestrian Accommodations

Following the February 2018 Policy Committee meeting, staff has prepared draft Ordinance language revising the current pedestrian accommodations requirements of the Zoning Ordinance. The draft language (Attachment No. 1) extends the requirements of Section 24-35, Pedestrian accommodations to bicycle facilities per the adopted Regional Bikeways Plan. This section currently applies the requirements of the adopted Pedestrian Accommodations Master Plan to all plans requiring site plan and major subdivision review, but does not address bicycle facilities, which can typically only be required through Special Use Permit (SUP) conditions and are commonly proffered through rezoning applications. The draft language also allows for current exemption and exception criteria for pedestrian accommodations to apply to bicycle facilities as well.

Changes Since the February Policy Committee Meeting

At the Board of Supervisors Work Session on February 27, 2018, the Board recommended that staff forward the Bicycle and Pedestrian Accommodations Ordinance changes to the Planning Commission. At that meeting the Board also recommended reexamining exemption criteria. In response to that feedback, staff has added two additional exemption options in Section 24-35(c) exemptions. Please note that in addition to the exemption criteria, projects that do not trigger submission of a site plan or subdivision, such as a building permit for a single-family house, would not be subject to these regulations.

Traffic Impact Analysis

As discussed at the September 14, 2017, Policy Committee meeting, with the exception of bicycle and pedestrian accommodations, general traffic impact improvements cannot be addressed through submittal or Master Plan requirements. Staff researched ways in which other localities have addressed transportation impacts administratively through their Zoning and Subdivision Ordinances. As presented at the February 8, 2018 Policy Committee meeting, staff found that most localities do not include a method for identifying when onsite improvements are required for administrative development cases in their Zoning Ordinances. Much like James City County, these localities rely on the Virginia Department of Transportation (VDOT) as a reviewing agency for administrative cases to identify if onsite improvements at project entrances, such as turn lanes, are required. At the February 8, 2018 meeting, staff recommended adding language to Sections 19-30 and 24-151(2) which more explicitly addresses VDOT's and other reviewing agencies' roles in the subdivision and site plan administrative approval process (Attachment No. 1). The Policy Committee asked staff to draft final Ordinance language which has been provided in Attachment No. 1.

Staff also examined how the TIA policy could better serve applicants, staff, the Planning Commission and the Board of Supervisors during the legislative review process. At the February 8 Policy Committee meeting, staff explained the current use of the policy and how amending the policy could provide clarity on how the traffic impact analysis should be used in cases without the ability to submit Proffers. Staff looked at other James City County policies and recommends using the Adequate Public Schools Facilities Test as a model for an Adequate Transportation Facilities Test to be added to the TIA policy. The proposed test (Attachment No. 2) assesses if all offsite improvements are mitigated and assurances for such mitigation measures are in a form approved by the Planning Director and County Attorney. If all recommended offsite improvements are mitigated, then the SUP or rezoning application would pass the test. If any recommended offsite improvements are not mitigated, then the application would fail the test. In much the same way the Adequate Public Schools Facilities Test is used (Attachment No. 3), staff will take the results of the test into consideration in the evaluation and recommendation process.

At its February Work Session, the Board stated that it would like the TIA to move forward to the Policy Committee; however, it would like an opportunity to review the policy again prior to the Planning Commission hearing on the policy change.

RECOMMENDATION

Staff recommends that the Policy Committee recommend adoption of the draft ordinance and policy language to the Planning Commission.

AB/RS/md
BikePedAmend-mem

Attachments:

1. Final Ordinance Language: Sections 19-30, 24-35 & 24-151(2)
2. Narrative Draft Policy Revision Language
3. Adequate Public Schools Facilities Test

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, PROCEDURES AND DOCUMENTS TO BE FILED, BY AMENDING SECTION 19-30, PROCEDURE FOR APPROVAL OF FINAL PLAN.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivisions, is hereby amended and reordained by amending Article II, Procedures and Documents to be Filed, by amending Section 19-30, Procedure for approval of final plan.

Chapter 19. Subdivisions

Article II. Procedures and Documents to be Filed

Sec. 19-30. Procedure for approval of final plan.

The subdivider shall submit for review and approval eight copies of the final plan for a major subdivision or as many copies of the final plat for minor subdivisions or multifamily subdivisions as deemed necessary by the agent. Upon approval of the final plan by the agent, the subdivider shall submit one reproducible copy plus eight prints of the record plat portion of the final plat to the agent for review and approval. The record plat shall not be approved until the applicant:

- (1) Has complied with the requirements and minimum standards of design set forth in this chapter;
- (2) Has incorporated such changes or complied with such conditions on the final plan as may have been stipulated in the letter of notification following action by the commission or agent on the preliminary plan;
- (3) Has made satisfactory arrangements for performance assurances as specified in article IV of this chapter, *including improvements required by agencies including the Virginia Department of Transportation and James City Service Authority;*
- (4) Has submitted data for major subdivisions in accordance with the "GIS Data Submittal Requirements for Major Subdivisions" policy, as approved by the governing body; and
- (5) Has executed all certificates required in section 19-29.

Chairman, Board of Supervisors

ATTEST:

William C. Porter
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	___	___	___
LARSON	___	___	___
ICENHOUR	___	___	___
SADLER	___	___	___
HIPPLE	___	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this ___ day of ____, 2018.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 1, IN GENERAL, BY AMENDING SECTION 24-35, PEDESTRIAN ACCOMMODATIONS; AND BY AMENDING ARTICLE III, SITE PLAN, BY AMENDING SECTION 24-151, REVIEW CRITERIA GENERALLY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article II, Special regulations, Division 1, In General, by amending Section 24-35, Pedestrian accommodations and by amending Article III, Site Plan, by amending Section 24-181, Review criteria generally.

Chapter 24. Zoning

Article II. Special Regulations

Division 1. In General

Sec. 24-35. Pedestrian *and bicycle* accommodations.

- (a) Pedestrian *and bicycle* accommodations shall be required for all projects requiring site plan or major subdivision review in accordance with the following:
- (1) ~~External sidewalks.~~ Pedestrian *and bicycle* accommodations shall be required for the subject property(ies) along all public roads as shown on the pedestrian accommodation master plan *and the regional bikeways plan*. In addition to corridors identified on the pedestrian accommodation master plan, sidewalks shall be required along at least one side of all roads built within a community character area sidewalk inclusion zone as specified on the pedestrian accommodation master plan.
 - (2) *Internal public streets.* Pedestrian accommodation internal to a residential, commercial, office or industrial development with public streets shall be required pursuant to the Secondary Street Acceptance Requirements found in 24VAC30-92, as amended.
 - (3) *Internal private streets.*
 - a. Pedestrian accommodation internal to a residential, commercial, or office development with private streets shall be required on at least one side of all internal streets.
 - b. For development designated by the Comprehensive Plan as mixed use; moderate density residential; or the residential, commercial, and office sections of an economic opportunity area, pedestrian accommodations shall be required on both sides of the private streets.
 - c. Sidewalks on private streets shall not be required internal to industrial parks or industrial sections of areas designated economic opportunity on the Comprehensive Plan.
 - d. The planning director or his designee may approve alternative locations for pedestrian accommodations that are found to have equivalent connectivity as providing sidewalks along the roads internal to the development, such as paved connections between or from cul-de-sacs to other pedestrian accommodations.
 - (4) *Interconnectivity internal to a parcel.* Pedestrian accommodations shall be required between parking areas, buildings, and public areas for residential, commercial, and office development sites. Pedestrian accommodation internal to a development shall link with any existing or master planned pedestrian accommodation along an abutting road external to the development and any existing public transit stops. Development within industrial parks and industrial sections of the

economic opportunity zone shall be required to meet applicable Americans with Disabilities Act (ADA) connectivity standards.

- (5) *Interconnectivity between parcels.* Pedestrian accommodations shall be required between residential developments and adjoining schools, park, or recreational facilities as determined by the planning director or his designee. The property owner shall provide a connection internal to the development to the property line with the adjoining facility. This criterion may be waived by the planning director or his designee if the owner of the contiguous parcel objects to a connection or if a significant obstruction exists (such as wetlands, slopes exceeding 25 percent gradient and guardrails) that would make a connection impracticable.
- (b) Construction standards: Pedestrian *and bicycle* accommodations required by section 24-35(a) shall be built in accordance with the following construction standards:
 - (1) Pedestrian *and bicycle* accommodations shall be built to VDOT standards and located within VDOT right-of-way when they are to be publicly maintained. If accommodations are to be privately maintained, they shall be built to VDOT construction standards.
 - (2) Right-of-way and pedestrian accommodations shall be shown on the final plat.
 - (3) ~~Sidewalks shall be paved and a minimum of five feet in width. Multi-use paths shall be paved and a minimum of eight feet in width.~~ All pedestrian accommodations shall meet the requirements of the ADA's Accessibility Guidelines.
 - (c) Exemptions: Exemptions to this section may be granted by the planning director or his designee if:
 - (1) a proposed temporary structure(s) will not be erected for more than six months; or
 - (2) a proposed addition to an existing structure is less than 1,000 square feet or no changes to the building footprint are proposed; or
 - (3) the development is located within an office park with private streets in existence prior to November 22, 2011 and providing pedestrian accommodations along the frontage of the development site would not result in a safe and continuous connection to an existing or planned pedestrian accommodation or public transit stop; *or*
 - (4) *land disturbance on the project area is less than 2,500 square feet; or*
 - (5) *the site plan submittal is for a project associated with an existing individual multi-family dwelling unit.*
 - (d) Exceptions: Exceptions to this section may be granted by the planning director or his designee if:
 - (1) a pedestrian *or bicycle* accommodation is otherwise required by this section and would be substantially damaged or need to be replaced as a result of a fully engineered roadway construction project implemented by the county or VDOT. The planning director or his designee may request dedication of sufficient right-of-way for pedestrian *or bicycle* accommodations related to the road project in lieu of construction of the pedestrian *or bicycle* requirement. The requirement to dedicate right-of-way shall be based on existing right-of-way, the design of the engineered project, and additional right-of-way that is needed; or
 - (2) in circumstances where topographical conditions make construction of pedestrian *or bicycle* accommodations impractical, the planning director or his designee may approve an alternative alignment that is accessible by the public that differs from the pedestrian accommodation master plan. The alternative alignment shall link with adjacent pedestrian accommodations; or
 - (3) pedestrian *or bicycle* accommodations *are* shown on a master plan *or corridor plan* approved by the board of supervisors that differs from the pedestrian accommodation master plan or the *regional bikeways plan*.

If an exception is granted for (d)(1) or (d)(2) above, the applicant shall be required to pay into the pedestrian *or bicycle* accommodation construction and maintenance fund in an amount determined by the county engineer or his designee. The amount shall be based on:

- a. projected engineering costs;
 - b. projected material costs;
 - c. projected labor and mobilization costs;
 - d. current topographical conditions of the site; and
 - e. linear feet of road frontage.
- (e) Appeals. In the event the planning director disapproves plans of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision to the development review committee who shall forward a recommendation to the planning commission.

Article II. Special Regulations

Sec. 24-151. Review criteria generally.

The planning director, zoning administrator, the planning commission, or its designee shall review and consider site plans with respect to:

- (1) Intensity of land use including developable acreage, density and adequate provisions for open space and recreational facilities as appropriate to the site usage and to the Comprehensive Plan Development Standards;
- (2) Design and layout of the site including all existing and proposed buildings, exterior signs, recreation facilities, garbage and trash disposal facilities, sedimentation and erosion controls, storm drainage, stormwater management, sanitary sewage disposal, and water supply locations on the site including line sizes, areas to be landscaped with approximate arrangement and plant types and sizes indicated, and provisions for pedestrian and vehicular traffic movements within and adjacent to the site. Particular emphasis shall be placed upon the review of on-site aesthetics; public safety features; environmental, historic and vegetative preservation; efficient layout of buildings, parking areas, and off-street loading and unloading, and movement of people, goods and vehicles (including emergency vehicles) from access roads within the site, between buildings and vehicles. Vehicular access to the site shall be designed to aid overall traffic flow and to permit vehicles, including emergency vehicles, safe means of ingress and egress;
- (3) Design standards contained in this chapter as they relate to traffic circulation, parking, lighting, performance standards, location of structures, building and landscape, setbacks, yard requirements, height and building coverage limits shall apply, where applicable, to site plan approval. The design criteria established in the county subdivision ordinance *improvements required by agencies including the Virginia Department of Transportation and the James City Service Authority shall be shown on the plan before final approval of the site plan.*

Chairman, Board of Supervisors

ATTEST:

William C. Porter
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	___	___	___
LARSON	___	___	___
ICENHOUR	___	___	___
SADLER	___	___	___
HIPPLE	___	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this ____ day of _____, 2018.

ZO3-18BikePedTransp-ord



Traffic Impact Analysis Submittal Requirements Policy

I. GENERAL

In 2006, the Traffic Impact Analysis Regulations known as “Chapter 527” was approved by the General Assembly of Virginia to expand the role of the Virginia Department of Transportation (VDOT) in the land planning and development review process. Accordingly, James City County requires submission of all Traffic Impact Analyses (TIA’s) to be conformance with the aforementioned regulations. In addition, all TIA’s shall conform to the current versions of the Manual of Uniform Traffic Control Devices (MUTCD), the VDOT Road Design Manual, VDOT Access Management Regulations and Standards, the American Association of State Highway and Transportation Officials (AASHTO) and the Institute of Transportation Engineers (ITE) manuals unless otherwise approved by the Planning Director.

II. APPLICABILITY

A. Submission of a TIA shall be required when one or more of the following apply:

- Projects that expect to generate 100 or more weekday peak hour trips to and from the site during the peak hour of operation based on the ITE manual’s trip generation rates.
- Projects with an entrance or exit onto a roadway with a Level of Service (LOS) “D” or lower operation.

Note: VDOT has different requirements that trigger a 527 TIA than County Ordinance. Should a TIA be required by VDOT, but not be triggered County requirements, this policy would not be applicable and no additional TIA is required.

III. EXCEPTIONS

A TIA does not have to be updated/submitted if a TIA or 527 TIA was previously submitted for a rezoning or Special Use Permit and all assumptions made in the TIA remain valid.

IV. PROCEDURE

A scoping meeting with VDOT and Planning Division staff is required for any proposal that requires the submission of a TIA. A scoping meeting is required when the proposed development generates more than 100 peak hour site trips. At this meeting the Planning Director will determine the minimum scope of work and if additional analyses pursuant to Section VI B are applicable. Fifteen paper copies and a digital copy of the TIA shall be submitted during application of the project with the County.

V. WHO PREPARES

A TIA should be prepared by a professional engineer or a transportation planner. Generally, a licensed engineer prepares a TIA; however, for smaller applications, the Planning Director may approve TIAs that have not been certified by an engineer.

VI. CONTENTS OF A TRAFFIC IMPACT ANALYSIS

A. The Traffic Impact Analysis shall at minimum include the following:

- Executive Summary
- Introduction
- Analysis of Existing Conditions
- Analysis of Future Conditions without Development
- Projected Trip Generation
- Analysis of Future Conditions with Development
- Signal Warrant Analysis
- Improvements necessary to achieve an overall LOS “C” on adjacent roadways/signalized intersections. The Planning Director may approve movements in certain lane groups of LOS “D” in urban environments.
- Conclusion

B. Supplemental Analysis

As determined at the scoping meeting, the Planning Director may also request the following analysis as a component of the TIA:

- Weaving Analysis
- Merge and Diverge Analysis
- Corridor Traffic Signal Progression Analysis
- Queuing/Turn Lane Analysis
- Expanded Study Area
- Examination of Transit and Travel Demand Management Measures
- Accident/Safety Analysis
- Sight Distance Analysis

VII. ADEQUATE TRANSPORTATION FACILITIES TEST

All special use permit or rezoning applications are subject to the adequate transportation facilities test.

- A. *A proposed rezoning or special use permit application will be tested for adequate transportation facilities. A proposed rezoning or special use permit application will pass the test if:*
- i. *No off-site improvements are required by the TIA that is approved by both the Planning Director and the Virginia Department of Transportation; or*
 - ii. *All off-site improvements recommended by a TIA that is approved by both the Planning Director and the Virginia Department of Transportation are guaranteed in a form approved by the Planning Director and County Attorney.*
- B. *If the TIA recommends off-site improvements or indicates deficiencies which cannot be mitigated or guaranteed then the application will not pass the adequate transportation facilities test.*

RESOLUTION

ADEQUATE PUBLIC SCHOOLS FACILITIES TEST

WHEREAS, during the 1997 Comprehensive Plan update, the Board of Supervisors expressed a desire, through a specific strategy incorporated into the Public Facilities chapter, to adopt an adequate public schools facilities test; and

WHEREAS, the "test," which would be applied to new developments needing a special use permit or rezoning, would require sufficient capacity in the school system to accommodate the additional school children generated by the development under consideration; and

WHEREAS, the task of drafting the policy was undertaken by one of the four citizen committees charged with updating the Zoning Ordinance; and

WHEREAS, on May 4, 1998, the Planning Commission recommended adoption of the draft policy by a unanimous vote; and

WHEREAS, after consideration of the draft policy, the Board amended the policy as described herein.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby endorse the following:

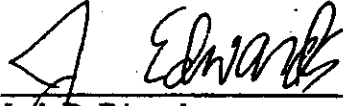
All special use permit or rezoning applications, except those listed below, should pass the test for adequate public school facilities.

- A proposed rezoning or special use permit application will be tested for adequate public school facilities. A proposed rezoning or special use permit application will pass the test if the schools which would serve the future development currently have adequate design capacity to accommodate the existing student population plus the additional school children generated by the development. For purposes of this policy, the schools shall be deemed adequate if the projected student population does not exceed 100 percent of the design capacity at the time of the application's review.
- If any of the applicable public schools which would serve the future residential development exceed 100 percent of the design capacity, then the application will not pass the test for adequate school facilities. However, if the affected public schools currently exceed design capacity, but the schools' student population will be brought under design capacity within three years of the time of the application's review through either physical improvements programmed in the CIP, and/or through a redistricting plan that was approved by the School Board prior to application, then the application will be deemed to have passed the test.

The following proposals would be exempt from the Adequate Public Schools Facilities test:

- family subdivisions; and

- residential development that, through proffers and covenants, is restricted to adult residents only; and
- amendments to previously approved rezonings, special use permits and master plans that only shift densities or internal uses that do not increase the number of previously approved units or gross densities and that do not change the zoning district of land.



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
SISK	NAY
MCGLENNON	AYE
BRADSHAW	AYE
NERVITT	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of June, 1998.

schlfac2.res

ITEM SUMMARY

DATE: 4/12/2018

TO: The Policy Committee

FROM: Jose Ribeiro, Senior Planner II

SUBJECT: ZO-0001-2018/SO-0001-2018, Zoning and Subdivision Ordinance Amendments for the Natural Resource Policy and ZO-0003-2018/SO-0003-2018, Zoning and Subdivision Ordinance Amendments for the Archaeological Policy-Stage II

ATTACHMENTS:

	Description	Type
☐	Memorandum	Staff Report
☐	Revisions to Section 19-27	Exhibit
☐	Revisions to Section 24-23	Exhibit
☐	Proposed Section 24-50	Exhibit
☐	Proposed Section 24-51	Exhibit
☐	Revisions to Section 24-145	Exhibit
☐	Natural Resource Policy	Exhibit
☐	Archaeological Policy	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Rosario, Tammy	Approved	4/6/2018 - 8:22 AM
Policy	Holt, Paul	Approved	4/6/2018 - 12:07 PM
Publication Management	Daniel, Martha	Approved	4/6/2018 - 12:28 PM
Policy Secretary	Secretary, Policy	Approved	4/6/2018 - 1:36 PM

MEMORANDUM

DATE: April 12, 2018

TO: The Policy Committee

FROM: Jose Ribeiro, Senior Planner II

SUBJECT: Case Nos. ZO-0001-2018/SO-0001-2018. Zoning and Subdivision Ordinance Amendments for the Natural Resource Policy. ZO-0003-2018/SO-0003-2018. Zoning and Subdivision Ordinance Amendments for the Archaeological Policy-Stage II

Overview

The Policy Committee met on September 14, 2017, to discuss strategies for addressing impacts associated with legislative cases which would formerly have been addressed through Proffers per the requirements of various adopted administrative policies. Included in those considerations were impacts frequently accounted for through provisions of the County's Natural Resource Policy and Archaeological Policy. At the meeting, staff suggested the Policy Committee consider including the contents of these policies as a Zoning Ordinance requirement. At the Policy Committee meeting on February 8, 2018, staff presented a variety of options for the Committee's consideration with the following being selected:

- To add the requirement to complete and submit a Phase I study (archaeology) or initial species inventory (natural heritage) as a submittal requirement for site plan and major subdivision.

The same options were considered by the Board of Supervisors at a Work Session meeting on February 27 and it selected the same option.

At that meeting, the Board also recommended carefully examining exemption criteria. In response to that feedback, staff has included several exemption criteria in the proposed Ordinances, as noted below. Please note that in addition to the exemption criteria, projects that do not trigger submission of a site plan or subdivision, such as a building permit for a single-family house, would not be subject to these regulations. Staff has worked to incorporate feedback from both meetings, as well as feedback from the County Attorney's Office, into draft regulations for this Stage II meeting.

Draft Regulations

The draft language is included as Attachment No. 1 and accomplished the following:

- In the Subdivision Ordinance, amend Section 19-27 (Preliminary Plan-Submittal Requirements):
 - Adds submission of a Phase I (archaeology) study or initial species inventory to the list of preliminary plan submittal requirements for plats. This section also includes a list of exemption criteria.
- In the Zoning Ordinance, amend Section 24-23 (Submittal Requirements):
 - Updates the language regarding submittal of Phase I study and initial species inventory for

legislative cases.

- In the Zoning Ordinance, create new Section 24-50 (Standards for Archaeological Studies):
 - Creates a new section that lists the standards and specifications for submittal of Phase I, II and III archaeological studies.
- In the Zoning Ordinance, create new Section 24-51 (Standards for Natural Resource Inventories):
 - Creates a new section that lists the standards and specifications for submittal of initial species inventory.
- In the Zoning Ordinance, amend Section 24-145 (Site Plan Submittal Requirements):
 - Adds submission of a Phase I study or initial species inventory to the list of submittal requirements for site plans. This section also includes a list of exemption criteria.

Recommendation

Staff looks forward to the Committee's input on these discussion items and recommendation prior to moving forward with a revised draft Ordinance.

JR/md

NRPAPamend-mem

Attachments:

1. Proposed Subdivision and Zoning Ordinance Revisions
2. Natural Resources Policy
3. Archaeological Policy

Sec. 19-27. - Preliminary plan-submittal requirements.

The preliminary plan for a minor or major subdivision shall be on a blue-line or black-line print. The scale shall be 100 feet to the inch for the overall view, and the scale of the detailed drawings shall be appropriate to the level of detail but not less than 60 feet to the inch, except in cases where the agent approves an alternate scale. If more than one sheet is used, sheets shall be numbered in sequence and an index shall be provided. The preliminary plan for a minor or major subdivision shall include the following information:

- (a) The name of the subdivision, owner, subdivider, and surveyor or engineer, the date of drawing, number of sheets, north arrow, tax parcel identification number, zoning and graphic scale. The plan shall also list any proffers or special use permit conditions that affect the property.
- (b) The location of the proposed subdivision on an inset map at a scale of not less than one inch equals 2,000 feet, showing adjoining roads, their names and numbers, subdivisions and other landmarks.
- (c) A closed boundary survey, or existing survey of record, total acreage, acreage of subdivided area, existing buildings and improvements, existing graves, objects or structures marking a place of burial, names of owners and existing property lines within the boundaries of the tract and for adjacent properties thereto, proposed monuments, lots, lot numbers, lot areas, blocks, building setback and yard lines. If any exceptions have been granted by the planning commission in accordance with section 19-18, the plan shall include a note detailing any exception so granted.
- (d) All existing, platted and proposed streets, both private and public, including their names, route numbers and widths; existing and proposed utility or other easements, existing and proposed sidewalks, public areas, parking spaces, culverts, drains, watercourses, lakes, their names and other pertinent data. If the streets are to be private, the plan shall include a private streets declaration in accordance with section 19-14.
- (e) A drainage plan showing the proposed drainage system including all open ditches, closed storm drain pipes and stormwater management facilities proposed to convey the subdivision drainage to an adequate receiving channel. The plan shall include sizes of all pipes and ditches, types of pipes and ditch linings, drainage easements and construction details of any stormwater management facilities. Drainage calculations shall be submitted with a design report with computations and drainage map to verify the design of the drainage system including the adequacy of the channel receiving drainage from the proposed subdivision.

For multiphased subdivisions, a drainage map shall be provided with drainage calculations for all phases of the subdivision to determine the adequacy of receiving channels. If receiving channels are not adequate, the map shall include the location of proposed stormwater management facilities.

The drainage plan shall include the topographic plan and a soil map of the site. The topographic plan shall be based on recent field run or aerial two-foot contour intervals. Five-foot contour intervals may be used with the approval of the agent. Spot elevations shall be shown at topographic low and high points.

- (f) A stormwater management plan showing proposed stormwater management facilities including best management practices (BMPs) in accordance with chapters 8, 18A and 23 of the county code, and associated checklists. Such plan shall include construction details for all parts of the stormwater and drainage system, including pipe bedding and backfill.
- (g) An erosion and sediment narrative and control plan showing the location, type and details of proposed erosion and sediment control devices to be used during and after construction. The plan shall meet all requirements of the erosion and sediment control ordinance and associated checklists and shall be provided at a scale of 50 feet to the inch except in cases where the engineering and resource protection director approves an alternate scale. The plan shall show

existing and proposed contours at intervals of no more than two feet except in cases where the engineering and resource protection director approves an alternative interval.

- (h) Cross-sections showing the proposed street construction, depth and type of base, type of surface, compaction, shoulders, curbs and gutters, sidewalks, bikeways, utilities, side ditches and other features of the proposed streets.
- (i) Street profiles showing the proposed grades for the streets and drainage facilities, including elevations of existing and proposed ground surface at all street intersections and at points of major grade change along the centerline of streets, together with proposed connecting grade lines and vertical curve information.
- (j) Size and location of existing sanitary sewer and water facilities; location and method of proposed connections to existing sewer and water facilities; size and location of proposed sewer and water facilities showing location of proposed water meters, gate valves, fire hydrants, fittings, manholes, sewer laterals and cleanouts; grinder pump locations; profile views of water and sewer mains with manhole rim and invert elevations and percent of slope; sewage pump station location, design and details; and water well facility location, design and details. A capacity study of the existing system, in accordance with service authority regulations, may be required. All improvements shall be in accordance with the latest service authority Water and Sanitary Sewer Design and Acceptance Criteria Standards and Specifications.
- (k) As provided for in Code of Va., §§ 10.1-606.2 et seq., when any part of the land proposed for subdivision lies in a mapped dam break inundation zone, such fact shall be set forth on the plan of the proposed subdivision.
- (l) As provided for in the Code of Va., § 15.2-2242, the agent may request submittal of a phase I environmental site assessment, where the proposed subdivision is located on a brownfield site, or where initial assessments indicate dumping or other contaminating activities have occurred on the property.
- (m) A phased clearing plan in accordance with section 24-89 of the zoning ordinance.
- (n) An outdoor lighting plan in accordance with section 24-130 of the zoning ordinance (these requirements do not apply to lighting on single family lots).
- (o) The following environmental information about the site proposed for development including:
 - (1) All existing easements, disturbed area, impervious cover, and percent impervious estimate;
 - (2) Flood zone designation, Resource Protection Areas (RPAs), soils (highly erodible, hydric, permeable, hydrologic soils group A and B);
 - (3) Full environmental inventory consistent with section 23-10(2) of the county's Chesapeake Bay Preservation ordinance (perennial stream assessment, delineated wetlands, limits of work);
 - (4) Demonstration that the project complies with section 23-9(b)(1), (2), and (3) of the county's Chesapeake Bay Preservation ordinance (how disturbance is being minimized, indigenous vegetation preserved, and impervious cover minimized);
 - (5) County watershed, steep slopes (grade 25 percent or more), sites known for populations of rare or threatened species, locations of existing conservation easements, wooded areas and wildlife habitat; and
 - (6) Description of better site design or low impact development techniques if such is being used.
- (p) For proposed minor subdivisions, a copy of the plat showing the parent parcel to assist in verifying the requirements listed in section 19-21.

(q) A Phase I Archaeology Study for the area within the limits of disturbance (project area) in accordance with Section 24-50 of the Zoning Ordinance. These requirements do not apply if one or more of the following criteria are met:

- (1) The preliminary plan is for a minor subdivision as defined in Section 19-24.
- (2) The preliminary plan is for a family subdivision as defined in Section 19-17.
- (3) The preliminary plan is for a property boundary line adjustments and/or extinguishments.
- (4) An approved Phase I archaeological study for the project area has been previously completed and no further study is recommended.
- (5) The preliminary plan is for an amendment that proposes land disturbance of less than 2,500 square feet.
- (6) If the project area is subject to adopted proffers and/or SUP conditions which requires compliance with the Archaeology Policy.

(r) A Natural Resource Inventory for the area within the limits of disturbance (project area) in accordance with Section 24-51 of the Zoning Ordinance. These requirements do not apply if one or more of the following criteria are met:

- (1) The preliminary plan is for a minor subdivision as defined in Section 19-24.
- (2) The preliminary plan is for a family subdivision as defined in Section 19-17.
- (3) The preliminary plan is for a property boundary line adjustments and/or extinguishments.
- (4) An approved Natural Resource Inventory for the project area has been previously completed and no further study is recommended.
- (5) The preliminary plan is for an amendment that proposes land disturbance of less than 2,500 square feet.
- (6) For natural resource inventory, if the Department of Conservation and Recreation (DCR) already determined, through a project area, that resources are not on site or would only be located in areas, such as RPAs, that are protected through other regulations.
- (7) If the project area is subject to adopted proffers and/or SUP conditions which requires compliance with the Natural Resource Policy

(s) If the planning director determines that one or more of the above submittal requirements is not applicable to the proposed project, the planning director may waive those requirements. In the event the Planning Director disapproves the request the applicant may appeal the decision of the planning director to the development review committee which shall forward a recommendation to the planning commission.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-16, 11-6-89; Ord. No. 30A-17, 2-5-90; Ord. No. 30A-22, 7-17-95; Ord. No. 30-A-26, 5-11-99; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 24-23. - Submittal requirements.

- (a) The following information shall be submitted with any request for an amendment of this chapter, as provided for in section 24-13, or for any building or use and addition or expansion thereto which requires a special use permit under this chapter, provided however, applications for family subdivisions, manufactured homes and temporary classroom trailers shall be exempt from the requirements of this section.
- (1) The community impact statement shall describe the probable effects of the proposed development upon the community and at a minimum shall address the following topics regarding infrastructure and quality of life:
- a. A traffic impact analysis for all projects that expect to generate 100 or more weekday peak hour trips to and from the site during the hours of operation and/or those projects with an entrance or exit onto a roadway with a level of service "D" or lower shall be required pursuant to the Traffic Impact Analysis Submittal Requirement Policy. Vehicular access points and drives shall be designed to encourage smooth traffic flow, with controlled turning movements and minimum hazards to vehicular and pedestrian traffic. Buildings, parking areas and drives shall be arranged in a manner that encourages pedestrian access and minimizes traffic movement. No more than one access point on each abutting public street shall be permitted unless specifically approved by the board of supervisors after reviewing the applicant's traffic impact analysis; and
 - b. A water and sewer impact study for all projects with an anticipated average daily flow greater than 15,500 gallons, and/or for proposed residential projects containing 50 lots or more. Water conservation information shall be submitted in accordance with water conservation guidelines policy; and
 - c. Environmental information shall be submitted in accordance with the environmental constraints analysis *policy* for legislative cases; and
 - d. An adequate public facilities report in accordance with board of supervisors policy to include sewer, water, schools, fire stations, libraries, and other major locally-financed facilities. School information shall be prepared according to the adequate public school facilities test policy; and
 - e. Additional on-site and off-site public facilities or services which would be required as a result of the development; and
 - f. A Phase IA ~~historic and~~ archaeological study if the property is identified as being an *ultra- or* highly-sensitive area on the James City County archaeological assessment. ~~If the property is identified as a moderately sensitive area on the assessment, studies shall be provided in accordance with the currently adopted archaeological policy; and~~
 - g. *The results of a project review detailing potential impacts to Natural Heritage Resources from the Virginia Department of Conservation and Recreation's Natural Heritage Resources program.* ~~An environmental inventory in accordance with the James City County natural resource policy; and~~
 - h. A fiscal impact analysis, using the worksheet and assumptions provided by the planning division, when the proposal includes residential dwelling units. The analysis must estimate revenues to be generated versus the cost of public improvements to be financed by the county or the state using the fiscal impact model prepared by the county. If desired by the applicant supplemental studies may be prepared by an individual or firm qualified to conduct a fiscal impact study in a manner and form acceptable to the planning director; and
 - i. Parks and recreation information based on parks and recreation master plan proffer guidelines.

- (2) The master plan shall depict and bind the approximate boundaries and general location of all principal land uses and their building square footage and height, roads, rights-of-way (with an indication of whether public or private), accesses, open spaces, public uses and other features to be located on the site for which approval is sought. The planning director may require other features, including general location and approximate boundaries of buildings, structures or parking areas, to be incorporated into the master plan where deemed necessary due to the size of the development, access to or location of public roads, distance from residential areas, presence of environmentally sensitive areas or availability of public utilities. The master plan shall be prepared by a licensed surveyor, engineer, architect, landscape architect or planner. A scale may be used so that the entire parcel can be shown on one piece of paper no larger than 30 inches by 48 inches. The master plan shall also include:
- a. An inset map at a scale of not less than one inch to one mile showing the property in relation to surrounding roads, subdivision or major landmarks;
 - b. A north arrow, scale, the proposed use, approximate development phasing (if applicable);
 - c. The location of existing property lines, watercourse or lakes, wooded areas and existing roads which are within or adjoining the property;
 - d. If applicable, a table which shows for each section or area of different uses: the use; approximate development phasing, maximum number of dwelling units and density for residential areas, maximum square feet of floor space for commercial or industrial areas; and maximum acreage of each use;
 - e. If applicable, schematic plans which shall indicate the phasing of development and master water, sewer and drainage plans; and
 - f. If more than one type of land uses is proposed, each use shall be designated on the master plan as follows:

Type of Development	Area Designation
Single family	A
Multi-family dwellings containing up to and including four dwelling units	B
Multi-family dwellings containing more than four dwelling units	C
Apartments	D
Commercial uses	E
Wholesale and warehouse uses	F
Office uses	G
Light industrial uses	H
Institutional or public uses	I

Areas of common open space, with recreation areas noted	J
Structures containing a mixture of uses	M*
Other structures, facilities or amenities	X

* Areas of a master plan designated M (structures containing a mixture of uses) shall indicate in parentheses, following the M designation, the appropriate letter designations of the types of uses contained within the structure (e.g. M (CG)) in the order of their proportion in the mixed use structure.

A total of 12 copies of the master plan should be submitted along with an application for rezoning or a special use permit; if necessary, additional copies of the master plan may be required for submittal. The master plan shall be reviewed and approved and thereafter become binding upon approval of a rezoning or a special use permit by the board of supervisors. Thereafter, all amendments to the master plan shall be in accordance with section 24-13 of this chapter. Final development plans may be approved after approval of a master plan by the board of supervisors. All final development plans shall be consistent with the master plan, but may deviate from the master plan if the planning director concludes that the development plan does not:

1. Significantly affect the general location or classification of housing units or buildings as shown on the master plan;
2. Significantly alter the distribution of recreation or open space areas on the master plan;
3. Significantly affect the road layout as shown on the master plan;
4. Significantly alter the character of land uses or other features or conflict with any building conditions placed on the corresponding legislatively-approved case associated with the master plan.

If the planning director determines that a proposed change would deviate from the approved master plan, the amendment shall be submitted and approved in accordance with section 24-13. In the event the planning director disapproves the amendment, the applicant may appeal the decision of the planning director to the development review committee which shall forward a recommendation to the planning commission. For additional information regarding master plan submittal requirements refer to the submittal sections for the following zoning districts: R-4, Residential Planned Community; RT, Research and Technology; PUD, Planned Unit Development; MU, Mixed Use; EO, Economic Opportunity; and Residential Cluster Development Overlay District.

- (3) Any other submittal requirement which may be required by this chapter.
 - (4) An application and fee in accordance with section 24-7 of this chapter.
- (b) Supplemental information should be submitted in accordance with the "Supplemental Submittal Requirements for Special Use Permits and Rezoning" policy as adopted by the board of supervisors and any additional policies as deemed necessary by the planning director.

- (c) In addition to the paper copies of all documents required by this chapter, all information and plans required under (a)(1), (a)(2) or (a)(3) shall be submitted in an electronic format in accordance with the "Electronic Submittal Requirements for Legislative Applications" policy, as approved by the planning commission.
- (d) Unless otherwise required by this chapter, upon written request by the applicant, the planning director may waive any requirement under (a)(1) or (a)(2) above after finding that such information would not be germane to the application.

(Ord. No. 31A-201, 12-1-99; Ord. No. 31A-266, 6-12-12; Ord. No. 31A-281, 12-11-12; Ord. No. [31A-297](#), 6-9-15)

Section 24-50.-Standards for Archaeology Studies.

(a) All archaeological studies shall meet the Virginia Department of Historic Resources' Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standard and Guidelines for Archaeological Documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards.

- 1) When a Phase I archaeological study is required, it shall identify, in accordance with accepted practices, all sites recommended for a Phase II evaluation, and/or identified as being eligible for inclusion on the National Register of Historic Places. If the Phase I study concludes that there are no sites meeting these criteria, then no further work is required and development may occur within the subject area. If the Phase I study concludes that there are sites that meet these criteria, then the requirements of subsection (a)(2) will apply.*
- 2) All sites in a Phase I archaeological study that are recommended for a Phase II evaluation, and/or identified as being eligible for inclusion on the National Register of Historic Places, shall be treated by:
 - i. The preparation of a Phase II study to identify, in accordance with accepted practices, all sites recommended for a Phase III evaluation, and/or identified as being eligible for inclusion on the National Register of Historic Places; or*
 - ii. Preservation of the site in situ, meaning leaving the site completely undisturbed or preserving the site in a manner acceptable to the Director of Planning**

If the Phase II study concludes that there are no sites that meet these criteria, then no further work is required and development may occur within the subject area.

- 3) All sites in a Phase II archaeological study that are recommended for a Phase III evaluation, and/or identified as being eligible for inclusion on the National Register of Historic Places, shall be treated by:
 - i. The preparation of a Phase III study to identify, in accordance with accepted practices, all sites identified as being eligible for inclusion on the National Register of Historic Places; or*
 - ii. Preservation of the site in situ, meaning leaving the site completely undisturbed or preserving the site in a manner acceptable to the Director of Planning**

(b) All studies and treatment plans shall be submitted to the Director of Planning for review and approval prior to land disturbance. If in the Phase II or III study a site is determined eligible for nomination to the National Register of Historic Places and the site is to be preserved in situ, the treatment plan shall include nomination of the site to the National Register of Historic Places. The Director of Planning shall determine whether the studies and plans have been prepared in accordance with the applicable guidelines through consultation with the Virginia Department of Historic Resources. All approved treatment plans shall be incorporated into the plan of development for the site, and the clearing, grading or construction activities thereon.

Section 24-51.-Standards for Natural Resource Inventories

- (a) When a Natural Resource Inventory is required, it shall identify habitats suitable for S1, S2, S3, G1, G2, and G3 resources, as defined by the Virginia Department of Conservation and Recreation's Division of Natural Heritage (DRC/DNH), in the project area. If the Inventory concludes that there is no suitable habitat, then no further work is required and development may occur within the subject area. If the Inventory concludes that there is suitable habitat, then the requirements of item (b) will apply.*
- (b) If the Natural Resource Inventory confirms that a S1, S2, S3, G1, G2, or G3 natural heritage resource either exists or could be supported by a portion of the site, a conservation management plan shall be submitted to and approved by the Director of Planning for the affected area. The conservation management plan shall consist of a plan that indicates preservation boundaries, and with language that fully explains the safeguards intended to minimize impacts to the natural heritage resource. All approved conservation management plans shall be incorporated into the plan of development for the site, and the clearing, grading or construction activities thereon.*

 - (1) Upon written request by the applicant demonstrating that the conservation management plan would severely impact the plan of development, the Director of Planning may waive the requirement to incorporate the conservation management plan into the plan of development, and may instead permit the substitution of a mitigation plan. Such mitigation plan shall provide for the permanent conservation of an equally or more rare resource off-site where such resource would otherwise not be protected.*
- (c) All inventories and conservation management plans shall meet the DCR/DNH standards for preparing such plans, and shall be conducted under the supervision of a qualified biologist as determined by DCR/DNH or the United States Fish and Wildlife Service.*
- (d) All inventories and conservation management plans shall be submitted to the Planning Director for review and approval prior to land disturbance. The Planning Director shall determine whether the inventories and conservation management plans have been prepared in accordance with the standards through consultation with DCR/DNH.*

Sec. 24-145. - Site plan submittal requirements.

(a) Site plans shall, at a minimum, identify or contain:

- (1) Project title, title block, north arrow, legend, graphic scale, zoning, parcel identification number and such information as the names and numbers of adjacent roads, streams and bodies of water, railroads and subdivisions, or other landmarks sufficient to clearly identify the location of the property;
- (2) Name of engineer, architect, landscape architect, planner and/or licensed surveyor;
- (3) Vicinity and location of site by an inset map at a scale no less than one inch equal to 2,000 feet;
- (4) Boundary survey of site;
- (5) Location, type and size of all entrances to the site. All existing and proposed streets and easements, their names, numbers and width;
- (6) Existing and proposed utilities with easements and sizes, projected peak water and wastewater flows, watercourses and their names and owners;
- (7) Existing topography using county base mapping (two (2) foot contour or greater with the prior approval of the engineering and resource protection director), or other mapping sources or resources, and proposed finished contours.
- (8) Spot elevations shown at topographic low and high points;
- (9) A landscaped plan showing woodline before site preparation with species and average diameter of trees indicated with location and diameter of single trees in open areas; areas to be screened, fenced, walled and/or landscaped, with approximate arrangements, plant types and sizes; and size and type of trees to be removed having a minimum diameter breast height of 12 inches;
- (10) A tree preservation plan and a phased clearing plan in accordance with sections 24-87 and 24-90;
- (11) An outdoor lighting plan in accordance with section 24-130;
- (12) Provisions for off-street parking, loading spaces and pedestrian walkways including existing and proposed sidewalks, calculations indicating the number of parking spaces required and the number provided;
- (13) Number of floors, floor area, height and location of each building;
- (14) For a multi-family or apartment development, the number, size and type of dwelling units and the location, type and percentage of total acreage of recreation facilities;
- (15) Detailed utility layout including water and sanitary sewer plan with profiles; location of electrical transmission lines, gas pipelines, streetlights and fire hydrants; and showing the locations of garbage and trash disposal facilities;
- (16) Provisions for the adequate control of stormwater drainage and erosion and sedimentation, indicating all proposed temporary and permanent control measures;
- (17) Computation notations to include the total site area, and the amount and percentage of the site covered by open space and buildings, or dwelling units for multi-family or apartment developments;
- (18) Bylaws of homeowner's association where applicable;
- (19) Copies of notification to adjacent property owners;
- (20) Copy of conceptual plan (if applicable);

(21) Narrative description of compliance of plan to any proffers or special use permit conditions; and

(22) The following environmental information about the site proposed for development including:

- a. All existing easements, disturbed area, impervious cover, and percent impervious estimates;
- b. Flood zone designation, Resource Protection Areas (RPAs), soils (highly erodible, hydric, permeable hydrologic soils groups A and B);
- c. Full environmental inventory consistent with section 23-10(2) of the county's Chesapeake Bay Preservation ordinance (perennial stream assessment, delineated wetlands, limits of work);
- d. Demonstration that the project complies with section 23-9(b)(1), (2), and (3) of the county's Chesapeake Bay Preservation ordinance (how disturbance is being minimized, indigenous vegetation preserved, impervious cover minimized);
- e. County watershed, steep slopes (grade 25 percent or more), sites known for populations of rare or threatened species, locations of existing conservation easements, wooded areas and wildlife habitat; and
- f. Description of Better Site Design or Low Impact Development (LID) techniques if being used.

(23) *A Phase I Archaeology Study for the area within the limits of disturbance (project area) in accordance with Section 24-50 of the Zoning Ordinance. These requirements do not apply if one or more of the following criteria are met:*

- a. *Land disturbance on the project area is less than 2,500 square feet.*
- b. *A proposed temporary structure(s) will not be erected for more than six months.*
- c. *A proposed addition to an existing structure is less than 1,000 square feet or no changes to the building footprints are proposed.*
- d. *The project area has been previously disturbed as evidenced by existing site features, historic aerial photography, or other documentation deemed sufficient by the Director of Planning.*
- e. *An approved Phase I Archaeological Study for the project area has been completed and either found no resources, or all study recommendations have been appropriately addressed as determined by the Director of Planning.*
- f. *The site plan submittal is for a project associated with an existing individual multi-family dwelling unit.*
- g. *If the project area is subject to adopted proffers and/or SUP conditions which requires compliance with the Archaeology Policy.*

(24) *A Natural Resource Inventory for the area within the limits of disturbance (project area) in accordance with Section 24-51 of the Zoning Ordinance. These requirements do not apply if one or more of the following criteria are met:*

- a. *Land disturbance on the project area is less than 2,500 square feet.*
- b. *A proposed temporary structure(s) will not be erected for more than six months.*
- c. *A proposed addition to an existing structure is less than 1,000 square feet or no changes to the building footprints are proposed.*
- d. *The project area has been previously disturbed as evidenced by existing site features, historic aerial photography, or other documentation deemed sufficient by the Director of Planning.*
- e. *An approved Natural Resource Inventory for the project area has been completed and either found no resources, or all study recommendation have been appropriately addressed as determined by the Director of Planning*
- f. *The site plan submittal is for a project associated with an existing individual multi-family dwelling unit.*
- g. *The Department of Conservation and Recreation has already determined, through a project review, that resources are not on site or would only be located in areas, such as RPAs, that are protected through other regulations.*
- h. *If the project area is subject to adopted proffers and/or SUP conditions which requires compliance with the Natural Resource Policy.*

- (b) If the planning director determines that one or more of the above submittal requirements is not applicable to the proposed project, the planning director may waive those requirements. *In the event the Planning Director disapproves the request the applicant may appeal the decision of the planning director to the development review committee which shall forward a recommendation to the planning commission*
- (c) The submittal of a site plan with insufficient information shall result in the return of the plans to the applicant without review; such deficiencies shall be noted in written form.

(Ord. No. 31A-132, 10-14-91; Ord. No. 31A-192, 5-11-99; Ord. No. 31A-267, 6-12-12; Ord. No. 31A-284, 12-11-12)

RESOLUTION

NATURAL RESOURCE POLICY

WHEREAS, the citizen-based Residential District Committee reviewed the residential districts in light of the 1997 Comprehensive Plan and recommended revisions to the districts; and

WHEREAS, the 1997 Comprehensive Plan calls for continuing efforts to protect and preserve natural resources; and

WHEREAS, the Residential District Committee recommended that developments be required to preserve habitats for rare, threatened, and endangered species; and

WHEREAS, the Planning Commission endorsed that requirement when it recommended approval of the residential districts on March 3, 1999, by a vote of 5 to 0; and

WHEREAS, staff developed the Natural Resource Policy which Board of Supervisors adopted along with the R-1, R-2, and Cluster Overlay Districts on May 25, 1999, by a vote of 5 to 0; and

WHEREAS, the Board of Supervisors wanted to allow an additional opportunity for public input, and the Natural Resource Policy has been advertised in the newspapers.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby endorse the following Natural Resource Policy.

As part of the Chesapeake Bay ecosystem, James City County is endowed with many natural resources, including rare, threatened, and endangered species, and rare and exemplary natural communities. In order to better conserve these resources, James City County, along with York County and the City of Williamsburg, worked with the Virginia Department of Conservation and Recreation's Division of Natural Heritage (DCR/DNH) to identify habitats for rare species and natural communities. The result was a document entitled, Conservation Planning for the Natural Areas of the Lower Peninsula of Virginia.

Where the conservation plan indicates that significant natural resource potential exists the County seeks to protect these resources, and staff will recommend the following condition or proffer be added to all special use permit and rezoning cases. In making a final determination as to when studies may be required, staff will consult the conservation plan to see if the sites are located in any B1, B2, or B3 areas and will seek the recommendation of the DCR/DNH or other qualified persons if necessary.

A natural resource inventory of suitable habitats for S1, S2, S3, G1, G2, or G3 resources in the project area shall be submitted to the Director of Planning for his/her review and approval prior to land disturbance. If the inventory confirms that a natural heritage resource either exists or could be supported by a portion of the site, a conservation management plan shall be submitted to and approved by the Director of Planning for the affected area. All inventories and conservation management plans shall meet the DCR/DNH's standards for preparing such plans, and shall be conducted under the supervision of a qualified biologist as determined by the DCR/DNH or the United States Fish and Wildlife Service. All approved conservation management plans shall be incorporated into the plan of development for the site, and the clearing, grading or

construction activities thereon, to the maximum extent possible. Upon approval by the Director of Planning, a mitigation plan may substitute for the incorporation of the conservation management plan into the plan of development for the site.

I. In interpreting this proffer or condition, the following procedures and guidelines will be followed:

1. *A natural resource inventory of suitable habitats for S1, S2, S3, G1, G2, or G3 resources in the project area shall be submitted to the Director of Planning for his review and approval prior to land disturbance. Since the County lacks the expertise to review such documents, the County will send the studies to the DCR/DNH for review. The DCR/DNH's responsibility is to determine if the study meets their standards and has been conducted under the supervision of a qualified biologist. This is the preferred option for review of these studies.*

The developer may request that staff hire an independent biologist to review the study. The Director of Planning shall select the independent biologist. The developer will pay the full costs of this review. It would be the independent biologist's responsibility to determine if the study meets the DCR/DNH's standards, and if it has been conducted under the supervision of a qualified biologist. The developer will take any risk in this matter. If at some point in the future the developer needs to go before the DCR/DNH, and comments are made regarding previous studies, it will be the County's position that all DCR/DNH issues need to be resolved. The County's biologist will not participate in this process other than to provide technical assistance to the County as requested by the County.

2. *If the inventory confirms that a natural heritage resource either exists or could be supported by a portion of the site, a conservation management plan shall be submitted to and approved by the Director of Planning for the affected area. The conservation management plan shall consist of a site plan that indicates preservation boundaries, and with language that fully explains the safeguards intended to minimize impacts to the natural heritage resource. The plan shall be reviewed by staff who may, if necessary, consult with the DCR/DNH. The developer may request review by an independent biologist subject to the provisions of Guideline No. 1. Once identified concerns have been addressed, staff (not the DCR/DNH) will approve the study.*
3. *All approved conservation management plans shall be incorporated into the plan of development for the site, and the clearing, grading or construction activities thereon, to the maximum extent possible. Upon approval by the Director of Planning, a mitigation plan may substitute for the incorporation of the conservation management plan into the plan of development for the site. The preferred option for implementation of the conservation management plan is to fully incorporate it into the plan of development. However, should the recommendations of the conservation management plan severely impact the plan of development, the expectation is that all reasonable measures shall be taken to implement the conservation management plan. As an alternative under severe conditions, the Director of Planning may consider and approve a mitigation plan which provides for the permanent conservation of an equally or more rare resource off-site. The preference is for the same resource to be conserved.*

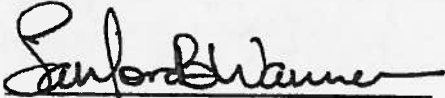
II. In Implementing and updating this condition, the following procedures and guidelines will be followed:

1. Maps indicating the general location of natural areas shall be included within the text of the Comprehensive Plan with appropriate cross-references to documents such as the Natural Areas Inventory and Natural Areas Conservation Planning Report.
2. A developer may advertise on-site preservation efforts in accordance with the regulations of the sign ordinance and after consultation with a professional biologist and the Director of Planning.



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:



Sanford B. Warner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
NERVITT	AYE
SISK	AYE
MCGLENNON	AYE
BRADSHAW	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of July, 1999.

RESOLUTION

ARCHAEOLOGICAL POLICY

- WHEREAS, the task of revising the archaeological policy was undertaken by one of the four citizen committees charged with updating the Zoning Ordinance; and
- WHEREAS, the committee, in drafting the proposed policy, used the 1997 Comprehensive Plan and "Preserving Our Hidden Heritage: An Archaeological Assessment of James City County" for guidance; and
- WHEREAS, after meeting several weeks to discuss this topic, the Zoning Ordinance update committee responsible for developing this item recommends the following policy; and
- WHEREAS, on June 25, 1998, the site committee of the James City County Historical Commission endorsed the following policy; and
- WHEREAS, on August 3, 1998, the Planning Commission endorsed the policy by a vote of 4-0, with three absences.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby endorse the following:

As one of the oldest settlement areas in the United States, James City County has numerous documented and unknown archaeological and historic sites. Where it appears that significant archaeological potential exists, the County seeks to identify and protect these areas and staff will recommend the following condition be added to all special use permit and rezoning cases. In making a final determination of when studies may be required, staff will consult existing archaeological studies and will seek the recommendation of representatives of the County Historical Commission or other qualified archaeologists if necessary.

A Phase I Archaeological Study for the entire site shall be submitted to the Director of Planning for his review and approval prior to land disturbance. A treatment plan shall be submitted to, and approved by, the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation, and/or identified as being eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase II study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study area. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standard and Guidelines for Archaeological Documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's

Item No. 1

Professional Qualification Standards. All approved treatment plans shall be incorporated into the plan of development for the site, and the clearing, grading or construction activities thereon.

I. In interpreting this condition, the following procedures and guidelines will be followed

1. *A Phase I Archaeological Study for the entire site shall be submitted to the Director of Planning for his review and approval prior to land disturbance. Since the County lacks the expertise to review such documents, the County will send the studies to the Virginia Division of Historic Resources (VDHR) for review. VDHR's responsibility is to determine if the study meets the Virginia Department of Historic Resources' Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation, as applicable, and has been conducted under the supervision of a qualified archaeologist who meets the qualification set forth in the Secretary of the Interior's Professional Qualification Standards. This is the preferred option for review of these studies.*

The developer may request staff to hire an independent archaeologist to review the study. The Director of Planning shall select the independent archaeologist. The developer will pay the full costs of this review. It would be the independent archaeologist's responsibility to determine if the study meets the Virginia Department of Historic Resource's Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation, as applicable, and has been conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. The developer will take risk in this matter. If at some point in the future the developer needs to go before the VDHR, and comments are made regarding previous studies, it will be the County's position that all VDHR issues need to be resolved. The County's archaeologist will not participate in this process.

2. *A treatment plan shall be submitted to, and approved by, the Director of Planning for all sites in the Phase I study, that are recommended for a Phase II evaluation and/or identified as being eligible for inclusion on the National Register of Historic Places. The treatment plan shall list treatment measures for each of the sites meeting the criteria listed in the condition and shall include, at a minimum, the extent of impact to the area, a description of the probable boundaries and recommendations for treatment of the area. These plans shall be reviewed by staff who may, if necessary, consult with VDHR. The developer may request review by an independent archaeologist subject to the provisions of Guideline No. 1. Once identified concerns have been addressed, staff (not VDHR) will approve the study. At this time acceptable treatment measures can include the preparation of a Phase II study or preservation of the site in situ. Site in situ can include leaving the site completely undisturbed and/or preserving the site in a manner acceptable to the Director of Planning.*
3. *If a Phase II study is undertaken, such a study shall be approved by the Planning Director and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for*

inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. The study will be reviewed as outlined in Guideline No. 1.

The treatment plan shall list treatment measures for each of the sites meeting the criteria listed in the condition. If there is a question as to whether or not sites are impacted by development, staff will examine these sites and determine if a treatment plan is necessary. These plans shall be reviewed by staff who may, if necessary, consult with VDHR. The developer may request review by an independent archaeologist subject to the provisions of Guideline No. 1. Once identified concerns have been addressed, staff (not VDHR) will approve the study. At this time acceptable treatment measures can include the preparation of a Phase III study or preservation of the site in situ. Site in situ can include leaving the site completely undisturbed and/or preservation of the site in a manner acceptable to the Director of Planning.

4. *If, in the Phase II study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. The developer shall pursue the nomination of eligible sites. However, submission of the application to initiate this process will fully satisfy the condition.*
5. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study area. The study will be reviewed as outlined in Guideline No. 1.
6. All approved treatment plans shall be incorporated into the plan of development for the site, and the clearing, grading or construction activities thereon.

II. In Implementing and updating this condition, the following procedures and guidelines will be followed:

1. The policy and archaeological assessment shall be updated and revised as appropriate in advance of the Comprehensive Plan update to keep the documents current with new findings, professional archaeological standards and practices, and Virginia Department of historical Resources (VDHR) policy.
2. The following note shall be included on all future revisions of the Comprehensive Plan Land Use Map:

“Depending upon certain environmental conditions, highly-sensitive archaeological sites may occur within 3 km (1.9 mi.) of the James and Chickahominy rivers and within 2 km (1.2 mi.) of the York River. Ultrasensitive zones may occur where these high-sensitivity areas fall within the Primary Service Area. Please refer to the text of the Comprehensive Plan for further information.”

3. Maps indicating the general extent of high- and moderate-sensitivity areas shall be included within the text of the Comprehensive Plan with appropriate cross-

references to documents such as the James City County Archaeological Assessment.

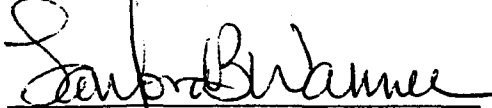
4. Upon nomination of a developer engaging in successful archaeological preservation, the Board of Supervisors shall consider the issuance of a resolution of appreciation.
5. A developer may advertise on-site preservation efforts in accordance with the regulations of the sign ordinance and after consultation with a professional archaeologist and the Director of Planning.
6. A developer may advertise on-site preservation efforts through promotional videos to be shown on the County's cable channel.
7. To the greatest extent possible, the County shall make display areas available in public areas of all County-owned and operated buildings.
8. Any developer who completes a Phase II study shall make available a portion of the artifacts for display in public buildings.



Jack D. Edwards
Chairman, Board of Supervisors

SUPERVISOR	VOTE
SISK	AYE
MCLENNON	AYE
BRADSHAW	AYE
NERVITT	AYE
EDWARDS	AYE

ATTEST:



Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of September, 1998.

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