

**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**  
**May 14, 2020**  
**4:00 AM**

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**A. CALL TO ORDER**

1. This meeting will be held electronically pursuant to the Continuity of Government Ordinance adopted by the Board of Supervisors on April 14, 2020. The meeting will be accessible through a Zoom audio meeting. Please go to <https://zoom.us/j/95687455734> or call 301-715-8592 and enter the meeting ID 956 8745 5734. Citizen comments may be submitted via US Mail to the Planning Commission Secretary, PO Box 8784, Williamsburg, VA 23187, via electronic mail to [community.development@jamescitycountyva.gov](mailto:community.development@jamescitycountyva.gov), or by leaving a message at 757-253-6750. Comments must be submitted no later than noon on the day of the meeting. Please provide your name and address for the public record.

**B. ROLL CALL**

1. Electronic Meeting Resolution

**C. MINUTES**

1. February 20, 2020 Meeting Minutes
2. February 27, 2020 Meeting Minutes
3. March 5, 2020 Meeting Minutes
4. March 12, 2020 Meeting Minutes

**D. OLD BUSINESS**

1. ORD-19-0010. Zoning Ordinance Amendments to Address the Keeping of Bees in Residential Districts, Phase III
2. ORD-19-0005. Consideration of Amendments to the Zoning Ordinance to Address Combat Tactical Training Facilities, Phase III

**E. NEW BUSINESS**

**F. ADJOURNMENT**

**ITEM SUMMARY**

DATE: 5/14/2020

TO: The Policy Committee

FROM: Paul D. Holt, III, Secretary

SUBJECT: May 14, 2020 Meeting Details

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This meeting will be held electronically pursuant to the Continuity of Government Ordinance adopted by the Board of Supervisors on April 14, 2020. The meeting will be accessible through a Zoom audio meeting. Please go to <https://zoom.us/j/95687455734> or call 301-715-8592 and enter the meeting ID 956 8745 5734. Citizen comments may be submitted via US Mail to the Planning Commission Secretary, PO Box 8784, Williamsburg, VA 23187, via electronic mail to [community.development@jamescitycountyva.gov](mailto:community.development@jamescitycountyva.gov), or by leaving a message at 757-253-6750. Comments must be submitted no later than noon on the day of the meeting. Please provide your name and address for the public record.

**REVIEWERS:**

Department	Reviewer	Action	Date
Policy	Cook, Ellen	Approved	5/7/2020 - 3:49 PM
Policy	Holt, Paul	Approved	5/7/2020 - 4:00 PM
Publication Management	Daniel, Martha	Approved	5/7/2020 - 4:03 PM
Policy Secretary	Secretary, Policy	Approved	5/7/2020 - 4:17 PM

**ITEM SUMMARY**

DATE: 5/14/2020

TO: The Policy Committee

FROM: Paul D. Holt, III, Secretary

SUBJECT:

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**ATTACHMENTS:**

	Description	Type
	Resolution	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Policy	Cook, Ellen	Approved	5/7/2020 - 3:49 PM
Policy	Holt, Paul	Approved	5/7/2020 - 3:59 PM
Publication Management	Daniel, Martha	Approved	5/7/2020 - 4:03 PM
Policy Secretary	Secretary, Policy	Approved	5/7/2020 - 4:16 PM

## **RESOLUTION**

### **POLICY COMMITTEE VIRTUAL MEETING**

WHEREAS, on March 24, 2020 the James City County Board of Supervisors (the “Board”) adopted an emergency Ordinance to ensure the continuity of government in response to the coronavirus pandemic negatively affecting the health, safety, and welfare of the citizens of James City County (the “County”); and

WHEREAS, on April 14, 2020, the Board readopted the continuity of government Ordinance (the “Ordinance”), which, under certain circumstances, permits the Board and its subordinate boards, committees, and commissions to conduct regularly scheduled, special, or emergency meetings solely by electronic or telephonic means without a quorum of members physically present (a “Virtual Meeting”); and

WHEREAS, the Policy Committee is a committee of the Planning Commission, a subordinate appointed commission of the Board and is therefore eligible to conduct a Virtual Meeting; and

WHEREAS, the Policy Committee desires to conduct a Virtual Meeting on May 14, 2020 at which time those items listed on the agenda attached hereto (the “Agenda”) will be considered; and

WHEREAS, each of the members of the Policy Committee have reviewed each of the items listed on the Agenda and have determined that consideration of each is necessary to ensure the continuation of the essential functions of the government during the emergency described in the Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Policy Committee of James City County, Virginia, hereby finds and declares that immediate consideration of each of the items set forth in the Agenda is necessary to ensure the continuation of essential functions of the government during the emergency declared by the Board and further described in the Ordinance.

ATTEST:		<hr/>		
		Frank Polster		
		Chair, Policy Committee		
		VOTES		
		<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
	POLSTER	_____	_____	_____
	KRAPF	_____	_____	_____
	O'CONNOR	_____	_____	_____
	ROSE	_____	_____	_____
	<hr/>			
	Paul D. Holt III			
	Secretary to the Planning Commission			

Adopted by the Policy Committee of James City County, Virginia, this 14th day of May,  
2020.

**ITEM SUMMARY**

DATE: 5/14/2020

TO: The Policy Committee

FROM: Paul D. Holt, III, Secretary

SUBJECT: February 20, 2020 Meeting Minutes

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**ATTACHMENTS:**

	Description	Type
	February 20, 2020 Meeting Minutes	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Policy Secretary	Secretary, Policy	Approved	5/7/2020 - 1:33 PM
Publication Management	Burcham, Nan	Approved	5/7/2020 - 1:47 PM
Policy Secretary	Secretary, Policy	Approved	5/7/2020 - 3:18 PM

**MINUTES**  
**JAMES CITY COUNTY POLICY COMMITTEE**  
**REGULAR MEETING**  
**Building A Large Conference Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**February 20, 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

Tim O'Connor

Absent:

Rich Krapf

Staff:

Paul Holt, Director of Community Development

Tammy Rosario, Principal Planner

Terry Costello, Deputy Zoning Administrator

Tori Haynes, Planner

John Risinger, Community Development Assistant

Sharon Day, Director of Financial and Management Services

Cheryl Cochet, Assistant Director of Financial and Management Services

Jeff Wiggins, Senior Budget and Accounting Analyst

Margo Zechman, Senior Budget and Accounting Analyst

Alister Perkinson, Parks Administrator

Grace Boone, Director of General Services

Shawn Gordon, Capital Project Management Chief Engineer

Chris Johnson, Director of Economic Development

Kate Sipes, Assistant Director of Economic Development

Laura Messer, Tourism and Marketing Coordinator

Toni Small, Director of Stormwater and Resource Protection

Darryl Cook, Assistant Director of Stormwater and Resource Protection

**C. MINUTES**

There were no minutes.

**D. OLD BUSINESS**

1. FY 2021-2025 Capital Improvements Program Review

Ms. Tori Haynes stated that representatives from the Office of Economic Development (OED), the Stormwater and Resource Protection Division, the Department of Parks and Recreation, the Department of General Services, and the Williamsburg Regional Library (WRL) were present to answer questions about their Capital Improvements Program (CIP) requests.

Ms. Leverenz invited representatives from OED to discuss their CIP requests.

Ms. Laura Messer stated that staff from OED had provided answers by email to questions received from the Policy Committee. She asked if the Committee had any additional questions.

Mr. Jack Haldeman stated that the CIP request for the Amblers House referenced cabins. He asked about the idea for the cabins.

Ms. Messer stated that the cabins were part of the proposed revisions to the Shaping Our Shores Master Plan.

Mr. Haldeman asked what the cost would be for construction and operation of the cabins.

Mr. Alister Perkinson stated that the County received a proposal from a vendor to operate cabins at the Jamestown Beach Event Park as a public-private partnership.

Mr. Tim O'Connor asked if the Amblers House had additional projects that needed to be completed before it would be operational.

Ms. Messer stated that the CIP request was to provide utilities to the Amblers House. She stated that it was the last County-led project that needed to be completed before the Amblers House could be operated as a public-private partnership. She stated that the County had completed all of the necessary projects for the exterior of the Amblers House as well as removing asbestos from the interior. She stated that the tenant would complete any interior renovations that were desired.

Ms. Leverenz asked if staff from OED had a sense for how much demand from the public there was for the Amblers House.

Ms. Messer stated that the Amblers House had historical significance and that the James City County Historical Commission would like the building to be open to the public. She stated that public-private partnership would operate the Amblers House as a wedding facility. She stated that a private vendor has indicated that there is a demand for wedding facilities in the region.

Ms. Leverenz asked if the vendor would be responsible for marketing the Amblers House as a wedding facility.

Ms. Messer confirmed. She asked if the Committee had any questions about the CIP request for the new building at the James City County Marina.

There were none.

Ms. Leverenz invited representatives from the Department of Parks and Recreation to discuss their CIP requests.

Mr. Perkinson stated that the County has not determined a location for the proposed Lower County Park. He stated that the County is in discussion with the owner of the Carter's Grove property regarding acquiring property for the park.

Mr. Haldeman asked if the Policy Committee could recommend funding the CIP request for Lower County Park contingent on acquiring property or if the request should be entered in the future after a location has been determined.

Mr. Perkinson stated that if the County could not acquire property from the Carter's Grove parcel, the other option would be utilizing a portion of the property at James River Elementary School. He stated that staff would have to coordinate with Williamsburg-James City County

Public Schools to ensure that the park would be available to the public at all times.

Ms. Tammy Rosario stated that having the CIP request approved would facilitate the acquisition of property if a deal were reached with the property owner.

Mr. Perkinson stated that the CIP request to replace the restroom at Chickahominy Riverfront Park would meet the current demand for the facility. He stated that the building would also house concessions.

Ms. Leverenz asked the age of the current restroom building.

Mr. Perkinson stated that the building existed when the County purchased the property.

Mr. Haldeman asked why the different requests for restroom facilities had high costs.

Mr. Perkinson stated that the costs of proposed restrooms varied depending on the sites and if the restroom building would also house showers or concessions. He stated that the costs of restrooms assumed that the cost would be a minimum of \$500 per square foot. He stated that the cost was based on the costs of the Jamestown Beach Event Park concession building.

Mr. O'Connor asked if the proposed concession area at Chickahominy Riverfront Park would include a cooking area.

Mr. Perkinson confirmed. He stated that the current concessions area only had enough room for an ice cream freezer. He stated that the proposed concessions area would allow hot foods to be served such as hot dogs and pizza. He stated that the next set of questions was for the CIP request for Chickahominy Riverfront Park Phase III. He stated that the shoreline stabilization project was separate from the CIP request and was already underway. He stated that the projects included in Phase III were chosen to increase the efficiency of construction. He stated that a large part of Phase III was to construct a second boathouse for the Williamsburg Boat Club. He stated that the boathouse would also house rental equipment such as paddleboards. He stated that the Williamsburg Boat Club would fund the construction of the boathouse. He stated that the County would construct the parking area regardless of whether the boathouse was constructed.

Mr. Haldeman asked if Phase III was the final phase of improvements to Chickahominy Riverfront Park.

Mr. Perkinson stated that it was not the last phase. He stated that the revisions to the Shaping Our Shores Master Plan would result in projects in addition to the other projects after Phase III.

Ms. Leverenz asked why the requests for the James City County Marina were separated.

Mr. Perkinson stated that the request for James City County Marina Phase II improvements included new boat slips. He stated that the second request would be constructing a new building to house the Parks and Recreation office. He stated that the building that currently holds the office is in the floodplain. He stated that the second project would also include constructing a new parking lot. He stated that there would be cost efficiencies and less downtime for the Marina if both projects were completed at the same time. He stated that the CIP requests for the Marina had high costs that would be difficult to fund in the same fiscal year.

Ms. Leverenz stated that the CIP requests indicated that the proposed restroom facility at the Marina had to be constructed before parts of Phase II were completed.

Mr. Perkinson confirmed. He stated that the Virginia Department of Health had restroom requirements for marinas that were based on the number of boat slips. He stated that the restrooms would need to be constructed before Phase II or parts of the Phase II improvements would have to be halted until the restrooms were built.

Ms. Leverenz asked why the restrooms were not included in the CIP request for Phase II.

Mr. Perkinson stated that the Shaping Our Shores Master Plan revisions were not finalized when the Phase II improvements were developed. He stated that the location of the new restroom facility was shown on the revisions to the Shaping Our Shores Master Plan. He stated that the CIP request for the Jamestown Beach Event Park included a parking area made with pervious pavers. He stated that 54,000 vehicles visited the park which resulted in poor conditions in the grass parking area. He stated that staff would apply for available grants to assist with funding. He stated that he received a question regarding the operation costs of the pool at Upper County Park. He stated that Upper County Park had \$40,000 in operational costs, and \$77,000 for part time staff. He stated that Upper County Park generated about \$70,000 in revenue. He stated that other maintenance costs were incurred by the Department of General Services. He stated that the CIP request included replacing the baby pool with a splash pad. He stated that the CIP request for Veterans Park Phase II included a splash pad.

Mr. Haldeman asked if the CIP request for Veterans Park would be the last project for the park.

Mr. Perkinson stated that he would check and forward the answer to the Policy Committee.

Ms. Leverenz asked why Upper County Park would have a paved parking lot instead of pervious pavers.

Mr. Perkinson stated that Upper County Park already had a gravel parking lot. He stated that gravel parking lots are considered to be impervious area. He stated that the last question he received was regarding the size of the proposed restroom facility at the Warhill Sports Complex. He stated that the restroom facility would be across from the baseball fields and would also house a concessions area.

Mr. O'Connor asked if the Department of Parks and Recreation had any news regarding the proposed running center.

Mr. Perkinson stated that the revisions to the Shaping Our Shores Master Plan show the running facility being located at Jamestown Beach Event Park.

Ms. Leverenz asked if there were any other questions.

There were none.

Ms. Leverenz invited representatives from the Stormwater and Resource Protection Division to discuss their CIP request.

Ms. Toni Small stated that she received three questions from the Policy Committee regarding the CIP request for the Stormwater Capital Improvements Program. She stated that the costs did not include state or federal funding. She stated that staff would apply for grants.

Mr. Haldeman asked if grants could reduce the actual costs listed in the CIP request.

Ms. Small confirmed. She stated that the grants have a competitive application process so it would be difficult to estimate the funding that would be generated by grants.

Ms. Leverenz asked if staff had been successful at applying for grants in the past.

Mr. Darryl Cook confirmed. He stated that staff has received 15 grants from the Virginia Department of Environmental Quality's Stormwater Local Assistance Fund.

Mr. Haldeman asked if any excess funding would be returned to the general fund.

Ms. Sharon Day stated that grants have been appropriated by the Board of Supervisors (BOS) in the past.

Ms. Small stated that the pattern of funding for the Stormwater Capital Improvements Program was that five years of funding would add up to \$12,544,000. She stated that she received a question regarding the level of mercury in Diascund Creek. She stated that the Virginia Department of Environmental Quality confirmed that tests in 2010 and 2012 showed that fish in Diascund Creek had mercury in their tissue. She stated that part of the CIP request would go to studying the Diascund Creek Watershed which might determine a source for the mercury contamination.

Mr. Cook stated that part of the watershed was in New Kent County.

Ms. Small asked if there were any other questions.

There were none.

Ms. Leverenz invited representatives from the WRL to discuss their CIP requests.

Ms. Betsy Fowler, Library Director, WRL, stated that the existing contract between the County and the City of Williamsburg stated that each locality is responsible for its own capital improvement projects. She stated that the contract would have to be renegotiated in order for a new library to be a joint facility. She stated that the operational costs are split between the counties based on the residences of users. She stated that a new library facility would require about 10 acres of land.

Mr. Haldeman asked if the library in the City of Williamsburg could be expanded with the limited amount of land it has. He asked if a third library would need to be constructed if it was expanded.

Ms. Fowler stated that the library would likely need to be replaced entirely. She stated that a third library would not be needed if that were the case. She stated that a consultant had conducted a survey of library users that indicated that the downtown Williamsburg library was very popular. She stated that the current downtown library did not have enough area to increase the size of the parking lot.

Ms. Leverenz asked if building a new joint library would result in having the library closed for the length of construction.

Ms. Fowler stated that a temporary location could be opened while the new facility was constructed.

Mr. O'Connor asked if Ms. Fowler had any recommendation regarding having a third library or a new joint facility with the City of Williamsburg. He asked if the City of Williamsburg would be responsible for operating costs of the downtown library if the County built a third

library.

Ms. Fowler stated that the majority of the users at the downtown library live in the County. She stated that the County would continue to share operating costs unless the contract was renegotiated. She stated that having two libraries would be more sustainable than three libraries. She stated that the current location in downtown Williamsburg was preferred by the City of Williamsburg. She stated that a new library at the downtown Williamsburg location could be up to three stories tall. She stated that a solution for the parking would have to be determined.

Mr. Haldeman stated that the downtown Williamsburg library would still need to be renovated if a third library was built in the County.

Ms. Fowler confirmed.

Mr. O'Connor asked what the floor area was for the downtown Williamsburg.

Ms. Fowler stated that the library had about 30,000 square feet of usable space.

Ms. Leverenz asked if the costs of the CIP request would be lower for building a joint library with the City of Williamsburg.

Ms. Fowler confirmed.

Mr. O'Connor stated that Freedom Park had been intended as an educational park. He asked if the WRL considered locating the proposed playground at Freedom Park.

Ms. Fowler stated that a children's playroom had been built at the Croaker Road library. She stated that the proposed playground would be an extension of that playroom. She stated that the playground would focus on natural landscapes instead of playground equipment. She stated that the Friends of Williamsburg Regional Library would fundraise some of the costs of the playground. She stated that the Department of Parks and Recreation would take over the maintenance and safety inspections of the playground after it was constructed. She asked if there were any other questions.

There were none.

Ms. Leverenz invited representatives from the Department of Community Development to discuss their CIP requests.

Mr. Paul Holt stated that the Transportation Match CIP request had started in Fiscal Year 2017. He stated that transportation projects in the County that are currently in process account for \$146 million in funding. He stated that the Skiffes Creek Connector did not require any local sources of funding or funding from the Transportation Match CIP. He stated that the BOS committed to fund the undergrounding of utilities along Pocahontas Trail. He stated that the next large transportation project to be funded was the Pocahontas Trail Multimodal Corridor project. He stated that the project needed to be fully funded before the Virginia Department of Transportation would begin any work. He stated that holding off on funding the project would result in additional inflation costs. He stated that staff would continue to seek additional funding from the State of Virginia. He stated that the Skiffes Creek Connector and the Croaker Road Widening would be the next projects to start construction.

Mr. Haldeman stated that the Skiffes Creek Connector would be a substantial benefit to the County.

Mr. Holt stated that a portion of the Transportation Match funding from Fiscal Year 2020 was directed to an extension of the Green Mount Parkway. He stated that having Green Mount Parkway cross Skiffes Creek was cost prohibitive. He stated that the extending the road would create vehicular access for a large area of land that had economic development potential. He stated that the CIP request for the site preparation of the Stonehouse school site. He stated that having the soil remediation completed would not require funding the CIP for the new elementary school.

Mr. O'Connor asked why the burden was not on the developer to complete. He stated that the proffers required the developer to have the site ready. He asked if the required geotechnical approval would suffice.

Mr. Holt stated that it is important for the County to independently verify the work that the developer completed. He stated that ensuring the soil remediation and compaction was completed correctly could save time and reduce costs when the school was constructed. He stated that the County does not have staff with the technical expertise to review the geotechnical reports for the site.

Ms. Leverenz asked what types of contaminants were present at the school site.

Mr. Holt stated that it was unknown if any contaminants were at the site.

Ms. Leverenz asked if it was the developer's responsibility to test the soil for contaminants.

Mr. Holt confirmed. He stated that the CIP request was to have a consultant independently verify the developers study.

Ms. Leverenz asked if there were any other questions.

There were none.

**E. NEW BUSINESS**

There was no new business.

**F. ADJOURNMENT**

Mr. O'Connor made a motion to Adjourn. The motion passed 3-0.

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

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Mr. Frank Polster, Chair

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Mr. Paul Holt, Secretary

**ITEM SUMMARY**

DATE: 5/14/2020

TO: The Policy Committee

FROM: Paul D. Holt, III, Secretary

SUBJECT: February 27, 2020 Meeting Minutes

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**ATTACHMENTS:**

	Description	Type
	February 27, 2020 Meeting Minutes	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Policy Secretary	Secretary, Policy	Approved	5/7/2020 - 1:33 PM
Publication Management	Burcham, Nan	Approved	5/7/2020 - 1:47 PM
Policy Secretary	Secretary, Policy	Approved	5/7/2020 - 3:18 PM

**MINUTES**  
**JAMES CITY COUNTY POLICY COMMITTEE**  
**REGULAR MEETING**  
**Building A Large Conference Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**February 27, 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

Absent:

Rich Krapf  
Tim O'Connor

Staff:

Tammy Rosario, Principal Planner  
Terry Costello, Deputy Zoning Administrator  
Tori Haynes, Planner  
John Risinger, Community Development Assistant  
Sharon Day, Director of Financial and Management Services  
Cheryl Cochet, Assistant Director of Financial and Management Services  
Jeff Wiggins, Senior Budget and Accounting Analyst  
Margo Zechman, Senior Budget and Accounting Analyst  
Grace Boone, Director of General Services  
Shawn Gordon, Capital Project Management Chief Engineer  
Rick Koehl, Capital Projects Coordinator

**C. MINUTES**

There were no minutes.

**D. OLD BUSINESS**

1. FY 2021-2025 Capital Improvements Program Review

Ms. Tori Haynes stated that staff members from the Department of General Services and the Williamsburg-James City County Public Schools (WJCC Schools) were present at the meeting to answer questions related to Capital Improvement Program (CIP) requests. She stated that the March 5, 2020, meeting of the Policy Committee could be used to finalize the Committee's ranking of CIP requests.

Ms. Leverenz invited staff from the Department of General Services to discuss their CIP requests.

Ms. Grace Boone stated that the Committee had submitted a question about revenue that would be generated from the Grove Convenience Center. She stated that revenue from the Toano Convenience Center was about \$68,400. She stated that the County is working on acquiring property for the Grove Convenience Center. She stated that the Board of

Supervisors (BOS) has supported establishing the Grove Convenience Center. She stated that all of the County's convenience centers allow credit card payments.

Ms. Leverenz asked if the credit card readers were used more often than coupons.

Ms. Boone stated that the credit card payments were very popular with citizens. She stated that she could forward statistics to the Committee. She stated that the cost of the credit card reader was included within the furniture and equipment costs.

Ms. Leverenz asked if the furniture and equipment cost included the necessary utilities such as electrical connections.

Ms. Boone stated that the furniture and equipment costs included internet infrastructure but not electrical connections.

Mr. Shawn Gordon stated that the cost of furniture and equipment included items for the pollution prevention plan.

Ms. Leverenz asked if there were any other questions related to the Grove Convenience Center.

There were none.

Mr. Rick Koehl stated that the Department of General Services received questions related to the CIP request to construct termini on Jolly Pond Road near the dam. He stated that the County has gained access rights near Jolly Pond Dam. He stated that County staff would meet with engineers to determine how to construct the termini. He stated that the proposed design would be reviewed by the Virginia Department of Transportation (VDOT) and the property owners.

Ms. Leverenz asked if General Services knew how many vehicles were driven the entire way to Jolly Pond Dam where Jolly Pond Road was abandoned.

Mr. Koehl stated that there were about 240 vehicles passing the dam every day before that section of the road was abandoned. He stated that signage was posted along Jolly Pond Road to inform drivers that Jolly Pond Road had dead ends near the dam.

Ms. Boone stated that the signs were posted in sports to give drivers enough time to find a safe place to turn around.

Ms. Leverenz asked if General Services had noticed any signs of vehicles trying to turn around at the ends of Jolly Pond Road near the dam.

Mr. Koehl stated that there were no visible signs of vehicles turning around. He stated that one side of the dam had a small gravel turn around area. He stated that the other side of the dam had the road blocked near a driveway for vehicles to turn around. He stated that the property owner had agreed to allow vehicles to turn around in their driveway while a more permanent solution was developed. He stated that discussions with VDOT and the property owner led to the proposed location of the terminus on the southern end of the dam being moved to a steeper area which resulted in an increase in project costs. He stated that the property owner had concerns about unauthorized access to the dam.

Mr. Jack Haldeman asked if the southern terminus would be close to the dam.

Mr. Koehl stated that the terminus would be a distance away from the dam. He stated that a

portion of the road leading to the dam would remain so that construction vehicles could access the dam for repairs. He stated that a gate would be installed where the remaining road connects to the terminus.

Ms. Leverenz asked if there would be gates on both sides of the dam.

Mr. Koehl confirmed. He stated that the construction costs would be finalized after the engineers determined the amount and method of grading that was necessary for the terminus.

Ms. Leverenz asked if there were any other questions.

There were none.

Ms. Leverenz invited staff from WJCC Schools to discuss their CIP requests.

Mr. Marcellus Snipes, Senior Director for Operations, WJCC Schools, stated that staff from WJCC Schools provided answers to the Committee's questions by email. He asked if the Committee had any additional questions.

Mr. Haldeman asked if the recent Stonehouse rezoning was accounted for in the enrollment projections. He stated that the Stonehouse subdivision would have 1,100 fewer single-family homes because of the rezoning.

Ms. Rene Ewing, Chief Financial Officer, WJCC Schools, stated that the Future Think projections consider the number of issued building permits and not planned developments.

Mr. Haldeman stated that WJCC Schools had stated that there were 395 students in 31 classrooms for the Bright Beginnings program. He stated that there was an average class size of 13 students.

Mr. Snipes stated that Bright Beginnings included students with special needs. He stated that class sizes had to be smaller when they included special needs students.

Mr. Haldeman asked why WJCC Schools submitted a request for a new elementary school instead of expanding existing elementary schools.

Mr. Snipes stated that elementary schools have a recommended optimal size of about 700 students.

Mr. Haldeman stated that two elementary schools had enrollment capacities that were less than 700 students. He asked if those schools could be expanded.

Mr. Snipes stated that an architect reviewed the school sites to determine where classroom space could be added. He stated that the elementary schools with less than 700 students did not have enough space for additions.

Mr. Haldeman asked why the CIP request for Lafayette High School was described as a renovation instead of an expansion.

Mr. Snipes stated that the proposal for Lafayette High School was to repurpose space from a former auto shop and a kiln to add about eight classrooms. He stated that no new space would be added. He stated that multiple presentations at School Board meetings had discussed the various factors for expanding the high schools and building a new elementary school. He stated that the presentations from the School Board meetings were available on the WJCC Schools website.

Ms. Ewing stated that the current Future Think enrollment projections were available on the WJCC Schools website.

Mr. Haldeman asked if there was a demand for additional classrooms for the Bright Beginnings program.

Mr. Snipes stated that there is a waiting list of 100 to 200 students each year for Bright Beginnings.

Mr. Haldeman asked how long the Bright Beginnings program has been operating.

Mr. Snipes stated that the program started as the Needs Center at Norge Elementary School in the 1976.

Ms. Leverenz asked how many elementary schools have classrooms for Bright Beginnings.

Mr. Snipes stated that five elementary schools had Bright Beginnings classrooms in the current school year.

Ms. Leverenz asked if the new elementary school would include classrooms for Bright Beginnings.

Mr. Snipes stated that it depends on where there is a demand for classrooms. He stated that the design of classrooms for Bright Beginnings was mostly the same as elementary school classrooms.

Ms. Leverenz stated that the WJCC School Board had determined that there were compelling reasons to not consolidate the Bright Beginnings program at one location.

Mr. Snipes stated that having a separate facility would increase the length of bus routes. He stated that building a separate facility would result in administrative costs for staff and a cafeteria.

Ms. Leverenz asked if there were any other questions.

There were none.

Ms. Leverenz stated that the Committee could finalize its ranking at the March 5, 2020, meeting.

Ms. Tammy Rosario stated that the Committee members could forward their individual rankings to staff in advance of the March 5, 2020, meeting.

Ms. Tori Haynes stated that after the March 5, 2020 Policy Committee Meeting, the finalized CIP ranking would be included in the packet for the March 16, 2020, Planning Commission Organizational Meeting.

Ms. Leverenz asked if there were any other questions.

There were none.

## **E. NEW BUSINESS**

There was no new business.

**F. ADJOURNMENT**

Mr. Haldeman made a motion to Adjourn. The motion passed 2-0.

Ms. Leverenz adjourned the meeting at approximately 4:30 p.m.

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Mr. Frank Polster, Chair

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Mr. Paul Holt, Secretary

**ITEM SUMMARY**

DATE: 5/14/2020

TO: The Policy Committee

FROM: Paul D. Holt, III, Secretary

SUBJECT: March 5, 2020 Meeting Minutes

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**ATTACHMENTS:**

	Description	Type
	March 5, 2020 Meeting Minutes	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Policy Secretary	Secretary, Policy	Approved	5/7/2020 - 1:33 PM
Publication Management	Burcham, Nan	Approved	5/7/2020 - 1:48 PM
Policy Secretary	Secretary, Policy	Approved	5/7/2020 - 3:19 PM

**M I N U T E S**  
**JAMES CITY COUNTY POLICY COMMITTEE**  
**REGULAR MEETING**  
**Building A Large Conference Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**March 5, 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

Absent:

None

Staff:

Tammy Rosario, Principal Planner  
Terry Costello, Deputy Zoning Administrator  
Tori Haynes, Planner  
John Risinger, Community Development Assistant  
Cheryl Cochet, Assistant Director of Financial and Management Services  
Jeff Wiggins, Senior Budget and Accounting Analyst  
Margo Zechman, Senior Budget and Accounting Analyst

**C. MINUTES**

1. February 13, 2020 Meeting Minutes

Mr. Jack Haldeman made a motion to Approve the February 13, 2020, meeting minutes.

The motion passed 4-0.

**D. OLD BUSINESS**

1. FY 2021-2025 Capital Improvements Program Review

Ms. Tori Haynes stated that this is the fourth and final meeting prior to the special meeting on March 16, 2020. She stated that this meeting is to confirm the final scoring and ranking recommendations of the Committee. She stated that these would be forwarded to the Planning Commission and Board of Supervisors (BOS) as part of their budget discussions. Ms. Haynes asked if there were any questions.

There were no questions from the Committee.

Ms. Haynes asked Ms. Julia Leverenz if she would like to go through each project one by one.

Ms. Leverenz asked if there was a spreadsheet that shows how the Committee collectively

ranked the projects.

Ms. Haynes confirmed and presented the spreadsheet on the screen.

Ms. Leverenz asked if the spreadsheet can be ranked by average score.

Ms. Haynes confirmed.

Mr. Rich Krapf stated that there could be some scoring bias and that the numerical score may have less importance than the overall rank.

Mr. Krapf stated that there are 28 projects and it would be difficult to get full consensus on all 28.

Ms. Haynes read the top 10 projects listed on the spreadsheet.

The Committee members compared their individual lists to the overall top 10 list.

Ms. Leverenz asked the Committee if it was comfortable with the rankings of the first four.

The Committee members agreed.

Ms. Leverenz asked if the Grove Convenience Center was appropriately ranked.

Mr. Haldeman and Mr. Krapf agreed with the ranking.

Mr. Tim O'Connor stated that he ranked the project in the middle. He stated that he had no issues with the project being in the top 10.

Ms. Tammy Rosario asked if there were any of the top 10 projects that seemed out of place.

Ms. Leverenz stated that she did not have the Warhill High School Auxiliary Gym and Policy Covered Parking in her top 10.

Mr. Krapf stated that the gym was also ranked lower.

Mr. O'Connor stated that the gym was the highest ranked of the school projects because there is not enough space for the athletic programs to practice. He stated that another benefit of the project is the addition of an emergency shelter for the County.

Mr. Haldeman stated that he has his ranked seventh.

Mr. O'Connor stated that the other high schools have an auxiliary gym.

Mr. Haldeman stated that the gym can be used for the public at-large.

Mr. Krapf stated that he ranked the Jolly Pond Dam Road item high due to the safety hazard. He stated that it had a relatively low cost.

Ms. Leverenz stated that 240 vehicles per day were using the dam crossing. She stated that the current work-around is temporary.

Ms. Haynes stated that the Committee may find that some applications have a special consideration and Ms. Grace Boone, Director of General Services, stated that this project may be a Board of Supervisors consideration.

Ms. Leverenz stated that she ranked the library/library expansion within the top 10.

Mr. O'Connor stated that he felt it was an incomplete application because all of the details are not determined regarding location.

Mr. Krapf stated that he did not rank the new school site very high, but within the top 10.

Ms. Rosario asked if there were any adjustments to the ranking proposed.

Mr. Haldeman stated that he would recommend increasing the rank of the Lafayette High School Expansion because other schools are over capacity and the cost is relatively low.

Mr. Krapf asked which project he would remove from the top 10.

Mr. Haldeman stated that the Police firing range would be removed from his list.

Mr. O'Connor stated that the focus should be on Warhill High School to take on the expanded growth.

Mr. Haldeman stated that the enrollment at Warhill High School is projected to decline.

Ms. Rosario stated that Williamsburg-James City County (WJCC) Schools prioritized their applications.

Mr. Haldeman read aloud how the WJCC Schools ranked their applications.

Mr. Haldeman stated that the Amblers House utility project and the Jamestown Beach Event Park project should be constructed together to have a cost savings.

Ms. Leverenz stated that the Jamestown Beach project should be listed at number 11. behind the Amblers House at number 10.

Mr. Krapf stated that the firing range was a higher priority in his list.

Mr. O'Connor stated that he ranked it high.

Ms. Leverenz stated that three of the four members have it ranked high.

Mr. O'Connor stated that the cars need to be moved from the parking lot whenever the range is in use.

Mr. Haldeman stated that he is comfortable with where the project is ranked.

Ms. Leverenz asked if there were concerns on the ranking of the Warhill High School Auxiliary Gym.

Mr. Krapf stated that it was originally ranked lower, but he is comfortable with moving it up. He stated that it was a plus that the gym could be used as an emergency shelter.

Ms. Leverenz asked if the Committee agreed on the ranking of the Warhill High School Auxiliary Gym Expansion.

The Committee agreed.

Mr. Haldeman stated that both Lafayette High School Expansion and Warhill Auxiliary Gym would be in his top ten to complete the school projects.

Ms. Leverenz stated that the covered parking for the Police and the added building at the Marina could be replaced by the Lafayette High School Project. She stated that the Ambler's House could be pushed to eleven in the ranking.

Mr. Krapf stated that he supported the Amblers House project because it was a proffer requirement and linked to other improvements in the area. He stated that the Amblers House could generate revenue once the utilities are completed.

Mr. Haldeman stated that he supported the Amblers House project in the past to stabilize the house.

Ms. Leverenz stated that the added Marina building could be moved down to the other Marina improvements.

Mr. Haldeman stated that grouping the projects reduces the number of closures at the Marina.

Ms. Leverenz asked if anyone objected to moving the Marina building project to 12.

Mr. Krapf stated that he agreed with those changes.

Ms. Haynes asked if there was consensus on the top 14 projects.

Ms. Leverenz stated that there has not been discussion on the covered parking area at the Police Station.

Ms. Leverenz stated that she would not rank the project as high as shown in the spreadsheet.

Mr. O'Connor stated that this project came forward shortly after the Police Station was built. He stated it did not make the rankings in the past, but after hearing from the Police and the challenges they are having protecting the equipment, he understands the need better.

Ms. Leverenz is comfortable with the project being ranked 8. She stated that she likes the rankings of the Parks and Recreation projects.

Mr. O'Connor stated that he scored his Parks and Recreation projects based on their ranking.

Ms. Leverenz stated that the Committee is looking at the cost efficiencies by grouping projects together such as Jamestown Beach, Amblers House and Marina.

Mr. Krapf agreed.

Ms. Leverenz stated that the Chickahominy Riverfront Park project could be ranked above the other Parks and Recreation projects.

Mr. Krapf stated that he had Chickahominy project ranked 13 in his list.

Ms. Leverenz asked if Mr. O'Connor agreed with the proposed change to add the Chickahominy project above Amblers House.

Mr. O'Connor stated that his ranking matched the Parks and Recreation suggested order for their projects.

Ms. Leverenz stated that the Chickahominy Riverfront Park project could go between the projects at the Marina and the projects at Jamestown Beach.

Mr. Krapf stated that one of his concerns was that the Amblers House continues to get moved down when it is a top priority of the Office of Economic Development. He stated that he would keep Amblers House in the top 10.

Ms. Leverenz stated that the ranking would be in the following order: Jamestown Beach improvements, Chickahominy Riverfront Park and Chickahominy Riverfront Park Restroom and Concession improvements, and then the additional building at the Marina.

Mr. Haldeman agreed to those changes.

Ms. Haynes asked if any of the projects have any special considerations.

Mr. O'Connor stated that the transportation match and stormwater projects typically had the special considerations. He stated that the Jolly Pond Dam turnaround should be a special consideration.

Ms. Haynes asked if there was consensus on the top 15.

Ms. Leverenz stated that the Committee did not look past the top 15.

Mr. O'Connor stated that he would continue to rank the new school site lower because it was proffered and should be the developers responsibility to fund.

Ms. Leverenz stated that the money would be to hire a consultant to inspect the work of the developer.

Mr. O'Connor stated that proffer states that the developer should provide a school ready site.

Ms. Rosario asked if Mr. O'Connor felt the consultant fees should be paid for by the developer.

Mr. O'Connor agreed and stated that it could also be a bond and at the time of construction the money would be available.

Ms. Leverenz stated that this would allow the County to know that the project was done correctly.

Mr. O'Connor stated that the project is just for excavating the site for a school. He stated that a geo-tech firm can inspect the project to show that it was done correctly.

Mr. Krapf asked if he would like the project moved outside of the top 15.

Mr. O'Connor stated that this project should not be above the Lafayette High School project.

Ms. Leverenz asked if there was support for all of the school expansions including the baseball field.

Mr. O'Connor stated that the baseball field project is a Parks and Recreation project.

Ms. Leverenz stated that the new school site can be moved below the Warhill High School Expansion.

Mr. O'Connor stated that he would like to see the Lafayette High School project above the new school site.

Mr. Krapf and Mr. Haldeman agreed.

Mr. O'Connor asked why Mr. Krapf ranked the Lafayette High School project low.

Mr. Krapf stated that he ranked most of the school project low until he had a good idea of the sense of urgency for the projects. He is comfortable with the proposed ranking changes.

Ms. Leverenz asked if the school site is time dependent.

Ms. Rosario stated that she can double check.

Mr. Krapf stated that he had the school site as a special consideration, but does not know if there is a time requirement.

Ms. Leverenz asked if everyone is comfortable going with the average for the remaining items on the list.

The Committee agreed.

Ms. Haynes stated that remaining school projects had tied and would receive an equal ranking.

Mr. Krapf stated that he is comfortable with that decision.

Mr. O'Connor stated that the Upper County Park project could be ranked higher to allow for more projects throughout the County.

Mr. Haldeman stated that he had the Lower County Park project heavily weighted.

Ms. Leverenz asked if the Upper County Park project can be moved ahead of the new elementary school project.

Mr. Haldeman stated that he would even move the project above the Freedom Park project.

Ms. Leverenz agreed.

Ms. Leverenz stated that she would recommend listing the buses for the new elementary school last and move the library playground project up one.

Mr. Krapf agreed.

Ms. Leverenz asked if there were any further comments.

Mr. Krapf asked that the revised ranking sheet be sent out to the Committee.

Ms. Haynes confirmed that it will be sent out.

#### **E. NEW BUSINESS**

There was no new business.

#### **F. ADJOURNMENT**

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

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

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Mr. Frank Polster, Chair

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Mr. Paul Holt, Secretary

**ITEM SUMMARY**

DATE: 5/14/2020

TO: The Policy Committee

FROM: Paul D. Holt, III, Secretary

SUBJECT: March 12, 2020 Meeting Minutes

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**ATTACHMENTS:**

	Description	Type
	March 12, 2020 Meeting Minutes	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Policy Secretary	Secretary, Policy	Approved	5/7/2020 - 1:33 PM
Publication Management	Burcham, Nan	Approved	5/7/2020 - 1:48 PM
Policy Secretary	Secretary, Policy	Approved	5/7/2020 - 3:19 PM

**MINUTES**  
**JAMES CITY COUNTY POLICY COMMITTEE**  
**REGULAR MEETING**  
**Building A Large Conference Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**March 12, 2020**  
**4:00 PM**

---

**A. CALL TO ORDER**

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

**B. ROLL CALL**

Present:

Julia Leverenz, Chair

Jack Haldeman

Rich Krapf

Absent:

Tim O'Connor

Staff:

Ellen Cook, Principal Planner

Terry Costello, Deputy Zoning Administrator

John Risinger, Community Development Assistant

**C. MINUTES**

1. January 9, 2020 Meeting Minutes

Mr. Jack Haldeman made a motion to Approve the January 9, 2020, meeting minutes.

The motion passed 3-0.

**D. OLD BUSINESS**

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

Ms. Terry Costello stated that staff presented Phase I materials at the January 9, 2020 meeting regarding amending the Zoning Ordinance to allow beekeeping in residential neighborhoods. She stated that the Policy Committee discussed if beekeeping should be allowed in all zoning districts. She stated that the Initiating Resolution adopted by the Board of Supervisors (BOS) was specific to agricultural and residential zoning districts. She stated that the scope of the Initiating Resolution would need to be revised to include commercial zoning districts. She stated that, as a result, staff analyzed the proposed amendments for agricultural and residential zoning districts. She stated that staff developed performance standards based on the best management practices adopted by the Virginia Department of Agriculture and Consumer Services (VDACS) as well as standards in the Albemarle County Zoning Ordinance.

Ms. Costello stated that beekeeping is currently permitted in the General Agricultural (A-1), Low Density Residential (R-6), and Rural Residential (R-8) Zoning Districts without any performance standards. She stated that staff is proposing to change the use lists to permit beekeeping in the Limited Residential (R-1), and General Residential (R-2) Zoning Districts. She stated that staff is seeking input from the Policy Committee regarding if beekeeping should

be permitted in the Residential Redevelopment (R-3), Residential Planned Community (R-4), Planned Unit Development (PUD), and Mixed Use (MU) Zoning Districts. She stated that the Policy Committee suggested requiring a permit for beekeeping in residential zoning districts. She stated that staff proposed creating a permitting process similar to the Chicken Keeping Permit process. She stated that feedback from the Policy Committee will be used to draft Ordinance language for review at a future Policy Committee meeting.

Ms. Leverenz asked if the permit would be required in the zoning districts where beekeeping is already allowed.

Ms. Costello stated that it would not be required in agricultural zoning districts where beekeeping is permitted.

Mr. Rich Krapf stated that the Planning Commission could recommend that the BOS expand the proposed amendments to commercial zoning districts.

Mr. Michael Garvin, Williamsburg Area Beekeepers, asked if there was an application fee for the Chicken Keeping Permit process.

Ms. Costello stated that Chicken Keeping Permits have a \$21 application fee.

Mr. Garvin asked if citizens who currently have beehives would be required to apply for a permit and pay the fee.

Ms. Costello stated that permits would be required if citizens had beehives in residential zoning districts but not agricultural zoning districts. She stated that the permit would only need to be applied for one time.

Mr. Haldeman stated that the process should be straightforward. He stated that the Ordinance should have minimum distances for how far beehives should be placed from property lines and adjacent dwellings.

Mr. Haldeman stated that the performance standards could be enforced on a complaint basis without a permitting process. He stated that the proposed amendments should be easily understandable by citizens.

Ms. Leverenz asked if the performance standards should include a minimum lot size.

Mr. Haldeman stated that the performance standards should not include a minimum lot size. He stated that a small lot could potentially be able to have a beehive that is placed far enough away from adjacent dwellings.

Mr. Krapf asked if other localities required permits for beekeeping.

Ms. Costello stated that Isle of Wight County and the City of Newport News require permits.

Mr. Krapf stated that he would prefer to have a permitting process so that staff could verify that the applicant adhered to the performance standards.

Ms. Ellen Cook asked if the Policy Committee wanted to discuss potential performance standards used by other localities.

Mr. Haldeman confirmed.

Ms. Costello stated that a potential performance standard was that the beehives should be an

accessory use to a residential dwelling.

Mr. Haldeman stated that beekeeping should be permitted by-right on residential lots.

Ms. Costello asked if beehives should be permitted on vacant lots.

Mr. Haldeman confirmed.

Mr. Krapf stated that the performance standards should require barriers if beehives are permitted on vacant lots. He stated that beehives on vacant lots might not be maintained to the same standard of beehives on lots with dwellings.

Mr. Haldeman agreed.

Ms. Costello stated that another potential performance standard would include a minimum distance between the beehive and public right-of-ways or property lines not owned by the owner of the beehive.

Ms. Leverenz asked if the best practices from VDACS had a recommendation in the best practices.

Ms. Costello stated that the best practices recommended a distance of 10 feet.

Ms. Leverenz asked if the Policy Committee agreed with a distance of 10 feet.

Mr. Krapf agreed.

Mr. Haldeman agreed.

Ms. Costello stated that another potential performance standard would include a minimum distance from the beehive to any dwelling or structure on an adjacent property not owned by the owner of the beehive.

Ms. Leverenz asked if the Policy Committee agreed with a distance of 50 feet between the beehive and adjacent dwelling or structures not owned by the owner of the beehive.

Mr. Krapf agreed.

Mr. Haldeman agreed.

Ms. Costello stated that another potential performance standard would be requiring barriers around beehives if the beehives are less than 30 feet away from a public right-of-way and are less than 10 feet above grade.

Ms. Leverenz stated that the requirement should be clarified to say barriers are required if the beehives are between 10 and 30 feet away from a public right-of-way since a beehive would not be permitted to be less than 10 feet away from a public right-of-way.

Mr. Haldeman agreed.

Mr. Krapf agreed. He stated that it was important to make sure that the flight paths of bees would be higher in areas near public right-of-ways for pedestrian safety.

Ms. Costello stated that another potential performance standard would require barriers to be fencing, vegetation, or a combination of both.

Mr. Haldeman asked if the best practices from VDACS recommended barriers to be 8 feet tall.

Mr. Garvin stated that the recommendation is for barriers to be 6 feet tall.

Mr. Haldeman stated that it would be reasonable to require barriers to be 6 feet tall.

Mr. Krapf agreed.

Ms. Costello stated that another performance standard was to require beehives to be placed in the rear of the lot and have the entrance face away from the nearest property line or public right-of-way.

Mr. Haldeman asked if a vacant lot would have a rear side.

Ms. Cook stated that the Zoning Ordinance defines which side of a lot is the rear. She stated that a lot does not need to have a dwelling to determine the rear side.

Ms. Costello asked if the Policy Committee agreed with the performance standard.

Mr. Haldeman confirmed.

Ms. Costello stated that another performance standard would be requiring a water source on the property to be less than 50 feet away from the beehive or half the distance to the nearest unnatural water source.

Mr. Krapf stated that the standard matched the best practices from VDACS. He stated that the performance standard would be reasonable.

Ms. Costello asked if there should be a performance standard for adjacent property owners to be notified.

Ms. Leverenz agreed.

Mr. Krapf agreed.

Mr. Haldeman agreed.

Ms. Costello stated that the County would have no recourse if an adjacent property owner called in opposition to beehives as a result of the notification letter as long as the beehives meet the rest of the performance standards. She stated the notification could clarify that it was for information only.

Ms. Costello stated that another potential performance standard was the maximum number of colonies based on lot size.

Ms. Leverenz asked if there was a recommended distance between colonies.

Mr. Garvin stated that there was not. He stated that the best practices recommended six colonies per acre. He stated that the performance standard could limit lots of one acre or less to six colonies and have no limit to the number of colonies for lots greater than an acre in size.

Mr. Haldeman agreed.

Ms. Costello stated that the best practices had no limit to the number of colonies for lots greater than an acre in size, but required all colonies to be placed at least 200 feet away from all property lines.

Mr. Krapf stated that he would be fine with limiting lots of one acre in size or smaller to six colonies and have no limits for lots larger than an acre.

Mr. Haldeman agreed.

Ms. Leverenz agreed.

Ms. Costello stated that another potential performance standard would address the maintenance of beehives and other equipment. She stated that another performance standard stated that beekeepers who remove swarms from properties could keep any swarm for 30 days since collecting them.

Mr. Krapf asked if the Policy Committee was okay with not including those performance standards.

Mr. Haldeman agreed.

Ms. Leverenz agreed.

Ms. Costello stated that the last potential performance standard would be whether a permit should be required.

Ms. Leverenz stated that knowing how many beekeepers were in the County could be useful information.

Mr. Krapf asked if Ms. Leverenz supported requiring a permit.

Ms. Leverenz stated that she would favor not requiring a permit. She stated that a permit process would not likely reduce potential conflicts.

Mr. Haldeman agreed. He stated that the performance standards could be enforced on a complaint basis.

Ms. Costello stated that the County would not know if adjacent property owners were notified without a permit process.

Ms. Leverenz stated that an adjacent property owner could file a complaint to the County stating that they did not receive a notification. She asked what the County's recourse would be in that situation.

Ms. Costello stated that the County would require the beekeeper to send notification letters to adjacent property owners.

Mr. Krapf stated that the performance standards discussed were a good balance between making beekeeping an easily understandable process for citizens while also having protections for adjacent property owners.

Ms. Leverenz asked if the Policy Committee wanted to recommend that beekeeping should be allowed in all zoning districts.

Ms. Costello stated that staff could not recommend allowing beekeeping in commercial zoning

districts since it would be outside of the scope of the Initiating Resolution.

Ms. Cook stated that staff could draft the proposed Ordinance amendments for residential zoning districts for the Policy Committee to review. She stated that the Policy Committee could recommend that the scope of the Initiating Resolution be expanded to all zoning districts.

Mr. Krapf asked if Initiating Resolution would need to be amended or if the BOS could adopt the Ordinance amendment for all zoning districts.

Ms. Costello stated that the Initiating Resolution would need to be amended.

Ms. Leverenz asked if there were any further comments.

There were none.

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

Mr. John Risinger stated that staff presented Phase I materials at the January 9, 2020 Policy Committee meeting, regarding amending the Zoning Ordinance to regulate combat tactical training facilities. He stated that staff recommended creating a definition for combat tactical training facilities within the Zoning Ordinance and not including it as a permitted or specially permitted use in any zoning district. He stated that the Policy Committee concurred with staff's recommendation and directed staff to develop a draft definition for review. He stated that a draft definition was included as an attachment. He stated that the definition was drafted to be specific to commercial facilities. He stated that the definition qualified that combat tactical training facilities could not be considered as certain permitted or specially permitted uses such as firing and shooting ranges, and indoor or outdoor sports facilities. He stated that feedback from the Policy Committee will be used to create a draft Ordinance for review at a future Policy Committee meeting.

Ms. Leverenz asked if the definition would also include defensive driving courses.

Mr. Risinger stated that development proposals for driving courses could be submitted for staff to evaluate what type of use they would be. He stated that a Driver Education course could be considered a school.

Mr. Krapf asked what the next steps would be for the proposed amendment.

Mr. Risinger stated that an Ordinance would be drafted with the definition for review at a future Policy Committee meeting.

Ms. Leverenz stated that, without a definition for combat tactical training facilities, a development proposal for a combat training facility could be considered under an existing use.

Mr. Risinger confirmed. He stated that a development proposal could be submitted for a conceptual review for staff to determine what use it would be considered. He stated that adding the proposed definition would allow staff to conclusively determine that a proposal is a combat tactical training facility and is not permitted or specially permitted in any zoning district.

Mr. Haldeman asked if the proposed definition had been reviewed by the County Attorney's Office.

Mr. Risinger confirmed.

Ms. Leverenz asked if there were any further comments.

There were none.

**E. NEW BUSINESS**

There was no new business.

**F. ADJOURNMENT**

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

Ms. Leverenz adjourned the meeting at approximately 4:45 p.m.

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Mr. Frank Polster, Chair

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Mr. Paul Holt, Secretary

**ITEM SUMMARY**

DATE: 5/14/2020

TO: The Policy Committee

FROM: Terry Costello, Deputy Zoning Administrator

SUBJECT: ORD-19-0010. Zoning Ordinance Amendments to Address the Keeping of Bees in Residential Districts, Phase III

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**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Cover Memo
▣	Draft Ordinance	Ordinance
▣	Albemarle County's Zoning Ordinance	Backup Material
▣	Best Management Practices - Chapter 319 of the Virginia Administrative Code	Backup Material
▣	7. Minutes of the January 9, 2020 Policy Committee Meeting	Minutes
▣	8. Initiating Resolution from the October 8, 2019 Board of Supervisors Meeting	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Policy	Cook, Ellen	Approved	5/7/2020 - 3:24 PM
Policy	Holt, Paul	Approved	5/7/2020 - 3:28 PM
Publication Management	Daniel, Martha	Approved	5/7/2020 - 3:31 PM
Policy Secretary	Secretary, Policy	Approved	5/7/2020 - 4:16 PM

## MEMORANDUM

DATE: May 14, 2020

TO: The Policy Committee

FROM: Terry Costello, Deputy Zoning Administrator

SUBJECT: Case No. ORD-19-0010. Zoning Ordinance Amendments to Address the Keeping of Bees in Residential Districts, Phase III

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At its March 12, 2020 meeting, the Policy Committee continued to review and discuss amendments to the Zoning Ordinance to address the keeping of bees in residential districts. The Committee reviewed proposed performance standards, which were based on Virginia Department of Agriculture and Consumer Services adopted Best Management Practices, Albemarle County's Zoning Ordinance, and the Committee's discussions at the January Policy Committee meeting.

The Committee directed staff to draft an Ordinance that permits beekeeping in the R-1, R-2, R-3, R-4, R-5, Planned Unit Development Residential (PUD-R, and Mixed Use (MU) Districts with no restrictions as far as it being an accessory use or primary use. The Committee also discussed what it considered to be appropriate distances to property lines, public right-of-ways, and dwellings or structures. The Committee also believed that barriers should be required in certain circumstances, and that notices should be sent to adjacent property owners for informational purposes only. Locations of the hives on residential properties as well as limits on the number of colonies based on lot size were also added to the list of performance standards. The Committee felt that the resulting list of standards were necessary to encourage the keeping of bees while minimizing any intrusions on neighboring properties.

### Recommendation

Staff is seeking Policy Committee guidance on revisions to the proposed draft Ordinance or the Committee's approval to send the draft on to the Planning Commission for consideration.

TC/md  
ORD19-10BeekpPh3-mem

### Attachments:

1. Draft Ordinance
2. Albemarle County's Zoning Ordinance
3. Best Management Practices - Chapter 319 of the Virginia Administrative Code
4. Memorandum and Materials of the March 12, 2020 Policy Committee Meeting: <https://jamescity.novusagenda.com/AgendaPublic/CoverSheet.aspx?ItemID=5402&MeetingID=958>
5. Minutes of the March 12, 2020 Policy Committee Meeting (included earlier in packet)
6. Memorandum and Materials of the January 9, 2020 Policy Committee Meeting: <https://jamescity.novusagenda.com/AgendaPublic/CoverSheet.aspx?ItemID=5233&MeetingID=953>
7. Minutes of the January 9, 2020 Policy Committee Meeting
8. Initiating Resolution from the October 8, 2019 Board of Supervisors Meeting

## Division I. In General

### **Sec. 24-XX. Beekeeping in residentially zoned areas.**

*Beekeeping on residentially zoned property shall comply with the following requirements:*

- (a) Hives shall be at least 10 feet away from public rights-of-way and the boundary lines of properties not owned or controlled by the person maintaining the hive.*
- (b) Hives shall be at least 50 feet away from any dwelling or structure located on property not under the same ownership or control as that of the person maintaining the hive.*
- (c) A barrier shall be required if a hive is located between 10 and 30 feet from a public right-of-way or boundary line of a property not owned or controlled by the person maintaining the hive. The barrier shall consist of fencing, vegetation, or both, and must (i) be no less than 6 feet in height as measured from finished grade; (ii) be of sufficient density to establish bee flyways 6 feet or higher; (iii) be located between the hive and public right-of-way or property boundary line; and (iv) extend no less than 10 feet in length on either side of the hive.*
- (d) Hives shall be located within the rear yard of the lot and shall be orientated with the entrance facing internal to the property.*
- (e) There shall be an on-site water source located within 50 feet of the hive, or less than half the distance to the nearest unnatural source of water, whichever is closest.*
- (f) The person maintaining the hive shall provide written notice of intent to keep bees to the owner of each abutting property under different ownership than the lot on which hive will be located.*
- (g) If the property on which the hive is located is less than one acre, the person maintaining the hive shall have no more than six colonies. If the property is one acre or more, the number of colonies shall not be limited.*

## Article V. Districts

### **Division III. Limited Residential District, R-1**

#### **Sec. 24-232. Use list.**

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	<i>Beekeeping in accordance with Section 24-52</i>	<i>P</i>	

### **Division IV. General Residential District, R-2**

#### **Sec. 24-252. Use list.**

Use Category	Use List	Permitted	Specially Permitted Uses

		Uses	
Residential Uses	<i>Beekeeping in accordance with Section 24-52</i>	<i>P</i>	

**Division 4.1. Residential Redevelopment District, R-3**

**Sec. 24-273.2. Use list.**

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	<i>Beekeeping in accordance with Section 24-52</i>	<i>P</i>	

**Division V. Residential Planned Community District, R-4**

**Sec. 24-281. Use list.**

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	<i>Beekeeping in accordance with Section 24-52</i>	<i>P</i>	

**Division VI. Multifamily Residential District, R-5**

**Sec. 24-305. - Use list.**

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	<i>Beekeeping in accordance with Section 24-52</i>	<i>P</i>	

**DIVISION XIV. Planned Unit Development, PUD**

**Sec. 24-493. - Use list.**

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	<i>Beekeeping in accordance with Section 24-52</i>	<i>P</i>	

**Division XV. Mixed Use District, MU**

**Sec. 24-518. Use list.**

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	<i>Beekeeping in accordance with Section 24-52</i>	<i>P</i>	

ORD19-10BeeKpPh3-ord

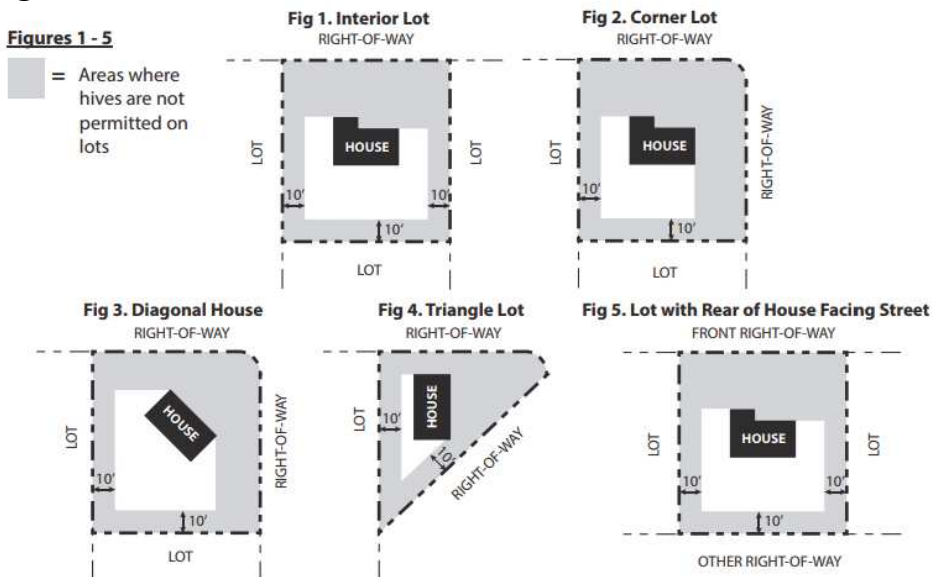
## **Albemarle County**

### Sec. 5.1.63 - Urban beekeeping.

Urban beekeeping shall be subject to the following:

- a. It shall be unlawful for any person to keep, place, or allow a beehive to remain:
  1. Closer than ten feet to a public right-of-way or to the lot line of an adjoining lot not owned by the person maintaining the beehive; or
  2. Closer than 30 feet to any structure other than the structure of the person maintaining the beehive.
- b. All beehives shall be oriented with the entrance facing away from the adjacent lot or public right-of-way.
- c. The beehive and all related materials may only be located within the rear yard of the lot as shown in Figure 1.

**Figure 1**



- d. If a beehive is located less than ten feet above ground level and within 30 feet of any lot line adjoining a residential lot or public right-of-way, a barrier of sufficient density to establish bee flyways above head height must separate the beehive from the lot line or public right-of-way. The barrier may be constructed of fencing or evergreen vegetation or a combination of the two. The barrier must be no less than six feet in height and extend no less than ten feet in length on either side of the beehive.
- e. If a beehive is located at least ten feet above ground level, the beehive shall be located a minimum of five feet from the side of the structure and 30 feet from any structure other than a structure of the person maintaining the beehive.
- f. The beekeeper shall conspicuously post a sign warning individuals of the presence of bees. This sign shall include the lot owner's name and a telephone number at which the beekeeper can be reached in case of emergency.
- g. The beekeeper shall provide written or verbal notice that they intend to keep bees to the owner of each abutting lot under different ownership than the lot on which beehives will be located. The notice shall identify the lot on which the beehives will be located. The notice shall be mailed or delivered at least ten days prior to the establishment of beehives on the lot.

## **Albemarle County**

- h. Each beekeeper shall ensure that no wax comb or other material that might encourage robbing by other bees are left on the grounds of the lot on which the beehive is located (the "apiary lot"). Once removed from the site, the wax comb or other materials shall be handled and stored in sealed containers, or placed within a building or other insect-proof container.
- i. Each beekeeper shall maintain his beekeeping equipment in good condition, including keeping the beehives painted if they have been painted but are peeling or flaking, and securing unused equipment from weather, potential theft or vandalism, and occupancy by swarms. It shall not be a defense to this section that a beekeeper's unused equipment attracted a swarm and that the beekeeper is not intentionally keeping bees. Unused equipment shall be stored in sealed containers, or placed within a building or other insect-proof container.
- j. No person may keep more than the following numbers of bee colonies on any lot, based upon the size or configuration of the apiary lot:
  - 1. One-half acre or smaller lot: two colonies;
  - 2. Larger than one-half acre and up to three-fourths acre lot: four colonies;
  - 3. Larger than three-fourths acre and up to one acre lot: six colonies;
  - 4. Larger than one acre and up to five acre lot: eight colonies;
  - 5. Larger than five acre lot: no restriction.
- k. If a beekeeper serves the community by removing a swarm or swarms of honey bees from locations where they are not desired, the beekeeper shall not be considered in violation of the portion of this section limiting the number of colonies if he temporarily houses the swarm on the apiary lot in compliance with the standards of practice set out in this section for no more than 30 days from the date acquired.

( [Ord. 18-18\(4\)](#), 10-3-18)

Virginia Administrative Code

Title 2. Agriculture

Agency 5. Department of Agriculture and Consumer Services

Chapter 319. Best Management Practices for the Operation of Apiaries in Order to Limit Operator Liability

2VAC5-319-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Apiary" means any place where one or more colonies of bees are kept.

"Apiary operator" means a person who operates an apiary and seeks to limit his liability for any personal injury or property damage that occurs in connection with his keeping and maintaining of bees, bee equipment, queen breeding equipment, apiaries, or appliances as provided for in § 3.2-4411.1 of the Code of Virginia.

"Bee" means the honey bee, *Apis mellifera* and genetic variations thereof, at any living stage and may include other hymenopterous insects that depend on pollen and nectar for food.

"Bee equipment" means hives; hive parts, including frames, supers, covers, and bottom boards; and beekeeping apparel.

"Colony" means a queenright assemblage of social bees capable of reproducing.

"Comb" means a mass of six-sided cells used by honey bees in which brood is reared and honey and pollen are stored.

"Disease" means departure from a sound state of health of bees characterized by visible symptoms including American foulbrood and any other diseases, insects, mites, or bee pests.

"Division" means to separate a bee colony into two or more hives.

"EHB" mean European honey bees.

"Foundation" means a template, base, or midrib used for the production of straight, movable comb in a frame.

"Frame" means a wooden or plastic form, usually consisting of four sides, designed to hold comb spaced between 1/4 inch and 3/8 inch apart and to allow for removal of the frame without damage to the comb.

"Hive" means a box, skep, barrel, log gum, or other container used as a domicile for bees.

"Split" means a division of a bee colony for the purposes of increasing the number of hives.

"Swarm" or "swarming" means a form of propagation of bees in which all or a portion of a colony, usually containing at least one queen, departs from its original hive to establish a new colony.

**Statutory Authority**

§ 3.2-4411.1 of the Code of Virginia.

**Historical Notes**

Derived from Virginia Register Volume 33, Issue 2, eff. August 31, 2016.

**2VAC5-319-20. Limitation of liability.**

A. An apiary operator operating in conformance with § 3.2-4411.1 of the Code of Virginia and this chapter shall not be liable for any personal injury or property damage that occurs in connection with his keeping and maintaining of bees, bee equipment, queen breeding equipment, apiaries, or appliances. This limitation of liability does not apply to intentional tortious conduct or acts or omissions constituting gross negligence or negligence.

B. A person is not required to comply with the provisions of this chapter unless he seeks to limit his liability as provided for in § 3.2-4411.1 of the Code of Virginia.

**Statutory Authority**

§ 3.2-4411.1 of the Code of Virginia.

**Historical Notes**

Derived from Virginia Register Volume 33, Issue 2, eff. August 31, 2016.

**2VAC5-319-25. Best management practices.**

An apiary operator shall comply with local, state, and federal ordinances, regulations, and laws pertaining to beekeeping. This section shall apply to an apiary operator keeping any honey bee, *Apis mellifera* and genetic variations thereof, at any living stage, or other hymenopterous insect that depends on pollen and nectar for food.

**Statutory Authority**

§ 3.2-4411.1 of the Code of Virginia.

**Historical Notes**

Derived from Virginia Register Volume 33, Issue 2, eff. August 31, 2016.

**2VAC5-319-30. Best management practices for the keeping of honey bees.**

A. For the purpose of this section, "bee" means the honey bee, *Apis mellifera* and genetic variations thereof, at any living stage, and does not mean other hymenopterous insects that depend on pollen and nectar for food.

B. An apiary operator shall maintain a healthy populous colony of bees by:

1. Removing or securely sealing any empty bee equipment in an apiary. For the purpose of this subdivision, "empty" means without bees but containing comb or other materials attractive to bees and does not include equipment in use as a bait hive for capturing a swarm;

2. Removing all colonies in a state of decline, combining such colonies with other colonies, or taking other action to establish a healthy populous condition in such colonies;
3. Repairing or replacing damaged or defective hive boxes, frames, and other bee equipment;
4. Replacing frames containing old comb with new or cleaned frames containing foundation such that all comb in a hive is replaced every five to seven years;
5. Feeding or maintaining an adequate amount of honey and pollen in a hive for brood production during the growing season;
6. Preventing disturbance or injury to bee colony or hive by vertebrate pests; and
7. Managing the colony to address any disease or pest infestation or remove all disease or pest-infested hives that may be detrimental to the health of other colonies in the vicinity of the apiary. An apiary operator shall inspect hives for disease at least once every three months.

C. For the purposes of this subsection, (i) "full hive" means a hive consisting of a minimum of two eight-frame deep hive boxes for a Langstroth-style hive, or a hive of equivalent capacity, that has movable frames with combs, and (ii) "nucleus hive" means a hive with less capacity than a full hive. A full hive should enter the winter with a minimum of 60 pounds of honey and the equivalent of four frames of pollen stores. A nucleus hive should enter the winter with a minimum of 30 pounds of honey and the equivalent of two frames of pollen stores.

D. An apiary operator shall practice proper management and control techniques to reduce the likelihood of swarming.

E. An apiary operator shall maintain all colonies at least 10 feet away from property lines to prevent an individual from impeding normal bee flight activity from a hive. An apiary operator shall place all colonies that are less than 40 feet from a property line behind a barrier that is no less than six feet in height and is located between the colony and the property line or elevate the hive entrance no less than six feet above the property line. Barriers should be of sufficient density, length, and height to establish bee flyways six feet or higher above ground level.

F. When an apiary is located in an area in which the apiary operator should reasonably expect that the bees may rely on a nearby unnatural source of water, the apiary operator shall maintain a water source within 50 feet of a colony or less than one-half the distance to the nearest unnatural source of water, whichever is closest. An unnatural source of water includes a swimming pool, bird bath, and pet or livestock watering receptacle.

G. An apiary operator shall avoid opening or disturbing a colony when the apiary operator has knowledge that another person is participating in outside non-beekeeping activities or using machinery within 150 feet of the apiary.

H. An apiary operator shall only maintain a colony with EHB or EHB hybrid stock and shall:

1. Purchase queens, packaged bees, nucleus colonies, or established hives from suppliers

providing EHB stock, or obtain a queen and bees from a local supplier or raise queens from stock owned by the apiary operator, provided the origin and EHB status of the mother queen is known;

2. Not obtain queens or bees from suppliers within 100 miles from known Africanized honey bee populations;

3. Introduce queens from healthy stock when making divisions or splits of established colonies;

4. Replace queens in all captured or trapped swarms within 45 days of capturing or trapping swarms;

5. Replace queens in all colonies every two years to minimize swarming behavior; and

6. Mark the thorax or clip a wing of the queens in a manner that allows the age of the queens to be determined prior to their introduction to splits, swarms, or colonies.

I. An apiary operator shall limit the number of colonies that he places in his apiary as follows:

1. If the property on which the apiary is located is 1/4 acre or smaller, the apiary shall not have more than two colonies. The apiary operator may increase the number of colonies up to four colonies for not more than 60 consecutive days for the purpose of queen mating and swarm control.

2. If the property on which the apiary is located is more than 1/4 acre, but less than 1/2 acre, the apiary shall not have more than four colonies. The apiary operator may increase the number of colonies up to eight colonies for not more than 60 consecutive days for the purpose of queen mating and swarm control.

3. If the property on which the apiary is located is 1/2 acre or more, but less than one acre, the apiary shall not have more than six colonies. The apiary operator may increase the number of colonies up to 12 colonies for not more than 60 consecutive days for the purpose of queen mating and swarm control.

4. If the property on which the apiary is located is one acre or more, the apiary shall not have more than six colonies per acre. The apiary operator may increase the number of colonies up to 12 colonies per acre for not more than 60 consecutive days for the purpose of queen mating and swarm control.

5. If all colonies are placed at least 200 feet from all property lines, there is no limit on the number of colonies that an apiary operator may place in his apiary.

Statutory Authority

§ 3.2-4411.1 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 33, Issue 2, eff. August 31, 2016.

**M I N U T E S**  
**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.

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Ms. Julia Leverenz, Chair

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Mr. Paul Holt, Secretary

## RESOLUTION

### INITIATION OF AMENDMENTS TO THE ZONING ORDINANCE TO CONSIDER

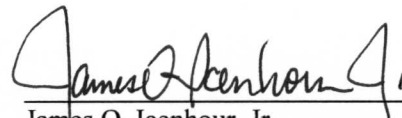
#### THE KEEPING OF BEES IN RESIDENTIAL AND AGRICULTURAL ZONING DISTRICTS

WHEREAS, Virginia Code § 15.2-2286 and County Code § 24-13 permit the Board of Supervisors of James City County, Virginia (the "Board") to, by resolution, initiate amendments to the regulations of the Zoning Ordinance that the Board finds to be prudent; and

WHEREAS, amendments to the Zoning Ordinance may be prudent to address the keeping of bees in residential and agricultural zoning districts; and


WHEREAS, the Board is of the opinion that the public necessity, convenience, general welfare, and good zoning practice warrant the consideration of amendments to the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby initiate amendment of Chapter 24, Zoning of the James City County Code in order to consider the keeping of bees in residential and agricultural zoning districts, and directs staff to prepare such amendments for consideration by the Planning Commission and the Board of Supervisors. The Planning Commission shall hold at least one public hearing on the consideration of amendment of said Ordinance and shall forward its recommendation thereon to the Board of Supervisors in accordance with the law.



James O. Icenhour, Jr.  
Chairman, Board of Supervisors

ATTEST:



Teresa J. Fellows  
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SADLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MCGLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ICENHOUR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of October, 2019.

Beekeeping-res

**ITEM SUMMARY**

DATE: 5/14/2020

TO: The Policy Committee

FROM: John Risinger, Planner

SUBJECT: ORD-19-005. Consideration of Amendments to the Zoning Ordinance to Address Combat Tactical Training Facilities, Phase III

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**ATTACHMENTS:**

	Description	Type
▣	Memorandum	Cover Memo
▣	Attachment 1. Draft Ordinance	Ordinance
▣	Attachment 2. Initiating Resolution	Backup Material
▣	Attachment 6. Minutes of the January 9, 2020 Policy Committee Meeting	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Policy	Cook, Ellen	Approved	5/7/2020 - 3:19 PM
Policy	Holt, Paul	Approved	5/7/2020 - 3:33 PM
Publication Management	Burcham, Nan	Approved	5/7/2020 - 3:35 PM
Policy Secretary	Secretary, Policy	Approved	5/7/2020 - 4:16 PM

## MEMORANDUM

DATE: May 14, 2020

TO: The Policy Committee

FROM: John Risinger, Planner

SUBJECT: Case No. ORD-19-0005. Consideration of Amendments to the Zoning Ordinance to Address Combat Tactical Training Facilities, Phase III

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### Overview

At its August 13, 2019 meeting, the Board of Supervisors adopted an Initiating Resolution, Attachment No. 1, directing staff to prepare an amendment to the Zoning Ordinance to exclude combat tactical training facilities as a permitted use in Agricultural and Residential Districts and to evaluate its appropriateness as a specially permitted use within the General Industrial (M-2) District.

The Policy Committee met on January 9, 2020, to discuss amending the Zoning Ordinance to regulate combat tactical training facilities. Staff recommended creating a definition for combat tactical training facilities within Section 24-2, Definitions, and not listing it as a permitted or specially permitted use within any zoning district. At that meeting, the Policy Committee concurred with staff's recommendation and directed staff to develop a draft definition for review.

Staff presented a draft definition for combat tactical training facilities at the March 12, 2020, meeting of the Policy Committee. The Policy Committee discussed the definition and directed staff to prepare a draft Ordinance using the draft definition language as presented.

The draft Ordinance has been included as Attachment No. 2. The definition has been edited after discussions with the County Attorney's Office. The purpose of the edits was to improve the clarity of the definition. The intent of the definition remains the same as the language presented at the March 12, 2020, meeting of the Policy Committee.

### Recommendation

Staff recommends that the Policy Committee recommend approval of the attached draft Ordinance to the Planning Commission.

JR/nb  
ORD19-05PhaseIII-mem

### Attachments:

1. Draft Ordinance
2. Initiating Resolution
3. Memorandum and Materials of the March 12, 2020 Policy Committee Meeting:  
<https://jamescity.novusagenda.com/AgendaPublic/CoverSheet.aspx?ItemID=5403&MeetingID=958>
4. Minutes of the March 12, 2020 Policy Committee Meeting (included earlier in packet)
5. Memorandum and Materials of the January 9, 2020 Policy Committee Meeting:  
<https://jamescity.novusagenda.com/AgendaPublic/CoverSheet.aspx?ItemID=5242&MeetingID=953>
6. Minutes of the January 9, 2020 Policy Committee Meeting

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING OF THE CODE OF JAMES CITY COUNTY BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-2, DEFINITIONS.

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 I, In General, Section 24-2, Definitions.

## **Chapter 24. Zoning**

### **Article I. In General**

#### **Sec. 24-2. Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

*Collocation.* The mounting or installation of transmission equipment on an existing tower or existing base station for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

*Combat tactical training facility.* A commercial use designed to train in mission simulations or any combination of anti-terrorism, counter-terrorism, force protection operations. Such use generally includes one or more of the following items:

- (1) Use of military or paramilitary weapons, including outdoor firearms ranges utilizing automatic and/or semiautomatic weapons.
- (2) Combat training with real or simulated use of firearms or other military weapons systems.
- (3) Military tactical training area.
- (4) Use of real or simulated explosive devices.
- (5) Use of mock high impact firearms blast or simulated rocket-propelled grenades.
- (6) Unenclosed shoot house.
- (7) Evasive driving courses with or without the use of real or simulated firearms.

This definition shall not apply to hunting preserves or clubs, indoor or outdoor firing and shooting ranges, racetracks for animals or vehicles, indoor or outdoor sports facilities, schools, and facilities operated by local regional, state, or federal government agencies.

*Commission, the.* The planning commission of James City County, Virginia.

**RESOLUTION**

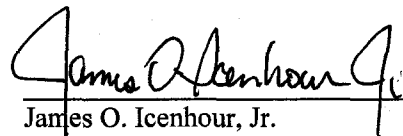
**INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE TO**

**ADDRESS COMBAT TACTICAL TRAINING FACILITIES**


WHEREAS, Virginia Code § 15.2-2286(A)(7) and County Code § 24-13 permits the Board of Supervisors of James City County, Virginia (the "Board") to, by resolution, initiate amendments to the regulations of the Zoning Ordinance that the Board finds to be prudent; and

WHEREAS, the Board is of the opinion that the public necessity, general welfare, and good zoning practice warrant the consideration of amendments to the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby initiate amendment of James City County Code, Chapter 24, Zoning, to define combat tactical training facilities, to exclude combat tactical training facilities as a permitted use in agricultural and residential districts, and evaluate the appropriateness of including combat tactical training facilities in the M-2, General Industrial District as a specially permitted use. The Planning Commission shall hold at least one public hearing on the consideration of amendment of said Ordinance and shall forward its recommendation thereon to the Board of Supervisors in accordance with the law.

  
James O. Icenhour, Jr.  
Chairman, Board of Supervisors

ATTEST:

  
Teresa Fellows  
Deputy Clerk to the Board

HIPPLE  
LARSON  
SADLER  
MCGLENNON  
ICENHOUR

VOTES

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of August, 2019.

ZO-CombtTacFac-res

**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.

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Ms. Julia Leverenz, Chair

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Mr. Paul Holt, Secretary