

**A G E N D A**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**REGULAR MEETING**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**August 8, 2017**  
**5:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE**

**E. PUBLIC COMMENT**

**F. PRESENTATIONS**

1. 2017 Historical Commission Annual Update to the Board of Supervisors and Historical Preservation Awards
2. General Services Update

**G. CONSENT CALENDAR**

1. Grant Award - Chesapeake Bay Restoration Fund Grant - \$4,600
2. Grant Award – Community Development – Rural Homeowner Rehabilitation Program – \$350,000
3. Housing Choice Voucher Revised Administrative Plan
4. Hampton Roads Sanitation District - James City County Nutrient Trading Agreement
5. Policy for Remote Participation in Meetings
6. Grant Award- Virginia E-911 Services Board PSAP \$2,000
7. Contract Award – Replacement Ambulance – \$253,886
8. Fiscal Policies
9. Departmental Reorganization

**H. PUBLIC HEARING(S)**

1. SUP-0028-2016. Solar Electrical Generation Facility at Norge
2. HW-0003-2017. Busch Gardens Madrid
3. ZO-0001-2016. Zoning Ordinance Revisions to Allow Places of Public Assembly Including those Used Primarily as an Event Facility in A-1, General Agricultural, and R-8, Rural Residential Districts
4. An Ordinance Rescinding Ordinance No. 179 and to Generally Reauthorize Incentive Awards

**I. BOARD CONSIDERATION(S)**

1. James City County Personnel Policy & Procedures Manual Update: Compensation

Plan

2. Redistricting Resolution

**J. BOARD REQUESTS AND DIRECTIVES**

**K. REPORTS OF THE COUNTY ADMINISTRATOR**

1. County Administrator's Report

**L. CLOSED SESSION**

1. Consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position of the public body pursuant to Section 2.2-3711 (A)(5) of the Code of Virginia
2. Consideration of a personnel matter, the appointment of individuals to the Economic Development Authority, pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia
3. Consideration of a personnel matter, the performance review of the County Administrator, pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia

**M. ADJOURNMENT**

1. Adjourn until 5 p.m. on September 12, 2017 for the Regular Meeting

**ITEM SUMMARY**

DATE: 8/8/2017

TO: The Board of Supervisors

FROM: Lauren White, Staff Liaison to the Historical Commission

SUBJECT: 2017 Historical Commission Annual Update to the Board of Supervisors and Historical Preservation Awards

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**ATTACHMENTS:**

	Description	Type
▣	Memorandum	Cover Memo
▣	Presentation	Presentation
▣	Edith Harris Bernard Resolution	Resolution
▣	Caren Schumacher Resolution	Resolution
▣	Merry Abbitt Outlaw Resolution	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	7/21/2017 - 4:33 PM
Development Management	Holt, Paul	Approved	7/21/2017 - 4:33 PM
Publication Management	Trautman, Gayle	Approved	7/21/2017 - 4:36 PM
Legal Review	Kinsman, Adam	Approved	7/21/2017 - 4:37 PM
Board Secretary	Fellows, Teresa	Approved	7/27/2017 - 9:17 AM
Board Secretary	Purse, Jason	Approved	7/28/2017 - 2:04 PM
Board Secretary	Fellows, Teresa	Approved	7/31/2017 - 9:16 AM

## MEMORANDUM

DATE: August 8, 2017

TO: The Board of Supervisors

FROM: Lauren White, Staff Liaison to the Historical Commission

SUBJECT: 2017 Annual Update to the Board of Supervisors and Historical Preservation Awards

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The Historical Commission was established to preserve, protect and promote the historical heritage of the County. The Commission helps to ensure that historic buildings and archaeological sites are surveyed, identified and documented; assembles, preserves and disseminates information about such buildings and sites; advises the County government and appropriate private parties on historical considerations relating to the use and development of land; and conducts and encourages educational activities that will stimulate interest in the history and archaeology of the County.

Each year the Historical Commission also presents Historical Preservation Awards to individuals, groups or organizations that have made a significant contribution to the preservation of historic resources in the County. After soliciting nominations through a publicly advertised process, the Historical Commission has selected three individuals to receive the 2017 Historical Preservation Awards. The individuals selected are Ms. Edith Harris Bernard, Ms. Caren Schumacher and Ms. Merry A. Outlaw. Their accomplishments are outlined in the attached resolutions.

The Commission is proud to share their accomplishments over the past year and honor the award recipients for their invaluable contributions to the County's historic legacy. Mr. Frank Abbott, Chairman of the Historical Commission, will present the annual update to the Board of Supervisors and present the awards to recipients.

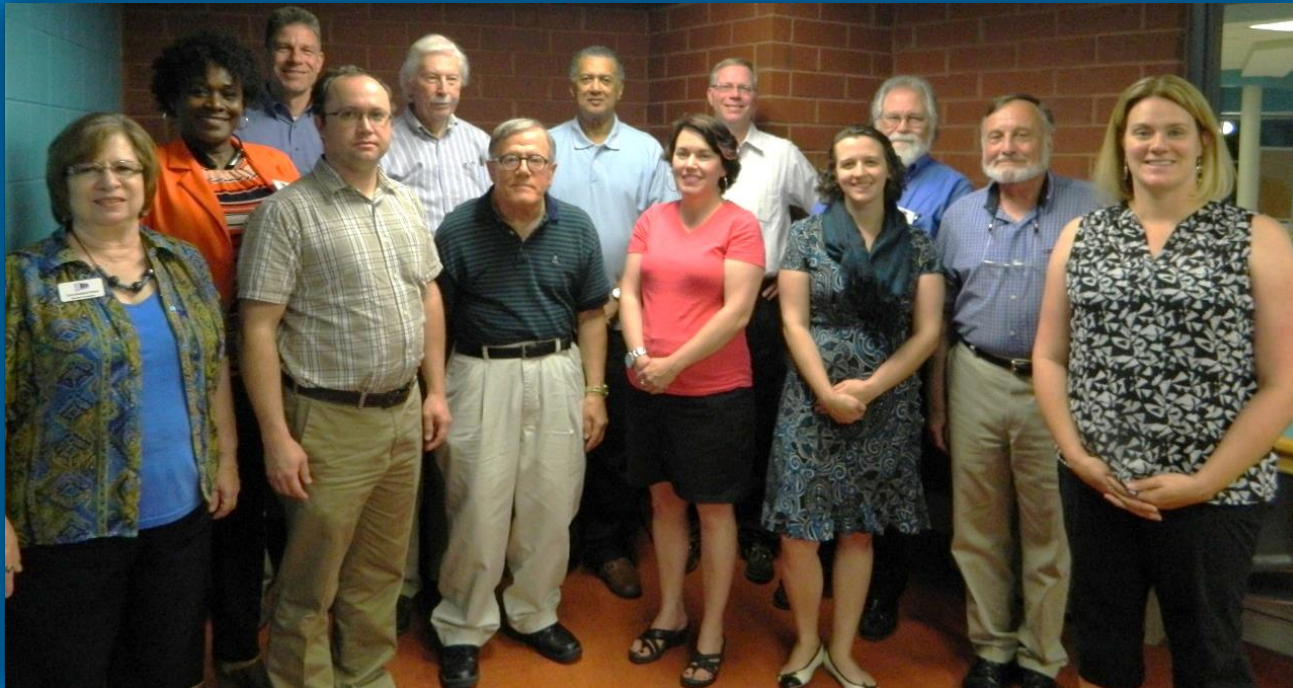
LW/nb  
2017BOS-HistPreAwd-mem

Attachments:

1. Edith Harris Bernard Resolution
2. Caren Schumacher Resolution
3. Merry A. Outlaw Resolution



# James City County Historical Commission



Board of Supervisors Update  
August 8, 2017  
Frank J. Abbott, Chair

# The James City County Historical Commission

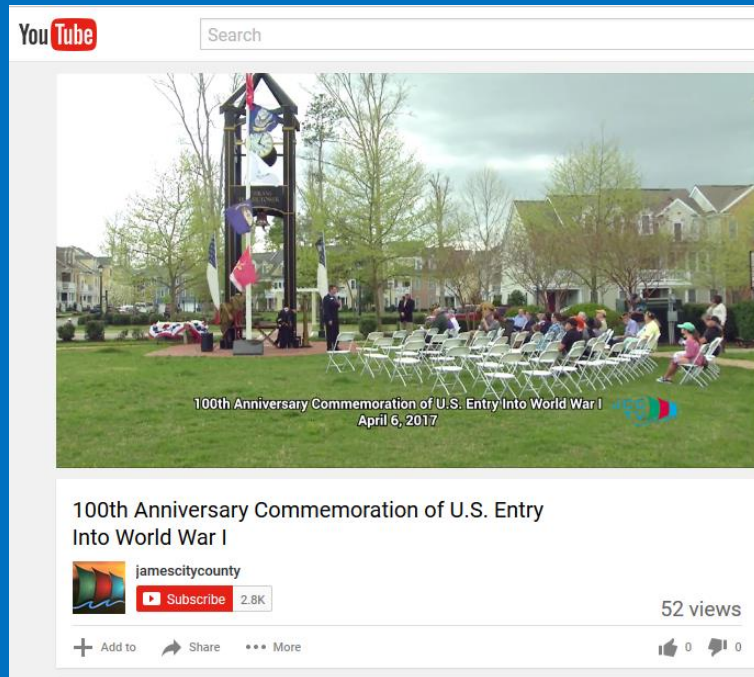
Mission: to document, commemorate, preserve, protect, and promote the rich historical heritage of James City County.

## Members

Member	District	Member	District
Frank Abbott	Powhatan	John Labanish	Jamestown
Fred Boelt	Powhatan	Alain Outlaw	Roberts
Ian Brickey	Powhatan	James Parrish	Berkeley
Adrienne Carter	Jamestown	Stephen Phillips	Roberts
Chris Hamilton-Petteys	Powhatan	Kim Sims	Roberts
Sean Heuvel	Berkeley	Ben Swenson	Stonehouse
Rebecca Houston	Berkeley	James Swords	Powhatan
Lafayette Jones	Williamsburg		

# 100th Anniversary Commemoration of the U.S. Entry into World War I

April 6, 2017



Conducted jointly with the Greater  
Williamsburg Combined Veterans  
Organizations.





# Amblers House Condition and Recommendations Report

November 14, 2016





# Peach Park House Architectural Survey

May 2017

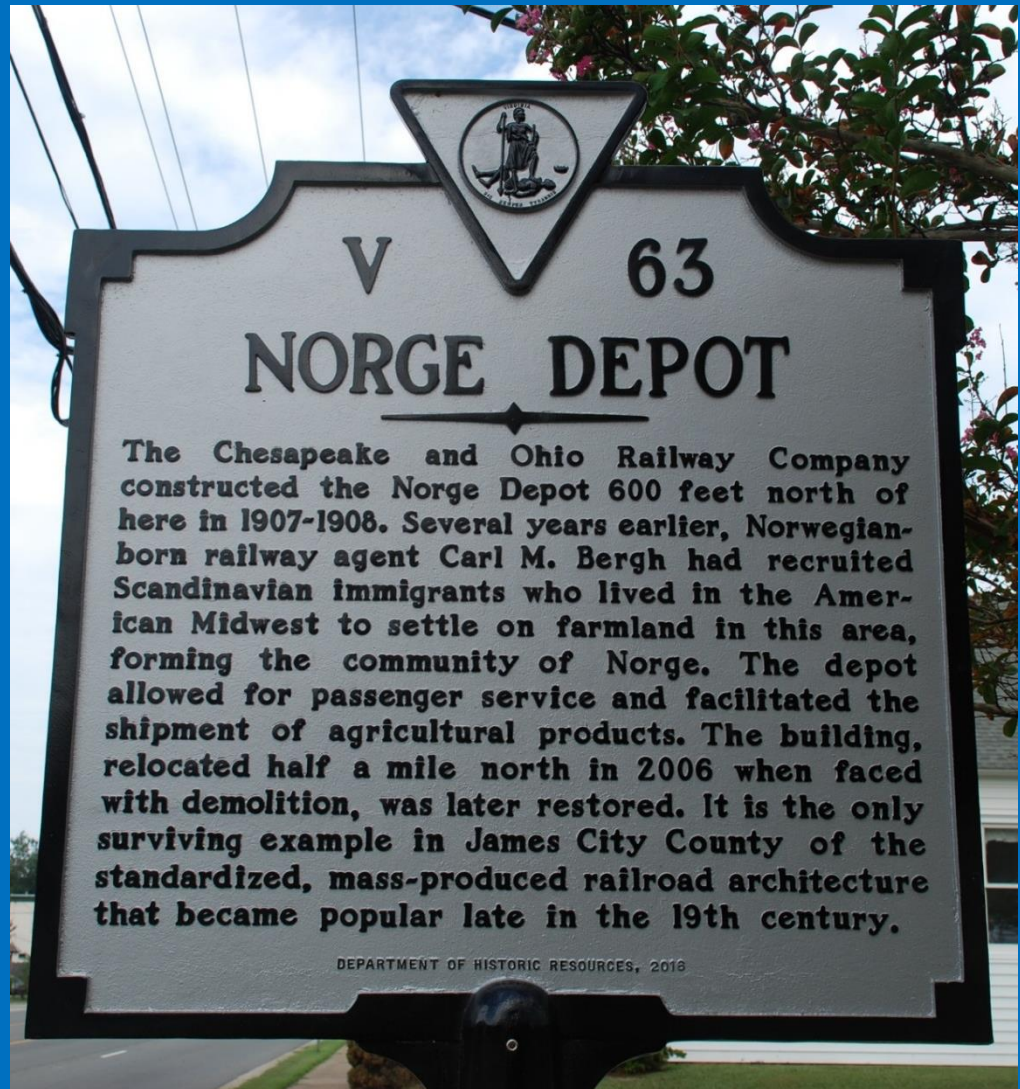
“W W” and “1790”  
inscribed in  
bricks.



# Norge Depot Historical Highway Marker

September 10, 2016

Dedicated with  
representatives of the  
Norge Depot Association  
and Virginia Department of  
Historic Resources.





# Upcoming Events and Projects

- Historical Highway Markers
  - Doncastle's Ordinary
  - Log Cabin Beach
- Framing the Continental Flag  
(from the Tomb of the Unknown Patriot Soldier of the American Revolution)



- Lightfoot Grave Marker
- JCC Tourist Information
  - Google Maps Project
  - Revised paper map





# The James City County Historical Commission

For more information:

Web: [http://www.jamescitycountyva.gov/901/  
Historical-Commission](http://www.jamescitycountyva.gov/901/Historical-Commission)

Email: [planning@jamescitycountyva.gov](mailto:planning@jamescitycountyva.gov)

Phone: JCC Planning Division, (757) 253-  
6685





2017 HISTORICAL PRESERVATION AWARD -

MS. EDITH HARRIS BERNARD

- WHEREAS, Ms. Edith Harris Bernard provided over 12 years of service to the James City County Historical Commission where she served as chair of the Education Committee; and
- WHEREAS, as chair of the Education Committee, Edith Harris Bernard created a communication plan for the Historical Commission and created the Historical Commissions thrice annual newsletter *Focus on History*; and
- WHEREAS, she researched and published an article in the book *The City Before the State* about the contributions of James Lafayette Armistead, the American Revolutionary War spy who was a slave at his time of service; and
- WHEREAS, she aided in preparation of activities and events relative to the relocation and historical preservation of the Norge Train Station, including fundraising and planning for inclusion of the site on the National Historic Register and the movement of the train station to its current location; and
- WHEREAS, she assisted in the obtainment and placement of the Grove Community Historical Marker by conducting personal interviews with residents and descendants of the affected African-Americans; and
- WHEREAS, she served on the committee to commemorate the 400th Anniversary of Jamestown's Founding and worked with Mrs. Martha W. McCarthy to design a County Historical Map "Discover Our New World" for the celebration; and
- WHEREAS, she developed a curriculum related to local history for use by the Williamsburg-James City County school system and the James City County Parks and Recreation Department.
- NOW, THEREFORE, BE IT RESOLVED by the Historical Commission of James City County, Virginia, that the Commission presents to Ms. Edith Harris Bernard the:

**2017**

**Historical Preservation Award**

BE IT FURTHER RESOLVED that this resolution be recorded in the minutes of the Historical Commission to be preserved in perpetuity and that a copy of this resolution be presented to Ms. Edith Harris Bernard.

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Frank Abbott  
Chairman, Historical Commission

ATTEST:

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Lauren White  
Liaison to the Historical Commission

Adopted by the Historical Commission of James City County, Virginia, this 8th day of August 2017.



2017 HISTORICAL PRESERVATION AWARD -

MS. CAREN SCHUMACHER

WHEREAS, Ms. Caren Schumacher, as Executive Director of the Williamsburg Land Conservancy (now Historic Virginia Land Conservancy - HVLC), has for 16 years successfully promoted the acquisition of easements on James City County lands, such as Mainland Farm, Freedom Park and Green Swamp Farm, to permanently protect their historic elements; and

WHEREAS, she has supported the archaeological research at Church on the Main, an HVLC-owned property in James City County; and

WHEREAS, she encouraged Williamsburg Boy Scout Troop 103 for 14 years in its annual use of Church on the Main for Andy's Earth Day, to enhance and maintain the property and supported James City County Historical Commission improvements, such as signage on the site; and

WHEREAS, as a Board of Directors member of the Virginia Capital Trail Foundation she steered the 55-mile multiuse trail with many historic components, from Jamestown to Richmond, through its challenging first few miles through James City County.

NOW, THEREFORE, BE IT RESOLVED by the Historical Commission of James City County, Virginia, that the Commission presents to Ms. Caren Schumacher the:

**2017  
Historical Preservation Award**

BE IT FURTHER RESOLVED that this resolution be recorded in the minutes of the Historical Commission to be preserved in perpetuity and that a copy of this resolution be presented to Ms. Caren Schumacher.

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Frank Abbott  
Chairman, Historical Commission

ATTEST:

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Lauren White  
Liaison to the Historical Commission

Adopted by the Historical Commission of James City County, Virginia, this 8th day of August 2017.



2017 HISTORICAL PRESERVATION AWARD -

MS. MERRY ABBITT OUTLAW

WHEREAS, Ms. Merry Abbitt Outlaw ensured that an accurate and permanent record of finds was realized for the major excavations on the Kingsmill development project, James City County, in the key role of Laboratory Supervisor; and

WHEREAS, she made possible local, state, national and international exposure for James City County artifacts through publications and exhibits as Curator for the Governor's Land Archaeological District research project, located between Jamestown and Green Spring; and

WHEREAS, she created the State Study Collection, a library of representative statewide artifacts, many from James City County, as Curator of State Collections at the Virginia Research Center for Archaeology; and

WHEREAS, she provides exceptional public service through daily interaction with visitors to the County and promotes historic resources as Curator of Collections for Jamestown Rediscovery on the original site of 1607 Jamestown; and

WHEREAS, she has served in many historic preservation capacities involving James City County for over 40 years, including Virginia Curator for a popular exhibit at the National Museum of Natural History, Smithsonian Institution and as an editor and author for Ceramics in America.

NOW, THEREFORE, BE IT RESOLVED by the Historical Commission of James City County, Virginia, that the Commission presents to Ms. Merry Abbitt Outlaw the:

**2017**

**Historical Preservation Award**

BE IT FURTHER RESOLVED that this resolution be recorded in the minutes of the Historical Commission to be preserved in perpetuity and that a copy of this resolution be presented to Ms. Merry Abbitt Outlaw.

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Frank Abbott  
Chairman, Historical Commission

ATTEST:

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Lauren White  
Liaison to the Historical Commission

Adopted by the Historical Commission of James City County, Virginia, this 8th day of August 2017.

**ITEM SUMMARY**

DATE: 8/8/2017

TO: The Board of Supervisors

FROM: Grace Boone, Director of General Services

SUBJECT: General Services Update Video

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**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	8/7/2017 - 9:29 AM

**AGENDA ITEM NO. G.1.****ITEM SUMMARY**

DATE: 8/8/2017

TO: The Board of Supervisors

FROM: John Carnifax, Director of Parks and Recreation

SUBJECT: Grant Award - Chesapeake Bay Restoration Fund award of \$4,600

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Requesting acceptance of a grant to add an educational component to summer camps.

**ATTACHMENTS:**

	Description	Type
▣	mem	Cover Memo
▣	res	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Parks & Rec - Community Centers	Brittle, Carla	Approved	7/13/2017 - 5:04 PM
Parks & Recreation	Carnifax, John	Approved	7/14/2017 - 8:23 AM
Publication Management	Burcham, Nan	Approved	7/14/2017 - 8:51 AM
Legal Review	Kinsman, Adam	Approved	7/20/2017 - 3:05 PM
Board Secretary	Mellen, Sue	Approved	7/28/2017 - 1:37 PM
Board Secretary	Purse, Jason	Approved	7/28/2017 - 2:01 PM
Board Secretary	Fellows, Teresa	Approved	7/31/2017 - 9:17 AM

## MEMORANDUM

DATE: August 8, 2017  
TO: The Board of Supervisors  
FROM: John H. Carnifax, Director of Parks and Recreation  
SUBJECT: Grant Award - Chesapeake Bay Restoration Fund - \$4,600

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James City County's Division of Parks and Recreation has been awarded a \$4,600 Chesapeake Bay Restoration Fund Grant from the Commonwealth of Virginia's Division of Legislative Services.

The purpose of the matching grant is to assist with the cost of offering a special environmental education program for every REC Connect Summer Camp site for children to study the Chesapeake Bay Watershed and its importance to the community. As part of the experience, over 300 children will visit a local park to conduct water quality testing and go on an eco-boat tour of the Chesapeake Bay.

Staff recommends approval of the attached resolution to accept the \$4,600 grant for the special marine camp, and to appropriate the funds as described in the attached resolution.

JHC/nb  
GA-CBRestoreFnd-mem

Attachment

**RESOLUTION**

**GRANT AWARD - CHESAPEAKE BAY RESTORATION FUND GRANT - \$4,600**

WHEREAS, the Chesapeake Bay Restoration Fund, which is funded through the sale of Chesapeake Bay license plates, has made funds available for the restoration and education of the Bay; and

WHEREAS, funds are needed to provide an enriching environmental component to the Division's REC Connect Summer Camp Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$4,600 grant awarded by the Chesapeake Bay Restoration Fund to help with the additions to the summer camp program.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the Special Projects/Grants Fund:

Revenue:

From the Commonwealth	<u>\$4,600</u>
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Expenditure:

Chesapeake Bay Restoration Fund	<u>\$4,600</u>
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Kevin D. Onizuk  
Chairman, Board of Supervisors

ATTEST:

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Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of August, 2017.

GA-CBRestoreFnd-res

**AGENDA ITEM NO. G.2.****ITEM SUMMARY**

DATE: 8/8/2017

TO: The Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services and Paul Holt, Director of Community Development

SUBJECT: Grant Award – Community Development – Rural Homeowner Rehabilitation Program – \$350,000

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**ATTACHMENTS:**

	Description	Type
▣	Cover memo	Cover Memo
▣	Resolution	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Development Management	Holt, Paul	Approved	7/14/2017 - 11:19 AM
Publication Management	Burcham, Nan	Approved	7/14/2017 - 11:23 AM
Legal Review	Kinsman, Adam	Approved	7/20/2017 - 3:05 PM
Board Secretary	Mellen, Sue	Approved	8/1/2017 - 9:59 AM
Board Secretary	Purse, Jason	Approved	8/1/2017 - 1:38 PM
Board Secretary	Fellows, Teresa	Approved	8/1/2017 - 1:43 PM



## MEMORANDUM

DATE: August 8, 2017

TO: The Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services  
Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: Grant Award – Community Development – Rural Homeowner Rehabilitation Program – \$350,000

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On November 22, 2016, the James City County Board of Supervisors adopted the 2035 Strategic Plan. The Strategic Plan identifies seven goals and is the County's guidebook for future investments, provision of public services and facilities and County work plans for the next 20 years. The plan sets out priorities to be incorporated into future County budget and Capital Improvement Programs as well as new initiatives to be undertaken by County departments. Adopted Goal No. 5 (Exceptional Public Services) includes an Operational Initiative to "Develop Strategies to Address Findings in the Housing Conditions Study."

The County commissioned the Housing Conditions Study to survey housing conditions throughout the County and to quantify housing needs related to substandard conditions and the lack of affordable and appropriate housing opportunities. The study evaluated the degree to which the County is posed to tackle challenges. The study also builds a set of possible strategies to improve housing conditions, re-investment and housing affordability in the County.

Among the findings of the Housing Conditions Study, there are approximately 946 homes in the County in need of significant repairs, at least 82 of which are severely dilapidated single-family homes. The study showed the "highest concentrations of troubled properties were found in the northern and southern-most parts of the County;" however, there are a significant number of troubled properties disbursed throughout the County.

Per the adopted Strategic Plan, the next step is to begin work to implement these strategies and to improve housing conditions for the County's lower income population. Accordingly, staff submitted an application to the Virginia Department of Housing and Community Development (DHCD) for a Rural Homeowner Rehabilitation Grant. This grant provides funding to assist with the rehabilitation of homes owned by low income residents.

DHCD has awarded James City County \$350,000 towards rehabilitating up to 10 homes. If funds remain after those 10 are complete, an 11th project will be included. Further, Housing Partnerships, Inc. ("HPI"), a local non-profit has agreed to provide \$10,000 of labor and materials for handicap ramps and other repairs. HPI will also perform, without charge, testing for lead-based paint in the homes (this testing has a total value of \$8,000).

There were seven grant awards statewide and James City County's application was ranked the highest of all submitted. The award was based on the in-depth preliminary assessments and past performance with rehabilitation grants.

The 10 homes will be selected from the Housing Units wait list. From a preliminary review of the homes and households that appear eligible on the wait list, 16 are the primary residence of elderly and/or disabled and most have children living in the dwelling unit. Two homes have broken sewer lines which allow the sewer to dump in their crawl spaces, two homes have significant termite and consequent structural damage, three homes

have other significant structural issues, six homes need a new HVAC system, one home has Qest pipes that are beginning to fail, six disabled and elderly residences need accessibility improvements and three homes need significant weatherization improvements, including windows, doors and roofs.

To leverage the \$350,000 in state funding and \$10,000 in labor and materials provided by HPI, the County will fund an estimated \$19,380 in costs to administer the program (to include construction management, inspections and oversight, grant management and all necessary legal work). There is no formal match required to the grant; however, the County's contributions will help ensure at least 10 homes can be rehabilitated. The County's contribution to the program will be funded from the Housing Development Fund, which is part of the adopted FY 18 budget.

Staff recommends adoption of the attached resolution to appropriate funds.

RV/PDH/gt

GA-RuralHmRehab-mem

Attachment

## RESOLUTION

### GRANT AWARD – COMMUNITY DEVELOPMENT –

#### RURAL HOMEOWNER REHABILITATION PROGRAM – \$350,000

WHEREAS, the Virginia Department of Housing and Community Development (DHCD) provided \$2.1 million dollars in funding available statewide for the rehabilitation and repair of dilapidated structures owned or occupied by low or moderate income citizens; and

WHEREAS, James City County conducted a Housing Conditions Study, which identified approximately 946 homes in the County in need of significant repairs, at least 82 of which are severely dilapidated single-family homes; and

WHEREAS, James City County was awarded \$350,000 in funding from DHCD; and

WHEREAS, there is no formal match required to the grant; however, the County's contributions will help ensure at least 10 homes can be rehabilitated.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes acceptance of this grant and the budget appropriation in the amount of \$350,000 to the County's Housing and Neighborhood Development Fund as shown below and further authorizing the County Administrator to execute those documents necessary to accept and implement the grant.

Revenue:

Rural Homeowner Rehabilitation Program	
Services Federal Revenue	<u>\$350,000</u>

Expenditure:

Rural Homeowner Rehabilitation Program	<u>\$350,000</u>
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Kevin D. Onizuk  
Chairman, Board of Supervisors

ATTEST:

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Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of August, 2017.

GA-RuralHmRehab-res

**ITEM SUMMARY**

DATE: 8/8/2017

TO: The Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: Housing Choice Voucher Revised Administrative Plan

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**ATTACHMENTS:**

	Description	Type
▣	Memo - Housing Choice Voucher Revised Administrative Plan	Cover Memo
▣	Resolution - Housing Choice Voucher Revised Administrative Plan	Resolution
▣	Approved Olmstead Waiver	Backup Material
▣	Certified Copy of Public Hearing Notice	Backup Material
▣	JCC Olmstead DOJ Settlement Preference	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Social Services	Vinroot, Rebecca	Approved	7/14/2017 - 4:20 PM
Community Services	Vinroot, Rebecca	Approved	7/14/2017 - 4:21 PM
Publication Management	Burcham, Nan	Approved	7/17/2017 - 7:26 AM
Legal Review	Kinsman, Adam	Approved	7/20/2017 - 3:05 PM
Board Secretary	Fellows, Teresa	Approved	7/27/2017 - 9:22 AM
Board Secretary	Purse, Jason	Approved	7/28/2017 - 2:02 PM
Board Secretary	Fellows, Teresa	Approved	7/31/2017 - 9:19 AM

## MEMORANDUM

DATE: August 8, 2017

TO: The Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: Revised Administrative Plan for the Section 8 Housing Choice Voucher Program

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A revised Administrative Plan for the Section 8 Housing Choice Voucher (HCV) Program has been prepared by the Social Services Housing Unit (Housing). Public Housing Agencies (PHAs) are required to adopt an Administrative Plan which states local policies on matters for which federal law and Housing and Urban Development (HUD) regulations provide discretion to the PHA. Revisions to the Administrative Plan adopted by the Board of Supervisors on January 27, 2015, are necessary to incorporate and respond to changes in federal policies and regulations related to operation and funding of the HCV Program.

The revised Administrative Plan includes:

1. Formatting and repagination throughout the plan to allow for the inclusion of references to updated HUD regulatory requirements;
2. Updated methodology to determine whether or not the PHA has sufficient funding to issue new vouchers, approve moves or justify restrictions on Elective Moves to units with higher subsidy costs due to insufficient funds;
3. A change to the PHA Extension of Voucher Term policy to automatically approve one 30-day extension upon written request from the family; and
4. Revised notification, documentation and confidentiality guidance requirements for compliance with the Violence against Women Act.

With this latest revision to the Administrative Plan two new preferences are also included:

1. A Local Housing Preference designating a Waiting List priority to James City County residents; and
2. A Tenant Selection Preference designating two vouchers from the 154 authorized under the HUD/PHA Annual Contributions Contract to be used for Intellectually/Developmentally Disadvantaged applicants.

James City County has been awarded a waiver by HUD which allows the PHA to have a tenant selection preference in the HCV Program allowing those who meet the criteria set forth in the State of Virginia's Olmstead Settlement Agreement priority placement on the PHA Waiting List.

As summarized above, revisions to the Administrative Plan ensure our compliance with federal policies and regulations related to operation and funding of the HCV Program. The current and revised Administrative Plans can be reviewed on the Housing web page at <http://www.jamescitycountyva.gov/237/Housing>. HUD requirements indicate that the plan be available for public review for at least 45 days prior to a Public Hearing for comment and submittal for approval by the local Board. A notice began running in the Daily Press on June 19, 2017 and the Public Meeting is scheduled for August 3, 2017, at the Housing office.

Staff recommends that the Board of Supervisors adopt the attached resolution to approve the revised Administrative Plan for the HCV Program.

RV/nb  
RevAdmPlnSec8-mem

Attachment

## RESOLUTION

### REVISED ADMINISTRATIVE PLAN FOR THE SECTION 8

#### HOUSING CHOICE VOUCHER PROGRAM

WHEREAS, the James City County Social Services Housing Unit is designated as the Public Housing Agency VA041 (PHA), authorized to operate the Section 8 Housing Choice Voucher (HCV) Program within James City County; and

WHEREAS, a PHA which operates the Section 8 HCV Program must adopt an Administrative Plan which states local policies on matters for which the PHA has discretion; and

WHEREAS, there have been several changes in federal policies and regulations related to operation and funding of the HCV Program since the Administrative Plan was last adopted by the Board of Supervisors on January 27, 2015; and

WHEREAS, the Social Services Housing Unit has prepared a revised Administrative Plan which incorporates and responds to changes in federal policies and regulations and has provided opportunities for public review and comment.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the revised Administrative Plan for the Section 8 Housing Choice Voucher Program effective August 8, 2017.

\_\_\_\_\_  
Kevin D. Onizuk  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____

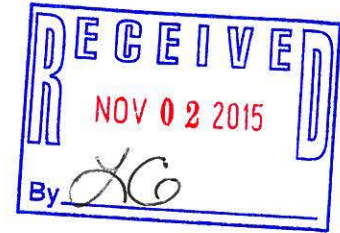
Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of August, 2017.



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, DC 20410-5000

PRINCIPAL DEPUTY ASSISTANT SECRETARY  
FOR PUBLIC AND INDIAN HOUSING

OCT 20 2015



Mr. Vaughn Poller  
Housing and Community Development Administrator  
James City County Housing and Community Development  
5320 Palmer Lane, Suite 1A  
Williamsburg, VA 23188

Dear Mr. Poller:

SUBJECT: Waiver of 24 CFR § 982.207(b)(3); *Olmstead*

This is in response to your request to waive 24 CFR § 982.207(b)(3) so that the James City County Housing and Community Development (JCCHCD-VA041) may create a tenant selection preference for admission for persons with specific disabilities under the Section 8 Housing Choice Voucher (HCV) program. This regulation allows a public housing authority (PHA) to adopt a preference for admission of families that include a person with disabilities. However, a PHA may not adopt a preference for the admission of persons with a specific disability.

In December 2014, Maurice Jones, Secretary of Commerce and Trade for the Commonwealth of Virginia, sent a letter to all localities in Virginia that administer an HCV program to request assistance in meeting housing obligations pursuant to the State of Virginia's Settlement Agreement with the Department of Justice stemming from the *Olmstead v. L.C.* litigation under Title II of the Americans with Disabilities Act (ADA). The JCCHCD is requesting to waive the HCV program regulation, 24 CFR § 982.207(b)(3), so that it may establish a tenant selection preference for persons with specific disabilities to comply with the requirements set forth in the State of Virginia's *Olmstead* Settlement Agreement. The tenant selection preference in the HCV program would allow those who meet the criteria set forth in the State of Virginia's *Olmstead* Settlement Agreement priority placement on JCCHCD's waiting list. On April 9, 2015, HUD's Office of General Counsel for Fair Housing and Equal Opportunity (OGC-FHEO) approved, from a civil rights perspective, JCCHCD's request to establish this preference.

Without the waiver allowing JCCHCD to establish this preference, JCCHCD risks failing to comply with the remedial requirements stated in the State of Virginia's *Olmstead* Settlement Agreement. The preference makes HCV assistance readily accessible to the target population set forth in the agreement and provides them the opportunity to live in integrated community-based settings. Therefore, I have determined that there is good cause to waive, and I hereby waive, 24 CFR § 982.207(b)(3), to allow JCCHCD to implement a tenant selection preference for persons with specific disabilities under the HCV program pursuant to the provisions stated in OGC-FHEO's approval letter dated April 9, 2015. This waiver is effective as of the date signed and may remain in effect consistent with the timeframe established under the State of Virginia's

*Olmstead* Settlement Agreement (State fiscal year 2021). Please note that approval of this waiver is case-specific and does not permit JCCHCD to apply the preference outside the scope of the State of Virginia's *Olmstead* Settlement Agreement as described in its HCV Administrative Plan.

Please contact Trenessa Sidney, Housing Program Specialist, Housing Voucher Management and Operations Division at (202) 402-4303 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Lourdes Castro Ramírez", with a large, stylized initial "L" and a long horizontal flourish extending to the right.

Lourdes Castro Ramírez  
Principal Deputy Assistant Secretary

CC: Catherine D. Lamberg, Director, Office of Public Housing, Richmond Program Center,  
3FPH



COMMONWEALTH OF VIRGINIA  
CITY OF NEWPORT NEWS

5028639

This day, personally appeared before me, George Hunt, and made oath as follows:

1. He/She is employed in the Office Services Department of the Daily Press, LLC., a newspaper publishing company in the City of Newport News, Virginia.
2. The annexed advertisement of Order No. 5028639 was published for 1 insertion(s) in the Daily Press on the following dates:

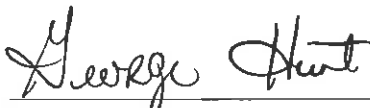
**Jun 19, 2017**

**Sold To:**

James City County-Housing & Community Development - CU00023641  
5320 Palmer Ln Ste 1A  
Williamsburg, VA 23188

**Bill To:**

James City County-Housing & Community Development - CU00023641  
5320 Palmer Ln Ste 1A  
Williamsburg, VA 23188



George Hunt

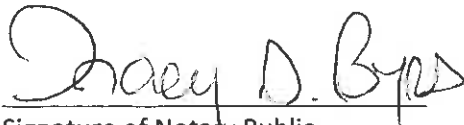
6/19/2017

Date

Subscribed and sworn to before me:

This 19 day of June, 2017,

My commission expires: September 30, 2017



Signature of Notary Public

Registration Number: 305169



TRACY D. BYRD  
NOTARY PUBLIC  
Commonwealth of Virginia  
Reg. #305169  
My Commission Expires  
September 30, 2017



**Section 8 Housing Choice Voucher Program  
Scheduled Public Hearing**

**James City County will hold a public hearing on Thursday, August 3, 2017 at 4:00 p.m. at the Housing Office located at 5320 Palmer Lane, Suite 1A, Williamsburg, Virginia 23188 to solicit public input on the Administrative Plan for Section 8 Housing Choice Voucher (HCV) administration. HCV participants, applicants, and landlords are encouraged to attend.**

**The HCV Administrative Plan is created to delineate the policies used to govern the administration of the HCV Programs and used to clarify written policies in accordance with the U. S. Department of Housing and Urban Development (HUD) regulations regarding matters that are not covered under the HUD regulations but left to local discretion.**

**The proposed 2017 Administrative Plan will be available for review for 45 days beginning on June 19, 2017 in the James City County Office of Housing, 5320 Palmer Lane, Suite 1A, Williamsburg Virginia 23188, and on the Housing page of the County website at <http://www.jamestownva.gov/237/Housing>. For additional information contact Keith Denny, (757) 259-5349.**

### James City County Housing Choice Voucher Olmstead DOJ Settlement Preference

James City County Housing has set-aside 2 tenant vouchers specifically to allow priority placement on the HCV waiting list for those who meet the criteria set forth in the State of Virginia's Olmstead Settlement Agreement.

The set-aside was carved out of the current allocation of funds for the voucher program and the set-aside will reside at James City County Housing to monitor and administer.

James City County Housing will receive referrals for individuals who meet the preference from the Virginia Department of Behavioral Health and Developmental Services (DBHS) as long as DBHS continues to make referrals or until the DOJ Settlement is complete. DBHDS will be responsible for verifying individuals meet the preference before providing the referral to James City County Housing.

Once a referral is received, a Housing Specialist will contact the individual to set up an appointment to determine HCV Program eligibility per HUD guidelines.

Once eligibility is determined, the individual will be issued a voucher. It will be up to the individual to locate appropriate housing of their choice.

**AGENDA ITEM NO. G.4.****ITEM SUMMARY**

DATE: 8/8/2017

TO: The Board of Supervisors

FROM: Frances C. Geissler, Director of Stormwater

SUBJECT: Approval to enter into an Agreement with HRSD to allow the County to purchase nutrient and sediment credits generated by HRSD's Sustainable Water Initiative for Tomorrow (SWIFT) Project.

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**ATTACHMENTS:**

	Description	Type
▣	Memorandum	Cover Memo
▣	Resolution	Resolution
▣	Agreement with HRSD	Cover Memo

**REVIEWERS:**

Department	Reviewer	Action	Date
Stormwater	Cook, Darryl	Approved	7/20/2017 - 11:01 AM
General Services	Boone, Grace	Approved	7/20/2017 - 1:15 PM
Publication Management	Trautman, Gayle	Approved	7/20/2017 - 1:34 PM
Legal Review	Kinsman, Adam	Approved	7/20/2017 - 3:05 PM
Board Secretary	Fellows, Teresa	Approved	7/27/2017 - 9:21 AM
Board Secretary	Purse, Jason	Approved	7/28/2017 - 2:03 PM
Board Secretary	Fellows, Teresa	Approved	7/31/2017 - 9:18 AM

## MEMORANDUM

DATE: August 8, 2017

TO: The Board of Supervisors

FROM: Frances C. Geissler, Director of Stormwater

SUBJECT: Hampton Roads Sanitation District – James City County Nutrient Trading Agreement

---

The Sustainable Water Initiative for Tomorrow (SWIFT) Project was conceived by the Hampton Roads Sanitation District (HRSD) in order to address multiple needs in the Hampton Roads region. This innovative project is designed to enhance the sustainability of the long-term groundwater supply and to help address other issues such as sea level rise and saltwater intrusion. The SWIFT Project intends to achieve these benefits by taking already-treated wastewater that would otherwise be discharged into the Chesapeake Bay watershed, purifying it through additional rounds of advanced water treatment to meet drinking water standards and injecting the resulting drinking quality water into the Potomac Aquifer deep underground.

Ultimately, SWIFT will result in a significant reduction in the total volume of HRSD discharge to the Chesapeake Bay watershed; thus, achieving greater environmental benefits through reductions of Total Nitrogen (TN), Total Phosphorus (TP) and Total Suspended Solids (TSS) discharges to the Chesapeake Bay watershed. These reductions result in pollution credits that can be available for use by other entities.

Virginia laws and regulations allow James City County to acquire and use nitrogen, phosphorus and suspended sediment credits for purposes of compliance with the Chesapeake Bay Total Maximum Daily Load (TMDL) reductions of its Municipal Separate Storm Sewer System Permit, including credits generated by the HRSD Plants by discharging less TN or TP than permitted under the Watershed General Permit and by discharging less TSS than allocated under the Chesapeake Bay TMDL.

This agreement confirms our support for the SWIFT Project and the protection and enhancement of the Potomac Aquifer and establishes the framework and conditions for James City County to reserve and utilize credits created through the SWIFT Project.

FCG/gt  
NutrientTrading-mem

Attachment

## **RESOLUTION**

### **HAMPTON ROADS SANITATION DISTRICT – JAMES CITY COUNTY**

#### **NUTRIENT TRADING AGREEMENT**

- WHEREAS, Hampton Roads Sanitation District (HRSD) owns and operates various wastewater treatment plants (HRSD Plants) that are authorized to discharge the nutrients total nitrogen (TN) and total phosphorus (TP) as well as sediment as total suspended solids (TSS) to the Chesapeake Bay watershed; and
- WHEREAS, the HRSD Plants have TN, TP and TSS waste load allocations assigned by the State Water Control Board and the Virginia Department of Environmental Quality (jointly, DEQ) pursuant to the Water Quality Management Planning Regulation, 9 VAC 25-720, and by the U.S. Environmental Protection Agency pursuant to the Chesapeake Bay Total Maximum Daily Load (TMDL) and related Virginia Watershed Implementation Plan (WIP); and
- WHEREAS, James City County owns and operates a municipal separate stormwater sewer system (MS4) authorized to discharge TN, TP and TSS to the Chesapeake Bay watershed and is subject to the Chesapeake Bay TMDL as derived from the Virginia WIP and to a Virginia Pollutant Discharge Elimination System (VPDES) permit issued to the County by DEQ and is required to reduce MS4-related TN, TP and TSS discharges pursuant to County-developed and DEQ-approved TMDL Action Plans for each of three, five-year permit cycles, which are referred to as the First Bay TMDL Permit Cycle (5% Progress), Second Bay TMDL Permit Cycle (40% Progress) and Third Bay TMDL Permit Cycle (100% Progress); and
- WHEREAS, HRSD's Sustainable Water Initiative For Tomorrow Project was conceived with multiple benefits in mind for the Hampton Roads region, including a significant reduction in the total volume of HRSD discharge to the Chesapeake Bay watershed to achieve greater environmental benefits with corresponding significant reductions of TN, TP and TSS discharges to the Chesapeake Bay watershed; and
- WHEREAS, the County may acquire and use TN, TP and TSS credits for purposes of compliance with the Chesapeake Bay TMDL loading reductions of its MS4 VPDES Permit, including credits generated by the Chesapeake Bay watershed by discharging less TN, TP or TSS than permitted.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute any and all documents necessary to reserve TN, TP and TSS credits from HRSD for use in meeting any current or future Chesapeake Bay TMDL nutrient reduction requirements.

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Kevin D. Onizuk  
Chairman, Board of Supervisors

ATTEST:

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Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of August, 2017.

NutrientTrading-res

## **HAMPTON ROADS WATER QUALITY CREDIT AGREEMENT FOR CHESAPEAKE BAY RESTORATION**

**THIS HAMPTON ROADS WATER QUALITY CREDIT AGREEMENT FOR CHESAPEAKE BAY RESTORATION** (this “Agreement”) is made this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by and between the Hampton Roads Sanitation District (“HRSD”) and James City County, Virginia (the “County”) (each a “Party” and jointly the “Parties”).

### **BACKGROUND**

A. The HRSD Plants. HRSD owns and operates various wastewater treatment plants (the “HRSD Plants”) that are authorized to discharge the nutrients total nitrogen (“TN”) and total phosphorus (“TP”) as well as sediment as total suspended solids (“TSS”) to the Chesapeake Bay watershed. The HRSD Plants have TN, TP and TSS waste load allocations assigned by the State Water Control Board and the Virginia Department of Environmental Quality (jointly, “DEQ”) pursuant to the Water Quality Management Planning Regulation, 9 VAC 25-720, and by the U.S. Environmental Protection Agency (“EPA”) pursuant to the Chesapeake Bay Total Maximum Daily Load (“TMDL”) and related Virginia Watershed Implementation Plan (“WIP”). The HRSD Plants are subject to the General Virginia Pollutant Discharge Elimination System (“VPDES”) Watershed Permit Regulation for TN and TP Discharges and Nutrient Trading in the Chesapeake Bay Watershed in Virginia, 9 VAC 25-820, most recently reissued by DEQ effective February 8, 2017, as hereafter modified or reissued from time to time (the “Watershed General Permit”). Due to exceptional performance and current operating conditions, the HRSD Plants currently discharge less TN, TP and TSS than they are authorized to discharge under the Watershed General Permit while protecting Chesapeake Bay water quality and, therefore, HRSD has the ability to provide TN, TP and TSS credits on at least a temporary basis.

B. The Locality MS4. The County owns and operates a municipal separate stormwater sewer system (“MS4”) authorized to discharge TN, TP and TSS to the Chesapeake Bay watershed. Like the HRSD Plants, the MS4 is subject to the Chesapeake Bay TMDL as derived from the Virginia WIP and to a VPDES Permit issued to the County by DEQ. Pursuant to the TMDL, WIP and VPDES Permit for the MS4, it is anticipated that the County will reduce MS4-related TN, TP and TSS discharges pursuant to County-developed and DEQ-approved TMDL Action Plans for each of three, five-year permit cycles, which are referred to as the First Bay TMDL Permit Cycle (5% Progress), Second Bay TMDL Permit Cycle (40% Progress), and Third Bay TMDL Permit Cycle (100% Progress). During 2017, the County is in its First Bay TMDL Permit Cycle.

C. The SWIFT Project. HRSD’s Sustainable Water Initiative For Tomorrow (“SWIFT”) Project was conceived with multiple benefits in mind for the Hampton Roads region. Aside from TMDL benefits, this innovative water purification project is designed to enhance the sustainability of the long-term groundwater supply and help address other environmental pressures such as sea level rise and saltwater intrusion. The SWIFT Project is intended to achieve these benefits by taking already-treated wastewater that would otherwise be discharged into the Chesapeake Bay watershed, purifying it through additional rounds of advanced water treatment to meet drinking water standards, and injecting the resulting drinking quality water into the Potomac aquifer deep underground. With respect to TMDL benefits, SWIFT will result in a



significant reduction in the total volume of HRSD discharge to the Chesapeake Bay watershed, to achieve greater environmental benefits with corresponding significant reductions of TN, TP and TSS discharges to the Chesapeake Bay watershed.

D. Legal Authority. Pursuant to Virginia Code § 62.1-44.19:21, the County may acquire and use TN and TP credits for purposes of compliance with the Chesapeake Bay TMDL loading reductions of its MS4 VPDES Permit, including credits generated by the HRSD Plants by discharging less TN or TP than permitted under the Watershed General Permit. Pursuant to Virginia Code § 62.1-44.19:21.1, the County may also acquire and use TSS credits for purposes of compliance with the Chesapeake Bay TMDL loading reductions of its MS4 VPDES Permit, including credits generated by the HRSD Plants by discharging less TSS than allocated under the Chesapeake Bay TMDL. With respect to all three parameters, it is recognized that this authority does not limit or otherwise affect the authority of DEQ to establish and enforce more stringent water quality-based effluent limitations in permits where such limitations are necessary to protect local water quality and, further, that the use of water quality credits does not relieve an MS4 permit holder of any requirement to comply with applicable local water quality-based limitations.

E. Regulatory Modifications to the County's TMDL Obligations. The County has achieved substantial progress towards its Chesapeake Bay TMDL reduction goals as a result of County-wide stormwater management requirements dating back to 1990. Future modifications to the TMDL, WIP or VPDES General Permit for the MS4 may be more cost-effectively addressed by utilizing HRSD-generated TN, TP and TSS credits before and during operation of the SWIFT Project in lieu of stormwater retrofit projects. By utilizing HRSD-generated TN, TP and TSS credits to implement the County's Chesapeake Bay TMDL Action Plan, County Capital Improvement Funds as well as state resources may be reserved for locally important drainage or water quality projects.

F. Credit Trading Premise of SWIFT. For all of the above reasons and others, the ability to generate TN, TP, and TSS credits through the SWIFT Project and apply those credits as progress under the Hampton Roads localities' MS4 Permits and associated TMDL Action Plans is a fundamental premise for the SWIFT Project. HRSD is proceeding with the SWIFT Project, and the County is supporting it, in large part in reliance on these critical water quality trading-based benefits.

## **AGREEMENT**

NOW, THEREFORE, in consideration of the foregoing premises (hereby incorporated as if fully set forth herein), the mutual covenants and conditions herein, and other good and valuable consideration, the receipt and sufficiency of which HRSD and the County acknowledge, the Parties hereby agree as follows.

1. Annual Credit Transfers Prior to SWIFT Feasibility Determination. Prior to HRSD's determination of SWIFT Project feasibility as provided below, HRSD shall annually generate and transfer to the County the quantity of water quality credits needed to meet the County's compliance requirements under its DEQ-Approved Chesapeake Bay TMDL Action Plan for its MS4, as provided below. This annual transfer shall be made by HRSD's execution

and delivery to the County of the Annual Water Quality Credit Transfer Form (Attachment B hereto) on or before May 20 immediately following each calendar year of HRSD's credit generation.

a. Determination of Total Reductions Needed. The County shall determine the total TN, TP and TSS reductions required for its full MS4 implementation of the Chesapeake Bay TMDL and WIP as issued in December 2010, in accordance with the procedures established in its VPDES Permit and DEQ Guidance Memorandum 15-2005, Chesapeake Bay TMDL Special Condition Guidance (May 18, 2015).

b. Credit Demand Minimization Elements. The County shall minimize its calculated reductions by (i) accurately mapping and delineating its existing MS4 service area, (ii) taking full credit for reductions achieved by stormwater projects occurring prior to the effective date of the County's VPDES Permit in effect as of the effective date of this Agreement, and (iii) other procedures or accounting measures reasonably available to the County.

c. Credit Transfer Ceilings. HRSD's annual credit transfer obligations to the County shall not exceed the lesser of (i) the County's initial estimate of credit needs, or (ii) 95 percent of the County's total calculated reductions determined in accordance with Subparagraphs 1.a. and 1.b. and set forth in a DEQ-approved Chesapeake Bay TMDL Action Plan, or (iii) the quantity of credits actually needed to meet such total calculated reductions. The County's initial estimate of credit needs as of the effective date of this Agreement is set forth in Section 1 of Attachment A hereto. Following DEQ's approval of the County's Chesapeake Bay TMDL Action Plan and subsequent acceptance of the credit needs by HRSD as consistent with the requirements of this Subparagraph 1.c., HRSD shall issue an update to Attachment A setting forth in Section 2 thereof HRSD's actual annual credit transfer obligation determined in accordance with this Subparagraph 1.c.

d. Term & Termination of Initial Credit Transfers. HRSD's annual credit transfer obligations to the County under this Paragraph 1 shall expire upon (i) conversion to a permanent transfer of wasteload allocations as provided in Paragraph 2, (ii) termination as specifically authorized by any other provision of this Agreement, or (iii) December 31, 2036, whichever occurs first.

2. Permanent Transfer After SWIFT Feasibility Determination. Upon HRSD's determination that full-scale implementation of the SWIFT Project is feasible, HRSD shall permanently transfer to the County the quantity of TN, TP and TSS waste load allocations set forth for its MS4 on Attachment A hereto, as updated and issued by HRSD in accordance with Paragraph 1 c.

a. Factors for Feasibility Determination. Feasibility shall be determined in HRSD's sole discretion taking into account (i) whether all required permits and approvals have been acquired in final, non-appealable form acceptable to HRSD including the federal Safe Drinking Water Act Underground Injection Control Permit, (ii) whether the first full-scale HRSD plant upgrade is online and performing as desired, (iii) whether full-scale implementation of the SWIFT Project is technically and financially feasible, and (iv) other material factors.

b. Timing for Feasibility Determination. Without limiting HRSD's discretion to determine whether full-scale SWIFT Project implementation is feasible or when to make such determination, it is the mutual goal of the Parties for HRSD to make such determination as soon as reasonably possible and not later than December 31, 2025, so as to preserve the maximum amount of time prior to the termination date for the County to implement stormwater retrofit projects or other permit compliance measures that might be necessary should it be determined that the SWIFT Project is not feasible.

3. Regulatory Plans & Approvals. In furtherance of the annual credit transfer and, when applicable, the permanent transfer contemplated by this Agreement, the Parties shall collaborate on appropriate submittals to and requests of DEQ, as follows; however, HRSD shall have no responsibility for the failure or refusal of DEQ or other governmental authority to approve such transfers.

a. County's TMDL Action Plan. For purposes of annual and, when applicable, permanent transfers, the County shall include in its Chesapeake Bay TMDL Action Plan a provision for the receipt and use of TN, TP and TSS credits from the HRSD Plants in the form set forth in Attachment C hereto (or such other form as may be mutually agreeable to the County and HRSD).

b. HRSD Watershed General Permit Registration. For purposes of permanent wasteload allocation transfers, when applicable, HRSD shall modify its Watershed General Permit Registration and, if necessary, individual VPDES permits to reflect such transfers.

c. Virginia Chesapeake Bay TMDL Phase III WIP. HRSD and the County shall collaborate to seek inclusion in the Phase III WIP of recognition of the SWIFT Project and the annual and, when applicable, permanent transfers contemplated by this Agreement.

4. Authorized Use of Credits. The County agrees that its sole and limited use of the TN, TP, and TSS credits transferred under this Agreement shall be for the purpose of MS4 Permit compliance and Chesapeake Bay TMDL implementation and that it shall not transfer any portion of HRSD-generated credits (or waste load allocations, if applicable) to any other person or entity. In the event that the County no longer requires some or all of the credits (or waste load allocations) for such use, they shall revert to HRSD and HRSD shall update and reissue Attachment A accordingly.

5. Mutual Cooperation. The Parties shall continue to cooperate with each other as reasonably necessary to confirm or bring about the transfers contemplated by this Agreement.

6. Permits & Approvals. If for any reason any federal, state, regional or local government or agency fails to issue any necessary permit, approval or other authorization for the SWIFT Project or the transfers contemplated by this Agreement, HRSD shall be excused from its performance hereunder.

7. Force Majeure. The obligations of HRSD, including its annual or permanent transfer obligations, shall be suspended while and as long as performance is prevented or

impeded by strikes, disturbances, riots, fire, severe weather, acts of war, acts of terrorism, acts of God, government action (other than by HRSD), major technical, engineering or construction related delays, or any other cause similar or dissimilar to the foregoing that is beyond the reasonable control of and not due to the gross negligence of HRSD.

8. Change in Law. In the event of any material change in applicable laws or regulations, the Parties shall work together to attempt to amend this Agreement to conform to such change, while maintaining as closely as practical the provisions and intent of this Agreement. If in any such event HRSD is unable to perform its transfer obligations as provided herein, the County shall be solely responsible for otherwise meeting its TMDL and MS4 Permit obligations.

9. Significant Financial & Budgetary Constraints. Notwithstanding any other provision of this Agreement or any prior determination of feasibility of the SWIFT Project, HRSD reserves the right to terminate or renegotiate this Agreement in the event HRSD experiences significant financial or budgetary challenges which, in HRSD's opinion, would significantly impair its ability to perform its obligations hereunder. In such event, the Parties shall work together to attempt to amend this Agreement to accommodate such challenges, with the goal of providing annual credits to the County (and to other Hampton Roads localities with similar water quality credit agreements) as practical.

10. Credit Supply Constraints. Notwithstanding any other provision of this Agreement, to the extent that HRSD determines in its sole discretion that its available quantity of water quality credits (or allocations) is insufficient to meet the total MS4 Chesapeake Bay TMDL Action Plan compliance requirements of the County and of all other Hampton Roads localities that are party or become party to a similar water quality credit agreement, HRSD's obligations hereunder shall be limited to transferring to the County its pro rata share of HRSD's available credits based on pollutant-specific total credit needs of all Hampton Roads localities. HRSD agrees to provide the County with notice of its ability only to transfer a pro rata share of HRSD's available credits as promptly as possible but no later than 90 days after becoming aware of the event limiting HRSD's ability to meet the total credit needs of all Hampton Roads Localities. For clarity, HRSD shall assume no obligation under this Agreement to install, upgrade, improve, or significantly alter the operation of any portion of its sewerage system or treatment works for purposes of providing water quality credits (or allocations).

11. No Third-Party Beneficiaries. This Agreement is solely for the benefit of the Parties hereto and their permitted successors and assigns and shall not confer any rights or benefits on any other person or entity.

12. No Assignment. This Agreement, and the rights and obligations established hereunder, shall be binding upon and inure to the benefit of any successors of the Parties. However, no Party may transfer or assign this Agreement, or its rights or obligations hereunder, without the prior written consent of the other Party, which consent shall not be unreasonably withheld.

13. Expenses; Commissions. Except as provided herein, each Party shall pay its own fees and expenses, including its own counsel fees, incurred in connection with this Agreement or

any transaction contemplated hereby. The Parties represent and warrant to each other that they have not dealt with any business broker or agent who would be entitled to a brokerage commission or finders fee as a result of this Agreement or any related transactions. .

14. Governing Law; Venue; Severability. This Agreement shall be construed in accordance with and governed for all purposes by the laws of the Commonwealth of Virginia. This Agreement is a Virginia contract deemed executed and accepted in the City of Virginia Beach; and all questions with respect to any of its provisions shall be instituted, maintained, and contested in a court of competent jurisdiction in the City of Virginia Beach, Virginia or the U.S. District Court for the Eastern District of Virginia. If any word or provision of this Agreement as applied to any Party or to any circumstance is adjudged by a court to be invalid or unenforceable, the same shall in no way affect any other circumstance or the validity or enforceability of any other word or provision.

15. No Waiver. Neither any failure to exercise or any delay in exercising any right, power or privilege under this Agreement by either Party shall operate as a waiver, nor shall any single or partial exercise of any right, power or privilege hereunder preclude the exercise of any other right, power or privilege. No waiver of any breach of any provision shall be deemed to be a waiver of any preceding or succeeding breach of the same or any other provision, nor shall any waiver be implied from any course of dealing.

16. Entire Agreement; Amendments. This Agreement contains the entire agreement between the Parties as to the subject matter hereof and supersedes all previous written and oral negotiations, commitments, proposals and writings. No amendments may be made to this Agreement except by a writing signed by both Parties.

17. Counterparts; Signatures; Copies. This Agreement may be executed in counterparts, both of which shall be deemed an original, but all of which together shall constitute one and the same instrument. A facsimile or scanned signature may substitute for and have the same legal effect as an original signature. Any copy of this executed Agreement made by photocopy, facsimile or scanner shall be considered the original for all purposes.

18. Authorization. Each Party represents that its execution, delivery and performance under this Agreement have been duly authorized by all necessary action on its behalf, and do not and will not violate any provision of its charter or enabling legislation or result in a material breach of or constitute a material default under any agreement, indenture, or instrument of which it is a party or by which it or its properties may be bound or affected.

IN WITNESS WHEREOF, the Parties hereto have caused the execution of this Agreement as of the date first written above.

[SIGNATURES BEGIN ON NEXT PAGE]

**SIGNATURE PAGE OF HAMPTON ROADS WATER QUALITY CREDIT  
AGREEMENT FOR CHESAPEAKE BAY RESTORATION BY AND BETWEEN  
HRSD AND JAMES CITY COUNTY**

**HAMPTON ROADS SANITATION  
DISTRICT**

By: \_\_\_\_\_  
Edward G. Henifin  
General Manager

**SIGNATURE PAGE OF HAMPTON ROADS WATER QUALITY CREDIT  
AGREEMENT FOR CHESAPEAKE BAY RESTORATION BY AND BETWEEN  
HRSD AND JAMES CITY COUNTY**

**COUNTY OF JAMES CITY**

By: \_\_\_\_\_  
County Administrator

ATTEST:

\_\_\_\_\_  
County Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
County Attorney

**HAMPTON ROADS WATER QUALITY CREDIT AGREEMENT  
FOR CHESAPEAKE BAY RESTORATION  
ATTACHMENT A**

**Water Quality Credit Needs for Second & Third Bay TMDL Permit Cycles**

***Section 1: Initial Estimate of Credit Needs (lbs/yr)  
[As Estimated by County as of Effective Date of this Agreement]***

	<b>James River Basin</b>			<b>York River Basin</b>		
<b>Parameter</b>	2 <sup>nd</sup> Permit Cycle	3 <sup>rd</sup> Permit Cycle	Total Both Cycles	2 <sup>nd</sup> Permit Cycle	3 <sup>rd</sup> Permit Cycle	Total Both Cycles
<b>TN</b>	194.88	334.08	528.96	16.45	28.20	44.65
<b>TP</b>	39.13	67.08	106.21	2.52	4.32	6.84
<b>TSS</b>	16682.89	28599.24	45282.13	751.52	1288.32	2039.84

***Section 2: County-Calculated and HRSD-Accepted Credit Needs (lbs/yr)  
Under DEQ-Approved TMDL Action Plan and Subparagraph 1.c. of this Agreement  
[As Accepted by HRSD After DEQ Approval of County's TMDL Action Plan]\****

	<b>James River Basin</b>			<b>York River Basin</b>		
<b>Parameter</b>	2 <sup>nd</sup> Permit Cycle	3 <sup>rd</sup> Permit Cycle	Total Both Cycles	2 <sup>nd</sup> Permit Cycle	3 <sup>rd</sup> Permit Cycle	Total Both Cycles
<b>TN</b>	194.88	334.08	528.96	16.45	28.20	44.65
<b>TP</b>	39.13	67.08	106.21	2.52	4.32	6.84
<b>TSS</b>	16682.89	28599.24	45282.13	751.52	1288.32	2039.84

- \* DEQ approved the County's TMDL Action Plan prior to the effective date of this Agreement. Section 2 is complete. Please refer to the Agreement at Paragraph E regarding potential future credit use.



**HAMPTON ROADS WATER QUALITY CREDIT AGREEMENT  
FOR CHESAPEAKE BAY RESTORATION  
ATTACHMENT B**

**Annual Water Quality Credit Transfer Form**

***Instructions: To be completed and executed by HRSD and delivered to the County on or before each May 20 immediately following the calendar year of credit generation by HRSD.***

By execution and delivery of this Annual Credit Transfer Form, HRSD transfers the following water quality credits in the amounts specified to the County in accordance with, and for the specific and limited purposes of, the Hampton Roads Water Quality Credit Agreement for Chesapeake Bay Restoration.

Transferor: Hampton Roads Sanitation District

Transferee (MS4): James City County, Virginia

Year Credits Generated: \_\_\_\_\_

Date Credits Transfer: \_\_\_\_\_

River Basin	TN (lbs/yr)	TP (lbs/yr)	TSS (lbs/yr)
James			
York			

Signed (for HRSD): \_\_\_\_\_

Name (Print): \_\_\_\_\_

Title: \_\_\_\_\_

**HAMPTON ROADS WATER QUALITY CREDIT AGREEMENT  
FOR CHESAPEAKE BAY RESTORATION  
ATTACHMENT C**

**MS4 TMDL Action Plan Provision for Use of HRSD-Generated Water Quality Credits**

The County is implementing a MS4 TMDL Action Plan consisting of three primary components: (1) Current Stormwater Projects, (2) Stormwater Reductions from Stricter Development Requirements, and (3) the HRSD SWIFT Project. Each of the three components of the plan is further described below.

Current Stormwater Projects. The first component of this plan consists of water quality improvements from current stormwater projects, including recent, ongoing or other near-term projects credited in accordance with the procedures established in MS4 Permit and DEQ Guidance Memorandum 15-2005, Chesapeake Bay TMDL Special Condition Guidance (May 18, 2015). For purposes of the First Bay TMDL Permit Cycle and the associated TMDL Action Plan, this includes creditable projects completed or to be completed prior to the end of the first permit cycle. A schedule of the reduction credits from such projects is set forth herein.

Stricter Development Requirements. The second component of this plan consists of the strict development standards which require all development to meet the Chesapeake Bay Preservation Act (CBPA) requirements throughout the County, not just within the CBPA buffer zone. According to DEQ Guidance Memorandum 15-2005, the County may receive credit for all stormwater treatment facilities installed after July 1, 2009 outside of the CBPA buffer including those treating less than 1 acre total.

SWIFT Project. The third component of this plan is the generation and use of TN, TP and TSS credits before and during operation of the SWIFT Project in collaboration with HRSD pursuant to the Hampton Roads Water Quality Credit Agreement for Chesapeake Bay Restoration to which the County and HRSD are signatories. This compliance method is in lieu of more traditional stormwater retrofit projects, which may not be feasible to execute on a condensed 10-year schedule (i.e., Second and Third Bay TMDL Permit Cycles). Not only does this method have the advantage of more reliably meeting the MS4 Permit's short deadlines, but it is also beneficial to the public in that it will meet the County's Chesapeake Bay TMDL reduction goals more cost-effectively than otherwise possible. This component of the plan is fully in accordance with Virginia Code §62.1-44.19:21 (TN and TP) and §62.1-44.19:21.1 (TSS). the quantity of reduction credits from the SWIFT Project that are allocated to this TMDL Action Plan for the James River Basin are 528.96 lbs/yr TN, 106.21 lbs/yr TP, and 45,282.13 lbs/yr TSS and for the York River Basin are 44.65 lbs/yr TN, 6.84 lbs/yr TP, and 2,039.84 lbs/yr TSS.

**ITEM SUMMARY**

DATE: 8/8/2017

TO: The Board of Supervisors

FROM: Elizabeth Parman, Assistant County Attorney

SUBJECT: Policy for Remote Participation in Meetings

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**ATTACHMENTS:**

	Description	Type
▣	Memo	Cover Memo
▣	Exhibit A	Exhibit
▣	Resolution	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Attorney	Kinsman, Adam	Approved	7/21/2017 - 4:37 PM
Publication Management	Trautman, Gayle	Approved	7/21/2017 - 4:39 PM
Legal Review	Kinsman, Adam	Approved	7/21/2017 - 4:40 PM
Board Secretary	Fellows, Teresa	Approved	7/27/2017 - 9:23 AM
Board Secretary	Purse, Jason	Approved	7/28/2017 - 2:04 PM
Board Secretary	Fellows, Teresa	Approved	7/31/2017 - 9:20 AM

## MEMORANDUM

DATE: August 8, 2017

TO: The Board of Supervisors

FROM: Elizabeth Parman, Assistant County Attorney

SUBJECT: Adoption of a Revised Policy for Remote Participation in Meetings by Board Members

---

The Board of Supervisors (the “Board”) currently has a policy, pursuant to Virginia Code Section 2.2-3708.1(B)(1), governing remote participation in Board meetings by Board members due to emergencies, personal matters or a disability (the “Policy”).

Virginia Code Section 2.2-3708.1 was recently amended during the 2017 General Assembly Legislative Session such that the Policy should be amended to reflect the new legislation.

Namely, the General Assembly removed language in Virginia Code Section 2.2-3708.1 pertaining to emergencies and limited the number of times a member of a public body could remotely participate in a meeting because of a personal matter to two meetings each calendar year. Previously, remote participation by a member because of an emergency or personal matter was limited each calendar year to two meetings or 25% of the meetings of the public body, whichever was fewer.

The proposed revised Policy, presented as Exhibit A, is in conformance with the new legislation such that reference to emergencies is removed and remote participation because of a personal matter is limited to two meetings each calendar year. There are also minor revisions to clarify certain portions of the Policy.

EP/nb  
RemoteParticptn-mem

Attachment

**JAMES CITY COUNTY BOARD OF SUPERVISORS POLICY FOR REMOTE PARTICIPATION**

Pursuant to § 2.2-3708.1 of the Code of Virginia, the following policy is established for members' remote electronic participation in Board of Supervisors' meetings due to a personal matter or a disability. A Board member may participate in a meeting through electronic communication means from a remote location that is not open to the public only as follows:

1. A personal matter
  - a. On or before the day of a meeting, the member shall notify the chair of the James City County Board of Supervisors (the "Board") that the member is unable to attend the meeting due to a personal matter. The member must identify with specificity the nature of the personal matter.
  - b. A quorum of the Board must be physically assembled at the primary or central meeting location. The Board members must approve the participation by a majority vote. The decision shall be based solely on the criteria in this resolution, without regard to the identity of the member or matters that will be considered or voted on during the meeting. The Clerk of the Board of Supervisors shall record in the Board's minutes the specific nature of the personal matter and the remote location from which the absent member participated. If the absent member's remote participation is disapproved because such participation would violate this policy, such disapproval shall be recorded in the Board's minutes.
  - c. Participation by the absent member due to a personal matter shall be limited in each calendar year to 2 meetings.
2. A temporary or permanent disability
  - a. The member shall notify the chair of the public body that the member is unable to attend the meeting due to a temporary or permanent disability or medical condition that prevents his or her physical presence.
  - b. A quorum of the Board must be physically assembled at the primary or central meeting location. The Clerk of the Board shall record in the Board's minutes the fact of the disability or other condition and the remote location from which the absent member participated.
3. For any remote participation, the Board shall make arrangements for the voice of the absent member or members to be heard by all persons in attendance at the meeting location.

**RESOLUTION**

**ADOPTION OF A REVISED POLICY FOR REMOTE PARTICIPATION**

**IN MEETINGS BY BOARD MEMBERS**

WHEREAS, the James City County Board of Supervisors (the “Board”) has a policy, pursuant to Virginia Code Section 2.2-3708.1(B)(1), governing remote participation in Board meetings by Board members (the “Policy”); and

WHEREAS, the Virginia General Assembly amended Virginia Code Section 2.2-3708.1 during the 2017 Legislative Session; and

WHEREAS, the Board desires to reauthorize, clarify and revise its Policy to conform to the newly amended Virginia Code Section 2.2-3708.1.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby adopt the revised James City County Board of Supervisors Policy for Remote Participation presented as Exhibit A.

\_\_\_\_\_  
Kevin D. Onizuk  
Chairman, Board of Supervisors

VOTES

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	
MCGLENNON	_____	_____	
SADLER	_____	_____	
HIPPLE	_____	_____	
LARSON	_____	_____	
ONIZUK	_____	_____	

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of August, 2017.

RemoteParticptn-res

**ITEM SUMMARY**

DATE: 8/8/2017

TO: The Board of Supervisors

FROM: Ryan Ashe, Fire Chief

SUBJECT: Grant Award- Virginia E-911 Services Board PSAP \$2,000

---

**ATTACHMENTS:**

	Description	Type
▣	Memo	Cover Memo
▣	Resolution	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Fire	Aiken, Tristan	Approved	7/21/2017 - 3:37 PM
Publication Management	Burcham, Nan	Approved	7/21/2017 - 3:47 PM
Legal Review	Kinsman, Adam	Approved	7/21/2017 - 4:34 PM
Board Secretary	Mellen, Sue	Approved	7/28/2017 - 1:57 PM
Board Secretary	Purse, Jason	Approved	7/28/2017 - 2:05 PM
Board Secretary	Fellows, Teresa	Approved	7/31/2017 - 9:18 AM

## MEMORANDUM

DATE: August 8, 2017

TO: The Board of Supervisors

FROM: Ryan T. Ashe, Fire Chief

SUBJECT: Grant Award – Virginia E-911 Services Board Public Safety Answering Point – \$2,000

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The James City County Fire Department Emergency Communications Division has been awarded a Wireless E-911 Public Safety Answering Point Education Program grant in the amount of \$2,000 from the Virginia E-911 Services Board under the FY 2018 PSAP Grant Program.

The funds are to be used for 911 and geographic information system-specific group education and training opportunities. The grant award is for registration, per diem and lodging only and is a reimbursement grant.

The grant does not require a local match, though costs in excess of the award and for other than registration, per diem and lodging will be paid by the Emergency Communications Division.

Staff recommends adoption of the attached resolution to appropriate funds.

RTA/gt  
GA-911PSAP17-mem

Attachment



**RESOLUTION**

**GRANT AWARD – VIRGINIA E-911 SERVICES BOARD**

**PUBLIC SAFETY ANSWERING POINT – \$2,000**

WHEREAS, the James City County Fire Department Emergency Communications Division has been awarded a Wireless E-911 Public Safety Answering Point (PSAP) Education Program grant in the amount of \$2,000 from the Virginia E-911 Services Board under the FY 2018 PSAP Grant Program; and

WHEREAS, the funds are to be used for 911 and geographic information system-specific group education and training opportunities; and

WHEREAS, the grant does not require a local match.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of this grant and the following appropriation to the Special Projects/Grants fund:

Revenue:

PSAP Grant-Education	<u>\$2,000</u>
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Expenditure:

PSAP Grant-Education	<u>\$2,000</u>
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Kevin D. Onizuk  
Chairman, Board of Supervisors

ATTEST:

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Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of August, 2017.

GA-911PSAP17-res

**AGENDA ITEM NO. G.7.**

**ITEM SUMMARY**

DATE: 8/8/2017

TO: The Board of Supervisors

FROM: Ryan Ashe, Fire Chief

SUBJECT: Contract Award – Replacement Ambulance – \$253,886

---

**ATTACHMENTS:**

	Description	Type
▣	Memorandum	Cover Memo
▣	Resolution	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Fire	Aiken, Tristan	Approved	7/21/2017 - 4:33 PM
Publication Management	Trautman, Gayle	Approved	7/21/2017 - 4:35 PM
Legal Review	Kinsman, Adam	Approved	7/21/2017 - 4:35 PM
Board Secretary	Mellen, Sue	Approved	7/28/2017 - 1:38 PM
Board Secretary	Purse, Jason	Approved	7/28/2017 - 2:05 PM
Board Secretary	Fellows, Teresa	Approved	7/31/2017 - 9:16 AM

## MEMORANDUM

DATE: August 8, 2017

TO: The Board of Supervisors

FROM: Ryan T. Ashe, Fire Chief

SUBJECT: Contract Award – Replacement Ambulance – \$253,886

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The FY 2018 Capital Improvements Program (CIP) budget includes funds for the purchase of a replacement ambulance.

The Fire Department, Fleet and Purchasing staff examined different options and determined the most efficient procurement method for this purchase is to use a cooperative purchasing contract issued by the Houston-Galveston Area Council (HGAC) to FESCO Emergency Sales as a result of a competitive sealed Invitation to Bid. The HGAC contract contains wording allowing other localities to purchase from the contract.

Cooperative procurement action is authorized by Chapter 1, Section 5 of the James City County Purchasing Policy and the Virginia Public Procurement Act. By participating in the cooperative procurement action, staff believes the County will increase efficiency, reduce administrative expenses and benefit from an accelerated delivery process.

The HGAC Fire Service Apparatus cooperative contracts offer 20-plus vendors for rescue and fire apparatus. Base bid items are listed on the specific product pages. Almost all contracts include a wide array of additional configurations, optional equipment and accessories that are available to allow localities to configure equipment/services to suit their unique requirements. These items were included with the contractor's bid/proposal response and are part of the recommended contract. James City County purchased replacement ambulances and pumper trucks in Fiscal Years 2010, 2012, 2013, 2014 and 2016 utilizing HGAC cooperative contracts.

The County could choose not to use the cooperative contract provision and seek new bids. Seeking new bids would delay the award process and most likely result in higher prices. Purchasing recommends using the cooperative contract provision, as analysis of market conditions (increased cost of manufacturing and raw materials) and comparison of pricing to other recent similar bids points to the County achieving good success with configuring our apparatus to meet the County's needs at a fair and reasonable cost. Additionally, the County has been able to standardize on a vehicle that is consistent with our current fleet and maintain optimum quality and performance.

Fire Department technical staff researched the design, construction and field performance of the Horton ambulance, worked closely with FESCO Emergency Sales to design a vehicle that will meet the Department's needs and negotiated a price of \$253,886 for a replacement ambulance. The cost of the contract is within the funds allotted.

Contract Award – Replacement Ambulance – \$253,886

August 8, 2017

Page 2

Rescue Squad Assistance Fund grant funds will fund \$129,958.02 of the purchase price. The remainder will be funded from the CIP budget for the replacement ambulance. CIP and RSAF funding will also be used for a power stretcher and power load system as well as wireless internet equipment for the replacement ambulance. These items are not included in this contract. The County has achieved savings on these required items by purchasing them separately from the ambulance itself.

The new ambulance is intended for Fire Station 1. Final placement may differ based on call volume and the condition of other units at the time of delivery. The Fire Department will shift a current ambulance to a reserve status and take the oldest reserve unit out of service. The former ambulance may be sold or used elsewhere in the County in a non-emergency capacity.

Staff recommends adoption of the attached resolution authorizing contract award to FESCO Emergency Sales in the amount of \$253,886 for the Horton ambulance.

RTA/gt

CA-RepAmb-mem

Attachment

## RESOLUTION

### CONTRACT AWARD – REPLACEMENT AMBULANCE – \$253,886

WHEREAS, funds are available through the FY 2018 Capital Improvements Program budget for the purchase of a replacement ambulance; and

WHEREAS, cooperative procurement action is authorized by Chapter 1, Section 5 of the James City County Purchasing Policy and the Virginia Public Procurement Act, and the Houston-Galveston Area Council issued a cooperative purchasing contract to FESCO Emergency Sales as a result of a competitive sealed Invitation for Bid; and

WHEREAS, Fire Department, Fleet and Purchasing staff determined the contract specifications meet the County's performance requirements for an ambulance and negotiated a price of \$253,886 with FESCO Emergency Sales for a Horton medium-duty ambulance.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract with FESCO Emergency Sales for a Horton ambulance in the amount of \$253,886.

\_\_\_\_\_  
Kevin D. Onizuk  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of August, 2017.

CA-RepAmb-res

**AGENDA ITEM NO. G.8.****ITEM SUMMARY**

DATE: 8/8/2017

TO: The Board of Supervisors

FROM: Suzanne R. Mellen, Director, Financial and Management Services

SUBJECT: Fiscal Policies

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**ATTACHMENTS:**

	Description	Type
▣	Fiscal Policies	Cover Memo
▣	Fiscal Policies	Resolution
▣	Fiscal Policies	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Budget	Mellen, Sue	Approved	8/1/2017 - 10:15 AM
Financial Management	Mellen, Sue	Approved	8/1/2017 - 10:15 AM
Publication Management	Trautman, Gayle	Approved	8/1/2017 - 10:31 AM
Legal Review	Kinsman, Adam	Approved	8/1/2017 - 10:52 AM
Board Secretary	Fellows, Teresa	Approved	8/1/2017 - 12:28 PM
Board Secretary	Purse, Jason	Approved	8/1/2017 - 1:38 PM
Board Secretary	Fellows, Teresa	Approved	8/1/2017 - 1:43 PM

## MEMORANDUM

DATE: August 8, 2017

TO: The Board of Supervisors

FROM: Suzanne R. Mellen, Director of Financial and Management Services

SUBJECT: Fiscal Policies

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James City County's Board of Supervisors adopted a Statement of Fiscal Goals on November 14, 2000, and this was amended on July 11, 2006 and again on May 26, 2015. The County adopted its Strategic Plan on November 22, 2016. Attached is a resolution that will replace the Statement of Fiscal Goals with new fiscal policies that will link to the County's Strategic Plan.

Strategic Plan Goal #7 is for the County to have a fiscally efficient government that will manage government finances using sound fiscal management practices to ensure short-term and long-term funding strategies for future investments. The new fiscal policies support this goal by providing a framework to preserve the County's AAA General Obligation bond rating, make sound financial decisions, promote fiscal transparency and to ensure compliance with prevailing local, state and federal laws and regulations.

Staff recommends approval of the attached resolution and fiscal policies.

SRM/gt  
FiscalPolicies-mem

Attachments

## RESOLUTION

### FISCAL POLICIES

WHEREAS, Strategic Plan Goal #7 is for the County to have a fiscally efficient government that will manage government finances using sound fiscal management practices to ensure short-term and long-term funding strategies for future investments; and

WHEREAS, fiscal policies support this goal by providing a framework to preserve the County's AAA General Obligation bond rating, make sound financial decisions, promote fiscal transparency and to ensure compliance with prevailing local, state and federal laws and regulations.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby replaces the Statement of Fiscal Goals and adopts the attached Fiscal Policies.

\_\_\_\_\_  
Kevin D. Onizuk  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of August, 2017.

FiscalPolicies-res



The following Fiscal Policies link directly to James City County's Strategic Plan, Goal No. 7: *Fiscally Efficient Government*, as adopted by the Board of Supervisors. These policies provide a framework for the County's departments as well as the Constitutional Offices, including the Treasurer and Commissioner of Revenue, to preserve its AAA General Obligation bond rating, make sound financial decisions, promote fiscal transparency, and to ensure compliance with prevailing local, state and federal laws and regulations.

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#### Accounting and Financial Reporting

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- The County will establish and maintain an internal control structure and accounting practices to ensure compliance with Generally Accepted Accounting Principles (GAAP).
- An independent firm of certified public accountants will perform an annual financial and compliance audit according to generally accepted auditing standards in the United States of America; *Government Auditing Standards* issued by the Comptroller General of the United States; *Specifications for Audit of Counties, Cities and Towns* issued by the Auditor of Public Accounts of the Commonwealth of Virginia; and the *Uniform Guidance*. The financial statements and the results of the audit will be presented annually to the Board of Supervisors.
- The County will annually seek the GFOA's *Certificate of Achievement for Excellence in Financial Reporting*.

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#### Budget

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- The County Administrator will propose a balanced, two-year operating financial plan and a five-year Capital Improvements Program that are linked to the County's Strategic Plan and Comprehensive Plan. The Board of Supervisors shall adopt the first year of the financial plan and appropriate the budget for the upcoming fiscal year. It will include:
  - A diversified revenue system, inclusive of state and federal funds as well as user fees for services that support specific programs.
  - Financing recurring expenses from recurring revenue sources and not rely on non-recurring revenue to fund on-going, operating expenditures.
  - Recommendations from the Planning Commission on new and expanded projects for the five-year Capital Improvements Program.
  - A goal of 5% of the annual General Fund revenues shall be used for one-time, pay-as-you-go capital projects.
  - A forecast of revenues and expenditures for the next five years, including estimated operating costs of future capital improvements that are included in the Capital Improvements Program.
- The County will annually seek the GFOA's *Distinguished Budget Presentation Award*.
- The County shall maintain a budgeting control system to monitor actual-to-budget performance, and shall take immediate corrective action if revenue and expenditure estimates project a year-end operating deficit.
- At least quarterly, the County will publicly publish financial information including budget to actual performance and the sources and uses of funds.

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#### Debt

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- In consultation with the County's financial advisor, financing for the County's five-year Capital Improvements Program shall:
  - Be based on a five-year forecast of revenues and expenditures.
  - Include an evaluation of pay-as-you-go projects and debt financing.
  - Avoid financing if the term of the indebtedness exceeds the expected useful life of the project.
  - When feasible, bundle capital projects to limit the number of borrowings as well as to reduce the costs of issuance by achieving greater economies of scale.
- The County shall maintain the following standards regarding debt:
  - The ten-year payout ratio of debt shall target a minimum of 60% of the total outstanding principal.
  - Outstanding debt shall not exceed 3% of the assessed valuation of real and personal property.
  - Annual debt service requirements should target 10% or less and shall not exceed 12% of total operating revenues, including revenues allocated to James City County for public education.

- County staff and the financial advisor shall monitor the municipal bond market for opportunities to obtain interest savings by refunding outstanding debt.
- The County will seek to maintain its AAA General Obligation Bond ratings with Standard and Poor's, Moody's Investor Service and Fitch.
- The County shall comply with its continuing disclosure of financial and pertinent credit information relevant to the County's outstanding debt issues.
- The County will not entertain swaps as a method of financing debt until such time as the Board of Supervisors adopts a specific policy on swap practices.

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#### Fund Balance (Reserves)

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- The County shall establish an Assigned Fund Balance in the General Fund (commonly referred to as "Capital Projects") in an amount equal to or greater than the following fiscal year's budgeted "Prior Year General Fund" revenue line item in the Capital Projects Fund budget.
- The County shall establish an Assigned Fund Balance in the General Fund (commonly referred to as "Capital Reserve") in an amount equal to or greater than the following fiscal year's budgeted "Beginning Fund Balance" in the Debt Service Fund budget.
- The County shall establish an Assigned Fund Balance in each respective fund in an amount equal to the fiscal year's carryover encumbrances and projects.
- The County shall maintain a General Fund Unassigned Fund Balance (commonly referred to as "Fiscal Liquidity") at the end of the fiscal year in an amount equal to or greater than 10%, with a target of 12% of the total governmental expenditures including the County's share of the Schools operating expenditures.
- The use of the General Fund's Unassigned Fund Balance may be necessary from time to time to meet unexpected events including, but not limited to: catastrophic (emergency funds in the event of natural or man-made disasters); financial opportunity (to enhance the well-being of James City County or other such global purpose to protect its long-term fiscal security); operational (provide additional funds for limited unexpected needs); and revenue shortfalls (to provide limited funds to smooth fluctuations caused by changes in economic conditions); etc.
  - If the use of the General Fund's Unassigned Fund Balance causes the balance to fall below the minimum 10% level, the Board of Supervisors will adopt a plan and a timeline for replenishing the balance to its minimum 10% level.

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#### Grants

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- The County shall seek to obtain grants that are consistent with the County's Strategic Plan and Comprehensive Plan.
- The County shall terminate grant-funded programs and associated positions as directed by the Board of Supervisors when grant funds are no longer available, unless alternate funding is identified.
- The County will review and update the Grants Administration Manual on an annual basis, and departments shall follow the procedures contained therein.

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#### Cash and Investments

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- The County shall follow the Cash and Investment Policies established by the Treasurer, a Constitutional Officer of the Commonwealth of Virginia. Such policies shall be reviewed and updated annually, and be in accordance with all applicable laws and regulations.
- The Treasurer will provide the Board of Supervisors, at least quarterly, with a report of investments held by the County.

\*\*\*\*\*  
*Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of August 2017.*

**AGENDA ITEM NO. G.9.****ITEM SUMMARY**

DATE: 8/8/2017

TO: The Board of Supervisors

FROM: Jason Purse, Assistant County Administrator

SUBJECT: In a continuation of the recent theme of improving County operations and better aligning resources with needs, the organizational structures of two departments are proposed to be changed. In addition, one division will be split and absorbed into two existing departments.

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**ATTACHMENTS:**

	Description	Type
▣	Memo	Cover Memo
▣	Resolution	Resolution
▣	Current-General Services Org Chart	Backup Material
▣	Proposed-General Services Org Chart	Backup Material
▣	Current-IRM Org Chart	Backup Material
▣	Proposed-IRM Org Chart	Backup Material
▣	Proposed-Community Development Org Chart	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Admin	Purse, Jason	Approved	7/24/2017 - 7:56 AM
Publication Management	Trautman, Gayle	Approved	7/24/2017 - 8:21 AM
Legal Review	Kinsman, Adam	Approved	7/25/2017 - 12:37 PM
Board Secretary	Fellows, Teresa	Approved	7/27/2017 - 9:18 AM
Board Secretary	Purse, Jason	Approved	7/28/2017 - 2:05 PM
Board Secretary	Fellows, Teresa	Approved	7/31/2017 - 9:17 AM

## MEMORANDUM

DATE: August 8, 2017

TO: The Board of Supervisors

FROM: Jason Purse, Assistant County Administrator

SUBJECT: 2017 Proposed Departmental and Division Reorganizations

---

In a continuation of the recent theme of improving County operations and better aligning resources with needs, the organizational structures of two departments are proposed to be changed. In addition, one division will be split and absorbed into two existing departments.

1. Merging of Engineering and Resource Protection and Stormwater Division into the Stormwater and Resource Protection Division. This combined division will be physically located in Building E of the County complex and will be overseen by General Services, with permitting oversight assistance by the Director of Community Development.
2. Creation of the Information Resources Management Department (IRM). IRM is currently a division under Financial and Management Services.
3. Elimination of the Communications Division. Video services will be overseen by IRM. The Public Information Services staff will be overseen by County Administration. Tourism will be overseen by the Office of Economic Development.

### **Stormwater and Resource Protection**

Dealing with drainage and stormwater is an ongoing process. From the design of the system to the ongoing inspection and maintenance of the network, stormwater has an effect on neighborhoods, watersheds and the County as a whole. Because of this interconnectivity, staff undertook this reorganization to better utilize resources to have a one-stop shop for all things stormwater related. This will allow citizens to have one location to get information and will also allow for better integration of the design side permitting with the rest of the process.

This new, combined division will be physically located in Building E of the County complex, but will be located under General Services on the organizational chart.

### **Information Resources Management Department**

As IRM has grown it has become evident that it is a vital part of a successful County operation. Currently, IRM is a division under Financial and Management Services. The division currently includes Infrastructure/Network Security, Information Center, Web and Publications Management, Records Management and a programming section. With no other changes to the organizational chart, the size and scope of this division would warrant making this a separate department.

This change would make IRM its own department, as well as adding video services from Communications and Geographic Information Systems (GIS) from Real Estate. Bringing these two areas under IRM will allow all of the technology needs of the County to be handled under one umbrella.

### **Communications**

As was previously mentioned, Video Services will be moving under IRM. The Public Information Services staff will continue to be overseen by County Administration. Tourism will be overseen by the Office of Economic Development.

These changes can be accomplished using existing staff and resources and no changes to the adopted FY 18 Budget are proposed or necessary to implement the change.

JP/nb

PropDeptReorg-mem

### Attachments:

1. Resolution Approving Departmental and Division Name Changes
2. Existing and Proposed Organizational Charts for General Services
3. Existing and Proposed Organizational Charts for Information Resource Management

## **RESOLUTION**

### **2017 PROPOSED DEPARTMENTAL AND DIVISION REORGANIZATIONS**

- WHEREAS, in a continuation of the recent theme of improving County operations and better aligning resources with needs, the organizational structures of two departments are proposed to be changed, and one division will be split and absorbed into two existing departments; and
- WHEREAS, over the past year staff has evaluated the structure of the Stormwater and Engineering and Resource Protection divisions and determined that they would better serve the County as a combined division; and
- WHEREAS, this reorganization allows for increased synergies to occur and combine more holistically with existing efforts already underway in the separate divisions; and
- WHEREAS, to further underscore current efforts and reinforce the Board's ongoing commitment to the Strategic Plan goal of exceptional public service as well as in support of the County's Mission Statement of working in partnership with all citizens to achieve a quality community, the Board of Supervisors desires to rename the Divisions of Stormwater and Engineering and Resource Protection to the newly created Division of Stormwater and Resource Protection; and
- WHEREAS, it has been determined that given the size and scope of the current Information Resources Management Division it should be classified as a separate department on the organizational chart; and
- WHEREAS, in order for the newly created department to function in the most fiscally efficient manner possible, it should also oversee the Geographic Information Systems and Video Services functions of the County and should collectively be titled the Department of Information Resource Management; and
- WHEREAS, the remaining functions of the Communications Divisions should be split between County Administration and the Office of Economic Development (OED); with public information being overseen by County Administration and Tourism being under OED; and
- WHEREAS, all the above changes can be accomplished using existing staff and resources and no changes to the Adopted FY 18 Budget are proposed or necessary to implement the changes; and
- WHEREAS, Section 6.1 of the James City County Charter states that the Board of Supervisors may create new departments or divisions, or combine or abolish existing departments or offices and distribute the functions thereof, or establish temporary departments for special work.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby desire to implement the aforementioned departmental and divisional changes and directs the County Attorney and the County Administrator to prepare all necessary documents to implement these changes.

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Kevin D. Onizuk  
Chairman, Board of Supervisors

ATTEST:

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Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____

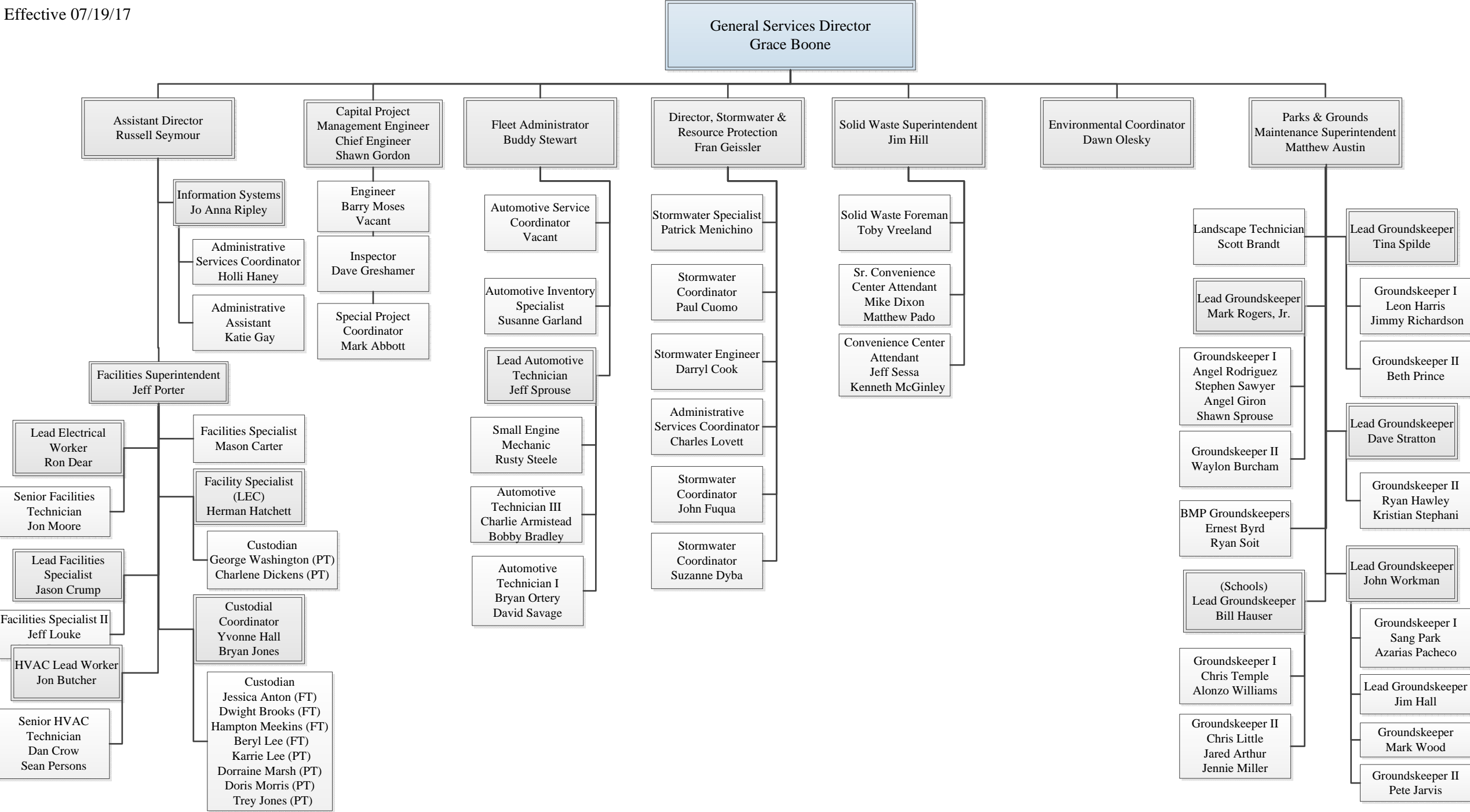
Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of August, 2017.

PropDeptReorg-res

CURRENT

# General Services Organization Chart

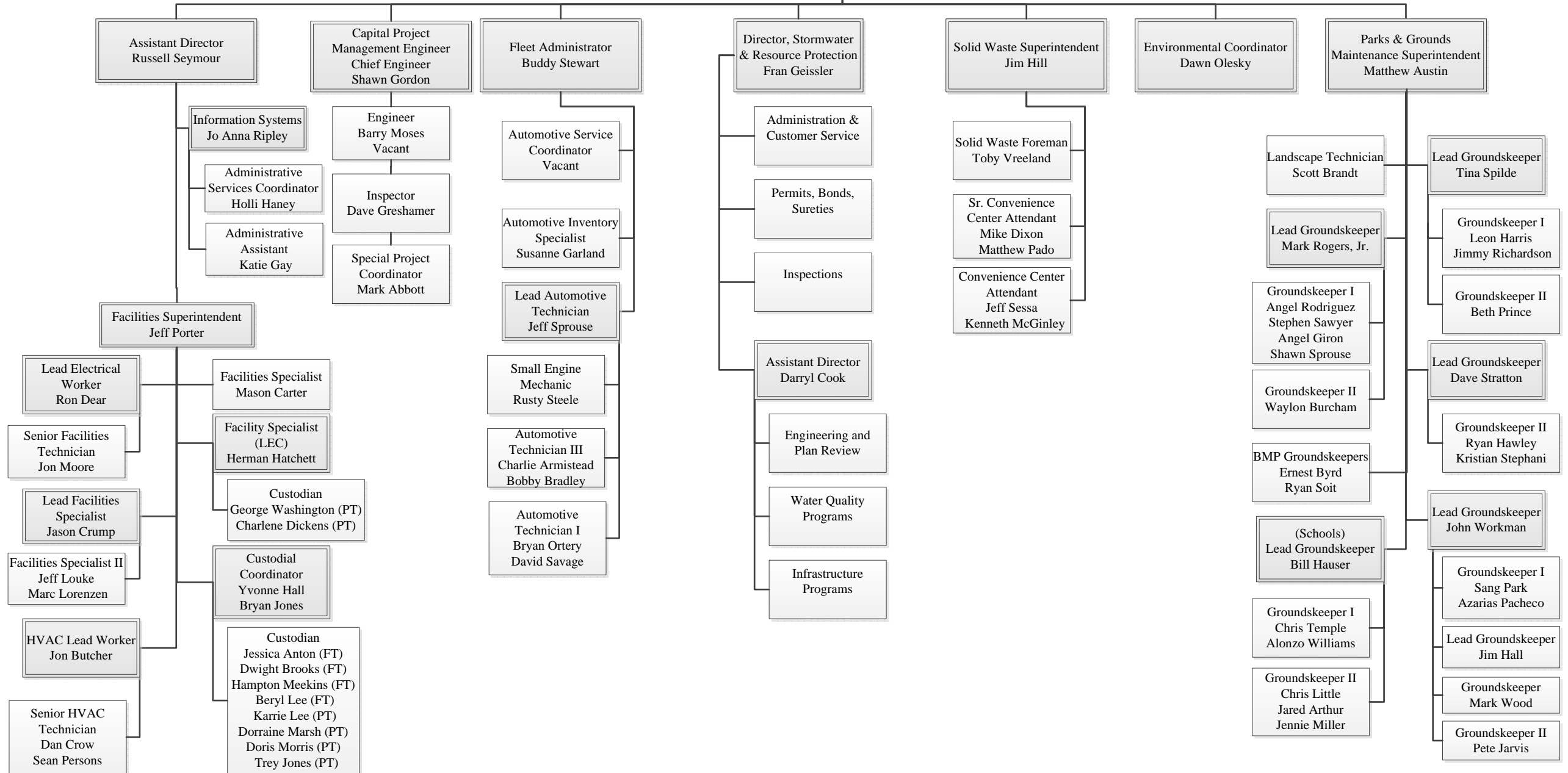
Effective 07/19/17



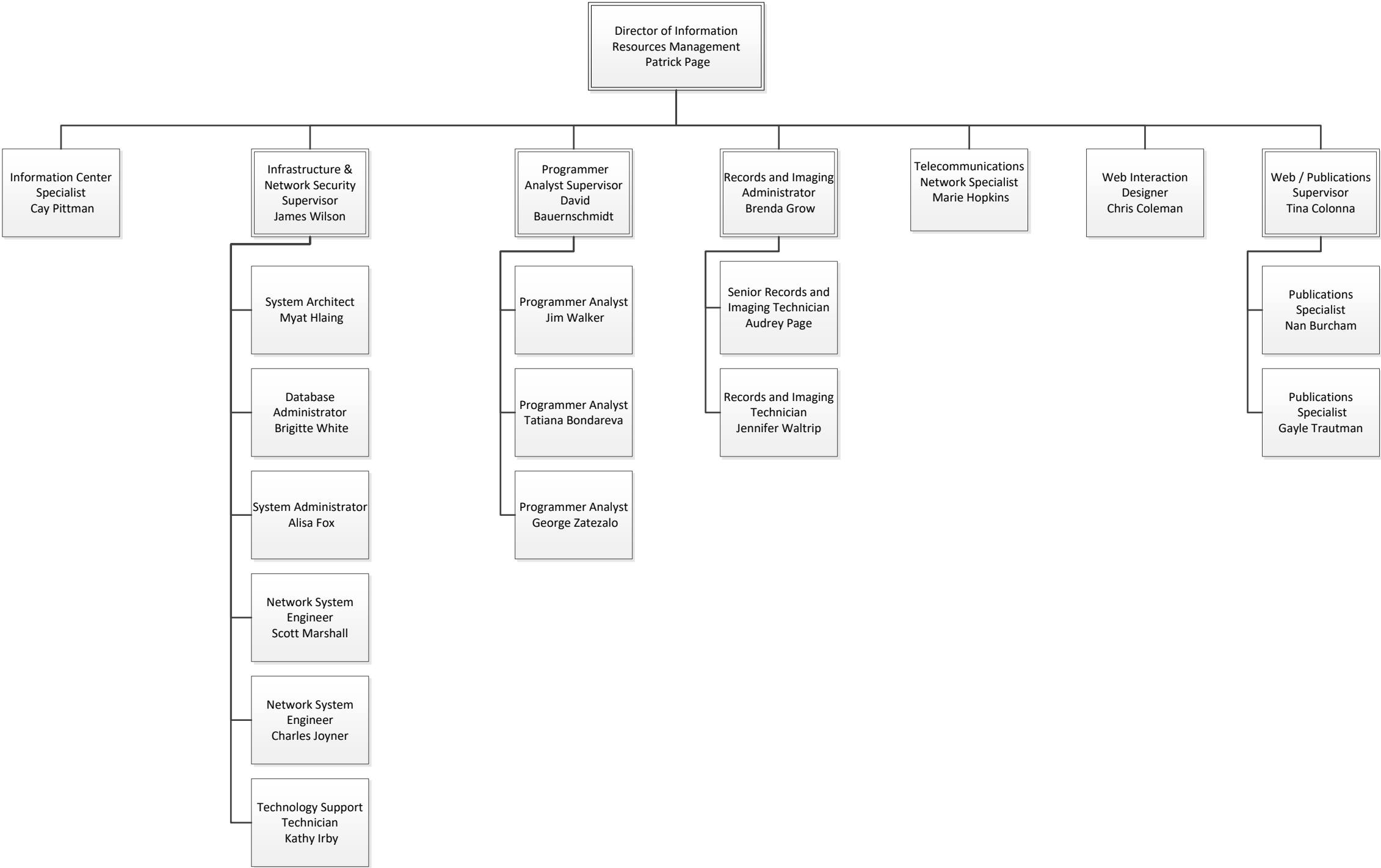


## General Services Organization Chart

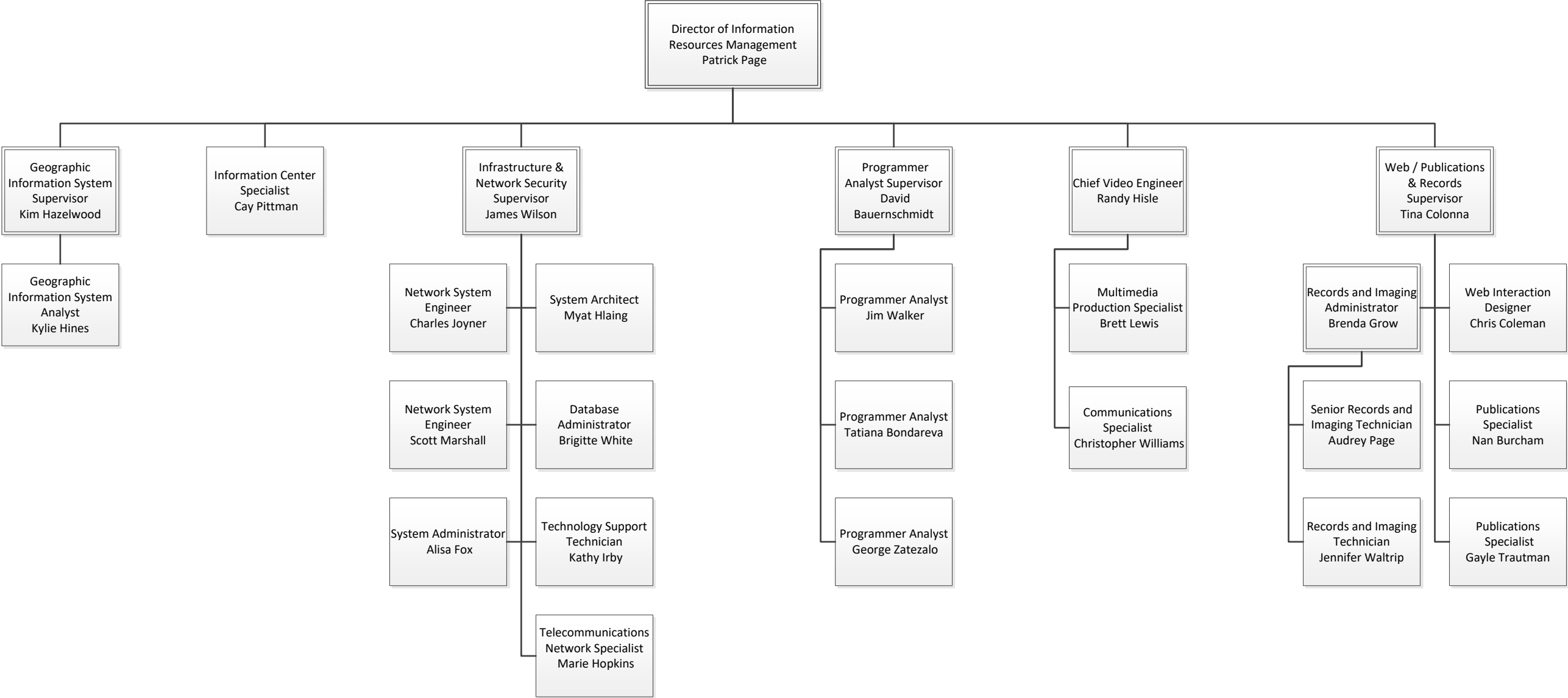
General Services Director  
Grace Boone



Information Resources Management  
(Current)

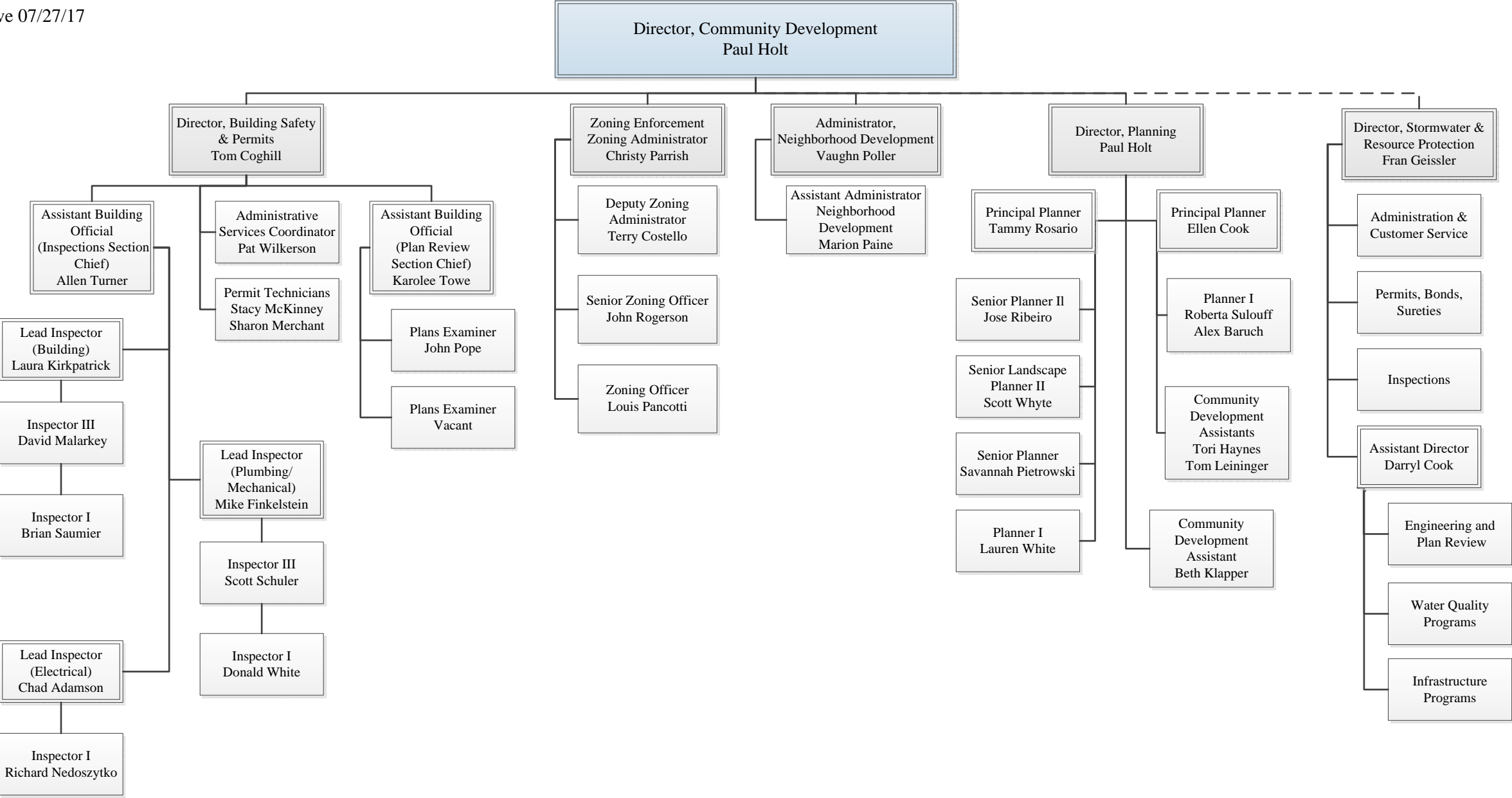


Information Resources Management  
(Proposed)



# Community Development Organization Chart

Effective 07/27/17



**ITEM SUMMARY**

DATE: 8/8/2017

TO: The Board of Supervisors

FROM: Jose-Ricardo L. Ribeiro, Senior Planner II

SUBJECT: SUP-0028-2016. Solar Electrical Generation Facility at Norge

---

**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Attachment - Deferral Letter	Exhibit

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	7/21/2017 - 11:41 AM
Development Management	Holt, Paul	Approved	7/21/2017 - 11:42 AM
Publication Management	Burcham, Nan	Approved	7/21/2017 - 11:43 AM
Legal Review	Kinsman, Adam	Approved	7/21/2017 - 4:32 PM
Board Secretary	Fellows, Teresa	Approved	7/27/2017 - 9:24 AM
Board Secretary	Purse, Jason	Approved	7/28/2017 - 2:03 PM
Board Secretary	Fellows, Teresa	Approved	7/31/2017 - 9:21 AM

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**SPECIAL USE PERMIT-0028-2016. Solar Electrical Generation Facility at Norge****Staff Report for the August 8, 2017, Board of Supervisors Public Hearing**

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**SUMMARY FACTS**

Applicant:	Mr. Drew Gibbons of SunPower Devco, LLC
Land Owner:	Whisper Ridge, LLC
Proposal:	To allow the construction and operation of a private electrical generation facility, electrical substation with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more.
Locations:	320, 339, 341 and 345 Farmville Lane
Tax Map/Parcel Nos.:	2320100052A, 2320100052G, 2320100052 and 2320100055
Project Acreage:	+/- 0.75, 1.62, 215.6 and 5.43 acres; combined ± 223 acres
Zoning:	A-1, General Agricultural and R-2, General Residential
Comprehensive Plan:	Low Density Residential
Primary Service Area:	Inside
Staff Contact:	Jose Ribeiro, Senior Planner II

**PUBLIC HEARING DATES**

Planning Commission:	February 1, 2017, 7:00 p.m. (deferred by applicant) March 1, 2017, 7:00 p.m. (deferred by applicant) April 5, 2017, 7:00 p.m.
Board of Supervisors:	May 9, 2017, 5:00 p.m. (deferred by applicant) July 11, 2017, 5:00 p.m. (deferred by applicant) August 8, 2017, 5:00 p.m. (tentative)

**STAFF RECOMMENDATION**

The applicant has requested deferral of this application for two additional months. Staff concurs with the request and recommends the Board of Supervisors defer consideration of this application to the October 10, 2017, Board of Supervisors meeting.

JR/gt  
SUP28-16SolarDef2

**Attachment:**

1. Letter from applicant requesting deferral of SUP application.

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*This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.*

## Jose Ribeiro

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**From:** David Stoner <davidastoner1@gmail.com>  
**Sent:** Tuesday, August 01, 2017 9:25 AM  
**To:** Jose Ribeiro; Beth Klapper; Jason Purse  
**Cc:** Carroll.Collins@kimley-horn.com; Howell, Cory; Barefoot, John; Caitlin McLaughlin; Peter Toomey  
**Subject:** Re: Norge Solar Deferral Request

Jose:

As discussed, SunPower would like to defer our application's hearing with the James City County Board of Supervisors until the October 10, 2017 Board meeting. We are making this request to provide adequate time for SunPower to resolve issues related to construction access for the project. Please contact me or Carroll Collins of Kimley-Horn with any questions.

Thanks,

**Dave**

+++++

**David A. Stoner**

Principal

**Stoner Power Consulting, LLC**

6858 Rockfish Gap Turnpike

Greenwood, VA 22943

434-227-2105

[davidastoner1@gmail.com](mailto:davidastoner1@gmail.com)

---

**From:** Jose Ribeiro <[Jose.Ribeiro@jamescitycountyva.gov](mailto:Jose.Ribeiro@jamescitycountyva.gov)>  
**Date:** Tuesday, August 1, 2017 at 7:49 AM  
**To:** David Stoner <[davidastoner1@gmail.com](mailto:davidastoner1@gmail.com)>, "Carroll.Collins@kimley-horn.com" <[Carroll.Collins@kimley-horn.com](mailto:Carroll.Collins@kimley-horn.com)>  
**Subject:** Norge Solar Deferral Request

Folks,

I am working on the deferral request for the October meeting. Please send an e-mail ASP requesting the deferral for the October 10, 2017 BOS meeting.

Thank you.

**Jose R**

**Jose Ribeiro  
Senior Planner**



**Planning  
101-A Mounts Bay Road  
Williamsburg, VA 23185  
P: 757-253-6890  
F: 757-253-6822  
Front Desk: 757-253-6671  
[jamescitycountyva.gov](http://jamescitycountyva.gov)**

**Please note that County e-mail addresses have changed.  
Please use [jose.ribeiro@jamescitycountyva.gov](mailto:jose.ribeiro@jamescitycountyva.gov) for all future correspondence.**



**ITEM SUMMARY**

DATE: 8/8/2017

TO: The Board of Supervisors

FROM: Roberta Sulouff, Planner

SUBJECT: HW-0003-2017. Busch Gardens Madrid

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**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution	Resolution
▣	Location Map	Backup Material
▣	Sight Lines Exhibit	Backup Material
▣	Height Waiver Table	Backup Material
▣	Landscape Exhibit	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	7/21/2017 - 3:52 PM
Development Management	Holt, Paul	Approved	7/21/2017 - 3:53 PM
Publication Management	Burcham, Nan	Approved	7/21/2017 - 3:57 PM
Legal Review	Kinsman, Adam	Approved	7/21/2017 - 4:34 PM
Board Secretary	Fellows, Teresa	Approved	7/27/2017 - 9:22 AM
Board Secretary	Purse, Jason	Approved	7/28/2017 - 2:03 PM
Board Secretary	Fellows, Teresa	Approved	7/31/2017 - 9:19 AM

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**HEIGHT LIMITATION WAIVER CASE NO. 0003-2017. Busch Gardens Madrid**

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**Staff Report for the August 8, 2017, Board of Supervisors Public Hearing****SUMMARY FACTS**

Applicant: Anthony Loubier, Vanasse Hangen Brustlin, Inc.

Land Owner: SeaWorld Parks and Entertainment, LLC

Proposal: A height limitation waiver to permit the construction of an attraction not to exceed a height of  $\pm$  315 feet above finished grade, or  $\pm$  387 feet above sea level.

Location: 7851 Pocahontas Trail

Tax Map/Parcel No.: 5140100009

Project Acreage:  $\pm$  383.07 acres

Zoning: M-1, Limited Business/Industrial

Comprehensive Plan: Limited Industry

Primary Service Area: Inside

Staff Contact: Roberta Sulouff, Planner

**PUBLIC HEARING DATE**

Board of Supervisors: August 8, 2017, 5:00 p.m.

**FACTORS FAVORABLE**

1. The proposal is compatible with surrounding zoning and development.

2. Service industry uses are recommended uses for areas designated Limited Industry by the adopted Comprehensive Plan. Amusement parks are service industry uses, albeit not traditional ones. Additionally, staff finds the proposed attraction would not create dust or odor, and additional noise impacts on adjacent residential properties will be minimal given the attraction's location. The proposal is consistent with the adopted Comprehensive Plan.
3. The proposed structure is located interior to the park in an area with a lower base elevation, which assists in mitigating visual and noise impacts in areas outside of the park.
4. Staff finds that the proposed application satisfies the criteria for height waivers found in Section 24-418(c) of the Zoning Ordinance.

**FACTORS UNFAVORABLE**

With the attached proposed conditions for the application, staff finds no unfavorable factors.

**SUMMARY STAFF RECOMMENDATION**

Staff recommends the Board of Supervisors approve this Height Limitation Waiver, subject to the attached conditions.

**PROJECT DESCRIPTION**

Mr. Anthony Loubier of Vanasse Hangen Brustlin, Inc. has applied on behalf of SeaWorld Parks and Entertainment, LLC, for a Height Limitation Waiver to permit the installation of a new attraction in Busch Gardens. The attraction is proposed to reach a height of approximately 315 feet above finished grade (or 387 feet above sea

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*This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.*

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## **HEIGHT LIMITATION WAIVER CASE NO. 0003-2017. Busch Gardens Madrid**

### **Staff Report for the August 8, 2017, Board of Supervisors Public Hearing**

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level). The highest point of the attraction is to be located generally in the location shown on the attached sight lines exhibit (Attachment No. 3), approximately 2,470 feet (0.46 miles) from the nearest boundary to the Kingsmill Resort and subdivision.

The applicant conducted a balloon test to simulate the expected height of the attraction, also shown in the sight lines exhibit (Attachment No. 3). The structure is proposed to be of a lattice-type construction. The visual simulations show an approximate “width” of the structure at its highest point as a bracket labeled “315 FT Above Existing Grade” on the aforementioned exhibit. The balloon test was visible in many of the areas in which existing attractions are already visible, such as on Jamestown Island, along Route 60 near (and atop) the I-64 Grove Interchange overpass and at the Williamsburg Country Club. The balloon test was also visible in areas not generally impacted visually by earlier applications, such as at points along Route 143 and at Route 60 near the Kingsmill Resort entrance. The balloon test was not visible from the Route 199 overpass, College Creek Beach along the Colonial Parkway or from the tennis clubhouse on Kingsmill Road interior to the Kingsmill development.

#### **PLANNING AND ZONING HISTORY**

The attached table (Attachment No. 4) provides a comparison of the current application with past Height Limitation Waivers that the Board of Supervisors has approved for Busch Gardens.

#### **SURROUNDING ZONING AND DEVELOPMENT**

The park is generally bounded by Route 60 to the east, The Woods Golf Course (Kingsmill), zoned M-1, Limited Business/Industrial to the south, the Anheuser-Busch Brewery, zoned M-2, General Industrial to the north, and the Kingsmill residential community and

Carter’s Grove Country Road, both zoned R-4, Residential Planned Community, to the west and southwest.

#### **COMPREHENSIVE PLAN**

- The property is designated as Limited Industry on the adopted Comprehensive Plan Land Use Map.
- Land designated Limited Industry is generally located within the Primary Service Area and used for warehousing, office and service industries. Parcels ordinarily require access to arterial roads or major collector streets, public water and sewer, nearby police and fire protection and other site characteristics suitable for intense development with adequate buffers to residential developments. The Comprehensive Plan also specifies that the following characteristics should be considered during evaluation of a proposed land use: open space, protection of environmental and historical and archaeological resources, preservation of rural and scenic vistas and generation of noise, dust or odor.
- In past applications, amusement parks have been interpreted as service industry uses, albeit not traditional ones. Additionally, staff finds the proposed attraction would not create dust or odor, and additional noise impacts on adjacent residential properties will be minimal, given the attraction’s location. There is some anticipated increased visual impact to Route 60 and the Grove Interchange based on the visual simulation. Busch Gardens has an existing visible presence in these areas. In order to mitigate the additional impacts of the proposed attraction, staff has proposed several conditions to apply to the Height Limitation Waiver, including minimizing lighting on the attraction above 60 feet, requiring muted colors designed to minimize visual impacts (that would be approved by the Director of Planning) and planting supplemental evergreen landscaping in areas identified in the

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*This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.*

## HEIGHT LIMITATION WAIVER CASE NO. 0003-2017. Busch Gardens Madrid

### Staff Report for the August 8, 2017, Board of Supervisors Public Hearing

exhibit in Attachment No. 5. The areas for proposed landscaping are primarily in the right-of-way and are intended to extend and further enhance plantings that were required as part of the approval for earlier attractions. Staff views the plantings as a benefit as the peak of the proposed attraction will be visible on Route 60, but staff also acknowledges that complete screening of the attraction is not feasible.

### HEIGHT LIMITATION WAIVER ANALYSIS

- Section 24-418(c) of the James City County Zoning Ordinance states that structures in excess of 60 feet in height may be erected only upon the granting of a Height Limitation Waiver by the Board of Supervisors upon finding that the following criteria are met:

1. Additional setbacks have been provided as required by Section 24-439 and Section 24-440 of the Zoning Ordinance; however, the Board may waive additional setbacks for structures in excess of 60 feet.

*Staff Comment: The proposed attraction is located more than 2,000 feet from the nearest property line; therefore, the setbacks are well in excess of those required by the Zoning Ordinance.*

2. Such structure will not obstruct light from adjacent property.

*Staff Comment: Given that the attraction is proposed as an open, lattice-type structure and that it is not in close proximity to adjacent properties, staff finds that the proposed structure will not obstruct light from adjacent property.*

3. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments.

*Staff Comment: Given that the proposed attraction has limited visual impacts on adjacent development beyond those of existing attractions within the park, staff finds that the proposed structure will not impair the enjoyment of historic attractions or areas of historic interest.*

4. Such structure will not impair property values in the area.

*Staff Comment: It is the opinion of the Director of Real Estate Assessments that the proposed 315-foot attraction and any associated lighting will not impair property values in the area.*

5. Such structure is adequately designed and served from the standpoint of safety and that the County Fire Chief finds the fire safety equipment installed is adequately designed and that the structure is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property.

*Staff Comment: The County Fire Chief finds that the attraction is well located relative to fire stations and appropriate equipment to offer adequate protection to life and property. The Fire Department has stated that they will continue to work with the attraction design team to resolve any concerns during subsequent development phases.*

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*This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.*

**Staff Report for the August 8, 2017, Board of Supervisors Public Hearing**

6. Such structure will not be contrary to public health, safety and welfare.

*Staff Comment: Staff finds that the structure is not contrary to public health, safety and welfare.*

**PUBLIC IMPACTS**

- The proposed attraction will have minimal impact on the environment, utility service or traffic generation. The attraction is located interior to Busch Gardens, which is already significantly developed, and is not anticipated to produce an increased demand for utilities or public facilities.

**PROPOSED CONDITIONS**

- The full text of the proposed conditions are attached within the proposed resolution.

**STAFF RECOMMENDATION**

Staff recommends the Board of Supervisors approve this Height Limitation Waiver application subject to the attached conditions.

RS/gt  
HW03-17BGMadrid

Attachments:

1. Resolution
2. Location Map
3. Height Waiver Sight Line Exhibit
4. Height Waiver Table
5. Landscape Exhibit

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*This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.*

## **RESOLUTION**

**CASE NO. HW-0003-2017. BUSCH GARDENS MADRID**

### **HEIGHT LIMITATION WAIVER**

WHEREAS, the Board of Supervisors of James City County has adopted by Ordinance specific land uses that shall be subjected to a Height Limitation Waiver process; and

WHEREAS, Mr. Anthony Loubier, Vanasse Hangen Brustlin, Inc., has applied on behalf of SeaWorld Parks and Entertainment, LLC for a Height Limitation Waiver to allow for the installation of an attraction that is approximately 315 feet above finished grade at its highest point (the “Attraction”); and

WHEREAS, a public hearing was advertised, adjoining property owners notified and a hearing conducted on Case No. HW-0003-2017; and

WHEREAS, the location of the highest point of the proposed Attraction is depicted on the plan prepared by Vanasse Hangen Brustlin, Inc., entitled “Busch Gardens Williamsburg – Height Waiver Sight Lines;” and

WHEREAS, the Attraction will be constructed in its entirety on property zoned M-1, Limited Business Industrial, further identified as James City County Real Estate Tax Map No. 5140100009, and commonly known as “Busch Gardens;” and

WHEREAS, the Board of Supervisors finds that the requirements of Section 24-418(c) of the James City County Zoning Ordinance have been satisfied in order to grant a Height Limitation Waiver to allow for the erection of structures in excess of 60 feet in height for the construction of the Attraction.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Height Limitation Waiver HW-0003-2017 to grant the applicant a 255-foot waiver to the height limitation requirements set forth in the James City County Code to allow for the erection of an attraction up to 315-feet tall from finished grade as described herein, pursuant to the following conditions:

1. Plan: This Height Waiver shall be valid for a 255-foot waiver to the height limitation requirements set forth in the James City County Code to allow for the erection of the Attraction up to 315 feet above finished grade (or up to 387 feet above mean sea level) as generally shown on the plan prepared by Vanasse Hangen Brustlin, Inc., entitled Busch Gardens Williamsburg – Height Waiver Sight Lines.” For the purposes of this application, “finished grade” is defined as 72 feet above sea level.
2. Lighting: All lighting locations and specifications shall be shown on future development plans. Unless otherwise required by the Federal Aviation Authority or necessary for safety purposes, installation of any lights on the Attraction at points above 60 feet in height or installation of lights which direct light upward to illuminate any

part of the Attraction or surrounding theme park areas shall be prohibited, with the sole exception being that landscape-shielded “wall-washer” type fixtures may be installed to illuminate vertical (solid) wall surfaces related to the Attraction.

3. Landscaping: Supplemental landscaping shall be planted generally in the areas shown on the exhibit entitled “HW-0003-2017 Busch Gardens Madrid – Landscape Planting Areas,” and as specified in a landscape design plan (the “Landscape Plan”) that shall be reviewed and approved by the Director of Planning or his designee and subject to approval by the Virginia Department of Transportation. Plantings shall be evergreen varieties that are designed, located and planted in accordance with the requirements of Section 24-96 of the Landscape Ordinance. Plantings included on the Landscape Plan shall be installed or bonded prior to issuance of a final Certificate of Occupancy for the Attraction.
4. Color Scheme: The color of the Attraction at any point at or above 60 feet above finished grade shall be muted and designed to minimize visual impacts from Community Character Corridors and Areas as defined in the Comprehensive Plan. A color scheme plan and color samples shall be submitted to, and approved by, the Director of Planning for consistency with this condition prior to the issuance of a Building Permit for the Attraction.
5. Commencement of Construction: Permits for the construction of foundations and/or footings for the Attraction shall be obtained within 36 months from the date of approval of this Height Limitation Waiver or this Height Limitation Waiver shall be void.
6. Severance Clause: This Height Limitation Waiver is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

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Kevin D. Onizuk  
Chairman, Board of Supervisors

ATTEST:

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Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____

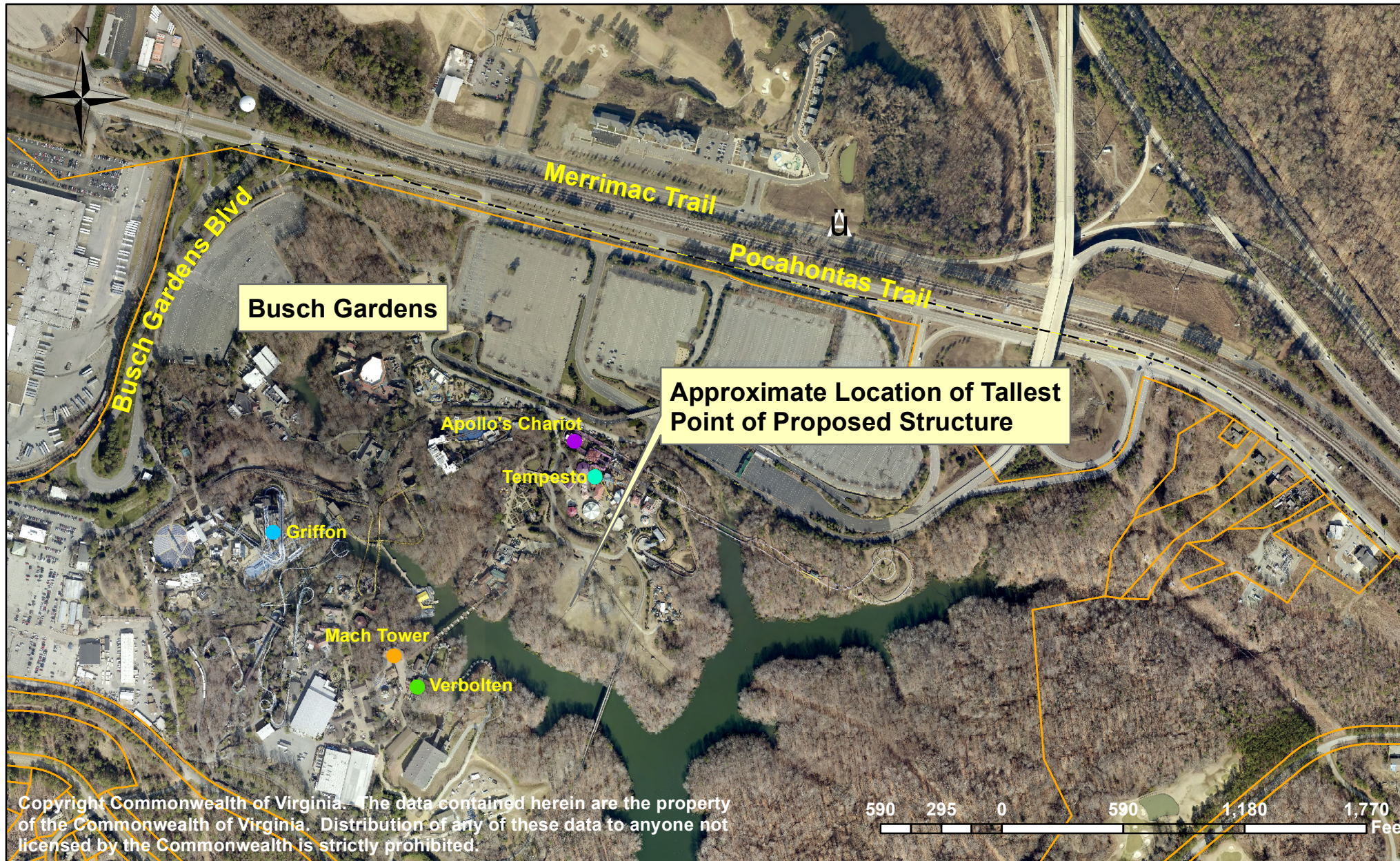
Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of August, 2017.

HW-03-17BGMadrid-res



# HW-0003-2017

## Busch Gardens Madrid

















315 FT Above Existing Grade

3









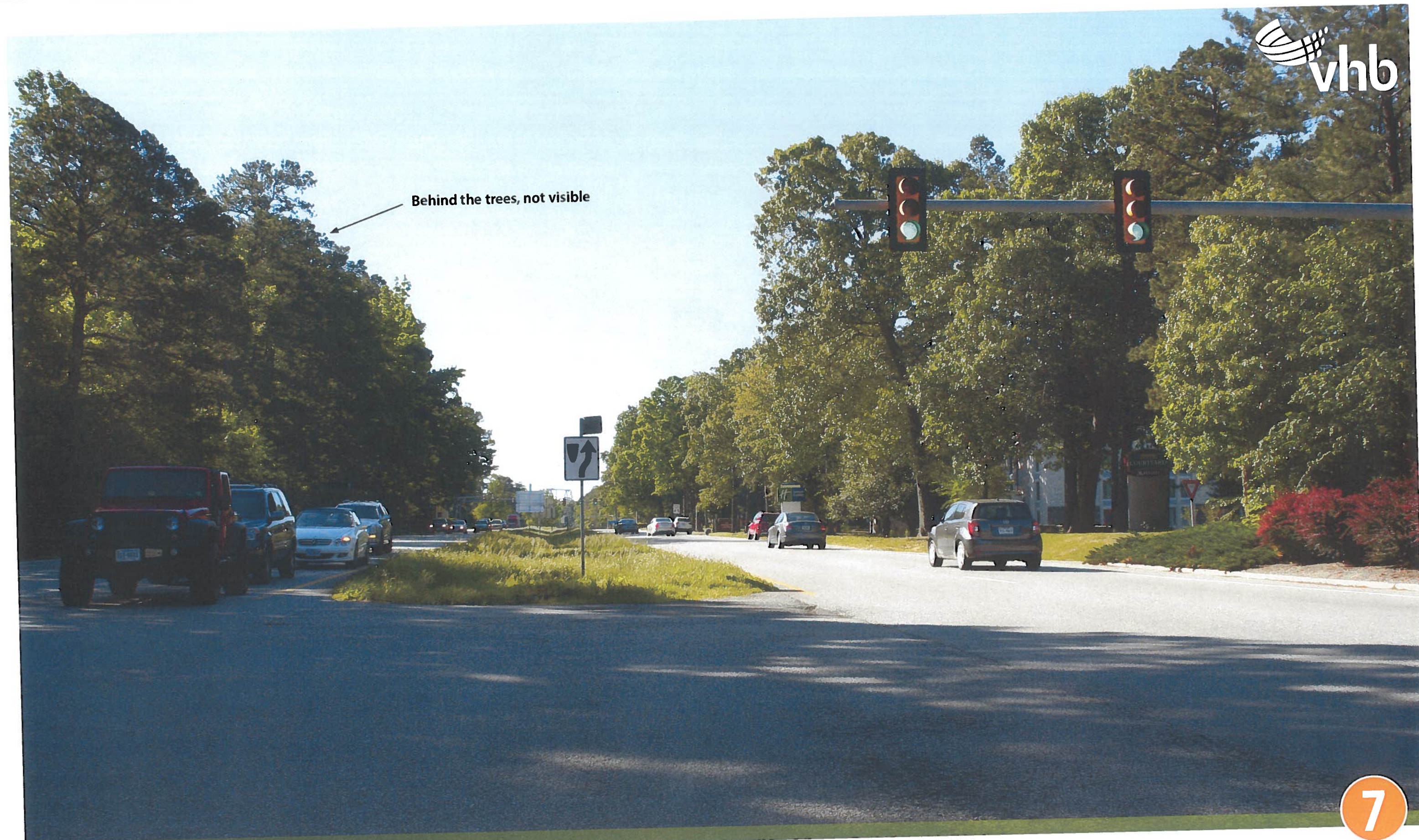


315 FT. Above Existing Grade



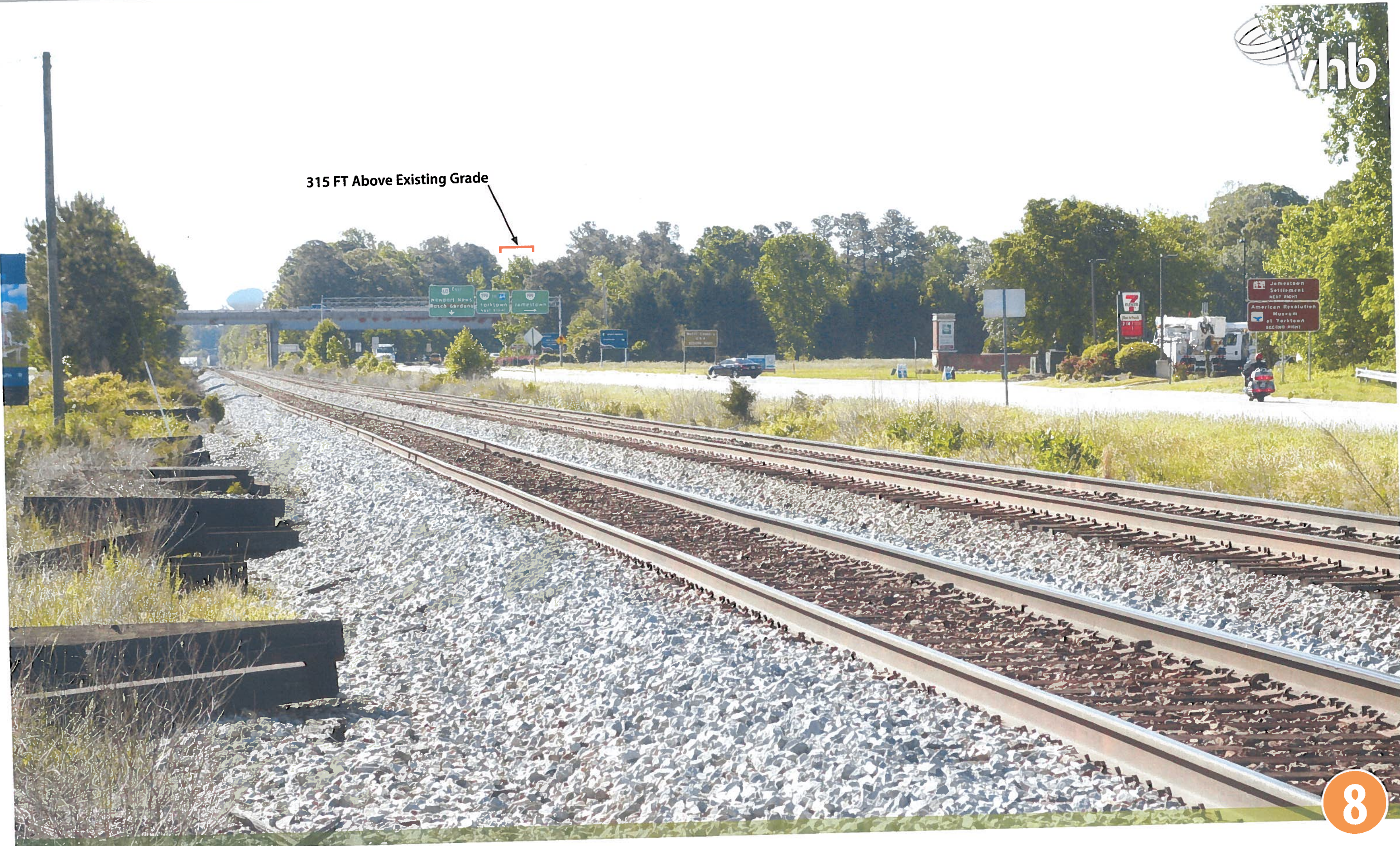


Behind the trees, not visible





315 FT Above Existing Grade



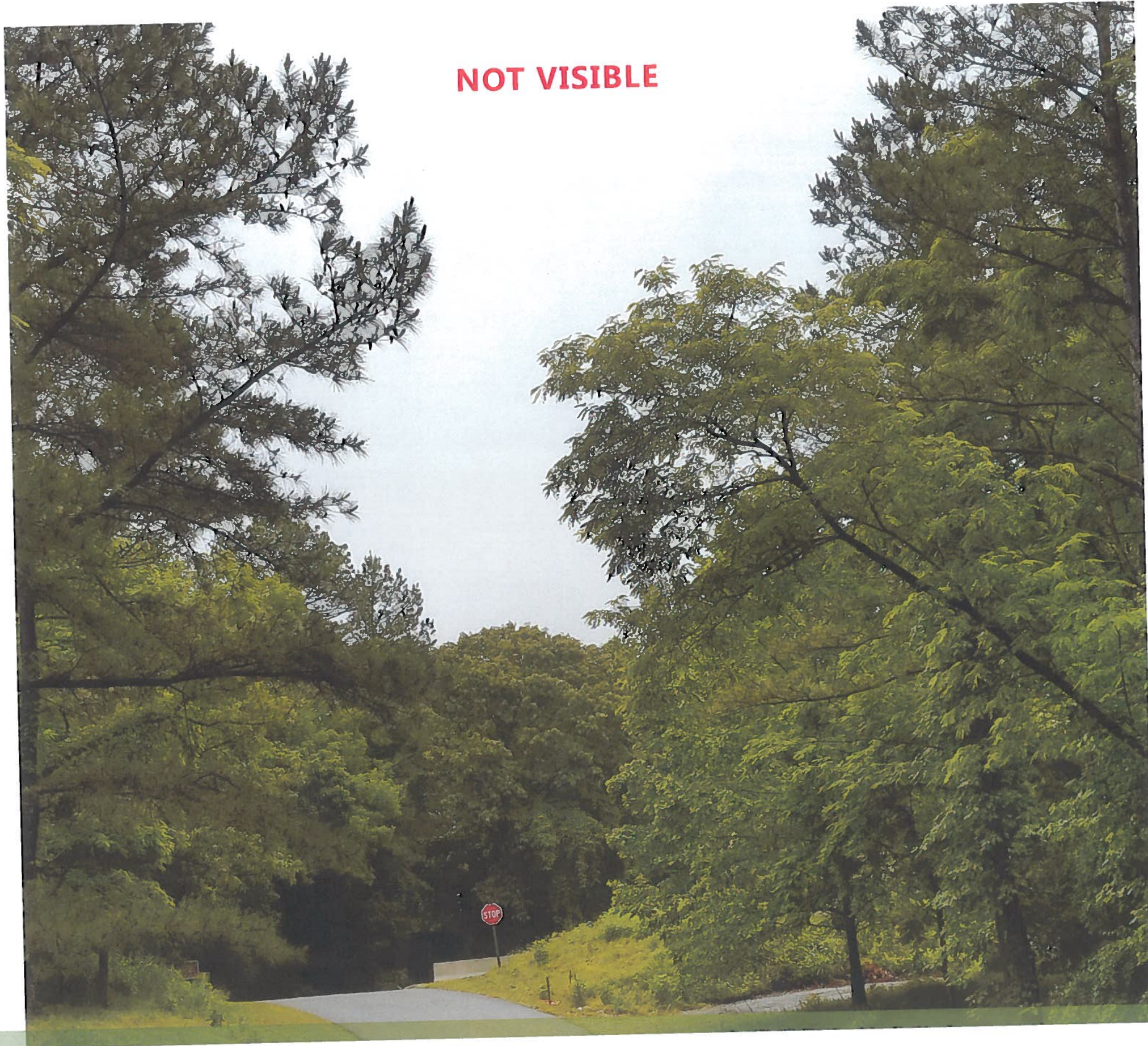


Behind the trees, not visible





NOT VISIBLE



10



NOT VISIBLE



11



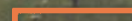
NOT VISIBLE



12



315 FT Above Existing Grade



13



315 FT Above Existing Grade





**Previously Granted Height Waiver Comparison Chart**

<b>Case</b>	<b>Max Height Above Finished Grade (feet)*</b>	<b>Max Elevation Above Sea Level (feet)*</b>
HW-0004-2010 (Verbolten)	95	150
HW-0002-2013 (Tempesto)	156	242
HW-0001-1997 (Apollo's Chariot)	170	255
HW-0001-2006 (Griffon)	210	280
HW-0002-2010 (Mach Tower)	260	340
<i>HW-0003-2017, Busch Gardens Madrid</i>	<i>315</i>	<i>387</i>

*\*Maximum heights established by HW conditions, but the attractions may be constructed to be shorter than the maximum approved heights.*



# HW-0003-2017, Busch Gardens Madrid Supplemental Planting Areas



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**ITEM SUMMARY**

DATE: 8/8/2017

TO: The Board of Supervisors

FROM: Ellen Cook, Principal Planner

SUBJECT: ZO-0001-2016. Zoning Ordinance Revisions to Allow Places of Public Assembly Including those Used Primarily as an Event Facility in A-1, General Agricultural, and R-8, Rural Residential Districts

---

**ATTACHMENTS:**

	Description	Type
▣	Staff Memo	Staff Report
▣	Attachment 1 Strikethrough Draft Ordinance Language - Special Regulations (new Section 24-48)	Ordinance
▣	Attachment 2 Strikethrough Draft Ordinance Language - A-1 Use List (Section 24-212)	Ordinance
▣	Attachment 3 Strikethrough Draft Ordinance Language - R-8 Use List (Section 24-348)	Ordinance
▣	Attachment 4 Clean-Copy Draft Ordinance Language - Special Regulations (new Section 24-48)	Ordinance
▣	Attachment 5 Clean-Copy Draft Ordinance Language - A-1 Use List (Section 24-212)	Ordinance
▣	Attachment 6 Clean-Copy Draft Ordinance Language - R-8 Use List (Section 24-348)	Ordinance
▣	Attachment 7 Approved Minutes of the October 5, 2016 Planning Commission	Backup Material
▣	Attachment 8 Material for Guidance Document	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	7/20/2017 - 4:32 PM
Development Management	Holt, Paul	Approved	7/20/2017 - 4:32 PM
Publication Management	Burcham, Nan	Approved	7/20/2017 - 4:35 PM

Legal Review	Kinsman, Adam	Approved	7/21/2017 - 4:32 PM
Board Secretary	Fellows, Teresa	Approved	7/27/2017 - 9:24 AM
Board Secretary	Purse, Jason	Approved	7/28/2017 - 2:03 PM
Board Secretary	Fellows, Teresa	Approved	7/31/2017 - 9:21 AM

## **M E M O R A N D U M**

DATE: August 8, 2017

TO: The Board of Supervisors

FROM: Ellen Cook, Principal Planner

SUBJECT: Case No. ZO-0001-2016. Zoning Ordinance Revisions to Allow Places of Public Assembly Including those Used Primarily as an Event Facility in A-1, General Agricultural and R-8, Rural Residential Districts

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### **History**

Over the last few years, the County has received a number of inquiries from citizens interested in starting privately run-for-profit event facility businesses on parcels in Rural Lands. Examples of events that would be able to be accommodated at such facilities include weddings, charity fundraisers, corporate parties, etc. Event facilities are not currently permitted in the A-1, General Agriculture District or R-8, Rural Residential District since the use “places of public assembly” is not currently allowed for in these districts.

The County has a strategy for rural economic development which encourages allowing rural landowners to pursue appropriate commercial uses that would complement rural character while expanding income-generating potential. Evaluating updates to the Zoning Ordinance to account for private special events and event facilities (as components of the “places of public assembly” use) was proposed as part of the Planning Division’s 2015-16 work program at the October 2015 Policy Committee meeting and the Committee had an initial discussion regarding this use in January 2016. Following this initial discussion, the Planning Commission adopted an Initiating Resolution at its February 3, 2016 meeting. The Policy Committee discussed possible approaches and reviewed the draft amendment language at its March 10, June 16 and August 11, 2016 meetings. During the course of these meetings, the Committee expressed interest in pursuing a hybrid approach to permitting such venues. This approach would allow for a portion of these requests as a permitted use with defined performance standards. Any proposal not able to meet the performance standards would then be evaluated on a case-by-case basis through the Special Use Permit (SUP) process. The Policy Committee also listened to and incorporated citizen feedback during the Policy Committee meetings as well as receiving specific input from residents along Forge Road.

### **Draft Ordinance**

In keeping with the approach described above, the draft Ordinance proposes changes to the use lists in A-1, General Agricultural and R-8, Rural Residential and changes to Article II, Special Regulations to create a new Section 24-48 that lists the standards that a place of public assembly used primarily as an event facility would need to meet in order to proceed as a by-right use. This draft language is included as Attachment Nos. 1, 2 and 3. The draft language accomplishes the following:

- In both A-1 and R-8 deletion of the uses “houses of worship and cemeteries accessory hereto” and “lodges, civic clubs, fraternal organizations or service clubs” and consolidates them into the use “place of public assembly,” consistent with what has been done previously in the other Zoning Ordinance Districts. Further, the places of public assembly use is listed in three parts, with “places of public assembly used primarily as an event facility in accordance with Section 24-48” listed as a permitted use and “places of public assembly” and “places of public assembly used primarily as an event facility not in accordance with Section 24-48” listed as SUP uses.

- In the Special Regulations section of the Ordinance, addition of a new section (Section 24-48) which lists the performance standards for event facilities. Please note that during the course of ordinance language development, it was recommended by the County Attorney's office that certain information be moved to a separate Guidance Document for applicants, since the language simply repeated or made note of regulations elsewhere in the Zoning Ordinance. Accordingly, this information is now shown in Attachment No. 8.
- In R-8 the Use List is reformatted as a table to make it consistent with the other Zoning Districts, and the "group home" use has been updated to be consistent with State Code requirements and with what has been done previously in the other Residential Zoning Ordinance Districts.

On August 11, 2016, the Policy Committee voted 2-1 to recommend approval of the attached draft language.

### **Recommendation**

At its October 5, 2016 meeting, the Planning Commission voted to recommend approval of the proposed amendments by a vote of 4-3. Staff recommends that the Board of Supervisors approve the creation of County Code Section 24-48 as well as the attached amendments to County Sections 24-212 and 24-348.

EC/gt

ZO-01-16EvtFacRural-mem

### Attachments:

1. Strikethrough Draft Ordinance Language – Special Regulations (new Section 24-48)
2. Strikethrough Draft Ordinance Language – A-1 Use List (Section 24-212)
3. Strikethrough Draft Ordinance Language – R-8 Use List (Section 24-348)
4. Clean Copy Draft Ordinance Language – Special Regulations (new Section 24-48)
5. Clean Copy Draft Ordinance Language – A-1 Use List (Section 24-212)
6. Clean Copy Draft Ordinance Language – R-8 Use List (Section 24-348 )
7. Approved Minutes of the October 5, 2016, Planning Commission Meeting
8. Material for Guidance Document

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SPECIAL REGULATIONS; DIVISION 1, IN GENERAL; BY ADDING SECTION 24-48, PLACES OF PUBLIC ASSEMBLY USED PRIMARILY AS AN EVENT FACILITY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article II, Special Regulations; Division 1, In General; section 24-48, Places of Public Assembly Used Primarily as an Event Facility.

**Chapter 24. Zoning**

**Article II. Special Regulations**

**Division I. In General**

***Sec. 24-48. Place of public assembly used primarily as an event facility.***

- (a) Applicability. A place of public assembly used primarily as an event facility (referred to as an “event facility”) is a place for hosting functions including, but not limited to, weddings, receptions, banquets, anniversaries, meetings or conferences. The event facility may be a building, tent, uncovered outdoor gathering space or a combination thereof. For the purposes of this section, an event facility is one that charges a fee or requires compensation to use the space or charges an entry or other fee for the uses related to the facility. Facilities exclusively used by membership groups such as civic or service clubs, or fraternal organizations are not included in this definition.*
- (b) Performance Standards. All event facilities, and the parcel(s) upon which they are located, must meet the following standards:*

  - (1) Parcel Size. The property must be ten or more acres. This may consist of a single parcel or two adjacent parcels under the same ownership, which, when aggregated, total ten or more acres. If adjacent, the parcels must share at least 25% of the smaller parcel’s property line. If the total acreage becomes less than ten acres through subsequent subdivision, sale or other means, this standard would no longer be met and approval under this section would no longer be valid.*
  - (2) Maximum Number of Attendees. The maximum number of attendees for any given event is limited to 300 people, including but not limited to, any event staff, caterers, photographers and vendors.*
  - (3) Setbacks.*

    - a. Setback areas shall be:*

      - i. Not less than 75 feet from any property line for all development and activity areas related to the event facility, including but not limited to, parking, permanent facilities, temporary tents, fire pits and outdoor gathering spaces;*

- ii. *Not less than 150 feet from the edge of the right-of-way for roads that are designated by the comprehensive plan as community character corridors for all development and activity areas related to the event facility;*
    - iii. *Not less than 100 feet from any property line for any activity area that will include the use of outdoor amplified sound or music.*
  - b. *Existing trees, bushes, shrubs and other vegetation within such setback areas shall be protected and preserved. For those areas where the event facility would be visible from a property line or right-of-way, the setbacks specified in 3.a.i and 3.a.ii shall contain landscaping in accordance with section 24-96, General landscape area standards, and setbacks along community character corridors shall also adhere to the community character corridor buffer treatment guidelines and map. The planning director may modify, permit substitutions or permit transfer of required landscaping in accordance with the provisions set forth in article II, division 4 of this chapter.*
- (4) *Access. The property shall be located on a road that is classified by the Virginia Department of Transportation as an arterial road. Access to and from the event facility may not occur via a shared or common driveway.*
- (5) *Limitations on Noise. No activity shall cause or permit to be caused any noise which is plainly audible across a property line between the hours of 11 p.m. to 7 a.m. For the purposes of this standard, all definitions shall be those found in section 15.20 of the county code.. In addition, all sources of amplified music shall be oriented toward the interior of the property.*
- (6) *Temporary Tents. Where proposed, temporary tents are allowed for a period not to exceed 30 days. The 30-day time period may be extended by written request to the zoning administrator or their designee showing reasonable cause.*
- (7) *Consideration of Future Production Capacity. To the greatest degree possible, the permanent component(s) of a proposed event facility should be placed on a parcel so as to avoid areas defined by the United States Department of Agriculture (USDA) as Prime Farmland or Farmland of Statewide Importance. A map shall be submitted showing the location of any Prime Farmland or Farmland of Statewide Importance on the parcel and the location of the permanent component(s) of the event facility. The planning director may allow the permanent component(s) of the event facility to be located in whole or in part on these areas of farmland, should the applicant demonstrate, in writing, that their placement is due to the unique aspects of the property such as, but not limited to, topography, previous disturbance or unusual shape of the parcel.*
- (c) *Development Plans.*
  - (1) *The applicant must demonstrate that all performance standards would be met by their proposal through submission of a site plan.*
  - (2) *Upon written request, the planning director may waive or modify provisions of the following sections of the zoning ordinance:*
    - a. *Chapter 24, Article II. Special Regulations, Division 2. Highways, Streets, Parking and Loading*

*b. Chapter 24, Article II. Special Regulations, Division 4. Landscaping*

*c. Chapter 24, Article III. Site Plan*

*d. The planning director will consider a waiver or modification of a provision of the above sections of the zoning ordinance only if the specific circumstances of the proposal and the site indicate that a waiver or modification of the provision(s) will:*

*i. Not negatively impact adjacent property owners;*

*ii. Assist in keeping the proposal consistent with the comprehensive plan's rural lands designation description and development standards; and*

*iii. Not be contrary to public health, safety and welfare.*

*In the event the planning director disapproves the waiver or modification or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision of the planning director to the development review committee, which shall forward a recommendation to the planning commission.*

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Kevin D. Onizuk  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of August, 2017.

Sec24-48EvtFacRural-ord



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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS; DIVISION 2, GENERAL AGRICULTURAL DISTRICT, A-1; SECTION 24-212, USE LIST.

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 V, Districts; Division 2, General Agricultural District, A-1; Section 24-212, Use list.

**Chapter 24. Zoning**

**Article V. Districts**

**Division 2. General Agricultural District, A-1**

**Sec. 24-212. Use list.**

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory apartments, attached, in accordance with section 24-32.	P	
	Accessory apartment, detached, in accordance with section 24-32.		SUP
	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Group home or residential facility for eight or fewer adults.	P	
	Group homes or residential facilities for nine or more adults.		SUP
	Group quarters for agricultural workers.		SUP
	Home care facilities.		SUP
	Manufactured homes that are on a permanent foundation.	P	
	Manufactured home parks in accordance with the special provisions of Article IV.		SUP
	Single-family detached dwellings.	P	
	Two-family dwellings.		SUP
Commercial Uses	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Adult day-care centers.		SUP
	Airports and landing fields, heliports or helistops and accessory uses.		SUP

	Animal hospitals, veterinary offices and kennels.		SUP
	Automobile graveyards.		SUP
	Automobile repair and service.		SUP
	Automobile service stations; if fuel is sold, then in accordance with section 24-38.		SUP
	Beauty and barber shops.		SUP
	Campgrounds.		SUP
	Cemeteries and memorial gardens, not accessory to a church or other place of worship.		SUP
	Commercial equipment repair accessory to a dwelling with no outdoor storage or operations and the use occupies a building not larger than 2,000 square feet.		SUP
	Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities except for facilities approved as part of a subdivision created pursuant to section 24-214(c).		SUP
	Contractors' warehouses, sheds and offices.		SUP
	Convenience stores; if fuel is sold, then in accordance with section 24-38.		SUP
	Day care and child-care centers.		SUP
	Dinner theaters and dance halls as an accessory use to a restaurant or tavern.		SUP
	Farm equipment sales and service.		SUP
	Farmers' markets, limited in area to 2,500 square feet.	P	
	Farmers' markets over 2,500 square feet in area.		SUP
	Feed, seed and farm supplies.		SUP
	Flea markets, temporary or seasonal.		SUP
	Food processing and storage.		SUP
	Gift shops and antique shops.		SUP
	Golf courses and country clubs.		SUP
	Greenhouses, commercial.	P	
	Home occupations, as defined herein.	P	
	Horse and pony farms (including the raising and keeping of horses), riding stables.	P	
	Horse racing tracks.		SUP
	Horse show areas, polo fields.		SUP

	Hospitals and nursing homes.		SUP
	House museums.	P	
	Hunting preserve or club, rifle or pistol range, trap or skeet shooting.		SUP
	Lumber and building supply stores.		SUP
	Medical clinics.		SUP
	Nurseries.	P	
	Off-street parking as required by section 24-54.	P	
	Petroleum storage, other than on a farm for farm use or accessory for a residence.		SUP
	Professional offices of not more than 2,000 square feet with no more than one office per lot.		SUP
	Race tracks for animals or vehicles, including racing courses for power boats.		SUP
	Railroad facilities, including tracks, bridges, switching yards and stations. However, spur lines, which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways, and track and safety improvements in existing railroad right-of-ways, are permitted generally and shall not require a special use permit.		SUP
	Rental of rooms to a maximum of three rooms.		SUP
	Rest homes for fewer than 15 adults.	P	
	Rest homes for 15 or more adults.		SUP
	Restaurants, taverns.		SUP
	Retreat facilities.		SUP
	Retail sale and repair of lawn equipment with outdoor display area up to 2,500 square feet and repair limited to a fully enclosed building.		SUP
	Retail sales of plant and garden supplies.		SUP
	Retail shops associated with community recreation facilities.		SUP
	Sanitary landfills, in accordance with section 24-40, construction debris landfills, waste disposal or publicly owned solid waste container sites.		SUP
	Slaughter of animals for personal use, but not for commercial purposes.	P	
	Slaughterhouses.		SUP
	Small-scale alcohol production.		SUP
	Tourist homes.		SUP

	Upholstery shops.		SUP
	Waterfront business activities: marine interests, such as boat docks, piers, yacht clubs, marinas and commercial and service facilities accessory thereto, docks and areas for the receipt, storage and transshipment of waterborne commerce; seafood and shellfish receiving, packing and shipping plants; and recreational activities primarily conducted on or about a waterfront. All such uses shall be contiguous to a waterfront.		SUP
Agricultural Uses	Accessory buildings and structures.	P	
	Accessory uses, including agritourism activities, as defined in section 24-2.	P	
	Fish farming and aquaculture, but shall not include the processing of such products.	P	
	Food processing and storage, when it occurs in private homes per Code of Virginia § 3.2-5130 subdivisions A 3, 4 and 5.	P	
	General agriculture operation, production agriculture or silviculture activity, dairying, forestry, general farming and specialized farming, including the keeping of horses, ponies and livestock, but not intensive agriculture as herein defined and not commercial slaughtering or processing of animals or poultry.	P	
	Limited farm brewery.	P	
	Limited farm distillery.	P	
	Intensive agriculture as herein defined.	P	
	Petroleum storage on a farm as an accessory use and not for resale.	P	
	Sale of agricultural or silvicultural products, or the sale of agricultural-related or silvicultural-related items incidental to the agricultural operation, including wayside stands.	P	
	Storage and repair of heavy equipment as an accessory use to a farm.	P	
	Wineries, as herein defined, including a shop for retail sale of wine, but not including other commercial accessory uses.	P	
	Wineries, with accessory commercial facilities.		SUP
Civic Uses	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Fire stations, rescue squad stations, volunteer or otherwise.		SUP
	<del>Houses of worship and cemeteries accessory hereto.</del>	<del>P</del>	
	<del>Lodges, civic clubs, fraternal organizations or service clubs.</del>		SUP

	<i>Places of public assembly used primarily as an event facility in accordance with section 24-48.</i>	<i>P</i>	
	<i>Places of public assembly used primarily as an event facility not in accordance with section 24-48.</i>		<i>SUP</i>
	<i>Places of public assembly.</i>		<i>SUP</i>
	Post offices and public buildings generally.		SUP
	Schools, libraries, museums and similar institutions, public or private.		SUP
	Seminaries.		SUP
Utility Uses	Communication towers and tower mounted wireless communications facilities, up to a height of 35 feet.	P	
	Communication towers over 35 feet in height.		SUP
	Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.		SUP
	Telephone exchanges and telephone switching stations.		SUP
	Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, over 35 feet in height.		SUP
	Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, private extensions or connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.		SUP
	Utility substations.		SUP
	Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, private connections to existing mains, with no additional connections to be made to the line, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a subdivision or development, including pump stations, are permitted generally and shall not require a special use permit.		SUP
	Water impoundments, new or expansion of, less than 20 acres and with dam heights of less than 15 feet.	P	

	Water impoundments, new or expansion of, 20 acres or more or with dam heights of 15 feet or more.		SUP
	Wireless communication facilities that utilize alternative mounting structures, or are camouflaged and comply with division 6, Wireless Communications Facilities.	P	
Open Uses	Preserves and conservation areas for protection of natural features and wildlife.	P	
	Timbering in accordance with section 24-43.	P	
Industrial Uses	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Excavation or filling, borrow pits, extraction, processing and removal of sand and gravel and stripping of top soil (but not farm pond construction, field leveling or stripping of sod for agricultural purposes and excavations in connection with development which has received subdivision or site plan approval, which do not require a special use permit.)		SUP
	Manufacture and sale of wood products.		SUP
	Solid waste transfer stations.		SUP
	Storage and repair of heavy equipment.		SUP
	Storage, stockpiling and distribution of sand, gravel and crushed stone.		SUP

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Kevin D. Onizuk  
Chairman, Board of Supervisors

ATTEST:

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Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of August, 2017.

Sec24-212-A1-ord



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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS; DIVISION 8, RURAL RESIDENTIAL DISTRICT, R-8; BY AMENDING AND RENAMING SECTION 24-348, PERMITTED USES WITH NEW NAME USE LIST; AND BY DELETING SECTION 24-349 USES PERMITTED BY SPECIAL USE PERMIT ONLY.

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 V, Districts; Division 8, Rural Residential District, R-8; Section 24-348, Use list.

## **Chapter 24. Zoning**

### **Article V. Districts**

#### **Division 8. Rural Residential District, R-8**

##### **Sec. 24-348. ~~Permitted uses.~~ Use list.**

In the Rural Residential District, R-8, structures to be erected or land to be used shall be for the following uses:

~~Accessory apartments, attached, in accordance with Section 24-32.~~

~~Accessory buildings and structures.~~

~~Accessory uses, as defined herein.~~

~~Communication towers and tower mounted wireless communication facilities, up to a height of 35 feet.~~

~~Farmers' markets, limited in area to 2,500 square feet.~~

~~General agriculture, dairying, forestry, general farming and specialized farming, excluding the raising of hogs, but not commercial livestock or poultry operations which require a Special Use Permit in the General~~

~~Agricultural District, A-1.~~

~~Home occupations, as defined herein.~~

~~Horse and pony farms of less than 50 animals (including the raising and keeping of horses), riding stables.~~

~~House museums.~~

~~Nurseries.~~

~~Off-street parking as required by Section 24-54.~~

~~Petroleum storage on a farm as an accessory use and not for resale.~~



~~Preserves and conservation areas for protection of natural features and wildlife.~~

~~Rest homes for fewer than 15 adults.~~

~~Site-built single-family detached dwellings and modular homes.~~

~~Slaughter of animals for personal use but not for commercial purposes.~~

~~Storage and repair of heavy equipment as accessory use to a farm.~~

~~Timbering in accordance with Section 24-43.~~

~~Water impoundments, new or expansion of, less than 20 acres and with dam heights of less than 15 feet.~~

~~Wayside stands for seasonal sale of agricultural products, limited in area to 500 square feet.~~

~~Wineries, as herein defined, including a shop for retail sale of wine, but not including other commercial accessory uses.~~

~~Wireless communications facilities that utilize alternative mounting structures and comply with Division 6, Wireless Communications Facilities.~~

<i>Use Category</i>	<i>Use List</i>	<i>Permitted Uses</i>	<i>Specially Permitted Uses</i>
<i>Residential Uses</i>	<i>Accessory apartments, attached, in accordance with section 24-32.</i>	<i>P</i>	
	<i>Accessory apartments, detached, in accordance with section 24-32.</i>		<i>SUP</i>
	<i>Accessory buildings and structures.</i>	<i>P</i>	
	<i>Accessory uses, as defined herein.</i>	<i>P</i>	
	<i>Family care homes, foster homes or group homes serving physically handicapped, mentally ill, intellectually disabled, or other developmentally disabled persons for more than five such persons.</i>		<i>SUP</i>
	<i>Group home or residential facility, for eight or fewer adults.</i>	<i>P</i>	
	<i>Group homes or residential facilities for nine or more adults.</i>		<i>SUP</i>
	<i>Group quarters for agricultural workers.</i>		<i>SUP</i>
	<i>Home care facilities.</i>		<i>SUP</i>
	<i>Manufactured home parks.</i>		<i>SUP</i>
	<i>Manufactured homes in accordance with section 24-107 and section 24-108 not located within the primary service area.</i>		<i>SUP</i>
	<i>Site-built single-family detached dwellings and modular homes.</i>	<i>P</i>	

	<i>Two-family dwellings.</i>		<i>SUP</i>
<i>Commercial Uses</i>	<i>Accessory buildings and structures.</i>	<i>P</i>	
	<i>Accessory uses, as defined herein.</i>	<i>P</i>	
	<i>Adult day-care centers.</i>		<i>SUP</i>
	<i>Airports and landing fields, helistops or heliports and accessory uses.</i>		<i>SUP</i>
	<i>Barber and beauty shops.</i>		<i>SUP</i>
	<i>Business, governmental and professional offices.</i>		<i>SUP</i>
	<i>Campgrounds.</i>		<i>SUP</i>
	<i>Cemeteries and memorial gardens, not accessory to a church or other place of worship.</i>		<i>SUP</i>
	<i>Child day-care centers.</i>		<i>SUP</i>
	<i>Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities, but not those approved as a part of a planned unit development.</i>		<i>SUP</i>
	<i>Convenience stores; if fuel is sold, then in accordance with section 24-38.</i>		<i>SUP</i>
	<i>Drug stores.</i>		<i>SUP</i>
	<i>Farm equipment sales and service establishments.</i>		<i>SUP</i>
	<i>Farmers' markets, limited in area to 2,500 square feet.</i>	<i>P</i>	
	<i>Farmers' markets over 2,500 square feet.</i>		<i>SUP</i>
	<i>Feed, seed and farm supplies.</i>		<i>SUP</i>
	<i>Flea markets, temporary or seasonal.</i>		<i>SUP</i>
	<i>Food processing and storage, but not the slaughter of animals.</i>		<i>SUP</i>
	<i>Food processing and storage in a residence.</i>		<i>SUP</i>
	<i>Gift shops, antique shops.</i>		<i>SUP</i>
	<i>Golf courses and country clubs.</i>		<i>SUP</i>
	<i>Greenhouses, commercial.</i>		<i>SUP</i>
	<i>Home occupations, as defined herein.</i>	<i>P</i>	
	<i>Horse and pony farms of less than 50 animals (including the raising and keeping of horses), riding stables.</i>	<i>P</i>	
	<i>Horse and pony farms with 50 or more animals.</i>		<i>SUP</i>
	<i>Horse show areas, polo fields.</i>		<i>SUP</i>

	<i>Hospitals.</i>		<i>SUP</i>
	<i>Hotels and motels.</i>		<i>SUP</i>
	<i>House museums.</i>	<i>P</i>	
	<i>Hunting clubs.</i>		<i>SUP</i>
	<i>Kennels.</i>		<i>SUP</i>
	<i>Medical clinics or offices.</i>		<i>SUP</i>
	<i>Nurseries.</i>	<i>P</i>	
	<i>Nursing homes and facilities for the residence and/or care of the aged.</i>		<i>SUP</i>
	<i>Off-street parking as required by section 24-54.</i>	<i>P</i>	
	<i>Photography, artist and sculptor studios.</i>		<i>SUP</i>
	<i>Photography sales and arts and crafts shops.</i>		<i>SUP</i>
	<i>Railroad facilities including tracks, bridges, switching yards and stations. However, spur lines, which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways, and track and safety improvements in existing railroad right-of-ways, are permitted generally and shall not require a special use permit.</i>		<i>SUP</i>
	<i>Rental of rooms to a maximum of three rooms.</i>		<i>SUP</i>
	<i>Restaurants, taverns.</i>		<i>SUP</i>
	<i>Rest homes for fewer than 15 adults.</i>	<i>P</i>	
	<i>Rest homes for 15 or more adults.</i>		<i>SUP</i>
	<i>Retail shops associated with community recreation facilities.</i>		<i>SUP</i>
	<i>Retreat facilities</i>		<i>SUP</i>
	<i>Sanitary landfills in accordance with section 24-40, waste disposal or publicly owned solid waste container sites.</i>		<i>SUP</i>
	<i>Slaughter of animals for personal use, but not for commercial purposes.</i>	<i>P</i>	
	<i>Tourist homes.</i>		<i>SUP</i>
	<i>Veterinary hospitals.</i>		<i>SUP</i>
	<i>Wayside stands for sale of agricultural products over 500 square feet in area.</i>		<i>SUP</i>
	<i>Wayside stands for seasonal sale of agricultural products, limited in area to 500 square feet.</i>	<i>P</i>	
	<i>Yacht clubs and marinas and commercial and service facilities accessory thereto.</i>		<i>SUP</i>

<b>Agricultural Uses</b>	<i>Accessory buildings and structures.</i>	<i>P</i>	
	<i>Accessory uses, as defined herein.</i>	<i>P</i>	
	<i>Commercial livestock or poultry operations for more than 100 slaughter or feeder cattle, 70 dairy cattle, 250 swine, 1,000 sheep, lambs, goats or similar animals, 50 horses, 10,000 chickens or 5,500 turkeys or ducks.</i>		<b>SUP</b>
	<i>Fish farming and aquaculture.</i>		<b>SUP</b>
	<i>General agriculture, dairying, forestry, general farming and specialized farming, excluding the raising of hogs, but not commercial livestock or poultry operations which require a special use permit in the General Agricultural District, A-1.</i>	<i>P</i>	
	<i>Petroleum storage on a farm as an accessory use and not for resale.</i>	<i>P</i>	
	<i>Raising of hogs.</i>		<b>SUP</b>
	<i>Storage and repair of heavy equipment as accessory use to a farm.</i>	<i>P</i>	
	<i>Wineries, as herein defined, including a shop for retail sale of wine, but not including other commercial accessory uses.</i>	<i>P</i>	
<b>Civic Uses</b>	<i>Accessory buildings and structures.</i>	<i>P</i>	
	<i>Accessory uses, as defined herein.</i>	<i>P</i>	
	<i>Fire stations or rescue squad stations, volunteer or otherwise.</i>		<b>SUP</b>
	<del>Houses of worship and cemeteries accessory thereto.</del>		<b>SUP</b>
	<del>Lodges, civic clubs, fraternal organizations and service clubs.</del>		<b>SUP</b>
	<i>Neighborhood Resource Centers.</i>		<b>SUP</b>
	<i>Places of public assembly used primarily as an event facility in accordance with section 24-48.</i>	<i>P</i>	
	<i>Places of public assembly used primarily as an event facility not in accordance with section 24-48.</i>		<b>SUP</b>
	<i>Places of public assembly.</i>		<b>SUP</b>
	<i>Post offices and public buildings generally.</i>		<b>SUP</b>
	<i>Schools, libraries, museums and similar institutions.</i>		<b>SUP</b>
	<i>Seminaries.</i>		<b>SUP</b>
<b>Utility Uses</b>	<i>Camouflaged wireless communications facilities that comply with division 6, Wireless Communication Facilities.</i>		<b>SUP</b>
	<i>Communication towers and tower mounted wireless communication facilities, up to a height of 35 feet.</i>	<i>P</i>	
	<i>Communication towers over 35 feet in height.</i>		<b>SUP</b>

	<i>Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more.</i>		<b>SUP</b>
	<i>Radio and television stations or towers.</i>		<b>SUP</b>
	<i>Telephone exchanges and telephone switching stations.</i>		<b>SUP</b>
	<i>Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, over 35 feet in height.</i>		<b>SUP</b>
	<i>Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, private extensions or connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.</i>		<b>SUP</b>
	<i>Utility substations.</i>		<b>SUP</b>
	<i>Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:</i> <i>(a) Private connections to existing mains that are intended to serve an individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line.</i> <i>(b) Distribution lines and local facilities within a development, including pump stations.</i>		<b>SUP</b>
	<i>Water impoundments, new or expansion of, less than 20 acres and with dam heights of less than 15 feet.</i>	<b>P</b>	
	<i>Water impoundments, new or expansion of, 20 acres or more or with dam heights of 15 feet or more.</i>		<b>SUP</b>
	<i>Wireless communications facilities that utilize alternative mounting structures and comply with division 6, Wireless Communications Facilities.</i>	<b>P</b>	
<b>Open Uses</b>	<i>Preserves and conservation areas for protection of natural features and wildlife.</i>	<b>P</b>	
	<i>Timbering in accordance with section 24-43.</i>	<b>P</b>	
<b>Industrial Uses</b>	<i>Accessory buildings and structures.</i>	<b>P</b>	
	<i>Accessory uses, as defined herein.</i>	<b>P</b>	

	<i>Excavation or filling, borrow pits, extraction, processing and removal of sand and gravel and stripping of topsoil (but not farm pond construction, field leveling or stripping of sod for agricultural purposes and excavations in connection with development which has received subdivision or site plan approval, which activities do not require a special use permit).</i>		<b>SUP</b>
	<i>Manufacture and sale of wood products.</i>		<b>SUP</b>

~~Sec. 24-349. Uses permitted by Special Use Permit only.~~

~~In the Rural Residential District, R-8, structures to be erected or land to be used for the following uses shall be permitted only after the issuance of a Special Use Permit approved by the board of supervisors in accordance with the procedures, guides and standards of sections 24-9 and 24-10 and such other guides and standards as may be contained in this chapter:~~

~~Accessory apartments, detached, in accordance with Section 24-32.~~

~~Adult day-care centers.~~

~~Airports and landing fields, helistops or heliports and accessory uses.~~

~~Barber and beauty shops.~~

~~Business, governmental and professional offices.~~

~~Camouflaged wireless communications facilities that comply with Division 6, Wireless Communication Facilities.~~

~~Campgrounds.~~

~~Cemeteries and memorial gardens, not accessory to a church or other place of worship.~~

~~Child day-care centers.~~

~~Commercial livestock or poultry operations for more than 100 slaughter or feeder cattle, 70 dairy cattle, 250 swine, 1,000 sheep, lambs, goats or similar animals, 50 horses, 10,000 chickens, or 5,500 turkeys or ducks.~~

~~Communication towers over 35 feet in height.~~

~~Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts, and other similar recreation facilities, but not those approved as a part of a planned unit development.~~

~~Convenience stores; if fuel is sold, then in accordance with Section 24-38.~~

~~Drug stores.~~

~~Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more.~~

~~Excavation or filling, borrow pits, extraction, processing and removal of sand and gravel and stripping of topsoil (but not farm pond construction, field leveling or stripping of sod for agricultural purposes and excavations in connection with development which has received subdivision or site plan approval, which activities do not require a Special Use Permit).~~

~~Family care homes, foster homes or group homes serving physically handicapped, mentally ill, intellectually disabled, or other developmentally disabled persons for more than five such persons.~~

~~Farm equipment sales and service establishments.~~

~~Farmers' markets over 2,500 square feet.~~

~~Feed, seed and farm supplies.~~

~~Fire stations or rescue squad stations, volunteer or otherwise.~~

~~Fish farming and aquaculture.~~

~~Flea markets, temporary or seasonal.~~

~~Food processing and storage, but not the slaughter of animals.~~

~~Food processing and storage in a residence.~~

~~Gift shops, antique shops.~~

~~Golf courses and country clubs.~~

~~Greenhouses, commercial.~~

~~Group quarters for agricultural workers.~~

~~Home care facilities.~~

~~Horse and pony farms with 50 or more animals.~~

~~Horse show areas, polo fields.~~

~~Hospitals.~~

~~Hotels and motels.~~

~~Houses of worship and cemeteries accessory thereto.~~

~~Hunting clubs.~~

~~Kennels.~~

~~Lodges, civic clubs, fraternal organizations and service clubs.~~

~~Manufacture and sale of wood products.~~

~~Manufactured home parks.~~

~~Manufactured homes in accordance with Section 24-107 and Section 24-108 not located within the primary service area.~~

~~Medical clinics or offices.~~

~~Neighborhood Resource Centers.~~

~~Nursing homes and facilities for the residence and/or care of the aged.~~

~~Photography, artist and sculptor studios.~~

~~Photography sales and arts and crafts shops.~~

~~Post offices and public buildings generally.~~

~~Radio and television stations or towers.~~

~~Railroad facilities including tracks, bridges, switching yards and stations. However, spur lines, which are to serve and are accessory to existing or proposed development adjacent to existing railroad right of ways, and track and safety improvements in existing railroad right of ways, are permitted generally and shall not require a Special Use Permit.~~

~~Raising of hogs.~~

~~Rental of rooms to a maximum of three rooms.~~

~~Rest homes for 15 or more adults.~~

~~Restaurants, taverns.~~

~~Retail shops associated with community recreation facilities.~~

~~Retreat facilities.~~

~~Sanitary landfills in accordance with Section 24-40, waste disposal or publicly owned solid waste container sites.~~

~~Schools, libraries, museums and similar institutions.~~

~~Seminaries.~~

~~Telephone exchanges and telephone switching stations.~~

~~Tourist homes.~~



~~Tower mounted wireless communications facilities in accordance with Division 6, Wireless Communications Facilities, over 35 feet in height.~~

~~Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, private extensions or connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a Special Use Permit.~~

~~Two family dwellings.~~

~~Utility substations.~~

~~Veterinary hospitals.~~

~~Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a Special Use Permit:~~

~~(a) Private connections to existing mains that are intended to serve an individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line.~~

~~(b) Distribution lines and local facilities within a development, including pump stations.~~

~~Water impoundments, new or expansion of, 20 acres or more or with dam heights of 15 feet or more.~~

~~Wayside stands for sale of agricultural products over 500 square feet in area.~~

~~Yacht clubs and marinas and commercial and service facilities accessory thereto.~~

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Kevin D. Onizuk  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of August, 2017.

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SPECIAL REGULATIONS; DIVISION 1, IN GENERAL; BY ADDING SECTION 24-48, PLACES OF PUBLIC ASSEMBLY USED PRIMARILY AS AN EVENT FACILITY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article II, Special Regulations; Division 1, In General; section 24-48, Places of Public Assembly Used Primarily as an Event Facility.

**Chapter 24. Zoning**

**Article II. Special Regulations**

**Division I. In General**

**Sec. 24-48. Place of public assembly used primarily as an event facility.**

- (a) **Applicability.** A place of public assembly used primarily as an event facility (referred to as an “event facility”) is a place for hosting functions including, but not limited to, weddings, receptions, banquets, anniversaries, meetings or conferences. The event facility may be a building, tent, uncovered outdoor gathering space or a combination thereof. For the purposes of this section, an event facility is one that charges a fee or requires compensation to use the space or charges an entry or other fee for the uses related to the facility. Facilities exclusively used by membership groups such as civic or service clubs, or fraternal organizations are not included in this definition.
- (b) **Performance Standards.** All event facilities, and the parcel(s) upon which they are located, must meet the following standards:
  - (1) **Parcel Size.** The property must be ten or more acres. This may consist of a single parcel or two adjacent parcels under the same ownership, which, when aggregated, total ten or more acres. If adjacent, the parcels must share at least 25% of the smaller parcel’s property line. If the total acreage becomes less than ten acres through subsequent subdivision, sale or other means, this standard would no longer be met and approval under this section would no longer be valid.
  - (2) **Maximum Number of Attendees.** The maximum number of attendees for any given event is limited to 300 people, including but not limited to, any event staff, caterers, photographers and vendors.
  - (3) **Setbacks.**
    - a. Setback areas shall be:
      - i. Not less than 75 feet from any property line for all development and activity areas related to the event facility, including but not limited to, parking, permanent facilities, temporary tents, fire pits and outdoor gathering spaces;

- ii. Not less than 150 feet from the edge of the right-of-way for roads that are designated by the comprehensive plan as community character corridors for all development and activity areas related to the event facility;
    - iii. Not less than 100 feet from any property line for any activity area that will include the use of outdoor amplified sound or music.
  - b. Existing trees, bushes, shrubs and other vegetation within such setback areas shall be protected and preserved. For those areas where the event facility would be visible from a property line or right-of-way, the setbacks specified in 3.a.i and 3.a.ii shall contain landscaping in accordance with section 24-96, General landscape area standards, and setbacks along community character corridors shall also adhere to the community character corridor buffer treatment guidelines and map. The planning director may modify, permit substitutions, or permit transfer of required landscaping in accordance with the provisions set forth in article II, division 4 of this chapter.
- (4) Access. The property shall be located on a road that is classified by the Virginia Department of Transportation as an arterial road. Access to and from the event facility may not occur via a shared or common driveway.
- (5) Limitations on Noise. No activity shall cause or permit to be caused any noise which is plainly audible across a property line between the hours of 11 p.m. to 7 a.m. For the purposes of this standard, all definitions shall be those found in section 15.20 of the county code. In addition, all sources of amplified music shall be oriented toward the interior of the property.
- (6) Temporary Tents. Where proposed, temporary tents are allowed for a period not to exceed 30 days. The 30-day time period may be extended by written request to the zoning administrator or their designee showing reasonable cause.
- (7) Consideration of Future Production Capacity. To the greatest degree possible, the permanent component(s) of a proposed event facility should be placed on a parcel so as to avoid areas defined by the United States Department of Agriculture (USDA) as Prime Farmland or Farmland of Statewide Importance. A map shall be submitted showing the location of any Prime Farmland or Farmland of Statewide Importance on the parcel and the location of the permanent component(s) of the event facility. The planning director may allow the permanent component(s) of the event facility to be located in whole or in part on these areas of farmland, should the applicant demonstrate, in writing, that their placement is due to the unique aspects of the property such as, but not limited to, topography, previous disturbance or unusual shape of the parcel.
- (c) Development Plans.
- (1) The applicant must demonstrate that all performance standards would be met by their proposal through submission of a site plan.
- (2) Upon written request, the planning director may waive or modify provisions of the following sections of the zoning ordinance:
- a. Chapter 24, Article II. Special Regulations, Division 2. Highways, Streets, Parking and Loading

- b. Chapter 24, Article II. Special Regulations, Division 4. Landscaping
- c. Chapter 24, Article III. Site Plan
- d. The planning director will consider a waiver or modification of a provision of the above sections of the zoning ordinance only if the specific circumstances of the proposal and the site indicate that a waiver or modification of the provision(s) will:
  - i. Not negatively impact adjacent property owners;
  - ii. Assist in keeping the proposal consistent with the comprehensive plan's rural lands designation description and development standards; and
  - iii. Not be contrary to public health, safety and welfare.

In the event the planning director disapproves the waiver or modification or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision of the planning director to the development review committee, which shall forward a recommendation to the planning commission.

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS; DIVISION 2, GENERAL AGRICULTURAL DISTRICT, A-1; SECTION 24-212, USE LIST.

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 V, Districts; Division 2, General Agricultural District, A-1; Section 24-212, Use list.

**Chapter 24. Zoning**

**Article V. Districts**

**Division 2. General Agricultural District, A-1**

**Sec. 24-212. Use list.**

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory apartments, attached, in accordance with section 24-32.	P	
	Accessory apartment, detached, in accordance with section 24-32.		SUP
	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Group home or residential facility for eight or fewer adults.	P	
	Group homes or residential facilities for nine or more adults.		SUP
	Group quarters for agricultural workers.		SUP
	Home care facilities.		SUP
	Manufactured homes that are on a permanent foundation.	P	
	Manufactured home parks in accordance with the special provisions of Article IV.		SUP
	Single-family detached dwellings.	P	
	Two-family dwellings.		SUP
Commercial Uses	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Adult day-care centers.		SUP
	Airports and landing fields, heliports or helistops and accessory uses.		SUP

	Animal hospitals, veterinary offices and kennels.		SUP
	Automobile graveyards.		SUP
	Automobile repair and service.		SUP
	Automobile service stations; if fuel is sold, then in accordance with section 24-38.		SUP
	Beauty and barber shops.		SUP
	Campgrounds.		SUP
	Cemeteries and memorial gardens, not accessory to a church or other place of worship.		SUP
	Commercial equipment repair accessory to a dwelling with no outdoor storage or operations and the use occupies a building not larger than 2,000 square feet.		SUP
	Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities except for facilities approved as part of a subdivision created pursuant to section 24-214(c).		SUP
	Contractors' warehouses, sheds and offices.		SUP
	Convenience stores; if fuel is sold, then in accordance with section 24-38.		SUP
	Day care and child-care centers.		SUP
	Dinner theaters and dance halls as an accessory use to a restaurant or tavern.		SUP
	Farm equipment sales and service.		SUP
	Farmers' markets, limited in area to 2,500 square feet.	P	
	Farmers' markets over 2,500 square feet in area.		SUP
	Feed, seed and farm supplies.		SUP
	Flea markets, temporary or seasonal.		SUP
	Food processing and storage.		SUP
	Gift shops and antique shops.		SUP
	Golf courses and country clubs.		SUP
	Greenhouses, commercial.	P	
	Home occupations, as defined herein.	P	
	Horse and pony farms (including the raising and keeping of horses), riding stables.	P	
	Horse racing tracks.		SUP
	Horse show areas, polo fields.		SUP

	Hospitals and nursing homes.		SUP
	House museums.	P	
	Hunting preserve or club, rifle or pistol range, trap or skeet shooting.		SUP
	Lumber and building supply stores.		SUP
	Medical clinics.		SUP
	Nurseries.	P	
	Off-street parking as required by section 24-54.	P	
	Petroleum storage, other than on a farm for farm use or accessory for a residence.		SUP
	Professional offices of not more than 2,000 square feet with no more than one office per lot.		SUP
	Race tracks for animals or vehicles, including racing courses for power boats.		SUP
	Railroad facilities, including tracks, bridges, switching yards and stations. However, spur lines, which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways, and track and safety improvements in existing railroad right-of-ways, are permitted generally and shall not require a special use permit.		SUP
	Rental of rooms to a maximum of three rooms.		SUP
	Rest homes for fewer than 15 adults.	P	
	Rest homes for 15 or more adults.		SUP
	Restaurants, taverns.		SUP
	Retreat facilities.		SUP
	Retail sale and repair of lawn equipment with outdoor display area up to 2,500 square feet and repair limited to a fully enclosed building.		SUP
	Retail sales of plant and garden supplies.		SUP
	Retail shops associated with community recreation facilities.		SUP
	Sanitary landfills, in accordance with section 24-40, construction debris landfills, waste disposal or publicly owned solid waste container sites.		SUP
	Slaughter of animals for personal use, but not for commercial purposes.	P	
	Slaughterhouses.		SUP
	Small-scale alcohol production.		SUP
	Tourist homes.		SUP

	Upholstery shops.		SUP
	Waterfront business activities: marine interests, such as boat docks, piers, yacht clubs, marinas and commercial and service facilities accessory thereto, docks and areas for the receipt, storage and transshipment of waterborne commerce; seafood and shellfish receiving, packing and shipping plants; and recreational activities primarily conducted on or about a waterfront. All such uses shall be contiguous to a waterfront.		SUP
Agricultural Uses	Accessory buildings and structures.	P	
	Accessory uses, including agritourism activities, as defined in section 24-2.	P	
	Fish farming and aquaculture, but shall not include the processing of such products.	P	
	Food processing and storage, when it occurs in private homes per Code of Virginia § 3.2-5130 subdivisions A 3, 4 and 5.	P	
	General agriculture operation, production agriculture or silviculture activity, dairying, forestry, general farming and specialized farming, including the keeping of horses, ponies and livestock, but not intensive agriculture as herein defined and not commercial slaughtering or processing of animals or poultry.	P	
	Limited farm brewery.	P	
	Limited farm distillery.	P	
	Intensive agriculture as herein defined.	P	
	Petroleum storage on a farm as an accessory use and not for resale.	P	
	Sale of agricultural or silvicultural products, or the sale of agricultural-related or silvicultural-related items incidental to the agricultural operation, including wayside stands.	P	
	Storage and repair of heavy equipment as an accessory use to a farm.	P	
	Wineries, as herein defined, including a shop for retail sale of wine, but not including other commercial accessory uses.	P	
	Wineries, with accessory commercial facilities.		SUP
Civic Uses	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Fire stations, rescue squad stations, volunteer or otherwise.		SUP
	Places of public assembly used primarily as an event facility in accordance with section 24-48	P	
	Places of public assembly used primarily as an event facility not in accordance with section 24-48		SUP



	Places of public assembly		SUP
	Post offices and public buildings generally.		SUP
	Schools, libraries, museums and similar institutions, public or private.		SUP
	Seminaries.		SUP
Utility Uses	Communication towers and tower mounted wireless communications facilities, up to a height of 35 feet.	P	
	Communication towers over 35 feet in height.		SUP
	Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.		SUP
	Telephone exchanges and telephone switching stations.		SUP
	Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, over 35 feet in height.		SUP
	Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, private extensions or connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.		SUP
	Utility substations.		SUP
	Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, private connections to existing mains, with no additional connections to be made to the line, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a subdivision or development, including pump stations, are permitted generally and shall not require a special use permit.		SUP
	Water impoundments, new or expansion of, less than 20 acres and with dam heights of less than 15 feet.	P	
	Water impoundments, new or expansion of, 20 acres or more or with dam heights of 15 feet or more.		SUP

	Wireless communication facilities that utilize alternative mounting structures, or are camouflaged and comply with division 6, Wireless Communications Facilities.	P	
Open Uses	Preserves and conservation areas for protection of natural features and wildlife.	P	
	Timbering in accordance with section 24-43.	P	
Industrial Uses	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Excavation or filling, borrow pits, extraction, processing and removal of sand and gravel and stripping of top soil (but not farm pond construction, field leveling or stripping of sod for agricultural purposes and excavations in connection with development which has received subdivision or site plan approval, which do not require a special use permit.)		SUP
	Manufacture and sale of wood products.		SUP
	Solid waste transfer stations.		SUP
	Storage and repair of heavy equipment.		SUP
	Storage, stockpiling and distribution of sand, gravel and crushed stone.		SUP

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS; DIVISION 8, RURAL RESIDENTIAL DISTRICT, R-8; BY AMENDING AND RENAMING SECTION 24-348, PERMITTED USES WITH NEW NAME USE LIST; AND BY DELETING SECTION 24-349 USES PERMITTED BY SPECIAL USE PERMIT ONLY.

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 V, Districts; Division 8, Rural Residential District, R-8; Section 24-348, Use list.

## **Chapter 24. Zoning**

### **Article V. Districts**

#### **Division 8. Rural Residential District**

##### **Sec. 24-348. Use list.**

In the Rural Residential District, R-8, structures to be erected or land to be used shall be for the following uses.

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory apartments, attached, in accordance with section 24-32.	P	
	Accessory apartments, detached, in accordance with section 24-32.		SUP
	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Group home or residential facility, for eight or fewer adults.	P	
	Group homes or residential facilities for nine or more adults.		SUP
	Group quarters for agricultural workers.		SUP
	Home care facilities.		SUP
	Manufactured home parks.		SUP
	Manufactured homes in accordance with section 24-107 and section 24-108 not located within the primary service area.		SUP
	Site-built single-family detached dwellings and modular homes.	P	
	Two-family dwellings.		SUP

Commercial Uses	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Adult day-care centers.		SUP
	Airports and landing fields, helistops or heliports and accessory uses.		SUP
	Barber and beauty shops.		SUP
	Business, governmental and professional offices.		SUP
	Campgrounds.		SUP
	Cemeteries and memorial gardens, not accessory to a church or other place of worship.		SUP
	Child day-care centers.		SUP
	Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities, but not those approved as a part of a planned unit development.		SUP
	Convenience stores; if fuel is sold, then in accordance with section 24-38.		SUP
	Drug stores.		SUP
	Farm equipment sales and service establishments.		SUP
	Farmers' markets, limited in area to 2,500 square feet.	P	
	Farmers' markets over 2,500 square feet.		SUP
	Feed, seed and farm supplies.		SUP
	Flea markets, temporary or seasonal.		SUP
	Food processing and storage, but not the slaughter of animals.		SUP
	Food processing and storage in a residence.		SUP
	Gift shops, antique shops.		SUP
	Golf courses and country clubs.		SUP
	Greenhouses, commercial.		SUP
	Home occupations, as defined herein.	P	
	Horse and pony farms of less than 50 animals (including the raising and keeping of horses), riding stables.	P	
	Horse and pony farms with 50 or more animals.		SUP
	Horse show areas, polo fields.		SUP
	Hospitals.		SUP
	Hotels and motels.		SUP

	House museums.	P	
	Hunting clubs.		SUP
	Kennels.		SUP
	Medical clinics or offices.		SUP
	Nurseries.	P	
	Nursing homes and facilities for the residence and/or care of the aged.		SUP
	Off-street parking as required by section 24-54.	P	
	Photography, artist and sculptor studios.		SUP
	Photography sales and arts and crafts shops.		SUP
	Railroad facilities including tracks, bridges, switching yards and stations. However, spur lines, which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways, and track and safety improvements in existing railroad right-of-ways, are permitted generally and shall not require a special use permit.		SUP
	Rental of rooms to a maximum of three rooms.		SUP
	Restaurants, taverns.		SUP
	Rest homes for fewer than 15 adults.	P	
	Rest homes for 15 or more adults.		SUP
	Retail shops associated with community recreation facilities.		SUP
	Retreat facilities		SUP
	Sanitary landfills in accordance with section 24-40, waste disposal or publicly owned solid waste container sites.		SUP
	Slaughter of animals for personal use, but not for commercial purposes.	P	
	Tourist homes.		SUP
	Veterinary hospitals.		SUP
	Wayside stands for sale of agricultural products over 500 square feet in area.		SUP
	Wayside stands for seasonal sale of agricultural products, limited in area to 500 square feet.	P	
	Yacht clubs and marinas and commercial and service facilities accessory thereto.		SUP
Agricultural Uses	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	

	Commercial livestock or poultry operations for more than 100 slaughter or feeder cattle, 70 dairy cattle, 250 swine, 1,000 sheep, lambs, goats or similar animals, 50 horses, 10,000 chickens or 5,500 turkeys or ducks.		SUP
	Fish farming and aquaculture.		SUP
	General agriculture, dairying, forestry, general farming and specialized farming, excluding the raising of hogs, but not commercial livestock or poultry operations which require a special use permit in the General Agricultural District, A-1.	P	
	Petroleum storage on a farm as an accessory use and not for resale.	P	
	Raising of hogs.		SUP
	Storage and repair of heavy equipment as accessory use to a farm.	P	
	Wineries, as herein defined, including a shop for retail sale of wine, but not including other commercial accessory uses.	P	
Civic Uses	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Fire stations or rescue squad stations, volunteer or otherwise.		SUP
	Neighborhood Resource Centers.		SUP
	Places of public assembly used primarily as an event facility in accordance with section 24-48.	P	
	Places of public assembly used primarily as an event facility not in accordance with section 24-48.		SUP
	Places of public assembly.		SUP
	Post offices and public buildings generally.		SUP
	Schools, libraries, museums and similar institutions.		SUP
	Seminaries.		SUP
Utility Uses	Camouflaged wireless communications facilities that comply with division 6, Wireless Communication Facilities.		SUP
	Communication towers and tower mounted wireless communication facilities, up to a height of 35 feet.	P	
	Communication towers over 35 feet in height.		SUP
	Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more.		SUP
	Radio and television stations or towers.		SUP
	Telephone exchanges and telephone switching stations.		SUP

	Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, over 35 feet in height.		SUP
	Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, private extensions or connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.		SUP
	Utility substations.		SUP
	Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit: (a) Private connections to existing mains that are intended to serve an individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line. (b) Distribution lines and local facilities within a development, including pump stations.		SUP
	Water impoundments, new or expansion of, less than 20 acres and with dam heights of less than 15 feet.	P	
	Water impoundments, new or expansion of, 20 acres or more or with dam heights of 15 feet or more.		SUP
	Wireless communications facilities that utilize alternative mounting structures and comply with division 6, Wireless Communications Facilities.	P	
Open Uses	Preserves and conservation areas for protection of natural features and wildlife.	P	
	Timbering in accordance with section 24-43.	P	
Industrial Uses	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Excavation or filling, borrow pits, extraction, processing and removal of sand and gravel and stripping of topsoil (but not farm pond construction, field leveling or stripping of sod for agricultural purposes and excavations in connection with development which has received subdivision or site plan approval, which activities do not require a special use permit).		SUP

	Manufacture and sale of wood products.		SUP
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Sec24-348UseList-ord-final



**Approved Minutes of the October 5, 2016  
Planning Commission Meeting**

**ZO-0001-2016, Zoning Ordinance Revisions to Allow Places of Public Assembly, Including Those Used Primarily as an Event Facility, in A-1, General Agricultural, and R-8, Rural Residential Districts**

Ms. Ellen Cook, Principal Planner, presented a report to the Commission on the proposed Zoning Ordinance amendments to allow event facilities for private special events in the A-1, General Agriculture and R-8, Rural Residential Districts. Ms. Cook noted that the ordinance amendments were incorporated in the Planning division's 2015/2016 Work Plan in response to inquiries from citizens who are interested in starting privately run-for-profit event facility businesses on parcels in Rural Lands. Ms. Cook stated that the draft ordinance proposes changes to the use lists in A-1, General Agricultural, and R-8, Rural Residential, and changes to Article II, Special Regulations, to create a new Section 24-48 that lists the standards that a place of public assembly used primarily as an event facility would need to meet in order to proceed as a by-right use.

Ms. Cook stated that in both A-1 and R-8, deletes the uses "houses of worship and cemeteries accessory hereto" and "lodges, civic clubs, fraternal organizations or service clubs" and consolidates them into the use "place of public assembly," consistent with what has been done previously in the other Zoning Ordinance districts. Further, the places of public assembly use is listed in three parts, with "places of public assembly used primarily as an event facility in accordance with Section 24-48" listed as a permitted use and "places of public assembly" and "places of public assembly used primarily as an event facility not in accordance with Section 24-48" listed as SUP uses.

Ms. Cook further stated that a new section (Section 24-48) has been added to the Special Regulations section of the Ordinance, which lists the performance standards for event facilities.

Ms. Cook stated that the R-8 Use List is reformatted as a table to make it consistent with the other zoning districts, and the "group home" use has been updated to be consistent with state code requirements and with what has been done previously in the other residential Zoning Ordinance districts.

Ms. Cook stated that staff recommends the Planning Commission recommend approval of these amendments to the Zoning Ordinance to the Board of Supervisors.

Mr. O'Connor opened the floor to questions from the Commission.

Ms. Bledsoe inquired about the time limit of 30 days for a tent to stay up.

Ms. Cook stated that the time limit was set to be consistent with Building Safety & Permits regulations for temporary tents.

Mr. O'Connor inquired about the rationale behind requiring civic organizations to apply for a special use permit while it is a by-right use for private property owners.

Mr. Krapf stated that his understanding was that if a civic organization constructed a facility on its property dedicated solely to its use, it fell outside the intent of the ordinance. Mr. Krapf further stated that the difference would be if a civic organization constructed an event facility on rural lands and had not only their meetings at the location but also opened it up commercially for other uses, it would still be a by-right use if it were on an arterial road, but would require an SUP if it were on a collector road.

Mr. O'Connor stated that he was still struggling with the SUP requirement for civic organizations.

Mr. Krapf noted that for event facilities not located on an arterial road, all property owners would have to apply for an SUP.

Ms. Bledsoe requested an example of a local arterial road in rural lands.

Ms. Cook stated that parts of Route 5, Monticello Avenue, Centerville Road and Route 60 and Route 30 from Anderson's Corner going north.

Mr. O'Connor opened the public hearing.

Ms. Linda Rice, 2394 Forge Road, stated that she represents Friends of Forge Road. Ms. Rice addressed the Commission on concerns about retaining the historical character of Forge Road. Ms. Rice further noted concerns about the impact of additional traffic on a rural collector road and the impact of noise on adjacent property owners. Ms. Rice requested that the Commission consider eliminating the use on collector roads.

Ms. Jess Aiken, 8409 Attleborough Way, addressed the Commission in support of the ordinance amendments. Ms. Aiken noted that allowing the development of event facilities would fill a market need as there are only a few facilities that can accommodate large parties and would bring economic benefit to the County. Ms. Aiken noted that the performance standards or SUP conditions would ensure that the impacts are mitigated.

As no one further wished to speak, Mr. O'Connor closed the public hearing.

Mr. O'Connor opened the floor to discussion by the Commission.

Mr. Krapf stated that, as a disclosure, he is on the Board of Friends of Forge Road; however, he does not have a conflict of interest for this matter. Mr. Krapf stated that as Chair of the Policy Committee, he has been involved in discussion of the ordinance amendments from the outset. Mr. Krapf stated that he has examined all sides of the matter and can make an unbiased decision.

Mr. Basic inquired about the Policy Committee addressing the difference between private events on private property and the commercial events.

Mr. Krapf stated that under County Code there is a mechanism to obtain a permit for a one-time special event. Mr. Krapf stated that these amendments stemmed from recommendations from the Rural Economic Development Committee to find a mechanism to use rural lands for something other than residential development. Mr. Krapf further stated that by adding the use to the ordinance, it eliminated the need to apply for a permit for every single event and put the use on a commercial footing.

Mr. Richardson confirmed that the effort is has been to craft a policy that would allow these types of events to go forward.

Mr. Basic stated that it is difficult to find acceptable uses that allow owners of property designated rural lands to derive economic benefit from their property.

Ms. Cook clarified that private events on private property do not fall under the ordinance amendments or under the County's Special Event process. Ms. Cook further stated that a major public event with an attendance of 200 or more would require a Special Event Permit. Ms. Cook stated that the ordinance covers events where people are paying for the use of the facility.

Mr. Wright stated that it is likely that the use is already occurring without the County's knowledge. Mr. Wright further stated that the ordinance amendments are a way to set forth required criteria and to mitigate impacts. Mr. Wright noted that the Policy Committee considered a number of options that were broader than the final language. Mr. Wright further noted that the final ordinance language reflects of what will benefit property and business owners and what will protect adjacent property owners.

Ms. Bledsoe expressed appreciation for the work of the Policy Committee. Ms. Bledsoe noted that the Committee had addressed the majority of concerns noted by the public. Ms. Bledsoe stated that she is supportive of the ordinance amendments.

Mr. Krapf noted that he was the dissenting vote to moving forward with the ordinance amendments. Mr. Krapf stated that he had initially considered event facilities for weddings to be a benign use initially; however, the category of "Places of public assembly" is too broad and leaves open an opportunity for events with more impact such as motorcycle rally group that would hold periodic events and reach the cap of 300 attendees. Mr. Krapf stated that agri-tourism is addressed separately in the Zoning Ordinance and that event facilities are not an agri-tourism initiative. Mr. Krapf further stated that agri-tourism usually follows normal business hours where the traffic impacts are spread out over those hours while traffic for an event is arriving and departing at approximately the same time. Mr. Krapf stated that collector roads are generally not signalized at intersections which would create the potential for significant traffic delay at those intersections. Mr. Krapf further noted that the narrowness of collector roads increases the impact of traffic. Mr. Krapf stated that he is fully supportive of the portion of the ordinance amendments related to event facilities located on arterial roads; however, because the category of "Places of public assembly" broad and a special use permit runs with the land he cannot support the inclusion of parcels located on collector roads.

Mr. Richardson stated that because event facilities on collector roads would require an SUP, it would ensure that the impacts would be considered. Mr. Richardson further stated that he believes this is an appropriate mechanism for allowing property owners to derive economic benefit from their land. Mr. Richardson stated that he supports the amendments.

Ms. Bledsoe requested that Mr. Richardson elaborate on the types of events that could be held.

Mr. Richardson stated that the discussion covered a wide range of potential events.

Ms. Cook stated that the ordinance defines it as a place to host functions. Ms. Cook further stated that the Zoning Administrator would make a determination if the use was in accord with being a place for hosting functions. Ms. Cook stated that the ordinance lists examples as weddings, anniversaries, meetings and conferences; however, this is not an exclusive list.

Ms. Bledsoe inquired if a motorcycle rally would fall under that definition.

Ms. Cook stated that it would be necessary to know the exact parameters and details for the event to make a determination.

Ms. Bledsoe stated that it seems it would be necessary to meet with staff and discuss the type of event to ensure that it would be appropriate rather than being able to just purchase the property and host any event they want at any time they want.

Mr. Holt stated that because the ordinance focuses on land use and land use types there would not be an ability to distinguish in the Zoning Ordinance between arriving at an event in a car or a motorcycle.

Ms. Bledsoe stated that the difference is what people use as a normal mode of transportation and an event where everyone would arrive on motorcycles because of the nature of the event.

Mr. Wright stated that this was the purpose of requiring an SUP for event facilities on collector roads. Mr. Wright further stated that the SUP requirements were helpful in alleviating his concerns.

Ms. Bledsoe stated that her experience is that the Zoning Administrator does follow up on complaints and would pursue enforcement options.

Mr. Krapf state that the SUP trigger is helpful; however, once the SUP is approved there is no further oversight of the types of activities that take place. Mr. Krapf further stated that even if, for example, the facility were used exclusively for weddings, there could still be a substantial impact on a collector road every weekend for more than six months out of the year. Mr. Krapf stated that while the SUP would address many concerns, there is still no limit on frequency or limitation on the types of events that could occur.

Mr. Basic stated that he is also concerned that the SUP would run with the land. Mr. Basic stated that what the original owner proposes might be far different than what a subsequent owner might do. Mr. Basic stated that he is eager to find viable solutions for property owners to profit from their land; however, he has some reservations about the impacts of this option as it stands. Mr. Basic noted that if the amendments are approved and problems occur, it would be possible to recraft the regulations. Mr. Basic stated that he is willing to take a chance on allowing the event facilities rather than turning down yet another proposal for using rural lands for economic gain.

Mr. Schmidt inquired if open air concerts would be allowed under the ordinance.

Ms. Cook stated that an event of that nature where the event was open to the public and the attendance was over 200, would need to apply for a Special Event Permit. Ms. Cook further stated that the event facility could operate under normal parameters for other events and apply for the occasional Special Event Permit.

For clarification, Mr. O'Connor and Mr. Richardson inquired about whether a commercial amphitheater would fall under the category of an event facility.

Mr. Schmidt noted that despite the acreage requirements, the impact of noise on adjacent property owners could be a concern because of the configuration of the lot. Mr. Schmidt stated that he would be more comfortable with an SUP process for properties on arterial roads to start and potentially including properties on collector roads in the future.

Mr. Richardson stated that the County is trying to find uses for rural lands other than farming. Mr. Richardson further stated that if the goal is to maintain the County's rural character, it is necessary to foster economic enterprise. Mr. Richardson stated that the ordinance amendments would establish regulations for activities that are already occurring without the County's knowledge and without regulation. Mr. Richardson stated that he believes a less restrictive ordinance would foster compliance.

Mr. Holt stated the ordinance contains regulations for noise, limits on hours of operation and requirements for sources of amplified sound to be oriented toward the interior of the property. Mr. Holt noted that this was a substantial concern that the Policy Committee worked to address through the regulations.

Ms. Bledsoe stated that she is surprised that there is still so much concern over the ordinance amendments, considering the in depth review by the Policy Committee and the recommendations to bring it forward for review by the Planning Commission.

Mr. Schmidt stated that because of the variety of lot sizes and configurations, he believes it would be best to consider each request on a case by case basis.

Mr. Krapf stated that it is important to remember that agri-tourism is a different category in the Zoning Ordinance and that event facilities are not the one and only attempt at bringing business revenue to rural lands. Mr. Krapf noted that there were a number of agri-tourism opportunities proposed by the consultant to the Rural Economic Development Community. Mr. Krapf noted that he is not advocating stifling economic development in rural lands because it is preferable to residential development.

Mr. Basic inquired what the approval conditions for an SUP might include.

Mr. Holt stated that they would be site specific. Mr. Holt further stated that the performance standards for those operations of a small enough scale to be considered by-right would be similar to the SUP conditions and would include limitations on noise and hours of operation, limitations on size and buffer and screening requirements, among others.

Mr. Basic stated that the genesis of the questions was to determine how the conditions of the initial SUP might impact and restrict what future property owners could do.

Mr. O'Connor stated that he was trying to understand the goal of the amendments; whether the goal is to protect rural lands for future farming activities or whether it is to protect a rural look and feel to the community. Mr. O'Connor stated that he believes it is the rural look with open space and lack of density that appeals to most people.

Mr. Richardson stated that it is important to both protect land for future farming and to protect the look of the County. Mr. Richardson stated that there are initiatives to promote farming. Mr. Richardson stated that it will be difficult to find suitable land in the future when these initiatives come to fruition. Mr. Richardson stated that preserving the look is also important.

Mr. O'Connor stated that a ten acre parcel is different from some of the much larger parcels. Mr. O'Connor stated that during the last Comprehensive Plan review, there were a number of property owners seeking to change their properties to mixed-use or economic opportunity in order to have more viable uses for the land. Mr. O'Connor stated that regarding the traffic on a collector road, that there are already a number of collector roads in the County that experience extremely high volumes of traffic on a daily basis. Mr. O'Connor stated that it is not likely that events would occur every day and not at the maximum attendance allowed under the ordinance. Mr. O'Connor stated that he believes the concerns are not well founded. Mr. O'Connor further stated that he does not concur with requiring civic organizations to obtain an SUP.

Ms. Cook stated that facilities used exclusively by a membership group do not fall under the definition of an event facility. Ms. Cook further stated that if the facility is rented out, then it could become a by-right use if all the performance standards are met.

Mr. O'Connor inquired how that would be enforced.

Mr. Holt stated that it goes back to the principal use of the property. Mr. Holt stated that if you have, for example, a Moose Lodge on the property that is the primary use.

Mr. O'Connor inquired whether the primary use would change if the facility were used for the civic organization's monthly meeting and rented out for profit the remainder of the month.

Mr. Holt stated that it would be a different primary use.

Mr. O'Connor inquired what would prevent a civic organization from constructing an event facility in order to avoid the SUP process.

Mr. Wright stated that his understanding is that a civic organization could build a for profit facility and if they chose to use it once a month for their monthly meeting, it would be acceptable.

Mr. O'Connor stated that he concurs with Mr. Wright's interpretation. Mr. O'Connor further stated that his concern is that the SUP requirement puts civic organizations at a disadvantage and they are meeting less than other groups.

Mr. Richardson stated that there are already other localities with similar facilities. Mr. Richardson stated that the ordinance amendments would provide ground rules for facilities that might otherwise crop up without any oversight. Mr. Richardson stated that he understands the concerns about the requirements for civic organizations. Mr. Richardson noted that those requests would likely be infrequent.

Mr. Holt stated that previously lodges, civic clubs, fraternal organizations and service clubs were a specially permitted use and continue to be so under the new title "places of public assembly" which is consistent with all the other zoning districts. Mr. Holt further stated that the distinction is made with the subset for "places of public assembly used primarily as an event facility" Mr. Holt stated that the determination of which definition the proposed facility falls under will depend on details about the use of the facility.

Mr. Wright stated that the Policy committee went through an exhaustive review and addressed a vast number of potential issues. Mr. Wright stated that the amendments were forwarded to the Planning Commission because the Policy Committee believed that all the issues had been thoroughly vetted and the draft language was as close as possible to the Comprehensive Plan recommendations for rural lands.

Ms. Bledsoe stated that her gauge as to whether an ordinance should move forward is the Planning Director's comfort level in addressing questions. Ms. Bledsoe stated that Mr. Holt has not hesitated in his response to questions and that leads her to believe that it has been discussed and documented. Ms. Bledsoe stated that considering various scenarios is helpful because that is a way to identify pitfalls; however, at some point it is necessary to come to a decision.

Mr. O'Connor stated that he is an advocate for the amendments. Mr. O'Connor stated that he was in favor of requiring an SUP in all cases because there are no design standards which would allow by-right development of a structure that is not compatible with the rural character. Mr. O'Connor further stated the legislative process ensures that the final product is suitable.

Ms. Bledsoe requested that Mr. Holt respond.

Mr. Holt stated that there are no architectural controls or standards.

Mr. Schmidt inquired about options to move forward but to make changes to the draft language.

Mr. O'Connor stated that someone could make a motion and the vote would be taken.

Mr. Holt stated that the options would be to refer the matter back to the Policy Committee for further consideration or to send the matter forward to the Board of Supervisors.

Mr. Basic made a motion to recommend approval of ZO-0001-2016.

On a roll call vote the Planning Commission voted to recommend approval of ZO-0001-2016, Zoning Ordinance Revisions to Allow Places of Public Assembly, Including Those Used Primarily as an Event Facility, in A-1, General Agricultural, and R-8, Rural Residential Districts (4-3) Ayes: Richardson, Bledsoe, Basic, Wright. Nays: Schmidt, Krapf, O'Connor.

## Event Facilities Guidance Document

The following material that was formerly part of the draft ordinance language will be reformatted and included in a guidance document for applicants. The guidance document will also include an introduction and other helpful information.

### *Conformance with Applicable Regulations:*

- a. All facilities, both temporary and permanent, shall be permitted and constructed in accordance with applicable local and state building code requirements for such a use and obtain the appropriate permits and inspections and/or certificates of occupancy;*
- b. All of the activities shall be required to comply with county and state erosion and sediment control, Chesapeake Bay preservation area, floodplain and Virginia stormwater management permit regulations, as applicable;*
- c. Any food service or catering associated with an event at the event facility shall be approved by the Virginia Department of Health;*
- d. Restrooms shall be provided in accordance with applicable building code requirements and shall be approved by the Virginia Department of Health.*

### *Relationship to Other Regulations.*

- 1. The permitting of an event venue in accordance with the above-listed performance standards does not permit secondary uses by-right on the property when such uses are otherwise listed as specially permitted uses in the zoning ordinance including, but not limited to, tourist homes, overnight accommodations, bed and breakfasts or inns, food processing, restaurants, camping, etc. Such other uses shall be evaluated in accordance with applicable zoning ordinance standards.*
- 2. Event venues subject to these special regulations are separate from the use “agri-tourism activity” which has separate standards established by the Virginia Code and county zoning ordinance.*
- 3. If any event at a permitted event venue triggers the requirements of chapter 14 of the county code, the event sponsor must obtain a special event permit.*



**ITEM SUMMARY**

DATE: 8/8/2017

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: An Ordinance Rescinding Ordinance No. 179 and to Generally Reauthorize Incentive Awards

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**ATTACHMENTS:**

	Description	Type
▣	memo	Cover Memo
▣	Ordinance	Ordinance
▣	Ordinance 179	Exhibit

**REVIEWERS:**

Department	Reviewer	Action	Date
Attorney	Kinsman, Adam	Approved	7/31/2017 - 2:38 PM
Publication Management	Trautman, Gayle	Approved	7/31/2017 - 2:40 PM
Legal Review	Kinsman, Adam	Approved	7/31/2017 - 2:50 PM
Board Secretary	Fellows, Teresa	Approved	7/31/2017 - 2:52 PM
Board Secretary	Purse, Jason	Approved	8/1/2017 - 1:38 PM
Board Secretary	Fellows, Teresa	Approved	8/1/2017 - 1:43 PM

## MEMORANDUM

DATE: August 8, 2017

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: Ordinance to Generally Re-Authorize Incentive Awards to Employees

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The Code of Virginia allows County employees to receive monetary incentive awards if the Board of Supervisors adopts an Ordinance authorizing it. On December 5, 1988, the Board of Supervisors adopted Ordinance No. 179, authorizing incentive awards. Though the Code of Virginia does not require that the Ordinance include details about the incentive program, Ordinance No. 179 included specific details regarding when and how such awards should be distributed. Much has changed in the nearly 30 years since the Ordinance was adopted and the Director of Human Resources believes that changes are needed to ensure that the incentive award program is achieving its intended purposes.

Rather than change the Ordinance and the corresponding section of the Personnel Policies and Procedures Manual (the "Personnel Manual") every time a change is desired in the incentive award program, the Board may instead replace the current specific Ordinance with one that generally permits incentive awards. Specific program policies and implementation would then be approved by the Board as amendments to the Personnel Manual.

An Ordinance repealing the 1988 Ordinance and to generally approve employee incentive awards is attached. The Director of Human Resources' proposed changes to the Personnel Manual are included as a consideration item on your agenda.

ARK/gt  
IncentiveAwards-mem

Attachments:

1. Ordinance No. 179
2. New Ordinance

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

**AN ORDINANCE RESCINDING ORDINANCE NO. 179 AND TO GENERALLY**

**RE-AUTHORIZE INCENTIVE AWARDS TO EMPLOYEES**

WHEREAS, on December 5, 1988, the Board of Supervisors of James City County (the "Board") adopted Ordinance No. 179, which authorized incentive awards to be granted to employees covered by the James City County Personnel Policies and Procedures Manual (the "Personnel Manual");

WHEREAS, Ordinance No. 179 set forth specific criteria to be contained within the Personnel Manual regarding incentive awards; and

WHEREAS, Section 15.2-1508 of the Code of Virginia, 1950, as amended, requires that the Board adopt an Ordinance generally authorizing the payment of bonuses; and

WHEREAS, the Board desires to continue to authorize incentive awards to employees but desires that the details of such awards to instead be wholly contained within the Personnel Manual.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of the James City County, Virginia, that the Board hereby rescinds Ordinance No. 179 and replaces it with this Ordinance, which shall generally authorize the payment of bonuses to officers and employees of James City County in accordance with Section 15.2-1508 of the Code of Virginia, 1950, as amended.

\_\_\_\_\_  
Kevin D. Onizuk  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of August, 2017.

IncentiveAwards-ord

DEC 5 1988

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AUTHORIZE INCENTIVE AWARDS TO EMPLOYEES COVERED BY THE JAMES CITY COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL FOR PERFORMANCE AS SET FORTH IN SECTION 4.10(C) OF THAT DOCUMENT.


BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that the Board hereby authorizes the payment of incentive awards pursuant to Section 4.10(C) of the James City County Personnel Policies and Procedures Manual as set forth below:

Section 4.10. Other Salary Changes.

- C. Incentive Awards - An incentive award is a vehicle for recognizing outstanding performance by an individual or group of individuals in a specific assignment, special project, or for a beneficial suggestion or innovative idea which results in one of the following:
- a. A cost savings or avoidance.
  - b. An innovation which increases productivity or enhances service by causing more work to be accomplished during the standard workday or work shift.
  - c. Identification of a tool or piece of equipment which increases the productivity of the department, specific task or job.
  - d. An improved process or procedure for accomplishing the work which increases productivity or improves services and is measurable.
  - e. A work product which exceeds required work standards for a job based upon consensus of peers in that department or the same field or trade.

The amount of the award shall be determined by the County Administrator, but will normally not exceed 5 percent of the employee's base salary. The incentive award shall be a single lump sum cash payment. It shall not be used as a routine salary supplement. The incentive award shall be documented on the Incentive Award Nomination Form. A copy of the form shall be placed in the employee's personnel file. The receipt of such an award shall not affect the employee's base salary.



  
\_\_\_\_\_  
Jack D. Edwards, Chairman  
Board of Supervisors

ATTEST:

  
\_\_\_\_\_  
David B. Norman  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
NORMENT	AYE
TAYLOR	AYE
MAHONE	AYE
DEPUE	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County,  
Virginia, this 5th day of December, 1988.

0228U

**ITEM SUMMARY**

DATE: 8/8/2017

TO: The Board of Supervisors

FROM: Patrick Teague, Director of Human Resources

SUBJECT: Update to James City County Compensation Plan

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**ATTACHMENTS:**

	Description	Type
▣	JCC Policy Manual Update Chapter 4	Cover Memo
▣	JCC Policy Manual Update Chapter 4	Resolution
▣	JCC Policy Manual Update Chapter 4	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Human Resources	Teague, Patrick	Approved	7/25/2017 - 12:10 PM
Publication Management	Colonna, Tina	Approved	7/25/2017 - 12:28 PM
Legal Review	Kinsman, Adam	Approved	7/25/2017 - 12:38 PM
Board Secretary	Fellows, Teresa	Approved	7/27/2017 - 9:23 AM
Board Secretary	Purse, Jason	Approved	7/28/2017 - 2:04 PM
Board Secretary	Fellows, Teresa	Approved	7/31/2017 - 9:20 AM

## MEMORANDUM

DATE: August 8, 2017

TO: The Board of Supervisors

FROM: Patrick O. Teague, Director of Human Resources

SUBJECT: Revisions to Chapter 4 of the James City County Personnel Policies and Procedures Manual

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As the labor market has become more competitive, James City County needs the tools necessary to attract and retain qualified employees.

Staff proposes revisions to Chapter 4 of the James City County Personnel Policies and Procedures Manual to clarify Incentive Award language and add a category for employment referrals. In addition, the changes allow a differential payment to employees with specialized skills or licensure.

A copy of the proposed changes is attached.

Staff recommends approval of the proposed changes.

POT/gt  
Ch4Revisions-mem

Attachments

**RESOLUTION**

**REVISIONS TO CHAPTER 4 OF THE JAMES CITY COUNTY**

**PERSONNEL POLICIES AND PROCEDURES MANUAL**

WHEREAS, the James City County Personnel Policies and Procedures Manual is an important document that guides decisions; and

WHEREAS, it is the practice of the County to revise and update policies to reflect changes and improvements; and

WHEREAS, as the labor market has become more competitive, James City County needs the tools necessary to attract and retain qualified employees; and

WHEREAS, staff recommends revisions to Chapter 4 of the Personnel Policies and Procedures Manual to update employee compensation strategies, clarify Incentive Award language, add a category for employment referrals and allow differential payment to employees with specialized skills or licensure.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that revisions to the Personnel Policies and Procedures Manual listed above and set forth in the staff memorandum are adopted effective August 9, 2017.

\_\_\_\_\_  
Kevin D. Onizuk  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of August, 2017.

Ch4Revisions-res



**CHAPTER 4**  
**Compensation Plan**

Section 4.1 Policy Statement

Section 4.2 Philosophy

Section 4.3 Guiding Principles

Section 4.4 Legal Basis

Section 4.5 Definitions

Section 4.6 Establishment of the Pay Structure and Assignment of Job Classes to Salary Ranges

Section 4.7 Placement in the Salary Ranges

Section 4.8 Salaries of Part-Time Regular and Limited-Term Positions

Section 4.9 Salaries of Temporary Positions

Section 4.10 Salaries of On-Call Positions

Section 4.11 Progression Through the Salary Range (Performance Increases)

Section 4.12 Other Salary Changes

Section 4.13 Maintaining the Market Based Compensation Plan

Section 4.14 Overtime

Section 4.15 Holiday Pay

Section 4.16 Standby Pay

Section 4.17 Premium Pay

Section 4.18 Travel

Section 4.19 Miscellaneous

Section 4.20 Administration and Interpretation of Plan

- F. Administrative Adjustment – Upon recommendation by a Department Director that an employee should be retained, the County Administrator may, upon determining that it is cost effective and of significant benefit to the County, move an employee's salary within the range to which the employee's job class is assigned.
- G. Differentials – Base pay adjustments, within the position's current salary range, to compensate for special skills, licensure, education or other career attainments. Departments submit requests for differentials to Human Resources. If these are approved, they will be added to the position description.
- H. Temporary Assignment – Compensation may be adjusted during the period of time in excess of six (6) months in a twelve (12) month period that an employee is temporarily assigned to a vacant position or prescribed set of duties at a higher salary range. Refer to Chapter 2, Section 2.8.P, Temporary Assignments.

Exceptions may be granted by the County Administrator

- I. Incentive Awards – An incentive award is a vehicle for recognizing outstanding performance by an individual or group of individuals in a specific assignment, special project or for a beneficial suggestion or innovative idea which results in one of the following:
1. A cost savings or avoidance.
  2. An innovation which increases productivity or enhances services and is measurable.
  3. A work product which exceeds required work standards for a job based upon consensus of peers in that department or the same field or trade.
  4. *Referral Program is intended to encourage current employees to refer external individuals as applicants for critical positions.*
    - a. *The Department will submit positions to Human Resources to determine if the position qualifies for the Referral Program.*
    - b. *Employees will be eligible for a one-time payment determined by the critical nature of the position and budget availability. Payments may be prorated over time to ensure referral is successful.*
    - c. *Hiring managers/supervisors and recruiting staff are not eligible to*

*participate in the referral program.*

5. *Additional criteria may be established at the discretion of the County Administrator.*

*Incentive awards will not normally exceed 5 percent of the employee's salary, except the Referral Program. The incentive award shall be a single lump sum cash payment. It shall not be used as a routine salary supplement. The incentive award shall be documented on the Incentive Award Nomination Form. A copy of the form shall be placed in the employee's personnel file. The receipt of such an award shall not affect the employee's base salary.*

*Exceptions may be granted by the County Administrator.*

**ITEM SUMMARY**

DATE: 8/8/2017

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: Redistricting Resolution

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**ATTACHMENTS:**

	Description	Type
▣	memo	Cover Memo
▣	resolution	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Attorney	Kinsman, Adam	Approved	8/2/2017 - 10:27 AM
Publication Management	Trautman, Gayle	Approved	8/2/2017 - 10:56 AM
Legal Review	Kinsman, Adam	Approved	8/2/2017 - 11:11 AM
Board Secretary	Fellows, Teresa	Approved	8/2/2017 - 11:12 AM
Board Secretary	Hill, Bryan	Approved	8/3/2017 - 2:54 PM
Board Secretary	Fellows, Teresa	Approved	8/3/2017 - 2:55 PM



## MEMORANDUM

DATE: August 8, 2017  
TO: The Board of Supervisors  
FROM: Adam R. Kinsman, County Attorney  
SUBJECT: Redistricting

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At a recent meeting of the Board of Supervisors, John McGlennon, Supervisor, Roberts District, asked that the Board discuss adoption of a Resolution regarding redistricting. Mr. McGlennon's Resolution is attached for your consideration.

ARK/gt  
Redistricting-mem

Attachment

## **RESOLUTION**

### **SUPPORTING REDISTRICTING REFORM IN VIRGINIA AND JAMES CITY COUNTY**

WHEREAS, the James City County Board of Supervisors (the “Board of Supervisors”) supports redistricting reform in Virginia and in James City County for congressional districts, state legislative districts and local election districts; and

WHEREAS, the Board of Supervisors maintains that transparent and nonpartisan legislative districting is a reform essential to build a more representative, accountable and healthy democracy for our nation, state and county; and

WHEREAS, the Board of Supervisors maintains that redistricting reform is necessary to eliminate the conflict of interest that allows General Assembly and Board of Supervisors members to pick their voters; and

WHEREAS, the Board of Supervisors maintains that excluding political data from the districting process would help resolve the problem of split precincts and divided jurisdictions throughout Virginia and James City County; and

WHEREAS, action is needed now given the multi-year process required to amend the Virginia Constitution in order to institute a reformed redistricting process by the time the next redistricting occurs in 2021.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia fully supports and urges action to protect and promote democracy in Virginia through redistricting reform at both state and local levels of government.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia is committed to nonpartisan districting for local election districts which elect members to the Board of Supervisors and members to the Williamsburg-James City County School Board.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia directs that James City County staff shall be responsible for developing any local redistricting plan and such plan shall not take into account any partisan or political data.

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Kevin D. Onizuk  
Chairman, Board of Supervisors

VOTES

ATTEST:

AYE

MCGLENNON	_____
SADLER	_____
HIPPLE	_____
LARSON	_____
ONIZUK	_____

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Bryan J. Hill  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of August, 2017.

Redistricting-res

**ITEM SUMMARY**

DATE: 8/8/2017

TO: The Board of Supervisors

FROM: Bryan J. Hill, County Administrator

SUBJECT: County Administrator's Report

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**ATTACHMENTS:**

	Description	Type
▣	County Administrator's Report	Cover Memo

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	8/1/2017 - 12:57 PM



## MEMORANDUM

DATE: August 8, 2017

TO: The Board of Supervisors

FROM: Bryan J. Hill, County Administrator

SUBJECT: County Administrator's Report

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The following is a summary of activities that took place July 6, 2017 through Aug. 2, 2017:

### July 6, 2017 (Thursday)

- Met with Rebecca Vinroot, Social Services Director
- Attended *Keep James City County Clean* event
- Met with Marvin Collins, Williamsburg City Manager; tourism tax increase
- Met with Sharon Day, FMS Assistant Director
- Met with Doug Powell, JCSA Manager
- Met with Supervisors Kevin Onizuk and Ruth Larson, Adam Kinsman, County Attorney and Thomas Tingle, President of Guernsey Tingle

### July 7, 2017 (Friday)

- Met with Sue Mellen, FMS Director and Sharon Day, FMS Assistant Director
- Attended Eastern Virginia Groundwater Management Advisory Committee (report submitted, awaiting Board input)

### July 10, 2017 (Monday)

- Met with Robert Braxton, former Councilman of Williamsburg
- Met with Paul Holt, Community Development Director
- Met with Sue Sadler, Supervisor
- Met with Ryan Ashe, Fire Chief
- Met with Sue Mellen, FMS Director
- Met with Patrick Teague, HR Director; compensation study

### July 11, 2017 (Tuesday)

- Met with Patrick Teague, HR Director
- Met with Mike Woolson, Planner III
- Met with John Carnifax, Parks & Recreation Director
- Attended Board of Supervisors meeting

### July 12, 2017 (Wednesday)

- Met with Jody Puckett, Communications Director and Amy Jordan, Economic Development Director
- Met with Jody Puckett, Communications Director
- Attended Executive Leadership meeting
- Attended Neighborhood Forum meeting
- ICMA conference call; *Forecasting the Future*

## County Administrator's Report

August 8, 2017

Page 2

### July 17, 2017 (Monday)

- Attended JCC New Employee Orientation
- Conference call with Mitchell Reiss, President and CEO of the Colonial Williamsburg Foundation
- Met with Tom Phillips, candidate for Jamestown District Representative
- Met with Sue Mellen, FMS Director
- Met with Patrick Teague, HR Director
- Met with Jody Puckett, Communications Director
- Met with Corey Murphy, WJCC Chief of Staff

### July 18, 2017 (Tuesday)

- Met with Amy Jordan, Economic Development Director
- Attended Habitat for Humanity Groundbreaking Ceremony
- Met with Ruth Larson, Supervisor, Jody Puckett, Communications Director, Brad Rinehimer, Police Chief, Latara Branch, Civic Engagement Coordinator, Jason Purse, Assistant County Administrator and Jeremy Barnett, Police Lieutenant; Strategic Plan meeting

### July 19, 2017 (Wednesday)

- Met with Joe Swanenburg, candidate for Powhatan District Representative
- Attended Virginia Peninsula Regional Jail (VPRJ) meeting
- Attended U.S. Army Corps of Engineers meeting with Doug Powell, JCSA Manager, in Norfolk
- Attended National Softball Association Opening Ceremony
- Met with Economic Development prospect

### July 20, 2017 (Thursday)

- Football Camp
- Attended Sustainable Water Initiative for Tomorrow (SWIFT) Oversight Workshop in Newport News
- Met with Craig Nicol, DEQ Regional Director

### July 21, 2017 (Friday)

- Attended Coffee with County Administrator, staff event
- Met with Economic Development prospect

### July 24, 2017 (Monday)

- Attended Robert Wood Johnson Foundation meeting, Williamsburg Health Foundation
- Attended Peninsula Mayors and Chairs meeting; New Kent
- Attended Housing Studies meeting at Williamsburg Health Foundation
- Met with Amy Jordan, Economic Development Director

### July 25, 2017 (Tuesday)

- Met with Patrick Teague, HR Director
- Attended agenda meeting
- Attended Board of Supervisors work session

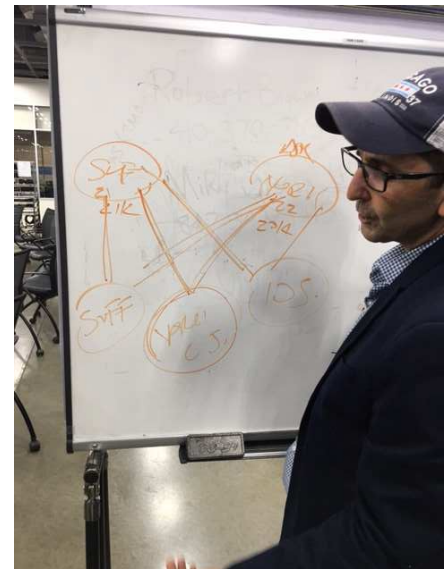
## Page 3

- Met with Rebecca Vinroot, Social Services Director
- Met with AES Consulting; Oakland Development Plan
- Met with Pastor Corwin Hammond
- Met with Paul Holt, Community Development Director
- Met with Skip Campana, realtor
- Met with Sue Mellen, FMS Director

- Met with Randy Wheeler, Poquoson City Manager
- Met with Jason Purse, Assistant County Administrator

- Met with Jim Icenhour, candidate for Jamestown District Representative
- Met with Tim Harris, business owner

- Trip to Staging Event with Motorola Solutions



**AGENDA ITEM NO. L.1.**

**ITEM SUMMARY**

DATE: 8/8/2017

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: Consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position of the public body pursuant to Section 2.2-3711 (A)(5) of the Code of Virginia

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**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	8/8/2017 - 10:49 AM



**AGENDA ITEM NO. L.2.**

**ITEM SUMMARY**

DATE: 8/8/2017

TO: The Board of Supervisors

FROM: Jason Purse, Assistant County Administrator

SUBJECT: Consideration of a personnel matter, the appointment of individuals to the Economic Development Authority, pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia

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**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	8/8/2017 - 10:50 AM

**ITEM SUMMARY**

DATE: 8/8/2017

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: Consideration of a personnel matter, the performance review of the County Administrator, pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia

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**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	8/8/2017 - 10:51 AM

**ITEM SUMMARY**

DATE: 8/8/2017

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Administrative Coordinator

SUBJECT: Adjourn until 5 p.m. on September 12, 2017 for the Regular Meeting

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**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	8/1/2017 - 12:39 PM