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
September 11, 2018
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leader - Owen Snowden, a 4th grade student at Clara Byrd Baker Elementary School

E. PUBLIC COMMENT

F. PRESENTATIONS

1. Presentation of New Police Officers
2. Recognition of Jamestown High School's Envirothon Team
3. Clean County Commission Annual Update
4. Designating Fall Prevention Awareness Week 2018
5. VDOT Quarterly Update

G. CONSENT CALENDAR

1. Minutes Adoption
2. Historic Minutes Approval
3. Grant Award - Department of Motor Vehicles - Occupant Protection - $5,256
4. Grant Award - Department of Motor Vehicles - Speed Enforcement - $18,000
5. Grant Award - Department of Motor Vehicles - Alcohol Enforcement - $18,800
6. Confirm Declaration of a Local Emergency

H. PUBLIC HEARING(S)

1. Z-0001-2018. Colonial Manor
2. Agricultural and Forestal District 2018 Renewals (Cover Memo)
3. AFD-01-89-1-2018. Armistead AFD Renewal
4. AFD-05-86-1-2018. Barnes Swamp AFD Renewal
5. AFD-01-02-1-2018. Carter's Grove AFD Renewal
6. AFD-10-86-1-2018. Christenson's Corner AFD Renewal
7. AFD-06-86-1-2018. Cranston's Pond AFD Renewal
8. AFD-02-86-1-2018. Croaker AFD Renewal
9. AFD-09-86-1-2018. Gordon Creek AFD Renewal
10. AFD-12-86-1-2018. Gospel Spreading Church AFD Renewal
11. AFD-03-86-1-2018. Hill Pleasant Farm AFD Renewal

12. AFD-07-86-1-2018. Mill Creek AFD Renewal
13. AFD-01-94-1-2018. Wright's Island AFD Renewal
14. AFD-11-86-1-2018. Yarmouth Island AFD Renewal

I. BOARD CONSIDERATION(S)

1. Authorization to Purchase Thirteen (13) Police Vehicles - $342,145
2. VRS Benefits

J. BOARD REQUESTS AND DIRECTIVES

K. REPORTS OF THE COUNTY ADMINISTRATOR

1. County Administrator's Report

L. CLOSED SESSION

1. Appointment of Clean County Commissioners
2. Appointment to Williamsburg Area Arts Commission
3. Appointment to Social Services Advisory Board
4. Appointment to Peninsula Agency on Aging Board
5. Appointments to the Chesapeake Bay Board and Wetlands Board

M. ADJOURNMENT

1. Adjourn until 4 p.m. on September 25, 2018 for the Work Session

AGENDA ITEM NO. D.1.

ITEM SUMMARY

DATE: 9/11/2018

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Pledge Leader - Owen Snowden, a 4th grade student at Clara Byrd Baker Elementary School

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REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	8/30/2018 - 8:24 AM

AGENDA ITEM NO. F.1.

ITEM SUMMARY

DATE: 9/11/2018

TO: The Board of Supervisors

FROM: Bradley C. Rinehimer, Chief of Police

SUBJECT: Presentation of New Police Officers

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	9/4/2018 - 2:12 PM

AGENDA ITEM NO. F.2.

ITEM SUMMARY

DATE: 9/11/2018

TO: The Board of Supervisors

FROM: Ruth M. Larson, Chair

SUBJECT: Recognition of Jamestown High School's Envirothon Team

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REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	9/4/2018 - 3:38 PM

AGENDA ITEM NO. F.3.

ITEM SUMMARY

DATE: 9/11/2018

TO: The Board of Supervisors

FROM: Peg Boarman, Chair of the Clean County Commission

SUBJECT: Clean County Commission Annual Update

ATTACHMENTS:

	Description	Type
🗋	Annual Update Outline	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	8/30/2018 - 8:22 AM
Board Secretary	Fellows, Teresa	Approved	9/4/2018 - 2:10 PM

James City Clean County Commission FY 18 Report Summary

I. Commissioners: Chair - Peg Boarman; Current Members: Charles Loundermon, Marc Meiring, Betty Peterson, Alexa Provost and Kevin Radcliffe. Pending appointments: Emma Zahren-Newman and Kyle Haynes.

II. Fall 2017 Good Neighbor Environment Grants: Projects included a neighborhood litter and debris cleanup, walking trail improvements, entryway landscaping, playground upgrades and multiple beautification of common areas with sustainable plants and erosion control measures.

1. Berkeley's Green
2. Fairway Villas
3. Kingspoint
4. Seasons Trace
5. Skiffes Creek Terrace
6. Stonehouse
7. Westmoreland

III. 4th Annual Litter & Recycling Expo at Jolly Pond Convenience Center Warhill Sports Complex in November 2017.

1. Highlights: This was our most successful due to the targeted audience. We approached citizens taking the time to dispose of their trash and recycling at the Convenience Center so we were able to further educate them and recruit new volunteers. Police presence helped to educate citizens about covering their loads.
2. 5th Annual Litter & Recycling Expo will be held at the Jolly Pond Convenience Center again this year on November 10.

IV. Community Education and Outreach Events

1. Collaboration with local schools
   - James River Elementary Recycling Rangers After School Club
   - Earth Day Celebration at Norge Elementary School
   - Spring Carnival at Blayton Elementary School
   - Provided prizes and educational materials for Stonehouse Elementary School
   - Collaborated with Warhill High School with a tour of the Jolly Pond Convenience Center and the Sports Complex Adopt-A-Spot
   - Career Day at Matoaka Elementary School
   - Partnered with the College of William & Mary on various outreach/educational initiatives
2. Parks & Recreation Environmental Education Days Summer Camp
3. Jolly Pond Convenience Center Tour for Girl Scouts
4. James Riverfest
5. Regional askHRgreen.org Events
6. Fido Fest
7. Chamber & Tourism Alliance Team Up to Clean Up Presentation
8. Virginia Recycling Association Conference
9. Williamsburg Area Garden Clubs Arbor Day Event
10. Mt. Vernon Methodist Recycling Presentation
11. Abram Frink Block Party
12. Will Barnes Day Volunteer Appreciation Event

V. Quarterly Clean Business Forum

1. 2017 3rd Quarter - Harris Teeter Marketplace, Lightfoot
2. 2017 4th Quarter - Dollar General in Grove
3. 2018 1st Quarter - Realtec Community Services (Ford's Colony Homeowners Association)
4. 2018 2nd Quarter - J.S.G. Corporation

VI. Adopt-A-Spot Program

1. James City County Ruritans on Centerville Road
2. Five Forks Ruritans at Jamestown Beach Event Park
3. Anheuser Busch at the Capital Trail
4. Ball Metal on Endeavor Drive in Grove
5. Williamsburg Plantation on Longhill Road
6. Boy Scout Troop 414 at the Croaker Road Commuter Parking Lot
7. Preservation at Stonehouse
8. Warhill High School at Warhill Sports Complex
9. Printpak at McLaws Circle

VII. County-Wide Spring Cleanup

1. 38 cleanup sites (up from 25; 44% increase)
2. 313 volunteers (up from 229; 27% increase)
3. 13.4 tons of roadside litter (up from 8.5; 37% increase)
4. 180 tires (up from 172; 4% increase)
5. Volunteer Appreciation Picnic following the event

VIII. DEQ Litter Grant Reporting

1. 3,725 volunteer hours (up 42%) = $76,474 in-kind services (up 19%)
2. 12 group presentations/725 total attendance
3. 10 staffed displays/2,800 total attendance
4. 6 unstaffed displays
5. Materials distributed: coloring books, litterbags, pencils, stickers, pocket ashtrays, pens, snack clips, letter openers, recycling tattoos and fans
6. Communication: brochures, emails, Facebook postings, newsletters, newspapers, PSA radio/TV, twitter and website
7. 65 total cleanup events/800 volunteers/1,116 cubic yards of litter
8. 15,600 cubic yards collected from Jolly Pond Rd by probationers

IX. Keep James City County Beautiful

1. Litter Index of 50 stretches of James City County roadways with the most litter observed in the Stonehouse District
2. Quarterly Community Meetings
3. Volunteer recruitment campaign
4. Litter Subcommittee passed the Zero Tolerance for Litter Policy
5. Recycling Subcommittee "Bottles in Blue" campaign at the parks
6. Beautification Subcommittee planted wildflowers at the entrance to Freedom Park

AGENDA ITEM NO. F.4.

ITEM SUMMARY

DATE: 9/11/2018

TO: The Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services and Chief Ryan Ashe, Fire Department

SUBJECT: Designating Fall Prevention Awareness Week 2018

ATTACHMENTS:

	Description	Type
🗋	Designating Fall Prevention Awareness Week 2018	Cover Memo
🗋	Designating Fall Prevention Awareness Week 2018	Resolution
🗋	Designating Fall Prevention Awareness Week 2018	Presentation

REVIEWERS:

Department	Reviewer	Action	Date
Social Services	Vinroot, Rebecca	Approved	8/24/2018 - 9:48 AM
Community Services	Vinroot, Rebecca	Approved	8/24/2018 - 9:49 AM
Publication Management	Burcham, Nan	Approved	8/24/2018 - 10:16 AM
Legal Review	Kinsman, Adam	Approved	8/27/2018 - 9:23 AM
Board Secretary	Fellows, Teresa	Approved	8/27/2018 - 3:08 PM
Board Secretary	Purse, Jason	Approved	9/4/2018 - 3:01 PM
Board Secretary	Fellows, Teresa	Approved	9/4/2018 - 3:39 PM

M E M O R A N D U M

DATE: September 11, 2018

TO: The Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services, and Chief Ryan Ashe, Fire Department

SUBJECT: Designating Fall Prevention Awareness Week 2018

In the 2018 session, the Virginia General Assembly passed both a Senate Joint Resolution No. 47 and a House Joint Resolution No. 81 designating the third full week of September 2018 as Fall Prevention Awareness Week in Virginia.

Here in James City County, residents age 65 and older comprised approximately 24.7% of the population in 2017. Falls are the leading cause of unintentional fatal and nonfatal injuries and hospitalizations among Virginians 65 and older. Fear of falling can significantly affect an individual's independence and quality of life. Fall prevention coalitions can raise public awareness and promote effective prevention programs through multidisciplinary strategies.

In 2017-2018, the James City County Fire Department responded to 3,524 calls of mobility emergencies, which is 15.7% of the total number of Fire/Emergency Medical Service calls. Mobility emergencies can be falls with injury or for lift assistance only.

Working jointly, the Fire Department and Social Services are raising public awareness of the risk of injury due to falls and engaging in several multidisciplinary strategies so that residents can maintain safety in their places of residence and enjoy a high quality of life.

To further bring awareness to this important issue, staff respectfully requests that the Board designates the third full week in September 2018 as Fall Prevention Awareness Week in James City County.

RV/RA/md
FallPrevAwWk18-mem

Attachment:
1. Resolution

R E S O L U T I O N

DESIGNATING FALL PREVENTION AWARENESS WEEK

WHEREAS, the Virginia General Assembly passed both a Senate Joint Resolution No. 47 and a House Joint Resolution No. 81 designating the third full week of September 2018 as Fall Prevention Awareness Week in Virginia; and

WHEREAS, in James City County, residents 65 years and older comprised approximately 24.7% of the population in 2017; and

WHEREAS in 2017, the James City County Fire Department responded to 3,524 calls of mobility emergencies, which is 15.7% of the total number of Fire/Emergency Medical Service calls; and

WHEREAS, the James City County Fire Department and Social Services are working jointly to raise public awareness and engage with residents at risk of injury due to falls so that residents can maintain safety and a high quality of life.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby designates the third full week in September 2018 as Fall Prevention Awareness Week in James City County.

_____
Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:

_____
Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
MCGLENNON	____	____	____
SADLER	____	____	____
HIPPLE	____	____	____
ICENHOUR	____	____	____
LARSON	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2018.

FallPrevAwWk18-res

Fall Prevention Awareness Week

Presentation to the Board of Supervisors

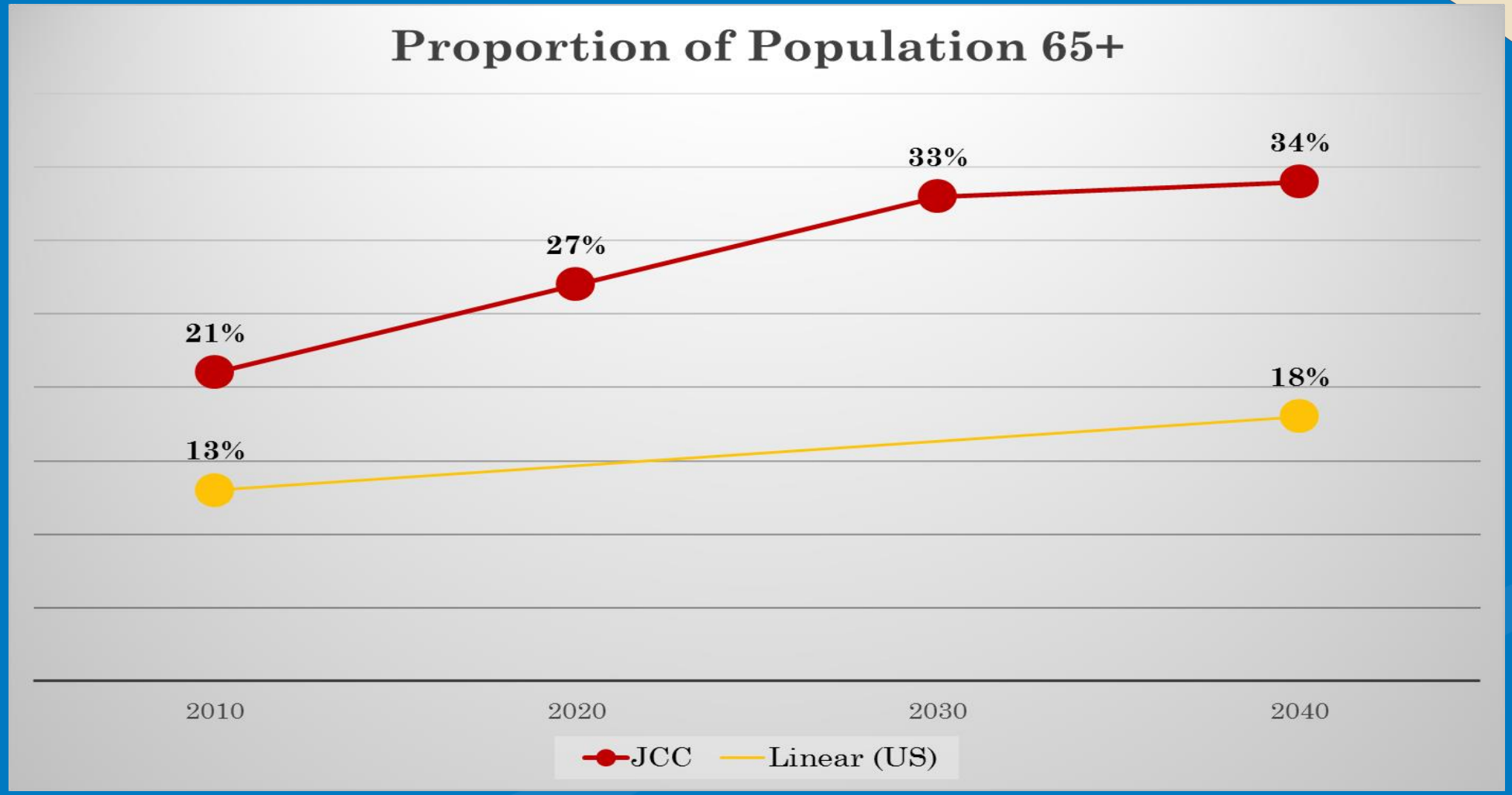
September 11, 2018

Fire and Social Services

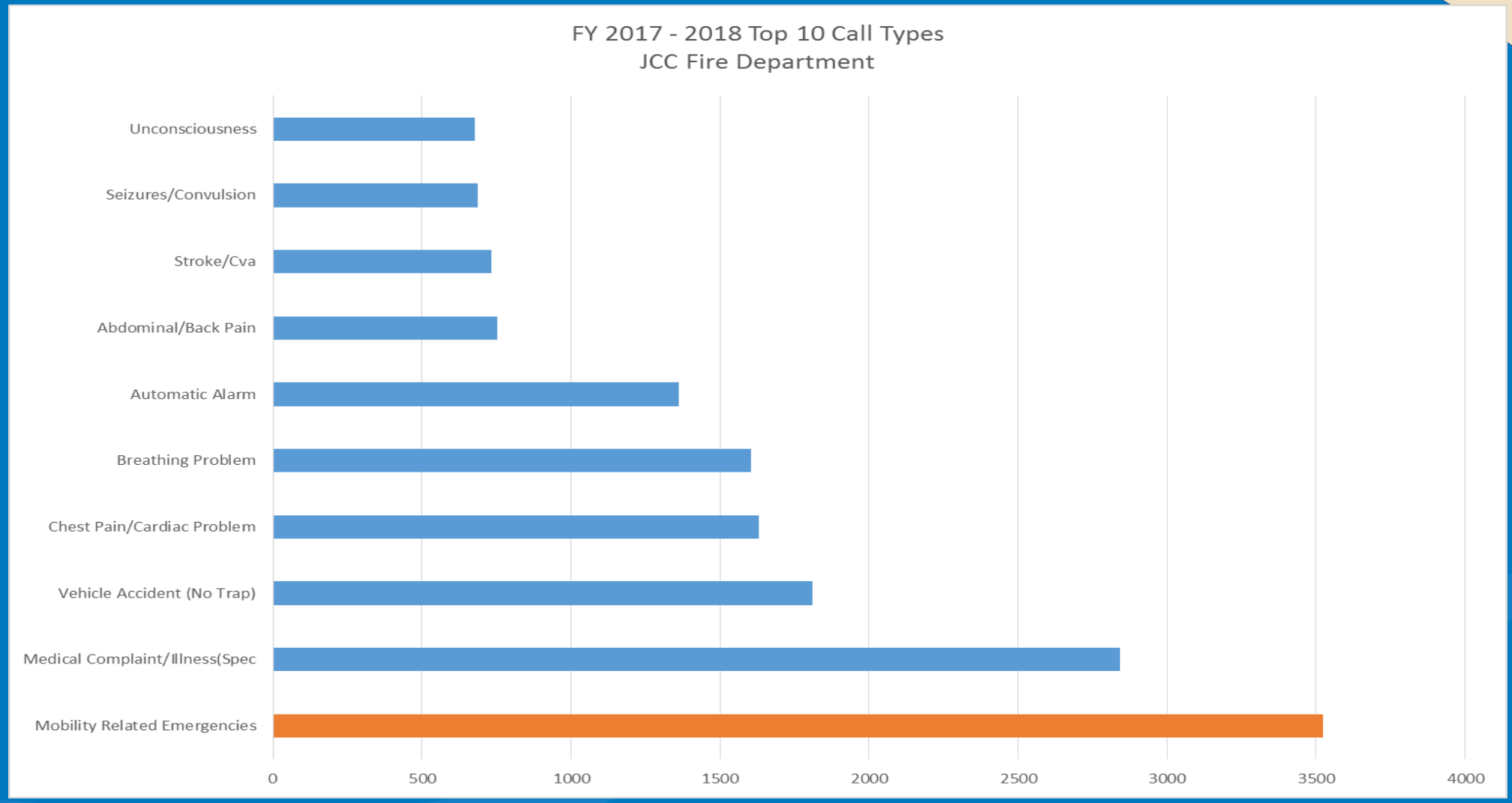
Legislation

- SJ 47 / HJ 81 – Passed by Virginia General Assembly
  - Designates the third full week in September 2018 (and in each succeeding year) as Fall Prevention Awareness Week in Virginia
  - Falls are the leading cause of unintentional fatal and nonfatal injuries and hospitalizations among Virginians 65 and older
  - Fear of falling can significantly affect an individual's independence and quality of life
  - Fall prevention coalitions can raise public awareness and promote effective prevention programs through multidisciplinary strategies

James City County Data



James City County Data



September 11, 2018

Fire and Social Services

Strategies to address

JCC Strategic Plan – Operational Initiative – FY17-22

- **Goal 5: Exceptional Public Services**
  - Develop Mobile Integrated Healthcare / Community Paramedicine Program
    - Remembering When
      - » Fire and Fall Prevention program
      - » Fire/EMS and Social Services staff trained to conduct home assessments and make recommendations to improve safety
    - Community Outreach Network Educate Care Thrive – CONECT Program
      - » Joint home visits with Fire/EMS and Social Services staff
      - » Streamlined referrals and in-service training to Fire/EMS responders
      - » Adding Police Department for referrals and in-service training
    - Adult Multi-disciplinary Team
      - » Social Services, Fire/EMS, Police, and Community providers meet quarterly to discuss ways to work together to address the needs of our senior residents
      - » Information on activities to eliminate social isolation is disseminated

Program Statistics

- Remembering When
  - 11 home visits have been conducted; 25 need to be completed by November 2018
- CONECT referral info
  - As of July 31, there have been 74 referrals
  - Types of services include establishing home health, finding ramp resources, and application assistance for community services, such as housing assistance, accessing assistive technology and advocacy

For more information

CONECT

Chief Jason Sweet, Fire & EMS

Ellie Rest, Social Services

conect@jamescitycountyva.gov

Remembering When

http://www.nfpa.org/Public-Education/Resources/Education-Programs/Remembering-When

rememberingwhen@jamescitycountyva.gov

AGENDA ITEM NO. F.5.

ITEM SUMMARY

DATE: 9/11/2018

TO: The Board of Supervisors

FROM: Rossie Carroll, VDOT Williamsburg Residency Administrator

SUBJECT: VDOT Quarterly Update

ATTACHMENTS:

	Description	Type
	Quarterly Report	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	9/4/2018 - 9:18 AM

James City Board of Supervisor's Meeting **September 11, 2018**

Maintenance Accomplishments (Jul 1 to Aug 30)

We completed 366 of 514 maintenance work orders in this past Quarter with 148 outstanding (71% complete).

Drainage	72
Roadway	46
Vegetation	30

Residency Direct Line 757-253-5138
VDOT's Customer Service Center **1-800-FOR-ROAD (1-800-367-7623)**

A few highlights of the accomplishments are:

Repaired over 400 potholes and road repairs with over 200 tons of asphalt
Cleaned over 350 pipes and culverts
Ditch cleaning of over 8000 linear feet
Roadway Sweeping of over 30 lane miles
Cut sight distance on Adams Drive and Longhill Road
Emergency Repairs completed on Routes 60 and 30 near Andersons Corner.
County wide Mowing – Completed 2nd VDOT mowing of primary and secondary routes and 2nd County sponsored primary routes. The 3rd VDOT mowing of primary and secondary routes is projected for completion Sep 7th. County Primary mowing scheduled for September and VDOT mowing in November.

Current Projects

I-64 Widening Segment 2 (UPC 106665) Allan Myers

The I-64 Segment 2 project includes reconstruction of the existing lanes and an additional 12' wide travel lane and median shoulder in each direction. Outside paved shoulders will be widened from 10' to 12' west of Exit 243 due to the higher truck volumes. Ramp acceleration and deceleration lanes on I-64 will be lengthened. Nine existing bridges in the corridor are being rehabilitated and widened. Steel beams for the 9 widened bridges have been set. Work continues on the bridge rehabilitation and new deck placement. All east bound traffic was shifted to new inside lanes as of August 7, 2018. All west bound traffic is expected to be shifted to the new inside travel lanes by September 9, 2018. The work zone speed limit of 55 mph remains in effect. The project is on schedule for completion by May 24, 2019.

I-64 Widening Segment 3 (UPC 106689) Shirley

The I-64 Segment 3 project includes reconstruction of the existing lanes and an additional 12' wide travel lane and median shoulder in each direction. The outside paved shoulders will be widened from 10' to 12'. Ramp acceleration and deceleration lanes on I-64 will be lengthened. Two bridges over Colonial Parkway and two bridges over Lakeshead Drive will be rehabilitated and widened. The two 900' long Queens Lake bridges will be replaced. NTP was issued to the Shirley/Dewberry Design Build team on January 3, 2018. Shoulder strengthening to shift traffic to the outside lanes is scheduled to begin on August 12, 2018. The contract construction completion date is September 24, 2021, with an early completion incentive date of June 26, 2021.

ITTF Arterial Oper. Imprv: US 60, Rt 143 & Rt 199 (UPC 109232)

Installation of Dynamic Message Signs, Closed Circuit Television video surveillance cameras, and broadband modems on Route 199 to create an alternative to the I-64 route between Exit 234 and Exit 242. Construction started July 2018 with completion May 2019.

Longhill Road Widening (UPC 100921)
Longhill Road Project from Rte 199 to Old Towne Rd. –Smart Scale project the Right of Way Acquisition is in progress, and Construction advertisement late 2018 with construction work starts spring of 2019. The scheduled completion is 2021.

Olde Towne Rd/Longhill Rd Turn Lane Improvements (UPC 108805) (Revenue Share FY 2017)
Improve the signalized Intersection of Olde Towne Road at Longhill Road and add turn lanes with added capacity. PE started in March 2017 and Project will be advertised and coordinated with Longhill widening project. Longhill will include the intersection improvements. This project will extend the existing right turn lane and the adjacent sidewalk.

Skiffs Creek Connector (UPC 100200)
Construct 2 lane road connecting Rte 60 to Rte 143. Project is in PE with the Location Study ongoing. RW starts in Nov 2022 and CN in Mar 2025 for completion Jan 2028.

News Road and Centerville Road (UPC 102944)
Increase safety and capacity at intersection of Centerville Rd. and News Rd by constructing a right turn lane on News Road, right and left turn lanes on Centerville Road and adding a new traffic signal. RW has begun with CN start in Nov 2019 for completion in 2021.

Jamestown Ferry Boat (UPC 100947)
New 70 vehicle ferry boat is currently scheduled for delivery in the Fall of 2018.

Bridge Replacement Rte 601 over Diascund Creek, Fed ID 10516 (UPC 98823)
Replace the bridge on Rte 601 with a one lane bridge. Currently in PE with RW start date of Nov. 2018 and a CN start of 2020.

Croaker Road Four Lane Widening from Library to RT 60 (UPC 100920)
Widen road for increased capacity from Rte 60 to RTE 1647 Point O Woods Rd. Currently in PE with RW start in Fall 2019 and CN start in 2021.

The four (4) James City County SMART SCALE projects for the 2018 application cycle are in the review and scoring process.

Traffic Studies
Study Completed
Rte 199 at Mounts Bay Rd Intersection Review – Adjust signal timing to lead with through movement and lag the turning vehicles
Rte 622 Lee Drive – Install Statutory 25 mph speed limit signs
Rte 1101 John Rolfe Ln & Rte 1153 Heritage Landing Rd – Install Stop Ahead signs on Virginia Capital Trail prior to these intersections
Rte 321 Monticello Ave – Review locations with Flashing Yellow Arrow – Adjust the FYA at Monticello Marketplace to red only between 12 to 6 pm and resume FYA 6 pm till 12 pm

James City Board of Supervisor's Meeting **September 11, 2018**

Under Review

Rte 1417 Running Cedar Way – Review Stop Sign placement and No Outlet sign
Rte 658 Olde Town Rd – Review curve delineation
Rte 612 Longhill Rd – Review Rte 199 EB Ramp delineation
Rte 780 Midlands Rd – Review for Statutory speed limit
Rte 60 and 612 intersections with Colonial Heritage – Entrance Review

AGENDA ITEM NO. G.1.

ITEM SUMMARY

DATE: 9/11/2018

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Minutes Adoption

ATTACHMENTS:

	Description	Type
🗋	080418 Regular Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	9/4/2018 - 9:14 AM

M I N U T E S
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
August 14, 2018
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

John J. McGlennon, Roberts District
James O. Icenhour, Jr., Vice Chairman, Jamestown District
P. Sue Sadler, Stonehouse District
Michael J. Hipple, Powhatan District
Ruth M. Larson, Chairman, Berkeley District

William C. Porter, Interim County Administrator
Adam R. Kinsman, County Attorney

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leaders - Evan and Connor Schultz, students at Greenwood Christian Academy

E. PUBLIC COMMENT

1. Ms. Peg Boarman, 17 Settler's Lane, addressed the Board noting the Clean County Commission will host the Clean Business Forum on August 22 at 8:30 a.m. at Kingsmill Resort with Police Chief Brad Rinehimer as the guest speaker. She extended an invitation to all to participate in the event. Ms. Boarman emphasized her mantra, "Let's Talk Trash", to clean up the County's streets and the Zero Tolerance Policy regarding trash in the community. She further noted uncovered trucks, cigarette litter and stressed active participation in reminding everyone of the Zero Tolerance for Litter. Ms. Boarman noted a continuation of illegal dumps throughout the County. She noted citizen involvement was good and there were eight Adopt-a-Spot groups involved in the clean-up campaign. Ms. Boarman thanked the Board for its support.

2. Mr. Rob Till, 8810 Pocahontas Trail, addressed the Board thanking it for the opportunity for public comment. He thanked the Board for the authorization regarding Dominion Energy's monetary assistance, in conjunction with Parks and Recreation, in the construction of a rain structure for a garden. Mr. Till noted a Triangle Skateboard Alliance group will be renovating the Longhill Road Skate Park. He further noted the group wanted to address building a park in Grove and stated the group will meet to establish the necessary protocol to achieve that goal. Mr. Till noted the historical significance of the County and requested the designation of a Native American Day in the County.

F. PRESENTATIONS

1. Police Department Lip-Sync Challenge Video

Ms. Larson welcomed Police Chief Brad Rinehimer and Fire Chief Ryan Ashe to the meeting.

Chief Rinehimer cited the collaborative effort of County personnel and recognized several members for their involvement in the project: Officer Shenee Graham, Officer Jamie Lilley, Investigator Jason Slodysko and Officer André McLaughlin. He noted the inclusion of Fire, Dispatch, Police personnel and community with a specific message to the video. A challenge was issued to Chief Sean Dunn and the Williamsburg Police Department.

Ms. Larson commented how wonderful the video was and thanked all the participants for their involvement.

Ms. Sadler noted citizens were very supportive of the video.

2. Historical Commission Annual Update

Mr. Frank Abbott, James City County Historical Commission, addressed the Board with the Annual Update. He recognized members of the Historical Commission in attendance. He also recognized Ms. Tori Haynes and Ms. Ellen Cook of the Planning Division and their continual support. Mr. Abbott gave a PowerPoint presentation that highlighted the significant work done by the Commission in the past year:

- Dedication of Historical Marker at Church site on the Main and the July 6, 1781 Battle of Green Spring was held on October 14, 2017
- Framing the Continental Flag from the Tomb of the Unknown Patriot Soldier of the American Revolution at Freedom Park on February 3, 2018
- William Lightfoot Grave Marker
- Doncastle's Ordinary Historical Highway Marker on March 3, 2018

Mr. Abbott noted the following upcoming events:

- Log Cabin Beach Historical Highway Marker
- James City County Tourist Publications: Revised Paper Map and Google Maps project
- Elizabeth Bland Grave Marker, Church on the Main
- Ewell House Architectural Study
- Quarterly Speakers Series
- Governor's Land Archaeology Report
- 75th Anniversary of end of World War II (2020)

Mr. Abbott noted the various options for contacting the Historical Commission with concerns, suggestions and volunteer opportunities.

Ms. Larson thanked Mr. Abbott for the presentation and noted the interesting work of the Commission. She also thanked the Commission members in attendance for their representation at the meeting.

G. CONSENT CALENDAR

A motion to Approve was made by Sue Sadler, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

1. Minutes Adoption - July 10, 2018 Regular Meeting and July 24, 2018 Work Session

2. Dedication of the Streets in Phase 10 of Section 7 in the New Town Subdivision

3. FY 2019-2020 Virginia Department of Transportation Revenue Sharing Program Projects - Affirmation of Commitment to Fund James City County Share of Projects and Provision of Signature Authority

H. PUBLIC HEARING(S)

1. Case Nos. ZO-0001-2018 and SO-0001-2018. Zoning and Subdivision Ordinance Amendments for the Natural Resource Policy and Case Nos. ZO-0003-2018 and SO-0003-2018. Zoning and Subdivision Ordinance Amendments for the Archaeological Policy

   A motion to Approve was made by John McGlennon, the motion result was Passed.
   AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
   Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

   Ms. Larson welcome Mr. Jose Riberio, Planning, and Mr. Rich Krapf, Planning Commission, to the meeting.

   Mr. Riberio addressed the numerous archaeological and natural resources in the County. He noted the adoption of policies to protect these areas. He further noted significant natural resource and archaeological potential requirements for zoning and its process. Mr. Riberio cited recent updates to the Virginia Code, through Virginia Senate Bill 549, that limit local government to accept proffers for residential development proffers. He noted the Policy Committee's work with staff to address these changes regarding policies. He further noted the draft language Ordinance to address these changes was in the Board's Agenda Packet and staff's recommendation to approve the amended Ordinance.

   Mr. McGlennon thanked both staff and the Planning Commission for the hard work on these policies.

   Mr. Krapf noted the unanimous vote on these changes. He noted some minor grammatical changes had taken place. Mr. Krapf thanked Mr. McGlennon for his comments.

   Ms. Larson opened the Public Hearing.

   As there were no speakers, Ms. Larson closed the Public Hearing.

2. Case Nos. ZO-0002-2018 and SO-0002-2018. Zoning and Subdivision Ordinance Amendments for Bicycle and Pedestrian Accommodations and Traffic Impact Analysis Policy Amendments

   A motion to Approve was made by John McGlennon, the motion result was Other.
   AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
   Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

   Ms. Roberta Sulouff, Planner, addressed the Board citing its request for Planning to review bicycle and pedestrian accommodations Ordinances. She cited the Traffic Impact Analysis (TIA) and historical use of both accommodations. Ms. Sulouff cited staff recommendation to adopt the amendments per the adopted Regional Bike Ways Master Plan. She noted the impact of Virginia Department of Transportation's (VDOT) approval on specific site plans.

Ms. Sulouff noted the use of the TIA and traffic impact. She further noted both the Policy Committee and Planning Commission had approved the draft language for the Ordinance amendment and noted staff's recommendation for Board approval.

Mr. Krapf noted a unanimous approval on the draft language.

Ms. Larson opened the Public Hearing.

As there were no speakers, Ms. Larson closed the Public Hearing.

Mr. McGlennon reiterated his appreciation to staff and Planning Commission for their work.

I. BOARD CONSIDERATION(S)

1. Medicaid Expansion Additional Allocation

A motion to Approve was made by Sue Sadler, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Ms. Rebecca Vinroot, Director of Social Services, addressed the Board regarding Medicaid Expansion, also known as the new healthcare coverage for Virginia adults. She noted the Virginia General Assembly passed funding for specific age ranges and poverty level criteria that qualify for the expansion. She further noted the need for additional personnel to process the increased number of citizens applying for this program. Ms. Vinroot noted staff's request for the two additional personnel and acceptance of the allocation of $112,400 for those positions for FY 2019.

2. Appointment of County Administrator

A motion to Approve was made by James Icenhour Jr, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Ms. Larson thanked Mr. Porter for his service to the County as the Interim County Administrator. She noted Mr. Scott A. Stevens had been selected as the new County Administrator, effective October 1, 2018. Ms. Larson further noted this was a unanimous Board decision. She read Mr. Stevens' resume and further noted he was on a preplanned family vacation and unable to attend the meeting. She read his statement to the Board and the County's citizens. Ms. Larson expressed her appreciation to Mr. Kinsman for his work during the search. She also thanked all the County employees for their hard work during this time with "business as usual."

Mr. McGlennon echoed Ms. Larson's commendations to staff. He also thanked Ms. Larson and the Board for the hard work in the search. Mr. McGlennon noted the high standards of James City County.

Mr. Icenhour noted Mr. Porter had reminded him of "the thought of the month" which Mr. Icenhour had shared at other Board meetings in a previous tenure. He further noted "Respect is something you have to earn; Disrepect you get for free." Mr. Icenhour stressed his respect, as well as the community's, to Mr. Porter for his role in maintaining productivity in the County. Mr. Icenhour echoed Mr. McGlennon in noting Mr. Stevens' experience and people skills. He also thanked his fellow Board members for their work in the search.

Ms. Sadler further echoed sentiments and the cohesion of the Board on its decision-making. She noted the rewards of being involved in the process. Ms. Sadler thanked everyone on staff for their help.

Mr. Hipple thanked Mr. Porter for all his work. He also thanked staff for participation. He noted the qualifications each Board member cited for the County Administrator candidate and the team effort and dedication in finding the right candidate for James City County. Mr. Hipple spoke of his appreciation to the countless hours Mr. Porter put in during his tenure.

Ms. Larson thanked her fellow Board members for their time and others involved in this process and the County Administrator announcement.

3. Appointment of Clerk to the Board

A motion to Approve was made by James Icenhour Jr, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. Kinsman addressed the Board noting he would introduce Item Nos. 3 and 4 as a combined request for resolution approval with the announcement of Mr. Scott Stevens to the County Administrator position effective October 1, 2018.

4. Bank Resolution Amendment

A motion to Approve was made by James Icenhour Jr, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

J. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon noted he had attended the ribbon cutting for the new ownership of Virginia Gourmet. He also noted he attended the Skiffes Creek/VDOT public input meeting several weeks earlier regarding citizens' preference on the Skiffes Creek connector. Mr. McGlennon thanked Mr. Till for mentioning the community garden and noted one of the Consent Calendar items approved addressed funding for roads and the drainage system in Grove. Mr. McGlennon thanked Mr. Hipple for his active participation on the regional transportation boards. He noted the loss of one of the County's long-time citizens, Ms. Irene Wallace Lee, who passed away at 105 years old on July 31, 2018. Mr. McGlennon further noted Ms. Lee's recognition at the May National Association for the Advancement of Colored People annual banquet where she was recognized for her long-time civil rights activity and involvement in the Grove community. He expressed his condolences to the Lee and Curtis families at her passing.

Mr. Icenhour noted he had participated in the Peninsula Council for Workforce Development (renamed to Greater Peninsula Workforce Development Board/PCFWD) and had forwarded changes to his fellow Board members. He further noted structural charter changes to the PCFWD in which its leadership will present to the James City County Board of Supervisors community benefits and per capita contribution. Mr. Icenhour stated his 50th anniversary will be in several days and he and his wife have a trip planned to London.

Ms. Sadler noted she had participated in last week's WMBG radio spot with County updates. She further noted she rode with Office McDowell for National Night Out and visited neighborhoods and met a young man interested in law enforcement who she introduced to local police contacts. Ms. Sadler thanked the various neighborhoods who assisted her that evening.

Mr. Hipple addressed Cox Communications and its service. He noted many people had expressed concerns about the cost of internet service, including himself. Mr. Hipple further noted he had notified Cox Communications about addressing the lack of service in the outer areas of the County and welcomed any communications provider to James City County. Mr. Hipple said power could reach those areas, but the lack of internet and communication service posed problems for citizens.

Ms. Larson noted her concerns regarding vegetation overgrowth around signage, particularly at the Monticello interchange. She asked if VDOT could address this problem, especially during tourism season for visitors to navigate the area.

Mr. Porter affirmed he would reach out to VDOT with that request. He also confirmed the quarterly VDOT presentation would be in September.

K. REPORTS OF THE COUNTY ADMINISTRATOR

1. County Administrator's Report

Mr. Porter noted his report was in the Agenda Packet for review. He reminded the public of the September 12, 2018, Neighborhood Forum at 5301 Longhill Road where the topics of workforce housing and hurricane preparedness would be addressed. Mr. Porter gave the contact information to RSVP the event. He also noted the Fall 2018 Neighborhood Grant Applications were now available and detailed the program including contact phone information. Mr. Porter complimented the Board on its work in the County Administrator search by noting the consistency of the rankings for the candidates from each Board member, coupled with its sense of humor. Mr. Porter noted it had been an honor to serve the Board and staff.

Ms. Larson extended a wish to all the County schools, public and private, for a great first day of school. She noted James Blair Middle School would be back on line and welcomed the new students.

At approximately 6:16 p.m., Ms. Larson recessed the Board of Supervisors meeting in order to conduct the James City Service Authority Board of Directors meeting.

At approximately 6:21 p.m., Ms. Larson reconvened the Board of Supervisors meeting.

Ms. Larson thanked Mr. Hipple for his assistance during the meeting. She noted the Patriots Colony President’s Pavilion ribbon-cutting event and the Board’s participation there. Ms. Larson also noted Ms. Robin Bledsoe had been elected Chair, Economic Development Authority Board.

L. CLOSED SESSION

M. ADJOURNMENT

1. Adjourn until 5 p.m. on September 11, 2018, for the Regular Meeting

A motion to Approve was made by James Icenhour Jr, the motion result was Other.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

At approximately 6:22 p.m., Ms. Larson adjourned the Board of Supervisors.

AGENDA ITEM NO. G.2.

ITEM SUMMARY

DATE: 9/11/2018

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Historic Minutes Approval

ATTACHMENTS:

	Description	Type
🗋	Memorandum	Cover Memo
🗋	021015 BOS Meeting	Minutes
🗋	062315 Work Session	Minutes
🗋	062315 BOS Meeting	Minutes
🗋	072815 BOS Meeting	Minutes
🗋	081115 Work Session	Minutes
🗋	101915 Work Session	Minutes
🗋	020916 Work Session	Minutes
🗋	032216 Work Session	Minutes
🗋	041216 BOS Meeting	Minutes
🗋	042616 Work Session	Minutes
🗋	052416 Work Session	Minutes
🗋	061416 BOS Meeting	Minutes
🗋	072616 Work Session	Minutes
🗋	091316 BOS Meeting	Minutes
🗋	112216 BOS Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	9/4/2018 - 2:23 PM

M E M O R A N D U M

DATE: September 11, 2018

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Historic Minutes - Approval

Over the past several months staff has been auditing the minutes and records of the Board of Supervisors. The following meeting minutes were found to be missing:

- February 10, 2015 - Regular Meeting
- June 23, 2015 - Work Session
- June 23, 2015 - Regular Meeting
- July 28, 2015 - Regular Meeting
- August 11, 2015 - Work Session
- October 19, 2015 - Work Session
- February 9, 2016 - Work Session
- March 22, 2016 - Work Session
- April 12, 2016 - Regular Meeting
- April 26, 2016 - Work Session
- May 24, 2016 - Work Session
- June 14, 2016 - Regular Meeting
- July 26, 2016 - Work Session
- September 13, 2016 - Regular Meeting
- November 22, 2016 - Regular Meeting

These minutes were either never voted on or presented for approval in the months surrounding those meeting dates. Staff has reviewed the video archives of these meetings and believes that these are the official minutes of those meetings.

Staff recommends that the Board adopt the attached minutes into the official record.

TJF/nb
HistMinutesApprl-mem

Attachments

M I N U T E S
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
February 10, 2015
6:30 PM

A. CALL TO ORDER

B. ROLL CALL

Mary K. Jones, Berkeley District
John J. McGlennon, Roberts District
Kevin D. Onizuk, Vice Chairman, Jamestown District
James G. Kennedy, Stonehouse District
Michael J. Hipple, Chairman, Powhatan District

Bryan J. Hill, County Administrator
Adam R. Kinsman, Interim County Attorney

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leader - Campbell Daniel, a Kindergarten student at Clara Byrd Baker Elementary School and resident of the Berkeley District, led the Board and citizens in the Pledge of Allegiance.

E. PRESENTATIONS

1. The Virginia Department of Transportation (VDOT) Quarterly Update

Mr. Rossie Carroll, Williamsburg Residency Administrator for VDOT, addressed the Board giving a summary of the Quarterly Transportation Report included in the Agenda Packet.

Mr. Kennedy asked Mr. Carroll about the series of lights heading west in the Lightfoot area and synchronization issues.

Mr. McGlennon thanked Mr. Carroll for the ditch work on Lake Powell Road. He also noted their discussion on repavement of roads in that area and Mr. Carroll's indication to supply a repavement schedule.

Mr. Onizuk thanked Mr. Carroll for his responsiveness with citizen concerns.

Mr. Hipple thanked Mr. Carroll for his quarterly report.

F. PUBLIC COMMENT - Until 7 p.m.

1. Ms. Judy Fuss, 3509 Hunter's Ridge, addressed the Board on behalf of the James

City Citizen's Coalition, urging the Board to accept the Purchase of Development Rights (PDR) Grant on the Agenda.

2 Ms. Betty Walker, 101 Locust Place, addressed the Board in regard to the Common Core process and the legislation surrounding education.

3. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in opposition to the PDR Grant on the Agenda for the evening.

4. Ms. Petra Nadal, 106 Indian Circle, addressed the Board regarding true priorities for James City County when developing the Budget.

G. CONSENT CALENDAR

A motion to Approve was made by John McGlennon and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple.

1. Grant Award - Virginia E-911 Services Board Public Safety Answering Point - $2,000

2. Grant Award - Hampton Roads Planning District Commission - $23,166

H. PUBLIC HEARING(S)

1. Amendment of Chapter 20, Taxation - Reports and Remittances

A motion to Approve was made by Kevin Onizuk and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple.

Mr. Max Hlavin, Assistant County Attorney, addressed the Board giving an overview of the memorandum and Ordinance included in the Agenda Packet.

As there were no questions for Mr. Hlavin, Mr. Hipple opened the Public Hearing.

Mr. Hipple closed the Public Hearing.

2. Z-0006-2014/SUP-0015-2014: 3116 Ironbound Road Branscome Building

A motion to Approve was made by Mary Jones and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple.

Ms. Leanne Pollock, Planner, stated Mr. Vernon Geddy of Geddy, Harris, Franck and Hickman, had applied for a rezoning and Special Use Permit (SUP) for an existing approximately 6,900-square-foot building at 3116 Ironbound Road. She noted the applicant's request reflected a rezoning for compliance with the building's current use, which was not allowed under the current R-8 zoning and

Proffers. She added the SUP was necessary as the building exceeded 5,000 square feet, per the Zoning requirements. She noted the necessary changes for the revised zoning regarding lighting, changes to traffic entranceways and other terms were the applicant's responsibilities, to which he accepted. Ms. Pollock noted staff recommended the proposal.

Mr. McGlennon asked for clarification regarding conformance of the property.

Ms. Pollock noted the SUP was to bring the property into conformance with the Ordinance and allow a potential purchaser to use the building as needed.

Mr. Vernon Geddy addressed the Board.

Mr. Swanenburg addressed the Board with concerns.

Mr. Hipple closed the Public Hearing.

3. SUP-0016-2014, Top Notch Tree Service

A motion to Approve was made by Mary Jones and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple.

Mr. Scott Whyte, Planner, stated Mr. Thomas Napier, owner of Top Notch Tree Service, had applied for an SUP to allow a contractor's office for his business' storage and heavy equipment to be granted at 4680 Fenton Mill Road. He noted the applicant's request so the land parcels for the contractor's office would comply with Zoning Ordinances. He noted the applicant had agreed to restore the Resource Protection Area (RPA) and retained an engineering and environmental firm to develop a mitigation plan and execute a Chesapeake Bay restoration with the County. He stated staff recommended approval of the proposal.

Mr. Hipple opened the Public Hearing.

1. Mr. Bill Aperson, 4900 Fenton Mill Road, requested the Board approve Mr. Napier's application. He noted the RPA violation occurred before Mr. Napier took ownership of the property at 4680 Fenton Mill Road.

Mr. Hipple closed the Public Hearing.

Ms. Jones stated her support of the proposal and appreciation of Mr. Napier and his business in James City County.

4. SUP-0004-2012. Hampton Roads Sanitation District Sanitary Sewer Force Main Replacement

A motion to Approve was made by John McGlennon and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple.

Mr. Jose Ribeiro, Planner, noted Mr. Eddie Abisaab of the Hampton Roads Sanitation Department (HRSD), had requested the SUP regarding replacement of approximately 7,000 linear feet of the sanitary sewer main as designated on the

supplied map. He stated the replacement was necessary as recent failures had occurred and to mitigate the risk of future failures. He detailed the various phases and timeline of the replacement as noted by the applicant. He stated archaeological studies had been completed. He added that the applicant agreed to add landscape as needed. He said staff recommended the Board approve the application.

Mr. McGlennon noted he had questions, but he would ask them after the Public Hearing.

Mr. Hipple opened the Public Hearing.

1. Mr. Howard Ware, 46 Whittakers Mill, noted this was a major problem citing health concerns. He addressed the two main issues with the project: cost and timing. He noted the option to take the pipeline through Kingsmill was disruptive and requested a third option that would not affect Kingsmill. Mr. Ware presented a potential third option that offered lower cost and a better timeline.

2. Mr. John Niland, 503 River Bluffs, noted HRSD had met with Kingsmill residents regarding the sewer line replacement project. He noted the option behind the Club House was dismissed due to a conservation easement. Due to property ownership changes, he asked HRSD to readdress the third option.

3. Mr. Richard Gould, 309 Archers Mill, noted originally the 12-inch concrete replacement had been modified to a 36-inch pipe. He urged the Board to use the power of Eminent Domain to use the easement rights.

4. Mr. Lenny Burrell, 105 Richmond, asked for reconsideration of the sewer line to the back of the Recreation Center. He cited concerns for construction in front of the Recreation Center, but noted construction on the back was favorable.

5. Mr. Edward Oyer, 139 Indian Circle, reminded the Board of his comments at the previous month's Board meeting.

6. Mr. Joseph Swanenburg, 3026 The Pointe Drive, spoke on conservation easements.

Mr. Eddie Abisaab, HRSD representative, summarized the options presented for the sewer replacement.

Mr. McGlennon asked about the conservation easement as a viable option.

Discussion ensued on the matter.

Mr. Hipple closed the Public Hearing.

At approximately 8:03 p.m., the Board recessed.

At approximately 8:08 p.m., the Board reconvened.

I. BOARD CONSIDERATION(S)

1. Reimbursement Grant Award – Purchase of Development Rights Program – $286,983

A motion to Approve was made by John McGlennon and the motion result was

Passed.
AYES: 4 NAYS: 1 ABSTAIN: 0 ABSENT: 0
Ayes: McGlennon, Onizuk, Kennedy, Hipple.
Nays: Jones.

Mr. Hipple stated there was an open motion from July 8, 2014, to move the balance of the PDR program over to cover roof repair cost at the Courthouse. He noted Mr. Onizuk had deferred the motion pending additional information. Mr. Hipple rescinded the motion.

Mr. Onizuk asked for a summary of the Grants.

Mr. Hill noted the program was a Grant match up to $286,983. He stated for every dollar put into the program up to that specified amount, a dollar was received back to purchase PDR space.

Mr. Onizuk questioned the PDR fund amount and a previously accepted Grant amount.

Mr. Hill noted there was approximately $740,000 in the PDR fund in addition to the Grant amount of $149,678.

Mr. Overton noted the Virginia Department of Agriculture had awarded the $149,678 in 2014. He stated the new award of $286,983 was for 2015. He noted the County had two years to use the funds.

Mr. McGlennon supported the acceptance of this Grant and indicated citizens showed support of PDR. He noted the positive characteristics of PDRs and the positive impact for the community.

Discussion ensued on this matter.

J. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon noted he, Ms. Jones, Mr. Kinsman and Mr. Hill attended Virginia Association of Counties Day with General Assembly legislation, VDOT highway funding allocation and state budget numbers had improved with some aid being returned to localities. He noted additional events he had attended.

Mr. Kennedy noted preparation for potential winter weather and encouraged Williamsburg Area Destination and Marketing Committee and The Alliance to address this as the previous year had some issues.

Mr. Onizuk noted The Annual Tourism Forum would take place on March 27 at Busch Gardens and he would send additional information at a later date. He highlighted the Forum's emphasis on marketing and media campaigns for tourism. He noted his recent appointment to the Economic Development Advisory Committee for the Virginia Association of Counties.

Ms. Jones noted she had attended Legislative Day and the Hampton Roads Military and Federal Facilities Alliance. She stated Hands Together, the Greater Williamsburg Chamber and Tourism Alliance lead project, would take place on February 23.

K. REPORTS OF THE COUNTY ADMINISTRATOR

1. County Administrator's Report

Mr. Hill noted his two-week Progress Report was in the Agenda. He thanked the Emergency Management Preparedness Team and Kate Hale for the exercise at the Surry Power Plant. Representatives of the Federal Emergency Management Agency were on-site during the training exercise for evaluation. He reminded all that the County offices and libraries would be closed due to President's Day. He noted the Jamestown Beach would be temporarily closed for improvements. He requested a motion to amend the Board calendar to add a Budget Work Session on February 21.

L. PUBLIC COMMENT

1. Mr. Jay Everson, 103 Branscome Boulevard, spoke on energy use reduction within the County. He stated the objective of the Cool Counties Resolution was contrary to the Ordinance and requested Board discussion on it.

2. Mr. Ed Oyer, 139 Indian Circle, addressed the Board concerning the light to ensure safe student crossing on Route 60. He reiterated the traffic concerns on Route 60, citing no future improvements for Route 60 were mentioned during the VDOT report. He addressed assessments and a lack of available tax forms for citizens to pick up at locations.

Mr. Hipple closed the Public Comment.

M. CLOSED SESSION

Mr. Hipple asked the Board if it wanted a Closed Session to discuss appointments to the Board of Zoning Appeals.

Mr. McGlennon noted all appointees for both committees were reappointment candidates. He noted Mr. David Otey, Ms. Loretta Garrett and Mr. Larry Abbott were the nominees and their reappointment could be handled by a Motion.

Mr. Hipple concurred.

1. Appointment to the Board of Zoning Appeals

A motion to recommend Mr. David Otey to the Circuit Court for reappointment to the Board of Zoning Appeals for a term that would expire on March 31, 2020 was made by John McGlennon and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple

2. Appointments to the PDR Advisory Committee

A motion to reappoint Ms. Loretta Garrett and Mr. Larry Abbott to the Purchase of Development Rights Committee for a new term that would expire on February 12, 2018 was made by John McGlennon and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple

N. ADJOURNMENT

1. Adjourn until 8:30 a.m.. on February 21, 2015 for a Budget Work Session.

A motion to Adjourn was made by Mary Jones and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple.

At approximately 8:52 p.m., Mr. Hipple adjourned the Board.

M I N U T E S
JAMES CITY COUNTY BOARD OF SUPERVISORS
WORK SESSION
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
June 23, 2015
4:00 PM

A. CALL TO ORDER

B. ROLL CALL

Mary K. Jones, Berkeley District
John J. McGlennon, Roberts District
Kevin D. Onizuk, Vice Chairman, Jamestown District
James G. Kennedy, Stonehouse District
Michael J. Hipple, Chairman, Powhatan District

Bryan J. Hill, County Administrator (absent)
Adam R. Kinsman, Interim County Attorney

C. BOARD DISCUSSIONS

1. Davenport Presentation

Mr. Hipple welcomed Mr. Courtney Rogers, Davenport & Company, LLC representative.

Mr. Rogers noted debt management from 2006 and financial strategy on bonds. He noted the 2006 lease revenue bonds were on three different schools and addressed the remaining balances owed on various bonds and refinancing with better interest rates. He identified the savings and the strategy on positioning the loans to be "front loaded", which would allow payoff several years earlier. He stated a resolution would be presented to the Board noting this strategy.

Mr. Kennedy asked Ms. Suzanne Mellen, Director of Financial and Management Services, where the cost savings from Davenport's plan would be allocated.

Ms. Mellen noted that historically the savings returned to the debt service fund which allowed the Board flexibility on how to use it.

2. Chesapeake Bay TMDL Action Plan Preliminary Findings

Ms. Fran Geissler, Director of Stormwater Division, introduced Mr. Bruce Schwagger from Whitman Requardt and Associates. She noted permit requirements and the long-term geographic system use and recommendations from Whitman Requardt and Associates. She noted James City County had identified its position regarding the Chesapeake Bay Total Maximum Daily Load (TMDL) Preliminary Action Plan, but was still waiting for direction from the state and the Environmental Protection Agency (EPA). She stated projects had been chosen with citizens' needs, not credits, in mind. She noted public input was necessary.

Mr. Schwagger made a presentation noting The Chesapeake Bay Program and muncipality requirements. He noted the EPA had revised criteria to address the TMDL to achieve better results for the Chesapeake Bay's protection. He noted James City County had a specific waste load allocation as assigned under Municipal Separate Stormwater Systems (MS4s). He explained the pollutant reductions across three permit cycles with the implementation dates. His presentation on the action plan detailed the pollutants in relation to the MS4s, land area designations, the Virginia Department of Transportation and other factors that would be presented to the Virginia Department of Environmental Quality for review and approval.

Discussion ensued on this subject.

Ms. Geissler stated public input was being solicited through mid-July with the data to be presented in September to the Board.

Discussion ensued on this subject.

Mr. Kinsman noted the question of general public presentation or having the Stormwater Advisory Committee address the action plan.

Ms. Geissler noted the Stormwater Advisory Committee meetings are open to the public.

The Board agreed to put the preliminary plan on the website and invite public comment.

3. Jamestown Marina Discussion

Mr. Kinsman, addressed the Board noting James City County (JCC) had reassumed operation of the JCC Marina upon the conclusion of Eco Discovery Park's lease term. He noted the tremendous efforts of JCC staff and the smooth transition. He noted that 100% of operating expenses for the year were covered, but cautioned about major capital work to be done on the bulkheads as future projects. He asked for County involvement and mentioned staff support for questions and answers. His presentation documented current work to repair walkways and other issues, as well as the layout of the facility. He asked the Board for guidance and presented two options: keep the marina or sell the marina.

Mr. Kennedy said he understood $4 million would be the pricetag for restoration of the marina.

Mr. John Carnifax, Director, Parks and Recreation, noted the monetary breakdown for the repairs could be closer to approximately $2 million with credits and possible grants.

Mr. Hipple noted the marina has been there for years. He supported keeping the marina, noting money will need to be incorporated into the project, but activity there was steady. He suggested putting a business and a possible restaurant there for the citizens. He noted maintaining the marina and upgrading it over time, and hoped the Economic Development Authority (EDA) would be involved in the upgrade. He stressed several factors to promote the upgrade and EDA's commitment to make it a profitable project for the County and its citizens. He stressed the profitability of this project.

Mr. Kennedy asked how many JCC citizens used the facility. He asked if the return

on investment would be profitable. He questioned Mr. Kinsman on requests from 2012 on what was completed per a supplied list. He expressed concerns about owning a marina.

Discussion ensued on this matter.

Mr. Onizuk noted he was in favor of selling the marina. He stated the financial feasibility of maintaining it, the large capital investment needed and potential rezoning of the area to residential to recoup that cost if sold to an outside vendor. He noted serious infrastructure changes to be made.

Ms. Jones appreciated the Board's discussion on the marina and noted she had not been in favor of the purchase; however, she credited staff for the smooth transition of ownership transfer to the County. She noted she still wanted to sell the marina, but noted the marketing had not displayed the full potential of the property.

Mr. McGlennon noted he was not supportive of residential development of the property. He added it was a hybrid project with County subsidization balanced with revenue from fees at the facility.

Discussion ensued on this matter.

Mr. Hipple noted two options were stated in the meeting.

Mr. Kinsman confirmed that and noted the marina would be retained for the time while a list of potential users was compiled. He noted the list would prove beneficial for the County whether the property was sold or retained. He added he would check with Ms. Geissler about possible Stormwater credits. He noted he would gather more data and information for the next meeting.

D. CLOSED SESSION

None

E. ADJOURNMENT

1. Adjourn until Regular Meeting

A motion to Adjourn was made by John McGlennon and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Jones, Kennedy, McGlennon, Onizuk.

At approximately 6:05 p.m., Mr. Hipple adjourned the Board.

M I N U T E S
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
June 23, 2015
6:30 PM

A. CALL TO ORDER

B. ROLL CALL

Board of Supervisors
Mary K. Jones, Berkeley District
John J. McGlennon, Roberts District
Kevin D. Onizuk, Vice Chairman, Jamestown District
James G. Kennedy, Stonehouse District
Michael J. Hipple, Chairman, Powhatan District

Bryan J. Hill, County Administrator (absent)
Adam R. Kinsman, Assistant County Administrator

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. **Pledge Leader - Anderson Lee, a rising 9th grade student at Lafayette High School and a resident of the Berkeley District**

E. PRESENTATIONS

None

F. PUBLIC COMMENT - Until 7 p.m.

1. Mr. Joseph Swanenburg, 3026 The Point Drive, addressed the Board concerning development of properties and cited statistics of population and taxes over the past years. He stressed that the government needed to evaluate future costs for necessities and not luxuries. He noted a basic formula was not realistic as different locations have different needs and expenses. He emphasized to the Board during discussion to keep these things in mind.

Mr. Hipple closed the Public Comment period and asked for a motion to recess until 7 p.m. and hold the James City Service Authority (JCSA) Board meeting during that interim time. The Board concurred.

G. CONSENT CALENDAR

A motion to Approve was made by Mary Jones and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Jones, Kennedy, McGlennon, Onizuk.

1. **MOU General Registrar/Electoral Board**

2. **Minutes Adoption - April 14, 2015 Regular Meeting**

3. **Refunding of Outstanding County Bonds**

4. **Approval of Riverside Healthcare Association, Inc. Revenue Bonds through another Jurisdiction**

H. PUBLIC HEARING(S)

1. **Jamestown D Polling Place Change**

A motion to Approve was made by Kevin Onizuk and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Jones, Kennedy, McGlennon, Onizuk.

Mr. Max Hlavin, Assistant County Attorney, noted the General Registrar had requested the polling place change in Jamestown D to accommodate residents.

Mr. Onizuk asked if the change was due to citizen concerns, noting the polling place was in his district.

Mr. A.J. Cole, General Registrar, confirmed it was, as confusion and parking were issues. He noted the split in the polling place request addressed them. He noted the law also specified proximity and district restrictions, which impacted this change.

Mr. Hipple closed the Public Hearing as there were no additional speakers.

2. **Ordinance to Vacate the Well Site Designation at 181 John Rolfe Lane in Shellbank Woods**

A motion to Approve was made by James Kennedy and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Jones, Kennedy, McGlennon, Onizuk.

Mr. Hlavin noted an application from two citizens to vacate the well site designation on a plat for combination, in conjunction with a previously purchased lot, as the site of a single-family dwelling.

Mr. McGlennon asked for confirmation that the well site was not needed.

Mr. Hlavin confirmed that and noted JCSA had deeded the property, which had previously been JCSA property, over to the citizens.

Mr. Hipple closed the Public Hearing as there were no speakers.

3. **Application for new Enterprise Zone**

A motion to Approve was made by John McGlennon and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Jones, Kennedy, McGlennon, Onizuk.

Ms. Kate Sipes, Business Development & Retention Coordinator, addressed the Board regarding the pending expiration of the James City County New Enterprise Zone. She noted state and local incentives were available and indicated staff wanted to submit the application, which would be valid for 10 years. She added this would be a joint application with the City of Williamsburg for grants.

Mr. McGlennon asked for clarification of location of commercial corridors as noted in the packet.

Mr. Onizuk asked for the timeline on the award and other options if no award is given to James City County.

Ms. Sipes cited the timeline as well as available option if no award.

Mr. Hipple suggested contacting the General Assembly for assistance with the zoning ventures. He requested Mr. Kinsman draft a letter to the General Assembly on the Board's behalf.

Mr. Hipple closed the Public Hearing as there were no additional speakers.

4. **Adoption of the James City County Comprehensive Plan, Toward 2035: Leading the Way**

A motion to Approve was made by Kevin Onizuk and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Jones, Kennedy, McGlennon, Onizuk.

Ms. Tammy Rosario, Planning, presented the Board with a draft of the Comprehensive Plan, *Toward 2035: Leading the Way*.

Mr. Hipple noted that the Board would vote on each component of the Plan individually, followed by a vote on the entire plan with revisions noted in the errata sheet.

Mr. Tim Trant, Kaufman & Canoles, 4801 Courthouse Road, Suite 300, addressed the Board on behalf of the Land Use Application 0006 2014 and the Hazelwood Farms, LLC. He noted approximately 360 acres around the Barhamsville exit and further noted the economic development of that property and its potential in conjunction with County vision. He thanked staff for its assistance and stressed the importance of an immediate decision on including all the area listed within the Primary Service Area (PSA). He stressed the remaining portion was part of the overall economic opportunity, and noted the questionable eligibility on that portion with regard to public utilities. He said a study had been done by AES Corporation to show the feasibility of connecting public water and other utilities.

Mr. Vernon Geddy, Geddy, Harris, Franck & Hickman, LLP, 1177 Jamestown Road, introduced Mr. Carlton Abbott, Carlton Abbott & Associates, 402 Duke of Gloucester Street, and addressed the Board on behalf of BASF Property. Mr. Geddy identified the property with statistical information and detailed implementation of environmental protection programs. He noted the BASF site had been identified as a "redevelopment opportunity".

Mr. Abbott gave a presentation on a conceptual mixed-use land use plan. He noted potential public amenities and environmental significance.

Mr. Geddy noted the BASF property, despite extensive marketing over the past two decades, had not provided an industrial opportunity due to the requirements on the property. He noted several potential buyers if the Land Use Designation was changed. He cited projected tax revenue if the change was implemented. He noted no impact on the maritime operations at Ft. Eustis.

Mr. Kennedy questioned the access to citizens at Grove and redevelopment plans in relation to retail.

General discussion ensued on this subject.

Mr. Hipple opened a Public Hearing.

1. Mr. Dick Ashe, 307 Shackleford Road, noted he owned part of 5A and totally agreed with the designation as stated in the Comprehensive Plan. He expressed concern on the left-side land parcel of Point O'Woods and its extension up to Child Development Resources, to which he had donated an acre of land previously. He noted another piece of land he also owned in the Norge area, designated as community character. He asked the Board to consider that area as Mixed Use also with connectivity for the community and offered his assistance.

2. Mr. Thomas Shields, 132 Indian Circle, noted an inequitable growth development in the Grove area compared to other areas. He stated the historical importance of the Grove and the growth in that area, but stressed the Board's decisions for that area and future development.

3. Mr. Howard Ware, on behalf of Preserve the Carter's Grove Country Road, 46 Whittakers Mill, asked the Board which way the Comprehensive Plan was leading. He noted the stormwater issue, tax revenue and cumulative impact analysis on Land Use (LU). He added the cumulative impact should be addressed for all the areas noted in the Comprehensive Plan, particularly the Carter's Grove Country Road. He stressed the importance of maintaining Resource Protection Areas. He complimented the Planning Commission for its work. He hoped the Board denied LU0007 2014 based on conflicts with County Ordinances and policy.

4. Mr. Will Holt, Kaufman & Canoles, 4801 Courthouse Street, spoke on behalf of Colonial Heritage for support of LU003 2014. He thanked the Planning staff for its work. His presentation gave a breakdown of the property on both sides of the PSA. He noted the application centered on moving the current PSA to the proposed new site as shown in the presentation. He cited it was not cost-effective to operate a public water system for a subdivision of less than 100 lots and noted the JCSA would maintain the well. He addressed concern that the relocation of the PSA indicated new development potential to some, but that was not the intent. He highlighted the existing restrictions on Colonial Heritage Proffers

and Master Plan.

Mr. Kennedy asked about the number of lots.

Mr. Holt indicated that there was an existing 50-lot restriction already in place.

Mr. McGlennon asked if the property, served under public water, would be considered for
more intensive development.

Mr. Holt noted possibly if this was a new site, but not in the existing use. He noted restrictions under current Proffers and Master Plan.

Further discussion ensued on this matter.

5. Mr. James Curtis, 8405 Pocahontas Trail, spoke on the BASF project and acknowledged Mr. McGlennon's concerns on the property. He cited job opportunities in the Grove area.

6. Mr. Stephen Romeo, 115 Tides Run, partner at VHB Engineers and representing Powhatan Land Enterprises, requested redesignation to medium density residential zoning of the property on 4450 Powhatan Parkway.

7. Ms. Roseanne Reddine, 4700 Presidents Court, thanked Mr. Swanenburg for his earlier comments on the Hazelwood property. She addressed several items before the Board with the Comprehensive Plan citing the BASF property sale as a boon to the Grove.

8. Lieutenant Colonel Joseph Ladner, 1154 Dodd Boulevard, spoke on behalf of Joint Base Langley-Eustis (JBLE) Air Force Base. He noted the installation was a joint mission base and stated JBLE recognized the importance of economic development. He further noted JBLE, in conjunction with James City County, supported a Land Use Study to assist surrounding neighbors understand the effects of different development on military missions. He stated JBLE's concerns with the BASF property and the County's proposed use of a possible resort. He added the noise level from the active military base as a concern. He also noted potential recreational watercraft vehicles created operational concerns around the base's waterways.

Mr. Hipple thanked Lieutenant Colonel Ladner and all service personnel for their service to the United States.

9. Mr. Sasha Digges, 3612 Ironbound Road, expressed concerns for a potential resort on the BASF property. He cautioned against rezoning.

10. Ms. Mary Catherine Digges, 3612 Ironbound Road, spoke against the rezoning of the BASF property. She mentioned cutting the tax base by adding timeshares with the zoning change. She noted maintaining the industrial zoning and encouraged the potential jobs that could result from it.

11. Mr. Larry Hazelwood, 904 Jodi Lynn Trail, thanked the Planning Commission for assistance at Hazelwood Farms. He noted his father's vision for the farm and his pride in the County. He expressed concern about the future of the County and stressed tax revenue generated from shifting the farm to development.

12. Ms. Rebecca Smith, 163 Indian Circle, noted small revenue over the past 20 years with the BASF property. She supported the Mixed Use to promote usage of the property for upcoming generations of County residents.

13. Ms. Petra Nadal, 106 Indian Circle, spoke on the future of Grove and the best interest for the area's residents. She said Mr. Geddy gave options in the presentation, but stressed the rezoning change offered suggestions to the Board for future use, and not particularly as a resort.

14. Mr. Stewart Taylor, 4610 N. Waterside Drive, spoke on approval for incorporation of the entire parcel at 8491 Richmond Road as economic growth development.

15. Mr. John Niland, 503 Rivers Drive, addressed the Board on BASF and development of the Woods Course. He questioned if the developer rights had been sold and wondered if Xantera had notified Kingsmill residents. He noted rezoning concerns about both properties, citing BASF as a possible resort and its impact on Kingsmill. He stressed long-term consideration on plans.

16. Mr. Claude Gilmer, 112 Woodside Drive, spoke about the BASF site and the traffic issues in Grove. He stressed Grove be viewed as part of the County and revenue for it in the overview.

17. Mr. Randy Taylor, 3920 Bournemouth Bend, spoke on 8491 Richmond Road and the status of the decision on the property. He noted an expansion of the PSA line to encompass the entire property for economic opportunity. He further noted rural economic support would not be the right choice for that property.

18. Ms. Heather Cordasco, 113 Alexander Place, stressed the land use designation and the importance of Grove and its future.

19. Mr. Lenny Berl, 105 William Richmond, spoke on Woods Course and no rezoning at the present time until after its sale. He cautioned rushing a decision until the new ownership took place and definite development plans were known. He noted that mindset should be viewed across the County with any development.

Mr. Hipple closed the Public Hearing.

Mr. Hipple noted Ms. Robin Bledsoe, Chair, Planning Commission, was present to answer any questions.

At approximately 9:30 p.m., the Board recessed for a break.

At approximately 9:35 p.m., the Board reconvened.

Mr. Jason Purse, Zoning Administrator, noted each LU case would be presented to the Board.

A. Case No. LU-0001-2014, 7089 Croaker Road, also known as the Massey Application Including the Ashe Properties

A motion to Approve was made by Mary Jones, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple

Mr. McGlennon asked for clarification why the Planning Commission recommended against the staff recommendation regarding the Massey application and incorporation of the Ashe property.

Ms. Bledsoe explained the Planning Commission Working Group voted on the application and then the application and that vote went before the Planning Commission for a separate vote. She noted she would be referencing the two votes based on this information. She explained the mixed use zoning and the collaborative effort between adjoining landowners to maximize better land management and access point. She added the Planning Commission endorsed the Working Group's vote.

Ms. Jones supported the Planning Commission recommendation to approve the change to the Massey property and two adjoining properties to mixed use.

B. Case No. LU-0002-2014, 8491 Richmond Road also known as the Taylor Farm Property

A motion to Table until the December meeting was made by John McGlennon, the motion result was Passed
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple

Ms. Leanne Pollock, Senior Planner, presented the second application case.

Mr. Kennedy asked about the Rural Economy Support Designation request for that property.

Ms. Pollock noted it stemmed from the Rural Economic Development Committee (REDC) study. REDC noted what facilities could support farming economy currently existing in the County. She noted prime farm soil samples showed viable, but increasingly scarcer areas and further noted a possible lighter use that would utilize public utilities inside the PSA.

Discussion ensued on this matter.

Ms. Bledsoe addressed concerns regarding the rezoning, the expansion of the PSA and land uses. She noted deferment on the decision.

Mr. Hipple noted this application needed further work between the owner and staff.

Mr. McGlennon noted a consistent approach to changing any PSA.

Ms. Jones stated these considerations should be part of the Comprehensive Plan. She questioned staff's decision regarding the property and noted the property owners' consideration remain. Discussion ensued regarding the timeline for the deferral and the Department of Environmental Quality.

C. Case No. LU-0003-2014, 499 Jolly Pond Road, also known as the Colonial Heritage 50-Lot Rural Cluster PSA Expansion

A motion for Approval was made by Mary Jones, the motion result was Passed.
AYES: 4 NAYS: 1 ABSTAIN: 0 ABSENT: 0

Ayes: Jones, Onizuk, Kennedy, Hipple Nays: McGlennon

Mr. McGlennon noted at the previous meeting that a change of this land designation would allow for a maximum of four houses in this area.

Mr. Kennedy asked if assurance was guaranteed for no more than 50 lots.

Mr. Purse noted a development plan had not been submitted at this time and when done, it would need administrative approval.

Mr. McGlennon asked about procedural change in the policy, despite the zoning, if the Board agreed.

Mr. Ozinuk echoed sentiment regarding the PSA and change of ownership or change of plans for additional units.

Discussion ensued on this matter.

Ms. Bledsoe echoed the Board's split support of this application, noting that the applicant could change the number of units, PSA expansion and other factors as reviewed by the Planning Commission. She cited statistics detailing expenses and the cost of a central well.

Mr. McGlennon disclosed he had no conversation with the applicant prior to the evening's meeting.

D. Case No. LU-0004-2014, 4450 Powhatan Parkway

A motion to Deny was made by Kevin Onizuk, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple

Ms. Pollock addressed the Board for questions.

There were no questions from the Board.

Ms. Bledsoe noted the Planning Commission had denied the application noting conservation easement.

E. Case No. LU-0005-2014, 133 Powhatan Springs Road

A motion to Approve was made by Mary Jones, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple

Mr. Purse addressed the Board for questions.

There were no questions from the Board.

Ms. Bledsoe noted the Planning Commission's endorsement with a language notation that included limited industrial type uses and intensity for the mixed land use.

F. Case No. LU-0006-2014, 9400 Barnes Road, also known as the Hazelwood Farm

A motion to Approve on the northern part as mixed use as approved by the Planning Commission was made by Kevin Onizuk, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple

A motion to Approve on the southern part as mixed use as approved by the Planning Commission was made by James Kennedy, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple

A motion to Approve the PSA expansion was made by James Kennedy, the motion result was Passed.
AYES: 5 NAYS: 1 ABSTAIN: 0 ABSENT: 0
Ayes: Jones, Onizuk, Kennedy, Hipple Nays: McGlennon

Ms. Pollock addressed the Board for questions.

Mr. Hipple noted there were three votes within this application, with individual vote on the northern property, southern property and deferral of the PSA expansion, respectively.

Mr. Onizuk asked if the applicant was acceptable to the deferral.

Ms. Pollock noted she would let the applicant answer that point. It was noted the applicant was present.

Discussion ensued on this matter.

Ms. Bledsoe noted the Planning Commission was in favor, but stressed the DEQ issue.

Mr. Kennedy noted the DEQ issue fell on the applicant.

Mr. McGlennon wanted to defer on the PSA piece.

Discussion ensued on this matter.

G. Case No. LU-0007-2014, 8581 Pocahontas Trail and Kingsmill/Woods Course

A motion to Deny was made by John McGlennon, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple

Ms. Pollock addressed the Board for questions.

Mr. McGlennon noted the recommendation from the Planning Commission was prior to Xantera's decision to sell the golf course.

Mr. Kennedy noted previously Xantera had stated no plans to develop any golf course on that property. He added that based on that statement alone, he was not in support of the application.

Ms. Bledsoe noted staff comments on the application and the land designation changes. She added endorsement from the Working Group and the Planning Commission.

Mr. McGlennon recommended denial of the application based on the property, which was on the market for sale, and possibility of a new owner with different development plans.

Mr. Hipple concurred.

H. Case No. LU-0009-2014, 8961 Pocahontas Trail, also known as the BASF Property.

A motion to Approve was made by Mary Jones, the motion result was Failed.
AYES: 1 NAYS: 4 ABSTAIN: 0 ABSENT: 0
Ayes: Jones Nays: McGlennon, Onizuk, Kennedy, Hipple

Ms. Pollock addressed the Board for questions.

Mr. McGlennon asked Mr. Russell Seymour, EDA Chair, about the availability of industrial land in the County and if there was a surplus.

Mr. Seymour noted there was no problem, but rather property did not match demand. He further noted there was no surplus of buildings. He contacted the state to match how municipalities were searching for property and how the County ranked in that match. He noted that buildings, 20-30 acre maximum pad sites and other variables played into the ranking. He also noted that the County tended to be an "importer of employees" outside of the area. He stated that the size of the BASF parcel had been a detriment as it remained an undivided plat.

Discussion ensued on this matter.

Ms. Bledsoe noted the Planning Commission and Working Group's positive and negative comments for possible use of the property. She stated the Planning Commission voted down the land use change.

Mr. Kennedy stated it was a challenge to provide employees for jobs throughout the County. He noted there was no sale on the property, only a request for a land use designation change. He further added he was not in support of the change.

Ms. Jones noted land use change without a sale and referenced the Hazelwood property. She supported the change and cited future projects. She favored the multi-use opportunities at the BASF property. She requested a joint work study between BASF and the Armed Forces.

Mr. Kennedy noted the opportunity for the military's engagement with the property, but questioned what opportunities. He further inquired about permanent residential facilities.

Ms. Pollock noted there was a line item on the Planning Commission and Working Group's study stating no permanent residential on the property.

Mr. McGlennon asked about the rationale of that decision.

Ms. Pollock noted initial conversation with the property owner indicated no desire

to have permanent residential there. She also noted that based on outstanding questions from DEQ on remediation of the property and clearance for permanent residency.

Mr. McGlennon asked about permanent residency versus a resort.

Mr. Kennedy asked about permanent employees and health issues.

Discussion ensued on this matter.

Ms. Pollock noted that had been one recommendation for denial of the land use application to give DEQ and BASF more time to work through the remediation and potential impacts on the property.

Mr. Onizuk noted this was conceptual in nature and not a concrete idea of what would be located there. He cited the long industrial use of this property. He also noted the waterfront beauty while power lines run through the middle of the property. He stressed the economic impact of this parcel on the area and its impact on Ft. Eustis. He cited a recent memorandum from Mr. John Harvey, Office of the Governor, Secretary of Veterans and Defense Affairs, expressing encroachment near Ft. Eustis. Mr. Onizuk noted the potential economic risk if military forces moved location. He further stated he did not support a land use designation while still only a concept.

Discussion ensued on this matter.

Mr. Hipple noted that several companies have occupied that space and employed local residents, but stressed the EDA looked for buildings to be occupied. He also noted the potential competition against Kingsmill if the land use was changed. He stated more drain on the infrastructure than industrial, lowering the tax rate, having a solid plan with a seller and working more with the military as neighbors in the balance. He did not feel the push to move forward at this time, but welcomed a plan from a developer.

Mr. McGlennon noted that industrial use has significant tax advantages over other uses.

I. Case No. LU-0010-2014, Group One Housekeeping Items which Include Changes to Federal, State and County Land.

A motion to Approve was made by James Kennedy, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple

Ms. Pollock addressed the Board for questions.

J. Case No. LU-0011-2014, Group Two Housekeeping Items which Include Changes to New Town and Ford's Colony Southport Area.

A motion to Approve was made by Kevin Onizuk, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple

Ms. Pollock addressed the Board for questions.

Mr. Hipple stated that a vote on the entire Comprehensive Plan would also be taken.

5. **Candle Station Rezoning and Master Plan Amendment**

A motion to Approve was made by Mary Jones and the motion result was Other.
AYES: 4 NAYS: 1 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Jones, Kennedy, Onizuk.
Nays: McGlennon.

Mr. Jose Riberio, Planner, addressed the Board noting the applicant and staff were in attendance for questions.

Ms. Jones asked about inter-connectivity with the parcel behind the location and provisions if required.

Mr. Riberio noted no connectivity shown on the Master Plan.

Ms. Jones inquired about State Code and adjacent properties with inter-connectivity.

Mr. Paul Holt, Planning Director, noted the Master Plan did not reference any connectivity and staff could not require a connection, but said the owners of the adjacent properties could determine amongst themselves if needed. He noted nothing under the Subdivision Ordinance mandated the connection.

Discussion ensued on this matter.

Ms. Bledsoe noted the replacement of the assisted living facility as originally planned. She noted changes in traffic, buffers and land use complimented each other. She stated the majority of the Planning Commission felt strongly about the developer, a County resident, which would prove beneficial in the long term.

Mr. McGlennon raised questions regarding the developer and endorsement.

Discussion ensued on this matter.

Mr. Tim Trant, Kaufman & Canoles, represented the applicant, Candle Development, LLC and its owner, Mr. Pete Henderson. Mr. Trant thanked staff for their work on the project. He presented a PowerPoint of the property and the evolvement over time of the Master Plan. He noted the assisted living facility factor was removed from the plan despite aggressive marketing for the facility. He further noted this amendment to the Master Plan was the most economically viable alternate and cited various benefits as well.

Mr. McGlennon thanked Mr. Trant for contacting him regarding the property. He also asked about the benefits for the County if the Amendment was approved. He cited four key factors of concern in the revision.

Mr. Hipple asked about the self storage facility and its future potential as economic development and tax revenue.

Mr. Trant noted if the facility was to be reused in an alternate way then a revision to the Master Plan would be needed.

Discussion ensued on this matter.

Mr. Hipple opened the Public Hearing.

1. Mr. Dick Ashe, noted his concerns about the principle regarding the property use and right-of-way citing contact with Mr. Paul Holt, Planning Director. Mr. Ashe showed in a PowerPoint presentation the four access right-of-ways and stressed access out to Croaker Road. He asked for change to accommodate access and inter-connectivity. He noted further correspondence from Mr. Bryan Hill, County Administrator.

2. Mr. Swanenburg cited the 2009 Comprehensive Plan and PSA use highlighting urban growth. He noted verbiage addressing interconnection with roads and new development. He further noted the Candle Station rezoning was not an issue, but stressed the legislative indication to provide inter-connectivity between properties.

3. Ms. Irma Thompson, 160 Old Church Road, noted her property adjoined the Candle Station property with several ravines on it. She expressed her concerns upon hearing of the development. She noted Mr. Trant reached out to meet with the Thompsons and discuss the plan as well as seeking input from them. She further noted the plan worked well in the community and they supported the plan.

As there were no additional speakers, Mr. Hipple closed the Public Hearing.

Mr. Onizuk requested clarification from Ms. Michelle Gowdy, County Attorney, on the inter-connectivity requirements.

Ms. Gowdy noted Case Law discussing if access was available to the individual's property, then access from another parcel was not required. She noted there was no choice on location of inter-connectivity; it must be provided, but choice of where its location was not an option.

Mr. Kennedy asked Mr. Trant if conversation had taken place between the two developers.

Mr. Trant noted Mr. Ashe and Mr. Henderson had met to discuss the inter-connectivity situation. He noted Mr. Henderson's concerns, but also a willingness to provide the interconnection dependent on two conditions: 1) County support, 2) equitable share of cost that Mr. Henderson had incurred. Mr. Ashe declined.

Discussion ensued on this matter.

Mr. McGlennon noted he had not been in support of this proposal when it was presented several years earlier and he continued to not be in support.

Mr. Onizuk noted it did not appeal to him either, but he further noted it was economic necessity and respect for Mr. Henderson that he lent his support.

Mr. Hipple stated no support was unfair to the community and citizens.

I. BOARD CONSIDERATION(S)

None

J. BOARD REQUESTS AND DIRECTIVES

None

K. REPORTS OF THE COUNTY ADMINISTRATOR

1. **County Administrator's Report**

None at this time.

L. PUBLIC COMMENT

None

M. CLOSED SESSION

Mr. Kinsman noted there were several appointments which expired at month's end.

Mr. Hipple stated that the appointments would be postponed until the July meeting.

1. **Reappointments to the Historical Commission**

2. **Reappointment to the Peninsula Alcohol Safety Action Program Policy Board**

3. **Reappointment to the Middle Peninsula Juvenile Detention Commission**

4. **Reappointment to the Colonial Group Home Commission**

5. **Social Services Advisory Board Appointment**

6. **Appointments to the Thomas Nelson Community College Local Board**

7. **Reappointments to the Williamsburg Area Arts Commission**

8. **Colonial Behavioral Health Board of Directors Appointments**

9. **Appointment to Williamsburg Regional Library Board of Directors - Staff Appointment**

N. ADJOURNMENT

1. **Adjourn until 6:30 pm on July 14, 2015 for the Regular Meeting**

A motion to Adjourn was made by James Kennedy and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Jones, Kennedy, McGlennon, Onizuk.

At approximately 12:37 a.m., Mr. Hipple adjourned the Board.

M I N U T E S
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
July 28, 2015
6:30 PM

A. CALL TO ORDER

B. ROLL CALL

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. **Pledge Leader - Ella Wainwright, a rising 7th-grade home-schooled student and resident of the Powhatan District**

E. PRESENTATIONS

1. **Commending Resolution Presented by Delegate Brenda Pogge**

Delegate Brenda Pogge presented a General Assembly Commending Resolution to Sheriff Deputy Victoria Thomas for her work in the community.

2. **Davenport Presentation**

Mr. Courtney Rogers, Senior Vice President, Davenport and Company, addressed the Board giving an overview of the presentation included in the Agenda Packet which discussed the refunding opportunities in the County's debt portfolio. He reviewed the savings from the refinancing and also reviewed the observations and feedback from the credit agency raters after the increase in the County's credit rating to AAA.

The Board generally discussed the increased credit rating and the impact of the budgetary plan put into place by the Board on the upgraded credit rating. General discussion also ensued about the missed bond payment that has been brought up numerous times during public comment.

The Board thanked Mr. Rogers and Davenport for their leadership and sound financial advice over the years that has led the County to this point.

3. **Presentation - First Night**

A motion to Postpone was made by Kevin Onizuk and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Jones, Kennedy, McGlennon, Onizuk.

Mr. Grover Lewis, First Night Vice President, gave an overview of a PowerPoint

Presentation included in the Agenda Packet. He noted three additional staff were present. He further noted it was a volunteer program, for which the organization was seeking County funding. The presentation noted the importance of the New Year's Eve Program and increased opportunity for visitors to participate. He noted economic impact from visitors in the County and presented the local organizations and localities with their respective donations to the program.

Mr. Onizuk asked if bus transportation would be extended into the New Town area with First Night's expansion into that area. He also asked about fireworks.

Mr. Lewis noted the acquisition of private buses and other options. He further noted other avenues regarding fireworks as the First Night Board reviewed them. He stated grants and funding are considerations with the options.

Discussion ensued on this matter.

Mr. Hipple asked for direction from the Board.

Mr. Onizuk noted First Night should be tabled, pending further discussion and information Mr. Hill can gather on shared revenue and other aspects.

F. PUBLIC COMMENT - Until 7 p.m.

G. CONSENT CALENDAR

A motion to Approve was made by Kevin Onizuk and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Jones, Kennedy, McGlennon, Onizuk.

1. **Minutes Adoption - May 26, 2015, Regular Meeting and July 14, 2015, Regular Meeting**

2. **Amendment to VPPSA Agreement- Curbside Recycling**

3. **Contract Award - Building B Renovation - $174,583**

4. **VPPSA Special Service Agreement- Landfill Monitoring Services**

5. **Grant Award - Chesapeake Bay Restoration Fund Grant - $4,000**

6. **Grant Award - Office of Emergency Medical Services Rescue Squad Assistance Fund - $357,378**

7. **PULLED FROM CONSENT - Abandonment of a Portion of the Right-of-Way for Croaker Road (Route 607)**

8. **Authorization for One Temporary Fire Rescue Technician Overhire Posiiton**

H. PUBLIC HEARING(S)

I. BOARD CONSIDERATION(S)

J. BOARD REQUESTS AND DIRECTIVES

K. REPORTS OF THE COUNTY ADMINISTRATOR

1. **County Administrator's Report**

2. **Amend Board Calendar to Add Work Sessions at 4 p.m. on August 11, 2015, and December 8, 2015**

A motion to Approve was made by John McGlennon and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Jones, Kennedy, McGlennon, Onizuk.

L. PUBLIC COMMENT

1. Mr. Frank Polster, 420 Armisted Road, commented on the County's bond rating and the recent tax rate increase. He referenced the importance of the County's Capital Improvements Plan.

2. Mr. Joseph Swanenburg, 3026 The Point Drive, thanked Mr. Hill, Mr. Kinsman and Mr. Powell for exemplary service in response to his questions. He presented a brief video to the Board. He addressed concerns about violence, the denial of self-defense and the importance of proper enforcement of existing laws.

3. Mr. Chris Henderson, 101 Keystone, referenced the June 23 Work Session and discussion on stormwater. He noted the defeat of the Stormwater Bond Referendum by County citizens was a powerful decision to prevent the County from gaining effective control over numerous private properties. He referenced the Jamestown Marina and the taxpayer dollars to repair the marina prior to its sale. He stated Eco Discovery Park was not a creditable buyer and disagreed with several Board members' decisions regarding the marina. He also noted the AAA bond rating status for the County. He further stated there was no direct correlation between the bond rating and the tax rate increase. He also referenced the missing payment, questioned the lack of public disclosure regarding it and what provisions to resolve any future incidence were being implemented. He addressed the Agenda and presentations during Public Comment. He noted that Public Comment at the end of the Board meeting was inconsiderate as the citizens should be heard by their elected representatives prior to presentations. He suggested altering the format to allow for the citizens to speak sooner in the Agenda.

4. Ms. Roseanne Reddin, 4700 Presidents Court, addressed the Board on several subjects encompassing budget and taxes, grants and the BASF property.

5. Ms. Juliette Wright, 805 North Henry Street, addressed the Board noting the change to the Agenda, as presented at the start of the meeting, was a disrespect to handicapped attendants and not compliant with Americans with Disabilities (ADA) protocol. She noted an ADA violation from a James City County employee and

the lack of participation from the County for reparation. She questioned the Board on what changes would be forthcoming.

6. Ms. Janet Casanave, 3404 Water View Road, spoke to the Board about the troubles facing America and the direction of healthcare, immigration and other topics.

7. Mr. Jay Everson, 103 Branscome Boulevard, commented on the bond rating and the tax increase. He stressed the stormwater issue and the monetary designations for particular neighborhoods. He questioned the objectives in relation to the tax increases. He stressed no reference to community appearance in the report from Moody's.

8. Mr. Howard Ware, 46 Whittakers Mill Road, addressed the Board on stormwater, tax increases and other issues. He noted the careful deliberation and planning that the Board applies in decision-making for the County. He thanked the Board members for the work they do.

As there were no additional speakers, Mr. Hipple closed the Public Comment.

Mr. Hipple addressed several statements made during the Public Comment. He noted the comment on the "decision to fix the marina and sell it" was not a definitive decision.

Mr. Hill confirmed that was true; no decision had been made pending further deliberation and talks with the Economic Development Authority. He would confer with Mr. Kinsman and Mr. Russell C. Seymour, Director of Economic Development, to clarify any statements.

Mr. Hipple further questioned information about the tax increase that was presented when he and Mr. Hill attended the New York meeting with Davenport representatives. He noted the various items from the report that were listed as helping the County's bond rating and not just the tax increase.

Mr. Hill noted the debt-to-revenue ratio had been greatly enhanced based on several factors in addition to the tax increase. He further stressed the difference between the late payment and not a missed payment. He also noted no penalty nor interest were incurred from the incidence.

Mr. Hipple asked about the reference to the Board borrowing any additional money.

Mr. Hill noted the only borrowing would be potentially for the building of Blair Middle School and future negotiations with the School District and the City of Williamsburg. He referenced his plan for 2023 and his goals to lower the County's debt to address the water solution in relation to the Virginia Department of Health and the Department of Environmental Quality.

Mr. Hipple noted borrowing was not an issue and further noted paying down on current loans.

Mr. Hill affirmed that, but added that should the needs of the County change, limited borrowing could become a necessity.

Mr. Hipple asked about matching grants as a savings to citizens.

Mr. Hill noted budgetary adjustments regarding grants. He stated the statistics that support grants as a resource. He further noted that if the Board chose not to pursue grants, then that course of revenue funding could be changed.

Mr. Hipple asked about the Municipal Separate Storm Sewer System (MS4) permit and the County's position as a forerunner.

Mr. Hill deferred to gathering additional information until the next meeting on the MS4 permit.

Mr. Hipple noted that Public Comment was vital, but stressed bringing forward community comments that the Board can address for the County. He stated he and the Board cannot change Washington, D.C.

Mr. McGlennon asked about the stormwater initiative and the funds for that area.

Mr. Hill addressed this regarding the budget breakdown and projects.

Further discussion ensued on this matter.

Mr. Hipple asked for no discussion or comment from the floor as verbal disruption ensued.

Mr. Hipple noted the Closed Session would follow the Board of Supervisors meeting and then the James City Service Authority Board of Directors meeting would take place.

Mr. Kennedy asked for a moment to address another point prior to the Closed Session. He questioned the time frame of Fire Station 4 and requested an update from Mr. Hill.

Mr. Hill gave an update on the fiscal appropriations from previous County budgets for Fire Station 4. He noted the building was operational with a remaining $15,000 to close out that contract.

M. CLOSED SESSION

A motion to Enter a Closed Session was made by John McGlennon and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Jones, Kennedy, McGlennon, Onizuk.

At approximately 8:31 p.m., the Board entered Closed Session.

At approximately 8:55 p.m., the Board re-entered Open Session.

1. **Appointment to the Thomas Nelson Community College Local Board pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia**

2. **Discussion concerning the expansion of an existing business or industry where no previous public announcement has been made pursuant to**

Section 2.2-3711 (A)(5) of the Code of Virginia

3. **Certificate of a Closed Session**

A motion to Certify the Closed Session was made by John McGlennon and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Jones, Kennedy, McGlennon, Onizuk.

A motion to Approve the performance agreement as presented by the Office of Economic Development concerning the capital expansion of an existing business or industry was made by John McGlennon, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple

A motion to appoint Scott Vorhees to the Thomas Nelson Community College Board for a new term expiring on June 30, 2017 was made by John McGlennon, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple

N. ADJOURNMENT

1. **Adjourn until 4 p.m. on August 11, 2015, for the Work Session**

A motion to Adjourn was made by John McGlennon and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Jones, Kennedy, McGlennon, Onizuk.

At approximately 8:56 p.m., Mr. Hipple adjourned the Board of Supervisors.

M I N U T E S
JAMES CITY COUNTY BOARD OF SUPERVISORS
WORK SESSION
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
August 11, 2015
4:00 PM

A. CALL TO ORDER

B. ROLL CALL

Mary K. Jones, Berkeley District
John J. McGlennon, Roberts District
Kevin D. Onizuk, Vice Chairman, Jamestown District
James G. Kennedy, Stonehouse District
Michael J. Hipple, Chairman, Powhatan District

Bryan J. Hill, County Administrator
Michelle M. Gowdy, County Attorney

C. BOARD DISCUSSIONS

1. Strategic Plan Update

Mr. Hill addressed the Board noting the process of lining the future of James City County with a Strategic Plan initiative, which he had indicated during his interview for County Administrator. Mr. Hill noted of the nine counties in Virginia that were viewed as top tier, which included James City County, seven had a Strategic Plan online that he had reviewed. He thanked Mr. Onizuk, Mr. McGlennon, Ms. Jody Puckett, Director of Communications, Mr. Adam Kinsman, Assistant County Administrator and Mr. Allen Murphy, Development Manager, for their involvement in this process. Mr. Hill noted of the 12 vendors reviewed, the final selection was Clarion Associates. Mr. Hill welcomed Mr. Greg Dale, McBridgeDale Clarion, to the meeting for an overview of the process.

Mr. Dale noted that while the Board had his PowerPoint presentation in the Agenda Packet, he would highlight several key points. He further noted the necessity of a strategic roadmap as more counties navigate through uncertain times. Mr. Dale introduced his team, via presentation, noting it contained the Clarion team with Leigh Anne King, Emily Crow, Nate Baker and himself, as well as the TischlerBise team with Carson Bise and Julie Herlands. Mr. Dale added that Clarion focused on the particulars of strategic planning and implementation. He further added that TischlerBise focused on economic analysis and fiscal impact analysis in terms of government operation. Mr. Dale noted Ms. King from Clarion and Ms. Herlands of TischlerBise would lead the team. His presentation highlighted establishing the County's vision and linking it to a specific action plan for the County's future. He noted the plan addressed actions and implementations, as well as stressing economic opportunities and analysis of fiscal conditions. He further noted TischlerBise's strength in fiscal analysis with the marginal approach versus average cost method. Mr. Dale presented a proposed five-phase plan and timeframe. He noted the proposed plan encompassed input from the Board of Supervisors, a Strategic

Planning Advisory Group, Technical Advisory Group, key public and private stakeholders and the general public. He further noted this was a consensus of ideas from the various groups and stressed getting the people involved throughout the process.

The Board thanked Mr. Dale for the hard work and presentation.

Mr. Hill welcomed comments from Mr. McGlennon and Mr. Onizuk.

Mr. McGlennon noted it had been an interesting process. He further noted the Comprehensive Plan, but said citizens had questioned the lack of a Strategic Plan. Mr. McGlennon said this process would strengthen a unified approach of the County and its future versus individualized decisions. He highlighted some of Clarion's work in other counties developing strategic plans.

Mr. Onizuk questioned the Strategic Plan need and its cost initially. He noted after receiving public input, he realized the County needed direction in "what do we want to be when we grow up" and a Strategic Plan was a strong tool for accomplishing that goal. He stressed the plan would be owned by the citizens, businesses and other groups who are directly impacted by its implementation. Mr. Onizuk noted Clarion's presentation captured the need and direction of what the plan should be for the County noting it was "about the steak, not the sizzle."

Mr. Hill noted, upon his hire, that he was charged with creating a Capital Improvements Plan that detailed five-year increments for the County. He further noted the need for a financial plan via the budget, Strategic Plan and Comprehensive Plan all combined to fulfill that charge. Mr. Hill emphasized that a roadmap for the future was necessary.

Mr. Kennedy noted that were a variety of responses from citizen meetings for the County's direction. He further noted his dislike of "crisis management" and how the County had reacted to situations that arose. Mr. Kennedy stated the need for the Strategic Plan to alleviate those situations. He further noted the commitment to follow through on studies that had been conducted and adhere to the Strategic Plan.

Ms. Jones thanked Mr. Onizuk, Mr. McGlennon and Mr. Hill for their work on this process. She emphasized clarity in the differences between the Strategic Plan and the Comprehensive Plan for citizens and all involved parties. Ms. Jones noted assessing and identifying key components of the Strategic Plan. She cautioned about consensus building and direction.

Mr. Hipple noted part of his Board of Supervisors campaign addressed the need for future planning and a Strategic Plan. He endorsed Clarion and the need for such a plan. Mr. Hipple also thanked Mr. Onizuk, Mr. McGlennon and Mr. Hill for time and involvement in the process. He noted the Strategic Plan document would be useful for future Boards and the direction for the County.

Mr. Hill stated the importance of the Strategic Plan running the Comprehensive Plan and not the reverse.

Discussion ensued on this matter.

Mr. Onizuk asked Mr. Dale to explain the differences between the Strategic Plan and the Comprehensive Plan.

Mr. Dale noted a series of elements, like housing and economic development, with corresponding actions in the Comprehensive Plan. He further noted the volume of actions listed and said the Strategic Plan was the driving force on the decisions surrounding what actions at what times for the County. Mr. Dale stated the Strategic Plan set the course of action, with adjustments as needed, as it gave direction on short-, middle- and long-term basis over the five-year increments.

Ms. Jones suggested reviewing the Business Climate Taskforce Report and other policies to gather information.

Mr. Dale noted his team would review reports and policies to pull the information together.

Mr. Hill asked the Board to allow the team to work with Mr. Dale and move the process forward. He noted the annual delivery of the Report Card to show transparency of priorities and projects. Mr. Hill further noted he wanted a quarterly delivery of the Report Card once the process moved forward.

Mr. Hipple noted the diversity of the current Board and its level of involvement. He stressed continuing to be actively engaged in conversation and activity.

Mr. Kennedy asked about the project's timeline.

Mr. Dale noted a year to cover the full range of work without rushing it. He further noted setting a time script for staff to follow on a seasonal basis.

Mr. Hill asked about the Board's position on the Strategic Plan.

Mr. McGlennon noted the general consensus of the Board was agreement on moving forward and having staff negotiate an agreement with Clarion.

Mr. Hill stated he needed a schedule, statement of work and contract agreement.

Upon the Board's approval to move forward with the contract with Clarion, Mr. Hill notified Mr. Dale he would be in touch to discuss the contract.

2. Ordinance Update Discussion

Mr. Hill addressed the Board regarding subtle changes in Ordinances based on input from the citizens. He noted Ms. Gowdy had reviewed the Ordinances and found 18 that continually arose in discussion. Mr. Hill termed "The Good, the Bad and the Ugly" for the Ordinances. He further noted a ranking or decision on those Ordinances was needed from the Board and stated some were several decades old. Mr. Hill noted he wanted these reviewed semi-annually.

Ms. Gowdy addressed the Board, noting she did not review any Zoning, Subdivision or Criminal Offense Ordinances initially. She noted the list as supplied in the Agenda Packet included a range of items from dance halls to blight. Ms. Gowdy noted the first item was Required Personal Liability Insurance on Privately Owned Automobiles Used on County Business, which she further noted had not been updated since 1952.

Mr. McGlennon asked if any requirement was in place.

Ms. Gowdy noted current procedure, but added she would review the risk pool

information. She also noted some departments had very strict requirements around using personal vehicles on business.

Mr. Onizuk noted it was redundant as state law already covered that point.

Ms. Gowdy noted there were three False Alarm Ordinances, which she wanted to combine into one for consistent use with the Fire and Police Departments.

Mr. Onizuk asked if there was a financial penalty for the falses alarms.

Ms. Gowdy noted the penalty was $100. She further noted the amount was increased based on the number of false alarms.

Mr. Onizuk asked if that same penalty applied to private residence and business.

Ms. Gowdy replied yes, adding hotels traditionally posed more problems with false alarms. She noted the next Ordinance focused on Dance Halls, with the last update in 1986. Ms. Gowdy said it had a provision for separate bathrooms, but added that in current times that point seemed irrelevant.

Mr. McGlennon asked about noise objections.

Discussion ensued on this matter.

Ms. Gowdy noted the fourth Ordinance focused on the Adoption of the Statewide Fire Prevention Code, which referenced the 2000 edition. She further noted updating it to reflect the 2012 edition. Ms. Gowdy added that the Fire Marshal had requested a meeting to discuss further changes to that chapter of the Code. She further noted the next two Ordinances were recommendations from General Services. Ms. Gowdy cited refuse removers, an unused portion of trash pick-up and landfill, which the County no longer operated.

Mr. Hipple asked if the County still maintained the landfill.

Ms. Gowdy noted the Department of Environmental Quality did monitor the landfill, but the removal of the Ordinance would not affect it.

Mr. Onizuk noted approval on additional landfill land.

Mr. Hipple noted the land was there, but not available. He questioned the refuse removers.

Ms. Gowdy noted the guidelines were not followed by the refuse removers.

Mr. Hipple wanted to ensure the Ordinance change would not impact some of the smaller companies involved in refuse removal.

Ms. Gowdy noted she would seek additional information and clarification and report back to the Board. She addressed the next Ordinance, Smoking, and noted state law was in effect regarding smoking.

Mr. Kennedy noted public land should not allow smoking and asked if that could be addressed. He added the insurance benefits of a non-smoking property.

Mr. Hipple asked if this was a ban on all smoking on public grounds.

Mr. Kennedy said yes.

Ms. Gowdy noted she would look into it. She stated the next item addressed Pawnbrokers, of which there were currently none in the County. She further noted it was not in compliance with the State Code regarding bonding requirements and needed amendment.

Mr. Onizuk noted the update focused on state compliance.

Ms. Gowdy confirmed that point. She noted the next item, Buyers of Gold, Silver, Diamonds, and Jewelry, was similar in requiring an update for State Code compliance. Ms. Gowdy addressed the next item, Parking, explaining out-of-state parking tickets and the structure of those proceeds into the general fund which impacted James City County and Chesterfield County under the state Ordinance. She further noted the Police Department was hindered by the inability to get parking ticket information as the State Police disallowed access to VCIN information, such as ownership, address and other such private information for non-criminal purposes. Ms. Gowdy noted at a meeting with the Police Department that there were not many occurrences of unpaid tickets. She further noted tracking the number of unpaid out-of-state parking tickets for a year and then discussing whether or not it should be a criminal violation, which would result in a State Code change.

Mr. Kennedy asked where the County enforced parking.

Ms. Gowdy noted primarily around the high school and mostly kids, which she further noted made the change to a criminal violation a concern.

Discussion ensued on this matter.

Mr. Onizuk stated he was not interested in making the parking issue a criminal offense.

Ms. Gowdy addressed the next item, Noise, which recently had an issue that went before Judge Killilea. Ms. Gowdy noted Judge Killilea's preference to use the City of Williamsburg's Ordinance which used a decibel meter to ascertain violations. She further noted additional work was needed on an Ordinance that addressed the decibel meter and location like Mixed-Use sites. Ms. Gowdy noted she had four versions of an updated Ordinance for review and regulation.

Mr. Kennedy noted during inclement weather there had been noise complaints over generators running throughout the night.

Ms. Gowdy addressed that noting one Ordinance allowed for a one week grace period for noise during inclement weather. She specified that situation would have to be a declared emergency to apply.

Mr. Onizuk noted additional discussion on the Ordinance was needed.

Ms. Gowdy addressed the next item, Weapons, in relation to subdivisions and signage. She noted there was no signage and that the Ordinance could not stop anyone from shooting in those areas. Ms. Gowdy further noted Mr. Kinsman had rewritten the Ordinance to address that. She also noted aligning the County Code with the state model guidelines.

Mr. Kennedy discussed shooting ranges and safety. He asked if the Ordinance applied to these facilities.

Ms. Gowdy noted she was asked to rewrite it with a less restrictive verbiage. She further noted removal of the subdivision reference and distance requirements from dwellings. Ms. Gowdy added most of the subdivisions were under homeowner associations (HOAs) and the HOA restrictions addressed specifics regarding weapons with enforcement from the HOA rather than the County. She noted Police Chief Brad Rinehimer said that was the big change with the HOA enforcing the rules.

Discussion ensued on Department of Game and Inland Fisheries, concealed weapons and compliance with State Code.

The Board asked Ms. Gowdy to clarify the Ordinance with less intrusive language.

Ms. Gowdy addressed the next item, Illicit Discharge, at the request of the Stormwater Division. She noted the draft was based on the Environmental Protection Agency model and the County of Roanoke, which had been revised within the past 18 months. Ms. Gowdy further noted the draft would be reviewed by Stormwater and then brought before the Board, but that update was mandated for County Code compliance with State Code.

Mr. Kennedy asked for clarification about discharge and run-off.

Mr. McGlennon noted it involved permitting an alternate on-site sewer system that provided adequate use.

Discussion ensued on this matter.

Ms. Gowdy addressed the next item, Plat Vacation, noting the 25% assessed value on buy back right-of-way. She noted updating the Resolution and questioned if 25% was a fair price. Ms. Gowdy further noted another option to vacate plats and suggested cleaning up the Resolution and creating a Code amendment.

Mr. McGlennon asked if 25% was appropriate.

Ms. Gowdy noted that percentage was in question due to the Resolution's original adoption date in 1987 and she wanted the Board to be aware of it. She further noted an annual review of the percentage for consistency.

Discussion ensued on this matter.

Ms. Gowdy stated she would review some of the previous buy backs and present the information to the Board. She moved to the next item, Local Telecommunications Tax, which she noted needed updating for compliance with the 2007 repeal of the Virginia Code section. Ms. Gowdy noted with the repeal James City County had no authority to enforce the tax. She addressed the next item, Taxicabs and Other For Hire Vehicles, noting no updates had been made since the 1980s and did not address Uber or other similar companies. She noted more research would be reviewed.

Ms. Jones questioned if any changes discussed would be heard at Public Hearings before adoption.

Ms. Gowdy confirmed yes.

Mr. McGlennon asked if Uber was available in the County.

Ms. Gowdy addressed the Chesapeake Bay Preservation Act at the request of the Department of Engineering and Resource Protection. She noted a review was necessary prior to sending it to the Department of Environmental Quality and then it would go to the Board for consideration. Ms. Gowdy moved to the next item, Sign Ordinance, noting a United States Supreme Court ruling on the regulation of signs. She noted the Local Government Attorneys Association of Virginia had created an ad hoc committee to create a model Ordinance. She further noted upon completion of that model, it would be reviewed by the Board. Ms. Gowdy noted that last item concerned Blight. She said a draft Ordinance was in place for the Board's review.

Mr. Onizuk expressed concern about blight and homes that were not maintained.

Mr. Kennedy noted inclusion of unsightly trash, inoperable automobiles and boats and other issues.

Ms. Gowdy asked if there were additional requests or concerns.

Mr. Kennedy noted cleanup in the A-1 areas of his district. He expressed concerns about the cleanup challenges.

Ms. Gowdy stated she would check on those issues.

3. Adjustments to Meeting Structure

Mr. Hill noted public comments on the meeting structure and concerns on the format.

Mr. McGlennon stated Public Comment ended at 7 p.m. for Board meetings with it resumed in the second half of the meeting. He noted a possible situation with Board Consideration, not subject to Public Hearing, where speakers wished to be heard, but the second Public Comment would come after the Board decision. He further noted flexibility to accommodate public speakers after 7 p.m.

Discussion ensued on this matter.

Mr. Hill noted he would review several scenarios and present them at the January meeting.

D. CLOSED SESSION

1. Consultation with legal counsel pertaining to actual or probable litigation, where such consultation in open meeting would adversely affect the litigating posture of the public body, pursuant to Section 2.2-3711 (A)(7) of the Code of Virginia and pertaining to Whisper Ridge, LLC

A motion to Enter a Closed Session was made by Michael Hipple and the motion result was Passed.
AYES: 4 NAYS: 0 ABSTAIN: 1 ABSENT: 0
Ayes: Hipple, Kennedy, McGlennon, Onizuk.

Abstain: Jones.

Ms. Jones declared a potential conflict of interest and abstained from the vote to enter Closed Session and left the room for the duration of the Closed Meeting.

At approximately 5:45 p.m., the Board entered into a Closed Session.

2. Closed Session Certification

A motion to Certify the Closed Session was made by John McGlennon and the motion result was Passed.
AYES: 4 NAYS: 0 ABSTAIN: 1 ABSENT: 0
Ayes: Hipple, Kennedy, McGlennon, Onizuk.

Abstain: Jones.

At approximately 5:51 p.m., the Board re-entered Open Session.

E. ADJOURNMENT

1. Adjourn until the Regular Meeting

A motion to Adjourn was made by John McGlennon and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Jones, Kennedy, McGlennon, Onizuk.

At approximately 5:51 p.m., Mr. Hipple adjourned the Board of Supervisors.

M I N U T E S
JAMES CITY COUNTY BOARD OF SUPERVISORS
WORK SESSION
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
October 19, 2015
1:00 PM

A. CALL TO ORDER

B. ROLL CALL

Mary K. Jones, Berkeley District
John J. McGlennon, Roberts District
Kevin D. Onizuk, Vice Chairman, Jamestown District
James G. Kennedy, Stonehouse District
Michael J. Hipple, Chairman, Powhatan District

Bryan J. Hill, County Administrator
Adam R. Kinsman, Interim County Attorney (absent)

C. BOARD DISCUSSIONS

1. Strategic Plan Discussion with Clarion

Mr. Hill addressed the Board stating the association with Clarion and its consultant team as the strategic planning partner in developing a plan that addressed James City County needs and directions. He stressed long-term growth and input from the Board and citizens over the next 20 years.

Mr. Hill introduced Mr. Greg Dale of McBride Dale Clarion and Ms. LeighAnne King from Clarion Associates, Inc. He also introduced Ms. Liz Friel of PlanFriel and Ms. Julie Herlands from TischlerBise.

Ms. King noted discussion and "listening mode" with the Board and staff to get an understanding of the Strategic Planning Process. She noted many choices and decisions would be heard to evaluate the best way, including the general public in the County. Her PowerPoint noted five-year incremental plans over a 20-year span with a well-defined action plan. She stressed the Strategic Plan was a clear direction of how, when and who in relation to resources, timing and other factors for moving the County forward. The presentation highlighted the five phases (James City Service Authority (JCSA) water, Stormwater, Educational Advancement, Economic Development and County appearance) identified in developing the Plan over the next two decades. She referenced the timeline schedule for public input/meetings and links to the County website to follow these events.

Mr. Onizuk asked the goals for the meeting.

Mr. Dale noted this was the first meeting and that some things could evolve over future meetings and input. He asked the Board members to list some strategic initiatives the group would address.

Mr. Hipple noted some initiatives would be long term and others short term.

Mr. Dale confirmed that and noted the metrics to benchmarking the success would vary. He also noted that some of the initiatives could be in conjunction with other groups like the Williamsburg-James City County School System.

Mr. Hipple noted school sites were his top issue.

Ms. Jones stated expansion of economic development.

Mr. Kennedy stressed technology infrastructure.

Mr. McGlennon noted protection of quality of life and the community's unique character.

Mr. Onizuk indicated group management regarding Primary Service Area. He also noted affordable housing for County residents.

Mr. McGlennon noted understanding global impact and nationalization. He stressed the deep roots within the community.

Ms. Jones noted identification of adequate water sources and stormwater issues.

Mr. Hipple noted public safety.

Mr. Kennedy stated involvement with The College of William & Mary for a deeper relationship.

Ms. Jones indicated the higher priority uses of Parks & Recreation facilities.

Mr. McGlennon stressed the relationship between economic development/revenue and tax laws per jurisdictions.

Mr. Onizuk noted tourism and better products to promote the area.

Mr. Hipple and Mr. McGlennon both noted strengths and weaknesses of transportation.

Mr. Hipple discussed the PSA and growth with zoning and Ordinances. He also requested figures and timelines for the goals of the initiatives within the Strategic Plan.

Ms. Herlands stated her firm focused on two large areas: economic development with relation to local revenue sources and costs of initiatives focusing on those changes. She noted the two phases can overlap when fiscal sustainability and land use are evaluated and the projections were medium to long term. She referenced the plan as "a living document with flexibility" that allowed for changes as discussed.

Discussion ensued as the roundtable format continued with the Board members and facilitators.

Mr. Dale noted some of the items discussed had an overarching theme that touched on three main themes: interrelationship between economic development, infrastructure and public service and fiscal sustainability.

Mr. McGlennon noted a fourth element of maintaining the community's character and its distinctive nature.

Mr. Onizuk echoed that sentiment, but noted economic development and cautioned exploring that avenue without removing the attractants to the community.

Mr. Kennedy noted these were recurring items over his terms on the Board. He further noted the flux with citizen input, growth and changing idealology with different Board members as they were elected over time.

Further discussion ensued on this matter.

Mr. Dale noted the analysis of projected data for economic growth and "growing up and out" as a County and the data that TischlerBise was reviewing.

Discussion ensued regarding the viewpoint of the County as a retirement community, the Virginia Department of Transportation projects in the area and other topics.

Mr. Dale stressed this was the starting block and further planning with input was part of this evolving process.

Mr. Hill noted the budgetary positioning over the next few years was a priority for the Board.

Mr. Dale commented that the Board's list of discussion points followed a parallel theme to the five phases of the Strategic Plan highlighted at the start of the meeting.

Mr. Hill notified the Board of a Strategic Planning Advisory Group Meeting at 4 p.m. He stated the Advisory Group was comprised of a residential cross-over from the community. He noted the response to surveys he had sent out was strong. He asked the Board for stakeholders to participate and mentioned a year-long calendar with dates for staff, Board and Group members. He stressed the transparency for the County's citizens. He also thanked the facilitators and the Board for assistance.

Mr. Hipple thanked the facilitators for their comments and input.

D. CLOSED SESSION

None

E. ADJOURNMENT

1. Adjourn until 4 p.m., on October 27, 2015, for the Work Session

A motion to Adjourn was made by John McGlennon, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple

At approximately 2:32 p.m., Mr. Hipple adjourned the Work Session.

M I N U T E S
JAMES CITY COUNTY BOARD OF SUPERVISORS
WORK SESSION
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
February 9, 2016
3:00 PM

A. CALL TO ORDER

B. ROLL CALL

John J. McGlennon, Vice Chairman, Roberts District
Ruth M. Larson, Berkeley District
Kevin D. Onizuk, Jamestown District - Arrived late
P. Sue Sadler, Stonehouse District
Michael J. Hipple, Chairman, Powhatan District

Bryan J. Hill, County Administrator
Adam R. Kinsman, County Attorney

C. BOARD DISCUSSIONS

1. Discussion Regarding Board Protocol and Collaboration

Mr. Hipple expressed interest in the thoughts and suggestions of his fellow Board members regarding group goals in an effort for the Board to move forward. A handout was given to each representative that encompassed the goals of the Board of Supervisors.

Ms. Larson stated that she and Ms. Sadler were new to the Board and a retreat would allow for an opportunity to talk about goals, learning styles, getting to know one another and working toward a standard operating procedure as a Board.

Mr. Hipple asked Ms. Larson to discuss her concept of a retreat.

Ms. Larson replied a daylong retreat and perhaps not an entire day, just an opportunity to work on operating procedures as a Board.

Mr. Hipple stated that he would like more feedback on what the Board members expected at a retreat, as it could vary from individual to individual.

The Board members listed and briefly discussed their individual goals.

Ms. Larson gave an overview of her list as follows: Open communication with the School Board; Development of a master plan; Future public safety needs; Identifying land for future population growth; Schools; County office needs; Updating Ordinances; Promoting the County as a positive business climate; Growing sports tourism; Roads and transportation; Ways to retain current County staff and ensure James City County is a desirable place to work; Water supply; and Continuing to be well-rounded and proactive on business.

Ms. Sadler gave an overview of her list as follows: Examine how the County attracts and treats business owners; Examine how to retain local businesses; Collaborate a town hall meeting for business owners to voice any ideas/concerns; Promote sports tourism; Growing excellence and transparency in regards to an online checkbook; To recognize the relevance of First Responders throughout the budget process and the year in an effort to provide safety for citizens; Maintain a level of respect for fellow Board members; Maintain a level of respect in communication with citizens; and Generate awareness to citizens that the Board of Supervisors works for them and ideas, needs and concerns are welcome.

Mr. McGlennon briefly discussed valuable opportunities that a retreat would offer and then referred to his list.

Mr. McGlennon gave an overview of his list as follows: Monitor the progress toward the goal and objective priorities from last year; Aligning County services in transportation, recreation, Code enforcement, public safety and other services with community, neighborhood, business and institutional needs; To protect the unique character of the County; Address the need and size for a water supply; and Ensuring the continued quality of public schools.

Mr. Hipple noted some of the goals stated in this meeting matched some goals from last year's meeting. He further noted with the addition of two new members and their goals, it reiterated the direction for the County citing the aqua center and sports facility. Mr. Hipple referenced the Facilities Study and the information it provided.

Mr. Hill noted the revenue sourcing had not matched to build an Olympic-sized swimming pool for meets and he had heard some discussion on that subject from citizens. He further noted an indoor pool would be built, but a smaller one. Mr. Hill noted some options and discussion with Mr. John Carnifax, Director of Parks and Recreation.

Ms. Larson noted Mr. Onizuk had mentioned a Task Force through the Chamber of Commerce that was reviewing different options with partnerships.

Mr. Hill noted the Task Force was reviewing an indoor facility versus an outdoor facility. He further noted James City County was not in a position to have both types as the County currently needed work done on its outside facilities. Mr. Hill said partnership options were being considered.

Mr. Hipple noted utilization and partnering with the School Board.

Mr. Hipple gave an overview of his list as follows: Water - enough to meet the demands and balance between citizens and business; Maintaining the unique character of the County; Evaluating the growth rate of the County and maintaining its vitality, without over development; Forecast on growth, school sites and a centralized County complex to house all departments; Transportation - current and projected impact.

Mr. Hipple thanked everyone for their respective list of goals. He noted a list would be compiled with a group of the top five priorities to address.

Ms. Larson noted one use of the retreat could address the compilation of priorities and grouping of them.

Mr. Hipple noted after a Saturday budget retreat the Board members could remain

to address the priority list.

Ms. Larson suggested the retreat taking place during the bus tour in May.

Discussion ensued on this matter.

Mr. Hill asked if the goals should be separated into two categories: Board goals and Board goals that the administration will address. Mr. Hill noted some of the goals could be addressed during the Strategic Plan update presentation for Phase I, which followed the Board Protocol discussion. Mr. Hill addressed the newest Board members noting the intensity of the two-week budget period with five meetings.

Mr. Onizuk gave an overview of his list as follows: Keeping James City County an affordable place to live and work and looking forward to maintaining that goal over the years; Promoting civility toward local government from citizens and businesses; Providing accountability and transparency like the online checkbook; Preservation of the natural charm and beauty of James City County; Economic development; Premier school system; Tourism including sport tourism; and Strategic Plan.

Mr. Hipple noted working on the long-term goals while addressing some of the shorter term goals as an objective.

Mr. Hill suggested a change to the agenda with the Closed Session held prior to the Strategic Plan presentation from Clarion.

See below for Closed Session Information.

At 4:08 p.m. the Board resumed Board Discussions with the Clarion presentation on the Strategic Plan Update.

2. Strategic Plan Project Update: Phase 1

The Board welcomed Ms. Leigh Anne King, Clarion Associates, and Mr. Greg Dale of McBrideDale Clarion to the meeting.

Ms. King noted the timing of Clarion's Phase I completion and the review of the Board's last work session objectives. She further noted in her PowerPoint presentation was a project update, with the five phases highlighted and their respective timelines. Ms. King noted the kickoff meetings with the Board, Strategic Plan Advisory Group (SPAG) and Tactical Advisory Group (TAG) helped establish the foundation for the Strategic Plan Project. She highlighted the Phase I tasks and addressed the initial Phase II tasks. Ms. King detailed the remaining three tasks noting Phase III was Implementation (metrics), Phase IV was Reporting (accountability) and Phase V was the Final Plan (adoption).

3. Strategic Plan Foundations Report Presentation and Discussion

Ms. King referenced the website, www.jccstrategy2035.org, for project updates. She addressed the four Strategic Planning themes in the presentation: regional and local economic development; fiscal health, efficiency and sustainability; infrastructure, facilities and services; community character. Ms. King highlighted key subtopics under the four main themes and noted these topics were pointed out after discussion with the Board, SPAG and TAG, as well as stakeholders. She further noted the Strategic Plan framework encompassed Mission Statement, Vision Statement, Guiding Principles, Goals and Actions.

Ms. Larson inquired about education and its place in the strategy planning. She noted she had received feedback from citizens questioning the role of education.

Mr. Dale noted education would be addressed later in the presentation.

Mr. Onizuk noted the Williamsburg-James City County Schools had a Strategic Plan also. He further noted it would be helpful to review that in conjunction with developing the County's plan.

Discussion ensued.

Mr. McGlennon asked about tax revenue resource collaboration from a regional and local standpoint.

Mr. Dale noted that point would be addressed later.

Mr. Onizuk questioned the regionality fundamental point.

Mr. Hipple noted it was an important point in terms of highways and transportation. He cited Northern Virginia worked well in this way.

Ms. King noted clarification of regional use would be addressed.

4. Strategic Plan Goal Priorities Exercise

Mr. Dale discussed the process of condensing 200 ideas into the five priorities. He handed out paperwork highlighting the five priorities. He noted a key question that arose regarding the County's direct or indirect role in policy topics. Mr. Dale cited education as an example. He noted the consequences of a "graying community" with implementations for housing, transportation and such in relation to the County's priorities.

Ms. Larson noted the County's role in education as it related to budget.

Mr. Dale noted that role and indicated how much was the County's "chunk" for these different priorities. He highlighted reviewing the list and asked the Board for input on the themes, which would be compared to similar SPAG and TAG comments. Mr. Dale asked each Board member to rank low-medium-high for each section and then as cumulative rank.

Discussion ensued on this matter and definitions of the drivers for the priorities.

Mr. Dale noted re-classification of the priorities was necessary.

Mr. Hipple noted water issues and infrastructure expenses to address those needs. He further noted addressing some needs will combine with other issues.

The Board members proceeded to prioritize the list individually.

Mr. Dale asked for each member's list.

Mr. Hipple noted his rankings: 1) long-term water solutions; 2) evaluate infrastructure and investment; 3) prepare shovel-ready sites; 4) advance technology; and 5) transportation enhancements.

Mr. McGlennon noted his rankings: 1) enhance community character; 2) future infrastructure investment; 3) advancing public education; 4) evaluate cost of expanding growth; and 5) address demand for human services.

Ms. Sadler noted her rankings: 1) long-term water; 2) addressing growing public safety request; 3) fostering small businesses; 4) impacts of "graying" community; and 5) public education.

Ms. Larson noted her rankings: 1) long-term water solution; 2) evaluate cost of expending growth; 3) future infrastructure investment; 4) advancing public education; and 5) prepare shovel-ready sites.

Mr. Onizuk noted his rankings: 1) long-term water solution; 2) future infrastructure investment; 3) enhancing community character; 4) modernizing tourism sector; and 5) consider changes to growth management.

Discussion ensued on the budgetary impact of education and what priorities could ensure that funding was available.

Mr. Dale reviewed the rankings and shared feedback from both SPAG and TAG prioritization rankings.

Discussion ensued on "protecting" community character rather than "enhancing" with the wording change in the next phase.

Mr. Dale continued with the review of the rankings. He noted the compilation of those results would create the next round for review. Mr. Dale further noted a manageable set of priorities for the Strategic Plan as well as the timeline for them.

Mr. Onizuk noted the community input on the priority ranking.

Mr. Hipple noted the value of the community and why people lived here.

Mr. Dale asked what values were those to protect.

Mr. McGlennon highlighted the historical assets and small town feel.

Mr. Hipple echoed those sentiments. He also noted the abundance of waterways and their importance.

Ms. Larson noted the beauty of undeveloped land while driving. She stressed the balance needed in economic development to grow and pay for those items.

Mr. McGlennon commented the balance focused on attracting investment with heavy capital value, but relatively low labor cost.

Discussion ensued on this matter.

5. Next Steps

Mr. Dale noted for future reference to: 1) identify where the County was going; and 2) how did priorities relate to the Strategic Plan and Comprehensive Plan as actionable items. He asked the Board for a progress report.

The Board agreed it was pleased with results.

Ms. King noted the upcoming meetings and dates highlighting March 30, 2-4 p.m. and 6-8 p.m., at Legacy Hall with the first public event. She further noted presentation of data at that meeting in addition to results from that discussion for incorporation into the priority list. Ms. King noted email correspondence was welcome if unable to attend the Open House.

The Board thanked Ms. King and Mr. Dale for their presentation.

D. CLOSED SESSION

1. Consideration of a personnel matter, the discussion of candidates for the position of County Attorney, pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia

A motion to Enter a Closed Session was made by John McGlennon and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Larson, McGlennon, Onizuk, Sadler

At approximately 3:54 p.m., the Board entered in Closed Session.

At approximately 4:08 p.m., the Board re-entered into Open Session.

2. Certification of Closed Session

A motion to Certify the Closed Session was made by John McGlennon and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Larson, McGlennon, Onizuk, Sadler

E. ADJOURNMENT

1. Adjourn until the February 9, 2016, Regular Meeting at 6:30 p.m.

A motion to Adjourn was made by John McGlennon and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Larson, McGlennon, Onizuk, Sadler

At approximately 5:53 p.m., Mr. Hipple adjourned the Board of Supervisors.

M I N U T E S
JAMES CITY COUNTY BOARD OF SUPERVISORS
WORK SESSION
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
March 22, 2016
3:00 PM

A. CALL TO ORDER

B. ROLL CALL

John J. McGlennon, Vice Chairman, Roberts District
Ruth M. Larson, Berkeley District
Kevin D. Onizuk, Jamestown District
P. Sue Sadler, Stonehouse District
Michael J. Hipple, Chairman, Powhatan District - Absent

Bryan J. Hill, County Administrator
Adam R. Kinsman, County Attorney

C. BOARD DISCUSSIONS

1. School Discussion

Mr. Hill noted Mr. Hipple was absent due to illness.

Mr. McGlennon welcomed Mr. James Kelly, Williamsburg-James City County (W-JCC) School Board Chair, Ms. Kyra Cook, School Board Vice Chair and Dr. Michael Constantino, Superintendent, to the meeting. He noted several Board of Supervisors had requested additional information regarding plans for the fourth middle school.

Mr. Kelly noted the goal of achieving five votes from the Board of Supervisors. He outlined the School Board issuance of a construction contract detailing the fourth middle school and the objectives. Mr. Kelly noted further action was needed on several WJCC projects and funding reductions regarding relocation and other factors. He highlighted the impact of these financial elements and the decision to move administration to the smallest middle school, James Blair, as a result. Mr. Kelly also noted that students were repositioned in the remaining middle schools. He stated the benefits of the administrative relocation were financial and organizational, but addressed these decisions were short-term and that the remaining middle schools were near capacity and the County was still growing. Mr. Kelly noted that with the growth and capacity issues, the fourth middle school would be full and he would be appearing before the Board of Supervisors for trailers and other augmentation elements. He addressed the concerns of two sets of enrollment numbers being used. Mr. Kelly noted those numbers were not designed to mislead, but rather to establish a financial threshold and the number of teachers/classrooms. He further noted the two sets of enrollment numbers allowed for a conservative evaluation. Mr. Kelly stated the 250 students at the Annex and the goals to address the lack of certain programs there. He noted a system-wide redistricting to level the load of students per school. Mr. Kelly addressed discussions with both the County

and the City of Williamsburg Planning staff regarding projected growth areas in addition to no available land parcel in either the County or the City for a school site except the James Blair site. Mr. Kelly highlighted the plan in two phases to address the cost and the budgetary restraints noting the necessity of the fourth middle school to accommodate the County's growth. He cited education and schools were a necessity, like fire stations and police stations, and it was a necessity of growth. Mr. Kelly referenced a handout with answers to questions previously asked of the School Board. Mr. Kelly noted several School Board attendees, Dr. James Beers, Ph.D. and Mrs. Sandra Young, were onsite.

Mr. McGlennon asked for discussion on these questions from the Board.

Mr. Onizuk questioned the process of the Hornsby Middle School construction, the Annex in an interim capacity and the academic administrative plan based on previous decisions. Mr. Onizuk noted when the process was questioned several years back, it might have been under different administrative leadership.

Mr. Kelly noted in 2010 he had voted to close James Blair, but had not considered use of the Annex at that time. He further noted the relocation from the Mounts Bay Road facility, staff funding reduction and other factors; however, he emphasized these decisions were not based on a lack of students. Mr. Kelly stated Berkeley Middle School was currently at 113% capacity, Hornsby Middle School at 108% and Toano Middle School was at 101.6% capacity.

Mr. Onizuk questioned the decision to build Hornsby Middle School and yet close James Blair Middle School.

Mr. Kelly noted the goal of opening a school was 80-85% capacity, making the analogy of not having a completely full glass from the start. He further noted if James Blair had remained open, the school would have fallen in that parameter.

Mr. McGlennon noted during that time a Board of Supervisor member had proposed to temporarily close James Blair in order to address significant cost issues due to a decline in state funding. Based on that information, he noted it was a short-term solution and that James Blair would reopen later. Mr. McGlennon further noted the advantage of opening a new school with greater capacity and that the Annex was never considered as a solution to the middle school needs.

Mr. Kelly noted the School Board had conflict over the closing of James Blair and the decision had not been unanimous. He further noted the Annex was not a viable option for use.

Ms. Larson noted some of the academic decisions had been made under a previous administration. She further noted the use of the Annex at that time had been designated for a specialty program with a specific number of students attending to alleviate pressure off the other middle schools. Ms. Larson highlighted the number of factors impacting the decision, including success of the specialty program and availability of enough students to fill that program. Ms. Larson asked if a student could be forced to attend the program at the Annex.

Mr. Kelly noted a certain speciality program was one of the first budget cut items.

Mr. Onizuk referenced the Middle School Facilities Study Report and its recommendation to expand current middle schools for relief until a fourth middle school could be built to address capacity issues. He cited these recommendations

and shorter-term use while exploring land that would accommodate the growth. He further cited the pros/cons of the report.

Discussion ensued on this matter.

Ms. Cook noted both the City of Williamsburg Planning Commission and Board of Zoning Appeals voted unanimously on the decision.

Mr. Onizuk asked if not the ideal situation, then why not find the ideal situation to address this. He noted some potentially exciting opportunities might become available as the work on the Strategic Plan continued.

Ms. Sadler inquired about the Planning Commission's low ranking of the fourth middle school based on cost.

Mr. Hill noted he did not have a specific answer but typically the Planning Commission did not rank on cost, but on a project basis.

Ms. Sadler asked if the number of students was less than 250 regarding overcrowding.

Mr. Kelly indicated yes, noting it was around 170.

Ms. Sadler noted her constituents had questions and she thanked the School Board representatives for their assistance. She asked if the choice was to not approve the James Blair site and no trailers were approved, what would happen.

Mr. Kelly noted his hands would be tied.

Dr. Constantino stated schools would be overcrowded.

Ms. Sadler asked about expansion in Berkeley Middle School.

Dr. Constantino noted most of the land behind Berkeley was owned by the College of William & Mary. He further noted expansion's impact on the College and the creation of an unattractive view for students with ballfields, playfields and green space reduced.

Ms. Sadler asked about the shift of students and redistricting.

Dr. Constantino noted Fall of 2016 would be the redistricting timeframe.

Discussion ensued on the redistricting parameters.

Mr. Onizuk questioned space availability at Berkeley.

Mr. Kelly stated the building would be in the midst of ballfields.

Discussion ensued on the subject.

Ms. Larson questioned the approval of the middle school, noting a 4-1 approval vote had taken place last year. She requested clarification if the proposal was being reintroduced. Ms. Larson also addressed the question of pursuing availability of land. She noted the unfairness of the decision followed with multi-directional thoughts and questions and further noted that was not the way to operate. Ms.

Larson asked if a student, who did not want to be part of a special annex program, could be forced to attend that program.

Dr. Constantino said no, unless redistricting was done. He noted a specialized program was available to students, but on an optional basis.

Mr. Hill clarified the 4-1 vote decision to move forward with James Blair, noting that vote basically allowed the staff of the school district and County staff to move forward on two paths. He further noted Dr. Constantino had provided planning documents to fit the fourth middle school at James Blair while the staff had provided an affordable avenue for the move. Mr. Hill further noted another vote for fund allocation from the Board of Supervisors would take place after the School Board's decision on the best plan.

Mr. McGlennon asked if a specialized program, like Science, Technology, Engineering and Mathematics (STEM) or Science, Technology, Engineering, the Arts and Mathematics (STEAM) was included. He further asked if STEM or STEAM were in the future curriculum. Mr. McGlennon noted the process of value engineering was being implemented to address hallway widening, cafeteria capacity and more for the increased student population. He further noted past Board discussion on the use of James Blair and the functionality of the school over the decades it had been in use. Mr. McGlennon inquired about the funding.

Mr. Hill noted funding for both the construction and operational use were in place citing the budget plans for 2015-2019.

Mr. McGlennon asked the current Board about changing the direction from the previous Board's decision regarding non-condemnation of property acquisition for a new middle school.

Ms. Sadler noted the location of the property would determine condemnation or not.

Mr. McGlennon stressed condemnation versus purchase of land which was not always attainable on the open market. He inquired if a plan, with the authorized ownership of the property involved, had ever been submitted for a middle school on News Road.

Mr. Kelly answered no.

Mr. McGlennon questioned if any communication from the property owner had been received that authorized any proposal for construction of a middle school on that property upon acquisition. Mr. McGlennon noted questions regarding the adoption of a particular option, which he further noted he was unaware had been determined as a viable option.

Mr. Hill noted he had received a call from the attorney representing the family who owned the property. Mr. Hill further noted the attorney stated no proposal had been seen to date.

Mr. McGlennon asked if other properties had been identified.

Further discussion ensued on this matter.

Ms. Larson noted future joint meetings with the School Board and the Board of

Supervisors needed discussion about future buildings, not just location, but physical structure and capacity accommodation. She emphasized having a better understanding of what the School Board envisioned as best size of school for serving the community and how that would benefit the Board of Supervisors in decisions regarding schools and growth. Ms. Larson further noted the School Liaison start-up and robust discussion for both Boards regarding land. She added reference to the previous use of a local real estate agent and a local attorney in reviewing property with the Board of Supervisors. Ms. Larson further added similar measures had been used throughout the state. She noted her thoughts on specialized programs and the innovation of them. Ms. Larson expressed concern that some of the land discussion had not taken place earlier particularly as more homes were being approved. She noted the school system had not created the growth; the County side had. Ms. Larson stressed the difficulty of redistricting, but noted as the fifth fastest growing County in the state, the redistricting had been minimalized in comparison to the top four counties.

Mr. Onizuk asked Ms. Larson if the specialized programming should take place at the Annex.

Ms. Larson noted that was the School Board's decision.

Mr. Onizuk noted James Blair was a viable option as an elementary school. He also stressed looking at land opportunities. Mr. Onizuk further stressed working with the School Board for success by addressing short-term goals, capacity and long-term plans. He added as a parent and a Board member, that the right decisions for the long term were paramount. Mr. Onizuk stressed the concern of putting something in place, though not ideal, because it seemed like the only option and needed immediate attention.

Ms. Sadler noted students in private and home schools for population growth as consideration. She further noted the input from the School Board was advantageous. Ms. Sadler asked about monetary issues, specifically bond money and Capital Improvements Project funds and accountability to taxpayers.

Ms. Larson asked if Mr. Onizuk would enter a motion to pursue a different option.

Mr. Onizuk noted more discussion was warranted. He further noted a future joint meeting allowing public comment that would help in addressing the issues presented during this current meeting.

Ms. Larson noted this had already been done in a joint meeting and was looking for future discussion with a motion prior to the April meeting.

Mr. Onizuk noted he had not planned to enter a motion at the current meeting, but stressed the importance of group discussion with the City of Williamsburg, the Board and possibly public input.

Mr. McGlennon noted the Board was unsure where it was currently, but he further noted the upcoming April joint meeting, the School Board's decision with moving forward on the fourth middle school project, City Council's approval of the proposal and establish a determination regarding possible funding support.

Mr. Onizuk said he needed more information. He asked if the School Board would consider the expansion in a more ideal situation.

Dr. Constantino noted he made recommendations to the Board of Supervisors. He noted his best recommendation did not support expansion of the middle school but rather adding a fourth one.

Mr. McGlennon noted another presentation was due shortly. He asked Mr. Onizuk for specific options for consideration.

Ms. Larson noted that if a price tag was available and that money was given to the School Board, the School Board was not obligated to move forward on the expansion. She further noted it could choose another option.

Mr. Hill confirmed the School Board determined the use of the funding allocation.

Mr. McGlennon thanked all attendees.

At approximately 4:26 p.m., Mr. McGlennon recessed the Board for a break.

At approximately 4:32, Mr. McGlennon reconvened the Board.

2. Sustainable Water Recycling

Mr. McGlennon welcomed Mr. Ted Henifin, General Manager, Hampton Roads Sanitation District (HRSD) and Mr. Doug Powell, General Manager, James City Service Authority (JCSA) to the meeting.

Mr. Powell noted numerous presentations and information on issues related to water had been presented to the Board over the past few years. He stressed the significance of the variety of water issues ranging from stormwater to ground water supply. He further noted HRSD's work on a proposal that could potentially link the various water issues.

Mr. Henifin addressed the Board noting it was World Water Day, an appropriate day for the presentation on sustainable water recycling. He highlighted the current water problems challenging Virginia and Hampton Roads with a single water program. He noted the groundwater aquifer in Eastern Virginia and the regulatory level status. Mr. Henifin gave a PowerPoint Presentation documenting the groundwater depletion since the early 1900s. The presentation highlighted replenishment of the aquifer with clean water to: reduce nutrient discharges to the Chesapeake Bay; provide a sustainable supply of groundwater; reduce the rate of land subsidence; protect the groundwater from saltwater contamination. Mr. Henifin noted technology aided this process. He further noted HRSD hired the Department of Environmental Quality's groundwater modeler, and used HRSD's level of water quantity injection into the model. Mr. Henifin noted the results of the HRSD model were very positive. His presentation highlighted the impact on nutrient reductions and governmental regulations to accommodate those reductions. Mr. Henifin stated the multi-million dollar investments made at different plants as the facilities were never designed to remove nutrients. He explained the costs involved with the proposal and the timeframe, indicating the total maximum daily loads (TMDLs) would be fine. Mr. Henifin noted nutrient discharge had become an economic development issue for Virginia. He highlighted the HRSD Chesapeake Bay TMDL allocations and potential areas to offset stormwater reductions. Mr. Henifin noted the aquifer replenishment system had been in place in Fairfax County, Virginia, with the Upper Occoquan Service Authority since the late 1970s. He further noted that drinking water exceeded standards. Mr. Henifin explained the wide-range annual operating costs depending on use of either a more affordable carbon-based

treatment process or a reverse osmosis system. He noted HRSD was looking more at the carbon-based process. He further noted the next steps encompassed engaging stockholders, modeling and quantifying, evaluating geochemistry, analyzing and evaluating additional water treatment technology and developing a demonstration-scale project.

Discussion ensued on this matter.

Mr. Henifin noted 2017 was a critical year for support. He further noted Mr. Hill and several JCSA staff were on the Groundwater Committee, which was slated for a presentation to the General Assembly. Mr. Henifin added HRSD hoped the sustainable water recycling project would be part of that presentation. He noted the timeline for the consent decree or Phase II, which would be followed by Phase III watershed improvement plan. He further noted locality endorsements, but not financial commitment from any locality. Mr. Henifin detailed the timeline also for permits and emphasized by 2020-2023 the aquifer would have a positive impact.

Mr. McGlennon questioned the location of the recharge areas for the aquifer.

Mr. Henifin responded that geologists indicated it was along the fault line.

Mr. McGlennon asked about the protection of the areas.

Mr. Henifin indicated it was not well protected, noting a lack of watershed protection along the fall line in the area as opposed to the rocks in Richmond and the falls in Fredericksburg and Northern Virginia.

The Board thanked Mr. Henifin for the presentation and information.

D. CLOSED SESSION

1. Consideration of a personnel matter, the appointment of individuals to County Boards and/or Commissions, pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia

A motion to Enter a Closed Session was made by Ruth Larson and the motion result was Passed.
AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1
Ayes: Larson, McGlennon, Onizuk, Sadler

Absent: Hipple

At approximately 5 p.m., the Board entered into Closed Session.

At approximately 5:58 p.m., the Board reentered Open Session.

2. Closed Session Certification

A motion to Certify the Closed Session was made by John McGlennon and the motion result was Passed.
AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1
Ayes: Larson, McGlennon, Onizuk, Sadler

Absent: Hipple

3. Actions Resulting from Closed Session

A motion to recommend Mr. Ronald Campana, Jr. to the Circuit Court for appointment to the Board of Zoning Appeals for a new term that would expire on June 30, 2021 was made by John McGlennon and the motion result was Passed.
AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1
Ayes: Larson, McGlennon, Onizuk, Sadler
Absent: Hipple

A motion to appoint Mr. Julian Lipscomb, Jr. and Mr. Michael Hand to the Parks and Recreation Advisory Commission for new terms that would expire on April 12, 2020 was made by John McGlennon and the motion result was Passed.
AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1
Ayes: Larson, McGlennon, Onizuk, Sadler
Absent: Hipple

E. ADJOURNMENT

1. Adjourn until Regular Meeting at 6:30 pm

A motion to Adjourn was made by Kevin Onizuk and the motion result was Passed.
AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1
Ayes: Larson, McGlennon, Onizuk, Sadler

Absent: Hipple

At approximately 6 p.m., Mr. McGlennon adjourned the Board of Supervisors meeting.

M I N U T E S
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
April 12, 2016
6:30 PM

A. CALL TO ORDER

B. ROLL CALL

John J. McGlennon, Vice Chairman, Roberts District
Ruth M. Larson, Berkeley District
Kevin D. Onizuk, Jamestown District
P. Sue Sadler, Stonehouse District
Michael J. Hipple, Chairman, Powhatan District

Bryan J. Hill, County Administrator
Adam R. Kinsman, County Attorney

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. **Pledge Leader - Fair Housing Month Contest Winners**

E. PUBLIC COMMENT - Until 7 p.m.

1. Ms. Rosanne Reddin, 4700 Presidents Court, spoke in lieu of Ms. Marjorie Ponziani and addressed the Board in regard to bond funding of a fourth middle school.

2. Mr. Joseph Swanenberg, 3026 The Pointe Drive, addressed the Board in regard to bond ratification.

3. Ms. Barbara Henry, 141 Devon Road, addressed the Board in regard to her opposition to the repurposing of James Blair Middle School.

4. Mr. David Jarmon, 3646 South Square, addressed the Board in regard to the role of the Board of Supervisors in managing school spending.

5. Mr. Michael Loy, 123 Lakewood Drive, addressed the Board in regard to the repurposing of James Blair Middle School.

6. Mr. Jay Everson, 103 Branscome Boulevard, addressed the Board in regard to schools in James City County, school central office and lifetime learning.

7. Ms. Bambi Walters, 5112 Shoreline Court, Lafayette Athletic Boosters representative, addressed the Board in regard to Lafayette High School athletic teams' off-site travel due to no auxiliary gym or double gym for the students.

8. Mr. W. K. Beachum, Stonehouse, addressed the Board in regard to the bond issue.

As there were no more registered speakers, Mr. Hipple closed the Public Comment.

F. PRESENTATIONS

1. **Fair Housing Month**

Mr. Vaughn Poller, Administrator of Housing and Community Development, gave an overview of a PowerPoint presentation as summarized in the memorandum included in the Agenda Packet. He introduced the contestants of the winning team and presented a certificate to the group.

2. **Adult Prevention Program**

Ms. Rebecca Vinroot, Interim Director, Community Services, highlighted the Adult Services Prevention Program and introduced Ms. Denise Kirschbaum, Adult Protective Services Supervisor, who gave an overview of a PowerPoint presentation that was included in the Agenda Packet. She stated that a Prevention Expo called "Got Plans" would be held on May 20, 2016 and gave a synopsis of the event along with handouts to each Board member.

G. CONSENT CALENDAR

A motion to Approve was made by John McGlennon and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

1. **Minutes Adoption - March 22, 2016, Regular Meeting**

2. **Appropriation - Clerk's Excess Fees**

3. **Dedication of Streets within the River's Bend at Uncle's Neck Subdivision**

H. PUBLIC HEARING(S)

1. **Berkeley A Division**

A motion to Approve was made by John McGlennon and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Mr. Kinsman and Ms. Dianna Moorman, General Registrar, gave an overview of a memorandum and Ordinance included in the Agenda Packet.

Ms. Larson inquired which neighborhoods would be impacted and the new polling location.

Ms. Moorman stated that the Fire Administration building on Route 5 would be the new polling location. She commented that neighborhoods affected in Berkeley D were from a division of Berkeley A and outlined the districts that would be impacted. She briefly discussed advantages of the redistricting.

Mr. Hipple opened the Public Hearing.

As there were no registered speakers, Mr. Hipple closed the Public Hearing.

2. **AFD-09-86-01-2016. Gordon Creek Agricultural and Forestal District - 3703 Brick Bat Road Withdrawal**

A motion to Approve was made by Kevin Onizuk and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Ms. Ellen Cook, Planner, gave an overview of the documentation regarding this item and included in the Agenda Packet.

Mr. Chris Basic, Planning Commission Representative, stated that the Planning Commission focused on two main points. The first focal point was to differentiate between an owner being a member of a Trust versus outright ownership. The second point was the portion of the property being requested for removal. The Commission recommended approval with a vote of 7-0.

Mr. Hipple opened the Public Hearing.

1. Mr. Will Holt, Esq., Kaufman & Canoles, P.C., 4801 Courthouse Street, addressed the Board in regard to The Carol Sansone Jamison Family Trust. He gave an overview of documentation provided in the Agenda Packet and discussed legalities of this withdrawal.

Ms. Sadler inquired about the size of the total acreage.

Mr. Holt replied 57.6 acres on the parcel, with the total approximately 3,000 acres.

Ms. Sadler stated that this item was referring to approximately 1.5 acres.

Mr. Holt replied correct.

General discussion ensued regarding this application.

As there were no other registered speakers, Mr. Hipple closed the Public Hearing.

Mr. McGlennon clarified with Ms. Cook that staff recommended denial of the application on the basis that it did not meet the criteria, but the Board had the discretion to make the determination as to whether or not the request would be granted.

Ms. Cook replied that is correct. She further stated that with this particular request the Board had a wider discretion than staff in looking at circumstances of the case.

Mr. McGlennon stated that typically the reason for being part of an Agricultural and Forestal District was for a tax benefit.

Ms. Cook replied yes.

Mr. McGlennon clarified that this particular part of the parcel was not taking advantage of the tax benefit; therefore, there would not be any tax consequences.

Ms. Cook replied correct.

Mr. McGlennon stated that the purpose was consistent with the rural land objectives.

3. **SUP-0002-2016. 3703 Brick Bat Road Tourist Home**

A motion to Approve was made by Ruth Larson and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Ms. Ellen Cook, Planner, gave an overview of the documentation regarding this item and included in the Agenda Packet.

Mr. Basic stated that the Planning Commission recommended approval by a vote of 7-0.

Mr. Hipple opened the Public Hearing.

1. Mr. Will Holt, Esq., Kaufman & Canoles, P.C., 4801 Courthouse Street, addressed the Board in regard to this item and gave an overview of documentation provided in the Agenda Packet.

Mr. McGlennon clarified that by approving this SUP the Board would not be approving any other uses of this property beyond a private residence or as a tourist home.

Mr. Holt replied correct.

As there were no other registered speakers, Mr. Hipple closed the Public Hearing.

4. **Z-0005-2015, MP-0002-2015, HW-0002-2015. Patriot's Colony Expansion**

A motion to Approve was made by Kevin Onizuk and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

The Board watched a brief video regarding this item. Ms. Leanne Pollock, Senior Planner, provided an overview and stated staff recommended approval of this rezoning, Master Plan and height limitation waiver application and accept the voluntary Proffers.

Mr. Basic stated that the Planning Commission discussed three major points on

this application. He further stated that the Commission was concerned with building mass and the amount of clearing associated with it. He remarked the next point of discussion was confusion with the Commission regarding the National Park Service being supportive of the application, then simultaneously being concerned with the Phase II methodology. He further remarked that the Committee ultimately decided it was comfortable with the Proffers with the understanding that the Department of Historic Resources accepted that Phase II methodology. He noted that while the Comprehensive Plan was being worked on, data indicated a rising senior population in the County; therefore, the Committee was pleased to see that particular audience had been targeted with this plan.

Mr. Hipple opened the Public Hearing.

1. Ms. Molly Trant, Esq., Riverside Healthcare System, 701 Town Center Drive, Suite 1000, Newport News, the applicant's representative, addressed the Board in regard to Patriot's Colony Expansion. She gave an overview of documentation regarding this item and included in the Agenda Packet.

Ms. Larson inquired about the communication with the First Colony neighborhood.

Ms. Trant stated that a community meeting was held in January with the First Colony neighborhood where concerns of street views, stormwater management and traffic were discussed.

Mr. McGlennon stated that it was his understanding that the proposal did not contain any Proffers for recreational payment to the County, affordable housing or schools.

Ms. Trant replied correct.

Mr. Hipple stated that in January he went to the balloon test site and discovered that due to the tree canopy it could not be seen from the Greensprings property or nearby roads.

2. Mr. Paul Treolo, 3017 Kitchums Close, a sitting member of the Patriot's Colony Board of Directors, addressed the Board in regard to his support for this item.

As there were no other registered speakers, Mr. Hipple closed the Public Hearing.

Mr. McGlennon verified with staff that in similar cases involving Continuing Care Retirement Communities (CCRCs) there had not been the proffering of cash contributions for schools, parks or home equality.

Mr. Chris Johnson, Senior Planner, replied that there had been Proffers that had been offered in other CCRCs approved by the Board that came in the form of lump-sum cash payments for community impacts created by the proposed developments.

General discussion ensued regarding this item.

Ms. Larson acknowledged she had received an email from a First Colony resident who was opposed to this application; however, she was glad that approximately 20 residents of First Colony attended the informational community meeting and no

one was opposed to the item.

Mr. Onizuk expressed his thanks to the Patriot's Colony administration in attendance this evening and stated that they provided a valuable service to the community.

Mr. Kinsman confirmed with the Board members that the motion was for the rezoning, master plan and the height waiver.

The Board took a break at approximately 8:18 p.m.

The Board reconvened at approximately 8:25 p.m.

I. BOARD CONSIDERATION(S)

1. **Ratification of the Form of the Public Offering and Appendix-Lease Revenue Bonds**

A motion to Postpone was made by Kevin Onizuk and the motion result was Failed.
AYES: 2 NAYS: 3 ABSTAIN: 0 ABSENT: 0
Ayes: Onizuk, Sadler
Nays: McGlennon, Larson, Hipple

Ms. Sue Mellen, Director of Financial and Management Services, gave an overview of the documentation regarding this item and included in the Agenda Packet. She stated that Mr. Courtney Rogers, Davenport & Company, LLC and Mr. Christopher Kulp, Hunton & Williams, LLP, were in attendance if there were any questions.

Mr. Onizuk summarized his past views regarding the James Blair Middle School project. He remarked that there were capacity issues within the schools, agreed that more room was needed and discussed concerns with the existing project. He emphasized that his recommendation was to follow the Middle School Learning Facility Committee Report, issued May 2013, completed by the Williamsburg-James City County schools. He noted the middle school committee recommended expansion of the existing middle schools, which would be a significant savings over the James Blair project. He stated that he would be voting against this motion and may vote to postpone it until after the joint meeting with the School Board and the City of Williamsburg.

Ms. Sadler stated that there were multiple issues to be reviewed and was surprised that the Board would be voting on this issue this evening. She further stated that she was under the impression that the voting would take place after the joint meeting previously referenced and noted that would be more appropriate. She commented that options needed to be considered, citizens' voices needed to be heard and discussed issues that made this a difficult process. She asked Mr. Hill the date the wrecking ball would begin.

Mr. Hill replied that the contract needed to be authorized; however, he believed that it would be brought forward to the School Board on April 19.

Ms. Sadler continued to discuss local school situations and remarked that there was no plan for the interim. She stated her support in postponement of this issue.

Ms. Larson disagreed in regards to the amount of time this issue had been discussed. She remarked that this issue was first mentioned at a joint meeting with the Board of Supervisors when Hornsby Middle School was beginning to come online. She further remarked that James Blair was closed at the suggestion of a Board of Supervisors member and always had the intention to return. She commented that she had not heard or seen any efforts for another parcel to be purchased for a fourth middle school. She noted that she brought the subject up two different times and inquired if there was support to ask the County Administrator to go out and search for land for a fourth middle school; however, there was no support given. She stated that all Board members took the spending of money seriously and hoped that no one suggested something different in their comments. She stated she is hopeful the Board could start discussing trigger points regarding when it needed to start looking and planning for new schools. She stressed that she is not opposed to expansion and discussed this topic. She stated her support of this item.

Mr. McGlennon stated this had been a long process; whereas, the Board made a decision to move forward on James Blair. He further stated three of the current Board members were in support of the decision at that time and discussed the relevance of that plan. He addressed past year concerns raised about James Blair such as the location and additional land possibilities and noted that estimated population numbers were used in order to be fiscally responsible. He discussed previous proposals brought before the Board and the current needs within the County. He expressed his concern about the facilities at Lafayette High School and remarked that he wished the issues had been brought forward before the Capital Improvements Program process began. He stated his support of the ratification of the bonds.

Mr. Hipple concurred that this had been a long process and expressed his pride in the teamwork and respect of the Board members. He discussed the workings of the Board toward decisions and noted that the Board members had diverse viewpoints but worked well together. He stated that we, as a Board, voted on this issue and noted a lot of time and effort was taken in meeting with the County bonding agent and credited the staff and Mr. Hill's leadership for the wonderful feedback. He further stated the previous Board of Supervisors meeting was intended to get information from the School Board to the Board of Supervisors and that all Board members' questions should have been answered at that time. He clarified that the next meeting of this Board with the School Board would be to discuss budgets, future destinations, reaching goals and working as a team in an effort to move things forward.

A motion to Approve was made by John McGlennon and the motion result was Passed.
AYES: 3 NAYS: 2 ABSTAIN: 0 ABSENT: 0
Ayes: McGlennon, Larson, Hipple
Nays: Onizuk, Sadler

2. **Initiation of Consideration of Amendments to the Zoning Ordinance for Manufacture of Food and Food Products in the Planned Unit Development District**

A motion to Approve was made by Kevin Onizuk and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Ms. Roberta Sulouff, Planner, gave an overview of the memorandum and resolution included in the Agenda Packet.

Mr. McGlennon clarified that the process would involve the Planning Commission take this issue under consideration.

Ms. Sulouff replied correct and added that it goes to the Policy Committee, Planning Commission and the Board of Supervisors.

Mr. McGlennon inquired if it would have opportunities for public hearings.

Ms. Sulouff replied yes.

Mr. McGlennon inquired if this was addressing a concern by a current business in the community.

Mr. Hipple replied yes.

Mr. Basic stated the Planning Commission had not yet reviewed this item; therefore, there was no comment.

3. **Initiation of Consideration of Amendments to the Zoning Ordinance to Allow Mobile Food Vending Vehicles (Food Trucks) in the M-1, Limited Business/Industrial District, the M-2, General Industrial District and the Planned Unit Development-Commercial District**

A motion to Approve was made by Kevin Onizuk and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Ms. Sulouff gave an overview of the memorandum and resolution included in the Agenda Packet.

Mr. Onizuk stated that consideration for current brick and mortar restaurant owner concerns needed to be taken into account; however, there could be a balance and opportunities for existing restaurant partners to break out and therefore does not have to be one against another. He stated his support for this item.

Ms. Sadler inquired if this would limit future expansion and food trucks at other locations.

Ms. Sulouff replied that this is not limiting and food trucks were currently permitted for special events in all districts.

General discussion ensued regarding this item.

4. **Z-0001-2016. The Promenade at John Tyler Proffer Amendment**

A motion to Approve was made by Kevin Onizuk and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Ms. Savannah Pietrowski, Planner, gave an overview of the memorandum and resolution included in the Agenda Packet.

Mr. Basic stated that the Planning Commission approved this application with no discussion.

Mr. McGlennon stated that while he supported this Proffer amendment, he had not changed his mind in regard to the project.

5. **Z-0002-2016. The Village at Candle Station Proffer Amendment**

A motion to Approve was made by Sue Sadler and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Mr. Jose Ribeiro, Planner II, gave an overview of the memorandum and resolution included in the Agenda Packet.

Mr. Basic stated that the Planning Commission recommended approval of this application with no discussion.

Mr. McGlennon stated he supported this Proffer amendment and had not changed his mind concerning the project.

J. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon stated he attended a visitation for Mr. Emory Knight, a Parks & Recreation employee, and expressed his condolences to the family. He further stated he attended services for Senator John Miller and gave a brief biography of Senator Miller's political achievements.

Ms. Larson expressed her condolences to the family of long-time York County School Board member Mr. Page Minter as well as the families of Mr. Knight and Senator Miller. She briefly spoke about teams traveling to sport practices with multiple students riding together in vehicles.

Mr. Onizuk gave a brief outline of an upcoming Budget community meeting to be held April 13, 2016 and welcomed citizen input. He expressed kudos for the County and stated that at a recent Williamsburg Area Destination Marketing Committee meeting a local hotelier expressed his delight at working with Mr. Tom Coghill and staff. He noted several topics he would be interested in for future work sessions.

Ms. Sadler discussed the highlights of a recent Hampton Roads Military and Federal Facilities Alliance meeting she attended. She stated that she attended the Chickahominy Community Improvement Organizations (CCIO) 47th Anniversary banquet and was honored to be on the CCIO Advisory Committee. She referred to notes from Mr. Bill Truax, a citizen that sent a packet of information to the Board regarding a veteran's memorial park garden proposal. She stated her support of the proposal.

Brief discussion ensued regarding the proposal.

Mr. Hipple expressed his apologies for missing the March 22, 2016, meeting. He stated that he had attended the Planning District Commission, Transportation

Planning and Organization as well as the Hampton Roads Transportation Accountability Committee. He further stated he taught a class on Government Day that was well received and he, as well as a group of others, had traveled to New York. He remarked that he had a meeting with Mr. Mitchell Reiss, President of Colonial Williamsburg, regarding ways to connect Colonial Williamsburg into James City County, York County and the City of Williamsburg and noted Mr. Reiss would be reaching out to the other Board members as well. He gave a brief synopsis of recent meetings he had attended and thanked everyone involved. He expressed his appreciation and respect to each of his fellow Board members for their various thoughts and opinions in moving forward with happenings in the County.

K. REPORTS OF THE COUNTY ADMINISTRATOR

1. **County Administrator's Report**

Mr. Hill expressed his thanks to Mr. Hipple for taking his place at a recent event due to having attended the viewing for Mr. Knight and offered the family his condolences. He noted upcoming radio interviews for April 13 - Ms. Sadler, April 20 - Mr. Hipple, April 27 - Mr. McGlennon, May 4 - Mr. Onizuk and May 11 - Ms. Larson. He further noted dates for upcoming community meetings and stated that James River Elementary School was having a "Golf and Madness" event April 15 as well as "Firemen vs Williamsburg-James City County Teachers" playing in a benefit basketball game. He further stated that the Budget Public Hearing was scheduled for April 26 with a Budget work session to be held on April 28.

L. PUBLIC COMMENT

Mr. Hipple opened the Public Comment.

1. Mr. Randy O'Neill, 109 Sheffield Road, addressed the Board in regard to kindergarten-12th grade student health.

As there were no other registered speakers, Mr. Hipple closed the Public Comment.

M. CLOSED SESSION

None.

N. ADJOURNMENT

1. **Adjourn until 9 a.m., on April 22, 2016, for the Joint Meeting with the City of Williamsburg and Williamsburg-James City County Schools at the Stryker Building**

A motion to Adjourn was made by John McGlennon and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

At approximately 9:45 p.m., Mr. Hipple adjourned the Board of Supervisors.

M I N U T E S
JAMES CITY COUNTY BOARD OF SUPERVISORS
WORK SESSION
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
April 26, 2016
4:00 PM

A. CALL TO ORDER

B. ROLL CALL

John J. McGlennon, Vice Chairman, Roberts District
Ruth M. Larson, Berkeley District
Kevin D. Onizuk, Jamestown District
P. Sue Sadler, Stonehouse District
Michael J. Hipple, Chairman, Powhatan District

Bryan J. Hill, County Administrator
Adam R. Kinsman, County Attorney

C. BOARD DISCUSSIONS

1. Greater Williamsburg Chamber and Tourism Alliance

Ms. Karen Riordan, President and Chief Executive Officer (CEO) of the Greater Williamsburg Chamber and Tourism Alliance, introduced the organization Board of Directors members in attendance; Ms. Jeanne Zeidler and Ms. Robin Carson. Ms. Riordan stated that the mission for the Greater Williamsburg Chamber and Tourism Alliance was to advocate, collaborate and create networking opportunities so that new businesses could emerge and existing businesses could grow and prosper, while promoting the region as a premier year-round travel destination. Ms. Riordan gave an overview of the PowerPoint presentation included in the Agenda Packet and reviewed the following topics during the slideshow:

- Fiscal Year 2015-16 Funding Results
- James City County - November 2015 Business Metric/Results/Change Year-to-Date
- Regional Score Card - November 2015
- Williamsburg Fall Arts
- Christmas in Williamsburg
- 2016-17 Strategies
- Tourism Event Schedule 2016
- Funding Request Details
- Commonwealth Cycling Classic
- The Opportunity of Promoting the Virginia Capital Trail/Williamsburg Region
- 2017 Commonwealth Classic

Mr. Onizuk noted that when he compared the 2014 and 2015 figure results, 2015 showed a significant improvement.

Ms. Riordan stated that most of the changes were inspired in 2015 and noted that the region was doing well.

Mr. Onizuk inquired if there was data available on other destinations from 2015 versus regional numbers.

Ms. Riordan replied no. She explained that many localities did not create a Regional Score Card like James City County, which made that type of information very hard to obtain. Moving along in her presentation, she stated that the group tour market was extremely important. She referenced the Group Tour Committee and handed out motor coach tour itineraries for the Board members to review. She commented that this past year over 195,000 people on motor coach tours visited Jamestown Settlement. She noted that her team reached out with itineraries and enticed tour operators to bring their groups to James City County, which was extremely important for local businesses and hotels. She further stated that in 2014, the American Bus Association estimated each motor coach carried approximately 44 tourists, which resulted in roughly $7,000 of tourism expenditures. Moving further along into her presentation, Ms. Riordan referenced the 2017 Commonwealth Classic. She explained that this event would be a two-day cycling professional race and noted the Virginia Capital Trail promotional opportunity. She remarked that this was in the preliminary stage, but could be a wonderful event and commented that perhaps the Commonwealth would be the platinum sponsor. She stressed that this would be a great advertising opportunity for the County highlighting the connection between Richmond and the Greater Williamsburg area with scenic focal points at Chickahominy Park and Route 5 and finishing in Richmond. She stated that a Letter of Intent had been entered into and discussed the financial specifics of this commitment. She stated that if the Letter of Intent went forward, the Alliance would come before the Board for a formal presentation with Mr. Tim Miller, CEO of Commonwealth Classic.

Mr. Hipple inquired if the contribution of $150,000 was a one-time supplement or needed to be made every three years.

Ms. Riordan replied that it would be every year for three years and explained that the City of Williamsburg, York County and James City County would each contribute $50,000 for each of the three years. She stated that in-kind police patrol would also need to be reviewed and an amount determined. She further stated another commitment that the Alliance made to UCI Road World Championships was to work with its head of fundraising and locate interested corporate sponsors within the County.

Mr. Hipple remarked that with the event beginning in James City County and ending in Richmond, he could foresee Richmond reaping the larger benefit and inquired if the first night stay could be within the County.

Ms. Riordan replied that the plan is not yet at a stage for negotiations. She reiterated that this was still based on the bid moving forward and noted that UCI wanted to put this on the world tour. She commented that in an effort to be totally fair, this might not happen at all.

Mr. Hipple inquired if the Governor was going to contribute $1 million.

Ms. Riordan replied yes, that was what she had been told.

Mr. Onizuk inquired if Ms. Riordan could explain the difference between

Williamsburg Area Destination Marketing Committee (WADMC) and the Tourism Alliance.

Ms. Riordan replied that WADMC was created through legislative actions and was also referred to as the $2 Tax Law. She explained that in James City County, the City of Williamsburg and York County, budgets had a line item that was a projection for how much $2 tax would be collected from hoteliers. She further explained that the hoteliers did not provide that money to the County, but instead the guest of the hotel did; therefore, every time a guest came into a hotel or timeshare being rented, on top of their sales tax there was a $2 flat tax. She explained that money went into a separate account which was the WADMC Production and Media Fund account run by the Alliance Director of Marketing. She further explained that the Alliance was set up to be the fiscal agent for WADMC and commented the two programs complemented each other. She further commented that WADMC provided a summer program and the Tourism Alliance was responsible for the fall, winter and spring season program efforts and each had its own budget and discussed the various committees that made up WADMC.

Mr. McGlennon inquired about funding request details and how they related to spending. He specifically referenced the sports marketing side and $95,000 being sought from the County and asked how that compared to the $90,000 given the previous year by the County and amounts from other jurisdictions.

Ms. Riordan replied they asked for increases from the other two jurisdictions as well and had asked for a total of $800,000 from the City of Williamsburg so they would be commensurate with what the County funded last year. She stated that the Alliance had requested an increase from York County as well. She explained that those funds covered staff, trade shows, brochures, digital, other marketing and hoped for a $100,000 sports grant fund next year.

Mr. McGlennon clarified that the grant fund would increase by $10,000.

Ms. Riordan replied correct. She explained that the increased funds would allow for more promotion and marketing as well as an increase in the fund.

Mr. McGlennon inquired about the total line item figure in the budget.

Ms. Riordan replied that in sports marketing the total would be $250,000. The breakdown would be $95,000 from both the City of Williamsburg and James City County and $60,000 from York County.

Mr. Hipple inquired about funding from York County.

Ms. Riordan replied that during the current fiscal year York County provided $392,000 of funding and this year $430,000 in funding had been requested.

Mr. Hipple inquired why York County was getting a better deal than James City County and the City of Williamsburg.

Ms. Riordan replied traditionally the thinking had been that only the Bruton District of York County was heavily involved in the Greater Williamsburg Tourism effort; and therefore, over the years had funded significantly less than James City County or the City of Williamsburg.

Discussion ensued regarding the funding levels of each jurisdiction.

The Board members agreed that a meeting needed to take place that would include the City of Williamsburg, York County and James City County; whereas, the benefits and contributions regarding the funding of the Greater Williamsburg Chamber and Tourism Alliance would be the subject for discussion.

Mr. Hipple inquired about the locations of the 44 spring and 100 fall art events that were actually held within the County.

Ms. Riordan replied that the spring events were scattered throughout the region and the fall events tended to be more evenly distributed, due to more signature events and had been going on for six years. She briefly discussed the creation of events within the jurisdictions and encouraged businesses and companies that wanted to partner and generate these types of events for promotion.

Mr. Hipple encouraged having more James City County restaurants and businesses involved.

Ms. Riordan briefly discussed past involvements with businesses the Tourism Alliance felt would be receptive of the program based on past experiences in James City County, York County and the City of Williamsburg. She commented on the present strategies that were used to improve communication with area businesses regarding event participation.

General discussion ensued regarding area restaurant participation and price spectrum for meals.

Mr. Onizuk stated that as a region everyone rose together and commented that tourists generally were not aware of whether they were lodging in the County or the City of Williamsburg.

Ms. Riordan discussed the success of area attractions holding specific events and referenced Busch Gardens Howl-O-Scream as an example.

Mr. McGlennon referenced the Score Card and inquired if the numbers shown, in terms of increases, were the national trend, general economy or specifically tourism related.

Ms. Riordan replied it was very difficult to determine; however, so much data that other proprietaries had accumulated was unable to be seen and therefore was difficult to disclose. She stated this was the first time in this destination that real growth had been seen since the 2006-2007 time period. She stressed the importance of offering different attractions for area visitors, due to statistics determining that the typical tourist welcomed variety.

Ms. Sadler inquired about sports tourism.

Ms. Riordan replied that softball, swimming, cycling, field hockey, golf, basketball, soccer and lacrosse are just a few interest-growing sport activities. She briefly discussed the Sports Williamsburg Committee advisory group; research data acquired regarding sport activities in the Williamsburg area; and the hiring of an outside consultant to recommend a three-year sports plan in an effort to attract more profitable sports using the resources that were available.

General discussion ensued regarding sports facilities and venues the area offers to

tourists.

Mr. Onizuk stated that on the Visit Williamsburg website all of the local tourism partners were provided a free sub-site page to manage. He referenced area restaurants listed and noted that the website displayed blank boxes for restaurants that did not submit photos. He noted the disadvantage of unappealing blank boxes that could enhance a business by adding photos and briefly discussed this area of concern.

Mr. Hill clarified the topic of this work session was the Greater Williamsburg Chamber and Tourism Alliance.

Mr. Onizuk noted the role of the Economic Development Authority regarding this concern.

Ms. Riordan commented that five free training seminars had been provided at the Thomas Nelson Workforce Center.

General discussion ensued regarding this matter.

Mr. Hill expressed his gratitude to Ms. Riordan for her presentation and gave kudos to Ms. Laura Messer, Event Coordinator.

D. CLOSED SESSION

The Board agreed to revise the scheduled Closed Session to an Open Session.

1. Consideration of a personnel matter, the appointment of individuals to County Boards and/or Commissions, pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia

A motion to Appoint and Reappoint members to the Historical Commission was made by John McGlennon, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Larson, McGlennon, Onizuk, Sadler

- Ms. Mary Cimaglio - expires on June 30, 2019
- Mr. Stephan Phillips - expires on June 30, 2019
- Mr. John Labanish - expires on June 30, 2019
- Mr. Alain Outlaw - expires on June 30, 2019
- Ms. Adrienne Carter - expires on June 30, 2019

A motion to Reappoint the Honorable Judge Wade Bowie to the Colonial Community Criminal Justice Board for a new term that will expire on March 1, 2019 was made by John McGlennon, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Larson, McGlennon, Onizuk, Sadler

A motion to Appoint Mr. Christopher McDonald to serve the remainder of a vacant term that expires on June 30, 2018 on the Colonial Group Home Commission was made by John McGlennon, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Larson, McGlennon, Onizuk, Sadler

E. ADJOURNMENT

A motion to Adjourn was made by John McGlennon and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Larson, McGlennon, Onizuk, Sadler

1. Adjourn until Regular Meeting at 6:30 p.m.

At approximately 5:24 p.m., Mr. Hipple adjourned the Board of Supervisors.

M I N U T E S
JAMES CITY COUNTY BOARD OF SUPERVISORS
WORK SESSION
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
May 24, 2016
4:00 PM

A. CALL TO ORDER

B. ROLL CALL

John J. McGlennon, Vice Chairman, Roberts District
Ruth M. Larson, Berkeley District
Kevin D. Onizuk, Jamestown District
P. Sue Sadler, Stonehouse District
Michael J. Hipple, Chairman, Powhatan District

Bryan J. Hill, County Administrator
Adam R. Kinsman, County Attorney

C. BOARD DISCUSSIONS

1. Strategic Plan Update - Phase II

Mr. Hill welcomed Ms. Leigh Anne King, Clarion Associates, and Mr. Greg Dale, McBridgeDale Clarion, to the meeting with an update on Phase II of the Strategic Plan as the transition to Phase III begins. Mr. Hill noted the tremendous work done by both Strategic Planning Advisory Group (SPAG) and Tactical Advisory Group (TAG). He further noted the two-hour timeframe might need to be extended to four-hour meetings for both SPAG and TAG to accomplish the goals for the Strategic Plan. Mr. Hill stated he wanted a compilation of the information to be presented on the website and at public meetings with citizens and the Board of Supervisors and not a piecemeal presentation.

Ms. King noted the presentation detailed an update on current accomplishments, suggestions and the Phase II report. She stressed Phase II work was closing out, but opportunities still existed for revisions or modifications until the Plan was adopted. She cited Phase II involved the focusing efforts, both multi-part and iterative, from the Board of Supervisors, SPAG, TAG and collectively. Ms. King presented a PowerPoint presentation that highlighted the completion dates of the phases with goals and strategies for each respective phase. She highlighted the information from the two public open house meetings that involved citizen and public input. Ms. King further noted this allowed Clarion Associates to view feedback on the Strategic Plan from the public. She added the report from the public open house was available to view with a demographic and age breakdown. Ms. King shared a summary of this public input, noting citizens were asked to rank the draft goals. She further noted education was a primary goal, whereas lifelong learning was not considered primary by most citizens. Ms. King stated that primarily most of the seven identified goals were supported by the community. She noted the public was asked to rank its top five strategies as another tool to assist in the development of the Strategic Plan and as a check for the action plan of Phase III.

Mr. Dale addressed the Board regarding the goals and strategies. He noted the purpose and values, emphasizing the core focus of James City County as a unit of government, provided a pivotal point in developing the Plan. He further noted the continual reminder from the public that the Strategic Plan needed to be regarding the people of James City County. Mr. Dale stated the County had a Comprehensive Plan that identified the vision for the community, but added the Strategic Plan was for the County's government and its purpose was to meet the needs of James City County citizens. Mr. Dale addressed the direct and indirect goals of the County and what could be done well as a unit of government. He noted SPAG challenged Clarion Associates to rethink the process and priority.He further noted a four-part framework: invest (capital facilities/infrastructure), protect (community character), serve (people) and collaborate (partnerships) that encompassed and supported the community and its needs in the presentation. Mr. Dale noted that the County was one part of multi-partnerships at work. He addressed the list of goals: sustainable, long-term water supply; modern infrastructure, facilities, and technology systems; expanding and diversifying local economy; protected community character and an enhanced built environment; and exceptional public services. Mr. Dale noted education was a major consideration and asked what was the County's role in developing education and what education encompassed. He further noted James City County's task of supporting high quality education with a focus on its core fiscal responsibility through joint planning ventures. He reiterated fiscal modeling for the County.

Ms. Larson questioned the framework about some items, particularly, expanding and diversifying the local economy as well as education.

Ms. King noted the goals and referenced the Packet addressing the framework and the layering of achievements. She further noted how Clarion designated the goals based on input.

Mr. McGlennon noted the impact of education and the partnership with the City of Williamsburg and James City County. He cited the importance of the Williamsburg Regional Library as an educational source for lifelong learning. Mr. McGlennon also asked about the interconnectivity and the priorities in relation to the best choice. He questioned advantages and disadvantages to economic development coupled with citizen input.

Ms. King noted Phase III would evaluate the specific actions and assessments. She further noted the review of action criteria that accomplished multiple goals as a priority.

Discussion ensued on this matter.

Ms. King and Mr. Dale reiterated that both SPAG and TAG would be instrumental in reviewing the actions and assessments in Phase III.

Mr. McGlennon noted the inclusion of service and its relationship to housing. He further noted addressing housing solutions for the lower wage households.

Further discussion ensued on this matter.

Mr. Onizuk asked how James City County compared to other communities with concerns and goals. Mr. Dale noted education was a prevailing theme in all communities. He stressed funding was an important issue in how the local

governments were involved.

Ms. King echoed this theme and noted partnership opportunities help communities achieve these goals.

Mr. Dale noted many communities had some type of plan in place, but further noted James City County's approach to the Strategic Plan was unique in preparing for the unpredictability. He stated the varied input from staff and citizens strengthened communication and offered suggestions for the County.

Ms. King commented on the strong public support on long-range planning, particularly regarding the infrastructure.

Mr. Hipple asked for additional questions prior to the approval of the Phase II checklist.

Mr. Onizuk asked if there were any red flags.

Mr. Hill noted the involved people understood the objective of the Strategic Plan, but he wanted more community involvement so that more people understood the process and decisions. Discussion ensued on this matter. Mr. Hill stated he would include a report card on a quarterly cycle for the County Administrator and an annual cycle for the Board after adoption of the Plan. He noted review of the policies and timelines based on the report card as benchmarks.

Ms. Larson noted the policies and impacts from the report card on Agendas. She further noted how new developments would affect infrastructure and the effectiveness of using this information on Agendas.

Ms. Sadler asked about updating the Strategic Plan.

Mr. Dale noted management of the Plan would require timely assessment as determined prior to adoption.

Mr. Hill stressed the transparency of James City County's government and decisions.

Mr. Dale reminded the Board and public of the website: www.jccstrategy2035.org.

The Board thanked Ms. King and Mr. Dale for their hard work and presentation.

At approximately 5:14 p.m., Mr. Hipple recessed the Board for a short break.

At approximately 5:21 p.m., Mr. Hipple reconvened the Board of Supervisors.

D. CLOSED SESSION

1. Consultation with legal counsel regarding specific legal matters requiring the provision of legal advice pursuant to Section 2.2-3711 (A)(7) of the Code of Virginia

A motion to Enter a Closed Session was made by Ruth Larson and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

2. Closed Session Certification

A motion to Certify the Closed Session was made by John McGlennon and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

E. ADJOURNMENT

1. Adjourn until May 24, 2016, Regular Meeting at 6:30 p.m.

A motion to Adjourn was made by Ruth Larson and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

M I N U T E S
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
June 14, 2016
6:30 PM

A. CALL TO ORDER

B. ROLL CALL

Michael J. Hipple, Chairman, Powhatan District
P. Sue Sadler, Stonehouse District
Kevin Onizuk, Jamestown District
John J. McGlennon, Vice Chairman, Roberts District
Ruth M. Larson, Berkeley District

Bryan Hill, County Administrator
Adam R. Kinsman, County Attorney

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. **Pledge Leader - Isabella DeFilippo, a 2nd grade student at Stonehouse Elementary and a resident of the Stonehouse District**

E. PUBLIC COMMENT - Until 7 p.m.

1. Mr. Ed Oyer, 139 Indian Circle, addressed the Board with recognition of our military groups.

Mr. Hipple presented Mr. Oyer with a framed signed print and recognition from the Board. He also thanked the Board for recognition of his service with mention of his plaque.

2. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board about the Jamestown Bridge in regards to the Virginia Department of Transportation (VDOT).

3. Ms. Peg Boarman, 17 Settlers Lane, paid tribute to deceased Co-Chair of Clean County Commission, Will Barnes.

F. PRESENTATIONS

Mr. Hipple presented Ms. Barbara Barnes with a proclamation for Mr. Willis George Barnes, who served in the U.S. Air Force, and was active in local community commission for two decades. He extended the Board's heartfelt condolences to the entire Barnes family. He proclaimed June 14 as Will Barnes

Day in James City County.

Mr. Hipple made an amendment to the Order. Items I, J and K were addressed prior to the 7 p.m. start of the regular meeting.

G. CONSENT CALENDAR

A motion to Approve was made by John McGlennon and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Mr. Hipple recognized that Mr. Chris Basic, Planning Commission, was in attendance.

1. **Minutes Adoption - May 24, 2016 Regular Meeting**

2. **Appointment of Zoning Administrator and Acting Zoning Administrator**

3. **Appointment to the Williamsburg Regional Library Board of Trustees**

4. **Dedication of Streets in Phase II of the Ironbound Square Subdivision - Jamestown District**

H. PUBLIC HEARING(S)

1. **Building Code Reference Changes**

A motion to Approve was made by John McGlennon and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Mr. Ben Ader, summer law clerk in the County Attorney's Office, stated the Ordinance with minor revisions with the County Code that referenced the Virginia Uniform Statewide Building Code as it referenced had an incorrect section that was regularly updated. He noted he would answer any questions the Board had on these changes. He recommended adoption of the Ordinances.

As there were no questions for staff, Mr. Hipple opened the Public Hearing.

As there were no registered speakers, Mr. Hipple closed the Public Hearing.

2. **SUP-0004-2015, Hankins Resource Recovery Facility - Stonehouse District**

A motion to Approve was made by Kevin Onizuk and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Ms. Ellen Cook, Planner, noted that Mr. Vernon Geddy, of Geddy, Harris, Franck and Hickman, on behalf of Mr. Howard Hankins, had applied for a Special Use

Permit (SUP) to allow the operation of a resource recovery facility on approximately 100 acres near the Croaker Road interchange. She stated this SUP would bring the existing operation into conformance with the Zoning Ordinance. Staff found the proposal to be consistent with the comprehensive plan, the Zoning Ordinance and surrounding development.

Mr. Chris Basic, June Planning Commission representative, addressed the Board. He noted the Planning Commission's 7-0 approval on the application.

As there were no questions for staff, Mr. Hipple opened the Public Hearing.

1. Mr. Vernon Geddy, 1177 Jamestown Road, addressed the Board as representative of Mr. Howard Hankins and welcomed any questions.

As there were no other speakers, Mr. Hipple closed the Public Hearing.

3. **SUP-0003-2016, Two Drummers Smokehouse SUP Amendment/SUP-0004-2016, Extra Mile Landscapes - Stonehouse District**

A motion to Approve was made by Kevin Onizuk and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

A motion to Approve was made by Sue Sadler and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Mr. Vernon Geddy of Geddy, Harris, Franckand Hickman, had applied for two SUPs. Staff's video presentation noted the first application was for the Two Drummers Smokehouse, which would amend an existing SUP to allow expansion of the building. The second application was for the adjacent Extra Mile Landscapes Contractors office, which would bring the existing use into conformance with the Zoning Ordinance and also allow expansion of the operation. The presentation noted the applications are presented together, but are to be considered individually by the Board of Supervisors. Staff recommended the Board approve each of these applications subject to the conditions listed in the respective resolutions.

Mr. Basic, Planning Commission, noted Staff approval by a vote 6-0 with one abstention.

Mr. McGlennon asked if there had been any complaints at the Planning Commission meeting.

Mr. Basic replied none that he recalled.

Mr. Hipple opened the Public Hearing.

1. Mr. Geddy noted that this application was a success story involving two small local businesses that were thriving. He complimented staff on its video presentation. He noted numerous benefits from this application.

Mr. Hipple closed the Public Hearing.

Ms. Sadler endorsed this application.

Mr. McGlennon also noted that this application endorsed growth along Route 60.

Ms. Larson, concurring with Mr. McGlennon, noted that expansion such as requested by this application was a wonderful thing for James City County.

Mr. Hipple noted these two businesses are expanding and that was good news for the County.

The Board noted that a second motion of the additional SUP would be done at the same time.

4. **SUP-0009-2015, 100 Lake Drive Rental of Rooms - Berkeley District**

A motion to Deny was made by Ruth Larson and the motion result was Passed.
AYES: 4 NAYS: 0 ABSTAIN: 1 ABSENT: 0
Ayes: McGlennon, Larson, Sadler, Hipple

Abstain: Onizuk

Mr. Onizuk requested recusion from the discussion and vote on the Lake Drive application due to personal connections to the applicants.

Staff video noted Bruce and Kathryn Williamson had applied for an SUP to allow for the rental of up to three rooms in their owner-occupied four-bedroom home in Lakewood Subdivision. The property, located inside the primary service area at 100 Lake Drive, was zoned R-1, Limited Residential and designated low-density residential by the 2035 Comprehensive Plan. The rental of rooms to a maximum of three rooms was specially permitted use in the R-1 Zoning District.

Discussion ensued regarding Item No. 4. Mr. Hipple opened the Public Hearing.

1. Ms. Alexa Provost, 132 King Henry Way, addressed the Board in regards to Item No. 4.

2. Mr. Jason Parkhouse, 2903 Francis Chapman West, spoke on behalf of Mr. and Mrs. Williamson and the valuable use of community resources they represented with the AirBnB use of their property.

3. Mr. Ron Kirkland, 286 Ogden Street, West Point, Executive Director of the Williamsburg Hotel and Motel Association, addressed the Board regarding taxation and regulatory mandates from any potential lodging establishment for fairness to all parties.

4. Mr. Roger W. Smith, 102 Lake Drive, Professor Emeritus of Government, The College of William & Mary, a resident of Lakewood, spoke regarding his neighbor at 100 Lake Drive.

5. Ms. Kathy Exton, 111 Ware Road, a lifelong resident of Lakewood, noted the R-1 zoning had been a key point to the Lakewood community and its security to its residents.

She stated this was subject to change with the request to rent the rooms as stated earlier.

6. Ms. Beth Singley Hull, 116 Lake Drive, emphasized the R-1 zoning and its restrictions on properties under that zoning.

7. Mr. James Bradley, 104 Malvern Circle, addressed the Board stating the proposed SUP was contrary to the neighborhood.

8. Mr. Joseph Swanenburg, 3026 The Pointe Drive, cautioned the Board on a decision about homeowners association covenants and restrictions contrary to County Code regarding this SUP and creating a precedent and making a mistake.

9. Mr. James Oliver, 104 Lake Drive, stated he did not want devaluation of his property with commercial activity in the R-1 zoning of his neighborhood.

10. Ms. Jennifer Bradley, 104 Malvern Circle, noted additional cars at 100 Lake Drive had created traffic concerns.

11. Mr. Dorsey Smith, 105 Lake Drive, addressed the Board in regards to the zoning and maintenance of what constitutes the character of a residential neighborhood.

12. Mr. Bob Singley, 1821 Woods Gate Lane, Bena, VA, addressed the Board regarding Item No. 4.

13. Mr. Vinson Sutlive, 122 Ware Road, addressed concerns regarding a business license and oppositions regarding conflicting comments from some of the attendants of the April 30 meeting with Lakewood residents and the Williamsons.

14. Bruce and Kathryn Williamson appeared before the Board in regards to Item No. 4.

Mr. Hipple closed the Public Hearing.

Mr. Onizuk had recused himself from discussion earlier.

Discussion ensued on this matter.

Mr. Hipple expressed gratitude for all involved in this process. He noted the promotion of business and hospitality in conjunction with the balance on the neighborhood impact. He questioned the AirBnB influence in relation to the community and noted he is "pro business", but stressed how this process works within neighborhoods. Mr. Hipple stated the Board and Planning Commission need to "go back to the drawing board" to re-evaluate current Ordinances and policies.

5. **Z-0004-2016/MP-0001-2016, New Town Proffer and Master Plan Amendment - Jamestown District**

A motion to Postpone was made by Kevin Onizuk and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Staff video stated Mr. Gregory Davis, of Kaufman & Canoles, had applied on behalf of New Town Associates, LLC to amend the adopted Master Plan and Proffer for New Town Sections 2 and 4, 3 and 6, and 7 and 8. These sections are zoned MU, Mixed Use with Proffers, as well as designated mixed use with the 2035 Comprehensive Plan. Based on Staff's finding that the proposed amendments were compatible with the 2035 Comprehensive Plan, the Zoning Ordinance and surrounding development and recommended the Board of Supervisors approve these applications and accept the voluntary Proffers included in this Agenda Packet.

Mr. Onizuk referenced Mr. Holt's emails regarding New Town Trail questions.

Mr. Holt commented the Planning Commission had received information on downed trees and trail conditions. Mr. Holt noted he had met with residents and checked the trails. He also stated that some concerned citizens complained about the different and varying materials used on the trails with some trails looking incomplete. He explained some that were viewed in the field were not in final approval. Two plan review approvals were in place with the New Town project with one from the County as part of the site plan process. He also noted there is a more detailed process that takes place with the Design Review Board. He stated there are some trails, due to rough mulch, that are incomplete and have not received County sign-off and approval.

Ms. Sulouff, Planner, spoke to these concerns citing representatives from Engineering and Resource Protection Division (ERP). ERP had walked the trails and given clarification on Resource Protection Area (RPA) compliance as well as positioning of debris within the RPA. It was noted this was not construction debris, but natural debris from storm-damaged trees and such and their position(s) did not conflict with the RPA.

General discussion ensued regarding definition of playgrounds, Parks and Recreation approval and process, bus stops and shelters and Williamsburg Area Transport Authority, as well as specifications for trails in relation to Proffers and homeowners' associations.

Mr. Greg Davis, Kaufman & Canoles, 4801 Courthouse Street, spoke on behalf of his client, Mr. Larry Salzman. He noted Mr. Salzman, President of New Town Associates and Mr. Larry Grimes of AES, Project Manager, were present. He cited the success of the New Town Project and noted the Agenda Packet included "clean-up projects" which identified proffered items needing revision based on current situations.

Mr. Hipple noted that Public Hearing was still open.

1. Ms. Mary Cheston, 5178 Rollison Drive, noted the history of the community regarding these proffer amendments. She asked the Board to focus on the future of New Town and fairness in policies.

2. Mr. Brian Urban, 5203 Rollison Drive, addressed the Board as a representative for "the little people" and the playground. He noted it is not a usable playground and

expressed input on its design.

3. Mr. Richard Cheston, 5178 Rollison Drive, addressed the Board in regards to the connection to Discovery Park Boulevard and Rollison Drive.

4. Mr. James Carey, 5195 Rollison Drive, spoke regarding the trails and their composition, particularly the newest section.

5. Ms. Laura Urban, 5203 Rollison Drive, emphasized new urbanism and its relationship to the New Town Proffer.

6. Mr. Joseph Swanenburg, 3026 The Pointe Drive, stated the original plan of New Town had certainly changed as well as ownership. Mr. Hipple closed the Public Hearing.

Discussion ensued on this matter.

A motion to postpone until the June 28 meeting with June 21 being the deadline for decision was made by Mr. Onizuk.

I. BOARD CONSIDERATION(S)

1. **Z-0005-2016, The Promenade at John Tyler Proffer Amendment - Community Character Corridor Buffer - Jamestown District**

A motion to Approve was made by Kevin Onizuk and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Ms. Ellen Cook, Principal Planner, noted the December 9, 2014 approval for the Proffer, stating Mr. Gary Warriner of Francesa Homes, requested amending the narrative description in regard to a 5.5 foot berm placement in the northern portion of the buffer. She stated that additional verbage be included to address inspection of the southern portion per proffer compliance.

Mr. McGlennon noted that while he would support this amendment, he still did not support the original proposal.

J. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon cited several Community events he had attended over the past several weeks. He also noted Will Barnes' commitment to the County. He addressed the Comprehensive Plan packet referenced as the 2035 Comprehensive Plan rather than the year the plan was adopted as done in the past. He noted that reverting to the previous format would be less confusing.

Ms. Larson noted the Hampton Roads Transportation Accountability Commission's Forum was very informative regarding traffic concerns in that area. She noted another forum is slated for next year. She highlighted events she had attended.

Mr. Onizuk stated he and Mr. Hipple met with Ford's Colony residents on a broad range of subjects at a Town Hall meeting. He addressed the tourism and diligence of highlighting the history of the County. He noted the Williamsburg Area

Destination Marketing Committee (Wedmac) had revamped the website, but was still pursuing other options for the booking engine. He met with the new General Manager of Anheuser-Busch regarding their new changes to support the community, residents and tourists citing economic partnership. He mentioned an agenda change at the last meeting with a proposed agenda for this meeting. Due to time constraints, he noted that discussion on that change will take place at another time.

Ms. Sadler stated she had attended the GED ceremony and extended her congratulations to all the graduates. She stated her appreciation for the support of the Manus Family Fundraiser, stating the enormous response from the community.

Mr. Hipple reiterated the Ford's Colony Town Hall meeting and extended a welcome to other communities to contact Board members for a similar venue. He stated he would be attending JRTag and Planning Commission meeting to discuss transportation needs in the area. He attended Mayor Haulman's retirement party and wished him well, thanking him for his service. He noted J.B. Blayton Elementary School will have its first graduating class involving the students who have started kindergarten through fifth grade.

K. REPORTS OF THE COUNTY ADMINISTRATOR

1. **County Administrator's Report**

A motion to Approve was made by John McGlennon and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Mr. Hill requested a motion and vote to Amend the Board's meeting calendar to cancel the June 28 Work Session and to move the start time of the July 26 Work Session to 1:30 p.m. so that the Board may meet with Clarion for a Strategic Plan discussion and then have the Joint Work Session with the Planning Commission beginning at 4 p.m. followed by the regular Board meeting.

He expressed his sincere appreciation to Mr. Austin Bogues, Virginia Gazette Reporter, who moved to Asbury Park, N.J. He noted the Communications Team will be presenting at the next Board meeting. He noted the Fourth Friday series started. He cited he attended four ceremonies.

L. PUBLIC COMMENT

M. CLOSED SESSION

N. ADJOURNMENT

1. **Adjourn until 6:30 p.m., on June 28, 2016 for the Regular Meeting**

A motion to Adjourn was made by Ruth Larson and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

At approximately 10:55 p.m., Mr. Hipple adjourned the Board.

M I N U T E S
JAMES CITY COUNTY BOARD OF SUPERVISORS
WORK SESSION
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
July 26, 2016
1:30 PM

A. CALL TO ORDER

B. ROLL CALL

Board of Supervisors

John J. McGlennon, Vice Chairman, Roberts District
Ruth M. Larson, Berkeley District
Kevin D. Onizuk, Jamestown District
P. Sue Sadler, Stonehouse District
Michael J. Hipple, Chairman, Powhatan District

Bryan J. Hill, County Administrator
Adam R. Kinsman, County Attorney

Planning Commission

Tim O'Connor
Chris Basic
Rich Krapf
John Wright
Danny Schmidt
Paul D. Holt, III, Secretary

C. BOARD DISCUSSIONS

1. Strategic Planning Work Session with Clarion Associates

Mr. Hill gave the Board an update on the Strategic Planning process and the timeline. He noted the many people involved in the process documenting the hours and the number of participants including Strategic Plan Advisory Group (SPAG) and Tactical Advisory Group (TAG). He praised Ms. Leigh Anne King from Clarion Associates, Inc. for all Clarion's work. He noted the schedule for monitoring, reporting and revising of the Strategic Plan. He further noted the Strategic Plan's ongoing "Report Card" would be decided by the Board and further noted initiating an annual Board Retreat to gather and review projects and priorities per the Plan.

Ms. King addressed the Board with the Phase III update included in the Agenda Packet. She noted this phase was the implementation phase citing the inventory of priorities in relation to fiscal and economic needs. She further noted the relation of goals. Her PowerPoint presentation detailed the Strategic Plan Project highlighting coordination across County divisions and departments for initiatives and Capital Projects. She noted the Plan served as an organizational plan for the County, not specifically for individual components or divisions. She further noted the short- and

long-term goals and the relationship between the Strategic Plan and the Board's decision-making process on projects, policies and other priorities for the County. She stated this "drives" the work priorities and highlighted the four major components: Set Policy Priorities, Set Work Priorities, Set Funding Priorities and Implement Priorities in the presentation. She further noted how the Strategic Plan aligned with the Comprehensive Plan and the incremental review of projects. She stated the organization of actions was comprised of Capital Projects and Operational Initiatives with an explanation of each group and their respective time frames. She noted the need for a Long Range Facilities Master Plan. She further noted that Mr. Hill and staff had evaluated the inventory of Capital Projects and ranked them for priority based on fiscal and time needs.

Mr. Hill noted a list of short-term projects and initiatives had been sent to the Board.

Ms. King noted this list would be reviewed by the Board for five-year increments and priorities with a breakdown and consolidation as necessary. She referenced the example of consolidation of projects for the Fire Department rather than a station-by-station breakdown. She asked the Board to review the list.

Mr. Onizuk asked about consolidation of County facilities.

Ms. King noted County planning and budget would be factors in determination. Ms. King asked the Board for a general sense of projects in terms of priority for the community with the financial discussion to be addressed at a later date.

Ms. Larson asked about projects such as pool resurfacing and maintenance and maintaining balance in ranking the projects.

Ms. King noted the varied scope of the projects and the transparency of identifying them and their cost. She stressed the prioritization across the County on projects and asked for the top five projects for Capital Improvements. She asked the Board to add any missing projects, but to also eliminate any unnecessary ones.

Discussion ensued on this matter.

Mr. Onizuk asked Mr. Hipple about transportation projects and the County's role, as well as funding.

Mr. Hipple noted transportation projects had moved well. He further noted great strides had been made in that area." He complimented Mr. Hill and staff for that work.

Mr. Hill noted "road match" was imperative in funding and working with the Virginia Department of Transportation (VDOT). He noted traffic impacts and the correlation to economic improvement in the County.

Further discussion ensued on this matter.

Ms. Larson noted the conflict between maintenance of existing structures competing against major transporation projects on the priority list. She noted work needed at Jamestown Beach and long-term plans.

Ms. King suggested making a top 10-item priority list to alleviate some pressure on curtailing the list.

Mr. Hill noted that with the Board's decision on the priorities, it created a pathway. He stressed the priorities could be modified with time, but direction from the Board was imperative. He also noted the safety of the County, its residents and community were paramount in these projects.

Mr. Hipple noted the prioritization gave direction.

Discussion ensued on this matter.

Mr. McGlennon noted a similar process had been used previously by the Board in setting the purpose of the annual Retreat. The process included a Revenue Report with expectations for that year as well as division heads reporting critical issues and upcoming needs. He noted it allowed the Board to have a clear direction. He further noted the Board had adjusted its preferences over the years to review the overall economic picture of the County and that had resulted in some loss in the planning process. He stated it would be good to return to that process used previously. He noted concern about the prioritization and the principles involved in the decision.

Ms. King noted some priorities might achieve multiple goals so that can impact the priority list. She stated the roundtable nature of this meeting allowed clarification, but the prioritization exercise was not necessary. She noted guidance for County accomplishments over time was needed to move forward.

Mr. Onizuk noted the difference between wants and needs.

Ms. Larson further noted more discussion among the Board members was needed to know the Board's priorities.

Mr. Hill noted some items could be grouped under categories like school, Parks & Recreation and such to help prioritize.

Ms. King asked if any items on the list could be removed.

Discussion ensued.

Board members noted several items fell under operational costs. After group discussion, Item Nos. 2, 7, 10, 13, 15 and 16 were removed. The Board then focused on prioritization of the remaining 10 items.

Ms. Larson asked for a tour of the Fire Stations and questioned routine maintenance and refurbishment scheduling.

Mr. Hill noted Capital Improvements Program dollars had not been available for a while. He further noted the infrastructure was being addressed first.

Discussion ensued on this matter.

Ms. King noted due to time constraints that the Board should review the Operations Initiatives on personal time to prioritize and then relay that information back to Mr. Hill.

Mr. Hill thanked the Board members for their input in the process. Mr. Hill also recognized Ms. Robin Carson and Ms. Susan Gaston of SPAG for their work. Mr. Hill further noted the tremendous work that SPAG had done in the priority list compilation.

Ms. King noted some Initiatives were discretionary while others are ongoing. Ms. King asked if any were missing or should some be removed.

Mr. McGlennon asked about updating the Community Appearance Guide and its necessity.

Mr. Hill noted this would affect Ordinances and proffers.

Discussion ensued on this matter.

Ms. King summarized the next steps of the process as Clarion Associates reviewed and refined the rankings and worked with Mr. Hill and staff. Ms. King noted input from the Board, public input, SPAG, TAG and other groups would be analyzed to review at the September meeting as Phase III moved through the development plan. She noted the Strategic Plan as a "living document" with allowance for adjustments in upcoming years. Ms. King noted the timeline for Phase IV.

Mr. Onizuk asked about the initiatives and the details.

Ms. King noted the priorities and how the feasibility of them impacted the process.

The Board thanked Ms. King.

Mr. McGlennon requested a preliminary Closed Session to discuss the results of the Board survey on the County Administrator's evaluation.

At approximately 3:04 p.m., the Board entered into Closed Session.

At approximately 3:59 p.m., the Board re-entered Open Session for the Planning Commission work session.

See Item D for details on Closed Session.

2. Joint Board of Supervisors and Planning Commission Work Session - Update on Major Planning Division Work Items

At approximately 4 p.m., Mr. O'Connor, Planning Commission Chair, opened the Planning Commission work session with Roll Call by Mr. Holt.

Mr. O'Connor addressed the Board with an update on Planning Division projects. He noted three areas to address: Ordinance update and process improvements, business community listening sessions and transportation projects.

Mr. Holt addressed the Board regarding the list of planned Ordinance update and work plan improvements. He noted the staff report forum had been updated. Mr. Holt further noted Commissioners and citizens had commented on the ease of using the online system and the readability in particular to mobile devices. He stated staff was continually looking for areas of improvements, welcoming feedback and input.

Mr. McGlennon noted that the lack of hard copy sometimes made plan reviews and data difficult to interpret.

Mr. Basic noted the same thing, but suggested plans could be provided via hard copy with support material being online as the digital transition continued.

Mr. Wright, Policy Committee Vice Chair, addressed the Board on upcoming Ordinance changes. He noted changes to the setback waiver in Limited Business (LB) and General Business (B1) district and increased building coverage limits in LB and B1 zoning districts from 30% to 60%. He cited the 2035 Comprehensive Plan addressed these changes in the Economic Development section. He further noted the increased flexibility, improved applicant accessibility and potential redevelopment in these particular zones.

Mr. McGlennon asked about the doubling change necessity and the character of the development, particularly in relation to applications.

Mr. Wright said staff noted the issues of setback, buffers, Resource Protection Areas, landscaping, etc. impacted the increase. Redevelopment opportunities were viewed as a possibility with the increase.

Mr. Holt noted height restrictions in each zone and other variables in calculating the percentage. He cited some existing developments in the County, such as Olde Towne Square Shopping Center, for the floor-to-area ratio. Mr. Holt further noted allowance for parking and other variables.

Discussion ensued on this matter.

Mr. McGlennon expressed his concern about the increased building coverage change when currently no projects reached the 30% mark.

Mr. Holt noted the floor-to-area ratio issue was proposed to go away, but the increased building coverage from 30% to 60%, while not currently an issue, allowed a better alignment with the Comprehensive Plan for reevaluation of land use without the duress of unlimited growth. He further noted development of tools for promoting land infill.

Ms. Larson asked the Planning Committee about its decision for the increased change.

Mr. Krapf noted it encouraged infill development and supported several of the Committee's initiatives it was promoting. It was noted this was beneficial for applicants and maximum usage of properties.

Mr. Schmidt addressed the Board referencing Zoning Ordinance Revisions to the Development Review Committee (DRC). He noted state law regarding DRC and Planning Commission reviews on major developments of 50+ lots. Mr. Schmidt further noted state law did not require a County DRC review, but did require review at the Planning Commission level. He cited an enhanced conceptual plan would suffice at the DRC level and again at the Planning Commission level as a cost-effective measure and detailed the appeal process if necessary. Mr. Schmidt addressed the Board on Subdivision Ordinance Revision to County Code for Monument Certification. He clarified the monuments were survey markers and specified monument certificates. Mr. Schmidt explained that after 2012 amendments were made, no process to implement the certifications for the monuments was established in James City County and he cited strict state requirements on surveyors. Mr. Schmidt further noted the Planning staff deemed it unnecessary to have redundant requirements through County Code and moved this change to the Planning Commission.

Mr. Krapf briefed the Board on two items in progress; creation of a new Mixed Use Infill District for providing more flexibility based on applicant feedback.

Mr. McGlennon asked about the type of proposals discussed.

Mr. Krapf noted the five-acre restriction under the current Mixed Use Ordinance. He further noted the change would allow for varied use, i.e., a storefront with an apartment above it for a parcel less than five acres citing friendly business and redevelopment. Mr. Krapf added the second item was a Zoning Ordinance update regarding private events such as weddings in the A-1, General Agriculture, or R-8, Rural Residential, zones. He cited public input and staff meetings to address this as well as the Policy Committee's ongoing review and the possible economic impact.

Mr. O'Connor cited upcoming needs for Code amendments: food and ice cream trucks, update of the Sign Ordinance in conjunction with a recent Supreme Court decision, Code amendments based on State Code changes affecting the County's ability to accept proffers for residential projects, research and benchmarking with other Virginia localities in relation to AirBnBs and tourist homes and local respective Zoning Ordinances.

Mr. Holt noted the Sign Ordinance addressed the content neutrality of signs and First Amendment issues. He further noted reviewing the Ordinances to adhere to the Supreme Court decision.

Ms. Sadler asked if any other changes in the Sign Ordinances could be addressed at the same time.

Mr. Holt noted the affirmative to that request. He also noted staff had addressed customer service and enhancements. A new development and software permitting package was one enhancement noted as current County software was obsolete. Mr. Holt noted fees, permits, enhanced inspections, status of applications and other benefits were highlighted in the Agenda Packet. He further noted residential building permits were at a 10-year high with an average of 126 new permits a month and commercial permits were at a nine-year high. Mr. Holt stated that staff conducted slightly under 32,000 inspections over the past 12 months. He highlighted these improvements would enhance interaction with contractors and citizens.

Mr. Chris Johnson, County Ombudsman, addressed the Board noting a decade had passed since the Economic Development Authority had recommended to the Board to appoint an Interdisciplinary Business Climate Task Force (BCTF) to address County policies, Ordinances and programs. Mr. Johnson noted the BCTF's findings showed that James City County was a highly desired area to live, but there was work to be done making an analogy to a "five-star restaurant with a great food but a slow kitchen." He further noted this required staff to reevaluate processes as highlighted in the PowerPoint presentation. Mr. Johnson stated legislative approval versus administrative changes in identifying recommendations and improved communication. Mr. Johnson thanked Mr. Russell Seymour, Director, Economic Development, for staff's work and input with the Business Community Survey. Mr. Johnson further noted changes from the Commissioner of the Revenue's office in 2011 to address business licenses and highlighted the strong growth there over current years. Mr. Johnson added the business unfriendly comments did not align with the growth and asked where, what or even whom might be affecting those comments. He further added the adoption of revised Ordinances would help answer those questions. Mr. Johnson also noted that as the Ombudsman, he would lead an interdepartmental team to assist business and tenants to make the County more

business friendly.

Mr. Hipple noted that positive comments had been heard lately with the changes being implemented.

Ms. Larson expressed concern with Mr. Johnson being the only representative as the Ombudsman. She also asked if staff would be available to continue communicating with the business community as previously done.

Mr. Johnson noted many people in numerous divisions would assist him as "extra ears" for community feedback. Mr. Holt noted that continued conversation with the community would be supported by staff and the work existed as a "living document" for updates. He further noted that Mr. Johnson, as Ombudsman, created a unique resource in facilitating this ongoing process.

Mr. O'Connor stressed the interconnectivity of Mr. Johnson's position among departments.

Mr. Holt noted the third and final phase of discussion focused on transportation improvements. He further noted the strengthening of the County's relationship with regional groups and staff as well as the VDOT and the team effort involved in that process. Mr. Holt cited page 8 of the Packet noting current transportation projects and their respective timelines. He also cited three cancellation projects.

Ms. Larson asked about one cancellation, the bridge replacement at Jamestown Road over Powhatan Creek and VDOT's role.

Mr. Holt explained that rather than replace the bridge, VDOT opted to perform preventive maintenance to extend the useful life of the structure with maintenance funds and not capital costs. He noted VDOT was monitoring the structural integrity of the bridge after flooding. Mr. Holt explained James City County was successful in the inaugural SmartScale process and the Commonwealth Transportation Board fully funded Phase I of the Longhill Road widening from Route 199 to Olde Towne Road. He cited future projects as noted in the PowerPoint presentation and Agenda Packet. Mr. Holt noted it would be advantageous for the County to pursue SmartScale funding as the process will move to an every two-year cycle for applications. Mr. Holt further noted several projects did not qualify for funding, but alternative funding could be available outside the SmartScale program.

Ms. Larson asked about the Longhill Road Phase II widening project.

Ms. Tammy Rosario, Senior Planner, noted that project did not make the list of qualifying projects. She further noted that project would go through the long-range transportation plan to seek funding eligibility.

Mr. Hipple thanked staff for their hard work and the presentations. He also thanked them for the diligence in pursuing funding for the various County projects.

Mr. Holt thanked the Board for its support.

Ms. Larson asked when the Planning Commission would be giving a follow-up on food and ice cream trucks.

Mr. Krapf indicated early November tentatively for the follow-up.

Mr. Hipple asked about Special Use Permit (SUP) and conveyance to property. He asked if the SUP could be conveyed to the owner.

Mr. Holt noted that was under the State Code and very strict exceptions were in place.

Ms. Larson also thanked the Planning Commission for all its work.

At approximately 5:20 p.m., Mr. O'Connor closed the Planning Commission meeting.

A motion to Adjourn the Planning Commission meeting was made by Chris Basic, and motion result was Passed by a unanimous voice vote.

D. CLOSED SESSION

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

   A motion to Enter a Closed Session was made by Ruth Larson and the motion result was Passed.
   AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
   Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

   At approximately 3:04 p.m., the Board entered Closed Session.

   Atapproximately 3:59 p.m., the Board re-entered Open Session.

   At approximately 5:20 p.m., the Board entered Closed Session to continue the personnel discussion.

   At approximately 5:50 p.m., the Board re-entered Open Session.

2. Closed Session Certification

   A motion to Certify the Closed Session was made by John McGlennon and the motion result was Passed.
   AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
   Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

   The Board certified the first Closed Session at 3:59 p.m. and the second Closed Session at 5:51 p.m.

E. ADJOURNMENT

1. Adjourn until 4 p.m., on August 23, 2016, for the Work Session.

   At approximately 6:02 p.m., the Board of Supervisors recessed until the regularly scheduled Board meeting at 6:30 p.m.

M I N U T E S
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
September 13, 2016
6:30 PM

A. CALL TO ORDER

B. ROLL CALL

John J. McGlennon, Vice Chairman, Roberts District
Ruth M. Larson, Berkeley District
Kevin D. Onizuk, Jamestown District
P. Sue Sadler, Stonehouse District
Michael J. Hipple, Chairman, Powhatan District

Bryan J. Hill, County Administrator
Adam R. Kinsman, County Attorney

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. **Pledge Leaders - TJ, Mattie and Morgan Covington, residents of the Roberts District.**

E. PUBLIC COMMENT - Until 7 p.m.

1. Mr. Dick Atkinson, 2796 Jonas Profit Trail, President of the Fernbrook Subdivision Homeowners Association, acknowledged County staff members regarding the Stormwater Grant Program and their assistance and high standards in that process. He expressed his appreciation to the Board and the County for the Neighborhood Drainage Program.

2. Ms. Rosanne Reddin, 4700 Presidents Court, addressed the Board on several topics.

3. Mr. Chris Henderson, 101 Keystone, addressed the Board regarding citizen input at Board meetings.

As there were no additional speakers, Mr. Hipple closed the Public Comment.

F. PRESENTATIONS

1. **The Virginia Department of Transportation (VDOT) Quarterly Update**

Mr. Rossie Carroll, Williamsburg Residency Administrator for VDOT, addressed the Board giving a summary of the Quarterly Transportation Report included in the Agenda Packet. He noted the number of work orders completed highlighting brush

and tree trimming, drainage
repairs, paving and mowing projects. He also noted future roadway projects and their respective schedules.

Mr. McGlennon thanked Mr. Carrroll's work on the continuation of drainage clean-up, as well as Lake Powell Point road repairs.

Ms. Larson also thanked Mr. Carroll for his help with projects. She noted some concerns around the Brick Bat Road near Route 5 and the tree overgrowth. She questioned him about roads and increased housing developments.

Mr. Carroll noted an annual traffic count was done by VDOT. He further noted VDOT's safety issues were reviewed regularly.

Mr. Onizuk expressed his thanks also. He requested Mr. Carroll join him in communicating traffic updates with the King of Glory Church as work progresses in the next few months.

Ms. Sadler thanked Mr. Carroll for the work done in the Stonehouse District, particularly Exit 227 westbound and the concerns there. She questioned if any additional information had been received on the Stonehouse Elementary entrance/exit.

Mr. Hipple expressed his thanks for the ditchwork at Centerville Road and Route 360. He noted the use of dolphins, or pilings, which act as guides for the Jamestown Ferry. He also noted bicycle paths and the increased traffic on secondary roads.

Mr. Carroll noted the state law and the usage of the roadways with bicyclists.

G. CONSENT CALENDAR

1. **Minutes Adoption - August 9, 2016 Regular Meeting**

A motion to Approve was made by John McGlennon and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Larson, McGlennon, Onizuk, Sadler

Mr. Hipple requested that Item No. 4 be pulled from the Consent Calendar.

Mr. Hill introduced Ms. Sharon Day, Assistant Chief Financial Officer, to the Board and James City County highlighting her duties.

Board members welcomed her, noting Ms. Day was a James City County resident.

Ms. Day gave a brief overview of her background.

2. **Contract Award - Replacement Dump Truck and Snowplow - $123,402**

A motion to Approve was made by John McGlennon and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Larson, McGlennon, Onizuk, Sadler

3. **Contract Award - Chickahominy Riverfront Park Water Main Replacement - $147,227**

A motion to Approve was made by John McGlennon and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Larson, McGlennon, Onizuk, Sadler

4. **Contingency Transfer - Virginia Peninsula Regional Jail**

Mr. McGlennon noted the removal of this item was precipitated by unexpected expenses at the jail and mental health costs associated with the jail.

H. PUBLIC HEARING(S)

1. **Case No. ZO-0002-2016, B-1, General Business District, Amendments to Setback Requirements and Building Coverage Limits; and Case No. ZO-0003-2016, LB, Limited Business District. Amendments to Setback Requirements and Building Coverage Limits**

A motion to Postpone was made by Ruth Larson and the motion result was Passed.
AYES: 4 NAYS: 1 ABSTAIN: 0 ABSENT: 0
Ayes: Larson, McGlennon, Onizuk, Sadler
Nays: Hipple
Mr. Jose Ribeiro, Planner, addressed the Board noting several locations under setback consideration as noted in a PowerPoint presentation and included in the Agenda Packet. He cited staff comments on these locations.

Mr. McGlennon questioned the floor space calculation and expressed concern about the coverage amendment.

Discussion ensued on this matter.

Ms. Larson requested staff research specific locations where these amendments would apply as there were no current applications in the County.

Additional discussion ensued on this matter.

Mr. Kinsman noted that with the Postponement motion passing, the Public Hearing would remain open until November 8 for Public Comment.

Mr. Tim Schmidt addressed the Board noting the Planning Commission's approval on the amendments. He cited specific elements of the Ordinances that the Commission had addressed.

Mr. McGlennon questioned the clarity and benefit of these requested changes. He noted the increase of retail square footage, but cautioned over-development. He further noted staff's innovative approach to the consideration of the amendments.

Mr. Hipple opened the Public Hearing.

1. Mr. Chris Henderson, 101 Keystone, asked if he would be allowed to

comment on the revision at the continuation of the Public Hearing. At the Board's affirmation, Mr. Henderson noted a project at Christopher Newport University that mirrored the innovative design and development of building use. He asked about the County's 40% Green Area requirement on sites. He cited statistical information on bio-retention, mixed use and Green Area requirements. He urged the Board to look at the best use of the mixed land.

2. **Case Nos. SUP-0008-2015/SUP-0011-2016, J.S.G. Mineral Resource Management Expansion and Special Use Permit (SUP)**

A motion to Approve was made by Kevin Onizuk and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Larson, McGlennon, Onizuk, Sadler

Ms. Roberta Sulouff, Planner, addressed the Board regarding the application from J.S.G. Corporation to amend an existing SUP. She cited the specifics of the four uses of the revision to the SUP. She noted staff's proposals regarding this application and requested the Board's approval.

Mr. Schmidt addressed the Board noting the thoroughness of both the staff and the applicant's review of the plans and the revised changes. He also noted neighboring communities were pleased with the proposed changes and VDOT's review on the traffic impact.

Mr. Hipple opened the Public Hearing.

1. Ms. Caitlin King, Director of Business Development, J.S.G. Corporation, 8741 Richmond Road, addressed the Board with thanks to staff for its assistance. She noted the Corporation's business model, traffic impact and community input and requested the Board's approval of the SUP.

Mr. Onizuk asked about the auditory impact of this proposal.

Ms. Sulouff noted she had conducted the test and the surrounding ambient sound was more noticeable than the facility.

Discussion ensued on this matter.

As there were no additional speakers or discussion, Mr. Hipple closed the Public Hearing.

3. **Case No. ZO-0008-2016, Article 1, Section 24-16, Proffer of Conditions**

A motion to Approve was made by Ruth Larson and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Larson, McGlennon, Onizuk, Sadler

Mr. Kinsman noted the Board's decision regarding change to Proffers in association with residential development based on Virginia General Assembly legislature.

Mr. Hipple opened the Public Hearing.

As there were no speakers, Mr. Hipple closed the Public Hearing.

4. **Ordinance Amendment to Change the Election Cycle from Block to Staggered Terms**

A motion to Approve was made by John McGlennon and the motion result was Passed.
AYES: 3 NAYS: 2 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Larson, McGlennon
Nays: Onizuk, Sadler
Mr. Kinsman noted that if a change in the election cycle was the Board's decision, then the Board would need to adopt the following Ordinance.

Mr. Hipple opened the Public Hearing.

1. Ms. Rosanne Reddin, 4700 Presidents Court, addressed the Board regarding the change of term style and citizen voting rights. She stressed block terms for the constituents.

2. Ms. Penny Pulley, 20 Mile Course, discussed the use of staggered terms and its respective merits.

3. Mr. Joe Swanenburg, 3026 The Pointe Drive, discussed staggered terms and voting against the Amendment.

4. Ms. Judith Fuss, 3509 Hunters Ridge, spoke on staggered terms citing stability during transitions on the Board.

5. Ms. Barbara Henry, 141 Devon Road, also spoke on staggered terms and stressed her opposition to the Amendment. She cited historical reference to James City County Board of Supervisors' voting record and longevity on the Board. She requested voting against the Amendment.

6. Ms. Petra Nadal, 106 Indian Circle, noted a vote against the Amendment.

7. Ms. Janet Casanne, 3404 Waterview Road, cited staggered terms allowed for manipulation. She noted citizens should have input into redistricting.

8. Mr. Chris Henderson, 101 Keystone, noted staggered terms block voter participation and increase the difficulty of change occurring in local government. He noted Mr. Hipple, during his campaign, voted for block terms. He questioned this point with the evening's Ordinance amendment. He stressed citizen input and voter participation. He further stressed uniform terms should stand.

9. Mr. Jay H. Everson, 103 Branscome Boulevard, addressed the Board regarding equal treatment with voting.

As there were no additional speakers, Mr. Hipple closed the Public Hearing.

Mr. Onizuk asked the County Registrar to explain redistricting and voting rights.

Ms. Dianna Moorman, General Registrar and Director of Elections, noted redistricting occurred every 10 years after census information was returned to localities. She noted it was impossible to forecast redistricting changes. She indicated that voter frequency can be impacted by redistricting.

Mr. McGlennon and Ms. Larson cited support of the staggered terms and cited their respective experiences with redistricting.

Mr. Onizuk and Ms. Sadler supported block terms noting voter rights versus political self-preservation.

Mr. Hipple thanked citizens on both sides of the discussion for their input. He cited his personal experience regarding his election to the Board, the circuit judge intervention during redistricting and the various duties all Board members perform regularly. He further explained his goal was achieving what was best for James City County and its citizens.

Ms. Sadler asked for clarification on what a yea versus a nay vote would indicate.

Mr. Kinsman indicated a yea vote would return to staggered term and a nay vote to stay with block term.

5. **Plat Vacation Request - Gate House Farms**

A motion to Approve was made by John McGlennon and the motion result was Passed.
AYES: 4 NAYS: 0 ABSTAIN: 1 ABSENT: 0
Ayes: Hipple, Larson, McGlennon, Sadler

Abstain: Onizuk

Mr. Max Hlavin addressed the application of a multi-ownership property in Gate House Farms. He cited the historical reference to the passive recreation property as it changed ownership from developer to bank to current ownership.

Mr. McGlennon asked for clarification on the property.

Mr. Hlavin noted the owners voluntarily relinquished some of the property to maintain its passive recreation status.

Mr. Hipple opened the Public Hearing.

1. Mr. David Black, 111 The Colony, served as representative of the various owners. He explained the quit claims deed and the passive recreation status was not really addressed. He noted the owners wanted to resolve the passive recreation situation and to assure the Board that no further development would take place by maintaining the Green Space status for the property in question.

Mr. McGlennon asked for clarification.

Mr. Black noted the property was not buildable due to the swamp.

Mr. Onizuk recused himself due to a conflict as a representative to the buyer of the property.

As there were no other speakers, Mr. Hipple closed the Public Hearing.

I. BOARD CONSIDERATION(S)

1. **Palmer Lane Office Building 1 Alterations**

A motion to Approve was made by Ruth Larson and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Larson, McGlennon, Onizuk, Sadler

Ms. Moorman, General Registrar, addressed the Board seeking consideration of budget contingency transfer and contract bid award for 5300 Palmer Lane. She detailed the relocation of the Registrar's office and the project plans. Per Ms. Moorman, the current funding for the project was $143,000; however, the total budget for this project's need totals $183,000. She noted the Department of General Services was requesting $40,000 be transferred from contingency to the facilities maintenance building improvement account for this purpose. She further noted that her office currently rented three storage units at approximately $7,830 annually, and had been doing so for a while. She explained the consolidation of training facilities and supplies in one central area would be very beneficial and appreciated.

Ms. Larson noted space was limited in the current location and questioned if the new location would be enough.

Ms. Moorman stated yes and the inclusion of everything under one roof was imperative.

Ms. Larson asked how the relocation would be handled.

Ms. Moorman noted that according to state regulations, there were procedures in place to notify voters of the change, in addition to other requirements that staff would ensure took place for compliance with Virginia Election law. She added the new location was on a bus line, which had never been the case prior.

Discussion ensued on this matter.

2. **Approval of EDA Revenue Bond Issuance for the benefit of Virginia United Methodist Homes of Williamsburg, Inc. (dba WindsorMeade)**

A motion to Approve was made by John McGlennon and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Larson, McGlennon, Onizuk, Sadler

Mr. Russell Seymour, Director of Economic Development, addressed the Board regarding Item No. 2. He stated the revenue bonds were not considered bank qualified (BQ) funding and would not affect the County's BQ capacity.

Mr. Seymour introduced Mr. T.W. Bruno of McGuire Woods LLP, Richmond, serving as bond counselor for WindsorMeade.

Mr. Bruno addressed the Board and noted that due to federal tax laws, contact with the County was necessary as the request involved activity in James City County.

Mr. McGlennon noted previous County support for the WindsorMeade project and further noted the restructuring plan and community involvement.

3. **Concurrence with Issuance of Revenue and Refunding Bonds by Qualified Small Issuers in Mathews County, Lancaster County, City of Williamsburg and Northampton County, to assist Williamsburg Landing, Inc., Located in James City County, Virginia**

A motion to Approve was made by John McGlennon and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Larson, McGlennon, Onizuk, Sadler

Mr. Seymour noted the issuers in regard to the concurrence of the bonds for Williamsburg Landing and the EDA's position on the concurrence. He also introduced Mr. Kevin White, Kaufman & Canoles PC bond representative for Williamsburg Landing, and Mr. Greg Stoner, President and CEO of Williamsburg Landing.

Mr. White explained that Virginia law required concurrence if an outside jurisdiction was used for James City County. He cited bond requirements.

J. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon noted he had had the opportunity to do many things.

Ms. Larson thanked Ms. Sadler for her continued support and Board work during a difficult personal time. She noted an update with more information will be forthcoming at the next School Liason meeting. She further noted changes to a committee working with the Superintendent regarding the County's schools. She added her thanks to Ms. Hall for her support in the process. She congratulated Alexa Halco, Jamestown High School student, who had won several medals at the Paralympics in Rio. She noted she wanted to recognize Ms. Halco for her accomplishments and representation. She stated the Planning Commission was considering revisions to the County Code to allow food trucks operating in certain zoning districts. As the Board representative to the Economic Development Authority, she noted B-1 zoning changes as noted for food truck operation. She requested staff prepare for the Board's consideration at the September 27 meeting an initiating resolution to that affect.

Mr. Onizuk noted Williamsburg Area Destination Marketing and Advertising Campaign would remove the booking engine from its site by an overwhelming vote of the committee. He noted other options. He stated at the Chamber of Commerce and Tourism Alliance meeting, the Executive Committee voted to continue the locality representation on the Committee. He expressed thanks to the Jamestown Beach Event Park staff and the community involvement. He noted the James City County Strategic Plan Open House was successful and he appreciated the community's response. He highlighted recent tourism statistics with revenue and thanked tourism partners for the success with the concerted effort. He wished Mr. Hipple a Happy Birthday.

Ms. Larson noted the Blues Festival taking place at Jamestown Beach Event Park over the weekend.

Ms. Sadler asked Mr. Hill for an update about the Toano Women's Club and the situation that occurred there.

Mr. Hill noted he was still conferring with staff and would provide an update soon.

Ms. Sadler thanked everyone for the support of the 911 ceremony in Toano. She also thanked everyone for support during her personal difficult time.

Mr. Hipple thanked all for their hard work.

K. REPORTS OF THE COUNTY ADMINISTRATOR

1. **County Administrator's Report**

Mr. Hill noted his full monthly report was in the Agenda Packet. He further noted future meetings on the Strategic Plan and an online survey. He also noted the upcoming Neighborhood Forum. He thanked various groups for continued support and hard work.

L. PUBLIC COMMENT

Mr. Hipple opened the Public Comment.

As there were no speakers, Mr. Hipple closed the Public Comment.

M. CLOSED SESSION

1. **Consideration of a personnel matter, the appointment of individuals to County Boards and/or Commissions pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia and regarding the Williamsburg Area Arts Commission**

A motion to Enter a Closed Session was made by John McGlennon and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Larson, McGlennon, Onizuk, Sadler

At 9:35 p.m., the Board entered into Closed Session.

At 9:43 p.m., the Board re-entered Open Session.

2. **Certification of Closed Session**

A motion to Certify the Closed Session was made by John McGlennon and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Larson, McGlennon, Onizuk, Sadler

3. **Actions Resulting from the Closed Session**

A motion to Appoint Individuals to Boards and Commissions was made by John McGlennon and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Larson, McGlennon, Onizuk, Sadler

Mr. McGlennon made a motion to appoint Mr. Robert Currie, to the Williamsburg Area Arts Commission, to fill the balance of a vacated term that expires on June 30, 2017.

N. ADJOURNMENT

1. **Adjourn until 4 p.m. on September 27, 2016, for the Work Session**

A motion to Adjourn was made by Ruth Larson and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Larson, McGlennon, Onizuk, Sadler

M I N U T E S
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
November 22, 2016
6:30 PM

A. CALL TO ORDER

B. ROLL CALL

John J. McGlennon, Vice Chair, Roberts District
Ruth M. Larson, Berkeley District
P. Sue Sadler, Stonehouse District
Kevin D. Onizuk, Jamestown District
Michael J. Hipple, Chairman, Powhatan District

Bryan J. Hill, County Administrator
Adam R. Kinsman, County Attorney

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. **Pledge Leaders - Boy Scout Troop 180 led the Board and citizens in the Pledge of Allegiance.**

E. PUBLIC COMMENT - Until 7 p.m.

1. Ms. Barbara Henry, 141 Devon Road, addressed the Board in regard to an online checkbook register.

2. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in regard to the Legislative Agenda Review discussed at the November 22, 2016 work session, signage on Centerville Road and reviewing past minutes for information on how Supervisors voted on various issues.

3. Ms. Betty Walker, 101 Locust Place, addressed the Board in regard to the first Thanksgiving celebration.

As there were no other registered speakers, Mr. Hipple closed the Public Comment.

F. PRESENTATIONS

1. **Hampton Roads Military and Federal Facilities Alliance Presentation - Retired Admiral Quigley, Executive Director**

Mr. Hipple welcomed Retired Admiral Quigley, Executive Director, Hampton Roads Military and Federal Facilities Allegiance (HRMFFA), who gave an overview of a PowerPoint slideshow that encompassed the goals, background and objectives of HRMFFA as well as the levels of effort going forward.

Mr. Onizuk inquired about compatible redevelopment in Fort Monroe.

Admiral Quigley replied that it would be a prudent approach to getting the right source of economic development.

Mr. McGlennon expressed his gratitude for the efforts Admiral Quigley had been putting forth and recognized the difficulty of the job.

Mr. Hipple expressed his gratitude to Admiral Quigley and remarked of the intensity to which it promotes our region.

At approximately 7:02 p.m., Mr. Hipple recessed the Board of Supervisors in order to conduct the James City Service Authority (JCSA) Board of Directors meeting.

At approximately 7:05 p.m., Mr. Hipple reconvened the Board of Supervisors.

G. CONSENT CALENDAR

A motion to Approve was made by Kevin Onizuk and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Larson, McGlennon, Onizuk, Sadler

1. **Contract Award - Chickahominy Riverfront Park Splash Pad and Pump House - $388,500**

2. **Fiscal Year 2017 Department of Environmental Quality Litter Grant - $12,705**

3. **Building B HVAC Replacement**

H. PUBLIC HEARING(S)

1. **2035 Strategic Plan**

A motion to Approve was made by John McGlennon and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Larson, McGlennon, Onizuk, Sadler

Ms. Jody Puckett, Director of Communications, gave an overview of the memorandum and Resolution included in the Agenda Packet. She acknowledged the Strategic Planning Advisory Group (SPAG), as well as the County staff team Technical Advisory Group (TAG), for its time, expertise and talents in the development of the plan and recognized those in attendance at the meeting.

Ms. Leigh Anne King, Clarion and Associates, gave an overview of a PowerPoint

presentation regarding the 2035 Strategic Plan. She referenced the Strategic Plan framework for County decision-making, Plan components, goals and actions as well as noted that citizens and staff committed countless hours to the project.

Mr. Hipple opened the Public Hearing.

1. Mr. Chris Henderson, 101 Keystone, addressed the Board in regard to the 2035 Strategic Plan as well as public safety.

2. Ms. Barbara Henry, 141 Devon Road, addressed the Board in regard to the 2035 Strategic Plan and an online checkbook register.

3. Mr. Joseph Swanenburg, 3026 The Point Drive, addressed the Board in regard to the 2035 Strategic Plan.

4. Mr. Frank Polster, 420 Hempstead Road, addressed the Board in regard to the 2035 Strategic Plan.

As there were no other registered speakers, Mr. Hipple closed the Public Hearing.

Mr. Onizuk inquired to Ms. King about priorities and goals in the 2035 Strategic Plan concerning long-term water supply providing a fiscally sustainable source of water. He referenced goal ranking ranging from 1-7 and asked how they were determined.

Ms. King replied that there was no priority ranking difference per say; they were numbered in order to differentiate between the goals. She offered a suggestion that the numbers be removed in order to clarify that the process was not prioritized.

General discussion ensued regarding this issue.

Mr. Onizuk referenced the 2035 Strategic Plan and inquired how would this be communicated to the citizens other than the County website; how would County staff utilize this document; and when would progress be evaluated toward the goals.

Mr. Hill replied that County communication started last September with the unveiling of the Plan and going forward he, Ms. Puckett and Mr. Jason Purse, Assistant County Administrator, would be evaluating the strategies and obtain "captains" throughout each department to detail it into every department. He remarked that evaluation was always part of the budget process. He noted that the budget, Capital Improvements Program and evaluation process of all staff would land itself into this concept. He stated that this was a tool for James City County to move forward and noted that things change and move forward in different ways. He further stated the County engaged its citizens in the process and would continue that practice moving forward.

Mr. Onizuk suggested a work session between County staff and the Board to assist in moving this living document forward in order to fully review and implement the Plan.

Mr. Hill stated a budget schedule would be set that had a session whereas this process would be addressed.

Mr. Onizuk expressed his appreciation to everyone that participated in the 2035

Strategic Plan process.

Ms. Sadler referenced the 2035 Strategic Plan and stated she was glad that this was a living document and inquired about the process of incorporating new ideas.

Mr. Hill replied that in regard to the budget cycle and evaluation process, metrics would be seen coming forward. He stated that staff time should not be invested at this present juncture to answer every question that came forward and noted when this was approved it would be implemented and the Board would have a set standard of what would be done and how it would be accomplished.

Mr. Hipple reminded the Board that when this process started it wanted a Plan to help make the County better moving forward. He stated that this living document would occasionally be tweaked by the Board with input from the citizens.

Mr. Hill stated that the trigger points to place other ideas into the 2035 Strategic Plan would be through the budget process.

Mr. Onizuk reaffirmed that the 2035 Strategic Plan was a guide that set direction.

Ms. Larson expressed her gratitude to everyone who participated in the 2035 Strategic Plan process.

Mr. McGlennon expressed his gratitude to everyone who participated in the 2035 Strategic Plan process. He discussed the Plan as a tool to help keep James City County the type of community that drew people and felt this Plan would help maintain that lifestyle. He remarked that his occasional concerns over various issues might have frustrated consultants and staff, but felt that everyone listened well and produced a document that would be very helpful as well as give a sense of how to structure the choices that would need to be made.

Mr. Hipple expressed his gratitude to everyone who participated in the 2035 Strategic Plan process.

I. BOARD CONSIDERATION(S)

1. Exemption from County Real and Personal Property Taxes

A motion to End the Program of Application for Exemption was made by John McGlennon and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Larson, McGlennon, Onizuk, Sadler

Ms. Sue Mellen, Director, Financial and Management Services, gave an overview of the memorandum as well as information regarding County real estate and personal property taxes included in the Agenda Packet. She stated that staff was looking for guidance from the Board on how to move forward.

Ms. Larson referenced the material Ms. Mellen had discussed and asked if there was a way to differentiate and look at each application as it came through.

Ms. Mellen replied that the memorandum listed the factors that must be considered by State Code.

General discussion ensued regarding this issue.

2. **Skiffes Creek Switching Station Request for a Delay by Applicant to June 27, 2017**

A motion to Move the Deferral to June 27, 2017, was made by John McGlennon and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Larson, McGlennon, Onizuk, Sadler

Mr. Kinsman stated that a letter was received from McGuire Woods, LLP representing Virginia Power and asking for a delay until June 27, 2017. He noted that they were waiting for the necessary permits before appearing before the Board.

Mr. McGlennon stated that this delay would allow time to evaluate a significant new study that had produced evidence of an alternative means of providing power to the peninsula that would not involve running lines across the James River.

J. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon stated that he had attended the Bountiful Brews and Bites. He remarked that he wanted to clarify a situation and stated that under State Code a high growth community in Virginia was defined as "any community that had grown in excess of 5% over the preceding decade." He further stated that since the County grew at 45% over the preceding decade, he felt the County qualified as a high-growth community. He noted it was not the case that a high-growth community was any legal organization.

Ms. Larson stated that she attended the Virginia Association of Counties Annual Conference and briefly discussed several workshops she had attended. She congratulated Patriots Colony at Williamsburg on the groundbreaking of the Presidents Pavilion.

Mr. Onizuk inquired to Mr. Hill about the Cranston's Mill Pond application as a potential water source and its effect on the County as well as the JCSA.

Mr. Hill replied there was a pending application at the JCSA that was 12- to 16-million gallons surface water. He stated that Cranston's Mill Pond provided water for a 12-month period and noted reports that said it was an 8-million gallon yield. He further stated there were reports that noted this was only for 7 out of 12 months. He briefly discussed that he looked at Cranston's Mill Pond, as well as Newport News, as an alternative water source.

Ms. Sadler stated that she would like to move ahead with what several citizens suggested regarding voting records being placed next to Board member names online, thus allowing citizens to view how each Board member voted on various issues. She further stated her support of an online checkbook and transparency.

Mr. Hill stated that the plan in place had Building Codes first in the process; Stormwater and Asset Management second, which would be approximately 18 months; and Requests for Information (RFIs) out for Finance, which would be in approximately three years. He noted that the Board could take Stormwater out; however, it would cost more money. He noted this was being done in a systematic

fashion and stressed there were items that critically needed to be considered. He further noted that if the Board wanted to change the order and direct him on funding, he would submit the list with price tags on each item. He briefly discussed the needs of various departments and stressed that there were antiquated systems that did not work and needed updated systematically.

General discussion ensued regarding this topic.

Mr. Hill stated that he would be happy to provide the Board with information on how processes were changing and improving. He further stated there were certain things that he had to do with the amount of money he had available. He remarked that presently the County was 18 months out before staff could look at another system and noted that an RFI would need to be done. He noted that if the Board wanted to protect its Community Character he suggested it allow him to finish the process and finish the asset management. He stressed James City County was an AAA community and that he was trying to get critical items fixed.

Mr. Hipple wished everyone a Happy Thanksgiving.

K. REPORTS OF THE COUNTY ADMINISTRATOR

1. County Administrator's Report

Mr. Hill relayed information from the Treasurer's Office that James City County real estate and personal property tax bills had been mailed and were due on December 5, 2016. He noted that if a bill had not yet been received to contact the Treasurer's Office at 757-253-6705. He remarked that tax payments could be made by either electronic payment online or mailed to the County's lockbox in Baltimore, Maryland to be processed. He stated that effective July 1, 2016, a 2.9% Convenience Fee would be added to any payments made with credit or debit cards; however, there was not a Convenience Fee added when paid by check. He remarked that the Board Calendar would be revised to reflect an added work session on December 13. He noted County offices that would be closed in observance of the Thanksgiving holiday. He expressed his appreciation to Mr. Greg Davis, Ms. Olwen Herron and Mr. Heath Richardson for their input to the Strategic Plan and wished everyone a Happy Thanksgiving.

L. PUBLIC COMMENT

Mr. Hipple opened the Public Comment.

As no one wished to speak, Mr. Hipple closed the Public Comment.

M. CLOSED SESSION

None

N. ADJOURNMENT

A motion to Amend the Board of Supervisors Calendar to Include a Work Session to be Held on December 13, 2017, at 4 p.m., was made by John McGlennon and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Larson, McGlennon, Onizuk, Sadler

1. **Adjourn until 6:30 p.m. on December 13, 2016, for the Regular Meeting**

A motion to Adjourn was made by John McGlennon and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Larson, McGlennon, Onizuk, Sadler

At approximately 8:12 p.m., Mr. Hipple adjourned the Board.

AGENDA ITEM NO. G.3.

ITEM SUMMARY

DATE: 9/11/2018

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer, Chief of Police

SUBJECT: Grant Award - Department of Motor Vehicles - Occupant Protection - $5,256

ATTACHMENTS:

	Description	Type
🗋	Memo	Cover Memo
🗋	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Police	Rinehimer, Bradley	Approved	8/23/2018 - 5:42 AM
Police	Rinehimer, Bradley	Approved	8/23/2018 - 5:42 AM
Publication Management	Burcham, Nan	Approved	8/23/2018 - 7:33 AM
Legal Review	Kinsman, Adam	Approved	8/27/2018 - 9:25 AM
Board Secretary	Fellows, Teresa	Approved	8/27/2018 - 3:09 PM
Board Secretary	Purse, Jason	Approved	9/4/2018 - 3:01 PM
Board Secretary	Fellows, Teresa	Approved	9/4/2018 - 3:40 PM

M E M O R A N D U M

DATE: September 11, 2018

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer, Chief of Police

SUBJECT: Grant Award - Department of Motor Vehicles - Occupant Protection - $5,256

The James City County Police Department has been awarded a highway safety grant from the Virginia Department of Motor Vehicles (DMV) Highway Safety Office for $5,256. The funds are to be used toward traffic enforcement overtime where officers will focus on the enforcement of laws related to proper use of occupant restraints. The grant only requires an in-kind match, which is available through the fuel and maintenance costs for police vehicles that participate in traffic enforcement duties. These funds will not take the place of budgeted expenses.

The DMV typically administers annual recurring grants passed through the National Highway Transportation Safety Administration for the purpose of supporting statewide goals in enforcing highway safety laws. Each grant has a different enforcement focus area including alcohol, speed and occupant protection.

Staff recommends adoption of the attached resolution.

BJR/md
GA-DMVOccProt-mem

Attachment:
1. Resolution

R E S O L U T I O N

GRANT AWARD - DEPARTMENT OF MOTOR VEHICLES -

OCCUPANT PROTECTION - $5,256

WHEREAS, the James City County Police Department has been awarded a highway safety grant from the Virginia Department of Motor Vehicles (DMV) Highway Safety Office for $5,256; and

WHEREAS, the funds are to be used toward alcohol traffic enforcement overtime; and

WHEREAS, the grant only requires an in-kind match, which is available through the fuel and maintenance costs for police vehicles that participate in traffic enforcement duties.

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

Revenue:

Fiscal Year 19 DMV - Occupant Protection	$5,256

Expenditure:

Fiscal Year 19 DMV - Occupant Protection	$5,256

_____
Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:

_____
Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
MCGLENNON	____	____	____
ICENHOUR	____	____	____
SADLER	____	____	____
HIPPLE	____	____	____
LARSON	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2018.

GA-DMVOccProt-res

AGENDA ITEM NO. G.4.

ITEM SUMMARY

DATE: 9/11/2018

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer, Chief of Police

SUBJECT: Grant Award - Department of Motor Vehicles - Speed Enforcement - $18,000

ATTACHMENTS:

	Description	Type
🗋	Memo	Cover Memo
🗋	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Police	Rinehimer, Bradley	Approved	8/23/2018 - 5:42 AM
Police	Rinehimer, Bradley	Approved	8/23/2018 - 5:42 AM
Publication Management	Burcham, Nan	Approved	8/23/2018 - 7:33 AM
Legal Review	Kinsman, Adam	Approved	8/27/2018 - 9:25 AM
Board Secretary	Fellows, Teresa	Approved	8/27/2018 - 3:09 PM
Board Secretary	Purse, Jason	Approved	9/4/2018 - 3:01 PM
Board Secretary	Fellows, Teresa	Approved	9/4/2018 - 3:40 PM

M E M O R A N D U M

DATE: September 11, 2018

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer, Chief of Police

SUBJECT: Grant Award - Department of Motor Vehicles - Speed Enforcement - $18,000

The James City County Police Department has been awarded a highway safety grant from the Virginia Department of Motor Vehicles (DMV) Highway Safety Office for $18,000. The funds are to be used toward speed traffic enforcement overtime. The grant only requires an in-kind match, which is available through the fuel and maintenance costs for police vehicles that participate in traffic enforcement duties. These funds will not take the place of budgeted expenses.

The DMV typically administers annual recurring grants passed through the National Highway Transportation Safety Administration for the purpose of supporting statewide goals in enforcing highway safety laws. Each grant has a different enforcement focus area including alcohol, speed and occupant protection.

Staff recommends adoption of the attached resolution.

BJR/md
GA-DMVSpEnf-mem

Attachment:
1. Resolution

R E S O L U T I O N

GRANT AWARD - DEPARTMENT OF MOTOR VEHICLES -

SPEED ENFORCEMENT - $18,000

WHEREAS, the James City County Police Department has been awarded a highway safety grant from the Virginia Department of Motor Vehicles (DMV) Highway Safety Office for $18,000; and

WHEREAS, the funds are to be used toward speed traffic enforcement overtime; and

WHEREAS, the grant only requires an in-kind match, which is available through the fuel and maintenance costs for police vehicles that participate in traffic enforcement duties.

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

Revenue:

Fiscal Year 19 DMV - Speed Enforcement	$18,000

Expenditure:

Fiscal Year 19 DMV - Speed Enforcement	$18,000

_____
Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:

_____
Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
MCGLENNON	____	____	____
ICENHOUR	____	____	____
SADLER	____	____	____
HIPPLE	____	____	____
LARSON	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2018.

GA-DMVSpEnf-res

AGENDA ITEM NO. G.5.

ITEM SUMMARY

DATE: 9/11/2018

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer, Chief of Police

SUBJECT: Grant Award - Department of Motor Vehicles - Alcohol Enforcement - $18,800

ATTACHMENTS:

	Description	Type
🗋	Memo	Cover Memo
🗋	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Police	Rinehimer, Bradley	Approved	8/23/2018 - 5:41 AM
Police	Rinehimer, Bradley	Approved	8/23/2018 - 5:42 AM
Publication Management	Burcham, Nan	Approved	8/23/2018 - 7:32 AM
Legal Review	Kinsman, Adam	Approved	8/27/2018 - 9:24 AM
Board Secretary	Fellows, Teresa	Approved	8/27/2018 - 3:08 PM
Board Secretary	Purse, Jason	Approved	9/4/2018 - 3:01 PM
Board Secretary	Fellows, Teresa	Approved	9/4/2018 - 3:40 PM

M E M O R A N D U M

DATE: September 11, 2018

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer, Chief of Police

SUBJECT: Grant Award - Department of Motor Vehicles - Alcohol Enforcement - $18,800

The James City County Police Department has been awarded a highway safety grant from the Virginia Department of Motor Vehicles (DMV) Highway Safety Office for $18,800. The funds are to be used toward alcohol traffic enforcement overtime. The grant only requires an in-kind match, which is available through the fuel and maintenance costs for police vehicles that participate in traffic enforcement duties. These funds will not take the place of budgeted expenses.

The DMV typically administers annual recurring grants passed through the National Highway Transportation Safety Administration for the purpose of supporting statewide goals in enforcing highway safety laws. Each grant has a different enforcement focus area including alcohol, speed and occupant protection.

Staff recommends adoption of the attached resolution.

BJR/md
GA-DMVAlcEnf-mem

Attachment:
1. Resolution

R E S O L U T I O N

GRANT AWARD - DEPARTMENT OF MOTOR VEHICLES -

ALCOHOL ENFORCEMENT - $18,800

WHEREAS, the James City County Police Department has been awarded a highway safety grant from the Virginia Department of Motor Vehicles (DMV) Highway Safety Office for $18,800; and

WHEREAS, the funds are to be used towards alcohol traffic enforcement overtime; and

WHEREAS, the grant requires only an in-kind match, which is available through the fuel and maintenance costs for police vehicles that participate in traffic enforcement duties.

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

Revenue:

Fiscal Year 19 DMV - Alcohol Enforcement	$18,800

Expenditure:

Fiscal Year 19 DMV - Alcohol Enforcement	$18,800

_____
Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:

_____
Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
MCGLENNON	____	____	____
ICENHOUR	____	____	____
SADLER	____	____	____
HIPPLE	____	____	____
LARSON	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2018.

GA-DMVAlcEnf-res

AGENDA ITEM NO. G.6.

ITEM SUMMARY

DATE: 9/11/2018

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: Confirm Declaration of a Local Emergency

ATTACHMENTS:

	Description	Type
🗋	Memorandum	Cover Memo
🗋	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	9/10/2018 - 11:07 AM

M E M O R A N D U M

DATE: September 11, 2018

TO: The Board of Supervisors

FROM: Adam R. Kinsman

SUBJECT: Confirm Declaration of a Local Emergency

On September 10, 2018, the County's Director of Emergency Management, William C. Porter, declared a Local Emergency due to the imminent threat of wind, rain, lightening, storm surge, flooding, tornadoes and power outage, creating conditions of extreme peril to the lives, safety and property of the residents of James City County.

The Director's Declaration of a Local Emergency was necessary to permit the full powers of the government to deal effectively with this condition of peril. The Code of Virginia requires that the Board confirm the Director's Declaration at its next regularly scheduled meeting. A resolution confirming the Declaration of Local Emergency is attached.

ARK/md
DeclarLocalEmerg-mem

Attachment

R E S O L U T I O N

CONFIRM DECLARATION OF A LOCAL EMERGENCY

WHEREAS, the Board of Supervisors of James City County, Virginia, does hereby find that due to the recent imminent threat of wind, rain, lightening, storm surge, flooding, tornadoes and power outage, the County faces dangerous conditions of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused thereby; and

WHEREAS, a condition of extreme peril of life and property necessitated the declaration of the existence of an emergency; and

WHEREAS, due to exigent circumstances, the Board of Supervisors was unable to convene to consent to the declaration of a local emergency; and

WHEREAS, the Director of Emergency Management of James City County, William C. Porter, declared a Local Emergency on September 10, 2018.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that, pursuant to Section 44-146.21 of the *Code of Virginia*, 1950, as amended, the Declaration of a Local Emergency dated September 10, 2018, by William C. Porter, Director of Emergency Management for James City County, be, and the same hereby is, confirmed.

BE IT FURTHER RESOLVED that the Director of Emergency Management and the Emergency Management Division of the James City County Fire Department shall exercise those powers, functions and duties as prescribed by state law and the Ordinances, resolutions and approved plans of James City County in order to mitigate the effects of said emergency.

_____
Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:

_____
Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
MCGLENNON	____	____	____
ICENHOUR	____	____	____
SADLER	____	____	____
HIPPLE	____	____	____
LARSON	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2018.

DeclarLocalEmerg-res

AGENDA ITEM NO. H.1.

ITEM SUMMARY

DATE: 9/11/2018

TO: The Board of Supervisors

FROM: Roberta Sulouff, Senior Planner

SUBJECT: Z-0001-2018. Colonial Manor

ATTACHMENTS:

	Description	Type
🗋	Staff Report	Staff Report
🗋	Attachment 1. Resolution	Resolution
🗋	Attachment 2. Location Map	Backup Material
🗋	Attachment 3. Master Plan	Exhibit
🗋	Attachment 4. Proposed Proffers	Backup Material
🗋	Attachment 5. Community Impact Statement	Backup Material
🗋	Attachment 6. Previously adopted proffers	Backup Material
🗋	Attachment 7. Previously adopted SUP conditions	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	8/24/2018 - 3:45 PM
Development Management	Holt, Paul	Approved	8/24/2018 - 3:45 PM
Publication Management	Daniel, Martha	Approved	8/24/2018 - 4:06 PM
Legal Review	Kinsman, Adam	Approved	8/28/2018 - 9:23 AM
Board Secretary	Fellows, Teresa	Approved	8/30/2018 - 8:11 AM
Board Secretary	Purse, Jason	Approved	9/4/2018 - 3:02 PM
Board Secretary	Fellows, Teresa	Approved	9/4/2018 - 3:41 PM

SUMMARY FACTS

Applicant:	Dr. Pedro Becerra, NOSA Futura Corporation
Land Owner:	BC Secure Holdings Corporation
Proposal:	To rezone ±7.4 acres of land from R-5, Multi-family Residential with proffers, to MU, Mixed Use with proffers, to permit the operation of a mixed-use building including the uses of independent living, assisted living, skilled nursing and a medical office. The building currently operates as a 110-unit assisted living, skilled nursing and independent living facility; this proposal would add the use of medical office.
Location:	8679 Pocahontas Trail
Tax Map/Parcel No.:	5230100089
Project Acreage:	±7.4 acres
Current Zoning:	R-5, Multi-family Residential with proffers
Proposed Zoning:	MU, Mixed Use with proffers
Comprehensive Plan:	Low-Density Residential
Primary Service Area:	Inside
Staff Contact:	Roberta Sulouff, Senior Planner

PUBLIC HEARING DATES

Planning Commission: August 1, 2018, 6:00 p.m.
Board of Supervisors: September 11, 2018, 5:00 p.m.

FACTORS FAVORABLE

1. Staff finds the proposal will not negatively impact surrounding zoning and development.

2. The proposal is consistent with the recommendations for commercial and residential development in lands designated Low-Density Residential (LDR) by the adopted Comprehensive Plan.

3. No changes are proposed to the physical footprint of the building.

4. The proposal would result in a decrease in independent living units, and thus residential density, on-site.

FACTORS UNFAVORABLE

None.

SUMMARY STAFF RECOMMENDATION

Staff recommends approval of the proposed rezoning subject to the attached proffers.

PLANNING COMMISSION RECOMMENDATION

At its August 1, 2018 meeting, the Planning Commission voted 5-0 to recommend approval of the proposed rezoning subject to the proposed proffers.

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.

CHANGES SINCE THE PLANNING COMMISSION

None.

PROJECT DESCRIPTION

- The applicant is requesting a rezoning from R-5, Multi-family Residential with proffers to MU, Mixed Use with proffers to permit the operation of a mixed-use building, to include the institutional uses of skilled nursing and assisted living, the residential use of independent living and the commercial use of a medical office.

- This facility currently operates as a Continuing Care Retirement Community (CCRC), including the services of independent living, skilled nursing and assisted living. Colonial Manor currently offers physical therapy services to its residents; this use is considered accessory to the CCRC and is permitted by the current zoning of the property. The applicant would like to extend those services as an outpatient physical therapy office to the general public; this use, medical office, would no longer be considered accessory to the CCRC and is not permitted under the current zoning of the property.

- Per Section 24-519, Mixed-Use District-Density, no one land use can constitute more than 80% of a Mixed-Use development or Mixed-Use structure. The applicant is proposing a mix of uses as follows:

    - Assisted Living: 48 beds; 20,432 square feet = 40% of total building square footage.

    - Skilled Nursing: 30 beds and common areas; 16,856.4 square feet = 33% of total building square footage.

    - Independent Living: 22 units; 11,748.4 square feet = 23% of total building square footage.

    - Medical Office: 2,043.2 square feet = 4% of total building square footage.

- No exterior changes are proposed for the building or site layout.

PLANNING AND ZONING HISTORY

- *Original Rezoning and Special Use Permit (SUP):* In 1991, the Board of Supervisors approved a rezoning and SUP application to permit a 48-unit congregate care facility for the elderly at this site. That application rezoned the land from R-3, General Residential (a zoning district which no longer exists) to R-5, Multi-family Residential. That project was ultimately never constructed and the SUP expired in 1994. The property then changed ownership and the new owner resubmitted the SUP application in 1999. Under this application, the owner was permitted to construct a 48-unit independent living facility.

- *2012 Proffer and SUP Amendment:* In 2012 the owner applied for a proffer and SUP amendment to expand the operation to a 110-unit facility to include both independent and assisted living units. This amendment brought the operation into conformance, as it had been operating as an assisted living facility, which was not permitted by the 1999 SUP.

SURROUNDING ZONING AND DEVELOPMENT

- East, South and West: R-2, General Residential, mostly consisting of single-family, detached homes.

- North: M-1, Limited Business/Industrial, consisting of the Kingsmill golf course.

PUBLIC IMPACTS

1. Anticipated Impact on Public Facilities and Services:

   - *Traffic:* A Traffic Impact Study was not required for this development since the PM peak trip generation fell below the 100-trip threshold in the Zoning Ordinance. The Institute of Transportation Engineers projects that the development would generate 36.42 PM peak hour trips. The medical office would comprise an additional 4.6 PM peak hour vehicle trips over the total for existing uses.

     The application does not propose any additional entrances to Pocahontas Trail or Magruder Avenue.

   - *Utilities:* This site will continue to be served by public water and sewer.

   - *Parks and Recreation/Schools/Fire:* None.

2. Anticipated Environmental/Cultural/Historic Impacts: None.

3. Anticipated Impacts on Nearby and Surrounding Properties:

   - Staff finds that the existing buffers mitigate visual impacts to other adjacent properties. These buffers are shown on the binding Master Plan and included in the proffers.

   - The project is located on a Community Character Corridor (CCC) per the adopted Comprehensive Plan, and thus, provides a 50-foot urban/suburban buffer per the Board of Supervisors CCC Buffer Treatment Policy. The applicant has proffered to preserve this buffer and it is also included on the binding Master Plan.

COMPREHENSIVE PLAN

- The site is designated LDR by the adopted Comprehensive Plan.

- Recommended uses in LDR include single-family and multi-family units, as well as CCRCs and limited commercial development to support the surrounding residential areas.

- The following Standards are given for limited commercial uses located in LDR areas:

  - Complement the residential character of the area;

  - Have traffic, noise, lighting and other impacts similar to surrounding residential uses;

  - Generally be located on collector or arterial roads at intersections; and

  - Provide adequate screening and buffering to protect the character of nearby residential areas.

- Given that this is an existing building, with existing buffering and landscape areas, already in use for institutional and residential purposes, and that impacts for traffic, noise and lighting are not anticipated to differ from those of the existing uses, staff finds that the proposal, with the proposed proffers, is consistent with the Comprehensive Plan land use designation for this area.

PROPOSED PROFFERS

The attached, proposed proffers largely mirror those adopted for this property during the most recent Master Plan and proffer amendment in 2012. These proffers include provisions which limit the intensity of the uses on the property, require the maintenance of existing buffers as shown on the Master Plan, limit signage and limit entrances to the property. For full text of the proposed proffers, please see Attachment No. 4.

STAFF RECOMMENDATION

Staff recommends approval of the proposed rezoning subject to the attached proffers.

RS/md
RZ01-2018ColManor

Attachments:
1. Resolution
2. Location map
3. Master Plan
4. Proposed proffers
5. Community Impact Statement
6. Previously adopted proffers
7. Previously adopted SUP conditions

R E S O L U T I O N

CASE NO. Z-0001-2018. COLONIAL MANOR

WHEREAS, Dr. Pedro Becerra of NOSA Futura Corporation has applied on behalf of BC Secure Holdings Corporation, to rezone approximately 7.4 acres of land (the "Property") from R-5 Multi-family Residential with proffers, to MU, Mixed Use with proffers; and

WHEREAS, the Property is located at 8679 Pocahontas Trail, further identified as James City County Real Estate Tax Map Parcel No. 5230100089; and

WHEREAS, there is no new residential component of the multi-use district rezoning proposed by Z-0001-2018; and

WHEREAS, a public hearing was advertised, adjoining property owners notified and a hearing conducted on Case No. Z-0001-2018; and

WHEREAS, the Planning Commission, following its public hearing on August 1, 2018, recommended approval of this application by a vote of 5-0; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds Case No. Z-0001-2018 to be required by public necessity, convenience, general welfare, and good zoning practice.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-0001-2018 as described herein and accepts the voluntary proffers.

_____
Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:

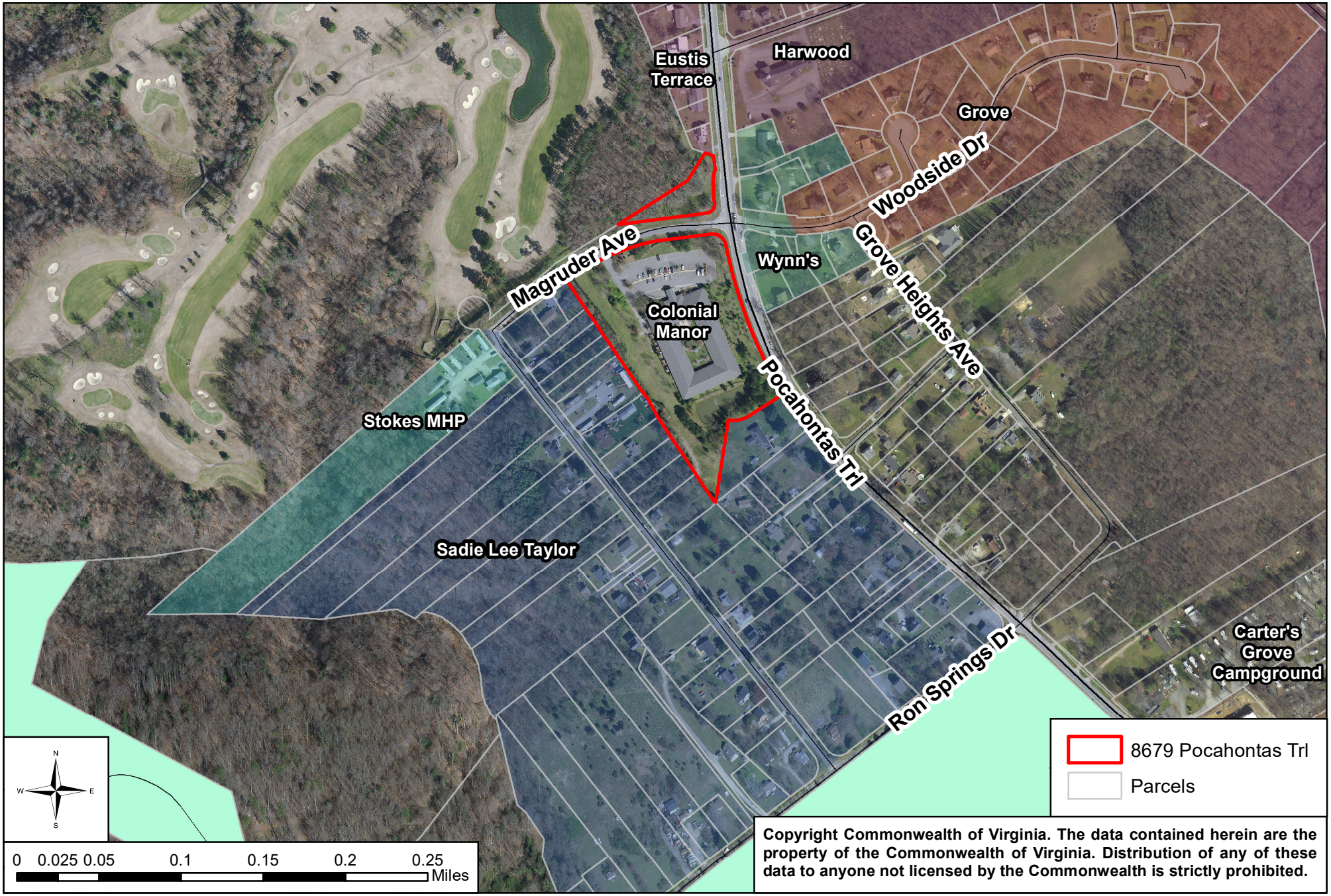
	VOTES		
	AYE	NAY	ABSTAIN
MCGLENNON	____	____	____
ICENHOUR	____	____	____
SADLER	____	____	____
HIPPLE	____	____	____
LARSON	____	____	____

_____
Teresa J. Fellows
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2018.

RZ01-2018ColManor-res

JCC Z-0001-2018
Colonial Manor Rezoning



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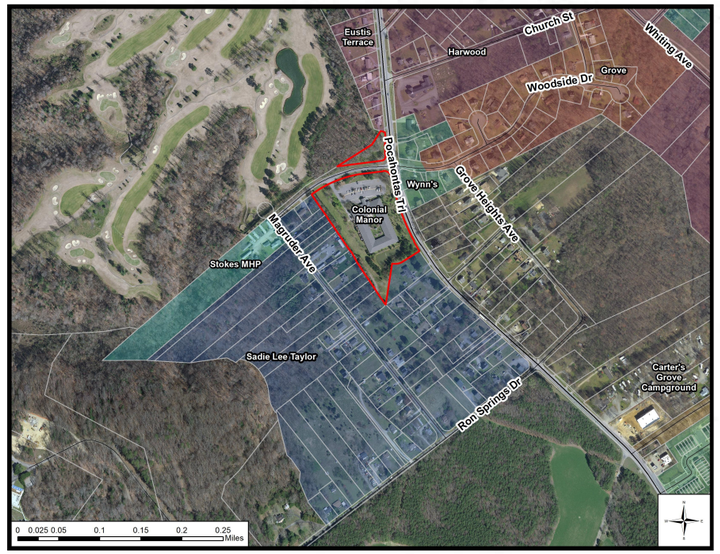
Colonial Manor
Master Plan

July 19, 2018
This property was formerly zoned R-5 with proffers
under cases Z-0002-2012 and SUP-0002-2012
Sheet 1 of 1



Property Information

Address:
8679 Pocahontas Trail

Tax Map No:
5230100089

Zoning:
Existing - R-5 with Proffers
New - MU with Proffers

Owner:
BC Secure Holding Corporation

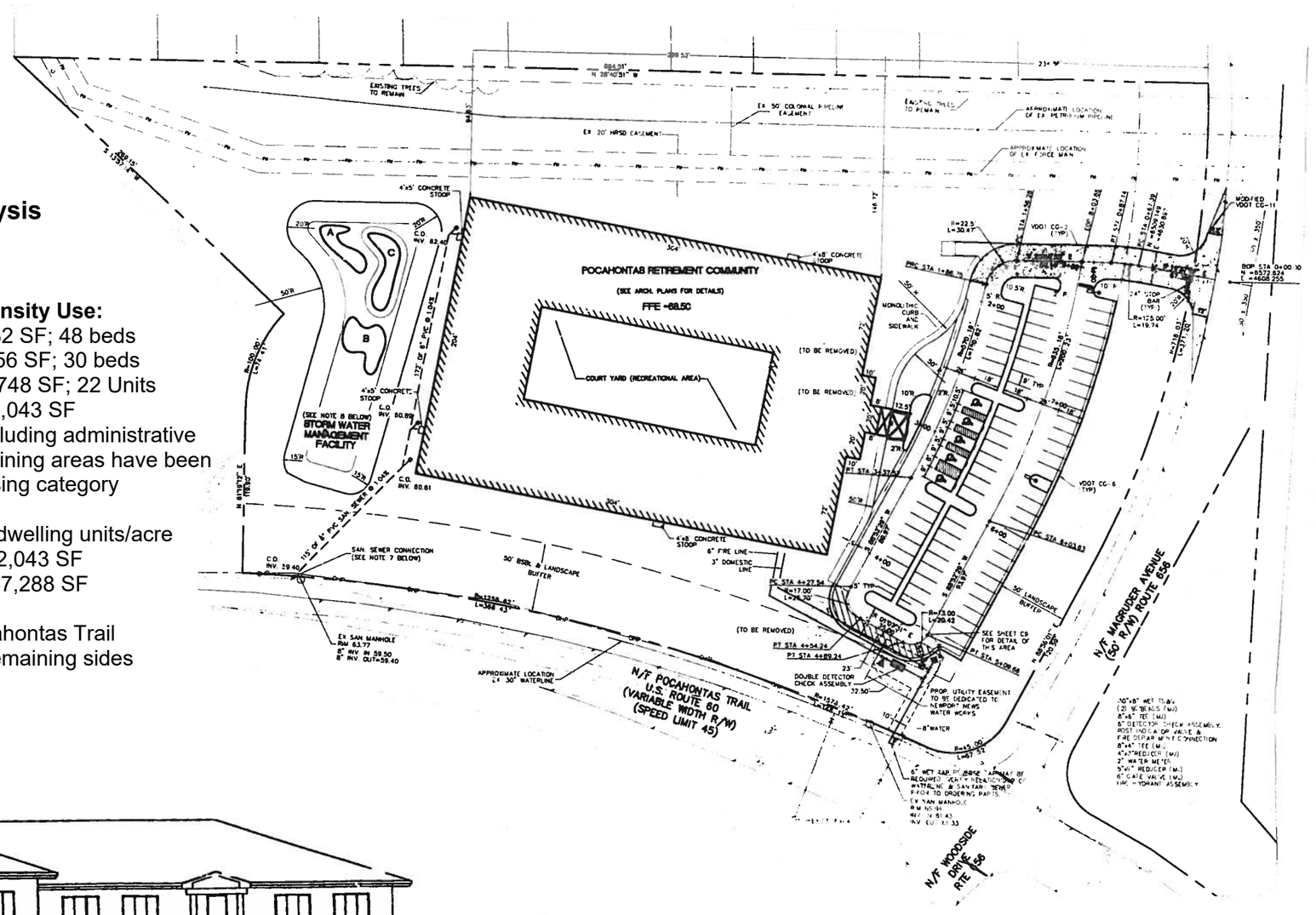
Land Use Analysis

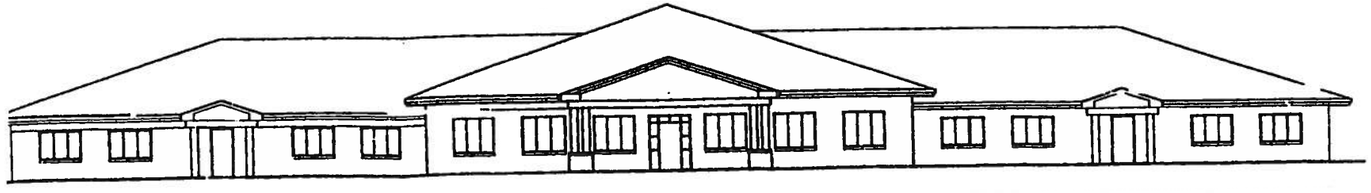
Land Area:
7.4 Acres

Vertical MU Building Density Use:
Assisted Living = 40%; 20,432 SF; 48 beds
Skilled Nursing* = 33%; 16,856 SF; 30 beds
Independent Living = 23%; 11,748 SF; 22 Units
Medical Office = 4%; 2,043 SF
*Common areas of the building, including administrative offices, laundry rooms, and kitchen/dining areas have been included in the Skilled Nursing category

Max Residential Density: 2.97 dwelling units/acre
Max Commercial SF: 2,043 SF
Max Institutional SF: 37,288 SF

50' CCC Buffer along Pocahontas Trail
30' Perimeter Buffer along remaining sides





ELEVATION
NOT TO SCALE

PROFFERS

These PROFFERS are made this _____ day of _____, 20_____ by BC SECURE HOLDINGS CORPORATION, together with his successors, heirs, and assigns (the "Owner").

RECITALS

A. The Owner is the owner of certain real property located in James City County, Virginia, containing approximately 7.40 acres, more or less, known as 8679 Pocahontas Trail and being more particularly described as Parcel Number (1-89) on Tax Map Number (52-3) (the "Property").

B. The property is now zoned R-5 with proffers. The initial proffers are dated December 27, 1990, and were made by Cecil L. Lindsey, Jr., the then owner of the Property, and are recorded in James City Deed Book 507 at page 680 (the "Initial Proffers").

C. The First Amended and Restated Proffers are dated May 27, 1999, and were made by Leonard Epstein, the then owner of the Property, and are recorded as Instrument Number 99015760.

D. The Second Amended and Restated Proffers are dated June 12, 2012, and were made by Pedro Becerra-Cely, the then-owner of the Property, and are recorded as Instrument Number 120018922.

E. The Owner desires to change the current Multifamily Residential District, R-5 zoning to Mixed Use, MU to conform to the demanding needs of the community and our already existing residents.

F. There is no new residential component of the requested rezoning to the multi-use Mixed Use, MU District.

NOW, THEREFORE, the Proffers are hereby stated as follows:

1. There already exists on the Property an independent living and assisted living facility, including skilled nursing, of no more than one hundred and ten (110) units (the "Facility"). With minimal structural changes to the interior of the building, a medical office will be opened within the Facility for use by residents of the Facility and the surrounding communities. This change does not require the addition of residential units, or modification to the exterior of the building which will remain "as is." Uses on the Property shall be limited to those listed within this paragraph.

2. The occupancy of the Facility shall be restricted to elderly and/or handicapped households. For purposes of this proffer, elderly is defined as household heads age 55 and above. Handicapped persons shall meet the definition of handicapped set forth by the Social Security Administration. Also as part of this proffer, no persons under

the age of eighteen (18) years shall be allowed to reside in the complex on a full-time basis.

3. There shall be no more than one (1) entrance into the Property, that entrance being from Magruder Avenue.

4. The Facility was designed and constructed, and will be maintained, in a manner that complies with all standards and regulations of the U.S. Department of Housing and Urban Development relative to the construction of Housing for Older Persons.

5. Development of the Property shall be consistent with the exhibit entitled "Colonial Manor Master Plan", (the "Exhibit") dated July 19, 2018. The Facility shall contain no more than one (1) story. A central kitchen and dining facility shall be provided for the use of the residents of the Facility.

6. There shall be a rear landscape buffer that screens the Facility from adjacent properties, which shall be located on the east edge of the Hampton Roads Sanitation District easement, as shown on the Exhibit.

7. All dumpsters and heating and cooling units shall be screened by landscaping or fencing.

8. Signage on the Property shall be limited to one sign, which shall be free-standing, ground mounted, and monument style.

9. There shall be a fifty (50) foot landscape buffer along Pocahontas Trail right-of-way, containing enhanced landscaping, so that the required number of plants equals up to 133 percent of the County's Landscaping Ordinance requirements with up to 33 percent of the required number of trees being evergreen.

WITNESS the following signature.

_____

Pedro Becerra-Cely

President, BC Secure Holdings Corp.

COMMUNITY IMPACT STATEMENT FOR COLONIAL MANOR

Colonial Manor has been operating as an Assisted Living facility providing services for retired adults aged 55 and older or to individuals with a handicap disability in which age assessment is applicable to services provided since 2007. Prior to that time, we operated as an Independent Living Facility.
We are located in the Grove area of Williamsburg at 8679 Pocahontas Trail. We provide services that are very accessible to the middle class individuals in the surrounding areas.

Due to the growing needs of older adults, a growing demand for additional medical services, and that people are living longer and well into the golden years, Colonial Manor requested and was granted an occupancy change from 65 to 110 thru James City County in July 2016. Our current Virginia Department of Social Services Licensure states that rooms 1-40 are assessed as Residential and rooms 41-55 are assessed as Assisted Living.

Colonial Manor would like to amend the existing proffers to allow for the changes needed to better provide services needed by aging adults and the surrounding community. The property is currently zoned R-5 with proffers. The proposed zoning of the property is Mixed Use with amended proffers to allow for Independent, Residential and Assisted Living, Skilled Nursing Home and F.I.T. Physical Therapy/Medical Office.

At present time, residents requiring intensive rehabilitation services must be admitted to another facility temporarily for their physical therapy and residents exceeding Level III Extended Care Criteria must be discharged to a skilled nursing facility. Our current goals and expectations are to renovate our already existing facility, giving us the ability to provide additional services to our already existing residents without the need and trauma associated with having to relocate. This would allow Colonial Manor to provide the services needed by our current residents, in-house rehab services for our residents and out patient re-hab services for members of the community, create new jobs for qualified local individuals and offer better wages and benefits to employees.

Under our current Assisted Living Licensure, we currently provide the following services:
- Supervised Living Arrangements
- Medication Management
- 3 Full Meals daily (Full Kitchen and Restaurant style service)
- Snacks offered 3 times daily
- Special Diets (NAS, NCS, Pureed and Mechanical) overseen by a Registered Dietician
- Housekeeping & Laundry Services
- All utilities included with the exception of telephone, cable and internet
- Assistance with Money Management if needed
- Assistance with Activities of Daily Living (Bathing, Dressing, Toileting, Transferring)
- Social Interaction
- Recreation Therapy (Bingo, Exercise Classes, Shopping Trips, Themed Parties, Church Services)
- Transportation for Medical Appointments (Limited to Williamsburg area only on Tuesdays/Thursdays)
- Open Door Policy (No designated Visiting Hours) All visitors are required to sign in

Various Medical Services provided by Outside Agencies to include:
- Visiting Physicians
- Laboratory Testing
- Pharmacological Services (including quarterly reviews of medications)
- Registered Dietician
- Nursing Oversight
- Mental Health Counseling (Colonial Behavioral Health, Sentara Behavioral, Brookside Home Health)
- Physical, Occupational and Speech Therapies

- Hospice
- Beauty/Barber Services
- Mobile X-Ray Services

All of the above stated services are provided by:
- Physicians
- Registered Nurses
- Licensed Practical Nurses
- Registered Medication Aides
- Certified Nursing Assistants
- Direct Care Staff
- Administration
- Dietary Staff (Chefs & Servers)
- Housekeeping & Laundry Staff
- Maintenance (Building & Grounds Staff)
- Transportation Personnel (Driver & Medical Escorts)

Currently Colonial Manor employs 34 individuals in various positions. Of these 34 employees, 20 are full time and 14 are part-time/PRN. With our goals and expectations for a mixed use facility, we anticipate that our current number of employees may be increased by a minimum of 15 new employees, all of which is dependent upon full time or part time status. We also anticipate being able to offer our part time employees full time positions. Colonial Manor currently has a variety of shift options for a variety of jobs. Currently many of our employees serve dual purposes within the facility. Employees would fluctuate between the various services/levels of care to help prevent burnout and to have a better understanding of all residents needs. Of the anticipated 15 new hires, F.I.T. Physical Therapy/Medical Office would employ a maximum of 4 employees to include 1 Physical Therapist and 3 Physical Therapist Assistants.

- Administrative Offices are currently open Mon-Fri 9am to 5pm
- Nursing Shifts consist of 8 hours each (6am-2:30pm, 2pm-10:30pm and 10pm-6:30am)
- Dietary Shifts consist of 6am-6:30pm, with varying hours for part time employees
- Housekeeping & Laundry Staff shifts are 7am-3:30pm Mon-Fri and every other weekend
- Transportation Staff shifts vary and are dependent upon medical appointments and activities
- Maintenance Staff shifts hours vary and are dependent upon need
- Activity Staff shifts are currently 9am-5pm Mon-Fri with various weekend and evening hours

Our parking lot currently consists of 80 parking spaces which includes 5 handicap spaces. In anticipation of an increase in staff to provide the care needed, our largest employee shift (6am-6pm) would consist of up to 28-30 staff members (including F.I.T Physical Therapy/Medical Office) when at full capacity. With this anticipated growth, on our largest shift, and allowing for 1 parking space for every 4 clients and a maximum of 4 clients per hour for the F.I.T. Physical Therapy/Medical Center, we anticipate using 62 of the current 80 parking spaces. Currently only 3 residents have personal vehicles and we do not anticipate this number growing due to a decrease in the functioning of residents in Assisted Living and Skilled Nursing Home. Consequently, we do not anticipate an increase in traffic generation, as many of our employees and residents do not own personal vehicles and currently utilize public transportation, medical transport or carpool.

We anticipate the facility services breakdown to be:
Assisted Living to contain 48 beds, about 40% of the building (20,432 square feet)

Skilled Nursing Home to contain 30 beds, about 33% of the building (16,856.4 square feet)
Residential living to contain 22 beds, about 23% of the building (11,748.4 square feet)
F.I.T. Physical Therapy & Medical Offices to cover about 4% of the building (2,043.2 square feet)
The common areas of the building included in the Skilled Nursing Home percentage contain areas such as Administrative offices, Laundry rooms and Dining/Kitchen areas and activity room.

Colonial Manor is overcome with excitement for the anticipated changes, improvements, additional services and community relations that will come with this proposed change. We look forward to a bright and long future in the Grove area with the approval of the proposed changes. The alternative does not paint a pretty picture, perhaps facing closure in the future months if we are unable to adapt to the growing demands and changing needs of our elderly population. We are very optimistic that the proposed changes will benefit not only Colonial Manor, but the residents of Grove and surrounding areas.

SECOND AMENDED AND RESTATED PROFFERS

These SECOND AMENDED AND RESTATED PROFFERS are made this 9th day of February, 2012, by BC SECURE HOLDINGS CORPORATION, together with his successors, heirs and assigns (the "Owner").

RECITALS

A. Owner is the owner of certain real property (the "Property") located in James City County, Virginia, containing approximately 7.40 acres, more or less, known as 8679 Pocahontas Trail and being more particularly described as Parcel Number (1-89) on Tax Map Number (52-3).

B. The Property is now zoned R-5, with proffers. The initial Proffers are dated December 27, 1990, and were made by Cecil L. Lindsey, Jr., the then owner of the Property, and are recorded in James City Deed Book 507 at page 680 (the "Initial Proffers).

C. The First Amended and Restated Proffers are dated Mary 27, 1999, and were made by Leonard Epstein, the then owner of the Property, and are recorded at Instrument Number 99015760.

D. The Owner desires to amend and restate the Existing Proffers in their entirety.

NOW THEREFORE, the Existing Proffers are hereby amended and restated as follows:

1. There shall be constructed on said Property an independent and assisted living facility of no more than one hundred ten (110) units with accessory buildings designed specifically for the elderly. The project, prior to site plan approval, shall be submitted to the Planning Division for the review and approval of the building exterior appearance and site design. Any desired changes in these design elements shall be submitted to County staff for approval, and if required by staff, shall be presented to the Planning Commission for final approval.

2. The occupancy of this facility shall be restricted to elderly and/or handicapped households. For purposes of this proffer, elderly is defined as household heads age 62 and above. Handicapped persons shall meet the definition of handicapped set forth by the Social Security Administration. Also as part of this proffer, no persons under the age of eighteen years shall be allowed to reside in the complex on a full time basis.

3. There shall be no more than one entrance into the Property, that entrance being from Magruder Avenue.

4. The facility shall be designed and constructed in a manner which will comply with all standards and regulations of the U.S. Department of Housing and Urban Development relative to the construction of Housing for Older Persons.

5. The buildings which comprise the facility shall contain no more than one story and there shall be a central kitchen and dining facility provided for the use of the residents of the facility.

6. Any road or highway improvements required by the Virginia Department of Transportation as a result of the proposed development shall be paid for by the Owner and installed prior to conversion of the units.

WITNESS the following signature.

Pedro Becerra-Cely,
President, BC Secure Holdings Corp.

STATE OF VIRGINIA
COUNTY OF JAMES CITY

The foregoing instrument was acknowledged before me this 21th day of February, 2012, by Pedro Becerra-Cely.

Notary Public

My commission expires: 10/31/14
Notary number: 150425

PAMELA N. BAGDONAS NOTARY My Comm. Expires 150425 PUBLIC COMMONWEALTH OF VIRGINIA

RESOLUTION

CASE NO. SUP-0002-2012. COLONIAL MANOR PROFFER AMENDMENT

(EPSTEIN REST HOME)

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, Mr. Pedro Becerra of NOSA Futura Corp. has applied to amend an existing SUP to convert Colonial Manor (the "Facility") to an independent and assisted living facility for the residence and/or care of the aged and to increase the number of permitted units; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP 0002-2012; and

WHEREAS, the proposed Facility is depicted on the plan dated January 9, 2012, and entitled "Colonial Manor Master Plan Amendment;" and

WHEREAS, the proposed Facility is located in its entirety on property zoned R-5, Multi-family Residential, with proffers, further identified as Parcel No. (1-89) on James City County Real Estate Tax Map No. (52-3) in Grove (the "Property"); and

WHEREAS, the Planning Commission, following its public hearing on March 7, 2012, voted 4-0 to recommend approval of Application No. SUP 0002-2012.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, does hereby approve Application No. SUP 0002-2012, as described herein, pursuant to the following conditions:

1. This SUP shall allow the establishment and/or continued operation of a 110-bedroom assisted living and independent living facility. The Facility shall maintain at all times a current license from the Virginia Department of Social Services.

2. The required rear landscape buffer shall screen the Facility from adjacent properties and shall be located on the east edge of the Hampton Roads Sanitation District easement.

3. All dumpsters and heating and cooling units shall be screened by landscaping of fencing approved by the Director of Planning prior to final site plan approval.

4. Free-standing signs shall be ground-mounted, monument style and shall be approved by the Director of Planning or his designee prior to final site plan approval.

5. There shall be a 50-foot landscape buffer along Pocahontas Trail right-of-way, containing enhanced landscaping, so that the required number of plants equals up to 133 percent of the County's Landscaping Ordinance requirements with up to 33

percent of the required number of trees being evergreen. The landscaping plan shall be approved by the Director of Planning prior to final site plan approval.

6. All exterior light fixtures on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. A lighting plan shall be submitted to, and approved by, the Director of Planning which indicates no glare outside the property line or any direct view of the lighting source from the street or adjoining residentially designated property.

7. Prior to the issuance of a certificate of occupancy, the applicant shall provide documentation to the Director of Planning demonstrating that services or programs shall be provided to all residents within the housing facility. Activities, services, or programs provided may include, but are not limited to, educational classes, health screenings, exercise, and/or crafts, and games. Group transportation, such as a van or shuttle bus, shall be provided to all residents of the facility in order to obtain off-site services.

8. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

SUPERVISOR	VOTE
MCGLENNON	AYE
ICENHOUR	AYE
KALE	AYE
KENNEDY	AYE
JONES	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of April, 2012.

Sup02-12ColManor_res

AGENDA ITEM NO. H.2.

ITEM SUMMARY

DATE:	9/11/2018
TO:	The Board of Supervisors
FROM:	Savannah Pietrowski, Senior Planner; Roberta Sulouff, Senior Planner; and Tori Haynes, Planner
SUBJECT:	Agricultural and Forestal District 2018 Renewals (Cover Memo)

ATTACHMENTS:

	Description	Type
🗋	Memorandum	Cover Memo
🗋	Overall AFD Map	Backup Material
🗋	Unapproved AFD Advisory Committee Minutes from June 21, 2018	Backup Material
🗋	3. Unapproved Planning Commission Minutes from August 1, 2018	Backup Material
🗋	AFD Program Information Sheet	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	8/24/2018 - 3:38 PM
Development Management	Holt, Paul	Approved	8/24/2018 - 3:38 PM
Publication Management	Daniel, Martha	Approved	8/24/2018 - 4:04 PM
Legal Review	Kinsman, Adam	Approved	8/27/2018 - 9:22 AM
Board Secretary	Fellows, Teresa	Approved	8/27/2018 - 3:09 PM
Board Secretary	Purse, Jason	Approved	9/4/2018 - 3:03 PM
Board Secretary	Fellows, Teresa	Approved	9/4/2018 - 3:37 PM

M E M O R A N D U M

DATE: September 11, 2018

TO: The Board of Supervisors

FROM: Savannah Pietrowski, Senior Planner
Roberta Sulouff, Senior Planner
Tori Haynes, Planner

SUBJECT: 2018 Agricultural and Forestal District Renewals

Agricultural and Forestal Districts

In 1977, the Virginia General Assembly created a process to "provide a means for a mutual undertaking by landowners and local governments to protect and enhance agricultural and forestal land as a viable segment of the Commonwealth's economy and an economic and environmental resource of major importance." The process also provides landowners an opportunity to try to protect their land from the pressure to develop. This process is known as the Agricultural and Forestal Districts (AFD) Act. The act gives local governments authority, upon landowners' voluntary application, to establish agricultural districts, forestal districts and agricultural and forestal districts.

Land within a district is directly affected in several ways:

1. District land qualifies for the benefits of use-value taxation, subject to local regulations; and

2. Restraints are imposed on government, as it may affect a property. More specifically, local governments may not restrict farming or forestry practices, except to protect public health or safety. Local plans, Ordinances and decisions affecting land adjacent to a district must take into account both the district and the AFD Act. In addition, it shall be the policy of state agencies to encourage farming and forestry within the districts. No special purpose assessments or tax levies may be imposed on the basis of frontage, acreage or value of land used for agricultural or forestal production within a district; and

3. Land acquisition by agencies, political subdivisions or public service corporations (including acquisition by eminent domain) must be reviewed by the Board of Supervisors if the land acquisition in question exceeds 10 acres from the district or one acre from any one district farm or forestry operation.

AFD Statistics

State Code specifies a minimum acreage for each district of 200 acres. As shown in the following table, there are currently ±17,940 acres of land within the AFD program. This acreage represents approximately 20% of the total land area of the County. The AFD program began in James City County in 1986 and there have been seven previous major review periods of AFD districts (1990, 1994, 1998, 2002, 2006, 2010 and 2014). Of the 13 districts, 12 are set to expire in October. The remaining district, Pates Neck, was recently renewed by the Board of Supervisors on July 10, 2018.

The State Code governing AFDs allows the establishment of a district for terms of four to ten years. With the exception of the Wright's Island District, the 12 districts currently being considered have been

previously renewed for four-year terms. The Wright's Island District has been renewed for a term of eight years. Staff is not proposing any revisions to these terms and recommends that if renewed, each district continues to be renewed for its respective four- or eight-year-terms.

Applications regarding AFDs, as well as AFD renewals, are reviewed by County staff, the AFD Advisory Committee, the Planning Commission and the Board of Supervisors, as well as the Virginia Department of Forestry and the Natural Resource Conservation Service.

Agricultural and Forestal Districts
(*As of July 2018*)

District	*Name and Term of District in Years ( )*	*±Acres*	*Exp. Date*
AFD 2-86	Croaker (4)	1,182.23	10/31/2018
AFD 3-86	Hill Pleasant Farm (4)	587.39	10/31/2018
AFD 4-86	Pates Neck (4)	755.30	10/31/2022
AFD 5-86	Barnes Swamp (4)	1,719.98	10/31/2018
AFD 6-86	Cranston's Pond (4)	774.31	10/31/2018
AFD 7-86	Mill Creek (4)	3,213.66	10/31/2018
AFD 9-86	Gordon Creek (4)	3,127.60	10/31/2018
AFD 10-86	Christenson's Corner (4)	1,179.32	10/31/2018
AFD 11-86	Yarmouth Island (4)	2,142.88	10/31/2018
AFD 12-86	Gospel Spreading Church (4)	1,133.18	10/31/2018
AFD 1-89	Armistead (4)	311.53	10/31/2018
AFD 1-94	Wright's Island (8)	1,496.55	10/31/2018
AFD 1-02	Carter's Grove (4)	316.14	10/31/2018

	Acres	*Sq. Miles*
±AFD Total	17,940.07	28.03
Total County Area: Land	89,079.29	139.19
Total County Area: Water	25,823.67	40.35
Total County Area: Land & Water	114,902.96	179.54
±AFD % of Total County Area	15.618%	
±AFD % of Total Land Area	20.14%	

Renewal Process

The review process is somewhat similar to other land use cases that come before the Board, but with several important exceptions. The review of districts begins at least 90 days before the expiration date of the district or districts. If there are any proposed changes to the AFD policy or to the conditions of any of the districts, the County must convey those proposed changes to the affected property owners and advertise proposed changes in a local newspaper. During this review period the County sends notice of the renewal to all affected property owners and adjacent property owners.

Withdrawals and Additions

During the renewal period, State Code provides that all AFD property owners have an opportunity to withdraw any or all of their property from the AFD. Owners do not need Board approval to withdraw at this time, and are able to request withdrawal up to the day of consideration by the Board. If the Board chooses to renew or "continue" the particular district, the Board simply renews the district without the acreage that has been voluntarily withdrawn. Should a property owner request to withdraw his/her property

outside of the renewal period, the request must be approved by the Board of Supervisors and should be in accordance with the Policy Governing Withdrawals of Property from Agricultural and Forestal Districts, adopted by the Board of Supervisors, June 28, 2010.

Property owners may also apply to add land to an AFD or establish a new district at any time. Properties requesting to participate in the AFD program are evaluated for consistency with the criteria established in Section 15.2-4306 of State Code. Staff notes that several applications have recently been received. These applications are currently under review and are tentatively scheduled to be evaluated by the AFD Advisory Committee, Planning Commission and Board of Supervisors this fall.

Conditions

With the exception of Wright's Island District, every district is subject to the below conditions. Staff is not proposing any revisions to these conditions during this review period.

The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided: a) the subdivision does not result in the total acreage of the district to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.

No land outside the Primary Service Area and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land within the AFD may be withdrawn from the district in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.

No Special Use Permit (SUP) shall be issued except for agricultural, forestal or other activities and uses consistent with the State Code Section 15.2-4301 et seq. which are not in conflict with the policies of this district. The Board of Supervisors, at its discretion, may issue SUPs for wireless communications facilities on AFD properties which are in accordance with the County's policies and Ordinances regulating such facilities.

In regards to the Wright's Island District, staff is recommending a revision to Condition No. 2 to refer to the most recent withdrawal policy adopted in 2010. A strike-through version of this revision is provided in the staff report for the Wright's Island District.

In addition, any land within the district that is within 25 feet of an adjoining public road is generally excluded from the district in order to allow for possible future road and/or drainage improvements.

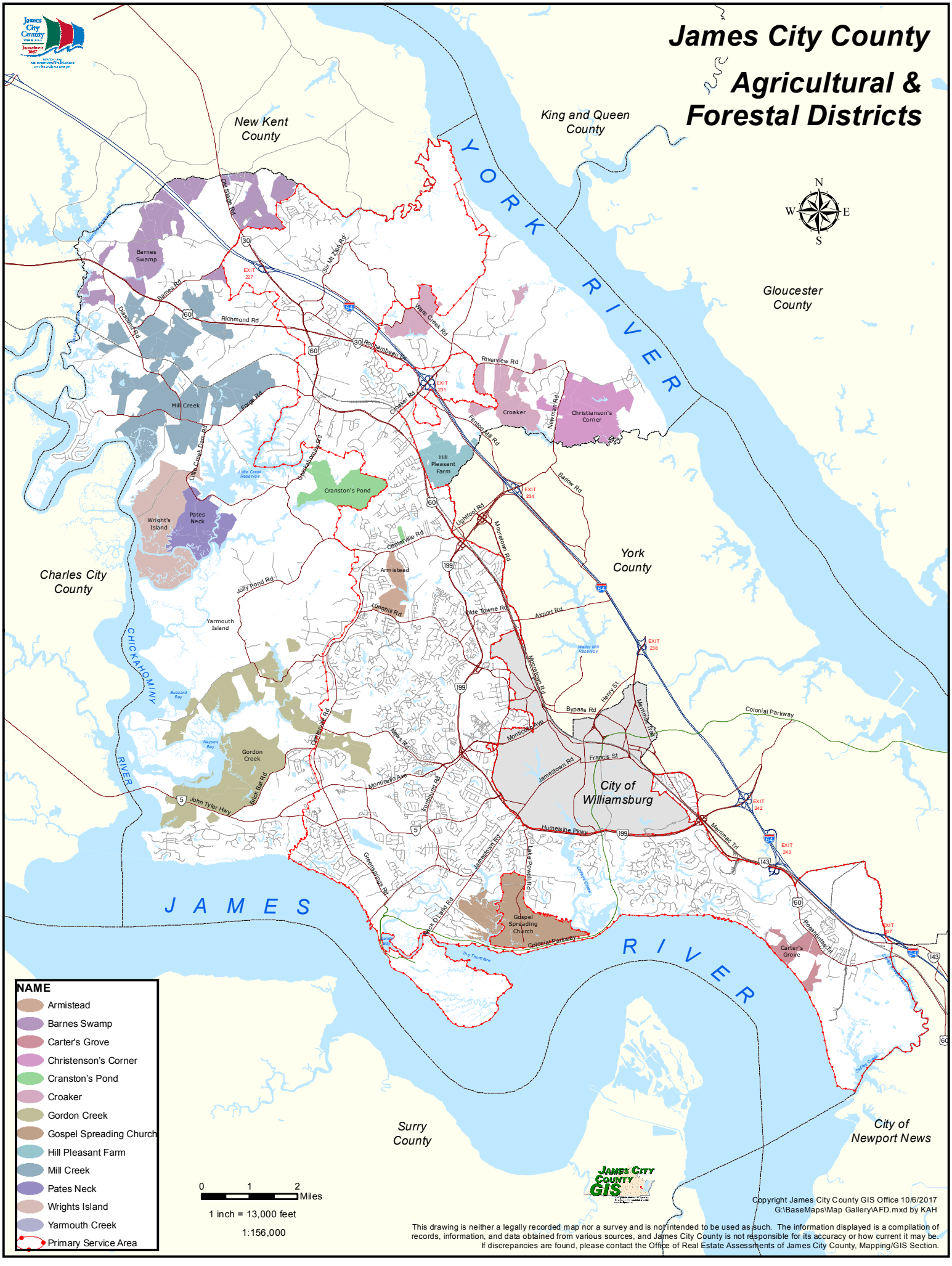
Summary of District Renewals

Included in the Agenda Packet are detailed staff reports which identify any modifications to parcel acreages, changes to conditions and requested withdrawals for each district. In total, approximately 119.24 acres of land have requested to withdraw from the James City County AFD program during this renewal period, leaving approximately 17,820 acres (±20% of Total Land Area) remaining in AFDs.

Staff recommends the continuation of each district, subject to the conditions detailed in the respective staff reports.

SP/RS/TH/nb
2018AFDRenwls-mem

Attachments:
1. Overall AFD Map
2. Unapproved AFD Advisory Committee Minutes from June 21, 2018
3. Unapproved Planning Commission Minutes from August 1, 2018
4. AFD Program Information Sheet


James City County
Agricultural & Forestal Districts
New Kent County
King and Queen County
Gloucester County
York County
Charles City County
Surry County
City of Williamsburg
City of Newport News
YORK RIVER
JAMES RIVER
CHICKAHOMINY RIVER
Barnes Swamp
Mill Creek
Wright's Island
Pates Neck
Yarmouth Island
Gordon Creek
Cranston's Pond
Hill Pleasant Farm
Croaker
Christianson's Corner
Armistead
Carter's Grove
Gospel Spreading Church
Richmond Rd
Barnes Rd
Diascund Rd
Old Stage Rd
Six Mile Ford Rd
Ware Creek Rd
Riverview Rd
Newman Rd
Centerville Rd
Lightfoot Rd
Barlow Rd
Jolly Pond Rd
Longhill Rd
Olde Towne Rd
Airport Rd
Bypass Rd
Colonial Parkway
Jamestown Rd
Francis St
Humelsine Pkwy
Merrimac Trl
Monticello Ave
John Tyler Hwy
Back Rail Rd
Greensprings Rd
Route 60
Route 199
Route 5
Route 143
Route 64
EXIT 227
EXIT 231
EXIT 234
EXIT 238
EXIT 242
EXIT 243
EXIT 247
NAME
Armistead
Barnes Swamp
Carter's Grove
Christenson's Corner
Cranston's Pond
Croaker
Gordon Creek
Gospel Spreading Church
Hill Pleasant Farm
Mill Creek
Pates Neck
Wrights Island
Yarmouth Creek
Primary Service Area
0 1 2 Miles
1 inch = 13,000 feet
1:156,000
JAMES CITY COUNTY GIS
Copyright James City County GIS Office 10/6/2017
G:\BaseMaps\Map Gallery\AFD.mxd by KAH
This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be.
If discrepancies are found, please contact the Office of Real Estate Assessments of James City County, Mapping/GIS Section.

MINUTES OF THE AGRICULTURAL AND FORESTAL ADVISORY COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE TWENY-FIRST DAY OF JUNE, TWO THOUSAND AND EIGHTEEN, AT 4:00 P.M. AT THE BUILDING A CONFERENCE ROOM, 101 MOUNTS BAY ROAD, WILLIAMSBURG, VIRGINIA.

A. CALL TO ORDER

Mr. William C. Taylor called the meeting to order at 4:00 p.m.

B. ROLL CALL:

Members Present
Mr. Thomas Hitchens
Mr. Richard Bradshaw
Mr. William C. Taylor, chair
Mr. L. Bruce Abbott
Mr. Payten Harcum
Mr. William R. Harcum
Mr. Sandy Wanner
Mr. John Grantz
Ms. Sue Sadler

Absent
Ms. Loretta Garrett

Also Present
Ms. Savannah Pietrowski, Senior Planner
Ms. Roberta Sulouff, Senior Planner
Ms. Tori Haynes, Planner
Mr. John Haldeman

C. APPROVAL OF MINUTES:

1. Approval of the April 26, 2018 Meeting Minutes

   On a voice vote, the minutes of the April 26, 2018 meeting were unanimously approved.

D. NEW BUSINESS:

1. 2018 AFD Renewals

   Mr. William C. Taylor stated that the purpose of the meeting was for the AFD Advisory Committee to review the proposed renewals for the County's Agricultural and Forestal Districts (AFDs). Mr. Taylor inquired if the committee members had any general items for discussion prior to consideration of the renewals.

   Mr. L. Bruce Abbott inquired where the 20-acre minimum requirement for AFD parcels originates.

   Mr. Richard Bradshaw stated that State Code requires that forested parcels be a minimum of 20 acres in order to obtain land use value taxation.

Ms. Roberta Sulouff clarified that there is no minimum acreage for participation in the AFD program.

Mr. Bradshaw stated that most property owners join the AFD program for the monetary incentive; however, some property owners do join for conservation purposes.

Mr. Abbott noted that many parcels are included in the AFD program which are less than 20 acres.

Mr. Bradshaw stated that ownership of contiguous properties can also be used to satisfy the acreage requirement for land use value taxation.

Mr. Abbott inquired if staff verifies that all necessary property owners have signed requests for additions or withdrawals. Mr. Abbott also expressed concern that property owners could purchase property within an AFD after property owner notifications were mailed and would not be aware of the current renewal period.

Mr. Bradshaw stated that property owners should be aware when they are purchasing properties with development restrictions.

Ms. Savannah Pietrowski, Senior Planner, confirmed that staff works with the County Attorney's Office to ensure that all necessary property owners have signed addition or withdrawal requests.

Mr. Abbott requested that the AFD Committee receive updates regarding the final actions taken by the Board of Supervisors regarding AFD applications.

Ms. Sulouff stated that staff could to add an updates section to the agendas.

Ms. Pietrowski noted that the staff reports do also include the upcoming Planning Commission and Board of Supervisors meeting dates should the Committee members wish to watch or attend the meetings.

Ms. Sue Sadler suggested that a Committee representative could also attend future Planning Commission and/or Board of Supervisors meetings.

Ms. Pietrowski stated that there are 13 AFDs in the County, and the Committee is currently reviewing the renewal of 12 of those districts which are set to expire on October 31, 2018. Ms. Pietrowski stated that there are no proposed condition changes or withdrawal requests for the Croaker, Cranston's Pond, Mill Creek, Christenson's Corner, Carter's Grove, Armistead, Yarmouth Island and Gospel Spreading Church districts, and staff recommends that the Committee recommend renewal of this AFD for a period of four years to Planning Commission, subject to the conditions which were approved at the District's last renewal. Ms. Pietrowski inquired if the Committee would like to discuss any of these districts in more detail.

Mr. Bradshaw noted that there is a proposed addition for the Croaker district. Mr. Bradshaw stated that he also recently became aware of one parcel in the Croaker district which was inadvertently omitted from a previous renewal Ordinance, and that parcel will be added back into the district.

Ms. Sulouff stated that all addition applications will be presented to the Committee in October. Ms. Sulouff noted that the second parcel Mr. Bradshaw was referring to will be added back into the Ordinance during this renewal period as it was a clerical error, not a withdrawal.

Mr. Peyton Harcum moved to recommend continuation of the Croaker AFD for a period of four years.

Mr. Bradshaw seconded the motion.

On a voice vote, the motion was approved unanimously.

Mr. Thomas Hitchens moved to recommend continuation of the Cranston's Pond AFD for a period of four years.

Mr. Sandy Wanner seconded the motion.

On a voice vote, the motion was approved unanimously.

Mr. Abbott moved to recommend continuation of the Mill Creek AFD for a period of four years.

Mr. William Harcum seconded the motion.

On a voice vote, the motion was approved unanimously.

Mr. Bradshaw moved to recommend continuation of the Carter's Grove AFD for a period of four years.

Mr. Bradshaw seconded the motion.

On a voice vote, the motion was approved unanimously.

Mr. Hitchens moved to recommend continuation of the Christenson's Corner AFD for a period of four years.

Mr. Bradshaw seconded the motion.

On a voice vote, the motion was approved unanimously.

Mr. Bradshaw moved to recommend continuation of the Armistead AFD for a period of four years.

Mr. Taylor seconded the motion.

On a voice vote, the motion was approved unanimously.

Mr. Hitchens moved to recommend continuation of the Yarmouth AFD for a period of four years.

Mr. John Grantz seconded the motion.

On a voice vote, the motion was approved unanimously.

Mr. Hitchens moved to recommend continuation of the Gospel Spreading Church AFD for a period of four years.

Mr. Wanner seconded the motion.

On a voice vote, the motion was approved unanimously.

Ms. Sulouff stated that withdrawal requests have been received for parcels in the Gordon Creek, Hill Pleasant Farms and Barnes Swamp districts, and noted that each district will continue to meet minimum area requirements following each of these withdrawals. Ms. Sulouff inquired if the Committee would like to discuss any of these districts in more detail.

Mr. Bradshaw inquired if the owners requesting withdraw portions of their property have designated the specific withdrawal area on a map.

Ms. Sulouff confirmed that they had.

The AFD Committee viewed each of the properties requesting to withdraw on the County mapping system.

Mr. Bradshaw noted several parcels which have requested roll-back tax estimate requests, but have not yet submitted withdrawal requests.

Mr. Bradshaw moved to recommend continuation of the Barnes Swamp AFD for a period of four years.

Mr. P. Harcum seconded the motion.

On a voice vote, the motion was approved unanimously.

Mr. Abbott moved to recommend continuation of the Hill Pleasant Farm AFD for a period of four years.

Mr. Bradshaw seconded the motion.

On a voice vote, the motion was approved unanimously.

Mr. P. Harcum moved to recommend continuation of the Gordon Creek AFD for a period of four years.

Mr. Grantz seconded the motion.

On a voice vote, the motion was approved unanimously.

Ms. Pietrowski stated that there are no proposed additions or withdrawals for the Wright's Island District, but staff is proposing a revision to Condition #2 to update the reference to the most recent version of the Board of Supervisor's policy pertaining to withdrawal of lands from Agricultural and Forestal Districts. Ms. Pietrowski noted that this revised language was already adopted for the other districts, but Wright's Island has not because it has not been renewed since the new policy was adopted.

Mr. Abbott moved to recommend continuation of the Wright's Island AFD for a period of eight years.

Mr. Bradshaw seconded the motion.

On a voice vote, the motion was approved unanimously.

Ms. Sulouff stated that there was a second AFD Committee meeting tentatively scheduled for June 28, 2018; however, the meeting could be cancelled as all of the districts have been reviewed.

Mr. Taylor confirmed that the meeting will be cancelled.

Mr. Sulouff stated that the next AFD meeting will be in October to discuss the AFD additions.

Ms. Pietrowski stated that the renewals discussed at the current meeting are tentatively scheduled to be reviewed by the Planning Commission in August and the Board of Supervisors in September.

E. OTHER DISCUSSION ITEMS

F. ADJOURNMENT

On a voice vote, the meeting was adjourned at 4:55 p.m.

Unapproved Minutes of the August 1, 2018
Planning Commission Meeting

Agricultural and Forestal District 2018 Renewals

Agenda Item 3.	AFD-02-86-1-2018. Croaker AFD Renewal
Agenda Item 4.	AFD-03-86-1-2018. Hill Pleasant Farm AFD Renewal
Agenda Item 5.	AFD-05-86-1-2018. Barnes Swamp AFD Renewal
Agenda Item 6.	AFD-06-86-1-2018. Cranston's Pond AFD Renewal
Agenda Item 7.	AFD-07-86-1-2018. Mill Creek AFD Renewal
Agenda Item 8.	AFD-09-86-1-2018. Gordon Creek AFD Renewal
Agenda Item 9.	AFD-10-86-1-2018. Christenson's Corner AFD Renewal
Agenda Item 10.	AFD-11-86-1-2018. Yarmouth Island AFD Renewal
Agenda Item 11.	AFD-12-86-1-2018. Gospel Spreading Church AFD Renewal
Agenda Item 12.	AFD-01-89-1-2018. Armistead AFD Renewal
Agenda Item 13.	AFD-01-94-1-2018. Wright's Island AFD Renewal
Agenda Item 14.	AFD-01-02-1-2018. Carter's Grove AFD Renewal

Mr. Paul Holt, Director of Community Development and Planning, stated that Mr. Max Hlavin, Deputy County Attorney, has advised that under Roberts Rules of Order, a Public Hearing may cover a series of related items and made be voted on with one comprehensive motion. Mr. Holt stated that staff would provide a brief report on all the districts. Mr. Holt stated one Public Hearing would be opened to encompass all the districts. Mr. Holt stated that the Commission could vote on the renewals in one all-inclusive motion or vote on the renewals individually or in groups.

Mr. Haldeman inquired if the withdrawal requests would be treated as separate items.

Mr. Holt stated that withdrawals during a renewal period are by-right under state code and the property owners can request withdrawal up to the time the Board of Supervisors votes on the matter. Mr. Holt further stated that it was not necessary for the Commission to proactively affirm or deny the withdrawals.

Ms. Savannah Pietrowski, Senior Planner, provided the Commission with an overview of each of the districts under review and noted with each district if there were any withdrawal requests or

changes to the recommended conditions. Ms. Pietrowski stated that the Agricultural and Forestal District Committee voted to recommend approval of the renewals to the Planning Commission and the Board of Supervisors. Ms. Pietrowski further stated that staff finds the districts compatible with State Code, the surrounding development and the Comprehensive Plan and Zoning Ordinance. Ms. Pietrowski stated that staff recommends that the Commission recommend renewal of the districts for a period of four years with the exception of the Wright's Island AFD which would be an eight-year term. Ms. Pietrowski noted that the districts would be subject to the conditions listed in the respective staff reports.

Ms. Julia Leverenz inquired about the renewal term for the Wright's Island AFD.

Ms. Pietrowski stated that when the district was established it was the preference of the property owners to set the term at eight years.

Mr. Richardson recognized the presence of Richard Bradshaw, Commissioner of the Revenue.

Mr. Holt provided the Commission with an overview of the AFD program. Mr. Holt stated that in 1977 the Virginia General Assembly created a process to "provide a means for a mutual undertaking by landowners and local governments to protect and enhance agricultural and forestal land as a viable segment of the Commonwealth's economy and an economic and environmental resource of major importance." Mr. Holt further stated that the process also allows property owners to protect their land from pressures to develop. Mr. Holt stated that the process is identified in State Code as the Agricultural and Forestal Districts Act. Mr. Holt stated that the AFD Act allow property owners to voluntarily establish Agricultural Districts, Forestal Districts and Districts that contain a mix of Agricultural and Forestal lands. Mr. Holt stated that land in an AFD may qualify for use value taxation; however, that is a program administered by the Commissioner of the Revenue. Mr. Holt stated that enrollment in an AFD prevents local governments from restricting farming or forestry practices except to protect public health or safety. Mr. Holt further stated that local decisions, plans and ordinances affecting property adjacent to and AFD must take in to account both the District and the AFD Act. Mr. Holt stated that it is the policy of state Agencies to encourage farming and forestry within the Districts. Mr. Holt stated that no special purpose assessments or tax levies may be imposed on the basis of frontage, acreage or value of land used for farming or forestry within a district. Mr. Holt further stated that land acquisitioned by agencies, or political subdivisions or public service corporations must be reviewed by the Board of Supervisors if the acquisition exceeds 10 acres from the district or one acre from any farm or forestry operation. Mr. Holt stated that the essential purpose of the AFD program is to provide a tool to preserve open space within the County.

Mr. Richardson opened the Public Hearing for Agenda Items 3 through 14 which include the following Agricultural and Forestal District (AFD) renewals: Croaker AFD, Hill Pleasant Farm AFD, Barnes Swamp AFD, Cranston's Pond AFD, Mill Creek AFD, Gordon Creek AFD, Christenson's Corner AFD, Yarmouth Island AFD, Gospel Spreading Church AFD, Armistead AFD, Wright's Island AFD, and Carter's Grove AFD.

As no one wished to speak, Mr. Richardson closed the Public Hearing.

Mr. Haldeman made a motion to recommend approval of Agenda Items 3 through 14.

On a roll call vote the Commission voted to recommend approval of the Croaker AFD, Hill Pleasant Farm AFD, Barnes Swamp AFD, Cranston's Pond AFD, Mill Creek AFD, Gordon Creek AFD, Christenson's Corner AFD, Yarmouth Island AFD, Gospel Spreading Church AFD, Armistead AFD, Wright's Island AFD, and Carter's Grove AFD renewals (5-0).

AGRICULTURAL AND FORESTAL DISTRICT ACT
Virginia Code Section 15.2-4300 et seq.

Authority

Localities may establish agricultural and forestal districts under the Agricultural and Forestal Districts Act ("AFD"), which serve two primary purposes:

1. Conserve and protect agricultural and forestal lands: Conserve and protect agricultural and forestal lands for the production of food and other agricultural and forestal products; conserve and protect agricultural and forestall lands as valued natural and ecological resources which provide essential open spaces for clear air sheds, watershed protection, wildlife habitat, as well as for aesthetic purposes.
2. Develop and improve agricultural and forestal lands: Encourage the development and improvement of agricultural and forestal lands for the production of food and other agricultural and forestal products.[1]

AFD Committee

The AFD Advisory Committee is established under the provisions of Virginia Code §15.2-4304 to provide the County Planning Commission and Board of Supervisors in "creating, reviewing, modifying, continuing or terminating districts within the locality." It is comprised of 10 members in the following criteria; the Commissioner of Revenue (Richard Bradshaw), a member of the Board of Supervisors (Sue Sadler), 4 landowners engaged in agricultural or forestal production and 4 additional landowners. Members are appointed by and serve at the pleasure of the Board of Supervisors. All Committee members serve as volunteers, without compensation. James City Planning staff assists the Committee by providing a secretary, who is not a member of the Committee, and technical assistance regarding current County statutes and policies.

AFD Establishment and effect

Establishment

Agricultural and forestal districts are established by the Board of Supervisors on the petition of participating landowners. A new district must have a minimum core of 200 acres in a single or in contiguous parcels.[2]

A parcel not part of the core may be included in a district: (1) if the nearest boundary of the parcel is within one mile of the boundary of the core; (2) if it is contiguous to a parcel in the district the nearest boundary of which is within one mile of the boundary of the core; or (3) if the local governing body finds, in consultation with the advisory committee or planning commission, that the parcel not part of the core or within one mile of the boundary of the core contains agriculturally and forestally significant land.[3]

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[1] *Virginia Code* § 15.2-4300

[2] *Virginia Code* § 15.2-4305.

[3] *Id*.

A landowner may petition to add land to the district at any time.[4] Districts are periodically reviewed by the locality (most often 4 years, but it depends on the applicable district ordinance) and during the review period, any landowner may request to withdraw her lands from a district.[5] At other times, land may be withdrawn from a district only for good and reasonable cause and in accordance with the Board's policies (there are two policies – one regarding withdrawals from land within the PSA and one outside the PSA).[6]

Effect

1. Prohibits development to a more intensive use: The Act prohibits any parcel in a district from being developed to a more intensive use, other than a use resulting in more intensive agricultural or forestal production, without prior approval of the governing body.
2. Prohibits regulation of certain dwelling construction and placement: The Act bars the locality from prohibiting the construction and placement of dwellings for persons who earn a substantial part of their livelihood from a farm or forestry operation on the same property, or for members of the immediate family of the owner, unless the locality finds that the use in the particular case would be incompatible with farming or forestry in the district.
3. Prohibits regulation of certain structures and practices: The Act bars a locality from exercising its zoning power in a district in a manner which would unreasonably restrict or regulate farm structures or farming and forestry practices in contravention of the Act unless the restrictions or regulations bear a direct relationship to public health and safety.[7]

Tax consequences

Land lying within a district and used in agricultural, horticultural, or forestal production automatically qualifies for use-value assessment authorized under Virginia Code § 58.1-3229 et seq. if the requirements for that assessment are satisfied.[8] Any AFD ordinance shall extend such use-value assessment and taxation to eligible real property within such district whether or not a use-value assessment and taxation ordinance has been adopted.[9]

LAND USE TAXATION
Virginia Code Section 58.1-3229 et seq.

In general, to qualify for land use valuation, assessment, and taxation, the real estate must meet the following use requirements:

1. Agricultural use: Real estate devoted to agricultural use is either land devoted to the *bona fide* production for sale of plants and animals useful to man, or land that meets the

[4] *Virginia Code* § 15.2-4310.
[5] *Virginia Code* § 15.2-4311.
[6] *Virginia Code* § 15.2-4314.
[7] *Virginia Code* § 15.2-4312.
[8] *Virginia Code* § 15.2-4312.
[9] *Id.*

requirements for payments or other compensation pursuant to a soil conservation program.

2. Horticultural use: Real estate devoted to the *bona fide* production for sale of fruits of all kinds, including grapes, nuts, and berries; vegetables; and nursery and floral products under uniform standards prescribed by the Commissioner of Agriculture and Consumer Services in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), or real estate devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the federal government.
3. Forest use: Real estate devoted to forest use is land devoted to tree growth in such a quantity and so spaced as to constitute forest area.

Virginia Code § 58.1-3230

Real estate that has been designated as devoted to one of these three uses does not lose its designation solely because a portion of the property is being used for a different purpose as allowed by the County's zoning regulations, including a special use permit, if the property, excluding the portion used for a different purpose, meets all the requirements for the applicable designation.[10] The portion of the property being used for a different purpose is deemed to be a separate piece of property from the remaining property for purposes of assessment.[11] Neither the property's zoning designation nor any special use permits is to be the sole consideration in determining whether real property is devoted to one of the two qualifying uses.[12] Prior, discontinued use of property shall not be considered in determining its current use.[13]

In addition to the foregoing use requirements, the real estate must meet the following minimum size requirements: (1) agricultural or horticultural property must consist of a minimum of five acres; and (2) forest property must consist of a minimum of 20 acres.[14] The minimum acreage requirements for special classifications of real estate shall be determined by adding together the total area of contiguous real estate excluding recorded subdivision lots recorded after July 1, 1983, titled in the same ownership.[15] For purposes of the Virginia Code, properties separated only by a public right-of-way are considered contiguous.

Land participating in the land use valuation program is entitled to a tax preference in the form of a reduction in the assessed value of the qualifying land. Determining the fair market value is a factual question for the Commissioner of the Revenue.[16]

In assessing land qualifying for land use valuation, the Commissioner must determine the value in accordance with *Virginia Code* § 58.1-3236, which provides that he must "consider only those indicia of value which such real estate has for agricultural, horticultural … [or] forest … use, and

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[10] *Virginia Code* § 58.1-3230.
[11] *Id*.
[12] *Id.*
[13] *Id.*
[14] *Virginia Code* § 58.1-3233(2).
[15] *Id.*
[16] *Virginia Code* § 58.1-3236.

real estate taxes for such jurisdiction shall be extended upon the value so determined."[17] These factors include the real estate's location, appearance, availability for use and the economic situation in the area.[18]

When the use by which real estate qualified for land use valuation changes to a nonqualifying use, or the zoning of the real estate is changed to a more intensive use at the request of the owner or his agent, it is subject to roll-back taxes.[19] Roll-back taxes are considered to be deferred real estate taxes. These additional taxes are only assessed against that portion of the real estate that no longer qualifies for use valuation.[20] The roll-back tax is equal to the sum of the deferred tax for each of the five most recent complete tax years including simple interest on the roll-back taxes at a rate no greater than the rate applicable to delinquent taxes.[21]

[17] *Virginia Code* § 58.1-3236(A).
[18] *See Smith v. City of Covington*, 205 Va. 104, 135 S.E.2d 220 (1964); 1997 Va. Op. Atty. Gen. 196.
[19] *Virginia Code* § 58.1-3237(A).
[20] *Id.*
[21] *Virginia Code* § 58.1-3237(B)

AGENDA ITEM NO. H.3.

ITEM SUMMARY

DATE: 9/11/2018

TO: The Board of Supervisors

FROM: Tori Haynes, Planner

SUBJECT: AFD-01-89-1-2018. Armistead AFD Renewal

ATTACHMENTS:

	Description	Type
🗋	Staff Report	Staff Report
🗋	Attachment 1. Ordinance	Ordinance
🗋	Attachment 2. Location Map	Backup Material
🗋	Attachment 3. Adopted conditions for the Armistead AFD	Backup Material
🗋	Attachment 4. Board of Supervisors staff report for the 2014 renewal of the Armistead AFD	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	8/24/2018 - 3:33 PM
Development Management	Holt, Paul	Approved	8/24/2018 - 3:33 PM
Publication Management	Daniel, Martha	Approved	8/24/2018 - 4:00 PM
Legal Review	Kinsman, Adam	Approved	8/27/2018 - 9:20 AM
Board Secretary	Fellows, Teresa	Approved	8/27/2018 - 3:06 PM
Board Secretary	Purse, Jason	Approved	9/4/2018 - 2:58 PM
Board Secretary	Fellows, Teresa	Approved	9/4/2018 - 3:35 PM

SUMMARY FACTS

LAND OWNERS	PARCEL ID	±ACRES
Sarah Armistead	3120100017	84.50
Sarah Armistead	3120100014	53.78
Sarah Armistead	3130100029	132.08
Sarah Armistead	3140100001	41.17
TOTAL ACRES		311.53

Zoning: A-1, General Agricultural
R-8, Rural Residential

Comprehensive Plan: Low-Density Residential

Primary Service Area (PSA): Inside

Staff Contact: Tori Haynes, Planner

PUBLIC HEARING DATES

Planning Commission: August 1, 2018, 6:00 p.m.
Board of Supervisors: September 11, 2018, 5:00 p.m.

STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

AGRICULTURAL AND FORESTAL DISTRICT (AFD) ADVISORY COMMITTEE RECOMMENDATION

At its June 21, 2018 meeting, the AFD Advisory Committee voted 9-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

PLANNING COMMISSION RECOMMENDATION

At its August 1, 2018 meeting, the Planning Commission voted 5-0 to recommend the continuation of the District to the Board of Supervisors.

DISTRICT HISTORY

- The Armistead AFD was created in 1989 for a term of four years and originally consisted of five parcels totaling ±403 acres.
- The District was renewed in 1994 and 1998 for four-year terms with no additions or withdrawals.
- On February 9, 1999, the Board of Supervisors approved the withdrawal of approximately 90 acres (Elizabeth Carter Tract) as part of a rezoning for Ford's Colony on the south side of Longhill Road.
- The District was renewed in 2002, 2006, 2010 and 2014 for four-year terms with no additions or withdrawals.

DISTRICT DESCRIPTION

The Armistead AFD consists of approximately 311.53 acres located between Longhill Road and Centerville Road. Three parcels totaling ±257 acres are zoned R-8, Rural Residential. The fourth parcel consisting of ±54 acres is zoned A-1, General Agricultural. All parcels remain heavily wooded and undeveloped, are located inside the PSA and are designated Low-Density Residential in the Comprehensive Plan.

Total acreage includes all the land in the above properties with the exception of all land within 25 feet of right-of-ways. This area has been excluded to allow for possible road and/or drainage improvements.

ADDITION/WITHDRAWAL REQUESTS

None.

CHANGES TO CONDITIONS

None.

SURROUNDING ZONING AND DEVELOPMENT

The Armistead AFD is bordered by several residential developments and zoning districts, including Adam's Hunt (R-1, Limited Residential), Ford's Colony (R-4, Residential Planned Community), Forest Glen (R-2, General Residential) and Longhill Station (R-2, General Residential). Warhill Sports Complex (PL, Public Lands) abuts the District to the east.

COMPREHENSIVE PLAN

The Comprehensive Plan designates these parcels as Low-Density Residential. Land Use Action 6.1.1 of the adopted Comprehensive Plan states the County shall "support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*."

STAFF RECOMMENDATION

Staff finds the Armistead AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Board of Supervisors approve the renewal of this AFD for a period of four years, subject to the conditions listed in the District Ordinance (Attachment No. 1).

TH/md
AFD-ArmisteadRenew

Attachments:
1. Ordinance
2. Location Map
3. Adopted conditions for the Armistead AFD
4. Board of Supervisors staff report for the 2014 renewal of the Armistead AFD

ORDINANCE NO._____

AGRICULTURAL AND FORESTAL DISTRICT-01-89-1-2018

ARMISTEAD 2018 RENEWAL

WHEREAS, James City County has completed a review of the Armistead Agricultural and Forestal District (the "District"); and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code"), property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the District; and

WHEREAS, the Agricultural and Forestal District (AFD) Advisory Committee at its meeting on June 21, 2018, voted 9-0 to recommend renewal of the District; and

WHEREAS, the Planning Commission following its public hearing on August 1, 2018, concurred with the recommendation of staff and the AFD Advisory Committee and voted 5-0 to recommend renewal of the District with the conditions listed below.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that:

1. The Armistead Agricultural and Forestal District (the "District") is hereby continued to October 31, 2022 in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq. (the "Act").

2. That the District shall include the following parcels, provided, however, that all land within 25 feet of road right-of-ways is excluded from the District:

Owner	Parcel ID No.	±Acres
Sarah H. Armistead	3120100017	84.50
Sarah H. Armistead	3120100014	53.78
Sarah H. Armistead	3130100029	132.08
Sarah H. Armistead	3140100001	41.17
	Total:	311.53

3. That pursuant to Sections 15.2-4312 and 15.2-4313 of the Act, the Board of Supervisors requires that no parcel in the District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

   a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by

members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCFs), provided: a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.

b. No land outside the Primary Service Area and within the District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the District may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from Agricultural and Forestal Districts, adopted September 28, 2010.

c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the Act, which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for WCFs on properties in the District that are in accordance with the County's policies and Ordinances regulating such facilities.

_____
Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:

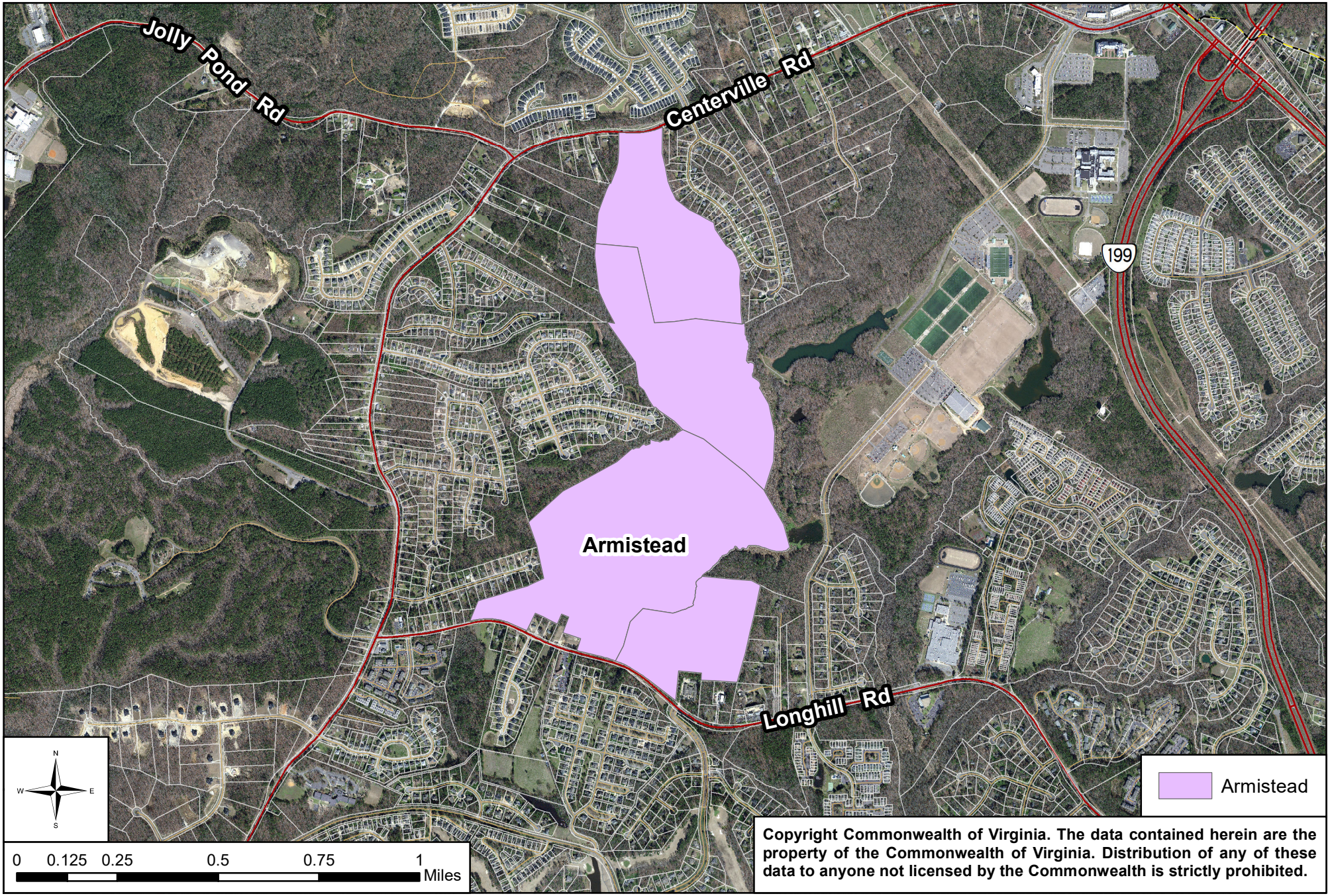
	VOTES		
	AYE	NAY	ABSTAIN
MCGLENNON	____	____	____
ICENHOUR	____	____	____
SADLER	____	____	____
HIPPLE	____	____	____
LARSON	____	____	____

_____
Teresa J. Fellows
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2018.

AFDArmisteadRenw-res

JCC AFD-01-89-1-2018
Armistead 2018 Renewal



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ADOPTED

SEP 09 2014

Board of Supervisors
James City County, VA

ORDINANCE NO. 182A-9

AGRICULTURAL AND FORESTAL DISTRICT-01-89-2014

ARMISTEAD AFD RENEWAL

WHEREAS, James City County has completed a review of the Armistead Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code") property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the Armistead Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal District Advisory Committee, at its meeting on July 7, 2014, voted 8-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission, following its public hearing on August 6, 2014, concurred with the recommendation of staff and the AFD Advisory Committee and voted 6-0 to recommend renewal of the district with the conditions listed below.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Supervisors of James City County, Virginia, that:

1. The Armistead Agricultural and Forestal District is hereby continued to October 31, 2018, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.

2. That the district shall include the following parcels, provided, however, that all land within 25 feet of road rights-of-way is excluded from the district:

Owner	Parcel No.	Acres
Sarah H. Armistead	3120100017	84.50
Sarah H. Armistead	3120100014	53.78
Sarah H. Armistead	3130100029	132.08
Sarah H. Armistead	3140100001	41.17
	Total:	311.50

3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Armistead Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

   a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County

Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCF), provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.

b. No land outside the Primary Service Area and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from AFDs, adopted September 28, 2010.

c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	AYE	NAY	ABSTAIN
KENNEDY	X	____	____
JONES	X	____	____
MCGLENNON	X	____	____
ONIZUK	X	____	____
HIPPLE	X	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of September, 2014.

AFD01-99-1-14Armistead-res

AGENDA ITEM NO. I-3

Agricultural and Forestal District-01-89-1-2014. Armistead AFD Renewal
Staff Report for the September 9, 2014, Board of Supervisors Public Hearing

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.

PUBLIC HEARINGS **Building F Board Room; County Government Complex**
AFD Advisory Committee: July 7, 2014, 4:00 p.m. (Human Services Building)
Planning Commission: August 6, 2014, 7:00 p.m.
Board of Supervisors: September 9, 2014, 7:00 p.m.

SUMMARY FACTS

Owners:	Parcel Number	Acres
Sarah H. Armistead	3120100017	84.50
Sarah H. Armistead	3120100014	53.78
Sarah H. Armistead	3130100029	132.08
Sarah H. Armistead	3140100001	41.17
TOTAL ACRES		311.50

Zoning: A-1, General Agricultural and R-8, Rural Residential

Comprehensive Plan: Low Density Residential and Conservation Area

Primary Service Area: Inside

Staff Contact: Luke Vinciguerra Phone: 253-6783

STAFF RECOMMENDATION
Staff finds this Agricultural and Forestal District (AFD) consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends the Board of Supervisors renew the Armistead AFD for a period of four years, subject to the conditions in the attached resolution.

PLANNING COMMISSION RECOMENDATION
At its August 6, 2014, meeting, the Planning Commission voted to recommend the continuation of the district by a vote of 6-0 (Richardson absent).

AFD ADVISORY COMMITTEE RECOMMENDATION
At its July 7, 2014, meeting, the AFD Advisory Committee voted 8-0 to recommend the continuation of the district to the Planning Commission and Board of Supervisors.

Proposed Changes Made Since the Planning Commission Meeting
None.

SUMMARY
As required by State Code, the County must review all established AFDs prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-1-89, Armistead, which is scheduled to expire October 31, 2014.

Staff is attempting to synchronize the expiration dates of all districts. As part of the 2014 renewal process, staff is recommending a term of four years, making the expiration date October 31, 2018.

DISTRICT HISTORY

The Armistead AFD was created in 1989 for a term of four years and originally consisted of five parcels totaling 403 acres. The District was renewed in 1994 and 1998 for four-year terms with no additions or withdrawals. On February 9, 1999, the Board of Supervisors approved the withdrawal of approximately 90 acres (Elizabeth Carter Tract) as part of a rezoning for Ford's Colony on the south side of Longhill Road. The District was renewed in 2002, 2006, and 2010 for four-year terms with no additions or withdrawals.

The District includes all the land in the above properties with the exception of all land within 25 feet of arterial road rights-of-way. That property has been excluded from the District to allow for possible road and/or drainage improvements.

The Armistead AFD consists of approximately 311.5 acres located between Longhill Road and Centerville Road and is bounded by the Warhill Sports Complex, Ford's Colony, Burlington Woods, Forest Glen, Fox Ridge, Longhill Station, and Adam's Hunt subdivisions.

ANALYSIS

The majority of the District is woodland zoned R-8, Rural Residential, with one parcel zoned A-1, General Agricultural. The parcels in the District are designated as Low Density Residential by the Comprehensive Plan and are all within the Primary Service Area. The PSA is the area of the County that has been designated for growth. The continuation of AFD property within the PSA is consistent with the Comprehensive Plan as this would serve the public purpose of holding key tracts of land temporarily while development plans can be created, maximizing the potential use of the property.

REQUEST NOT TO CONTINUE IN THE AFD

No property owner has requested to not continue their participation in the AFD.

ADDITIONS

No property owner has requested land be added to the District during this renewal period.

CHANGE IN CONDITIONS

Staff is recommending a revision to Condition No. 2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts to refer to the most recent policy adopted in 2010. The proposed change is as follows:

~~"No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended."~~

No land outside the Primary Service Area and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.

STAFF RECOMMENDATION:

Staff finds this AFD consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. At its August 6, 2014 meeting, the Planning Commission voted to recommend the continuation of the District by a vote of 6-0 (Richardson absent). At its July 7, 2014, meeting, the AFD

Advisory Committee voted 8-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors. Staff recommends the Board of Supervisors renew the Armistead AFD for a period of four years, subject to the conditions listed in the attached resolution.

Luke Vinciguerra

CONCUR:

Allen J. Murphy, Jr.

LV/gb
AFD01-89-1-14Armistead.doc

ATTACHMENTS:
1. Ordinance
2. Location Map
3. Existing ordinance and conditions, dated September 28, 2010
4. Approved minutes of the July 7, 2014, AFD Advisory Committee meeting (under separate cover)
5. Unapproved minutes of the August 6, 2014, Planning Commission meeting (under separate cover)

AGENDA ITEM NO. H.4.

ITEM SUMMARY

DATE: 9/11/2018

TO: The Board of Supervisors

FROM: Roberta Sulouff, Senior Planner

SUBJECT: AFD-05-86-1-2018. Barnes Swamp AFD Renewal

ATTACHMENTS:

	Description	Type
🗋	Staff Report	Staff Report
🗋	Attachment 1. Ordinance	Ordinance
🗋	Attachment 2. Location Map	Backup Material
🗋	Attachment 3. Property owner withdrawal request for 1245 Stewarts Road	Backup Material
🗋	Attachment 4. Property owner withdrawal request and plat for 9812 Old Stage Road	Backup Material
🗋	Attachment 5. Adopted conditions for the Barnes Swamp AFD	Backup Material
🗋	Attachment 6. Board of Supervisors staff report for the 2014 renewal of the Barnes Swamp AFD	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	8/24/2018 - 3:34 PM
Development Management	Holt, Paul	Approved	8/24/2018 - 3:34 PM
Publication Management	Burcham, Nan	Approved	8/24/2018 - 3:50 PM
Legal Review	Kinsman, Adam	Approved	8/27/2018 - 9:21 AM
Board Secretary	Fellows, Teresa	Approved	8/27/2018 - 3:07 PM
Board Secretary	Purse, Jason	Approved	9/4/2018 - 2:59 PM
Board Secretary	Fellows, Teresa	Approved	9/4/2018 - 3:36 PM

SUMMARY FACTS

LAND OWNERS	PARCEL ID	ACRES(±)
SD & SKI, LLC	0310100001	108.47
Jane Farmer & Betty B. Rady	*0310100002*	*64.00**
Katherine L. Hockaday	0310100003	65.26
Jane Farmer & Betty Rady	0330100003	70.00
Jane Farmer & Betty Rady	0330100004	70.00
Arline H. Bowmer Estate	0330100006	96.75
Arline H. Bowmer Estate	0240100012	62.19
Martha McMurran & SWR-Misc, LLC	1010100001	61.61
Elizabeth O. Harwood	0320100001	43.52
Stephen E. & Rebecca Murphy, Trustee	0320100002	13.85
Frederick C. Johnson, Trustee	0320100002A	17.20
Betty Johnson & Lynn Fischer	0320100003	19.07
Betty Johnson & Lynn Fischer	0320100003A	93.98
Robert M. Dzula	0320100004	28.07
John A. Richardson	0410100005	42.00
John A. Richardson	0410100006	10.00
Niceland Farm, LLC	*0420100008*	*227.98***
Cherri U. Spellmeyer	0420100014	134.00
Pamaka, LLC	0430100015	21.99
Pamaka, LLC	0430100016	52.00
Charles & Dianne Hasbrouck	0920100001	97.50****
Alex L. Penland	0240100029	55.90
Donald A. Hazelwood	0420100020	112.44
Donald A. Hazelwood	0420100018	3.46
Donald A. Hazelwood	0440100001	6.11
John P. & Shelly D. Latoski, Trustee	0310100001B	10.23
Dennis W. Leonituk, Jr.	0310100001A	10.00
Pamaka, LLC	0430100014A	1.34
Steven & Michelle Johnson	0340800003	52.63
Steven & Michelle Johnson	0340800005	68.43
TOTAL ACRES		1,719.98

**Proposing to withdraw 28 acres, with 36 acres remaining in the Agricultural and Forestal District (AFD).*

***Proposing to withdraw 38.24 acres, with 189.74 acres remaining in the AFD.*

****Acreage has been updated based on boundary surveys that have been recorded for this property.*

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands; Open Space and Recreation

Primary Service Area (PSA): Outside

Staff Contact: Roberta Sulouff, Senior Planner

PUBLIC HEARING DATES

Planning Commission: August 1, 2018, 6:00 p.m.
Board of Supervisors: September 11, 2018, 5:00 p.m.

STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

AFD ADVISORY COMMITTEE RECOMMENDATION

At its June 21, 2018 meeting, the AFD Advisory Committee voted 9-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

PLANNING COMMISSION RECOMMENDATION

At its August 1, 2018 meeting, the Planning Commission voted 5-0 to recommend the continuation of the District to the Board of Supervisors.

DISTRICT HISTORY

- The Barnes Swamp AFD was created in 1986 for a term of four years and originally consisted of 29 parcels totaling ±1,905 acres.
- The District was renewed at four-year intervals again in 1990, 1994, 1998, 2002, 2006, 2010 and 2014 with various additions and withdrawals taking place during that period.
- There have been no additions to or withdrawals from the District since its most recent renewal in 2014.

DISTRICT DESCRIPTION

This District is primarily forested, though records indicate that a significant portion of the land is actively in agricultural use. All the land in this District is zoned A-1, General Agricultural, located outside of the PSA, and designated Rural Lands and Open Space and Recreation by the adopted Comprehensive Plan.

Total acreage includes all the land in the above properties with the exception of all land within 25 feet of right-of-ways. This area has been excluded to allow for possible road and/or drainage improvements.

ADDITION/WITHDRAWAL REQUESTS

- *Addition Requests:*
    - The owner of the property located at 10039 Old Stage Road (James City County Tax Map ID 0410100010) has applied to add approximately 196 acres to the District. That application will be evaluated under a separate cover and is tentatively scheduled for the Committee's consideration at the October 25, 2018, meeting.
- *Withdrawal Requests:*
    - The owners of the property located at 1245 Stewarts Road (James City County Tax Map ID No. 0310100002) have requested to withdraw 28 acres of their parcel out of the District. Thirty-six acres of the subject parcel would be left in the AFD.
    - The owners of the property located at 9812 Old Stage Road (Tax Map ID No. 0420100008) have requested to withdraw 38.24 acres of their parcel out of the District; 189.74 acres of the subject parcel would be left in the AFD.
    - With these withdrawals, the District would include a total of 1,653.56 acres, and will thus continue to meet minimum area requirements.

CHANGES TO CONDITIONS

None.

SURROUNDING ZONING AND DEVELOPMENT

The area surrounding the main body of the District is zoned A-1, General Agricultural and designated Rural Lands by the adopted Comprehensive Plan. Some parcels at the eastern end of the District are adjacent to the Stonehouse development, which is zoned Planned Unit Development and designated Low-Density Residential and Mixed Use by the adopted Comprehensive Plan. The Diascund Reservoir borders the main body of the District to the west and Mill Creek AFD is located directly south of the District.

COMPREHENSIVE PLAN

The Comprehensive Plan designates these parcels as Rural Lands and Open Space and Recreation. Land Use Action 6.1.1 of the adopted

Comprehensive Plan states the County shall "support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*."

STAFF RECOMMENDATION

Staff finds the Barnes Swamp AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Board of Supervisors approve the renewal of this AFD for a period of four years subject to the conditions listed in the District Ordinance (Attachment No. 1).

RS/md
AFD-BarnesSwpRnw

Attachments:
1. Ordinance
2. Location Map
3. Property owner withdrawal request for 1245 Stewarts Road
4. Property owner withdrawal request and plat for 9812 Old Stage Road
5. Adopted conditions for the Barnes Swamp AFD
6. Board of Supervisors staff report for the 2014 renewal of the Barnes Swamp AFD

ORDINANCE NO._____

AGRICULTURAL AND FORESTAL DISTRICT-05-86-1-2018

BARNES SWAMP 2018 RENEWAL

WHEREAS, James City County has completed a review of the Barnes Swamp Agricultural and Forestal District (the "District"); and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code"), property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the District; and

WHEREAS, the Agricultural and Forestal District (AFD) Advisory Committee at its meeting on June 21, 2018, voted 9-0 to recommend renewal of the District; and

WHEREAS, the Planning Commission following its public hearing on August 1, 2018, concurred with the recommendation of staff and the AFD Advisory Committee and voted 5-0 to recommend renewal of the District with the conditions listed below.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that:

1. The Barnes Swamp Agricultural and Forestal District (the "District") is hereby continued to October 31, 2022 in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq. (the "Act").

2. That the District shall include the following parcels, provided, however, that all land within 25 feet of road right-of-ways is excluded from the District:

Owner	Parcel No.	Acres
SD & SKI, LLC	0310100001	108.47
Jane B. Farmer & Betty B. Rady	0310100002	36.00
Katherine Leon Hockaday	0310100003	65.26
Jane Farmer & Betty Rady	0330100003	70.00
Jane Farmer & Betty Rady	0330100004	70.00
Arline H. Bowmer Estate	0330100006	96.75
Arline H. Bowmer Estate	0240100012	62.19
Martha W. McMurran & SWR-Misc, LLC	1010100001	61.61
Elizabeth O. Harwood	0320100001	43.52
Stephen E. & Rebecca Murphy, Trustee	0320100002	13.85
Frederick C. Johnson, Trustee	0320100002A	17.20
Betty L. Johnson & Lynne J. Fischer	0320100003	19.07

Betty L. Johnson & Lynne J. Fischer	0320100003A	93.98
Robert Michael Dzula	0320100004	28.07
John Avery Richardson	0410100005	42.00
John Avery Richardson	0410100006	10.00
Niceland Farm, LLC	0420100008	189.74
Cherri U. Spellmeyer	0420100014	134.00
Pamaka, LLC	0430100015	21.99
Pamaka, LLC	0430100016	52.00
Charles & Dianne Hasbrouck	0920100001	97.50
Alex Lamar Penland	0240100029	55.90
Donald A. Hazelwood	0420100020	112.44
Donald A. Hazelwood	0420100018	3.46
Donald A. Hazelwood	0440100001	6.11
John P. and Shelly D. Latoski Trustee	0310100001B	10.23
Dennis Wayne Leonituk, Jr.	0310100001A	10.00
Pamaka, LLC	0430100014A	1.34
Steven M. & Michelle T. Johnson	0340800003	52.63
Steven M. & Michelle T. Johnson	0340800005	68.43
	Total:	1,653.74

3. That pursuant to Sections 15.2-4312 and 15.2-4313 of the Act, the Board of Supervisors requires that no parcel in the District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

   a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCFs), provided: a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.

   b. No land outside the Primary Service Area and within the District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the District may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from Agricultural and Forestal Districts, adopted September 28, 2010.

   c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the Act, which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for WCFs on properties in the District that are in accordance with the County's policies and Ordinances regulating such facilities.

_____
Ruth M. Larson
Chairman, Board of Supervisors

	VOTES		
	AYE	NAY	ABSTAIN
MCGLENNON	____	____	____
ICENHOUR	____	____	____
SADLER	____	____	____
HIPPLE	____	____	____
LARSON	____	____	____

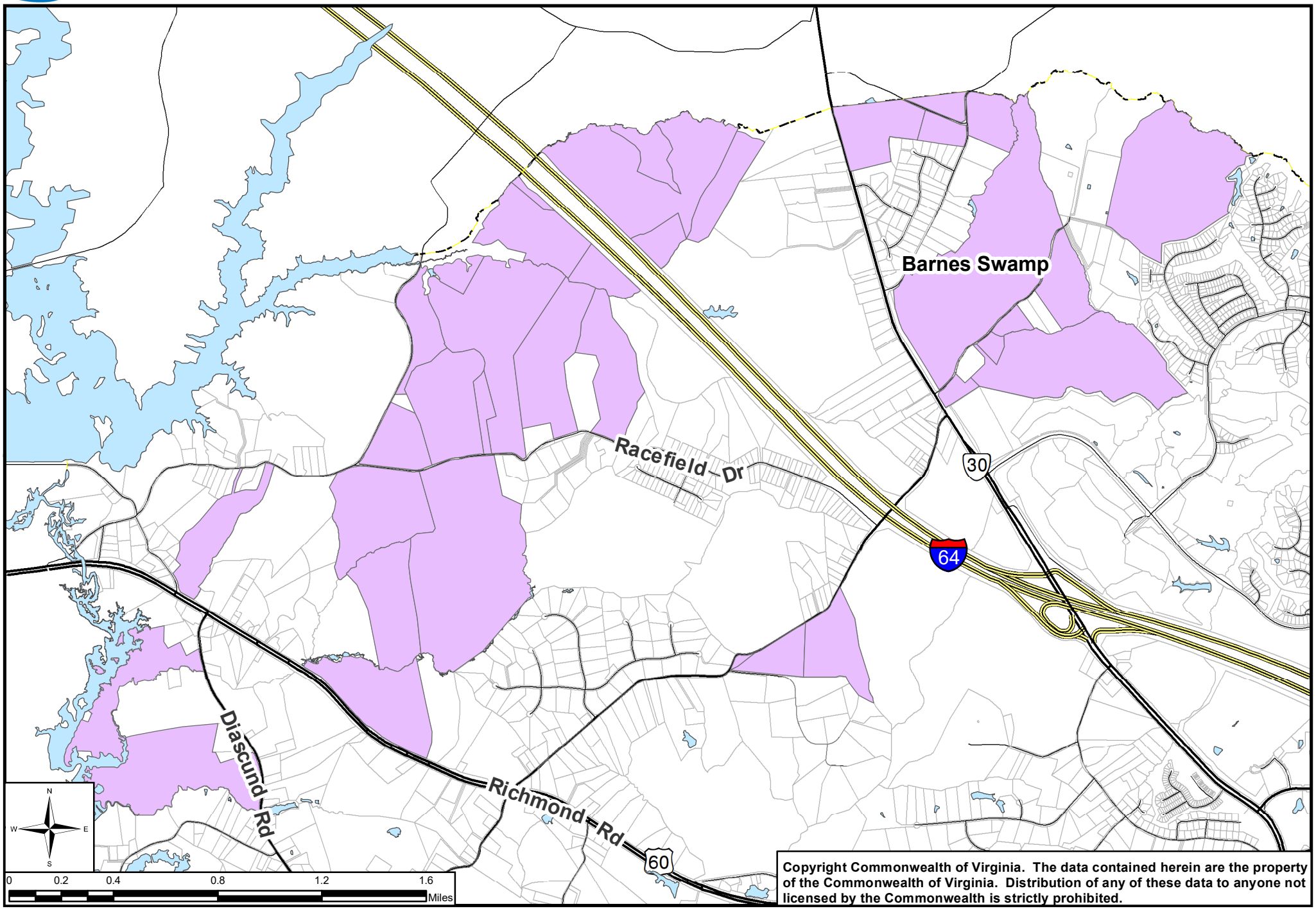
ATTEST:

_____
Teresa J. Fellows
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2018.

AFD-BarnesSwpRnw-res

AFD-05-86-1-2018, Barnes Swamp 2018 Renewal



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March 8, 2018

Alex Baruch
101-A Mounts Bay Road
Williamsburg, VA 23185

RE: Parcel # 0310100002

Dear Alex,

This letter expresses our intent to withdraw a portion of the 64 acres from the Barnes Swamp AFD on 10/31/2018. The acreage we would like to withdraw from the AFD is the southern section of 28 acres, which includes the house and surrounding farmed land.

Thank you,

Jane Farmer

Jane Farmer

DAVID A. NICE
Builders, Inc.

4571 Ware Creek Road
Williamsburg
Virginia 23188

Telephone: (757) 566-3032
Fax: (757) 566-4686

PLANNING DIVISION

JUN 07 2018

RECEIVED

May 31, 2018

Mr. Jason Purse
Assistant County Administrator
101-D Mounts Bay Road
Williamsburg, VA 23185

Mr. Paul Holt
Director, Community Development
101-A Mounts Bay Road
Williamsburg, VA 23185

Re: Property of Niceland Farm, LLC-Parcel ID #0420100008

Dear Jason and Paul:

I am writing on behalf of Niceland Farm, LLC, to request that a portion of the above referenced parcel be withdrawn from the Barnes swamp Agricultural and Forestal District, upon it's upcoming renewal. The portion of the property to be removed is approximately 38.241 acres as shown on PLAT OF SUBDIVISION, BEING A PART OF THE PROPERTY OWEND BY NICELAND FARM, LLC, prepared by AED Consulting Engineers. The referenced plat of subdivision has been submitted to James City County and is currently in the review process (S-0022-2018). Please let me know if you need anything further.

Sincerely,

David A. Nice

RECORD MERIDIAN
INSTRUMENT #060027332

GRAPHIC SCALE
100' 0' 100' 200'
SCALE: 1" = 100'

NOW OR FORMERLY
JOSHUA W. & JENNIFER V. THIBEAULT
PARCEL ID: 0420300003
INSTR. #150020706

NOW OR FORMERLY
JOSHUA W. & JENNIFER V. THIBEAULT
PARCEL ID: 0420300002
INSTR. #150020706

NOW OR FORMERLY
JOSHUA W. & JENNIFER V. THIBEAULT
PARCEL ID: 0420300001
INSTR. #150020706

NOW OR FORMERLY
BENARD R. SHEETZ
PARCEL ID: 0420300004
INSTR. #170004359

NOW OR FORMERLY
DAVID & RHONDA VENABLE
PARCEL ID: 0420300007
INSTR. #170003850
INSTR. #090007924

NOW OR FORMERLY
DONALD A. HAZELWOOD
PARCEL ID 0420100020
D.B. 665, PG. 189
INSTR. #970008522
P.B. 66, PG. 69
INSTR. #090004792

NOW OR FORMERLY
CYNTHIA STEVENS
PARCEL ID: 0420100017
INSTR. #030035792

REMAINING PROPERTY OF
NICELAND FARM, LLC
PARCEL ID: 042900008
INSTR. #180006161
INSTR. #06027332

Area Being Removed

S22°46'43"E 423.91' (TOTAL)
278.90'
145.00'
S33°06'16"E 233.30'
S22°33'09"E 354.14'
S20°04'58"E 304.58' (TOTAL)
54.58'
250.00'
S8°24'03"W 308.15'
S39°04'53"E 190.73'
S74°03'07"E 248.55'
S55°36'28"W 67.46'
N73°23'36"W 106.63'
S59°41'56"W 279.78'
N79°58'55"W 69.33'
S46°12'58"W 116.10'
S75°35'54"W 163.87'
S8°06'35"W 55.25'
S64°19'24"W 175.09'
S84°24'42"E 411.37'
S79°00'13"E 500.00'
S41°06'08"E 365.71'
S68°53'29"E 200.00'
N35°20'03"W 992.68'
N57°19'14"E 90.71'
N20°40'25"E 173.27'
N6°22'14"E 51.18'
N17°13'35"E 83.53'
N40°41'14"E 154.03'
S69°56'12"E 400.00'

SURVEY TIE LINES ONLY
(℄ IS ALONG ℄ STREAM)

IRS @ 395'

JCC GIS
RPA BUFFER

42"POPLAR

20"GUM

15' SIDE
YARD SETBACK

LOT 1
±9.125 AC.

LOT 2
±9.200 AC.

LOT 3
±13.839 AC.

DRAINFIELD AREA
BY ADAMS SEPTIC...
(TYP)

BH 1
BH 2
BH 5
BH 6
BH 8
BH 9
BHsoil

FRONT SETBACK
100' FROM C/L
OF 30' R/W (TYP)

50'x50'
DWELLING SITE
(TYP)

PROPOSED
WELL LOCATION

100' FROM
C/L ROAD

FIRE TOWER ROAD
STATE ROUTE #634
30' R/W

IPF 1IN. DIAM.

SHED CORNER
(0.5' EAST)

OHU

PP

FOR CURVE DATA
SEE SHEET 3

LEGEND

- IRF — IRON ROD FOUND
- IPF — IRON PIPE FOUND
- IRS — IRON ROD SET
- RIGHT-OF-WAY POINT
- UTILITY POLE
- BORE HOLE
- OHU — OVERHEAD UTILITY LINE
- RPA — RESOURCE PROTECTION AREA
- SURVEY TIE LINE ONLY
- RIGHT-OF-WAY LINE
- PROPERTY LINE

Rev.	Date	Description	Revised By

PRELIMINARY
COMMONWEALTH OF VIRGINIA
SAMUEL J. BIKKERS
Lic. No. 002304
5-3-2018
LAND SURVEYOR

AES
CONSULTING ENGINEERS
5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188
Phone: (757) 253-0040
Fax: (757) 220-8994
www.aesva.com
Hampton Roads | Central Virginia | Middle Peninsula

PLAT OF SUBDIVISION

BEING A PART OF THE PROPERTY OWNED BY NICELAND FARM, LLC

CREATING HEREON LOTS 1 THROUGH 4

LOCATED ALONG STATE ROUTE 634 (FIRE TOWER ROAD)

STONEHOUSE DISTRICT JAME CITY COUNTY VIRGINIA

Project Contacts:	SJB
Project Number:	W10530
Scale: 1"=100'	Date: 05-02-2018
Sheet Number	2 of 3

ADOPTED

SEP 09 2014

Board of Supervisors
James City County, VA

ORDINANCE NO. 167A-13

AGRICULTURAL AND FORESTAL DISTRICT 5-86

BARNES SWAMP 2014 RENEWAL

WHEREAS, James City County has completed a review of the Barnes Swamp Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code") property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the Barnes Swamp Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal District Advisory Committee, at its meeting on July 7, 2014, voted 8-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission, following its public hearing on August 6, 2014, concurred with the recommendation of staff and the AFD Advisory Committee and voted 6-0 to recommend renewal of the district with the conditions listed below.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Supervisors of James City County, Virginia, that:

1. The Barnes Swamp Agricultural and Forestal District is hereby continued to October 31, 2018, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.

2. That the district shall include the following parcels, provided, however, that all land within 25 feet of road rights-of-way is excluded from the district:

Owner	Parcel No.	Acres
SD & SKI, LLC	0310100001	108.47
Jane B. Farmer & Betty B. Rady	0310100002	64.00
Katherine Leon Hockaday	0310100003	65.26
Alvin L. Beahm	0330100003	70.00
Alvin L. Beahm	0330100004	70.00
Arline H. Bowmer Estate	0330100006	96.75
Arline H. Bowmer Estate	0240100012	62.19
Martha W. McMurran & SWR-Misc, LLC	1010100001	61.61
Charles Douglas Harwood	0320100001	43.52
Estate of Mick Zuzma	0320100002	13.85
Estate of Mick Zuzma	0320100002A	17.20
Betty L. Johnson & Lynne J. Fischer	0320100003	19.07
Betty L. Johnson & Lynne J. Fischer	0320100003A	93.98
Robert Michael Dzula	0320100004	28.07

John Avery Richardson	0410100005	42.00
John Avery Richardson	0410100006	10.00
H.P. & Mary Hazelwood	0420100008	227.98
Cherri U. Spellmeyer	0420100014	134.00
Pamaka, LLC	0430100015	21.99
Pamaka, LLC	0430100016	52.00
Frances E. & Steven M. Bagwell	0920100001	114.58
Alex Lamar Penland	0240100029	55.90
Donald A. Hazelwood	0420100020	112.44
Donald A. Hazelwood	0420100018	3.46
Donald A. Hazelwood	0440100001	6.11
John P. and Shelly D. Latoski Trustee	0310100001B	10.23
Dennis Wayne Leonituk, Jr.	0310100001A	10.00
Pamaka, LLC	0430100014A	1.34
Steven M. & Michelle T. Johnson	0340800003	52.63
Steven M. & Michelle T. Johnson	0340800005	68.43
	Total:	1,737.06

3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Barnes Swamp Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

   a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCF), provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.

   b. No land outside the Primary Service Area and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Properties from AFDs, adopted September 28, 2010, as amended.

   c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	AYE	NAY	ABSTAIN
KENNEDY	X		
JONES	X		
MCGLENNON	X		
ONIZUK	X		
HIPPLE	X		

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of September, 2014.

AFD05-86-1-14BarnesSwmp-res

AGENDA ITEM NO. I-4

Case No. AFD-05-86-1-2014. Barnes Swamp Agricultural and Forestal District Renewal

Staff Report for the September 9, 2014, Board of Supervisors meeting.

This staff report is prepared by the James City County Planning Division to provide information to the AFD Advisory Committee, 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.

PUBLIC HEARINGS	**Building F Board Room; County Government Complex**
AFD Advisory Committee:	July 7, 2014, 4:00 p.m. (Human Services Building)
Planning Commission:	August 6, 2014, 7:00 p.m.
Board of Supervisors:	September 9, 2014, 7:00 p.m.

SUMMARY FACTS

Owners:	Parcel Number	Acres
Jane B. Farmer & Betty B. Rady	0310100002	64.00
Katherine Leon Hockaday	0310100003	65.26
Alvin L. Beahm	0330100003	70.00
Alvin L. Beahm	0330100004	70.00
Arline H. Bowmer Estate	0330100006	96.75
Arline H. Bowmer Estate	0240100012	62.19
Martha W. McMurran & SWR-Misc, LLC	1010100001	61.61
Charles Douglas Harwood	0320100001	43.52
Estate of Mick Zuzma	0320100002	13.85
Estate of Mick Zuzma	0320100002A	17.20
Betty L. Johnson & Lynne J. Fischer	0320100003	19.07
Betty L. Johnson & Lynne J. Fischer	0320100003A	93.98
Robert Michael Dzula	0320100004	28.07
John Avery Richardson	0410100005	42.00
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Cherri U. Spellmeyer	0420100014	134.00
Pamaka, LLC	0430100015	21.99
Pamaka, LLC	0430100016	52.00
Frances E. & Steven M. Bagwell	0920100001	114.58
Alex Lamar Penland	0240100029	55.90
Donald A. Hazelwood	0420100020	112.44
Donald A. Hazelwood	0420100018	3.46
Donald A. Hazelwood	0440100001	6.11
Dennis Wayne Leonituk, Jr.	0310100001A	10.00
Pamaka, LLC	0430100014A	1.34
Steven M. & Michelle T. Johnson	0340800003	52.63
Steven M. & Michelle T. Johnson	0340800005	68.43
	TOTAL ACRES	1,618.00

Zoning:	A-1, General Agricultural
Comprehensive Plan:	Rural Lands and Conservation Area
Primary Service Area:	Outside

STAFF RECOMMENDATION

Staff finds this Agricultural and Forestal District (AFD) consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends the Board of Supervisors renew the Barnes Swamp AFD for a period of four years, subject to the conditions listed in the attached resolution.

Staff Contact: Luke Vinciguerra, Planner Phone: 253-6783

PLANNING COMMISSION RECOMENDATION

At its August 6, 2014, meeting, the Planning Commission voted to recommend the continuation of the district by a vote of 6-0 (Richardson absent).

AFD ADVISORY COMMITTEE RECOMMENDATION

At its July 7, 2014, meeting, the AFD Advisory Committee voted 8-0 to recommend the continuation of the district to the Planning Commission and Board of Supervisors.

Proposed Changes Made Since the Planning Commission Meeting

The property owners of 346 and 338 Racefield Drive have requested not to continue in the district.

SUMMARY

As required by State Code, the County must review all established AFDs prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-5-86, Barnes Swamp, which is scheduled to expire October 31, 2014.

Staff is attempting to synchronize the expiration dates of all districts. As part of the 2014 renewal process, staff is recommending a term of four years, making the expiration date October 31, 2018.

DISTRICT HISTORY

The District was approved on December 1, 1986, for a term of four years. One 114-acre parcel was added in 1987. The District was renewed for a period of four years by the Board in October 1990. One addition to the District of 60.7 acres was approved by the Board in February 1991. The District was renewed again on October 19, 1994, for a term of four years. The Board approved an addition of 127.36 acres on July 8, 1997. The District was renewed for a term of four years by the Board in September 1998, with the withdrawal of a 58.6-acre parcel owned by R.E. and Mary Mountcastle. On January 26, 1999, the Board approved the addition of the 58.6-acre Mountcastle property. When the District was renewed in 2002, the same 58.6-acre Mountcastle parcel was withdrawn. In 2006, during the renewal process, 271.51 acres were not renewed. In 2008, 1.34 acres was added and in 2010 the Board of Supervisors approved the addition of 121.06 acres to the District.

The District includes all the land on the previously listed properties with the exception of all land within 25 feet of arterial road rights-of-way. That property has been excluded from the District to allow for possible road and/or drainage improvements.

The Barnes Swamp AFD currently consists of approximately 1,737.06 acres and adjoins the New Kent County border, extending from a point approximately 5,000 feet east of Holly Forks Road west to Diascund Reservoir and south to Richmond Road.

ANALYSIS

The District consists primarily of forested land. Records indicate that approximately 80 percent of the District is used for forestry purposes and the remainder of the District is used for agriculture. All of the land within the District is zoned A-1, General Agricultural. Most of the surrounding land is agricultural in nature, although two parcels located on Fire Tower Road are adjacent to the Stonehouse subdivision which is zoned PUD-R. The entire District is located outside the PSA and designated Rural Lands and Conservation Area by the Comprehensive Plan.

REQUEST NOT TO CONTINUE IN THE AFD

The property owners of 346 and 338 Racefield Drive have requested not to continue in the district (Attachments 7 and 8).

ADDITIONS

No property owner has requested land be added to the District during this renewal period.

CHANGE IN CONDITIONS

Staff is recommending a revision to Condition No. 2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts to refer to the most recent policy adopted in 2010. The proposed change is as follows:

~~"No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended."~~

No land outside the Primary Service Area and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.

STAFF RECOMMENDATION:

Staff finds this AFD consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. At its August 6, 2014, meeting, the Planning Commission voted to recommend the continuation of the district by a vote of 6-0 (Richardson absent). At its July 7, 2014, meeting, the AFD Advisory Committee voted 8-0 recommending the continuation of the district to the Planning Commission and Board of Supervisors. Staff recommends the Board of Supervisors renew the Barnes Swamp AFD for a period of four years, subject to the conditions listed in the attached resolution.

Luke Vinciguerra

CONCUR:

Allen J. Murphy, Jr.

LV/nb
AFD05-86-1-14BarnesSwmp

Attachments:
1. Resolution
2. Location Map
3. Existing ordinance and conditions, dated September 28, 2010
4. Ordinance for the addition of property, dated November 9, 2010
5. Approved minutes of the July 7, 2014, AFD Advisory Committee meeting (under separate cover)
6. Unapproved Minutes of the August 6, 2014, Planning Commission meeting (under separate cover)
7. Request to not continue in district – 338 Racefield Drive
8. Request to not continue in district – 346 Racefield Drive

AGENDA ITEM NO. H.5.

ITEM SUMMARY

DATE: 9/11/2018

TO: The Board of Supervisors

FROM: Tori Haynes, Planner

SUBJECT: AFD-01-02-1-2018. Carter's Grove AFD Renewal

ATTACHMENTS:

	Description	Type
🗋	Staff Report	Staff Report
🗋	Attachment 2. Location Map	Backup Material
🗋	Attachment 3. Adopted conditions for the Carter's Grove AFD	Backup Material
🗋	Attachment 4. Board of Supervisors staff report for the 2014 renewal of the Carter's Grove AFD	Backup Material
🗋	Attachment 1. Ordinance	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	8/24/2018 - 3:32 PM
Development Management	Holt, Paul	Approved	8/24/2018 - 3:32 PM
Publication Management	Burcham, Nan	Approved	8/24/2018 - 3:48 PM
Legal Review	Kinsman, Adam	Approved	8/27/2018 - 9:20 AM
Board Secretary	Fellows, Teresa	Approved	8/27/2018 - 3:06 PM
Board Secretary	Purse, Jason	Approved	9/4/2018 - 2:58 PM
Board Secretary	Fellows, Teresa	Approved	9/4/2018 - 3:35 PM

AGRICULTURAL AND FORESTAL DISTRICT-01-02-1-2018. Carter's Grove Renewal

Staff Report for the September 11, 2018, Board of Supervisors

SUMMARY FACTS

LAND OWNERS	PARCEL ID	±ACRES
Carter's Grove Associates	5820100002	76.10
Carter's Grove Associates	5910100030	240.04
TOTAL ACRES		316.14

Zoning: R-2, General Residential
R-8, Rural Residential

Comprehensive Plan: Open Space or Recreation
Federal, State and County Land

Primary Service Area (PSA): Inside

Staff Contact: Tori Haynes, Planner

PUBLIC HEARING DATES

Planning Commission: August 1, 2018, 6:00 p.m.
Board of Supervisors: September 11, 2018, 5:00 p.m.

STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

AGRICULTURAL AND FORESTAL DISTRICT (AFD) ADVISORY COMMITTEE RECOMMENDATION

At its June 21, 2018 meeting, the AFD Advisory Committee voted 9-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

PLANNING COMMISSION RECOMMENDATION

At its August 1, 2018 meeting, the Planning Commission voted 5-0 to recommend the continuation of the District to the Board of Supervisors.

DISTRICT HISTORY

- The Carter's Grove AFD was created in 2002 for a term of four years and originally consisted of three parcels totaling ±320 acres.
- In 2006, the District was renewed for a four-year term. At this time, a 2.26-acre portion was withdrawn.
- The District was renewed for four-year terms in 2010 and 2014 with no additions or withdrawals.
- In 2015, a 1.56-acre parcel owned by Colonial Williamsburg Foundation was withdrawn.

DISTRICT DESCRIPTION

Carter's Grove AFD consists of ±316 acres which were originally part of historic Carter's Grove Plantation. The District is mostly wooded, with wetlands located near the river. The mansion and areas immediately surrounding it, including the gardens and entrance road, are not included in the AFD.

Total acreage includes all the land in the above properties with the exception of the aforementioned mansion grounds and all land within 25 feet of right-of-ways. This area has been excluded to allow for possible road and/or drainage improvements.

ADDITION/WITHDRAWAL REQUESTS

None.

CHANGES TO CONDITIONS

None.

SURROUNDING ZONING AND DEVELOPMENT

The surrounding area consists of both residential and commercial development, including Kingsmill (R-4, Planned Residential Community and M-1, Limited Business/Industrial), James River Elementary School (PL, Public Lands) and James River Commerce Center (M-1, Limited Business/Industrial). Other adjacent zoning districts include LB, Limited Business and R-5, Multi-family Residential. Hampton Roads Sanitation District sanitary sewer station is not included in the Carter's Grove AFD, but is wholly encompassed by Parcel ID No. 5820100002.

COMPREHENSIVE PLAN

The Comprehensive Plan designates these parcels as Open Space or Recreation and Federal, State and County Land. Land Use Action 6.1.1 of the adopted Comprehensive Plan states the County shall "support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*."

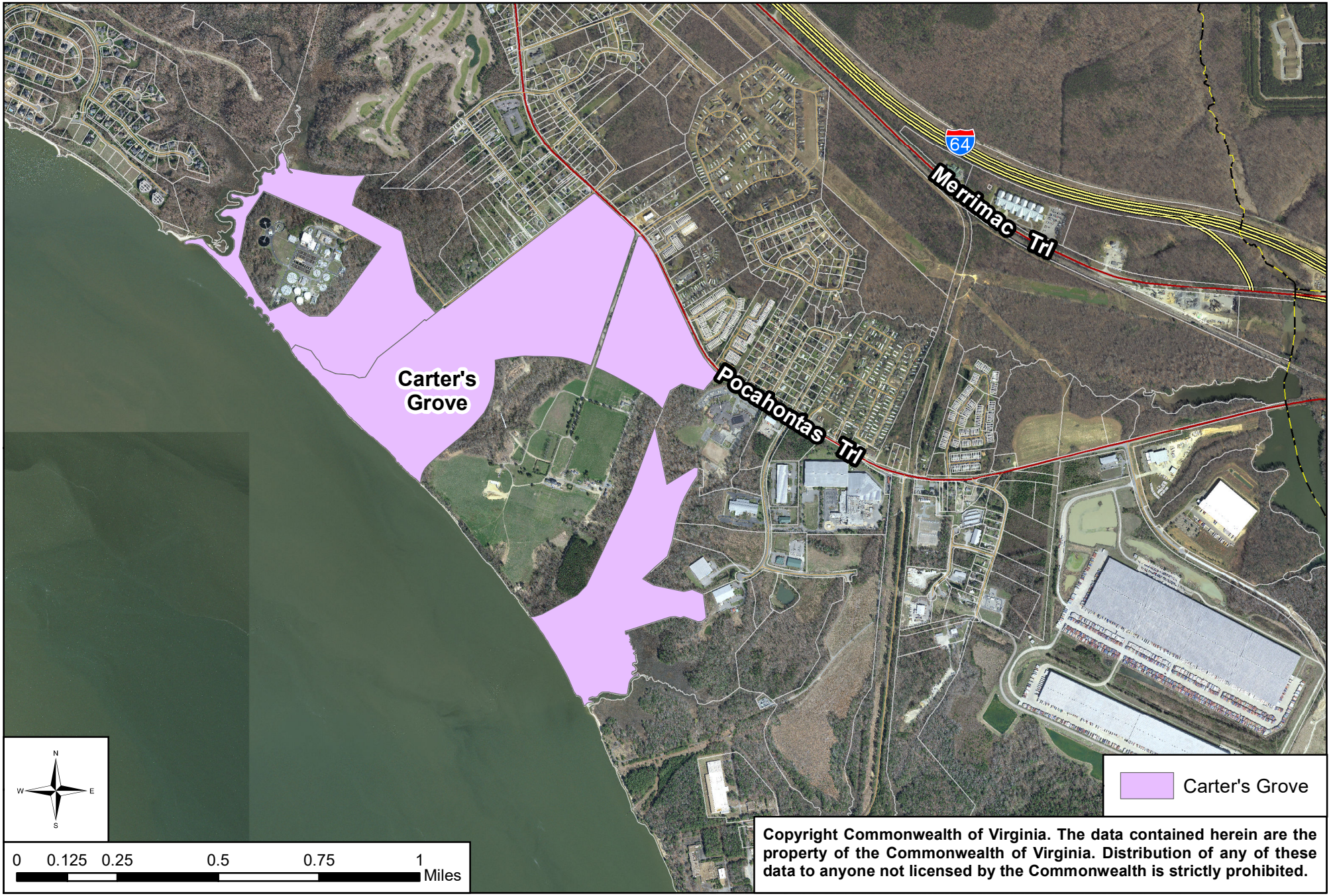
STAFF RECOMMENDATION

Staff finds the Carter's Grove AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Board of Supervisors approve the renewal of this AFD for a period of four years, subject to the conditions listed in the District Ordinance (Attachment No. 1).

TH/md
AFD-CartersGrvRenew

Attachments:
1. Ordinance
2. Location Map
3. Adopted conditions for the Carter's Grove AFD
4. Board of Supervisors staff report for the 2014 renewal of the Carter's Grove AFD

JCC AFD-01-02-1-2018
Carter's Grove 2018 Renewal



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ADOPTED

SEP 09 2014

Board of Supervisors
James City County, VA

ORDINANCE NO. 197A-3

AGRICULTURAL AND FORESTAL DISTRICT-01-02

CARTER'S GROVE 2014 RENEWAL

WHEREAS, James City County has completed a review of the Carter's Grove Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code") property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the Croaker Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal District Advisory Committee at its meeting on July 7, 2014, voted 8-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission following its public hearing on August 6, 2014, concurred with the recommendation of staff and the AFD Advisory Committee and voted 6-0 to recommend renewal of the district with the conditions listed below.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Supervisors of James City County, Virginia, that:

1. The Carter's Grove Agricultural and Forestal District is hereby continued to October 31, 2018, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.

2. That the district shall include the following parcels, provided, however, that all land within 25 feet of road rights-of-way is excluded from the district:

Owner	Parcel No.	Acres
Carter's Grove, LLC	5820100002	76.10
Carter's Grove, LLC	5910100030	240.04
Colonial Williamsburg Foundation	5910100021	1.56
	Total:	317.70

3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Carter's Grove Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

   a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision

Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCF), provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.

b. No land outside the Primary Service Area and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from AFDs, adopted September 28, 2010.

c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	AYE	NAY	ABSTAIN
KENNEDY	X		
JONES	X		
MCGLENNON	X		
ONIZUK	X		
HIPPLE	X		

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of September, 2014.

AFD01-02-1-14CartersGrove-res

AGENDA ITEM NO. I-5

Agricultural and Forestal District-01-02-1-2014. Carter's Grove AFD Renewal
Staff Report for the September 9, 2014, Board of Supervisors Public Hearing

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.

PUBLIC HEARINGS	**Building F Board Room; County Government Complex**
AFD Advisory Committee:	July 7, 2014, 4:00 p.m. (Human Services Building)
Planning Commission:	August 6, 2014, 7:00 p.m.
Board of Supervisors:	September 9, 2014, 7:00 p.m.

SUMMARY FACTS

Owners:	Parcel Number	Acres
Carter's Grove, LLC	5820100002	76.10
Carter's Grove, LLC	5910100030	240.04
Colonial Williamsburg Foundation	5910100021	1.56
TOTAL ACRES		317.70

Zoning:	R-8, Rural Residential, R-2, General Residential and LB, Limited Business	
Comprehensive Plan:	Park, Public, Semi-Public Open Space; Federal, State, County Land; Conservation Area; and Neighborhood Commercial	
Primary Service Area:	Inside	
Staff Contact:	Luke Vinciguerra	Phone: 253-6783

STAFF RECOMMENDATION

Staff finds this Agricultural and Forestal District (AFD) consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends the Board of Supervisors renew the Carter's Grove AFD for a period of four years, subject to the conditions listed in the attached resolution.

PLANNING COMMISSION RECOMMENDATION

At its August 6, 2014, meeting, the Planning Commission recommended the continuation of the District by a vote of 6-0 (Richardson absent).

AFD ADVISORY COMMITTEE RECOMMENDATION

At its July 7, 2014, meeting, the AFD Advisory Committee voted 8-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

Proposed Changes Made Since the Planning Commission Meeting

None.

SUMMARY

As required by State Code, the County must review all established AFDs prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-1-02, Carter's Grove, which is scheduled to expire October 31, 2014.

Staff is attempting to synchronize the expiration dates of all districts. As part of the 2014 renewal process, staff is recommending a term of four years, making the expiration date October 31, 2018.

DISTRICT HISTORY

The Carter's Grove AFD District was created by the Board of Supervisors on October 8, 2002, for a term of four years. During the 2006 renewal, Colonial Williamsburg removed a portion of land totaling approximately 2.26 acres. The area encompasses the 1,650-foot-long entrance road to Carter's Grove Plantation and would allow the flexibility for future widening. In 2007, the parcel that the mansion is located on was combined with the surrounding parcel. The entire area of the previously delineated parcel, along with the aforementioned entrance road, is not included in the Carter's Grove AFD.

The District includes land on the above properties as previously described with the exception of all land within 25 feet of arterial road rights-of-way, land within the Colonial Pipeline and HRSD easements, and land within ten feet adjacent to both sides of the HRSD easement. That property has been excluded from the District to allow for possible road and/or drainage improvements and expansion.

The Carter's Grove AFD consists of approximately 317.7 acres located generally between the James River, Ron Springs Road, and south of Pocahontas Trail (Route 60). One parcel containing 1.5 acres is located north of Pocahontas Trail. The main two parcels surround the Carter's Grove Plantation and the Hampton Roads Sanitation District (HRSD) sewer station and are west of the James River Commerce Center.

ANALYSIS

The property included in this District is wooded or cleared pasture and does not include the Carter's Grove Plantation House and Visitor Center. The District also has direct frontage on the James River and contains some marshland that drains directly into the James River.

The entire District lies within the Primary Service Area and property within the District is zoned R-2, General Residential, R-8, Rural Residential, and LB, Limited Business. The majority of the property is designated Park, Public, Semi-Public Open Space; Federal, State, County Land; or as a Conservation Area on the 2009 James City County Comprehensive Plan Land Use Map. One parcel is designated Neighborhood Commercial. The locations of parcels within the District provide natural buffers surrounding the HRSD sewer station and the Carter's Grove Plantation historical site and help to preserve the natural, wooded, and rural character of that area of the County. The continuation of this AFD will help to ensure that some property in the predominantly urban southern end of the County remains in forestal and/or agricultural uses for the duration of the District.

REQUEST NOT TO CONTINUE IN THE AFD

No property owner has requested to not continue their participation in the AFD.

ADDITIONS

No property owner has requested land be added to the District during this renewal period.

CHANGE IN CONDITIONS

Staff is recommending a revision to Condition No. 2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts to refer to the most recent policy adopted in 2010. The proposed change is as follows:

~~"No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended."~~

No land outside the Primary Service Area and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.

STAFF RECOMMENDATION:
Staff finds this AFD consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. At its August 6, 2014, meeting, the Planning Commission voted to recommend the continuation of the District by a vote of 6-0 (Richardson absent). At its July 7, 2014, meeting, the AFD Advisory Committee voted to recommend the continuation of the District to the Planning Commission and Board of Supervisors by a vote of 8-0. Staff recommends the Board of Supervisors renew the Carter's Grove AFD for a period of four years, subject to the conditions listed in the attached resolution.

Luke Vinciguerra

CONCUR:

Allen J. Murphy, Jr.

LV/gb
AFD01-02-1-14CartersGrove

ATTACHMENTS:
1. Ordinance
2. Location Map
3. Existing ordinance and conditions, dated September 28, 2010
4. Approved minutes of the July 7, 2014, AFD Advisory Committee meeting (under separate cover)
5. Unapproved minutes of the August 6, 2014, Planning Commission meeting (under separate cover)

ORDINANCE NO._____

AGRICULTURAL AND FORESTAL DISTRICT-1-02-1-2018

CARTER'S GROVE 2018 RENEWAL

WHEREAS, James City County has completed a review of the Carter's Grove Agricultural and Forestal District (the "District"); and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code"), property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the District; and

WHEREAS, the Agricultural and Forestal District (AFD) Advisory Committee at its meeting on June 21, 2018, voted 9-0 to recommend renewal of the District; and

WHEREAS, the Planning Commission following its public hearing on August 1, 2018, concurred with the recommendation of staff and the AFD Advisory Committee and voted 5-0 to recommend renewal of the District with the conditions listed below.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that:

1. The Carter's Grove Agricultural and Forestal District (the "District") is hereby continued to October 31, 2022 in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq. (the "Act").

2. That the District shall include the following parcels, provided, however, that all land within 25 feet of road right-of-ways is excluded from the District:

Owner	Parcel No.	Acres
Carter's Grove Associates	5820100002	6.10
Carter's Grove Associates	5910100030	240.04
	Total:	316.14

3. That pursuant to Sections 15.2-4312 and 15.2-4313 of the Act, the Board of Supervisors requires that no parcel in the District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

   a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City

County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCFs), provided: a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.

b. No land outside the Primary Service Area and within the District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the District may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from Agricultural and Forestal Districts, adopted September 28, 2010.

c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the Act, which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for WCFs on properties in the District that are in accordance with the County's policies and Ordinances regulating such facilities.

_____
Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:

	VOTES		
	AYE	NAY	ABSTAIN
MCGLENNON	____	____	____
ICENHOUR	____	____	____
SADLER	____	____	____
HIPPLE	____	____	____
LARSON	____	____	____

_____
Teresa J. Fellows
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2018.

AFDCrtrsGrvRenw-res

AGENDA ITEM NO. H.6.

ITEM SUMMARY

DATE: 9/11/2018

TO: The Board of Supervisors

FROM: Savannah Pietrowski, Senior Planner

SUBJECT: AFD-10-86-1-2018. Christenson's Corner AFD Renewal

ATTACHMENTS:

	Description	Type
🗋	Staff Report	Staff Report
🗋	Attachment 1. Ordinance	Ordinance
🗋	Attachment 2. Location Map	Backup Material
🗋	Attachment 3. Board of Supervisors staff report for the 2014 renewal of the Christenson's Corner AFD	Backup Material
🗋	Attachment 4. Adopted conditions for the Christenson's Corner AFD	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	8/24/2018 - 3:35 PM
Development Management	Holt, Paul	Approved	8/24/2018 - 3:35 PM
Publication Management	Burcham, Nan	Approved	8/24/2018 - 3:54 PM
Legal Review	Kinsman, Adam	Approved	8/27/2018 - 9:21 AM
Board Secretary	Fellows, Teresa	Approved	8/27/2018 - 3:16 PM
Board Secretary	Purse, Jason	Approved	9/4/2018 - 2:59 PM
Board Secretary	Fellows, Teresa	Approved	9/4/2018 - 3:36 PM

SUMMARY FACTS

LAND OWNERS	PARCEL ID	±ACRES
Kenneth Chandler	1540100011	149.94
Betty Arlene Chandler Woodfin	1540100011X	1.31
Kenneth Chandler	1630100001	8.01
Stieffen Co. LLC, BP Stieffen Woodlands LLC, & Dennis Stieffen	1640100003	402.90
Hampton 41 LLC, Abbitt Land Co., R Holdings LLC, & Mountain Park LLC	2520100007	410.79
Hampton 41 LLC, Abbitt Land Co., R Holdings LLC, & Mountain Park LLC	1630100011	156.85
Kenneth Chandler	1540100008	49.53
TOTAL ACRES		1,179.33

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area (PSA): Outside

Staff Contact: Savannah Pietrowski, Senior Planner

PUBLIC HEARING DATES

Planning Commission: August 1, 2018, 6:00 p.m.
Board of Supervisors: September 11, 2018, 5:00 p.m.

STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

AGRICULTURAL AND FORESTAL DISTRICT (AFD) ADVISORY COMMITTEE RECOMMENDATION

At its June 21, 2018 meeting, the AFD Advisory Committee voted 9-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

PLANNING COMMISSION RECOMMENDATION

At its August 1, 2018 meeting, the Planning Commission voted 5-0 to recommend the continuation of the District to the Board of Supervisors.

DISTRICT HISTORY

- The Christenson's Corner AFD was created in 1986 for a term of four years and originally consisted of four parcels totaling ±568 acres.
- The District was renewed in 1990, 1994, 1998, 2002, 2006, 2010 and 2014 for four-year periods. Various additions and withdrawals occurred throughout these years.
- Since the 2014 renewal, the Board of Supervisors approved one addition to the District of 49.53 acres.
- Since 2014, a judicial division occurred which created Parcel ID No. 1540100011X from parent Parcel ID No. 1540100011. Both parcels remained within the AFD and there was no change to the total acreage of the District.

DISTRICT DESCRIPTION

The majority of the District is heavily forested, though it also includes marshlands and land actively in agricultural use. All of the land in this District is zoned A-1, General Agricultural, located outside of the PSA and designated Rural Lands by the adopted Comprehensive Plan.

Total acreage includes all the land in the above properties with the exception of all land within 25 feet of right-of-ways. This area has been excluded to allow for possible road and/or drainage improvements.

ADDITION/WITHDRAWAL REQUESTS

None.

CHANGES TO CONDITIONS

None.

SURROUNDING ZONING AND DEVELOPMENT

The surrounding area consists of forestland, marshes and single-family residential. The District is bordered by York River State Park (zoned Public Lands) to the north, Riverview Plantation (zoned R-1) and Camp Perry (zoned Public Lands) to the east and Wexford Hills and North Cove (zoned A-1) to the west. The Croaker AFD is also located to the west. York County is located to the south.

COMPREHENSIVE PLAN

The Comprehensive Plan designates these parcels as Rural Lands. Land Use Action 6.1.1 of the adopted Comprehensive Plan states the County shall "support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*."

STAFF RECOMMENDATION

Staff finds the Christenson's Corner AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Board of Supervisors approve the renewal of this AFD for a period of four years, subject to the conditions listed in the District Ordinance (Attachment No. 1).

SP/md
AFD-ChristCrnRnw

Attachments:
1. Ordinance
2. Location Map
3. Adopted conditions for the Christenson's Corner AFD
4. Board of Supervisors staff report for the 2014 renewal of the Christenson's Corner AFD

ORDINANCE NO._____

AGRICULTURAL AND FORESTAL DISTRICT-10-86-1-2018

CHRISTENSON'S CORNER 2018 RENEWAL

WHEREAS, James City County has completed a review of the Christenson's Corner Agricultural and Forestal District (the "District"); and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code"), property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the District; and

WHEREAS, the Agricultural and Forestal District (AFD) Advisory Committee at its meeting on June 21, 2018, voted 9-0 to recommend renewal of the District; and

WHEREAS, the Planning Commission following its public hearing on August 1, 2018, concurred with the recommendation of staff and the AFD Advisory Committee and voted 5-0 to recommend renewal of the District with the conditions listed below.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia that:

1. The Christenson's Corner Agricultural and Forestal District (the "District") is hereby continued to October 31, 2022 in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq. (the "Act").

2. That the District shall include the following parcels, provided, however, that all land within 25 feet of road right-of-ways is excluded from the District:

Owner	Parcel No.	±Acres
Kenneth Chandler	1540100011	151.25
Betty Arlene Chandler Woodfin	1540100011X	1.31
Kenneth Chandler	1630100001	8.01
Stieffen Co. LLC, B. P. Stieffen, Woodlands LLC & Dennis Stieffen	1640100003	402.89
Hampton 41 LLC, Abbitt Land Co., R Holdings LLC, & Mountain Park LLC	2520100007	410.79
Hampton 41 LLC, Abbitt Land Co., R Holdings LLC, & Mountain Park LLC	1630100011	156.85
Kenneth Chandler	1540100008	49.53

Total: 1,179.33

3. That pursuant to Sections 15.2-4312 and 15.2-4313 of the Act, the Board of Supervisors requires that no parcel in the District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

   a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCF), provided: a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.

   b. No land outside the Primary Service Area and within the District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the District may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Properties from Agricultural and Forestal Districts, adopted September 28, 2010, as amended.

   c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the Act, which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for wireless communications facilities on properties in the District that are in accordance with the County's policies and Ordinances regulating such facilities.

_____
Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:

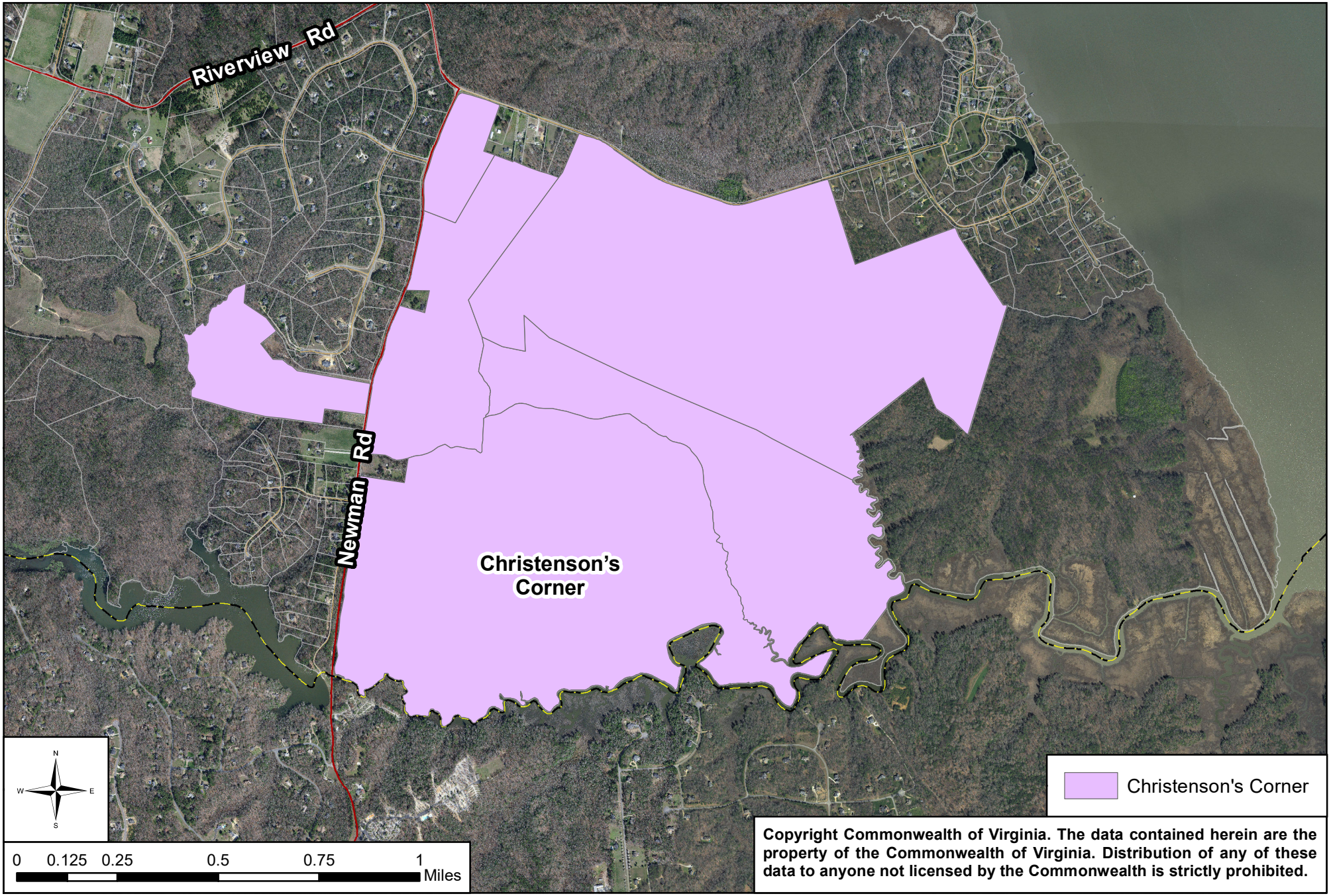
	VOTES		
	AYE	NAY	ABSTAIN
MCGLENNON	____	____	____
ICENHOUR	____	____	____
SADLER	____	____	____
HIPPLE	____	____	____
LARSON	____	____	____

_____
Teresa J. Fellows
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2018.

AFD-ChristCrnRnw-res

JCC AFD-10-86-1-2018
Christenson's Corner 2018 Renewal



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AGENDA ITEM NO. I-6

Case No. AFD-10-86-1-2014. Christenson's Corner Agricultural and Forestal District Renewal

Staff Report for the September 9, 2014, Board of Supervisors Public Hearing

This staff report is prepared by the James City County Planning Division to provide information to the AFD Advisory Committee, 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.

PUBLIC HEARINGS — **Building F Board Room; County Government Complex**

AFD Advisory Committee: July 7, 2014, 4:00 p.m. (Human Services Building)
Planning Commission: August 6, 2014, 7:00 p.m.
Board of Supervisors: September 9, 2014, 7:00 p.m.

SUMMARY FACTS

Owners:	Parcel No.	Acres
C.M. Chandler	1540100011	151.25
C.M. Chandler	1630100001	8.01
Stieffen Co, LLC and B. P. Stieffen	1640100003	402.89
Hampton 41, LLC and Abbitt Land Co.	2520100007	410.79
Hampton 41, LLC and Abbitt Land Co.	1630100011	156.85
	TOTAL ACRES	1,129.79

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands and Conservation Area

Primary Service Area: Outside

STAFF RECOMMENDATION

Staff finds this Agricultural and Forestal District (AFD) consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends the Board of Supervisors renew the Christenson's Corner AFD for a period of four years, subject to the conditions listed in the attached resolution.

Staff Contact: Luke Vinciguerra Phone: 253-6783

PLANNING COMMISSION RECOMMENDATION

At its August 6, 2014, meeting, the Planning Commission recommended the continuation of the District by a vote of 6-0 (Richardson absent).

AFD ADVISORY COMMITTEE RECOMMENDATION

At its July 7, 2014, meeting, the AFD Advisory Committee voted 8-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

Proposed Changes Made Since the Planning Commission Meeting

None.

SUMMARY

As required by State Code, the County must review all established AFDs prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-10-86, Christenson's Corner, which is scheduled to expire October 31, 2014.

Staff is attempting to synchronize the expiration dates of all districts. As part of the 2014 renewal process, staff is recommending a term of four years, making the proposed expiration date October 31, 2018.

DISTRICT HISTORY

The District was approved on December 1, 1986, for a term of four years, and the Board of Supervisors approved four-year renewals in 1990, 1994, 1998, 2002, and 2010 with no additions or withdrawals of property. In December 2011 the Board approved the addition of two parcels on Newman Road totaling 567 acres.

The District includes all the land on the above properties with the exception of all land within 25 feet of arterial road rights-of-way. That property has been excluded from the District to allow for possible road improvements.

The Christenson's Corner AFD consists of approximately 1,129.79 acres located south of Riverview Road between Newman Road and Riverview Plantation.

ANALYSIS

The majority of the District contains woodland. The remainder of the property in the District is open farmland and swamp or wetlands. All of the land within this District is zoned A-1, General Agricultural, and a major portion of the surrounding property is zoned A-1 and is forested. Most of the District is designated Rural Lands by the Comprehensive Plan. A very small portion of the District is designated Conservation Area by the Comprehensive Plan.

The entire District is located outside of the Primary Service Area (PSA) and the area remains relatively rural in nature.

REQUEST NOT TO CONTINUE IN THE AFD

No property owner has requested to not continue their participation in the AFD.

ADDITIONS

No property owner has requested land be added to the District during this renewal period.

CHANGE IN CONDITIONS

Staff is recommending a revision to Condition No. 2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts to refer to the most recent policy adopted in 2010. The proposed change is as follows:

~~"No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended."~~

No land outside the Primary Service Area and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.

STAFF RECOMMENDATION

Staff finds this AFD consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. At its August 6, 2014, meeting, the Planning Commission voted to recommend the continuation of the District by a vote of 6-0 (Richardson absent). At its July 7, 2014, meeting, the AFD Advisory Committee voted 8-0 recommending the continuation of the District to the Planning Commission and Board of Supervisors. Staff recommends the Board of Supervisors renew the Christenson's Corner AFD for a period of four years, subject to the conditions listed in the attached resolution.

Luke Vinciguerra

CONCUR:

Allen L. Murphy, Jr.

LV/nb
AFD10-86-1-14Christensons

Attachments:
1. Ordinance
2. Location Map
3. Existing ordinance and conditions, dated September 28, 2010
4. Ordinance for the addition of property, dated December 13, 2011
5. Approved minutes of the July 7, 2014, AFD Advisory Committee meeting (under separate cover)
6. Unapproved minutes of the August 6, 2014, Planning Commission meeting (under separate cover)

ADOPTED

SEP 09 2014

Board of Supervisors
James City County, VA

ORDINANCE NO. 171A-8

AGRICULTURAL AND FORESTAL DISTRICT 10-86

CHRISTENSON'S CORNER 2014 RENEWAL

WHEREAS, James City County has completed a review of the Christenson's Corner Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code") property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the Christenson's Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal District Advisory Committee at its meeting on July 7, 2014, voted 8-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission following its public hearing on August 6, 2014, concurred with the recommendation of staff and the AFD Advisory Committee and voted 6-0 to recommend renewal of the district with the conditions listed below.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that

1. The Christenson's Corner Agricultural and Forestal District is hereby continued to October 31, 2018, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.

2. That the district shall include the following parcels, provided, however, that all land within 25 feet of road rights-of-way is excluded from the district:

Owner	Parcel No.	Acres
C.M. Chandler	1540100011	151.25
C.M. Chandler	1630100001	8.01
Stieffen Co, LLC and , B. P. Stieffen	1640100003	402.89
Hampton 41, LLC and Abbitt Land Co.	2520100007	410.79
Hampton 41, LLC and Abbitt Land Co.	1630100011	156.85
	Total:	1,129.79

3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Christenson's Corner Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCF), provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.

b. No land outside the Primary Service Area and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Properties from AFDs, adopted September 28, 2010, as amended.

c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	AYE	NAY	ABSTAIN
KENNEDY	X		
JONES	X		
MCGLENNON	X		
ONIZUK	X		
HIPPLE	X		

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of September, 2014.

AFD10-86-1-14Christensons-res

AGENDA ITEM NO. H.7.

ITEM SUMMARY

DATE: 9/11/2018

TO: The Board of Supervisors

FROM: Roberta Sulouff, Senior Planner

SUBJECT: AFD-06-86-1-2018. Cranston's Pond AFD Renewal

ATTACHMENTS:

	Description	Type
🗋	Staff Report	Staff Report
🗋	Attachment 1. Ordinance	Ordinance
🗋	Attachment 2. Location Map	Backup Material
🗋	Attachment 3. Adopted conditions for the Cranston's Pond AFD	Backup Material
🗋	Attachment 4. Board of Supervisors staff report for the 2014 renewal of the Cranston's Pond AFD	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	8/24/2018 - 3:34 PM
Development Management	Holt, Paul	Approved	8/24/2018 - 3:34 PM
Publication Management	Burcham, Nan	Approved	8/24/2018 - 3:52 PM
Legal Review	Kinsman, Adam	Approved	8/27/2018 - 9:21 AM
Board Secretary	Fellows, Teresa	Approved	8/27/2018 - 3:17 PM
Board Secretary	Purse, Jason	Approved	9/4/2018 - 2:59 PM
Board Secretary	Fellows, Teresa	Approved	9/4/2018 - 3:36 PM

SUMMARY FACTS

LAND OWNERS	PARCEL ID	ACRES (±)
Hidden Acres Farm, Inc.	2330100001	416.50
Bertrand E. Geddy, Jr., Trustee	2230100026	167.50
Edward K. English Estate	2240100001A	101.67
J. Payten Harcum	2220100087	62.56
Otto C. & Thelma J. Ripley	3120100003B	21.01
Susanna Y. English	2210100056	5.07
TOTAL ACRES		774.31

Zoning: A-1, General Agricultural
R-8, Rural Residential

Comprehensive Plan: Rural Lands
Low-Density Residential

Primary Service Area (PSA): Inside and Outside

Staff Contact: Roberta Sulouff, Senior Planner

PUBLIC HEARING DATES

Planning Commission: August 1, 2018, 6:00 p.m.
Board of Supervisors: September 11, 2018, 5:00 p.m.

STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

AGRICULTURAL AND FORESTAL DISTRICT (AFD) ADVISORY COMMITTEE RECOMMENDATION

At its June 21, 2018 meeting, the AFD Advisory Committee voted 9-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

PLANNING COMMISSION RECOMMENDATION

At its August 1, 2018 meeting, the Planning Commission voted 5-0 to recommend the continuation of the District to the Board of Supervisors.

DISTRICT HISTORY

- The District was approved on December 1, 1986, for a term of four years and has been renewed by the Board of Supervisors for additional four-year terms in October 1990, November 1994, September 1998, August 2002, April 2006, September 2010 and September 2014.

- The District has remained essentially the same since the AFD was created, with the following changes: approximately 32 acres were added to the District in 1994; approximately 14 acres were added in 2002; and approximately 130 acres were removed between 1998 and 2002. During the 2006 renewal, 111.82 acres were removed from the District. In 2015, approximately five acres were added.

DISTRICT DESCRIPTION

The District consists primarily of forested land. Records indicate that approximately 75% of the District is used for forestry with some agricultural use and the remainder is in marsh land. Most of the District is located outside of the PSA and is designated Rural Lands

by the Comprehensive Plan. The Ripley parcel is located inside the PSA and is designated Low-Density Residential.

Total acreage includes all the land in the above properties with the exception of all land within 25 feet of right-of-ways. This area has been excluded to allow for possible road and/or drainage improvements.

ADDITION/WITHDRAWAL REQUESTS

None.

CHANGES TO CONDITIONS

None.

SURROUNDING ZONING AND DEVELOPMENT

The majority of the District is located southeast of Chickahominy Road and Little Creek Dam Road. The area surrounding the main body of the District is largely wooded, and zoned A-1, General Agricultural and R-8, Rural Residential, with Cranston's Mill Pond forming the southeast border. The Ripley parcel is surrounded by the Colonial Heritage and James Shire Settlement subdivisions, which are zoned MU, Mixed-Use and A-1, General Agricultural respectively.

COMPREHENSIVE PLAN

The Comprehensive Plan designates these parcels as Rural Lands and Low-Density Residential. Land Use Action 6.1.1 of the adopted Comprehensive Plan states the County shall "support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*."

STAFF RECOMMENDATION

Staff finds the Cranston's Pond AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Board of Supervisors approve the renewal of this AFD for a period of four years, subject to conditions listed in the District Ordinance (Attachment No. 1).

RS/md
AFD-CranstnPdRnw

Attachments:
1. Ordinance
2. Location Map
3. Adopted conditions for the Cranston's Pond AFD
4. Board of Supervisors staff report for the 2014 renewal of the Cranston's Pond AFD

ORDINANCE NO._____

AGRICULTURAL AND FORESTAL DISTRICT-06-86-1-2018

CRANSTON'S POND 2018 RENEWAL

WHEREAS, James City County has completed a review of the Cranston's Pond Agricultural and Forestal District (the "District"); and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code"), property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the District; and

WHEREAS, the Agricultural and Forestal District (AFD) Advisory Committee at its meeting on June 21, 2018, voted 9-0 to recommend renewal of the District; and

WHEREAS, the Planning Commission following its public hearing on August 1, 2018, concurred with the recommendation of staff and the AFD Advisory Committee and voted 5-0 to recommend renewal of the District with the conditions listed below.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that:

1. The Cranston's Pond Agricultural and Forestal District (the "District") is hereby continued to October 31, 2022 in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq. (the "Act").

2. That the District shall include the following parcels, provided, however, that all land within 25 feet of road right-of-ways is excluded from the District:

Owner	Parcel No.	Acres
Hidden Acres Farm, Inc.	2330100001	416.50
Bertrand E. Geddy Jr. Trustee	2230100026	167.50
Edward K. English Estate	2240100001A	101.67
Peyton J. Harcum	2220100087	62.56
Otto C. & Thelma Ripley	3120100003B	21.01
Susanna Y. English	2210100056	5.07
	Total:	774.31

3. That pursuant to Sections 15.2-4312 and 15.2-4313 of the Act, the Board of Supervisors requires that no parcel in the District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCFs), provided: a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.

b. No land outside the Primary Service Area and within the District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the District may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from Agricultural and Forestal Districts, adopted September 28, 2010.

c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the Act, which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for WCFs on properties in the District that are in accordance with the County's policies and Ordinances regulating such facilities.

_____
Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:

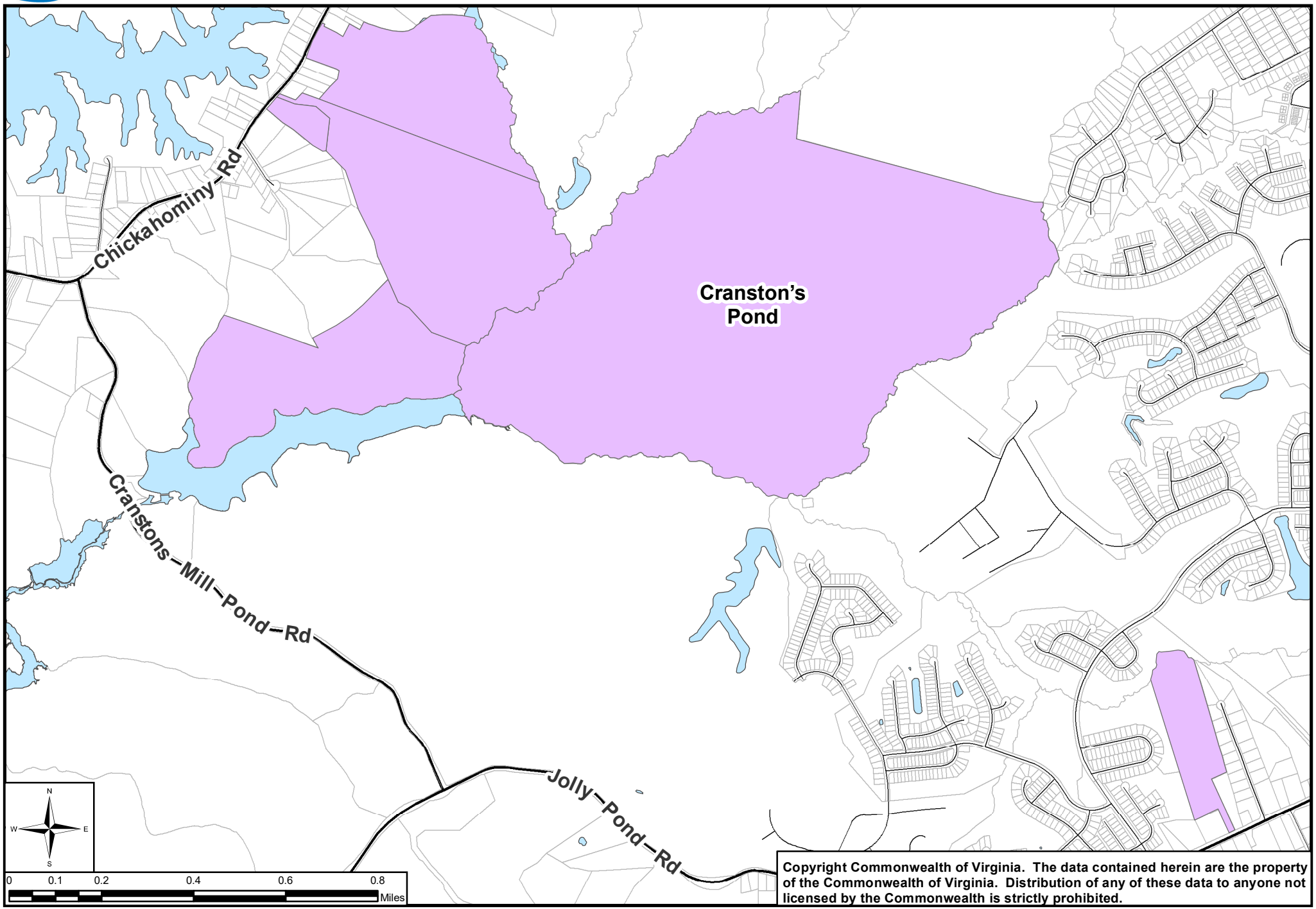
	VOTES		
	AYE	NAY	ABSTAIN
MCGLENNON	____	____	____
ICENHOUR	____	____	____
SADLER	____	____	____
HIPPLE	____	____	____
LARSON	____	____	____

_____
Teresa J. Fellows
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2018.

AFD-CranstnPdRnw-res

AFD-06-86-1-2018, Cranston's Pond 2018 Renewal



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ADOPTED

SEP 09 2014

Board of Supervisors
James City County, VA

ORDINANCE NO. 168A-11

AGRICULTURAL AND FORESTAL DISTRICTS 06-86

CRANSTON'S POND 2014 RENEWAL

WHEREAS, James City County has completed a review of the Cranston's Pond Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code") property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the Cranston's Pond Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal District Advisory Committee at its meeting on July 7, 2014, voted 8-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission following its public hearing on August 6, 2014, concurred with the recommendation of staff and the AFD Advisory Committee and voted 6-0 to recommend renewal of the district with the conditions listed below.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that:

1. The Cranston's Pond Agricultural and Forestal District is hereby continued to October 31, 2018 in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.

2. That the district shall include the following parcels, provided, however, that all land within 25 feet of road rights-of-way is excluded from the district:

Owner	Parcel No.	Acres
Hidden Acres Farm, Inc.	2330100001	416.50
Bertrand E. Geddy Jr., Trustee	2230100026	167.50
Edward K. English	2240100001A	101.67
Payten J. Harcum	2220100087	62.55
Otto C. and Thelma Ripley	3120100003B	21.01
	TOTAL:	769.23

3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Cranston's Pond Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCF), provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.

b. No land outside the Primary Service Area and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from AFDs, adopted September 28, 2010.

c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	AYE	NAY	ABSTAIN
KENNEDY	X		
JONES	X		
MCGLENNON	X		
ONIZUK	X		
HIPPLE	X		

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of September, 2014.

AFD06-86-14Cranstons-res

AGENDA ITEM NO. I-13

Case. No. AFD-06-86-1-2014. Cranston's Pond Agricultural and Forestal District Renewal

Staff Report for the September 9, 2014, Board of Supervisors Public Hearing

This staff report is prepared by the James City County Planning Division to provide information to the AFD Advisory Committee, 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.

PUBLIC HEARINGS — **Building F Board Room; County Government Complex**

AFD Advisory Committee: July 7, 2014, 4:00 p.m. (Human Services Building)
Planning Commission: August 6, 2014, 7:00 p.m.
Board of Supervisors: September 9, 2014, 7:00 p.m.

SUMMARY FACTS

Owners:	Parcel Number	Acres
Hidden Acres Farm, Inc.	2330100001	416.50
Bertrand E. Geddy Jr., Trustee	2230100026	167.50
Edward K. English	2240100001A	101.67
Payten J. Harcum	2220100087	62.55
Otto C. and Thelma Ripley	3120100003B	21.01
	TOTAL ACRES	769.23

Zoning: A-1, General Agricultural and R-8, Rural Residential

Comprehensive Plan: Rural Lands, Low Density Residential and Conservation Area

Primary Service Area: One parcel (3120100003B) inside and the remaining outside

STAFF RECOMMENDATION

Staff finds this Agricultural and Forestal District (AFD) consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends the Board of Supervisors renew the Cranston's Pond AFD for a period of four years, subject to the conditions listed in the attached resolution.

Staff Contact: Luke Vinciguerra Phone: 253-6783

PLANNING COMMISSION RECOMMENDATION

At its August 6, 2014, meeting, the Planning Commission recommended the continuation of the District by a vote of 6-0 (Richardson absent).

AFD ADVISORY COMMITTEE RECOMMENDATION

At its July 7, 2014, meeting, the AFD Advisory Committee voted 8-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

Proposed Changes Made Since the Planning Commission Meeting

None.

SUMMARY

As required by State Code, the County must review all established AFDs prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-6-86, Cranston's Pond, which is scheduled to expire October 31, 2014.

Staff is attempting to synchronize the expiration dates of all districts. As part of the 2014 renewal process, staff is recommending a term of four years, making the expiration date October 31, 2018.

DISTRICT HISTORY

The District was approved on December 1, 1986, for a term of four years and has been renewed by the Board of Supervisors for additional four-year terms in October 1990, November 1994, September 1998, August 2002, April 2006, and September 2010. This District has remained essentially the same since the AFD was created, with the following changes: approximately 32 acres were added to the District in 1994, approximately 14 acres were added in 2002, and approximately 130 acres were removed between 1998 and 2002. During the 2006 renewal, 111.82 acres was removed from the District. The District was renewed in 2010 with no additions or withdrawals.

The District includes all the land on the above properties with the exception of all land within 25 feet of arterial road rights-of-way. That property has been excluded from the District to allow for possible road and/or drainage improvements.

The Cranston's Pond AFD consists of approximately 769.2 acres and is located southeast of Chickahominy Road and Little Creek Dam Road.

ANALYSIS

The District consists primarily of forested land. Records indicate that approximately 75 percent of the District is used for forestry and the remainder is in marsh land. Most of the District is located outside of the Primary Service Area (PSA) and is designated Rural Lands by the Comprehensive Plan. The Ripley parcel is located inside the PSA and is designated Low Density Residential. The PSA is the area of the County that has been designated for growth. The continuation of AFD property within the PSA is consistent with the Comprehensive Plan as this would serve the public purpose of holding key tracts of land temporarily while development plans can be created, maximizing the potential use of the property. The Comprehensive Plan also designates Cranston's Pond and its tributaries as Conservation Areas.

REQUEST NOT TO CONTINUE IN THE AFD

No property owner has requested to not continue their participation in the AFD.

ADDITIONS

No property owner has requested land be added to the District during this renewal period.

CHANGE IN CONDITIONS

Staff is recommending a revision to Condition No. 2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts to refer to the most recent policy adopted in 2010. The proposed change is as follows:

~~"No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended."~~

No land outside the Primary Service Area and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.

STAFF RECOMMENDATION

Staff finds this AFD consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. At its August 6, 2014, meeting, the Planning Commission voted to recommend the continuation of the District by a vote of 6-0 (Richardson absent). At its July 7, 2014, meeting, the AFD Advisory Committee voted 8-0 recommending the continuation of the District to the Planning Commission and Board of Supervisors. Staff recommends the Board of Supervisors renew the Cranston's Pond AFD for a period of four years, subject to the conditions listed in the attached resolution.

Luke Vinciguerra

CONCUR:

Allen J. Murphy, Jr.

LV/nb
AFD06-86-14Cranstons

Attachments:
1. Ordinance
2. Location Map
3. Existing ordinance and conditions, dated September 28, 2010
4. Approved minutes of the July 7, 2014 AFD Advisory Committee meeting (under separate cover)
5. Unapproved minutes of the August 6, 2014 Planning Commission meeting (under separate cover)

AGENDA ITEM NO. H.8.

ITEM SUMMARY

DATE: 9/11/2018

TO: The Board of Supervisors

FROM: Roberta Sulouff, Senior Planner

SUBJECT: AFD-02-86-1-2018. Croaker AFD Renewal

ATTACHMENTS:

	Description	Type
🗋	Staff Report	Staff Report
🗋	Attachment 1. Ordinance	Ordinance
🗋	Attachment 2. Location Map	Backup Material
🗋	Attachment 3. Adopted conditions for the Croaker AFD	Backup Material
🗋	Attachment 4. Board of Supervisors staff report for the 2014 renewal of the Croaker AFD	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	8/24/2018 - 3:33 PM
Development Management	Holt, Paul	Approved	8/24/2018 - 3:33 PM
Publication Management	Daniel, Martha	Approved	8/24/2018 - 4:02 PM
Legal Review	Kinsman, Adam	Approved	8/27/2018 - 9:20 AM
Board Secretary	Fellows, Teresa	Approved	8/27/2018 - 3:06 PM
Board Secretary	Purse, Jason	Approved	9/4/2018 - 2:58 PM
Board Secretary	Fellows, Teresa	Approved	9/4/2018 - 3:35 PM

AGRICULTURAL AND FORESTAL DISTRICT-02-86-1-2018. Croaker Renewal

Staff Report for the September 11, 2018, Board of Supervisors Public Hearing

SUMMARY FACTS

LAND OWNERS	PARCEL ID	ACRES (±)
Hankins Land Trust	1530100044	119.00
William L. & Mary M. Apperson	1440100015	26.05
William L. & Mary M. Apperson	1440100015A	26.23
Ronald McManus, et al.	1530100043	119.85
Ronald McManus, et al.	1530100042	10.10
Ronald McManus, et al.	1530100036	40.40
Hazel M. & L. Richardson	1530100002	39.76
Hazel M. Richardson	1530100034	39.78
J. Rosalie Will, Trustee	1440100010	40.00
Stephanie L. Billon-Wolfe, Trustee	1440100009	49.08
Wenger Farms, LLC	1320100018	95.30
Wenger Farms, LLC	1410100001	150.00
Wenger Farms, LLC	1410100014	143.50
Thomas B. Ballard	1530100035	53.17
Sharpe Family Properties, LLC	1530100018	16.05
William R. Atkins, Jr.	1530100019	16.40
William R. Atkins, Jr.	1530100029	30.94
Milly Wallis	1540100004	40.00
Thomas B. Ballard	1530100035A	4.91
Thomas B. Ballard	1530100032	16.22
Wenger Farms, LLC	1410100007	7.00
Katherine G. & William Mann	1510400003	50.00
Mitchell Family Ltd. Partnership	0740100002	48.49
TOTAL ACRES		1,182.23

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands
Low-Density Residential

Primary Service Area (PSA): Inside and Outside

Staff Contact: Roberta Sulouff, Senior Planner

PUBLIC HEARING DATES

Planning Commission: August 1, 2018, 6:00 p.m.
Board of Supervisors: September 11, 2018, 5:00 p.m.

STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

AGRICULTURAL AND FORESTAL DISTRICT (AFD) ADVISORY COMMITTEE RECOMMENDATION

At its June 21, 2018 meeting, the AFD Advisory Committee voted 9-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

PLANNING COMMISSION

At its August 1, 2018 meeting, the Planning Commission voted 5-0 to recommend the continuation of the District to the Board of Supervisors.

DISTRICT HISTORY

- The Croaker AFD was created in 1986 for a term of four years and originally consisted of 13 parcels totaling ±1,341 acres.
- The District was renewed for four-year intervals in 1990, 1994, 1998, 2002, 2006, 2010 and 2014 with various withdrawals and additions occurring during that period.

- In 2017, the Board of Supervisors approved the addition of 48.49 acres of land located at 9730 Sycamore Landing Road to the AFD.

DISTRICT DESCRIPTION

While still conforming to applicable area and proximity requirements this District is somewhat geographically dispersed. According to the United States Geological Service Soils Survey, the bulk of the District appears to consist of soils which are prime for crop cultivation or forestry. The majority of the District is forested and remains rural in nature. All the land in this District is zoned A-1, General Agricultural. Pieces of the District are located both outside and inside of the PSA, and are designated both Rural Lands and Low-Density Residential by the adopted Comprehensive Plan.

Total acreage includes all the land in the above properties with the exception of all land within 25 feet of right-of-ways. This area has been excluded to allow for possible road and/or drainage improvements.

ADDITION/WITHDRAWAL REQUESTS/OTHER CHANGES IN ACREAGE

- *Addition Requests:*
    - The owner of the property located at 4450 Ware Creek Road (Tax Map ID No. 1410100046) has applied to add approximately 14.8 acres to the District. That application will be evaluated under a separate cover and is tentatively scheduled for the AFD Committee's consideration at the October 25, 2018, meeting.
    - The owner of the property located at 4960 Fenton Mill Road (Tax Map ID 2420100035) has applied to add approximately 52.28 acres to the District. That application will be evaluated under a separate cover and is tentatively scheduled for the AFD Committee's consideration at the October 25, 2018 meeting.

CHANGES TO CONDITIONS

None.

SURROUNDING ZONING AND DEVELOPMENT

The majority of this District is located southeast of the Croaker Road/Interstate 64 interchange, though several small pieces are located north and east of the interchange as well. The surrounding area is mostly zoned A-1, General Agricultural; however, the northern and eastern portions of the District are surrounded by undeveloped portions of the Stonehouse Development, which is zoned PUD-R, Planned Unit Development-Residential. The Christenson's Corner AFD lies to the southeast of the District and the Hill Pleasant Farm AFD lies to the southwest of the District.

COMPREHENSIVE PLAN

The Comprehensive Plan designates these parcels as Rural Lands and Low-Density Residential. Land Use Action 6.1.1 of the adopted Comprehensive Plan states the County shall "support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*."

STAFF RECOMMENDATION

Staff finds the Croaker AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Board of Supervisors approve the renewal of this AFD for a period of four years, subject to conditions listed in the District Ordinance (Attachment No. 1).

RS/md
AFD-CroakerRnw

Attachments:
1. Ordinance
2. Location Map
3. Adopted conditions for the Croaker AFD
4. Board of Supervisors staff report for the 2014 renewal of the Croaker AFD

ORDINANCE NO._____

AGRICULTURAL AND FORESTAL DISTRICT-02-86-1-2018

CROAKER 2018 RENEWAL

WHEREAS, James City County has completed a review of the Croaker Agricultural and Forestal District (the "District"); and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code"), property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the District; and

WHEREAS, the Agricultural and Forestal District (AFD) Advisory Committee at its meeting on June 21, 2018, voted 9-0 to recommend renewal of the District; and

WHEREAS, the Planning Commission following its public hearing on August 1, 2018, concurred with the recommendation of staff and the AFD Advisory Committee and voted 5-0 to recommend renewal of the District with the conditions listed below.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that:

1. The Croaker Agricultural and Forestal District (the "District") is hereby continued to October 31, 2022 in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq. (the "Act").

2. That the District shall include the following parcels, provided, however, that all land within 25 feet of road right-of-ways is excluded from the District:

Owner	Parcel No.	Acres
Hankins Land Trust	1530100044	119.00
William and Mary M. Apperson	1440100015	26.05
William and Mary M. Apperson	1440100015A	26.23
Ronald McManus, et al.	1530100043	119.85
Ronald McManus, et al.	1530100042	10.10
Ronald McManus, et al.	1530100036	40.40
Hazel M. Richardson & LA Richardson	1530100002	39.76
Hazel M. Richardson	1530100034	39.78
J. Rosalie Will, Trustee	1440100010	40.00
Stephanie L. Billon-Wolfe, Trustee	1440100009	49.08
Wenger Farms LLC	1320100018	95.30
Wenger Farms LLC	1410100001	150.00
Wenger Farms LLC	1440100014	143.50
Thomas B. Ballard	1530100035	53.17
Sharpe Family Properties, LLC	1530100018	16.05

William R. Atkins, Jr.	1530100019	16.40
William R. Atkins, Jr	1530100029	30.94
Milly Wallis	1540100004	40.00
Thomas B. Ballard	1530100035A	4.91
Thomas B. Ballard	1530100032	16.22
Wenger Farms, LLC	1410100007	7.00
Katherine G. & William Mann	1510400003	50.00
Mitchell Family Ltd. Partnership	0740100002	48.49
	Total:	1,182.23

3. That pursuant to Sections 15.2-4312 and 15.2-4313 of the Act, the Board of Supervisors requires that no parcel in the District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

   a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCFs), provided: a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.

   b. No land outside the Primary Service Area and within the District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the District may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from Agricultural and Forestal Districts, adopted September 28, 2010.

   c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the Act, which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for WCFs on properties in the District that are in accordance with the County's policies and Ordinances regulating such facilities.

_____
Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:

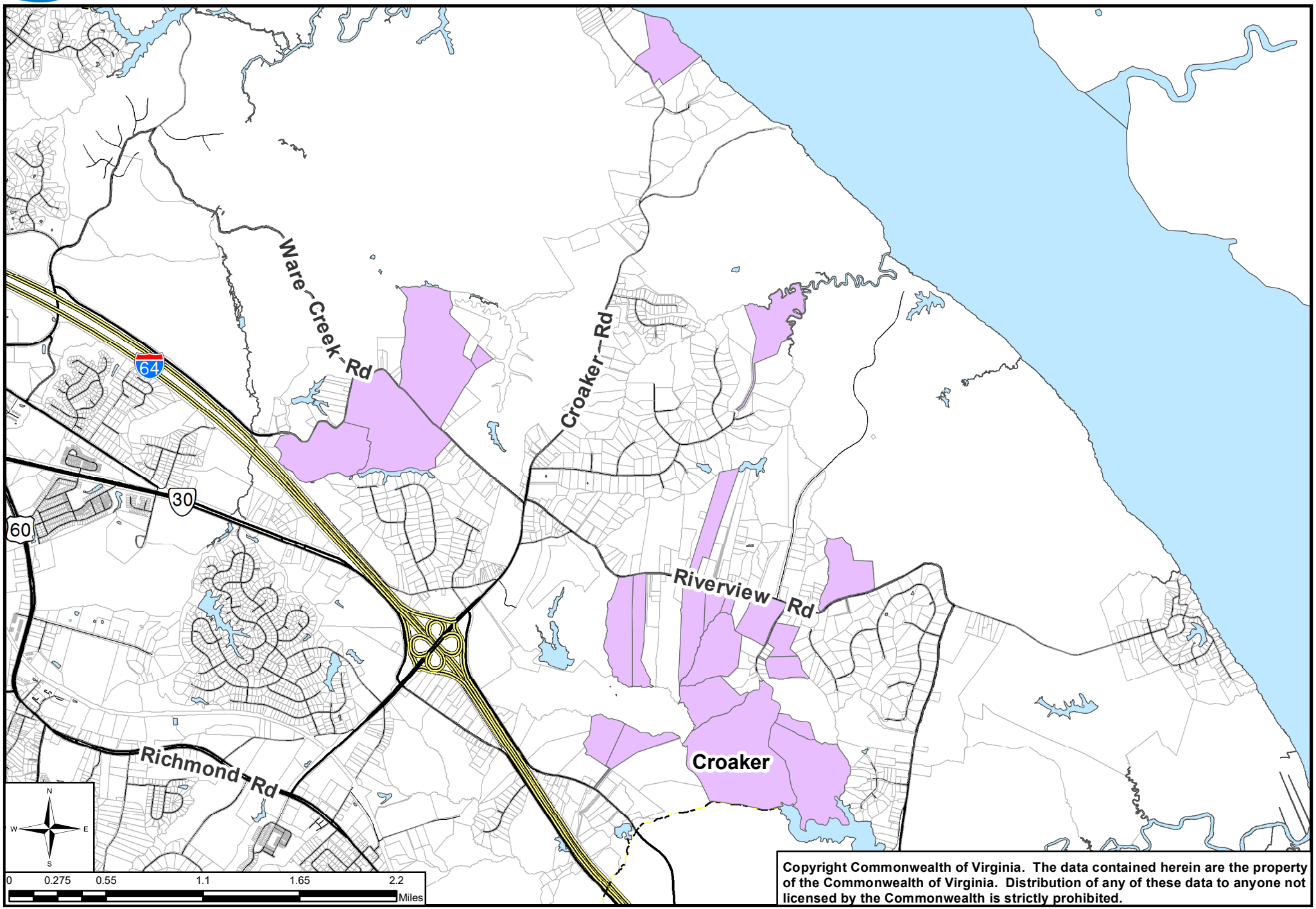
	VOTES		
	AYE	NAY	ABSTAIN
MCGLENNON	____	____	____
ICENHOUR	____	____	____
SADLER	____	____	____
HIPPLE	____	____	____
LARSON	____	____	____

_____
Teresa J. Fellows
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2018.

AFD-CroakerRnw-res

AFD-02-86-1-2018, Croaker 2018 Renewal



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ADOPTED

SEP 09 2014

Board of Supervisors
James City County, VA

ORDINANCE NO. 164A-15

AGRICULTURAL AND FORESTAL DISTRICT-02-86

CROAKER 2014 RENEWAL

WHEREAS, James City County has completed a review of the Gordon Creek Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code") property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the Croaker Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal District Advisory Committee at its meeting on July 7, 2014, voted 8-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission following its public hearing on August 6, 2014, concurred with the recommendation of staff and the AFD Advisory Committee and voted 6-0 to recommend renewal of the district with the conditions listed below.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Supervisors of James City County, Virginia, that:

1. The Croaker Agricultural and Forestal District is hereby continued to October 31, 2018, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.

2. That the district shall include the following parcels, provided, however, that all land within 25 feet of road rights-of-way is excluded from the district:

Owner	Parcel No.	Acres
Hankins Land Trust	1530100044	119.00
William and Mary Margaret Apperson	1440100015	51.45
V.D. McManus Estate	1530100043	119.85
V.D. McManus Estate	1530100042	10.10
V.D. McManus Estate	1530100036	40.40
Hazel M. Richardson & L.A. Richardson	1530100002	39.76
Clarence D. Richardson, Jr.	1530100034	39.78
J. Rosalie Will, Trustee	1440100010	40.00
Stephanie L. Billon-Wolfe, Trustee	1440100009	49.07
Wenger Farms, LLC	1320100018	95.30
Wenger Farms, LLC	1410100001	150.00
Wenger Farms, LLC	1410100014	143.50
Thomas B. Ballard	1530100035	53.17
Lasata, LLC	1530100018	16.05
Lasata, LLC	1530100019	16.39
Lasata, LLC	1530100029	30.93
Milly Wallis c/o Doris Lockley	1540100004	40.00

Thomas B. Ballard	1530100035A 4.91
Thomas B. Ballard	1530100032 .....16.21
Wenger Farms, LLC	1410100007 .....7.00
Katherine Mann	1510400003 .....50.00
Total:	.....1,132.90

3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Croaker Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

   a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCF), provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.

   b. No land outside the Primary Service Area and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Properties from AFDs, adopted September 28, 2010, as amended.

   c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	AYE	NAY	ABSTAIN
KENNEDY	X		
JONES	X		
MCGLENNON	X		
ONIZUK	X		
HIPPLE	X		

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of September, 2014.

AFD02-86-1-14Croaker-res

AGENDA ITEM NO. I-7

Agricultural and Forestal District-02-86-1-2014. Croaker AFD Renewal
Staff Report for the September 9, 2014, Board of Supervisors Public Hearing

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.

PUBLIC HEARINGS	**Building F Board Room; County Government Complex**
AFD Advisory Committee:	July 7, 2014, 4:00 p.m. (Human Services Building)
Planning Commission:	August 6, 2014, 7:00 p.m.
Board of Supervisors:	September 9, 2014, 7:00 p.m.

SUMMARY FACTS

Owners:	Parcel Number	Acres
Hankins Land Trust	1530100044	119.00
William and Mary Margaret Apperson	1440100015	51.45
V.D. McManus Estate	1530100043	119.85
V.D. McManus Estate	1530100042	10.10
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Hazel M. Richardson & L.A. Richardson	1530100002	39.76
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Milly Wallis c/o Doris Lockley	1540100004	40.00
Thomas B. Ballard	1530100035A	4.91
Thomas B. Ballard	1530100032	16.21
Wenger Farms, LLC	1410100007	7.00
Katherine Mann	1510400003	50.00
TOTAL ACRES		1,132.90

Zoning:	A-1, General Agricultural	
Comprehensive Plan:	Rural Lands and Conservation Area	
Primary Service Area:	Outside	
Staff Contact:	Luke Vinciguerra	Phone: 253-6783

STAFF RECOMMENDATION

Staff finds this Agricultural and Forestal District (AFD) consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends the Board of Supervisors renew the Croaker AFD for a period of four years, subject to the conditions listed in the attached resolution.

PLANNING COMMISSION RECOMMENDATION
At its August 6, 2014, meeting, the Planning Commission recommended the continuation of the District by a vote of 6-0 (Richardson absent).

AFD ADVISORY COMMITTEE RECOMMENDATION
At its July 7, 2014, meeting, the AFD Advisory Committee voted 8-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

Proposed Changes Made Since the Planning Commission Meeting
None.

SUMMARY
As required by State Code, the County must review all established AFDs prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-2-86, Croaker, which is scheduled to expire October 31, 2014.

Staff is attempting to synchronize the expiration dates of all districts. As part of the 2014 renewal process, staff is recommending a term of four years, making the proposed expiration date October 31, 2018.

DISTRICT HISTORY
The District was originally approved on November 17, 1986, for a term of 4 years. In July 1989, the Board of Supervisors approved the withdrawal of 421.773 acres associated with the Old Dominion French Winery property. The District was renewed a second time in 1994. Twenty-nine acres were added to the District on January 14, 1997, and 40 acres were added on January 13, 1998. The District was renewed by the Board in 1998 and 2002 with no additions or withdrawals. In 2006, 29 acres were withdrawn and in May 2007, 21 acres were added to the District. In 2010, the District was renewed and seven acres were added. In February 2014, an additional 50 acres were added.

The District includes all the land on the above-referenced properties with the exception of all land within 25 feet of arterial road rights-of-way. That property has been excluded from the District to allow for possible road and/or drainage improvements.

The Croaker AFD consists of approximately 1,132.9 acres located in and around the Croaker Road area, containing parcels which front on Ware Creek Road and Riverview Road.

ANALYSIS
The bulk of the District appears to consist of soils well suited for agriculture and is located a considerable distance from the I-64/Croaker Road interchange. The majority of the District is forested and remains rural in nature. All of the land within this District is zoned A-1, General Agricultural, and a major portion of the surrounding property is presently zoned A-1. The entire District is located outside the Primary Service Area and is designated Rural Lands and Conservation Area by the Comprehensive Plan.

REQUEST NOT TO CONTINUE IN THE AFD
No property owner has requested to not continue their participation in the AFD.

ADDITIONS
No property owner has requested land be added to the District during this renewal period.

CHANGE IN CONDITIONS
Staff is recommending a revision to Condition No. 2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts to refer to the most recent policy adopted in 2010. The proposed change is as follows:

~~"No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended."~~

No land outside the Primary Service Area and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.

STAFF RECOMMENDATION:
Staff finds this AFD consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. At its August 6, 2014, meeting, the Planning Commission voted to recommend the continuation of the District by a vote of 6-0 (Richardson absent). At its July 7, 2014, meeting, the AFD Advisory Committee voted 8-0 recommending the continuation of the District to the Planning Commission and Board of Supervisors. Staff recommends the Board of Supervisors renew the Croaker AFD for a period of four years, subject to the conditions listed in the attached resolution.

Luke Vinciguerra

CONCUR:

Allen J. Murphy, Jr.

LV/gb
AFD02-86-1-14Croaker

ATTACHMENTS:
1. Ordinance
2. Location Map
3. Existing ordinance and conditions, dated September 28, 2010
4. Ordinance for the addition of property, dated January 11, 2011
5. Ordinance for the addition of property, dated February 11, 2014
6. Approved minutes of the July 7, 2014, AFD Advisory Committee meeting (under separate cover)
7. Unapproved minutes of the August 6, 2014, Planning Commission meeting (under separate cover)

AGENDA ITEM NO. H.9.

ITEM SUMMARY

DATE: 9/11/2018

TO: The Board of Supervisors

FROM: Savannah Pietrowski, Senior Planner

SUBJECT: AFD-09-86-1-2018. Gordon Creek AFD Renewal

ATTACHMENTS:

	Description	Type
🗋	Staff Report	Staff Report
🗋	Attachment 1. Ordinance	Ordinance
🗋	Attachment 2. Location Map	Backup Material
🗋	Attachment 3. Adopted Conditions for the Gordon Creek AFD	Backup Material
🗋	Attachment 4. Property owner non-continue request, 2099 John Tyler Highway	Backup Material
🗋	Attachment 5. Board of Supervisors staff report for the 2014 renewal of the Gordon Creek AFD	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	8/24/2018 - 3:35 PM
Development Management	Holt, Paul	Approved	8/24/2018 - 3:35 PM
Publication Management	Burcham, Nan	Approved	8/24/2018 - 3:49 PM
Legal Review	Kinsman, Adam	Approved	8/27/2018 - 9:21 AM
Board Secretary	Fellows, Teresa	Approved	8/27/2018 - 3:16 PM
Board Secretary	Purse, Jason	Approved	9/4/2018 - 2:59 PM
Board Secretary	Fellows, Teresa	Approved	9/4/2018 - 3:36 PM

AGRICULTURAL AND FORESTAL DISTRICT-09-86-1-2018. Gordon Creek Renewal

Staff Report for the September 11, 2018, Board of Supervisors Public Hearing

SUMMARY FACTS

LAND OWNERS	PARCEL ID	±ACRES
Martha W. McMurran & SWR-Pinewood	3540100001	394.50
Edward Warburton, III & Regina L.	3520100001B	29.00
Edward Warburton	2940100011	56.20
David H. Allen & Stephanie M.	3420100002	132.98
Thomas R. Tucker, Trustee	3420100002A	25.02
Martha W McMurran & SWR-Pinewood	3630100003	264.00
Thomas L. Hitchens	3610100006	35.00
W.A. Thompson & Charles Flemming	3620100040	136.96
Claybank Landing, LLC	4320100012	33.83
Claybank Landing, LLC	4320100013	46.04
Claybank Landing, LLC	4320100014	44.92
Richardson Holdings Limited Partnership	3640100007	116.65
Richardson Holdings Limited Partnership	3030100003	33.00
Jane T. Carswell	3610100003	44.00
Martha W. McMurran & SWR-Pinewood	3610100004	37.62
Powhatan Associates	4410100001	387.42
Powhatan Associates	3530100001	241.68
Mary Rebecca Richardson Abbott	3620100018	43.55
Trust Company of Virginia	3540100009	56.15
Linda Henderson Gordon	3420100001	35.30
Williamsburg Pottery, Inc.	*4410100002*	*26.00**
Nayses Bay Land Co.	3510100003	32.00
Nayses Bay Land Co.	3510100006	34.30
William Kane	2940100003	4.00
William Kane	3030100007	8.00
William Kane	3520100007	131.00
William Kane	3610100001	8.33
William Kane	3610100002	13.00
Baxter I. Bell Jr., Trustee	4320100003	207.95
Robert Anson and S. Carswell	3520100010	28.36
Beatrice Richardson Est.	3640100009	22.00
Richardson Holdings Limited Partnership	3640100008	38.00
Pickett Holdings, LLC	3510100001	349.00
Jerry W. Nixon & Martha M.	3730100003	30.74
Michael B. and Michelle Ann Isler	3630100004	1.10
TOTAL ACRES		3,127.60

**Requesting to Withdraw*

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands and Low-Density Residential

Primary Service Area (PSA): Outside and Inside

Staff Contact: Savannah Pietrowski, Senior Planner

PUBLIC HEARING DATES

Planning Commission: August 1, 2018, 6:00 p.m.
Board of Supervisors: September 11, 2018, 5:00 p.m.

STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

AGRICULTURAL AND FORESTAL DISTRICT (AFD) ADVISORY COMMITTEE RECOMMENDATION

At its June 21, 2018 meeting, the AFD Advisory Committee voted 9-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

PLANNING COMMISSION RECOMMENDATION

At its August 1, 2018 meeting, the Planning Commission voted 5-0 to recommend the continuation of the District to the Board of Supervisors.

DISTRICT HISTORY

- The Gordon Creek AFD was created in 1986 for a term of four years and originally consisted of 26 parcels totaling ±3,337 acres.
- The District was renewed in 1990, 1994, 1998, 2002, 2006, 2010 and 2014 for four-year periods. Various additions and withdrawals occurred throughout these years.
- Since the 2014 renewal, the Board of Supervisors approved the withdrawal of ±1.45 acres of land (a portion of Parcel ID No. 3540100009) from the District.

DISTRICT DESCRIPTION

The majority of the District contains woodlands. All of the land in this District is zoned A-1, General Agricultural. The majority of the District is located outside of the PSA and is designated Rural Lands by the Comprehensive Plan. A small portion is located inside the PSA and is designated Low-Density Residential on the Comprehensive Plan. The continuation of AFD property within the PSA is consistent with the Comprehensive Plan as this would serve the public purpose of holding key tracts of land in agricultural and forestal uses until the appropriate time for development in the future.

Total acreage includes all the land in the above properties with the exception of all land within 25 feet of right-of-ways. This area has been excluded to allow for possible road and/or drainage improvements.

ADDITION/WITHDRAWAL REQUESTS

The owner of the property located at 2099 John Tyler Highway (Parcel ID No. 4410100002) has requested not to continue in the District.

CHANGES TO CONDITIONS

None.

SURROUNDING ZONING AND DEVELOPMENT

The Gordon Creek AFD is bordered to the east and south by several residential developments zoned R-4, Residential Planned Community, including Ford's Colony, Greensprings West, Greensprings Plantation and Governor's Land. The Yarmouth Island AFD is located to the north, with most land zoned A-1, General Agricultural. The Chickahominy River and associated marshland is located to the west.

COMPREHENSIVE PLAN

The Comprehensive Plan designates these parcels as Rural Lands and Low-Density Residential. Land Use Action 6.1.1 of the adopted Comprehensive Plan states the County shall "support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*."

STAFF RECOMMENDATION

Staff finds the Gordon Creek AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Board of Supervisors approval the renewal of this AFD for a period of four years, subject to the conditions listed in the District Ordinance (Attachment No. 1).

SP/nb
AFD-GordonCkRnw

Attachments:
1. Ordinance
2. Location Map
3. Adopted conditions for the Gordon Creek AFD
4. Property owner non-continue request, 2099 John Tyler Highway
5. Board of Supervisors staff report for the 2014 renewal of the Gordon Creek AFD

ORDINANCE NO._____

AGRICULTURAL AND FORESTAL DISTRICT-09-86-1-2018

GORDON CREEK 2018 RENEWAL

WHEREAS, James City County has completed a review of the Gordon Creek Agricultural and Forestal District (the "District"); and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code"), property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the District; and

WHEREAS, the Agricultural and Forestal District (AFD) Advisory Committee at its meeting on June 21, 2018, voted 9-0 to recommend renewal of the District; and

WHEREAS, the Planning Commission following its public hearing on August 1, 2018, concurred with the recommendation of staff and the AFD Advisory Committee and voted 5-0 to recommend renewal of the District with the conditions listed below.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that:

1. The Gordon Creek Agricultural and Forestal District (the "District") is hereby continued to October 31, 2022 in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq. (the "Act").

2. That the District shall include the following parcels, provided, however, that all land within 25 feet of road right-of-way is excluded from the District:

Owner	Parcel No.	Acres
Martha W McMurran & SWR-Pinewood	3540100001	394.50
Edward Warburton, III & Regina L	3520100001B	29.00
Edward Warburton	2940100011	56.20
David H. Allen & Stephanie M.	3420100002	132.98
Thomas R. Tucker, Trustee	3420100002A	25.02
Martha W McMurran & SWR-Pinewood	3630100003	264.00
Thomas L. Hitchens	3610100006	35.00
W.A. Thompson & Charles Flemming	3620100040	136.96
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Jane T. Carswell	3610100003	44.00
Martha W. McMurran & SWR-Pinewood	3610100004	37.62
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Powhatan Associates	3530100001	241.68
Mary Rebecca Richardson Abbott	3620100018	43.55
Trust Company of Virginia	3540100009	56.15
Linda Henderson Gordon	3420100001	35.30
Nayses Bay Land Co.	3510100003	32.00
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William Kane	2940100003	4.00
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Richardson Holdings Limited Partnership	3640100008	38.00
Pickett Holdings, LLC	3510100001	349.00
Jerry W. Nixon & Martha M.	3730100003	30.74
Michael B. & Michelle Ann Isler	3630100004	1.10
	Total:	3,101.60

3. That pursuant to Sections 15.2-4312 and 15.2-4313 of the Act, the Board of Supervisors requires that no parcel in the District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

   a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCF), provided: a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.

   b. No land outside the Primary Service Area and within the District may be rezoning and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the District may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from Agricultural and Forestal Districts, adopted September 28, 2010.

   c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the Act, which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for WCFs on properties in the District that are in accordance with the County's policies and Ordinances regulating such facilities.

_____
Ruth M. Larson
Chairman, Board of Supervisors

	VOTES		
	AYE	NAY	ABSTAIN
MCGLENNON	____	____	____
ICENHOUR	____	____	____
SADLER	____	____	____
HIPPLE	____	____	____
LARSON	____	____	____

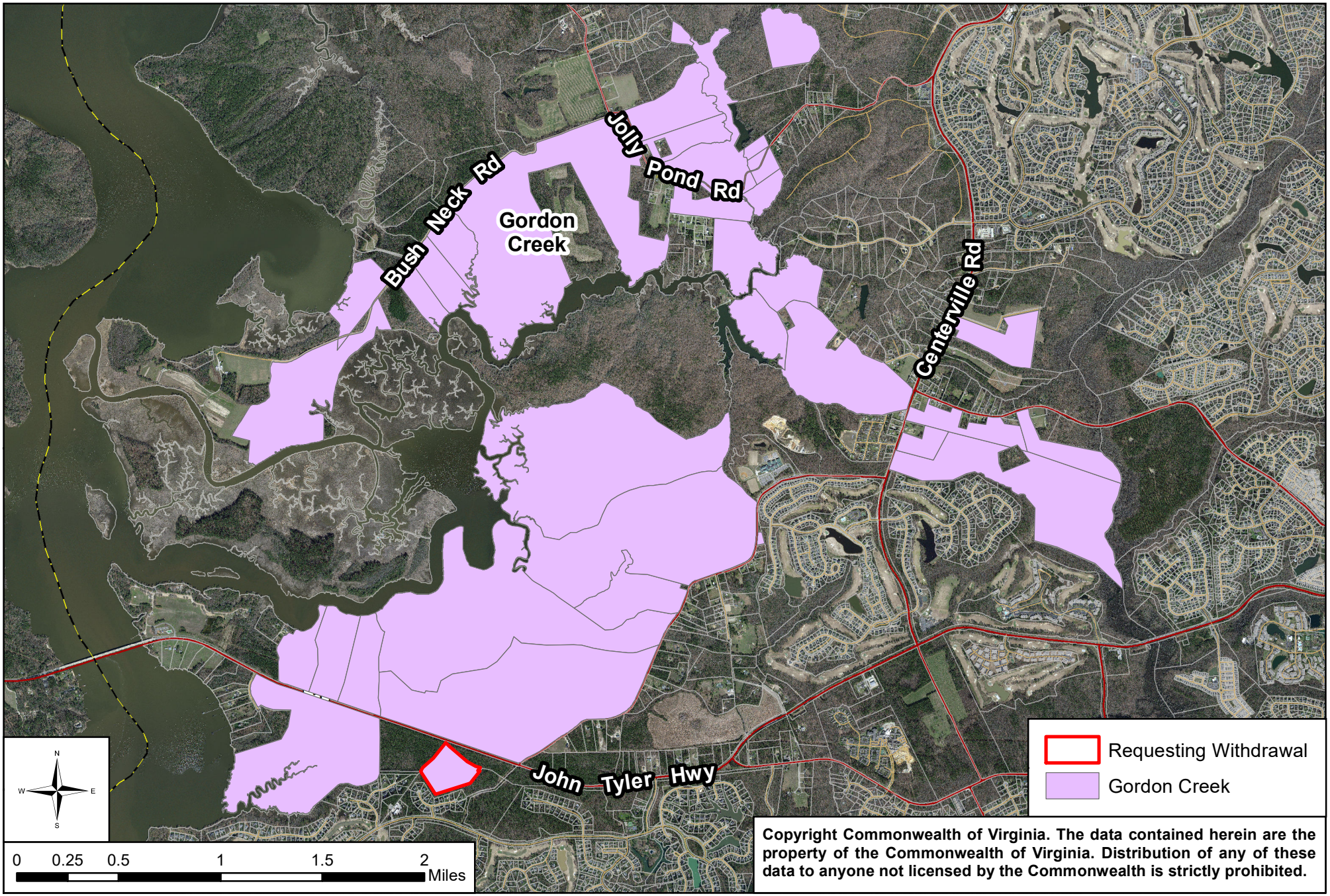
ATTEST:

_____
Teresa J. Fellows
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2018.

AFD-GordonCkRnw-res

JCC AFD-09-86-1-2018
Gordon Creek 2018 Renewal



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ADOPTED

SEP 09 2014

Board of Supervisors
James City County, VA

ORDINANCE NO. 170A-20

AGRICULTURAL AND FORESTAL DISTRICT 09-86

GORDON CREEK 2014 RENEWAL

WHEREAS, James City County has completed a review of the Gordon Creek Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code") property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the Gordon Creek Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal District Advisory Committee at its meeting on July 7, 2014, voted 8-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission following its public hearing on August 6, 2014, concurred with the recommendation of staff and the AFD Advisory Committee and voted 6-0 to recommend renewal of the district with the conditions listed below.

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2. That the district shall include the following parcels, provided, however, that all land within 25 feet of road rights-of-way is excluded from the district:

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Richardson Holdings Limited Partnership	3030100003	33.00
Jane T. Carswell	3610100003	44.00

Martha W. McMurran and SWR-MISC,LLC	3610100004	37.62
Powhatan Associates	4410100001	387.42
Powhatan Associates	3530100001	241.68
Mary Rebecca Richardson Abbott	3620100018	43.55
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Linda Henderson Gordon	3420100001	35.30
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Beatrice Richardson Est.	3640100009	22.00
Richardson Holdings Limited Partnership	3640100008	38.00
Pickett Holdings, LLC	3510100001	349.00
Jerry W. Nixon and Martha M.	3730100003	30.74
Michael B. Isler and Michelle Ann	3630100004	1.10
	Total:	3,129.05

3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Gordon Creek Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

   a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCF), provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.

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   c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	AYE	NAY	ABSTAIN
KENNEDY	X	____	____
JONES	X	____	____
MCGLENNON	X	____	____
ONIZUK	X	____	____
HIPPLE	X	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of September, 2014.

AFD09-86-14GordonCk-res

GEDDY, HARRIS, FRANCK & HICKMAN, L.L.P.
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VERNON M. GEDDY, JR. (1926-2005)
STEPHEN D. HARRIS
SHELDON M. FRANCK
VERNON M. GEDDY, III
SUSANNA B. HICKMAN
ANDREW M. FRANCK

MICHAEL A. GATEN
SHERRI L. NELSON

July 10, 2017

Mr. Jason Purse
Assistant County Administrator
101-D Mounts Bay Road
Williamsburg, VA 23185

Mr. Paul Holt
Director, Community Development
101-A Mounts Bay Road
Williamsburg, VA 23185

Re: Williamsburg Pottery Factory, Inc. – Tax Parcel No. 4410100002 – Gordon Creek Agricultural and Forrestal District

Dear Jason and Paul:

I am writing on behalf of our client, The Williamsburg Pottery Factory, Inc., to request that the referenced parcel be withdrawn from the Gordon Creek Agricultural and Forrestal District upon its renewal in 2018. Please let me know if you need anything further.

Very truly yours,

Vernon M. Geddy, III

VMGIII/rlc

Cc: Mr. Peter Kao

PLANNING DIVISION

JUL 12 2017

RECEIVED

AGENDA ITEM NO. I-8

Case No. AFD-09-86-1-2014. Gordon Creek Agricultural and Forestal District Renewal

Staff Report for the September 9, 2014, Board of Supervisors Public Hearing

This staff report is prepared by the James City County Planning Division to provide information to the AFD Advisory Committee, 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.

PUBLIC HEARINGS — **Building F Board Room; County Government Complex**

AFD Advisory Committee: July 7, 2014, 4:00 p.m. (Human Services Building)
Planning Commission: August 6, 2014, 7:00 p.m.
Board of Supervisors: September 9, 2014, 7:00 p.m.

SUMMARY FACTS

Owners:	Parcel No.	Acres
Martha W. McMurran and SWR-Pinewood	3540100001	394.50
Edward Warburton, III and Regina L.	3520100001B	29.00
Edward Warburton	2940100011	56.20
David H. Allen and Stephanie M.	3420100002	132.98
Thomas R. Tucker, Trustee	3420100002A	25.02
Martha W. McMurran and SWR-Pinewood	3630100003	264.00
Thomas L. Hitchens	3610100006	35.00
W.A. Thompson and Charles Flemming	3620100040	136.96
Claybank Landing, LLC	4320100012	33.83
Claybank Landing, LLC	4320100013	46.04
Claybank Landing, LLC	4320100014	44.92
Richardson Holdings Limited Partnership	3640100007	116.65
Richardson Holdings Limited Partnership	3030100003	33.00
Jane T. Carswell	3610100003	44.00
Martha W. McMurran and SWR-MISC,LLC	3610100004	37.62
Powhatan Associates	4410100001	387.42
Powhatan Associates	3530100001	241.68
Mary Rebecca Richardson Abbott	3620100018	43.55
Trust Company of Virginia, c/o Greg Davis	3540100009	57.60
Linda Henderson Gordon	3420100001	35.30
Williamsburg Pottery, Inc.	4410100002	26.00
Nayses Bay Land Co.	3510100003	32.00
Nayses Bay Land Co.	3510100006	34.30
William Kane	2940100003	4.00
William Kane	3030100007	8.00
William Kane	3520100007	131.00
William Kane	3610100001	8.33
William Kane	3610100002	13.00
Baxter I. Bell Jr., Trustee	4320100003	207.95
Robert Anson and S. Carswell	3520100010	28.36
Beatrice Richardson Est.	3640100009	22.00
Richardson Holdings Limited Partnership	3640100008	38.00
Pickett Holdings, LLC	3510100001	349.00
Jerry W. Nixon and Martha M.	3730100003	30.74
Michael B. Isler and Michelle Ann	3630100004	1.10
	TOTAL ACRES	3,129.05

Zoning: A-1, General Agricultural

Comprehensive Plan: Low Density Residential, Rural Lands and Conservation Area

Primary Service Area: Two parcels inside, with the remainder located outside the Primary Service Area (PSA)

STAFF RECOMMENDATION

Staff finds this Agricultural and Forestal District (AFD) consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends the Board of Supervisors renew the Gordon Creek AFD for a period of four years, subject to the conditions listed in the attached resolution.

Staff Contact: Luke Vinciguerra Phone: 253-6783

PLANNING COMMISSION RECOMMENDATION

At its August 6, 2014, meeting, the Planning Commission recommended the continuation of the District by a vote of 6-0 (Richardson absent).

AFD ADVISORY COMMITTEE RECOMMENDATION

At its July 7, 2014, meeting, the AFD Advisory Committee voted 8-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

Proposed Changes Made Since the Planning Commission Meeting

A property owner has requested not to continue 516.17 acres in the AFD (Attachment No. 9).

SUMMARY

As required by State Code, the County must review all established AFDs prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-9-86, Gordon Creek, which is scheduled to expire October 31, 2014.

Staff is attempting to synchronize the expiration dates of all districts. As part of the 2014 renewal process, staff is recommending a term of four years, making the expiration date October 31, 2018.

DISTRICT HISTORY

The District was approved on December 1, 1986, for a term of four years. It was subsequently renewed for four-year terms in October 1990, October 1994, September 1998, August 2002, and July 2006. There have been several additions to the Gordon Creek AFD since 1994. Approximately 40 acres of land was taken out of the District in May 2006 for the purpose of constructing the 8th Williamsburg-James City County (W-JCC) Elementary School. Originally, the property was a part of the approximately 164-acre parcel placed in the AFD by the previous owner. During the April 2006 renewal, the Barrett's Ferry AFD was terminated and the remaining land was transferred to the Gordon Creek AFD. The transfer consisted of one parcel of approximately 210 acres in land, mostly wooded in nature. On July 8, 2008, the Board of Supervisors removed 165.50 acres of land from the Gordon Creek AFD District as a part of the Ford's Colony, Section 37 rezoning. In 2010, the District was renewed for a four-year term with no addition or withdrawal of property. Since the 2010 renewal, property owned by Claybank Landing, LLC has been subdivided; however, this does not affect the size of the district. Additionally, 30.74 acres were added by Martha and Jerry Nixon, 349 acres were added by Pickett Holdings LLC, 38 acres were added by Richardson Holdings Limited Partnership, and 22 acres were added by Beatrice Richardson Estate.

The District includes all the land on the above-referenced properties with the exception of all land within 25 feet of arterial road rights-of-way. That property has been excluded from the District to allow for possible road and/or drainage improvements.

The Gordon Creek AFD consists of approximately 3,129.05 acres located in and around the Centerville Road/News Road area. The AFD contains parcels which front on the following roads: News Road, John Tyler Highway, Centerville Road, Bush Neck Road, Jolly Pond Road, and Brick Bat Road.

ANALYSIS

The majority of the District contains woodlands. All of the land within this District is zoned A-1, General Agricultural, and a major portion of the surrounding property is presently zoned A-1 and is forested. Most of the District is designated Rural Lands by the Comprehensive Plan. The Nayses Bay area is designated as Conservation Area by the Comprehensive Plan. The majority of the District is located outside of the PSA and the area remains relatively rural in nature. A small portion (340.74acres) is located inside the PSA, the area of the County that has been designated for growth. The continuation of AFD property within the PSA is consistent with the Comprehensive Plan as this would serve the public purpose of holding key tracts of land temporarily while development plans can be created, maximizing the potential use of the property.

REQUEST NOT TO CONTINUE IN THE AFD

A property owner of 3010 Jolly Pond Road, 4085 Centerville Road, and additional unaddressed property has requested not to continue in the AFD (Attachment No.9).

ADDITIONS

No property owner has requested land be added to the District during this renewal period.

CHANGE IN CONDITIONS

Staff is recommending a revision to Condition No. 2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts to refer to the most recent policy adopted in 2010. The proposed change is as follows:

~~"No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended."~~

No land outside the Primary Service Area and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.

STAFF RECOMMENDATION

Staff finds this AFD consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. At its August 6, 2014, meeting, the Planning Commission voted to recommend the continuation of the District by a vote of 6-0 (Richardson absent). At its July 7, 2014, meeting, the AFD Advisory Committee voted 8-0 recommending the continuation of the District to the Planning Commission and Board of Supervisors. Staff recommends the Board of Supervisors renew the Gordon Creek AFD for a period of four years, subject to the conditions listed in the attached resolution.

Luke Vinciguerra

CONCUR:

Allen J. Murphy, Jr.

LV/nb
AFD09-86-14GordonCk

Attachments:
1. Ordinance
2. Location Map
3. Existing ordinance and conditions, dated September 28, 2010
4. Ordinance for the addition of property, dated December 14, 2010
5. Ordinance for the addition of property, dated March 8, 2011
6. Ordinance for the addition of property, dated July 9, 2013
7. Approved minutes of the July 7, 2014, AFD Advisory Committee meeting (under separate cover)
8. Unapproved minutes of the August 6, 2014, Planning Commission meeting (under separate cover)
9. Property owner non-continue request.

AGENDA ITEM NO. H.10.

ITEM SUMMARY

DATE: 9/11/2018

TO: The Board of Supervisors

FROM: Tori Haynes, Planner

SUBJECT: AFD-12-86-1-2018. Gospel Spreading Church AFD Renewal

---

ATTACHMENTS:

	Description	Type
🗋	Staff Report	Staff Report
🗋	Attachment 1. Ordinance	Ordinance
🗋	Attachment 2. Location Map	Backup Material
🗋	Attachment 3. Adopted conditions for the Gospel Spreading Church AFD	Backup Material
🗋	Attachment 4. Staff report from the September 9, 2014 BOS meeting	Backup Material
🗋	Attachment 5. Staff memo from the October 28, 2014 BOS meeting	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	8/24/2018 - 3:36 PM
Development Management	Holt, Paul	Approved	8/24/2018 - 3:36 PM
Publication Management	Burcham, Nan	Approved	8/24/2018 - 3:53 PM
Legal Review	Kinsman, Adam	Approved	8/27/2018 - 9:22 AM
Board Secretary	Fellows, Teresa	Approved	8/27/2018 - 3:10 PM
Board Secretary	Purse, Jason	Approved	9/4/2018 - 3:00 PM
Board Secretary	Fellows, Teresa	Approved	9/4/2018 - 3:36 PM

SUMMARY FACTS

LANDOWNERS	PARCEL ID	±ACRES
JCC Bible & Agricultural Training School	4830100035	403.55
JCC Bible & Agricultural Training School	5620100001	457.79
Roderick B. Perkinson	4740100037	27.92
Robert & Meredith Gilley	4740100042C	2.89
Merewin Farms, LLC	4740100042E	*56.49
Leigh Ann Gilley	4740100040	*56.58
Terri Lynn Gilley	4740100041	*56.63
R. Edwin II, Leigh Ann, & Terri Lynn Gilley	4830100042	71.33
TOTAL ACRES		1,133.18

Zoning:	A-1, General Agricultural R-1, Limited Residential R-2, General Residential R-8, Rural Residential
Comprehensive Plan:	Rural Lands Low-Density Residential
Primary Service Area (PSA):	Inside and Outside
Staff Contact:	Tori Haynes, Planner

PUBLIC HEARING DATES

Planning Commission:	August 1, 2018, 6:00 p.m.
Board of Supervisors:	September 11, 2018, 5:00 p.m.

STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

AGRICULTURAL AND FORESTAL DISTRICT (AFD) ADVISORY COMMITTEE RECOMMENDATION

At its June 21, 2018 meeting, the AFD Advisory Committee voted 9-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

PLANNING COMMISSION RECOMMENDATION

At its August 1, 2018 meeting, the Planning Commission voted 5-0 to recommend the continuation of the District to the Board of Supervisors.

DISTRICT HISTORY

- The Gospel Spreading Church AFD was created in 1986 for a term of four years and originally consisted of nine parcels totaling ±1,173 acres.
- A separate adjacent AFD, titled "Gospel Spreading Church (Gilley Addition)," was created in 1987, consisting of five parcels totaling ±208 acres.
- Gospel Spreading Church AFD and Gospel Spreading Church (Gilley Addition) AFD were renewed for four-year terms in 1990, 1994 and 1998.
- In 2002, Gospel Spreading Church (Gilley Addition) AFD was discontinued due to falling below the minimum required acreage for a District. The remaining eligible parcels were merged with the Gospel Spreading Church AFD.

- The merged District was renewed in 2006 and 2010.

- The District was renewed at the September 9, 2014 Board of Supervisors meeting, but was brought back before the Board for consideration the following month due to an incorrect parcel list on the adopted Ordinance. The Board of Supervisors adopted the revised renewal Ordinance on October 28, 2014.

- Various additions and withdrawals have occurred since 1990. Since 2014, there have been no requested additions or withdrawals to the District.

- Acreages denoted with an asterisk (*) in the summary facts table reflect a boundary line adjustment between several parcels in the District in 2016. There was no request to withdraw land from the District; however, staff notes that there is a 0.44 acre net decrease in the District's total acreage compared to 2014, due to the updated area calculations from the most recent survey.

DISTRICT DESCRIPTION

The Gospel Spreading Church AFD consists of woodlands, wetlands and farmland. The majority of the District is zoned R-8, Rural Residential and A-1, General Agricultural. Portions of two parcels are zoned R-1, Limited Residential and R-2, General Residential, respectively. Approximately 861 acres are located outside the PSA, while the remaining ±271 acres are located inside the PSA. Comprehensive Plan designations include Rural Lands and Low-Density Residential.

ADDITION/WITHDRAWAL REQUESTS

None.

CHANGES TO CONDITIONS

None.

SURROUNDING ZONING AND DEVELOPMENT

The District is generally surrounded by residential housing zoned R-1, Limited Residential or R-2, General Residential. Adjacent subdivisions include Page Landing, Peleg's Point, Lake Powell Forest, Rolling Woods and Vineyards at Jockey's Neck. The Colonial Parkway serves as the District's southern border.

COMPREHENSIVE PLAN

The Comprehensive Plan designates these parcels as Rural Lands and Low-Density Residential. Land Use Action 6.1.1 of the adopted Comprehensive Plan states the County shall "support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*."

STAFF RECOMMENDATION

Staff finds the Gospel Spreading Church AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Board of Supervisors approve the renewal of this AFD for a period of four years, subject to the conditions listed in the District Ordinance (Attachment No. 1).

TH/md
AFD-GospelChRenew

Attachments:
1. Ordinance
2. Location Map
3. Adopted conditions for the Gospel Spreading Church AFD
4. Staff report from the September 9, 2014, Board of Supervisors meeting
5. Staff memorandum from the October 28, 2014, Board of Supervisors meeting

ORDINANCE NO._____

AGRICULTURAL AND FORESTAL DISTRICT-12-86-1-2018

GOSPEL SPREADING CHURCH FARM 2018 RENEWAL

WHEREAS, James City County has completed a review of the Gospel Spreading Church Farm Agricultural and Forestal District (the "District"); and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code"), property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the District; and

WHEREAS, the Agricultural and Forestal District (AFD) Advisory Committee at its meeting on June 21, 2018, voted 9-0 to recommend renewal of the District; and

WHEREAS, the Planning Commission following its public hearing on August 1, 2018, concurred with the recommendation of staff and the AFD Advisory Committee and voted 5-0 to recommend renewal of the District with the conditions listed below.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that:

1. The Gospel Spreading Church Farm Agricultural and Forestal District (the "District") is hereby continued to October 31, 2022 in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq. (the "Act").

2. That the District shall include the following parcels, provided, however, that all land within 25 feet of road right-of-ways is excluded from the District:

Owner	Parcel ID No.	±Acres
JCC Bible & Agricultural Training School	4830100035	403.55
JCC Bible & Agricultural Training School	5620100001	457.79
Roderick B. Perkinson	4740100037	27.92
Robert E. II & Meredith H. Gilley	4740100042C	2.89
Merewin Farms, LLC	4740100042E	56.49
Leigh Ann Gilley	4740100040	56.58
Terri Lynn Gilley	4740100041	56.63
R. Edwin II, Leigh Ann & Terri Lynn Gilley	4830100042	71.33
	Total:	1,133.18

3. That pursuant to Sections 15.2-4312 and 15.2-4313 of the Act, the Board of Supervisors requires that no parcel in the District be developed to a more intensive

use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCFs), provided: a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.

b. No land outside the Primary Service Area and within the District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the District may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from Agricultural and Forestal Districts, adopted September 28, 2010.

c. No Special Use Permit (SUP)shall be issued except for agricultural, forestal, or other activities and uses consistent with the Act, which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SPUs for WCFs on properties in the District that are in accordance with the County's policies and Ordinances regulating such facilities.

_____
Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:

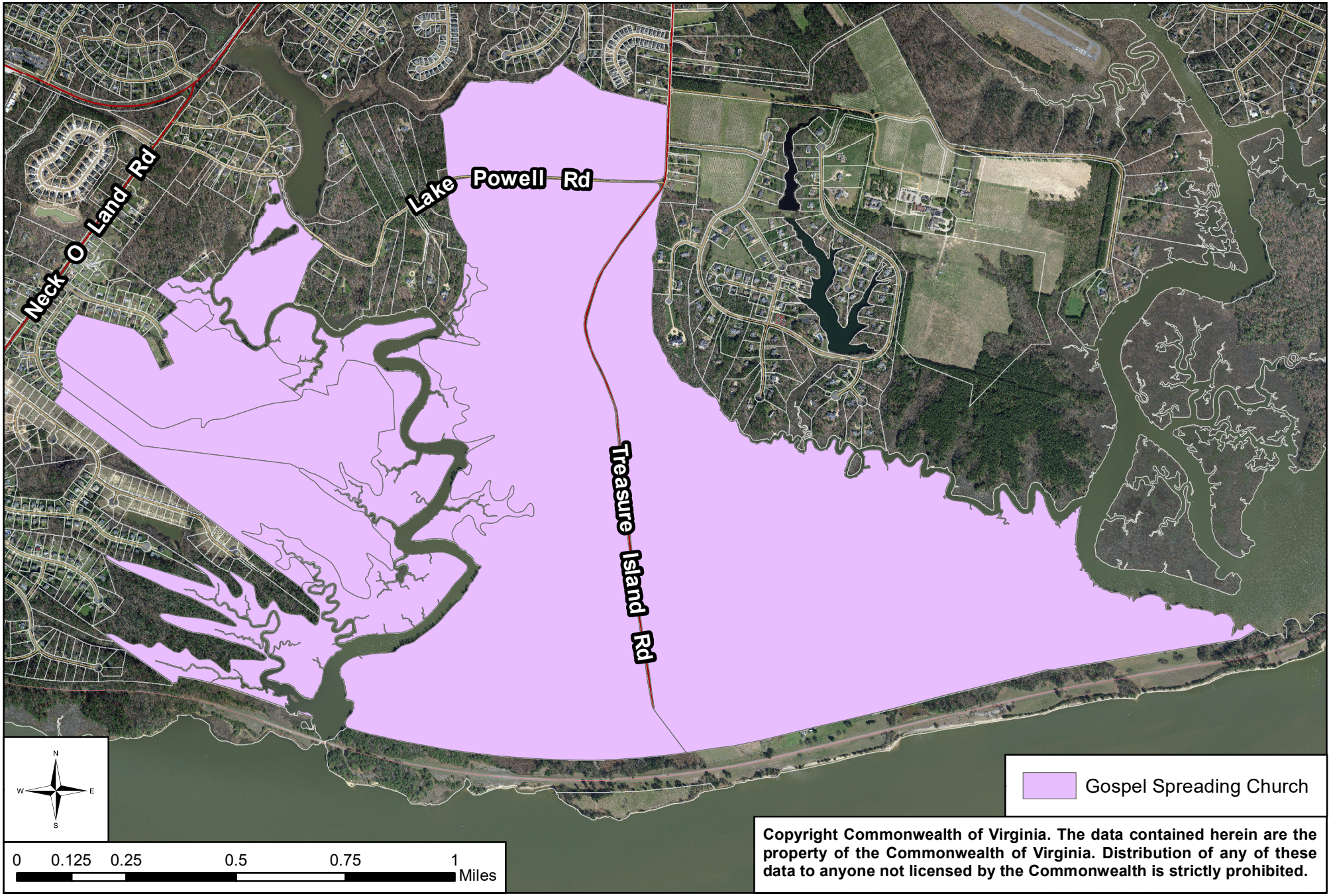
	VOTES		
	AYE	NAY	ABSTAIN
MCGLENNON	____	____	____
ICENHOUR	____	____	____
SADLER	____	____	____
HIPPLE	____	____	____
LARSON	____	____	____

_____
Teresa J. Fellows
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2018.

AFDGospSCFrmRenw-res

JCC AFD-12-86-1-2018
Gospel Spreading Church 2018 Renewal



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ADOPTED

OCT 28 2014

Board of Supervisors
James City County, VA

ORDINANCE NO. 173A-19

CASE NO. AFD 12-86-1-2014. GOSPEL SPREADING CHURCH FARM

AGRICULTURAL AND FORESTAL DISTRICT (AFD) RENEWAL

WHEREAS, James City County has completed a review of the Gospel Spreading Church Farm Agricultural and Forestal District (AFD); and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code") property owners have been notified, public notices have been filed, public hearings have been advertised and public hearings have been held on the continuation of the Gospel Spreading Church Farm AFD; and

WHEREAS, the AFD Advisory Committee, at its meeting on July 7, 2014, voted 8-0 to recommend renewal of the District; and

WHEREAS, the Planning Commission, following its public hearing on August 6, 2014, concurred with the recommendation of staff and the AFD Advisory Committee and voted 6-0 to recommend renewal of the District with the conditions listed below.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that:

1. The Gospel Spreading Church Farm AFD is hereby continued to October 31, 2018, in accordance with the provisions of the Virginia AFD Act, Virginia Code Section 15.2-4300 et seq.

2. The District shall include the following parcels provided; however, that all land within 25 feet of road rights-of-way is excluded from the district:

Owner	Parcel No.	Acres
James City County Bible and Agricultural Training School	4830100035	403.55
James City County Bible and Agricultural Training School	5620100001	457.79
Roderick B. Perkinson	4740100037	27.92
Robert E. Gilley, II and Meredith H. Gilley	4740100042C	2.89
Regjag, LLC	4740100042D	2.81
Regjag, LLC	4740100042E	16.29
Regjag, LLC	4740100040	42.84
Regjag, LLC	4740100041	108.20
Regjag, LLC	4830100042	71.33
	Total:	1,133.62

3. Pursuant to Virginia Code Sections 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Gospel Spreading Church Farm AFD be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

   a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County subdivision ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCF), provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.

   b. No land outside the Primary Service Area and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Properties from AFDs, adopted September 28, 2010, as amended.

   c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	VOTES			
	AYE	NAY	ABSTAIN	ABSENT
KENNEDY	___	___	___	X
JONES	X	___	___	___
MCGLENNON	X	___	___	___
ONIZUK	X	___	___	___
HIPPLE	X	___	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of October, 2014.

AFD12-86-1-14GospelCF-res

AGENDA ITEM NO. I-9

Case No. AFD 12-86-1-2014. Gospel Spreading Church Farm Agricultural and Forestal District Renewal

Staff Report for the September 9, 2014, Board of Supervisors Public Hearing

This staff report is prepared by the James City County Planning Division to provide information to the AFD Advisory Committee, 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.

PUBLIC HEARINGS	**Building F Board Room; County Government Complex**
AFD Advisory Committee:	July 7, 2014, 4:00 p.m. (Human Services Building)
Planning Commission:	August 6, 2014, 7:00 p.m.
Board of Supervisors:	September 9, 2014, 7:00 p.m.

SUMMARY FACTS

Owners:	Parcel No.	Acres
JCC Bible and Agricultural Training School	4830100035	403.55
JCC Bible and Agricultural Training School	5620100001	457.79
Roderick B. Perkinson	4740100037	27.92
Robert E. Gilley, II and Meredith H. Gilley	4740100042C	2.89
REGJAG, LLC	4740100042F	56.58
REGJAG, LLC	4740100042E	56.40
REGJAG, LLC	4740100041	56.63
REGJAG, LLC	4830100042	71.33
	TOTAL ACRES	1,133.09

Zoning: A-1, General Agricultural; R-8, Rural Residential; R-2, General Residential; and R-1, Limited Residential

Comprehensive Plan: Rural Lands; Low Density Residential and Conservation Area

Primary Service Area: Inside and Outside

STAFF RECOMMENDATION

Staff finds this Agricultural and Forestal District (AFD) consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends the Board of Supervisors renew the Gospel Spreading Church Farm AFD for a period of four years, subject to the conditions listed in the attached resolution.

Staff Contact: Luke Vinciguerra Phone: 253-6783

PLANNING COMMISSION RECOMMENDATION

At its August 6, 2014, meeting, the Planning Commission recommended the continuation of the District by a vote of 6-0 (Richardson absent).

AFD ADVISORY COMMITTEE RECOMMENDATION

At its July 7, 2014, meeting, the AFD Advisory Committee voted 8-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

Proposed Changes Made Since the Planning Commission Meeting

The property owner of 131 Smokehouse Lane has requested not to continue 3,200 square feet of his 56-acre property (see Attachment Nos. 6 and 7) in the District. Additionally, the property owner has applied for a special use permit (SUP-0008-2014) to allow the parking of construction equipment. This case is scheduled for the September 3, 2014, Planning Commission meeting. A plat subdividing land owned by Regjag, LLC and Leigh Ann Gilley (S-008-2014) was approved August 11, 2014, which has resulted in changes to parcel ID's and acreages compared to the 2010 Ordinance.

SUMMARY

As required by State Code, the County must review all established AFDs prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-12-86, Gospel Spreading Church Farm, which is scheduled to expire October 31, 2014.

Staff is attempting to synchronize the expiration dates of all districts. As part of the 2014 renewal process, staff is recommending a term of four years, making the proposed expiration date October 31, 2018.

DISTRICT HISTORY

This District was approved on December 1, 1986, for a term of four years and the Board of Supervisors approved four-year renewals in 1990, 1994, 1998, and 2002. The following changes have occurred since 2002: a 26.46-acre parcel has been withdrawn and added several times, finally withdrawing for the final time in 2002; a 22.97-acre parcel was withdrawn in 2002; the former Gilley District (AFD-13-86) of approximately 198 acres was added in 2002 (a 27-acre parcel did not transfer, making the addition approximately 173 acres); and an additional 71.33 acres was added in 2004. In 2006, two properties totaling 57 acres were removed. In 2010 the District was renewed for a four-year term with no addition or withdrawal of property.

The District includes all the land on the above properties with the exception of all land within 25 feet of arterial road rights-of-way. That property has been excluded from the District to allow for possible road improvements.

The Gospel Spreading Church Farm AFD consists of approximately 1,133.09 acres located from College Creek extending west to Neck-O-Land Road.

ANALYSIS

The majority of the District primarily consists of woodland. The remainder of the property in the District is in open land and swamp or wetlands. Property within this District is zoned mostly R-8, Rural Residential, R-2, General Residential, and R-1, Limited Residential, and is not developed. Portions of parcels are zoned A-1, General Agricultural. The majority of surrounding property has been developed residentially. The majority of the District (approximately 950 acres) is designated Rural Lands or Conservation Area by the Comprehensive Plan, with the several parcels (approximately 240 acres) designated Low-Density Residential. Most of the AFD is located along Lake Powell Road and Treasure Island Road. A majority of the land within this District (860 acres) is located outside of the Primary Service Area (PSA). The remaining parcels lie within the PSA, an area of the County that has been designated for growth. The continuation of AFD property within the PSA is consistent with the Comprehensive Plan as this would serve the public purpose of holding key tracts of land temporarily while development plans can be created, maximizing the potential use of the property.

REQUEST NOT TO CONTINUE IN THE AFD

The property owner of 131 Smokehouse Lane has requested not to continue 3,200 square feet of his 56-acre property (see Attachment Nos. 6 and 7) in the District.

ADDITIONS

No property owner has requested land be added to the District during this renewal period.

CHANGE IN CONDITIONS

Staff is recommending a revision to Condition No. 2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts to refer to the most recent policy adopted in 2010. The proposed change is as follows:

~~"No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended."~~

No land outside the Primary Service Area and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.

STAFF RECOMMENDATION

Staff finds this AFD consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. At its August 6, 2014, meeting, the Planning Commission voted to recommend the continuation of the District by a vote of 6-0 (Richardson absent). At its July 7, 2014, meeting, the AFD Advisory Committee voted 8-0 recommending the continuation of the District to the Planning Commission and Board of Supervisors. Staff recommends the Board of Supervisors renew the Gospel Spreading Church Farm AFD for a period of four years, subject to the conditions listed in the attached resolution.

Luke Vinciguerra

CONCUR:

Allen J. Murphy, Jr.

LV/nb
AFD12-86-1-14GospelC

Attachments:
1. Ordinance
2. Location Map
3. Existing ordinance and conditions, dated September 28, 2010
4. Approved minutes of the July 7, 2014, AFD Advisory Committee meeting (under separate cover)
5. Unapproved minutes of the August 6, 2014, Planning Commission meeting (under separate cover)
6. 131 Smokehouse Lane non-continue request
7. 131 Smokehouse Lane exhibit

AGENDA ITEM NO. H-4

M E M O R A N D U M

DATE: October 28, 2014

TO: The Board of Supervisors

FROM: Paul D. Holt, III, Director of Planning

SUBJECT: Case No. AFD 12-86-1-2014. Gospel Spreading Church Farm Agricultural and Forestal District (AFD) Renewal

---

This case was previously considered by the Board of Supervisors at its September 9, 2014 meeting, at which time the Board renewed the District until October 31, 2018.

When the District was renewed in September, the ordinance listed three parcels owned by Regjag, LLC: more specifically, Parcel Nos. 4740100042F (56.58 acres), 4740100042E (56.40 acres), and 4740100041 (56.63 acres).

On August 11, 2014, Regjag, LLC received final subdivision plat approval to create these three lots and the above-referenced tax map ID numbers were subsequently created by the Real Estate Assessments Division and used in the September 9 ordinance.

The owner has now informed staff that he does not wish to record the approved subdivision plat in its current form.

Therefore, to ensure the Agricultural and Forestal District (AFD) renewal ordinance does not reference parcels which have not yet been recorded, staff recommends approval of the attached revised ordinance renewing the Gospel Spreading Church Farm AFD until October 31, 2018.

The ordinance has been updated to reflect the current tax map ID numbers as they currently exist. The revised ordinance merely updates the parcel references and the property contained within the AFD remains the same as it did on September 9, 2014. As a reminder, the District renewal did not include a 3,200-square-foot piece of land which is the subject of a Special Use Permit (SUP) application request (Parcel No. 4740100041). The SUP application will be considered by the Board separately and is tentatively scheduled for a public hearing with the Board of Supervisors at the December 9, 2014 meeting.

Paul D. Holt, III

CONCUR:

Allen J. Murphy, Jr.

PDH/nb
AFD12-86-1-14GospelCF-mem

Attachments:
1. Ordinance
2. Applicant's Letter
3. Staff Report from the September 9, 2014, Board of Supervisors meeting

AGENDA ITEM NO. H.11.

ITEM SUMMARY

DATE: 9/11/2018

TO: The Board of Supervisors

FROM: Roberta Sulouff, Senior Planner

SUBJECT: AFD-03-86-1-2018. Hill Pleasant Farm AFD Renewal

ATTACHMENTS:

	Description	Type
🗋	Staff Report	Staff Report
🗋	Attachment 1. Ordinance	Ordinance
🗋	Attachment 2. Location Map	Backup Material
🗋	Attachment 3. Property owner withdrawal request	Backup Material
🗋	Attachment 4. Adopted conditions for the Hill Pleasant Farm AFD	Backup Material
🗋	Attachment 5. Board of Supervisors staff report for the 2014 renewal of the Hill Pleasant Farm AFD	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	8/24/2018 - 3:34 PM
Development Management	Holt, Paul	Approved	8/24/2018 - 3:34 PM
Publication Management	Burcham, Nan	Approved	8/24/2018 - 3:51 PM
Legal Review	Kinsman, Adam	Approved	8/27/2018 - 9:21 AM
Board Secretary	Fellows, Teresa	Approved	8/27/2018 - 3:06 PM
Board Secretary	Purse, Jason	Approved	9/4/2018 - 2:59 PM
Board Secretary	Fellows, Teresa	Approved	9/4/2018 - 3:35 PM

AGRICULTURAL AND FORESTAL DISTRICT-03-86-1-2018. Hill Pleasant Farm Renewal

Staff Report for the September 11, 2018, Board of Supervisors Public Hearing

SUMMARY FACTS

LAND OWNERS	PARCEL ID	ACRES (±)
Margaret S. Stevens	2410100004	105.82
Hill Pleasant Farm, Inc.	2410100005	391.30
Wayne A. Moyer	2410100015D	32.27
Williamsburg Pottery Factory	*2430100017*	*27.00**
TOTAL ACRES		556.39

**Requesting to Withdraw*

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands
Economic Opportunity

Primary Service Area (PSA): Outside

Staff Contact: Roberta Sulouff, Senior Planner

PUBLIC HEARING DATES

Planning Commission: August 1, 2018, 6:00 p.m.
Board of Supervisors: September 11, 2018, 5:00 p.m.

STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

AGRICULTURAL AND FORESTAL DISTRICT (AFD) ADVISORY COMMITTEE RECOMMENDATION

At its June 21, 2018 meeting, the AFD Advisory Committee voted 9-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

PLANNING COMMISSION RECOMMENDATION

At its August 1, 2018 meeting, the Planning Commission voted 5-0 to recommend the continuation of the District to the Board of Supervisors.

DISTRICT HISTORY

- The Hill Pleasant Farm AFD was created in 1986 for a term of four years and originally consisted of two parcels totaling ±504 acres.
- The District was renewed in 1990, 1994, 1998, 2002, 2006, 2010 and 2014 for periods of four years, during which time various withdrawals and additions took place.
- There have been no additions or withdrawals since the 2014 renewal of this District.

DISTRICT DESCRIPTION

Except for a few residences, all acreage in this District is in agriculture or forestal uses. The properties have been managed in the past for food and fiber production and have the potential to support significant agriculture and commercial timber operations. All the land in this District is zoned A-1, General Agricultural, and is located outside of the PSA. The majority of the land in this District is designated Economic Opportunity by the adopted Comprehensive Plan, with Mr. Moyer's parcel and a small portion of a parcel located northeast of the Interstate 64 right-of-way, both designated Rural Lands.

Total acreage includes all the land in the above properties with the exception of all land within 25 feet of right-of-ways. This area has been excluded to allow for possible road and/or drainage improvements.

ADDITION/WITHDRAWAL REQUESTS

- *Withdrawal Requests:*
    - The owner of the property located at 6906 Richmond Road (Parcel ID No. 2430100017) has requested not to continue in the District (Attachment No. 3). With this withdrawal, the District will include a total of 529.39 acres and will thus continue to meet minimum acreage requirements.

CHANGES TO CONDITIONS

None.

SURROUNDING ZONING AND DEVELOPMENT

Most of the surrounding land to the north of the District is zoned A-1. The property to the west of the District is a mixture of businesses, residences and developed property within the PSA zoned LB, Limited Business; B-1, General Business; R-2, General Residential; and MU, Mixed Use. The property to the south of the District is mostly zoned M-1, Limited Business/Industrial. Although it is located in the vicinity of existing commercial development along Richmond Road, the District is separated from Richmond Road by the CSX Railway. The District borders York County to the east.

COMPREHENSIVE PLAN

The Comprehensive Plan designates these parcels as Economic Opportunity and Rural Lands. Land Use Action 6.1.1 of the adopted Comprehensive Plan states the County shall "support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*."

STAFF RECOMMENDATION

Staff finds the Hill Pleasant Farm AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Board of Supervisors approve renewal of this AFD for a period of four years, subject to the conditions listed in the District Ordinance (Attachment No. 1).

RS/md
AFD-HillPlstFmRnw

Attachments:
1. Ordinance
2. Location Map
3. Property owner withdrawal request
4. Adopted conditions for the Hill Pleasant Farm AFD
5. Board of Supervisors staff report for the 2014 renewal of the Hill Pleasant Farm AFD

ORDINANCE NO._____

AGRICULTURAL AND FORESTAL DISTRICT-03-86-1-2018

HILL PLEASANT FARM 2018 RENEWAL

WHEREAS, James City County has completed a review of the Hill Pleasant Farm Agricultural and Forestal District (the "District"); and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code"), property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the District; and

WHEREAS, the Agricultural and Forestal District (AFD) Advisory Committee at its meeting on June 21, 2018, voted 9-0 to recommend renewal of the District; and

WHEREAS, the Planning Commission following its public hearing on August 1, 2018, concurred with the recommendation of staff and the AFD Advisory Committee and voted 5-0 to recommend renewal of the District with the conditions listed below.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that:

1. The Hill Pleasant Farm Agricultural and Forestal District (the "District") is hereby continued to October 31, 2022 in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq. (the "Act").

2. That the District shall include the following parcels, provided, however, that all land within 25 feet of road right-of-ways is excluded from the District:

Owner	Parcel No.	Acres
Margaret S. Stevens	2410100004	105.82
Hill Pleasant Farm, Inc.	2410100005	391.30
Wayne A. Moyer Revocable Trust	2410100015D	32.27
	Total:	529.39

3. That pursuant to Sections 15.2-4312 and 15.2-4313 of the Act, the Board of Supervisors requires that no parcel in the District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

   a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by

members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCFs), provided: a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.

b. No land outside the Primary Service Area and within the District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the District may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from Agricultural and Forestal Districts, adopted September 28, 2010.

c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the Act, which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for WCFs on properties in the District that are in accordance with the County's policies and Ordinances regulating such facilities.

_____
Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:

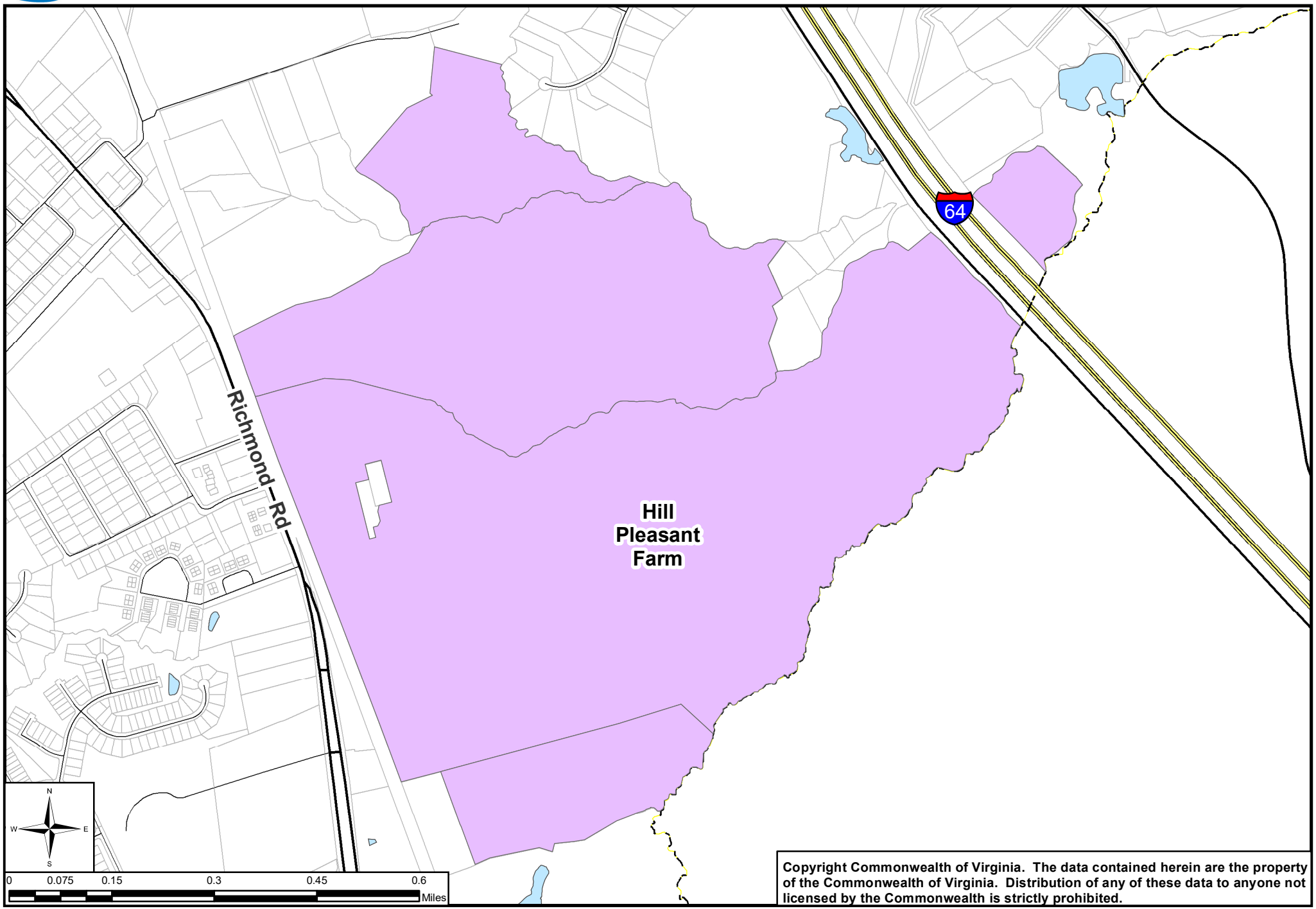
	VOTES		
	AYE	NAY	ABSTAIN
MCGLENNON	____	____	____
ICENHOUR	____	____	____
SADLER	____	____	____
HIPPLE	____	____	____
LARSON	____	____	____

_____
Teresa J. Fellows
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2018.

AFD-HillPlstFmRnw-res

AFD-03-86-1-2018, Hill Pleasant Farms 2018 Renewal



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WILLIAMSBURG
POTTERY

757-564-3326

PO Box 123
Lightfoot, VA 23090
Mailing Address

6692 Richmond Road
Williamsburg, VA 23188
Physical Address
Fax: 757-564-7514

To Whom It May Concern:

We, the Williamsburg Pottery, would like to withdraw property from the Agricultural and Forestal District. We currently have property in the following districts;

- Gordon's Creek Agricultural and Forestal District (AFD-09-86)
- Hill Pleasant Farms Agricultural and Forestal District (AFD-03-86).

Please remove these properties as we do not wish to continue as a member of the Districts.

Please let us know if you need anything else.

Sincerely,

Peter Kao
Executive VP

ADOPTED

SEP 09 2014

Board of Supervisors
James City County, VA

ORDINANCE NO. 165A-11

AGRICULTURAL AND FORESTAL DISTRICT 03-86

HILL PLEASANT FARM 2014 RENEWAL

WHEREAS, James City County has completed a review of the Hill Pleasant Farm Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code") property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the Hill Pleasant Farm Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal District Advisory Committee, at its meeting on July 7, 2014, voted 8-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission, following its public hearing on August 6, 2014, concurred with the recommendation of staff and the AFD Advisory Committee and voted 6-0 to recommend renewal of the district with the conditions listed below.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Supervisors of James City County, Virginia, that:

1. The Hill Pleasant Farm Agricultural and Forestal District is hereby continued to October 31, 2018, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.

2. That the district shall include the following parcels, provided, however, that all land within 25 feet of road rights-of-way is excluded from the district:

Owner	Parcel No.	Acres
Margaret S. Stevens	2410100004	105.82
Hill Pleasant Farm, Inc.	2410100005	391.30
Wayne A. Moyer Revocable Trust	2410100015D	32.27
Williamsburg Pottery Factory, Inc.	2430100017	27.00
	Total:	556.39

3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Hill Pleasant Farm Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCF), provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.

b. No land outside the Primary Service Area and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawls of Properties from AFDs, adopted September 28, 2010, as amended.

c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	AYE	NAY	ABSTAIN
KENNEDY	X		
JONES	X		
MCGLENNON	X		
ONIZUK	X		
HIPPLE	X		

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of September, 2014.

AFD03-86HillPleasantF-res

AGENDA ITEM NO. I-10

Case No. AFD-03-86-1-2014. Hill Pleasant Farm Agricultural & Forestal District Renewal

Staff Report for the September 9, 2014, Board of Supervisors Public Hearing

This staff report is prepared by the James City County Planning Division to provide information to the AFD Advisory Committee, 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.

PUBLIC HEARINGS	**Building F Board Room; County Government Complex**
AFD Advisory Committee:	July 7, 2014, 4:00 p.m. (Human Services Building)
Planning Commission:	August 6, 2014, 7:00 p.m.
Board of Supervisors:	September 9, 2014, 7:00 p.m.

SUMMARY FACTS

Owners:	Parcel No.	Acres
Margaret S. Stevens	2410100004	105.82
Hill Pleasant Farm, Inc.	2410100005	391.30
Wayne A. Moyer Revocable Trust	2410100015D	32.27
Williamsburg Pottery Factory, Inc.	2430100017	27.00
	TOTAL ACRES	556.39

Zoning: A-1, General Agricultural and M-1, Limited Business/Industrial

Comprehensive Plan: Economic Opportunity, Rural Lands and Conservation Area

Primary Service Area: Outside except for parcel 2430100031B

STAFF RECOMMENDATION

Staff finds this Agricultural and Forestal District (AFD) consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends the Board of Supervisors renew the Hill Pleasant Farm AFD for a period of four years, subject to the conditions listed in the attached resolution.

Staff Contact: Luke Vinciguerra Phone: 253-6783

PLANNING COMMISSION RECOMMENDATION

At its August 6, 2014, meeting, the Planning Commission recommended the continuation of the District by a vote of 6-0 (Richardson absent).

AFD ADVISORY COMMITTEE RECOMMENDATION

At its July 7, 2014, meeting, the AFD Advisory Committee voted 8-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

Proposed Changes Made Since the Planning Commission Meeting

The owner of the property located at 6534 Richmond Road has requested not to continue in the District (Attachment No. 6).

SUMMARY

As required by State Code, the County must review all established AFDs prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-3-86, Hill Pleasant Farm, which is scheduled to expire October 31, 2014.

Staff is attempting to synchronize the expiration dates of all districts. As part of the 2014 renewal process, staff is recommending a term of four years, making the proposed expiration date October 31, 2018.

DISTRICT HISTORY

The Hill Pleasant Farm AFD was created on November 17, 1986, for a term of four years and renewed again on October 1, 1990, for a period of four years. The Board of Supervisors approved the withdrawal of 2.2 acres from the District in 1991. This withdrawal was for the purpose of installing a Hampton Roads Sanitation District (HRSD) sewer main. The 1994 renewal was approved by the Board of Supervisors on October 19, 1994, for a term of four years. Subsequently, 32 acres were added on September 10, 1996, 27 acres were added on October 23, 1996, and 12 acres were added on November 12, 1997. The District was renewed in 1998 and 2002 for terms of four years with no additions or withdrawals. In 2006, six acres were removed from the District. In 2010, the District was renewed for a four-year term with no addition or withdrawal of property.

The District includes the land previously described with the exception of all land within 25 feet of arterial road rights-of-way. That property has been excluded from the District to allow for possible road and/or drainage improvements.

The Hill Pleasant Farm AFD consists of approximately 556.39 acres located southwest of Norge in between the CSX Railway and Interstate 64.

ANALYSIS

The bulk of this District has remained essentially the same since the time it was created. Except for a few residences, all acreage in this District is in agriculture or forestal uses. The properties have been managed in the past for food and fiber production and have the potential to support significant agriculture and commercial timber operations. The majority of land within the District is zoned A-1, General Agricultural, and is located outside the PSA. The one exception is the 12-acre parcel owned by the Williamsburg Pottery which is located inside the PSA and is zoned M-1, Limited Business/Industrial. The PSA is the area of the County that has been designated for growth. The continuation of AFD property within the PSA is consistent with the Comprehensive Plan as this would serve the public purpose of holding key tracts of land temporarily while development plans can be created, maximizing the potential use of the property. Additionally, the Comprehensive Plan states no development should occur within the Economic Opportunity designation unless incorporated into an area/corridor master plan. As there is no master plan yet under consideration, agricultural uses are appropriate.

Most of the surrounding land to the north of the District are zoned A-1. The property to the west of the District is a mixture of businesses, residences, and developed property within the PSA zoned B-1, General Business; R-2, General Residential; and MU, Mixed Use. The property to the south of the District is mostly zoned M-1, Limited Business/Industrial. Although it is located in the vicinity of existing commercial development along Richmond Road, the District is separated from Richmond Road by the CSX Railway. The District borders York County to the east.

REQUEST NOT TO CONTINUE IN THE AFD

The owner of the property located at 6534 Richmond Road has requested not to continue in the District (Attachment No. 6).

ADDITIONS

No property owner has requested land be added to the District during this renewal period.

CHANGE IN CONDITIONS

Staff is recommending a revision to Condition No. 2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts to refer to the most recent policy adopted in 2010. The proposed change is as follows:

~~"No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended."~~

No land outside the Primary Service Area and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.

STAFF RECOMMENDATION:

Staff finds this AFD consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. At its August 6, 2014, meeting, the Planning Commission voted to recommend the continuation of the District by a vote of 6-0 (Richardson absent). At its July 7, 2014, meeting, the AFD Advisory Committee voted 8-0 recommending the continuation of the District to the Planning Commission and Board of Supervisors. Staff recommends the Board of Supervisors renew the Hill Pleasant Farm AFD for a period of four years, subject to the conditions listed in the attached resolution.

Luke Vinciguerra

CONCUR:

Allen J. Murphy, Jr.

LV/nb
AFD03-86HillPleasantF

Attachments:
1. Ordinance
2. Location Map
3. Existing ordinance and conditions, dated September 28, 2010
4. Approved minutes of the July 7, 2014, AFD Advisory Committee meeting (under separate cover)
5. Unapproved minutes of the August 6, 2014, Planning Commission meeting (under separate cover)
6. Property owner non-continue request

AGENDA ITEM NO. H.12.

ITEM SUMMARY

DATE: 9/11/2018

TO: The Board of Supervisors

FROM: Savannah Pietrowski, Senior Planner

SUBJECT: AFD-07-86-1-2018. Mill Creek AFD Renewal

ATTACHMENTS:

	Description	Type
🗋	Staff Report	Staff Report
🗋	Attachment 1. Ordinance	Ordinance
🗋	Attachment 2. Location Map	Backup Material
🗋	Attachment 3. Property owner withdrawal request for 1827 Forge Road	Backup Material
🗋	Attachment 4. Adopted conditions for the Mill Creek AFD	Backup Material
🗋	Attachment 5. Board of Supervisors staff report for the 2014 renewal of the Mill Creek AFD	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	8/24/2018 - 3:35 PM
Development Management	Holt, Paul	Approved	8/24/2018 - 3:35 PM
Publication Management	Burcham, Nan	Approved	8/24/2018 - 3:48 PM
Legal Review	Kinsman, Adam	Approved	8/27/2018 - 9:21 AM
Board Secretary	Fellows, Teresa	Approved	8/27/2018 - 3:16 PM
Board Secretary	Purse, Jason	Approved	9/4/2018 - 2:59 PM
Board Secretary	Fellows, Teresa	Approved	9/4/2018 - 3:36 PM

AGRICULTURAL AND FORESTAL DISTRICT-07-86-1-2018. Mill Creek Renewal

Staff Report for the September 11, 2018, Board of Supervisors Public Hearing

SUMMARY FACTS

LAND OWNERS	PARCEL ID	±ACRES
Cowles-Lobbs LLC	2020100006	352.96
Dale Cowles Henderson & John Cowles Dozier, et al.	2020100003	102.66
Dale Cowles Henderson & John Cowles Dozier, et al.	2020100001	8.75
Mayes D. & Cheryl M. Matthews	2110100005	46.01
Pamela C. & Steve L. Massie	1130100028	98.76*
Pamela C. & Steve L. Massie	1130100028A	32.74*
Richard W. & Margaret Krapf	1140100006	4.73
Nancy Cottrell Kruse & M. Anderson Bradshaw	1140100002	297.28
Cowles-Cowlesville LLC	1040100005	249.88
Cowles-Cowlesville LLC	1040100006	124.76
J. Michael Sim	1040100003	103.26
8700 Barnes Road LLC	1010100037	104.00
Sarah H. Armistead	1010100038	50.00
Daniel R. & Marion Virginia Winall	1030100019	97.59
Pamaka, LLC	1020100017	242.70*
Albert T. & Joan Lloyd Slater	1010100028	69.69
McRae O. Selph	1010100007	50.00
Walter N. Marshall, III Trustee	1140100005	79.94
Martha M. Ware Trust	2020100002	57.41
Christopher M. Ware	0920100036	39.13*
Pamaka, LLC	1030100003	45.80*
Ralph Benjamin Dozier, Charles Norris Dozier III & Mary Elizabeth Sink	*2020100005*	*186.16***
Ralph Benjamin Dozier, Charles Norris Dozier III & Mary Elizabeth Sink	2020100007	16.50
Ralph Benjamin Dozier, Charles Norris Dozier III & Mary Elizabeth Sink	2020100008	12.00
Dennis P. & Christina A. Weygand	1030100013	34.02
John M. L. Barnes Estate	1020100004	215.76
John M. L. Barnes Estate	1110100001	29.00
Cowles-Cowlesville LLC	2010100002	2.00
Randolph G. & Michelle H. Gulden	1020100012	62.20
Randolph G. & Michelle H. Gulden	1020100032	25.00
John E. & Elaine M. Sharp	0940100008N	57.81
John G. & Marie Antoinette Findlay	0940100008H	118.29
Richard F. Abbitt Investment LC	0920100040	95.51
Ivy Hill LLC	1110100013	100.18
Ivy Hill LLC	1110100024	1.18
TOTAL ACRES		3,213.66

** Updated parcel acreage based on boundary survey*
*** Requesting to withdraw a portion of property*

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area (PSA): Outside and Inside

Staff Contact: Savannah Pietrowski, Senior Planner

PUBLIC HEARING DATES

Planning Commission: August 1, 2018, 6:00 p.m.
Board of Supervisors: September 11, 2018, 5:00 p.m.

STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

AGRICULTURAL AND FORESTAL DISTRICT (AFD) ADVISORY COMMITTEE RECOMMENDATION

At its June 21, 2018 meeting, the AFD Advisory Committee voted 9-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

PLANNING COMMISSION RECOMMENDATION

At its August 1, 2018 meeting, the Planning Commission voted 5-0 to recommend the continuation of the District to the Board of Supervisors.

DISTRICT HISTORY

- The Mill Creek AFD was created in 1986 for a term of four years and originally consisted of 28 parcels totaling ±3,547 acres.
- The District was renewed in 1990, 1994, 1998, 2002, 2006, 2010 and 2014 for four-year periods. Various additions and withdrawals occurred throughout these years.
- Since the 2014 renewal, the Board of Supervisors approved the addition of ±101.36 acres and the addition of ±95.5 acres to the District.
- Acreages for parcels denoted with an asterisk (*) in the summary facts table have been updated based on boundary surveys that have been recorded for these properties.

DISTRICT DESCRIPTION

The Mill Creek AFD consists of ±3,213.66 acres, the majority of which are located along Forge Road or Diascund Road. The majority of the District contains either woodland or active agriculture. All parcels are zoned A-1, General Agriculture and are designated Rural Lands on the Comprehensive Plan.

Total acreage includes all the land in the above properties with the exception of all land within 25 feet of right-of-ways. This area has been excluded to allow for possible road and/or drainage improvements.

ADDITION/WITHDRAWAL REQUESTS

Since the Planning Commission meeting, the owners of the property located at 1827 Forge Road (Parcel ID No. 2020100005) have requested to withdraw approximately 7.73 acres of their parcel from the District. The District will continue to meet minimum area requirements.

CHANGES TO CONDITIONS

None.

SURROUNDING ZONING AND DEVELOPMENT

The surrounding area consists mostly of forestland. The majority of the surrounding property is zoned A-1 and is designated Rural Lands on the Comprehensive Plan. The Chickahominy River is located to the west. The Barnes Swamp AFD is located to the north and the Wright's Island AFD is located to the south.

COMPREHENSIVE PLAN

The Comprehensive Plan designates these parcels as Rural Lands. Land Use Action 6.1.1 of the adopted Comprehensive Plan states the County shall "support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*."

STAFF RECOMMENDATION

Staff finds the Mill Creek AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Board of Supervisors approve the renewal of this AFD for a period of four years, subject to the conditions listed in the District Ordinance (Attachment No. 1).

SP/nb
AFD-MillCrkRnw

Attachments:
1. Ordinance
2. Location Map
3. Property Owner withdrawal request for 1827 Forge Road
4. Adopted conditions for the Mill Creek AFD
5. Board of Supervisors staff report for the 2014 renewal of the Mill Creek AFD

ORDINANCE NO._____

AGRICULTURAL AND FORESTAL DISTRICT-07-86-1-2018

MILL CREEK 2018 RENEWAL

WHEREAS, James City County has completed a review of the Mill Creek Agricultural and Forestal District (the "District"); and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code"), property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the District; and

WHEREAS, the Agricultural and Forestal District (AFD) Advisory Committee at its meeting on June 21, 2018, voted 9-0 to recommend renewal of the District; and

WHEREAS, the Planning Commission following its public hearing on August 1, 2018, concurred with the recommendation of staff and the AFD Advisory Committee and voted 5-0 to recommend renewal of the District with the conditions listed below.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that:

1. The Mill Creek Agricultural and Forestal District (the "District") is hereby continued to October 31, 2022 in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq. (the "Act").

2. That the District shall include the following parcels, provided, however, that all land within 25 feet of road right-of-way is excluded from the District:

Owner	Parcel No.	±Acres
Cowles-Lobbs LLC	2020100006	352.96
Dale Cowles Henderson & John Cowles Dozier, et al.	2020100003	102.66
Dale Cowles Henderson & John Cowles Dozier, et al.	2020100001	8.75
Mayes D. & Cheryl M. Matthews	2110100005	46.01
Pamela C. & Steve L. Massie	1130100028	98.76
Pamela C. & Steve L. Massie	1130100028A	32.74
Richard W. & Margaret Krapf	1140100006	4.73
Nancy Cottrell Kruse & M. Anderson Bradshaw	1140100002	297.28
Cowles-Cowlesville LLC	1040100005	249.88
Cowles-Cowlesville LLC	1040100006	124.76
J. Michael Sim	1040100003	103.26

8700 Barnes Road LLC	1010100037	104.00
Sarah H. Armistead	1010100038	50.00
Daniel R. & Marion Virginia Winall	1030100019	97.59
Pamaka LLC	1020100017	242.70
Albert T. & Joan Lloyd Slater	1010100028	69.69
McRae O. Selph	1010100007	50.00
Walter N. Marshall, III Trustee	1140100005	79.94
Martha M. Ware Trust	2020100002	57.41
Christopher M. Ware	0920100036	39.13
Pamaka LLC	1030100003	45.80
Ralph Benjamin Dozier, Charles Norris Dozier III & Mary Elizabeth Sink	2020100005	178.44
Ralph Benjamin Dozier, Charles Norris Dozier III & Mary Elizabeth Sink	2020100007	16.50
Ralph Benjamin Dozier, Charles Norris Dozier III & Mary Elizabeth Sink	2020100008	12.00
Dennis P. & Christine A. Weygand	1030100013	34.02
John M. L. Barnes Estate	1020100004	215.76
John M. L. Barnes Estate	1110100001	29.00
Cowles-Cowlesville LLC	2010100002	2.00
Randolph G. & Michelle H. Gulden	1020100012	62.20
Randolph G. & Michelle H. Gulden	1020100032	25.00
John E. & Elaine M. Sharp	0940100008N	57.81
John G. & Marie Antoinette Findlay	0940100008H	118.29
Richard F. Abbitt Investment LC	0920100040	95.51
Ivy Hill LLC	1110100013	100.18
Ivy Hill LLC	1110100024	1.18
	Total:	3,205.94

3. That pursuant to Sections 15.2-4312 and 15.2-4313 of the Act, the Board of Supervisors requires that no parcel in the District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

   a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCF), provided: a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.

   b. No land outside the Primary Service Area and within the District may be rezoning and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the District may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from Agricultural and Forestal Districts, adopted September 28, 2010.

c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the Act, which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for WCFs on properties in the District that are in accordance with the County's policies and Ordinances regulating such facilities.

_____
Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:

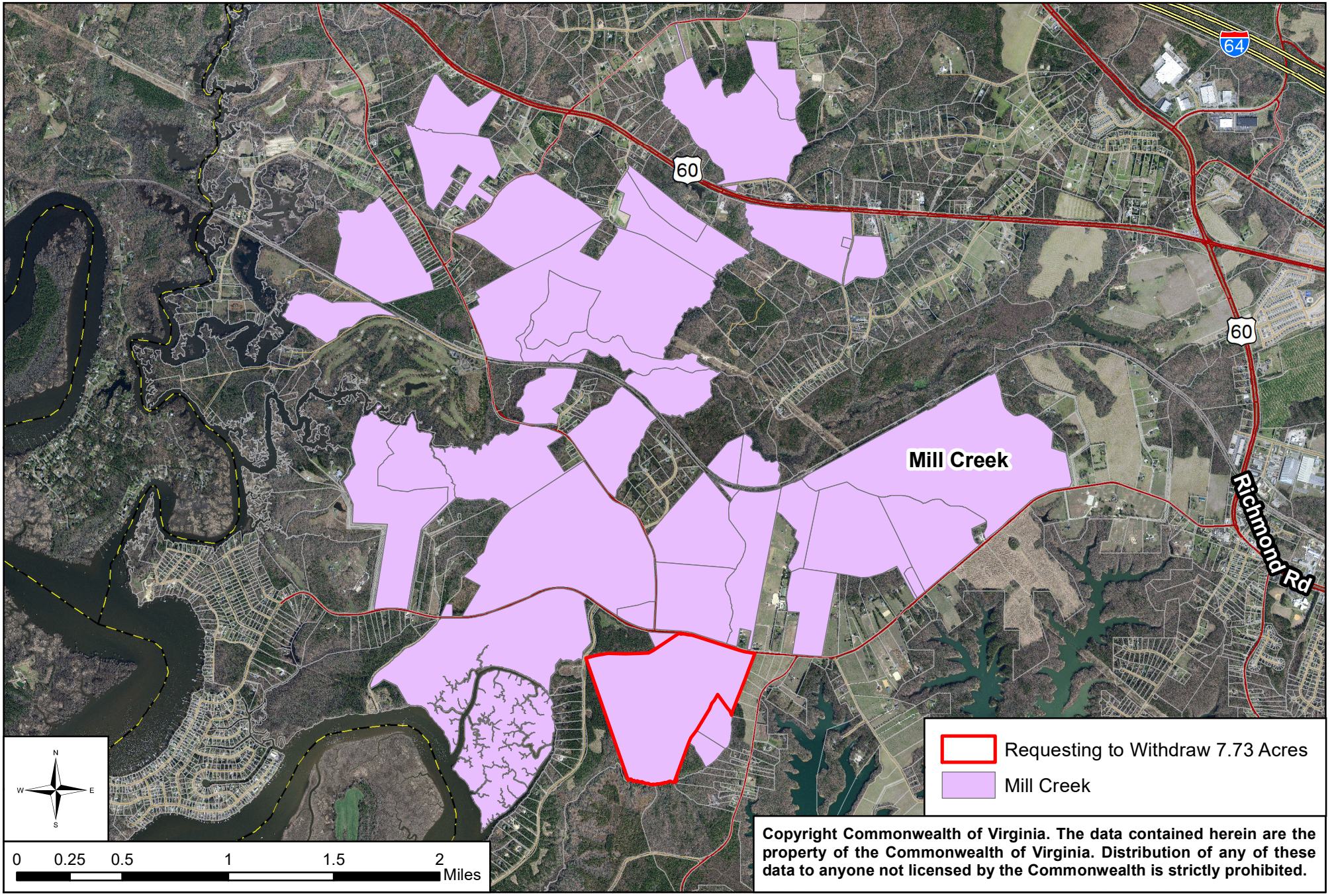
	VOTES		
	AYE	NAY	ABSTAIN
MCGLENNON	____	____	____
ICENHOUR	____	____	____
SADLER	____	____	____
HIPPLE	____	____	____
LARSON	____	____	____

_____
Teresa J. Fellows
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2018.

AFD-MillCrkRnw-res

JCC AFD-07-86-1-2018
Mill Creek 2018 Renewal



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LRI

LANDTECH RESOURCES, INC.

August 15, 2018

Savannah Pietrowski
Senior Planner
James City County Planning Department

Ref: 1827 Forge Road
AFD Withdrawal Request

Dear Mrs. Pietrowski:

On behalf of the property owners of James City County Parcel ID #2020100005 please allow this letter to formally request that 7.73 acres of said parcel currently located within the Mill Creek Agricultural & Forestal District be withdrawn. The location of the property to be withdrawn from said district is reflected on the provided exhibit titled EXHIBIT SHOWING AREA TO BE REMOVED FROM MILL CREEK AGRICULTURAL & FORESTAL DISTRICT ON JAMES CITY COUNTY PARCEL #2020100005 dated August 15, 2018.

If you should require any additional information from us at this time please do not hesitate to contact our office.

Sincerely,
Landtech Resources, Inc.

William S. Felts, L.S., P.E.
Vice President

Matthew H. Connolly, L.S., P.E.
President
mconnolly@landtechresources.com

William S. Felts, L.S., P.E.
Vice President, Engineering Coordinator
william@landtechresources.com

ENGINEERING • SURVEYING • GPS
3925 Midlands Road Williamsburg, VA 23188
Ph.: (757) 565-1677 Fax: (757) 565-0782
Web: landtechresources.com

ADOPTED

SEP 09 2014

Board of Supervisors
James City County, VA

ORDINANCE NO. 169A-15

AGRICULTURAL AND FORESTAL DISTRICT-07-86

MILL CREEK 2014 RENEWAL

WHEREAS, James City County has completed a review of the Mill Creek Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code") property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the Mill Creek Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal District Advisory Committee at its meeting on July 7, 2014, voted 8-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission following its public hearing on August 6, 2014, concurred with the recommendation of staff and the AFD Advisory Committee and voted 5-0-1 to recommend renewal of the district with the conditions listed below.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Supervisors of James City County, Virginia, that:

1. The Mill Creek Agricultural and Forestal District hereby continued to October 31, 2018, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.

2. That the district shall include the following parcels, provided, however, that all land within 25 feet of road rights-of-way is excluded from the district:

Owner	Parcel No.	Acres
Carter C. Cowles, Sr. & Linda B. Cowles Estate	2020100006	352.96
Melinda Cowles Barbour & Ruth Dozier	2020100003	102.66
Melinda Cowles Barbour & Ruth Dozier	2020100001	8.75
Mayes & Cheryl Matthews	2110100005	46.01
Pamela C. Massie Trustee & Steve Massie	1130100028	99.45
Steve L. & Pamela C. Massie	1130100028A	32.61
Richard W. & Margaret Krapf	1140100006	4.73
Nancy Cottrell Kruse & M. Anderson Bradshaw	1140100002	297.28
Linda B. Cowles Estate	1040100005	249.88
Carter C. Cowles, Sr. & Linda B. Cowles Estate	1040100006	124.76
Cynthia Cowles Cragg & Robert Patrick	1040100003	103.26
Century Development	1010100037	104.00
Sarah H. Armistead	1010100038	50.00
Daniel R. Winall & Marion Virginia	1030100019	97.59

Pamaka LLC	1020100017	244.50
Albert T. & Joan Lloyd Slater	1010100028	69.69
McRae O. Selph	1010100007	50.00
Walter N. Marshall, III Trustee	1140100005	79.94
Martha Ware Trust	2020100002	57.41
John Lee Darst	0920100036	41.22
Pamaka LLC	1030100003	42.00
Caroline W. Dozier	2020100005	186.16
Caroline W. Dozier	2020100007	16.50
Caroline W. Dozier	2020100008	12.00
Dennis P. & Christine A. Weygand	1030100013	34.02
John M. L. Barnes Estate	1020100004	215.76
John M. L. Barnes Estate	1110100001	29.00
Linda B. Cowles Estate	2010100002	2.00
Randolph G. Gulden	1020100012	62.20
Randolph G. Gulden	1020100032	25.00
Eugene C. Andrews Living Trust	0940100008N	57.81
John G. & Marie Antoinette Findlay	0940100008H	118.29
	Total:	3,017.44

3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Mill Creek Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

   a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCF), provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.

   b. No land outside the Primary Service Area and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from AFDs, adopted September 28, 2010.

   c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	AYE	NAY	ABSTAIN
KENNEDY	X		
JONES	X		
MCGLENNON	X		
ONIZUK	X		
HIPPLE	X		

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of September, 2014.

AFD07-86-1014MillCreek-res

AGENDA ITEM NO. I-11

Agricultural and Forestal District-07-86-1-2014. Mill Creek AFD Renewal
Staff Report for the September 9, 2014, Board of Supervisors Public Hearing

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.

PUBLIC HEARINGS	**Building F Board Room; County Government Complex**
AFD Advisory Committee:	July 7, 2014, 4:00 p.m. (Human Service Building)
Planning Commission:	August 6, 2014, 7:00 p.m.
Board of Supervisors:	September 9, 2014, 7:00 p.m.

SUMMARY FACTS

Owners:	Parcel Number	Acres
Carter C. Cowles, Sr. & Linda B. Cowles Estate	2020100006	352.96
Melinda Cowles Barbour & Ruth Dozier	2020100003	102.66
Melinda Cowles Barbour & Ruth Dozier	2020100001	8.75
Mayes & Cheryl Matthews	2110100005	46.01
Pamela C. Massie Trustee & Steve Massie	1130100028	99.45
Steve L. & Pamela C. Massie	1130100028A	32.61
Richard W. & Margaret Krapf	1140100006	4.73
Nancy Cottrell Kruse & M. Anderson Bradshaw	1140100002	297.28
Linda B. Cowles Estate	1040100005	249.88
Carter C. Cowles, Sr. & Linda B. Cowles Estate	1040100006	124.76
Cynthia Cowles Cragg & Robert Patrick	1040100003	103.26
Century Development	1010100037	104.00
Sarah H. Armistead	1010100038	50.00
Daniel R. Winall & Marion Virginia	1030100019	97.59
Pamaka LLC	1020100017	244.50
Albert T. & Joan Lloyd Slater	1010100028	69.69
McRae O. Selph	1010100007	50.00
Walter N. Marshall, III Trustee	1140100005	79.94
Martha Ware Trust	2020100002	57.41
John Lee Darst	0920100036	41.22
Pamaka LLC	1030100003	42.00
Caroline W. Dozier	2020100005	186.16
Caroline W. Dozier	2020100007	16.50
Caroline W. Dozier	2020100008	12.00
Dennis P. & Christine A. Weygand	1030100013	34.02
John M. L. Barnes Estate	1020100004	215.76
John M. L. Barnes Estate	1110100001	29.00
Linda B. Cowles Estate	2010100002	2.00
Randolph G. Gulden	1020100012	62.20
Randolph G. Gulden	1020100032	25.00
Eugene C. Andrews Living Trust	0940100008N	57.81
John G. & Marie Antoinette Findlay	0940100008H	118.29
TOTAL ACRES		3,017.44

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands and Conservation Area

Primary Service Area: Outside

Staff Contact: Luke Vinciguerra Phone: 253-6783

STAFF RECOMMENDATION
Staff finds this Agricultural and Forestal District (AFD) consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends the Board of Supervisors renew the Mill Creek AFD for a period of four years, subject to the conditions listed in the attached resolution.

PLANNING COMMISSION RECOMMENDATION
At its August 6, 2014, meeting, the Planning Commission recommended the continuation of the District by a vote of 5-0-1 (Krapf abstaining; Richardson absent).

AFD ADVISORY COMMITTEE RECOMMENDATION
At its July 7, 2014, meeting, the AFD Advisory Committee voted 8-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

Proposed Changes Made Since the Planning Commission Meeting
None.

SUMMARY
As required by State Code, the County must review all established AFDs prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-7-86, Mill Creek, which is scheduled to expire October 31, 2014.

Staff is attempting to synchronize the expiration dates of all districts. As part of the 2014 renewal process, staff is recommending a term of four years, making the expiration date October 31, 2018.

DISTRICT HISTORY
The District was originally approved in December 1986 for a period of four years. In March 1989, the Board of Supervisors approved the withdrawal of 41.124 acres. In November 1990, the Board approved the continuation of the District for another four years. In January 1992, the Board approved the withdrawal of three acres and in April 1992, the Board approved the addition of 33.62 acres. In 1994, before the District's renewal, 77 acres were removed. In 1995, the Board approved a 303.97 acre addition and the District was renewed for four years in 1998. During the 1998 renewal, approximately 25 acres was withdrawn. Following the 1998 renewal, 19.0 acres were added into the District. The District was renewed again in 2002 for a term of four years. In April 2004, the Board approved an addition of 87 acres. In July 2005, an addition of 102 acres was approved and in September 2005 an addition of 73 acres was approved. During the 2006 renewal, one 433 acre parcel was removed. In December 2012, the Board approved an addition of 104 acres. Staff notes that property owned by Randolph G. Gulden has been subdivided since 2010; however, this does not affect the size of the district.

The District includes all the land on the above properties with the exception of all land within 25 feet of arterial road rights-of-way. That property has been excluded from the District to allow for possible road and/or drainage improvements.

The Mill Creek AFD consists of approximately 3,017.44 acres located from Richmond Road in the north to Uncle's Creek in the south. The bulk of the land lies between Forge Road and the CSX railroad tracks.

ANALYSIS
The bulk of the District contains many agricultural and forestry uses. All of the land within this District is zoned A-1, General Agricultural, and the majority of the surrounding property is presently zoned A-1 and is forested. This District is located outside of the Primary Service Area (PSA) and remains relatively rural in nature. The District is designated Rural Lands and Conservation Area on the Comprehensive Plan Land Use Map.

REQUEST NOT TO CONTINUE IN THE AFD

No property owner has requested to not continue their participation in the AFD.

ADDITIONS

An application has been filed to add 95 acres of property located at 8557 Diascund Road; this application will be reviewed under separate cover.

CHANGE IN CONDITIONS

Staff is recommending a revision to Condition No. 2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts to refer to the most recent policy adopted in 2010. The proposed change is as follows:

~~"No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended."~~

No land outside the Primary Service Area and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.

STAFF RECOMMENDATION:

Staff finds this AFD consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. At its August 6, 2014, meeting, the Planning Commission voted to recommend the continuation of the District by a vote of 5-0-1 (Krapf abstaining; Richardson absent). At its July 7, 2014, meeting, the AFD Advisory Committee voted 8-0 recommending the continuation of the District to the Planning Commission and Board of Supervisors. Staff recommends the Board of Supervisors renew the Mill Creek AFD for a period of four years, subject to the conditions listed in the attached

Luke Vinciguerra

CONCUR:

Allen J. Murphy, Jr.

LV/gb
AFD07-86-1-14MillCreek

ATTACHMENTS:
1. Ordinance
2. Location Map
3. Existing ordinance and conditions, dated September 28, 2010
4. Ordinance for the addition of property, dated December 11, 2012
5. Approved minutes of the July 7, 2014, AFD Advisory Committee meeting (under separate cover)
6. Unapproved minutes of the August 6, 2014, Planning Commission meeting (under separate cover)

AGENDA ITEM NO. H.13.

ITEM SUMMARY

DATE: 9/11/2018

TO: The Board of Supervisors

FROM: Savannah Pietrowski, Senior Planner

SUBJECT: AFD-01-94-1-2018. Wright's Island AFD Renewal

ATTACHMENTS:

	Description	Type
🗋	Staff Report	Staff Report
🗋	Attachment 1. Ordinance	Ordinance
🗋	Attachment 2. Location Map	Backup Material
🗋	Attachment 3. Property owner non-continue request for 7082 Menzels Road	Backup Material
🗋	Attachment 4. Adopted Conditions for the Wright's Island AFD	Backup Material
🗋	Attachment 5. Board of Supervisors staff report for the 2010 renewal of the Wright's Island AFD	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	8/24/2018 - 3:33 PM
Development Management	Holt, Paul	Approved	8/24/2018 - 3:33 PM
Publication Management	Daniel, Martha	Approved	8/24/2018 - 4:01 PM
Legal Review	Kinsman, Adam	Approved	8/27/2018 - 9:20 AM
Board Secretary	Fellows, Teresa	Approved	8/27/2018 - 3:06 PM
Board Secretary	Purse, Jason	Approved	9/4/2018 - 2:58 PM
Board Secretary	Fellows, Teresa	Approved	9/4/2018 - 3:35 PM

SUMMARY FACTS

LAND OWNERS	PARCEL ID	ACRES
Wright's Island Game Assn.	2030100001	1,320.48
Old Shipyard Landing, LLC	2030100003	4.90
Old Shipyard Landing, LLC	2030100004	4.90
Isabell W. Queijo, Trustee	*2020100027*	*49.37**
Old Shipyard Landing, LLC	2030100002	110.50
Old Shipyard Landing, LLC	2030100005	6.40
TOTAL ACRES		1,496.55

**Requesting to Withdraw*

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands and Open Space or Recreation

Primary Service Area (PSA): Outside

Staff Contact: Savannah Pietrowski, Senior Planner

PUBLIC HEARING DATES

Planning Commission: August 1, 2018, 6:00 p.m.
Board of Supervisors: September 11, 2018, 5:00 p.m.

STAFF RECOMMENDATION

Approval, subject to the proposed amended conditions described herein.

AGRICULTURAL AND FORESTAL DISTRICT (AFD) ADVISORY COMMITTEE RECOMMENDATION

At its June 21, 2018 meeting, the AFD Advisory Committee voted 9-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

PLANNING COMMISSION RECOMMENDATION

At its August 1, 2018 meeting, the Planning Commission voted 5-0 to recommend the continuation of the District to the Board of Supervisors.

DISTRICT HISTORY

- The Wright's Island AFD was created in 1986 for a term of eight years and originally consisted of five parcels totaling ±1,495 acres.
- The originally adopted District (AFD-1-86) expired in September 1994 and a new District (AFD-1-94) was subsequently created in October 1994 for a period of eight years.
- The District was renewed in 2002 and 2010 for eight-year periods. Various additions and withdrawals occurred throughout these years.
- Since the 2010 renewals, the Board of Supervisors approved two additions to the District (Parcel ID Nos. 2030100002 and 2030100005), bringing the District's total acreage to its current ±1,497 acres.

DISTRICT DESCRIPTION

The majority of the District is forested, though it also includes tidal wetlands and land actively in agricultural and forestry use. All the land in this District is zoned A-1, General Agricultural, located outside of

the PSA and designated Rural Lands by the adopted Comprehensive Plan.

Total acreage includes all the land in the above properties with the exception of all land within 25 feet of right-of-ways. This area has been excluded to allow for possible road and/or drainage improvements.

ADDITION/WITHDRAWAL REQUESTS

Since the Planning Commission meeting, the owners of the property located at 7082 Menzels Road (Parcel ID No. 2020100027) have requested not to continue in the District.

CHANGES TO CONDITIONS

Staff is recommending a revision to Condition No. 2 to correct language that references the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts to refer to the most recent policy adopted in 2010. The proposed change is as follows:

~~"No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended."~~

No land outside the PSA and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.

SURROUNDING ZONING AND DEVELOPMENT

The surrounding area consists of marshes, forestland, the Little Creek Reservoir and the Chickahominy River. The surrounding area is all zoned A-1, General Agricultural, with the exception of Little Creek Reservoir, which is zoned PL, Public Lands. River's Bend at Uncle's Neck is located to the north. The Pates Neck AFD is located to the east. The Yarmouth Island AFD is located to the south.

COMPREHENSIVE PLAN

The Comprehensive Plan designates these parcels as Rural Lands and Open Space or Recreation. Land Use Action 6.1.1 of the adopted Comprehensive Plan states the County shall "support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*."

STAFF RECOMMENDATION

Staff finds the Wright's Island AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Board of Supervisors approve the renewal of this AFD for a period of eight years to the Board of Supervisors, subject to the amended conditions listed in the District Ordinance (Attachment No. 1).

SP/md
AFD-WrtsIsldRnw

Attachments:

1. Ordinance
2. Location Map
3. Property owner non-continue request for 7082 Menzels Road
4. Adopted conditions for the Wright's Island AFD
5. Board of Supervisors staff report for the 2010 renewal of the Wright's Island AFD

ORDINANCE NO._____

AGRICULTURAL AND FORESTAL DISTRICT-01-94-1-2018

WRIGHT'S ISLAND 2018 RENEWAL

WHEREAS, James City County has completed a review of the Wright's Island Agricultural and Forestal District (the "District"); and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code"), property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the District; and

WHEREAS, the Agricultural and Forestal District (AFD) Advisory Committee at its meeting on June 21, 2018, voted 9-0 to recommend renewal of the District; and

WHEREAS, the Planning Commission following its public hearing on August 1, 2018, concurred with the recommendation of staff and the AFD Advisory Committee and voted 5-0 to recommend renewal of the District with the conditions listed below.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia that:

1. The Wright's Island Agricultural and Forestal District (the "District") is hereby continued to October 31, 2026 in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq. (the "Act").

2. That the District shall include the following parcels, provided, however, that all land within 25 feet of the road right-of-ways of Menzels Road (Route 659) and Little Creek Dam Road (Route 631) be excluded from the District to allow for possible road improvements:

Owner	Parcel No.	Acres
Wright's Island Game Assn.	2030100001	1,320.48
Old Shipyard Landing, LLC	2030100003	4.90
Old Shipyard Landing, LLC	2030100004	4.90
Old Shipyard Landing, LLC	2030100002	110.50
Old Shipyard Landing, LLC	2030100005	6.40
	Total:	1,447.18

3. That pursuant to Sections 15.2-4312 and 15.2-4313 of the Act, the Board of Supervisors requires that no parcel in the District be developed to a more intensive

use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCF), provided: a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.

b. No land outside the Primary Service Area and within the District may be rezoning and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the District may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from Agricultural and Forestal Districts, adopted September 28, 2010.

c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the Act, which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for wireless communications facilities on properties in the District that are in accordance with the County's policies and Ordinances regulating such facilities.

_____
Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:

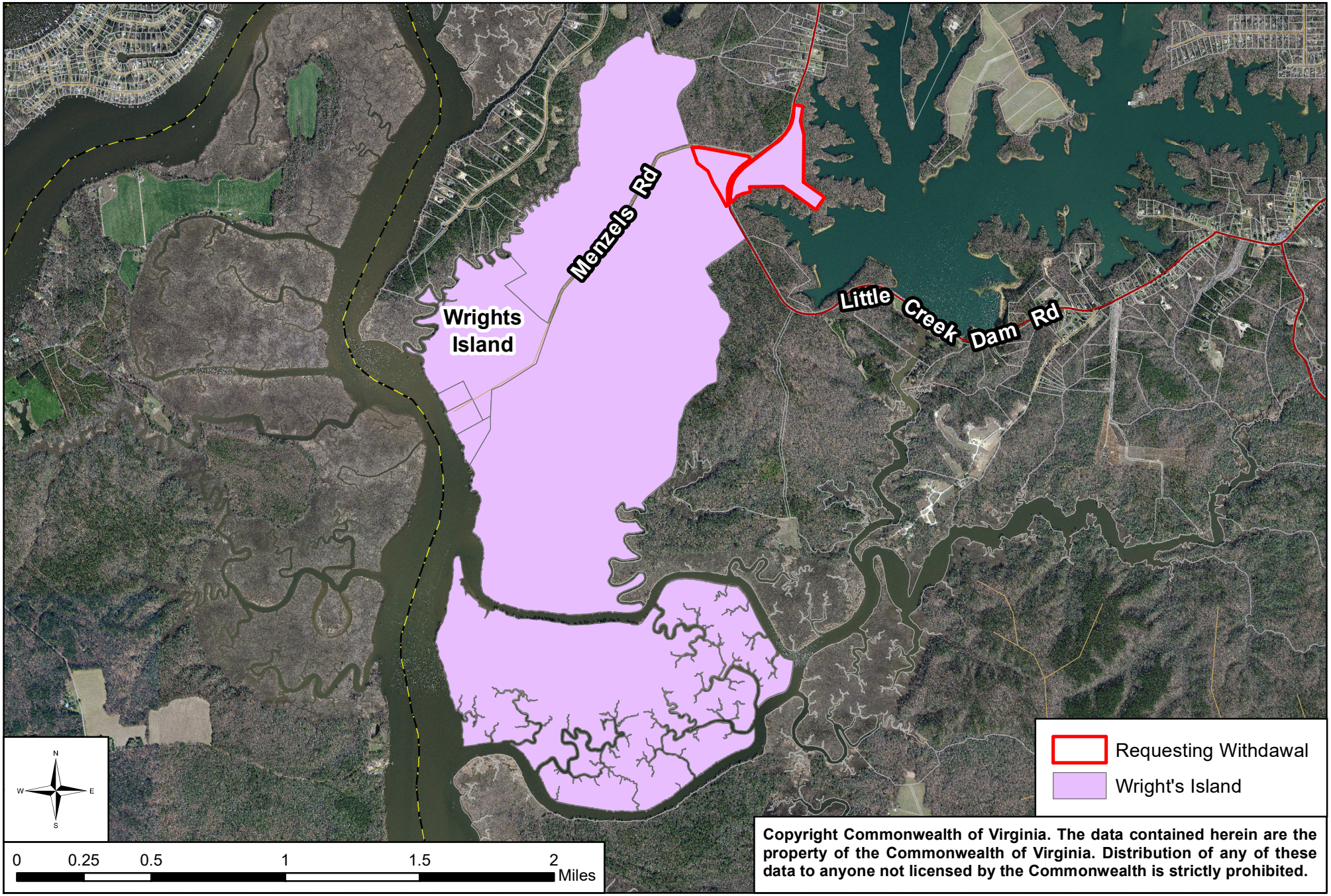
	VOTES		
	AYE	NAY	ABSTAIN
MCGLENNON	____	____	____
ICENHOUR	____	____	____
SADLER	____	____	____
HIPPLE	____	____	____
LARSON	____	____	____

_____
Teresa J. Fellows
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2018.

AFD-WrtsIsldRnw-res

JCC AFD-01-94-1-2018
Wright's Island 2018 Renewal



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7/26/2018

To: Planning Division, James City County

I Terry Queijo one of the owners of the property (49.3 acres) known as 7082 Menzells Rd. Toano, Va. 23168 Map# 2020100027 would like to take this property out of the Wright's Island AFD.

Terry Queijo

Signature _____

Baxter Stanton
Evelyn Miller
Nancy Trinkle

PLANNING DIVISION

JUL 30 2018

RECEIVED

7/26/2018

To: Planning Division, James City County

I Nancy Trinkle one of the owners of the property (49.3 acres) known as 7082 Menzells Rd. Toano, Va. 23168 Map# 2020100027 would like to take this property out of the Wright's Island AFD.

Nancy Trinkle
Signature Nancy Trinkle July 30, 2018

Baxter Stanton
Terry Queijo
Evelyn Miller

PLANNING DIVISION

AUG 03 2018

RECEIVED

7/26/2018

To: Planning Division, James City County

I Evelyn S. Miller one of the owners of the property

(49.3 acres) known as 7082 Menzells Rd. Toano, Va. 23168

Map# 2020100027 would like to take this property out of the Wright's Island

AFD.

Evelyn Miller

Signature Evelyn S. Miller 07/27/2018

Terry Queijo
Baxter Stanton
Nancy Trinkle

PLANNING DIVISION

JUL 31 2018

RECEIVED

7/26/2018

To: Planning Division, James City County

I Baxter Stanton one of the owners of the property

(49.3 acres) known as 7082 Menzells Rd. Toano, Va. 23168

Map# 2020100027 would like to take this property out of the Wright's Island

AFD.

Baxter Stanton

Signature Baxter Stanton 7-27-18

Evelyn Miller
Nancy Trinkle
Terry Queijo

PLANNING DIVISION

JUL 31 2018

RECEIVED

ADOPTED

JUL 27 2010

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

ORDINANCE NO. 163A-4

AGRICULTURAL AND FORESTAL DISTRICT -1-94

WRIGHT'S ISLAND 2010 RENEWAL

WHEREAS, James City County has completed a review of the Wright's Island Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, property owners have been notified, public meetings have been held, public hearings have been advertised, and public hearings have been held on the continuation of the Wright's Island Agricultural and Forestal District; and

WHEREAS, Brian M. Menzel et. al. has requested the withdrawal of 74.75 acres, identified as James City County Real Estate Tax Map No. (20-2) (1-28); and

WHEREAS, the Agricultural and Forestal District (AFD) Advisory Committee, at its meeting on June 28, 2010, voted 6-0 to approve the application; and

WHEREAS, the Planning Commission, following its public hearing on July 7, 2010, concurred with the recommendation of staff and the AFD Advisory Committee and voted 6-0 to renew this district with the conditions listed below.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that:

1. The Wright's Island AFD is hereby continued from its current date of expiration (August 13, 2010) for a period of eight years, two months and 18 days to October 31, 2018, in accordance with the provisions of the Virginia AFD Act, Virginia Code Section 15.2-4300 et. seq.

2. The District shall include the following parcels:

Owner	Parcel No.	Acres
Wright's Island Game Association	(20-3) (1-1)	1,320.48
Old Shipyard Landing, LLC	(20-3) (1-3)	4.90
Old Shipyard Landing, LLC	(20-3) (1-4)	4.90
Manuel and Isabell Queijo Revocable Living Trust	(20-2) (1-27)	49.37
	Total	1,379.65

Provided, however, that all land within 25 feet of the road right-of-way of Menzels Road (Route 659) and Little Creek Dam Road (Route 631) be excluded from the District to allow for possible road improvements.

3. Pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Wright's Island AFD be developed

to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the sitting of Wireless Communication Facilities (WCF), provided: a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.

b. No land outside the Primary Service Area (PSA) and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land outside the PSA, and within the AFD, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from AFDs outside the PSA, adopted September 24, 1996, as amended. Land inside the PSA, and within the AFD, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from AFDs within the PSA, adopted September 24, 1996, as amended.

c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for WCF on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

James G. Kennedy
Chairman, Board of Supervisors

SUPERVISOR	VOTE
MCGLENNON	AYE
GOODSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of July, 2010.

AFD1-94WrghtIs_res

AGENDA ITEM NO. G-2

AGRICULTURAL AND FORESTAL DISTRICT-1-94. Wright's Island 2010 Renewal
Staff Report for the July 27, 2010, Board of Supervisors Public Hearing.

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.

PUBLIC HEARINGS **Building F Board Room; County Government Center**
Planning Commission: July 7, 2010, 7:00 p.m.
Board of Supervisors: July 27, 2010, 7:00 p.m.

SUMMARY FACTS

Owners	Parcel No.	Acres
Wright's Island Game Assoc	2030100001	1,320.48
Old Shipyard Landing, LLC	2030100003	4.90
Old Shipyard Landing, LLC	2030100004	4.90
Manuel and Isabell Queijo Revocable Living Trust	2020100027	49.37
Brian M. Menzel, et al	2020100028	74.75

Zoning: A-1, General Agriculture

Comprehensive Plan: Rural Lands and Conservation Area

Primary Service Area: Outside

STAFF RECOMMENDATION

This Agricultural and Forestal District (AFD) is consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends renewing the Wright's Island AFD for a period of eight years and two months, subject to the enclosed conditions.

On June 28, 2010, the AFD Advisory Committee recommended renewal of this district by a vote of 6-0.

Staff Contact: Kathryn Sipes, Senior Planner Phone: 253-6685

PLANNING COMMISSION RECOMMENDATION

At its meeting on July 7, 2010, by a vote of 6-0, the Planning Commission recommended renewal of the Wright's Island AFD.

Proposed Changes Made Since Planning Commission Meeting

No changes have been made since the Planning Commission meeting.

SUMMARY

As required by State Code, the County must review all established AFDs prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-1-94, Wright's Island, which is scheduled to expire August 13, 2010.

Staff is endeavoring to synchronize the expiration dates of all districts. During the renewal process in 2006, when 13 of the 14 districts were renewed, terms of the 13 districts were adjusted to expire in

October of the appropriate year. Wright's Island is currently the only district with an eight-year term and the only district that was not renewed in 2006. As part of the 2010 renewal process staff is recommending a term of eight years and two months, making the expiration date October 2018.

DISTRICT HISTORY

The Wright's Island AFD was adopted by the Board of Supervisors in October 1986. The district originally consisted of five parcels comprising approximately 1,495 acres and was established for a term of eight years. The originally adopted district (AFD-1-86) expired in September 1994 and a new district (AFD-1-94) was subsequently created in October 1994. The new district was established for a term of eight years. In November 1999, the Board of Supervisors approved the addition of 49.373 acres to the district. In August 2002, the District was renewed for another eight-year term. As part of the 2002 renewal a 90-acre parcel was withdrawn from the district.

The Wright's Island AFD consists of approximately 1,454.40 acres located along Little Creek Dam Road and Menzels Road between Little Creek Reservoir, Yarmouth Creek, and the Chickahominy River (see attached location map). Part of the district is adjacent to the Little Creek Reservoir. Specifically, the AFD is currently comprised of the following:

Owner	Parcel No.	Acres
Wright's Island Game Association	(20-3)(1-1)	1,320.48
Old Shipyard Landing, LLC	(20-3)(1-3)	4.90
Old Shipyard Landing, LLC	(20-3)(1-4)	4.90
Menzel, Brian M. Et. Als	(20-2)(1-28)	74.75
Manuel J. and Isabell Queijo Revocable Living Trust	(20-2)(1-27)	49.37

ANALYSIS

The bulk of the district consists of woodlands, with the remaining land being tidal wetlands. All of the land is zoned A-1, General Agricultural, and is located entirely outside the Primary Service Area (PSA). The land in the district is designated as either Rural Lands or Conservation Area on the Comprehensive Plan Land Use Map.

WITHDRAWALS

One parcel, (20-2)(1-28), is being withdrawn at the property owners' request. The parcel is approximately 75 acres in size. After the withdrawal the district will total approximately 1379.65 acres.

CHANGE IN CONDITIONS

Staff is recommending a revision to Condition No. 2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the PSA, adopted September 24, 1996, as well as adding a reference to the Board of Supervisor's policy pertaining to Withdrawal of Lands from AFDs inside the PSA, adopted September 24, 1996. Staff is also recommending language that references future amendments to those Board policies. The proposed condition is as follows, with proposed corrections and additions underlined:

"No land outside the PSA and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land <u>outside</u> the PSA, and within the AFD, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from AFDs outside the PSA, adopted September 24, 1996, <u>as amended. Land inside the PSA, and within the AFD, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from AFDs Within the PSA, adopted September 24, 1996, as amended</u>."

STAFF RECOMMENDATION

This AFD is consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends renewing the Wright's Island AFD for a period of eight years and two months, subject to the following conditions. On June 28, 2010, the AFD Advisory Committee recommended renewal of this district by a vote of 6-0.

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the sitting of communications towers and related equipment provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.

2. No land outside the PSA and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land outside the PSA, and within the AFD, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from AFDs outside the PSA, adopted September 24, 1996, as amended. Land inside the PSA, and within the AFD, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from AFDs within the PSA, adopted September 24, 1996, as amended.

3. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for WCFs on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

_____
Kathryn Sipes

CONCUR:

_____
Allen J. Murphy

KS/nb
AFD1-94WrghtIs.doc

ATTACHMENTS:
1. Proposed Ordinance
2. Unapproved Minutes of the July 7, 2010, Planning Commission Meeting
3. Location Map
4. Withdrawal Request
5. Unapproved Minutes of the June 28, 2010, ADF Advisory Committee Meeting
6. Existing Ordinance and Conditions, Dated August 13, 2002

AGENDA ITEM NO. H.14.

ITEM SUMMARY

DATE: 9/11/2018

TO: The Board of Supervisors

FROM: Tori Haynes, Planner

SUBJECT: AFD-11-86-1-2018. Yarmouth Island AFD Renewal

ATTACHMENTS:

	Description	Type
🗋	Staff Report	Staff Report
🗋	Attachment 1. Ordinance	Ordinance
🗋	Attachment 2. Location Map	Backup Material
🗋	Attachment 3. Adopted conditions for the Yarmouth Island AFD	Backup Material
🗋	Attachment 4. Board of Supervisors staff report for the 2014 renewal of the Yarmouth Island AFD	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	8/24/2018 - 3:35 PM
Development Management	Holt, Paul	Approved	8/24/2018 - 3:36 PM
Publication Management	Burcham, Nan	Approved	8/24/2018 - 3:51 PM
Legal Review	Kinsman, Adam	Approved	8/27/2018 - 9:21 AM
Board Secretary	Fellows, Teresa	Approved	8/27/2018 - 3:10 PM
Board Secretary	Purse, Jason	Approved	9/4/2018 - 3:00 PM
Board Secretary	Fellows, Teresa	Approved	9/4/2018 - 3:36 PM

SUMMARY FACTS

LAND OWNERS	PARCEL ID	±ACRES
Richardson Holdings LLP	2930100005	172.84
Richardson Holdings LLP	2930100002	68.50
Richardson Holdings LLP	2840100005	940.00
John C. Richardson	2910100001	28.50
Richardson Holdings LLP	2920100001	*100.00
Lyle & Demetria Charbonneau	2940100001	38.70
Franciscan Brethren of St. Philip	2940100002	34.65
Shield's Point, LLC	2840100008	625.20
Shield's Point, LLC	3510100011	27.34
Shield's Point, LLC	3510100012	7.35
Shield's Point, LLC	2840100006	12.30
Shield's Point, LLC	2840100007	77.50
Richardson Holdings LLP	2930100003	10.00
TOTAL ACRES		2,142.88

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area (PSA): Outside

Staff Contact: Tori Haynes, Planner

PUBLIC HEARING DATES

Planning Commission: August 1, 2018, 6:00 p.m.
Board of Supervisors: September 11, 2018, 5:00 p.m.

STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

AGRICULTURAL AND FORESTAL DISTRICT (AFD) ADVISORY COMMITTEE RECOMMENDATION

At its June 21, 2018 meeting, the AFD Advisory Committee voted 9-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

PLANNING COMMISSION RECOMMENDATION

At its August 1, 2018 meeting, the Planning Commission voted 5-0 to recommend the continuation of the District to the Board of Supervisors.

DISTRICT HISTORY

- The Yarmouth Island AFD was created in 1986 for a term of four years and originally consisted of nine parcels totaling ±1,524 acres.
- The District was renewed for terms of four years in 1990, 1994, 1998, 2002, 2006, 2010 and 2014. Various additions and withdrawals have occurred since 1994, but there have been none since 2014.
- The acreage denoted with an asterisk (*) in the summary facts table was updated after the landowner submitted documentation correcting the parcel's total area.

DISTRICT DESCRIPTION

Yarmouth Island AFD is roughly bordered by the Chickahominy River, Yarmouth Creek, Jolly Pond Road and Bush Neck Road. The District is heavily wooded and also includes swamp and wetland areas. All parcels within Yarmouth Island AFD are zoned A-1, General Agricultural, are designated Rural Lands in the Comprehensive Plan and are outside of the PSA.

The District includes all land on the above-referenced properties with the exception of all land within 25 feet of right-of-ways. This area has been excluded to allow for possible road and/or drainage improvements.

ADDITION/WITHDRAWAL REQUESTS

None.

CHANGES TO CONDITIONS

None.

SURROUNDING ZONING AND DEVELOPMENT

The surrounding area is substantially rural in nature. The District is abutted by the Jolly Pond Convenience Center to the east, Wrights Island AFD to the north and Gordon Creek AFD to the south. Adjacent zoning districts include A-1, General Agricultural; PL, Public Lands; and R-6, Low-Density Residential.

COMPREHENSIVE PLAN

The Comprehensive Plan designates these parcels as Rural Lands. Land Use Action 6.1.1 of the adopted Comprehensive Plan states the County shall "support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*."

STAFF RECOMMENDATION

Staff finds the Yarmouth Island AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Board of Supervisors approve the renewal of this AFD for a period of four years, subject to the conditions listed in the District Ordinance (Attachment No. 1).

TH/md
AFD-YarmthIsRenew

Attachments:
1. Ordinance
2. Location Map
3. Adopted conditions for the Yarmouth Island AFD
4. Board of Supervisors staff report for the 2014 renewal of the Yarmouth Island AFD

ORDINANCE NO._____

AGRICULTURAL AND FORESTAL DISTRICT-11-86-1-2018

YARMOUTH ISLAND 2018 RENEWAL

WHEREAS, James City County has completed a review of the Yarmouth Island Agricultural and Forestal District (the "District"); and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code"), property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the District; and

WHEREAS, the Agricultural and Forestal District (AFD) Advisory Committee at its meeting on June 21, 2018, voted 9-0 to recommend renewal of the District; and

WHEREAS, the Planning Commission following its public hearing on August 1, 2018, concurred with the recommendation of staff and the AFD Advisory Committee and voted 5-0 to recommend renewal of the District with the conditions listed below.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that:

1. The Yarmouth Island Agricultural and Forestal District (the "District") is hereby continued to October 31, 2022 in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq. (the "Act").

2. That the District shall include the following parcels, provided, however, that all land within 25 feet of road right-of-ways is excluded from the District:

Owner	Parcel No.	±Acres
Richardson Holdings Limited Partnership	2930100005	172.84
Richardson Holdings Limited Partnership	2930100002	68.50
Richardson Holdings Limited Partnership	2840100005	940.00
John C. Richardson	2910100001	28.50
Richardson Holdings Limited Partnership	2920100001	100.00
Lyle & Demetria Charbonneau	2940100001	38.70
Franciscan Brethren of St. Philip	2940100002	34.65
Shield's Point LLC	2840100008	625.20
Shield's Point LLC	3510100011	27.34
Shield's Point LLC	3510100012	7.35
Shield's Point LLC	2840100006	12.30
Shield's Point LLC	2840100007	77.50
Richardson's Holdings Limited Partnership	2930100003	10.00

Total: 2,142.88

3. That pursuant to Sections 15.2-4312 and 15.2-4313 of the Act, the Board of Supervisors requires that no parcel in the District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

   a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCFs), provided: a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.

   b. No land outside the Primary Service Area and within the District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the District may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from Agricultural and Forestal Districts, adopted September 28, 2010.

   c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the Act, which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for WCFs on properties in the District that are in accordance with the County's policies and Ordinances regulating such facilities.

_____
Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:

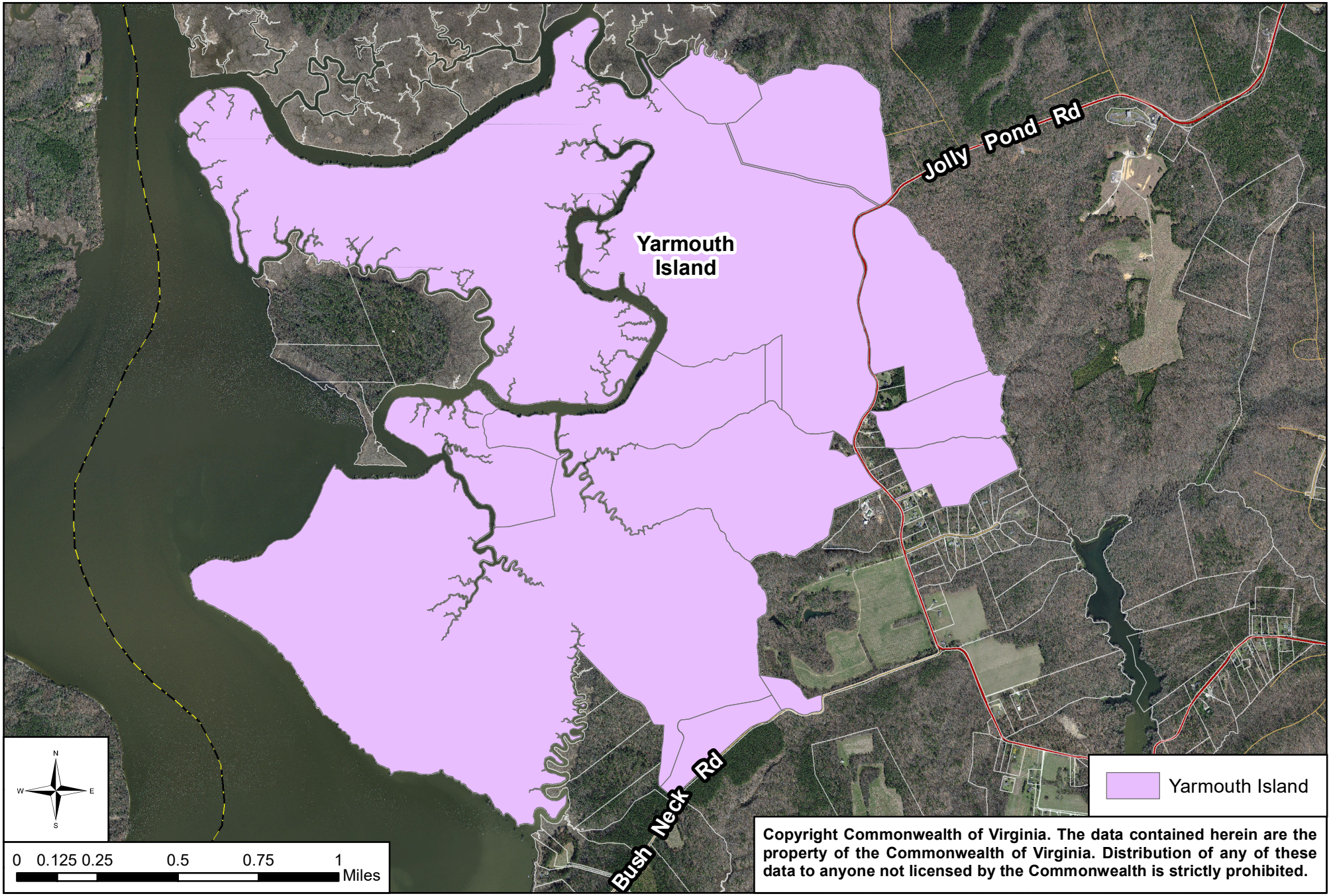
	VOTES		
	AYE	NAY	ABSTAIN
MCGLENNON	____	____	____
ICENHOUR	____	____	____
SADLER	____	____	____
HIPPLE	____	____	____
LARSON	____	____	____

_____
Teresa J. Fellows
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2018.

AFDYarmthIsRenw-res

JCC AFD-11-86-1-2018
Yarmouth Island 2018 Renewal



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ADOPTED

SEP 09 2014

Board of Supervisors
James City County, VA

ORDINANCE NO. 172A-10

AGRICULTURAL AND FORESTAL DISTRICT-11-86

YARMOUTH ISLAND 2014 RENEWAL

WHEREAS, James City County has completed a review of the Yarmouth Island Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code") property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the Yarmouth Island Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal District Advisory Committee, at its meeting on July 7, 2014, voted 8-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission, following its public hearing on August 6, 2014, concurred with the recommendation of staff and the AFD Advisory Committee and voted 6-0 to recommend renewal of the district with the conditions listed below.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Supervisors of James City County, Virginia, that:

1. The Yarmouth Island Agricultural and Forestal District is hereby continued to October 31, 2018, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.

2. That the district shall include the following parcels, provided, however, that all land within 25 feet of road rights-of-way is excluded from the district:

Owner	Parcel No.	Acres
Richardson Holdings Limited Partnership	2930100005	172.84
Richardson Holdings Limited Partnership	2930100002	68.50
Richardson Holdings Limited Partnership	2840100005	940.00
John C. Richardson	2910100001	28.50
Richardson Holdings Limited Partnership	2920100001	123.00
McMurran, Martha W. & SWR-MISC LLC	2940100001	38.70
Franciscan Brethren of St. Philip	2940100002	34.65
Shield's Point LLC	2840100008	625.20
Shield's Point LLC	3510100011	27.34
Shield's Point LLC	3510100012	7.35
Shield's Point LLC	2840100006	12.30
Shield's Point LLC	2840100007	77.50
Richardson's Holdings Limited Partnership	2930100003	10.00
	Total:	2,165.89

3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Yarmouth Island Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

   a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCF), provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.

   b. No land outside the Primary Service Area and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from AFDs, adopted September 28, 2010.

   c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	AYE	NAY	ABSTAIN
KENNEDY	X	____	____
JONES	X	____	____
MCGLENNON	X	____	____
ONIZUK	X	____	____
HIPPLE	X	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of September, 2014.

AFD11-86-1-14Yarmouth-res

AGENDA ITEM NO. I-12

Agricultural and Forestal District-11-86-1-2014. Yarmouth Island AFD Renewal

Staff Report for the September 9, 2014, Board of Supervisors Public Hearing

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.

PUBLIC HEARINGS — **Building F Board Room; County Government Complex**

AFD Advisory Committee: July 7, 2014, 4:00 p.m. (Human Services Building)
Planning Commission: August 6, 2014, 7:00 p.m.
Board of Supervisors: September 9, 2014, 7:00 p.m.

SUMMARY FACTS

Owners:	Parcel Number	Acres
Richardson Holdings Limited Partnership	2930100005	172.84
Richardson Holdings Limited Partnership	2930100002	68.50
Richardson Holdings Limited Partnership	2840100005	940.00
John C. Richardson	2910100001	28.50
Richardson Holdings Limited Partnership	2920100001	123.00
McMurran, Martha W. & SWR-MISC LLC	2940100001	38.70
Franciscan Brethren of St. Philip	2940100002	34.65
Shield's Point, LLC	2840100008	625.20
Shield's Point, LLC	3510100011	27.34
Shield's Point, LLC	3510100012	7.35
Shield's Point, LLC	2840100006	12.30
Shield's Point, LLC	2840100007	77.50
Richardson's Holdings Limited Partnership	2930100003	10.00
TOTAL ACRES		2,165.89

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands and Conservation Area

Primary Service Area: Outside

Staff Contact: Luke Vinciguerra Phone: 253-6783

STAFF RECOMMENDATION

Staff finds this Agricultural and Forestal District (AFD) consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends the Board of Supervisors renew the Yarmouth Island AFD for a period of four years, subject to the conditions listed in the attached resolution.

PLANNING COMMISSION RECOMMENDATION

At its August 6, 2014, meeting, the Planning Commission recommended the continuation of the District by a vote of 6-0 (Richardson absent).

AFD ADVISORY COMMITTEE RECOMMENDATION

At its July 7, 2014, meeting, the AFD Advisory Committee voted 8-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

Proposed Changes Made Since the Planning Commission Meeting

None.

SUMMARY

As required by State Code, the County must review all established AFDs prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-11-86, Yarmouth Island, which is scheduled to expire October 31, 2014.

Staff is attempting to synchronize the expiration dates of all districts. As part of the 2014 renewal process, staff is recommending a term of four years, making the proposed expiration date October 31, 2018.

DISTRICT HISTORY

The District was approved on December 1, 1986, for a term of 4 years and was subsequently renewed for four-year terms in October 1990, October 1994, and September 1998. In 1999, approximately 746 acres was added into the District. The District was renewed again in 2002 and 2006 for four-year terms, with approximately 52 acres withdrawn as part of the 2002 renewal. The District was renewed in 2010 and 134.49 acres was added.

The District includes all land on the above-referenced properties with the exception of all land within 25 feet of arterial road rights-of-way. That property has been excluded from the District to allow for possible road and/or drainage improvements.

The Yarmouth Island AFD consists of approximately 2,165.89 acres located along Jolly Pond Road, between Yarmouth Creek and the Chickahominy River.

ANALYSIS

The majority of the District contains woodland. The remainder of the property in the District is in swamp and wetlands. All of the property within this District is zoned A-1, General Agricultural, and a major portion of the surrounding property is zoned A-1 and is forested. The District is designated Rural Lands and Conservation Area by the Comprehensive Plan, is located outside of the Primary Service Area (PSA), and remains relatively rural in nature.

REQUEST NOT TO CONTINUE IN THE AFD

No property owner has requested to not continue their participation in the AFD.

ADDITIONS

No property owner has requested land be added to the District during this renewal period.

CHANGE IN CONDITIONS

Staff is recommending a revision to Condition No. 2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts to refer to the most recent policy adopted in 2010. The proposed change is as follows:

~~"No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended."~~

No land outside the Primary Service Area and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.

STAFF RECOMMENDATION

Staff finds this AFD consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. At its August 6, 2014, meeting, the Planning Commission voted to recommend the continuation of the District by a vote of 6-0 (Richardson absent). At its July 7, 2014, meeting, the AFD Advisory Committee voted 8-0 recommending the continuation of the District to the Planning Commission and Board of Supervisors. Staff recommends the Board of Supervisors renew the Yarmouth Island AFD for a period of four years, subject to the conditions listed in the attached resolution.

Luke Vinciguerra

CONCUR:

Allen J. Murphy, Jr.

LV/gb
AFD11-86-1-14Yarmouth

ATTACHMENTS:

1. Ordinance
2. Location Map
3. Existing ordinance and conditions, September 28, 2010
4. Ordinance for the addition of property, dated February 8, 2011
5. Ordinance for the addition of property, dated March 8, 2011
6. Approved minutes of the July 7, 2014, AFD Advisory Committee meeting (under separate cover)
7. Unapproved minutes of the August 6, 2014, Planning Commission meeting (under separate cover)

AGENDA ITEM NO. I.1.

ITEM SUMMARY

DATE: 9/11/2018

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer, Chief of Police

SUBJECT: Authorization to Purchase Thirteen (13) Police Vehicles - $342,145

ATTACHMENTS:

	Description	Type
🗋	memorandum	Cover Memo
🗋	resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Police	Rinehimer, Bradley	Approved	8/22/2018 - 6:52 AM
Police	Rinehimer, Bradley	Approved	8/22/2018 - 6:52 AM
Publication Management	Burcham, Nan	Approved	8/22/2018 - 10:15 AM
Legal Review	Kinsman, Adam	Approved	8/27/2018 - 9:23 AM
Board Secretary	Fellows, Teresa	Approved	8/27/2018 - 3:08 PM
Board Secretary	Purse, Jason	Approved	9/4/2018 - 3:01 PM
Board Secretary	Fellows, Teresa	Approved	9/4/2018 - 3:39 PM

M E M O R A N D U M

DATE: September 11, 2018

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer, Chief of Police

SUBJECT: Authorization to Purchase 13 Police Vehicles - $342,145

James City County Police Department requested and was authorized funds in the County's Fiscal Year 2019 Budget to purchase new and replacement police vehicles. The department is prepared at this time to purchase 13 of those vehicles at a cost of $342,144.78.

Police Department, Fleet & Equipment and Purchasing staff examined different options and determined the lowest procurement method for this purchase is to use a cooperative purchasing contract issued by York County, Virginia, to Haley Auto Group in Richmond, Virginia. The York County, Virginia, 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.

Adoption of the attached resolution will allow a purchase order to be created to procure 13 model year 2018 Dodge Charger police-package vehicles. The cost is $26,318.83 per vehicle, for a total cost of $342,144.78. Those funds are available within the Police Department's current budget.

Staff recommends adoption of the attached resolution authorizing the Purchasing Department to create a purchase order for the procurement of 13 police vehicles described in this memorandum for a total cost of $342,145.

BJR/nb
13PVehicles-mem

Attachment

R E S O L U T I O N

AUTHORIZATION TO PURCHASE 13 POLICE VEHICLES - $342,145

WHEREAS, funds are available through the Police Department's Fiscal Year 2019 Adopted Budget for new and replacement vehicles; 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 York County, Virginia, issued a cooperative purchasing contract to Haley Auto Group as a result of a competitive sealed Invitation for Bid; and

WHEREAS, the Police Department, Fleet & Equipment and Purchasing staff determined the Contract specifications meet the County's performance requirements for 13 police vehicles at a price of $342,145 through Haley Auto Group in Richmond, Virginia.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the Purchasing Director and County Administrator to execute a Purchase Order with Haley Auto Group for 13 police vehicles in the amount of $342,145.

_____
Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:

	VOTES		
	AYE	NAY	ABSTAIN
MCGLENNON	____	____	____
ICENHOUR	____	____	____
SADLER	____	____	____
HIPPLE	____	____	____
LARSON	____	____	____

_____
Teresa J. Fellows
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2018.

13PVehicles-res

AGENDA ITEM NO. I.2.

ITEM SUMMARY

DATE: 9/11/2018

TO: The Board of Supervisors

FROM: William C. Porter, Interim County Administrator

SUBJECT: VRS Benefits

ATTACHMENTS:

	Description	Type
🗋	VRS Benefits	Cover Memo
🗋	VRS Benefits-50/30	Resolution
🗋	VRS Benefits 1.85 percent multiplier	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Financial Management	Mellen, Sue	Approved	9/5/2018 - 11:53 AM
Publication Management	Burcham, Nan	Approved	9/5/2018 - 4:06 PM
Legal Review	Kinsman, Adam	Approved	9/5/2018 - 4:08 PM
Board Secretary	Fellows, Teresa	Approved	9/6/2018 - 9:30 AM
Board Secretary	Purse, Jason	Approved	9/6/2018 - 9:31 AM
Board Secretary	Fellows, Teresa	Approved	9/6/2018 - 9:32 AM

M E M O R A N D U M

DATE: September 11, 2019

TO: The Board of Supervisors

FROM: William C. Porter, Interim County Administrator

SUBJECT: Virginia Retirement System Benefits

James City County is an employer with the Virginia Retirement System (VRS) and includes both the Middle Peninsula Juvenile Detention Commission (MPJDC) and the Williamsburg Area Transit Authority (WATA). Even though both MPJDC and WATA are political subdivisions and are eligible to be their own employers with VRS, they have remained combined with the County for administrative efficiencies.

In Fiscal Year 2015 the Governmental Accounting Standards Board updated its financial reporting requirements to include the liabilities of pension programs for employees on the government's financial statement. The proper way to account for the MPJDC and WATA liabilities is for each entity to become employers with VRS and to reflect them on their own statements.

In September 2017 the County, MPJDC and WATA requested that VRS conduct actuarial studies to split off the County account and establish their own rates. The studies were received in August 2018 and MPJDC and WATA will realize lower employer contribution rates. The County's rate is estimated to increase by 0.28%. No County Board action is required to allow MPJDC and WATA to split off from the County. The WATA and MPJDC Boards will be taking action to implement their separate VRS entities effective January 1, 2019.

The County at the same time requested two additional actuarial studies to determine the impact of enhancing benefits for current County employees for inclusion in the Fiscal Year 2019 budget. These results were also received in August 2018. Currently, VRS offers to Plan 1 employers unreduced retirement age and service eligibility of 50/30. The County offers an unreduced benefit at 55/30 and is one of 31 entities of over 400 across the state who do not offer the enhanced benefit. Both MPJDC and WATA will have the enhanced benefit as all new employers do not have 55/30 as an option. The ongoing impact on the employer rate for this change is estimated at 0.03%.

The Code of Virginia also allows local governments participating in VRS the option of providing a multiplier, which is used to calculate an employee's service retirement benefit, of either 1.70% or 1.85% for Law Enforcement Officers, Firefighters and Emergency Medical Technicians. The County provides the 1.70% multiplier to all employees. Our neighboring communities, the City of Newport News, the City of Poquoson, the City of Williamsburg and most recently York County all offer the 1.85% multiplier. The ongoing estimated impact is 0.81%.

The Fiscal Year 2019 and Fiscal Year 2020 VRS rates were budgeted at 9.37%. The actual VRS rate prior to these changes is 8.7%. The overall budget impact between the savings and the enhanced benefits is .45%. The estimated cost for these changes to the County for the remaining six months of Fiscal Year 2019 is estimated at less than $100,000 and would be funded by the VRS savings from the VRS savings from the first six months. Reserves have been set aside in the Fiscal Year 2020 budget for this purpose and are sufficient to address the ongoing yearly cost.

As an additional note, the James City Service Authority (JCSA) is another of the 31 employers that offer the 55/30 benefit. They are awaiting their study results and plan to bring a resolution to the JCSA Board for implementation January 1, 2019.

Staff recommends that the County implement the enhanced retirement options of 50/30 and the 1.85% multiplier for Law Enforcement Officers, Firefighters and Emergency Medical Technicians effective January 1, 2019 and adopt the attached resolutions.

WCP/nb
VRSBenefits-mem

Attachments

R E S O L U T I O N

BE IT HEREBY RESOLVED that the County of James City, a political subdivision of the Commonwealth of Virginia, acting by and through the Board of Supervisors, does hereby elect, pursuant to § 51.1-155(A)(3) of the *Code of Virginia*, to have those of its employees who are regularly employed full time on a salaried basis and whose tenure is not restricted as to temporary or provisional appointment to become eligible for full unreduced early retirement benefits at age 50 with at least 30 years of service, effective January 1, 2019 as set out in § 51.1-155(A)(2) of the *Code of Virginia*. The County of James City agrees to pay the required employer cost for participation of its employees becoming covered hereunder.

NOW, THEREFORE, BE IT RESOLVED that William C. Porter, Interim County Administrator is hereby authorized and directed in the name of the Board of Supervisors to execute any required contract in order that said employees of the County of James City may become eligible for unreduced early retirement benefits at age 50 with 30 years of service under the Virginia Retirement System. In execution of any contract which may be required the seal of the County of James City shall be affixed and attested by the Clerk and said officers of the County of James City are hereby authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the County of James City and its employees for this purpose.

_____
Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:

	VOTES		
	AYE	NAY	ABSTAIN
MCGLENNON	____	____	____
ICENHOUR	____	____	____
SADLER	____	____	____
HIPPLE	____	____	____
LARSON	____	____	____

_____
Teresa J. Fellows
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2018.

PolSub50-30-res

CERTIFICATE

I,_____, Clerk of the of the Board of Supervisors of the County of James City, certify that the foregoing is a true and correct copy of the resolution passed at a lawfully organized meeting of the Council held at 101-F Mounts Bay Road, James City County, Virginia, at _____o'clock p.m. on _____.

Given under my hand and seal of the James City County this ____ day of _____, 20__.

_____
Clerk

R E S O L U T I O N

BE IT HEREBY RESOLVED that the County of James City, Virginia, a political subdivision currently participating in the Virginia Retirement System under Title 51.1, Chapter 1, Article 5 of the Code of Virginia, as amended, acting by and through its Board of Supervisors (name of governing body) does hereby elect to have such employees of the County who are employed in positions as full time salaried Law Enforcement Officers/Firefighters/Emergency Medical Technicians and whose tenure is not restricted as to temporary or provisional appointment, to become eligible, effective January 1, 2019, to be provided benefits in the Virginia Retirement System equivalent to those provided for State police officers of the Department of State Police, as set out in Section 51.1-138 of the Code of Virginia including the retirement multiplier of 1.85%, in lieu of the benefits that would otherwise be provided as such code has been or may be amended from time to time, and the County agrees to pay the employer cost for providing such employees such benefits.

BE IT FURTHER RESOLVED that William C. Porter, Interim County Administrator is hereby authorized and directed in the name of the County to execute any required contract in order that the above described employees of the County may become entitled to retirement benefits equivalent to those provided for State police officers of the Department of State Police. In execution of any contract which may be required the seal of the County shall be affixed and attested by the Clerk and, said officers of the County are hereby authorized and directed to do any other thing, or things, incident and necessary in the lawful conclusion of this matter. The Treasurer of the County be and is hereby authorized and directed and pay over to the Treasurer of Virginia from time to time such sums as are to be paid by the County and its employees for this purpose.

_____
Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:

	VOTES		
	AYE	NAY	ABSTAIN
MCGLENNON	____	____	____
ICENHOUR	____	____	____
SADLER	____	____	____
HIPPLE	____	____	____
LARSON	____	____	____

_____
Teresa J. Fellows
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2018.

VRSBenefitsGde-res

CERTIFICATE

I, _____, Clerk of the County of James City, Virginia, certify that the foregoing is a true and correct copy of the resolution passed at a lawfully organized meeting of the Board of Supervisors held at _____, Virginia, at _____ o'clock p.m. on _____, 20___. Given under my hand and seal of the Clerk of the County of James City this _____ day of _____, 20___.

_____
Clerk

AGENDA ITEM NO. K.1.

ITEM SUMMARY

DATE: 9/11/2018

TO: The Board of Supervisors

FROM: William C. Porter, Interim County Administrator

SUBJECT: County Administrator's Report

ATTACHMENTS:

	Description	Type
	Memorandum	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	9/4/2018 - 4:45 PM

M E M O R A N D U M

DATE: September 11, 2018

TO: The Board of Supervisors

FROM: William C. Porter, Interim County Administrator

SUBJECT: County Administrator's Report

The following is a summary of activities that took place August 8, 2018 through September 4, 2018:

August 8, 2018 (Wednesday)

- Met with Betsy Fowler, Library Director
- Met with Grace Boone, General Services (GS) Director

August 9, 2018 (Thursday)

- Met with Neil Morgan, York County Administrator, Andrew Trivette, Williamsburg City Manager and Economic Development Directors; regional economic initiatives
- Attended Economic Development Authority meeting

August 13, 2018 (Monday)

- Met with Sue Mellen, Financial and Management Services (FMS) Director, Anne Bradstreet Smith, Olde Towne Medical & Dental Center (OTMDC) Chair and William Mann, OTMDC Director
- Met with Sue Mellen, FMS Director
- Met with Ryan Ashe, Fire Chief

August 14, 2018 (Tuesday)

- Attended agenda meeting
- Met with John Carnifax, Parks & Recreation Director
- Attended Board of Supervisors (BOS) meeting

August 15, 2018 (Wednesday)

- Met with Patrick Page, Information Resource Management (IRM) Director
- Met with Amy Jordan, Economic Development Director

August 16, 2018 (Thursday)

- Attended New Employee Orientation
- Attended Executive Leadership Team (ELT) meeting
- Attended Williamsburg Pottery's 80th anniversary

August 17, 2018 (Friday)

- Met with Jim Icenhour, BOS Vice Chair

August 20, 2018 (Monday)

- Attended Greater Williamsburg Partnership (GWP) Executive Committee conference call with chief administrative officers
- Met with Paul Holt, Community Development Director

August 21, 2018 (Tuesday)

- Attended Tourism Council meeting

August 22, 2018 (Wednesday)

- Attended Clean County Commission Breakfast Forum
- Attended GWP meeting

August 23, 2018 (Thursday)

- Met with Scott Stevens, future County Administrator and Board members Ruth Larson and Jim Icenhour
- Attended ELT meeting

August 24, 2018 (Friday)

- Met with Betsy Fowler, Library Director

August 27, 2018 (Monday)

- Attended Hampton Roads Planning District Commission chief administrative officers meeting
- Met with Sue Mellen, FMS Director

August 28, 2018 (Tuesday)

- Met with James City County and City of Williamsburg Sheriff Robert J. Deeds
- Met with Rob Till, James City County (JCC) resident and John Carnifax, Parks & Recreation Director

August 29, 2018 (Wednesday)

- Met with Patrick Page, IRM Director
- Met with Amy Jordan, Economic Development Director
- Met with Bill Cane, JCC resident, Adam Kinsman, County Attorney, Shawn Gordon, Chief Civil Engineer and Rick Koehl, Capital Project Coordinator

August 30, 2018 (Thursday)

- Conference call with Board members Ruth Larson and Jim Icenhour

September 4, 2018 (Tuesday)

- Met with Jason Purse, Assistant County Administrator

WCP/md
CARpt-Sept18-mem

AGENDA ITEM NO. L.1.

ITEM SUMMARY

DATE: 9/11/2018

TO: The Board of Supervisors

FROM: Dawn Oleksy, Environmental Sustainability Coordinator

SUBJECT: Appointment of Clean County Commissioners

ATTACHMENTS:

Description	Type

REVIEWERS:

Department	Reviewer	Action	Date
General Services	Boone, Grace	Approved	8/17/2018 - 7:02 AM
Publication Management	Burcham, Nan	Approved	8/17/2018 - 7:41 AM
Legal Review	Kinsman, Adam	Approved	8/27/2018 - 9:23 AM
Board Secretary	Fellows, Teresa	Approved	8/27/2018 - 3:08 PM
Board Secretary	Purse, Jason	Approved	9/4/2018 - 3:00 PM
Board Secretary	Fellows, Teresa	Approved	9/4/2018 - 3:37 PM

AGENDA ITEM NO. L.2.

ITEM SUMMARY

DATE: 9/11/2018

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Appointment to Williamsburg Area Arts Commission

ATTACHMENTS:

Description	Type

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	9/4/2018 - 4:47 PM

AGENDA ITEM NO. L.3.

ITEM SUMMARY

DATE: 9/11/2018

TO: The Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: Social Services Advisory Board Reappointment

ATTACHMENTS:

Description	Type

REVIEWERS:

Department	Reviewer	Action	Date
Social Services	Watson, Barbara	Approved	8/24/2018 - 1:54 PM
Community Services	Vinroot, Rebecca	Approved	8/24/2018 - 1:55 PM
Publication Management	Burcham, Nan	Approved	8/24/2018 - 1:59 PM
Legal Review	Kinsman, Adam	Approved	8/27/2018 - 9:25 AM
Board Secretary	Fellows, Teresa	Approved	8/27/2018 - 3:16 PM
Board Secretary	Purse, Jason	Approved	9/4/2018 - 3:00 PM
Board Secretary	Fellows, Teresa	Approved	9/4/2018 - 3:38 PM

AGENDA ITEM NO. L.4.

ITEM SUMMARY

DATE: 9/11/2018

TO: The Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: Peninsula Agency on Aging Board Reappointment

ATTACHMENTS:

Description	Type

REVIEWERS:

Department	Reviewer	Action	Date
Social Services	Watson, Barbara	Approved	8/24/2018 - 2:00 PM
Community Services	Vinroot, Rebecca	Approved	8/24/2018 - 2:00 PM
Publication Management	Daniel, Martha	Approved	8/24/2018 - 2:12 PM
Legal Review	Kinsman, Adam	Approved	8/27/2018 - 9:25 AM
Board Secretary	Fellows, Teresa	Approved	8/27/2018 - 3:10 PM
Board Secretary	Purse, Jason	Approved	9/4/2018 - 3:00 PM
Board Secretary	Fellows, Teresa	Approved	9/4/2018 - 3:37 PM

AGENDA ITEM NO. L.5.

ITEM SUMMARY

DATE: 9/11/2018

TO: The Board of Supervisors

FROM: Michael Woolson, Secretary to the Chesapeake Bay and Wetlands Board

SUBJECT: Appointments to the Chesapeake Bay Board and Wetlands Board

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ATTACHMENTS:

Description	Type

REVIEWERS:

Department	Reviewer	Action	Date
Engineering & Resource Protection	Geissler, Fran	Approved	8/27/2018 - 8:19 PM
Development Management	Holt, Paul	Approved	8/28/2018 - 8:24 AM
Publication Management	Burcham, Nan	Approved	8/28/2018 - 8:26 AM
Legal Review	Kinsman, Adam	Approved	8/28/2018 - 9:23 AM
Board Secretary	Fellows, Teresa	Approved	8/30/2018 - 8:11 AM
Board Secretary	Purse, Jason	Approved	9/4/2018 - 3:01 PM
Board Secretary	Fellows, Teresa	Approved	9/4/2018 - 3:39 PM

AGENDA ITEM NO. M.1.

ITEM SUMMARY

DATE: 9/11/2018

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Adjourn until 4 p.m. on September 25, 2018 for the Work Session

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REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	8/23/2018 - 2:35 PM