

A G E N D A
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg VA 23185
September 7, 2022
6:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. PUBLIC COMMENT

D. REPORTS OF THE COMMISSION

E. CONSENT AGENDA

1. Minutes of the August 3, 2022, Regular Meeting
2. Development Review Committee Action Item: SP-22-0005. Colonial Veterinary Clinic Parking Expansion

F. PUBLIC HEARINGS

1. Z-22-0001 & SUP-22-0012. 5700 Williamsburg Landing Rezoning and SUP Amendment
2. SUP-22-0013. 3252 N Riverside Drive Contractor's Office and Warehouse
3. SUP-22-0015. 7294 & 7296 Richmond Rd. Pivot Energy Solar Project
4. SUP-22-0016. 141 Blow Flats Rd. Battery Storage Facility
5. ORD-22-0002. Amendments for R-8, Rural Residential and A-1, General Agricultural Lot Size and Related Requirements

G. PLANNING COMMISSION CONSIDERATIONS

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - September 2022

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

J. ADJOURNMENT

ITEM SUMMARY

DATE: 9/7/2022

TO: The Planning Commission

FROM: Paul D. Holt, III, Secretary

SUBJECT: Minutes of the August 3, 2022, Regular Meeting

ATTACHMENTS:

	Description	Type
	Minutes of the August 3, 2022, Regular Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	8/15/2022 - 7:54 AM
Planning Commission	Holt, Paul	Approved	8/15/2022 - 7:54 AM
Publication Management	Pobiak, Amanda	Approved	8/15/2022 - 8:18 AM
Planning Commission	Holt, Paul	Approved	8/15/2022 - 8:18 AM

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg VA 23185
August 3, 2022
6:00 PM

A. CALL TO ORDER

Mr. Tim O'Connor called the meeting to order at 6:00 p.m.

B. ROLL CALL

Planning Commissioners Present:

Tim O'Connor
Rich Krapf
Jack Haldeman
Frank Polster
Barbara Null
Rob Rose
Stephen Rodgers

Staff Present:

Paul Holt, Director of Community Development and Planning
Liz Parman, Deputy County Attorney
Terry Costello, Senior Planner
John Risinger, Planner
Paxton Condon, Planner
Suzanne Yeats, Planner

Mr. O'Connor acknowledged the presence of Mr. Richard Bradshaw, Commissioner of the Revenue.

C. PUBLIC COMMENT

Mr. O'Connor opened Public Comment.

As no one wished to speak, Mr. O'Connor closed Public Comment.

D. REPORTS OF THE COMMISSION

Mr. O'Connor stated that neither the Development Review Committee nor the Policy Committee met in July.

E. CONSENT AGENDA

Mr. Jack Haldeman made a motion to approve the Consent Agenda.

On a voice vote, the Commission voted to approve the Consent Agenda. (7-0)

1. Minutes of the July 6, 2022, Regular Meeting

F. PUBLIC HEARINGS

1. Z-22-0001 & SUP-22-0012. 5700 Williamsburg Landing Rezoning and SUP Amendment

Mr. Thomas Wysong, Senior Planner, stated that the applicant has requested a deferral of this case until the September 7, 2022, Planning Commission Meeting. Mr. Wysong further stated that the applicant has requested the additional time to review the existing Special Use Permit (SUP) and proposed SUP conditions. Mr. Wysong stated that staff concurs with the request for deferral and recommends the Planning Commission defer this application to the September 7, 2022, Regular Meeting.

Mr. Haldeman asked Mr. Wysong to point out the area to be rezoned on the location map.

Mr. Wysong showed the area to be rezoned.

Mr. O'Connor stated that the Public Hearing remains open and inquired if anyone wished to speak.

No one wished to speak.

The Commission concurred with the request to continue Z-22-0001 and SUP-22-0012. 5700 Williamsburg Landing Rezoning and SUP Amendment to its September 7, 2022, Regular Meeting.

2. SUP-22-0008. Williamsburg Crossing – Greenwood Christian Academy Expansion

A motion to Approve was made by Jack Haldeman, the motion result was Passed.

AYES: 7 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Haldeman, Krapf, Null, O'Connor, Polster, Rodgers, Rose

Mr. John Risinger, Planner, stated that Mr. Mark Thornblom of Greenwood Christian Academy has applied for an SUP to allow the operation of a school at the Williamsburg Crossing Shopping Center, located at 5251 John Tyler Highway. Mr. Risinger stated that the property is zoned B-1, General Business, is designated Mixed Use on the 2045 Comprehensive Plan Land Use Map and is located inside the Primary Service Area (PSA).

Mr. Risinger further stated that Greenwood Christian Academy has operated a school and child day care center in the Williamsburg Crossing Shopping Center since 2009 when both uses were permitted by-right in the B-1 District. Mr. Risinger stated that the existing facility has a capacity of 150 students and is referred to as the "Main Campus" on the attached master plan. Mr. Risinger stated that in 2012, the B-1 District was amended and schools became a specially permitted use and the school use became nonconforming. Mr. Risinger stated that the applicant is requesting an SUP to expand the school within the shopping center by adding another facility referred to as the "Annex" on the master plan. Mr. Risinger stated that the Annex will have a capacity of 75 students, bringing the total capacity of the school to 225 students. Mr. Risinger noted that the application does not propose any changes to the building footprint of the shopping center.

Mr. Risinger stated that the applicant intends to have all student pick-ups and drop-offs take place at the Main Campus facility. Mr. Risinger further stated that Greenwood Christian Academy offers before and after school programs which results in a wider time window for pick-up and drop-off. Mr. Risinger stated that staff anticipates that the existing vehicular entrances and drive aisles in the shopping center parking lot will be sufficient for vehicle traffic

generated by the school. Mr. Risinger stated that staff also anticipates that the existing parking lot will provide ample parking for the school.

Mr. Risinger stated that with the proposed conditions, the school would be permitted to operate in the Main Campus and Annex facilities, bringing the use into conformance with the Zoning Ordinance. Mr. Risinger further stated that the conditions also limit the school to a total enrollment capacity of 225 students from Kindergarten to Eighth Grade, and hours of operation from 7 a.m. to 5:30 p.m., Monday through Friday.

Mr. Risinger stated that staff finds this proposal to be compatible with surrounding development and consistent with the 2045 Comprehensive Plan and Zoning Ordinance. Staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the proposed conditions.

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

Mr. Frank Polster noted that an SUP had been approved for a school on a parcel across the street. Mr. Polster inquired if the school intended to continue using that facility.

Mr. Risinger stated that the applicant does not intend to continue operations on that parcel and that all activities will be at the Williamsburg Crossing location.

Mr. O'Connor opened the Public Hearing.

Mr. Mark Thornblom, 4808 Taber Park, Board Member, Greenwood Christian Academy, made a presentation to the Commission on the proposed addition.

Dr. Rob Rose inquired about the safety of the route students would use between the Main Campus and the Annex.

Mr. Thornblom stated that the route is on a contiguous covered sidewalk and that there would be no crossing of roads or the parking lot.

Mr. Stephen Rodgers inquired if staff had considered the impact of using these spaces for a nonprofit school on revenue.

Mr. Risinger stated that he did not have a full answer at this time; however, the property is designated Mixed Use on the 2045 Comprehensive Plan Land Use Map which would support this type of use on the property.

Mr. Holt stated that a fiscal impact analysis is only required for new residential development.

Mr. Rodgers noted that many of the units are vacant and remain vacant for some time; however, he had not seen a discussion of fiscal impact and was curious about the matter.

Mr. O'Connor inquired if there would be frequent transitions from one campus to the other.

Mr. Thornblom stated that the schedule is arranged to keep the transitions to once or twice a day.

Mr. O'Connor inquired if the school would have an opportunity to influence the types of businesses that might locate adjacent to the school that might be inappropriate to have near those age groups.

Mr. Thornblom stated that the discussion has not taken place, but he hopes there would be an

opportunity to voice concerns if necessary. Mr. Thornblom further stated that the school is mostly concerned about providing a peaceful learning environment and is considering options for soundproofing and other measures.

Mr. Krapf inquired if the students will be escorted when moving between campuses.

Mr. Thornblom stated that students would have a teacher or staff accompanying them. As no one else wished to speak, Mr. O'Connor closed the Public Hearing.

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

Mr. Haldeman noted the potential fiscal impacts are mitigated by providing more space for students. Mr. Haldeman stated that he intends to support the application.

Ms. Barbara Null stated that she appreciated the adaptive use of the space rather than the school constructing a new building.

Mr. O'Connor expressed appreciation for the school and its impact on the community.

Mr. Haldeman made a motion to recommend approval of the application.

On a roll call vote, the Commission voted to recommend approval of SUP-22-0008. Williamsburg Crossing - Greenwood Christian Academy Expansion. (7-0)

3. SUP-22-0011. 3004 Ironbound Road Tourist Home

A motion to Approve was made by Rich Krapf, the motion result was Passed.

AYES: 6 NAYS: 1 ABSTAIN: 0 ABSENT: 0

Ayes: Haldeman, Krapf, Null, Polster, Rodgers, Rose

Nays: O'Connor

Ms. Paxton Condon, Planner, stated that Mr. Randy Coleman has applied for an SUP to allow the short-term rental of a two-bedroom single-family home at 3004 Ironbound Road. Ms. Condon stated that the property is zoned R-8, Rural Residential, is designated Low Density Residential on the 2045 Comprehensive Plan Land Use Map and is located inside the PSA. Ms. Condon stated that if granted, the SUP would allow for short-term rentals throughout the year. Ms. Condon noted that no changes to the footprint of the home are proposed.

Ms. Condon stated that staff finds some favorable factors for this application, such as the presence of adequate off-street parking and that the applicant will obtain the proper licensing and inspections; however, the proposal does not meet the recommendations regarding locations for short-term rentals in the 2045 Comprehensive Plan.

Ms. Condon stated that staff finds the proposal incompatible with surrounding zoning and development, and not consistent with the recommendations of the adopted 2045 Comprehensive Plan; therefore, staff is unable to recommend approval of this application.

Ms. Condon stated that should the Planning Commission recommend approval of this application, staff has included proposed conditions for consideration.

Ms. Condon stated the applicant provided correspondence from several adjacent property owners in favor of the application.

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

Mr. Rodgers inquired if he remembered correctly that there are three other short-term rental properties adjacent to the subject property.

Ms. Condon stated that there are several other short-term rental homes in the vicinity. Ms. Condon noted that the approvals for these properties occurred before the 2045 Comprehensive Plan was adopted.

Mr. Rodgers inquired if those properties have owners in residence.

Ms. Condon stated that she did not have that information but would provide an update to the Commission.

Dr. Rose inquired if the parcel is separate from the Coleman Nursery parcel.

Ms. Condon stated that they were two separate parcels, but both are zoned R-8, Rural Residential.

Dr. Rose inquired about the compatibility of the Nursery use with the R-8 zoning designation.

Ms. Condon stated that the use is a permitted use for that Zoning District.

Mr. O'Connor noted that he remembered two of the short-term rentals being directly across the street.

Mr. Polster noted that the third short-term rental is adjacent to the subject property.

Mr. O'Connor opened the Public Hearing.

Mr. O'Connor inquired if the applicant could elaborate on the other short-term rental properties.

Mr. Randy Coleman, 3000 Ironbound Road, applicant, stated that two are immediately across the street and the third is adjacent to his property on the left side.

Mr. Rodgers inquired if Mr. Coleman knew whether the owners resided in the homes.

Mr. Coleman stated that he did not know about two of the properties; however, the owner of the adjacent property on the left resides in a separate structure on the property.

Dr. Rose asked for confirmation that a nursery staff member resides on an adjacent parcel.

Mr. Coleman stated that a staff member lives behind the nursery property.

Mr. Krapf noted that with the nursery operating on the adjacent parcel, the short-term rental could be monitored during the hours of operation.

Mr. Rodgers inquired about the nursery's hours of operation.

Mr. Coleman stated that on weekdays staff arrives around 7:00 a.m. and leaves around 5:30 p.m. Mr. Coleman further stated that on Sundays the nursery is open 11:00 a.m. to 4:00 p.m.

As no one else wished to speak, Mr. O'Connor closed the Public Hearing.

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

Mr. Krapf stated that the Commission has been grappling with short-term rentals for several years. Mr. Krapf stated that the Commission put performance standards in the Comprehensive Plan to safeguard residential neighborhoods and those are working; however, they still fall short of addressing every situation. Mr. Krapf further stated that there are so many oddities that fall outside the residential standards. Mr. Krapf stated that in this instance, the property is located on Ironbound Road adjacent to a commercial operation and does not lend itself well to residential use. Mr. Krapf stated that this is an example of where it is difficult to interpret the performance standards while also trying to be equitable to all applicants. Mr. Krapf stated that he is inclined to support the application. Ms. Null stated that she met with the applicant and toured the property.

Ms. Null stated that this is not a residential property and not a residential area where someone would want to live. Ms. Null further stated that the property is surrounded by other short-term rentals approved under the previous Comprehensive Plan. Ms. Null stated that she supports the application because it is not a residential property. Dr. Rose stated that he also met with the applicant on-site.

Dr. Rose stated that one of his considerations is whether the use takes a dwelling out of the available housing stock. Dr. Rose stated that this is not a property that a family would buy to live there long-term. Dr. Rose stated that the other consideration is that a caretaker is not residing in the home; however, that issue is somewhat mitigated by the proximity to the commercial operation where the property would be monitored. Dr. Rose stated that he believes this is a good use of the property and that he will support the application.

Mr. Polster stated that he has reconciled that what the Commission put in the Comprehensive Plan is not written in concrete, but rather to help the Commission evaluate applications based on the individual circumstances. Mr. Polster stated that one point in favor of this application is that the County has already approved three other short-term rentals in that area. Mr. Polster further stated that this property meets all the same conditions as the ones previously approved. Mr. Polster stated that a consideration in any application is a property being removed from availability for affordable housing. Mr. Polster stated that the County may never fully resolve that issue. Mr. Polster stated that in fairness to the property owner, since there are already three short-term rentals in the immediate area, and this is a judgment call, he would be in favor of approving the application.

Mr. Rodgers stated that because the property is adjacent to the nursery and can be monitored, he is less concerned that it will not be owner occupied. Mr. Rodgers further stated that he is inclined to support the application.

Mr. Haldeman noted that the short-term rental parcel and the nursery parcel are separate where the nursery parcel could be sold, or operations could change and remove the benefit of owner oversight. Mr. Haldeman stated that even though the application is not consistent with the Comprehensive Plan, he intends to support the application.

Mr. O'Connor stated that he remains consistent in his opposition to short-term rentals because this is yet another situation where it is depleting the County's housing stock. Mr. O'Connor stated that he will not support the application.

Mr. Krapf stated that the Commission has considered the issue of affordable housing stock over the years in regard to short-term rentals. Mr. Krapf stated that he has a concern about government overreach. Mr. Krapf stated that if short-term rentals are permitted; when does it become government overreach if the Commission tells a property owner that it thinks a better use of the property is to do a long-term rental or put the property on the market. Mr. Krapf stated that it is a dilemma because the issue of short-term rentals has not been completely resolved.

Mr. Polster stated that his concern is that SUPs run with the land in perpetuity. Mr. Polster stated that he would be more comfortable with SUPs if there were an option for a sunset clause. Mr. Polster stated that he hopes the legislature will make the necessary changes to State Code.

Mr. Krapf made a motion to recommend approval of the application subject to the proposed conditions.

On a roll call vote, the Commission voted to recommend approval of SUP-22-0011. 3004 Ironbound Road Tourist Home. (6-1)

G. PLANNING COMMISSION CONSIDERATIONS

1. 2022 Agricultural and Forestal District (AFD) Renewals

A motion to Approve was made by Frank Polster, the motion result was Passed.

AYES: 7 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Haldeman, Krapf, Null, O'Connor, Polster, Rodgers, Rose

Ms. Terry Costello, Senior Planner, stated that there are currently 13 Agricultural and Forestal Districts in the County, 12 of which are set to expire in October of this year. Ms. Costello further stated that as required by State Code, the County must review all established AFDs prior to their expiration. Ms. Costello stated that during this review, districts must be continued, modified, or terminated. Ms. Costello noted that State Code also provides that all AFD property owners have an opportunity to withdraw any or all of their property from the AFD during the renewal periods.

Ms. Costello stated that the districts being reviewed are:

- The Croaker District which currently consists of 28 properties totaling approximately 1,314 acres.
- The Barnes Swamp District which currently consists of 34 properties totaling approximately 1,838 acres.
- The Cranston's Pond District which currently consists of 6 properties totaling approximately 774 acres.
- The Mill Creek District which currently consists of 39 properties totaling approximately 3,276 acres.
- The Gordon Creek District which currently consists of 33 properties totaling approximately 3,055 acres.
- The Christenson's Corner District which currently consists of 7 properties totaling approximately 1,179 acres.
- The Yarmouth District which currently consists of 13 properties totaling approximately 2,142 acres.
- The Gospel Spreading Church District which currently consists of 8 properties totaling approximately 1,133 acres.
- The Armistead District which currently consists of 4 properties totaling approximately 311 acres.
- The Carter's Gove District which currently consists of 2 properties totaling approximately 307 acres.
- The Pates Neck District which currently consists of 4 properties totaling approximately 755 acres.

Ms. Costello stated that for all of these districts, staff has not received any withdrawal requests, and no changes are proposed to the conditions.

Ms. Costello stated that the Hill Pleasant Farm District currently consists of three properties totaling approximately 346 acres. Ms. Costello stated that staff has received a request for a partial withdrawal of 42 acres from the district. Ms. Costello further stated that no changes are proposed to the conditions.

Ms. Costello stated that at its July 21, 2022 meeting, the AFD Advisory Committee voted 6-0 to recommend the continuation of the districts to the Planning Commission and Board of Supervisors.

Ms. Costello stated that staff finds these districts to be compatible with the requirements of State Code and surrounding development, as well as consistent with the adopted Comprehensive Plan and Zoning Ordinance. Ms. Costello stated that staff recommends that the Planning Commission recommend renewal of these AFDs for a period of four years to the Board of Supervisors, subject to the conditions included in the respective staff reports.

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

Mr. Krapf stated that in the interest of transparency, he and his wife own a property in the Mill Creek AFD. Mr. Krapf further stated that, in his opinion, this would not pose any conflict or hamper his ability to vote on the matter.

Mr. Polster stated that preserving the rural character and protecting the environment are not new issues and the County has an existing toolbox of programs including green space and conservation easement programs both public and private. Mr. Polster stated that there are AFDs in both Yarmouth and Gordon Creek watersheds that have conservation easements through the Virginia Outdoors Foundation. Mr. Polster stated that the issue is that citizens were not satisfied that we were doing enough.

Mr. Polster stated that there was a story behind his email to the Commission asking for support on a recommendation to the Board of Supervisors to resurvey the individual AFD districts in the 2026 cycle and to look at other methods to compensate those AFD landowners.

Mr. Polster noted that he does not believe the 2022 survey is statistically valid based on the small number of responses. Mr. Polster noted that there are approximately 130 landowners and the County only received around 20 responses. Mr. Polster stated that the County needs to look at the districts individually. Mr. Polster stated that there is a difference between forestal and agricultural use. Mr. Polster stated that forestry is a 30-year effort with forestry and longer renewal cycles seem reasonable.

Mr. Polster stated that the story of a series of studies that, at their heart, are about looking at ways to protect and preserve the rural character and environment of James City County.

Mr. Polster stated that the studies were the 2014 Strategy for Rural Economic Development, the five-year study Capturing Value of Lower Chickahominy, and the 2022 Natural and Cultural Asset Plan. Mr. Polster stated that these studies have overlapping findings and recommended strategies e.g., ecotourism and agritourism.

Mr. Polster stated that a common theme is that development and future growth projections have a high potential for cumulative and secondary environmental impacts on County watersheds. Mr. Polster further stated that the tidal wetlands of the Yarmouth and Gordon Creek Watersheds are the two largest relatively undisturbed wetlands on the lower peninsula of Virginia. Mr. Polster stated that Natural Heritage ecologists describe the Lower Chickahominy as "nearly pristine". Mr. Polster noted that the Yarmouth Island and Gordon

Creek AFDs make up a significant portion of the Yarmouth and Gordon Creek Watersheds. Mr. Polster stated that property tax offsets help landowners, but it is not enough, and past studies have made marginal headway.

Mr. Polster stated that he inquired what the value tax estimate was and did not receive a definitive answer. Mr. Polster stated that he had wanted the information to show citizens exactly the amount of money that the County believes these lands are worth.

Mr. Polster stated that in 2021 Virginia took in \$227.6 million during its first year of selling its forest carbon credits in the Regional Greenhouse Gas Initiative market. Mr. Polster stated that 64% or approximately 50,000 acres of the County is forest and a majority of the $\pm$ 18,031 AFD acres are forest.

Mr. Polster stated that the 2019 Healthy Watershed/Forest Conservation Project Phase Three & Carbon Sequestration Report states that the potential is \$106 an acre every year over 30 years through the sale of forest carbon sequestration credits.

Mr. Polster made a recommendation that the County consider adding forest carbon sequestration to the toolbox. Mr. Polster stated that he does support the AFD program and intends to vote on it favorably.

Ms. Null inquired about the removal of acreage from the Hill Pleasant Farm AFD. Ms. Null noted that the specified acreage is in the middle of the parcel.

Mr. Holt stated that a land use case has been filed that will use the center portion of the property. Mr. Holt further stated that the owner is proactively taking it out of the AFD because property can be removed from an AFD by-right during the renewal period.

Mr. Krapf stated that he appreciates Mr. Polster's research. Mr. Krapf further stated that he agrees with the recommendation to expand the variety of programs available to landowners to receive economic benefit while preserving the land. Mr. Krapf stated that he is on the fence regarding longer terms and hoped that the next survey would provide a better idea of the landowners' preferences.

Mr. O'Conner inquired if Mr. Bradshaw had anything to add to the discussion.

Mr. Richard Bradshaw, Commissioner of the Revenue, provided the Commission with data on the benefit that goes to the landowner for land use valuation within the AFD not available under other programs. Mr. Bradshaw stated that approximately 25% of the parcels within AFDs do not receive land use valuation. Mr. Polster stated that the $\pm$ \$4 Million is very cheap for a four-year conservation easement and he believes this is not enough benefit for the landowner.

Mr. Polster stated that the County needs to find additional ways to reimburse landowners for the conservation value of the property. Mr. Bradshaw noted that the data is essentially for the forestal parcels since agricultural properties do not receive the land use valuation. Mr. Polster commented that he recommends adding carbon sequestration to the programs available for compensation. Mr. Polster further stated that he hopes the legislature considers the recommendations to add agricultural and marshland sequestration credits to the slate of programs.

The Commission thanked Mr. Bradshaw for the information.

Mr. O'Connor stated that he supports the shorter terms since many property owners do not qualify for hardship when they need to withdraw property from an AFD off-cycle. Mr.

O'Connor further stated that he did not think that the survey was intended to be scientific. Mr. O'Connor stated that the response rate percentage was better than the Comprehensive Plan survey.

Mr. Holt stated that the survey was very similar in scope and scale to the one done previously.

Mr. Polster made a motion to recommend approval of renewing all 12 AFDs as provided by staff along with a recommendation to the Board of Supervisors that they re-look the survey at the next renewal cycle; that they look at carbon sequestration as a potential way to offset some of the costs; and that Mr. Bradshaw's paper be forwarded to the Board of Supervisors.

On a roll call vote, the Commission voted to recommend approval of renewing all 12 AFDs as provided by staff along with a recommendation to the Board of Supervisors that they re-look the survey at the next renewal cycle; that they look at carbon sequestration as a potential way to offset some of the costs; and that Mr. Bradshaw's paper be forwarded to the Board of Supervisors. (7-0)

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - August 2022

Mr. Holt stated that he did not have anything to add to what was provided in the Agenda materials.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. O'Connor noted that the Board of Supervisors does not meet in August.

J. ADJOURNMENT

Mr. Krapf made a motion to adjourn.

The meeting was adjourned at approximately 7:05 p.m.

Paul D. Holt, III, Secretary

Tim O'Connor, Chairman

ITEM SUMMARY

DATE: 9/7/2022

TO: The Planning Commission

FROM: Jose Ribeiro, Senior Planner II

SUBJECT: Development Review Committee Action Item: SP-22-0005. Colonial Veterinary Clinic Parking Expansion

Mr. Ryan Stephenson of AES Consulting Engineers has submitted a site plan for the development of an off-site parking area to be constructed at 112 Ingram Road which would serve an existing veterinary clinic located at 3280 Ironbound Road.

Reason for DRC Review: Master Plan consistency determination.

LINK to the DRC Staff Report and Exhibits.

On August 24, 2022, the DRC found the proposal to be consistent with the Master Plan by a vote of 3-1 with the following conditions:

1. No additional development on the property other than what is proposed as part of SP-22-0005.
2. The landscaping plan shall be reviewed and approved by Planning Division staff.

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	8/26/2022 - 2:02 PM
Planning Commission	Holt, Paul	Approved	8/26/2022 - 2:02 PM
Publication Management	Daniel, Martha	Approved	8/26/2022 - 2:09 PM
Planning Commission	Holt, Paul	Approved	8/26/2022 - 2:11 PM

ITEM SUMMARY

DATE: 9/7/2022

TO: The Planning Commission

FROM: Thomas Wysong, Senior Planner II

SUBJECT: Z-22-0001 & SUP-22-0012. 5700 Williamsburg Landing Rezoning and SUP Amendment

ATTACHMENTS:

	Description	Type
▣	0. Staff Report	Staff Report
▣	1. Proposed SUP Conditions	Backup Material
▣	2. Location Map	Exhibit
▣	3. Exhibit Map	Exhibit
▣	4. 1982 Rezoning & SUP Conditions	Backup Material
▣	5. 1982 Master Plan	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	8/31/2022 - 8:51 AM
Planning Commission	Holt, Paul	Approved	8/31/2022 - 8:51 AM
Publication Management	Daniel, Martha	Approved	8/31/2022 - 8:57 AM
Planning Commission	Holt, Paul	Approved	8/31/2022 - 9:05 AM

SPECIAL USE PERMIT-22-0012 and REZONING-22-0001. 5700 Williamsburg Landing SUP Amendment and Rezoning
Staff Report for the September 7, 2022, Planning Commission Public Hearing

SUMMARY FACTS

Applicant: Mr. Paul Gerhardt, Kaufman & Canoles, P.C.

Land Owner: Williamsburg Landing, Inc.

Proposal: To rezone approximately 2.65 acres from the R-8, Rural Residential District to the R-5, Multifamily Residential District and to amend the existing Special Use Permit (SUP) for the existing Williamsburg Landing Continuing Care Retirement Community to include the existing parking lot and gated access as part of this development

Location: 5700 Williamsburg Landing Drive

Tax Map/Parcel No.: 4820100002

Project Acreage: ± 2.65 acres

Current Zoning: R-8, Rural Residential District

Proposed Zoning: R-5, Multifamily District

Comprehensive Plan: Airport

Primary Service Area: Inside

Staff Contact: Thomas Wysong, Senior Planner II

PUBLIC HEARING DATES

Planning Commission: July 6, 2022, 6:00 p.m. (Postponed)
August 3, 2022, 6:00 p.m. (Postponed)
September 7, 2022, 6:00 p.m.

Board of Supervisors: October 11, 2022, 5:00 p.m. (Tentative)

FACTORS FAVORABLE

1. The proposal eliminates split zoning within an existing parcel that currently consists of one unified development.
2. The existing parking lot is consistent with the 2005 Board of Supervisor's action, has been in place since before 2007, and is consistent and compatible with the existing Williamsburg Landing development.
3. No new dwelling units are proposed.
4. Staff finds the proposed conditions mitigate potential impacts.
5. Impacts: See Impact Analysis on Page 4.

FACTORS UNFAVORABLE

1. Impacts: See Impact Analysis on Page 4.

SUMMARY STAFF RECOMMENDATION

Approval with conditions.

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.

SPECIAL USE PERMIT-22-0012 and REZONING-22-0001. 5700 Williamsburg Landing SUP Amendment and Rezoning

Staff Report for the September 7, 2022, Planning Commission Public Hearing**PROJECT DESCRIPTION**

- This proposal is to rezone approximately 2.65 acres from the R-8, Rural Residential District to the R-5, Multifamily Residential District and to amend the existing SUP for the Williamsburg Landing Continuing Care Retirement Community (CCRC) to include the existing parking lot as part of this development.
- The subject acreage has been previously approved and developed as a gated entrance and surface parking lot, both accessory to the existing Williamsburg Landing development.
- According to the applicant, the purpose of the requested rezoning is to establish zoning consistency within the parcel. Should the parking lot area ever be redeveloped in the future, proposed conditions would ensure the use of the property is limited only to those uses which are accessory to the Williamsburg Landing CCRC (i.e., no new dwelling units would be permitted without a legislative amendment to this application).

PLANNING AND ZONING HISTORY

- 5700 Williamsburg Landing Drive is part of the Williamsburg Landing CCRC.
- In 1982, a portion of 5700 Williamsburg Landing Drive was rezoned from A-2, Limited Agricultural to R-5, Multifamily Residential and an SUP for a nursing home, facilities for the residence and/or care of the aged, professional offices, business offices, and temporary offices was approved with conditions. The portion of this site did not include the 2.65 acres that is the subject of this application.

- In 1984, four acres were incorporated into the R-5, Zoning District on 5700 Williamsburg Landing Drive and an SUP was approved for the residence and/or care of the aged, professional offices, business offices, and temporary offices.
- In 1990, the County approved an Ordinance amendment that changed all property zoned A-2, Limited Agricultural to R-8, Rural Residential, including the 2.65 acres that is the subject of this application.
- In 2005, an SUP was approved authorizing the existing parking lot within the current R-8, Rural Residential Zoning District for the portion of this parcel. The rezoning of this property to the R-5, Multifamily Residential District would nullify this SUP and it would require a new SUP amendment, which has been submitted with this rezoning application.
- In 2018, an administrative site plan application was approved to permit an additional six multifamily dwelling units on 5700 Williamsburg Landing Drive.

SURROUNDING ZONING AND DEVELOPMENT

The subject property is located adjacent to the two other developed parcels in Williamsburg Landing, which are both to the west. The parcels to the west are zoned R-5, Multifamily Residential, with the southern portion being located within the Airport Approach Overlay District. Route 199 bounds the subject parcel to the north, College Creek bounds the property to the east, and the Williamsburg-Jamestown Airport is located south of the property.

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

Staff Report for the September 7, 2022, Planning Commission Public Hearing

2045 COMPREHENSIVE PLAN

The site is designated Airport on the 2045 Comprehensive Plan Land Use Map. Per the adopted Comprehensive Plan, the principal suggested uses for the developable land associated with the Airport include aviation, with airport-related commercial and office development as clearly secondary uses. Further, land which is currently in use as a mulching operation may continue in its current or a similar use, in a limited manner consistent with state and local permits. Changes in the use of this portion of the site to an activity which is similar or less intense than the previous activity may be permitted provided that all local, state, and federal permits are obtained, and that the development of these uses is clearly secondary to the existing and future airport operations. Manufacturing, commercial, or industrial activities beyond the scope of what is described above are discouraged and any proposed development is to be considered in light of its impact on neighboring communities and subdivisions. The timing and intensity of development will be conditioned on the sufficient buffering and screening of adjacent property and the maintenance of an acceptable Level of Service (LOS) for roads and other public services.

The existing parking lot is intended to exclusively serve Williamsburg Landing. Because the parking lot area would not be available for Airport uses, the parking lot would not be considered a commercial, secondary use to the existing or future airport operations. However, staff notes the existing parking lot is consistent with the 2005 Board of Supervisor's action and has been in place since before 2007.

Further, per the Impact Analysis (see Page 4), staff finds the rezoning of the existing parking lot and gated entrance will not negatively impact surrounding property or development or reduce the LOS for roads or other public services.

Lastly, as no new dwelling units are proposed, staff finds the proposal consistent and compatible with the existing Williamsburg Landing development.

SPECIAL USE PERMIT-22-0012 and REZONING-22-0001. 5700 Williamsburg Landing SUP Amendment and Rezoning**Staff Report for the September 7, 2022, Planning Commission Public Hearing**

Impacts/Potentially Unfavorable Conditions	Status (No Mitigation Required/Mitigated/Not Fully Mitigated)	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Public Transportation: Vehicular</u>	No Mitigation Required	- The proposal to rezone the existing gated entrance and parking lot includes no associated development and is not anticipated to generate any new traffic impacts.
<u>Public Transportation: Pedestrian/Bicycle</u>	No Mitigation Required	- Pedestrian/bicycle accommodations are not necessitated as a result of this proposed use.
<u>Public Safety</u>	No Mitigation Required	- Subject property is located within a 6-minute radius of Fire Station 3. - The proposal does not generate impacts that require mitigation to the County's emergency services or facilities.
<u>Public Schools</u>	No Mitigation Required	- The proposal is not expected to generate any schoolchildren.
<u>Public Parks and Recreation</u>	No Mitigation Required	- The proposal to rezone the existing gated entrance and parking lot includes no associated development and is not anticipated to generate any impacts to public parks and recreation.
<u>Public Libraries and Cultural Centers</u>	No Mitigation Required	- The proposal does not generate impacts that require mitigation to public libraries or cultural centers.
<u>Groundwater and Drinking Water Resources</u>	No Mitigation Required	- The proposal does not generate impacts that require mitigation to groundwater or drinking water resources.
<u>Watersheds, Streams, and Reservoirs</u>	No Mitigation Required	- The proposal does not generate impacts that require mitigation to watersheds, streams, and reservoirs.
<u>Cultural/Historic</u>	No Mitigation Required	- The subject property has been previously disturbed and has no known cultural resources on-site.
<u>Nearby and Surrounding Properties</u>	Mitigated	- Given its interior location and current use, the proposal is not expected to generate significant impacts to nearby and surrounding properties. Proposed conditions would ensure the use of the property is limited only to those accessory to the Williamsburg Landing CCRC, which includes the existing parking lot.
<u>Community Character</u>	No Mitigation Required	- This proposal does not generate immediate impacts to a Community Character Area or Community Character Corridor.

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

Staff Report for the September 7, 2022, Planning Commission Public Hearing

PROPOSED SUP CONDITIONS

Proposed conditions are provided as Attachment No. 1.

STAFF RECOMMENDATION

Overall, staff finds the proposal to be compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan. Staff recommends that the Planning Commission recommend approval of these applications to the Board of Supervisors, subject to the proposed conditions.

TW/ap
SUP22-12_RZ22-1WLndgAmd

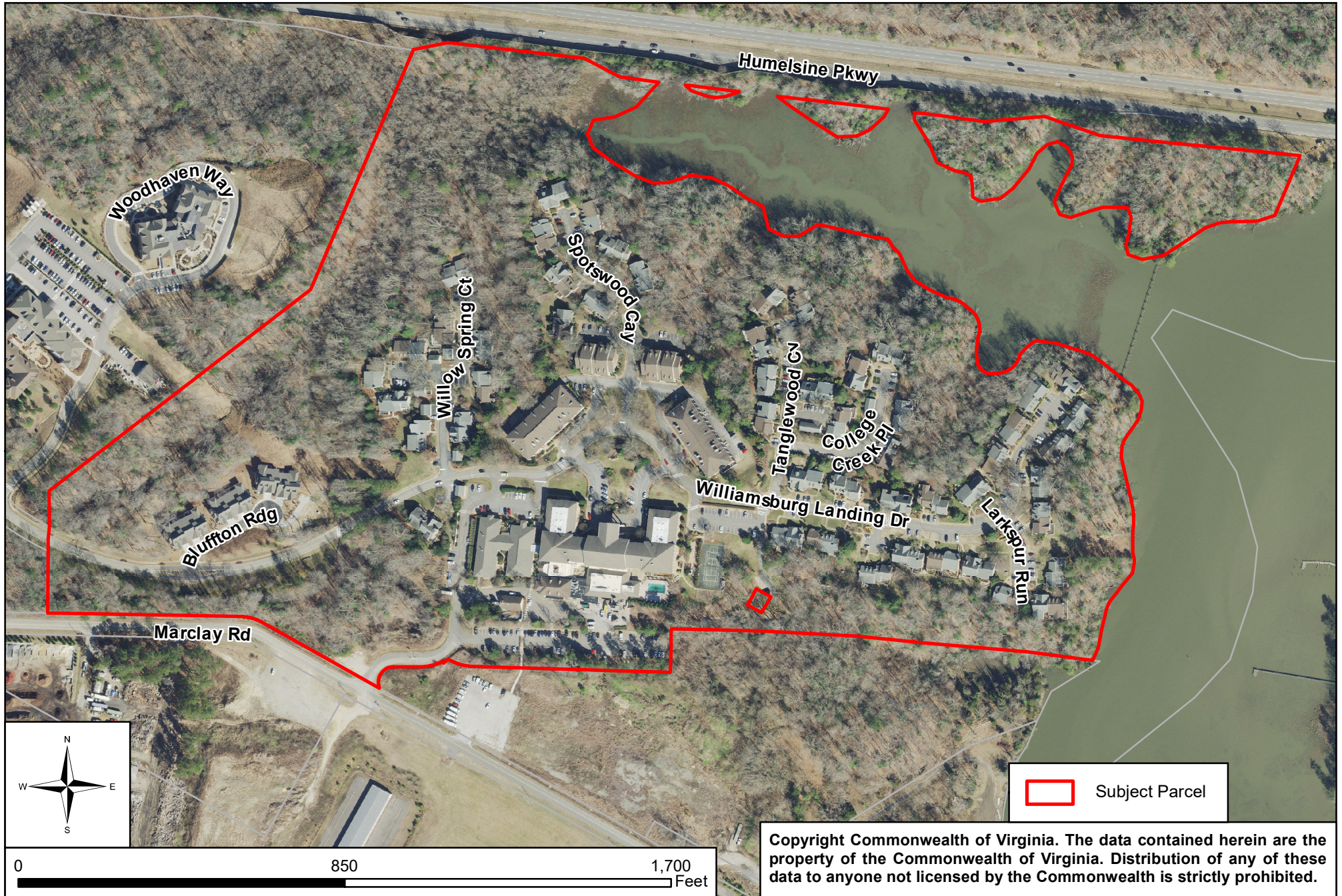
Attachments:

1. Proposed SUP Conditions
2. Location Map
3. Exhibit Map
4. 1982 Rezoning and SUP Resolution
5. 1982 Master Plan

PROPOSED CONDITIONS:

1. Location. This Special Use Permit (SUP) shall expand the area authorized by SUP-5-82 for a continuing care retirement community by adding 2.65 acres to the SUP. The additional 2.65 acres includes an existing parking area and an existing gated access located at the southern portion of 5700 Williamsburg Landing Drive, and further identified as James City County Real Estate Tax Map Parcel No. 4820100002 (the "Property"), as shown on the Exhibit titled "Portion of Parcel to be Rezoned from R8 to R5" and dated 6/15/2022 (the "Exhibit").
2. Use. This SUP shall be valid for the operation of uses accessory to the existing Williamsburg Landing Continuing Care Retirement Community (CCRC), including the existing surface parking lot. The use of the additional 2.65 acres designated on the Exhibit shall be limited to uses accessory to the Williamsburg Landing CCRC, with such minor deviations as permitted by Sec. 24-23 (a)(2) of the Zoning Ordinance.
3. Dumpster. All dumpsters visible from Marclay Road shall be screened from view with landscaping or fencing approved by the Director of Planning or designee.
4. Severance Clause. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Z-22-0001 & SUP-22-0012 (5700 Williamsburg Landing)





Portion of Parcel to be Rezoned from R8 to R5

6/15/2022

R E S O L U T I O N

Resolution of Approval on Zoning Case No. Z-3-82
and Special Use Permit No. SUP-5-82

WHEREAS, in accord with Section 15.1-431 of the Code of Virginia, and Section 20-14 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled and conducted on July 26, 1982 for zoning case No. Z-3-82 and special use permit No. SUP-5-82 for 63.8± acres within parcels (1-2) and (1-3) on Real Estate Tax Map No. (48-2); and

WHEREAS, in accord with the Planning Department's recommendation, the Planning Commission following its public hearing on May 25, 1982, on June 22, 1982 unanimously recommended the approval of zoning case No. Z-3-82 and special use permit No. SUP-5-82 with twelve conditions; and

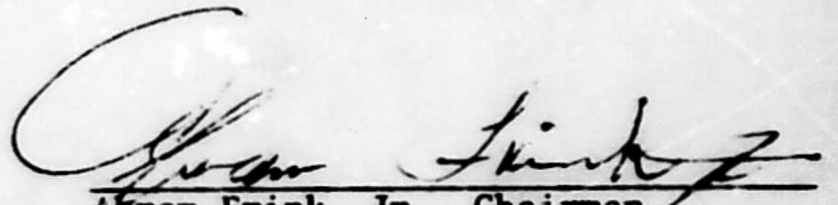
WHEREAS, zoning case no. Z-3-82 and special use permit No. SUP-5-82 with conditions are in accord with the adopted Comprehensive Plan of James City County,

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve zoning case No. Z-3-82 and accepts the voluntary profit signed by Vernon M. Geddy, Jr., Caroline Geddy Frechette, and the McMiller Corporation; and,

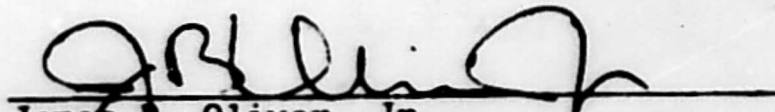
BE IT FURTHER RESOLVED that the Board of Supervisors of James City County does also approve special use permit No. SUP-5-82 for the construction of a nursing home, facilities for the residence and/or care of the aged, professional offices, business offices, and temporary offices with the following conditions:

- 1) The development and use of this property shall conform to all requirements of the R-5, Multi-family Residential District.
- 2) Uses shall be limited to all those uses in the R-5, Multi-family Residential District, plus the special permitted uses of a nursing home, facilities for the residence and/or care of the aged, professional offices, business offices and temporary offices.
- 3) Any accessory business uses developed in conjunction with the retirement center shall be limited to serving only the residents of this development.
- 4) Ingress and egress to this site shall be over an entrance built to the Virginia Department of Highways and Transportation's commercial standards, and all access roads shall be built to the construction standards as specified in the James City County Subdivision Ordinance.
- 5) A left turn lane shall be constructed by the developer on Lake Powell Road to serve this development. This turn lane shall be built to standards approved by the Virginia Department of Highways and Transportation. Any additional ditch work, drainage measures, piping, paving, and the provision of additional right-of-way to the Virginia Department of Highways and Transportation shall be accomplished by the developer. Additional right-of-way shall be reserved for the widening of Lake Powell Road to four (4) lanes.

- 6) A stabilized construction entrance and construction access road shall be installed by the developer.
- 7) The special use permit is valid only on the 63.8 acres of parcels (1-2) and (1-3) on Real Estate Tax Map No. (48-2) to be rezoned to R-5.
- 8) The number and location of on-site fire hydrants shall be established by the Fire Marshal and installed by the developer.
- 9) The facility shall be connected to both public water and sewer from James City County or a political entity thereunder, if available.
- 10) A detailed site plan, including erosion and sedimentation controls, stormwater management, utility plans, entrance design details, landscaping, details of the access road design, and other construction details are to be approved by the Site Plan Review Committee. Bonds may be required to secure certain improvements.
- 11) If construction of these facilities has not begun within 24 months of the issuance of this permit, it shall become void. Construction shall be defined as clearing, grading, and the digging and pouring of all footings covered by this permit.
- 12) Right-of-way shall be reserved for a new four (4) lane access road and intersection with either Brookwood Drive or Route 199 at a location acceptable to James City County and the Virginia Department of Highways and Transportation.


Abram Frink, Jr., Chairman
Board of Supervisors

ATTEST:


James B. Oliver, Jr.
Clerk to the Board

SUPERVISOR	VOTE
Frink	Aye
DePue	Aye
Edwards	Aye
Mahone	Aye
Taylor	Aye

Adopted by the Board of Supervisors, James City County, Virginia, on this
26th day of July, 1982.

(48-2) (1-2)

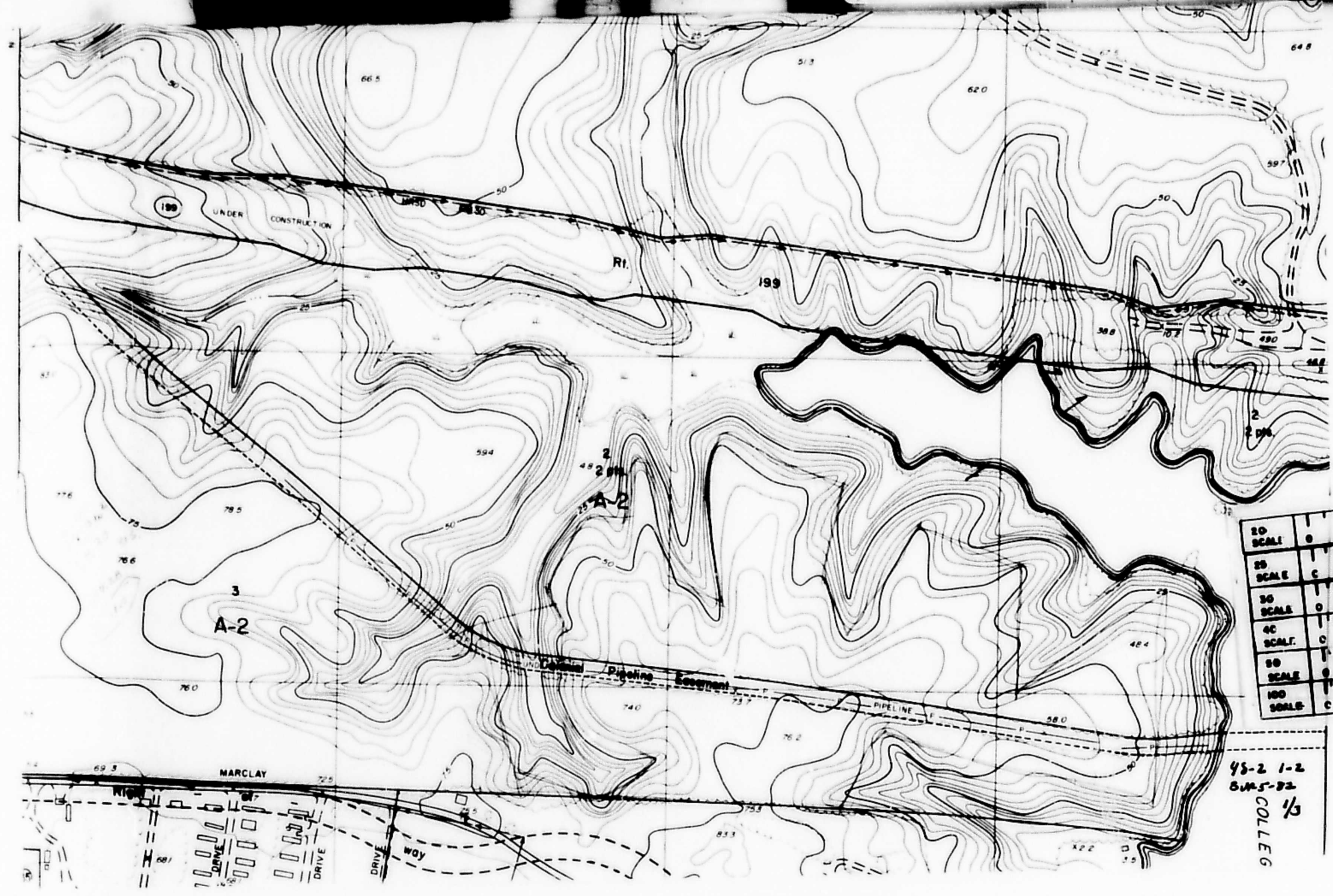
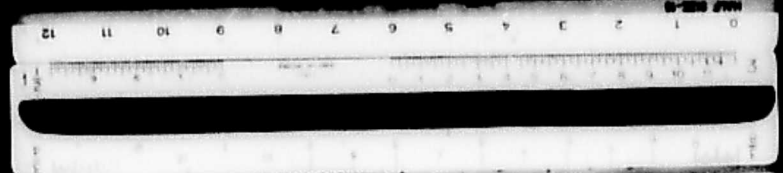
SUP-5-82

Z-3-82

MC MILLER CORP./WMSBG.

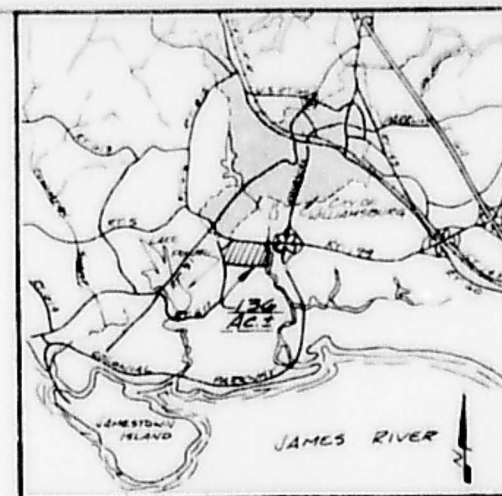
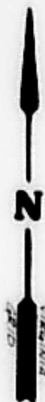
LANDING

(3)

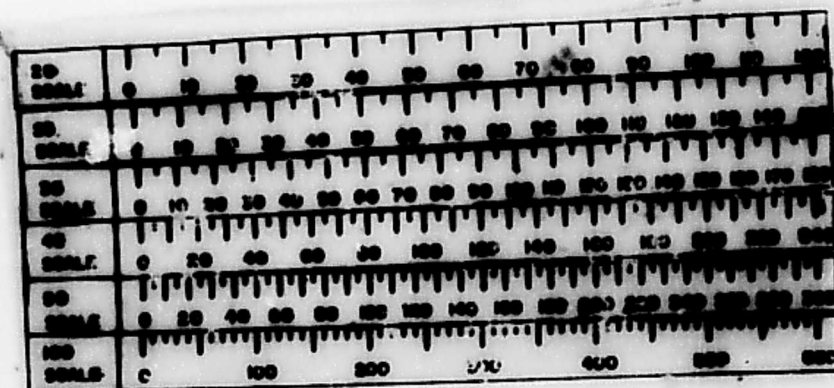
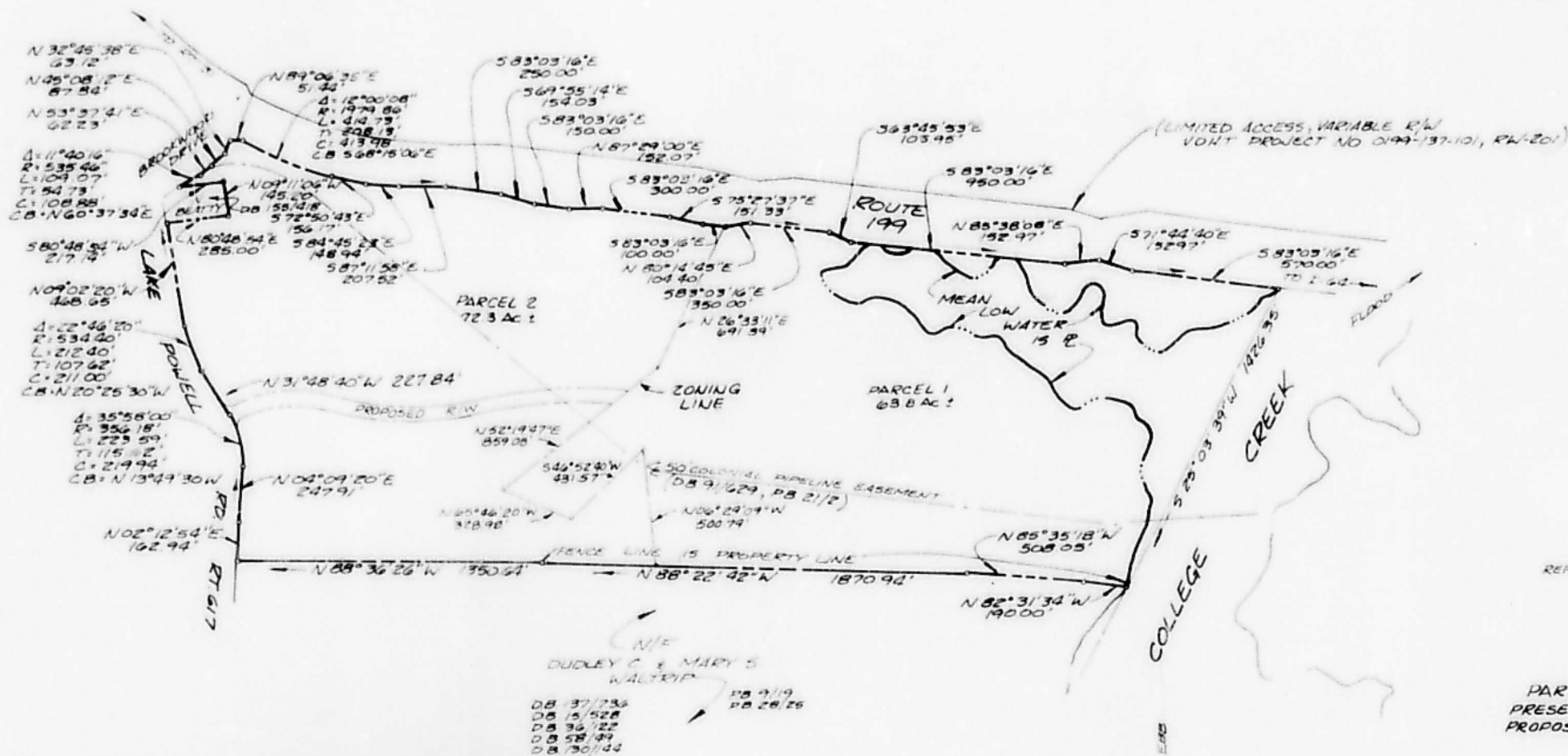


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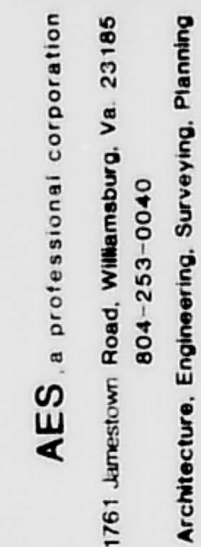
VICINITY MAP
SCALE: 1" = 2 MILES



(46.2)(1-2) SUP-5-82/2382
REZONING PLAT - PARCEL 1 4/3
SURVEY OF A PORTION OF 136 AC.
STANDING IN THE NAME OF
V.M. GEDDY, JR. ET. ALS.
JAMES CITY COUNTY VIRGINIA

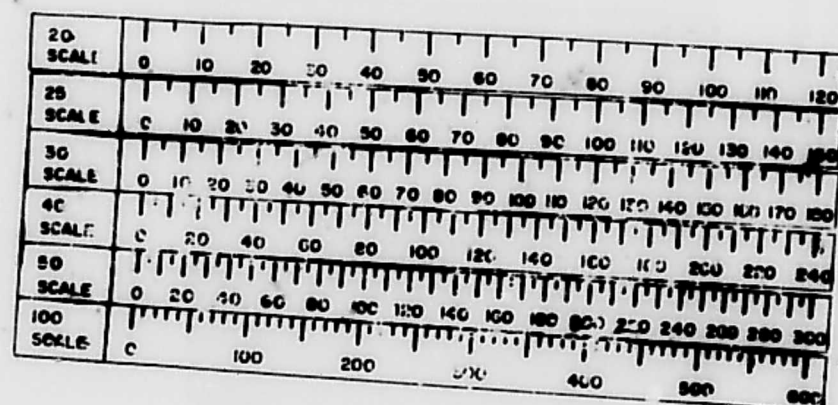
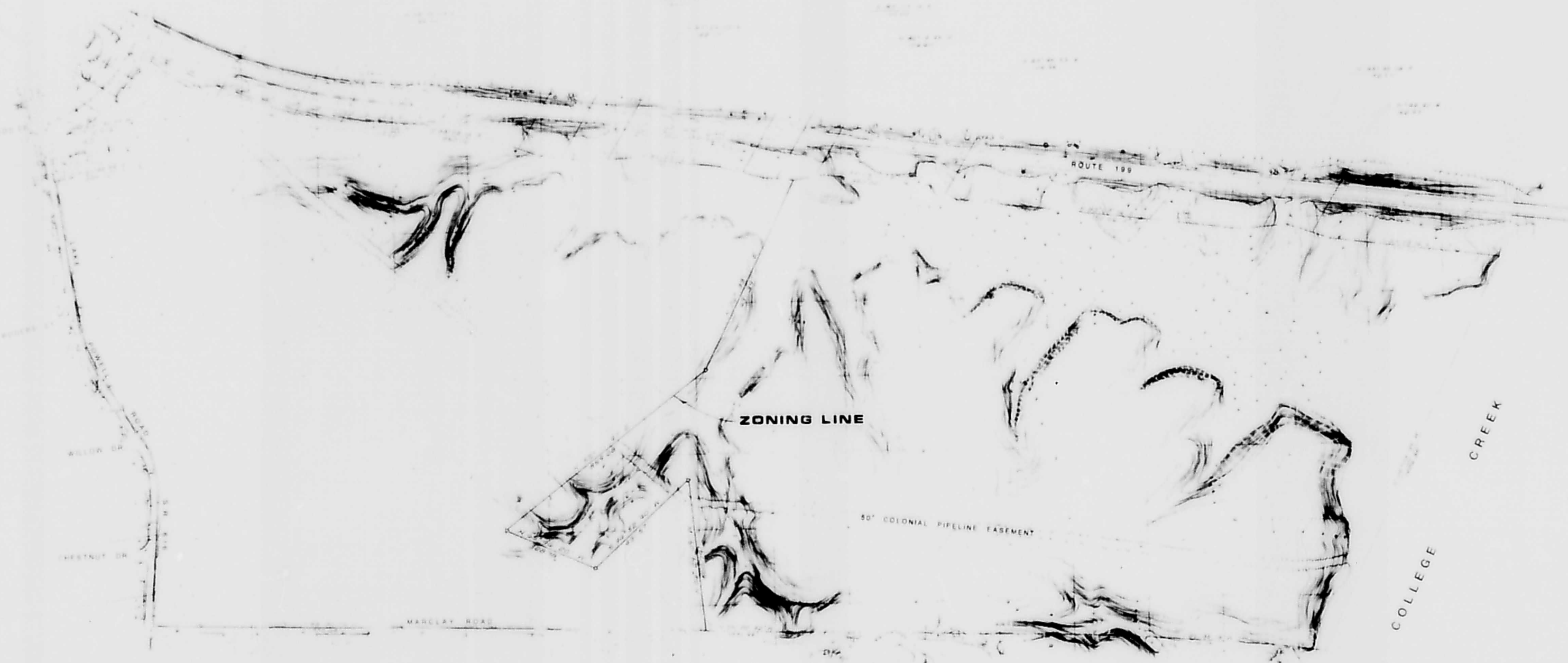
RES & PROFESSIONAL CORPORATION
Surveying
253-0040

SCALE: 1" = 400'
DATE 3-31-82
JOB NO 5153



TOPOGRAPHIC MAP
McMILLER CORPORATION

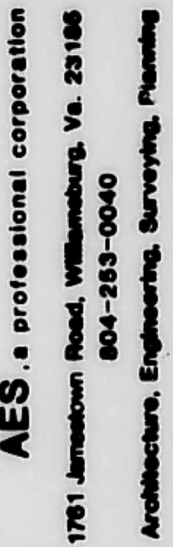
JAMES CITY COUNTY VIRGINIA



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2-3-82

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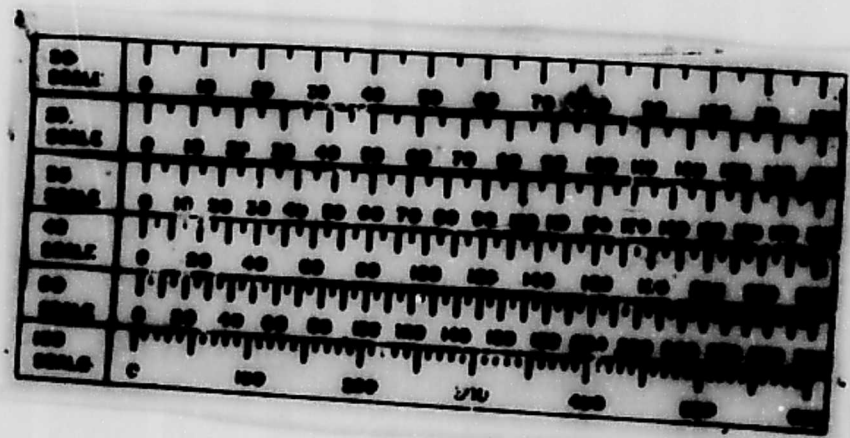
Designed	Drawn GJB
Scale 1" = 200'	Date APRIL, 1982
Project No. 5153	
Drawing No. 1	



TOPOGRAPHIC MAP
McMILLER CORPORATION

THE NEW YORK TIMES MAGAZINE

JAMES CITY COUNTY



3/3 48-2 1-2 SUP-5-82
2-3-82

AERIAL PHOTOGRAPHY AND COMPILATION BY A.D.R.
DATE OF PHOTOGRAPHY: MARCH 14, 1982

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Designed	Drews GSD
Scale 1" = 200'	Date APRIL, 1962
Project No. 5153	
Drawing No. 1	

ITEM SUMMARY

DATE: 9/7/2022

TO: The Planning Commission

FROM: Terry Costello, Senior Planner

SUBJECT: SUP-22-0013. 3252 N Riverside Dr Contractor's Office and Warehouse

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Proposed SUP Conditions	Backup Material
▣	Location Map	Exhibit
▣	General Location Map	Exhibit
▣	Master Plan	Exhibit
▣	Building Elevations	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	8/31/2022 - 10:49 AM
Planning Commission	Holt, Paul	Approved	8/31/2022 - 10:49 AM
Publication Management	Pobiak, Amanda	Approved	8/31/2022 - 11:11 AM
Planning Commission	Holt, Paul	Approved	8/31/2022 - 11:15 AM

**SPECIAL USE PERMIT-22-0013. 3252 N. Riverside Drive Contractor's Office and Warehouse
Staff Report for the September 7, 2022, Planning Commission Public Hearing**

SUMMARY FACTS

Applicant:	Mr. Lloyd Stephens, Stephens Builder
Landowners:	Lloyd W. and Deborah A. Stephens
Proposal:	To allow for the construction of an approximately 3,200-square-foot building to be used as a contractor's office and warehouse
Location:	3252 N. Riverside Drive
Tax Map/Parcel No.:	0930100021
Property Acreage:	± 13.69
Zoning:	A-1, General Agricultural
Comprehensive Plan:	Rural Lands
Primary Service Area: (PSA)	Outside
Staff Contact:	Terry Costello, Senior Planner

PUBLIC HEARING DATES

Planning Commission:	September 7, 2022, 6:00 p.m.
Board of Supervisors:	October 11, 2022, 5:00 p.m. (tentative)

FACTORS FAVORABLE

1. There is adequate off-street parking.
2. With the proposed conditions, staff finds the proposal compatible with surrounding zoning and development and consistent with the *Our County, Our Shared Future: James City County 2045 Comprehensive Plan*.
3. Impacts: See Impact Analysis on Pages 3-4.

FACTORS UNFAVORABLE

1. With the attached Special Use Permit (SUP) conditions, staff finds that there are no unfavorable factors.

SUMMARY STAFF RECOMMENDATION

Staff finds that the proposal is compatible with surrounding zoning and development and consistent with the 2045 Comprehensive Plan. Staff recommends the Planning Commission recommend approval to the Board of Supervisors subject to the proposed conditions (Attachment No. 1).

PROJECT DESCRIPTION

Mr. Lloyd Stephens has applied for a SUP to allow for the construction and operation of a contractor's office and warehouse to be located at 3252 N. Riverside Drive. A contractor's office and warehouse is a specially permitted use on property zoned A-1, General Agricultural. According to information provided by the applicant, the operation is a professional contractor's business that specializes in the remodeling of existing homes and businesses and is proposed to operate with the following characteristics:

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.

**SPECIAL USE PERMIT-22-0013. 3252 N. Riverside Drive Contractor's Office and Warehouse
Staff Report for the September 7, 2022, Planning Commission Public Hearing**

- Hours of operation are generally Monday through Friday, 8 a.m. to 5 p.m.
- There are a total of five employees (in addition to the owners). There is one employee who comes to the property once a week and all other employees work directly at the job sites without the need to come to this property.
- All equipment will be stored inside the warehouse and all vehicles associated with the business are taken home by the employees.
- Most deliveries are from the manufacturer to the various job sites. On average, there will be one delivery per month to the property, and one delivery from the property to a job site.
- Customers typically do not come to the property; however, approximately four to five customers per year come to the office.
- There will be three parking spaces provided.

The applicant purchased the property in 2016 and built a 4,585-square-foot residence in 2021 in which he and his wife currently reside. The office/warehouse will be approximately 450 feet from the public right-of-way and will not be visible from the right-of-way. Mature trees surround the southern portion of the property providing a natural buffer from adjacent properties.

PLANNING AND ZONING HISTORY

- There have been no legislative cases associated with the property.

SURROUNDING ZONING AND DEVELOPMENT

- All surrounding parcels are zoned A-1, General Agricultural.
- All surrounding parcels are designated Rural Lands on the 2045 Comprehensive Plan.

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.

**SPECIAL USE PERMIT-22-0013. 3252 N. Riverside Drive Contractor's Office and Warehouse
Staff Report for the September 7, 2022, Planning Commission Public Hearing**

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Public Transportation: Vehicular</u>	<u>Mitigated</u>	- The new contractor's office/warehouse will not exceed 100 peak hour trips. - There is an existing driveway for access to N. Riverside Drive. - Virginia Department of Transportation (VDOT) requires a commercial entrance to accommodate any commercial traffic. (CE-1 standards and specifications). VDOT will review this in more detail with the site plan review.
<u>Public Transportation: Bicycle/Pedestrian</u>	<u>No Mitigation Required</u>	- Per the Adopted Regional Bikeways Map and Pedestrian Accommodations Master Plan, neither a bike lane nor pedestrian accommodations are required.
<u>Public Safety</u>	<u>Mitigated</u>	- Fire Station 1 on Forge Road serves this area of the County and is approximately 5 miles from the property. - The Fire Department has reviewed the proposal and does not have concerns with the master plan. Additional review by the Fire Department will occur with the site plan and building permit.
<u>Public Schools</u>	<u>No Mitigation Required</u>	- N/A since no residential dwelling units are proposed.
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	- N/A since no residential dwelling units are proposed.
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	- Staff finds this project does not generate impacts that require mitigation.
<u>Groundwater and Drinking Water Resources</u>	<u>Mitigated</u>	- The property is on a private well and septic. - The Virginia Department of Health has reviewed the proposal and does not have concerns with the master plan. Additional review by the Fire Department will occur with the site plan and building permit.

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.

**SPECIAL USE PERMIT-22-0013. 3252 N. Riverside Drive Contractor's Office and Warehouse
Staff Report for the September 7, 2022, Planning Commission Public Hearing**

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Watersheds, Streams, and Reservoirs</u> Project is located in the Diascund Creek Watershed.	<u>Mitigated</u>	- The Stormwater and Resource Protection Division has reviewed this application and has no objections. - This project will need to demonstrate full compliance with environmental regulations at the development plan stage, but no other specific environmental impacts have been identified for mitigation. - There are special flood hazard and resource protection areas on the property. However, this project will be located outside of these areas.
<u>Cultural/Historic</u>	<u>No Mitigation Required</u>	- The subject property has been previously disturbed and has no known cultural resources on-site.
<u>Nearby and Surrounding Properties</u>	<u>Mitigated</u>	- A vegetated buffer to screen the project from nearby properties will remain undisturbed as specified in proposed Condition No. 5. - The project will need to demonstrate full compliance with lighting and landscaping regulations in the Zoning Ordinance at the development plan stage. - Proposed Condition No. 3 limits the height of lighting fixtures and states that lighting shall not be routinely illuminated at night. - Proposed Condition No. 4 and the Zoning Ordinance required the outdoor storage areas to be screened from the right-of-way and adjacent properties.
<u>Community Character</u>	<u>No Mitigation Required</u>	- N. Riverside Drive is not a Community Character Corridor, and this parcel is not located within a Community Character Area.
<u>Covenants and Restrictions</u>	<u>No Mitigation Required</u>	- The applicant has verified that he is not aware of any covenants or restrictions on the property that prohibit the proposed use.

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.

2045 COMPREHENSIVE PLAN

The site is designated Rural Lands on the 2045 Comprehensive Plan Land Use Map.

Per the adopted Comprehensive Plan, appropriate primary uses include traditional agricultural and forestal activities, but also innovative agriculture, horticulture, silviculture, specialty or niche farming, commercial and non-commercial equine opportunities, agri-tourism, rural-based public or commercial recreation, rural-support businesses, and certain public or semi-public and institutional uses that require a spacious site and are compatible with the natural and rural surroundings.

Retail and other commercial uses serving Rural Lands are encouraged to be located at planned commercial locations on major thoroughfares inside the PSA. However, appropriately scaled and located direct agricultural or forestal-support uses (including agri-business and eco-tourism), home-based occupations, or certain uses which require very low intensity settings relative to the site in which it will be located may be considered on the case of a case-by-case review, provided such uses are compatible with the natural and rural character of the area and are in accordance with the Rural Lands Development Standards.

According to the Rural Lands Development Standards, uses should reflect and enhance the rural character of the County. Particular attention should be given to locating structures and uses outside of sensitive areas, and maintaining existing topography, vegetation, trees, and tree lines to the maximum extent possible, especially along roads and uses.

While not an agricultural or forestal use, staff finds the proposed scale of the business would be a very low intensity operation which would not negatively impact the natural and rural character of the area.

Further, staff finds that the undisturbed vegetation located along the perimeter where the project will be located provides a natural buffer from all surrounding properties. There is no outdoor storage proposed.

The site and structure that will be necessary for the project would be accessed by a single entrance. Staff further finds that proposed Condition No. 5 (Vegetated buffer) and proposed Condition No. 6 (Landscape and Screening), in conjunction with the layout and buffers, will help ensure the use is screened and buffered from adjacent properties and road rights-of-way.

STAFF RECOMMENDATION

Staff finds that the proposal is compatible with surrounding zoning and development and is consistent with the Comprehensive Plan and Zoning Ordinance. Staff recommends that the Planning Commission recommend approval to the Board of Supervisors, subject to the proposed conditions (Attachment No. 1).

TC/md
SUP22-13_3252NRvrsd

Attachments:

1. Proposed SUP Conditions
2. Location Map
3. General Location Map
4. Master Plan
5. Building Elevations

1. Master Plan. This special use permit shall be valid for the construction and operation of a contractor's office and warehouse, and accessory uses thereto (the "Project"), on property located at 3252 N. Riverside Drive and further identified as James City County Real Estate Tax Map No. 0930100021 (the "Property"). The Project shall be developed and constructed substantially in accordance with the master plan titled "JCC SUP-22-0013, 3252 N. Riverside Drive Contractor's Office and Warehouse" dated July 14, 2022 (the "Master Plan"), with any deviations considered per Section 24-23(a)(2) of the James City County Zoning Ordinance, as amended. There shall be one entrance to the Project as shown on the Master Plan.

2. Limitations. No retail sales shall occur on the Property.

3. Lighting. Prior to final approval of any site plan, if any exterior lighting is proposed for the Project, the Director of Planning or designee shall review and approve a lighting plan for the Property. All new light poles shall not exceed sixteen (16) feet in height from finished grade unless otherwise approved in writing by the Director of Planning prior to site plan approval. There shall be no light trespass, defined as light intensity measured 0.1-foot candle or higher extending beyond the boundaries of the Property, as a component of or result of this Project. Lights shall be operated by a motion detector or be able to be turned on as needed. Lights shall not be routinely illuminated from dusk until dawn.

4. Outdoor Storage. Storage of equipment, machinery, and materials associated with the Project, excluding trucks and other vehicles, such as tractor trucks, tractor truck/semitrailer, or tractor truck/trailer combination, dump truck, concrete mixer truck, or any heavy construction equipment, shall be located inside the warehouse. Trucks and other vehicles shall be screened from the right-of-way and adjacent properties with landscaping and fencing as approved by the Director of Planning prior to site plan approval.

5. Vegetated Buffer. The existing vegetation surrounding the Project area shown on the Master Plan shall remain undisturbed in its natural state except for the removal of dead, diseased or injured vegetation. No grading of land is allowed within the buffer except for the planting of additional vegetation.

6. Landscape and Screening Plan. A landscape and screening plan shall be submitted to the Director of Planning or his designee for review and approval prior to site plan approval. The landscape and screening plan shall show, at a minimum, landscaping and/or fencing that shall effectively screen the storage and/or parking areas associated with the Project from public roads and adjacent properties.

7. Tree Clearing. A landscape plan depicting the tree removal shall be approved by the Director of Planning or their designee prior to site plan approval. Tree clearing on the Property shall be limited to the landscape plan approved by the Director of Planning.

8. Spill Prevention and Containment Plan. Prior to approval of any site plan for the project, a Spill Prevention Control and Countermeasure Plan (SPCCP) for the Property shall be submitted to the

County Director of Stormwater and Resource Protection or designee for review and approval. The SPCCP shall outline measures and procedures necessary for the operation of the Project and activities conducted on the Property.

9. Resource Protection Area. (RPA). No land disturbance, parking, and/or storage of vehicles associated with the Project shall occur within 15 feet of a RPA buffer.

10. Signage. No outdoor signage advertising the Project or commercial activity shall be allowed on the Property.

11. Deliveries. Deliveries shall be limited to 8 a.m. – 5 p.m., Monday through Friday.

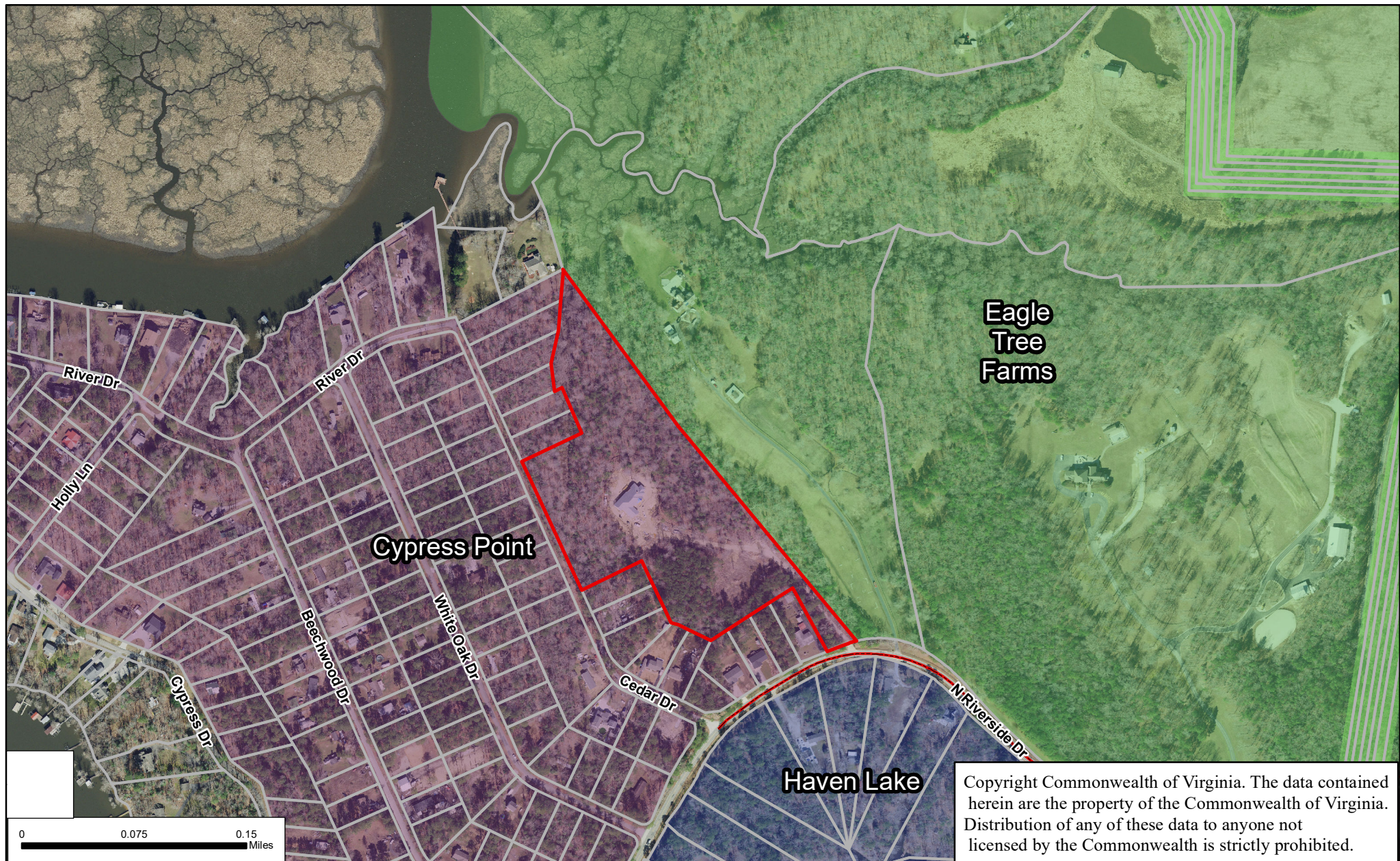
12. Parking of Vehicles. No more than five vehicles associated with the Project (including construction vehicles, such as tractor trucks, tractor truck/semitrailer, or tractor truck/trailer combination, dump truck, concrete mixer truck, or any heavy construction equipment), may be parked at the property at a given time.

13. SUP Amendment. An amendment to this SUP application shall be necessary should the number of vehicles associated with the Project exceed five vehicles, or the number of employees exceed five employees.

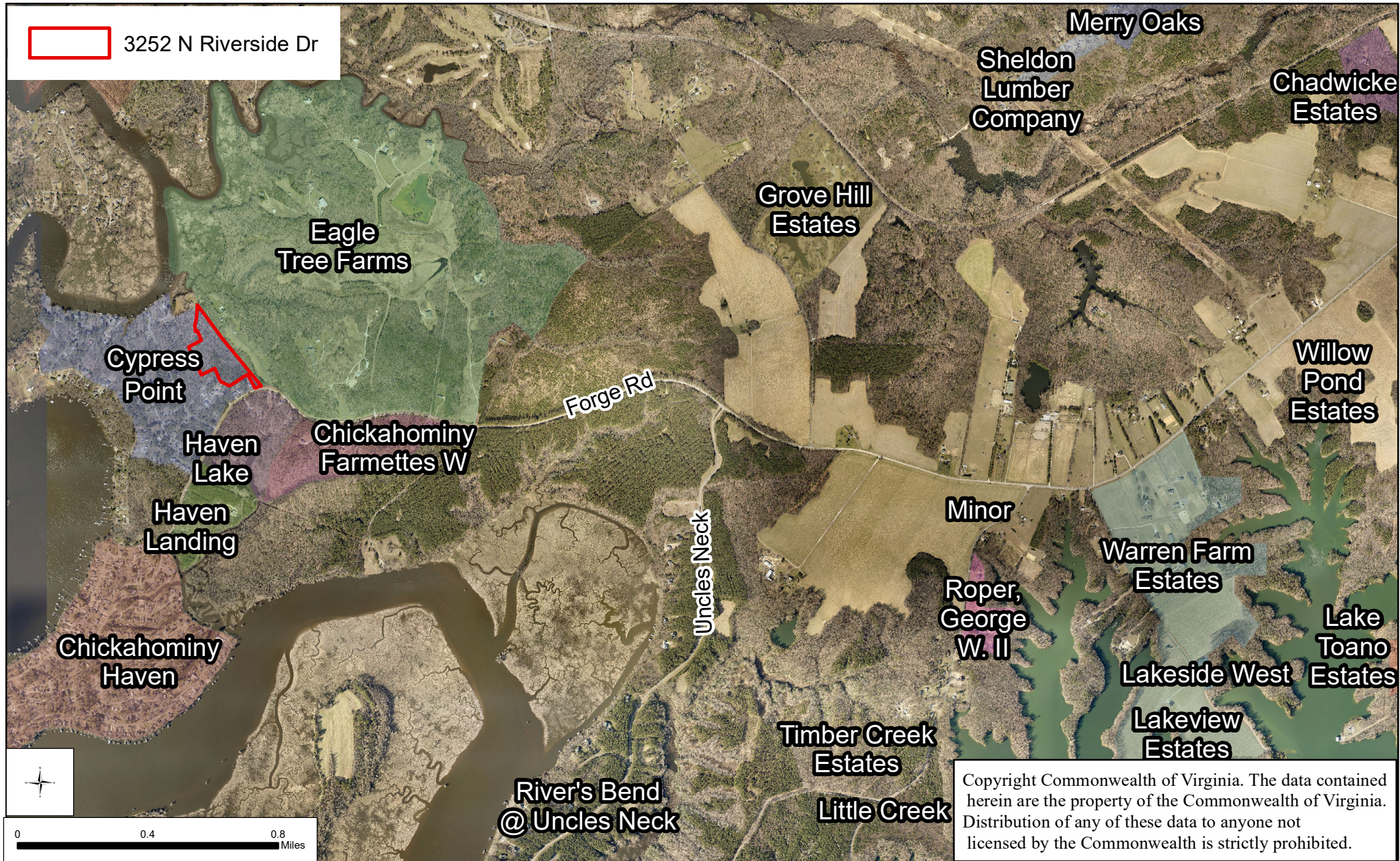
14. Site Plan. A site plan shall be required for this project. Final approval of the site plan shall be obtained within 24 months of issuance of this SUP, or the SUP shall become void.

15. Severability. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

SUP-22-0013. 3252 N Riverside Dr Contractor Office and Warehouse



SUP-22-0013. 3252 N Riverside Drive Contractor Office and Warehouse





JCC SUP-22-0013, 3252 N. Riverside Drive Contractor's Office and Warehouse

MASTER PLAN DATED JULY 14 2022

Property Information

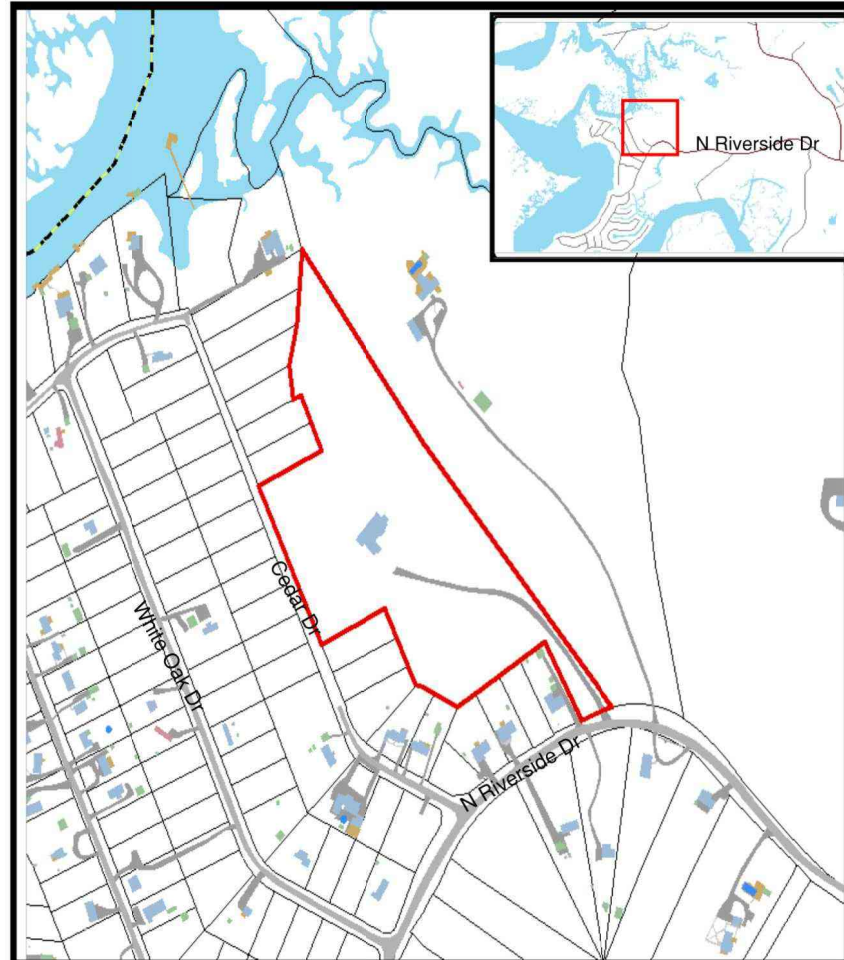
PIN: 0930100021
 ADDRESS: 3252 N. Riverside Drive
 OWNER/APPLICANT: Stephens, Lloyd & Deborah A
 LEGAL ACREAGE: 13.68 ac
 ZONING: A-1 General Agricultural
 2045 COMP PLAN: Rural Landsl
 PSA: Outside

General Notes

1. Site is served by well and septic.
2. This site does have Resource Protection Area and Special flood hazard areas, however, this project will not be in the vicinity of either area. The special flood hazard area is based on Flood Insurance Rate Map 51095C0019D, effective 12/16/2015.
4. Property has an existing driveway.
5. There will be three parking spaces provided.

Description of SUP

The purpose of this SUP is to request a special use permit to build a contractor's office and warehouse.

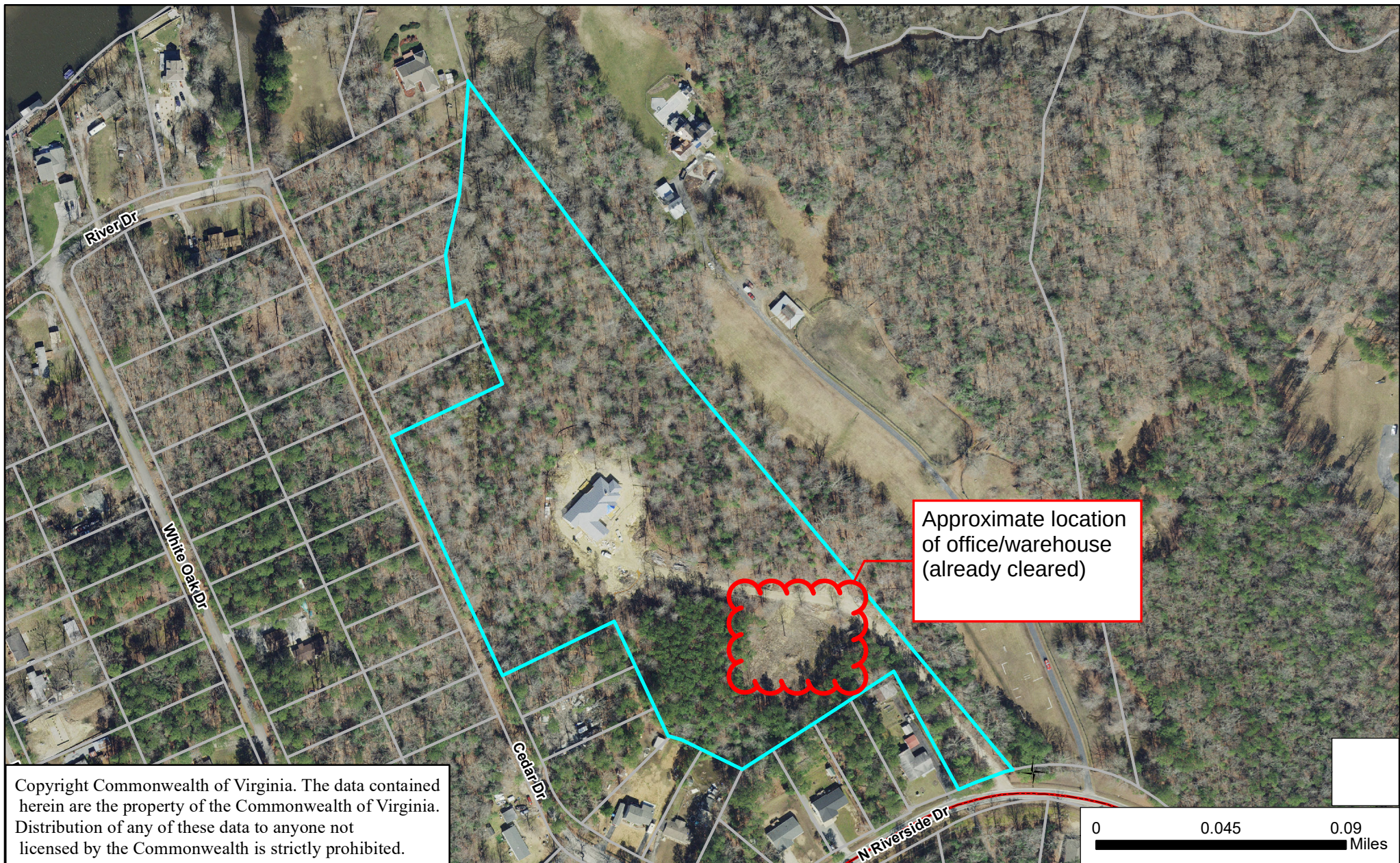


Adjacent Properties

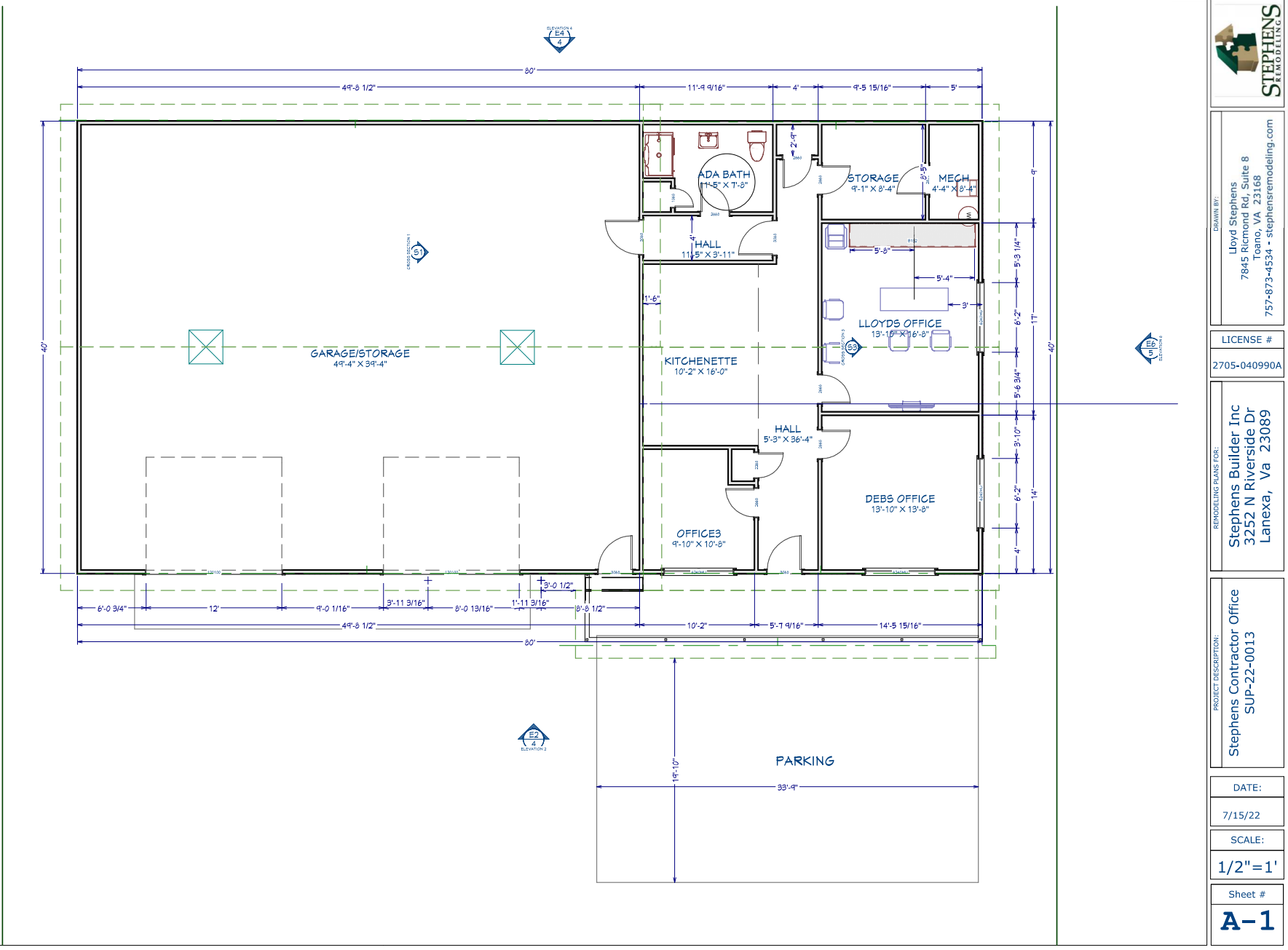
0930100020 Keesling, Emory Garland II 5066 River Rd Lanexa VA 23089	0930900008 Pergola, Christopher J 7704 Cedar Dr Lanexa VA 23089
0930600007 0930600008 0930600009 0930600010 Hibbard, Robert J & Louise St-O 7624 White Oak Dr Lanexa VA 23089	0930900010 0930900011 Kin, Mark E & Kimbler, Tracy D 7705 Cedar Dr Lanexa VA 23089
0930600011 Taltan, Janice S Trustee 3114 N. Riverside Dr #604 Lanexa VA 23089	0930900015 0930900016 Stephens, Lloyd W. & Deborah A. 3252 N. Riverside Dr Lanexa VA 23089
0930600012 0930600013 Wolfrom, Edward A ET UX 6049 Liberty Rd Bealeton, VA 22712	0940100011 Colley, Jay 4047 S. Riverside Dr Lanexa VA 23089
0930800001 Silverman, Louis S & Barbara 1002 Old Denbigh Blvd #307 Newport News, VA 23602	0940100014 Steele, Joseph H. & Judy H. 3256 N. Riverside Dr Lanexa VA 23089
0930800002 Clayton, Gene R Trustee Barbara A. Trustee 105 Keith Rd Newport News, VA 23606	0940200002 Langston, Jimmy Trustee & Betty J 3248 N. Riverside Dr Lanexa VA 23089
0930800003 Housing Partnerships Inc P O Box 441 Williamsburg, VA 23187	0940200003 White, John R. II 128 Armstrong Dr Hampton, VA 23669
0930800004 Eckert, Mildred 91 Nicewood Dr Newport News, VA 23602	0930900007 Forziati, Christopher J. Nancy C 7702 Cedar Dr Lanexa, VA 23089
0940200005 Blair, Nancy 3242 N. Riverside Dr Lanexa, VA 23089	0940200004 Patton, Andrew N 3244 N. Riverside Dr Lanexa, VA 23089

JCC SUP-22-0013

3252 N Riverside Drive Contractors Office and Warehouse

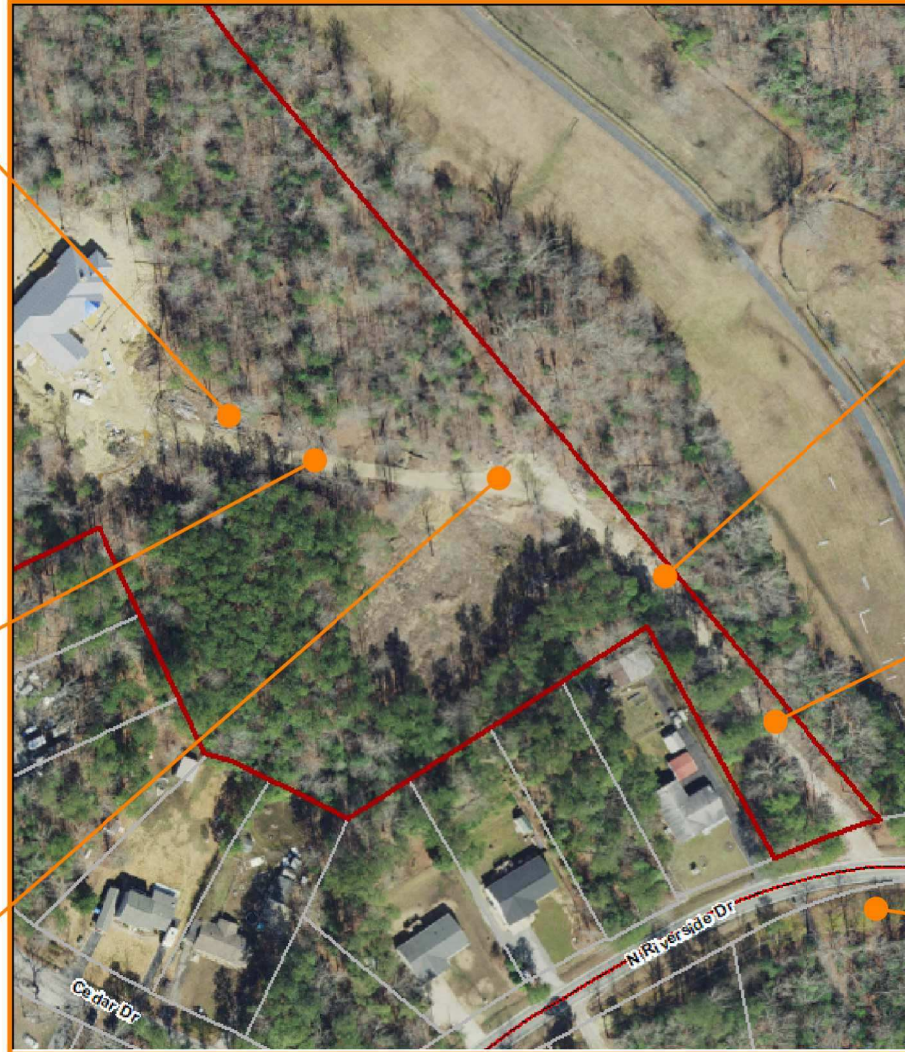


JCC SUP-22-0016, 3252 N. Riverside Drive Contractor's Office and Warehouse





JCC SUP-22-0013, 3252 N. Riverside Drive Contractor's Office and Warehouse





DRAWN BY:

Lloyd Stephens
7845 Richmond Rd, Suite 8
Toano, VA 23168
757-873-4534 - stephensremodeling.com

LICENSE #

2705-040990A

REMODELING PLANS FOR:

Stephens Builder Inc
3252 N Riverside Dr
Lanexa, Va 23089

PROJECT DESCRIPTION:

Stephens Contractor Office
SUP-22-0013

DATE:

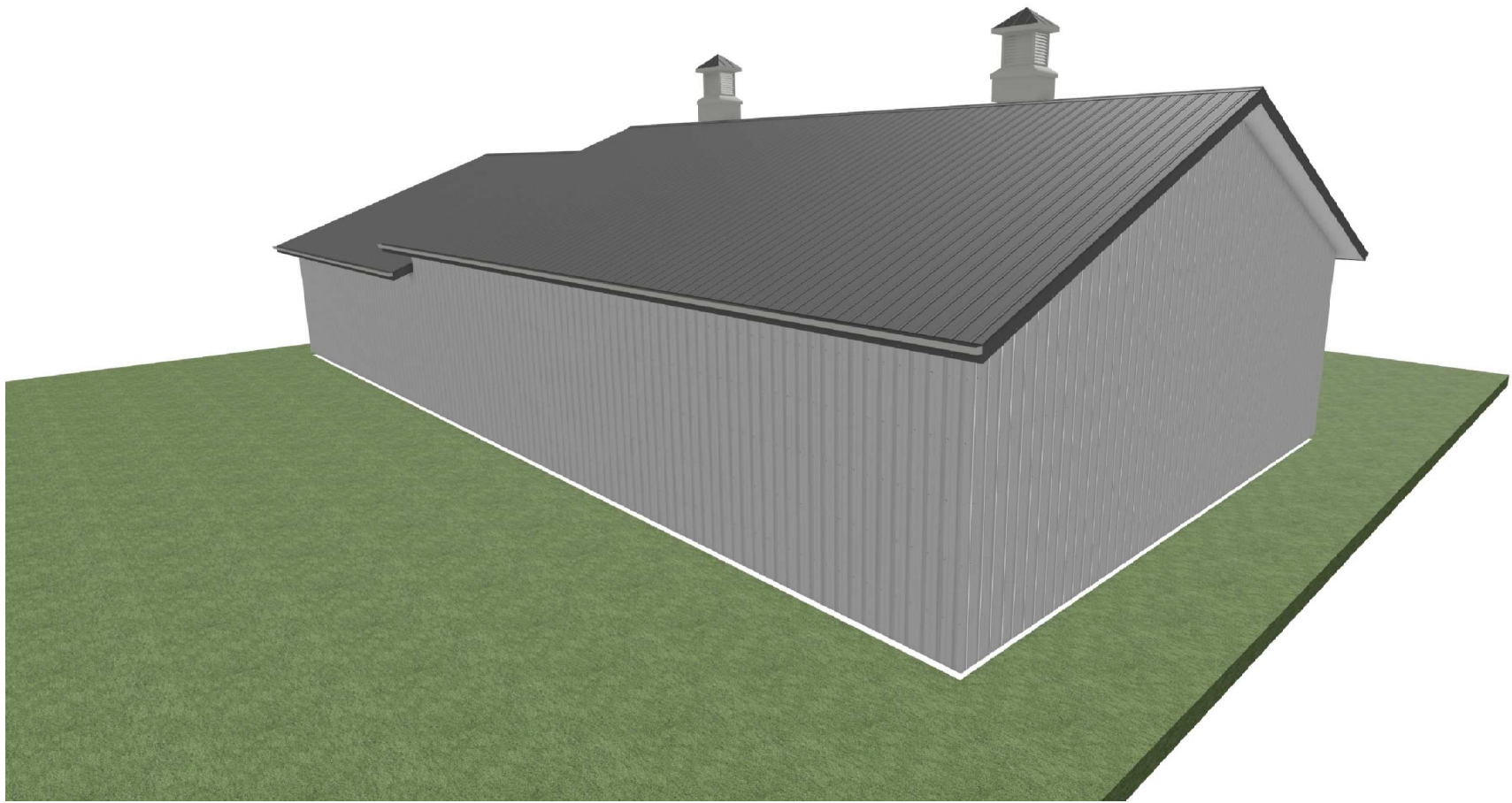
7/15/22

SCALE:

1/2" = 1'

Sheet #

A-2



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3252 N Riverside Dr
Lanexa, Va 23089

PROJECT DESCRIPTION:
Stephens Contractor Office
SUP-22-0013

DATE:
7/15/22

SCALE:
1/2" = 1'

Sheet #
A-3



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LICENSE #
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REMODELING PLANS FOR:
Stephens Builder Inc
3252 N Riverside Dr
Lanexa, Va 23089

PROJECT DESCRIPTION:
Stephens Contractor Office
SUP-22-0013

DATE:

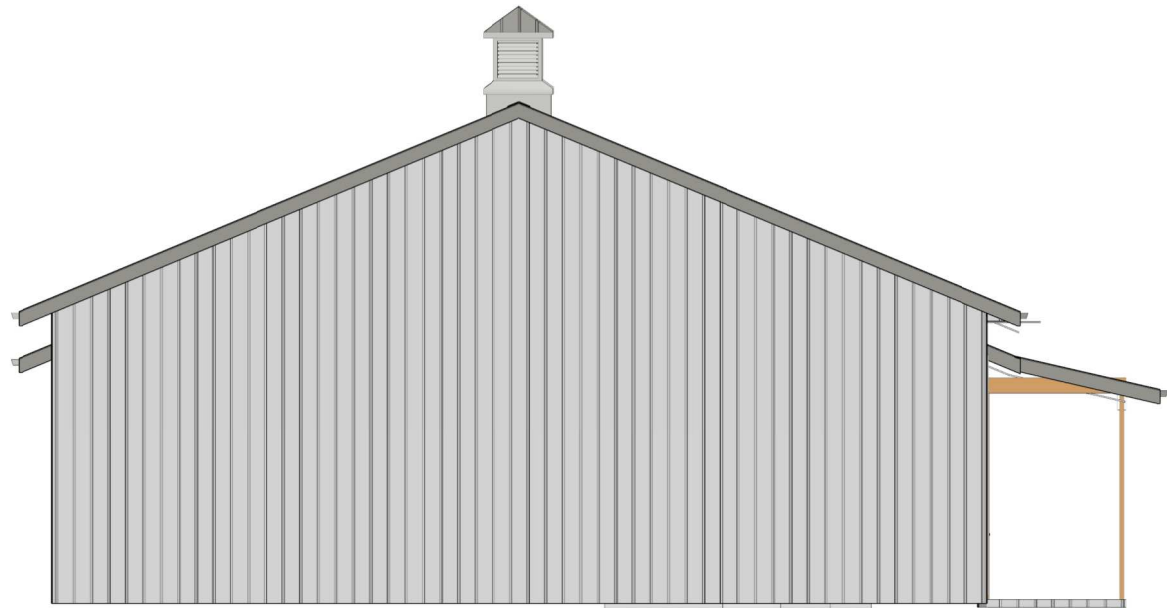
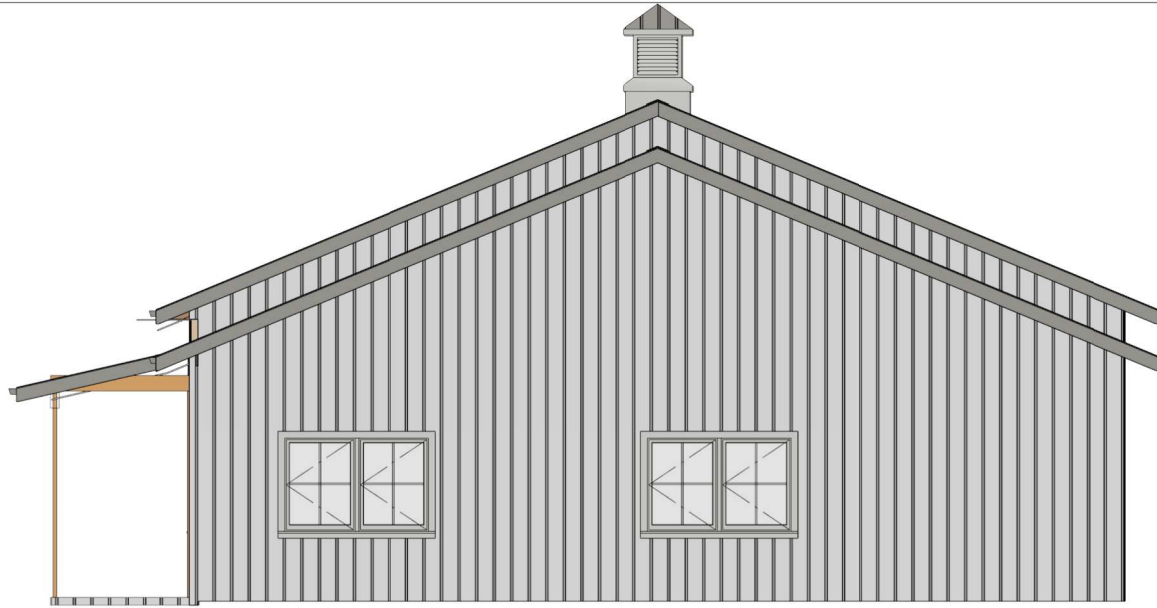
7/15/22

SCALE:

1/2" = 1'

Sheet #

A-4



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2705-040990A

REMODELING PLANS FOR:
Stephens Builder Inc
3252 N Riverside Dr
Lanexa, Va 23089

PROJECT DESCRIPTION:
Stephens Contractor Office
SUP-22-0013

DATE:
7/15/22

SCALE:
1/2" = 1'

Sheet #
A-5

ITEM SUMMARY

DATE: 9/7/2022

TO: The Planning Commission

FROM: John Risinger, Planner

SUBJECT: SUP-22-0015. 7294 & 7296 Richmond Rd. Pivot Energy Solar Project

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	1. Proposed SUP Conditions	Backup Material
☐	2. Location Map	Backup Material
☐	3. Applicant Narrative	Backup Material
☐	4. Master Plan	Backup Material
☐	5. Proposed Landscape Buffer	Backup Material
☐	6. Resolution for Consistency with Section 15.2-2232	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	8/31/2022 - 4:07 PM
Planning Commission	Holt, Paul	Approved	8/31/2022 - 4:07 PM
Publication Management	Pobiak, Amanda	Approved	8/31/2022 - 4:16 PM
Planning Commission	Holt, Paul	Approved	8/31/2022 - 4:30 PM

**SPECIAL USE PERMIT-22-0015. 7294 and 7296 Richmond Road Pivot Energy Solar Project
Staff Report for the September 7, 2022, Planning Commission Public Hearing**

SUMMARY FACTS

Applicant: Mr. Buzz Becker, Pivot Energy, Inc.

Landowners: D & S Chong, LLC
Dae Ik and Susan Chong

Proposal: Development and construction of solar panel facility for electrical power generation, storage, transmission, and associated activities

Locations: 7294 Richmond Road
7296 Richmond Road

Tax Map/Parcel Nos.: 2410100004
2320100025

Project Acreage: ± 53.840

Zoning: A-1, General Agricultural

Comprehensive Plan: Economic Opportunity

Primary Service Area:
(PSA) Outside

Staff Contact: John Risinger, Planner

PUBLIC HEARING DATES

Planning Commission: September 7, 2022, 6:00 p.m.

Board of Supervisors: October 11, 2022, 5:00 p.m. (Tentative)

FACTORS FAVORABLE

1. Staff finds the proposal consistent with the 2045 Comprehensive Plan.
2. Staff finds the proposal will not negatively impact surrounding development.
3. Impacts: See Impact Analysis on Pages 3-5.

FACTORS UNFAVORABLE

1. Impacts: See Impact Analysis on Pages 3-5.

SUMMARY STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of the proposed Special Use Permit (SUP) subject to the proposed conditions.

Staff also recommends that the Planning Commission find this application consistent with the Code of Virginia Section 15.2-2232.

PROJECT DESCRIPTION

Mr. Buzz Becker, Pivot Energy, Inc., has applied for an SUP for a 4.75-megawatt alternate current (MWac) solar farm located at 7294 and 7296 Richmond Road. If approved, the proposed solar farm will be developed on approximately 53.84 acres of the total 129.19 acres of the properties and would connect to existing overhead utility lines on-site.

In general, this property has limited visibility from surrounding properties and roadways given the topography of the railroad tracks

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.

**SPECIAL USE PERMIT-22-0015. 7294 and 7296 Richmond Road Pivot Energy Solar Project
Staff Report for the September 7, 2022, Planning Commission Public Hearing**

and existing vegetation. Much of the properties boundaries are located within Resource Protection Areas (RPAs). The master plan shows a proposed 50-foot-wide perimeter landscape buffer that will be comprised of evergreen trees, ornamental deciduous trees, and deciduous shade trees to provide screening. The perimeter buffer is increased to 75 feet along Richmond Road and the boundaries with properties to the north and south. The applicant has indicated that disturbed areas on-site will be reseeded with groundcover seed mixes containing native pollinator friendly plants.

The applicant has stated that the lease with the property owners would be for 21 years with an option to extend for an additional 10 years. Following the end of the use of the solar farm, the facility would be decommissioned and the site would be restored.

7294 Richmond Road is currently within the Hill Pleasant Farm Agricultural and Forestal District (AFD). During the 2022 AFD renewal process, the property owners submitted a request to withdraw 42 acres of the property from the Hill Pleasant Farm AFD to allow the development of the solar farm. Because the AFD withdrawal request is occurring within the District renewal timeframe, the withdrawal does not need to be acted upon by the Board of Supervisors.

PLANNING AND ZONING HISTORY

- 7294 Richmond Road has been included in the Hill Pleasant Farm AFD since the creation of the AFD. The property owners have submitted a request to withdraw 42 acres of the property from the Hill Pleasant Farm AFD for the current application.

SURROUNDING ZONING AND DEVELOPMENT

- Properties across Richmond Road are zoned B-1, General Business, LB, Limited Business, R-2, General Residential, and PL, Public Lands. On the 2045 Comprehensive Plan Land Use

Map, the properties are designated Low Density Residential, Community Commercial and Federal, State, or County Land.

- The properties to the north are zoned A-1, General Agricultural and are designated Economic Opportunity (EO) and Rural Lands on the 2045 Comprehensive Plan Land Use Map.
- The properties to the south are zoned A-1, General Agricultural and are designated EO on the 2045 Comprehensive Plan Land Use Map.
- The properties to the east are zoned A-1, General Agricultural and are designated Rural Lands on the 2045 Comprehensive Plan Land Use Map.

FINDING OF CONSISTENCY

Section 15.2-2232 of the Code of Virginia requires that unless a utility facility is shown on the adopted Comprehensive Plan or other master plan for the County, the local planning commission and a governing body shall review the facility to determine whether the location, character, and extent of the project is substantial in accords with the adopted Comprehensive Plan. The proposed solar electrical generation facility is not currently shown on the County's adopted Comprehensive Plan and, therefore, requires this additional level of review by the Planning Commission and the Board of Supervisors. For the Commission's consideration, a consistency determination resolution is included as Attachment No. 6.

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.

SPECIAL USE PERMIT-22-0015. 7294 and 7296 Richmond Road Pivot Energy Solar Project
Staff Report for the September 7, 2022, Planning Commission Public Hearing

Impacts/Potentially Unfavorable Conditions	Status (No Mitigation Required/Mitigated/Not Fully Mitigated)	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Public Transportation: Vehicular</u>	<u>Mitigated</u>	- The new solar farm would not exceed 100 peak hour trips. - Access to the properties is proposed to utilize an easement along the railroad which connects to the north of the properties. The easement connects to Peach Street which connects to Richmond Road via Peninsula Street and Norge Lane. - Condition Nos. 12 and 13 address the potential damage to the existing roadways and limiting the number of employee vehicles parking on-site during construction.
<u>Public Transportation: Bicycle/Pedestrian</u>	<u>No Mitigation Required</u>	- Bicycle and pedestrian accommodations are not required for this proposal.
<u>Public Safety</u>	<u>Mitigated</u>	- Fire Station 1 on Forge Road serves this area of the County, approximately 3.7 miles from the proposed solar farm. - Staff finds this project does not generate impacts that require mitigation to the County's Fire Department facilities or services. - Condition No. 10 requires the Facility operator to prepare and maintain an Emergency Management Plan to address situations that may require response from public safety personnel.
<u>Public Schools</u>	<u>No Mitigation Required</u>	- N/A since no residential dwelling units are proposed.
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	- N/A since no residential dwelling units are proposed.
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	- Staff finds this project does not generate impacts that require mitigation.
<u>Groundwater and Drinking Water Resources</u>	<u>No Mitigation Required</u>	- The property does not receive public water and sewer. The solar farm would not need water or sewer services.

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SPECIAL USE PERMIT-22-0015. 7294 and 7296 Richmond Road Pivot Energy Solar Project
Staff Report for the September 7, 2022, Planning Commission Public Hearing

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Watersheds, Streams, and Reservoirs</u> Project is located in the Skimino Creek Watershed.	<u>Mitigated</u>	- The Master Plan shows a conceptual layout for stormwater management facilities. - This project will need to demonstrate full compliance with environmental regulations at the development plan stage, but no other specific environmental impacts have been identified for mitigation. Language has been included for the decommissioning plan to address stormwater ponds (Condition No. 15). - Condition Nos. 4 and 14 address a nutrient management plan and spill prevention control and countermeasures plan, respectively. - The Stormwater and Resource Protection Division provided additional SUP Conditions (Condition Nos. 18-27) to address discing of the subsoil, impacts to the RPA, stormwater facility design and computations, off-site nutrient credits, special stormwater criteria, channel protection, flood protection, stream channel restoration, and erosion and control inspections.
<u>Cultural/Historic</u>	<u>Mitigated</u>	- Per Section 24-145 of the Zoning Ordinance, an archaeological study and natural resource inventory will be required at the development plan stage.
<u>Nearby and Surrounding Properties</u>	<u>Mitigated</u>	- Condition No. 5 requires a vegetated buffer to screen the development from adjacent properties. - Condition No. 7 prohibits lighting from crossing property lines as well as limiting the height of light poles. The project will also need to demonstrate full compliance with lighting and landscaping regulations in the Zoning Ordinance at the development plan stage. - Condition Nos. 16 and 17 also limit the height of the panels and address use of materials to prevent glare. - Condition No. 11 requires a construction management and mitigation plan which is intended in part to address impacts to nearby properties during the construction stage. - Condition No. 9 limits the height and the color of the perimeter fence.

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.

SPECIAL USE PERMIT-22-0015. 7294 and 7296 Richmond Road Pivot Energy Solar Project
Staff Report for the September 7, 2022, Planning Commission Public Hearing

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Community Character</u> The project is located along the Richmond Road Community Character Corridor (CCC). Buffering along a CCC is required to be an average width of 50 feet. The project is also within the Norge Community Character Area (CCA).	<u>Mitigated</u>	- Condition No. 5 requires a 75-foot vegetated buffer along Richmond Road to mitigate visual impacts to the CCC and CCA.
<u>Covenants and Restrictions</u>	<u>No Mitigation Required</u>	- The applicant has verified that he is not aware of any covenants or restrictions on the property that prohibit the proposed use.

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.

SPECIAL USE PERMIT-22-0015. 7294 and 7296 Richmond Road Pivot Energy Solar Project
Staff Report for the September 7, 2022, Planning Commission Public Hearing

2045 COMPREHENSIVE PLAN

The site is designated EO-Mooretown Road/Hill Pleasant Farm Area on the 2045 Comprehensive Plan Land Use Map. Lands designated EO are intended primarily for economic development, increased non-residential tax base, and the creation of jobs. The lands should be at strategic locations in the County relative to transportation, utilities infrastructure, and adjacent uses, and the lands should only be developed consistent with comprehensive area/corridor master plans for the EO area.

For the Mooretown Road/Hill Pleasant Farm Area, the primary suggested uses include industrial, light industrial, and office uses. Development in this area should refer to the Commercial/Industrial Development standards which state that uses should be located adjacent to compatible or similar uses, have a limited impact on adjacent residential areas, be located where public services, utilities and facilities are adequate to support the use, and protection of environmentally sensitive resources, watersheds, historic and archaeological resources, designated CCCs and CCAs, and other sensitive resources by utilizing design features, including building and site design, buffers, and screening to protect the resource.

The Comprehensive Plan does not specifically identify solar farms as a compatible use; however, given that this proposal includes a lease with the property owners, this use may serve as a transitional land use until market forces determine a more intense economic use. The site is also located adjacent to an approved solar farm development. With the proposed conditions, the development is anticipated to have a limited impact on adjacent residential properties. The development is not anticipated to have an impact on public services. Proposed conditions are intended to mitigate impacts to sensitive resources.

The site is located along a CCC. Buffering along a CCC is required to be an average width of 50 feet. A portion of the site is also located within the Norge CCA. For areas within the Norge CCA that are designated EO, protecting the viewshed around the central core of the CCA and along the railroad should be a primary consideration. With the proposed master plan and conditions, the required buffering is anticipated to mitigate any visual impacts to the Norge CCA.

With the proposed conditions, staff finds that the proposal consistent with the 2045 Comprehensive Plan.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of the proposed SUP subject to the proposed conditions.

JR/md
SUP22-15RichRdPESP

Attachments:

1. Proposed SUP Conditions
2. Location Map
3. Applicant Narrative
4. Master Plan
5. Proposed Landscape Buffer
6. Resolution for Consistency with Section 15.2-2232

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.

**Proposed SUP Conditions for SUP-22-0015, 7294 & 7296 Richmond Rd. Pivot Energy
Solar Project**

1. **Master Plan.** This SUP shall be valid for the construction of a photovoltaic solar electrical generation facility (the “Facility”), electrical substations with a capacity of 5,000-kilovolt amperes or more serving the Facility, and electrical transmission lines capable of transmitting 69 kilovolts or more serving the Facility (all together, the “Project”) on property located at 7294 and 7296 Richmond Road and further identified as JCC Real Estate Tax Map Nos. 2410100004 and 2320100025, respectively (collectively, the “Properties”). The Properties shall be developed and the Project constructed substantially in accordance with the master plan titled “Pivot Energy VA I & II Prepared for Pivot Energy VA, LLC” prepared by Kimley-Horn, and sealed June 21, 2022 (the “Master Plan”), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.
2. **Boundary Line Extinguishment.** Prior to final approval of any site plan, a subdivision plat that extinguishes the lot lines separating the Properties shall be recorded.
3. **Vehicular Access.** Vehicular access to and from the Facility, which includes traffic associated with the construction, operation, maintenance, and decommissioning, shall only be from Peach Street as shown on the Master Plan.
4. **Nutrient Management Plan.** The Facility operator shall provide a nutrient management plan (NMP) prepared by a certified nutrient management planner for all of the area within the defined limits of work (disturbance) for the Properties. The purpose of the NMP is to provide for long-term establishment and maintenance of turf grass, pasture, rangeland, or other similar type vegetative cover which preserve the long-term soil health for potential future farming purposes. The NMP shall have a component which specifically identifies and maintain and protects designated Prime Farmland soil mapping units consistent with the *Soil Survey of James City County Counties and the City of Williamsburg Virginia (April 1985)* and the County’s Comprehensive Plan. The NMP shall be submitted for review and approval by the

County's Director of Stormwater and Resource Protection prior to approval of any final site plan for the Facility. Upon approval of the NMP, the Facility operator shall be responsible for ensuring that any nutrient applied in the area within the defined limits of work is in strict accordance with the NMP.

5. **Vegetated Buffer.** Prior to final approval of any site plan, the Planning Director or designee shall review and approve a landscape plan for the Project. The landscape plan shall provide a 50-foot landscaped buffer (the "Perimeter Buffer") along the perimeter of the Project site. The Perimeter Buffer shall be increased to 75 feet in the following locations: (i) along approximately 1,027 feet of the western perimeter that faces Richmond Road, (ii) along approximately 590 feet of the northern perimeter, and (iii) along approximately 2,862 feet of the southern perimeter to screen the Project as shown on the Master Plan. The Perimeter Buffer shall be shown on the site plan. The Perimeter Buffer shall be provided by one of the three treatment options listed below:

- a. In areas of the Perimeter Buffer that are currently comprised of mature forest, as determined by the Planning Director or designee, the buffer shall be left undisturbed in its natural state.
- b. In areas of the Perimeter Buffer that are not completely comprised of mature forest, as determined by the Planning Director or designee, supplementation with evergreen shrubs and trees shall be required in accordance with Condition No. 5c.
- c. In areas of the Perimeter Buffer where little or no vegetation exists, as determined by the Planning Director or designee, the buffer shall be landscaped to the provisions of section 24-96 of the zoning ordinance for General Landscape Areas except that the required evergreen tree and shrub mixture shall be increased from 35% to at least 45%.

6. **Native Pollinator Plantings.** Disturbed areas requiring reseeding shall be seeded with a seed mix for site groundcover that includes native pollinator plants which

bloom in spring and/or summer as identified by the Virginia Department of Conservation and Recreation's Virginia Solar Site Native Plant Finder. A landscaping plan showing the areas being reseeded, including a detailed list of plant species included in the seed mix, shall be reviewed and approved by the Planning Director or designee prior to final site plan approval.

7. **Lighting.** If any lighting of the Project is proposed, the Planning Director or designee shall review and approve a lighting plan prior to final site plan approval. Any exterior site or building lighting on the Properties shall be shielded and directed downward. No glare, defined as 0.1 foot-candle or higher, shall extend outside the boundaries of the Properties. Lights shall be operated by a motion detector or be able to be turned on as needed by the Facility operator and shall not be routinely illuminated at night. No light poles shall exceed a height of 16 feet above finished grade unless otherwise approved in writing by the Planning Director prior to final site plan approval.
8. **Signage.** Unless otherwise exempt by Section 24-74 of the Zoning Ordinance, no outdoor signage related to the Project shall be permitted on the Properties.
9. **Fencing.** Any fence on the Properties shall be black or other neutral color and shall not exceed a height of 8 feet above finished grade and not consist of barbed wire. Prior to final approval of any site plan, the Planning Director or designee shall review and approve a detail of any proposed fencing on the Properties for consistency with this condition.
10. **Emergency Management Plan.** The Facility operator shall prepare and maintain an Emergency Management Plan (EMP) to address situations that may require response from James City County public safety personnel, including, without limitation, fire safety and emergency response personnel. The EMP shall:
 - Be developed in conjunction with and approved by the County Fire Chief and County Police Chief or their designees prior to final approval of any site plan.

- Provide a mutually agreed upon schedule for the Facility operator to provide information sessions and training for James City County public safety personnel relative to possible emergency response situations at the Facility.
- Provide pertinent contact numbers for the Facility operator emergency personnel.
- Provide that all emergency contact information will be posted on access gates.

11. Construction Management and Mitigation Plan. Prior to final approval of any site plan, the Facility operator shall provide a Construction Management and Mitigation Plan (CMMP) for review and approval of the Planning Director or designee. The CMMP shall include those items listed below:

a. Construction Management:

- Designated parking areas.
- All piling driving activity on the Properties shall be limited to the hours of 8 a.m. to 6 p.m., Monday through Friday.
- Other construction activities, including clearing and grading of the Properties shall be limited to the hours of 7 a.m. to 7 p.m., Monday through Friday.
- Construction delivery traffic to the Properties shall not be allowed during pick up/drop off times for surrounding schools.
- Appropriate methods for the storage, transportation, and disposal of any waste and/or hazardous materials.

b. Construction Mitigation:

- Dust mitigation, such as water trucks, mulch, or similar methods.
- Smoke and burn mitigation, such as containments or similar methods.

12. Construction Traffic Mitigation Plan. A Construction Traffic Mitigation Plan (CTMP) shall be submitted to the Virginia Department of Transportation (VDOT) and

the Planning Director, or designee, for review and approval prior to the issuance of a land disturbing permit for the Facility. The CTMP shall identify all existing conditions along Peach Street, Peninsula Street and Norge Lane, provide a plan to address all necessary repairs required as a result of damage from construction traffic, and provide a timeline for completion of repairs. All road repairs as identified by the approved CTMP shall be completed within six months of the Facility becoming operational.

13. Off-Site Parking. Prior to issuance of a land disturbing permit, an Off-Site Parking Plan (OPP) shall be submitted to the Planning Director, or designee, for review and approval. The off-site parking area shall be used by construction workers who shall be transported to the Properties via a shuttle van and/or bus. The OPP shall conform to all Zoning Ordinance requirements and shall identify elements such as, but not limited to, the number of off-site parking spaces provided and the location of the off-site parking area. In order to reduce the amount of construction-related traffic along Peach Street and Peninsula Street and to ensure that construction workers are parking their vehicles at the off-site parking area, no more than 20 vehicles may be parked on the construction site at any time except for trucks, as defined by the Zoning Ordinance, and delivery vehicles. No on-street parking for the Project shall be allowed. The OPP shall identify the need for additional Erosion and Sediment Control measures and Stormwater measures generated by the off-site parking area and those needs be approved through an erosion and sediment control plan prior to issuance of land disturbance permit for the Facility.

14. Spill Prevention Control and Countermeasure Plan. Prior to approval of any site plan, the Facility operator shall submit a Spill Prevention Control and Countermeasure (SPCC) plan for the Project to the County Director of Stormwater and Resource Protection or designee for review and approval. The SPCC plan shall outline measures and procedures necessary for the operation of the Facility until decommissioning.

15. Decommissioning and Restoration Plan and Agreement. Prior to final approval of any site plan, a Decommissioning and Restoration Plan (DRP) shall be submitted to the Planning Director or designee for review and approval. The DRP shall outline the required steps for removal of above and below-ground Facility components, disposal and/or recycling of wastes and materials, soil stabilization, and the revegetation and restoration of native habitat of the Properties. At the time of decommissioning of the Facility, the stormwater facilities on the Properties must be evaluated for continued need and the final DRP must include the close-out or remediation of stormwater facilities. The DRP shall be enforceable by a written Decommissioning Agreement in accordance with and subject to the terms of Virginia Code § 15.2-2241.2(B). To ensure sufficient funds are available to the County to conduct the DRP, a surety in an amount sufficient for decommissioning the Facility and remediating the Properties shall be posted with James City County in a form acceptable to the County Attorney. The Decommissioning Agreement shall be executed prior to approval of a site plan for the Facility.

16. Height Limitation. The maximum height of all structures in the Facility, including the photovoltaic solar panel mounts, shall not exceed 16 feet above finished grade.

17. Glare. All photovoltaic solar panels on the Properties shall be made of or be coated with anti-reflective materials to prevent glare.

18. Discing. After areas to be topsoiled have been brought to grade, and immediately prior to dumping and spreading the topsoil, the subsoil shall be loosened by discing to a depth of at least two inches to ensure bonding of the topsoil and subsoil. A geotechnical report showing completion of discing for the Project shall be submitted to the Director of Stormwater and Resource Protection or designee at the time of submitting a Stormwater Final As-Built application.

19. Resource Protection Area. Impacts to the Resource Protection Area (RPA) shall be limited to required stormwater management facility outfalls. There shall be no clearing of trees to allow for sunlight access to panel arrays.

20. Stormwater Management Facility Design. All stormwater management facilities shall meet or exceed the criteria of the appropriate DEQ BMP Clearinghouse design standard.

21. BMP Facility Access Roads. BMP facility access roads shall be a 12-foot wide paved or gravel surface with a T-Turnaround at each facility access point. The use of grass pavers shall be prohibited.

22. Horizontal Projected Area. Unless directly connected to the stormwater conveyance system, the Horizontal Projected Area (HPA) of all solar panels shall be considered unconnected impervious area when performing runoff computations for erosion and sediment controls including, but not limited to, temporary sediment traps and temporary sediment basins and for performing post-development water quantity and water quality design computations. HPA shall be calculated using the following formula.

$$\text{HPA} = L \times W \times \cos \theta$$

Where:

L = Solar panel length (ft)

W = Solar panel width (ft)

θ = Solar panel minimum operating angle (degrees) from horizontal for normal operations without a rain sensor or the maximum angle (degrees) from horizontal when a rain sensor is deployed as specified by the Virginia Department of Environmental Quality.

23. Virginia Runoff Reduction Method. The Forested Open Space (FOS) land use category may be used to account for a maximum of 25% of the required water quality associated with the Project. The purchase of offsite nutrient credits toward needed

water quality associated with the Project will not be allowed. FOS shall meet the criteria set forth in the DEQ BMP Clearinghouse Specification No. 2, "Sheet Flow to Filter or Open Space." FOS area shall treat sheet flow from the development. FOS which is disconnected from any drainage patterns of the development shall be prohibited.

24. Special Stormwater Criteria. Special Stormwater Criteria (SSC) measures shall be required for the Project. Specific SSC measures may be deemed unsuitable for the type of development as determined by the Director of Stormwater and Resource Protection or designee.

25. Channel Protection. The stormwater management design shall provide channel protection for the 1-year, 24-hour storm event per energy balance, as defined in 9 VAC 25-870-66(B)(3)(a), for all outfall and discharge locations for the Project.

26. Flood Protection. The stormwater management design shall provide flood protection through attenuation of the 10-year, 24-hour storm event, per 9 VAC 25-870-66(C)(2)(b).

27. Erosion and Sediment Control Inspection.

- a. The person responsible for carrying out the erosion and sediment control plan on the Properties shall be responsible for monitoring and inspecting the land disturbing activity in accordance with Section 8-6(a) of the County Code. All inspection documentation shall be submitted to the Stormwater and Resource Protection Division for review and approval in accordance with Chapter 8 of the County Code. Prior to the issuance of land disturbance permit, the Facility operator and any third-party inspector shall conduct a pre-construction meeting with the Stormwater and Resource Protection Division to discuss schedule, submittal requirements, and other necessary items to complete the monitoring and inspections.

- b. At the County's sole discretion, the County may engage the services of County-contracted inspectors for inspections required by County Code Section 8-6(b), or as deemed appropriate by the County to ensure compliance with applicable codes and ordinances. The Facility operator shall be financially responsible for the costs of any inspections contracted for by the County for the Facility or the Properties.

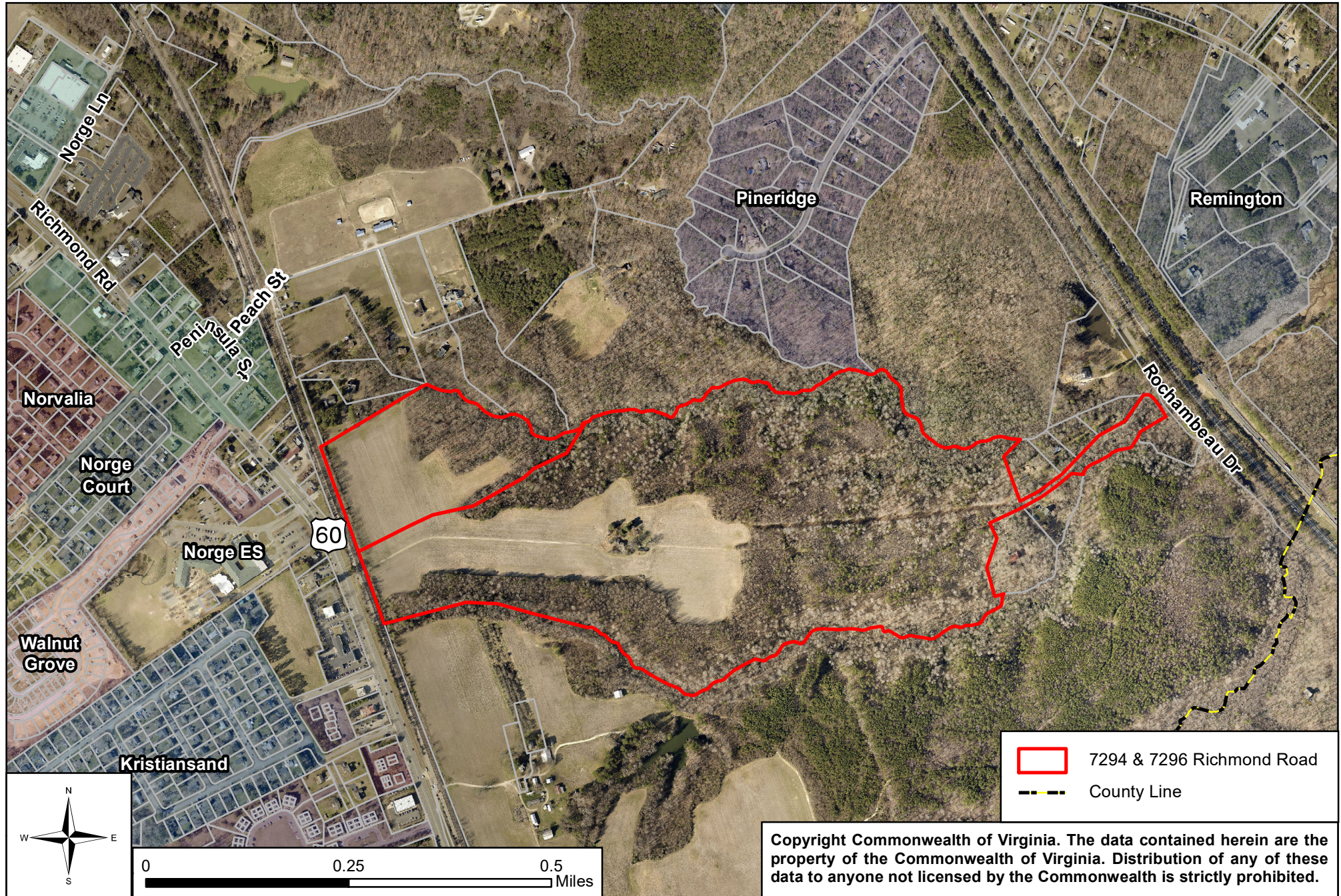
28. Public Improvements. Pursuant to Code of Virginia § 15.2-2288.8(B), a payment of \$1,400 per megawatt, as measured in alternating current (AC) generation capacity of the nameplate capacity of the Facility, shall be made to the County on July 1 of each year following the Facility being operational to support construction of public improvements, the necessity for which need not generated solely by the Facility.

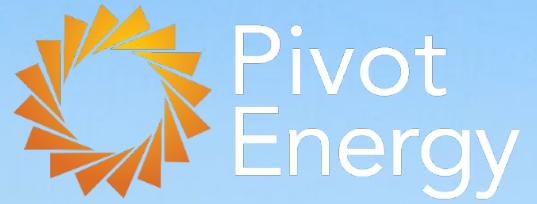
29. Solar Panel Details. As part of the site plan review, the applicant shall provide documentation that the selected panels are non-regulated waste under Resource Conservation Recovery Act (RCRA) classification. Furthermore, the applicant shall provide documentation that the selected panels are "Tire 1" modules as established by the most recent "PV Module Tier 1 List" issued by BloombergNEF or a similar third-party analysis widely accepted in the solar industry.

30. Commencement. The Facility shall be operational within 48 months from the issuance of this SUP, or this SUP shall automatically be void. The Facility operator shall submit a signed letter to the Planning Director prior to 48 months from the issuance of this SUP to confirm the operational status of the Facility.

31. Severance Clause. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

JCC SUP-22-0015, 7294 & 7296 Richmond Rd. Pivot Energy Solar Project





Special Use Permit Application for: Pivot Energy Virginia, Pivot Energy Virginia 2

Pivot Energy

1750 15th St., Ste. 400
Denver, CO 80202

Buzz Becker - (918) 346-9542 - bbecker@pivotenergy.net

June 20, 2022

James City County
Paul Holt, Director of Community Development
101 Mounts Bay Road
Building A
Williamsburg, VA 23187

Dear Mr. Holt,

Please let this letter serve as the introduction for Pivot Energy's SUP application for our proposed multi-phase solar project at PINs 2320100025 and 2410100004 respectively. In the following community impact statement, you will see a thoughtfully designed project that has already undergone significant site diligence. This proposed project offers meaningful value to the landowner and county alike while ensuring thorough compliance with the comprehensive plan.

This submission formally requests waivers to the following submittal requirement sections as seen in Zoning Ordinance Section 24-23.a.1:

- (a) **Traffic Impact Analysis** – As seen in previously submitted Trip Generation Memo, only 56 peak hour trips to and from the site are expected during construction of the facility.
- (b) **Water and Sewer Impact Study** – No additional use of county water or sewer from proposed development.
- (c) Environmental information is included in the SUP application—***no waiver requested***
- (d) **Public Facilities Report** – The proposed solar array creates no impact on the county's locally-financed public facilities and requires no services from county resources.
- (e) **Additional Public Facilities** – No new public facilities would be required because of the proposed solar array.
- (f) **Phase 1A Archaeological Study** – Properties are not in an ultra or highly-sensitive area as determined in the James City County archaeological assessment.
- (g) Preliminary Natural Resource Inventory is included in the SUP application—***no waiver requested***
- (h) **Fiscal Impact Analysis** – No residential units proposed.
- (i) **Parks and Recreation Information** – No impact to county parks and recreation system.

Sincerely,

Buzz Becker

Buzz Becker | Director, Project Development
bbecker@pivotenergy.net
918.346.9542

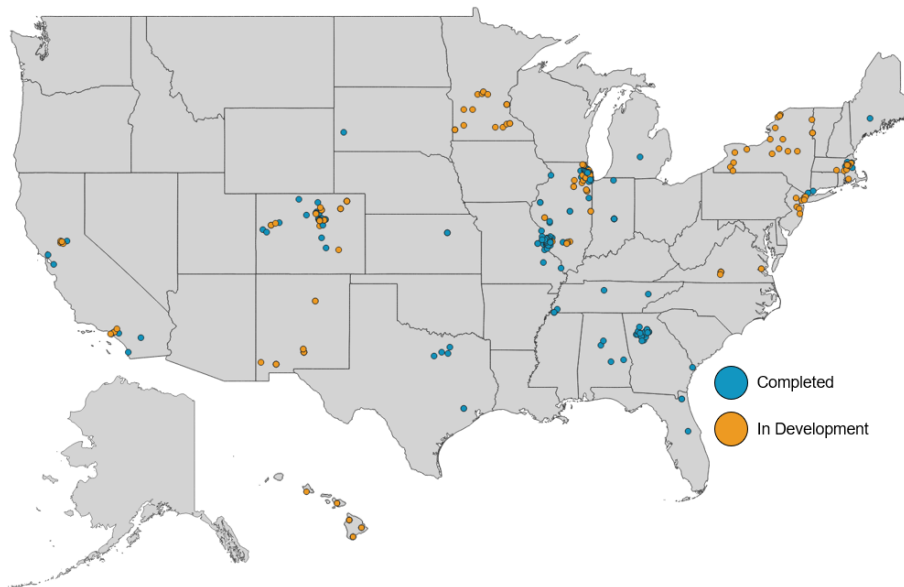
Executive Summary

Pivot Energy is pleased to apply for a Special Use Permit (SUP) from James City County for Pivot Energy Virginia/Pivot Energy Virginia 2 (PEVA/PEVA2) (the Project). This two-phase Project represents a small, solar photovoltaic (PV) facility of one (1) megawatt (MW) and three-and-three-quarters (3.75) megawatts in capacity as measured in alternating-current (AC). The proposed Project would be at PINs 2320100025 and 2410100004 respectively, east of Richmond Road and approximately 1 mile south of James City County Library. The Project will be sited on approximately 31 acres (the Site) of the approximately 129-acre host property (the Property) located in the General Agricultural (A1) zoning district. The Project has been designed in full compliance with James City County code.

This project will positively impact the local community by employing local labor, decarbonizing the local grid, and providing increased resources to the county over the life of the project. Pivot's lead developer on this project, Buzz Becker, is based in Virginia and has previous experience permitting similar solar projects in eastern Virginia. With a strong development and customer relationship background in small utility, commercial, and community solar projects, Pivot continues to expand its offerings throughout the solar industry by working with low-income communities, residential renters and homeowners, agricultural customers, local businesses, & local government organizations.

Prior Solar Development Success:

Recently Completed and Ongoing Projects



Development Experience, Including Solar Gardens

Background on Pivot Energy

Pivot Energy is a turnkey solar developer of commercial and industrial solar projects founded in 2009 and headquartered in Denver, Colorado. Pivot has become a national leader in commercial and industrial solar projects, with hundreds of successful projects completed for many small, mid-sized and Fortune 500 companies, as well as for nonprofit, government, and military organizations.

Pivot Energy has built or developed the most community solar projects of any developer in Colorado and has expanded to build projects nationwide over the last several years. Our development team works in conjunction with our EPC team to plan a project for success from the beginning and execute in a timely manner. Pivot will provide turnkey development of the community solar garden, from initial site planning and engineering to system design, construction, commissioning, and customer subscriptions.

Pivot Energy is a certified B Corps, using a triple bottom line approach to measure our progress on more than just a financial basis. Our goal is to achieve balance between three, sometimes opposing, ends of People, Planet, and Profit. B Corps, or Benefit Corporations, are redefining success in business to include benefits to workers, society, and the environment. We aim to balance these measures in all aspects of our projects to bring widespread benefit to multiple areas of the community.



Experience with Developing and Operating Similar Solar Facilities

Pivot Energy has invested heavily in both the Colorado community solar market as well as community and commercial solar nationally. Our company also has community solar projects either under construction or in development in states including Minnesota, Illinois, New York, New Mexico, Virginia, and more totaling well over 150MW.

In Colorado Pivot has become the largest community solar developer having built or in process of developing more than 70 MW of community solar. Pivot Energy is also one of the only developers to never abandon a community solar project with a 100% success rate post-bid. As noted in the project examples, our community solar projects range in size and type from small urban rooftops to medium and large-scale ground mounts. Our team's experience is deeply rooted in Colorado development having built many of the early projects at previous companies and then coming together as a team of industry experts to accelerate community solar development, construction, and customer adoption throughout the state and country.

Pivot Energy's SunCentral team has also become the largest and most all-encompassing subscription manager in Colorado with thousands of residential customers and serving more than 16MW of low-income customer capacity throughout Colorado. We are proud that our SunCentral management platform is so widely used by the market – especially in Colorado. Our team regularly communicates with MPEI to not only manage customers within the market but also look for ways to improve how utilities and developers can communicate and operate to continuously provide better experiences to the end customer and bring projects to successful completion.

Pivot Energy Acquisition by ECP

As of June 1, 2021 Pivot Energy is wholly owned by Energy Capital Partners (ECP)¹. Founded in 2005, ECP is a leading investor across energy transition, electrification and decarbonization infrastructure assets, including power generation, renewables and storage solutions, environmental infrastructure and efficiency & reliability assets facilitating the energy transition. The ECP team, comprised of 53 people with 500 years of collective industry experience, deep expertise and extensive relationships, has consummated more than 60 transactions over the last 10 years, representing more than \$45 billion of enterprise value.



More information on the acquisition available at: <https://www.prnewswire.com/news-releases/ecp-announces-acquisition-of-pivot-energy-301303505.html>

ECP has extensive experience in energy infrastructure with portfolio companies including Sunnova and Calpine. The investment in Pivot Energy by ECP allows for Pivot to not only develop solar assets and manage customers through our SunCentral platform but to maintain ownership of the assets through their full life. Additionally, Pivot Energy is a part of ECP's continued commitment to Environmental, Social, and Governance (ESG) goals and their expansion into renewable energy. Pivot Energy is ECP's first certified B Corporation and, as noted in their 2021 ESG Report highlights ECP's "ability to source attractive investments that have positive benefits from both a social justice and environmental standpoint."²

More information on ECP's ESG goals available at: https://www.ecpgp.com/system/uploads/fae/file/asset/136/ECP_ESG_Report_2021_Web.pdf

In addition to the funding from ECP, Pivot Energy is nearing closing with both our tax equity partner and back leverage partner for our 2023 project portfolio that this project would be placed into. Pivot Energy is in final negotiations with a single tax equity partner that we have chosen as well as a single back leverage partner which are allowing us to get industry leading terms and cost of capital to make these projects very financially efficient.

¹ PR Newswire – ECP Announces Acquisition of Pivot Energy: <https://www.prnewswire.com/news-releases/ecp-announces-acquisition-of-pivot-energy-301303505.html>

² Energy Capital Partners (ECP) – ESG Report: https://www.ecpgp.com/system/uploads/fae/file/asset/136/ECP_ESG_Report_2021_Web.pdf

Selected Customer List

Our customer list includes small, midsize, and Fortune 500 companies, as well as utilities, nonprofits, governments, and military institutions.



Project Design

Pivot Energy seeks to develop PEVA/PEVA2 with a collective nameplate capacity up to 4.75MWac. The clean energy generated by the solar array will be delivered to Dominion's grid (the Grid) at 34.5kV distribution line along Richmond Road. The Project has been shortlisted by Dominion Energy to acquire the power generated from the Project to serve local customers.

PEVA/PEVA2 will be comprised of approximately 9,528 solar PV panels from Tier 1 manufacturers. Standard additional equipment includes single axis tracker components, DC to AC inverters, medium-voltage transformers and control cabinets, project switchgear, meters, and the attachment facilities to the current local grid.

These panels will be mounted to a single-axis tracking (SAT) system designed to maximize the panel production by following the rising and setting of the sun. This SAT system includes linked horizontal steel support beams known as torque tubes, with a centrally located drive train system. The rows will be 21 feet apart (center-to-center) and the square footage of the panels will account for approximately 29% of the total Project acreage. PEVA/PEVA2's racking system will be affixed to pile-driven metal beams at a depth of approximately 10 feet. At full tilt, the maximum height of any panel will be under sixteen feet (16').

The solar panels in each row will be wired together into a circuit. There will be a DC to AC string inverter for approximately every 3 rows, typically mounted on a piling adjacent to the tracker structure. Once the inverter converts the panels DC power to AC, this power will be transmitted from the string inverters via three-phase direct-buried cables (at a depth of approximately 4.5 feet) and aggregated at the AC collection switch gear before moving to the medium-voltage transformer. This transformer will be mounted on a concrete slab alongside project switchgear and control cabinet. After the transformer steps up the electric power voltage to match the existing Grid, the power is transmitted to the Project's protective recloser and metering equipment before connecting with Dominion's powerlines.

An internal access drive made from all-weather aggregate base will provide access to the array. This Site access will be restricted by a perimeter security fence in compliance with Federal and State regulations. Manual swing gates will be built at the main entrance and other required entry points as determined by maintenance crews and/or safety personnel. National Electric Code Standards for safety and signage will be met or exceeded.

The project will be obscured from view with a vegetative buffer, as seen in the provided Landscaping Plan. The buffering mix includes 50/50 evergreen shrubs and a tree composition of 50% evergreen, 30% shade, and 20% ornamental. The layout and density of the buffer will meet or exceed the standards as outlined in the James City County landscaping ordinance. PEVA/PEVA2 will seek input from county staff and neighboring residents on species selection within our vegetative buffer. To best preserve the existing natural aesthetic, we will seek out native species that have been utilized in comparable Project vegetative buffers. To ensure adequate screening from the beginning of the Project, evergreen trees within the northern bufferyard will be no less than 8 feet (8') tall at the time of planting.

Environmental and Cultural Impact

Wetlands

The site is enveloped by wooded wetlands to the north and the south as identified in the wetlands delineation and field assessment. This delineation and report were conducted by qualified professionals from Tetra Tech, Inc and is included in the application submission. These wetlands will be verified by the US Army Corps of Engineers prior to construction while the project is designed to avoid any impact on wetlands or resource protection areas (RPAs).

Wildlife Habitats

The applicant has commissioned Tetra Tech, Inc to conduct an environmental inventory report on rare, threatened, and endangered species for the Property. The report utilizes 8 different state and federal databases to evaluate the potential for habitat occurrence and preliminarily proposed mitigation efforts for the project development. This report is included in the application submission.

The environmental inventory report identifies three threatened species that could exist within the vicinity of the project: Northern Long-eared Bat (NLEB), Small Whorled Pogonia, and Canebrake Rattlesnake. Using the DWR Winter Habitat and Roost Trees Map, we confirmed that there are no known roost habitats for NLEB within a 50-mile radius. Under the USFWS 4(d) rule, no further study is required given the DWR map result. While our report shows a moderate chance of occurrence for the Small Whorled Pogonia and Canebrake Rattlesnake, there are no previously documented sightings of either species on the property in the USFWS critical habitat database. Furthermore, it is exceedingly unlikely that either species would be located within the site given the mutual preference for maintaining proximity to hardwood trees within swampy areas and the previous use of the site area for agriculture. All local, state, and federal laws shall be followed if one of the species are encountered during Project construction.

Cultural and Historical Resources

Tetra Tech Inc conducted a preliminary desktop analysis of cultural and historical resources on the property through the Virginia Department of Historic Resources' (DHR) Virginia Cultural Resource Information System (V-CRIS). No known historic resources were identified within the Property limits while two eligible resources within the Area of Potential Effects (APE) were identified. The analysis is provided within the application submission.

We additionally sought comments from staff at DHR on potential impacts on the historical resources as a result of the proposed development. In DHR's response letter (provided with the application submission), staff indicated that a viewshed analysis from the historic resources and proposed site area would be necessary for further evaluation. This indication of viewshed as the primary concern bodes well for the project's mitigated impact, given the robust proposed vegetative buffer within the development plan. DHR also recommended a Phase I cultural resources survey within the APE. This survey and subsequent DHR concurrence are included as a proposed permit condition in our submitted list.

Environmentally Sensitive Areas

PEVA/PEVA2 has been reviewed by the Virginia Department of Conservation and Recreation (VADCR) for environmentally sensitive areas—as seen in our environmental inventory report. VADCR confirmed that the only known natural heritage resource within the York River-Skimino Creek subwatershed (in which our Property is located) is the previously referenced Small Whorled Pogonia. As mentioned above, it is exceedingly unlikely that this species would be located within the site given its preference for maintaining proximity to hardwood trees within swampy areas and the previous use of the site area for agriculture. All local, state, and federal laws shall be followed if the species is encountered during Project construction.

Construction

Based on the current project schedule, construction is tentatively planned for late Spring 2023. We estimate construction to last approximately three months, depending on the weather. Submitted within the proposed conditions are limits on general construction hours from 7am-7pm Monday-Friday and further limits on pile-driving activities from 8am-6pm Monday-Friday. After construction is complete, the Project will work with Dominion Energy for testing and commissioning verification and is expected to begin commercial operations in Fall 2023.

Ground disturbance will be minimal during the construction process. Ingress and egress related to construction will be restricted to Richmond Road. PEVA/PEVA2 has included a preliminary transportation plan as a part of its permit submission. Prior to land disturbance permit, the Applicant shall submit a Construction Traffic Mitigation Plan to VDOT and the Planning Director for approval. This measure is included in our submitted proposed conditions.

The final site plan will include an in-depth erosion and sediment control plan. Such measures will be implemented to prevent runoff from entering the surrounding environment and typically include straw bales, silt fencing, run-off channels, sediment basins, and hay coil logs. The Applicant has commissioned Kimley Horn to produce preliminary stormwater calculations for this conceptual phase of permitting and has included that work in the submission.

After construction, natural vegetation will be established throughout the Site to ensure erosion and sediment control. This ground cover will include native pollinator seed mix with multi-season bloom composition as identified through the Virginia Department of Conservation and Recreation's Pollinator-Smart program and affirmed in our proposed conditions.

Operations and Maintenance

After construction is complete, we anticipate minimal site access requirements for Project maintenance activities. At a minimum, the Project will undergo two annual preventative maintenance checks, once in the spring (~April) and once in the fall (~August). While all products installed on site are of the highest quality per industry standard testing practices & classifications, occasional dispatch to site may be required to correct outages on an as needed basis. Corrective activities such as this may add two to four site access instances each year.

As the long-term owners & operators of the proposed Project, our team will also actively monitor site performance 24/7 and will address any issues in a timely manner; based on performance impact, our contracted O&M providers will respond within 24, 48, or 72 hours depending on the outage type. Average rainfall in James City County is anticipated to be adequate for natural cleaning of the panels. Vegetative ground cover will be managed during the growing season in compliance with local

requirements, including but not limited to land use permit specifications, water management plans, and site access agreements. The method of vegetation management will include pollinator-friendly vegetation plantings with one mechanical mow per season after plants have gone to seed.

Impacts and Mitigations

Water – No on-site source of potable water will be required during construction or operations for PEVA/PEVA2. If any on-site water source is required during construction or operation, it will be supplied by the host Project and sourced offsite. No new well will be dug for this project. Please see the request above for the waiver request regarding Water and Sewer Impact Study.

Sound – The majority of sound associated with the proposed Project will occur during construction. This is expected to be the result of material deliveries to the Property and support beam installation for the array. Impacts from noise are mitigated from a selected site that requires minimal ground disturbance and restricted hours of construction operations as seen in our proposed conditions.

Once operational, PEVA, PEVA2 will be practically inaudible. At a distance of 3ft from the security fence, our inverters and racking equipment create a sound comparable to a home HVAC unit. These sound measurements fall to less than 30dB at only 50ft from the perimeter—equivalent to background noise in the county. Given the nearest abutting residence is approximately 500ft from the array, no sound impact is expected.

Glare – No glare hazard is expected during construction or operations. Our Tier I panels are treated with anti-glare coating and are designed to absorb as much sunlight as possible. The large setbacks and robust vegetative screening from neighbors will further obscure any visual impact of the proposed Project. Furthermore, we have submitted the proposed development to the Federal Aviation Administration and secured a Determination of No Hazard to Air Navigation. This formal notice is included in our permit application.

Odor – Our EPC team will store, collect, and dispose of any solid construction material waste to prevent any odors from the Site, mitigating any impact on neighboring properties. No detectable odors are produced from the solar array components during operations.

Dust – Possible dust occurrence during operations is most likely to result from delivery or construction trucks on the Site. This will be mitigated by spraying water on dry dirt and enforcing a 5 MPH speed limit within the construction area. Minimal vehicle or foot traffic during operations and vegetative groundcover will naturally mitigate against concerns for dust.

Security and Access – The perimeter fence around the array will be no taller than 8 feet in height and contain no barbed wire. This fence will be black or another neutral color with final design approval to be sought from the Planning Director. The gates within the fence will remain locked while access will be coordinated through our operations and maintenance personnel. Our Site will provide a “Knox Box” to provide 24/7 access for local emergency personnel. The Applicant will ensure suitable access from Richmond Road is maintained for fire or other emergency vehicles.

Removal

At the end of the Project's life, it will be decommissioned and removed from the Property. Formal notice of end of operations will be sent to James City County via Certified Mail. The Project will then be completely removed from the Property and reasonably restored to previous condition within 365 days of receipt of notice. PEVA/PEVA2 has included a proposed condition of county approval of our decommissioning plan prior to final site approval. We have commissioned Tetra Tech Inc to develop a preliminary plan for such decommissioning and have included it within our application submission.

Economic Development

Jobs

To the extent possible, PEVA/PEVA2 will source local materials and labor for the construction and maintenance of the project and have committed to hosting jobs fairs in James City County as seen in our proposed conditions. We estimate that this project will create approximately 30 new construction positions and 1-2 operations positions. Operations jobs will be focused on facility upkeep with responsibilities such as vegetation management, equipment repair, and component maintenance. Typical cadence for site maintenance is every two to three months.

Increased County Revenue

PEVA/PEVA2 will increase the site acreage tax revenue to nearly 7x the current land use rate. This increase is a product of increased assessment of the host acreage and the proposed annual voluntary payment.

The 5-acre portion of land from PIN 2320100025 in PEVA/PEVA2 will increase in assessment from \$8,999.38/acre (Agricultural) to \$15,000/acre (Solar). The 26-acre portion of land from PIN 240100004 will increase in assessment from \$5,390.57/acre (AFD-abated Agricultural) to \$15,000/acre (Solar).

	Assessment Rate	Assessed Value (Acres x Assessment Rate)	Real Property Tax Rate	Annual Real Property Tax (Assessed Value x Real Property Tax Rate)	30 Year Revenue
Current (31 Acres)	\$8,999.38 / acre (5 acres) + \$5,390.57/ acre (26 acres)	\$185,142 (Assessed, full property)	\$0.84 / \$100 assessed value	\$1,555 / year	\$46,656
Project (31 Acres)	\$15,000 / acre	\$465,000	\$0.84 / \$100 assessed value	\$3,906 / year	\$117,180

Voluntary Payment

As PEVA/PEVA2 in aggregate comprises less than 5MW, the Project offers a voluntary annual payment of \$1,400 per MW for the life of the project to the County's Public Works department to support construction of public improvements such as transportation infrastructure or various public safety facilities. Over a 30-year period, revenue stream would bring provide an additional \$199,500 to James City County. This payment is included as a proposed condition in our permit application.

Regulatory Conformance

Virginia Code § 15.2-2232 requires that the Planning Commission makes a determination as to whether or not the general location, character, and extent of a proposed solar energy facility is in substantial accord with the locality's adopted comprehensive plan *Engage 2045 – Our County, Our Shared Future*.

Location

The location of PEVA/PEVA2 is substantially in accord with the County's Comprehensive Plan. The Project is located east of Richmond Road in the Mooretown Road/Hill Pleasant Farm Area Economic Opportunity designation. According to the Land Use section of the 2045 Comprehensive Plan, principal uses in this area should "encourage development types that have certain attributes, principally that they have a positive fiscal contribution, provide quality jobs, enhance community values, are environmentally friendly, and support local economic stability." PEVA/PEVA2 is the type of development that meets these attributes and satisfies goals LU 1.1, LU 4.7, and PF 4.5 in its Economic Opportunity siting with robust buffering and topographical obscuration.

In spite of being in the area designated for "Economic Opportunity," the project location is outside the Primary Service Area (PSA), which makes this location particularly well suited for this project. The PSA has traditionally been the demarcation between areas planned for growth and development that require public water, sewer and high levels of public services and those areas reserved for conservation, preservation, and limited growth. This project is unique in that it meets the goals of the Economic Opportunity designation, as noted above, *and* is in keeping with the type of growth and development allowed outside the PSA: it requires no public water and sewer, will generate minimal traffic, and does not generate demand for schools, libraries or human services.

Character and Extent

The character and extent of PEVA/PEVA2 is substantially in accord with the County's Comprehensive Plan. The Project will provide clean, locally sourced energy to nearby Dominion customers while investing in county infrastructure improvements. The minimal trips to the site generated by the development meets the guidance of T 1.2 while the growing demand of electric vehicles and the subsequent need for clean electricity addresses T 3.6.

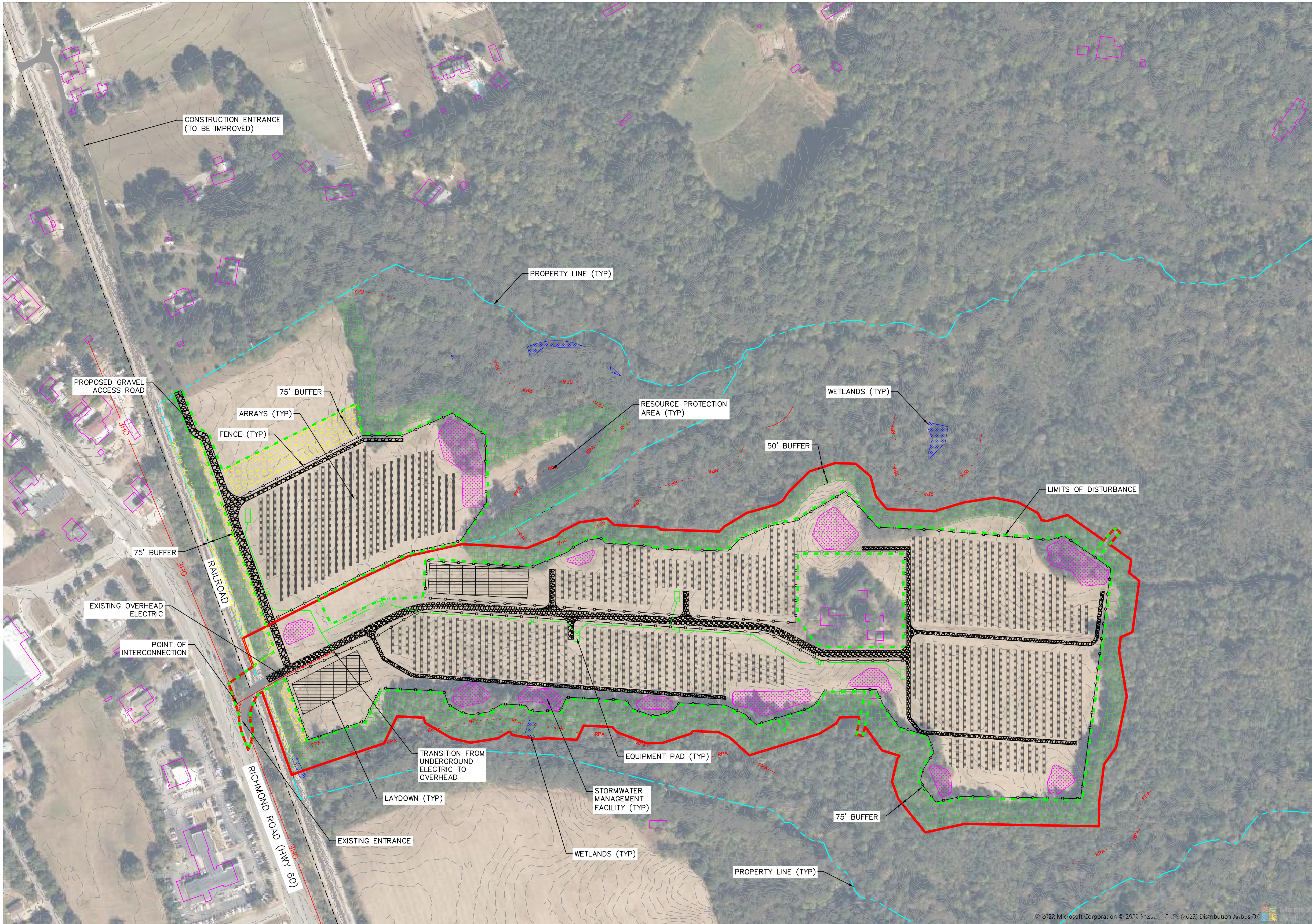
The unique siting of the project site and the passive, low impact nature of the use facilitates no changes to the current viewshed or intensity of development along Richmond Road. This verified viewshed maintenance—and even augmentation with robust, native vegetative buffering as seen in the provided renderings—address CC 1.1 and CC 3.2. PEVA/PEVA2 assert in the proposed condition that DHR concurrence for any resource impact mitigation will be achieved, by cultural survey if

required. This meets CC 6.1. By the nature of the proposed development, PEVA/PEVA2 meets PF 2.3 while the proposed siting on already cleared land with native pollinators included in the ground seed mix address ENV 4.6.1 and ENV 4.6.2.

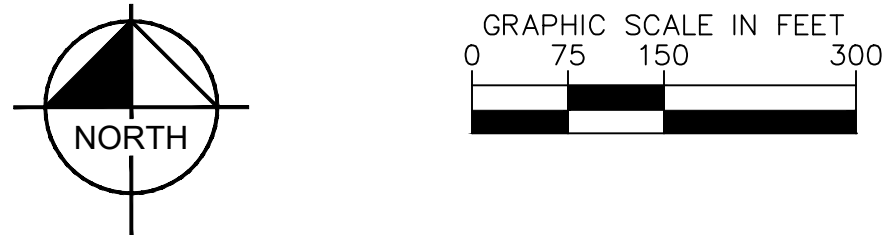
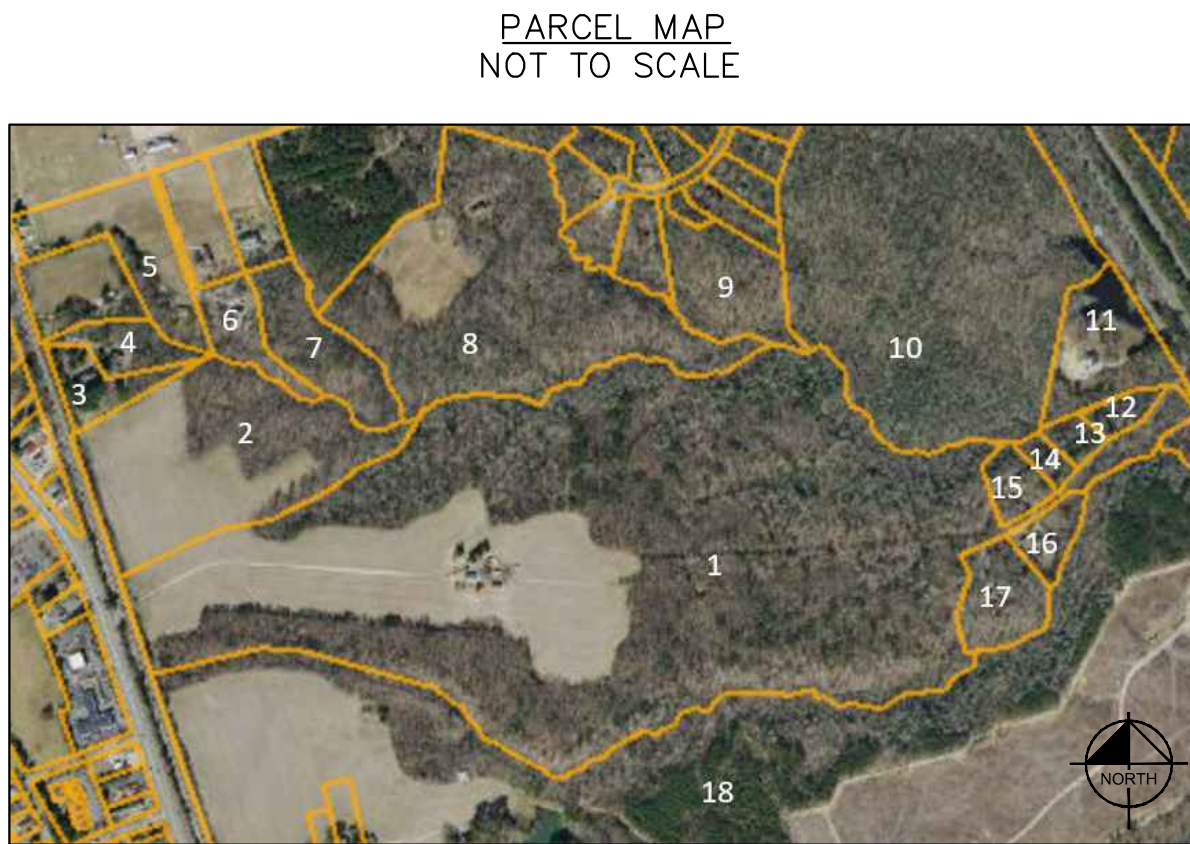
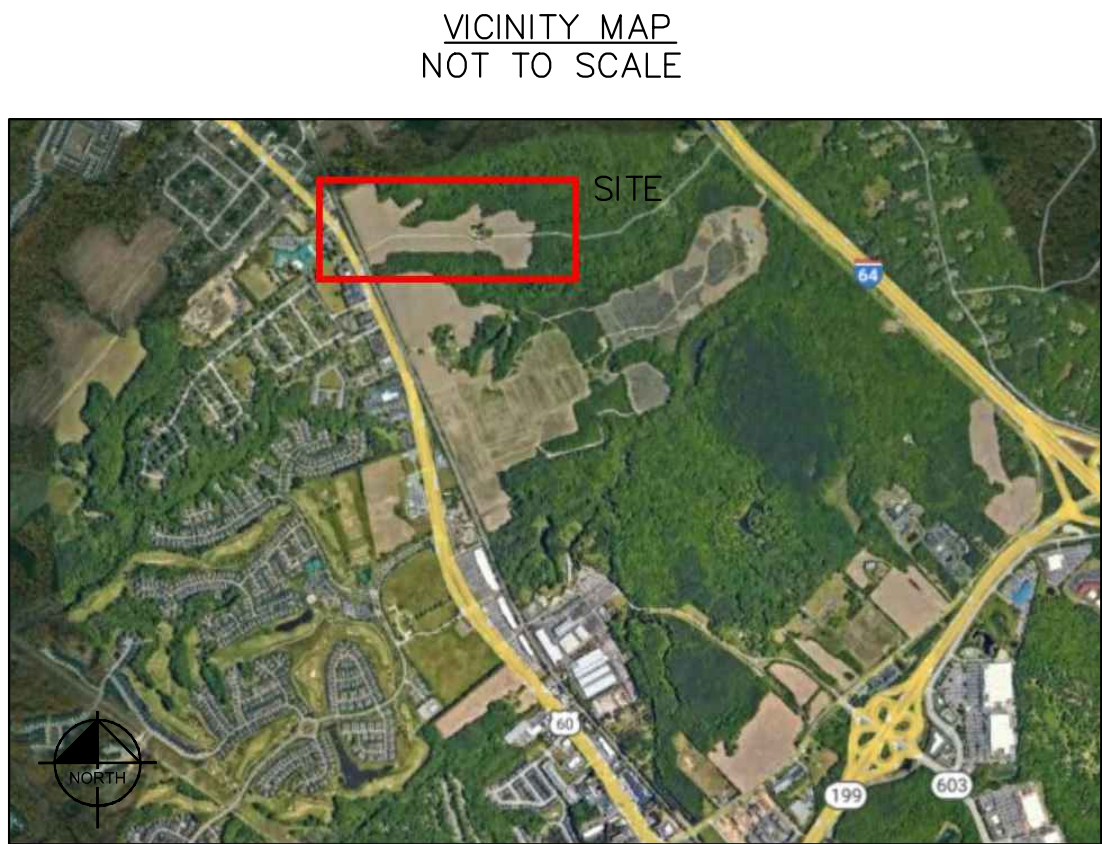
PEVA/PEVA2 provides an opportunity to bring infrastructure investment and low-intensity development to James City County while preserving the proud community character thanks to its thoughtful siting. PEVA/PEVA2 shows a fiscal-positive example of a project that helps JCC meet its climate goals and deliver cost-savings to local Dominion customers who wish to subscribe.

Lastly, Comprehensive Plan section LU 6.1.4 states that the County should “(a)s resources allow, support implementation of the recommendations in the Strategy for Rural Economic Development to maintain and create viable economic options for rural landowners.” The leases associated with this project provide a valuable revenue stream to these landowners, one which may offset or eliminate the need to pursue other, less desired options for monetizing the Property. Once the Project is decommissioned, the land is available for continued agricultural or other valuable uses.

Plotted By:Robertson, Nicholas Sheet Set:Kha Layout:Layout1 August 31, 2022 02:32:12pm K:\BIC_CVA\113545000 - Pivot Energy VA Solar - James City County, VA\CAD References\XCS - 113545000 - buffer version 2.dwg
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LEGEND		
EXISTING		PROPOSED
PROPERTY LINES	---	LIMITS OF AFD WITHDRAWAL
ADJ. PROPERTY LINES	---	LIMITS OF DISTURBANCE
CONTOURS	---	GRAVEL ROAD
WETLANDS	---	LAYDOWN
RPA LIMITS	---	FENCE LINE
VEGETATION TO REMAIN	---	PANEL ARRAY
OVERHEAD WIRES	---	STORMWATER MANAGEMENT FACILITY
BUILDING	---	BUFFER
ACCESS ROAD	---	EQUIPMENT PAD
		POWER POLE
		UNDERGROUND ELECTRIC
		OVERHEAD ELECTRIC



	OWNER	PARCEL ID	ZONING
1	D&S CHONG LLC	2410100004	A1
2	CHONG, DAE IK & SUSAN	2320100025	A1
3	CAMPBELL, ARMOND B & LINDA C	2320100024A	A1
4	CAMPBELL, GARY D & JENNIFER L	2320100024B	A1
5	AMOS, KENNETH E & CAROLINE M	2320100022	A1
6	AMOS, SAMANTHA LEIGH & FARMER, MICHAEL	2410100014E	A1
7	AMOS, MICHAEL K	2410100014D	A1
8	MOYER, WAYNE A	2410100015D	A1
9	PARKER, JAMES E & VIOLET	2410100012	A1
10	MARTIN, HUGH L ESTATE	2410100002	A1
11	PINNEY, DANIEL ROBERT	2420100001	A1
12	STEVENS, JOHN ROBERT TRUSTEE	2420100029	A1
13	STEWART, DIANA F	2420100030	A1
14	STEWART, DIANA F	2420100031	A1
15	STEVENS, JOHN ROBERT TRUSTEE	2410100032	A1
16	HADEN, SUNNY CREECH	2420100034	A1
17	WORMAN, WALTER, III & KATHLEEN S	2410100003	A1
18	HILL PLEASANT FARM, INC	2410100005	A1

SITE DATA:

PARCEL ID #: 2410100004 & 2320100025

OWNERS: D & S CHONG LLC

CHONG, DAE IK & SUSAN

CURRENT ZONING: A-1

CURRENT LAND USE: AGRICULTURE/WOODED

PARCEL ACREAGE: 129.19

LEASED ACREAGE: APPROXIMATELY 53.84

SITE ADDRESS: 7294 & 7296 RICHMOND ROAD, WILLIAMSBURG, VA 23188

PROPOSED USE: SOLAR ENERGY FACILITY

- STANDARD NOTES:**
1. THE PURPOSE OF THIS PLAN IS FOR A SPECIAL USE PERMIT APPLICATION FOR REVIEW AND APPROVAL BY JAMES CITY COUNTY. ALL INFORMATION IS FOR PLANNING PURPOSES ONLY.
 2. WETLANDS WERE DELINEATED AND RPA LIMITS WERE DETERMINED BY TETRA TECH IN AUGUST 2021 AND MAY 2022.
 3. PROJECT AREA WILL BE CLEARED AND GRUBBED AS NECESSARY, RETAINING PRE-DEVELOPMENT DRAINAGE PATTERNS. MINOR GRADING WILL OCCUR AROUND INVERTER AREAS TO DIVERT SURFACE DRAINAGE. AREAS SUBJECT TO RUTTING DURING CONSTRUCTION WILL BE TEMPORARILY STABILIZED WITH GRAVEL THAT WILL REMAIN AFTER CONSTRUCTION. SOIL CONDITIONS AND EQUIPMENT LOADS WILL DETERMINE FINAL DESIGN.
 4. ACCESS ROAD ENTRANCE WILL BE APPROVED BY VDOT PRIOR TO BEGINNING CONSTRUCTION.
 5. INTERNAL CABLING WILL BE BURIED IN UNDERGROUND TRENCHES, WHENEVER POSSIBLE.
 6. DISTURBED AREAS REQUIRING RESEEDING WILL BE SEEDED WITH APPROPRIATE POLLINATOR-FRIENDLY NATIVE PLANTS AFTER CONSTRUCTION.
 7. FENCING WILL NOT EXCEED 8' IN HEIGHT, WILL BE BLACK OR OTHER NEUTRAL COLOR, AND WILL NOT HAVE BARBED WIRE.
 8. PANELS SHALL NOT EXCEED 16' IN HEIGHT.
 9. STORMWATER MANAGEMENT FACILITIES WILL BE SEDIMENT BASINS CONVERTED TO PERMANENT BASINS TO COMPLY WITH VSMP REGULATIONS.
 10. THE PHASING OF THE DRAINAGE DESIGN WILL INCLUDE A TWO PHASE EROSION AND SEDIMENT CONTROL PLAN, WITH THE FINAL PHASE AS PERMANENT BASINS SHOWN HEREIN.
 11. STREAMS AND ASSOCIATED BUFFERS ARE NOT WITHIN THE PROPOSED PROJECT SHOWN HEREIN.

No.	REVISIONS	DATE	BY

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1700 WILLOW LAWN DR, SUITE 200, RICHMOND, VA 23230
PHONE: 804-673-3882
WWW.KIMLEY-HORN.COM

KHA PROJECT	113545000
DATE	JUNE 2022
SCALE	AS SHOWN
DESIGNED BY	MLH
DRAWN BY	MLH
CHECKED BY	NLR

SUP SITE PLAN

PIVOT ENERGY VA I & II

PREPARED FOR

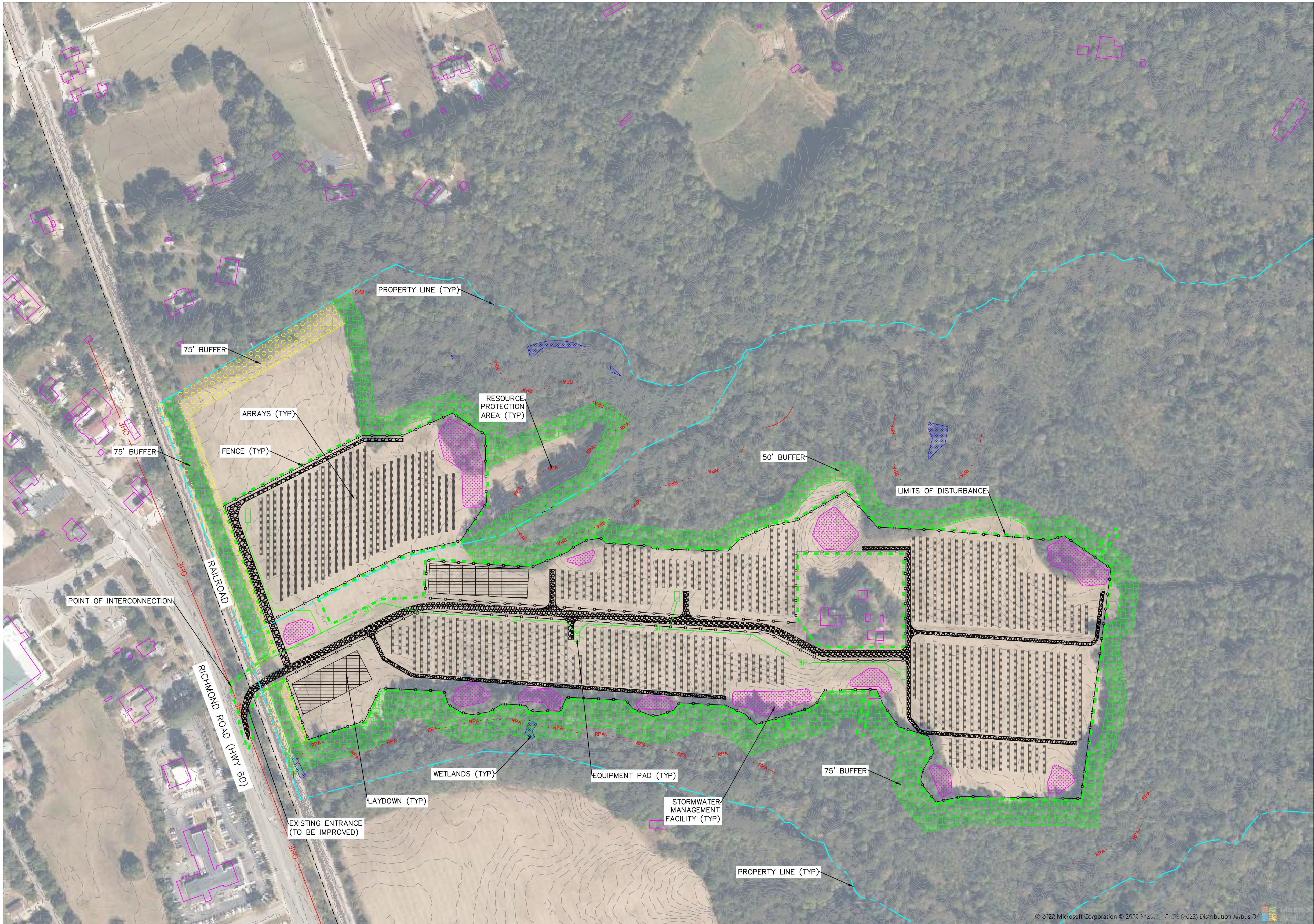
PIVOT ENERGY VA, LLC

JAMES CITY COUNTY

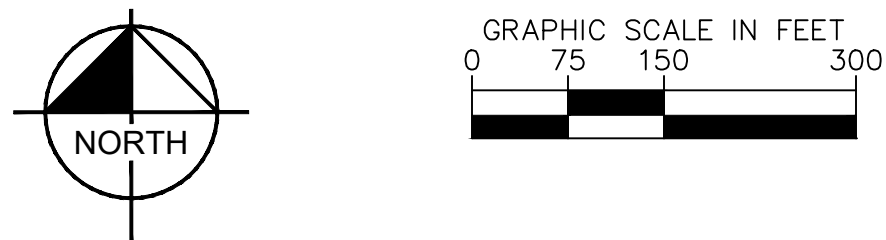
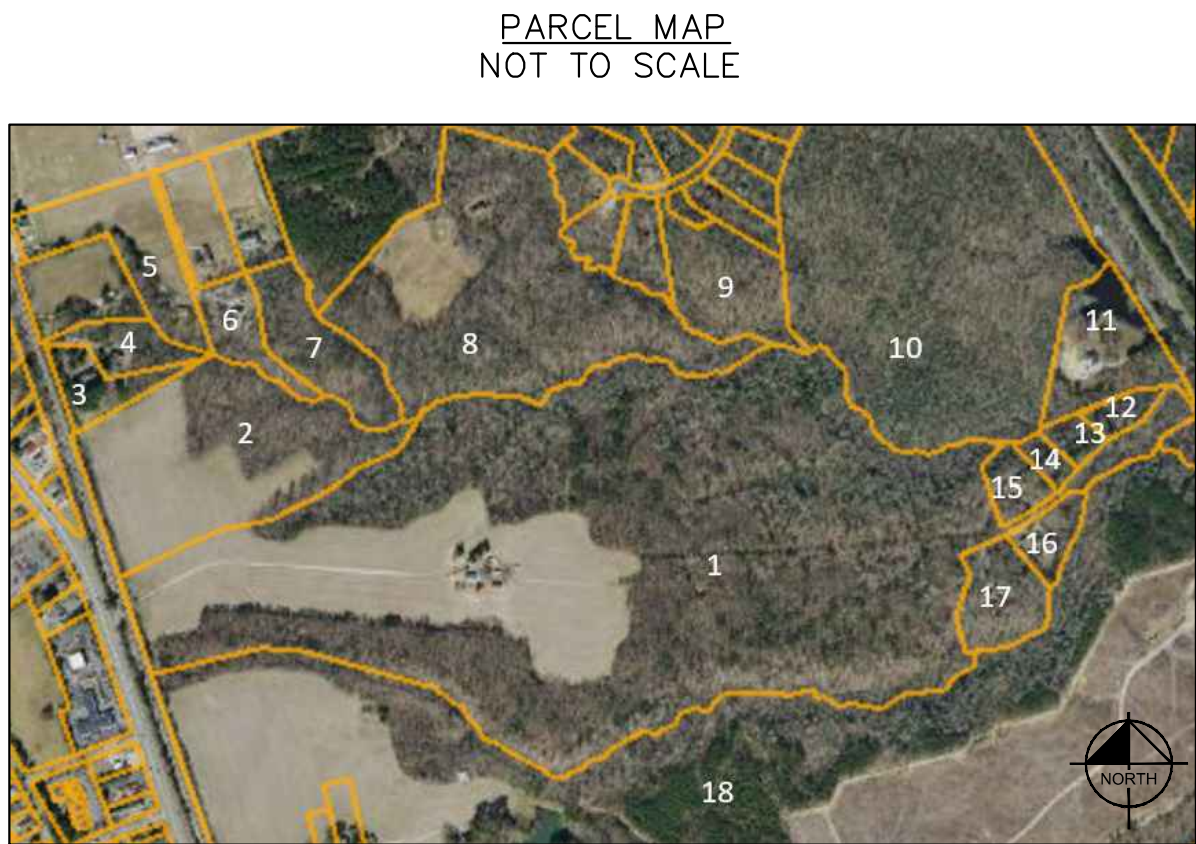
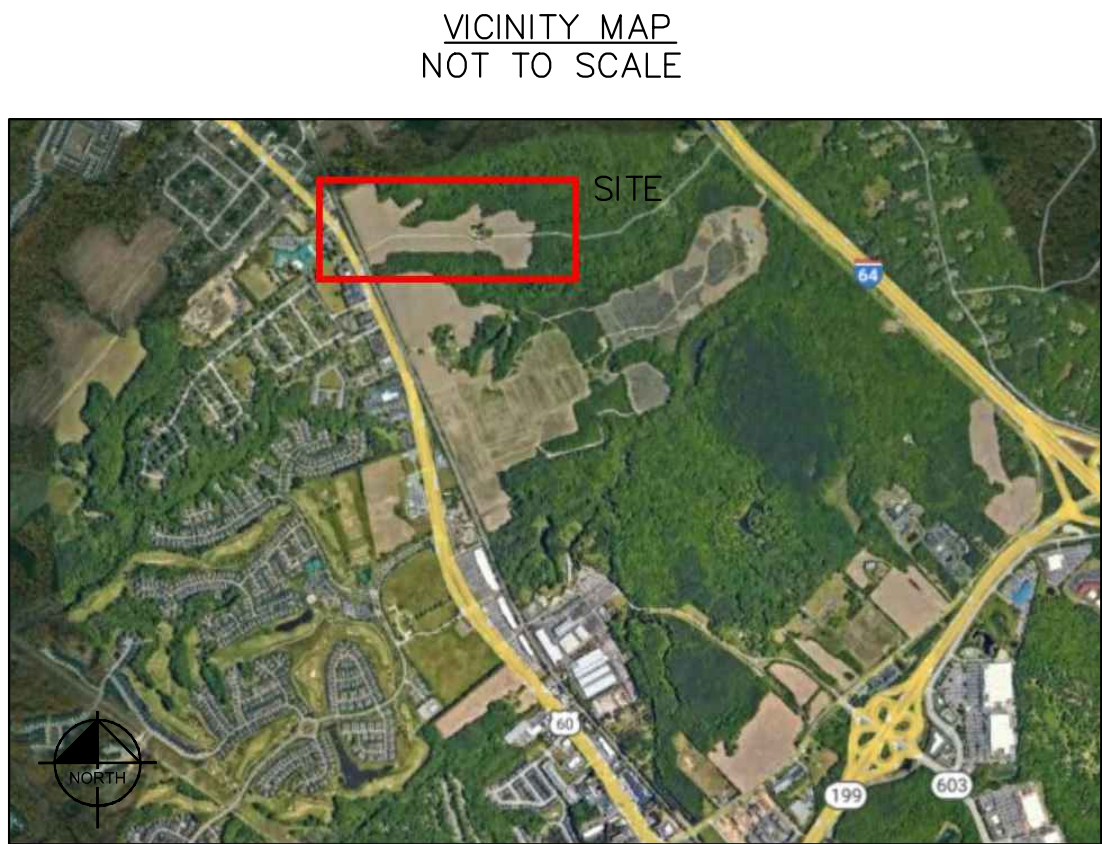
SHEET NUMBER

EXHIBIT 1

Plotted By:Robertson, Nicholas Sheet Set:Kha Layout:Layout1 June 22, 2022 08:44:21am K:\VIC-GVA\113545000 - Pivot Energy VA Solar - James City County, VA\CAD\Exhibits\Pivot VA 1-2 Site Plan 20220620.dwg
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CHONG, DAE IK & SUSAN

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PARCEL ACREAGE: 129.19

LEASED ACREAGE: APPROXIMATELY 54

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WILLIAMSBURG, VA 23188

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No.	REVISIONS	DATE	BY

Kimley»Horn

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1700 WILLOW LAWN DR, SUITE 200, RICHMOND, VA 23230
PHONE: 804-673-3882
WWW.KIMLEY-HORN.COM

NICHOLAS ROBERTSON
Lic. No. 04029204
06/21/2022
PROFESSIONAL SEAL

KHA PROJECT 113545000	DATE JUNE 2022	SCALE AS SHOWN	DESIGNED BY MLH	DRAWN BY MLH	CHECKED BY NLR
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SUP SITE PLAN

RESOLUTION

VIRGINIA CODE SECTION 15.2-2232 ACTION ON CASE NO. SUP-22-0015.

7294 AND 7296 RICHMOND ROAD PIVOT ENERGY SOLAR PROJECT

WHEREAS, in accordance with Section 15.2-2232 of the Code of Virginia, a public utility facility, whether publicly or privately owned, shall not be constructed, established, or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the Planning Commission as being substantially in accord with the adopted Comprehensive Plan or part thereof; and

WHEREAS, D & S Chong, LLC, and Dae Ik and Susan Chong (collectively, the “Owners”), own property located at 7294 and 7296 Richmond Road, further identified as James City County Real Estate Tax Map Parcel Nos. 2410100004 and 2320100025, respectively, (collectively, the “Properties”) and zoned A-1, General Agricultural; and

WHEREAS, Mr. Buzz Becker of Pivot Energy, Inc., on behalf of the Owners, has applied for a Special Use Permit (SUP) to allow for the construction of a solar electrical generation facility on the Properties as shown on a plan titled “Pivot Energy VA I & II Prepared for Pivot Energy VA, LLC” sealed June 21, 2022; and

WHEREAS, in accordance with Section 15.2-2204 of the Code of Virginia and Section 24-9 of the James City County Zoning Ordinance, a public hearing was advertised, adjacent property owners notified, and a hearing scheduled for Case No. SUP-22-0015.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, for the reasons expressed in the written minutes which shall be transmitted to the Board of Supervisors, finds that the general or approximate location, character, and extent of the public utility facility shown in Case No. SUP-22-0015 is substantially in accord with the adopted Comprehensive Plan and applicable parts thereof.

Tim O’Connor
Chairman, Planning Commission

ATTEST:

Paul D. Holt, III
Clerk to the Board

Adopted by the Planning Commission of James City County, Virginia, this 7th day of September 2022.

SUP22-15RichRdPESP-res

ITEM SUMMARY

DATE: 9/7/2022

TO: The Planning Commission

FROM: Paxton Condon, Planner

SUBJECT: SUP-22-0016. 141 Blow Flats Rd. Battery Storage Facility

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	1. Proposed Conditions	Backup Material
☐	2. Location Map	Backup Material
☐	3. Applicant Narrative	Backup Material
☐	4. Master Plan	Backup Material
☐	5. Battery Storage Examples	Backup Material
☐	6. Proposed Landscape Buffer	Backup Material
☐	7. Resolution Finding the Application Consistent with the Adopted Comprehensive Plan per Section 15.2-2232	Resolution
☐	8. Resolution Finding the Application Not Consistent with the Comprehensive Plan, per Section 15.2-2232	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	ComSecretary, Planning	Approved	8/31/2022 - 5:47 PM

**SPECIAL USE PERMIT-22-0016. 141 Blow Flats Road Battery Storage Facility
Staff Report for the September 7, 2022, Planning Commission Public Hearing**

SUMMARY FACTS

Applicant:	Mr. Brian Quinlan, Calvert Energy, LLC
Land Owner:	Mr. Michael L. Pelfrey
Proposal:	Development and construction of a battery energy storage system facility for electrical power storage, transmission, and accessory uses
Location:	141 Blow Flats Road
Tax Map/Parcel No.:	5920700001E
Property Acreage:	6.87 acres
Zoning:	M-2, General Industrial
Comprehensive Plan:	General Industry
Primary Service Area: (PSA)	Inside
Staff Contact:	Paxton Condon, Planner

PUBLIC HEARING DATES

Planning Commission:	September 7, 2022, 6:00 p.m.
Board of Supervisors:	October 11, 2022, 5:00 p.m. (tentative)

FACTORS FAVORABLE

1. Staff finds the proposal would not negatively impact surrounding development.
2. Staff finds the proposal consistent with the *Our County, Our Shared Future: James City County 2045 Comprehensive Plan*.
3. Traffic impacts generated by this proposal are not anticipated to negatively impact surrounding zoning and development.
4. Impacts: See Impact Analysis on Pages 3-4.

FACTORS UNFAVORABLE

1. With the proposed conditions, staff finds that there are no unfavorable factors.

SUMMARY STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors with the proposed conditions.

Staff also recommends that the Planning Commission find this application consistent with the 2045 Comprehensive Plan as required in the Code of Virginia Section 15.2-2232.

PROJECT DESCRIPTION

Mr. Brian Quinlan, Calvert Energy, LLC, has applied for a Special Use Permit (SUP) for a 22.35-megawatt (MW) battery energy storage system at 141 Blow Flats Road. Electrical Facilities (public or private) are a specially permitted use on M-2 zoned property.

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.

**SPECIAL USE PERMIT-22-0016. 141 Blow Flats Road Battery Storage Facility
Staff Report for the September 7, 2022, Planning Commission Public Hearing**

The facility uses lithium-ion batteries that will allow for energy to be stored from the grid to be utilized later during shortages or at times of higher demand. The proposed facility will consist of 15 battery storage containers that are approximately 9 feet wide, 49 feet long, and 10 feet tall. These containers will be set on a concrete base and spaced approximately 15 feet apart. The containers must meet a 100-foot setback from all property lines. Please see Attachment No. 5 for a graphic visual of the proposed battery energy storage system.

If approved, the proposed battery storage facility will be developed on approximately one acre of the total 6.87-acre parcel and will connect to an existing utility line. This site is being developed for Dominion Energy.

The proposed battery storage facility site is currently undeveloped and wooded. The site will be accessed by Blow Flats Road which is a narrow road.

PLANNING AND ZONING HISTORY

The property is currently a wooded lot and there have been no legislative cases associated with the property.

SURROUNDING ZONING AND DEVELOPMENT

All surrounding properties are zoned M-2, General Industrial and surrounding properties are designated General Industry and Mixed Use on the 2045 Comprehensive Plan Land Use Map.

There is an existing Dominion Energy switch gear station located on the adjacent parcel at 147 Blow Flats Road. There are residential homes located across from 141 Blow Flats Road; these properties are also zoned M-2 and are designated Mixed Use on the 2045 Comprehensive Plan.

FINDING OF CONSISTENCY

Section 15.2-2232 of the Code of Virginia requires that unless a utility facility is shown on the adopted Comprehensive Plan or other master plans for the County, the local Planning Commission and a governing body shall review the facility to determine whether the location, character, and extent of the project is substantially in accord with the adopted Comprehensive Plan.

The proposed battery storage facility is not currently shown on the County's adopted Comprehensive Plan, and therefore requires this additional level of review by the Planning Commission and the Board of Supervisors. For the Commission's consideration, a consistency determination resolution is included as Attachment No. 7 and staff's analysis and findings as to consistency with the adopted Comprehensive Plan can be found later in this staff report.

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.

SPECIAL USE PERMIT-22-0016. 141 Blow Flats Road Battery Storage Facility
Staff Report for the September 7, 2022, Planning Commission Public Hearing

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Public Transportation: Vehicular</u>	<u>Mitigated</u>	- The new battery storage facility would not exceed 100 peak hour trips. - For the duration of the six- to seven-month construction period, the applicant anticipates two to three pickup trucks daily and four total semi-truck deliveries. - The applicant anticipates one to two pickup trucks to visit the site for quarterly maintenance once the site is operational. - Access to the property is from Blow Flats Road. While the access into the property will be improved, no improvements to Blow Flats Road are warranted or proposed. - Blow Flats Road is a narrow road with frequent truck traffic, proposed Condition No. 10 would preclude construction vehicles to be parked along Blow Flats Road.
<u>Public Transportation: Bicycle/Pedestrian</u>	<u>No Mitigation Required</u>	- Per the Adopted Regional Bikeways Map and Pedestrian Accommodations Master Plan, neither a bike lane nor pedestrian accommodations are required.
<u>Public Safety</u>	<u>Mitigated</u>	- Fire Station 2 on Pocahontas Trail serves this area of the County, approximately 2.8 miles from the proposed battery storage facility. - Proposed SUP Conditions include a condition that the Facility operator prepare and maintain an Emergency Management Plan to address situations that may require response from public safety personnel (Condition No. 6).
<u>Public Schools</u>	<u>No Mitigation Required</u>	- N/A since no residential dwelling units are proposed.
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	- N/A since no residential dwelling units are proposed.
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	- Staff finds that this project does not generate impacts that require mitigation.
<u>Groundwater and Drinking Water Resources</u>	<u>No Mitigation Required</u>	- The property does not receive public water and sewer. The battery storage facility will not need water or sewer services.

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.

SPECIAL USE PERMIT-22-0016. 141 Blow Flats Road Battery Storage Facility
Staff Report for the September 7, 2022, Planning Commission Public Hearing

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Watersheds, Streams, and Reservoirs</u> Project is located in the Skiffes Creek Watershed and Skiffes Creek Reservoir.	<u>Mitigated</u>	- Should this SUP be approved, this project will need to demonstrate full compliance with environmental regulations at the development plan stage. - Condition No. 5 addresses the requirement for a spill response plan. - The Stormwater and Resource Protection Division provided an additional SUP Condition (Condition No. 13) to address off-site nutrient credits and water quality.
<u>Cultural/Historic</u>	<u>Mitigated</u>	- Per Section 24-145 of the Zoning Ordinance, an archaeological study and natural resource inventory will be required at the development plan stage. - The applicant provided both and neither found any issue in review.
<u>Nearby and Surrounding Properties</u>	<u>Mitigated</u>	- A vegetated buffer to screen the project from nearby properties is specified in proposed SUP Condition No. 4. - The project will also need to demonstrate full compliance with lighting and landscaping regulations in the Zoning Ordinance at the development plan stage. - Following construction of the facility, staff does not anticipate significant noise, odor, lighting, or other similar impacts on nearby properties. However, to address any potential impacts of this nature, the project includes enhanced landscaping along all side and front property lines. - Condition No. 11 limits the height of all structures to prevent any glare. - Condition No. 8 requires a construction management and mitigation plan which is intended in part to address impacts to nearby properties during the construction stage. - Condition No. 3 limits the height and the color of the perimeter fence.
<u>Community Character</u>	<u>Mitigated</u>	- Blow Flats Road is not a designated Community Character Corridor (CCC). - A vegetated buffer to screen the project from the roadway and nearby properties is specified in Condition No. 4.
<u>Covenants and Restrictions</u>	<u>No Mitigation Required</u>	- The applicant has verified that he is not aware of any covenants or restrictions on the property that prohibit the proposed use.

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.

SPECIAL USE PERMIT-22-0016. 141 Blow Flats Road Battery Storage Facility
Staff Report for the September 7, 2022, Planning Commission Public Hearing

2045 COMPREHENSIVE PLAN

The site is General Industry on the 2045 Comprehensive Plan Land Use Map. General Industry designated properties are areas located within the PSA that are suitable for industrial uses which, because of their potential for creating dust, noise, odor, and other adverse environmental effects, require buffering from adjoining uses, particularly residential uses.

The surrounding properties are designated General Industry and Mixed Use on the adopted 2045 Comprehensive Plan Land Use Map.

Uses proposed in areas designated General Industry usually require access to interstate and arterial highways, public water and sewer, adequate supply of electric power and other energy sources, access to a sufficient labor supply, and moderate to large sized sites with natural features such as soils, topography, and buffering suitable for intense development. Particular attention should be given to the following:

- i. Locate proposed commercial and industrial developments adjacent to compatible uses (public or other similar uses, etc.). Where a commercial or industrial development is proposed at a location near a sensitive area, the site should be designed so that transitional uses such as offices and/or buffers are located between conflicting uses. Emphasis should be placed on ensuring the provision of open space; protection of the environment, historical and archaeological resources; and adjoining land uses; sufficient capacities of public facilities and services; quality and effectiveness of pedestrian circulation systems and facilities; and ability to meet the public needs of the development.
- ii. For Limited Industry areas, dust, noise, odor, and other adverse environmental effects are primary considerations for determining whether land uses are acceptable in these areas.

iii. Permit the location of new uses only where public services, utilities, and facilities are adequate to support such uses. The need for public services (police, fire, education, recreation, etc.) and facilities generated by a development should be met or mitigated by that development.

iv. Protect environmentally sensitive resources including high-ranking Natural Areas and significant natural heritage resources, watersheds, historic and archaeological resources, designated CCCs and Community Character Areas, and other sensitive resources by locating conflicting uses away from such resources and utilizing design features, including building and site design, buffers, and screening to adequately protect the resource.

- Staff finds the proposed battery storage facility to be an appropriate industrial use.
- Staff finds the proposed location is adjacent to a compatible use.
- Staff finds that with conditions, the proposed use will be sufficiently buffered in this location and is not expected to have an impact to adjacent properties.
- Staff finds that the proposed use is not expected to cause a significant increase in traffic to Blow Flats Road.
- Staff finds that the proposed use is not expected to have an impact on existing County services.
- Staff recommends the Planning Commission find this use consistent with the 2045 Comprehensive Plan, pursuant to Section 15.2-2232 of the Code of Virginia.

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.

**SPECIAL USE PERMIT-22-0016. 141 Blow Flats Road Battery Storage Facility
Staff Report for the September 7, 2022, Planning Commission Public Hearing**

PROPOSED SUP CONDITIONS

The full text of the proposed conditions is provided in Attachment No. 1.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors with the proposed conditions.

Staff also recommends that the Planning Commission find this application consistent with the 2045 Comprehensive Plan as required in the Code of Virginia Section 15.2-2232.

PC/md
SUP22-16BlwFltsRd

Attachments:

1. Proposed SUP Conditions
2. Location Map
3. Applicant Narrative
4. Master Plan
5. Battery Storage Examples
6. Proposed Landscape Buffer
7. Resolution Finding the Application Consistent with the Adopted Comprehensive Plan per Section 15.2-2232
8. Resolution Finding the Application Not Consistent with the Comprehensive Plan per Section 15.2-2232

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.

PROPOSED CONDITIONS FOR CASE NO. SUP-22-0016.

141 BLOW FLATS ROAD BATTERY STORAGE FACILITY

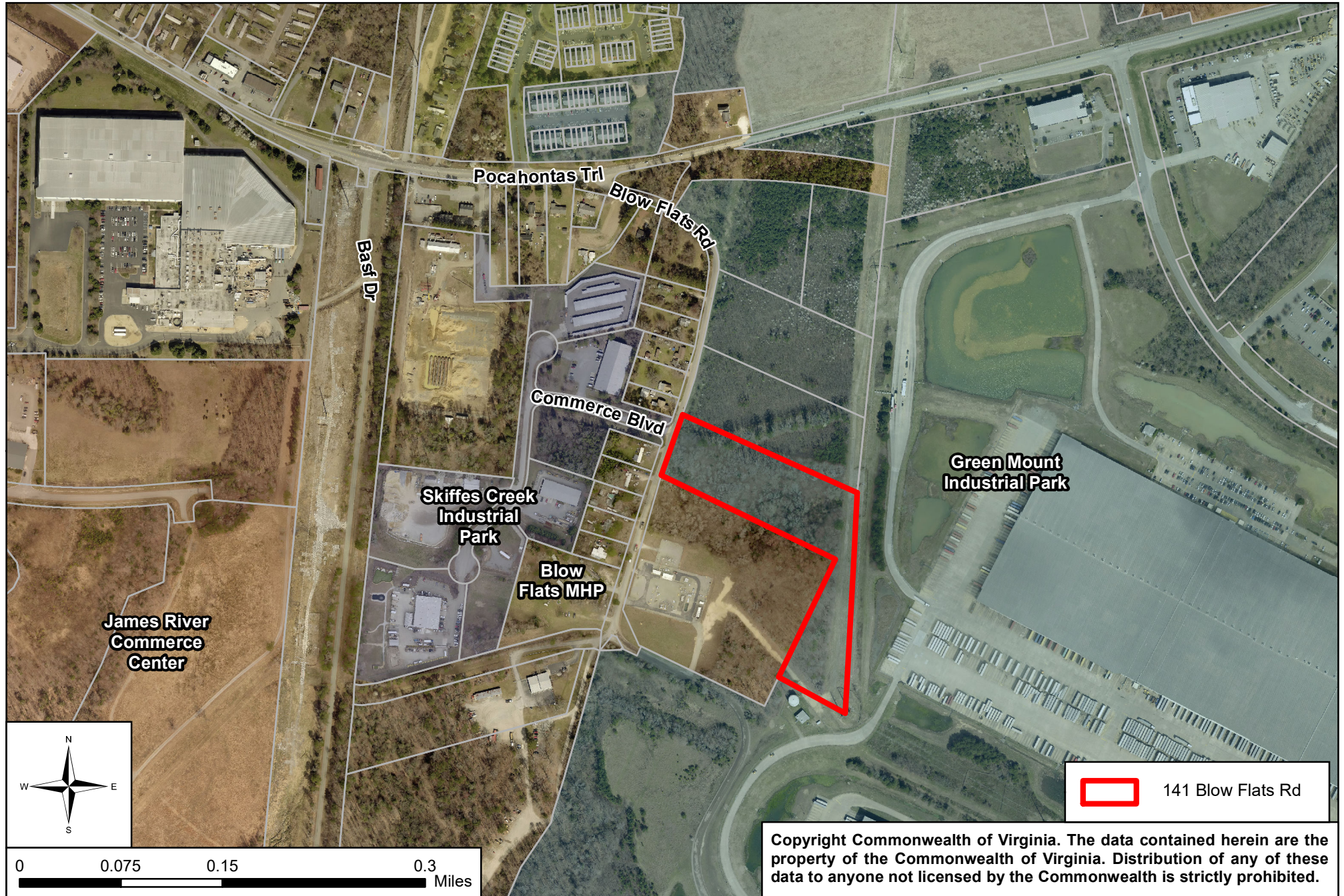
1. Master Plan. This Special Use Permit (SUP) shall apply to property located at 141 Blow Flats Road, which is further identified as James City County Real Estate Tax Map Parcel No. 5920700001E (the "Property"). The SUP shall be valid for the construction and operation of a battery energy storage system (the "Facility"). All final development plans for the Facility shall be consistent with the master plan entitled, "Master Plan Battery Storage" dated June 01, 2022, (the "Master Plan"), as determined by the Director of Planning with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.
2. Noise. Prior to final site plan approval, Calvert Energy, LLC, shall provide documentation, including but not limited to manufacturer's design specifications and notations, that shows the decibel levels resulting from the Facility. In the instance that noise levels are shown exceeding 55 A-weighted decibels at or beyond property lines, noise dampening equipment, and low-sound design transformers shall be installed to reduce noise levels below this threshold. This documentation and any subsequent mitigation plan shall be reviewed and approved by the Director of Planning or their designee.
3. Fencing. Fencing on the Property shall be black or neutral color. Fencing shall not exceed a height of 8 feet above finished grade and shall not consist of or include barbed wire. Prior to final site plan approval, the Director of Planning or their designee shall review and approve a detail of any proposed fencing on the Property for consistency with this condition.
4. Landscape Perimeter Buffer. Prior to final site plan approval of any site plan, the Director of Planning or their designee shall review and approve a landscape plan and tree clearing and protection plan for the Facility. The landscape plan shall be generally consistent with the Master Plan and provide the following:
 - a. Southern property line: A vegetated buffer not less than 60 feet wide, as measured from the existing 15-foot-wide drainage easement running parallel to the southern property line.
 - b. Front property line: A vegetated buffer not less than 60 feet wide, as measured from the edge of the existing tree line area parallel to the property's frontage and labeled on the Master Plan as "Dominion Power Clearing Limits".
 - c. Northern property line: A vegetated buffer not less than 20 feet wide, as measured from the northern property line; provided, however, that a 15-foot-wide vegetated buffer shall be provided between the location of the stormwater facility and the fenced area surrounding the Facility. The buffers required in this Condition No. 4(c) shall be landscaped to the provisions of Section 24-96 of the Zoning Ordinance for General Landscape Areas except that the required evergreen tree and shrub mixture shall be increased from 35% to at least 45%.
 - d. Rear property line: A vegetated buffer of not less than 35 feet wide, as measured from an existing 30-foot-wide waterline easement along the rear property line.

All buffers required in Condition No. 4 shall remain undisturbed and in their natural state. Breaks in the landscape areas shall only be permitted by any exemptions in the Zoning Ordinance.

5. Spill Response Plan. Prior to final site plan approval for the station where the stormwater runoff ultimately drains to the Skiffes Creek Reservoir, a Spill Prevention, Control, and Countermeasure Plan (“Spill Plan”) for the Facility shall be submitted to the Director of Stormwater and Resource Protection or their designee for review and approval. Updates and amendments to the Spill Plan shall be forwarded to the Director of Stormwater and Resource Protection.
6. Emergency Management Plan. The Facility operator shall prepare and maintain an Emergency Management Plan (the “EMP”) to address situations that may require response from James City County public safety personnel, including, without limitation, fire safety, and emergency response personnel. The EMP shall:
 - a. Be developed in conjunction with and approved by the County Fire Chief and County Police Chief or their designees prior to final approval of any site plan;
 - b. Provide a mutually agreed upon schedule for the Facility operator to provide information sessions and training for James City County public safety personnel relative to possible emergency response situations at the Facility;
 - c. Provide pertinent contact numbers for the Facility operator emergency personnel; and
 - d. Provide that emergency contact information be posted on access gates.
7. Lighting. If any lighting of the Facility is proposed, the Director of Planning or their designee shall review and approve a lighting plan prior to final site plan approval. Any exterior site or building lighting on the Property shall be shielded and directed downward. No glare, defined as 0.1-foot candle or higher, shall extend outside the boundaries of the Property. Lights shall be operated by a motion detector or be able to be turned on as needed by the Facility operator and shall not be routinely illuminated at night. No light poles shall exceed a height of 16 feet above finished grade unless otherwise approved in writing by the Director of Planning prior to final site plan approval.
8. Construction Management and Mitigation. Prior to final site plan approval, the Facility operator shall provide a Construction Management and Mitigation Plan (the “CMMP”) for review and approval of the Director of Planning or their designee. The CMMP shall include those items listed below:
 - a. Construction Management:
 - i. Traffic control methods, to include lane closures, flagging procedures, directional and informational signage, and designation of a single access point for deliveries and employee access;
 - ii. All construction activities, including clearing and grading of the Property, shall be limited to the hours of 7 a.m. to 7 p.m. Monday through Friday;
 - iii. Construction delivery traffic to the Property shall not be allowed during pick up/drop off times for any bus stops slated along Blow Flats Road; and

- iv. Appropriate methods for the storage, transportation, and disposal of any waste and/or hazardous materials.
 - b. Construction Impact Mitigation:
 - i. Dust containment; and
 - ii. Noise mitigation.
9. Decommissioning and Restoration Plan and Agreement. Prior to final site plan approval, a Decommissioning and Restoration Plan (DRP) shall be submitted to the Director of Planning or their designee for review and approval. The DRP shall outline the required steps for removal of above and below-ground Facility components, disposal and/or recycling of wastes and materials, soil stabilization, and the revegetation and restoration of native habitat of the Properties. At the time of decommissioning of the Facility, the stormwater facilities on the Properties must be evaluated for continued need and the final DRP must include the close-out or remediation of stormwater facilities. The DRP shall be enforceable by a written Decommissioning Agreement in accordance with and subject to the terms of Virginia Code § 15.2-2241.2(B). To ensure sufficient funds are available to the County to conduct the DRP, a surety in an amount sufficient for decommissioning the Facility and remediating the Properties shall be posted with James City County in a form acceptable to the County Attorney. The Decommissioning Agreement shall be executed prior to final site plan approval for the Facility.
10. Off-Site Parking. During construction, all vehicles shall be parked on the Property. No vehicles shall be parked within the Blow Flats Road right-of-way.
11. Height Limitation. The maximum height of all structures on the Property shall not exceed 16 feet.
12. Number of Storage Containers. No more than 15 battery energy storage system containers shall be permitted on the Property.
13. On-Site Water Quality Treatment. The site plan must provide all water quality improvement measures required by the Virginia Runoff Reduction Method on the Property via structural Best Management Practices (BMPs) and/or manufactured treatment devices. Neither the purchase of offsite nutrient credits in accordance with 9VAC25-870-69, Offsite Compliance Options, nor the use of Forested Open Space toward water quality will be accepted for the Property.
14. Commencement. The Facility shall be operational within 48 months from the issuance of this SUP, or this SUP shall automatically be void. The Facility operator shall submit a signed letter to the Director of Planning prior to the 48 months from the issuance of this SUP to confirm the operational status of the Facility.
15. Severance Clause. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

JCC SUP-22-0016, 141 Blow Flats Road Battery Storage



Skiffes Energy Storage Center, LLC

Description of Construction

Skiffes Energy Storage Center, LLC is pleased to provide this overview of the construction schedule to the James City County in support of the proposed project. The project is a 22.35-megawatt (MW) battery energy storage system (BESS) that will be located at 141 Blow Flats Road on the currently vacant 6.8-acre property with parcel number 5920700001E that is zoned M2 (General Industrial). The project is being developed for the local utility, Dominion Energy, and will interconnect to Dominion's existing distribution system.

The following is a summary of the major facility components:

- Lithium-ion batteries, temperature-controlled enclosures for batteries and energy management system, inverters, switchgears, transformers, and equipment pads;
- Utility poles with associated equipment to facilitate interconnection with the existing Dominion power grid;
- Underground and overhead electrical lines (overhead to Dominion's existing distribution system);
- Driveway and internal access roadway; and
- Perimeter fencing and landscaping.

While the exact dates and schedule will not be determined until the project is further along in the local permitting and Dominion's procurement processes, an overview of the construction schedule based on previous project experience is below:

1. Clearing and site preparation: 30 Days
2. Pouring of foundations: 30 Days
3. Delivery and setting of battery containers, batteries, and inverters: 45 Days (4 deliveries)
4. Electrical construction: 30 days
5. Commissioning: 60 days

During most of the 6–7-month construction window we expect 12 people or less on site, with a brief peak of 25 people. We expect road traffic of 2-3 pickup trucks during daylight (working) hours with limited entry/exit. A semi-trailer truck will make the 4 deliveries of the battery containers, batteries, and inverters. Most of the existing vegetation on the perimeter of the lot will be maintained, with landscaping and screening of the site from the road being completed after deliveries and electrical construction is complete. The facility will be monitored remotely with quarterly maintenance visits (1-2 pickup trucks).

MASTER PLAN

BATTERY STORAGE

141 BLOW FLATS ROAD

JAMES CITY COUNTY ROBERTS DISTRICT VIRGINIA

PROJECT INFORMATION:

PROPERTY ADDRESS	141 BLOW FLATS ROAD
PARCEL NUMBER	5920700001E
ZONING	M2 (GENERAL INDUSTRIAL)
FRONT YARD SETBACK	75' FROM CENTERLINE ROAD
REAR YARD SETBACK	20'
SIDE YARD SETBACK	20'
FRONT LANDSCAPE YARD	30'
SIDE LANDSCAPE YARD	15'
REAR LANDSCAPE YARD	15'
CURRENT USE	VACANT PROPERTY
PROPOSED USE	BATTERY STORAGE FACILITY
WATER	THERE IS NO PROPOSED WATER CONNECTION FOR THIS PROJECT
SEWER	THERE IS NO PROPOSED SANITARY SEWER CONNECTION FOR THIS PROJECT
VAHU6	JL35 (JAMES RIVER-SKIFFES CREEK)

STATISTICAL DATA:

TOTAL PARCEL AREA	299,171 S.F. / 6.8680 AC.
EX. PARCEL COVER	
IMPERVIOUS SURFACES	0 S.F. / 0 AC. (0.00%)
MANAGED TURF	71,532 S.F. / 1.6421 AC. (23.91%)
FOREST	227,639 S.F. / 5.2259 AC. (76.09%)
PROPOSED PARCEL COVER	
IMPERVIOUS SURFACES	45,695 S.F. / 1.0490 AC. (15.27%)
MANAGED TURF	113,058 S.F. / 2.5954 AC. (37.79%)
FOREST	140,418 S.F. / 3.2236 AC. (46.94%)

PARKING CALCULATIONS:

PROJECT PROPOSES NO PERMANENT PARKING SPACES

UTILITY NOTES:

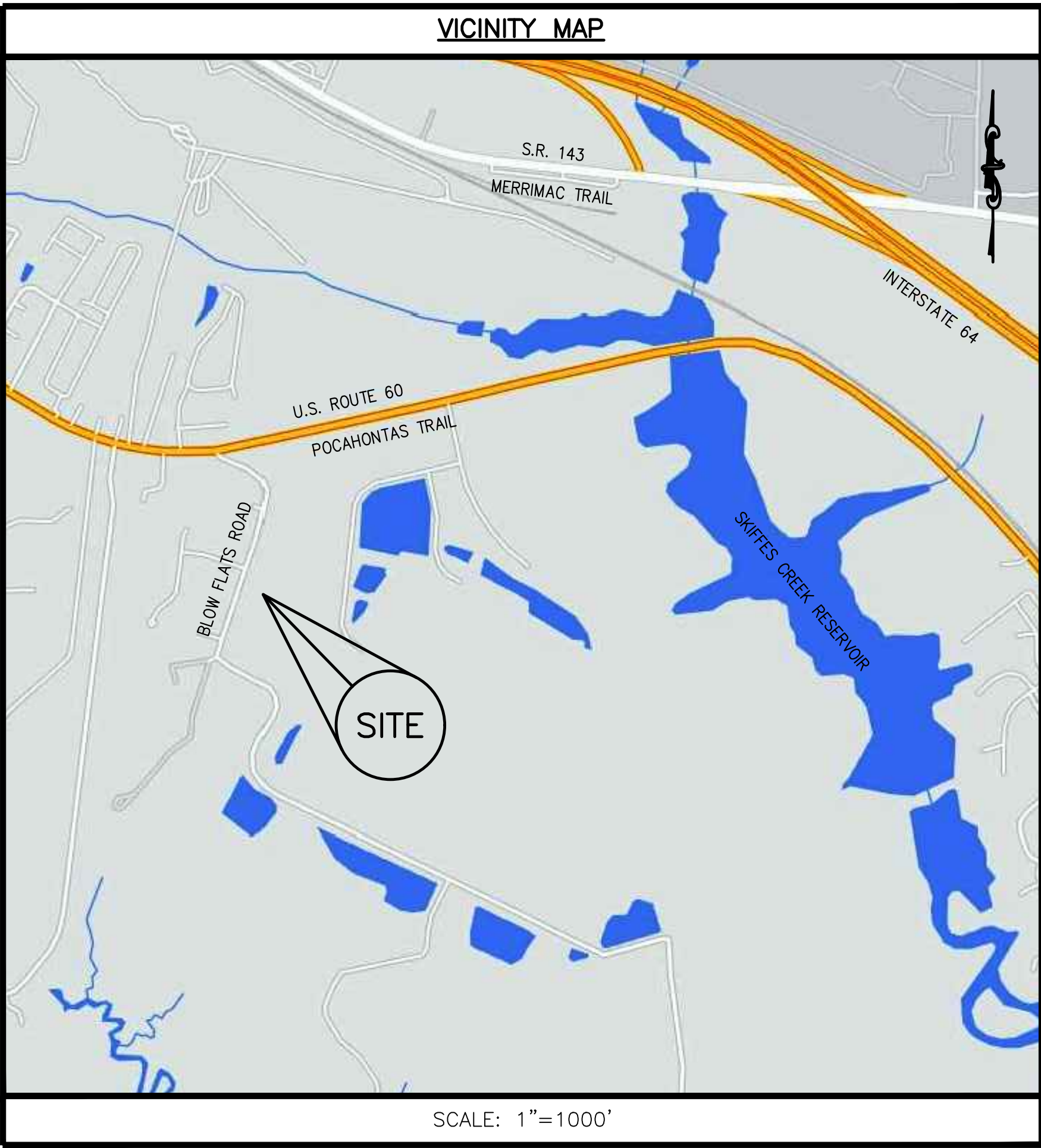
- THE PROPOSED PROJECTS DOES NOT PROPOSE THE INSTALLATION OF A DOMESTIC WATER CONNECTION NOR A DOMESTIC SANITARY SEWER CONNECTION.
- ALL OTHER PROPOSED UTILITIES SHALL BE PLACED UNDERGROUND.

DEVELOPER / OWNER

SKIFFES ENERGY STORAGE CENTER, LLC
CONTACT: BRIAN QUINLAN (PRESIDENT)
12921 BUCKEYE DRIVE, GAITHERSBURG, MD. 20878
P: 301-208-0153
EMAIL: BRIAN@CALVERTENERGY.COM

GENERAL SURVEY NOTES:

- WETLANDS SHOWN WERE DELINEATED BY ECS.
- THIS FIRM MADE NO ATTEMPT TO LOCATE UNDERGROUND UTILITIES EXCEPT THOSE SHOWN. THE EXISTENCE AND LOCATION (HORIZONTAL AND VERTICAL) OF EXISTING UTILITIES ARE NOT GUARANTEED AND SHALL BE FIELD VERIFIED BY THE CONTRACTOR; ANY DISCREPANCIES SHOULD BE REPORTED IMMEDIATELY TO THIS OFFICE BEFORE ANY FURTHER WORK IS COMPLETED. UNDERGROUND UTILITY MARKINGS SHOWN WERE PROVIDED BY CLARION SERVICES, LLC.
- ELEVATIONS AS SHOWN HEREON ARE IN FEET AND ARE RELATIVE TO THE JAMES CITY COUNTY GEODETIC CONTROL MONUMENT #350 (NGVD 1929)
- THIS FIRM IS NOT RESPONSIBLE FOR THE LOCATION OF ANY STRUCTURE, MANHOLE, VALVE, ETC., HIDDEN OR OBSTRUCTED AT THE TIME THE FIELD SURVEY WAS PERFORMED.
- THIS LOT LIES IN F.I.R.M. ZONE "X" ACCORDING TO FLOOD INSURANCE RATE MAP #51199C0136D, DATED JANUARY 16, 2015.
- THIS SURVEY WAS COMPLETED BY LANDTECH RESOURCES, INC. UNDER THE DIRECT AND RESPONSIBLE CHARGE OF WILLIAM FELTS, L.S., LICENSE NO. 3149, FROM AN ACTUAL GROUND SURVEY MADE UNDER HIS SUPERVISION; THE INFORMATION SHOWN HEREON WAS OBTAINED IN MAY 2022 AND MEETS MINIMUM ACCURACY STANDARDS UNLESS OTHERWISE NOTED.
- EXISTING ADDRESS: 141 BLOW FLATS ROAD, WILLIAMSBURG, VA. 23185



MASTER PLAN

BATTERY STORAGE

141 BLOW FLATS ROAD

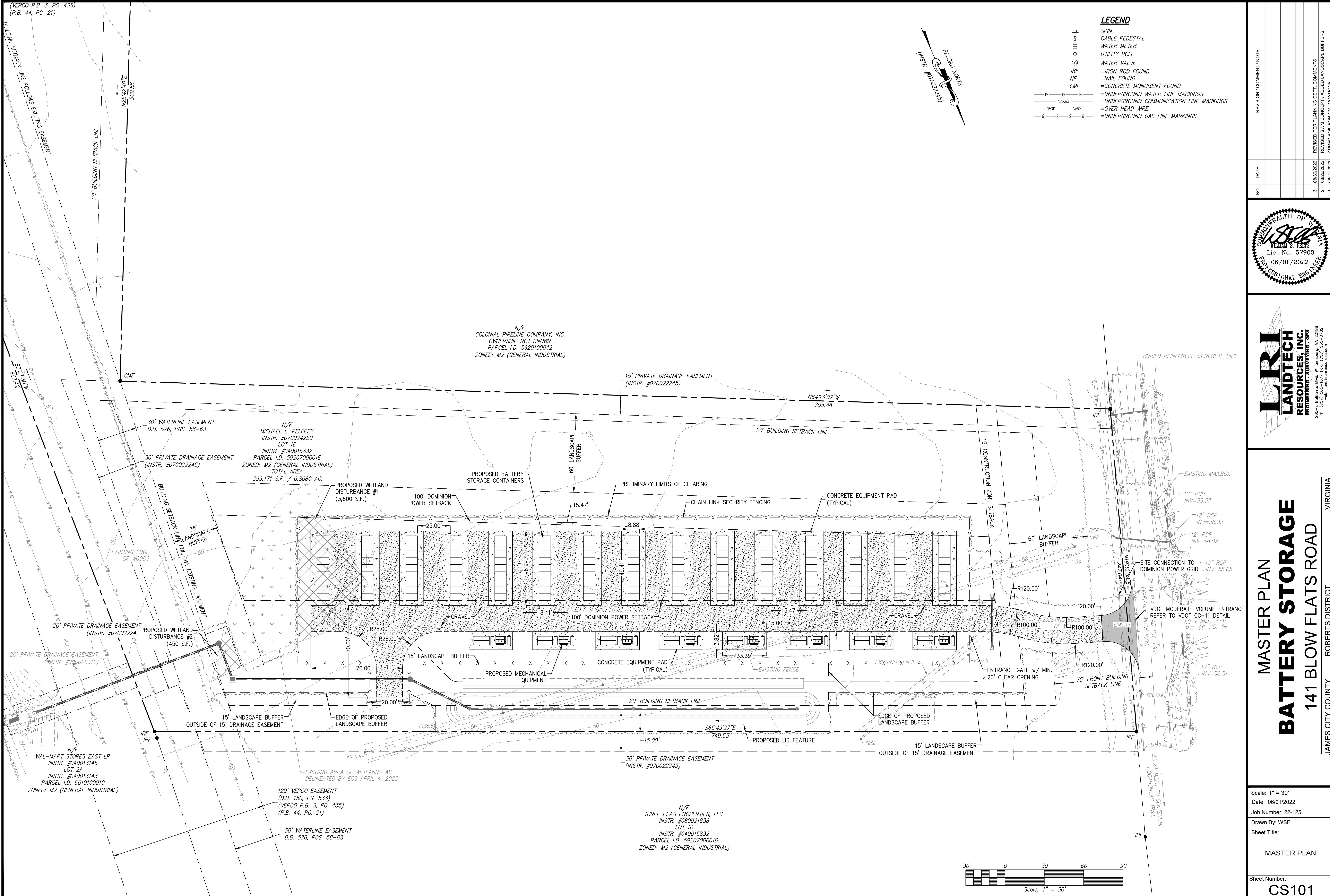
JAMES CITY COUNTY ROBERTS DISTRICT VIRGINIA

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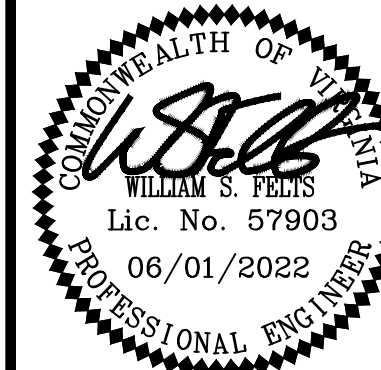
COVER SHEET

Sheet Number:
C0001

NO.	DATE	REVISION / COMMENT / NOTE
3	06/20/2022	REVISED PER PLANNING DEPT. COMMENTS
2	06/20/2022	REVISED SWM CONCEPT / ADDED LANDSCAPE BUFFERS
1	06/02/2022	ADDED SOIL BORING LOCATIONS

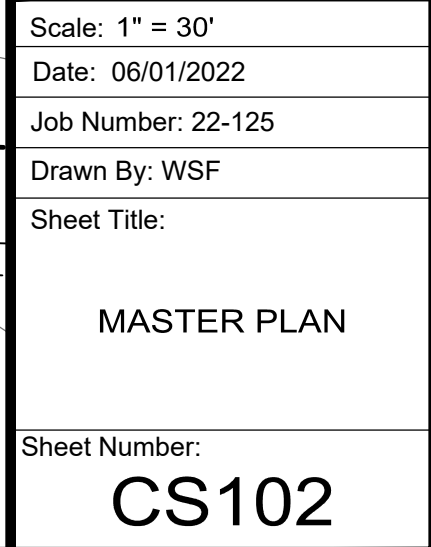


- LEGEND**
- SIGN
 - CABLE PEDESTAL
 - WATER METER
 - UTILITY POLE
 - WATER VALVE
 - IRF = IRON ROD FOUND
 - NF = NAIL FOUND
 - CMF = CONCRETE MONUMENT FOUND
 - W = UNDERGROUND WATER LINE MARKINGS
 - COMM = UNDERGROUND COMMUNICATION LINE MARKINGS
 - OHW = OVER HEAD WIRE
 - G = UNDERGROUND GAS LINE MARKINGS



MASTER PLAN
BATTERY STORAGE
141 BLOW FLATS ROAD
JAMES CITY COUNTY ROBERTS DISTRICT VIRGINIA

Scale: 1" = 30'
Date: 06/01/2022
Job Number: 22-125
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MASTER PLAN
Sheet Number:
CS101



Energy Storage System Example

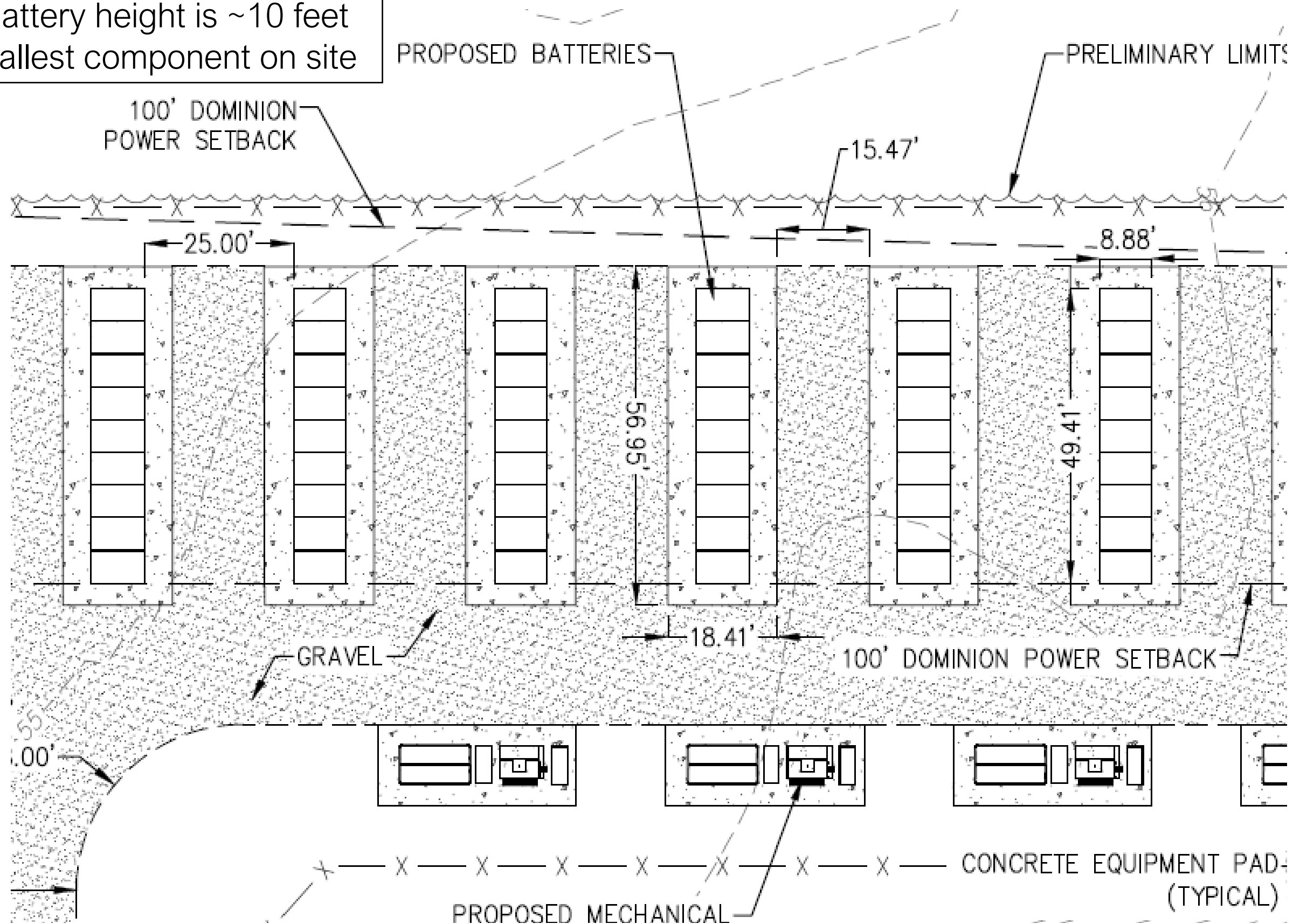


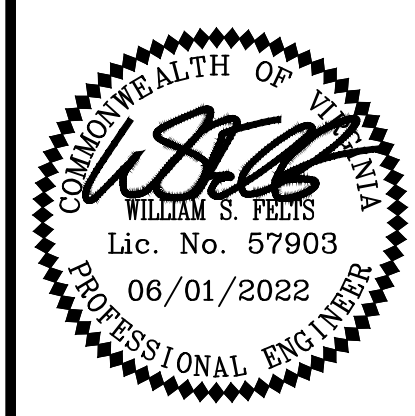
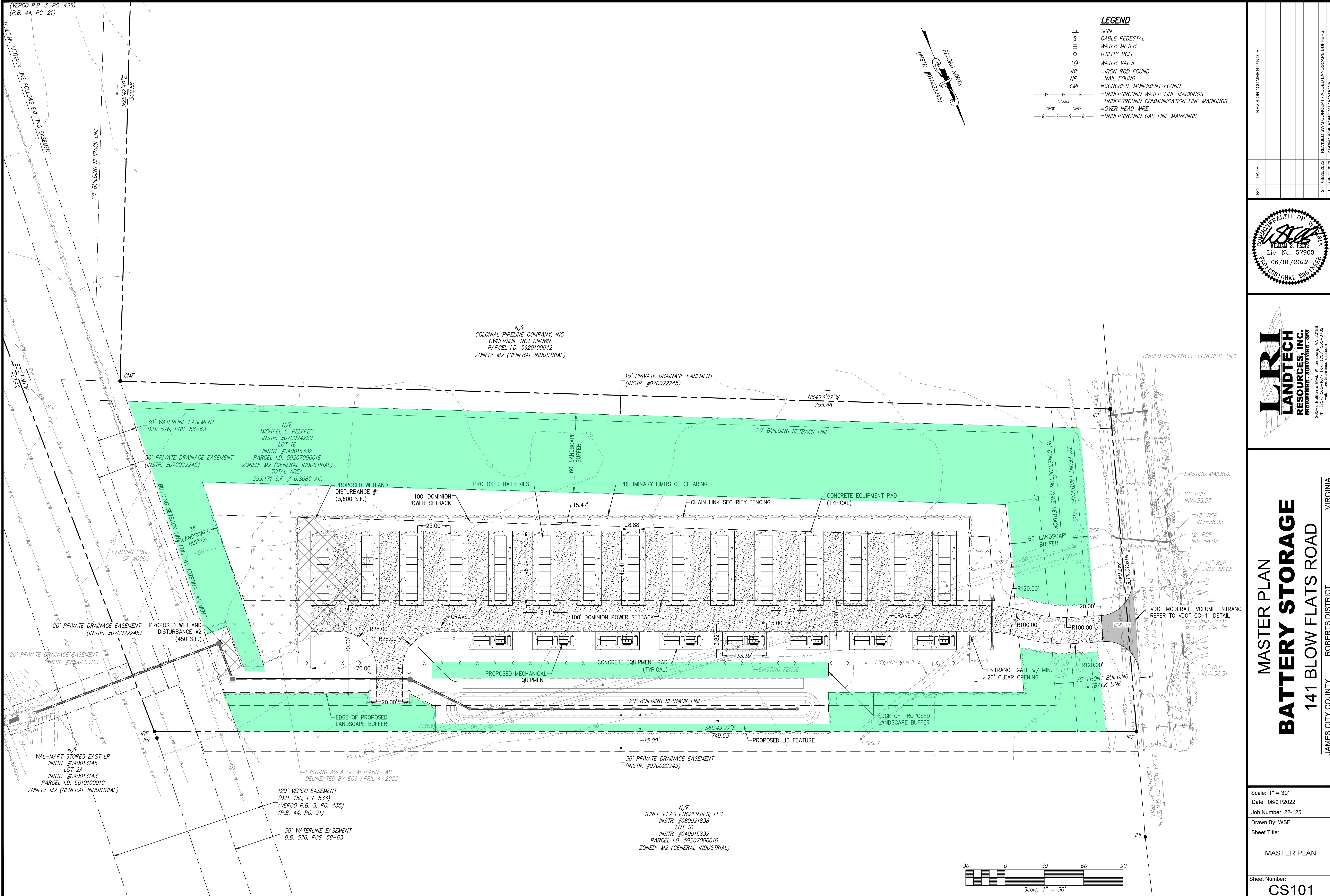
Energy Storage Facility Examples



Snapshot from Skiffes Master Plan CALVERT ENERGY LLC

Battery height is ~10 feet
Tallest component on site





MASTER PLAN
BATTERY STORAGE
141 BLOW FLATS ROAD
JAMES CITY COUNTY ROBERTS DISTRICT VIRGINIA

Scale: 1" = 30'
Date: 06/01/2022
Job Number: 22-125
Drawn By: WSF
Sheet Title:
MASTER PLAN
Sheet Number: CS101

RESOLUTION

VIRGINIA CODE SECTION 15.2-2232 ACTION ON CASE NO. SUP-22-0016.

141 BLOW FLATS ROAD BATTERY STORAGE FACILITY

WHEREAS, in accordance with Section 15.2-2232 of the Code of Virginia, a public utility facility, whether publicly or privately owned, shall not be constructed, established, or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the Planning Commission as being substantially in accord with the adopted Comprehensive Plan or part thereof; and

WHEREAS, Mr. Michael L. Pelfrey (the “Owner”), owns property located at 141 Blow Flats Road, further identified as James City County Real Estate Tax Map Parcel No. 5920700001E and zoned M-2, General Industrial (the “Property”); and

WHEREAS, Mr. Brian Quinlan of Calvert Energy, LLC, on behalf of the Owner, has applied for a Special Use Permit (SUP) to allow for the construction of a battery energy storage facility on the Property as shown on a plan titled “Battery Storage” dated June 1, 2022, and revised August 26, 2022; and

WHEREAS, in accordance with Section 15.2-2204 of the Code of Virginia and Section 24-9 of the James City County Zoning Ordinance, a public hearing was advertised, adjacent property owners notified, and a hearing scheduled for Case No. SUP-22-0016.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, for the reasons expressed in the written minutes which shall be transmitted to the Board of Supervisors, finds that the general or approximate location, character, and extent of the public utility facility shown in Case No. SUP-22-0016 is substantially in accord with the adopted Comprehensive Plan and applicable parts thereof.

Tim O’Connor
Chairman, Planning Commission

ATTEST:

Paul D. Holt, III
Deputy Clerk to the Board

Adopted by the Planning Commission of James City County, Virginia, this 7th day of September, 2022.

RESOLUTION

VIRGINIA CODE SECTION 15.2-2232 ACTION ON CASE NO. SUP-22-0016.

141 BLOW FLATS ROAD BATTERY STORAGE FACILITY

WHEREAS, in accordance with Section 15.2-2232 of the Code of Virginia, a public utility facility, whether publicly or privately owned, shall not be constructed, established, or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the Planning Commission as being substantially in accord with the adopted Comprehensive Plan or part thereof; and

WHEREAS, Mr. Michael L. Pelfrey (the “Owner”), owns property located at 141 Blow Flats Road, further identified as James City County Real Estate Tax Map Parcel No. 5920700001E and zoned M-2, General Industrial (the “Property”); and

WHEREAS, Mr. Brian Quinlan of Calvert Energy, LLC, on behalf of the Owner, has applied for a Special Use Permit (SUP) to allow for the construction of a battery energy storage facility on the Property as shown on a plan titled “Battery Storage” dated June 1, 2022, and revised August 26, 2022; and

WHEREAS, in accordance with Section 15.2-2204 of the Code of Virginia and Section 24-9 of the James City County Zoning Ordinance, a public hearing was advertised, adjacent property owners notified, and a hearing scheduled for Case No. SUP-22-0016.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, for the reasons expressed in the written minutes which shall be transmitted to the Board of Supervisors, finds that the general or approximate location, character, and extent of the public utility facility shown in Case No. SUP-22-0016 is not substantially in accord with the adopted Comprehensive Plan and applicable parts thereof.

Tim O'Connor
Chairman, Planning Commission

ATTEST:

Paul D. Holt, III
Clerk to the Board

Adopted by the Planning Commission of James City County, Virginia, this 7th day of September, 2022.

SUP22-16BlwFltsNoCon-res

ITEM SUMMARY

DATE: 9/7/2022

TO: The Planning Commission

FROM: Thomas Wysong, Senior Planner II; John Risinger, Planner

SUBJECT: ORD-22-0002. Amendments for R-8, Rural Residential and A-1, General Agricultural Lot Size and Related Requirements

ATTACHMENTS:

	Description	Type
☐	Staff Memo	Cover Memo
☐	1. Board initiating Resolution	Resolution
☐	2. Rural Lands Description	Backup Material
☐	3. Proposed A-1 Family Subdivision Clarification	Backup Material
☐	4. Proposed A-1 Revisions_Family sub clarification_clean copy	Backup Material
☐	5. Proposed R-8 Revisions	Backup Material
☐	6. Proposed R-8 Revisions Clean Copy	Backup Material
☐	7. Proposed Subdivision Ordinance Revisions	Backup Material
☐	8. Proposed Subdivision Ordinance Clean Copy	Backup Material
☐	9. Existing Ordinance Summary	Backup Material
☐	10. Existing Ordinance Full Text	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	8/31/2022 - 9:05 AM
Planning Commission	Holt, Paul	Approved	8/31/2022 - 9:05 AM
Publication Management	Pobiak, Amanda	Approved	8/31/2022 - 9:35 AM
Planning Commission	Holt, Paul	Approved	8/31/2022 - 9:38 AM

MEMORANDUM

DATE: September 7, 2022

TO: The Planning Commission

FROM: Thomas Wyson, Senior Planner II
John Risinger, Planner

SUBJECT: ORD-22-0002. Amendments for R-8, Rural Residential and A-1, General Agricultural Lot Size and Related Requirements

Introduction

At its meeting on March 8, 2022, the Board of Supervisors adopted an Initiating Resolution pertaining to the R-8, Rural Residential and A-1, General Agricultural Districts (Attachment No. 1). The Initiating Resolution contains three specific Board directives. The first is to consider possible amendments to the Zoning and Subdivision Ordinances to revise the R-8 and A-1 Districts to set lot sizes to be consistent with the stated Rural Lands Designation Description and Development Standards contained in the adopted 2045 Comprehensive Plan. The second is a Board directive to include language that grandfathers all parcels in existence as of January 1, 2022, that are 25 or fewer acres in size. The third is a directive to include language that eliminates the central well requirement for subdivisions that are consistent with the stated Rural Lands designation description and development standards.

Regarding the first directive, lot size information contained in the Comprehensive Plan Rural Lands Designation Description states “subdivision of lots should occur at a density of no greater than one residence per twenty acres,” and within the rural cluster section “densities should be no higher than the maximum permitted density in the underlying zoning district.” The full text of the Rural Lands Designation Description is included as Attachment No. 2, and the Rural portion of the County’s Character Design Guidelines is included in this attachment as well.

In response to these directives, staff has prepared draft Ordinance language to address a portion of the first directive, as well as the second and third directive in their entirety. The portion of the first directive that is addressed in the draft Ordinance language is the standard minimum lot size, and the overall density for the cluster configuration option (listed in the existing ordinance as “subdivisions with approved special use permits”). The specific changes to the Ordinance language are included as Attachment Nos. 3-8 and discussed below. Staff has begun research to address the other portion of the first directive, which are the remaining standards for the cluster configuration option, and which will be addressed separately through additional work associated with case ORD-22-0006 Amendments for A-1 Cluster Configuration Subdivision.

Discussion of Issues

1. Lot Size

Within the R-8 District, the existing regulations in Section 24-350 contain only one minimum lot size, which is three acres. The draft Ordinance revises the minimum lot size to 20 acres and adds a provision to allow parcels of 25 acres or less recorded or legally in existence as of January 1, 2022, to have a minimum lot size of three acres, pursuant to the Initiating Resolution.

Within the A-1 District, the existing regulations in Section 24-214 contain several minimum lot sizes, depending on the intended use and other factors. The draft Ordinance addresses the language as described below. Note that the section references are from the existing Ordinance text and that the draft revised Ordinance text has been reorganized.

- The nonresidential use lot size has not been changed, and the provision for family subdivision special use permits for lot sizes less than the minimum residential lot size is retained, based on initial feedback from the Board at the Joint Work Session in May.
- The minimum lot size for single-family dwellings and two-family dwellings have been revised to 20 acres within a combined category of “residential uses.”
- Per the Initiating Resolution, a grandfathering provision has been added allowing parcels of 25 acres or less recorded or legally in existence as of January 1, 2022, to be subdivided as long as no lot size is less than three acres.
- The lot size related to the number of livestock has been moved into a new section (Section 24-221) for better organization of the district. The language shown in this section has not been revised. However, per one of the actions in the 2045 Comprehensive Plan Environment Chapter, staff anticipates revisiting and revising this language in a future Ordinance update effort that focuses on agricultural stocking rates.
- The language establishing the grandfathering of certain lots in existence as of May 1, 1989, which allows for parcels of less than six acres to be subdivided into two lots provided no lot size was less than two acres, has been maintained, but relocated within the Ordinance for clarity.
- The language specifying that no lot created after the new adoption date shall be used for any residential dwelling (unless created pursuant to certain sections) has been retained and updated to reflect the new adoption date and 20-acre minimum requirement. This provision is intended to prevent the creation of lots for nonresidential uses being converted to residential use in the future.
- The lot size for the cluster configuration option (listed in the existing Ordinance as “subdivisions with approved special use permits”) has been revised to specify an overall density of no greater than one dwelling unit per 20 acres. The Ordinance is also revised to move the additional requirements for this configuration (minimum lot size, access, design, open space, etc.) into a new section (Section 24-222) for better organization of the district.
- The language providing for lots in existence prior to adoption of the revised minimum lot sizes to be used for a single-family residential use has been updated from three acres to 20 acres.

2. Minor/Major Subdivision Classification and Related Improvements

Section 19-21 of the Subdivision Ordinance classifies subdivisions as either minor or major based on the number of lots proposed. Parcels of land existing as of January 1, 1989 are “parent parcels.” Minor and major subdivisions are delineated as follows:

Minor. Subdivision of a parent parcel into not more than five lots abutting an existing public road. Limited subsequent internal subdivision of these lots is permitted, as long as no parent parcel is subdivided into greater than nine lots total. Family subdivisions do not count toward the nine-lot total.

Major. Subdivision of a parent parcel into six or more parcels or any division which creates a new street.

No changes to Section 19-21 are proposed. This information is included to provide context that if a parent parcel has been subdivided or has reached the nine-lot limit, the number of future subdivisions would be limited or prohibited accordingly. This is a separate consideration than the revised minimum lot sizes and grandfathered lot provisions in the R-8 and A-1 Districts.

Another aspect of the minor or major subdivision classification is that various Ordinance regulations in the Subdivision and Zoning Ordinances apply depending on the classification type. For example, a new road is required to be constructed for major subdivisions, whereas lots in minor subdivisions can front on existing roadways. Another example is that in the R-8 District, landscape buffers are required for major subdivisions but not minor subdivisions. Other than utilities (as covered below), no changes to Section 19-21 or other requirements linked to this classification are proposed in relation to the R-8/A-1 lot size revisions.

3. Utilities

Water. Sections 19-59 and 19-60 contain water regulations. The existing regulations state that major subdivisions inside the Primary Service Area (PSA) must connect to the James City Service Authority or Newport News Waterworks water system and the public sewer system. The subdivider of any major subdivision outside the PSA is required to construct a central water system including distribution lines, storage, treatment, and supply facilities within the subdivision. The proposed revised language maintains this requirement for subdivisions submitted prior to the date of Ordinance adoption but requires subdivisions submitted after Ordinance adoption to utilize individual well lots.

For minor subdivisions inside the PSA, newly created lots are required to be served by public water, if available. If public water is not available, each lot is required to be served by an individual well reviewed and approved by the Virginia Department of Health.

Sewer. Sections 19-61 and 19-62 contain sewer regulations. Typically, areas inside the PSA within connection distance must connect to public sewer. Areas outside the PSA are served by individual on-site sewage disposal systems (also known as septic systems). These sections have been revised to make the language structure more similar to the water requirements sections, but there are no substantive changes.

4. Other Requirements (Setbacks, etc.)

A summary of the current requirements in R-8 and A-1 is included in Attachment No. 9, and the full text of each district is included in Attachment No. 10. These requirements include front, side, and rear setbacks, and minimum lot widths. No changes are proposed to these requirements for standard configuration lots.

5. Primary Service Area

The R-8 and A-1 Districts are located inside and outside the PSA. The existing regulations do not make a distinction in minimum lot size or other requirements (except utilities as discussed in Item No. 3) based on PSA location. No changes to the Ordinance language are proposed based on location relative to the PSA. Lots inside the PSA have Comprehensive Plan Land Use Designations other than Rural Lands, and the applicable Land Use Designations would be used to determine Comprehensive Plan consistency for future legislative applications for development or redevelopment of these lots.

Recommendation

As discussed in the Introduction to this memorandum, staff has worked to address the Board's directives in the Initiating Resolution and developed draft Ordinance language for a portion of the first directive (lot size for both standard and cluster configurations) and the second and third directives in their entirety (utilities, new grandfathering provision). This draft language is provided in Attachment Nos. 3-8.

At its August 11 meeting, the Policy Committee discussed the proposed draft Ordinance amendment language. No changes to the draft text were proposed at this meeting. At its August 22 meeting, the Policy Committee continued discussion of the proposed draft Ordinance language and voted 4-0 to recommend this draft Ordinance language to the Planning Commission. Since the August 22 meeting, a minor revision to the text [subsection (a)(2)(iii)] has been proposed. This revision is to clarify that family subdivision lot requirements for parcels 25 acres or fewer are not being changed in accordance with the intent of the grandfathering provision.

TW/JR/ap
ORD22-2R8-A1Amd-mem

Attachments:

1. Initiating Resolution
2. 2045 Comprehensive Plan Land Use Designation Description for Rural Lands and Character Design Guidelines - Rural Excerpt
3. Proposed A-1 Draft Ordinance
4. Proposed A-1 Draft Ordinance Clean Copy
5. Proposed R-8 Draft Ordinance
6. Proposed R-8 Draft Ordinance Clean Copy
7. Proposed Subdivision Draft Ordinance
8. Proposed Subdivision Draft Ordinance Clean Copy
9. Existing Ordinance Summary (R-8, A-1, Subdivision Ordinance)
10. Existing Ordinance Full Text (R-8, A-1, Subdivision Ordinance)

RESOLUTION

INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE AND

SUBDIVISION ORDINANCE TO ESTABLISH LOT SIZES IN THE R-8 AND A-1 ZONING

DISTRICTS THAT ARE CONSISTENT WITH THE STATED RURAL LANDS DESIGNATION

DESCRIPTION AND DEVELOPMENT STANDARDS OF THE 2045 COMPREHENSIVE PLAN

WHEREAS, section 15.2-2286(A)(7) of the Code of Virginia, 1950, as amended (the “Virginia Code”), and County Code Section 24-13 authorize the Board of Supervisors of James City County, Virginia (the “Board”), to, by resolution, initiate amendments to the regulations of the Zoning Ordinance that the Board finds to be prudent and required by public necessity, convenience, general welfare, or good zoning practice; and

WHEREAS, section 15.2-2253 of the Virginia Code and County Code Section 19-10 authorize the Board to request the Planning Commission to prepare and recommend amendments to the Subdivision Ordinance; and

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby initiate amendment of the James City County Code, Chapter 24, Zoning in order to establish lot sizes in the Rural Residential District, R-8, and the General Agricultural District, A-1, that are consistent with the stated Rural Lands designation description and development standards as contained within the adopted James City County 2045 Comprehensive Plan. The Planning Commission shall hold at least one public hearing on the consideration of amendments to said Zoning Ordinances and shall forward its recommendation to the Board of Supervisors in accordance with the law.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request the Planning Commission to prepare and recommend amendments to Chapter 19, Subdivisions, in order to establish lot sizes in the Rural Residential District, R-8, and the General Agricultural District, A-1, that are consistent with the stated Rural Lands designation description and development standards as contained within the adopted James City County 2045 Comprehensive Plan. The Planning Commission shall hold at least one public hearing on the consideration of amendments to said Subdivision Ordinances and shall forward its recommendation to the Board of Supervisors in accordance with the law.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby direct staff to include language that grandfathers all parcels in existence as of January 1, 2022 that are 25 or fewer acres in size.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby direct staff to include language that eliminates the central well requirement for subdivisions that are consistent with the stated Rural Lands designation description and development standards as contained within the adopted James City County 2045 Comprehensive Plan.



John J. McGlennon
Chairman, Board of Supervisors

ATTEST:



Teresa J. Sazed
Deputy Clerk to the Board

ICENHOUR
HIPPLE
LARSON
SADLER
MCGLENNON

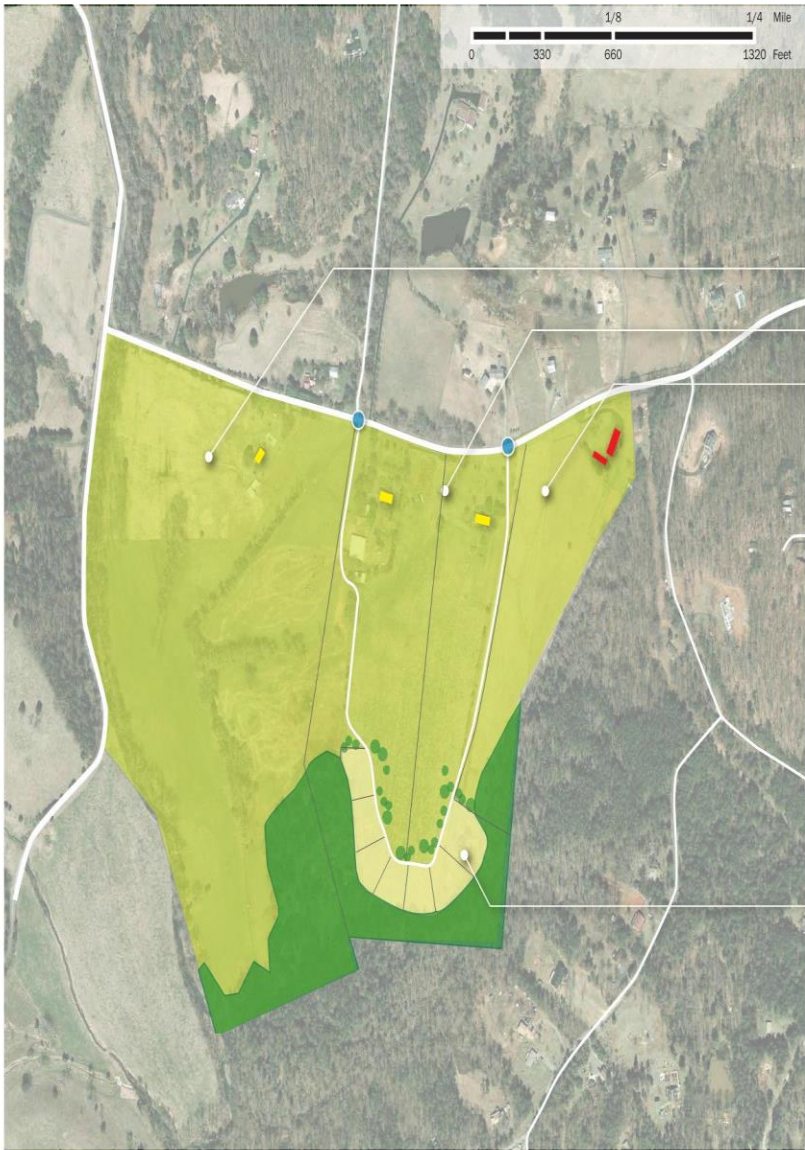
VOTES

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
☒	___	___	___
☒	___	___	___
☒	___	___	___
☒	___	___	___
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Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of March, 2022.

InitConsRevR8-A1Zns-res

Chart 1. Rural Lands Designation Description	
1. Basic Description	Rural Lands are areas containing farms, forests and scattered houses, exclusively outside of the PSA, where a lower level of public service delivery exists or where utilities and urban services do not exist and are not planned for in the future. Rural Lands uses are intended to help protect and enhance the viability of agricultural and forestal resources and compatible rural economic development uses as important components of the local economy.
2. Recommended Uses	Appropriate primary uses include traditional agricultural and forestal activities, but also innovative agriculture, horticulture, silviculture, specialty or niche farming, commercial and non-commercial equine opportunities, agri-tourism, rural-based public or commercial recreation, rural-support businesses and certain public or semi- public and institutional uses that require a spacious site and are compatible with the natural and rural surroundings. Retail and other commercial uses serving Rural Lands are encouraged to be located at planned commercial locations on major thoroughfares inside the PSA. However, appropriately-scaled and located direct agricultural or forestal-support uses (including agri-business and eco-tourism), home-based occupations, or certain uses which require very low intensity settings relative to the site in which it will be located may be considered on the basis of a case-by-case review, provided such uses are compatible with the natural and rural character of the area and are in accordance with the Rural Lands Development Standards. These uses should be located in a manner that minimizes effects on agricultural and forestal activities, and where public services and facilities, especially roads, can adequately accommodate them.
3. Recommended Density	Residential development is not a recommended use and is discouraged outside the Primary Service Area in the Rural Lands. Residences associated with agricultural and forestal activities may be appropriate, but subdivision of lots should occur at a density of no greater than one residence per 20 acres. A very limited amount of residential development could be permitted in the form of rural clusters, provided significant preservation of the natural resources is achieved, such development does not interrupt rural qualities or character, and the development standards for rural clusters listed below are followed.
Rural Lands Development Standards	
4. Use and Character Compatibility	a) Uses in Rural Lands should reflect and enhance the rural character of the County. Particular attention should be given to the following: - Locating structures and uses outside of sensitive areas; - Maintaining existing topography, vegetation, trees, and tree lines to the maximum extent possible, especially along roads and between uses; - Discouraging development on farmland, open fields, scenic roadside vistas, and other important agricultural/forestal soils and resources; - Encouraging enhanced landscaping to screen structures located in open fields using a natural appearance or one that resembles traditional hedgerows and windbreaks; - Locating new driveways or service roads so that they follow existing contours and old roadway corridors whenever feasible; - Generally limiting the height of structures to an elevation below the height of surrounding mature trees and scaling buildings to be compatible with the character of the existing community; - Minimizing the number of street and driveway intersections along the main road by providing common driveways; and - Utilizing lighting only where necessary and in a manner that eliminates glare and brightness. b) Encourage the preservation and reuse of existing agricultural structures such as barns, silos, and houses. c) Site more intensive uses in areas where the existing road network can accommodate the additional vehicle trips without the need for significant upgrades or modifications that would impact the character of the rural road network.
5. Rural Clusters	If built, rural clusters should develop with the following guidelines: - Densities should be no higher than the maximum permitted density in the underlying zoning district. Lot sizes may be reduced as appropriate to maximize the preservation of rural view-sheds and resources as described in the standards below. - Minimize the impact of residential development by retaining a substantial amount (at least two-thirds) of the site in large, undivided blocks of land for permanent open space, farming, timbering and/or rural economic uses. - Appropriate goals for open space and lot layout include preservation of farmland, open fields, scenic vistas, woodland, meadows, wildlife habitats, and vegetation; protection of environmentally sensitive land including wetlands, stream corridors, and steep slopes; important historic and archaeological resources, and roadway buffers. - The goals of the open space and lot layout should be shown on a conceptual plan, and the design should support these goals. For instance, if preservation of agriculture is one of the main goals of the open space, the open space should encompass that land which is most suitable for farming (topography, soils). Blocks of land large enough to support a farm should be set aside in the open space. In addition, potential conflicts between the uses should be minimized by designing buffers between the farmland and the residential development. Similar design considerations would be expected to support other open space goals as well. - The open space should be placed in a conservation easement or the equivalent to ensure that the land will remain undeveloped. - The visibility of the development from the main road should be minimized. It is recommended that lots be placed along an access road rather than along the main route so that the view from the main route still appears rural in nature.



Rural Lands

SAMPLE DEVELOPMENT CONCEPT

This illustration represents one potential way that the policies in the Land Use chapter for this land use could be interpreted. Alternate concepts that follow these policies may also be acceptable. This development concept is only for illustrative purposes and design guidelines, policies and ordinance requirements are a factor, particularly with respect to detailed requirements such as landscaping

Large farm remains in agricultural / forestal use

Medium sized parcel divided into two large lots managed as small farms

Small farm managed as rural economic enterprise with agritourism and winery use



Small rural cluster sited away from roads and screened by trees to preserve rural viewsheds

Legend			
Mixed use	Low Density Residential	Common Open Space	
Commercial	Moderate Density Residential - Level 1	Wooded or Landscaped Buffer Areas	
Civic	Moderate Density Residential - Level 2		
Industrial	Parking	Pedestrian/ Bike Paths	Roadway Interconnectivity

3 RESIDENTIAL: RURAL

INTENT AND CHARACTER

FUTURE LAND USE

Per the Future Land Use Map, **Rural Lands** are areas containing farms, forests and scattered houses, exclusively outside of the Primary Service Area (PSA), where a lower level of public service delivery exists or where utilities and urban services do not exist and are not planned for in the future. Rural Lands are intended to help protect and enhance the viability of agricultural and forestal resources and support compatible rural economic development; residential development is not recommended.

A very limited amount of residential development may be permitted in the form of rural clusters and small residences in support of agricultural or forestal activities. Residential building in rural areas shall provide significant preservation of the natural resources, preserve rural qualities and character, keep uninterrupted views open and unmarred, and be compatible in scale with the surrounding landscape.

Rural Lands

Residential development is not recommended. Minor residential construction may be permitted in some cases. Standards for siting and design are included in this chapter.

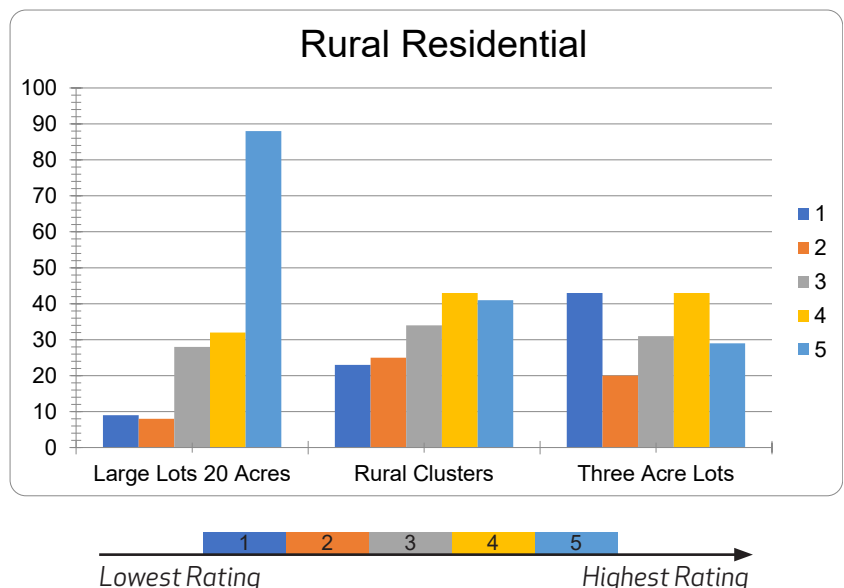
ENGAGE2045 PUBLIC INPUT

The 2019 survey and Round 1 public input from Engage2045 revealed a strong desire to maintain rural and pastoral qualities across the County. Preservation of the natural environment was listed as the most important issue for the County to address. Many residents stated that the natural and rural places are what they most value about living in James City County.

The Engage2045 survey conducted in January/February 2021 reflected a continued desire for natural surroundings, lower density development, and preservation of a rural character across many areas of the County. Participant comments trended toward the belief that higher density development would result in more traffic and crowded schools.

The desired rural character pairs with the desire for open space, passive recreation, and preservation of natural resources. Rural development that protects and complements the landscape, is sited to maintain open views, and preserves vegetation and farmland is ideal. In order to best preserve large swaths of usable land, small clusters of single-family housing are also appropriate for rural settings, provided they continue to support and uphold the pastoral setting.

Metroquest Survey results: For the purposes of this survey, language is not directly linked to Future Land Use designations.



SITE DESIGN

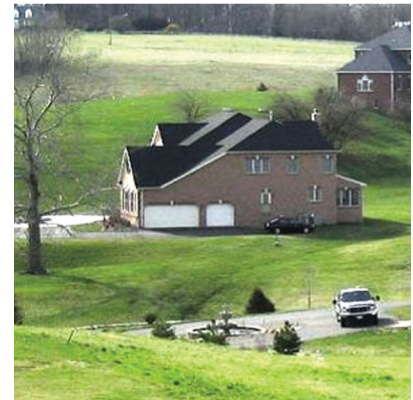
- 1 **Small groupings of related buildings may be sited together in a farmstead or cluster form.**

Buildings should be set far back from the street and have minimal to no visual impact from the road. Drive lanes should follow natural topography and include turns that reduce their visual impact from the street. Existing trees, meadows, and fields should be preserved.



RURAL DESIGN STANDARDS: FARMSTEAD

- 1 **Building design should be 1-2 stories tall and use architectural elements, colors, and materials that resemble farmhouses and barns.**
- 2 **Buildings visible from the road shall pursue a higher design standard and ensure that scale, form, and color are synonymous with a farmstead character and harmonious with the landscape.**



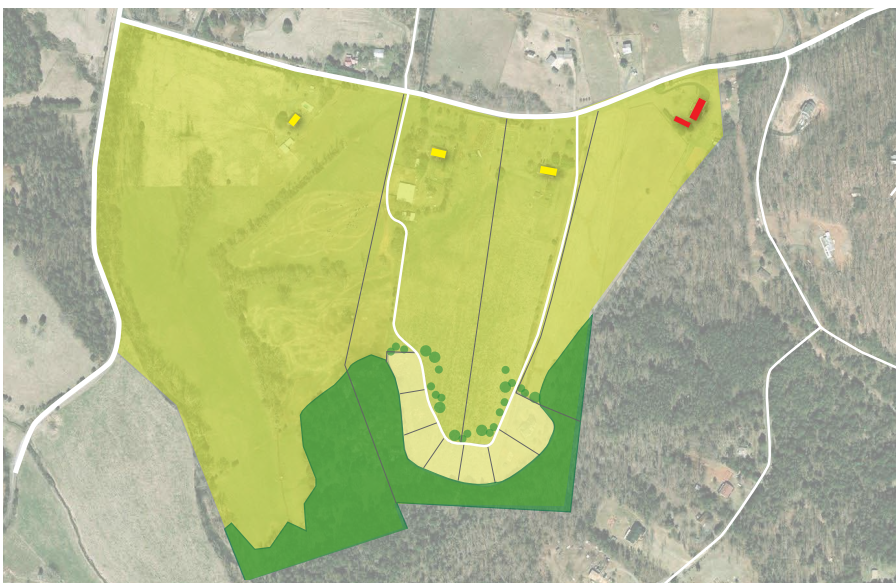
RURAL DESIGN STANDARDS: CLUSTERS

- 1 **Building design should employ either a farmstead architectural style or a Colonial architecture style as described in Chapter 4: Small Lots.**
- 2 **Trees and landscaping shall ensure that no more than 2 buildings are visible from the road and should be set back as far as possible from the road.**

Roof elements of other buildings may be visible, but landscape or berming along the frontage street shall substantially screen any cluster development and maintain clear views of landscape.



Images shown from the Metroquest Questionnaire vary in levels of community support.



Example of preferred rural site design showing large preserved working farms, large lots of at least 20 acres, or small clusters sited and screened so as to not be visible from roadways.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DIVISION 2, GENERAL AGRICULTURAL DISTRICT, A-1 BY AMENDING SECTION 24-214, AREA REQUIREMENTS; BY ADDING NEW SECTION 24-221, LIVESTOCK STOCKING RATES; AND BY ADDING NEW SECTION 24-222, CLUSTER CONFIGURATION.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article V, Districts, Division 2, General Agricultural District, A-1 by amending Section 24-214, Area requirements; by adding Section 24-221, Livestock stocking rates; and by adding Section 24-222, Cluster configuration.

Chapter 24. Zoning

Article V. Districts

Division 2. General Agricultural District, A-1

Sec. 24-214. Area requirements.

(a) Minimum lot size. The minimum lot size, except as otherwise specified herein, shall be:

(1) One acre for nonresidential uses;

(2) ~~Three~~ **Twenty** acres for **residential uses** ~~single family dwellings; however~~

i. Parcels of twenty-five acres or less recorded or legally in existence as of January 1, 2022, shall be permitted to be subdivided for residential use so long as no lot size is less than three acres.

ii. Parcels of less than six acres recorded or legally in existence prior to May 1, 1989, shall be permitted to be subdivided into two lots for single-family residential use so long as no lot size is less than two acres.

iii. Upon issuance of a special use permit, family subdivisions as permitted in section 19-17 of the county subdivision ordinance may be approved with a lot size that is less than the minimum sizes specified in (a)(2) and (a)(2)(i), provided no lot is less than one acre.

iv. Upon issuance of a special use permit, a cluster configuration subdivision may be approved with a minimum lot size of less than twenty acres; provided that the overall gross density of any cluster configuration subdivision does not exceed one dwelling unit per twenty acres, and also meets the requirements of section 24-222.

v. Parcels of less than twenty acres recorded or legally in existence prior to [Insert Adoption Date] may be used for residential purposes and shall be limited to one single-family residential use.

~~(3) — A ratio of one acre of open land per seven horses, eight dairy cattle, 13 slaughter or feeder cattle, 33 swine, or 130 sheep shall be provided for each agricultural operation; and~~

~~(4) — Twenty acres for intensive agriculture:~~

~~a. — No more than 1,000 veal, cattle, horses or similar animals or 3,000 sheep, lambs, goats or similar animals or 7,500 swine or 50,000 turkeys or 100,000 chickens shall be confined at any one site.~~

~~(b) — *Minimum lot size for residential lots created after May 1, 1989.* No lot created under the area requirements of this section after May 1, 1989 [Insert Adoption Date], the date of adoption of this section, unless created pursuant to paragraphs (2)(i), (2)(ii), (2)(iii) or (2)(iv) above (c) or (d) below, shall be used for any residential dwelling unless the lot size is three *twenty* acres or more. Provided, however, that lots of less than six acres recorded or legally in existence prior to May 1, 1989, the date of adoption of this section, shall be permitted to be subdivided into two lots for single family residential use so long as no lot size is less than two acres.~~

~~(c) — *Purpose of area requirements; conditions for subdivisions with approved special use permits.* It is the purpose of the area requirements in this district to discourage urban residential developments, but at the same time to encourage careful design of low density residential subdivisions in order to make best use of the land, reduce development costs and preserve natural amenities and open space. To this end, the minimum lot size may be reduced in subdivisions which are approved by special use permit in accord with the general standards of article I and the special standards of this district. Upon issuance of a special use permit, a subdivision may be approved with a minimum lot size of less than three acres; provided, that all of the following conditions are met:~~

~~(1) — The overall gross density of the subdivision shall not exceed one dwelling unit per two acres.~~

~~(2) — There shall be at least three residential lots in the subdivision.~~

~~(3) — No lot shall be less than one acre in area.~~

~~(4) — The subdivision shall only be for single family detached dwellings.~~

~~(5) — All lots shall front on an approved public street created by the subdivision and no lot shall have direct access to a street not a part of the subdivision. This condition shall not apply to subdivisions of less than five lots.~~

~~(6) — Provision shall be made in subdivision plats and lot conveyances to ensure that lot purchasers have adequate notice regarding limitations on resubdivision of parcels and no resubdivision or sale by any means shall be permitted which would in any way create a violation of this chapter.~~

~~(7) — The general design standards of this section shall be complied with.~~

~~(8) — The subdivision design shall provide good building sites and at the same time make best use of topography and minimize grading and destruction of natural vegetation.~~

~~(9) — The subdivision design shall provide for protection of conservation areas as specified in the Comprehensive Plan or other sections of this chapter.~~

~~(10) — No more than 30 percent of any lot shall be located in a floodplain area as defined in this chapter; provided, however, that up to 50 percent of the area of any lot may be covered by the waters of a lake, pond or canal planned and approved as a part of and wholly within the subdivision.~~

~~(11) — Maintenance of any common open space shall be assigned to a homeowners' association or other approved entity.~~

~~(12) — Lots shall be arranged and building sites shall be designated so as to promote harmonious relationships with the environment and existing public streets and roads; and to this end, the design shall employ such techniques as may be appropriate to a particular case, including location of lots of various sizes, location of building sites with respect to project boundary lines, location of open space and buffer areas and maintenance of vegetation. Unless the subdivision is less than five lots, all structures shall be located a minimum of 150 feet from all roads existing prior to the platting of the subdivision.~~

~~(d) — Lot size for family subdivisions with special use permits. Upon issuance of a special use permit, a family subdivision may be approved with a minimum lot size of less than three acres, provided no lot shall be less than one acre.~~

~~(e) — Minimum lots sized for two family dwellings. Lots for two family dwellings shall have a minimum area of five acres.~~

~~(f) — Not applicable to lots in existence prior to May 1, 1989. These minimum sizes shall not apply to lots of less than three acres recorded or legally in existence prior to May 1, 1989, the date of adoption of this article. Such lots of less than three acres used for residential purposes shall be limited to one single-family residential use.~~

Sec. 24-221. Livestock stocking rates.

- (a) A ratio of one acre of open land per seven horses, eight dairy cattle, 13 slaughter or feeder cattle, 33 swine, or 130 sheep shall be provided for each agricultural operation; and
- (b) Twenty acres for intensive agriculture:
- (1) No more than 1,000 veal, cattle, horses or similar animals or 3,000 sheep, lambs, goats or similar animals or 7,500 swine or 50,000 turkeys or 100,000 chickens shall be confined at any one site.

Sec. 24-222 Cluster configuration.

~~Purpose of area requirements; conditions for subdivisions with approved special use permits. It is the purpose of the area requirements in this district to discourage urban residential developments, but at the same time to encourage careful design of low density residential subdivisions in order to make best use of the land, reduce development costs and preserve natural amenities and open space. To this end, the minimum lot size may be reduced in subdivisions which are approved by special use permit in accord with the general standards of article I and the special standards of this district. Upon issuance of a special use permit, a *cluster configuration* subdivision may be approved with a minimum lot size of less than three acres; provided, that all of the following conditions are met:~~

- (1) The overall gross density of the subdivision shall not exceed one dwelling unit per ~~two~~ **twenty** acres.
- (2) There shall be at least three residential lots in the subdivision.
- (3) No lot shall be less than one acre in area.
- (4) The subdivision shall only be for single-family detached dwellings.
- (5) All lots shall front on an approved public street created by the subdivision and no lot shall have direct access to a street not a part of the subdivision. This condition shall not apply to subdivisions of less than five lots.
- (6) Provision shall be made in subdivision plats and lot conveyances to ensure that lot purchasers have adequate notice regarding limitations on resubdivision of parcels and no resubdivision or sale by any means shall be permitted which would in any way create a violation of this chapter.
- (7) The general design standards of this section shall be complied with.
- (8) The subdivision design shall provide good building sites and at the same time make best use of topography and minimize grading and destruction of natural vegetation.
- (9) The subdivision design shall provide for protection of conservation areas as specified in the Comprehensive Plan or other sections of this chapter.
- (10) No more than 30 percent of any lot shall be located in a floodplain area as defined in this chapter; provided, however, that up to 50 percent of the area of any lot may be covered by the waters of a lake, pond or canal planned and approved as a part of and wholly within the subdivision.
- (11) Maintenance of any common open space shall be assigned to a homeowners' association or other approved entity.

(12) Lots shall be arranged and building sites shall be designated so as to promote harmonious relationships with the environment and existing public streets and roads; and to this end, the design shall employ such techniques as may be appropriate to a particular case, including location of lots of various sizes, location of building sites with respect to project boundary lines, location of open space and buffer areas and maintenance of vegetation. Unless the subdivision is less than five lots, all structures shall be located a minimum of 150 feet from all roads existing prior to the platting of the subdivision.

A1-Sec24-Livestock-ord

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DIVISION 2, GENERAL AGRICULTURAL DISTRICT, A-1 BY AMENDING SECTION 24-214, AREA REQUIREMENTS; BY ADDING NEW SECTION 24-221, LIVESTOCK STOCKING RATES; AND BY ADDING NEW SECTION 24-222, CLUSTER CONFIGURATION.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article V, Districts, Division 2, General Agricultural District, A-1 by amending Section 24-214, Area requirements; by adding Section 24-221, Livestock stocking rates; and by adding Section 24-222, Cluster configuration.

Chapter 24. Zoning

Article V. Districts

Division 2. General Agricultural District, A-1

Sec. 24-214. Area requirements.

- (a) Minimum lot size. The minimum lot size, except as otherwise specified herein, shall be:
 - (1) One acre for nonresidential uses;
 - (2) Twenty acres for residential uses; however:
 - i. Parcels of twenty-five acres or less recorded or legally in existence as of January 1, 2022, shall be permitted to be subdivided for residential use so long as no lot size is less than three acres.
 - ii. Parcels of less than six acres recorded or legally in existence prior to May 1, 1989, shall be permitted to be subdivided into two lots for single-family residential use so long as no lot size is less than two acres.
 - iii. Upon issuance of a special use permit, family subdivisions as permitted in section 19-17 of the county subdivision ordinance may be approved with a lot size that is less than the minimum sizes specified in (a)(2) and (a)(2)(i), provided no lot is less than one acre.
 - iv. Upon issuance of a special use permit, a cluster configuration subdivision may be approved with a minimum lot size of less than twenty acres; provided that the overall gross density of any cluster configuration subdivision does not exceed one dwelling unit per twenty acres, and also meets the requirements of section 24-222.
 - v. Parcels of less than twenty acres recorded or legally in existence prior to *[Insert Adoption Date]* may be used for residential purposes and shall be limited to one single-family residential use.

No lot created under the area requirements of this section after *[Insert Adoption Date]*, the date of adoption of this section, unless created pursuant to paragraphs (2)(i), (2)(ii), (2)(iii) or (2)(iv) above, shall be used for any residential dwelling unless the lot size is twenty acres or more.

Sec. 24-221. Livestock stocking rates.

- (a) A ratio of one acre of open land per seven horses, eight dairy cattle, 13 slaughter or feeder cattle, 33 swine, or 130 sheep shall be provided for each agricultural operation; and
- (b) Twenty acres for intensive agriculture:
 - (1) No more than 1,000 veal, cattle, horses or similar animals or 3,000 sheep, lambs, goats or similar animals or 7,500 swine or 50,000 turkeys or 100,000 chickens shall be confined at any one site.

Sec. 24-222 Cluster configuration.

Upon issuance of a special use permit, a cluster configuration subdivision may be approved provided that all of the following conditions are met:

- (1) The overall gross density of the subdivision shall not exceed one dwelling unit per twenty acres.
- (2) There shall be at least three residential lots in the subdivision.
- (3) No lot shall be less than one acre in area.
- (4) The subdivision shall only be for single-family detached dwellings.
- (5) All lots shall front on an approved public street created by the subdivision and no lot shall have direct access to a street not a part of the subdivision. This condition shall not apply to subdivisions of less than five lots.
- (6) Provision shall be made in subdivision plats and lot conveyances to ensure that lot purchasers have adequate notice regarding limitations on resubdivision of parcels and no resubdivision or sale by any means shall be permitted which would in any way create a violation of this chapter.
- (7) The general design standards of this section shall be complied with.
- (8) The subdivision design shall provide good building sites and at the same time make best use of topography and minimize grading and destruction of natural vegetation.
- (9) The subdivision design shall provide for protection of conservation areas as specified in the Comprehensive Plan or other sections of this chapter.
- (10) No more than 30 percent of any lot shall be located in a floodplain area as defined in this chapter; provided, however, that up to 50 percent of the area of any lot may be covered by the waters of a lake, pond or canal planned and approved as a part of and wholly within the subdivision.
- (11) Maintenance of any common open space shall be assigned to a homeowners' association or other approved entity.
- (12) Lots shall be arranged and building sites shall be designated so as to promote harmonious relationships with the environment and existing public streets and roads; and to this end, the design shall employ such techniques as may be appropriate to a particular case, including location of lots of various sizes, location of building sites with respect to project boundary lines, location of open space and buffer areas and maintenance of vegetation. Unless the subdivision is less than five lots, all structures shall be located a minimum of 150 feet from all roads existing prior to the platting of the subdivision.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DIVISION 8, RURAL RESIDENTIAL DISTRICT, R-8, SECTION 24-350, AREA REQUIREMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article V, Districts, Division 8, Rural Residential District, R-8, Section 24-350, Area requirements.

Chapter 24. Zoning

Article V. Districts

Division 8. Rural Residential District, R-8

Sec. 24-350. Area requirements.

- (a) Minimum lot size. The minimum lot size, *unless otherwise specified herein*, shall be ~~three~~ **twenty** acres.
- (b) *For parcels of twenty-five acres or less recorded or legally in existence as of January 1, 2022, the minimum lot size shall be three acres.*

R8-Sec24-AreaReq-ord

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DIVISION 8, RURAL RESIDENTIAL DISTRICT, R-8, SECTION 24-350, AREA REQUIREMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article V, Districts, Division 8, Rural Residential District, R-8, Section 24-350, Area requirements.

Chapter 24. Zoning

Article V. Districts

Division 8. Rural Residential District, R-8

Sec. 24-350. Area requirements.

- (a) Minimum lot size. The minimum lot size, unless otherwise specified herein, shall be twenty acres.
- (b) For parcels of twenty-five acres or less recorded or legally in existence as of January 1, 2022, the minimum lot size shall be three acres.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, REQUIREMENTS FOR DESIGN AND MINIMUM IMPROVEMENTS, SECTION 19-58, PUBLIC WATER; SECTION 19-59, WATER FACILITIES; SECTION 19-60, INDIVIDUAL WELLS; SECTION 19-61, PUBLIC SEWER; AND SECTION 19-62, INDIVIDUAL SEWER.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivisions, is hereby amended and reordained by amending Article III, Requirements for Design and Minimum Improvements, Section 19-58, Public water; Section 19-59, Water facilities; Section 19-60, Individual wells; Section 19-61, Public sewer; and Section 19-62, Individual sewer.

Chapter 19. Subdivisions

Article III. Requirements for Design and Minimum Improvements

Sec. 19-58. Public water.

If public water is available, it shall be extended to all lots within a subdivision including recreation lots. Availability of public water shall be determined in accordance with the service authority regulations governing utility service.

Sec. 19-59. Water facilities.

(a) Major subdivisions inside the primary service area must connect to the service authority or Newport News Waterworks water system and the public sewer system. *Minor subdivisions inside the primary service area must connect to the service authority or Newport News Waterworks water system if public water is available.*

(b) *For applications submitted prior to [Insert Ordinance Adoption Date]* ~~If public water is not available, the subdivider of any~~ major subdivisions outside the primary service area shall construct a central water system including distribution lines, storage, treatment and supply facilities within the subdivision. Central water service shall be extended to all lots within a subdivision, including recreation lots. Upon completion and acceptance of the improvements, the water system, together with all necessary easements and rights-of-way, including the well lot, shall be dedicated to the service authority by deed and an accompanying plat.

~~(c)~~(1) The central water system requirement may be waived by the service authority manager. Such a waiver shall be requested in writing by the subdivider and approved prior to submission of preliminary plans. Any waiver may be subject to reasonable conditions which shall be communicated in writing to the agent and subdivider.

Sec. 19-60. Individual wells.

~~If public water is not available inside the PSA, each lot in a minor subdivision shall be served by an individual well.~~

If public water is not available, minor subdivisions inside the primary service area shall be served by individual wells (one well for each lot).

Unless otherwise required by section 19-59(b), minor and major subdivisions outside the primary service area shall be served by individual wells (one well for each lot).

All individual wells shall be approved by the health department ~~or the service authority~~ prior to approval of the subdivision plat.

Sec. 19-61. Public sewer.

~~If public sewer is available, it shall be extended to all lots within the subdivision, including recreation lots. Availability shall be determined in accordance with the service authority regulations governing utility service.~~

Major subdivisions inside the primary service area must connect to the service authority public sewer system. Minor subdivisions inside the primary service area must connect to the service authority public sewer system if public sewer is available. For major subdivisions and minor subdivisions if public sewer is available, it shall be extended to all lots within the subdivision, including recreation lots. Availability shall be determined in accordance with the service authority regulations governing the utility service.

Sec. 19-62. Individual sewer.

~~If public sewer is not available, each subdivision lot shall be served by individual on-site sewage disposal systems in accordance with the following:~~

If public sewer is not available, minor subdivisions inside the primary service area shall be served by individual on-site sewage disposal systems (one system for each lot).

Minor and major subdivisions outside the primary service area shall be served by individual on-site sewage disposal systems (one system for each lot).

(1) Individual on-site sewage disposal systems for each lot must be approved by the health department and shall be a soil absorption system of conventional or alternative design.

(2) The plans for such subdivisions shall include specific on-site sewage disposal system locations, including primary and reserve drainfields and soils information, as well as appropriate notation as required in section 19-29 (l) and (m). The immediate area in and around each proposed system must be shown using a contour interval not greater than two feet; the contour area shown outside the system should be sufficient to establish the relationship of the area to relevant topographic features such as, but not limited to, drainage ways, sink holes, road cuts, and steep slopes. The record plat shall clearly designate each lot which has been approved by a soil absorption system of alternate design and shall contain a note which clearly discloses that such alternate systems may entail additional expenses.

(3) For the purpose of subdivision of new lots, the on-site sewage disposal system must meet health department regulations that enable the health department to approve the system in perpetuity through a certification letter. For these new proposed lots, the applicant shall obtain subdivision approval from the county prior to health department issuance of any construction permits.

Any proposed lots not suitable for the installation of on-site sewage disposal systems shall be combined with lots that are suitable.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, REQUIREMENTS FOR DESIGN AND MINIMUM IMPROVEMENTS BY AMENDING SECTION 19-58, PUBLIC WATER; SECTION 19-59, WATER FACILITIES; SECTION 19-60, INDIVIDUAL WELLS; SECTION 19-61, PUBLIC SEWER; AND SECTION 19-62, INDIVIDUAL SEWER.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivisions, is hereby amended and reordained by amending Article III, Requirements for Design and Minimum Improvements by amending Section 19-58, Public water; Section 19-59, Water facilities; Section 19-60, Individual wells; Section 19-61, Public sewer; and Section 19-62, Individual sewer.

Chapter 19. Subdivisions

Article III. Requirements for Design and Minimum Improvements

Sec. 19-58. Public water.

If public water is available, it shall be extended to all lots within a subdivision including recreation lots. Availability of public water shall be determined in accordance with the service authority regulations governing utility service.

Sec. 19-59. Water facilities.

(a) Major subdivisions inside the primary service area must connect to the service authority or Newport News Waterworks water system. Minor subdivisions inside the primary service area must connect to the service authority or Newport News Waterworks water system if public water is available.

(b) For applications submitted prior to [Insert Ordinance Adoption Date] major subdivisions outside the primary service area shall construct a central water system including distribution lines, storage, treatment and supply facilities within the subdivision. Central water service shall be extended to all lots within a subdivision, including recreation lots. Upon completion and acceptance of the improvements, the water system, together with all necessary easements and rights-of-way, including the well lot, shall be dedicated to the service authority by deed and an accompanying plat.

(1) The central water system requirement may be waived by the service authority manager. Such a waiver shall be requested in writing by the subdivider and approved prior to submission of preliminary plans. Any waiver may be subject to reasonable conditions which shall be communicated in writing to the agent and subdivider.

Sec. 19-60. Individual wells.

If public water is not available, minor subdivisions inside the primary service area shall be served by individual wells (one well for each lot).

Unless otherwise required by section 19-59(b), minor and major subdivisions outside the primary service area shall be served by individual wells (one well for each lot).

All individual wells shall be approved by the health department prior to approval of the subdivision plat.

Sec. 19-61. Public sewer.

Major subdivisions inside the primary service area must connect to the service authority public sewer system. Minor subdivisions inside the primary service area must connect to the service authority public sewer system if public sewer is available. For major subdivisions and minor subdivisions if public sewer is available, it shall be extended to all lots within the subdivision, including recreation lots. Availability shall be determined in accordance with the service authority regulations governing the utility service.

Sec. 19-62. Individual sewer.

If public sewer is not available, minor subdivisions inside the primary service area shall be served by individual on-site sewage disposal systems (one system for each lot).

Minor and major subdivisions outside the primary service area shall be served by individual on-site sewage disposal systems (one system for each lot).

(1) Individual on-site sewage disposal systems for each lot must be approved by the health department and shall be a soil absorption system of conventional or alternative design.

(2) The plans for such subdivisions shall include specific on-site sewage disposal system locations, including primary and reserve drainfields and soils information, as well as appropriate notation as required in section 19-29 (l) and (m). The immediate area in and around each proposed system must be shown using a contour interval not greater than two feet; the contour area shown outside the system should be sufficient to establish the relationship of the area to relevant topographic features such as, but not limited to, drainage ways, sink holes, road cuts, and steep slopes. The record plat shall clearly designate each lot which has been approved by a soil absorption system of alternate design and shall contain a note which clearly discloses that such alternate systems may entail additional expenses.

(3) For the purpose of subdivision of new lots, the on-site sewage disposal system must meet health department regulations that enable the health department to approve the system in perpetuity through a certification letter. For these new proposed lots, the applicant shall obtain subdivision approval from the county prior to health department issuance of any construction permits.

Any proposed lots not suitable for the installation of on-site sewage disposal systems shall be combined with lots that are suitable.

R-8, Rural Residential

https://library.municode.com/va/james_city_county/codes/code_of_ordinances?nodeId=CD_ORD_CH24ZO_ARTVDI_DIV8RUREDIR-S24-347STIN

Item	Requirement	Additional Notes
Minimum lot size	Three acres (no other factors or exemptions)	
Front Setback requirements	If street right-of-way is 50 feet or greater in width: 35 feet from edge of right-of-way If street is less than 50 feet is less than 50 feet in width: 60 feet from centerline of right-of-way.	There are some provisions for allowing the setbacks on adjacent or nearby lots, and for allowing setbacks recorded prior to 1969 to be honored if shown on the plat.
Side and Rear Setbacks	Side: 15 Rear: 35	
Minimum lot width at the front setback line	Lots up to 1 acre: 100 feet at the front setback line Lots more than 1 acre or more: 150 feet at the front setback line The subdivision ordinance allows the front setback to be moved back to where the minimum lot width is met, should a lot become wider further back.	
Permitted or specially permitted residential uses	Single-family, two-family, accessory apartments (attached permitted, detached SUP)	
Overall setbacks for a development.	N/A - but see landscape buffer requirement below	
Landscape Buffer requirements (for the development)	For major subdivisions only (see subdivision ordinance summary below for major/minor information). Along Community Character Corridors: 150 feet Along non-Community Character Corridors: 75 feet	Standards for landscaping this area are included.
Minimum/max number of units it is possible to subdivide or any phasing provisions	N/A	
Overall density within a major subdivision	N/A	

requirement or standard		
Cluster configuration option	N/A	
Open space requirements	N/A	
Lot configuration (flag lot)	See subdivision ordinance summary below	
Road frontage requirement	See subdivision ordinance summary below.	
Road Access	See subdivision ordinance summary below.	
Utilities	See subdivision ordinance summary below	
Family subdivision – different regulations for this district	Yes, per subdivision ordinance (permitted in R-8 and A-1). A more limited set of subdivision ordinance standards apply. The lot does not need to front on a public road to be subdivided.	
Bike/Ped	For major subdivisions only. Per Special Regulations section 24-35, bike and pedestrian accommodations are required along existing public roadways per the pedestrian master plan and regional bikeways plan, and along internal streets per VDOT Subdivision Street Acceptance Regulations (SSAR).	

A-1, General Agricultural

https://library.municode.com/va/james_city_county/codes/code_of_ordinances?nodeId=CD_ORD_CH24ZO_ARTVDI_DIV2GEAGDIA-

Minimum lot size	- Three acres for single-family dwellings - Cluster development – overall gross density of not greater than one unit per two acres, with no lot less than one acre in area. - Five acres for two-family dwellings. - No less than two acres for pre-1989 parcels (Permits creation of two lots from a parcel less than six acres in size if the parcel existed prior to May 1, 1989, so long as no lot is less than two acres.) There are also minimum lot sizes listed for: One acre for nonresidential uses. No less than one acre for family subdivisions with SUP (Family subdivisions approved by the Board, so long as no lot is less than one acre.) Having certain numbers of animals.	
Front Setback requirements	50' from any street right-of-way which is 50' or greater in width. If the right-of-way is less than 50' in width, minimum of 75' from centerline of street, except that where the minimum lot area is three acres or more, the minimum setback shall be 75 feet from any street right-of-way which is 50 feet or greater in width and 100 feet from the centerline of any street right-of-way less than 50 feet in width.	
Side and Rear Setbacks	Side: 15 Rear: 35	
Minimum lot width	(a)Lots of five acres or more shall have a minimum lot width at the setback line of 250 feet. (b)Lots of three acres or more but less than five acres shall have a minimum lot width at the setback line of 200 feet. (c)Lots of one acre or more but less than three acres shall have a minimum lot width at the setback line of 150 feet. (d)The minimum lot frontage abutting a public right-of-way shall be 25 feet.	
Permitted or specially permitted residential uses	Single-family, two-family, accessory apartments (attached permitted, detached SUP), cluster development requires a SUP.	

Overall setbacks for a development	For cluster developments of more than five lots, structures shall be located 150 feet from all existing roads.	
Landscape Buffer requirements for the development	N/A	
Minimum/maximum number of units it is possible to subdivide or any phasing provisions	For cluster, there shall be a minimum of at least three residential lots.	
Overall density within a major subdivision requirement/standard	For cluster, the overall gross density shall not exceed one unit per two acres.	
Cluster configuration option	Yes, needs to meet standards listed in the ordinance.	
Open space requirements	For cluster, there is no minimum acreage or percentage of the land that needs to be open space separate from the lots. However, the regulations state that subdivision design should minimize grading and destruction of natural vegetation; provide protection of conservation areas as specified in the Comprehensive Plan or other sections of this chapter; there are limitations on the amount of floodplain and water each lot can contain; and buildings sites shall be designated so as to promote harmonious relationships with the environment.	
Lot configuration (flag lot)	See subdivision ordinance summary below	

Road frontage requirement	See subdivision ordinance summary below.	
Road Access	See subdivision ordinance summary below.	
Utilities	See subdivision ordinance summary below	
Family subdivision – different regulations for this district	Yes, per subdivision ordinance (permitted in R-8 and A-1). A more limited set of subdivision ordinance standards apply. The lot size can be smaller (see minimum lot size above), and the lot does not need to front on a public road to be subdivided.	
Bike/Ped	For major subdivisions only. Per Special Regulations section 24-35, bike and pedestrian accommodations required along existing public roadways per the pedestrian master plan and regional bikeways plan, and along internal streets per VDOT SSAR regs.	

Subdivision Ordinance

https://library.municode.com/va/james_city_county/codes/code_of_ordinances?nodeId=CD_ORD_CH19SU

Not all sections of the Subdivision Ordinance are summarized below. Regulations in the subdivision ordinance apply across districts, not just in A-1 and R-8.

Minor/Major subdivision - Differentiation in requirements by number of lots being subdivided (19-21)	Parcels existing as of January 1, 1989 shall be considered “parent parcels.” Minor Subdivision – division of a “parent parcel” into not more than five lots abutting an existing public road. Further limited internal subdivision of the parent parcel can occur, up to a total of no more than nine parcels. Major Subdivision – division of a “parent parcel” into six or more lots, or any division which creates/extends a new street.	
Lot configuration – Flag lots (19-39, 19-40)	Permitted (see road frontage requirement below)	
Road requirements – new public streets, frontage (19-40, 19-42)	Lots must front on a public street (at least 25 feet of frontage). Minor: Lots front on existing public street. Major: Lots front on new public street constructed for the development. Note that per Special Regulations section 24-62, private streets are not permitted in A-1 or R-8 other than in manufactured home parks.	
Driveways (19-73)	Individual driveways are permitted, except that minor subdivisions of three or more lots must construct a shared driveway (each lot is still required to have at least 25 feet of frontage on a road).	Some exemptions are included in the section language.
Cul-de-sacs (19-54)	Shall not exceed 1,000' in length	
HOAs (19-70)	Major subdivisions with common areas or improvements maintained by homeowners are required to have one.	
Water Facilities (19-58, 19-59, 19-60)	Major Subdivisions within Primary Service Area must connect to public water. Major Subdivision outside the Primary Service Area (Rural Lands) must construct central water system. Minor Subdivisions within the PSA must connect to public water if they are within the connection distance specified in JCSA regulations (page 3-1:	The central water system can be waived by service authority manager. There are some existing water lines outside the Primary Service Area that have been approved by the

	https://en.calameo.com/read/0045296426531218b384f?page=1). If they are beyond the connection distance, the lot must be served by an individual well. Minor Subdivisions outside the PSA (Rural Lands) shall be served by an individual well. JCSA uses the design and acceptance criteria, and the regional construction standards: https://www.jamescitycountyva.gov/932/Forms-Publications.	Board of Supervisors. SUP conditions on these lines limit connections to adjacent parcels.
Sewer (19-61, 19-62)	All subdivisions within the PSA must connect to public sewer if they are within the connection distance specified in JCSA regulations (see link to JCSA regulations above). If they are beyond the connection distance, lots must be served by an individual on-site sewage disposal system. All subdivisions outside the PSA must be served by individual on-site sewage disposal systems, with primary and reserve drainfields. JCSA uses the design and acceptance criteria, and the regional construction standards found here: https://www.jamescitycountyva.gov/932/Forms-Publications	There are some existing sewer lines outside the PSA that have been approved by the Board of Supervisors. SUP conditions on these lines limit connections to adjacent properties.
Fire protection (19-65)	Fire hydrants are only required when the public water system is extended/constructed – currently applies to central water system developments.	

DIVISION 8. - RURAL RESIDENTIAL DISTRICT, R-8

Sec. 24-347. - Statement of intent.

Generally, the Rural Residential District, R-8, is intended for application to rural areas of the county which remain inside the primary service area where utilities and urban services are planned but not yet fully available and where urban development may be expected in the near future. The district may also be applied to certain outlying areas where residences exist at similar densities or may be appropriate in view of housing needs. The district is intended to maintain a rural environment suitable for farming, forestry and low-density rural residence, together with certain recreational and public or semipublic and institutional uses, until such time as an orderly expansion of urban development is appropriate.

(Ord. No. 31A-88, § 20-35, 4-8-85; Ord. No. 31A-114, 5-1-89; Ord. No. 31A-122, 6-18-90)

Sec. 24-348. - Use list.

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

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory apartments, attached, in accordance with <u>section 24-32</u> .	P	
	Accessory apartments, detached, in accordance with <u>section 24-32</u> .		SUP
	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	

	Group home or residential facility, for eight or fewer adults.	P	
	Group homes or residential facilities for nine or more adults.		SUP
	Group quarters for agricultural workers.		SUP
	Home care facilities.		SUP
	Manufactured home parks.		SUP
	Manufactured homes in accordance with <u>section 24-107</u> and <u>section 24-108</u> not located within the primary service area.		SUP
	Site-built single-family detached dwellings and modular homes.	P	
	Two-family dwellings.		SUP

Commercial Uses	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Adult day-care centers.		SUP
	Airports and landing fields, helistops or heliports and accessory uses.		SUP
	Barber and beauty shops.		SUP
	Business, governmental and professional offices.		SUP
	Campgrounds.		SUP
	Cemeteries and memorial gardens, not accessory to a church or other place of worship.		SUP
	Child day-care centers.		SUP

	Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities, but not those approved as a part of a planned unit development.		SUP
	Convenience stores; if fuel is sold, then in accordance with <u>section 24-38</u> .		SUP
	Drug stores.		SUP
	Farm equipment sales and service establishments.		SUP
	Farmers' markets, limited in area to 2,500 square feet.	P	

	Farmers' markets over 2,500 square feet.		SUP
	Feed, seed and farm supplies.		SUP
	Flea markets, temporary or seasonal.		SUP
	Food processing and storage, but not the slaughter of animals.		SUP
	Food processing and storage in a residence.		SUP
	Gift shops, antique shops.		SUP
	Golf courses and country clubs.		SUP
	Greenhouses, commercial.		SUP
	Home occupations, as defined herein.	P	

	Horse and pony farms of less than 50 animals (including the raising and keeping of horses), riding stables.	P	
	Horse and pony farms with 50 or more animals.		SUP
	Horse show areas, polo fields.		SUP
	Hospitals.		SUP
	Hotels and motels.		SUP
	House museums.	P	
	Hunting clubs.		SUP
	Kennels.		SUP
	Medical clinics or offices.		SUP
	Nurseries.	P	

	Nursing homes and facilities for the residence and/or care of the aged.		SUP
	Off-street parking as required by <u>section 24-54</u> .	P	
	Photography, artist and sculptor studios.		SUP
	Photography sales and arts and crafts shops.		SUP

	Railroad facilities including tracks, bridges, switching yards and stations. However, spur lines, which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways, and track and safety improvements in existing railroad right-of-ways, are permitted generally and shall not require a special use permit.		SUP
	Rental of rooms to a maximum of three rooms.		SUP
	Restaurants, taverns.		SUP
	Rest homes for fewer than 15 adults.	P	

	Rest homes for 15 or more adults.		SUP
	Retail shops associated with community recreation facilities.		SUP
	Retreat facilities		SUP
	Sanitary landfills in accordance with <u>section 24-40</u> , waste disposal or publicly owned solid waste container sites.		SUP
	Slaughter of animals for personal use, but not for commercial purposes.	P	
	Tourist homes.		SUP
	Veterinary hospitals.		SUP

	Wayside stands for sale of agricultural products over 500 square feet in area.		SUP
	Wayside stands for seasonal sale of agricultural products, limited in area to 500 square feet.	P	
	Yacht clubs and marinas and commercial and service facilities accessory thereto.		SUP
Agricultural Uses	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	

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

	General agriculture, dairying, forestry, general farming and specialized farming, excluding the raising of hogs, but not commercial livestock or poultry operations which require a special use permit in the General Agricultural District, A-1.	P	
	Petroleum storage on a farm as an accessory use and not for resale.	P	
	Raising of hogs.		SUP
	Storage and repair of heavy equipment as accessory use to a farm.	P	

	Wineries, as herein defined, including a shop for retail sale of wine, but not including other commercial accessory uses.	P	
Civic Uses	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Fire stations or rescue squad stations, volunteer or otherwise.		SUP
	Neighborhood Resource Centers.		SUP
	Places of public assembly used primarily as an event facility in accordance with <u>section 24-48</u> .	P	

	Places of public assembly used primarily as an event facility not in accordance with <u>section 24-48</u> .		SUP
	Places of public assembly.		SUP
	Post offices and public buildings generally.		SUP
	Schools, libraries, museums and similar institutions.		SUP
	Seminaries.		SUP
Utility Uses	Communications facilities (public or private) in compliance with article II, division 6 of this chapter.		SUP
	Communications facilities (public or private) in compliance with article II, division 6 of this chapter.	P	

	Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more.		SUP
	Radio and television stations or towers.		SUP
	Telephone exchanges and telephone switching stations.		SUP

	Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, over 35 feet in height.		SUP
	Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, private extensions or connections to existing pipelines, which are intended to serve an individual residential or		SUP

	commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.		
	Utility substations.		SUP
	Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the		SUP

following are permitted generally and shall not require a special use permit:

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

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

	Water impoundments, new or expansion of, less than 20 acres and with dam heights of less than 15 feet.	P	
	Water impoundments, new or expansion of, 20 acres or more or with dam heights of 15 feet or more.		SUP
	Wireless communications facilities that utilize alternative mounting structures and comply with division 6, Wireless Communications Facilities.	P	

Open Uses	Preserves and conservation areas for protection of natural features and wildlife.	P	
	Timbering in accordance with <u>section 24-43</u> .	P	
Industrial Uses	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	

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

(Ord. No. 31A-88, § 20-36, 4-8-85; Ord. No. 31A-99, 10-6-86; Ord. No. 31A-114, 5-1-89; Ord. No. 31A-122, 6-18-90; Ord. No. 31A-131, 6-3-91; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-167, 3-26-96; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-202, 12-21-99; Ord. No. 31A-259, 1-10-12; Ord. No. 31A-293, 8-12-14; Ord. No. 31A-319, 11-8-16; Ord. No. 31A-336, 8-8-17; Ord. No. 31A-348, 7-14-20)

Sec. 24-349. - Reserved.

Editor's note— Ord. No. 31A-336 adopted August 8, 2017, repealed § 24-349. Former § 24-349 pertained to uses permitted by special use permit only and derived from Ord. No. 31A-88, adopted April 8, 1985; Ord. No. 31A-104, adopted October 5, 1987; Ord. No. 31A-110, adopted September 12 1988; Ord. No. 31A-114, adopted May 1, 1989; Ord. No. 31A-122, adopted June 18, 1990; Ord. No. 31A-131, adopted June 3, 1991; Ord. No. 31A-145, adopted July 6, 1992; Ord. No. 31A-153, adopted November 1, 1993; Ord. No. 31A-176, adopted May 26, 1998; Ord. No. 31A-202, adopted December 21, 1999; Ord. No. 31A-208, adopted August 13, 2002; Ord. No. 31A-220, adopted October 11, 2005; Ord. No. 31A-242, adopted July 14, 2009; Ord. No. 31A-259, adopted January 10, 2012; Ord. No. 31A-293, adopted August 12, 2004; Ord. No. 31A-319, adopted November 8, 2016.

Sec. 24-350. - Area requirements.

Minimum lot size. The minimum lot size shall be three acres.

(Ord. No. 31A-88, § 20-37, 4-8-85; Ord. No. 31A-99, 10-6-86; Ord. No. 31A-202, 12-21-99)

Sec. 24-351. - Setback requirements.

Structures shall be located a minimum of 35 feet from any street right-of-way which is 50 feet or greater in width. Where the street right-of-way is less than 50 feet in width, structures shall be located a minimum of 60 feet from the centerline of the street. This shall be known as the "setback line," except that the following shall apply:

- (1) Where 40 percent or more of frontage on one side of street within the same block is improved with buildings, no building shall project beyond the average front yard so established.
- (2) No building shall be required to have a front yard greater than that of one of two existing buildings on the immediately adjoining lots on each side, whichever is the farthest removed from the street.
- (3) All subdivisions platted and recorded prior to March 1, 1969, with building setback lines shown on their recorded plat, will be allowed to adhere to these established setback lines.

(Ord. No. 31A-88, § 20-38, 4-8-85; Ord. No. 31A-202, 12-21-99)

Sec. 24-352. - Minimum lot width.

- (a) Lots of up to 43,560 square feet shall have a minimum width at the setback line of 100 feet.
- (b) Lots of 43,560 square feet or more shall have a minimum width at the setback line of 150 feet.

(Ord. No. 31A-88, § 20-39, 4-8-85)

Sec. 24-353. - Yard regulations.

- (a) *Side.* The minimum side yard for each main structure shall be 15 feet. The minimum side yard for accessory structures shall be five feet, except that accessory buildings exceeding one story shall have a minimum side yard of 15 feet.
- (b) *Rear.* Each main structure shall have a rear yard of 35 feet or more. The minimum rear yard for accessory structures shall be five feet, except that accessory buildings exceeding one story shall have a minimum rear

yard of 15 feet.

(Ord. No. 31A-88, § 20-40, 4-8-85)

Sec. 24-354. - Height limits.

Structures may be erected up to two stories and shall not exceed 35 feet in height from grade, except that:

- (1) The height limit for buildings may be increased to 45 feet and to three stories; provided, that the two side yards for the building are increased to a minimum of 15 feet plus one foot for each additional foot of the building's height over 35 feet.
- (2) A public or semipublic building such as a school, church or library may be erected to a height of 60 feet from grade, provided that the required front, rear and side yards shall be increased one foot for each foot in height above 35 feet.
- (3) Church spires, belfries, cupolas, monuments, water towers, athletic field lighting, chimneys, flues, flagpoles, home television antennas, home radio aerials, silos and other structures normally associated with and accessory to farming operations may be erected to a total height of 60 feet from grade. Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver for these structures to exceed 60 feet in height but not to exceed 100 feet, from grade to the top of the structure upon finding that:
 - a. Such structure will not obstruct light to adjacent property;
 - b. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
 - c. Such structure will not impair property values in the surrounding area;
 - d. Such structure is adequately designed and served from the standpoint of safety, and the county fire chief finds that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and
 - e. Such structure will not be contrary to the public health, safety and general welfare.
- (4) No accessory building which is within 15 feet of any lot line shall be more than one story high. All accessory buildings shall be less than the main building in height; provided, however, the height of an accessory building may exceed the height of the main building if the grade of the lot is such that the elevation of the main building exceeds the elevation of the accessory building. The elevation of the main building and accessory building shall be measured from the level of the curb or the established curb grade opposite the middle of the main building. In no case shall an accessory building be more than 45 feet in height; except that silos, barns and other structures normally associated with and accessory to farming operations are controlled by subsection (3) above and may exceed the height of the main structure and may exceed 45 feet in height.
- (5) Heights of communications facilities shall be permitted in accordance with division 6, communications facilities, antennas, towers and support structures.

(Ord. No. 31A-88, § 20-40.1, 4-8-85; Ord. No. 31A-114, 5-1-89; Ord. No. 31A-166, 1-23-96; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-215, 2-22-05; Ord. No. 31A-223, 4-11-06; Ord. No. 31A-232, 12-11-07; Ord. No. 31A-259, 1-10-12; Ord. No. 31A-319, 11-8-16)

Sec. 24-355. - Special provisions for corner lots.

- (a) For corner lots, the front of the lot shall be the shorter of the two sides fronting on streets.
- (b) No structures shall be located closer than 35 feet to the side street.
- (c) Each corner lot shall have a minimum width at the setback line of 125 feet or more.

(Ord. No. 31A-88, § 20-41, 4-8-85)

Sec. 24-356. - Sign regulations.

To assure an appearance and condition which is consistent with the purposes of the Rural Residential District, R-8, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in article II, division 3 of this chapter.

(Ord. No. 31A-88, § 20-41.1, 4-8-85; Ord. No. 31A-122, 6-18-90)

Sec. 24-357. - BMP requirements.

To assure an appearance and condition which is consistent with the purpose of the Rural Residential District, R-8, structural BMPs serving the properties within the district shall comply with the landscaping regulations in article II, division 4 of this chapter.

(Ord. No. 31A-202, 12-21-99)

Sec. 24-358. - Buffer requirements.

- (a) *Right-of-way buffer.* Within any major subdivision approved under this article, there shall be planned and maintained buffers along all external existing and planned arterial road rights-of-way, as follows:
 - (1) The minimum right-of-way buffer on Community Character Corridor roads as defined in the Comprehensive Plan shall be 150 feet, except when the average lot depth of the parent parcel is less than 600 feet. In those cases, the required buffer shall be at a depth of 25 percent of the average lot depth.
 - (2) The minimum right-of-way buffer on all non-Community Character Corridor roads shall be 75 feet, except when the average lot depth of the parent parcel is less than 300 feet. In those cases, the required buffer shall be at a depth of 25 percent of the average lot depth.
 - (3) If the buffer is non-wooded as defined for the purpose of this article as having no mature trees, then a minimum of two trees per 400 square feet of area shall be planted with a minimum 50 percent of said trees being evergreen. Otherwise, the buffer shall remain undisturbed or supplemented with additional plantings to achieve the planting ratio stated above.
- (b) *Perimeter buffers.* Within any major subdivision approved under this article, there shall be planned and maintained a perimeter buffer along the perimeter property lines of the development, except for areas adjacent to road rights-of-way. The minimum perimeter buffer shall be 35 feet. Landscaping guidelines for

perimeter buffers shall follow the requirements in section 24-94(a) of this chapter.

(c) *Waiver provisions.* In instances where properties have more than a 300-foot average depth and are located along a Community Character Corridor, or in all instances of perimeter buffers, the planning commission may reduce the buffer depth requirements of this section for residential developments when:

- (1) The development is less than five acres and a majority of the development=s units are dedicated to affordable housing; or
- (2) The developer demonstrates that due to natural or protected features, or due to adjoining physical features, a reduced buffer will screen the development as effectively as a full buffer; or
- (3) The developer demonstrates that the development will be adequately screened and buffered from the road using berms and landscaping. Such a request shall be supplemented with a landscaping plan and/or planting plan with photos of the existing site.

In no case shall the right-of-way buffer be reduced by a waiver provision to less than 75 feet. The perimeter buffer shall not be reduced by a waiver provision to less than 20 feet. The planning commission may also, in the event of granting a waiver, require additional landscaping as determined on a case by case basis.

(d) *Modifications to the landscape requirements.* The planning commission may modify, permit substitutions, or permit transfer of required landscaping in accordance with the provisions set forth in article II, division 4 of this chapter.

(e) *Requirements for buffers.* All required buffers shall be exclusive of lots, remain free of structures and parking, and remain undisturbed, except for additional plantings and selective clearing approved by the director of planning or his designee. Soil stockpiles and staging areas shall not be permitted within any buffer, except that temporary soil stockpiles may be allowed upon approval by the planning commission under the following circumstances:

- (1) The buffer in which the temporary stockpile is to occur is nonwooded, defined as having no mature trees.
- (2) The stockpile should not be visible from a Community Character Corridor or Community Character Area, unless the soil stockpiling is needed for approved berming in that buffer.
- (3) Stockpiles shall not exceed 35 feet in height.
- (4) Stockpiles shall be temporary, with a time limit of six months.
- (5) Once the use of the temporary soil stockpiles is completed, the ground must be adequately prepared for planting and revegetated in a manner that meets or exceeds the amount and quality of vegetation on the site previously.

(f) *Limitations on stormwater management facilities within buffers.* Wet ponds, dry detention basins, and other structural BMPs shall not generally be permitted in the buffers, except that the planning commission may approve them under the following circumstances:

- (1) The need is necessitated by site conditions rather than economic factors; and
- (2) The screening/buffering effect of the buffer has been retained by the design of the BMP and any degradation has been mitigated with additional plantings or berms as necessary.

(g) *Improvements allowed within buffers.* An entrance road, community and directional signage, bicycle and/or

pedestrian paths, and utility connections and drainage improvements shall be permitted within the buffer with approval of the planning commission. Permitted utilities and constructed drainage conveyance systems shall cross the buffer at or near a perpendicular angle to the property line, with clearing kept to a minimum necessary to accommodate the utilities, except that minor improvements to natural drainage channels may be permitted at different angle to the property line upon the recommendation of the environmental director and the approval of the planning commission.

- (h) *Roads within buffers.* Entrance roads through these buffers shall be built to the narrowest cross-section possible. Roads and open space shall be located and designed in a manner that minimizes views of structures within the development from the adjoining primary or secondary road as determined by the planning commission.

(Ord. No. 31A-202, 12-21-99)

Secs. 24-359—24-366. - Reserved.

DIVISION 2. - GENERAL AGRICULTURAL DISTRICT, A-1

Sec. 24-211. - Statement of intent.

The General Agricultural District, A-1, is intended for application to the rural areas of the county generally outside of the primary service area and where utilities and urban services generally do not exist and are not planned for the near future. The purpose of the district is to maintain a rural environment suitable for farming, forestry and low-density rural residence and at the same time to provide for certain recreational and public or semipublic and institutional uses which may require a spacious site and which, with proper conditions imposed, are compatible with rural surroundings. The district also serves to limit the scattering of commercial, industrial and urban residential uses into rural areas where such uses are not planned. The area regulations of the district are intended to provide a measure of flexibility in lot size and arrangement if coupled with a design review to ensure more careful use of the land.

(Ord. No. 31A-88, § 20-28, 4-8-85; Ord. No. 31A-114, 5-1-89)

Sec. 24-212. - Use list.

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory apartments, attached, in accordance with <u>section 24-32</u> .	P	
	Accessory apartment, detached, in accordance with <u>section 24-32</u> .		SUP
	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Group home or residential facility, for eight or fewer adults.	P	
	Group homes or residential facilities for nine or more adults.		SUP
	Group quarters for agricultural workers.		SUP

	Home care facilities.		SUP
	Manufactured homes that are on a permanent foundation.	P	
	Manufactured home parks in accordance with the special provisions of article IV.		SUP
	Single-family detached dwellings.	P	
	Two-family dwellings.		SUP
Commercial Uses	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Adult day care centers.		SUP
	Airports and landing fields, heliports or helistops and accessory uses.		SUP
	Animal hospitals, veterinary offices and kennels.		SUP
	Automobile graveyards.		SUP
	Automobile repair and service.		SUP
	Automobile service stations; if fuel is sold, then in accordance with <u>section 24-38</u> .		SUP
	Beauty and barber shops.		SUP
	Campgrounds.		SUP
	Cemeteries and memorial gardens, not accessory to a church or other place of worship.		SUP

	Commercial equipment repair accessory to a dwelling with no outdoor storage or operations and the use occupies a building not larger than 2,000 square feet.		SUP
	Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities except for facilities approved as part of a subdivision created pursuant to <u>section 24-214(c)</u> .		SUP
	Contractors' warehouses, sheds, and offices.		SUP
	Convenience stores; if fuel is sold, then in accordance with <u>section 24-38</u> .		SUP
	Day care and child care centers.		SUP
	Dinner theaters and dance halls as an accessory use to a restaurant or tavern.		SUP
	Farm equipment sales and service.		SUP
	Farmers' markets, limited in area to 2,500 square feet.	P	
	Farmers' markets over 2,500 square feet in area.		SUP
	Feed, seed and farm supplies.		SUP
	Flea markets, temporary or seasonal.		SUP
	Food processing and storage.		SUP
	Gift shops and antique shops.		SUP
	Golf courses and country clubs.		SUP
	Greenhouses, commercial.	P	

	Home occupations, as defined herein.	P	
	Horse and pony farms (including the raising and keeping of horses), riding stables.	P	
	Horse racing tracks.		SUP
	Horse show areas, polo fields.		SUP
	Hospitals and nursing homes.		SUP
	House museums.	P	
	Hunting preserve or club, rifle or pistol range, trap or skeet shooting.		SUP
	Lumber and building supply stores.		SUP
	Medical clinics.		SUP
	Nurseries.	P	
	Off-street parking as required by <u>section 24-54</u> .	P	
	Petroleum storage, other than on a farm for farm use or accessory for a residence.		SUP
	Professional offices of not more than 2,000 square feet with no more than one office per lot.		SUP
	Race tracks for animals or vehicles, including racing courses for power boats.		SUP

	Railroad facilities, including tracks, bridges, switching yards and stations. However, spur lines, which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways, and track and safety improvements in existing railroad right-of-ways, are permitted generally and shall not require a special use permit.		SUP
	Rental of rooms to a maximum of three rooms.		SUP
	Rest homes for fewer than 15 adults.	P	
	Rest homes for 15 or more adults.		SUP
	Restaurants, taverns.		SUP
	Retreat facilities.		SUP
	Retail sale and repair of lawn equipment with outdoor display area up to 2,500 square feet and repair limited to a fully enclosed building.		SUP
	Retail sales of plant and garden supplies.		SUP
	Retail shops associated with community recreation facilities.		SUP
	Sanitary landfills, in accordance with <u>section 24-40</u> , construction debris landfills, waste disposal or publicly owned solid waste container sites.		SUP
	Slaughter of animals for personal use but not for commercial purposes.	P	
	Slaughterhouses.		SUP
	Small-scale alcohol production.		SUP

	Tourist homes.		SUP
	Upholstery shops.		SUP
	Waterfront business activities: marine interests, such as boat docks, piers, yacht clubs, marinas and commercial and service facilities accessory thereto, docks and areas for the receipt, storage, and transshipment of waterborne commerce; seafood and shellfish receiving, packing and shipping plants; and recreational activities primarily conducted on or about a waterfront. All such uses shall be contiguous to a waterfront.		SUP
Agricultural Uses	Accessory buildings and structures.	P	
	Accessory uses, including agritourism activities, as defined in <u>section 24-2</u> .	P	
	Fish farming and aquaculture, but shall not include the processing of such products.	P	
	Food processing and storage, when it occurs in private homes per Code of Virginia § 3.2-5130 subdivisions A 3, 4, and 5.	P	
	General agriculture operation, production agriculture or silviculture activity, dairying, forestry, general farming, and specialized farming, including the keeping of horses, ponies and livestock, but not intensive agriculture as herein defined and not commercial slaughtering or processing of animals or poultry.	P	
	Limited farm brewery.	P	
	Limited farm distillery.	P	
	Intensive agriculture as herein defined.	P	

	Petroleum storage on a farm as an accessory use and not for resale.	P	
	Sale of agricultural or silvicultural products, or the sale of agricultural-related or silvicultural-related items incidental to the agricultural operation, including wayside stands.	P	
	Storage and repair of heavy equipment as an accessory use to a farm.	P	
	Wineries, as herein defined, including a shop for retail sale of wine, but not including other commercial accessory uses.	P	
	Wineries, with accessory commercial facilities.		SUP
Civic Uses	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Fire stations, rescue squad stations, volunteer or otherwise.		SUP
	Places of public assembly used primarily as an event facility in accordance with <u>section 24-48</u> .	P	
	Places of public assembly used primarily as an event facility not in accordance with <u>section 24-48</u> .		SUP
	Places of public assembly.		SUP
	Post offices and public buildings generally.		SUP
	Schools, libraries, museums and similar institutions, public or private.		SUP
	Seminaries.		SUP

Utility Uses	Communications facilities (public or private) in compliance with article II, division 6 of this chapter.		SUP
	Communications facilities (public or private) in compliance with article II, division 6 of this chapter.	P	
	Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.		SUP
	Telephone exchanges and telephone switching stations.		SUP
	Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, private extensions or connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.		SUP
	Utility substations.		SUP

	Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, private connections to existing mains, with no additional connections to be made to the line, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a subdivision or development, including pump stations,, are permitted generally and shall not require a special use permit.		SUP
	Water impoundments, new or expansion of, less than 20 acres and with dam heights of less than 15 feet.	P	
	Water impoundments, new or expansion of, 20 acres or more or with dam heights of 15 feet or more.		SUP
Open Uses	Preserves and conservation areas for protection of natural features and wildlife.	P	
	Timbering in accordance with <u>section 24-43</u> .	P	
Industrial Uses	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Excavation or filling, borrow pits, extraction, processing and removal of sand and gravel and stripping of top soil (but not farm pond construction, field leveling or stripping of sod for agricultural purposes and excavations in connection with development which has received subdivision or site plan approval, which do not require a special use permit.)		SUP

	Manufacture and sale of wood products.		SUP
	Solid waste transfer stations.		SUP
	Storage and repair of heavy equipment.		SUP
	Storage, stockpiling and distribution of sand, gravel and crushed stone.		SUP

Editor's note— Ord. No. 31A-296, adopted June 9, 2015, amended § 24-212 in its entirety to read as herein set out. Former § 24-212 pertained to use list. See the Code Comparative Table for complete derivation.

(Ord. No. 31A-312, 11-8-16; Ord. No. 31A-335, 8-8-17; Ord. No. 31A-348, 7-14-20)

Sec. 24-213. - Reserved.

Editor's note— Ord. No. 31A-296, adopted June 9, 2015, repealed § 24-213, which pertained to uses permitted by special use permit only. See the Code Comparative Table for complete derivation.

Sec. 24-214. - Area requirements.

- (a) *Minimum lot size.* The minimum lot size, except as otherwise specified herein, shall be:
 - (1) One acre for nonresidential uses;
 - (2) Three acres for single-family dwellings;
 - (3) A ratio of one acre of open land per seven horses, eight dairy cattle, 13 slaughter or feeder cattle, 33 swine, or 130 sheep shall be provided for each agricultural operation; and
 - (4) Twenty acres for intensive agriculture:
 - a. No more than 1,000 veal, cattle, horses or similar animals or 3,000 sheep, lambs, goats or similar animals or 7,500 swine or 50,000 turkeys or 100,000 chickens shall be confined at any one site.
- (b) *Minimum lot size for residential lots created after May 1, 1989.* No lot created under the area requirements of this section after May 1, 1989, the date of adoption of this section, unless created pursuant to paragraphs (c) or (d) below, shall be used for any residential dwelling unless the lot size is three acres or more. Provided, however, lots of less than six acres recorded or legally in existence prior to May 1, 1989, the date of adoption of this section, shall be permitted to be subdivided into two lots for single-family residential use so long as no lot size is less than two acres.
- (c) *Purpose of area requirements; conditions for subdivisions with approved special use permits.* It is the purpose of the area requirements in this district to discourage urban residential developments, but at the same time to encourage careful design of low-density residential subdivisions in order to make best use

of the land, reduce development costs and preserve natural amenities and open space. To this end, the minimum lot size may be reduced in subdivisions which are approved by special use permit in accord with the general standards of article I and the special standards of this district. Upon issuance of a special use permit, a subdivision may be approved with a minimum lot size of less than three acres; provided, that all of the following conditions are met:

- (1) The overall gross density of the subdivision shall not exceed one dwelling unit per two acres.
 - (2) There shall be at least three residential lots in the subdivision.
 - (3) No lot shall be less than one acre in area.
 - (4) The subdivision shall only be for single-family detached dwellings.
 - (5) All lots shall front on an approved public street created by the subdivision and no lot shall have direct access to a street not a part of the subdivision. This condition shall not apply to subdivisions of less than five lots.
 - (6) Provision shall be made in subdivision plats and lot conveyances to ensure that lot purchasers have adequate notice regarding limitations on resubdivision of parcels and no resubdivision or sale by any means shall be permitted which would in any way create a violation of this chapter.
 - (7) The general design standards of this section shall be complied with.
 - (8) The subdivision design shall provide good building sites and at the same time make best use of topography and minimize grading and destruction of natural vegetation.
 - (9) The subdivision design shall provide for protection of conservation areas as specified in the Comprehensive Plan or other sections of this chapter.
 - (10) No more than 30 percent of any lot shall be located in a floodplain area as defined in this chapter; provided, however, that up to 50 percent of the area of any lot may be covered by the waters of a lake, pond or canal planned and approved as a part of and wholly within the subdivision.
 - (11) Maintenance of any common open space shall be assigned to a homeowners' association or other approved entity.
 - (12) Lots shall be arranged and building sites shall be designated so as to promote harmonious relationships with the environment and existing public streets and roads; and to this end, the design shall employ such techniques as may be appropriate to a particular case, including location of lots of various sizes, location of building sites with respect to project boundary lines, location of open space and buffer areas and maintenance of vegetation. Unless the subdivision is less than five lots, all structures shall be located a minimum of 150 feet from all roads existing prior to the platting of the subdivision.
- (d) *Lot size for family subdivisions with special use permits.* Upon issuance of a special use permit, a family subdivision may be approved with a minimum lot size of less than three acres, provided no lot shall be less than one acre.
- (e) *Minimum lots sized for two-family dwellings.* Lots for two-family dwellings shall have a minimum area of five acres.
- (f) *Not applicable to lots in existence prior to May 1, 1989.* These minimum sizes shall not apply to lots of

less than three acres recorded or legally in existence prior to May 1, 1989, the date of adoption of this article. Such lots of less than three acres used for residential purposes shall be limited to one single-family residential use.

(Ord. No. 31A-88, § 20-30, 4-8-85; Ord. No. 31A-114, 5-1-89; Ord. No. 31A-165, 9-18-95)

Sec. 24-215. - Setback requirements.

- (a) Structures, except those associated with intensive agricultural uses, shall be located a minimum of 50 feet from any street right-of-way which is 50 feet or greater in width. If the street right-of-way is less than 50 feet in width, structures shall be located a minimum of 75 feet from the centerline of the street; except that where the minimum lot area is three acres or more, the minimum setback shall be 75 feet from any street right-of-way which is 50 feet or greater in width and 100 feet from the centerline of any street right-of-way less than 50 feet in width. Devices for nutrient management plans, pens, and structures associated with intensive agricultural uses shall be 250 feet from any dwelling not owned by the operator of the use, all property lines not associated with the use, all public roads, and 1,000 feet from platted residential subdivisions, residentially zoned districts, areas designated for residential use on the comprehensive plan, schools, parks and playgrounds, recreation areas, public wells, water tanks and reservoirs.
- (b) All subdivisions platted and recorded prior to March 1, 1969, with building setback lines shown on their recorded plat will be allowed to adhere to these established setback lines.

(Ord. No. 31A-88, § 20-31, 4-8-85; Ord. No. 31A-114, 5-1-89; Ord. No. 31A-165, 9-18-95; Ord. No. 31A-169, 5-28-96; Ord. No. 31A-257, 11-22-11)

Sec. 24-216. - Minimum lot width and frontage.

- (a) Lots of five acres or more shall have a minimum lot width at the setback line of 250 feet.
- (b) Lots of three acres or more but less than five acres shall have a minimum lot width at the setback line of 200 feet.
- (c) Lots of one acre or more but less than three acres shall have a minimum lot width at the setback line of 150 feet.
- (d) The minimum lot frontage abutting a public right-of-way shall be 25 feet.

(Ord. No. 31A-88, § 20-32, 4-8-85; Ord. No. 31A-114, 5-1-89)

Sec. 24-217. - Yard regulations.

- (a) *Side.* The minimum side yard for each main structure shall be 15 feet. The minimum side yard for accessory structures shall be five feet, except that accessory buildings exceeding one story shall have a minimum side yard of 15 feet.
- (b) *Rear.* Each main structure shall have a rear yard of 35 feet or more. The minimum rear yard for accessory structures shall be five feet, except that accessory buildings exceeding one story shall have a minimum rear yard of 15 feet.

Sec. 24-218. - Height limits.

Structures may be erected up to two stories and shall not exceed 35 feet in height from grade, except that:

- (1) The height limit for buildings may be increased to 45 feet and to three stories; provided, that the two side yards for the building are increased to a minimum of 15 feet plus one foot for each additional foot of the building's height over 35 feet.
- (2) Church spires, belfries, cupolas, monuments, water towers, athletic field lighting, chimneys, flues, flagpoles, home television antennas, home radio aerials, silos and other structures normally associated with and accessory to farming operations may be erected to a total height of 60 feet from grade.

Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver for these structures to exceed 60 feet in height but not to exceed 100 feet, from grade to the top of the structure, upon finding that:

- a. Such structure will not obstruct light to adjacent property;
 - b. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
 - c. Such structure will not impair property values in the surrounding area;
 - d. Such structure is adequately designed and served from the standpoint of safety, and the county fire chief finds that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and
 - e. Such structure will not be contrary to the public health, safety and general welfare.
- (3) No accessory building which is within 15 feet of any lot line shall be more than one story high. All accessory buildings shall not be more than 45 feet in height; except that silos, barns and other structures normally associated with and accessory to farming operations are controlled by subsection (2) above and may exceed 45 feet in height.
 - (4) Heights of communications facilities shall be permitted in accordance with division 6, communications facilities, antennas, towers and support structures.

(Ord. No. 31A-88, § 20-33, 4-8-85; Ord. No. 31A-114, 5-1-89; Ord. No. 31A-166, 1-23-96; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-223, 4-11-06; Ord. No. 31A-232, 12-11-07; Ord. No. 31A-259, 1-10-12; Ord. No. 31A-312, 11-8-16)

Sec. 24-219. - Special provisions for corner lots.

- (a) For corner lots, the front of the lot shall be the shorter of the two sides fronting on streets.
- (b) No structures shall be located closer than 50 feet to the side street.

(c) Each corner lot shall have a minimum width at the setback line of 150 feet or more.

(Ord. No. 31A-88, § 20-34, 4-8-85; Ord. No. 31A- 114, 5-1-89)

Sec. 24-220. - Sign regulations.

To assure an appearance and condition which is consistent with the purposes of the General Agricultural District, A-1, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in article II, division 3 of this chapter.

(Ord. No. 31A-88, § 20-34.1, 4-8-85)

Secs. 24-221—24-230. - Reserved.

Chapter 19 - SUBDIVISIONS

Footnotes:

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Cross reference— *Building regulations, Ch. 4; erosion and sedimentation control, Ch. 8; zoning, Ch. 24.*

State Law reference— *Land subdivision and development, Code of Va., § 15.2-2240 et seq.; local planning, Code of Va., § 15.2-2212 et seq.*

ARTICLE I. - GENERAL PROVISIONS

Sec. 19-1. - Short title.

This chapter shall be known and may be cited as the "Subdivision Ordinance of James City County, Virginia," or simply as the "Subdivision Ordinance."

(Ord. No. 30A-15, 1-9-89)

Sec. 19-2. - Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter.

Agent. The James City County planning director or his designee.

Alternative on-site sewage disposal system. A treatment works that is not a conventional on-site sewage disposal system and does not result in a point source discharge.

Approved. The word "approved" shall be considered to be followed by the words "or disapproved," when the sense so requires.

Block. Land containing lots which are bounded by streets or a combination of conservation areas, streets, public parks, cemeteries, railroads, rights-of-way, shorelines or boundaries of the county.

Brownfield site. Real property wherein the expansion, redevelopment, or reuse may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

Central water system. A water system in which all connections in the subdivision are served by one or more water sources through a common distribution system owned and operated by the James City Service Authority. Central water system shall include all structures, hydrants, property, equipment and appurtenances used in the production, storage and distribution of water.

Commission. The James City County Planning Commission.

Common open space. A parcel of land, an area of water, or a combination of land and water within a site designed and intended primarily for the use or enjoyment of residents, occupants, and owners within that development in which ownership is held in common with other owners of that development.

Conventional on-site sewage disposal system. A treatment works consisting of one or more septic tanks with gravity, pumped, or siphoned conveyance to a gravity distributed subsurface drainfield.

County attorney. The James City County attorney or his designee.

Cul-de-sac. A street with only one outlet having a circular turn-around for a safe and convenient reverse traffic movement.

Development review committee. An administrative subcommittee of the commission charged with reviewing major subdivisions, conceptual plans, appeals of agent decisions, and exceptions to this chapter and making recommendations to the commission.

Division of building safety and permits. The James City County director of building safety and permits or his designee.

Dwelling. Any structure, or portion thereof, which is designed for use for residential purposes, except hotels, motels, boardinghouses, lodging houses, tourist cabins, time-share units, motor lodges, tents, travel trailers, recreational vehicles and similar accommodations. Dwellings may include the following types:

1. Single-family detached. A detached structure arranged or designed to be occupied by one family, the structure having only one dwelling unit.
2. Multi-family. A building or structure including, but not limited to, townhouses, duplexes, and triplexes that are arranged or designed to be occupied by more than one family living in separate dwelling units with separate cooking, toilet facilities, and entrances.
3. Apartments. A building or structure arranged or designed to be occupied by three or more families living in separate dwelling units but sharing the entrance to the building.

Easement. A right granted by a property owner permitting a designated part or interest of the property to be used by others for a specific use or purpose.

Engineering and resource protection division. The director of the James City County engineering and resource protection division or his designee.

Fire chief. The James City County fire chief or his designee.

Governing body. The James City County board of supervisors.

Health department. The Commonwealth of Virginia Department of Health or an authorized official, agent or employee thereof.

Highly erodible soils. Soils (excluding vegetation) with an erodibility index (EI) from sheet and rill erosion equal to or greater than eight. The erodibility index for any soil is defined by the Universal Soil Loss Equation as the product of the formula $RKLS-T$ where K is the soil susceptibility to water erosion in the surface layer; R is the rainfall and runoff; LS is the combined effects of slope length and steepness; and T is the soil loss tolerance.

Highly permeable soils. Soils with a given potential to transmit water through the soil profile. Highly permeable soils are identified as any soil having a permeability equal to or greater than six inches of water movement per hour in any part of the soil profile to a depth of 72 inches (permeability groups "rapid" and "very rapid") as found in the "National Soil Survey Handbook" of November 1996, as amended, in the "Field Office Technical Guide" of the U.S. Department of Agricultural Natural Resources Conservation Service.

Hydric soils. Soils that are saturated, flooded or ponded long enough during the growing season to support wetland vegetation.

Impervious cover. A surface composed of any material that significantly impedes or prevents infiltration of water into the soil. Impervious surfaces include, but are not limited to: roofs, buildings, streets, parking areas, and any concrete, asphalt, or compacted gravel surface.

Improvements. All public and quasipublic utilities and facilities including, but not limited to, streets, sanitary sewers, waterlines, stormwater management and erosion control facilities, electrical service, monuments, signs, sidewalks and streetlights required by this chapter.

Lot. A parcel of land occupied or to be occupied by a main structure or group of main structures and accessory structures, together with such yards, open space, lot width, and lot areas as are required by Chapter 24, Zoning, either shown on a plat of record or considered as a unit of property and described by metes and bounds. A lot is synonymous with parcel or tract.

Lot, corner. A lot abutting on two or more streets at their intersection. Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets.

Lot, double frontage. An interior lot having frontage on two streets.

Lot, flag. A lot where a majority of the parcel does not abut a public right-of-way, but that achieves access to the public road by a narrow section of land not less than 25 feet in width.

Lot frontage. The measurement of a lot along a street right-of-way from one side lot line to the other.

Lot, interior. Any lot other than a corner lot.

Lot of record. A lot, a plat or description of which has been recorded in the clerk's office of the circuit court.

Lot width. The horizontal distance between side lot lines measured at the setback line.

Monument. An iron pipe a minimum of 3/4 inches in diameter with a 24 inch length or a 5/8 inches in diameter reinforcing bar with a 24 inch length driven three inches to nine inches below the surface of the adjacent ground or an alternate type as approved by the agent.

Plat. A map or plan for a tract or parcel of land meeting the requirements of this chapter which is to be or which has been subdivided. When used as a verb, "plat" is synonymous with "subdivide."

Property. A unit or units of land of such size and dimensions that it may be subdivided into two or more lots.

Public sewer. A sewer system owned and operated by a municipality, county, service authority or the Hampton Roads Sanitation District Commission, approved by the governing body, licensed by the State Corporation Commission if required by law, and approved by the health department and State Water Control Board where appropriate.

Public water. A water system owned and operated by a municipality, county or service authority, approved by the governing body, licensed by the State Corporation Commission if required by law, and approved by the health department.

Right-of-way. The total width of land dedicated or reserved for public or restricted travel, including pavement, ditches, drainage facilities, curbing, gutters, pipes, sidewalks, shoulders and land necessary for the maintenance thereof. The right-of-way may contain public or private utilities.

Road, future or planned future right-of-way. Any road or similar transportation facility as shown on an approved plan of development or master plan or designated on the Comprehensive Plan, Six-Year Primary or Secondary Road Plan, Hampton Roads Long Range Transportation Plan or any road plan adopted by the board of supervisors.

Runoff. Precipitation which enters downstream waterways or properties.

Service authority. The James City Service Authority.

Service authority manager. The manager of the James City Service Authority or his designee.

Service authority regulations. The James City Service Authority Regulations Governing Utility Service.

Setback line. A line showing the closest point from a property line that a dwelling or principal structure may be constructed consistent with the zoning ordinance.

Soil absorption systems. On-site sewage disposal systems which utilize the soil to provide final treatment and disposal of effluent from a septic tank in a manner that does not result in a point-source discharge and does not create a nuisance, health hazard or ground or surface water pollution.

Street. An existing or platted right-of-way dedicated for the use of the general public, or portions thereof, either accepted by the transportation department or approved as a private transportation system under the zoning ordinance. A street shall provide access to property by vehicular and pedestrian traffic for all purposes of travel transportation or parking to which it is adopted and devoted. This term is synonymous with road, lane, drive, avenue, right-of-way, highway, or any other thoroughfare.

Street functional classification. Streets shall be functionally classified as follows:

1. Interstate: A highway that is part of the nationwide U.S. Interstate Highway System connecting or involving different states.
2. Expressway and freeway: A roadway designated exclusively for unrestricted movement of traffic. Access is only with selected arterial streets by means of interchanges.
3. Arterial streets (principal, minor): Streets and roads which function within a regional network conveying traffic between major activity centers. The purpose of such streets is to carry relatively large volumes of traffic at higher speeds, and not to serve abutting lots except indirectly through intersecting streets. The arterial classification is further subdivided into "principal arterial" and "minor arterial" based on traffic volumes.
4. Collector streets (major, minor): Streets designed to conduct and distribute traffic between streets of lower order and streets of higher order linking major activity centers. The collector classification is further divided into "major collector" and "minor collector."
5. Local or access streets: Streets designed to carry low to moderate volumes of traffic, at low operating speeds. The primary function of these streets is to provide access to individual lots, typically within a residential subdivision.

The functional classification status of a specific road shall be determined by the agent after consulting with the transportation department.

Subdivide. The division of property into two or more lots.

Subdivider. An individual, corporation, partnership or other entity owning any property to be subdivided.

Transportation department. The Commonwealth of Virginia Department of Transportation or an authorized official, agent or employee thereof.

Yard. The space which lies between the lot line and the nearest point of a structure. The minimum yard required is defined for each zoning district.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-30, 4-13-04; Ord. No. 30A-35, 5-27-08; Ord. No. 30A-39, 7-26-11; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-42, 8-13-13)

Sec. 19-3. - Compliance with chapter mandatory.

- (a) No person shall subdivide land without making and recording a plat of subdivision and fully complying with the provisions of this chapter.
- (b) No plat of any subdivision shall be recorded unless and until it shall have been submitted to and approved by the agent.
- (c) No person shall sell or transfer any land of a subdivision before such plat has been duly approved and recorded as provided herein unless such subdivision was lawfully created prior to the adoption of a subdivision ordinance applicable thereto; provided, that nothing herein contained shall be construed as preventing the recordation of the instrument by which such land is transferred or the passage of title as between the parties to the instrument.
- (d) No clerk of any court shall file or record a plat of a subdivision required by this chapter until such plat has been approved by the agent as required herein.
- (e) The requirements of this chapter shall be considered separate from, and supplementary to, any requirements otherwise specified by this Code or by state or federal law. Nothing contained herein shall excuse compliance with other applicable ordinances or laws. Where local requirements are in conflict with mandatory state or federal requirements, the state or federal requirements shall prevail.

(Ord. No. 30A-15, 1-9-89)

Sec. 19-4. - Penalties.

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating the provisions of this chapter shall be subject to a fine of not more than \$500.00 for each lot or parcel of land so subdivided or transferred or sold. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt any transaction from such penalties or from other remedies.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99)

State Law reference— Code of Va., § 15.2-2254

Sec. 19-5. - Administration and enforcement of chapter.

The agent is hereby delegated to administer and enforce the provisions of this chapter. The agent shall be considered the agent of the governing body. Notwithstanding an appeal as provided for in section 19-8, approval or disapproval by the agent shall constitute approval or disapproval as though it were given by the governing body. The agent may consult

with the commission on matters contained herein and may call for written opinions or decisions from other county departments, the transportation department, and the health department in considering details of any submitted plat.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99)

State Law reference— State law governing land subdivision and development, Code of Va., § 15.2-2240 et seq.

Sec. 19-6. - Effect of private contracts.

This chapter bears no relation to any private easement, covenant, agreement or restriction, and the responsibility of enforcing such private easement, covenant, agreement or restriction is not implied herein to any public official. When this chapter calls for more restrictive standards than are required by private contract, the provisions of this chapter shall control.

(Ord. No. 30A-15, 1-9-89)

Sec. 19-7. - Changes, erasures and revisions.

No change, erasure or revision shall be made on any preliminary or final plat, nor on accompanying data sheets, after the agent has approved in writing the plat or sheets, unless authorization for such changes has been granted in writing by the agent.

(Ord. No. 30A- 15, 1-9-89)

Sec. 19-8. - Subdivider may appeal from disapproval of plat.

In the event a plat for subdivision is disapproved by the agent or commission, the subdivider may appeal to the governing body. The governing body may override the recommendation of the agent or commission and approve said plat. No appeal shall be made unless it is filed in writing with the clerk of the governing body within 30 days of disapproval by the agent or commission.

(Ord. No. 30A-15, 1-9-89)

Sec. 19-9. - Plan and plat preparation-by whom prepared.

Each subdivision plan and plat shall be prepared by an individual duly qualified as set forth in title 54.1 of the Code of Virginia.

(Ord. No. 30A-15,1-9-89; Ord. No. 30A-27, 12-15-99)

Sec. 19-10. - How chapter may be amended.

This chapter may be amended in whole or in part by the governing body. Any such amendment shall either originate with or be submitted to the commission for recommendation prior to adoption. If no recommendation is received from the commission after 60 days from submission, the governing body may act without a recommendation. No such amendment shall be adopted without a public hearing having been held by the governing body.

(Ord. No. 30A-15, 1-9-89)

State Law reference— For state law as to amendments to county subdivision ordinances, see Code of Va., § 15.2-2253; required filing of amendments, Code of Va., § 15.2-2252.

Sec. 19-11. - Resubdivision same as subdivision.

Any change in a recorded subdivision plat that modifies, creates or adjusts lot lines shall be approved in the same manner and under the same requirements as a new subdivision. This section applies to any subdivision plat of record, whether or not recorded prior to the adoption of a subdivision ordinance. Where a street, alley, easement for public passage or other public area laid out or described in such plat is affected, the plat shall be vacated pursuant to section 19-12 prior to resubdivision.

(Ord. No. 30A-15, 1-9-89)

Sec. 19-12. - Vacation of recorded plat.

Any recorded plat, or part thereof, may be vacated by the governing body pursuant to Code of Va., § 15.2-2271 through § 15.2-2276, as amended or Code of Va., § 15.2-2006 through § 15.2-2008, as amended, as applicable.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-43, 3-8-16)

Sec. 19-13. - Construction and severability of provisions.

This chapter shall be liberally construed so as to effectuate its purposes. If any clause, sentence, paragraph, section or subsection of this chapter shall be adjudged by any court of competent jurisdiction to be invalid for any reason, including a declaration that it is contrary to the constitution of the Commonwealth or of the United States, or if the application thereof to any government, agency, person or circumstance is held invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, section or subsection hereof, or the specific application hereof, directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity of any other clause, sentence, paragraph, section or subsection hereof, or affect the validity of the application thereof to any other government, agency, person or circumstance.

(Ord. No. 30A-15, 1-9-89)

Sec. 19-14. - Private streets declaration.

If approved streets in a subdivision are not to be constructed to meet the standards necessary for inclusion in the secondary system of state highways, or are not to be dedicated to the transportation department, the subdivision plat and all deeds conveying lots in the subdivision shall contain a statement advising that the streets in the subdivision shall not be maintained by the transportation department or the county, and where applicable, do not meet state design standards.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-15. - Fees.

Fees shall be charged to offset the cost of reviewing plats and plans, making inspections and other expenses incident to the administration of this chapter. The following fees shall be charged and collected as provided below or as set forth in County Code Appendix A—Fee Schedule for Development Related Permits.

- (1) *Fees waived.* Payment of any permit set forth in County Code Appendix A—Fee Schedule for Development Related Permits shall be waived for the county, any entity created solely by the county and those regional entities to which the county is a party provided that: (i) the other parties to the regional entity similarly waive fees; and (ii) the regional entity has locations in more than one locality.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-20, 5-6-91; Ord. No. 30A-25, 6-25-96; Ord. No. 30A-27, 12-15-99; Ord. No. 30-28, 5-14-02; Ord. No. 30A-29, 4-22-03; Ord. No. 30A-32, 10-26-04; Ord. No. 30A-34, 4-24-07; Ord. No. 30A-35, 5-27-08; Ord. No. 30A-40, 8-9-11; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-42, 8-13-13; Ord. No. 30A-47, 6-12-18)

Sec. 19-16. - Saving provision.

The adoption of this chapter shall not abate any pending action, liability or penalty of any person accruing or about to accrue, nor waive any right of the county under any provision in effect prior to the adoption of this chapter, unless expressly provided for in this chapter. Any subdivision plan which has received preliminary approval prior to the adoption of this chapter and for which a final plat is recorded within one year from the date of preliminary approval shall have vested rights under the ordinance in effect at the date of preliminary approval. Failure to record a plat within one year shall render the preliminary approval null and void.

(Ord. No. 30A-15, 1-9-89)

Sec. 19-17. - Special provisions for family subdivisions.

In the Rural Residential, R-8, and General Agricultural, A-1 districts, a single division of a lot or parcel is permitted for the purpose of sale or gift to a member of the immediate family of the property owner. For the purposes of this section, a member of the immediate family is defined as any person who is a natural or legally defined offspring, 18 years of age or older or an emancipated minor under Virginia Code section 16.1-331 et seq., or parent of the owner. Such subdivision shall be subject only to the following provisions:

- (1) The property owner shall have owned the lot or parcel for a period of not less than five years prior to the application for a family subdivision. The property owner shall provide evidence of ownership satisfactory to the county attorney's office with the subdivision application.
- (2) Only one such division shall be allowed per family member and shall not be made for the purpose of circumventing this chapter. Lots created under this section shall be titled in the name of the immediate family member for whom the subdivision is made for a period of no less than three years unless such lots are subject to an involuntary transfer such as foreclosure, death, judicial sale, condemnation or bankruptcy.
- (3) The minimum width, yard and area requirements of all lots, including the remaining property from which the lot is subdivided, shall be in accordance with the zoning ordinance. Land proposed for subdivision shall be suitable for platting in accordance with section 19-32.
- (4) For property not served with public water and public sewer, each lot shall have its on-site sewage disposal

system and water source approved by the health department and shall be shown on the subdivision plat.

- (5) Each lot or parcel of property shall front on a road which is part of the transportation department system of primary or secondary highways or shall front upon a private drive or road which is in a right-of-way or easement of not less than 20 feet in width. Such right-of-way shall remain private and shall include a driveway within it consisting of, at a minimum, an all-weather surface of rock, stone or gravel, with a minimum depth of three inches and a minimum width of ten feet. The right-of-way shall be maintained by the adjacent property owners in a condition passable at all times. The provision of an all-weather drive shall be guaranteed in accordance with section 19-74. An erosion and sediment control plan with appropriate surety shall be submitted for approval if the proposed right-of-way and drive construction disturbs more than 2,500 square feet.
- (6) The corners of all lots created by family subdivisions shall be marked with iron pipes as provided for in section 19-35.
- (7) A final subdivision plan shall be submitted to the agent for approval as provided in section 19-29 of this chapter along with an affidavit describing the purposes of the subdivision and identifying the members of the immediate family receiving the lots created. Any plan submitted shall be subject to the fee set forth in section 19-15.
- (8) The above requirements shall be set forth in a subdivision agreement approved by the county attorney and recorded in the circuit court clerk's office for the City of Williamsburg and County of James City.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-19, 2-4-91; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-42, 8-13-13)

Sec. 19-18. - Exceptions.

The commission may grant an exception to any requirement of the chapter, subject to the following:

- (1) No such exception shall be granted unless the subdivider petitions the commission in writing. The petition should be submitted with the initial submission of the subdivision plan and shall state fully the grounds for the exception and all the facts relied upon by the subdivider. The agent may require such additional information as he may deem necessary to process the request for the exception.
- (2) The agent shall provide written notification of the exception request to all adjacent property owners. The notification shall adhere to the following requirements:
 - (a) Such notice shall specifically describe the exception requested and the date, time and location of the development review committee meeting first considering such request; and
 - (b) Such notice shall be mailed by the agent at least ten days before the development review committee meeting; and
 - (c) Evidence that such notice was sent by first class mail to the last known address as shown on the current real estate tax assessment book shall be deemed adequate compliance.
- (3) The burden shall be on the subdivider to demonstrate the need for an exception.
- (4) The commission shall not approve any exception unless it first receives a recommendation from the development review committee and unless it finds that:
 - (a) Strict adherence to the ordinance requirement will cause substantial injustice or hardship;

- (b) The granting of the exception will not be detrimental to public safety, health, or welfare, and will not adversely affect the property of others;
 - (c) The facts upon which the request is based are unique to the property and are not applicable generally to other property so as not to make reasonably practicable the formulation of general regulations to be adopted as an amendment to this chapter;
 - (d) No objection to the exception has been received in writing from the transportation department, health department, or fire chief; and
 - (e) The hardship or injustice is created by the unusual character of the property, including dimensions and topography, or by other extraordinary situation or condition of such property. Personal, financial, or self-inflicted hardship or injustice shall not be considered proper justification for an exception.
- (5) The commission in authorizing an exception may impose such reasonable conditions in addition to the regulations of this chapter as it may deem necessary in the public interest. The commission may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.
- (6) If granted, such exception shall be specifically stated in writing together with the supporting justifications and filed with the subdivision plan or such plat or plans deemed necessary by the agent. A note shall be prominently placed on the record plat detailing any exception so granted.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

ARTICLE II. - PROCEDURES AND DOCUMENTS TO BE FILED

Sec. 19-19. - Preapplication conference and submission of conceptual plan.

- (a) Before submittal of any preliminary or final subdivision plan, the applicant is advised to confer with the subdivision agent and such other agencies of the state and county as the agent deems advisable concerning the proposed subdivision.
- (b) Prior to the submission of any major subdivision plan, the applicant or his representative is advised to submit three copies of a conceptual plan for review by the planning director, or his designee; such action does not constitute the submission of a preliminary plan and is not to be construed as an application for approval in computing time limitations in relation thereto. The planning division shall transmit comments to the applicant within 21 calendar days of submittal of a conceptual plan which meets all applicable submittal criteria.
- (c) The conceptual plan may be granted conceptual plan approval with conditions that should be satisfied prior to final plan approval by the zoning administrator; such action does not constitute final subdivision approval or preliminary plan approval.
- (d) Conceptual plans shall, at a minimum, identify or contain:
 - (1) property lines, project title, title block, legend, north arrow and graphic scale, zoning and zoning of surrounding properties
 - (2) vicinity and location maps and site address
 - (3) county tax parcel identification number, site boundary and parcel site information
 - (4) building location and orientation, location of buildings on adjacent properties, building and landscape

- setbacks, buffers such as resource protection areas (RPA) and community character corridors (CCC)
- (5) entrances/exits/access to the site (vehicular, pedestrian, greenway, etc.) and location of nearby roads
 - (6) greenway connections (on-site and those adjacent to the subject property)
 - (7) narrative description of the proposed use of site
 - (8) location of stormwater management facilities
 - (9) recorded easements (conservation, utility, rights-of-way, etc.)
 - (10) unique natural/visual features (viewsheds, water features, wetlands, etc.)
 - (11) unique natural/visual features to be preserved (mature or specimen trees, known archaeological sites, etc.)
 - (12) list of currently binding proffers or special use permit conditions
 - (13) location of entry signs
 - (14) existing topography of site using county base mapping (five foot contour) or other mapping sources or surveys
- (e) If the planning director determines that one or more of the above submittal requirements is not applicable to the proposed project, the planning director may waive those requirements.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-26, 5-11-99; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-51, 3-12-19)

Sec. 19-20. - Overall plan.

For multiphased subdivisions which are not subject to a binding master plan approved in accordance with article I of the zoning ordinance, the subdivider shall submit to the agent an overall plan for all phases of the proposed subdivision as part of the first preliminary plan submittal. The purpose of such an overall plan is to permit the agent to advise the subdivider whether his plans are generally in accordance with the requirements of this chapter. The commission, upon submission of any overall plan, may study it and advise the subdivider where it appears that changes are appropriate. The agent may mark the overall plan indicating appropriate changes. The subdivider shall return such overall plan to the agent with each preliminary plan. The overall plan shall, at a minimum, show the name, location and dimensions of all streets entering the property, adjacent to the property or terminating at the boundary of the property to be subdivided. It shall also show the location of all proposed streets, their functional classification (e.g., arterial, collector, etc.) and any future extensions, lots, development phases, parks, playgrounds and other proposed uses of the land to be subdivided and their approximate dimensions and a conceptual layout of the water and sewer systems. The overall plan is not binding on the subdivider or the governing body. Review of an overall plan does not constitute final subdivision approval or preliminary plan approval. For multiphased subdivisions reviewed under this section, review of an overall plan does not, in any way, guarantee approval of future subdivision phases.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-21. - Classification of subdivisions.

Parcels of land existing as of January 1, 1989, shall be considered and known as "parent parcels."

- (a) *Minor subdivision.* A minor subdivision shall be any division of a parent parcel into not more than five parcels abutting an existing public road within the transportation department system and which does not create a

new street or extend an existing street.

- (1) Any contiguous or internal property owned by the same subdivider, or deemed by the agent as a logical part of a contiguous or internal subdivision, cannot be subdivided into greater than five parcels without being reviewed as, and meeting the requirements of, a major subdivision. Any such subdivisions of a parent parcel shall not exceed a total of nine parcels, including the parent parcel.
- (2) Family subdivisions as allowed by section 19-17 shall not count toward this five parcel total. A preliminary or final plan shall include only those submittal requirements of this chapter and requirements for design and minimum requirements required by article III deemed necessary by the agent.
- (b) *Major subdivision.* A major subdivision shall be any division of a parent parcel into six or more parcels or any division which creates a new street or extends any existing street. However, where additional lots are being created for the sole purpose of permanent open space or for the purpose of being dedicated to a conservation organization, as evidenced by documentation acceptable to the planning director, the subdivision may be reviewed as, and meet the requirements of, a minor subdivision.
- (c) *Multifamily subdivision.* A multifamily subdivision shall be a division of a tract of land into lots for multifamily units as shown on an approved site plan pursuant to the zoning ordinance. A preliminary or final plan shall include only those requirements for design and minimum improvements required by article III of this chapter deemed necessary by the agent.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-22. - Procedure for review of minor subdivisions or multifamily subdivisions.

- (a) The subdivider shall submit to the agent one reproducible copy plus eight prints of a final plan for a minor or multifamily subdivision. If a preliminary plan is submitted, the number of copies of the preliminary plans required shall be determined by the agent. Upon submittal, the subdivider shall pay the appropriate subdivision plan review fee.
- (b) Upon meeting all submittal requirements, the plan shall be reviewed by the agent and other agencies of the county and state as deemed necessary by the agent. The agent shall transmit county staff review comments to the subdivider within 45 days. Eight copies of a revised plan shall be submitted to the agent who shall within 30 days review the second submittal of plans for compliance with applicable county regulations, the requirements for final approval and any conditions of the preliminary approval. The agent shall review each subsequent submittal of revised plans within 21 days. The agent shall within 90 days approve or deny the subdivision plan and notify the subdivider of the action in writing. If a final plan is approved, such approval shall be in accordance with section 19-30. The agent shall certify such approval by signing the record plat. If a preliminary plan is approved, the agent shall include in the notification of preliminary approval all conditions required for final approval. If disapproved, the agent shall state in the notification to the subdivider the specific reasons for denial. The reasons for denial shall identify deficiencies in the plan which cause the disapproval by reference to specific duly adopted ordinances, regulations or policies, and shall generally identify such modifications or corrections as will permit approval of the plan.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-16, 11-6-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-37, 6-22-10; Ord. No. 30A-41, 12-11-12)

Sec. 19-23. - Procedure for preliminary plan review for major subdivisions.

- (a) The subdivider shall submit to the agent 12 copies of the preliminary subdivision plan for a major subdivision and pay the appropriate subdivision plan review fee.
- (b) Upon meeting all submittal requirements, the plan shall be reviewed by the agent and other agencies of the county and state as deemed necessary by the agent. The agent shall prepare a composite report on the proposed subdivision to determine if it meets the requirements of this chapter and the zoning ordinance. The report shall include review requirements by other agencies. The preliminary plan and the agent's composite report shall be reviewed by the commission. In order for subdivision plans to be considered by the commission at one of its regularly scheduled monthly meetings, such plans shall be received by the planning division at least five weeks in advance of the respective commission meeting.
- (c) The commission shall consider the plan and either grant preliminary approval or disapprove it within 90 days of submittal. The plan may be granted preliminary approval with conditions. The agent shall notify the applicant of the commission's findings in writing within seven days of the commission meeting. Such notice shall state any actions, changes, conditions or additional information that shall be required to secure final approval of the subdivision. If disapproved, the notice shall state the specific reasons for disapproval. The reasons for denial shall identify deficiencies in the plan which cause the disapproval by reference to specific duly adopted ordinances, regulations or policies, and shall generally identify such modifications or corrections as will permit approval of the plan.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-16, 11-6-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-37, 6-22-10; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-44, 7-26-16)

Sec. 19-24. - Procedure for preliminary plan review for major subdivisions of fewer than fifty lots.

Major subdivisions of fewer than 50 lots, including such major subdivisions that are part of a multiphased subdivision of 50 lots or more, may, at the agent's discretion, be reviewed under the procedures set forth in section 19-22.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-16, 11-6-89; Ord. No. 30A-26, 5-11-99; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-25. - Effect of approval of preliminary plan.

Approval by the commission or the agent of the preliminary plan shall not constitute a guarantee of approval by the agent of the final plat.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99)

Sec. 19-26. - Term of validity for the preliminary plan and extension.

- (a) Once a preliminary subdivision plan is approved, it shall be valid for a period of five years, provided the subdivider (i) submits a final subdivision plat for all or a portion of the property within one year of such approval, and (ii) thereafter diligently pursues approval of the final subdivision plat. "Diligent pursuit of approval" means that the subdivider has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications thereto. However, no sooner than three years following such

preliminary subdivision plan approval, and upon 90 days written notice by certified mail to the subdivider, the commission or agent may revoke such approval upon a specific finding of facts that the subdivider has not diligently pursued approval of the final subdivision plat.

- (b) If a subdivider records a final plat, which may be a section of a subdivision as shown on an approved preliminary plan, and furnishes to the county a certified check, cash escrow, bond, or letter of credit in an amount and form acceptable to the county for the estimated cost of construction of the facilities to be dedicated within said section for public use and maintained by the locality, the commonwealth or other public agency, the developer shall have the right to record the remaining sections shown on the preliminary plan for a period of five years from the date of the latest recorded plat of subdivision for the property. The five-year period of validity shall extend from the date of the latest recorded plat. Such right shall be subject to the terms and conditions of the Code of Virginia and subject to engineering and construction standards and the zoning ordinance requirements in effect at the time that each remaining section is recorded.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-18, 1-22-91; Ord. No. 30A-36, 1-12-10)

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

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

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

calculations shall be submitted with a design report with computations and drainage map to verify the design of the drainage system including the adequacy of the channel receiving drainage from the proposed subdivision.

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

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

- (f) A stormwater management plan showing proposed stormwater management facilities including best management practices (BMPs) in accordance with chapters 8, 18A and 23 of the county code, and associated checklists. Such plan shall include construction details for all parts of the stormwater and drainage system, including pipe bedding and backfill.
- (g) An erosion and sediment narrative and control plan showing the location, type and details of proposed erosion and sediment control devices to be used during and after construction. The plan shall meet all requirements of the erosion and sediment control ordinance and associated checklists and shall be provided at a scale of 50 feet to the inch except in cases where the engineering and resource protection director approves an alternate scale. The plan shall show existing and proposed contours at intervals of no more than two feet except in cases where the engineering and resource protection director approves an alternative interval.
- (h) Cross-sections showing the proposed street construction, depth and type of base, type of surface, compaction, shoulders, curbs and gutters, sidewalks, bikeways, utilities, side ditches and other features of the proposed streets.
- (i) Street profiles showing the proposed grades for the streets and drainage facilities, including elevations of existing and proposed ground surface at all street intersections and at points of major grade change along the centerline of streets, together with proposed connecting grade lines and vertical curve information.
- (j) Size and location of existing sanitary sewer and water facilities; location and method of proposed connections to existing sewer and water facilities; size and location of proposed sewer and water facilities showing location of proposed water meters, gate valves, fire hydrants, fittings, manholes, sewer laterals and cleanouts; grinder pump locations; profile views of water and sewer mains with manhole rim and invert elevations and percent of slope; sewage pump station location, design and details; and water well facility location, design and details. A capacity study of the existing system, in accordance with service authority regulations, may be required. All improvements shall be in accordance with the latest service authority Water and Sanitary Sewer Design and Acceptance Criteria Standards and Specifications.
- (k) As provided for in Code of Va., §§ 10.1-606.2 et seq., when any part of the land proposed for subdivision lies in a mapped dam break inundation zone, such fact shall be set forth on the plan of the proposed subdivision.
- (l) As provided for in the Code of Va., § 15.2-2242, the agent may request submittal of a phase I environmental site assessment, where the proposed subdivision is located on a brownfield site, or where initial assessments indicate dumping or other contaminating activities have occurred on the property.

- (m) A phased clearing plan in accordance with section 24-89 of the zoning ordinance.
- (n) An outdoor lighting plan in accordance with section 24-130 of the zoning ordinance (these requirements do not apply to lighting on single family lots).
- (o) The following environmental information about the site proposed for development including:
 - (1) All existing easements, disturbed area, impervious cover, and percent impervious estimate;
 - (2) Flood zone designation, Resource Protection Areas (RPAs), soils (highly erodible, hydric, permeable, hydrologic soils group A and B);
 - (3) Full environmental inventory consistent with section 23-10(2) of the county's Chesapeake Bay Preservation ordinance (perennial stream assessment, delineated wetlands, limits of work);
 - (4) Demonstration that the project complies with section 23-9(b)(1), (2), and (3) of the county's Chesapeake Bay Preservation ordinance (how disturbance is being minimized, indigenous vegetation preserved, and impervious cover minimized);
 - (5) County watershed, steep slopes (grade 25 percent or more), sites known for populations of rare or threatened species, locations of existing conservation easements, wooded areas and wildlife habitat; and
 - (6) Description of better site design or low impact development techniques if such is being used.
- (p) For proposed minor subdivisions, a copy of the plat showing the parent parcel to assist in verifying the requirements listed in section 19-21.
- (q) For proposed major subdivisions and multifamily subdivisions, a landscape plan showing street trees per section 19-73.1, and any applicable requirements of article II, division 4 of the zoning ordinance.
- (r) A phase I archaeological study for the area within the limits of disturbance (project area) in accordance with section 24-50 of the zoning ordinance. These requirements do not apply if one or more of the following criteria are met:
 - (1) The preliminary plan is for a minor subdivision as defined in section 19-24.
 - (2) The preliminary plan is for a family subdivision as defined in section 19-17.
 - (3) The preliminary plan is for property boundary line adjustments and/or extinguishments.
 - (4) A phase I archaeological study for the project area has been previously completed and no further study is recommended.
 - (5) The preliminary plan is for an amendment that proposes land disturbance of less than 2,500 square feet.
 - (6) The project area is subject to adopted proffers and/or SUP conditions that requires compliance with the archaeological policy.
- (s) A natural resource inventory for the area within the limits of disturbance (project area) in accordance with section 24-51 of the zoning ordinance. These requirements do not apply if one or more of the following criteria are met:
 - (1) The preliminary plan is for a minor subdivision as defined in section 19-24.
 - (2) The preliminary plan is for a family subdivision as defined in section 19-17.
 - (3) The preliminary plan is for property boundary line adjustments and/or extinguishments.

- (4) An approved natural resource inventory for the project area has been completed and either found no resources or a natural resource inventory recommendation has been appropriately addressed as determined by the director of planning.
- (5) The preliminary plan is for an amendment that proposes land disturbance of less than 2,500 square feet.
- (6) The Virginia Department of Conservation and Recreation (DCR), or other appropriate state agency, already determined, through a project review, that resources are not on site or would only be located in areas, such as RPAs, that are protected through other regulations.
- (7) The project area has been previously disturbed as evidenced by existing site features, historic aerial photography, or other documentation deemed sufficient by the director of planning; provided, however, for a site that has been previously disturbed, the director of planning shall consult with the Department of Conservation and Recreation (DCR) to determine if a natural heritage resource has been re-established on the site.
- (8) The project area is subject to adopted proffers and/or SUP conditions that requires compliance with the Natural Resource Policy.

- (t) If the director of planning determines that one or more of the above submittal requirements is not applicable to the proposed project, the director of planning may waive those requirements.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-16, 11-6-89; Ord. No. 30A-17, 2-5-90; Ord. No. 30A-22, 7-17-95; Ord. No. 30A-26, 5-11-99; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-49, 8-14-18; Ord. No. 30A-48, 6-12-18)

Sec. 19-28. - Preliminary plan-multifamily subdivisions.

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

- (a) The name of the subdivision, owner, subdivider and surveyor or engineer, the date of drawing, number of sheets, north arrow, tax parcel identification number, zoning, and graphic scale. The plan shall also list any proffers or special use permit conditions that affect the property.
- (b) Location of the proposed subdivision on an inset map at a scale of not less than one inch equals 2,000 feet, showing adjoining roads, their names and numbers, subdivisions and other landmarks.
- (c) A closed boundary survey, or existing survey of record, total acreage, acreage of subdivided area, existing buildings, existing graves, objects or structures marking a place of burial, names of owners and existing property lines within the boundaries of the tract and for adjacent properties thereto, proposed monuments, lots, lot numbers, lot areas, blocks, building setback and yard lines. If any exceptions have been granted by the planning commission in accordance with section 19-18, the plan shall include a note detailing any exception so granted.
- (d) All existing, platted and proposed streets, including their names, numbers and widths; existing and proposed utility, drainage or other easements, public areas and parking spaces; culverts, drains and watercourses, lakes, their names and other pertinent data. If the streets are to be private, the plan shall

include a private streets declaration in accordance with section 19-14.

(e) All parcels of land to be dedicated for public use and conditions of such dedication.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-16, 11-6-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-29. - Final plan-submittal requirements.

The final plan for a subdivision shall be on blue-line or black-line print. The scale shall be 100 feet to the inch except in cases where the agent approves an alternate scale. The size of the record plat portion of the final plan shall not be smaller than 8 ¹/₂ " x 11" or larger than 18" x 24" inches. If more than one sheet is used, sheets shall be numbered in sequence and an index shall be provided. In addition to the requirements of the preliminary plan, the final plan for a subdivision shall meet the requirements of 17VAC15-60 et seq. and shall include the following:

- (a) The accurate location and dimensions by bearings and distances, including all curve data, for all lots, and street lines and centerlines of streets. Distances and bearings shall balance and close with an accuracy of not less than one in 10,000 units.
- (b) The data of all curves along the street frontage shall be shown in detail at the curve or in a curve data table containing the following: delta, radius, arc, tangent, chord and chord bearings.
- (c) When the subdivision consists of land acquired from more than one source of title, the outlines of these tracts shall be indicated by dashed lines, and the identification of the respective tracts shall be shown on the plat.
- (d) A certification of each owner's consent duly acknowledged before a licensed notary public in the following format:

Owner's Certificate

The subdivision of land shown on this plat and known as (name of subdivision) is with the free consent and in accordance with the desire of the undersigned owners, proprietors and/or trustees.

Date

Signature

Name printed

Certificate of Notarization

Commonwealth of Virginia

City/County of _____

I, _____ (Print Name), a Notary Public in and for the City/County and State aforesaid, do hereby certify that the persons whose names are signed to the foregoing writing have acknowledged the same before me in the City/County aforesaid.

Given under my hand this _____ day of _____, (Year).

(Signature)

My commission expires: _____.

Notary registration number: _____.

- (e) Certificates signed by the surveyor or engineer setting forth the source of title of the owners of the land subdivided, the place of record of the last instrument in the chain of title, and that the subdivision

conforms to all requirements of the board of supervisors and ordinances of the County of James City, Virginia, in the following format:

Certificate of Source of Title

The property shown on this plat was conveyed by (previous owner) to (current owner) by (type of instrument), dated (date) and recorded in the Office of the Clerk of the Circuit Court of the County of James City in Deed Book (number), Page (number) or Instrument (number).

Engineer or Surveyor's Certificate

I hereby certify that, to the best of my knowledge or belief, this plat complies with all of the requirements of the Board of Supervisors and Ordinances of the County of James City, Virginia, regarding the platting of subdivisions within the county.

_____	_____
Date	Name

	Name printed

(f) Certificate of approval as follows:

Certificate of Approval

This subdivision is approved by the undersigned in accordance with existing subdivision regulations and may be admitted to record.

_____	_____
Date	Virginia Department of Transportation
_____	_____
Date	Virginia Department of Health
_____	_____
Date	Subdivision Agent of James City County

- (g) If the subdivided property contains wetlands and/or resource protection areas, there shall be a note on the plat which states the following:
- "Wetlands and land within resource protection areas shall remain in a natural undisturbed state except for those activities permitted by section 23-7 of the James City County Code."
- (h) If the subdivided property contains a natural open space easement, there shall be a note on the plat which states the following:
- "Natural open space easements shall remain in a natural undisturbed state except for those activities referenced on the deed of easement."
- (i) The plat shall include the following note:
- "Unless otherwise noted, all drainage easements designated on this plat shall remain private."
- (j) If the streets are to be private, the plat shall include a private streets declaration in accordance with section 19-14.
- (k) If any exceptions have been granted by the planning commission in accordance with section 19-18, the plat shall include a note detailing any exception so granted.
- (l) If the subdivided property requires on-site sewage disposal systems, the plat shall include the following note: "On-site sewage disposal system information and soils information should be verified and reevaluated by the Health Department prior to any new construction."

(m) If the subdivided property contains an on-site sewage disposal system, the plat shall include the following note:

"On-site sewage disposal systems shall be pumped out at least once every five years per section 23-9(b)(6) of the James City County Code."

(n) The plat shall include the following note:

"Monuments shall be set in accordance with sections 19-34 through 19-36 of the county code."

(o) As provided for in Code of Va., § 10.1-606.2, et seq., when any part of the land proposed for subdivision lies in a mapped dam break inundation zone, such fact shall be stated on the plat of the proposed subdivision.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-23, 7-17-95; Ord. No. 30A-27, 12-15-99; Ord. No. 30-33, 2-13-07; Ord. No. 30A-38, 10-12-10; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-45, 7-26-16)

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

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

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

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-50, 8-14-18)

Sec. 19-31. - Term of validity for the final plan.

The subdivider shall record the approved record plat in the clerk's office of the circuit court of the county within 180 days after approval thereof; otherwise, such approval shall become null and void.

(Ord. No. 30A-15, 1-9-89)

ARTICLE III. - REQUIREMENTS FOR DESIGN AND MINIMUM IMPROVEMENTS

Sec. 19-32. - Land must be suitable.

- (a) The agent shall not approve the subdivision of land if it is determined, after adequate investigations conducted by the transportation department, the health department or the engineering and resource protection director, that the site is not suitable for platting because of possible flooding, improper drainage, steep slopes, utility easements or other features harmful to the safety, health and general welfare of the public.
- (b) In determining the suitability of lots, the minimum criteria shall be for each lot to have an accessible building site that is in compliance with the requirements of the zoning ordinance, and with suitable access from an approved street as specified in sections 19-39 and 19-40.
- (c) Land not suitable within a proposed subdivision shall be platted for uses not endangered by periodic or occasional inundation and which otherwise shall not produce conditions contrary to public welfare or such land shall be combined with other suitable lots.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-39, 7-26-11; Ord. No. 30A-41, 12-11-12)

Sec. 19-33. - Location of utilities.

- (a) All utilities, including, but not limited to, wires, cables, pipes, conduits and appurtenant equipment for electricity, voice, video and data, gas, cable television or similar service, shall be placed underground; provided, that the following utilities shall be permitted above ground:
 - (1) Electric transmission lines and facilities in excess of 50 kilovolts;
 - (2) Equipment, including electric distribution transformers, switch gear, meter pedestals, telephone pedestals, outdoor lighting poles or standards, radio antenna and associated equipment, which is, under accepted utility practices, normally installed above ground;
 - (3) Meters, service connections and similar equipment normally attached to the outside wall of the customer's premises.
- (b) Whenever existing utilities are located aboveground in proposed subdivisions, they shall be removed and placed underground except where they are within ten feet of existing public street rights-of-way.
- (c) Where approved by the transportation department, with the exception of sewer laterals and water service lines, all utilities shall be placed within easements or street rights-of-way, unless otherwise required by the service authority.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-42, 8-13-13)

Sec. 19-34. - Locations and specifications for monuments.

- (a) Monuments shall be set at all street corners, at all points where the street line intersects the exterior boundaries of the subdivision, and at right-angle points and at the beginning and end points of curve along each street. Minimum requirements for monument material and installation shall be the same requirements contained in section 19-35 below. Alternate types of monuments may be used if approved by the agent prior to installation.
- (b) At least two new or existing monuments at exterior subdivision boundaries shall be referenced to the county geodetic control network. Control monuments other than those installed by James City County may be used with the approval of the agent and provided that the precision of other monuments used is at least equal to

that of James City County control monuments. Subdivision plats must show the coordinate values in U.S. survey feet of two or more monuments so referenced. Additionally, the geodetic control monument from which the coordinate values are derived shall be referenced including its published coordinate values.

- (c) This requirement shall apply to all subdivisions provided a county geodetic control monument exists within one mile of any exterior subdivision boundary. Surveys connecting to the James City County control monument network shall be conducted with a precision of 1:10,000. Surveyors may be required to submit coordinate value computations and supporting data to the agent.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-21, 5-6-91; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-35. - Lot corner monuments.

All lot corners shall be marked with an iron pipe monument not less than three-fourths inch in diameter and 24 inches long or a five-eighths inch in diameter reinforcing bar monument 24 inches long. The top of such monuments shall be driven three inches to nine inches below the surface of the ground. When rock is encountered, a hole shall be drilled four inches deep in the rock into which shall be cemented a steel rod one-half inch in diameter. The top of the rod shall be flush with the finished adjacent ground grade. Alternate types of monuments may be used if approved by the agent prior to installation.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-21, 5-6-91; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-36. - Monuments-general requirements.

The subdivider shall be responsible for replacing any monument that is damaged, disturbed or destroyed during construction. All monuments disturbed or destroyed shall be reset by a surveyor licensed in the Commonwealth of Virginia.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-21, 5-6-91; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-45, 7-26-16)

Sec. 19-37. - Easements.

Appropriate easements shall be provided by the subdivider. The easements shall be of sufficient width for the specified use, shall meet any applicable agency easement standards, and shall include the right of ingress and egress for installation and maintenance of such use. Wherever possible, easements should be adjacent and parallel to property lines. The agent may require that easements through adjoining property be provided.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-38. - Lot size.

The minimum lot size shall be in accordance with the zoning ordinance provided, however:

- (1) That where public water or public sewer systems or both such systems are not available, such minimum lot size may be increased by the agent in accordance with the recommendation of the health department;
and
- (2) Whenever there shall be plans in existence, approved by either the transportation department or by the

governing body, for the widening, extension, or construction of any street or highway, the commission may require additional setbacks and yards for any new construction or for any structures altered or remodeled adjacent to the future planned right-of-way in order to preserve and protect the planned future right-of-way for such proposed street or highway.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99)

Sec. 19-39. - Lot arrangements, design and shape.

The lot arrangement, design and shape shall be related to the topography such that each lot has:

- (1) An acceptable building site in compliance with the requirements of the zoning ordinance and applicable health regulations;
- (2) Suitable access to the building site from an approved street. In the case of flag lots, it must be possible to gain access to the building site through the portion of the flag that abuts the street in a manner that meets all applicable regulations. However, if the flag lot is located in a minor subdivision subject to the shared driveway provisions in section 19-71, the requirement of being able to gain access through the flag may be waived by the agent;
- (3) Unusually shaped or elongated lots, as determined by the agent, established primarily for the purpose of providing minimum square footage, or meeting minimum lot width, setback or yard requirements, shall not be permitted; and
- (4) Sidelines of lots shall be approximately at right angles or radial to the street line.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

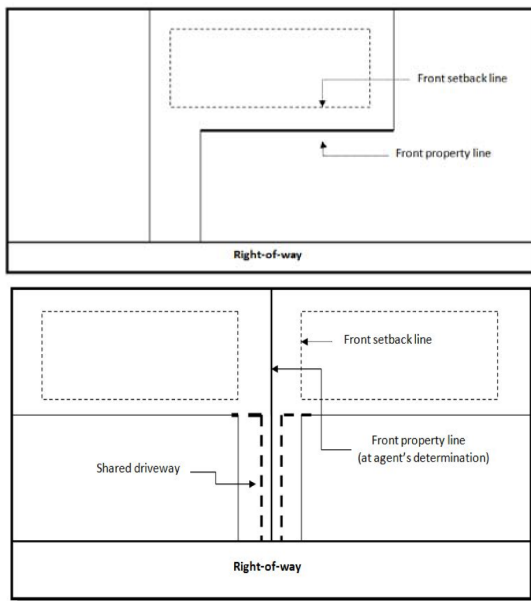
Sec. 19-40. - Lot access and frontage.

Each lot shall abut and have access to a proposed public street to be dedicated by the subdivision plat or to an existing publicly dedicated street. For flag lots, the minimum lot frontage abutting such public street right-of-way shall be 25 feet. In zoning districts which permit private streets and where such streets have been approved via the process specified in section 24-62 of the zoning ordinance, the access and minimum lot frontage requirements can be met through frontage on a private street. If the existing streets do not meet the minimum transportation department width requirement, including adequate right-of-way to accommodate the appropriate pavement width, drainage, sidewalks and bikeways, the subdivider shall dedicate adequate right-of-way necessary for the street to meet such minimum requirement.

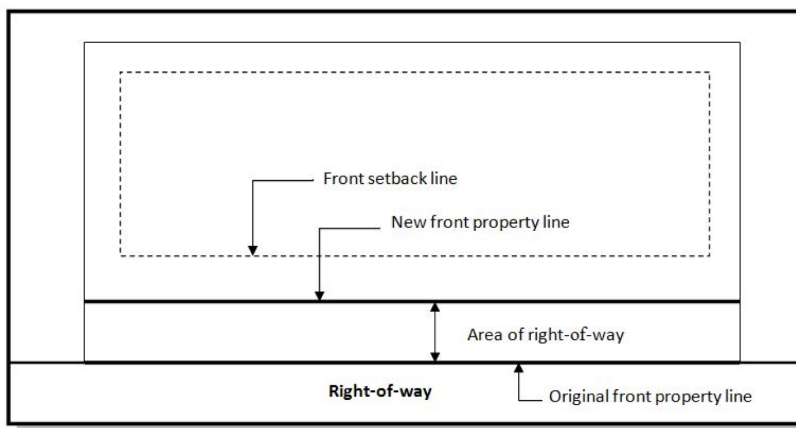
(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-42, 8-13-13)

Sec. 19-41. - Building setbacks and yards.

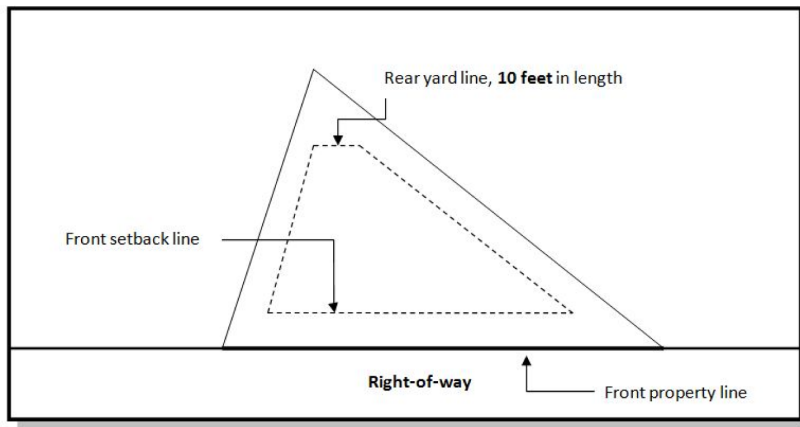
- (a) *Front setback.* The front setback line shall be a line parallel with the front property line at the minimum distance specified in the zoning district regulations and determined as follows:



- (1) For a flag lot, the front setback shall be measured from the front lot line, which is the lot line nearest and parallel or approximately parallel to the street to which the lot has access (see graphic). However, for lots within minor subdivisions that front on a shared driveway, the agent may determine that the front lot line is the lot line running parallel, or approximately parallel, to the shared driveway. In those instances the front setback line shall be measured accordingly (see graphic).
- (2) For a corner lot, the front property line of the lot shall be the shorter of the two sides fronting on streets, and the front setback line shall be measured accordingly.
- (3) In instances where right-of-way has been dedicated in accordance with section 19-42 of this chapter, the front setback line shall be measured from the new property line (i.e., the internal line of the dedicated area) (see graphic).



- (b) *Side and rear yard setbacks.* The front property line shall be used to determine the side and rear property lines. The minimum side and rear yard setback as specified in the zoning ordinance shall then be measured from these property lines. For rear yards where the lot is triangular or otherwise irregularly shaped, the yard setback shall be a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line (see graphic).



(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-41, 12-11-12)

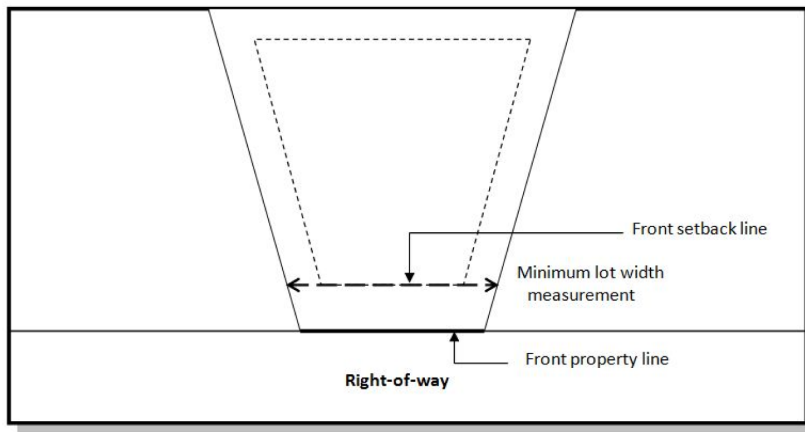
Sec. 19-42. - Street right-of-way dedication.

- (a) The subdivider of any major subdivision shall construct and dedicate a new public street to provide access to the lots. In zoning districts which permit private streets and where such streets have been approved by the process specified in section 24-62 of the zoning ordinance, the new street may be private.
- (b) In the case of lots fronting on an existing street right-of-way, if the existing street right-of-way is less than 50 feet in width, the subdivider shall dedicate half of the width necessary to result in a 50 foot right-of-way. In instances where the right-of-way is a prescriptive easement and the land is owned by the property owner to the street's centerline, the full area must be dedicated. In all other instances, the width dedicated shall be one half of the numerical difference between the existing width and 50 feet. Such area on the plat shall be indicated as dedicated to public use. This requirement may be waived or modified if an alternative minimum right-of-way width has been deemed appropriate by the agent.
- (c) In addition, whenever there are plans in existence, approved by either the transportation department or by the governing body, for the widening, extension or construction of any street or highway, the agent may require dedication of right-of-way sufficient to preserve and protect the planned future right-of-way for such proposed street or highway.
- (d) The area of the property dedicated as right-of-way shall not be counted toward meeting the minimum area requirements specified in the zoning districts.

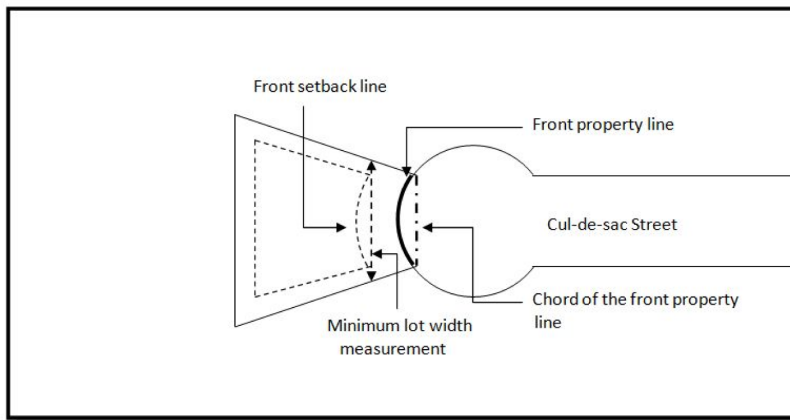
(Ord. No. 30A-41, 12-11-12)

Sec. 19-43. - Lot width.

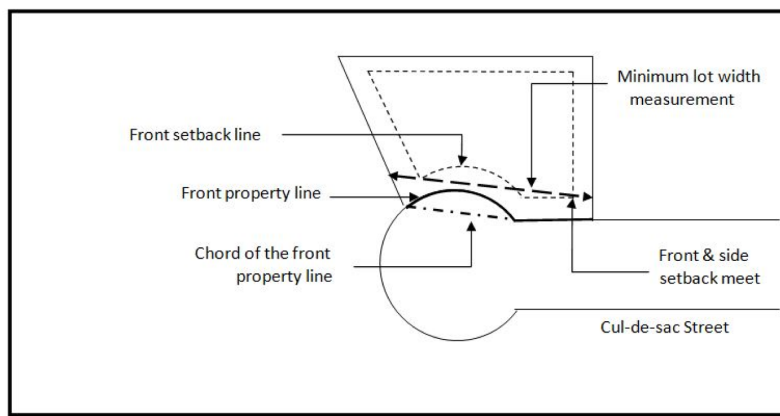
- (a) Where the front property line is straight, the lot width shall be measured as the distance between the side lot lines measured at the front setback line along a straight line parallel to the front property line (see graphic).



- (b) Where the front property line is an arc, the lot width shall be measured as the distance between the side lot lines measured at the front setback line along a straight line parallel to the chord of the front property line. For the purposes of meeting this requirement, "at the front setback line" shall mean that the line used to measure the width passes through at least one of the points formed by the meeting of the front setback line and the side setback line (see graphic).



- (c) In the case of irregular lots (front lot lines that contain arcs of opposing directions or both an arc and a straight segment), the lot width measurement method ((a) or (b) above) shall be based on the arc or straight segment that is of greatest length (see graphic).



- (d) Unusually shaped or elongated lots, as determined by the agent, that render reasonable measurement of the setbacks and minimum lot widths impossible, shall not be permitted.
- (e) Should the proposed lot fail to meet minimum lot width at the minimum front setback distance specified in

the zoning district regulations, the overall front setback distance may be increased to the point where the minimum lot width is met, if that is possible, provided that the resulting lot continues to meet all other setback and yard requirements and retains a suitable buildable area.

(Ord. No. 30A-41, 12-11-12)

Sec. 19-44. - Lot remnants.

Remnants of lots not meeting minimum lot requirements shall not generally be created by the subdividing of a tract. All such remnants shall be added to adjacent lots or, as approved by the agent, identified as common open space or natural open space.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-45. - Double frontage lots.

Double frontage lots shall not be permitted except where it is necessary that they abut existing streets with a functional classification other than local. Any access to such an existing street shall be prohibited by easement. This section shall apply to corner lots only if the lots abut such an existing street.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-41, 12-11-12)

Sec. 19-46. - Separate ownership of lots to be subdivided.

Where the land covered by a subdivision includes two or more parcels in separate ownership, and lot arrangement is such that a property line is extinguished in the subdivision, each lot so divided shall be transferred by deed to single ownership simultaneously with the recording of the final plat. Such a deed shall be recorded with the final plat.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-41, 12-11-12)

Sec. 19-47. - Lot frontage.

Lots within major subdivisions shall not front on existing streets other than streets which are part of a recorded subdivision or an extension thereof.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-41, 12-11-12)

Sec. 19-48. - Block length.

The length of blocks shall be determined by public safety, traffic flow and existing topographic conditions. Where streets are approximately parallel, connecting streets shall be provided. In addition, a minimum 50-foot right-of-way shall be platted to the property line at suitable intervals, as determined by the agent, where appropriate to afford access to undeveloped land. Such rights-of-way shall meet all applicable transportation department regulations.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-41, 12-11-12)

Sec. 19-49. - Block width.

Blocks shall be designed to consist of two tiers of lots. If such block design is prevented by topographical conditions, open space, buffers, size of the property, adjoining major streets, railroads or waterways, the agent may approve a single tier of lots.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-50. - Street alignment and layout.

- (a) Streets in new subdivisions shall be designed to coordinate with other existing or planned streets contiguous to or within the general area of the subdivision as to location, width, grades and drainage. All street intersections shall be in accordance with transportation department standards. Street intersection jogs, with centerline offsets of less than 200 feet, shall be prohibited.
- (b) Where streets are planned in multi-phased subdivisions, and when those streets are planned to be constructed in different phases, the following requirements shall apply:
 - (1) These rights-of-way shall be clearly marked on the plats and labeled "Future Public Street" or "Future Public Street Extension" as appropriate.
 - (2) The following notation shall be incorporated into any plat showing a stub or future street: "This right-of-way is platted with the intent of being extended and continued in order to provide ingress and egress to and from future subdivisions or adjacent property."

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-51. - Street construction standards.

- (a) Subdivision streets, unless otherwise specifically provided for in this chapter, shall be paved and dedicated for public use in the state system of primary or secondary highways. Streets shall have a right-of-way width in accordance with transportation department standards. Street construction plans shall be submitted to the transportation department for approval as part of the subdivision review process required by this chapter. Construction of subdivision streets, unless otherwise permitted by this chapter, shall be in conformance with transportation department standards and accepted into the state system of primary or secondary highways prior to release of the construction surety. Streets of the entire subdivision as depicted on the master plan shall be designed to fit into a street hierarchy separating streets into categories based on traffic levels in accordance with transportation department standards.
- (b) Any private street permitted shall be certified to the satisfaction of the director of community development, or his designee, as having been constructed in accordance with all ordinance requirements and approved plans. Until such time as the director of community development has accepted and approved such certification, surety required to guarantee the proper construction of such private streets shall not be released. Construction certification shall be in accordance with administrative guidelines for certification of private street construction.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-24, 1-23-96; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-42, 8-13-13; Ord. No. 30A-46, 10-11-16)

Sec. 19-52. - Street drainage.

- (a) All drainage conveyance systems and associated components shall comply with the James City County drainage c guidelines.
- (b) Streets with a longitudinal slope of less than 0.75 percent as shown on the profile sheet of the preliminary and final plan shall be constructed as curb and gutter streets or as open ditch streets with a concrete paved ditch. The minimum longitudinal slope for any street to be constructed with a paved ditch shall be 0.5 percent.
- (c) The minimum longitudinal slope for curb and gutter sections shall be 0.3 percent. If curb and gutter is proposed for any portion of a subdivision, it shall be required for all subsequent sections which extend a curb and gutter improved street.
- (d) Drainage from street rights-of-way must be contained in either a pipe system constructed of materials approved by the transportation department, when within a street right-of-way, or a concrete paved ditch to the point where it outfalls into a drainage system that is adequate to convey the anticipated stormwater flows. Adequacy shall be provided consistent with state minimum standards. The paved ditch must have a minimum longitudinal slope of 0.3 percent. The upstream invert of any outlet pipe shall be 0.5 feet higher than the downstream invert and have a minimum slope of 0.2 percent. The downstream invert of the pipes or ditches must be at or above natural, existing ground. Side slopes of ditches not located within a public street right-of-way shall not exceed a slope of 3:1. These requirements may be waived or modified by the engineering and resource protection director upon written request and justification by the owner or developer.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-39, 7-26-11; Ord. No. 30A-41, 12-11-12)

Sec. 19-53. - Pedestrian accommodations.

Pedestrian accommodations shall be required for all major subdivisions in accordance with section 24-35 of the zoning ordinance.

(Ord. No. 30A-17, 2-5-90; Ord. No. 30A-41, 12-11-12)

Sec. 19-54. - Cul-de-sac streets.

Cul-de-sac streets shall not exceed 1,000 feet in length. A cul-de-sac's length is measured from the center point of its turnaround, along the centerline of its right-of-way, to the centerline of the right-of-way of the nearest diverging or intersecting road. Each cul-de-sac shall be terminated by a turnaround meeting minimum transportation department and fire department standards.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-55. - Private streets.

There shall be no private streets permitted in any subdivision except where permitted by the zoning ordinance.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-41, 12-11-12)

Sec. 19-56. - Street and subdivision names.

- (a) Proposed streets which align with existing streets shall bear the names of the existing streets. Names of proposed streets or subdivisions shall not duplicate, irrespective of suffixes, or be similar in sound or spelling

to existing street or subdivision names in James City County, the City of Williamsburg, or the northern portions of York County, and the southern portions of New Kent County which may be served by the Williamsburg or James City County Post Office, by common zip code or by interjurisdictional emergency services.

- (b) Street names shall be indicated on the preliminary and final plat and shall be approved by the agent. Names of existing streets or subdivisions shall not be changed except by approval of the governing body.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-57. - Street signs.

Permanent street identification signs shall be installed at all intersections. The signs shall be of a design approved by the agent, but at a minimum, the sign face shall meet all the design requirements of the transportation department.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-58. - Public water.

If public water is available, it shall be extended to all lots within a subdivision including recreation lots. Availability of public water shall be determined in accordance with the service authority regulations governing utility service.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-41, 12-11-12)

Sec. 19-59. - Water facilities.

- (a) Major subdivisions inside the primary service area must connect to the service authority or Newport News Waterworks water system and the public sewer system.
- (b) If public water is not available, the subdivider of any major subdivision outside the primary service area shall construct a central water system including distribution lines, storage, treatment and supply facilities within the subdivision. Central water service shall be extended to all lots within a subdivision, including recreation lots. Upon completion and acceptance of the improvements, the water system, together with all necessary easements and rights-of-way, including the well lot, shall be dedicated to the service authority by deed and an accompanying plat.
- (c) The central water system requirement may be waived by the service authority manager. Such a waiver shall be requested in writing by the subdivider and approved prior to submission of preliminary plans. Any waiver may be subject to reasonable conditions which shall be communicated in writing to the agent and subdivider.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-41, 12-11-12)

Sec. 19-60. - Individual wells.

If public water is not available, each lot in a minor subdivision shall be served by an individual well. All individual wells shall be approved by the health department or the service authority prior to approval of the subdivision plat.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-41, 12-11-12)

Sec. 19-61. - Public sewer.

If public sewer is available, it shall be extended to all lots within the subdivision, including recreation lots. Availability shall be determined in accordance with the service authority regulations governing utility service.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-41, 12-11-12)

Sec. 19-62. - Individual sewer.

If public sewer is not available, each subdivision lot shall be served by individual on-site sewage disposal systems in accordance with the following:

- (1) Individual on-site sewage disposal systems for each lot must be approved by the health department and shall be a soil absorption system of conventional or alternative design.
- (2) The plans for such subdivisions shall include specific on-site sewage disposal system locations, including primary and reserve drainfields and soils information, as well as appropriate notation as required in section 19-29 (l) and (m). The immediate area in and around each proposed system must be shown using a contour interval not greater than two feet; the contour area shown outside the system should be sufficient to establish the relationship of the area to relevant topographic features such as, but not limited to, drainage ways, sink holes, road cuts, and steep slopes. The record plat shall clearly designate each lot which has been approved by a soil absorption system of alternate design and shall contain a note which clearly discloses that such alternate systems may entail additional expenses.
- (3) For the purpose of subdivision of new lots, the on-site sewage disposal system must meet health department regulations that enable the health department to approve the system in perpetuity through a certification letter. For these new proposed lots, the applicant shall obtain subdivision approval from the county prior to health department issuance of any construction permits.

Any proposed lots not suitable for the installation of on-site sewage disposal systems shall be combined with lots that are suitable.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-31, 4-13-04; Ord. No. 30A-41, 12-11-12)

Sec. 19-63. - Regulations governing utility service.

All subdividers shall comply with the service authority regulations governing utility service.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-41, 12-11-12)

Sec. 19-64. - Inspection of public water, sewer, and stormwater system.

- (a) Inspection of public water or sewer system installations shall be the responsibility of the service authority. Any subdivider of a subdivision shall obtain a certificate to construct sewer or water lines and facilities from the service authority prior to either extending existing facilities or building new facilities. Certificates to construct shall not be issued until the subdivider has paid the service authority inspection fees.
- (b) Inspection of public stormwater system installations shall be the responsibility of the county. Any subdivider of a subdivision shall obtain a certificate to construct stormwater system installations prior to either altering existing installations or building new installations. Surety provided in accordance with section 19-74 shall not be released until approved in accordance with section 19-74(b).

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-20, 5-6-91; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-32, 10-26-04; Ord. No. 30A-35, 5-27-08; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-42, 8-13-13)

Sec. 19-65. - Fire protection.

Fire hydrants shall be installed in subdivisions at locations designated by the fire chief and the service authority at the time of an extension or construction of a public water system.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-41, 12-11-12)

Sec. 19-66. - Streetlights.

- (a) The subdivider shall install streetlights as determined by the engineering and resource protection director and in accordance with article II, division 7 of the zoning ordinance and the streetlight standards policy, as approved by the governing body, in those subdivisions which require the construction of streets. The subdivider shall deposit with the agent one year's rent for the streetlight system prior to approval of the final plan. If the streets within the subdivision are not accepted by the transportation department prior to the end of the one-year billing period covered by the deposit, the subdivider shall compensate the county for any additional rental charges incurred prior to release of the subdivision surety.
- (b) Streetlights, in subdivisions with private streets, shall be installed by the subdivider as determined by the engineering and resource protection director and in accordance with article II, division 7 of the zoning ordinance and the streetlight standards policy, as approved by the governing body. Such streetlights shall be maintained and all operating expenses paid by the homeowners' association or other legal entity responsible for such expenses. The establishment of a homeowners' association or other legal entity shall be demonstrated to the satisfaction of the county attorney.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-39, 7-26-11; Ord. No. 30A-41, 12-11-12)

Sec. 19-67. - Off-site sewer, water, and drainage costs.

The subdivider shall be required to pay a pro rata share of the cost of providing reasonable and necessary sewer, water or drainage improvements located outside of the property limits of the land owned or controlled by him whenever the following conditions exist:

- (1) The county determines that such off-site improvements to sewer, water or drainage are necessitated at least in part by the construction or improvement of the subdivision.
 - (2) The county or other appropriate authority has established a general sewer, water or drainage improvement program for an area having related and common water, sewer and drainage conditions.
 - (3) The subdivider's property is located within said designated area covered by such program.
 - (4) The estimated cost of the total water, sewer or drainage improvement program has been determined.
 - (5) The estimated water flow, sewage flow or stormwater runoff has been established for the designated area served by such program.
- (b) The subdivider's share of the above-estimated cost of improvements shall be limited to the proportion of such estimated cost which the increased water and sewage flow or increased volume and velocity of stormwater

runoff to be actually caused by his subdivision bears to the total estimated volume and velocity of such water, sewage or runoff from such area in its fully developed state.

- (c) Such payment received by the county shall be expended only for construction of those facilities for which the payment was required, and until so expended shall be held in an interest-bearing account for the benefit of the subdivider; provided, however, that, in lieu of such payment, the county may permit the subdivider to post a bond with surety satisfactory to the county conditioned on payment at commencement of such construction.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-41, 12-11-12)

Sec. 19-68. - Off-site road improvements.

A subdivider may voluntarily contribute and the county may accept funds for off-site road improvements substantially generated and reasonably required by the construction or improvement of the subdivision.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-41, 12-11-12)

Sec. 19-69. - Dedication and reservation of land for public purposes.

- (a) A subdivider may be required to dedicate or reserve land in the following ways:
 - (1) Up to a maximum of five percent of the land subdivided for public purposes including, but not limited to, parks, playgrounds, well lots, schools, libraries, municipal buildings and similar public or semipublic uses;
 - (2) Whenever there shall be plans in existence, approved by either the transportation department or by the governing body, for the widening, extension or construction of any street or highway, the commission may require the dedication or reservation of necessary right-of-way, including right-of-way for turn lanes, drainage, sidewalks and bikeways, in order to preserve and protect the planned future right-of-way for such proposed street or highway.

The governing body shall not be required to compensate any owner for such land if the need for the land is substantially generated by the subdivision. No land shall be reserved in such manner that would render it unusable to the subdivider if not used for the intended public purpose. The subdivider may petition the governing body to release the reservation of any land so reserved if not used for a proper purpose within a reasonable time.

- (b) A subdivider that provides for the transfer of adequate and suitable land for parks and playgrounds to a subdivision homeowners' association or a subdivision recreation association shall not be required to dedicate additional land for parks and playgrounds.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-70. - Establishment of homeowners association.

Within any major subdivision approved under this article in which an area is intended to be used in common for recreation and/or conservation, or other public or semipublic purposes, or where other improvements have been made in which operation and/or maintenance is the responsibility of the homeowners, no lot shall be approved, recorded, sold,

or used within the development until appropriate documents in a form approved by the county attorney have been executed. Such documents shall set forth the following:

- a. The nature of the permanent organization under which common ownership is to be established, including its purpose, and provisions establishing requirements for mandatory membership;
- b. How it shall be governed and administered;
- c. The provisions made for permanent care and maintenance of the common property or improvements, including surety when required by the county;
- d. The method of assessing the individual property for its share of the cost of adequately administering, maintaining and replacing such common property; and
- e. The extent of common interest held by the owner of each individual parcel in the tract held in common with others.

(Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-42, 8-13-13)

Sec. 19-71. - Entrance feature review.

The developer shall submit plans for all residential subdivision identification signs, supporting structures, and entrance features to be reviewed with the preliminary subdivision plans under the requirements of article II, division 3 of the zoning ordinance.

(Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-72. - Stormwater management feature review.

Stormwater management features shall be screened in accordance with article II, division 4 of the zoning ordinance.

(Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-73. - Shared driveway requirements for minor subdivisions.

- (a) For all minor subdivisions of three or more lots, direct access from all lots to the existing road shall be limited to one shared driveway.

This requirement shall not apply to developed lots within a proposed minor subdivision. However, as long as there are three or more other lots that are undeveloped, this requirement shall apply to those lots. Upon the request of the subdivider, and after finding that such waiver would not adversely affect public health, safety or welfare, the agent may waive this requirement for subdivisions inside the primary service area which are along local roads, as defined.

- (b) Such driveway shall have a paved surface at least ten feet wide consisting of two inches of pavement over four to six inches of stone aggregate. In addition, the shared driveway must meet all applicable transportation department requirements for the portion of the driveway that ties into the public road. A detail depicting the driveway specifications shall be included on the subdivision plat. An erosion and sediment control plan and land disturbance permit may be required for the shared driveway, as determined by the engineering and resource protection director.

- (c) Such driveway shall be located within a shared access easement that is depicted on the subdivision plat.
- (d) No such subdivision shall be recorded until appropriate shared care and maintenance documents in a form approved by the county attorney have been executed. Such documents shall be recorded concurrently with the subdivision plat and shall set forth the following:
 - (1) The provisions made for permanent care and maintenance of the shared driveway and any associated easement, including surety when required by the county; and
 - (2) The method of assessing the individual property for its share of the cost of adequately administering, maintaining and replacing such shared driveway.

(Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-42, 8-13-13)

Section 19-73.1. - Street trees.

Street trees shall meet the following requirements:

- (a) In all major subdivisions, deciduous shade trees shall be planted as street trees along all rights-of-way within the subdivision. Such trees shall generally be located within a five-foot landscape preservation easement contiguous to such right-of-way. Where located within an easement, the subdividing landowner shall dedicate the easement together with a maintenance easement to the property owners' association or other entity approved by the agent and county attorney. Street trees may also be located within the right-of-way. When located within the right-of-way, the trees will need to meet any applicable Virginia Department of Transportation (VDOT) standards and maintenance provisions. Street trees should only be located within the right-of-way when topographic, utility or other constraints prohibit the landscape preservation easement from being located adjacent to the right-of-way.
- (b) The easement or right-of-way shall contain at a minimum, one tree planted approximately every 40 feet.
- (c) All trees planted to meet this requirement shall have a minimum caliper of one and one-half inch and conform to the provisions of section 24-94 of the zoning ordinance. Existing trees within the landscape preservation easement that are protected and preserved in accordance with the standards contained in the zoning ordinance may be used to satisfy the planting requirement.
- (d) All street trees shall be deciduous shade trees that are native species or street trees commonly planted in James City County and adaptive to the soils and climate of James City County. If an applicant wishes to substitute the required shade trees with an evergreen or ornamental tree, a landscape modification request form referenced in section 24-91 of the zoning ordinance may be submitted for consideration by the planning director.
- (e) Installation. Unless otherwise approved by the director of planning or his designee, plantings shall occur between September and February while the plant materials are dormant. Installation shall be guaranteed in accordance with article IV of this chapter.

(Ord. No. 30A-48, 6-12-18)

ARTICLE IV. - PERFORMANCE ASSURANCES

Sec. 19-74. - Installation of improvements and bonding.

- (a) Prior to approval of the final plat, all publicly or privately maintained and operated improvements which are required by this chapter shall be completed at the expense of the subdivider. Pending such actual completion, the subdivider may obtain final plat approval by providing for completion of the required improvements by entering into an agreement with the county and furnishing to the county a certified check, bond with surety satisfactory to the county, or a letter of credit in an amount to cover the cost of all the improvements required to be installed by the subdivider as estimated by the engineering and resource protection director. Such documents shall be submitted to the engineering and resource protection director. The form of the agreement and type of surety shall be to the satisfaction of and approved by the county attorney. The length of time in which the improvements are to be completed shall be determined by the engineering and resource protection director. If the improvements are not completed in a timely manner, the engineering and resource protection director shall proceed to complete the improvements by calling on the surety.
- (b) Upon written request by the subdivider, the engineering and resource protection director shall make periodic partial releases of surety in a cumulative amount equal to no less than 80 percent of the original amount of the surety based upon the percentage of facilities completed and approved by the county, service authority or state agency having jurisdiction. Periodic partial releases shall not occur before the completion of at least 30 percent of the facilities covered by any surety or after completion of more than 80 percent of said facilities. The engineering and resource protection director shall not be required to execute more than three periodic partial releases in any twelve-month period.
- (c) Within 30 days after receipt of written notice by the subdivider of completion of part or all of the facilities required to be constructed, the engineering and resource protection director shall notify the subdivider of any nonreceipt of approval by an applicable state agency, or of any specified defects or deficiencies in construction and suggested corrective measures. "Written notice" shall consist of a letter from the subdivider to the engineering and resource protection director requesting reduction or release of the surety along with a set of as-built plans, if required, and a certificate of completion by a duly licensed engineer.
- (d) If no action is taken by the engineering and resource protection director within the thirty-day period, the request shall be deemed approved and a partial release granted to the subdivider. No final release shall be granted until after expiration of such thirty-day period and there is an additional request in writing sent by certified mail to the county administrator. The engineering and resource protection director shall act within ten working days of receipt of this request. If no action is taken, the request shall be deemed approved and final release granted to the subdivider.
- (e) Upon final completion of said facilities, the engineering and resource protection director shall release any remaining surety to the subdivider. For the purposes of final release, completion shall be deemed to mean either:
 - (1) Acceptance of the public facility for operation and maintenance by the state agency, county government department or agency or other public authority which is responsible for maintaining and operating such facility upon acceptance. This process only applies to those agencies that operate and maintain the applicable systems.
 - (2) Review and approval of the facility's as-builts and construction certifications as required, and acceptable resolution of any field-related deficiencies as determined by the engineering and resource protection

director.

- (f) In instances of multifamily or apartment development that will not involve subdivision of land, required public improvements shall be guaranteed in accordance with section 24-8 and 24-42 of the zoning ordinance. In addition, in instances of conditions attached to a rezoning or amendment to a zoning map, improvements required by the conditions shall be guaranteed in a public improvement bond in accordance with section 24-17 of the zoning ordinance.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-39, 7-26-11; Ord. No. 30A-41, 12-11-12)

ITEM SUMMARY

DATE: 9/7/2022

TO: The Planning Commission

FROM: Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: Planning Director's Report - September 2022

ATTACHMENTS:

	Description	Type
📎	Memorandum	Cover Memo
📎	Spreadsheet Listing New Cases Received	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	8/31/2022 - 8:24 AM
Planning Commission	Holt, Paul	Approved	8/31/2022 - 8:24 AM
Publication Management	Daniel, Martha	Approved	8/31/2022 - 8:27 AM
Planning Commission	Holt, Paul	Approved	8/31/2022 - 8:45 AM

PLANNING DIRECTOR'S REPORT

September 2022

This report summarizes the status of selected Department of Community Development activities during the past month.

➤ Planning

- **Monthly Case Report:** For a list of all cases received in the last month, please see the attached document.
- **Board Action Results:**
 - o The Board of Supervisors did not meet in August.

➤ Community Development

- Natural and Cultural Assets Plan

The Natural and Cultural Assets Plan entered its final stage this summer as the project team, committee members, and citizens contemplated ways to protect and restore the County's natural and cultural assets. Approximately 70 people attended the Community Open House at the James City County Recreation Center on June 29 to review the assets and risks maps and to provide feedback on the strategies. Another 35 completed a companion online survey available for those who could not attend the meeting. Over the next month, the project team and committees will review public input and prepare a final set of recommendations for the Board of Supervisors.

Want to learn more about the plan? Visit <https://www.jamescitycountyva.gov/3856>.



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Summer 2022

Construction of Project's Two Bridges over Route 143 and Skiffes Creek Nearly Complete

This spring and summer, VDOT's contractor crews have been focused on the construction of the two bridge crossings that are part of the new Skiffes Creek Connector roadway, between Route 60 (Pocahontas Trail) and Route 143 (Merrimac Trail) in James City County. During the remaining summer months, crews will finalize the bridge decking and railing, fencing and complete remaining elements on the 2-lane bridge over Skiffes Creek (photo) and a second crossing spanning Route 143 and its adjacent CSX railroad tracks.



At other sections of the project site, teams are finalizing the relocation of power and telecommunication utilities along the Connector path, maintaining stormwater basins and critical environmental facilities, and installing traffic signals at Route 60 and Route 143 intersections. Crews continue work on Route 143 northbound to widen the road to accommodate new turn lanes to interface with the upcoming signalized intersection. Final grading and earthwork activities allow for upcoming construction of the final roadway surface and permanent drainage systems installed along the Connector path.

The Skiffes Creek Connector is estimated to open to motorists as early as late 2022. All work is weather- and schedule-dependent and subject to change.



Photo: Aerial view of bridge progress over Route 143 and CSX rail.



Photo: Concrete railings are constructed on the bridge over Route 143 and CSX rail as part of the final elements of the bridge construction.



Photo: Crews work on the concrete curb and gutter for the approach roadway to Skiffes Creek Bridge.

Photo: Cranes hold steel bridge beams over Route 143 while crews in bucket lifts secure the beams in place.



Photo: The first of the horizontal steel beams is delivered and placed on the Skiffes Creek Bridge.



Photo: Crews grade slopes and place topsoil to accommodate the new roadway approaching the bridges.

The **Skiffes Creek Connector** project includes the construction of the following:

- New roadway connection between Route 143 and Route 60
- Intersection improvements at Route 60
- Bridge over Skiffes Creek
- Bridge over Route 143 and CSX rail
- Intersection improvements at Route 143
- Stormwater management and drainage systems
- Multi-use path along Route 60

Additional details on the project can be found at VDOT's project website located at www.virginiadot.org/SkiffesCreek.

Travel Impacts

Lane Shifts on Route 143 (Merrimac Trail)

Motorists traveling along Route 143 will encounter a temporary traffic shift in all travel lanes in both directions. This shift allow crews and equipment to safely access the roadway shoulders to complete installation of traffic signals, permanent drainage systems and intersection pavement. All lanes remain open in both directions.

Upcoming Construction Activities

The following activities are expected within the project limits in the coming months:

- Final construction activities of the two bridges and approach roadway along the Connector route.
- Final placement of ground support materials along the Connector path in advance of pavement surfacing and curb and gutter installation.
- Final preparations for traffic signals at intersections of Route 60 and Route 143, including conduit, junction boxes and operational cabinets.
- Installation of permanent storm water facilities and underdrains along the Connector path.
- Preparation for and installation of final landscaping along path and intersections.

All work is weather- and schedule-dependent and subject to change.

Work Zone Safety is Important to All



REMINDER: WORK ZONE SAFETY

Please be mindful of crews working alongside the road as large work vehicles may be turning into and out of construction entrances.

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New Cases for September

Plan Type	Plan Number	Case Title	Address	Plan District	Plan Description	Plan Assigned To
Appeal / Variance	BZA-22-0004	8261 Croaker Road Setback Variance Request	8261 CROAKER RD Williamsburg, VA 23188	Stonehouse	Requesting a variance to the side yard requirement to allow replacement of a home on an irregularly shaped lot.	Taylor Orne
Conceptual Plan	C-22-0059	New Town Sec 6, Block 18-14	4385 NEW TOWN AVE Williamsburg, VA 23188	Jamestown	New Town: Sec 6, Block 18- 14 fee simple townhome units accessed by private roads.	Suzanne Yeats
	C-22-0060	5534 Centerville Rd. Diesel Dispenser	5534 CENTERVILLE RD Williamsburg, VA 23188	Powhatan	Proposal to add diesel fuel to an existing gasoline only dispenser.	Paxton Condon
	C-22-0061	411 Stonehouse Rd. Subdivision	411 STONEHOUSE RD Williamsburg, VA 23188	Stonehouse	Proposal to divide current 20.75 acre parcel into three separate parcels.	Thomas Wysong
	C-22-0062	Stonehouse Self Storage	3500 LA GRANGE PKWY Toano, VA 23168	Stonehouse	Proposal for a Self Storage complex comprised of one three-story building and six single-story buildings. There will be approximately 700 self storage units and 70 boat/RV parking spaces.	Thomas Wysong
	C-22-0063	1725 Endeavor Dr. Subdivision & Office/Warehouse Use	1725 ENDEAVOR DR Williamsburg, VA 23185	Roberts	Proposal for subdivision of parcel to build an office/warehouse with 7,500 square feet of office space, 20,000 square feet of warehouse space and parking for 40 vehicles.	Ben Loppacker
Ordinance Update	ORD-22-0006	Amendments for A-1 Cluster Configuration Subdivision	101-A MOUNTS BAY RD Williamsburg, VA 23185	Roberts	Amendments for A-1 Cluster Configuration Subdivision	Thomas Wysong
Subdivision Plat	S-22-0017	Stonehouse Land Bay 5, Ph. 2, Lots 16-50 & 93-111	9354 FIELDSTONE PKWY Toano, VA 23168	Stonehouse	Stonehouse Land Bay 5, Ph. 2, Lots 16-50 & 93-111.	Thomas Wysong
	S-22-0018	1637 & 1655 Green Mount Parkway Boundary Line Extinguishment	1637 GREEN MOUNT PKWY Williamsburg, VA 23185	Roberts	Consolidation Plat Being the Property of Greenmount Parkway Williamsburg Propco, LLC; Parcels 6010200001 and 6040100001	John Risinger
	S-22-0019	Powhatan Terrace Townhomes Boundary Line Extinguishment	1676 JAMESTOWN RD Williamsburg, VA 23185	Roberts	Powhatan Terrace Townhomes Boundary Line Extinguishment	Jose Ribeiro
	S-22-0020	Parke at Westport Subdivision	3400 WESTPORT Williamsburg, VA 23188	Berkeley	Subdivision of the parcels located at 3400 & 3401 Westport into 14 single-family parcels.	Terry Costello
	S-22-0021	Boundary Line Adjustment Plat between 2798 Forge Road & 2724/2726 Forge Road.	2798 FORGE RD Toano, VA 23168	Powhatan	Boundary Line Adjustment Plat between 2798 Forge Road & 2724/2726 Forge Road.	Suzanne Yeats
	S-22-0022	Sudivision of parcel 0640100001, La Grange Tract	3500 LA GRANGE PKWY Toano, VA 23168	Stonehouse	Sudivision of parcel 0640100001, La Grange Tract.	Josh Crump

New Cases for September

Plan Type	Plan Number	Case Title	Address	Plan District	Plan Description	Plan Assigned To
Site Plan	SP-22-0081	Williamsburg Office Park Ramp & Retaining Wall Site Plan Amendment	1313 JAMESTOWN RD Williamsburg, VA 23185	Berkeley	Removal of Existing Timber Retaining Walls and Replacement with new Segmental Block retaining walls.	Ben Loppacker
	SP-22-0082	Kingsmill Townhomes Sidewalk Site Plan Amendment	141 ENCLAVE CT Williamsburg, VA 23185	Roberts	Site Plan Amendment adding sidewalk along road in front of Lots 11 and 12.	Paxton Condon
	SP-22-0083	101 St Andrews Dr. Marriott at Ford's Colony Twireless Communication Facility Site Plan Amendment	101 ST ANDREWS DR Williamsburg, VA 23188	Powhatan	Marriott's Manor Club at Ford's Colony- upgrade antennas and base equipment on an existing T-Mobile rooftop cell site location.	Andrea Case
	SP-22-0084	St. Olaf Patio Site Plan Amendment	104 NORGE LN Williamsburg, VA 23188	Stonehouse	Concrete patio previously approved was not constructed and is being replaced with a paver patio and columbarium towers.	Paxton Condon
	SP-22-0085	Eaglescliffe Condos at Ford’s Colony Site Plan Amendment.	1000 EAGLESCLIFFE Williamsburg, VA 23188	Powhatan	This plan amends previously approved JCC site plan SP-120-06 which included 4-story condominium units with first floor parking. This amendment now proposes townhome-style condominium units with revised building pad locations and parking layouts.	Terry Costello
Zoning Verification Letter	ZVL-22-0017	Zoning Verification Letter for 106 Discovery Lane and 116 Constance Avenue	106 DISCOVERY LN Williamsburg, VA 23185	Roberts	Request to verify zoning, permitted uses, existence of any active zoning violations, existence of any proffers.	Christy Parrish
	ZVL-22-0018	Zoning Verification Letter for 1637, 1655 Green Mount Parkway, (1651 Green Mount Parkway)	1637 GREEN MOUNT PKWY Williamsburg, VA 23185	Roberts	Request to verifiy zoning, existenc of overlay districts, permissible uses, pending plans.	John Rogerson