

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
February 2, 2022
6:00 PM

A. CALL TO ORDER

B. ROLL CALL

1. Resolution of Appreciation - Ms. Julia Leverenz

C. PUBLIC COMMENT

D. REPORTS OF THE COMMISSION

E. CONSENT AGENDA

1. Minutes of the January 5, 2022, Regular Meeting
2. Development Review Committee Action Item: C-21-0099. Stonehouse Tract 10A

F. PUBLIC HEARINGS

1. AFD-21-0003. 360 Racefield Drive Barnes Swamp Withdrawal
2. SUP-21-0022. 360 Racefield Drive Solar Farm
3. SUP-21-0023. Bush Springs Road Extension of Public Water and Sewer Facilities
4. SUP-21-0026. Living Word Church of God

G. PLANNING COMMISSION CONSIDERATIONS

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - February 2022

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

1. Update on the Natural and Cultural Assets Plan Effort

J. ADJOURNMENT

ITEM SUMMARY

DATE: 1/5/2022

TO: The Planning Commission

FROM: Paul D. Holt, III, Secretary

SUBJECT: Resolution of Appreciation - Ms. Julia Leverenz

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	12/17/2021 - 7:55 AM
Planning Commission	Holt, Paul	Approved	12/17/2021 - 7:55 AM
Publication Management	Pobiak, Amanda	Approved	12/17/2021 - 8:13 AM
Planning Commission	Holt, Paul	Approved	12/21/2021 - 8:59 AM

ITEM SUMMARY

DATE: 2/2/2022

TO: The Planning Commission

FROM: Paul D. Holt, III, Secretary

SUBJECT: Minutes of the January 5, 2022, Regular Meeting

ATTACHMENTS:

	Description	Type
	Minutes of the January 5, 2022, Regular Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	1/26/2022 - 7:45 AM
Planning Commission	Holt, Paul	Approved	1/26/2022 - 7:59 AM
Publication Management	Daniel, Martha	Approved	1/26/2022 - 8:13 AM
Planning Commission	Holt, Paul	Approved	1/26/2022 - 8:14 AM

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg VA 23185
January 5, 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:

Rich Krapf
Tim O'Connor
Frank Polster
Julia Leverenz
Barbara Null
Rob Rose

Staff Present:

Paul Holt, Director of Community Development and Planning
Max Hlavin, Deputy County Attorney
Tom Leininger, Senior Planner
Thomas Wysong, Senior Planner

1. Election of Officers

Mr. O'Connor congratulated Mr. Frank Polster and Mr. Rich Krapf on their reappointment to serve another term.

Mr. O'Connor stated they would need to elect a new Chair and Vice Chair.

Mr. Krapf nominated Mr. O'Connor to be the Chair.

Mr. O'Connor accepted.

The Commission approved the nomination unanimously by voice vote.

Mr. O'Connor asked for a nomination for Vice Chair.

Mr. Krapf nominated Mr. Polster.

Mr. Polster accepted.

The Commission approved the nomination unanimously by voice vote.

2. Resolution of Appreciation - Ms. Julia Leverenz

Mr. O'Connor stated that Ms. Julia Leverenz's term will expire at the end of the month and that she had agreed to join them again in February for an in-person presentation. Mr.

O'Connor stated that they will postpone the Resolution of Appreciation until the February meeting.

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

Ms. Barbara Null stated that The Development Review Committee (DRC) met on December 17, 2021, to consider C-21-0097. Stonehouse Tract S, and C-21-0098. Stonehouse Tract 11A.

Ms. Null stated that the proposal for C-21-0097. Stonehouse Tract S is for new construction of 300 residential units on 173 acres currently zoned Planned Unit Development-Residential (PUD-R) with proffers. Ms. Null stated that the proposal complies with the Master Plan for Stonehouse, aligns with the land use designation, number of units permitted and the density for Tract S. Ms. Null stated that the DRC found the proposed conceptual plan to be generally consistent with the Zoning Ordinance, adopted master plan, adopted proffers, and other applicable County policies by a vote of 4-0.

Ms. Null stated that the proposal for C-21-0098. Stonehouse Tract 11A is for new construction of 320 single-family units on 131 acres zoned PUD-R. Ms. Null stated that the proposal complies with the Master Plan for Stonehouse, aligns with the land use designation, number of units permitted, and the density for Tract 11A. Ms. Null stated that the DRC found the proposed conceptual plan to be generally consistent with the Zoning Ordinance, adopted master plan, adopted proffers, and other applicable County policies by a vote of 4-0.

Mr. Polster stated that there was no report from the Policy Committee.

E. CONSENT AGENDA

Ms. Null made a motion to Approve the Consent Agenda.

On a voice vote, the Commission approved the Consent Agenda.

1. Minutes of the December 1, 2021, Regular Meeting
2. Development Review Committee Action Item: C-21-0097. Stonehouse Tract S
3. Development Review Committee Action Item: C-21-0098. Stonehouse Tract 11A

F. PUBLIC HEARINGS

1. Z-19-0006 and SUP-19-0005. Hazelwood Farms - The Enterprise Center

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

AYES: 4 NAYS: 2 ABSTAIN: 0 ABSENT: 0

Ayes: Leverenz, Null, O'Connor, Polster

Nays: Krapf, Rose

Mr. Thomas Wysong, Senior Planner, stated that Mr. Tim Trant of Kaufman & Canoles, P.C. has applied on behalf of the Hazelwood Farm property owners to rezone approximately 328 acres from its current zoning of B-1, General Business and A-1, General Agricultural to the EO, Economic Opportunity Zoning District to allow for up to 3,220,000 square feet of warehouse, industrial and office use.

Mr. Wysong further stated that accompanying this rezoning is a request for a Special Use Permit (SUP) to allow for the following uses:

- fast food restaurants;
- the manufacture and processing of textiles and textile products in structures more than 10,000 square feet;
- heavy equipment sales and service with major repair under cover or screened with landscaping and fencing from adjacent property;
- machinery sales and service with major repair under cover;
- a convenience store pursuant to Section 24-11(a)(1);
- any commercial building or group of buildings that exceeds 10,000 square feet of floor area pursuant to Section 24-11(a)(2) of the County Code;
- any commercial building or group of buildings, not including office uses, which generates, or would be expected to generate, a total of 100 or more additional trips to and from the site during the peak hour of the operation pursuant to Section 24-11(a)(3) of the County Code; and buildings, additions, and expansions requiring an SUP pursuant to Section 24-11(b) of the County Code; and
- extension of public water and sewer facilities up Route 30 and along Route 746 to serve this property.

Mr. Wysong stated that since the October 6, 2021 Planning Commission meeting, the applicant has made several changes to this application. Mr. Wysong stated that specifically, the applicant has removed the apartments and multifamily component from the SUP application, meaning there is no longer a residential component for this project. Mr. Wysong further stated that the applicant has also removed the truck terminal component from the SUP application. Mr. Wysong noted that the applicant has also increased the amount of warehouse, industrial, and office use from 2,920,000 to 3,220,000, with this increase located in the former proposed location of the residential uses.

Mr. Wysong stated that the site is located inside the Primary Service Area (PSA) and is designated for Economic Opportunity-Barhamsville Interchange Area in the adopted 2045 Comprehensive Plan. Mr. Wysong stated that the recommended primary uses include industrial, light industrial, office, medical/research, and/or tourist attraction uses with secondary uses such as retail commercial being limited in amount and type to support the primary uses.

Mr. Wysong further stated that staff finds multiple favorable factors for this application. Mr. Wysong stated that the proposed uses for this site align with the Comprehensive Plan; the applicant is proposing proffers to mitigate the impacts associated with this rezoning, which include transportation improvements to the surrounding road network, design guidelines for development of the property, use limitation for certain commercial uses; and the submittal of a water and sewer master plan prior to site development.

Mr. Wysong stated that furthermore, the County is proposing conditions to mitigate impacts associated with the specially permitted uses. Mr. Wysong stated that these conditions include enhanced landscape buffering along the Barnes Road, Route 30, Leisure Road, Route 746 and Interstate 64 (I-64) rights-of-way, enhanced site design and architectural design, and specific restrictions regarding location and site features for certain specially permitted commercial uses.

Mr. Wysong stated that staff finds that the proposed rezoning and SUP will not negatively

impact surrounding development, and that the proffers and proposed conditions will help mitigate impacts generated by the proposal. Mr. Wysong stated that staff also finds that the development of the property is consistent with the Comprehensive Plan.

Mr. Wysong stated that staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the proposed proffers and SUP conditions.

Mr. O'Connor called for disclosures from the Commission.

Mr. Krapf stated that he met with the applicant after the October 6, 2021, Planning Commission meeting. Mr. Krapf further stated that he spoke with Mr. Trant prior to the meeting today. Mr. Krapf noted that he is on the Board of an organization that will be speaking during the Public Hearing. Mr. Krapf stated that he believes that he can make a fair and objective determination on the application.

Mr. Polster stated that he attended the December 15, 2021, Community Meeting hosted by the applicant. Mr. Polster stated that he has also spoken several times with the traffic consultant, Mr. Dexter Williams and with Mr. Morrison.

Ms. Null stated that she attended the December 21, 2021, Community Meeting and has also had several conversations with Mr. Trant.

Mr. O'Connor stated that he has not had any conversations with Mr. Trant since the one noted for the October 2021, Planning Commission Meeting.

Mr. O'Connor opened the Public Hearing.

Mr. Tim Trant, Kaufman & Canoles, P.C. representing Hazelwood Farms, made a presentation to the Commission in support of the application.

Mr. Larry Hazelwood, 2420 Ocean Shore Crescent, addressed the Commission to provide context to the Hazelwood family's decision to submit plans to ensure the orderly and appropriate development of the property.

Ms. Null noted that the property is in a foreign trade zone and inquired what benefits are associated with a foreign trade zone.

Mr. Hazelwood explained that the foreign trade zone allows a business to import materials on a tariff free basis to manufacture a product. Mr. Hazelwood further stated that the northern extent of the foreign trade zone ends in James City County. Mr. Hazelwood stated that with transportation being key to the success of import and export, the property's location is prime for a manufacturing operation.

Mr. Polster inquired about the assurances provided in the Design Guidelines, that the treeline and buffering on Leisure Road would be intact once a building is constructed.

Mr. Trant stated that the 100 feet would have to remain undisturbed. Mr. Trant further stated that at site plan review, the existing vegetation would have to provide adequate screening or be supplemented according to the County's landscape guidelines.

Mr. Polster inquired about the traffic accommodations on Barhamsville Road that allow it to maintain a Level of Service (LOS) C.

Mr. Williams stated that there is an existing left-turn lane onto Old Stage Road and this

development will add a second turn lane as part of the signalization. Mr. Williams further stated that there will be three through lanes and that one will drop out at the ramp to I-64.

Mr. Polster inquired whether there was direct access to the property from I-64 when coming from the north.

Mr. Williams stated that the existing pavement would be rebuilt to accommodate direct access.

Mr. Polster inquired about the cumulative cap on trip generations and how that would be monitored.

Mr. Wysong stated that each use would be required to include a current trip generation.

Mr. Polster inquired if the site plan would be approved if the cumulative cap were exceeded.

Mr. Wysong stated that it would not be approved.

Dr. Rose inquired if the traffic study was limited to the project or if it included a broader area.

Mr. Trant stated that because of the proximity to the interstate, a specific type of traffic study was required that would have a wider scope and include all affected roads and intersections. Mr. Trant further stated that the traffic study used an aggressive model for estimating future growth. Mr. Trant stated that the study also incorporated the current and future impacts of known development. Mr. Krapf inquired if it were possible that the applicant might come back with an amendment to raise the trip generation cap. Mr. Trant stated that, in theory, it is possible. Mr. Trant further stated that there were limitations on the uses that generate a large number of trips. Mr. Trant stated that the light manufacturing uses would not generate the same amount of traffic; therefore, more of those uses could be accommodated under the current cap.

Dr. Rose inquired about the use of Leadership in Energy and Environmental Design (LEED) building techniques and whether the applicant would eventually seek LEED certification.

Mr. Hopke noted that to obtain LEED certification, the developer must keep track of the items that generate points for certification and then apply to the Green Building Council for verification. Mr. Hopke stated that the certification process is time consuming and expensive, so many developers opt to use the techniques but not apply for the certification.

Mr. Trant stated that there are assurances for environmental protection in addition to the commitment to use LEED techniques.

Dr. Rose inquired whether any consideration was given to encouraging local restaurants and businesses to locate within the project.

Mr. Trant stated that no end users have been identified, and the project is very open to local and small business. Mr. Trant stated that the goal of the project is to prevent sprawling, unplanned development.

Ms. Leverenz inquired about the plan for buffering along Leisure Road where there is currently no vegetation.

Mr. Trant stated that the area would have to be populated in accord with the County's guidelines. Mr. Trant stated that this would most likely happen when there is a site plan submitted for development of the parcel.

Ms. Leverenz inquired if this was intended to be a screening buffer.

Mr. Wysong confirmed. Mr. Wysong stated that there would be an increase of approximately 10% in the mix of evergreen trees and shrubs. Mr. Wysong further stated that 45% of the evergreens would have to reach a minimum height of 40 feet at maturity.

Ms. Leverenz inquired if there would be lower growing evergreens to provide full coverage.

Mr. Wysong confirmed.

Ms. Leverenz inquired about the plans for Land Bay 6 until it is developed.

Mr. Trant stated that for the time, there would be no changes to the use other than possibly establishing some infrastructure to make the property desirable to end users.

Ms. Linda Rice, 2394 Forge Road, representing Friends of Forge Road, addressed the Commission in opposition to the application.

Mr. Ellis Colthorpe, 4945 Settler's Market Boulevard, addressed the Commission in support of the application.

Mr. Erik Conradi, 5 Clarendon Court, addressed the Commission in support of the application.

Mr. John Fuqua, 207 Highfield Drive, addressed the Commission in opposition to the application.

Mr. Ed Lampitt, 2616 Meadow Lake Drive, addressed the Commission in support of the application.

Mr. Kimber Smith, 3501 Heritage Landing Road, addressed the Commission in support of the application.

Mr. Bruce Beiderman, 9120 Manorwood Way, addressed the Commission in opposition to the application.

Ms. Jennifer Weinstein, 3237 Leighton Boulevard, representing Save Rural James City County, addressed the Commission in opposition to the application.

Ms. Kelly Wagnitz, 8948 Coco's Path, addressed the Commission in opposition to the application.

Mr. Kyle Seal, 3248 Oak Branch Lane, addressed the Commission in opposition to the application.

Mr. Gary Massie, 8644 Merry Oaks Lane, addressed the Commission in support of the application.

Ms. Martha Ray, 7440 Sturgeon Point Road, addressed the Commission in opposition to the application.

Mr. Cecil Bray, 1704 Centennial Drive, addressed the Commission in opposition to the application.

Ms. Stephanie Dean Ripchick, 4901 Holly Fork Road, addressed the Commission in

opposition to the application.

Ms. Michelle Eardley, 2996 Forge Road, addressed the Commission in opposition to the application.

Mr. Robert Hall, 136 Leisure Lane, addressed the Commission in opposition to the application.

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 thanked the applicant for conducting the three Community Meetings and for willingly removing the truck terminal and the residential units from the SUP. Mr. Krapf stated that both the previous and current Comprehensive Plan identified Economic Development as a use for the property. Mr. Krapf further stated that the rezoning incorporates a number of strong elements and safeguards. Mr. Krapf stated that it is a well thought out plan; however, he still has reservations about the open-ended nature of the SUP items. Mr. Krapf further stated that many times when you try to mitigate certain impacts such as traffic, it creates unintended consequences. Mr. Krapf stated that this application, if approved, will forever change upper James City County. Mr. Krapf noted that he wished the County had been able to pursue the recommended uses for Rural Economic Development that were developed in 2014. Mr. Krapf stated that because of the open-ended SUP uses and the far-reaching impacts on upper James City County, he is not able to support the application as it is currently presented.

Mr. Polster stated that as the Commission developed the 2045 Comprehensive Plan, one of the priorities was developing strategies to protect and preserve the rural character of the County. Mr. Polster further stated that the Commission had a charter to look at the PSA to determine if any changes were needed to indicate where development would be appropriate. Mr. Polster stated that the Hazelwood property was placed in the PSA and designated Economic Opportunity because the County deemed it appropriate for development. Mr. Polster further stated that Stonehouse has already changed the character of the Upper County. Mr. Polster further stated that the proposal addresses concerns about traffic safety, provides controls to ensure appropriate development, and provides economic benefits to the County through the taxes that will be paid. Mr. Polster stated that he intends to support the application.

Ms. Null stated that she has reviewed the application extensively. Ms. Null noted that the property is currently zoned B-1, General Business, and is not designated as rural lands. Ms. Null stated that the property could be developed by-right with any number of assorted uses. Ms. Null further stated that under the proposed Master Plan, development is confined by County rules and guidelines. Ms. Null stated that with all of the County oversight, the development will be orderly and attractive. Ms. Null stated that the traffic concerns will be mitigated. Ms. Null stated that the project will be beneficial to the community, and she intends to support the application.

Dr. Rose expressed appreciation for the Public Hearing comments. Dr. Rose stated that having a Master Plan provides assurances as opposed to the unknown impacts of by-right development. Dr. Rose stated that it is a challenge to approve something of this scale and impact without a clear picture of what it will ultimately include, the impact on the community, and the impact on other businesses.

Ms. Leverenz stated that her job as a Planning Commissioner is to consider how the proposal fits with and supports the County's long-range plan which is the Comprehensive Plan. Ms. Leverenz stated that she is not as concerned by the open-endedness of the application

because the face of industry is changing in response to the pandemic and the increased use of automation. Ms. Leverenz stated that she is inclined to support the application.

Mr. O'Connor stated that in the recent Comprehensive Plan update, the community response was to preserve the rural character of the County, with rural lands being defined as being outside of the PSA. Mr. O'Connor stated that what the citizens also indicated is that if those rural lands are protected, high density development will be acceptable inside the PSA. Mr. O'Connor stated that he was in the minority regarding the residential component of the proposal. Mr. O'Connor stated that including residential development would be in line with the concept of complete communities and serve as a transition between the existing neighborhoods and the commercial development. Mr. O'Connor stated that there would likely be public sentiment against any type of development on the property. Mr. O'Connor further stated that this application is meeting many of the goals of the Comprehensive Plan. Mr. O'Connor stated that the development plan was created with good intent and the applicant was willing to remove some of the elements that were of greatest concern. Mr. O'Connor further stated that by placing the development in this location it could potentially limit development in other locations such as Anderson's Corner because the need for the services would be lower. Mr. O'Connor stated that he intends to support the application.

Dr. Rose stated that this is not a question of putting the development here or putting it somewhere else. Dr. Rose stated that there are many ways of developing rural lands that have not been considered for this property. Dr. Rose stated that there are many promises with the application but no guarantees. Dr. Rose stated that recommending approval of the application would mean relying on a great unknown.

Ms. Null stated that this is not a case of build and they will come, but rather a case of build as they come.

Mr. Krapf stated that his concern over the open-endedness was the language "any building over 10,000 square feet." Mr. Krapf stated that without knowing the end user, it is difficult to gauge the impacts and whether the mitigations will be adequate.

Ms. Leverenz inquired if Mr. Krapf was talking about phasing the development.

Mr. Krapf stated that because of the irrevocable change to the Upper County, what he would prefer is a rezoning application that provided a conceptual master plan and outlined desired by-right uses and considering specially permitted uses on a case-by-case basis. Mr. Krapf further stated that his wish was that the County had aggressively campaigned to bring in the businesses recommended by the Rural Economic Development Committee to create a new vision for the Upper County.

Mr. O'Connor commented that he was surprised to be reminded of how little income farming uses generate. Mr. O'Connor noted that farming uses are not nearly as valuable to the County's revenue as one might believe.

Mr. Polster made a motion to recommend approval of the rezoning and SUP and acceptance of the voluntary proffers.

On a roll call vote the Commission voted to recommend approval of Z-19-0006 and SUP-19-0005. Hazelwood Farms - The Enterprise Center. (4-2)

2. Z-21-0015. 6940 and 6950 Richmond Road Proffer Amendment

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

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

Ayes: Krapf, Leverenz, Null, O'Connor, Polster, Rose

Mr. Tom Leininger, Senior Planner, stated that Mr. Doug Harbin has applied to amend the existing proffers for two parcels located at 6940 and 6950 Richmond Road. Mr. Leininger stated that the Proffer Amendment would revise the timing of the required signal warrant study. Mr. Leininger stated that the properties are zoned B-1, General Business with Proffers, located within the PSA and are designated Mixed Use on the adopted 2045 Comprehensive Plan Land Use Map.

Mr. Leininger stated that the current proffers were adopted on August 31, 2006 and required the traffic signal to be bonded prior to the first building permit for the properties. Mr. Leininger stated that currently the signal warrant study would be required within six months of the buildout of both properties or earlier upon the request of the Virginia Department of Transportation (VDOT).

Mr. Leininger stated that Harbin Properties, LLC, has maintained a letter of credit in accordance with the 2006 Proffer since the Colonial Car Wash at 6950 Richmond Road was built in 2009. Mr. Leininger stated that the second property remains vacant.

Mr. Leininger stated that the proposed amendment would eliminate the need to renew the surety each year; however, a traffic signal warrant study would be required prior to final site plan approval for 6940 Richmond Road. Mr. Leininger stated that if the signal is warranted, installation of the traffic signal would be required prior to any occupancy permit for the site.

Mr. Leininger stated that staff finds this proffer amendment to be compatible with surrounding development and consistent with the 2045 Comprehensive Plan and Zoning Ordinance. Mr. Leininger further stated that staff recommends that the Planning Commission recommend approval of the proffer amendment to the Board of Supervisors.

Ms. Null asked if there was a use proposed.

Mr. Leininger stated there is no current use proposed at the time.

Mr. O'Connor opened the Public Hearing.

Mr. Vernon Geddy, Geddy, Harris, Franck & Hickman, LLP, representing the applicant, made a presentation in support of the application.

As there were no speaker cards Mr. O'Connor closed the Public Hearing and opened the floor for discussion by the Commission.

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

On a roll call vote, the Commission voted to recommend approval of Z-21-0015. 6940 and 6950 Richmond Road Proffer Amendment. (6-0)

3. SUP-21-0017. 4007 Ironbound Road Convenience Store with Fuel

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

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

Ayes: Krapf, Leverenz, Null, O'Connor, Polster, Rose

Mr. Tom Leininger, Senior Planner, stated that Mr. Mark Rinaldi of Bush Construction Corporation has applied for an SUP for a convenience store with fuel sales at a property located at 4007 Ironbound Road, zoned B-1 with proffers, designated Mixed Use on the

2045 Comprehensive Plan Land Use Map and located inside the PSA.

Mr. Leininger stated that a convenience store which sells and dispenses fuel is a specially permitted use in the B-1 Zoning District. Mr. Leininger stated that additionally, any convenience store and uses that generates over 100 peak-hour trips require a commercial SUP.

Mr. Leininger stated that in 2018, the property, along with the adjacent VDOT cul-de-sac and a portion of 4002 Ironbound Road were rezoned to B-1 with proffers. Mr. Leininger stated that the rezoning also included design guidelines adopted by the Board of Supervisors.

Mr. Leininger stated that a Traffic Impact Analysis (TIA) was completed for this proposal, which recommends the installation of a second exclusive left-turn lane on northbound Ironbound Road at the intersection of Monticello Avenue and Ironbound Road. Mr. Leininger stated that additionally, a right turn-taper and right-turn lane are recommended for southbound Ironbound Road at the intersection of Ironbound Road and Old Ironbound Road. Mr. Leininger further stated that the TIA recommends pavement markings and modifications to the traffic signal at the Monticello Avenue intersection. Mr. Leininger stated that all recommended improvements shall be installed before the first Certificate of Occupancy is issued for the Convenience Store.

Mr. Leininger stated that on October 28, 2021, the New Town Design Review Board (New Town DRB) reviewed the master plan and building elevations and approved the design in its conceptual form. Mr. Leininger stated that prior to site plan approval, the New Town DRB would review the design elements again for consistency with the adopted design guidelines.

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

Mr. O'Connor called for disclosures from the Commission. Ms. Null, Mr. Krapf, and Mr. Polster each stated that they spoke with Mr. Geddy.

Mr. O'Connor stated that he spoke with Mr. Geddy and Mr. Rinaldi.

Mr. O'Connor opened the Public Hearing.

Mr. Vernon Geddy, Geddy, Harris, Franck & Hickman, LLP, representing the applicant, made a presentation in support of the application.

Mr. Polster asked if there was an intention of adding electric charging stations.

Mr. Jeb Bell, Real Estate Engineer, Wawa, Inc. stated the electric charging stations are shown on the plans for the purpose of identifying a possible future placement and would be constructed by a partner rather than Wawa.

Ms. Null asked if there would be a landscape buffer to screen the view from Monticello Avenue.

Mr. Geddy stated that there would be a buffer, and there is a condition for enhanced landscaping they need to meet.

Dr. Rose requested clarification that the traffic improvements were not removing the option to drive straight through.

Mr. Geddy confirmed that the right lane would have the ability to turn or go straight.

Dr. Rose requested confirmation that the church was getting a new overflow lot and were not losing space.

Mr. Geddy confirmed.

Mr. Ken Freeman, 10 Sussex Road, addressed the Commission in support of the application.

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

Mr. Geddy stated there would be additional stormwater and water quality requirements that would not be part of a by-right development associated with this application.

Mr. O'Connor inquired about the lightning requested assurance that it will not spill over.

Mr. Bell stated that the lighting is LED and directional.

Mr. Geddy stated it is a requirement that the light does not cross over.

Mr. Polster discussed the stormwater management and traffic flow.

Mr. Krapf discussed the aesthetics of the plan and meeting the Comprehensive Plan guidelines.

Ms. Leverenz stated that she thinks this is something needed in the area and that she appreciates the applicant coordinating with neighbors.

Mr. O'Connor stated that he appreciates the traffic guidelines and the supportive comments from the neighbors.

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

On a roll call vote, the Commission voted to recommend approval of SUP-21-0017. 4007 Ironbound Road Convenience Store with Fuel. (6-0)

G. PLANNING COMMISSION CONSIDERATIONS

There were no items for consideration.

H. PLANNING DIRECTOR'S REPORT

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

Mr. Holt highlighted that the first 3D-printed house with Habitat for Humanity was completed and noted that it is a proud moment for staff and hopefully for the County as well.

1. Planning Director's Report - January 2022

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Ms. Leverenz stated that she had spoken with a PC member of Goochland, VA and their County allows for sunset clauses on short-term rental SUPs. Ms. Leverenz stated that she

shared this with Mr. Holt and Mr. Adam Kinsman and that Mr. Kinsman let her know that there is a 50/50 split of localities and their interpretation of State Code allowing for sunset clauses.

Dr. Rose stated that he had a couple of reflections on the Hazelwood discussions. Dr. Rose stated that he is concerned by VDOT keeping speed limits as high as possible without regard to safety issues. Ms. Null noted that the speed limit was just lowered on Route 30 by Stonehouse. Dr. Rose state that they should be able to find more value in the land rather than developing it. Dr. Rose stated that there is no mechanism to give value to land and encourage not developing it.

Mr. Polster stated that the majority of wooded areas in rural lands are smaller lots. Mr. Polster stated that he would encourage the County explore carbon sequestration efforts. Mr. Polster noted that the state received \$211 million this year from Regional Greenhouse Gas Initiative (RGGI). Mr. Polster stated that this money goes back to the landowner. Mr. Polster stated that Ms. Tammy Rosario's, Assistant Director of Community Development, efforts are taking the first steps to explore additional options.

The Commission discussed alternatives to land development and possible future developments.

Mr. Krapf stated he had Board of Supervisor meeting coverage for next month.

Ms. Null asked when Hazelwood would be going to the Board. Mr. Holt stated it would tentatively be the February 8, 2022 meeting.

Mr. O'Connor thanked Ms. Leverenz for her time on the Commission and noted that they would officially thank her publicly next month.

J. ADJOURNMENT

Mr. Krapf made a motion to adjourn.

The meeting was adjourned at approximately 10:08 PM.

Paul D. Holt, III, Secretary

Tim O'Connor, Vice Chair

ITEM SUMMARY

DATE: 2/2/2022

TO: The Planning Commission

FROM: Thomas Wysong, Senior Planner II

SUBJECT: Development Review Committee Action Item: C-21-0099. Stonehouse Tract 10A

Mr. Jeff Huentelman has submitted a conceptual plan application for the construction of 200 residential units.

Reason for DRC Review: Proffer No. 10, approved by the Board of Supervisors on November 12, 2019, per Case No. Z-19-0010, requires a conceptual plan to be submitted to the Planning Director and the Development Review Committee (DRC) for review at least 60 days prior to submittal of a development plan for the tract (or Land Bay). The purpose of this review is to determine general consistency with Zoning Ordinance requirements, the adopted Master Plan, and other applicable County policies.

[Link to the DRC Agenda and Staff Report.](#)

On January 19, 2022, the DRC recommended approval of the request by a vote of 3-0.

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	1/26/2022 - 8:10 AM
Planning Commission	Holt, Paul	Approved	1/26/2022 - 8:11 AM
Publication Management	Daniel, Martha	Approved	1/26/2022 - 9:09 AM
Planning Commission	Holt, Paul	Approved	1/26/2022 - 9:26 AM

ITEM SUMMARY

DATE: 2/2/2022

TO: The Planning Commission

FROM: Tom Leininger, Principal Planner

SUBJECT: AFD-21-0003. 360 Racefield Drive Barnes Swamp Withdrawal

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Location Map	Backup Material
☐	AFD Withdrawal Request Letter	Backup Material
☐	Barnes Swamp AFD Map	Backup Material
☐	Barnes Swamp Ordinance No. 167A-14	Backup Material
☐	Map Showing Extent of Withdrawal Request	Backup Material
☐	Policy Governing the Withdrawals of Property from AFDs	Backup Material
☐	Proposed Solar Farm Master Plan	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	1/26/2022 - 8:46 AM
Planning Commission	Holt, Paul	Approved	1/26/2022 - 8:47 AM
Publication Management	Pobiak, Amanda	Approved	1/26/2022 - 9:39 AM
Planning Commission	Holt, Paul	Approved	1/26/2022 - 9:42 AM

**AGRICULTURAL AND FORESTAL DISTRICT-21-0003. 360 Racefield Drive Barnes Swamp Withdrawal
Staff Report for the February 2, 2022, Planning Commission Public Hearing**

SUMMARY FACTS

Applicant:	Mr. Brendan Grajewski, Hexagon Energy, LLC
Land Owners:	Katherine Hockaday, Justin Martin, and Ann Martin
Proposal:	Withdrawal of $\pm$ 26 acres of the 65.26 total acre parcel from the Barnes Swamp AFD
Location:	360 Racefield Drive
Tax Map/Parcel No.	0310100003
Parcel Size:	65.26 acres
Zoning:	A-1, General Agricultural
Comprehensive Plan:	Rural Lands
Primary Service Area (PSA):	Outside
Staff Contact:	Tom Leininger, Principal Planner

PUBLIC HEARING DATES

Agricultural and Forestal District (AFD) Advisory Committee:	January 27, 2022, 4:00 p.m.
Planning Commission:	February 2, 2022, 6:00 p.m.
Board of Supervisors:	March 8, 2022 (tentative)

FACTORS FAVORABLE

1. The request would not cause damage or disruption to the existing District.

FACTORS UNFAVORABLE

1. The request does not fully meet all four criteria set forth in the Board's policy.

STAFF RECOMMENDATION

The adopted Board of Supervisors' policy governing withdrawal of property from AFDs states that "it is the policy of the Board to discourage the withdrawal of properties from AFDs during the terms of those districts." This withdrawal request was submitted approximately one year prior to the upcoming renewal of the Barnes Swamp AFD on October 31, 2022. Staff finds that this request for withdrawal does not fully meet all four of the criteria set forth in the Board's policy. As such, staff recommends that the Planning Commission recommend denial of this withdrawal application to the Board of Supervisors.

AGRICULTURAL AND FORESTAL DISTRICT ADVISORY COMMITTEE RECOMMENDATION

The AFD Advisory Committee will meet on January 27, 2022, to make its recommendation to the Planning Commission.

DISTRICT HISTORY

- The Barnes Swamp AFD was created in 1986 for a term of four years and originally consisted of 33 parcels totaling $\pm$ 2,207 acres.

**AGRICULTURAL AND FORESTAL DISTRICT-21-0003. 360 Racefield Drive Barnes Swamp Withdrawal
Staff Report for the February 2, 2022, Planning Commission Public Hearing**

- The District was renewed at four-year intervals again in 1990, 1994, 1998, 2002, 2006, 2010, 2014, and 2018 with various additions and withdrawals taking place during that period.
- There have been three additions for a total ± 301.82 acres and no withdrawals from the District since its most recent renewal in 2018.

DISTRICT DESCRIPTION

This District is primarily forested, though records indicate that a significant portion of the land is actively in agricultural use. All the land in this District is zoned A-1, General Agricultural, located outside of the PSA, and designated Rural Lands and Community Character, Open Space and Recreation by the adopted 2045 Comprehensive Plan.

WITHDRAWAL REQUESTS/WITHDRAWAL ANALYSIS

Mr. Brendan Grajewski, on behalf of the owners of the property located at 360 Racefield Drive (Parcel ID No. 0310100003), has requested to withdraw 26 acres of their 65.26 total acre parcel from the AFD (Attachment No. 5). The requested withdrawal is to allow for the submittal of a Special Use Permit (SUP) for a 3-megawatt alternate current (MWac) solar farm. Per Barnes Swamp AFD Condition No. 3c (Attachment No. 4), no SUP shall be issued except for agricultural, forestal, or other activities and uses consistent with the Virginia Agricultural and Forestal District Act.

A solar farm is a specially permitted use in the A-1 Zoning District. The Applicants have submitted their SUP application (SUP-21-0022). Per the application, the project proposes approximately 8,764 solar panels that are on a single-axis tracking system, internal access roads, and stormwater management. The project would take access from Racefield Drive.

On September 28, 2010, the Board of Supervisors adopted a policy

and withdrawal criteria for AFD parcels. That policy is enclosed (Attachment No. 6) and the withdrawal criteria are listed with staff comments following in italics.

- A. The request is caused by a change in circumstances that could not have been anticipated at the time the application was made for inclusion in the District.

Historically, a change in circumstances has been interpreted to include “death of a property owner,” as stated in the State Code, but has not included new opportunities for development of a property. The withdrawal policy, as adopted by the Board of Supervisors, states that it is the policy of the Board of Supervisors to discourage the withdrawal of properties from AFDs during the terms of those districts.

- B. The request would serve a public purpose, as opposed to the proprietary interest of the landowner, that could not otherwise be realized upon expiration of the AFD.

Although the proposed solar farm would potentially provide a community benefit by supplying green energy to the adjacent communities, staff finds that this does not fulfill the requirement of Criteria B. Staff interprets “public purpose” as using the land for a public facility such as a school or fire station.

- C. The request would not cause damage or disruption to the existing District.

With this withdrawal, the District will include a total of 2,181 acres, and will thus continue to meet minimum acreage requirements.

- D. If the request for withdrawal is in conjunction with a proposal to convert the land use of a property to a different use than is currently in place, the new land use would be in conformance with

**AGRICULTURAL AND FORESTAL DISTRICT-21-0003. 360 Racefield Drive Barnes Swamp Withdrawal
Staff Report for the February 2, 2022, Planning Commission Public Hearing**

the Comprehensive Plan.

The Comprehensive Plan designates this parcel as Rural Lands (RL). The 2045 Comprehensive Plan states that land designated RL 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. 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. Staff finds that a solar farm is not a recommended use and not consistent with the RL designation description.

SURROUNDING ZONING AND DEVELOPMENT

The Barnes Swamp AFD is widespread throughout the northern portion of the County. A majority of the land surrounding the District is zoned A-1. A portion of the District is adjacent to Planned Unit Residential. Much of the surrounding property is designated Rural Lands with an area of Low Density Residential and Economic Opportunity to the east. The District borders New Kent County to the west.

STAFF RECOMMENDATION

The adopted Board of Supervisors' policy governing withdrawal of property from AFDs states that "it is the policy of the Board to discourage the withdrawal of properties from AFDs during the terms

of those districts." This withdrawal request was submitted approximately one year prior to the most upcoming expiration date of the Barnes Swamp AFD of October 31, 2022. Staff finds that this request for withdrawal does not fully meet all four of the criteria set forth in the Board's policy. Additionally, staff finds that the use of this site would not serve a public purpose and the proposed use is not consistent with the 2045 Comprehensive Plan. Therefore, staff recommends that the Planning Commission recommend denial of this withdrawal application to the Board of Supervisors.

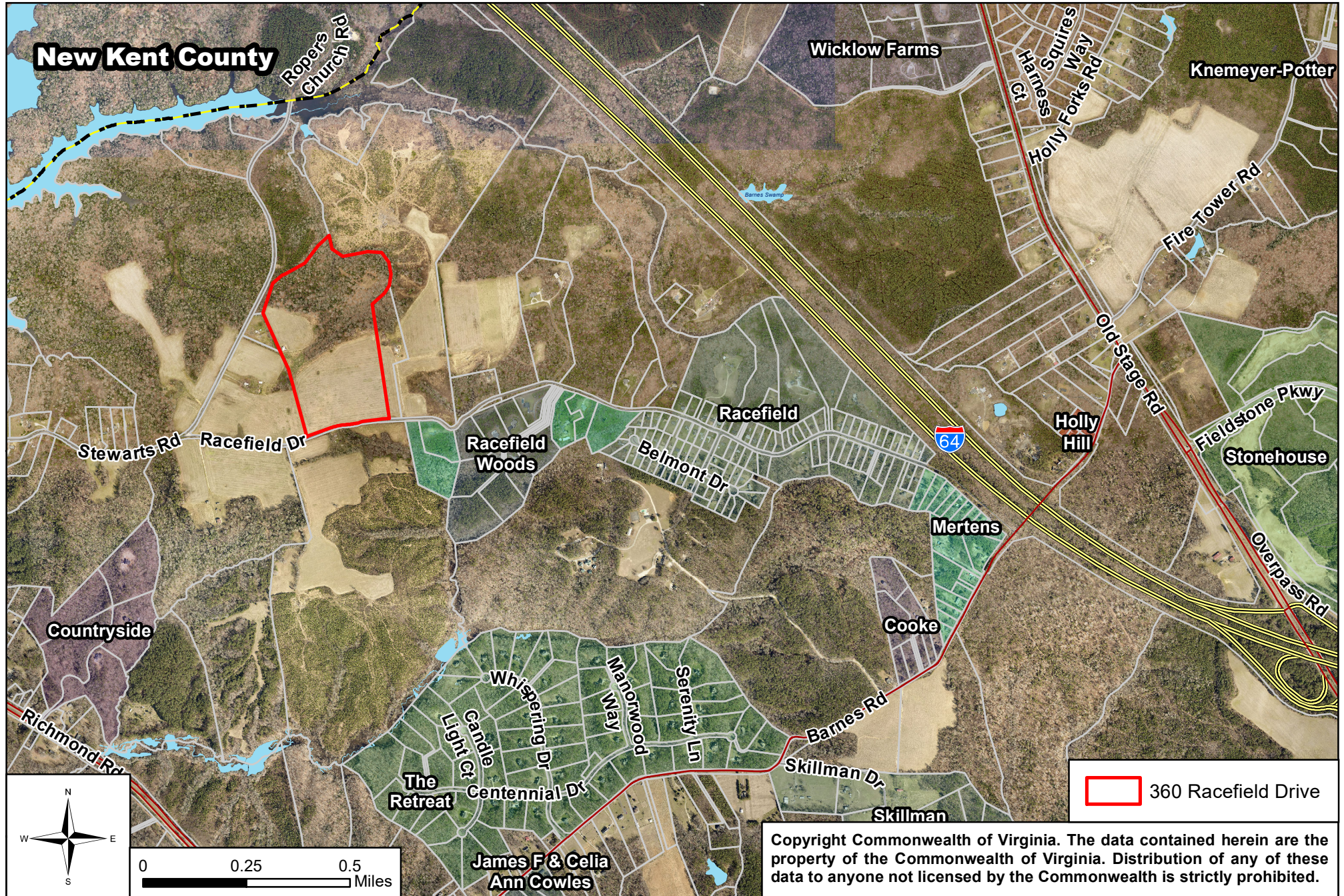
TL/ap
AFD21-3_360RcfldDr

Attachments:

1. Location Map
2. AFD Withdrawal Request Letter
3. Barnes Swamp AFD Map
4. Barnes Swamp Ordinance No. 167A-14
5. Map Showing Extent of Withdrawal Request
6. Policy Governing the Withdrawals of Property from AFDs
7. Proposed Solar Farm Master Plan

JCC AFD-21-0003

360 Racefield Drive Barnes Swamp AFD Withdrawal



Tom Leininger
101 Mounts Bay Road
Building A
Williamsburg, VA 23185

Re: 360 Racefield Drive Partial AFD Withdrawal Request

Greetings Mr. Leininger,

On behalf of Racefield Solar, LLC, we would like to request that a 26-acre portion of property owned by Kathleen Hockaday, and Justin & Blair Martin, be withdrawn from the Barnes Swamp Agricultural & Forestal District (AFD). In order to establish good and reasonable cause for the proposed withdrawal, we demonstrate below compliance with the required criteria outlined in the Policy Governing the Withdrawals of Property from Agricultural and Forestal Districts (AFDs).

A. The request is caused by a change in circumstances that could not have been anticipated at the time application was made for inclusion in the district.

The Barnes Swamp district was continued for a four-year term beginning in 2018. This renewal occurred prior to the enactment of the enabling legislation (Virginia Clean Economy Act), initial conversation, and execution of the agreements allowing for the development of a proposed solar project to begin.

B. The request would serve a public purpose, as opposed to the proprietary interest of the landowner that could not otherwise be realized upon expiration of the AFD.

If approved, this withdrawal request would allow for the consideration of a Special Use Permit for a 3 Megawatt solar energy facility. The Virginia Clean Economy Act is legislation enacted in 2020 that sets the Commonwealth on a path to source its energy mix from 100% carbon-free sources by the year 2050, with an interim goal of constructing a number of small solar facilities across



Dominion Energy's service territory by 2035. Installation of small-scale solar projects provide the community with locally sourced, clean energy. Small distributed solar generators reduce the distance between power generation and consumption, thereby improving grid resiliency.

The project is subject to Virginia interconnection regulations and Dominion Energy's interconnection process. The project has an early 2022 interconnection deadline that, due to Virginia Regulations, cannot be suspended or delayed. The deadline requires the project to either move forward with an Interconnection Service Agreement and begin Interconnection Construction Planning or terminate. Therefore, the withdrawal from the AFD must occur prior to the October 2022 expiration to allow the project to meet the interconnection deadline and move forward.

C. The request would not cause damage or disruption to the existing district.

The request to remove 26 acres from the AFD represents 1.5% of the 1,653.74-acre Barnes Swamp AFD, and 0.14% of the larger 18,200-acre total AFD area (as of March, 2021). Approving the withdrawal of 26 acres would allow the AFD to remain well above the requisite 200-acre minimum identified in the Barnes Swamp Renewal document.

D. If the request for withdrawal is in conjunction with a proposal to convert the land use of a property to a different use than is currently in place on the property, the new land use would be in conformance with the Comprehensive Plan

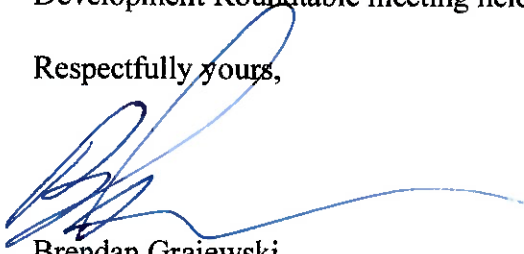
The request for withdrawal is in conjunction with a proposal to convert the land use. Concurrent with this request, Racefield Solar has submitted a Special Use Permit application request that demonstrates the proposed new land use is in conformance with the Comprehensive Plan. Virginia Code 15.2-2232 requires solar energy facilities be found in substantial accord with the locality's adopted Comprehensive Plan prior to construction. Racefield Solar's Special Use Permit application request includes a detailed analyses of how the approximate location, character, and extent thereof are in substantial accord with James City County's *Toward 2035: Leading the Way* Comprehensive Plan, pursuant to VAC15.2-2232.

We appreciate your consideration of this request. To aid in discussion of this proposal, we have attached an updated conceptual plan of Racefield Solar, the proposed project that would occupy



the withdrawn acreage. This plan considers the comments we had received in a previous Development Roundtable meeting held earlier this year.

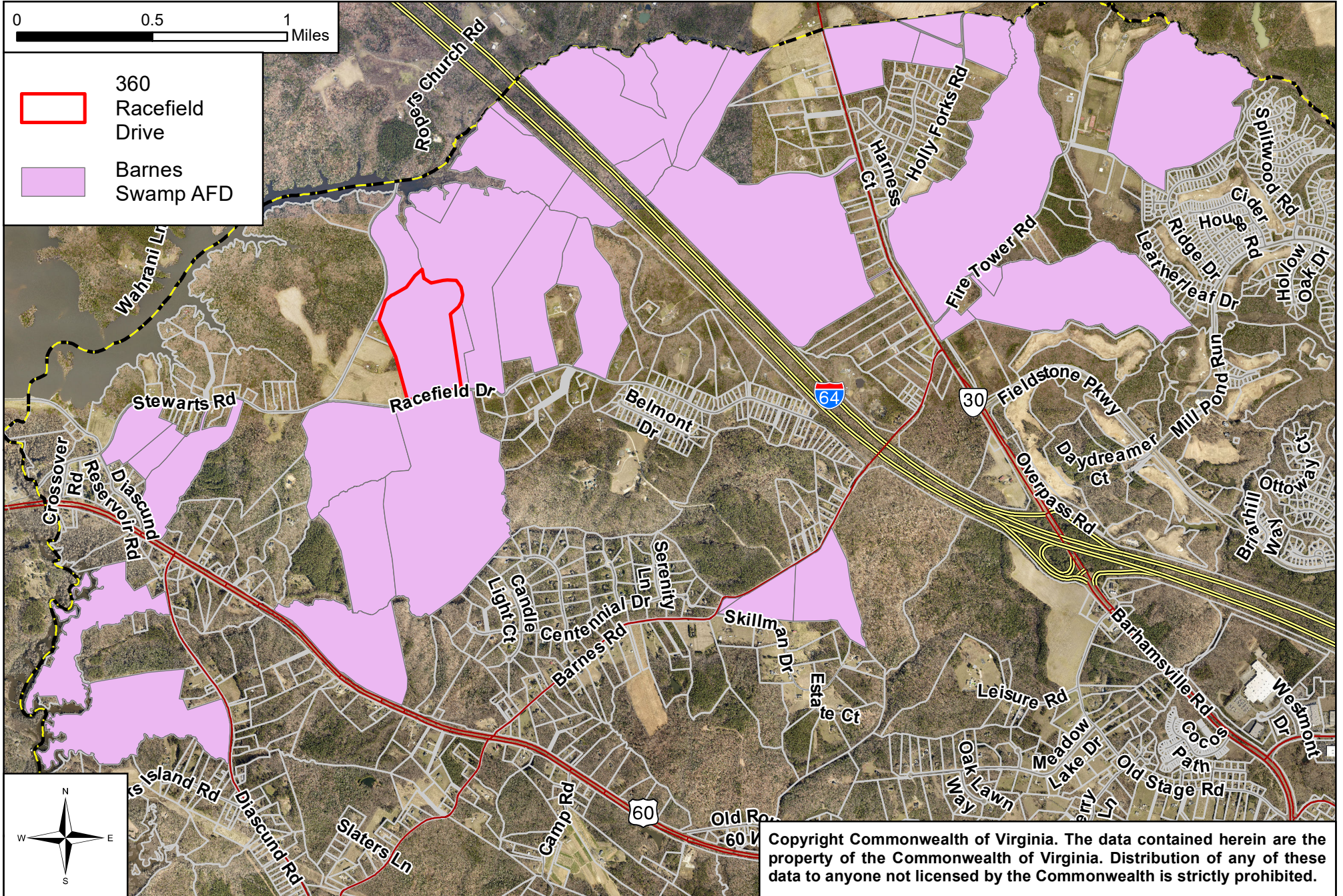
Respectfully yours,



Brendan Grajewski
Development Manager
Hexagon Energy, LLC
(434) 326-4405
BGrajewski@Hexagon-Energy.com



Barnes Swamp AFD



ADOPTED

SEP 11 2018

ORDINANCE NO. 167A-14

Board of Supervisors
James City County, VA

AGRICULTURAL AND FORESTAL DISTRICT-05-86-1-2018

BARNES SWAMP 2018 RENEWAL

- WHEREAS, James City County has completed a review of the Barnes Swamp Agricultural and Forestal District (the "District"); and
- WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code"), property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the District; and
- WHEREAS, the Agricultural and Forestal District (AFD) Advisory Committee at its meeting on June 21, 2018, voted 9-0 to recommend renewal of the District; and
- WHEREAS, the Planning Commission following its public hearing on August 1, 2018, concurred with the recommendation of staff and the AFD Advisory Committee and voted 5-0 to recommend renewal of the District with the conditions listed below.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that:

1. The Barnes Swamp Agricultural and Forestal District (the "District") is hereby continued to October 31, 2022 in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq. (the "Act").
2. That the District shall include the following parcels, provided, however, that all land within 25 feet of road right-of-ways is excluded from the District:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
SD & SKI, LLC	0310100001	108.47
Jane B. Farmer & Betty B. Rady	0310100002	36.00
Katherine Leon Hockaday	0310100003	65.26
Jane Farmer & Betty Rady	0330100003	70.00
Jane Farmer & Betty Rady	0330100004	70.00
Arline H. Bowmer Estate	0330100006	96.75
Arline H. Bowmer Estate	0240100012	62.19
Martha W. McMurren & SWR-Misc, LLC	1010100001	61.61
Elizabeth O. Harwood	0320100001	43.52
Stephen E. & Rebecca Murphy, Trustee	0320100002	13.85
Frederick C. Johnson, Trustee	0320100002A	17.20
Betty L. Johnson & Lynne J. Fischer	0320100003	19.07

Betty L. Johnson & Lynne J. Fischer	0320100003A	93.98
Robert Michael Dzula	0320100004	28.07
John Avery Richardson	0410100005	42.00
John Avery Richardson	0410100006	10.00
Niceland Farm, LLC	0420100008	189.74
Cherri U. Spellmeyer	0420100014	134.00
Pamaka, LLC	0430100015	21.99
Pamaka, LLC	0430100016	52.00
Charles & Dianne Hasbrouck	0920100001	97.50
Alex Lamar Penland	0240100029	55.90
Donald A. Hazelwood	0420100020	112.44
Donald A. Hazelwood	0420100018	3.46
Donald A. Hazelwood	0440100001	6.11
John P. and Shelly D. Latoski Trustee	0310100001B	10.23
Dennis Wayne Leonituk, Jr.	0310100001A	10.00
Pamaka, LLC	0430100014A	1.34
Steven M. & Michelle T. Johnson	0340800003	52.63
Steven M. & Michelle T. Johnson	0340800005	68.43
Total:		<u>1,653.74</u>

3. That pursuant to Sections 15.2-4312 and 15.2-4313 of the Act, the Board of Supervisors requires that no parcel in the District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
- a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCFs), provided: a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.
 - b. No land outside the Primary Service Area and within the District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the District may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from Agricultural and Forestal Districts, adopted September 28, 2010.
 - c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the Act, which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for WCFs on properties in the District that are in accordance with the County's policies and Ordinances regulating such facilities.

Ruth M. Larson

Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows

Teresa J. Fellows
Deputy Clerk to the Board

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

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

AFD-BarnesSwpRnw-res



HEXAGON ENERGY

321 East Main Street | Suite 500
Charlottesville, VA 22902
hexagon-energy.com

RACEFIELD SOLAR

AFD Withdrawal Map

360 Racefield Drive
Toano, VA 23168
37.43120298, -76.86614779

Legend

-  Property Boundary
-  Proposed AFD Withdrawal Area (26 acres)

Proposed: 26 Acres

Retained: 39.26 Acres

RESOLUTION

POLICY GOVERNING THE WITHDRAWALS OF PROPERTY FROM AGRICULTURAL

AND FORESTAL DISTRICTS (AFDs)

WHEREAS, the Board of Supervisors has determined that Agricultural and Forestal Districts (AFDs) are a valuable tool to help protect the agricultural and forestal lands and industry in James City County; and

WHEREAS, premature withdrawals of land from the Districts is contrary to the intent of the Board in allowing the establishment of these Districts.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes the following policy relating to the withdrawal of lands from AFDs during the terms of those Districts. This policy in no way supersedes the provisions for withdrawal by right under Sections 15.2-4311 or 15.2-4314D of the Code of Virginia.

1. It is the policy of the Board of Supervisors to discourage the withdrawal of properties from AFDs during the terms of those districts.
2. The criteria for withdrawal during the terms of the districts are as follows:

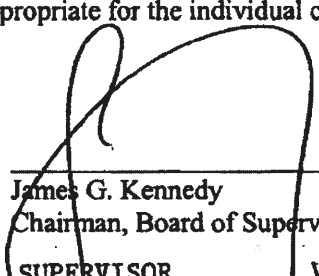
In order to establish "good and reasonable cause," a landowner requesting to withdraw property from an AFD must submit written information to demonstrate compliance with the following criteria:

- A. The request is caused by a change in circumstances that could not have been anticipated at the time application was made for inclusion in the district.
- B. The request would serve a public purpose, as opposed to the proprietary interest of the landowner that could not otherwise be realized upon expiration of the AFD.
- C. The request would not cause damage or disruption to the existing district.
- D. If the request for withdrawal is in conjunction with a proposal to convert the land use of a property to a different use than is currently in place on the property, the new land use would be in conformance with the Comprehensive Plan.

The Board shall weigh each of the above criteria in its deliberation, but may also use whatever other criteria as it deems appropriate for the individual case.

ATTEST:

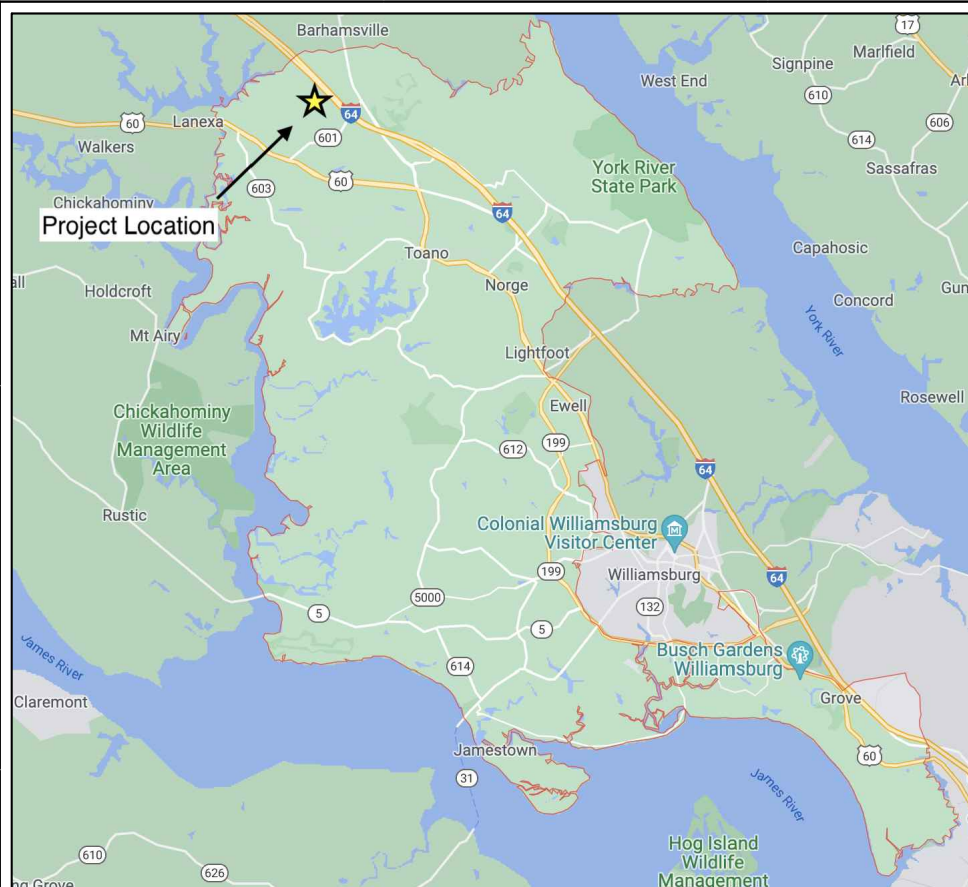

Robert C. Middaugh
Clerk to the Board


James G. Kennedy
Chairman, Board of Supervisors

SUPERVISOR	VOTE
MCGLENNON	AYE
GOODSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2010.

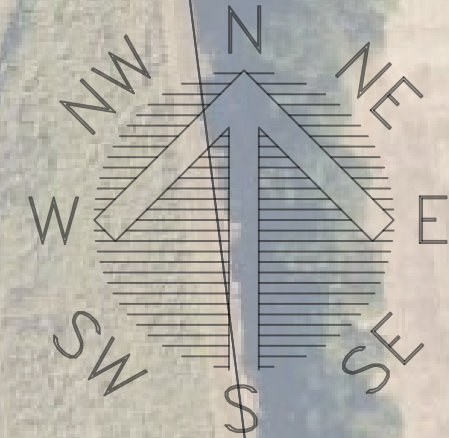
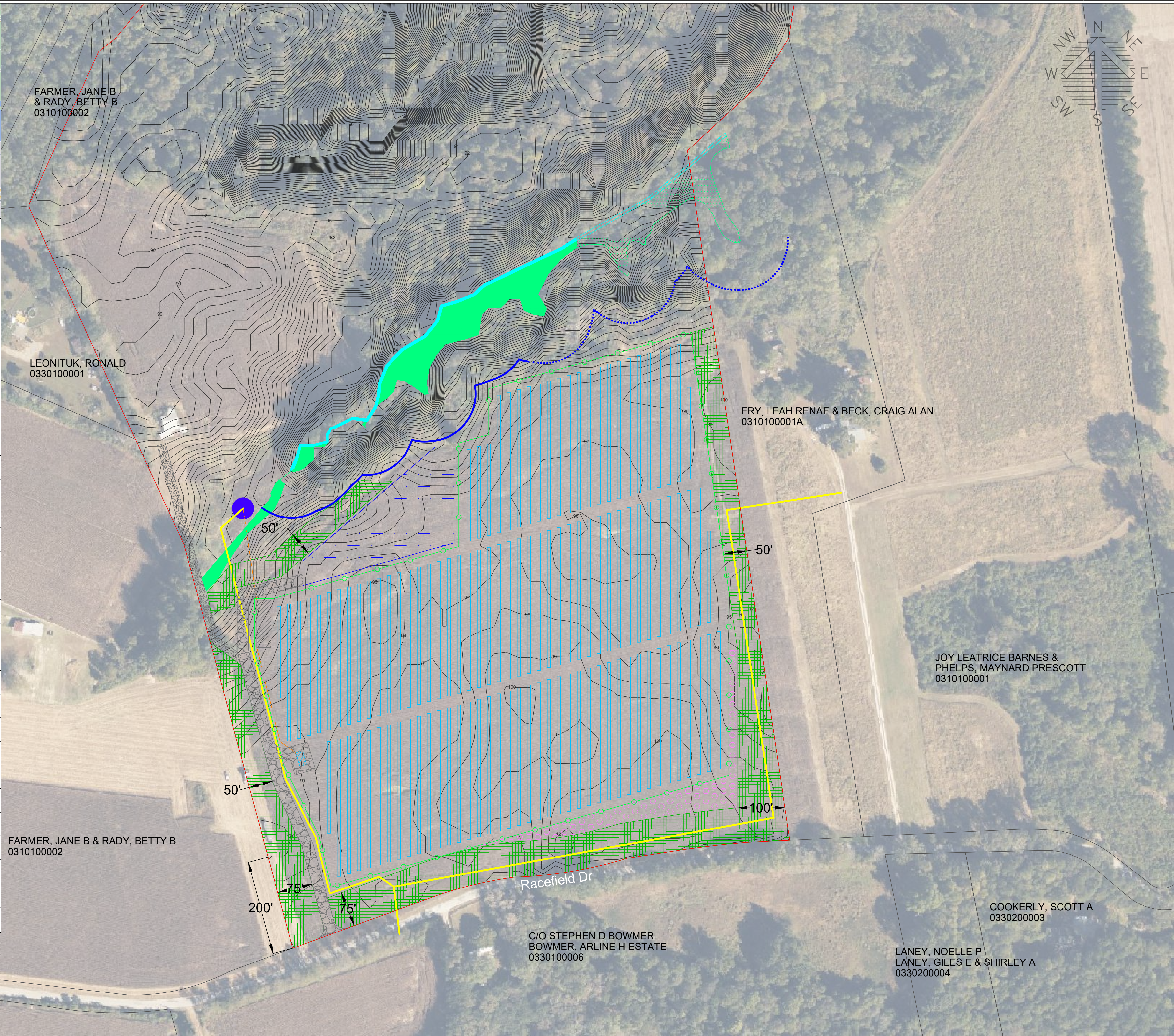
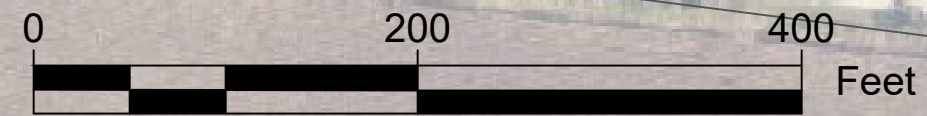
AFDsPolWdraw_res



- SITE NOTES**
1. STORMWATER MANAGEMENT AND STORMWATER RUNOFF WILL MEET JAMES CITY COUNTY AND STATE NPDES STORMWATER PERMIT REQUIREMENTS BOTH DURING CONSTRUCTION AND OPERATION. THERE WILL BE NO DEVELOPMENT ON EXISTING SLOPES 25% OR GREATER WITHOUT A STEEP SLOPE WAIVER FROM JAMES CITY COUNTY
 2. THE SITE IS LOCATED IN THE DIASCUND CREEK WATERSHED (HUC JL26)
 3. WETLANDS AND RPA BOUNDARIES ARE BASED ON DESKTOP AND FIELD DELINEATION COMPLETED BY TIMMONS GROUP
 - 4.

LEGEND

- PROPERTY LINE (PARCEL NUMBER: 310100003) (65.26 ACRES)
- SITE AND BMP ACCESS ROAD
- LANDOWNER ACCESS ROAD
- PROPOSED FENCE AREA
- PROPOSED SOLAR PANELS (SINGLE AXIS TRACKERS)
- PERENNIAL WETLANDS
- RPA BUFFER (100')
- INTERMITTENT WETLANDS
- PERENNIAL WETLANDS (ESTIMATED)
- RPA BUFFER (100') (ESTIMATED)
- INTERMITTENT WETLANDS (ESTIMATED)
- POI - 13.2kV LINE TAP
- PROPOSED CUSTOMER SWITCHGEAR AND MV TRANSFORMER
- PROPOSED LINE TRENCHING
- PROPOSED VEGETATIVE SCREENING
- PROPOSED POLLINATOR SPECIES AREA
- PROPOSED EROSION & SEDIMENTATION CONTROL AREA
- GRID ATTACHMENT WIRING (TO BE TRENCHED)
- PAD MOUNTED EQUIPMENT



HEXAGON ENERGY

HEXAGON ENERGY, LLC
321 E Main St, Suite 500
Charlottesville, VA 22902
Phone: 434.227.5090
Website: www.hexagon-energy.com

Professional Engineer:

PE Seal:

DRAWING TYPE

☐ Preliminary ☐ Construction
☐ Customer Approval ☐ As-built
☒ Permitting ☐ Other

REVISIONS			
Rev	By	Description	Date
0	EO	RFP PLAN	7/30/2021
1	EO	ADD CONTOUR LABELS	9/14/2021
2	EO	PERMIT PLAN	11/12/2021
3	EO	REVISE CONTOURS AND ACCESS ROADS	1/6/2022
4	EO	REVISE ACCESS ROADS	1/19/2022
5	EO	REVISE VEGETATIVE BUFFER	1/24/2022

SITE INFORMATION						
PARCEL ID NUMBER (PIN)	APPROX ACREAGE	ZONING	R/W SETBACK	SIDE YARD SETBACK	REAR YARD SETBACK	LANDSCAPE BUFFER
310100003	±65.26	A1	+75'	+50'	+1000'	+50'

Project Name:
RACEFIELD SOLAR, LLC

Site Address:
**360 RACEFIELD DR
TOANO, VA 23168
37.432°N, -76.868°W**

Sheet Name:

MASTER PLAN

Scale: 1in=100ft | Project ID: TBD
Sheet No:
L1.1

ITEM SUMMARY

DATE: 2/2/2022

TO: The Planning Commission

FROM: Tom Leininger, Principal Planner

SUBJECT: SUP-21-0022. 360 Racefield Drive Solar Farm

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Proposed Special Use Permit Conditions	Backup Material
▣	Location Map	Backup Material
▣	Applicant Narrative	Backup Material
▣	Master Plan	Backup Material
▣	Proposed Landscape Buffer	Backup Material
▣	Applicant Review of the 2045 Comprehensive Plan	Backup Material
▣	Resolution finding the application consistent with the adopted Comprehensive Plan, per 15.2-2232	Resolution
▣	Resolution finding the application Not Consistent with the Comprehensive Plan, per 15.2-2232	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	1/26/2022 - 12:51 PM
Planning Commission	Holt, Paul	Approved	1/26/2022 - 12:58 PM
Publication Management	Daniel, Martha	Approved	1/26/2022 - 1:55 PM
Planning Commission	Holt, Paul	Approved	1/26/2022 - 2:56 PM

**SPECIAL USE PERMIT-21-0022. 360 Racefield Drive Solar Farm
Staff Report for the February 2, 2022, Planning Commission Public Hearing**

SUMMARY FACTS

Applicant:	Mr. Brendan Grajewski, Hexagon Energy, LLC
Land Owner:	Katherine Hockaday, Justin Martin, and Ann Martin
Proposal:	Development and construction of a solar farm facility for electrical power generation, storage, transmission, and accessory uses
Location:	360 Racefield Drive
Tax Map/Parcel No.:	0310100003
Property Acreage:	65.26 acres
Zoning:	A-1, General Agricultural
Comprehensive Plan:	Rural Lands
Primary Service Area: (PSA)	Outside
Staff Contact:	Tom Leininger, Principal Planner

PUBLIC HEARING DATES

Planning Commission:	February 2, 2022, 6:00 p.m.
Board of Supervisors:	March 8, 2022, 5:00 p.m. (tentative)

FACTORS FAVORABLE

1. With the exception of traffic impacts to Racefield Drive, staff finds the proposed conditions will mitigate impacts to surrounding properties and development.
2. Impacts: See Impact Analysis on Pages 4-6.

FACTORS UNFAVORABLE

1. Staff does not find the proposal consistent with the 2045 Comprehensive Plan.
2. The proposed project site is accessed by a narrow, substandard rural road. As such, it may not be generally suitable for heavy construction traffic.
3. Should the Board of Supervisors (BOS) deny the applicant's Agricultural and Forestal District (AFD) withdrawal request, then this use would not be consistent with the terms of the AFD.
4. Impacts: See Impact Analysis on Pages 4-6.

SUMMARY STAFF RECOMMENDATION

Staff recommends the Planning Commission recommend denial of the proposed Special Use Permit (SUP). Should the Planning Commission recommend approval of this case to the BOS, subject to the approval of Case No. AFD-21-0003, staff has included proposed conditions to mitigate the potential impacts of this development.

Staff also recommends that the Planning Commission not find this application consistent with the Code of Virginia Section 15.2-2232 as it is not consistent with 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-21-0022. 360 Racefield Drive Solar Farm
Staff Report for the February 2, 2022, Planning Commission Public Hearing**

PROJECT DESCRIPTION

Mr. Brendan Grajewski, Hexagon Energy, LLC, has applied for an SUP for a 3-megawatt (MW) solar farm located at 360 Racefield Drive. If approved, the proposed solar farm will be developed on 26 acres of the total 65.26 acres and would connect to the existing utility line using an on-site, pad-mounted switchgear. The panels will be on a single axis tracking system that will rotate throughout the day to track the sun.

The proposed 26-acre solar farm site is currently used as a farm and is mostly clear of mature vegetation and trees. The site will be accessed by Racefield Drive which is a narrow rural road.

COMPARISON TO PREVIOUSLY APPROVED SOLAR FARM FACILITY APPLICATIONS

There have been two previously approved SUPs for solar farms, Norge Solar Farm and Rochambeau Solar Farm. These two solar farms were significantly larger, comprising of 224 acres and 193 acres, respectively.

The Norge Solar Farm was approved in 2018. The Norge Solar Farm site is zoned A-1, General Agriculture and R-2, General Residential. The properties are designated Low Density Residential and located inside of the PSA. The properties consisted of an existing mature buffer around the majority of the property to screen the facility. Additionally, the site takes access from Old Church Road and is approximately 0.25 miles from Richmond Road.

The Rochambeau Solar Farm was approved in 2019. The project site is zoned A-1, General Agriculture. The property is designated Economic Opportunity and located outside of the PSA. This site has

an existing mature buffer around the majority of the project site and has direct access from Rochambeau Drive.

The solar farms for those properties were determined to be a temporary use and that the land would be restored at the end of the term and would allow for future development of the site. As noted above, these two previous solar farm projects have direct access to a primary roadway to support heavy construction traffic.

PLANNING AND ZONING HISTORY

The property at 360 Racefield Drive has been used as active farmland. It is located within the Barnes Swamp AFD and there have not been any previous SUPs or rezoning cases associated with the property.

SURROUNDING ZONING AND DEVELOPMENT

All surrounding properties are zoned A-1, General Agriculture and are designated Rural Lands on the 2045 Comprehensive Plan Land Use Map.

Properties to the east, north, and south are within the Barnes Swamp AFD.

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 solar electrical generation facility is not currently shown

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SPECIAL USE PERMIT-21-0022. 360 Racefield Drive Solar Farm
Staff Report for the February 2, 2022, Planning Commission Public Hearing

on the County's adopted Comprehensive Plan and, therefore, requires this additional level of review by the Planning Commission and the BOS. For the Commission's consideration, a consistency determination resolution is included as Attachment No. 6 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-21-0022. 360 Racefield Drive Solar Farm
Staff Report for the February 2, 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>Not Fully Mitigated</u>	- The new solar farm would not exceed 100 peak hour trips. - Access to the property is from Racefield Drive. While the access road into the property will be improved, no improvements to Racefield Drive are warranted or proposed. - Staff finds that Racefield Drive is a narrow, substandard rural road that may not be suitable for heavy construction traffic. - Proposed Condition Nos. 9 and 10 address the potential damage to the existing roadway and limiting the number of employee vehicles parking on-site during construction.
<u>Public Transportation: Bicycle/Pedestrian</u>	<u>No Mitigation Required</u>	- Pedestrian/bicycle accommodations are not shown on the adopted Pedestrian/Bicycle Accommodations Master Plan.
<u>Public Safety</u>	<u>Mitigated</u>	- Fire Station 1 on Forge Road serves this area of the County, approximately 6.3 miles from the proposed solar farm. - 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. 7).
<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 solar farm would not need water or sewer services.

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SPECIAL USE PERMIT-21-0022. 360 Racefield Drive Solar Farm
Staff Report for the February 2, 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 and Diascund Creek Reservoir.	<u>Mitigated</u>	- The Master Plan shows a conceptual layout for stormwater management facilities. - Should this SUP be approved, 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. 12). - Condition Nos. 2 and 11 address the requirement for a nutrient management plan and spill prevention control and countermeasures plan, respectively. - The Stormwater and Resource Protection Division provided additional SUP Conditions (Condition Nos. 15, 16, 17, 18, 19, and 20) to address 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>	- A vegetated buffer to screen the project from nearby properties is specified in proposed SUP Condition No. 3. - 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 Nos. 13 and 14 also limit the height of the panels and address use of materials to prevent glare. - Condition No. 9 requires a construction management and mitigation plan which is intended in part to address impacts to nearby properties during the construction stage. - Condition No. 6 limits the height and the color of the perimeter fence.

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SPECIAL USE PERMIT-21-0022. 360 Racefield Drive Solar Farm
Staff Report for the February 2, 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>	<u>Mitigated</u>	- Racefield Drive is not a designated Community Character Corridor. - A vegetated buffer to screen the project from the roadway and nearby properties is specified in Condition No. 3.
<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.

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2045 COMPREHENSIVE PLAN

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

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.

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 based on 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.

Uses proposed in the Rural Lands should reflect and enhance the rural character of the County. Particular attention should be given to the following:

- i. Locating structures and uses outside of sensitive areas;
- ii. Maintaining existing topography, vegetation, trees, and tree lines to the maximum extent possible, especially along roads and between uses;
- iii. Discouraging development on farmland, open fields, scenic roadside vistas, and other important agricultural/forestal soils and resources;
- iv. Encouraging enhanced landscaping to screen structures located in open fields using a natural appearance or one that resembles traditional hedgerows and windbreaks;
- v. Locating new driveways or service roads so that they follow existing contours and old roadway corridors whenever feasible;
- vi. 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;
- vii. Minimizing the number of street and driveway intersections along the main road by providing common driveways; and
- viii. Utilizing lighting only where necessary and in a manner that eliminates glare and brightness.

The 2045 Comprehensive Plan also recommends sitting 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. In addition, the 2045 Comprehensive Plan discourages development on farmland, open fields, scenic roadside vistas, and other important agricultural and forestal soils and resources.

**SPECIAL USE PERMIT-21-0022. 360 Racefield Drive Solar Farm
Staff Report for the February 2, 2022, Planning Commission Public Hearing**

Within the Transportation Chapter of the 2045 Comprehensive Plan, it is stated that capacity improvements and non-rural land uses should be avoided on rural roads. These facilities are often two lanes, have smaller typical cross sections, and have limited driveways and intersections. Such roadways are not designed for speed or capacity, but rather to provide access and complement the rural character of the area. These roads are unique because they showcase the County's mature tree canopies and rural landscapes.

Racefield Drive specifically is part of the existing, local, rural road network. The roadway is intended for two-way traffic, does not contain any centerline markings, and the pavement is approximately 14 feet wide, in total. Current Virginia Department of Transportation (VDOT) standards for rural, local roads call for a minimum width of surfacing of between 18-22 feet. VDOT standards also suggest considering using a lane width of 12 feet where substantial truck volumes are present or agricultural equipment frequently uses the road.

To the west of this property, the closest roadway intersection with a non-rural roadway is the intersection with Route 60; a distance of approximately 1.6 miles. To the east of this property, the closest roadway intersection with a non-rural roadway is the intersection of Route 30 via Barnes Road; a distance of approximately 2.2 miles.

Within the Community Character Chapter of the 2045 Comprehensive Plan, Goals, Strategies, and Actions (GSAs) GSA 1.5 calls for preserving the character of rural roads by identifying roads that should be preserved and work with VDOT to maintain their rural character while providing an acceptable level of safety.

While GSA 1.6 of the Land Use Chapter of the Comprehensive Plan calls for exploring emerging technologies in the renewable energy

industry, with the intention of protecting the County's unique rural character, preserving natural resources, and mitigating impacts to neighboring properties, GSA LU 6.16 calls for protecting farming and forestry uses from conflicting activities by encouraging buffers and open space design and by raising awareness among new rural land purchasers about existing farming and forestry uses in the County.

As noted above, staff therefore finds the proposed application not consistent with the Comprehensive Plan for the following reasons:

- Staff finds the proposed solar farm is not an appropriate primary use, as listed on the previous page of the staff report;
- The location is not on, near, or adjacent to a major thoroughfare;
- The proposed solar farm is not a direct agricultural or forestal-support use;
- Staff finds the proposed solar farm in this location is not compatible with the natural and rural character of the area;
- Staff finds that Racefield Drive is not ideally suited to accommodate the construction vehicles and related traffic;
- The proposed solar farm in this location does not reflect and enhance the rural character of the County; and
- The proposed solar farm in this location is located on an open field that provides scenic roadside vistas.

PROPOSED SUP CONDITIONS

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

STAFF RECOMMENDATION

Staff recommends the Planning Commission recommend denial of the proposed SUP. Should the Planning Commission recommend approval of this application to the BOS, subject to the approval of Case

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-21-0022. 360 Racefield Drive Solar Farm
Staff Report for the February 2, 2022, Planning Commission Public Hearing

No. AFD-21-0003, staff has included proposed conditions that are designed to mitigate the potential impacts of this development.

For the reasons listed in this staff report, staff also recommends that the Planning Commission not find this application consistent with the 2045 Comprehensive Plan.

TL/ap
SUP21-22_360RcfldDr

Attachments:

1. Proposed SUP Conditions
2. Location Map
3. Applicant Narrative
4. Master Plan
5. Proposed Landscape Buffer
6. Applicant Review of 2045 Comprehensive Plan
7. Resolution finding the application consistent with the adopted Comprehensive Plan, per 15.2-2232
8. Resolution finding the application Not Consistent with the Comprehensive Plan, per 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-21-0022, 360 Racefield Drive Solar Farm

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 360 Racefield Drive and further identified as JCC Real Estate Tax Map No. 0310100003 (the “Property”). The Property shall be developed and the Project constructed substantially in accordance with the master plan titled “Racefield Solar, LLC” prepared by Hexagon Energy, LLC, and dated November 12, 2021 and revised January 24, 2022, (the “Master Plan”), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.
2. **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 Property. 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.
3. **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 (Perimeter Buffer) along the perimeter

of the Project site. The Perimeter Buffer shall be increased to 75 feet in the following locations: (i) along the front property line, (ii) along approximately 200 feet of the eastern perimeter, and (iii) along approximately 200 feet of the western 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. 3c.
- 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%.

4. **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 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 Planning Director prior to final site plan approval.
5. **Signage.** Unless otherwise exempt by Section 24-74 of the Zoning Ordinance, no outdoor signage related to the Project shall be permitted on the Property.

6. **Fencing.** Any fence on the Property 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 Property for consistency with this condition.

7. **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.

8. **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 Property 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 Property shall be limited to the hours of 7 a.m. to 7 p.m., Monday through Friday.
- Construction delivery traffic to the Property 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.

9. **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 Racefield Drive, 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.

10. **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 Property 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 Racefield Drive 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.

11. 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 SPCCP shall outline measures and procedures necessary for the operation of the Facility until decommissioning.

12. 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 Property. At the time of decommission of the Facility, the stormwater facilities on the Property 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 Property 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.

13. 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.

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

15. Virginia Runoff Reduction Method. The Forested Open Space land use category may be used to account for a maximum of 50% 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.

16. Special Stormwater Criteria. Special stormwater criteria measures as defined in the Special Stormwater Criteria Task Group shall be required for the Project.

17. 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.

18. 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).

19. Stream Channel Restoration. The development plan for the Project must include a restoration plan for approximately 200 linear feet of the upper reaches of the perennial stream channel on the Property that is experiencing severe degradation. The restoration plan must be shown as part of the overall plan of development for the Project and be approved by the Director of Stormwater and Resource Protection prior to site plan approval. Restoration of the stream channel must be guaranteed in a manner acceptable to the County Attorney prior to site plan approval and completed prior to the Facility being operational.

20. Erosion and Sediment Control Inspection.

- a. The person responsible for carrying out the erosion and sediment control plan on the Property 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 Property.

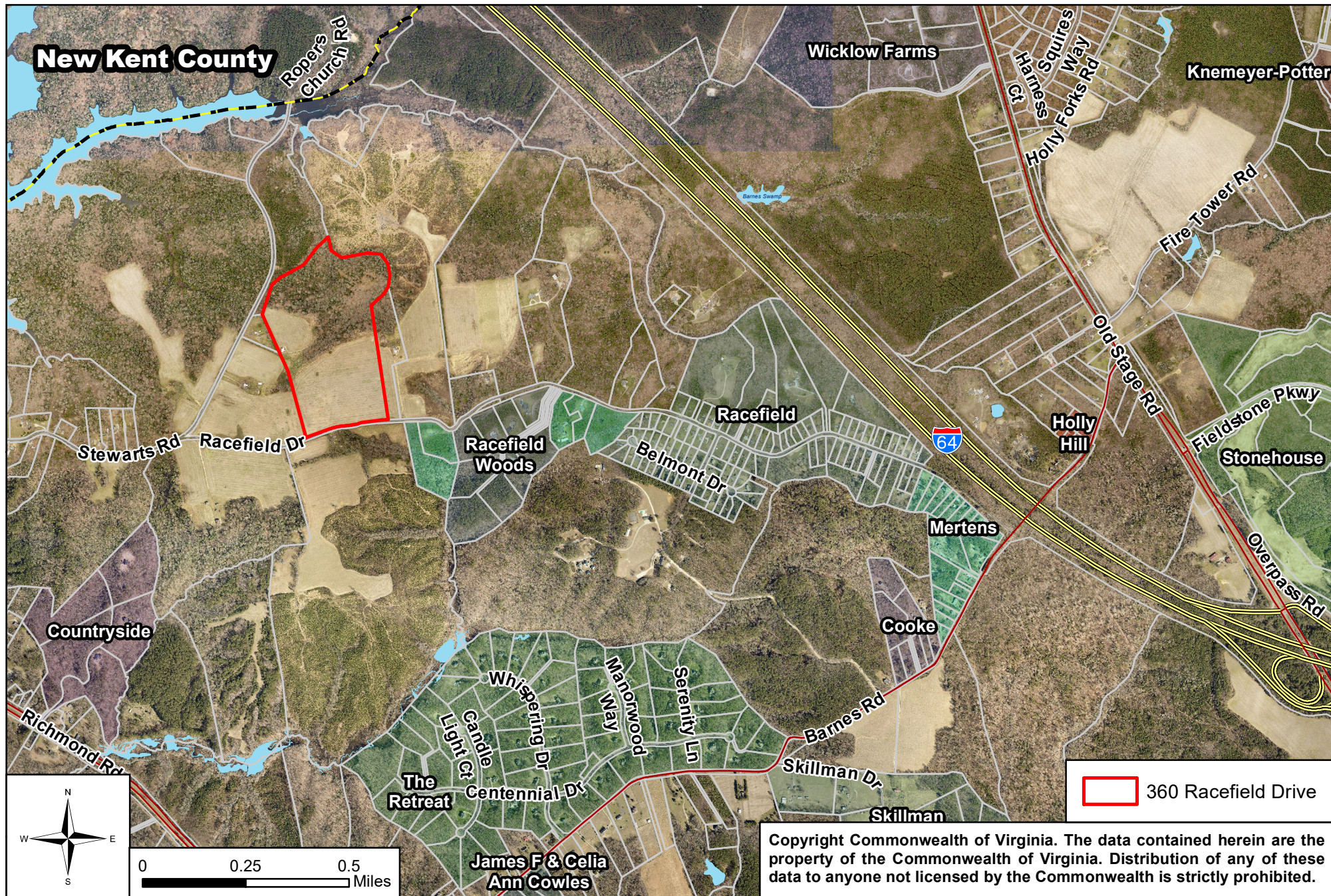
21. Public Improvements. Pursuant to Code of Virginia § 15.2-2288.8(B), a payment of \$1,400 per megawatt, as measured in alternating current (AC) generation capacity of the nameplate capacity of the Facility, shall be made to the County on July 1 of each year to support construction of public improvements,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

22. 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.

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

JCC SUP-21-0022

360 Racefield Drive Solar Farm





APPLICATION FOR
RACEFIELD SOLAR
SPECIAL USE PERMIT

PURSUANT TO

CODE OF THE COUNTY OF
JAMES CITY, VIRGINIA

SUBMITTED NOVEMBER 17, 2021

Prepared for:
James City County
Planning Commission
101 Mounts Bay Road
Building F
Williamsburg, VA 23185

Prepared by:
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NOTICE OF RESTRICTIONS

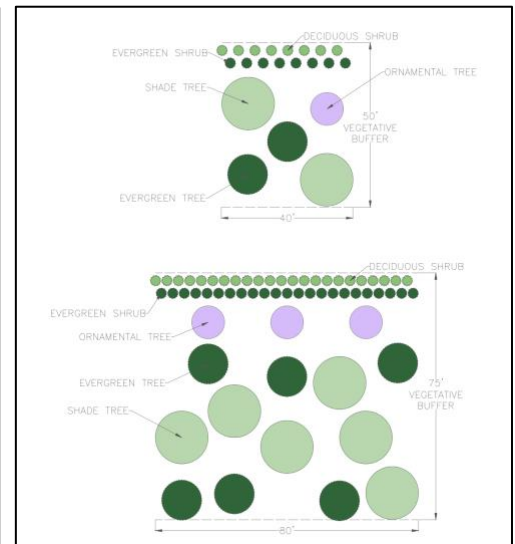
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PROJECT NARRATIVE

RACEFIELD SOLAR – 3MW_{AC}

TOANO, VA

JAMES CITY COUNTY



- ✓ **WELL-SITED**
Site design mitigates adverse impacts to natural and cultural resources.
- ✓ **ECONOMIC DEVELOPMENT**
Local labor and materials will be used to the extent they are available. Virginia has over 4,400 solar jobs and the industry continues to grow faster than the overall economy (up 15.4% in 2019)
- ✓ **LOW IMPACT**
Low profile, low traffic, low sound-levels. No odor, hazardous materials, nor light pollution. No permanent structures.
- ✓ **BASED IN VIRGINIA**
We are a locally-owned Virginia company based in Charlottesville and have partnered with Virginia community colleges to create a solar jobs training program, SHINE.
- ✓ **PROVEN DESIGN & EQUIPMENT**
Fully meets Dominion's equipment and design requirements, including industry standard Tier 1 components backed by bankable warranties.



OVERVIEW

Hexagon Energy is pleased to apply for a Special Use Permit for Racefield Solar (the Project), a small, solar photovoltaic (PV) facility of three (3) megawatts (MW) in capacity, measured in alternating-current (AC). The Project will be located at Parcel ID 310100003 (the Property), to the north of Racefield drive and approximately 1.7 miles northeast of Lanexa. The Project will encompass up to approximately 26 acres of farmland (the Site) on a larger, 65.26-acre property (the Property), located in the General Agricultural (A1) zoning district. The project has been designed in full compliance with James City County and Virginia permitting and approval requirements.

APPLICANT & FACILITY OWNER

Racefield Solar, LLC is both the applicant and facility owner for the Project. Racefield Solar, LLC is a wholly-owned subsidiary of Hexagon Energy, LLC (Hexagon Energy), a Virginia Limited Liability Company. Hexagon Energy is a Virginia Company located in Charlottesville.

Hexagon Energy is an independent, privately owned energy development firm that believes the path to a clean energy future requires a range of new sources and technologies. We develop projects across six diverse energy solutions with one common goal—powering a clean future.

Over the past 19 years, Hexagon Energy's principals have played a central role in building the renewable energy industry in Virginia and bringing renewable energy jobs to the Commonwealth. Our principals have advised Dominion on 232 MW of renewable energy purchases and developed nearly 600 MW of operating solar projects across the U.S., including some of the first utility-scale projects in Virginia. We are excited to work with James City County to develop a locally-based solar project that benefits Virginia communities, rate payers, and land owners.

AT A GLANCE

- Established in 2015
- Developing energy projects since the early 1990s
- 2,875 MW of energy development experience across 17 states
- Representing over \$1.5 Billion USD in invested capital

LOCATION & CONTACT INFO

321 E Main St | Suite 500
Charlottesville, VA 22902
info@hexagon-energy.com

ENERGY DEVELOPMENT EXPERIENCE

Hexagon Energy's principals have been developing energy projects since the 2000s and have a wide range of experience that guides our work. Over the past 20 years, Hexagon Energy's principals have developed and financed nearly 3,000 MW of operating energy projects in 17 U.S. states, representing over \$1.5 billion in invested capital. The projects include utility scale wind and solar projects ranging from a few megawatts to over a gigawatt. The following table summarizes the energy development experience of Hexagon Energy's principals, both at Hexagon and prior companies.

TYPE	SINCE	ADVISORY	OPERATING	UNDER DEVELOPMENT
Solar PV	2008	232 MW	597 MWac	2,317 MWac
Wind	2000	400 MW	2,278 MWac	550 MWac
Energy Storage	2013	20 MW	--	44 MWac
TOTAL		652 MW	2,875 MWac	2,576 MWac

Table 1: Hexagon Energy's Project Development Experience



PROJECT DESIGN

Hexagon Energy proposes to develop Racefield Solar, with a nameplate capacity of up to 3MWac. All of the clean energy generated by the facility will be delivered to the Dominion power grid (the Grid) at the existing 13.2 kilovolt (kV) distribution line crossing onto the property from the west, via Stewarts Rd. The Project proposes to sell power to Dominion Energy to serve local customers.

Racefield Solar will consist of up to approximately 8,764 crystalline silicon solar PV panels sourced from Tier 1 manufacturers. Additional equipment will include single axis tracker components, DC to AC string inverters, a medium voltage transformer and a control cabinet, project switch gear, a meter, and the interconnection to the existing distribution system.

To support the PV panels, the Project will utilize a single-axis tracking system designed to optimize power production of the panels by rotating them to follow the path of the sun. The single-axis tracker design consists of a series of mechanically linked horizontal steel support beams known as torque tubes, with a drive train system usually located in the center of the rows. The rows will be placed 21.2 feet apart (center to center) and the panels will cover approximately 33% of the Project area. The racking system will be supported by metal piles driven or screwed into the ground by a pile-driving machine to a depth of approximately 10 feet. The maximum height of the solar PV panels at full tilt is twelve feet (12').

The PV panels in each row will be wired together into a circuit (string). There will be a DC to AC string inverter for approximately every 3 rows, typically mounted on a piling adjacent to the tracker structure. AC Power will be transmitted from the string inverters via three-phase direct-buried cables, buried at a depth of approximately 36 to 48 inches, and aggregated at the AC collection switch gear and then on to the medium voltage transformer. The transformer will be mounted on a concrete slab with the project switchgear and control cabinet, and will be screened from view via the vegetative screening buffer. The transformer steps up the voltage of the electrical power to 13.2kV to match the Grid. The power is transmitted from the transformer to the Project's protective recloser and metering equipment before interconnecting with Dominion's existing infrastructure on the Property.

An internal access drive, consisting of an all-weather aggregate base, will allow access to the PV panels. Site access will be restricting by a security fence installed around the perimeter of the solar panel array in compliance with Federal and State regulations. Manual swing gates will be constructed at the main entrance and in strategic areas, as required for access by maintenance crews. National Electric Code standards for safety and signage will be met or exceeded.

The project will be screened from view with a planted vegetative buffer yard, further detailed in the landscaping plan in Appendix A. The Project's screening plan is proposed to feature a 50/50 evergreen shrub mix, and a tree mixture of 20% ornamental, 40% shade, and 40% evergreen around the perimeter of the project. The density and layout of the mix complies with the requirements set forth in the County's landscaping ordinance. The types of trees and shrubs are still to be determined. We will gather comments from neighbors and County Staff to help guide what trees and/or shrubs to use.

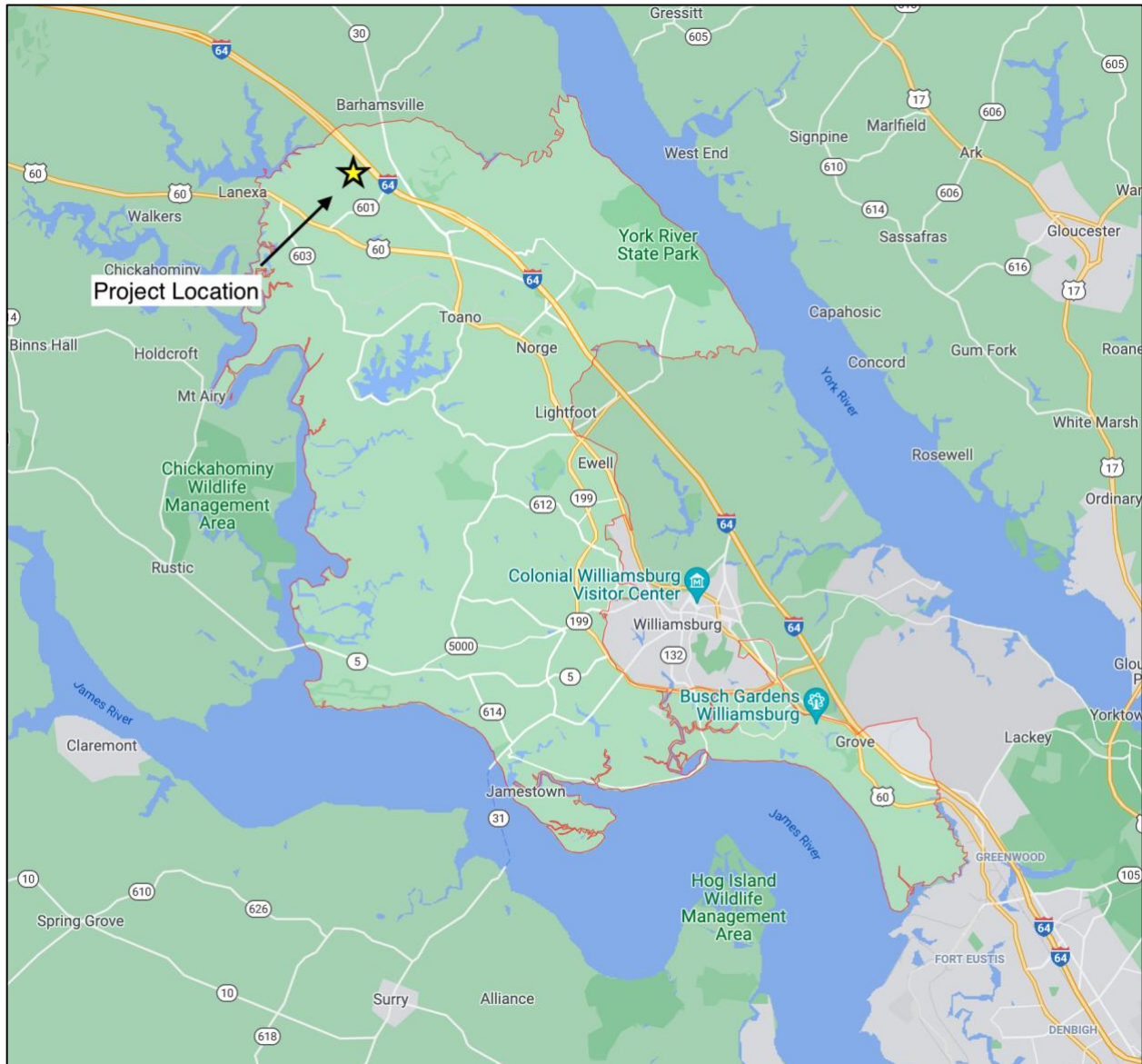
HEALTH & SAFETY

The project will utilize passive photovoltaic (PV) cells to generate electricity and inverters to change the direct current into alternating current. They consist of common materials including glass, polymer, aluminum, copper, and silicon semi-conductor material. Solar PV panels function as a solid state, inert crystal composed of non-toxic materials and are most similar to a pane of solid glass. There are no chemicals, fluids, or materials that are capable of entering the environment. The PV and inverter technology have been utilized and studied for over 30 years and are not known to pose any significant health dangers to neighbors. Instead, the reduction in pollution from fossil-fuel-fired electric generators make solar farms a positive impact on human health.



In May 2017, researchers at NC State University published a detailed review of the Health and Safety Impacts of Solar Photovoltaics that utilizes the latest scientific literature and knowledge of solar practices in N.C. to address the health and safety risks associated with solar PV technology. “These risks are extremely small, far less than those associated with common activities such as driving a car, and vastly outweighed by health benefits of the generation of clean electricity.” The full report can be found in Appendix B, attached.

SITE LOCATION AND CHARACTERISTICS



Racefield Solar will encompass up to approximately 26 acres across the 65.26-acre property. The Property is located in the General Agricultural (A1)-zoned district and has been farmed since the 1960s, and forested prior. The topography of the site area is flat, cleared land. The land slopes gently northward toward an identified resource protection area to the north of the site boundary. We do not anticipate any site grading at this time and will follow storm water management best management practices in close coordination with James City County Stormwater & Resource Protection Division.



ENVIRONMENTAL AND CULTURAL IMPACT

WETLANDS

The Site is located to the south of an unnamed stream/wetland feature. Qualified professionals at the Timmons Group performed a wetlands delineation and field assessment. The wetlands delineation can be found in Appendix C and will be verified by the US Army Corps of Engineers prior to facility construction. The Project will be designed and constructed to setback from, and not impact, delineated wetlands and resource protection areas (RPAs).

WILDLIFE HABITATS

The Property has been screened, via the U.S. Fish and Wildlife Service Information, Planning, and Consultation System (IPAC System), for known critical habitats for threatened and endangered species, and none are known to be present on the Property. A desktop environmental inventory, including an official species list, generated using USFWS's tool, can be found in Appendix D, attached.

This official species list identifies the Northern Long-eared Bat (NLEB), and the Small Whorled Pogonia as two threatened species that could exist within the vicinity of the Project. We have confirmed that there are no nearby known roost habitats for the NLEB, using the Virginia Department of Game and Inland Fisheries (now known as DWR) Winter Habitat and Roost Trees map. Under the USFWS 4(d) rule, no further study is required given the DWR map result. James City County is within the range of the Small Whorled Pogonia, as illustrated on U.S. Fish and Wildlife Service's Environmental Conservation Online System (ECOS), but has not been documented as sited on the project site area according to a Virginia Fish and Wildlife Services search report. It is unlikely the Small Whorled Pogonias would be located in the Site, given that this area is currently farmed. All local, state, and federal laws shall be followed in the event the species is encountered during Project construction.

CULTURALLY AND HISTORICALLY SIGNIFICANT RESOURCES

Qualified archeologists and architectural historians at Hurt & Proffitt, Inc. performed a preliminary desktop analysis of cultural and historical resources on the property. The full report can be found in Appendix E. This report examines the historic context of the property, in addition to previously recorded archaeological and architectural resources, identified on Virginia Department of Historic Resources' (DHR) Virginia Cultural Resource Information System (V-CRIS). Three archaeological and six architectural resources have been identified within a 0.5-mile buffer of the Property. No historic resources have been recorded on the Property.

The report determines that the Property has a moderate potential to contain prehistoric period archaeological sites, and moderate to high potential for the presence of historic period archaeological sites. Further archaeological and architectural surveys were recommended prior to construction of the Project. Therefore, the Applicant proposes to have a Phase 1 Cultural Resources Survey completed prior to Building Permit approval. This Phase 1 will be accompanied by DHR concurrence of any potential mitigation efforts that may be required.

ENVIRONMENTALLY SENSITIVE AREAS

Racefield Solar has been reviewed by the Virginia Department of Conservation and Recreation (VADCR) for environmentally sensitive areas. VADCR initially identified that the Property boundary did not intersect with their Predictive Models for possible Natural Heritage Resources. In its report, VADCR confirmed that no natural heritage resources have been documented within a 100 ft. buffer of the property boundary. These findings from VADCR can be found in Appendix F.



CONSTRUCTION

Based on the current project schedule, construction is forecasted to begin at the beginning of 2023. Construction is estimated to take two to three months, dependent on weather. Racefield Solar proposes to limit hours of pile driving activity during construction to the earlier of sunrise or 8 a.m. to the later of 6 p.m. or sunset, Monday through Friday. All other construction activity shall be permitted Monday through Sunday in accordance with the applicable ordinances governing noise in the County.

Following construction, the Project will undergo testing and commissioning in coordination with Dominion Energy. The Project is estimated to commence operations in the Spring of 2023.

Construction will involve minimal ground disturbance, and ingress and egress of heavy equipment and traffic will be restricted to access from Racefield Drive. Prior to site plan approval, the Applicant shall submit a traffic management plan, to be approved by the County. The traffic management plan will be designed in compliance with VDOT and County standards.

A detailed erosion and sediment control plan will be developed as a component of the final site plan. Erosion and sediment control measures will be implemented to prevent runoff from entering the surrounding environment. Erosion and sediment control measures may include straw bales, hay coil logs, run-off channels, silt fencing, and sediment basins.

Natural vegetative ground cover will be established across the Site upon construction completion. The vegetative ground cover will include native grasses and ensure erosion and sediment control throughout the life of the Project. Open-space areas of the project will be reserved, to the extent possible, for pollinator-friendly species plantings. We have identified the south-east corner of the project site as a potential location. The exact mix of species will be aligned with the criteria outlined in the Commonwealth's pollinator smart program.

OPERATIONS AND MAINTENANCE

Once constructed, the Project will require very little maintenance and therefore traffic to the Site. Electrical engineers will service the inverters and transformers on average once per quarter. The solar panels have very low failure rates of approximately 1 in 10,000 per year. The Project output is monitored remotely and defective panels are easily replaced from inventory stores. The Project does not require on-site water or chemicals to keep the panels clean. Rain occurs with sufficient frequency and quantity in James City County to naturally keep the panels clean. Native vegetation will be maintained under and between the panels with periodic mowing during the growing season. The Site maintenance is typically contracted and performed by local companies.

IMPACTS AND MITIGATIONS

WATER

An on-site source of potable water will not be required during construction or operation of Racefield Solar. Any on-site water required during construction or operation will be supplied by Racefield Solar, LLC. No well-digging will be required. Please refer to the requested waiver for a water and sewer impact survey in Appendix H.

SOUND

Construction:



During the 2-3 months of construction, we anticipate an increase in construction sound primarily from delivery of materials and installation of support beams on which the solar panels will be fixed. These impacts are mitigated by selecting site area that will require little to no groundwork, establishing limits of construction operation hours.

Operations:

From Racefield Drive and nearby residences, the array will be virtually inaudible. The Project is planned to feature Sungrow model SG125Hv (125kWac) inverters and DuraTrack HZ v3 racking equipment that will produce a small amount of sound (<60dBA at 1 meter away) within the Site. At just one meter away, the sound ratings of the inverters are less than outdoor air conditioning units, which are rated at over 60dB. Inverter sound ratings fall to less than 30dB at a distance of 50 feet, which is the background noise level in a rural area. The nearest residence is over approximately 250 feet from the Site, and 1,200 feet from the inverter. This house is also separated by 50' of vegetative screening. Once mature, the vegetative screening will fully mitigate any sound produced by the Project.

GLARE

Construction:

No glare hazard is anticipated during construction.

Operations:

In addition to being visually screened from nearby residences and Racefield Drive, the panels are designed to absorb as much sunlight as possible and are treated with an anti-glare coating.

Hexagon has utilized the Federal Aviation Administration's online Notice Criteria Tool and Racefield Solar is not in proximity to a navigation facility. No filing will be required for the Project. The results of the Notice Criteria Tool can be found in Appendix G. We have additionally performed a glare analysis of the Project for Racefield Drive, and Stewarts using ForgeSolar, a FAA Solar Glare Hazard Analysis Tool (SGHAT). The analysis concludes that no glare was produced by the proposed array, when examining Racefield Drive and Stewarts Road.

ODOR

Construction:

During construction, the EPC contractor will store, collect, and dispose of solid construction material waste such to prevent any hazards—including odors. This will mitigate any possible impact odors from the project could have on neighboring property use.

Operations:

During operations, no perceivable odors are generated from any equipment comprising the solar array. No impact mitigation is required.

DUST

Construction:

During construction, trucks and construction machinery may kick up existing dirt particles within the site. Dust will be mitigated by spraying water on dry dirt and by instituting a 5 MPH speed limit within the construction zone.

Operations:

Vegetative ground cover will be planted and maintained during operations, preventing dust.

SECURITY & ACCESS

The Site will be fenced in by a 6-foot-high chain-link fence topped with strands of barbed wire to deter any unauthorized access to the site. After construction concludes, the gates will remain locked, and access will be coordinated by authorized operations and maintenance personnel. The Site will also include a



“Knox Box” on the gate to provide 24/7 emergency access for fire and police personnel. Ingress and egress will be maintained off of Racefield drive, and will ensure suitable access for fire and other emergency vehicles.

REMOVAL

The Project will be removed following the conclusion of the operations phase. Notice will be sent to the County by US mail indicating the intended abandonment or discontinuation of operations. The Project shall then be completely removed within 365 days of the communicated date. Methods to ensure project decommissioning will be established prior to building permit approval. Racefield Solar, LLC proposes to provide a surety to cover the cost of decommissioning, to be updated throughout the Project’s life. More information on project decommissioning can be found in Appendix J, in addition to the proposed SUP conditions list of Appendix I.

ECONOMIC DEVELOPMENT

JOBS

Local materials and labor will be used for the construction and maintenance of the Project to the extent that they are available. Racefield Solar will create approximately 20 new construction positions. The operations phase of the project will require approximately one to two, full-time positions, once facility construction is complete. This small crew will be responsible for routine upkeep of the facility throughout the project’s life. Upkeep of solar facilities generally includes vegetation management, routine single-axis tracker maintenance, and visual inspections and repair of the equipment. Once per quarter, the crew will visit the site in a pickup truck or like vehicle, to perform the upkeep.

The solar industry in Virginia is growing faster than the overall economy and presents new career opportunities throughout the Commonwealth. Hexagon Energy is on the Leadership Council of SHINE, a Virginia Solar Workforce Initiative partnered with Southside Virginia Community College that is expanding to other Community Colleges. The program not only trains new workers but pairs the training with an upcoming solar installation job. The program is aligned with upcoming solar projects and the first classes commenced in the fall of 2019. The SHINE program also has a mobile lab that can deploy local training classes. Hexagon Energy will work with the SHINE program and Thomas Nelson community college to ensure that training and job opportunities are created for interested James City residents.

INVESTMENT

Racefield Solar will make approximately \$4,959,000 in total capital investment for construction, material, labor, and professional services. An estimate of the capital expenditures breakdown can be found below:

Expense	Amount
Solar PV Panels	\$1,653,000
Inverters	\$268,612
Mounting/Racking System	\$826,500
Transformers	\$289,275
Electrical Components	\$392,587
Site Management (fencing, vegetation, etc.)	\$82,650
Labor	\$1,281,075

The Department of Energy’s JEDI model predicts that Racefield Solar construction will contribute over \$1,117,500 in direct spending in the local economy on labor, local contractors, and locally sourced materials. The array will produce enough energy to power roughly 264 homes after it is completed.



INCREASED COUNTY REVENUE

Total Revenue

Racefield Solar will increase the tax revenue per acre per year by a factor of 33x over the current land use.

Current:	\$225
Proposed:	\$7,476

The tax revenue increase is attributable to both the reassessment of property at a higher rate and the annual Voluntary Payment proposed.

Increased Real Property Assessment & Tax Revenue

The 26-acre portion of land used for Racefield Solar will increase in assessment from \$8,999.38/acre (Agricultural) to \$15,000/acre (Solar). The James City tax rate for Real Property is \$0.84/\$100 assessed. The Property is currently enrolled in the Barnes Swamp AFD, and granted tax abatement. The historically abated assessment has been roughly \$565 for the entire 65.26 acres. If approved, the real property taxes to be collected over the project's anticipated life represents over 14.5x the yearly amount to be collected under the current land use.

	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 (26 Acres)	\$8,999.38 / acre (Assessed)	\$587,300 (Assessed, full property)	\$0.84 / \$100 assessed value	\$225 / year (AFD-Abated, 26 acres)	\$6,751.80 (AFD-Abated, 26 acres)
Racefield (26 Acres)	\$15,000 / acre	\$390,000	\$0.84 / \$100 assessed value	\$3,276 / year	\$98,280.00 (Solar)

Voluntary Payment

Virginia state code grants solar projects smaller than 5MW a 100% exemption on local personal property taxation on equipment. Racefield Solar offers a voluntary annual payment of \$1,400 per MW for the life of the project to the County's Public Works department in support of utility, transportation, and beautification work along Racefield Drive. Over a 30-year period, this would represent an additional \$126,000 to the County.

The proposed voluntary payment is consistent with Code of Virginia § 15.2-2288.8(B) and is included in the list of proposed SUP conditions. This list can be found in Appendix I. The proposed SUP condition may be amended prior to approval if the County prefers an alternate use of the voluntary payment that is similarly associated with the project.



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, *Toward 2035: Leading the Way*.

LOCATION

The location of Racefield Solar is substantially in accord with the County's Comprehensive Plan. The Project is located on the north side of Racefield Drive, in an area defined as Rural Lands in the County's 2035 Land Use Map. Rural Lands are areas located outside of the Primary Service Area (PSA), and are intended for low-intensity uses. New development meeting the guidelines of the Rural Lands Development Standards are encouraged, while residential development is discouraged. Once constructed, Racefield Solar will be a low-intensity, non-residential development. The Project features a proposed vegetative screening plan that has been designed in compliance with County and Rural Lands Development standards. The Site will be obscured from view, be virtually inaudible, and produce no odor – it will be a silent neighbor. Once constructed, Racefield Solar will require minimal traffic to the Site. Monthly maintenance trips will take the form of one-to-two-person crews visiting the site in a pickup truck. This is no more than what the road currently experiences in daily traffic flow.

The Project location satisfies the strategies and actions detailed in the Transportation section of the Comprehensive Plan. (T1.1) indicates the County's preference to match development intensity with respective land use areas. The Project is harmonious with the low-intensity needs of the Rural Lands district. This is also consistent with strategy LU1.1 given that solar facilities are allowed via Special Use Permit in the A1 district. Finding Racefield Solar in substantial accord with *Toward 2035: Leading the Way* satisfies LU1.4, as the proposed use is a public utility facility.

CHARACTER AND EXTENT

The character and extent of Racefield Solar are substantially in accord with the County's Comprehensive Plan. The Project intends to provide locally generated, clean energy to Dominion customers pursuant to the Virginia Clean Economy Act of 2020, promoting infrastructure service to the County and beyond. The Project will be clean, non-disturbing, and support local job training and educational opportunities through SHINE, the Virginia Solar Workforce Initiative hosted by Southside Virginia Community College, and potential future partnerships with the local community college. This opportunity for additional renewable energy development fits the intent of ED2.5, 2.6, and 3.5. The Project's design additionally satisfies strategies ENV1.3 and 4.5, in addition to CC1.3 and 3.6, given that new and existing distribution lines are proposed to be trenched. The Project's proposed vegetative screening plan also satisfies CC3.7

Racefield Solar will provide locally generated, clean energy to Dominion customers pursuant to the Virginia Clean Economy Act of 2020, promoting infrastructure service to the County and beyond. The Project will be clean, non-disturbing, and support local job training and educational opportunities through SHINE, the Virginia Solar Workforce Initiative hosted by Southside Virginia Community College, and potential future partnerships with the local community college.



PLANNING COMMISSION DETERMINATION REQUEST

Racefield Solar has been designed to be substantially in accord with the Comprehensive Plan and conform with all requirements set forth in the County's Zoning Ordinance. The Applicant, Racefield, LLC, requests that the Planning Commission makes this determination pursuant to VA Code § 15.2-2232 in one of three ways:

TO RECCOMEND APPROVAL AS IS (please say the following):

"I move that the Planning Commission adopt to forward the application for Racefield Solar to the James City County Board of Supervisors with a favorable recommendation, as it complies with the requirements of the Zoning Ordinance and is substantially in accord with the Comprehensive Plan."

TO RECCOMEND APPROVAL WITH CHANGES (please say the following):

"I move that the Planning Commission adopt to forward the application for Racefield Solar with the following changes: _____ to the James City County Board of Supervisors with a favorable recommendation, as it complies with the requirements of the Zoning Ordinance and is substantially in accord with the Comprehensive Plan."

TO RECOMMEND DENIAL (please say the following):

"I move that the Planning Commission adopt to forward the application for Racefield Solar to the James City County Board of Supervisors with an unfavorable recommendation for the following reasons:



January 24, 2022

Mr. Tom Leininger
101A Mounts Bay Road
Williamsburg, VA 23185

RE: SUP-21-0022, 360 Racefield Dr. Solar Farm

Mr. Leininger, and James City County Community Development Staff,

Thank you for your continued guidance as we navigate James City County's permitting process. On behalf of Racefield Solar, LLC (the Project), I am excited to present you with an updated Master Plan and Vegetative Screening Plan for SUP-21-0022. We have made these updates after receiving comment from local stakeholders, including neighbors and department staff.

Site and Vegetative Screening Plan Revisions:

Following Staff discussion and a town-hall style community meeting on December 14th, we revised Racefield's Master Plan and Vegetative Screening Plan. These improvements are summarized below:

- We shifted the construction entrance eastward, to be internal to vegetative screening. The entrance dimensions have been updated in collaboration with Williamsburg's VDOT resident, Glenn Brooks, to include a 25-foot turn radius, and 24-foot-wide throat. These plans will be finalized during the Site Plan phase of permitting, but for illustrative purposes, have been added to the Master and Vegetative Screening plans.



- We have proposed additional screening in the northwest corner of the Project area, following neighbor comment. This will take the form of staggered rows of evergreen trees, 50 feet in width, per Staff request. An illustration of the additional screening can be found in the attached Vegetative Screening Plan and Master Plan.
- The species mix in the Vegetative Screening Plan has been updated to incorporate County Staff and neighbor input. We have chosen to increase the number of evergreens present in the mix to provide for additional viewshed mitigation. The mix will now be comprised of:
 - 15% ornamental trees
 - 40% shade deciduous trees, and
 - 45% evergreen trees

The shrub mix of 50% evergreen and 50% deciduous will remain the same. These percentages remain compliant with James City County Code.

We have partnered with Kimley-Horn, a consulting firm that has been involved with previous solar projects in James City County, to develop visualizations that incorporate our revised Vegetative Screening Plan. Please note that the visualizations provided by Kimley-Horn are meant to convey the general character of the proposed buffer. The actual mix of trees and shrubs has not yet been finalized. The visualizations will depict project screening directly after planting, and again at the 3-, 5-, and 10-year marks. The visualizations will capture two vantage points, one from the South of the Project, along Racefield Drive, and one from the nearest neighboring property, owned by Mr. Craig Beck. These visualizations will be delivered to County Staff once they become available.



Additional Revisions:

We have solicited feedback from both County Staff and neighbors regarding the construction phase of the Project. The active construction phase will be approximately 2-3 months in duration. Access during construction will require use of Racefield Drive for deliveries.

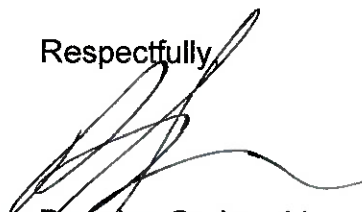
- We are mindful of several tight curves and narrow passages along the section of Racefield Drive to the East of the Project. As such we have committed to routing construction deliveries to the Project from the West of Racefield Drive, via Stewarts Road / Route 621 from the North. Deliveries routed from the East would be inappropriate given roadway conditions; and deliveries from the South-East would push the weight limit of two wooden, single-lane bridges. This route will be finalized in a construction management plan, to be submitted to VDOT during the Site Plan phase.
- Pursuant to VA Code 15.2.2288.8(b), we propose directing annual voluntary payment funds (\$1,400 per megawatt) to the ongoing maintenance and improvement of Racefield Drive. We are open to making additional administrative changes to this proposed condition following review and comment by the County Attorney's office.



We appreciate the input we've received from County Staff and neighbors, and continue to solicit actionable feedback from all stakeholders.

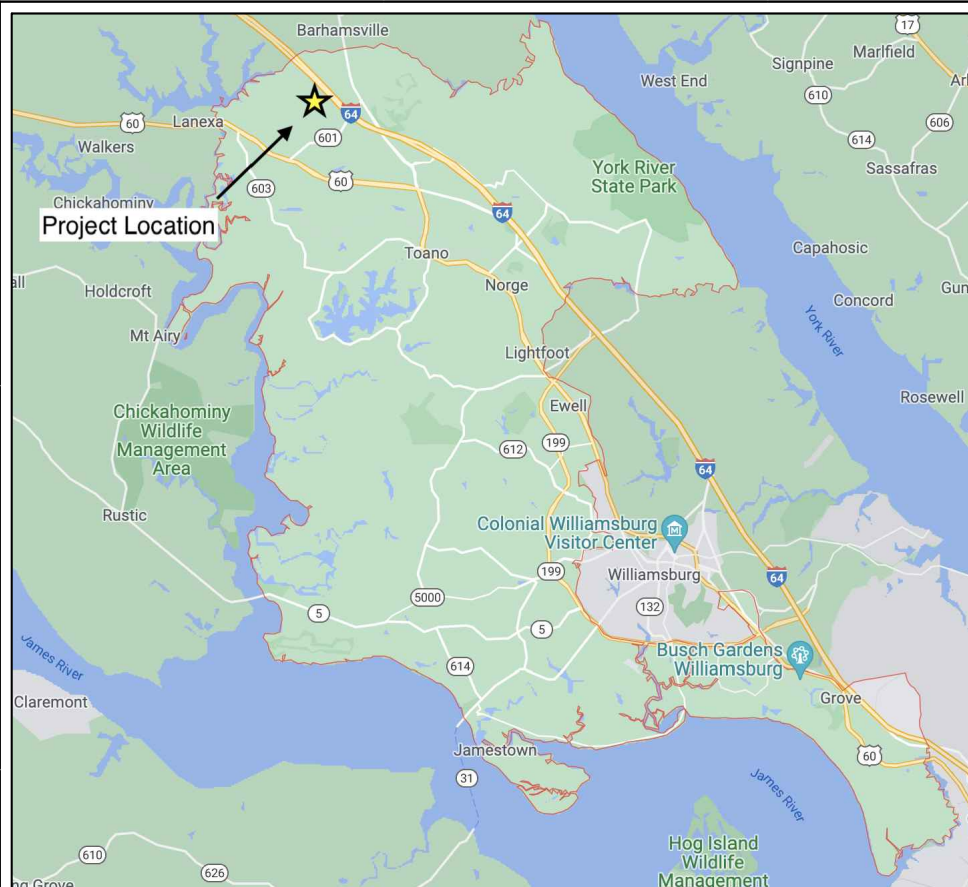
Please do not hesitate to contact me should you have any questions.

Respectfully,

A handwritten signature in black ink, appearing to read 'Brendan Grajewski', with a long horizontal flourish extending to the right.

Brendan Grajewski
Development Manager

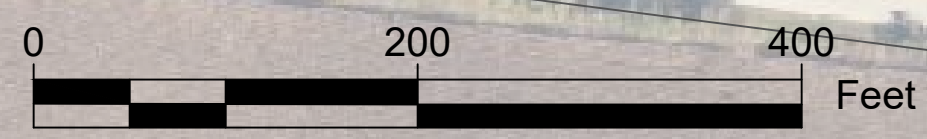
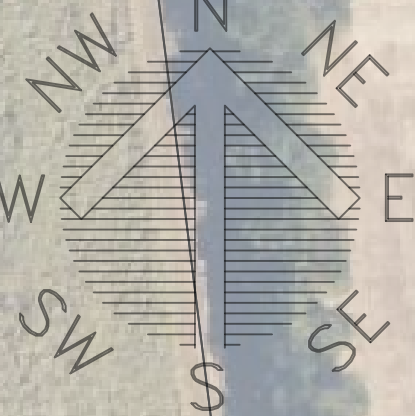
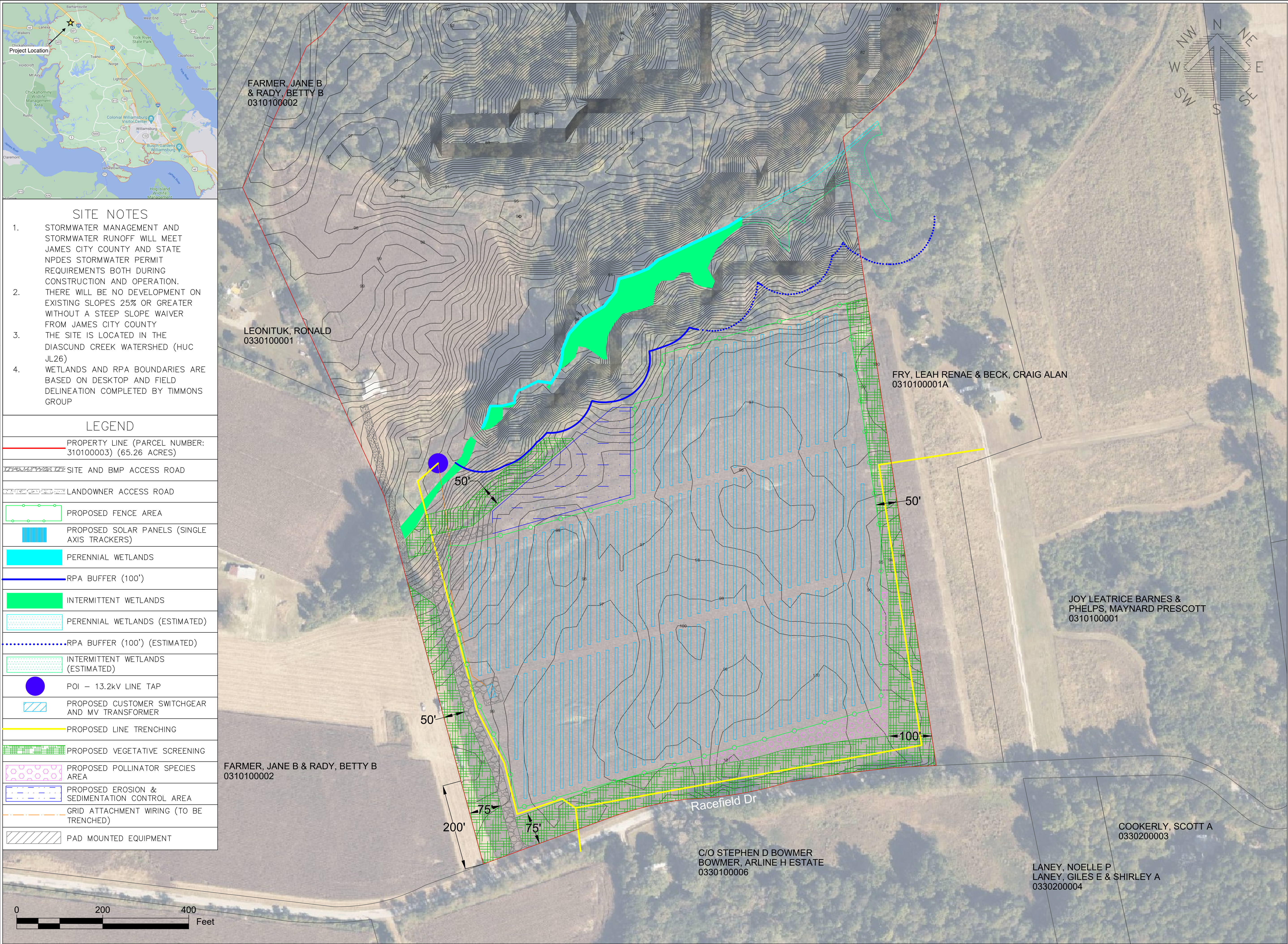




- SITE NOTES**
- STORMWATER MANAGEMENT AND STORMWATER RUNOFF WILL MEET JAMES CITY COUNTY AND STATE NPDES STORMWATER PERMIT REQUIREMENTS BOTH DURING CONSTRUCTION AND OPERATION. THERE WILL BE NO DEVELOPMENT ON EXISTING SLOPES 25% OR GREATER WITHOUT A STEEP SLOPE WAIVER FROM JAMES CITY COUNTY
 - THE SITE IS LOCATED IN THE DIASCUND CREEK WATERSHED (HUC JL26)
 - WETLANDS AND RPA BOUNDARIES ARE BASED ON DESKTOP AND FIELD DELINEATION COMPLETED BY TIMMONS GROUP

LEGEND

	PROPERTY LINE (PARCEL NUMBER: 310100003) (65.26 ACRES)
	SITE AND BMP ACCESS ROAD
	LANDOWNER ACCESS ROAD
	PROPOSED FENCE AREA
	PROPOSED SOLAR PANELS (SINGLE AXIS TRACKERS)
	PERENNIAL WETLANDS
	RPA BUFFER (100')
	INTERMITTENT WETLANDS
	PERENNIAL WETLANDS (ESTIMATED)
	RPA BUFFER (100') (ESTIMATED)
	INTERMITTENT WETLANDS (ESTIMATED)
	POI - 13.2kV LINE TAP
	PROPOSED CUSTOMER SWITCHGEAR AND MV TRANSFORMER
	PROPOSED LINE TRENCHING
	PROPOSED VEGETATIVE SCREENING
	PROPOSED POLLINATOR SPECIES AREA
	PROPOSED EROSION & SEDIMENTATION CONTROL AREA
	GRID ATTACHMENT WIRING (TO BE TRENCHED)
	PAD MOUNTED EQUIPMENT



HEXAGON ENERGY, LLC
321 E Main St, Suite 500
Charlottesville, VA 22902
Phone: 434.227.5090
Website: www.hexagon-energy.com

Professional Engineer:

PE Seal:

DRAWING TYPE

☐ Preliminary ☐ Construction
☐ Customer Approval ☐ As-built
☒ Permitting ☐ Other

REVISIONS

Rev	By	Description	Date
0	EO	RFP PLAN	7/30/2021
1	EO	ADD CONTOUR LABELS	9/14/2021
2	EO	PERMIT PLAN	11/12/2021
3	EO	REVISE CONTOURS AND ACCESS ROADS	1/6/2022
4	EO	REVISE ACCESS ROADS	1/19/2022
5	EO	REVISE VEGETATIVE BUFFER	1/24/2022

SITE INFORMATION

PARCEL ID NUMBER (PIN)	APPROX ACREAGE	ZONING	R/W SETBACK	SIDE YARD SETBACK	REAR YARD SETBACK	LANDSCAPE BUFFER
310100003	±65.26	A1	+75'	+50'	+1000'	+50'

Project Name:

RACEFIELD SOLAR, LLC

Site Address:

360 RACEFIELD DR
TOANO, VA 23168
37.432°N, -76.868°W

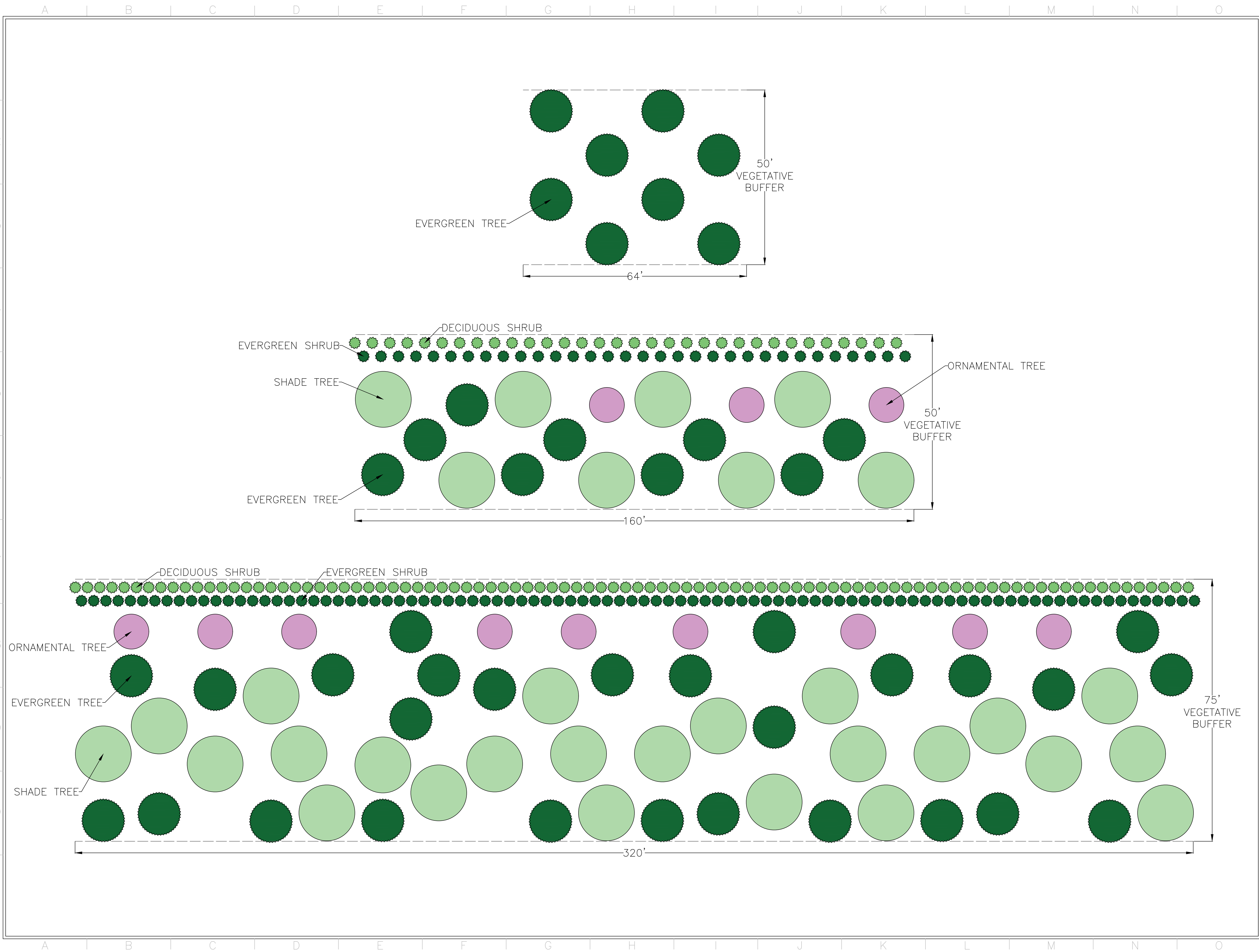
Sheet Name:

MASTER PLAN

Scale: 1in=100ft | Project ID: TBD

Sheet No:

L1.1



HEXAGON ENERGY

HEXAGON ENERGY, LLC
321 E Main St, Suite 500
Charlottesville, VA 22902
Phone: 434.227.5090
Website: www.hexagon-energy.com

Professional Engineer:

PE Seal:

DRAWING TYPE			
☐ Preliminary	☐ Construction		
☐ Customer Approval	☐ As-built		
☐ Permitting	☒ Other		
REVISIONS			
Rev	By	Description	Date
0	EO	VEGETATIVE SCREENING PLAN	10/20/2021
1	EO	UPDATE BUFFER COMPOSITION	01/04/2022
2	EO	REVISE ACCESS ROADS	01/19/2022
3	EO	REVISE NORTHERN BUFFER	01/24/2022

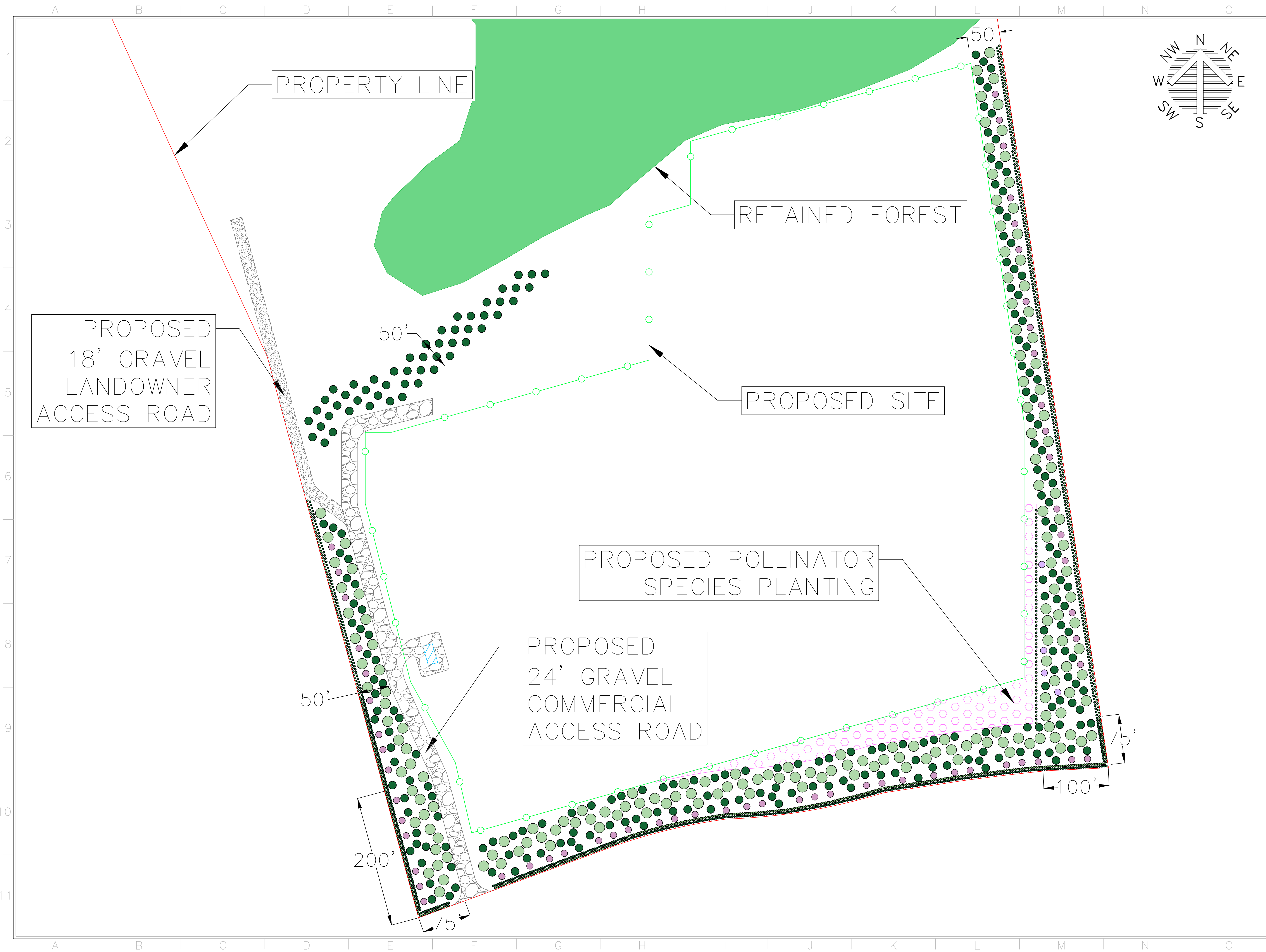
Project Name:
RACEFIELD SOLAR, LLC

Site Address:
360 RACEFIELD DR
TOANO, VA 23168
37.432°N, -76.868°W

Sheet Name:
VEGETATIVE BUFFER DESIGN

Scale: Project ID: TBD

Sheet No:
L2.1



HEXAGON
ENERGY

HEXAGON ENERGY, LLC
321 E Main St, Suite 500
Charlottesville, VA 22902
Phone: 434.227.5090
Website: www.hexagon-energy.com

Professional Engineer:

PE Seal:

DRAWING TYPE

☐ Preliminary	☐ Construction
☐ Customer Approval	☐ As-built
☐ Permitting	☒ Other

REVISIONS			
Rev	By	Description	Date
0	EO	VEGETATIVE SCREENING PLAN	10/20/2021
1	EO	UPDATE BUFFER COMPOSITION	01/04/2022
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Project Name:
RACEFIELD SOLAR, LLC

Site Address:
360 RACEFIELD DR
TOANO, VA 23168
37.432°N, -76.868°W

Sheet Name:

BUFFER OVERVIEW

Scale:

Project ID: TBD

Sheet No:

L2.2



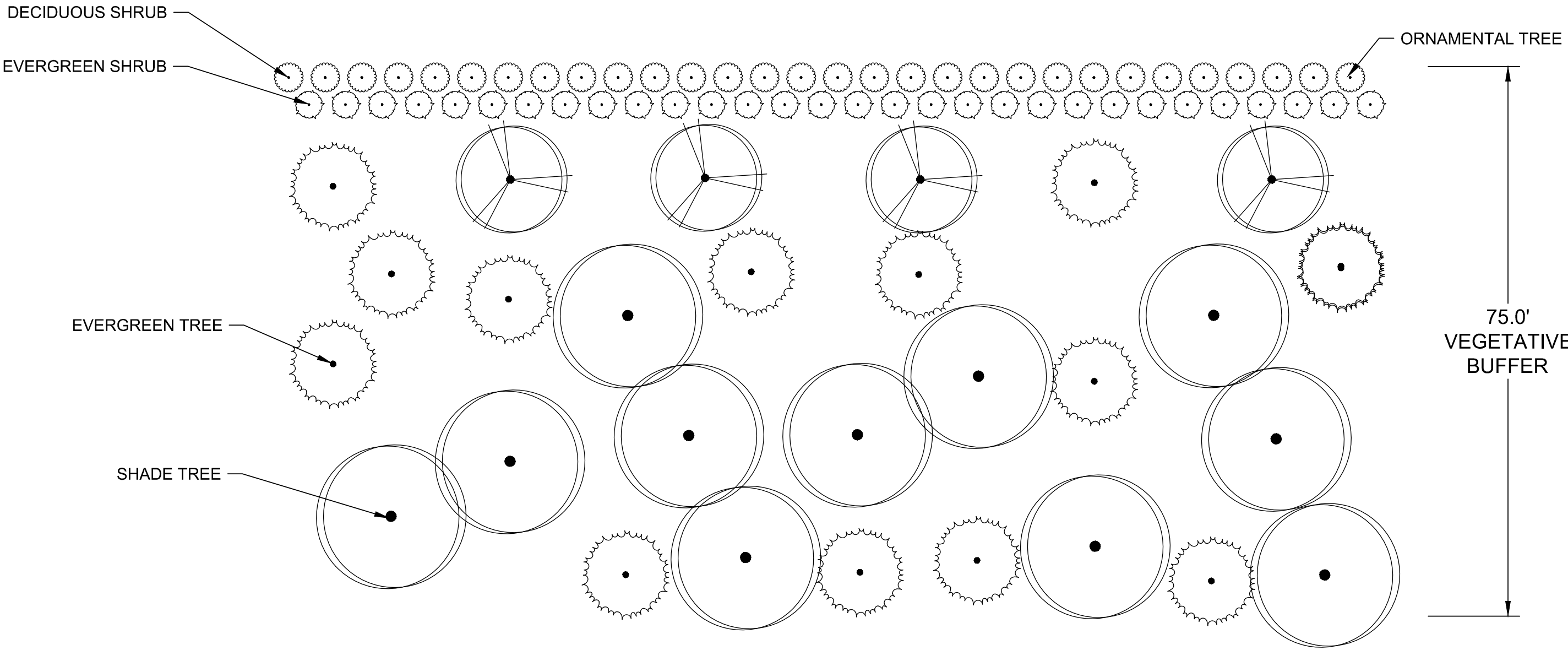
EXISTING CONDITIONS | VIEW A



KEY PLAN



PROPOSED PANELS WITHOUT LANDSCAPE BUFFER | VIEW A



PROPOSED LANDSCAPE BUFFER | VIEW A



PROPOSED LANDSCAPE BUFFER - ESTIMATED TIME OF PLANTING | VIEW A



PROPOSED LANDSCAPE BUFFER - ESTIMATED 3 YEAR GROWTH | VIEW A



KEY PLAN



PROPOSED LANDSCAPE BUFFER - ESTIMATED 5 YEAR GROWTH | VIEW A



PROPOSED LANDSCAPE BUFFER - ESTIMATED 10 YEAR GROWTH | VIEW A



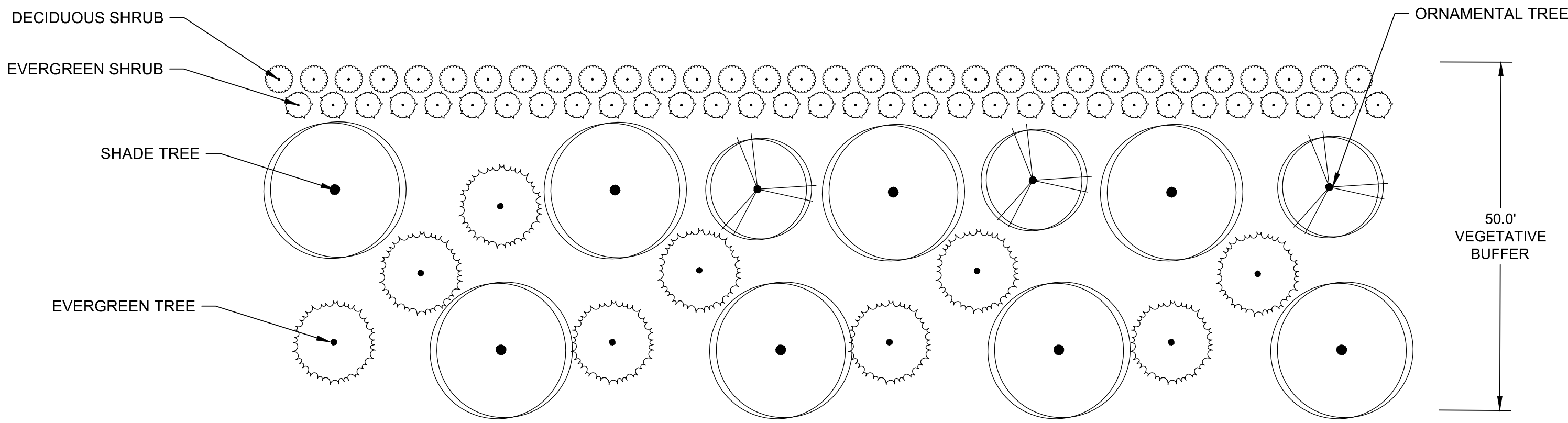
EXISTING CONDITIONS | VIEW B



KEY PLAN



PROPOSED PANELS WITHOUT LANDSCAPE BUFFER| VIEW B



PROPOSED LANDSCAPE BUFFER | VIEW B



PROPOSED LANDSCAPE BUFFER - ESTIMATED TIME OF PLANTING | VIEW B



PROPOSED LANDSCAPE BUFFER - ESTIMATED 3 YEAR GROWTH | VIEW B



KEY PLAN



PROPOSED LANDSCAPE BUFFER - ESTIMATED 5 YEAR GROWTH | VIEW B



PROPOSED LANDSCAPE BUFFER - ESTIMATED 10 YEAR GROWTH | VIEW B

RACEFIELD SOLAR

JAMES CITY COUNTY, VIRGINIA

SUBJECT TO FINAL ENGINEERING

VIEWSHED ANALYSIS
VIEW B
01.21.2022

SCALE : NTS





PIN OAK



RED SUNSET RED MAPLE



FLOWERING DOGWOOD



WINTER KING HAWTHORNE



EASTERN RED CEDAR



GREEN GIANT ARBORVITAE



SHAMROCK HOLLY



DON'S DWARF WAX MYRLE



RED TWIG DOGWOOD



WINTERBERRY HOLLY

PLANT PALETTE

DECIDUOUS TREES
QUERCUS PALUSTRIS (PIN OAK)
HEIGHT: 50-70 FT
SPREAD: 40-60 FT
GROWTH RATE: ±1-2 FT/YEAR
ACER RUBRUM 'RED SUNSET'
HEIGHT: 40-50 FT
SPREAD: 30-40 FT
GROWTH RATE: ± 2 FT/YEAR
DECIDUOUS SHRUBS
CORNUS STOLONIFERA 'ARTIC FIRE'
HEIGHT: 3-5 FT
SPREAD: 3-5 FT
ILEX VERTICILLATA 'NANA'
HEIGHT: 3-12 FT
SPREAD: 3-12 FT

EVERGREEN TREES
JUNIPERUS VIRGINIANA (EASTERN RED CEDAR)
HEIGHT: 30-65 FT
SPREAD: 8-25 FT
GROWTH RATE: ± 1-2 FT/YEAR
THUJA PLICATA 'GREEN GIANT'
HEIGHT: 40-60 FT
SPREAD: 12-15 FT
GROWTH RATE: ± 2-3 FT/YEAR

ORNAMENTAL TREES
CORNUS FLORIDA (FLOWERING DOGWOOD)
HEIGHT: 15-30 FT
SPREAD: 15-30 FT
GROWTH RATE: ± 1-2 FT/YEAR
CRATAEGUS VIRIDIS 'WINTER KING'
HEIGHT: 25-35 FT
SPREAD: 25-35 FT
GROWTH RATE: ± 1-2 FT/YEAR

EVERGREEN SHRUBS
MYRICA CERIFERA 'DONS DWARF'
HEIGHT: 3-4 FT
SPREAD: 4-6 FT
ILEX GLABRA 'SHAMROCK'
HEIGHT: 3-4 FT
SPREAD: 3-4 FT

Note: The proposed vegetation depicted in this exhibit are for concept purposes only. Final plant species will be determined with final design.

Analysis of Racefield Solar’s Conformity with the James City County 2045 Comprehensive Plan and Request for “Substantially in Accord” determination pursuant to Va. Code § 15.2-2232

January 14, 2022

SUP-21-0022, 360 Racefield Drive. Solar Farm
AFD-21-0003, Partial Withdrawal of the Barnes Swamp AFD

Pursuant to the requests for approval of SUP-21-0022 and AFD-21-0003, Racefield Solar, LLC (the “Project”) submits the following analysis of the James City County 2045 Comprehensive Plan (the “Comprehensive Plan”) as it relates to the Project. In addition, pursuant to Va. Code § 15.2-2232, for any “public utility facility” that is proposed after the adoption of the Comprehensive Plan (and that is, therefore, not a “feature shown on the plan”), the county’s Planning Commission is tasked with determining whether the “*general location or approximate location, character, and extent thereof* [of the public utility facility] . . . is *substantially in accord* with the adopted comprehensive plan or part thereof.” The Project is deemed a “public utility facility” pursuant to Va. Code § 56-265.1. In this context, “substantially in accord” is interpreted to mean “largely, but not wholly.”¹ This analysis addresses the general review for conformity with the Comprehensive Plan required by SUP-21-0022 and AFD-21-0003 as well as the specific legal determination that the project is “substantially in accord” with the Comprehensive Plan required by Va. Code § 15.2-2232.

I. The Project as a Land Use

Project Characteristics, Function and Design:

As a highly passive use, the Project conforms to, compliments and will help maintain the rural character of the northern end of the County. Once constructed, the Project will produce virtually no noise, light, traffic, dust, or odor and will require no public utilities or public services other than in the very unlikely event of an on-site emergency. The Project will be monitored remotely with workers visiting different areas of the Project only as needed to perform inspections, maintenance, and repairs, maintain the grounds, and occasionally clean the solar panels of accumulated dust and dirt. Installation of the project will not support or trigger expansion of either residential or commercial development, both of which are inconsistent with the rural character of the Project’s general area. Unlike nearly every other major land use, at the end of the useful life of the Project, all the equipment is easily removable and the land can return to agriculture, forestry or other uses. In the meantime, the Project area is essentially “held in trust” for the life of the project.

The landscaping planned for the Project has been substantially enhanced since the initial application pursuant to discussions with County Staff and the community. As shown on the Project’s updated Master Plan and Vegetative Screening Plan, a robust buffer will be established

¹ The Albemarle County Land Use Law Handbook Kamptner/June 2016, p. H-2.

around the Projects within the Staff proposed setback distances from parcel lines and public roads and will contain landscaping consisting of existing or planted vegetation. Minimal, if any, removal of trees is anticipated during the installation of the Project. The solar panels will have a low and consistent visual profile which will be largely, if not completely, screened once the vegetation is established. Within the fence, the Project will primarily consist of open space between and around the solar panels themselves. Moreover, the ground surface will be planted with native turf grass that will preserve the soil, minimize erosion and improve water quality. Regarding changes to the land, the Project needs only a few underground foundations and requires limited to no removal of existing trees or topsoil.

II. Comprehensive Plan Analysis

A. Project Location:

The Project is located in an area outside the Primary Service Area (“PSA”) and in an area designated by the Comprehensive Plan as “Rural Lands.” Below we review the guiding principles, methods of protection and strategies for continued improvement of areas designated as Rural Lands as well as the County’s environmental goals found in the Comprehensive Plan. Associated with each of these topics is an analysis of the Project in the context of the respective provision of the Comprehensive Plan. Throughout that analysis, we address the location, character and extent of the Project and their respective conformity with the Comprehensive Plan. Please note that text from the Comprehensive Plan is in italics throughout this document.

Comprehensive Plan - Recommended Uses for Rural Lands as described in Chapter 10 “Land Use” (emphasis added):

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.*²

² Chapter 10, Land Use, Page 36

Analysis - (Location within area designated as “Rural Lands”):

The Project fits within the category “certain public or semi-public and institutional uses that require a spacious site and are compatible with the natural and rural surroundings” which are appropriate primary uses for Rural Lands. This category is supported by the language of the County’s Zoning Ordinance applicable to the Project, which is a “Utility Use” more specifically described as “electrical generation facilities (public or private)...” which is permitted with a Special Use Permit.³ Additionally, this consideration is consistent with the definition of the Project as a “Public Utility” pursuant to Va. Code § 56-265.1, and Va. Code § 15.2-2232, which relies on that definition and requires the review of any “public utility facility” by Planning Commission.

This categorization is also supported by language in the Comprehensive Plan. In Chapter 12, “Implementation” on “Guidance for Development Approvals,” one of the actions relating to land use is “LU 1.4 - Require that any development of new public streets, public parks or other public areas, public buildings or public structures, public utility facilities, or public service corporation facilities, inside or outside the Primary Service Area (PSA), be subject to individualized review as provided under Section 15.2-2232, Legal Status of Plan, of the Code of Virginia, as amended.”⁴ Applying this Land Use Implementation Action to the “Recommended Uses for Rural Lands” described above, it is clear that the County anticipates these public or semi-public uses, including public utility facilities both inside and *outside the PSA*. As a result, the project should be considered one of the recommended uses for Rural Lands.

In addition to the Project being a “public or semi-public use” as outlined above, the Project is of a nature and quality that it should be considered a use that (Recommended Uses for Rural Lands as described in Chapter 10 “Land Use” the Comprehensive Plan from above):

(R)equire(s) 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.

As noted in this application and as evidenced by other projects in and nearby the County, it is clear that the Project is a low intensity use that is compatible with the natural and rural nature of its immediate and nearby surroundings and as a result, is a use which complies with the vision for areas designated as Rural Lands. Furthermore, when considering its effect on agricultural and forestal activities, other than displacing agriculture in the Project’s immediate footprint, it will be an excellent neighbor to agricultural and forestal uses; unlike many other uses it can be installed, operated and decommissioned without regard to any impacts those adjacent uses may have.

³ James City County Zoning Ordinance, Chapter 24, Zoning, Article V., Districts, Division 2, “General Agriculture.”

⁴ Chapter 12, Implementation, Page 50.

Analysis - (Specific location within “Rural Lands”):

The Project is located in a sparsely populated area off Racefield Drive. Once the vegetative buffers are established within the required setbacks, the Project will be fully screened from nearby residences and Racefield Drive. The County has identified a number of important historic, cultural, and aesthetic features within this area of the County in need of consideration and protection. The Project will not impact Community Character Corridors, scenic roadways like Forge Road, or unique communities like Toano.⁵

General Analysis - Application of the PSA to the Project:

The PSA is the demarcation between the areas planned for continued development and areas for preservation, conservation and limited growth. As noted in the Introduction to the Comprehensive Plan, during the plan update process and through regular community engagement, “(m)any are concerned that the pace, pattern and character of new growth and development may harm this treasured character of the County and many expressed a strong desire both to limit the pace and amount of new development and to direct it away from the rural areas that they value so highly.”⁶ It is important to contextualize the Project, which is located outside the PSA with those traditional forms of development that the County has determined should be primarily focused within the PSA.

As noted in the “Key Planning Influences” section of the Land Use Chapter of the Comprehensive Plan, “Growth Management” is the “lynchpin” for the County’s land use planning. The question is, for the purposes of the PSA and the County’s broad vision for areas outside it, does the Project constitute the type of “growth” and “development” the County is primarily concerned with and does it have the same or similar attributes of those more traditional notions of growth? Looking simply at the PSA as a demarcation, it is the area that is “presently provided with public water and sewer and high levels of public services, as well as the appropriate levels of growth as well as areas expected to receive such services over the next 20 years.”⁷ This *human and commerce* centered concept of “growth” is a theme that runs throughout the Comprehensive Plan and controlling that growth is the primary policy goals of the PSA. Given the Project’s attributes and the realities of its construction and operation, it is clear that it is *not* the type of land use the PSA is intended to control and instead, is a use that is very well suited to exist outside the PSA. For example, the Project does not require public or private water or sewer; it generates minimal traffic once constructed; it does not generate additional demand for schools, libraries or human services and is unlikely to require emergency response services. This stands in stark contrast to those types of development for which the PSA is a tool for control. As stated below, the Project instead supports a number of the goals of the Rural Lands and keeps with a number of themes of the area with that designation.

⁵ Chapter 10, Land Use, Page LU-6.

⁶ Chapter 1, Introduction, Page Intro-4.

⁷ Chapter 10, Land Use, Page 3.

B. Project Character and Extent:

The “Rural Development Standards” provide a helpful analysis of the Project’s Character and Extent as it relates to the vision for the Rural Lands.

Comprehensive Plan - Rural Lands Development Standards as described in Chapter 10 “Land Use,”⁸ (emphasis added):

a) Uses in Rural Lands should reflect and enhance the rural character of the County. Particular attention should be given to the following:

i. Locating structures and uses outside of sensitive areas;

Analysis - (“Character and Extent”): No aspect of the Project will be located within the Resource Protection Area (“RPA”) and no environmentally sensitive areas have been identified within the Project site.

ii. Maintaining existing topography, vegetation, trees, and tree lines to the maximum extent possible, especially along roads and between uses;

Analysis - (“Character”): Little to no grading is anticipated within the project site. Additionally, the Project will maintain existing vegetation and add significant vegetation to screen the facility.

iii. Discouraging development on farmland, open fields, scenic roadside vistas, and other important agricultural/forestal soils and resources;

Analysis - (“Character and Extent”): The Project is a temporary use of the land. Once decommissioned, those uses may continue. The Project does not inhibit the unused areas of the Project parcel from continuing their current use nor does the Project negatively impact surrounding uses.

iv. Encouraging enhanced landscaping to screen structures located in open fields using a natural appearance or one that resembles traditional hedgerows and windbreaks;

Analysis - (“Character”): As noted above and in the application, significant enhanced buffering will be added to screen the facility.

v. Locating new driveways or service roads so that they follow existing contours and old roadway corridors whenever feasible;

Analysis - (“Character”): Per Staff requirement, the existing driveway is proposed to be combined with access roads that will be used for installation and operation of this project.

vi. 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;

Analysis - (“Extent”): The Project will not exceed 15 feet, well below the mature height of surrounding trees and nearby structures.

vii. Minimizing the number of street and driveway intersections along the main road by providing common driveways; and

Analysis - (“Extent”): As noted above, the Project is compliant with the requirements set forth by James City County Zoning Ordinance and Staff

⁸ Chapter 10, Land Use, Page 36.

requirement. The existing driveway is proposed to be combined with project access, with only perpendicular breaks through the vegetative buffer yard.

viii. *Utilizing lighting only where necessary and in a manner that eliminates glare and brightness.*

Analysis - (“Character”): The Project does not require lighting.

b) *Encourage the preservation and reuse of existing agricultural structures such as barns, silos, and houses.*

Analysis - (“Character”): No agricultural structures will be impacted.

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.*

Analysis - (“Character and Extent”): Access to the Project Site has been designed and planned so as ensure safe and efficient access during construction and to provide for road repair, should any be required.

Comprehensive Plan - Goals, Strategies and Actions for Implementing the County’s Land Use Goals within Rural Lands as described in Chapter 10 “Land Use”⁹:

Goal: Achieve a pattern of land use and development that reinforces and improves the quality of life for citizens by encouraging infill, redevelopment, and adaptive re-use within the PSA; limiting development on rural and natural lands outside the PSA; and achieving the other eight goals of this Comprehensive Plan.¹⁰

Strategies and Actions for implementing this goal relative to Rural Lands and the Project:

LU 1 - Promote the use of land in a manner harmonious with other land uses and the environment.

LU 1.4 - Require that any development of new public streets, public parks or other public areas, public buildings or public structures, public utility facilities, or public service corporation facilities, inside or outside the Primary Service Area (PSA), be subject to individualized review as provided under Section 15.2-2232, Legal Status of Plan, of the Code of Virginia, as amended.

General Analysis: As noted above, this is being completed for the Project.

LU 1.7 - Explore the creation of a solar and wind energy ordinance that establishes performance standards for solar farms, carbon sequestration facilities, and other emerging technologies in the renewable energy industry, with the intention of protecting the County’s unique rural character, preserving natural resources, and mitigating impacts to neighboring properties.

Analysis - (“Character and Extent”): The inclusion of this goal indicates that continued development of solar projects is anticipated within the County, but the County’s

⁹ Chapter 10, Land Use, Page, LU-1

¹⁰ Chapter 10, Land Use, Page, LU-1.

character, natural resources and the impact of such projects to their neighbors must be considered and protected. As demonstrated throughout this application and through the Project's design, the Project is in keeping with the rural character of the surrounding area, has minimal direct impact to natural resources and provides a number of primary (clean energy) and secondary (aquifer recharge areas, non-application of pesticides and herbicides, etc.) benefits to natural resources. Based on the updated project landscaping, the impact to neighboring properties has been mitigated and once mature, the vegetation will fully screen the Project.

LU 6.1 - Promote the economic viability of traditional and innovative farming as industries:

*LU 6.1.3 - Continue to update the Zoning Ordinance list of permitted and specially permitted uses in the A-1 zoning district. Investigate adding a development standards policy for those uses that might benefit from a rural location. Continue to look at non-residential uses and development standards that may be appropriate, such as agribusiness, eco-tourism, **or green energy uses**, and uses related to projects that are identified by the Strategy for Rural Economic Development.*

*LU 6.1.4 - As resources allow, support implementation of the recommendations in the Strategy for Rural Economic Development to **maintain and create viable economic options for rural landowners**.*

Analysis - (“Character and Extent”): Similar to the above strategy for implementation, LU 1.7 and LU 6.1.3 indicate that non-residential uses including green energy should continue to be accommodated in the County, so long as they are well designed. The latter point, in italics, regarding maintenance and creation of viable economic options for rural landowners is particularly impactful when considering solar as a land use and the Project specifically. Solar leases provide a valuable revenue stream to rural landowners, one which may offset or eliminate the need to pursue other, less rural-friendly options for monetizing that property. In the case of the Project, only a portion of the property is being used and will generate considerable income to the owners Katherine Hockaday, Justin Martin, and Blair Martin, over the life of the Project, all the while, the remaining portion of the property may continue in its current agricultural and forested use.

*LU 6.1.6 - Protect farming and forestry uses from **conflicting activities by encouraging buffers and open space design** and by raising awareness among new rural land purchasers about existing farming and forestry uses in the County.*

Analysis: As noted above, solar is an ideal neighbor to agricultural and silvicultural operations. It is not offended by the noises or odors associated with those uses. Additionally, because the Project occupies the land, it prevents other conflicting uses that may be in conflict with the Comprehensive Plan.

LU 6.2 - Residential development is not a recommended use in the Rural Lands. Creation of any residential lots should be in a pattern that protects the economic viability of farm and forestal assets, natural and cultural resources and rural character.

Analysis - (“Character”): The Project provides an alternative to residential development, potentially via a family subdivision or similar division which have been an issue outside the PSA. Once constructed, the area where the Project is located will be “held in trust” and no residential development will occur within that time.

Comprehensive Plan - Rural Lands Protection:¹¹

The areas outside of the PSA are in large part designated as Rural Lands on the Future Land Use Map. While areas with this designation are predominantly known for agricultural and forestal activities, they also contain lands that are vital to the broader environmental health of the County, such as natural areas, extensive Resource Protection Areas (RPAs), aquifer recharge areas, and the headwaters for important watersheds. Land preservation, especially of prime farmland soils, is of utmost importance in this area.

Analysis: The Project area, once reseeded in native vegetation, will serve as an aquifer recharge area where no harmful pesticides or herbicides are applied for the life of the Project. Runoff rates will decrease relative to the current agricultural use and the additional vegetation planted as a buffer will be maintained for the life of the facility. The Applicant, Racefield Solar, LLC, is additionally willing to explore stream restoration activities for an area identified by County Staff as in need. This area is located outside of the project site. As a result, the Project will be a net benefit to the environmental health of the community.

Comprehensive Plan - Rural Lands Protection and Tools for Implementation:¹²

Rural Land Tools:¹³

Enhancing the Viability of the Rural Economy:

- 1. Taxing Incentives (ex: Land Use Value, Agricultural and Forestal Districts, Land Use-Based Incentives)*

Retaining Rural Character:

- 1. Service Boundaries Ex: Primary Service Area policy*

Analysis - (“Character and Extent”):

As stated above, permitting solar in areas where projects can be well sited and in ways that are congruent with other rural uses can be a tool for enhancing the viability of the rural economy. Allowing a rural landowner to establish a solar use helps relieve the pressure to monetize rural properties through traditional residential or commercial development. Permitting solar, including the Project, takes the burden off the County or other public or private actors from purchasing development rights to secure that same level

¹¹ Chapter 10, Land Use Page, LU-9

¹² Chapter 10, Land Use, Page, LU-10.

¹³ Chapter 10, Land Use, Page, LU-10, Figure LU-1.

of protection. Furthermore, given this land use is long term (40 years) but not permanent, it provides flexibility that purchase of development rights and conservation easements do not; unanticipated uses for land that might otherwise benefit the community and the rural economy but which might be prevented by a permanent restriction on use are still a viable option once the Project is decommissioned.¹⁴

Comprehensive Plan - Goals, Strategies and Actions for Implementing the County's Environmental Quality And Preservation Goals as described in Chapter 5 "Environment":¹⁵

Goal: ENV - Continue to improve the high level of environmental quality in James City County and protect rural and sensitive lands and waterways that support the resiliency of our natural systems for the benefit of current and future generations.¹⁶

Strategy and Actions:

ENV 4: Work with the private sector and other governmental entities such as HRPDC and the State through both regulation and non-regulatory techniques to mitigate and adapt to the effects of climate change.¹⁷

ENV 4.6 - Investigate ways to amend the County Ordinances to support alternative energy production, and to amend ordinances or include special use permit conditions that protect and enhance natural resources on alternative energy production sites.

Analysis: As noted above, the goal of continuing to support alternative energy production so long as it protects and enhances natural resources is met via the proposed location and design of the Project.

ENV 4.6.1. In Ordinances or as development approval conditions, include provisions to minimize clearing of forested land.

Analysis: Few to no trees will be removed during the installation of the Project and additional forested land will be created by screening the Project.

ENV 4.6.2. In Ordinances or as development approval conditions, implement best practice documents on the inclusion of native pollinator plants.¹⁸

¹⁴ N.C. Clean Energy Technology Center, N.C. State University, "Balancing Agricultural Productivity with Ground-Based Solar Photovoltaic (PV) Development" (May 2019), p. 6., available at <https://solar.coopercenter.org/sites/solar/files/reports/Balancing%20Agricultural%20Productivity%20and%20Solar%20Development.pdf>

¹⁵ Chapter 5, Environment, Page ENV-1.

¹⁶ Id.

¹⁷ Chapter 5, Environment, Page ENV-6.

¹⁸ Chapter 5, Environment, Page ENV-7

Analysis: The Project includes native pollinators, as indicated on the updated Master and Vegetative Screening Plans.

RESOLUTION

VIRGINIA CODE SECTION 15.2-2232 ACTION ON CASE NO. SUP-21-0022

360 RACEFIELD DRIVE SOLAR FARM

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, Katherine Hockaday, Justin Martin, and Ann Martin (the “Owners”), own property located at 360 Racefield Drive, further identified as James City County Real Estate Tax Map Parcel No. 0310100003 and zoned A-1, General Agricultural (the “Property”); and

WHEREAS, Mr. Brendan Grajewski of Hexagon Energy, LLC, 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 Property as shown on a plan titled “Racefield Solar, LLC” dated November 12, 2021; 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-21-0022.

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-21-0022 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 Board of Supervisors of James City County, Virginia, this 2nd day of February, 2022.

RESOLUTION

VIRGINIA CODE SECTION 15.2-2232 ACTION ON CASE NO. SUP-21-0022

360 RACEFIELD DRIVE SOLAR FARM

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, Katherine Hockaday, Justin Martin, and Ann Martin (the “Owners”), own property located at 360 Racefield Drive, further identified as James City County Real Estate Tax Map Parcel No. 0310100003 and zoned A-1, General Agricultural (the “Property”); and

WHEREAS, Mr. Brendan Grajewski of Hexagon Energy, LLC, 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 Property as shown on a plan titled “Racefield Solar, LLC” dated November 12, 2021, and revised January 24, 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-21-0022.

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-21-0022 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 Board of Supervisors of James City County, Virginia, this 2nd day of February, 2022.

ITEM SUMMARY

DATE: 2/2/2022

TO: The Planning Commission

FROM: John Risinger, Planner

SUBJECT: SUP-21-0023. Bush Springs Road Extension of Public Water and Sewer Facilities

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	1. Proposed SUP Conditions	Backup Material
▣	2. Location Map	Backup Material
▣	3. Master Plan	Backup Material
▣	4. Applicant Narrative	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	1/26/2022 - 3:21 PM
Planning Commission	Holt, Paul	Approved	1/26/2022 - 3:22 PM
Publication Management	Daniel, Martha	Approved	1/26/2022 - 3:27 PM
Planning Commission	Holt, Paul	Approved	1/26/2022 - 3:28 PM

SPECIAL USE PERMIT-21-0023. Bush Springs Road Extension of Public Water and Sewer Facilities
Staff Report for the February 2, 2022, Planning Commission Public Hearing

SUMMARY FACTS

Applicant: Mr. Jay Epstein, Health-E-Community Enterprises LLC

Land Owner: Virginia Department of Transportation (VDOT) Right-of-Way Marston LLC

Proposal: To allow for the installation of public water and sewer facilities by extending an existing force main and water main within the Bush Springs Road right-of-way from the Bush Springs Road and Toano Woods Road intersection heading south. The force main and water main would be further extended within right-of-way proposed to be located on private property owned by the applicant.

Locations: Bush Springs Road right-of-way
242 Bush Springs Road
268 Bush Springs Road
275 Bush Springs Road
282 Bush Springs Road
290 Bush Springs Road
291 Bush Springs Road
308 Bush Springs Road

Tax Map/Parcel Nos.: 2220100038
2220100037
2220100033
2220100036
2220100035
2220100090
2220100035

Project Acreage: ± 2.8 acres

Zoning: A-1, General Agricultural
R-1, Limited Residential

Comprehensive Plan: Low Density Residential
Rural Lands

Primary Service Area: Inside (parcels designated Low Density Residential)
Outside (parcels designated Rural Lands)

Staff Contact: John Risinger, Planner

PUBLIC HEARING DATES

Planning Commission: February 2, 2022, 6:00 p.m.

Board of Supervisors: March 8, 2022, 5:00 p.m. (tentative)

FACTORS FAVORABLE

1. With the recommended conditions, the proposal is compatible with surrounding zoning.
2. The proposal promotes public health and safety by providing reliable and efficient water service.
3. Impacts: Please see Impact Analysis on Pages 3-4.

FACTORS UNFAVORABLE

1. Staff finds the proposal inconsistent with the *Our County, Our Shared Future: James City County 2045 Comprehensive Plan*.
2. Impacts: Please see Impact Analysis on Pages 3-4.
3. See Comprehensive Plan Analysis on Page 5.

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-21-0023. Bush Springs Road Extension of Public Water and Sewer Facilities
Staff Report for the February 2, 2022, Planning Commission Public Hearing

SUMMARY STAFF RECOMMENDATION

Staff finds the proposal to be inconsistent with the recommendations of the 2045 Comprehensive Plan. Staff therefore does not recommend approval of this application. Should the Planning Commission wish to recommend approval, staff has included proposed conditions for consideration (Attachment No. 1).

PROJECT DESCRIPTION

Mr. Jay Epstein has applied for a Special Use Permit (SUP) to allow for the installation of public water and sewer facilities by extending an existing force main and water main within the Bush Springs Road right-of-way from the Bush Springs Road and Toano Woods Road intersection heading south. The force main and water main would be further extended within the right-of-way proposed to be located on private property owned by the applicant.

The stated purpose of the extended utilities would be to serve a proposed residential development south of the existing Bush Springs Road right-of-way. The applicant has stated that he desires to adhere to the R-1 Zoning District requirements to have a by-right development not subject to legislative approvals. A portion of the properties proposed for development, 282, 290, 291, and 308 Bush Springs Road, are located outside of the PSA and are not recommended for new public water and sewer facilities. The proposal for this SUP would authorize these properties to connect to the proposed water and sewer facilities subject to the proposed conditions. This SUP does not govern or guarantee the design of residential development and, if approved, would be valid for alternative development proposals.

If public water and sewer facilities are not extended, the proposed residential development would be required to construct a central well

water system for the development and individual on-site sewage disposal systems for each lot within the development.

If public water and sewer facilities are extended, the existing structures along Bush Springs Road would be required to connect to public water or sewer facilities if their individual well or on-site sewage disposal systems ceased to function properly in accordance with Virginia Department of Health regulations. Future structures would be required to connect to public water facilities and have the option of connecting to public sewer facilities or utilizing on-site sewage disposal systems.

PLANNING AND ZONING HISTORY

- Land use applications have been submitted during previous Comprehensive Plan update processes in 1997, 2003, 2008, and 2021 to request 282 Bush Springs Road, 290 Bush Springs Road, 291 Bush Springs Road, and 308 Bush Springs Road be redesignated to Low Density Residential and be included in the PSA. Each request has been denied and no change has been made to the PSA for these properties during that timeframe.

SURROUNDING ZONING AND DEVELOPMENT

- The properties located along Bush Springs Road from Richmond Road to Toano Woods Road are zoned A-1, General Agricultural, B-1, General Business, and R-1, Limited Residential. The Toano Woods subdivision is zoned R-1, Limited Residential.
- The properties located along Bush Springs Road south of Toano Woods Road are zoned R-1, Limited Residential.
- The properties located south of the existing Bush Springs Road right-of-way are zoned R-1, Limited Residential.

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-21-0023. Bush Springs Road Extension of Public Water and Sewer Facilities
Staff Report for the February 2, 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>No Mitigation Required</u>	- The existing portion of Bush Springs Roads is substandard and is not suitable for considerable residential development. - The current application is specific to the extension of public water and sewer facilities and does not include any transportation improvements within the scope of the review. - Future development applications would be reviewed by VDOT for right-of-way considerations.
<u>Public Transportation: Pedestrian/Bicycle</u>	<u>No Mitigation Required</u>	- No pedestrian or bicycle improvements are shown along Bush Springs Road on the Pedestrian Accommodations Master Plan and the Regional Bikeways Master Plan.
<u>Public Safety</u>	<u>No Mitigation Required</u>	- The proposed construction area and subject properties are located approximately 2 miles from Fire Station 1. - The proposal does not generate impacts that require mitigation to the County's emergency services or facilities.
<u>Public Schools</u>	<u>No Mitigation Required</u>	- While future development at the end of Bush Springs Road may generate new school children, the proposal to extend public water and sewer facilities itself will not.
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	- The proposal does not generate impacts that require mitigation to the County's Parks and Recreation services or facilities.
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	- The proposal does not generate impacts that require mitigation to public libraries or cultural centers.
<u>Groundwater and Drinking Water Resources</u>	<u>No Mitigation Required</u>	- The proposal seeks to extend public water and sewer facilities that would preclude the necessity of a central well water system and individual on-site sewage disposal systems.
<u>Watersheds, Streams, and Reservoirs</u>	<u>No Mitigation Required</u>	- The Stormwater and Resource Protection Division has reviewed this application and had no objections. Future development applications will be reviewed for detailed engineering comments.
<u>Cultural/Historic</u>	<u>No Mitigation Required</u>	- Cultural and historic resources will be evaluated during the development process.

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-21-0023. Bush Springs Road Extension of Public Water and Sewer Facilities
Staff Report for the February 2, 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>Nearby and Surrounding Properties</u>	<u>Mitigated</u>	- The proposed conditions would limit the hours of construction, require that disturbed vegetation be planted, and limit lighting associated with the water and sewer facilities. Any construction activities would be subject to the County's Noise Ordinance.
<u>Community Character</u>	<u>No Mitigation Required</u>	- Bush Springs Road is not designated as a Community Character Corridor (CCC).
<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-21-0023. Bush Springs Road Extension of Public Water and Sewer Facilities
Staff Report for the February 2, 2022, Planning Commission Public Hearing

COMPREHENSIVE PLAN

The existing Bush Springs Road right-of-way and the properties south of the right-of-way but inside the PSA are designated Low Density Residential the 2045 Comprehensive Plan Land Use Map. Recommended primary uses for Low Density Residential include single-family and multifamily units, accessory units, cluster housing, and recreation areas.

The properties outside of the PSA are designated Rural Lands on the 2045 Comprehensive Plan Land Use Map. Recommended primary uses for Rural Lands include agricultural and forestal activities, agri-tourism, rural-support businesses, and certain commercial uses which require very low intensity settings. Residential development is not a recommended use and is discouraged outside the PSA in the Rural Lands.

The County's Utility Policy strongly discourages utility extensions outside of the PSA. Extensions of water and sewer facilities outside of the PSA have predominantly served a significant public purpose, addressed health and safety situations for existing communities, or improved utility service inside the PSA. The current application is intended to serve additional residential development which would not be consistent with these past precedents.

Bush Springs Road is not a CCC.

Staff finds that the following Comprehensive Plan goals provide pertinent guidance.

Land Use:

LU 4.1 - Enforce policies of the Comprehensive Plan to steer growth to appropriate sites in the PSA.

LU 4.2 - Provide for low density and moderate density residential development in appropriate locations inside the PSA and prohibit such development outside the PSA.

LU 5.1 - Encourage development of public facilities and the provision of public services within the PSA. As one component of this, maintain a utility policy that, along with other tools such as zoning regulations, supports the PSA as the growth boundary. Within the PSA, extend water and sewer service in the PSA according to a phased plan in accordance with the County's Comprehensive Plan and JCSEA's master water/sewer planning. Outside the PSA, restrict the extension of water and sewer utilities.

PROPOSED SUP CONDITIONS

Proposed conditions are provided in Attachment No. 1.

STAFF RECOMMENDATION

Staff finds the proposal to be incompatible with surrounding development and inconsistent with the recommendations of the adopted 2045 Comprehensive Plan.

Staff therefore does not recommend approval of the proposed SUP. Should the Planning Commission wish to recommend approval, staff has included proposed conditions for consideration.

JR/md
SUP21-23BushSpgsRd

Attachments:

1. Proposed SUP Conditions
2. Location Map
3. Master Plan
4. Applicant Narrative

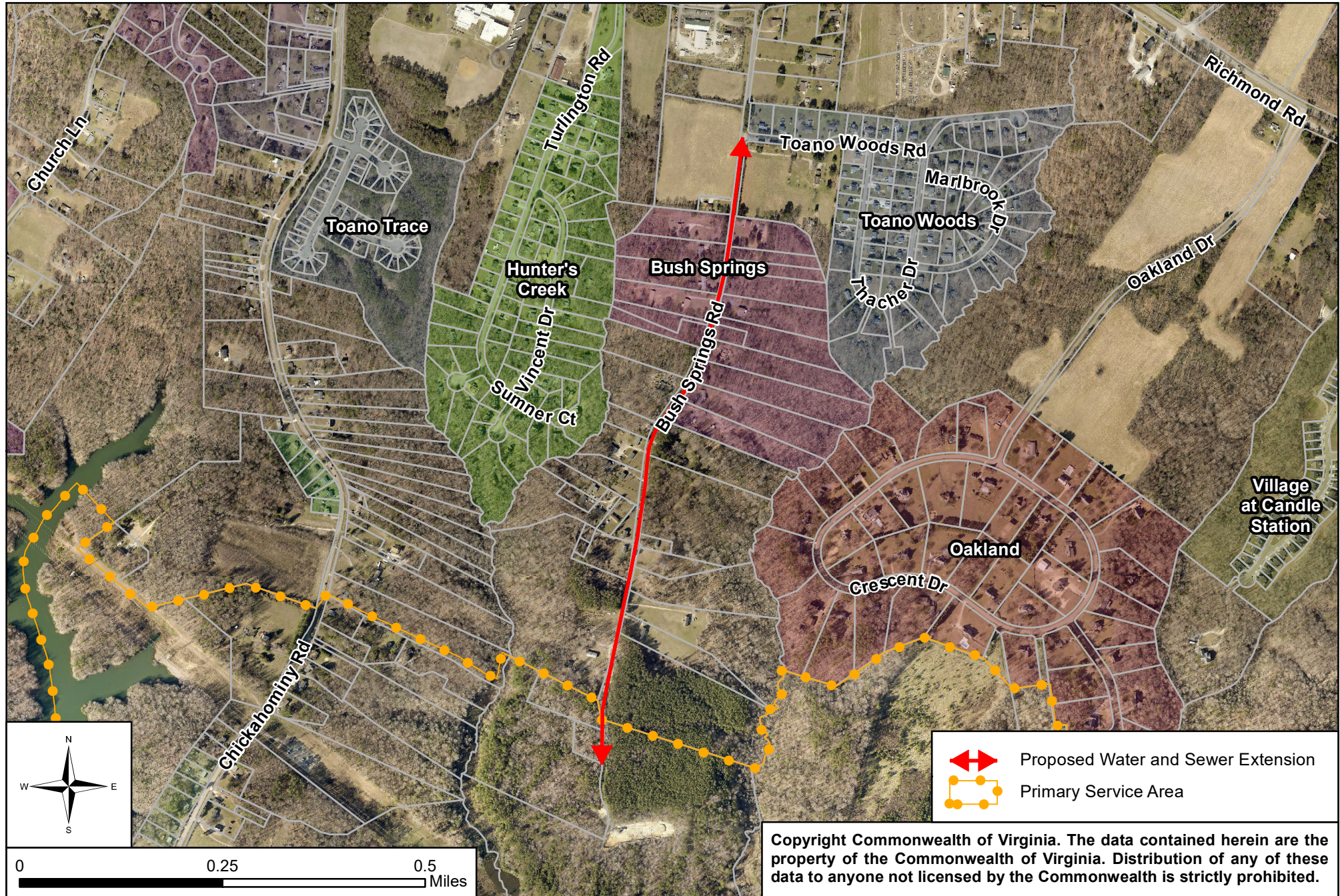
This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PROPOSED CONDITIONS FOR CASE NO. SUP-21-0023.

BUSH SPRINGS ROAD EXTENSION OF PUBLIC WATER AND SEWER FACILITIES

1. Master Plan: This Special Use Permit (SUP) shall be valid for the installation of a force main and water main, each a diameter of 3 inches or greater, within the existing the Virginia Department of Transportation right-of-way for Bush Springs Road from the intersection of Bush Springs Road and Toano Woods Road south along Bush Springs Road and within the proposed right-of-way located at 242 Bush Springs Road, 268 Bush Springs Road, 275 Bush Springs Road, 282 Bush Springs Road, 290 Bush Springs Road, 291 Bush Springs Road, and 308 Bush Springs Road, further identified, respectively, as James City County Real Estate Tax Map Parcel Nos. 2220100038, 2220100037, 2220100033, 2220100036, 2220100035, 2220100090, and 2220100034 (collectively the “Properties”). Installation of the force main and water main (the “Project”) shall occur generally as shown on the exhibit drawn by LandTech Resources Inc. entitled, “Conceptual Plan for SUP Solara Woods Bush Springs Road” dated January 12, 2022 (the “Master Plan”), with any deviations considered pursuant to Section 24-23(a)(2) of the James City County Code, as amended.
2. Connections Outside of the Primary Service Area: No connections shall be made to the force main and water main which would serve any property located outside the Primary Service Area (PSA) except for the Properties, some of which are outside of the PSA.
3. Construction Hours: The hours of construction of the force main and water main shall be limited to daylight hours, Monday through Friday.
4. Replanting: Prior to issuance of a Land Disturbing Permit, a plan addressing the replanting of disturbed vegetation within the right-of-way shall be submitted to and approved by the Director of Planning or designee. The intent of the plan is to restore the area to pre-land disturbing conditions.
5. Lighting: There shall be no new permanent lighting associated with the force main and water main within the right-of-way, except those required by safety codes.
6. Commencement of Construction: Construction for the Project shall commence within twenty-four (24) months from the date of issuance of the SUP, or the SUP shall become void. Construction shall be defined as clearing, grading, and drilling necessary for the Project.
7. Severability: The SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

JCC SUP-21-0023, Bush Springs Road Water and Sewer Extension



APPLICANT'S REPORT – MARSTON PROPERTY -SUP

The Marston Property consists of seven parcels zoned R-1, Limited Residential, with a gross acreage of 87.11 acres within the Yarmouth Creek Watershed. Three of the seven parcels, 30 acres, are designated Low Density Residential under the 2045 Comprehensive Plan Land Use Map and are within the Primary Service Area (PSA). The remaining four parcels, 57.11 acres, are designated as Rural Lands under the Comprehensive Plan and are outside the Primary Service Area.

According to the County Zoning Ordinance, the R-1 zoning district allows for development at a maximum density of 1 unit/acre; Marston LLC is planning a by-right development at a density allowed under these guidelines. As part of this development, the property owner would like to extend (at his cost) JCSA water and sewer service along Bush Spring Road to service the property. The alternative would be to have a central well system with individual septic systems for each unit. Since almost half the property is within the PSA and designated as Low Density Residential under the Comp Plan, extending water and sewer is permitted onto a portion of this property; however, since the PSA and land use designation splits the property it is not cost effective to the developer to bring this service down Bush Spring Road just for a portion of the development.

By SUP, the developer will be able to install public water and sewer which would be available for hook up to all residents along Bush Springs Road; without a change in the PSA and land use designation the alternative will be multiple (70-80) septic systems being installed within the northern headwaters of the Yarmouth Creek Watershed. According to the Yarmouth Creek Watershed Plan, the northern headwaters are facing the most development pressures within the watershed; to help off-set these pressures, the developer would prefer to use the safer public sewer system instead of great numbers of septic.

Septic systems can be an effective way to treat effluent and household waste if they are properly maintained; however, if they are not properly maintained or the tanks leak due to malfunction they can release high levels of bacteria and nutrients that can contaminate groundwater and/or the local watershed.

According to the EPA Source Water Protection Practices Bulletin: *Septic systems are a significant source of ground water contamination which lead to waterborne disease outbreaks and other adverse health effects...Nitrogen, primarily from urine, feces, food waste, and cleaning compounds, is present in sanitary wastewater...Even properly functioning conventional septic systems, however, may not remove enough nitrogen.*

From the EPA Home Owner's Guide to Septic Systems: *The wastewater exits the septic tank and is discharged into the drainfield for further treatment by the soil. The partially treated wastewater is pushed along into the drainfield for further treatment every time new wastewater enters the tank. If the drainfield is overloaded with too much liquid, it will flood, causing sewage to flow to the ground surface or create backups in plumbing fixtures and prevent treatment of all wastewater... Inadequately treated sewage from septic systems can be a cause of groundwater contamination. It poses a significant threat to drinking water and human health because it can contaminate drinking water wells and cause diseases and infections in people and animals. Improperly treated*

sewage that contaminates nearby surface waters also increases the chance of swimmers contracting a variety of infectious diseases.

Development of this tract of land is not a question of “if” but “when”. Coming in 2023, Solara Woods is a private oasis of mature trees, wild life, and undisturbed nature. This community of 59 high performance homes is being built on 87.11 acres in James City County. The $\frac{3}{4}$ to 1 acre lots will be encompassed with trees; preserving the environment and reducing the carbon footprint. Bringing life into balance, where solar and trees coexist! According to the U.S. Department of Agriculture, one acre of forest absorbs six tons of carbon dioxide and puts out four tons of oxygen. This is enough to meet the annual needs of 18 people. It's time to promote holistic living and bring it full circle by creating a community with homes that are built to promote health, savings, durability and comfort while preserving and protecting the land that surrounds. When the time comes to place the new residential facilities on the property, the developer would prefer to use the more environmentally safe alternative and connect with County water and sewer. This is most appropriate measure the developer can take to properly treat sanitary waste in the increasingly fragile Yarmouth Creek Watershed. This proposal will also benefit the residents along Bush Springs Road by helping to expedite the delivery of new services to an area previously designated by the Comp Plan as deserving of municipal water and sewer.

ITEM SUMMARY

DATE: 2/2/2022

TO: The Planning Commission

FROM: John Risinger, Planner

SUBJECT: SUP-21-0026. Living Word Church of God

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	1. Proposed SUP Conditions	Backup Material
▣	2. Location Map	Exhibit
▣	3. Master Plan	Backup Material
▣	4. Community Impact Statement	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	1/26/2022 - 2:56 PM
Planning Commission	Holt, Paul	Approved	1/26/2022 - 2:56 PM
Publication Management	Pobiak, Amanda	Approved	1/26/2022 - 3:13 PM
Planning Commission	Holt, Paul	Approved	1/26/2022 - 3:16 PM

**SPECIAL USE PERMIT-21-0026. Living Word Church of God
Staff Report for the February 2, 2022, Planning Commission Public Hearing**

SUMMARY FACTS

Applicant: Mr. Darren Curtis, DJG Inc.

Land Owner: Living Word Church of God

Proposal: To allow the operation of a place of public assembly

Location: 259 Ivy Hill Road

Tax Map/Parcel No.: 1130100003A

Project Acreage: ± 2.10 acres

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area: Outside

Staff Contact: John Risinger, Planner

PUBLIC HEARING DATES

Planning Commission: February 2, 2022, 6:00 p.m.

Board of Supervisors: March 8, 2022, 5:00 p.m. (tentative)

FACTORS FAVORABLE

1. 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*.
2. Traffic impacts generated by this proposal are not anticipated to negatively impact surrounding zoning and development.
3. Impacts: Please see Impact Analysis on Pages 3-4.

FACTORS UNFAVORABLE

1. With the proposed conditions, staff finds that there are no unfavorable factors.
2. Impacts: Please see Impact Analysis on Pages 3-4.

SUMMARY STAFF RECOMMENDATION

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

PROJECT DESCRIPTION

Mr. Darren Curtis has applied for a Special Use Permit (SUP) on behalf of the Living Word Church of God to allow the operation of a place of public assembly at 259 Ivy Hill Road. The property originally had a site plan approved in 1996 for a place of public assembly; however, work was not completed on the building or associated site improvements and plan approvals have since expired. In 2017, the A-1 Zoning District was amended to require SUPs for places of public assembly. The existing building is currently vacant and will require

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-21-0026. Living Word Church of God
Staff Report for the February 2, 2022, Planning Commission Public Hearing

rehabilitation prior to occupancy. The church will seat up to 150 people which will require a minimum of 30 parking spaces as shown on the proposed layout. The Master Plan shows the existing building with site improvements and an SUP amendment would be required for any further expansion.

According to the applicant, worship services will be held on Sundays at 9:45 a.m. and occasionally in the evening. Additionally, Sunday school classes will be held Sunday morning and bible study/prayer meetings will be held Wednesdays at 7:00 p.m. Church business meetings will be held once a month on a Saturday.

PLANNING AND ZONING HISTORY

- In 1996, SP-0043-1996 was approved to construct a 2,400-square-foot church building with associated site improvements.
- In 1998, S-0034-1996 was approved and recorded to subdivide the existing 2.10-acre parcel from an existing parcel.
- In 2000, SP-0025-2000 was approved to amend the original site plan to expand the church building to 3,360 square feet in size.
- In 2017, the A-1 Zoning District was amended to require SUPs for places of public assembly.

SURROUNDING ZONING AND DEVELOPMENT

- The properties in the immediate vicinity are all zoned A-1, General Agricultural and are designated Rural Lands on the adopted 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-21-0026. Living Word Church of God
Staff Report for the February 2, 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>No Mitigation Required</u>	- The proposal is not anticipated to generate traffic exceeding a typical place of public assembly use, with the majority of trips on Sunday when services are conducted. Trips projected by the ITE manual for weekdays are, 1.65 in the PM peak hour. The total daily trip generation for Sundays will only be 92.8, as projected by the ITE manual.
<u>Public Transportation: Pedestrian/Bicycle</u>	<u>No Mitigation Required</u>	- No pedestrian or bicycle improvements are shown along Ivy Hill Road on the Pedestrian Accommodations Master Plan and the Regional Bikeways Master Plan.
<u>Public Safety</u>	<u>No Mitigation Required</u>	- Subject property is located approximately 4 miles from Fire Station 1. - The proposal does not generate impacts that require mitigation to the County's emergency services or facilities.
<u>Public Schools</u>	<u>No Mitigation Required</u>	- The proposal will not generate school children.
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	- The proposal does not generate impacts that require mitigation to the County's Parks and Recreation services or facilities.
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	- The proposal does not generate impacts that require mitigation to public libraries or cultural centers.
<u>Groundwater and Drinking Water Resources</u>	<u>No Mitigation Required</u>	- The Virginia Department of Health will review the well and septic system at the site plan stage.
<u>Watersheds, Streams, and Reservoirs</u>	<u>No Mitigation Required</u>	- The Stormwater and Resource Protection Division has reviewed this application and had no objections. Detailed stormwater management and design will be reviewed at the site plan stage.
<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>	- Traffic is anticipated to be typical of a church with 150 members with services generally occurring on Sundays, the subject property must adhere to the County's Noise Ordinance, and the proposed SUP conditions address landscaping, signage and exterior lighting. Future expansions of the use would require an SUP amendment.

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-21-0026. Living Word Church of God
Staff Report for the February 2, 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>	<u>No Mitigation Required</u>	- Ivy Hill Road is not designated as a Community Character Corridor (CCC).
<u>Covenants and Restrictions</u>	<u>No Mitigation Required</u>	- The applicant has verified that they are 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-21-0026. Living Word Church of God
Staff Report for the February 2, 2022, Planning Commission Public Hearing

COMPREHENSIVE PLAN

The site is designated Rural Lands on the 2045 Comprehensive Plan Land Use Map. Recommended uses include agricultural and forestal activities, agri-tourism, rural-support businesses, and certain commercial uses which require very low intensity settings. The Rural Lands Development Standards have the following guidance.

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;

The proposed improvements are outside of sensitive areas.

- Maintaining existing topography, vegetation, trees, and tree lines to the maximum extent possible, especially along roads and between uses;

The proposed improvements are generally within an existing clearing. Required building setbacks and transitional buffers serve to protect existing vegetation along the property lines.

- Discouraging development on farmland, open fields, scenic roadside vistas, and other important agricultural/forestal soils and resources;

The proposed improvements do not impact 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;

The proposed improvements are not located in an open field.

- Locating new driveways or service roads so that they follow existing contours and old roadway corridors whenever feasible;

Site access is proposed by improving an existing driveway.

- 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;

The height of the existing structure is less than surrounding mature trees and the scaling of the structure is compatible with the surrounding community. The property is subject to height limitations in accordance with Section 24-418 of the Zoning Ordinance.

- Minimizing the number of street and driveway intersections along the main road by providing common driveways; and

The proposed conditions limit the property to one ingress/egress point along Ivy Hill Road.

- Utilizing lighting only where necessary and in a manner that eliminates glare and brightness.

The proposed conditions restrict the permitted height of light poles and prohibit light trespass across property lines.

The property is not located along a CCC.

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

Proposed conditions are provided in Attachment No. 1.

STAFF RECOMMENDATION

With the attached conditions, staff finds that the proposal is compatible with surrounding zoning and development and consistent with the 2045 Comprehensive Plan.

Staff therefore recommends the Planning Commission recommend approval of the proposed SUP to the Board of Supervisors subject to the proposed conditions.

JR/md
SUP21-26LivingWdCh

Attachments:

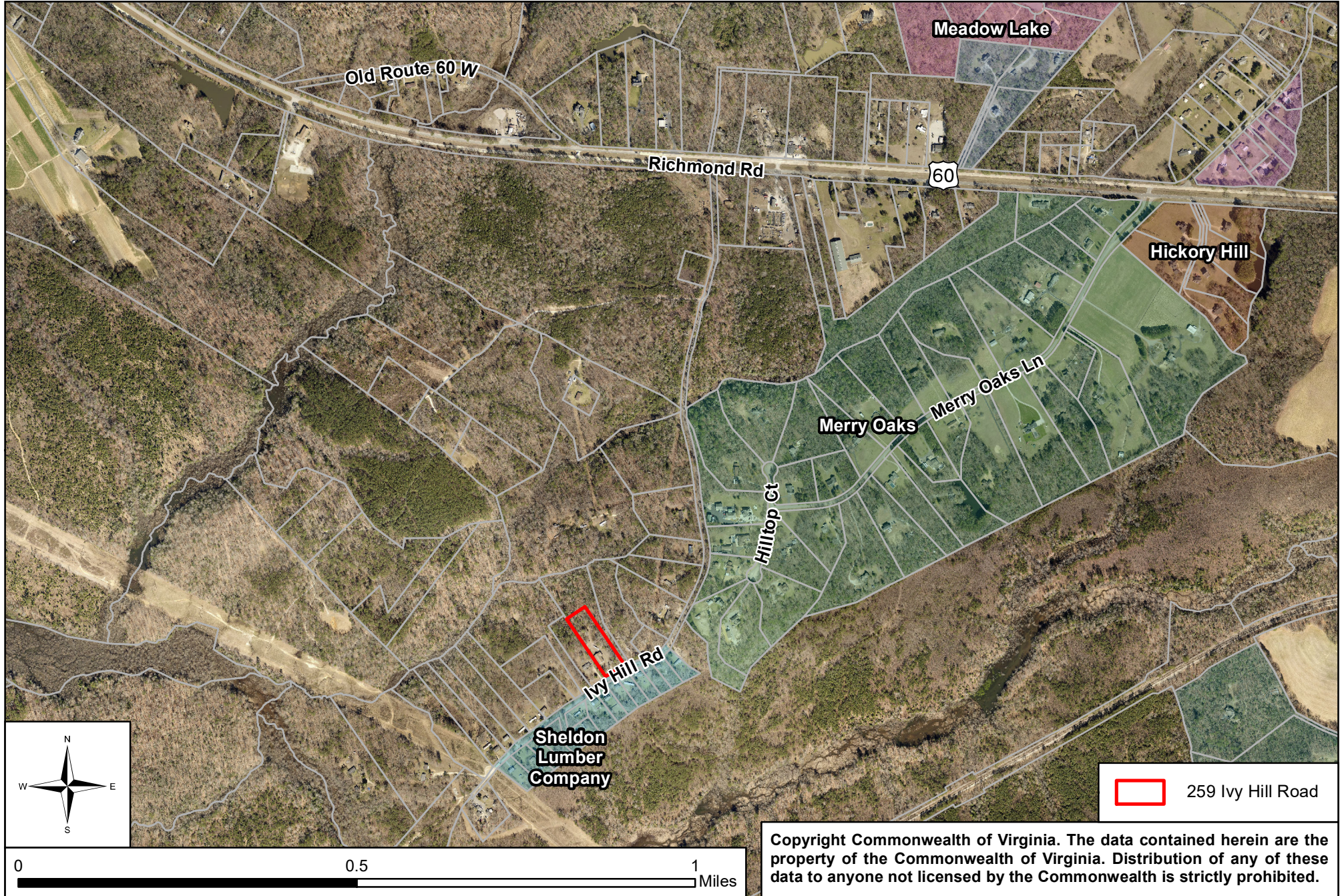
1. Proposed SUP Conditions
2. Location Map
3. Master Plan
4. Community Impact Statement

PROPOSED CONDITIONS FOR CASE NO. SUP-21-0026.

LIVING WORD CHURCH OF GOD

1. Master Plan: This Special Use Permit (SUP) shall be valid for a place of public assembly (the "Project") located at 259 Ivy Hill Road, further identified as James City County Real Estate Tax Map No. 1130100003A (the "Property"). Development of the Project on the Property shall occur generally as shown on the exhibit drawn by DJG Inc. entitled, "Living Word Church of God SUP-21-0026," dated January 25, 2022 (the "Master Plan"), with any deviations considered pursuant to Section 24-23(a)(2) of the James City County Code, as amended ("County Code").
2. Commencement of Use: The use of the Property as a place of public assembly shall not commence prior to the issuance of a Certificate of Occupancy (CO) for the Project.
3. Landscape Plan: Transitional buffers shall be provided as shown on the Master Plan in accordance with Section 24-100 of the County Code. A landscape plan shall be reviewed and approved by the Director of Planning or designee prior to final site plan approval. All landscaping on the landscape plan shall be installed or guaranteed prior to the issuance of a final CO for the Project.
4. Ingress and Egress: Only one ingress/egress point may be constructed from Ivy Hill Road to the Property.
5. Exterior Lighting: All new exterior light fixtures on the Property, including new building lighting, shall have recessed fixtures with no lens, bulb, or globe extending below the casing. All new light poles shall not exceed 20 feet in height from finished grade. No light trespass, defined as 0.1 foot-candles or higher, shall extend across any property line. A lighting plan showing satisfaction of this condition shall be approved by the Director of Planning prior to site plan approval.
6. Signage: The Property shall be allowed one exterior freestanding sign. The freestanding sign shall be externally illuminated, monument style, and not exceed 8 feet in height from finished grade. The Director of Planning shall approve the design of the freestanding sign for consistency with this condition prior to the issuance of a sign permit.
7. Commencement of Construction: Final site plan approval for the Project shall be obtained within 36 months from the date of approval of the SUP or the SUP shall automatically be void.
8. Severability: The SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

JCC SUP-21-0026, Living Word Church of God





VICINITY MAP
SCALE 1"= 2000 FT
TRUE NORTH

PROPERTY ADDRESS

259 IVY HILL ROAD
TOANO, VIRGINIA 23168

PROPERTY INFORMATION:

PROPERTY OWNER: THE LIVING WORD CHURCH OF GOD
JAMES C. O/O ANNETTE FLOYD
ET AL TRUSTEES

TAX MAP: 11301 00003A, LRSN: 22433

PARCEL SIZE: 2.10 ACRES

HYDROLOGIC UNIT CODE AND WATERSHED:
VAHUS JL5 - WATERSHED, LOWER CHICKAHOMINY RIVER (HUC10-0208020606)
VAHU6 JL27- SUBWATERSHED, DIASOUND CREEK-MILL CREEK (HUC12-020802060603)

ZONING: TARGET PROPERTY
259 IVY HILL ROAD-----A1 (GENERAL AGRICULTURE)

ADJACENT PROPERTIES
249 IVY HILL ROAD-----A1 (GENERAL AGRICULTURE)
265 IVY HILL ROAD-----A1 (GENERAL AGRICULTURE)

SETBACKS: FRONT YARD---75'
SIDE YARD--- 15'
REAR YARD---35'

PARKING SETBACK: NONE

FLOOD_ZONE THE ENTIRE PROPERTY APPEARS TO BE IN ZONE X, AREAS
(FLOOD PLAIN) OF MINIMAL FLOODING.
REFERENCE: FEDERAL EMERGENCY MANAGEMENT AGENCY,
FLOOD INSURANCE RATE MAP,
COMMUNITY PANEL NUMBER 510201 0039D
MAP NUMBER 51095C 0039D

PROPOSED SITE NARRATIVE:

THIS 2.10-ACRE SITE IS LOCATED ON THE NORTHWEST SIDE OF THE IVY HILL ROAD IN TOANO, VIRGINIA. THE SITE IS CURRENTLY DEVELOPED INCLUDING AN EXISTING CHURCH BUILDING, WATER WELL, SANITARY DRAINFIELD, & GRAVEL ROAD/PARKING AREA. THE PROPOSED WORK FOR THIS PROJECT INCLUDES A CONSTRUCTION OF A ±15,000 SF ASPHALT PARKING LOT INCLUDES 28 REGULAR + 2 HANDICAP PARKING SPACES. SITE WORK WILL INCLUDE DESIGN AND CONSTRUCTION OF A PARKING LOT, INCLUDING BUT NOT LIMITED TO SITE GRADING, EROSION CONTROL, SITE DRAINAGE, CONCRETE SIDEWALK AND RAMP, PEDESTRIAN AND VEHICULAR CIRCULATION AREAS, SIGNAGE, SITE LIGHTING AND LANDSCAPING.

PARKING REQUIREMENTS:

EXISTING CHURCH:

USE CATEGORY:	A1 (GENERAL AGRICULTURE)
SPACES REQUIRED:	1 SPACE PER 5 SEATS
TOTAL SEATS:	150 SEATS
PARKING REQUIRED:	30 SPACES
HANDICAP SPACES REQUIRED:	2 SPACES
TOTAL PARKING SPACES PROVIDED:	28 + 2 HC = 30 SPACES

OPEN SPACE DATA:

TOTAL SITE ACREAGE:	2.10 AC.
EXISTING OPEN SPACE:	1.91 AC. 90.95%
EXISTING IMPVIOUSNESS:	0.19 AC. 9.05%
EXISTING BUILDING:	0.08 AC.
GRAVEL ROAD/PARKING AREA:	0.11 AC.
PROPOSED OPEN SPACE:	1.65 AC. 78.57%
PROPOSED IMPVIOUSNESS:	0.45 AC. 21.43%
EXISTING BUILDING:	0.08 AC.
ASPHALT PARKING LOT AREA:	0.35 AC.
SIDEWALKS, RAMP, CURB, GUTTER:	0.02 AC.
TOTAL DISTURBED AREA:	0.70 AC.

ENVIRONMENTAL INVENTORY:

IN ACCORDANCE WITH SECTION 23-10(2) OF THE CHESAPEAKE BAY
PRESERVATION ORDINANCE OF JAMES CITY COUNTY, VIRGINIA

COMPONENT:	APPLICABLE:	QUANTIFIED:
1. TIDAL WETLANDS	NO	N/A
2. TIDAL SHORES	NO	N/A
3. NON-TIDAL WETLANDS IN RPA	NO	N/A
4. 100' BUFFER FOR #1 TO #3 ABOVE	NO	N/A
5. NON-TIDAL WETLANDS IN RMA	NO	N/A
6. SLOPE 25% OR GREATER	YES	±2,700 SF

SURVEY CONTROL:

- THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE REPORT.
- THIS SURVEY REPRESENTS AN IN-THE- FIELD BOUNDARY SURVEY.
- BOUNDARY LINES ESTABLISHED FROM RECORD PLATS AND MONUMENTATION FOUND IN THE FIELD.
- REFERENCES: DEED 980005964, PLAT BOOK 69-0003

GENERAL NOTES:

ALL NEW SIGNS SHALL BE IN ACCORDANCE WITH ARTICLE II,
DIVISION 3 OF THE JAMES CITY COUNTY ORDINANCE.

LEGEND

EXISTING: ——— RIGHT-OF-WAY
- - - - - PROPERTY LINE
——— BUILDING SETBACK LINE
- - - - - BUFFER TRANSITIONAL LINE
OHE ——— OVERHEAD ELECTRIC LINE
[Pattern] ASPHALT PAVEMENT
[Pattern] BUILDING
——— 90 ——— CONTOUR
[Pattern] TREE LINE
[Pattern] WELL EASEMENT
PROPOSED: [Pattern] ASPHALT PAVEMENT
[Pattern] CONCRETE PAVEMENT
——— 98 ——— CONTOUR
[Arrow] FLOW DIRECTION
——— LOD ——— LIMIT OF DISTURBANCE
[Pattern] TREE LINE



ENGINEERS
ARCHITECTS
PLANNERS

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www.djginc.com



LIVING WORD
CHURCH OF
GOD

SUP-21-0026

JAMES CITY COUNTY, VA

REVISIONS

DATE	DESCRIPTION

COMMISSION NUMBER

2 2 2 0 0 8 0

SCALE: AS NOTED
DESIGNED: DJG
DRAWN: HAP/JIB
CHECKED: DRC
DATE: 01/25/2022

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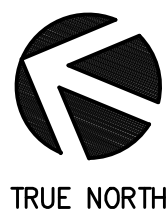
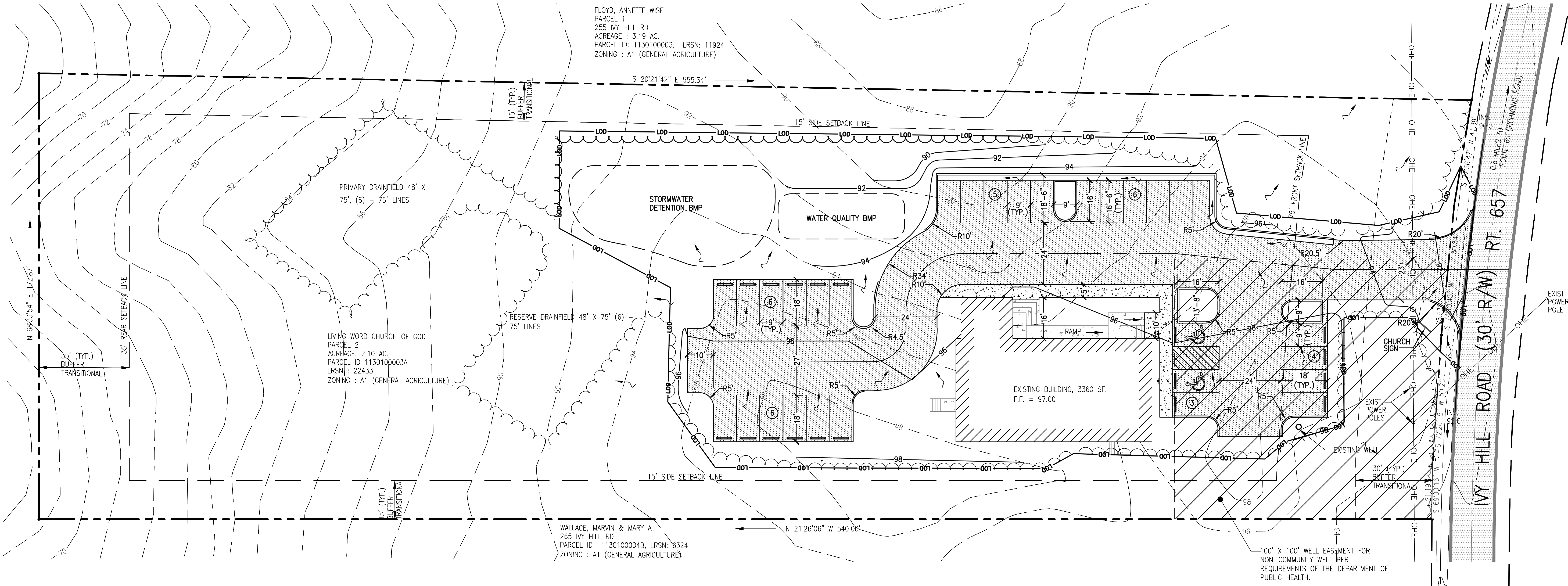
SHEET TITLE

MASTER PLAN

SHEET NUMBER

C-101

1 OF 1



MASTER PLAN

SCALE: 1"=20'

GRAPHIC SCALE



Community Impact Statement

The proposed work for 259 Ivy Hill Rd, Toano, VA includes the addition of a parking lot, landscaping, site lighting, and stormwater detention and water quality BMPs as required. The existing site parcel is 2.1 acres. The property includes an existing church building and gravel entrance road. The property is within the FEMA 100-year floodplain Zone "X." The property is not within any Resource Protection Area (RPA). Furthermore, a water well easement surrounds a 100' by 100' area on the southwest side of the lot.

The evaluations below conclude that there will be no significant impact to the site or surrounding properties as a result of the proposed development. Supplementary reports and documents are attached.

Traffic Impact Analysis

The existing 3,360 SF church seats 150 people. Calculation of the PM Peak Hour Trips at 0.49 trips per 1,000 SF GFA equals 1.65 trips for this building. This value does not exceed the 100 trips threshold; therefore, a Traffic Impact Analysis is not required. See calculations below.

0.49 trips per 1,000 SF GFA (ITE Common Trip Generation Rates (PM Peak Hour))

3,360 SF Church building

$$(3,360 \text{ SF building}) \left(\frac{0.49 \text{ trips}}{1,000 \text{ SF GFA}} \right) = 1.65 \text{ trips}$$

Water and Sewer Impact Study

The calculated anticipated average daily flow of water and sewer equated to 2,550 GPD. This does not exceed the 15,500 GPD required to complete a water and sewer impact study. See calculations below.

Water:

<i>Three (3) Water Closets, Tank, public</i>	<i>5 wsfu each = 15 wsfu</i>	
<i>+ Three (3) Lavatory Sinks, public</i>	<i>2 wsfu each = 6 wsfu</i>	
		<i>21 wsfu OR 20 GPM</i>
		<i>(IPC Table E103.3(3))</i>

$$\text{Average Daily Flow} = \frac{(20 \text{ GPM})(60 \text{ min./hr.})(6 *)}{4} = 1,800 \text{ GPD}$$

**Flow or demand duration in hours*

Sewer:

Demand based off of 2001 design of sanitary sewer tank and drainfield by DJG, Inc. in 2001 at 750 GPD.

Environmental Constraints Analysis

See supplemental document under separate cover sheet for information.

Adequate Public Facilities Report

No dwelling units are to be added to the site. Proposed site improvements will not exceedingly effect capacity necessary for additional services. Therefore, no additional service of roads, water and sewer, schools, fire stations, or libraries are required.

See supplemental document under separate cover sheet for additional information.

Archeological Study

Archeological Study not required for this site.

Natural Resource Inventory

Natural Resource Inventory not required for this site.

Fiscal Impact Analysis

Fiscal Impact Analysis not required for this site.

ITEM SUMMARY

DATE: 2/2/2022

TO: The Planning Commission

FROM: Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: Planning Director's Report - February 2022

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Spreadsheet Listing New Cases Received	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	1/26/2022 - 3:48 PM
Planning Commission	Holt, Paul	Approved	1/26/2022 - 3:48 PM
Publication Management	Daniel, Martha	Approved	1/26/2022 - 3:52 PM
Planning Commission	Holt, Paul	Approved	1/26/2022 - 4:03 PM

PLANNING DIRECTOR'S REPORT

February 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 two months, please see the attached documents.

➤ **Board Action Results:**

○ **January 11, 2022**

- AFD-21-0002. 9958 Mill Pond Run, Barnes Swamp AFD Addition (Approved 5-0)
- SUP-21-0018. 1403 Jamestown Rd Rental of Rooms (Not Approved 5-0)
- SUP-21-0020. 528 Neck-O-Land Rd Tourist Home (Not Approved 4-1)
- Z-20-0002. 2280 Lake Powell Road Rezoning (Approved 5-0)
- Z-21-0012/ MP 21-0003. Proffer and Master Plan Amendment for Ford's Colony (Ford's Village) (Deferred to March 8, 2022)

➤ **Staff Updates:**

The Planning Division welcomes Suzanne K. Yeats (Suzie)!

Suzie is the newest member of the Planning team as of January 3rd. Her professional experiences include working in the private sector and public education. While taking her daughters on college tours, she was drawn to the Master of Urban & Regional Planning program at VCU. As a later in life career change, she has been able to follow her passion and study the intersection of the built environment with issues concerning equity, environment, design, and transportation. She loves mapping and e-sketching! Her experience as an intern with James City County proved to be so rewarding that she jumped at the chance to apply when a position became available and is grateful for this opportunity. She is a JCC resident, married to Andy, mama to daughters Emma, Sydney, and Lydia, Seamus the cat and Angus the dog.

Congratulations to Tom Leininger!

Tom has accepted a promotion to Principal Planner for Transportation. Tom will be coordinating with VDOT and the HRTPO on development and funding for current and future transportation improvement projects. Tom will take on management of active transportation project and continue to serve as staff support for the Historic Triangle Bicycle Advisory Committee.

NEW CASES FOR FEBRUARY

Plan Type	Plan Number	Case Title	Address	Plan Description	Plan Assigned To	Plan District
Conceptual Plan	C-21-0120	7277 Richmond Rd Hyundai Building Modifications	7277 RICHMOND RD Williamsburg, VA 23188	Modifications to the Showroom and Building Face.	Tom Leininger	Stonehouse
	C-21-0125	108 & 110 Bush Spring Rd James River Equipment Expansion	7761 RICHMOND RD Toano, VA 23168	Potential expansion of business to two adjoining lots.	Terry Costello	Stonehouse
	C-21-0126	6311 & 6319 Old Mooretown Rd. Subdivision	6311 OLD MOORETOWN RD Williamsburg, VA 23188	A plan to combine two lots to maximize parcel size to allow one single family-dwelling and up to three duplexes.	Katie Pelletier	Powhatan
	C-22-0002	4625 Ware Creek Rd. Event Barn	4625 WARE CREEK RD Williamsburg, VA 23188	Potential to develop the property for an event venue.	Katie Pelletier	Stonehouse
Subdivision Plat	S-21-0083	7630 & 7628 Cypress Dr. BLE	7630 CYPRESS DR Lanexa, VA 23089	Plan for a single-family residence with on-site sewage.	Jose Ribeiro	Powhatan
Site Plan	SP-21-0106	4460 Longhill Rd Cell tower Amend.	4460 LONGHILL RD Williamsburg, VA 23188	Plan to install 3 antennas & 3 sector frame mounts, 6 proposed RRU's & ancillary equipment on an existing communications tower. Install metal platform in leased area for ground equipment cabinets.	Tom Leininger	Powhatan
	SP-21-0130	1326 & 1324 Jamestown Rd. Dollar General	1326 JAMESTOWN RD Williamsburg, VA 23185	Plan for construction of a Dollar General store.	Tom Leininger	Roberts
	SP-21-0131	152 Tewning Road Office and Warehouse Building Amend.	152 TEWNING RD Williamsburg, VA 23188	Site Plan Amendment to adjust parking islands, parking spaces, and landscaping.	Tom Leininger	Jamestown
	SP-21-0132	5301 Longhill Rd Tower Antenna Modifications	5301 LONGHILL RD Williamsburg, VA 23188	Plan to replace antennas and associated equipment on the existing cell tower and within the existing ground space.	John Risinger	Jamestown
	SP-21-0133	4311 John Tyler Hwy Tower SP Amend.	4311 JOHN TYLER HWY Williamsburg, VA 23185	Plan to replace antennas and associated equipment on the existing cell tower and within the existing ground space.	Tom Leininger	Berkeley
	SP-21-0134	5601 Richmond Rd. COVID Testing Site	5601 RICHMOND RD Williamsburg, VA 23188	Plan to establish a Drive- Through COVID Testing site.	Katie Pelletier	Powhatan
	SP-22-0005	Colonial Veterinary Clinic Parking Expansion	3280 IRONBOUND RD Williamsburg, VA 23188	Plan to expand parking area.	Paxton Condon	Jamestown
	SP-22-0006	3900 John Tyler Hwy Tower SP Amend.	3900 JOHN TYLER HWY Williamsburg, VA 23188	Plan for modifications to ground-based and tower-mounted equipment.	Katie Pelletier	Berkeley
Special Use Permit	SUP-21-0024	158 Saddletown Rd., Partlow Family Subdivision	158 SADDLETOWN RD Williamsburg, VA 23188	Application for a Family Subdivision where the	Tom Leininger	Stonehouse
	SUP-22-0001	3 Marclay Road Short-Term Rental	3 MARCLAY RD Williamsburg, VA 23185	Use of the property as a Short-Term Rental	Josh Crump	Roberts
Zoning Verification Letter	ZVL-21-0038	Zoning Verification Letter for Lightfoot Marketplace	6401 RICHMOND RD Williamsburg, VA 23188	Zoning Verification Letter to include copies of open Zoning and building code violations, variances, and conditional/special use permits.	John Rogerson	Stonehouse
	ZVL-21-0039	Zoning Verificarion Letter for Avid Medical Building	9000 WESTMONT DR Toano, VA 23168	Zoning Verificarion Letter for Owens & Minor/Avid Medical Building ZVL	Taylor Orne	Stonehouse
	ZVL-21-0040	Zoning Verification Letter for 1655 Green Mount Parkway	1655 GREEN MOUNT PKWY Williamsburg, VA 23185	Request Zoning Verification Letter for Parcel Nos.: 6010200001 and 6040100001	John Rogerson	Roberts
	ZVL-21-0041	Zoning Verification Letter for AMF Williamsburg Lanes	5544 OLDE TOWNE RD Williamsburg, VA 23188	Zoning Verification Letter to include copies of open Zoning and building code violations, variances, and conditional/special use permits.	John Rogerson	Jamestown
	ZVL-22-0001	Zoning Verification Letter for Edgeworth Park	5501 DISCOVERY PARK BLVD Williamsburg, VA 23188	Zoning Verification Letter to include copies of open Zoning and building code violations, variances, and conditional/special use permits.	Taylor Orne	Jamestown

ITEM SUMMARY

DATE: 2/2/2022

TO: The Planning Commission

FROM: Tammy Mayer Rosario, Assistant Director of Community Development

SUBJECT: Update on the Natural and Cultural Assets Plan Effort

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	1. Public Engagement Plan	Exhibit
☐	2. Presentation	Presentation

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	1/26/2022 - 12:12 PM
Planning Commission	Holt, Paul	Approved	1/26/2022 - 12:12 PM
Publication Management	Pobiak, Amanda	Approved	1/26/2022 - 12:24 PM
Planning Commission	Holt, Paul	Approved	1/26/2022 - 12:26 PM

MEMORANDUM

DATE: February 2, 2022

TO: The Planning Commission

FROM: Tammy Mayer Rosario, Assistant Director of Community Development

SUBJECT: Update on the Natural and Cultural Assets Plan Effort

Over the past several months, staff, the Natural and Cultural Assets Mapping Committee, and the Technical Advisory Committee have worked with our consultant team on the first steps of developing the Natural and Cultural Assets Plan. This work has included the following steps:

1. **Setting Goals:** These have been formed using the goals, strategies, and actions adopted in the 2045 Comprehensive Plan.
2. **Reviewing Data:** With input from staff and the committees, the consultant team has collected data and created some new data with newly released information.
3. **Mapping Assets:** Based on the goals and data, the consultant team has produced draft maps of James City County's ecological and cultural assets, including a base map of habitat cores and several themed maps.

In addition to the steps noted above, staff, the consultant team, and the committees have also worked to engage the public by developing a project website, dedicating time for public comment at the Natural and Cultural Asset Mapping Committee meetings, and creating a public engagement plan (attached). After receiving any guidance from the Board of Supervisors, the consultant team, staff, and the committees will work to refine the maps and more formally engage the public before proceeding through the remaining steps of the process.

Ms. Karen Firehock, Executive Director of the Green Infrastructure Center, made a brief presentation to the Board on progress to date and next steps on January 25 and will make a presentation to the Planning Commission on the same this evening. Staff looks forward to any questions and input from the Planning Commission to incorporate into the process.

TMR/md
NatCultAsstsUpd-mem

Attachments:

1. Draft Public Engagement Plan
2. Presentation



Natural & Cultural Assets Plan for James City County

Public Engagement Plan

This plan is a dynamic strategy to engage the community in creating a natural and cultural assets plan. It will be updated continually as new ideas for engagement are generated.

James City County is working with the nonprofit firm, the Green Infrastructure Center, to help the County identify, evaluate and prioritize the County's highest value natural and cultural resources and identify opportunities to protect and restore them through a strategic plan. The project began in August 2021 and will take approximately one year to complete. Following are the ways in which the public – the broader community – of James City County will be engaged in shaping the plan. Perspectives from the recently concluded Comprehensive Plan update such as ideas and goals already generated concerning parks, open spaces, conservation or community character will be utilized to inform priorities. For a more complete overview of the project please see <https://jamecitycountyva.gov/3856/Natural-Cultural-Assets-Plan>

Natural Assets refers to all the natural elements that support the County including trees and forests, waterways, wetlands, agricultural soils and natural areas, such as parks and trails or areas of cultural significance to residents, such as scenic or historic areas. A natural asset network includes large blocks of intact habitats connected by corridors. The more connected the landscape, the more resilient it is and the more pathways there are for people, pollinators or plants! Cultural assets such as plantations, battlefields, cemeteries or other historic sites also add value to and are supported by the surrounding landscape.

There are multiple ways the public can engage in this project which is being undertaken to benefit all the citizens and businesses within the county as well as the wildlife, pollinators, fish and other aquatic life that depend on good land stewardship for their survival. See the process below.

Tasks	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul
2021 – 2022													
Task 1: Assessment, Work Plan, Orientation	GIC												
Task2: Establish Data Needs and Obtain Information		GIC & TAC	GIC										
Task 3: Identify Current Natural Assets = Base Map Create a cultural Assets Overlay			GIC	TAC	MC								
Task 4: Identify Threats to and Opportunities for Natural Assets						TAC	MC BOS	TAC, Public Survey	MC				
Task 5: Strategies and Plan from Modeling and Prioritization										TAC	MC	Publ ic Mtg	Wrap up BOS

GIC = Project Consultants, TAC = County Staff, MC =Appointed Mapping Committee, BOS = Board of Supervisors

Engagement Process

Objectives: The following public engagement objectives will guide outreach efforts.

- Public input will build from input gathered during the 2045 Engage process.
- Public engagement efforts will inform and educate the community about the project.
- We will engage key stakeholders in natural and cultural assets and a diversity of residents.
- All input will be respected, well documented and used to help inform the project.

Natural and Cultural Assets Mapping Committee: (October 2021 – May 2022)

This group is appointed by the Board of Supervisors and is intended to represent the diverse interests and geographies that make up the county. The committee meets 4-6 times during the project. Their role is advisory only. The public can share perspectives with the members and also can attend the committee's meetings and offer comments during the public comment portions of the meeting. These meetings are noticed on the county's calendar. The committee will also recommend additional ways to engage with and understand community perspectives and will help publicize opportunities. Summaries of all committee meetings will be posted to the project website following the meeting. To be notified of upcoming meetings, contact the Assistant Director of Community Development Tammy Rosario tammy.rosario@jamescitycountyva.gov. All materials can be found at <https://jamescitycountyva.gov/3856/Natural-Cultural-Assets-Plan>

Surveys: (First - February 2022, Second – TBD if needed)

The project will launch at least one on-line survey for public comment concerning the maps and special natural or cultural assets to consider for inclusion in the plan. Members of the public can also view and comment on the maps and potential strategies during the survey(s). The first survey will be launched on the county's website in February 2021. This will be a self-reporting survey, meaning that it will not be a random sampling of residents views; it will be open to any county resident or business to complete. A second survey, if needed and desired, may offer an opportunity to follow up on ideas gathered during the first survey.

Public Meetings: (June – July 2022)

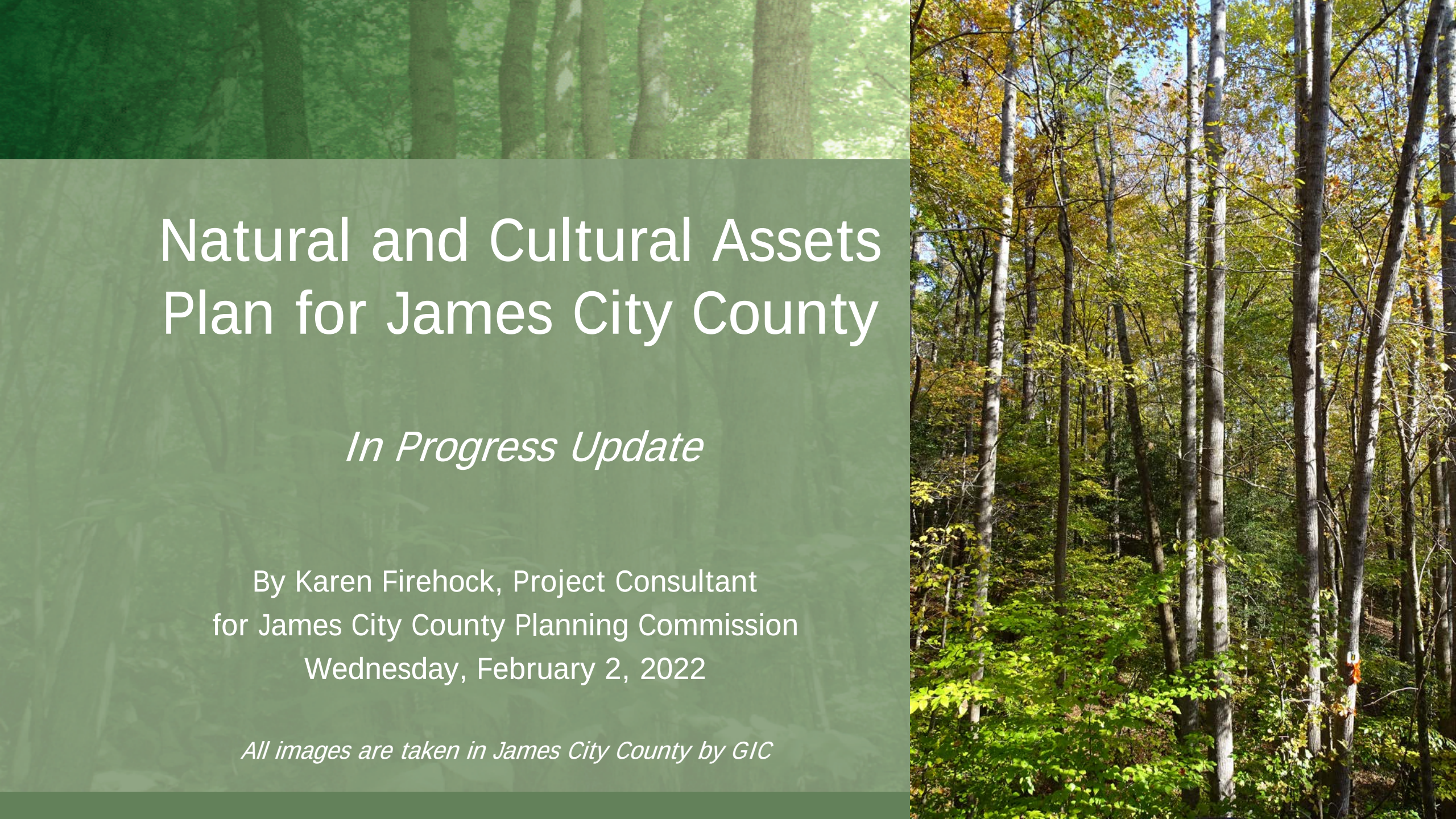
There will be one workshop towards the end of the project (likely in June 2022) where the public will be invited to attend and comment on the final maps and associated strategies. These comments will be utilized to finalize the maps and plan for consideration by the Board of Supervisors. The public may also comment during the public comment periods at the Board of Supervisors meetings to review the draft and final products.

Briefings of other boards/commissions or stakeholders: (ongoing, at milestones)

County staff will also periodically brief other appointed bodies of the county, such as but not limited to, the Parks and Recreation Advisory Commission or the Historical Commission. In addition, large landholders or those whose land is identified as a significant resource may also be contacted during the process for their input.

Website/Sending comments: (September 2021 – July 2022)

The public is invited to send comments at any time during the process. Follow the website for the latest maps and overview of where the project is currently and next steps. Comments should be sent directly to Tammy Rosario (see email above) and she will share them with county consultants. Note that all comments sent for this project become a matter of public record. All perspectives will be noted.



Natural and Cultural Assets Plan for James City County

In Progress Update

By Karen Firehock, Project Consultant
for James City County Planning Commission
Wednesday, February 2, 2022

All images are taken in James City County by GIC

Agenda

- I. Reminder: Project Origin
- II. Progress to Date and Draft Maps
- III. Next Steps, Expanded Engagement



Great Blue Heron at York River State Park

I. Reminder: Impetus for the project



This plan is an operational initiative in the 2035 Strategic Plan and an outgrowth of ***affirmed community priorities established during the recent update of the county's comprehensive plan***. Prioritizing the protection of natural lands and open spaces was the most highly ranked and supported objective across all three rounds of community engagement. This process will create a **Natural and Cultural Assets Plan** to meet this comprehensive plan action:

ENV Goal - Continue to improve the high level of environmental quality in James City County and protect rural and sensitive lands and waterways that support the resiliency of our natural systems for the benefit of current and future generations.

Strategy ENV 3 - Protect and conserve environmentally sensitive areas, and work to maintain or promote the ecosystem services provided by all natural areas.

Action ENV 3.1 - Maintain and promote biological and habitat diversity, ecosystem services, and habitat connectivity by protecting wildlife and riparian corridors between watersheds, sub-watersheds, catchments, and tidal and nontidal wetlands, and by developing and implementing a green infrastructure plan.



Recap: What are Natural Assets? Why do we need to evaluate them?



Planning to conserve natural landscapes helps support recreation, cultural and heritage values. It also protects drinking water and makes a community more resilient to changing climates. These natural resources are assets for our county!



Benefits of Conserving Natural Assets

- ☐ Preserving biodiversity and wildlife habitat.
- ☐ Conserving working lands such as farms and forests, that contribute to the economy.
- ☐ Protecting and preserving water quality and supply.
- ☐ Providing cost-effective stormwater management and hazard mitigation.
- ☐ Improving public health, quality of life and recreation networks.



This barred owl is a local resident of James City County

Natural Assets also support Cultural Assets



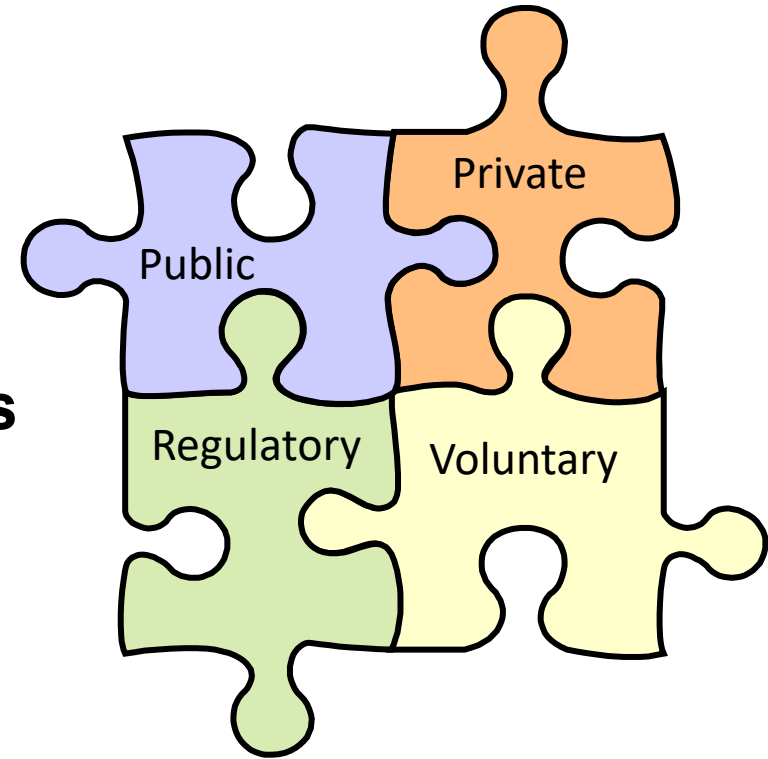
Many of our heritage and recreational resources are defined by their natural settings. To protect these uses and their interpretation and enjoyment, we should also pay attention to their landscape setting.



Native American artifacts found on the landscape may also represent places of archaeological and cultural importance.

Natural and Cultural Assets Planning Applications

- ✓ **Transportation plans: roads / trails**
- ✓ **Comp Plans and zoning**
- ✓ **Easements**
- ✓ **Park and open space planning**
- ✓ **ID lands for PDR programs**
- ✓ **Heritage tourism and viewsheds**
- ✓ **Ag and Forestal Districts**
- ✓ **Land management**

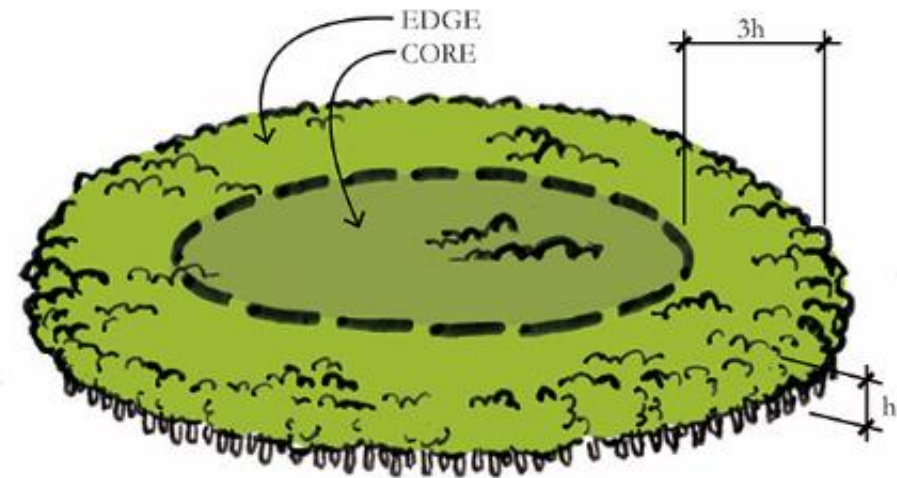


We have mapped the largest, most intact landscapes in James City County with “interior habitats.”

They may be wetlands, large forests or lakes.



Certain species, such as the cerulean warbler, depend on and can only thrive in interior forests.

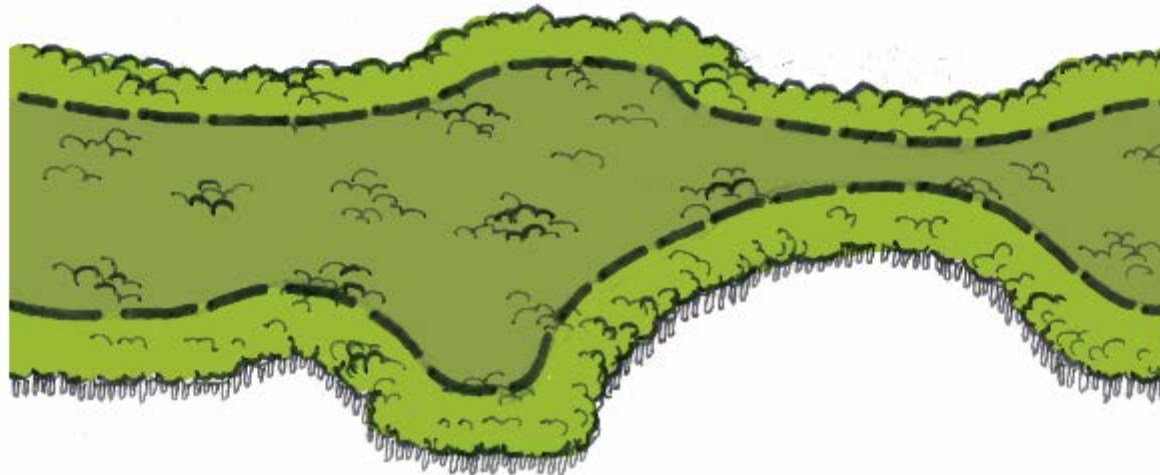


Corridors Connect Cores

The ideal is 100 meters of safe space in the middle
and 100 meters of edge.

minimum width = 300 meters wide

Now that we have mapped the important places
we will look for opportunities to connect them.



Six Steps for Natural Asset Planning



1) **Set Your Goals:** What does your community/organization value?

2) **Review Data** – What do we know or need to know, to map identified values?

3) **Map Your Community's Ecological and Cultural Assets** – Based on the goals established in Step One and data from Step Two. *We are in this stage now.*

4) **Risk Assessment** – What assets are most at risk and what could be lost if no action is taken?

5) **Rank Your Assets and Determine Opportunities** – Based on those assets and risks you have identified, which ones should be restored or improved?

6) **Implement Opportunities** – Include natural asset maps in both daily and long-range planning (park planning, comp plans, zoning, tourism and economic development, seeking easements etc)

II. Progress to Date and Draft Maps

Tasks 2021 – 2022	<i>Jul</i>	<i>Aug</i>	<i>Sep</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>	<i>Jul</i>
Task 1: Assessment, Work Plan and Team Orientation	GIC												
Task2: Establish Data Needs and Obtain or Create Relevant Information		GIC & JCC	GIC										
Task 3: Identify Current Natural Assets = Base Map Create a cultural Assets Overlay			GIC	TAC	SC								
Task 4: Identify Threats to and Opportunities for Green Infrastructure Assets						TAC	SC BOS	TAC	SC				
Task 5: Implementation Strategies and Plan from GI Modeling and Prioritization										TAC	SC	Public Mtg.	Wrap up BOS

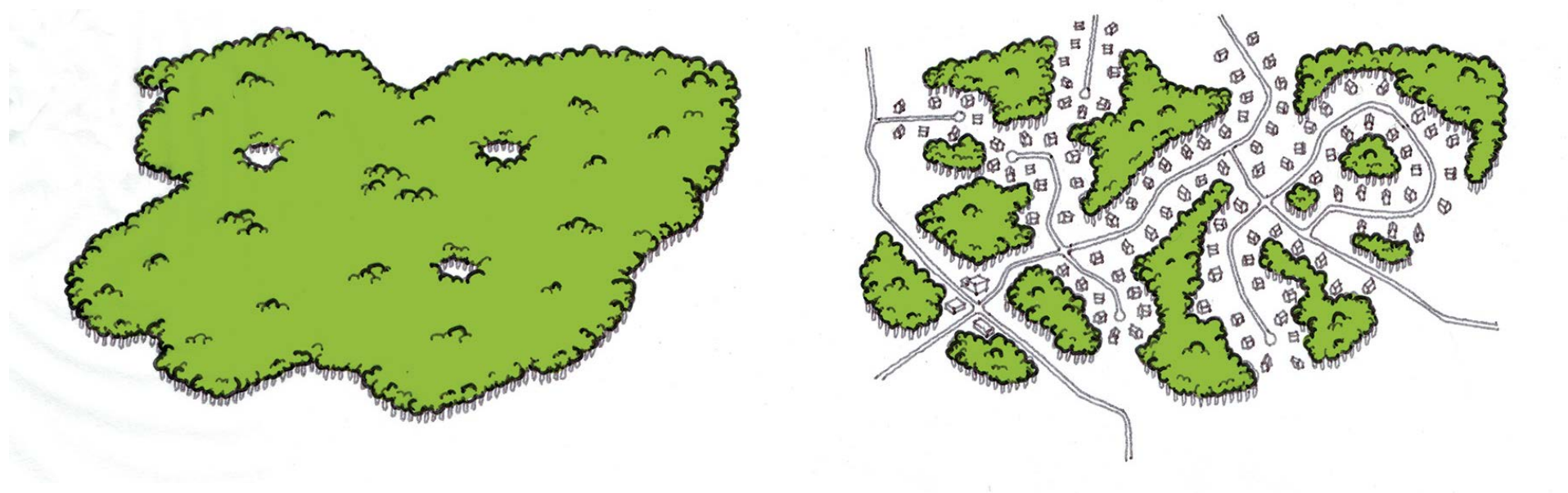
TAC = Technical Advisory Committee of County staff – advice, review, tech support

SC-NCAMP = Natural and Cultural Assets Mapping Committee appointed by the BOS – community priorities, engaged with future implementation, testing ideas

BOS = Board of Supervisors – review and critique, future adoption of the plan

- We have held two TAC meetings in October and December.
- We have held two NCAMP meetings in November and January.
- We are currently incorporating their comments into the maps and using their additional suggestions for how to conduct outreach.

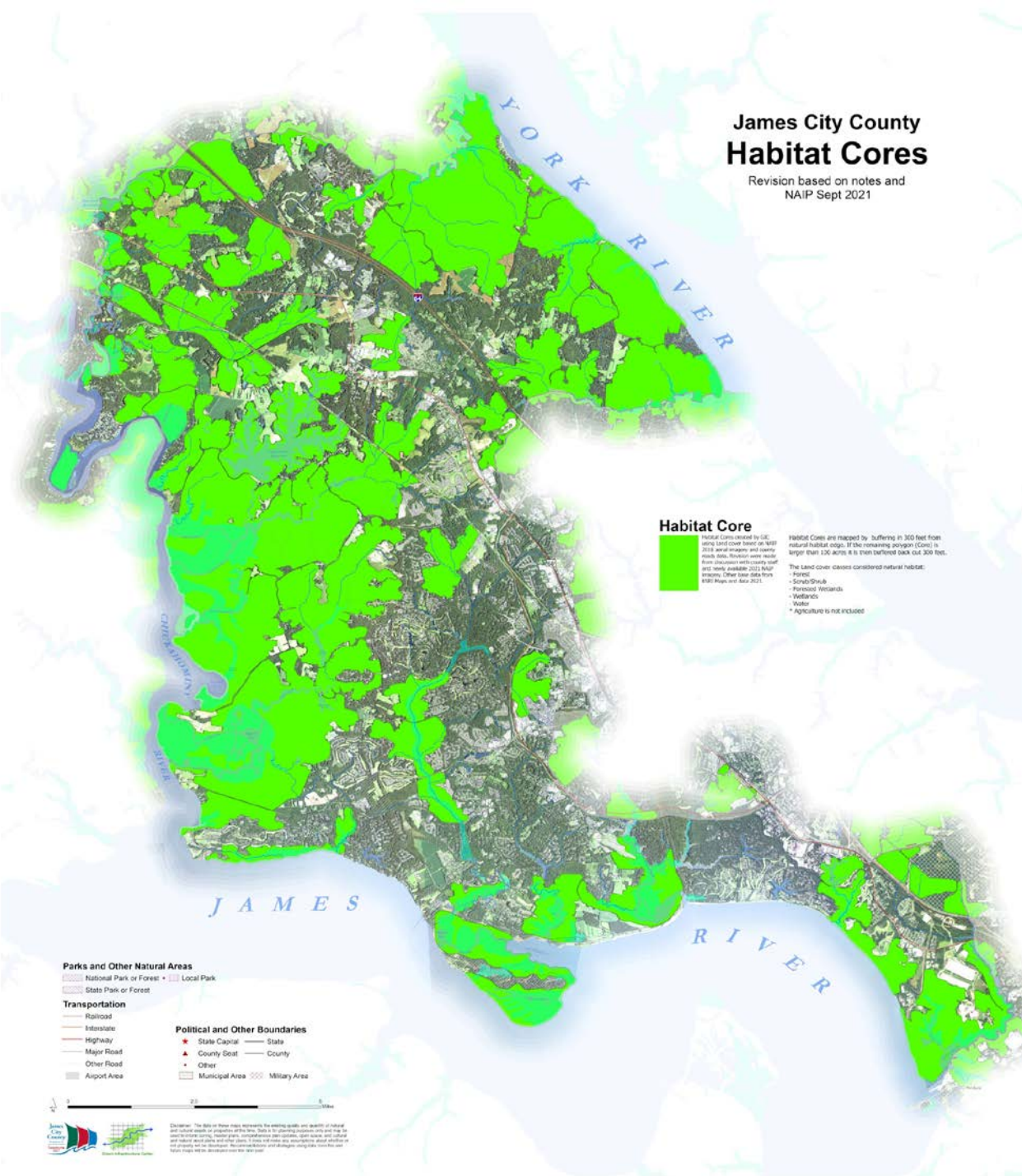
Some cores had to be updated



If a core is developed, the fragmented landscape may no longer constitute a core.

Draft Map #1 – Intact Habitats (cores)

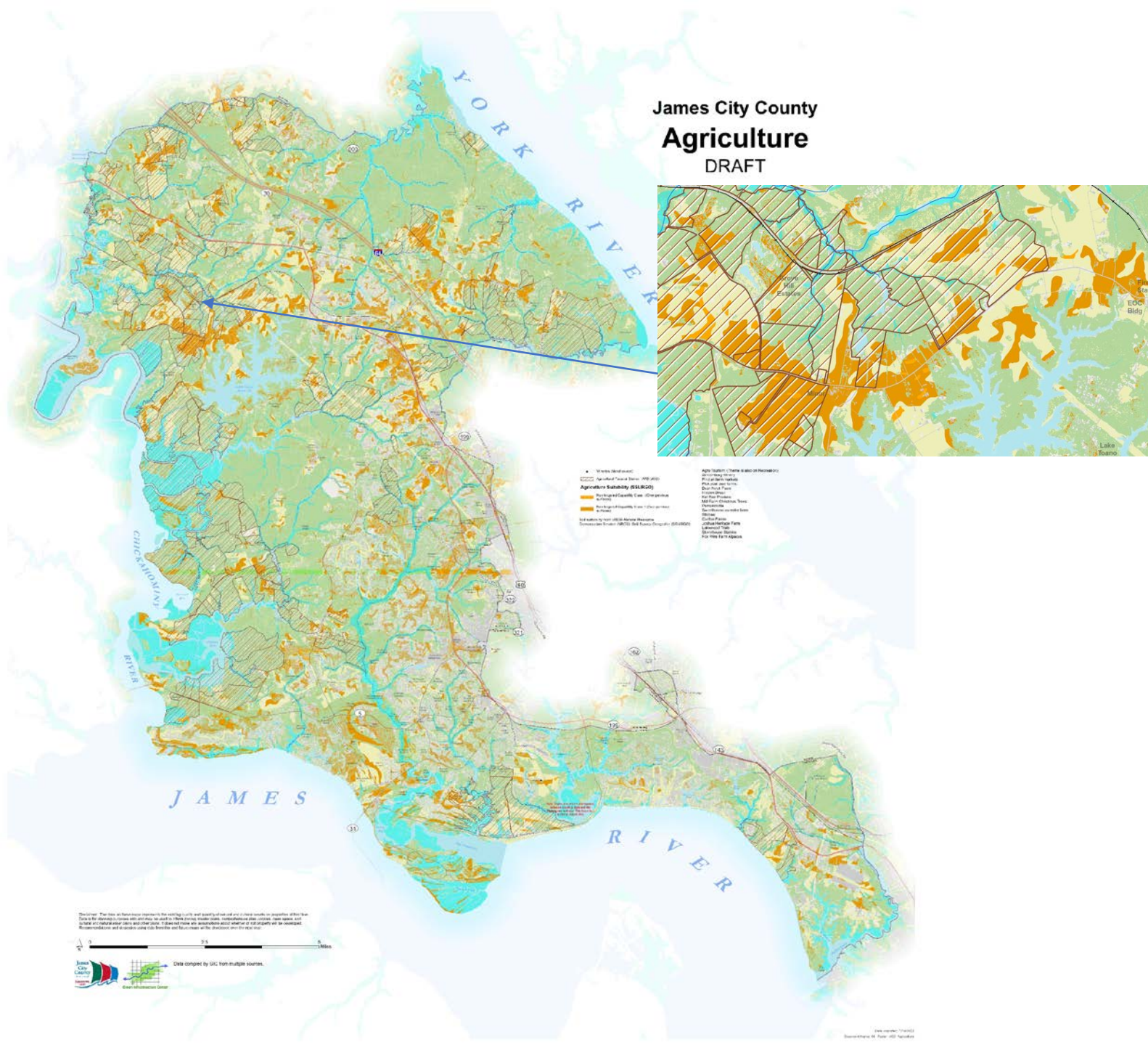
These are the natural areas that are the most intact and highest quality – but they are not yet ranked for importance. It excludes some areas that have been recently or soon will be developed. Next, we will show you themed overlay maps.



Draft Map #2 – Agriculture

These are the areas
with the highest
value agricultural
soils – best for
crops.

It also includes AFD (Ag Forestal
Districts) and we will be adding
any farmers markets and “pick
your own” farms and farm
stands etc.



James City County
Forestry
DRAFT

 Agricultural Forestal District - AFD (JCC)
 Chesapeake Bay Resource Protection Area (RPA)
 Forest that occur within a parcel that has more than 30 acres of forest
 Imagery background is NAIP Sept 2021.



James City County
Water
DRAFT

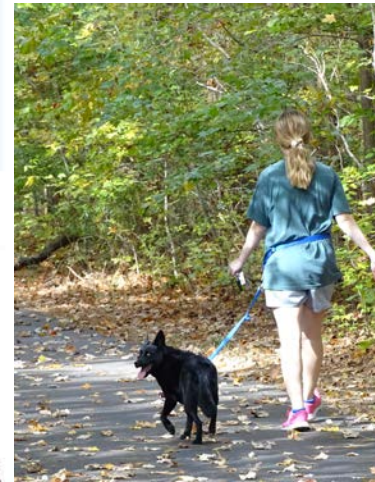
Draft Map #4 – Water

These are streams,
wetlands, reservoirs
and floodplains.

Rivers can serve as
connectors between
landscapes for wildlife.



James City County
Recreation
DRAFT



Draft Map #6 – Heritage and Culture

These are historic landscapes, heritage areas, community character areas, known archeological sites, and other places of value for James City County that are landscape dependent.

This map needs the greatest input as it depends on community values. The committee has already suggested additions such as unmapped African American communities, other non-designated places that are old enough to be historic etc.



III. Next Steps and Expanded Public Engagement

Near Term:

January	Refine themed maps
February	Launch online survey and maps for comment

Planned Public Engagement:

- In February, launch of **on-line survey** and **maps for comment**. People can comment on sites and their importance, add their concerns or correct errors.
- One or more **in-person comment stations** to capture walk-bys and those less likely to do a computer survey will be established (e.g., at the library).
- Staff will conduct outreach to **County committees**. We are also identifying groups for additional outreach (large organized groups).

Once we complete community engagement to include important cultural sites or uses for all of these places, we will be able to rank them. The Natural and Cultural Assets Committee will assess rankings at their March meeting using public input. Then we will add in possible corridors to connect the landscape.

III. Next Steps and Expanded Public Engagement

Longer Term:

January	Refine themed maps
February	Launch online survey and maps for comment
March	Rank cores using public input Add in possible corridors to connect the landscape
April/May	Assess risks and opportunities
June	Engage public, possible workshop
Summer	Return to Board of Supervisors



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