

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Agenda

Regular Meeting
December 20, 2011

Board Room
York Hall
6:00 p.m.

Call to Order.

Invocation.

Jen Barber, York County Youth Commission

Pledge of Allegiance to the Flag of the United States of America.

Roll Call.

PRESENTATIONS.

- A Introduction of New Members to York County Boards and Commissions. Introduce and welcome Mrs. Kathleen R. Rose as a newly appointed member to the Transportation Safety Commission.
- B Youth Commission Quarterly Report. Receive second quarterly report from Chairman Jake DeWeerd.

CITIZENS' COMMENT PERIOD.

COUNTY ATTORNEY REPORTS AND REQUESTS.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS.

MATTERS PRESENTED BY THE BOARD.

6:55 p.m.

RECESS

*CAPITAL LETTERS INDICATE NO WRITTEN MATERIAL.

7:00 p.m.

PUBLIC HEARINGS.

- 1 Application No. UP-798-11, RIPVA LLC. Consider adoption of proposed Resolution R11-135 to approve a Special Use Permit to authorize a miniature golf course on property located at 1799 Richmond Road (Route 60).
 - a. Memorandum from County Administrator.
 - b. Excerpts from Planning Commission minutes dated 11/9/11.
 - c. Zoning map.
 - d. Narrative statement.
 - e. Sketch plan.
 - f. Photos.
 - g. Proposed Resolution R11-135.

- 2 Queens Lake Sewer Project, Phase 2. Consider adoption of proposed Resolution R11-139 to declare the necessity to enter upon and take certain permanent utility easements in connection with phase 2 of the Queens Lake sewer project.
 - a. Memorandum from County Administrator.
 - b. Plats showing proposed easements.
 - c. Proposed Resolution R11-139.

UNFINISHED BUSINESS. None.

CONSENT CALENDAR.

- 3 Approval of Minutes. Consider approval of the minutes of the following meetings of the York County Board of Supervisors:
 - a. Unapproved minutes of the November 16, 2011, Regular Meeting.

- 4 Purchase Authorization. Consider adoption of proposed Resolution R11-138 to authorize the construction of the Queens Lake Sanitary Sewer Project, Contract #4—Vacuum Linework East, and carpet replacement at the Tabb Library.
 - a. Memorandum from County Administrator.
 - b. Proposed Resolution R11-138.

- 5 Watch for Children Sign Request – Magnolia Park. Consider adoption of proposed Resolution R11-140 to request the Virginia Department of Transportation to install “Watch For Children” signs at three locations in and on the approaches to the Magnolia Park Subdivision.
 - a. Memorandum from County Administrator.
 - b. Vicinity map showing desired sign locations.

*CAPITAL LETTERS INDICATE NO WRITTEN MATERIAL.

- c. Letter from HOA requesting the signs.
 - d. Proposed Resolution R11-140.
- 6 Memorandum of Understanding—Public Safety/Public Service Radio System. Consider adoption of proposed Resolution R11-141 to authorize the execution of a Memorandum of Understanding for a joint public safety/public service radio communication between York County, James City County, and Gloucester County.
- a. Memorandum from County Administrator.
 - b. Memorandum of Understanding.
 - c. Proposed Resolution R11-141.

NEW BUSINESS.

CLOSED MEETING.

FUTURE BUSINESS.

Adjournment.

Regular Meetings and Work Sessions of the Board of Supervisors air live on Cable Channel WYCG-TV.

The next Regular Meeting (Organizational) of the York County Board of Supervisors will be held at 6:00 p.m., Tuesday, January 3, 2012, in the Board Room, York Hall.

*CAPITAL LETTERS INDICATE NO WRITTEN MATERIAL.

COUNTY OF YORK

MEMORANDUM

DATE: November 29, 2011 (BOS Mtg. 12/20/11)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator 

SUBJECT: Application No. UP-798-11, RIPVA LLC

ISSUE

This application requests a Special Use Permit, pursuant to Section 24.1-306 of the Zoning Ordinance (Category 9, No. 9) to authorize a miniature golf course on a 0.48-acre portion of property located at 1799 Richmond Road (Route 60). The parcel, located approximately 760 feet south of the intersection of Richmond Road and Governor Berkeley Road and further identified as Assessor's Parcel No. 5-51D, is zoned GB (General Business) and is designated General Business in the Comprehensive Plan. The parcel is bisected by the Williamsburg / York County jurisdictional boundary.

DESCRIPTION

- Property Owner: ECW Insurance Agency & Real Estate Co.
- Location: 1799 Richmond Road (Route 60)
- Area: 0.48-acre portion within York County
- Frontage: Approximately 230 feet on Richmond Road
- Utilities: Public water and sewer are available
- Topography: Flat
- 2025 Land Use Map Designation: General Business
- Zoning Classification: GB – General Business
WMP – Watershed Management and Protection area overlay district
- Existing Development: Parking lot
- Surrounding Development:
North: Friendly's Restaurant

East: CSX Rail Line and Mooretown Road (Route 603); Wyndham Governor's Green time share development beyond
South: Ripley's Believe-it-or-Not! Museum (in the City of Williamsburg)
West: Bank of America

- Proposed Development: Miniature golf course

CONSIDERATIONS/CONCLUSIONS

1. The applicant is requesting a Special Use Permit to construct a miniature golf course on a 0.48-acre portion of a property located on Richmond Road and situated partially in York County and partially in the City of Williamsburg. The property is zoned GB (General Business) in York County and B-2 (Corridor Business District B-2) in the City of Williamsburg. The intent of the City's B-2 district is to provide "locations on heavily traveled collector and arterial highways for those commercial and service uses primarily oriented to the automobile." Parcels to the south and west are located within the City of Williamsburg and are zoned also B-2. Adjacent parcels along Richmond Road in York County are zoned GB, while the parcel to the east across the CSX Railroad right-of-way and Mooretown Road is zoned EO (Economic Opportunity). The majority of parcels along the Richmond Road are designated to provide for commercial and tourist-oriented development.
2. The specific portion of property where the proposed course would be located is behind an existing bank building and not highly visible from Richmond Road. The course would be beside the Ripley's Believe It or Not! museum, behind the Bank of America's rear parking lot, adjacent to the parking area for the Friendly's restaurant, and along the railroad tracks. The submitted sketch plan shows the entrance to the course coming from the north face of the museum with the holes starting along the southeastern corner wrapping around the central pond and ending in the northeastern corner. The plan shows 18 holes with a ticket booth, a water wheel structure, two waterfalls, and a water tower. The course is surrounded by multiple landscaped areas along the outside of each hole and between holes.
3. Since Richmond Road is within the Tourist Corridor Management (TCM) overlay district, the proposed mini-golf course will be subject to special design regulations intended to provide a positive visual experience for visitors coming into the greater Williamsburg area. The site is 200 feet from Richmond Road and therefore is subject to the TCM standards pertaining to lighting, architectural design, colors, signage, etc. The layout of the proposed miniature golf course includes a 10-foot landscaped yard around the perimeter of the course and the submitted plan shows additional landscaping along the ten-foot (10') setback line. Furthermore, the holes and water features lack any garish figurines or structures sometimes associated with carnival-style mini-golf courses. The sketch plan for the course provided by the applicant depicts a well-landscaped course with a large pond and waterfalls. With the TCM standards and the proposed conditions of approval, I believe that

there are sufficient regulations in place to ensure that the mini-golf course will have no adverse visual impacts.

4. Miniature golf courses are subject to two required performance standards set forth in Section 24.1-458 of the Zoning Ordinance, *Standards for miniature golf*. The first requires that noise be contained within the site. The second requires structures, except privacy or containment fences or sound baffles, to be set back a minimum of 500 feet from residential property and be no closer than 100 feet to any property line. However, these setback standards allow the Board to consider a lesser dimension as part of a use permit request. The only other currently operating miniature golf course in the County, Pirate's Cove, located about three-fourths of a mile to the south, was granted reduced setbacks in 1999 as part of its Special Use Permit approval process.

The proposed course is 500 feet from any residential property, but because of the small size of the property, the application of a 100-foot setback from the property lines would prevent the development of the proposed course with its two buildings, water tower, and waterfall features. According to the submitted photos, the proposed structures and features will be made of materials that will contribute to the visual appeal of the course. Additionally, the proposed use will be landscaped and designed to prevent excessive noise, making it more compatible with the adjacent bank and restaurant, whose rear and side yards abut the property. Accordingly, a condition has been proposed to reduce the setback requirement from 100 feet to 10 feet for structures other than fences and sound baffles.

5. Section 24.1-454(b) of the Zoning Ordinance, *Standards for all recreation and amusement uses*, requires that applicants for uses in this category submit a traffic impact study; however, the Zoning Administrator can waive this requirement, and the applicant has requested such a waiver. The basis of this request is that according to trip generation rates published by the ITE (Institute of Transportation Engineers), the combined number of trips generated by the existing museum and the proposed miniature golf course would fall well below the County's thresholds for requiring a traffic study (1,000 vehicle trips per day or 100 peak-hour trips). Staff from the City of Williamsburg, which owns and maintains the Richmond Road right-of-way, has reviewed the proposal and agrees that the project will not generate enough traffic to warrant a traffic study. City staff also indicated that because of the low traffic generation the City would not require any improvements on Richmond Road. Based on this information, the Zoning Administrator has waived the traffic impact study requirement.
6. Parking for the proposed course would be provided within the parking area surrounding the Ripley's museum, which, with 83 spaces, is more than adequate to meet the requirements of the City of Williamsburg and York County. Williamsburg requires one (1) parking space for every 400 square feet of museum floor area and one (1) parking space for every four (4) fixed seats within the theater – a total of 36 spaces. York County requires one (1) parking space for every four (4) persons at maximum occupancy for the miniature golf course. The maximum oc-

cupancy would be 108 persons at six (6) persons per hole, thus requiring 27 spaces. The combined parking requirements for the two uses totals 63 spaces, which is 20 spaces less than the existing 83 parking spaces.

7. The subject property falls within the Watershed Management and Protection Area overlay district. Currently, the property is developed as a parking lot and has no BMP. During site development, the applicant will need to install a BMP designed to produce a ten percent (10%) reduction in pollutant levels as compared with existing conditions.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered this application at its November 9 meeting and, subsequent to conducting a public hearing at which only the applicant spoke, voted 7:0 to recommend approval of the application subject to the proposed conditions.

COUNTY ADMINISTRATOR RECOMMENDATION

The surrounding uses along Richmond Road cater to both local residents and visitors alike. I believe a miniature golf course along this corridor would be compatible with the many restaurants, souvenir shops, and other tourist-related uses. The proposed course would be subject to the TCM overlay district standards and landscaping and setback requirements, that will help ensure that the mini-golf course will be an attractive addition to the Richmond Road corridor. Lastly, the adjacent roadways will not be adversely affected by the proposed course, as there are no significant traffic concerns. Therefore, based on the considerations and conclusions outlined above, I recommend that the Board approve the application, subject to the conditions contained with proposed Resolution R11-135.

Carter/3337/EWA

Attachments:

- Planning Commission minutes excerpts, November 9, 2011
- Zoning Map
- Narrative Statement
- Sketch Plan
- Photos
- Proposed Resolution R11-135

Application No. UP-798-11, RIPVA LLC: Request for a special use permit pursuant to Section 24.1-306 of the Zoning Ordinance (Category 9, No. 9) to authorize a miniature golf course on a 0.48-acre portion of property located at 1799 Richmond Road (Route 60). The parcel, located approximately 760 feet south of the intersection of Richmond Road and Governor Berkeley Road and further identified as Assessor's Parcel No. 5-51D, is zoned GB (General Business) and is designated General Business in the *Comprehensive Plan*.

Earl W. Anderson, Planner, summarized the staff report to the Commission dated October 31, 2011, in which staff recommended that the Commission forward the application to the Board of Supervisors with a recommendation of approval subject to the conditions shown in proposed Resolution No. PC11-13.

Mr. Hamilton asked how the former miniature golf course a few parcels down Richmond Road from the proposed one handled concerns from CSX and asked if it is within 100 feet of the railroad tracks. **Mr. Anderson** responded that judging from the aerial photos it appears the former golf course was within about 60 feet of the railroad tracks and that no landscape yard was required when it was developed. He added that there are multiple sites along Richmond Road that have been developed with no setback from the railroad right-of-way.

Mr. Fisher asked if any comments were received from the City of Williamsburg other than the letter regarding the traffic impact analysis. **Mr. Anderson** said that no additional comments were received.

Chair Fisher opened the public hearing.

Scott Hart, 1735 Richmond Road, thanked County staff for its assistance with the application process. He said he has been in contact with representatives for CSX and expressed confidence that they would be able to address the concerns by installing a fence with net screening on the top to reduce the chance that golf balls would end up on the tracks. He introduced project designer/builder, David Bailey, and offered to answer questions.

Mr. Abel asked if CSX's principal concern was that golf balls might hit their trains or that people would be walking on the tracks. **Mr. Hart** responded that his understanding is that the concern has more to do with golf balls landing on the railroad tracks. He stated that he has spoken with a representative from CSX, who seemed satisfied that installation of fencing with netting at the top would address their concerns but that a definite answer cannot be given until engineered drawings of the fence are provided to them. He added that those drawings will not be available until the site plan is prepared.

Mr. Hart said there is an approximately 20-40 feet wide line of trees between the tracks and the proposed site for the miniature golf course and the fencing would provide safety for the visitors as well as prevent vandalism.

Mr. Hamilton asked if the miniature golf course would have an emergency exit. **Mr. Hart** said he had not considered it but would incorporate one if it is required.

Mr. Abel asked how the applicant proposed to advertise for the golf course and inquired if any signage would be installed and where. **Mr. Hart** said he would like to look at putting signage up in a small area in front of the Bank of America building; however, a majority of the business would actually come from the museum itself.

There being no one else who wished to speak, **Chair Fisher** closed the public hearing.

Mr. Hamilton said he supported the application.

Mr. Myer said he was confident that any fencing that was installed would be able to prevent anyone from accessing the railroad tracks. He added that it was a good use of the property.

Mr. Hamilton moved adoption of Resolution No. PC11-13.

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A MINIATURE GOLF COURSE AT 1799 RICHMOND ROAD

WHEREAS, RIPVA, LLC has submitted Application No. UP-798-11, which requests a Special Use Permit, pursuant to Section 24.1-306 (Category 9, No. 9) of the York County Zoning Ordinance, to authorize the establishment of a miniature golf course on a parcel located at 1799 Richmond Road (Route 60) and further identified as Assessor's Parcel No. 5-51D (GPIN C16d-4217-1090); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 9th day of November, 2011 that Application No. UP-798-11 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize the establishment of miniature golf course on a parcel of land located at 1799 Richmond Road (Route 60) and further identified as Assessor's Parcel No. 5-51D (GPIN C16d-4217-1090) subject to the following conditions:

1. This use permit shall authorize the establishment of a miniature golf course on a parcel of land located at 1799 Richmond Road (Route 60) and further identified as Assessor's Parcel No. 5-51D (GPIN C16d-4217-1090).
2. A site plan prepared in accordance with the provisions set forth in Article V of the Zoning Ordinance shall be submitted to and approved by the Department of Environmental and Development Services, Division of Development and Compliance, prior to the commencement of any construction or land disturbing activities on the site. Said site plan shall be in substantial conformance with the sketch plan titled "Miniature Golf Solution" prepared by Bailey Consulting, Ed Wideman, and dated 9/20/11, a copy of which shall remain on file in the office of the Planning Division.
3. The miniature golf course shall be established and operated in accordance with the standards set forth in Section 24.1-454, *Standards for all recreation and amusement uses*; and Section 24.1-458, *Standards for miniature golf, waterslide, skateboard rink, baseball*

hitting range, golf driving range, and other outdoor commercial amusements of the York County Zoning Ordinance, except as modified herein.

4. No structure except privacy or containment fences or sound baffles shall be allowed within ten (10) feet of any property line.
5. Architectural design of the buildings shall be in substantial conformance with the photographs submitted by the applicant, copies of which shall be kept on file in the office of the York County Planning Division.
6. The entire parcel shall be developed in conformance with the provisions of Section 24.1-375, *Tourist corridor management overlay district*, of the York County Zoning Ordinance.
7. Development and use of the property shall be in conformance with the provisions of Section 24.1-376 of the Zoning Ordinance, *Watershed Management and Protection Area overlay district*.
8. All site lighting shall be designed with full cutoff fixtures and directed downward to prevent off-site glare onto abutting properties and the road right-of-way. Illumination levels shall not exceed 0.1 foot-candle at any residential property line and 0.5 at other property lines. All lighting fixtures shall be consistent with the lighting recommended by the Illumination Engineering Society of North America (IESNA). A photometric plan detailing all proposed fixtures and ground illumination levels shall be submitted for approval by the plan-approving agent at the time of application for site plan approval.
9. Off-street parking for the proposed use shall be provided in accordance with the standards set forth in Section 24.1-606 (Category 9 – Recreational or amusement establishments other than those listed) of the Zoning Ordinance and as stipulated in the applicant's narrative, submitted on September 27, 2011, a copy of which shall remain on file in the office of the Planning Division.
10. In accordance with Section 24.1-115(b)(6) of the York County Zoning Ordinance, a certified copy of this resolution shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court within one month of use permit approval.

BE IT FURTHER RESOLVED that this Special Use Permit is not severable, and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Yea: (7) Suiter, Hamilton, Abel, Buffa, Myer, Magowan, Fisher
Nay: (0)

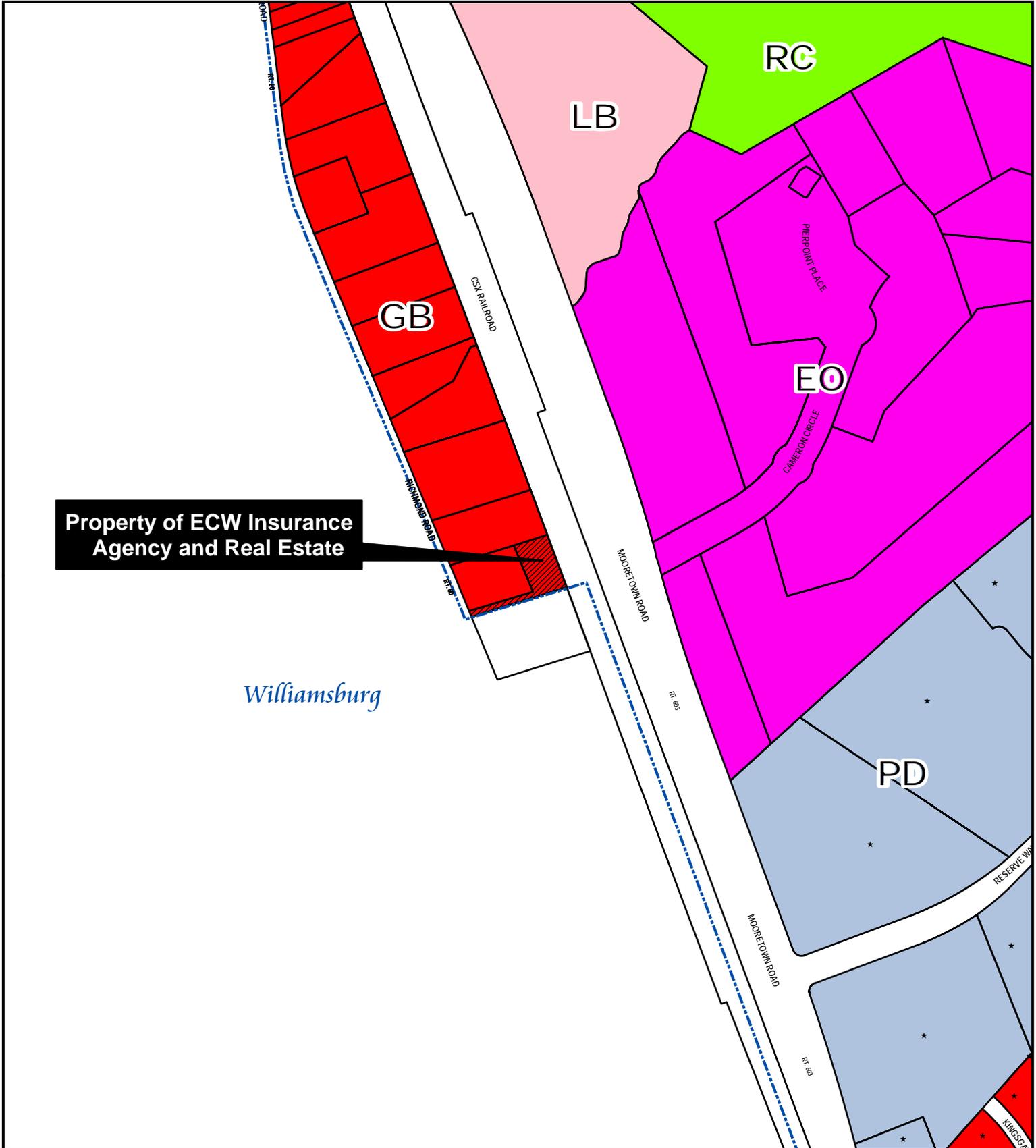
APPLICANT RIPVA, LLC

Special Use Permit request to establish a miniature golf course.

1799 RICHMOND RD

ZONING MAP

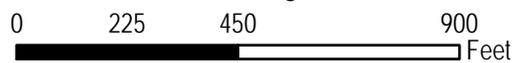
APPLICATION NUMBER: UP-798-11



Property of ECW Insurance Agency and Real Estate

Williamsburg

★ = Conditional Zoning



SOURCE: YORK COUNTY GIS PARCEL DATA and ZONING COVERAGE

THIS IS NOT A LEGAL PLAT. This map should be used for information purposes only. It is not suitable for detailed site planning.

Printed on October 04, 2011

We are looking to build an 18 hole outdoor mini golf in the area behind the Bank of America on Richmond Road. The theme will be a "fishing hole", with a central pond area that will contain live fish. I have attached pictures of the proposed large theming elements (water wheel and water tower – 45' tall).

We have more than adequate existing parking – 83 spaces, not including the area to be repurposed. The requirement for Williamsburg and the existing business is 1 parking spot for every 400 square feet (museum use) and 1 parking spot for every 4 fixed seats (theater use). This makes our current requirement 23 for the Museum (9000 sqft/400sqft) and 13 for the Theater (52 seats/4 seats), with a total of 36.

The requirements for York County (under section 24.1-606 (8) Recreational or amusement establishments other than those specifically listed above) are 1 space for every 4 persons at maximum occupancy. At a maximum occupancy of 6 persons per hole, we would need 27 spaces ((6ppl per hole * 18 holes)/ 4ppl).

This would bring the total required parking spaces for existing and new uses to 63, leaving us with 20 spaces over the minimum.

We are requesting a waiver on the Traffic Impact Analysis. We will be well under the 100 trips ends during a peak hour and 1000 trip ends during a 24 hour period. I have spoken with the Public Works department for Williamsburg, since they are responsible for maintaining Richmond Road, and they have agreed to submit a letter on our behalf stating that they do not see a need for the analysis.

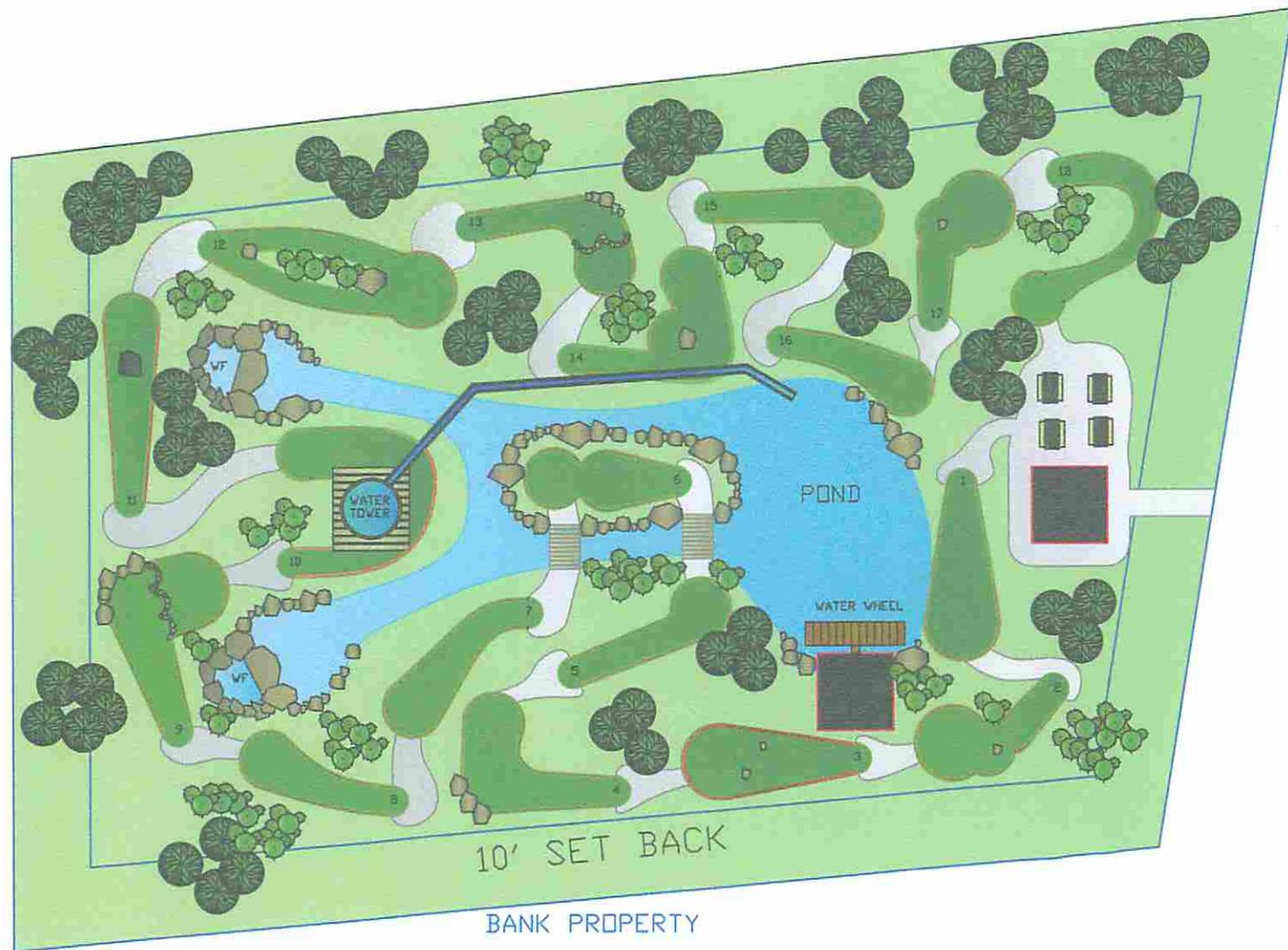
Thank you,

Scott Hart
General Manager
Ripley's Believe It or Not!

RECEIVED
York County

SEP 27 2011

Planning Division



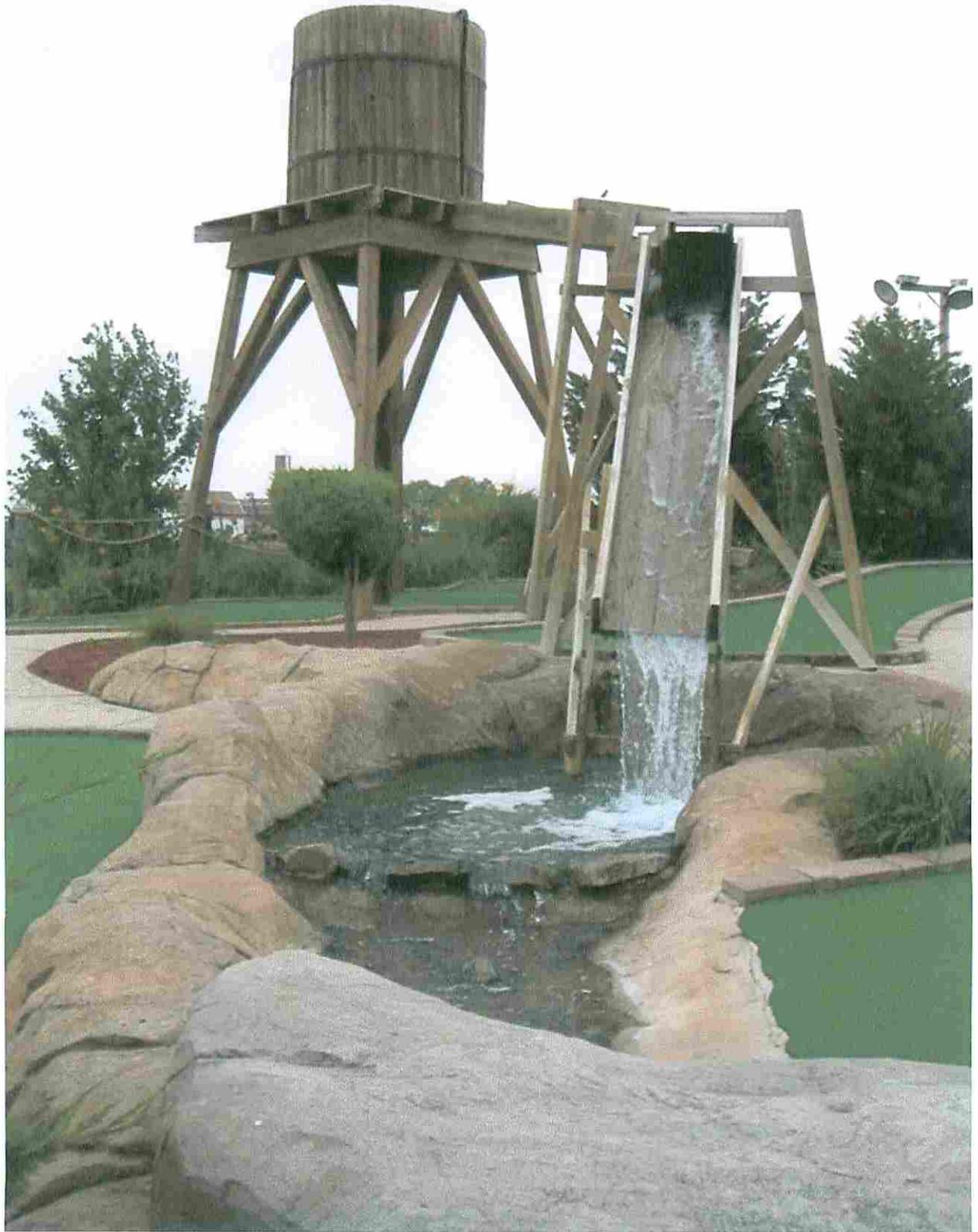
MINIATURE GOLF SOLUTION / BAILEY CONSULTING

ED WIDEMAN

9/20/11

DRAWING 2

SCALE 1"=50'





BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the ____ day of _____, 2011:

Present

Vote

George S. Hrichak, Chairman
Thomas G. Shepperd, Jr., Vice Chairman
Walter C. Zaremba
Sheila S. Noll
Donald E. Wiggins

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A MINIATURE GOLF COURSE AT 1799 RICHMOND ROAD

WHEREAS, RIPVA, LLC, has submitted Application No. UP-798-11, which requests a Special Use Permit, pursuant to Section 24.1-306 (Category 9, No. 9) of the York County Zoning Ordinance, to authorize the establishment of a miniature golf course on a parcel located at 1799 Richmond Road (Route 60) and further identified as Assessor's Parcel No. 5-51D (GPIN C16d-4217-1090); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the ____ day of _____, 2011, that Application No. UP-798-11 be, and it is hereby, approved to authorize the establishment of miniature golf course on a parcel of

land located at 1799 Richmond Road (Route 60) and further identified as Assessor's Parcel No. 5-51D (GPIN C16d-4217-1090) subject to the following conditions:

1. This use permit shall authorize the establishment of a miniature golf course on a parcel of land located at 1799 Richmond Road (Route 60) and further identified as Assessor's Parcel No. 5-51D (GPIN C16d-4217-1090).
2. A site plan prepared in accordance with the provisions set forth in Article V of the Zoning Ordinance shall be submitted to and approved by the Department of Environmental and Development Services, Division of Development and Compliance, prior to the commencement of any construction or land disturbing activities on the site. Said site plan shall be in substantial conformance with the sketch plan titled "Miniature Golf Solution" prepared by Bailey Consulting, Ed Wideman, and dated 9/20/11, a copy of which shall remain on file in the office of the Planning Division.
3. The miniature golf course shall be established and operated in accordance with the standards set forth in Section 24.1-454, *Standards for all recreation and amusement uses*; and Section 24.1-458, *Standards for miniature golf, waterslide, skateboard rink, baseball hitting range, golf driving range, and other outdoor commercial amusements* of the York County Zoning Ordinance, except as modified herein.
4. No structure except privacy or containment fences or sound baffles shall be allowed within ten (10) feet of any property line.
5. Architectural design of the buildings shall be in substantial conformance with the photographs submitted by the applicant, copies of which shall be kept on file in the office of the York County Planning Division.
6. The entire parcel shall be developed in conformance with the provisions of Section 24.1-375, *Tourist corridor management overlay district*, of the York County Zoning Ordinance.
7. Development and use of the property shall be in conformance with the provisions of Section 24.1-376 of the Zoning Ordinance, *Watershed management and protection area overlay district*.
8. All site lighting shall be designed with full cutoff fixtures and directed downward to prevent off-site glare onto abutting properties and the road right-of-way. Illumination levels shall not exceed 0.1 foot-candle at any residential property line and 0.5 at other property lines. All lighting fixtures shall be consistent with the lighting recommended by the Illumination Engineering Society of North America (IESNA). A photometric plan detailing all proposed fixtures and ground illumination levels shall be submitted for approval by the plan-approving agent at the time of application for site plan approval.

9. Off-street parking for the proposed use shall be provided in accordance with the standards set forth in Section 24.1-606 (Category 9 – Recreational or amusement establishments other than those listed) of the Zoning Ordinance and as stipulated in the applicant's narrative, submitted on September 27, 2011, a copy of which shall remain on file in the office of the Planning Division.
10. In accordance with Section 24.1-115(b)(6) of the York County Zoning Ordinance, a certified copy of this resolution shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court within one month of use permit approval.

BE IT FURTHER RESOLVED that this Special Use Permit is not severable, and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

COUNTY OF YORK

MEMORANDUM

DATE: December 5, 2011 (BOS Mtg. 12/20/11)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator 

SUBJECT: Queens Lake Sewer Project, Phase 2

As with most utility projects, in Phase 2 of the Queens Lake Sewer Project, there are easements we need to obtain that for various reasons cannot be immediately acquired by voluntary conveyances. Fortunately, so as not to unduly hinder or prevent projects such as water or sewer that are designed to benefit an entire community, state law permits the Board, after the adoption of an ordinance or resolution following a public hearing and the subsequent recordation of certificates of deposit, to enter upon and take the easements necessary for the project, prior to formal condemnation proceedings being initiated. The recordation of such a certificate binds the County to pay the owners at least the amounts set out in the Board's resolution. The figures reflected in the attached resolution are based on valuations prepared by staff and reviewed by the County Assessor, and represent the most recent offers made for the easements. In Phase 2 of the Queens Lake Sewer Project, the following have been identified as the remaining easements that need to be acquired:

GPIN: G15b-4389-3790
Property of Cheryl Lee Begley & John Randolph Begley, Trustees under the Cheryl Lee Begley Living Trust

GPIN: G15b-3496-4965
Property of Thomas C. & Nancy E. McFadzean

GPIN: G16d-3744-0169
Property of Opal Lowery Eddins

GPIN: G15b-3503-3007
Property of Dale D. & Patrice A. Anderson

GPIN: G15b-3704-3021
Property of Christian & Laurie P. Hager

GPIN: G15d-3983-2248
Property of Glenn R. Hockaday, Trustee, Glenn R. Hockaday Trust

GPIN: G15b-3314-3400
Property of Christopher E. & Marie Homer

GPIN: G15b-2926-3703
Property of John O. & Nancy H. Hummel

GPIN: G15a-2476-3948
Property of Michael W. & Susan F. Adams

GPIN: G15d-3565-2032
Property of Jennifer S. Farmer

GPIN: G15d-3377-1844
Property of Miguel A. & Carina F. Rodriguez

GPIN: G16d-4503-0270
Property of Sharon M. & Sarah V. E. Whittemore

GPIN: G16d-4971-1707
Property of Sutton Family, LLC

GPIN: G15b-3223-4118
Property of Fred B. & Mary Hart H. Satterwhite

GPIN: G15b-3514-4103
Property of Joseph & Dorothy M. Legaspi

GPIN: G15d-4663-1991
Property of Kenneth M. & Patricia Clancy Albert

GPIN: G15b-3276-3646
Property of Andrew M. & Carol L. Rudesill Brantley

GPIN: H16c-0063-0915
Property of Larry L. Williams, Trustee, Larry L. Williams Living Trust &
Judith J. Williams, Trustee, Judith J. Williams Living Trust

GPIN: G15b-4098-4593
Property of Charles G. Gerard, Trustee under the Charles G. Gerard Living
Trust & Charlene M. Gerard & Zantha Christine Marcuson, Trustees under
the Charlene M. Gerard Living Trust

GPIN: G15b-4481-2608
Property of Leslie P. & Anne B. Smith

GPIN: G16d-3806-1420

Property of H. Milton Holt & Frances G. Holt, Trustees of the Holt Trust

GPIN: G15b-3067-2591

Property of Ward C. & Edward A. Bourn, Trustees, the Ward C. Bourn Trust

GPIN: G16d-3694-0636

Property of Naomi L. Siegel, Jonathan D. Siegel & Kathleen W. Kane, Co-Trustees of the Robert T. Siegel Testamentary Trust

GPIN: H15a-0117-3034

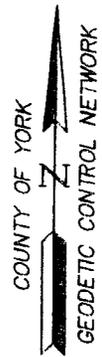
Property of Jimmie R. Long, Jr. & Phyllis N. Long, Trustees under the Jimmie R. Long, Jr. Revocable Trust Agreement

The attached proposed resolution R11-139 will authorize the filing of certificates of deposit and the entry onto the properties for the purpose of constructing the needed utilities thereon. The easements are shown on the plats, copies of which are also attached.

Barnett/3340:swH

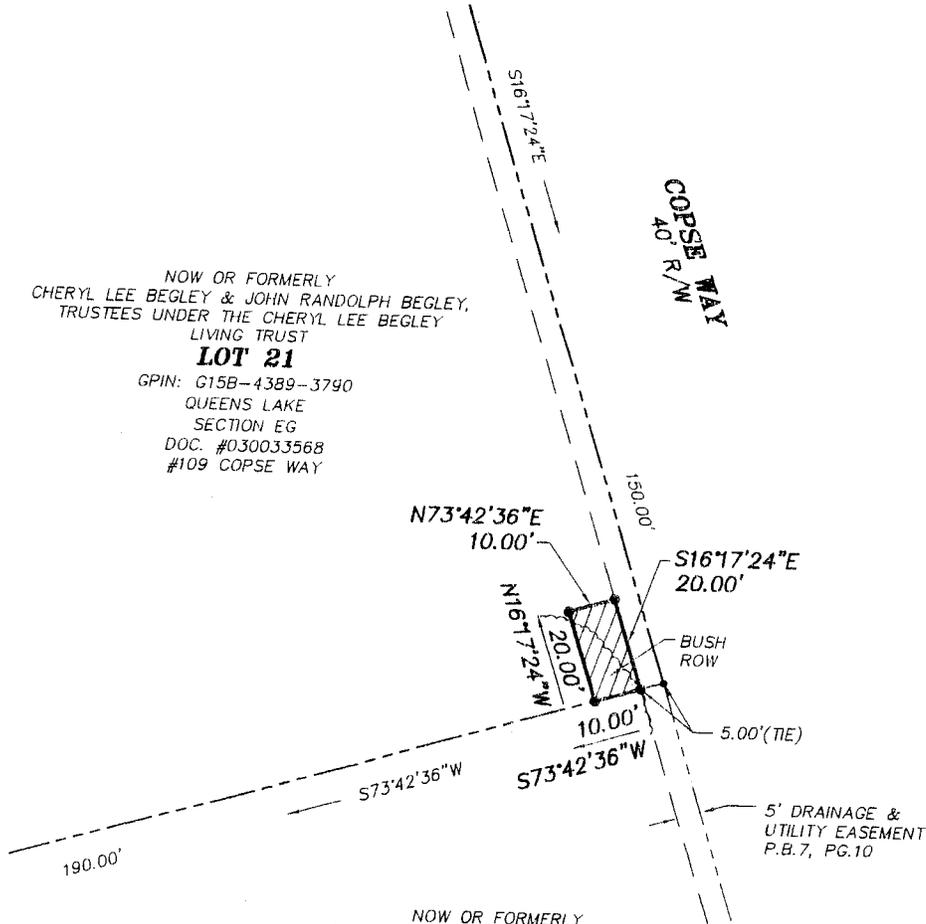
Attachments

- Plats showing proposed easements
- Proposed Resolution R11-139



NOW OR FORMERLY
 CHERYL LEE BEGLEY & JOHN RANDOLPH BEGLEY,
 TRUSTEES UNDER THE CHERYL LEE BEGLEY
 LIVING TRUST
LOT 21
 GPIN: G15B-4389-3790
 QUEENS LAKE
 SECTION EG
 DOC. #030033568
 #109 COPSE WAY

NOW OR FORMERLY
 DANIEL & SHERRY H. SUMERLIN
 LOT 22
 GPIN: G15B-4427-3649
 DOC. #030034638

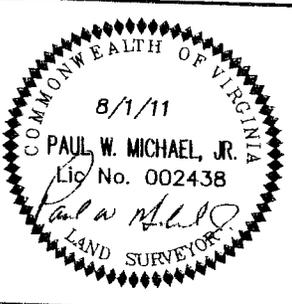


LEGEND

- IPF (IRON PIPE FOUND)
- IRF (IRON ROD FOUND)
- CMF (CONC MON FOUND)

DENOTES PERMANENT UTILITY EASEMENT
 HEREBY CONVEYED TO YORK COUNTY
 200 S.F.

- NOTES:**
1. HORIZONTAL COORDINATE INFORMATION IS BASED ON THE VIRGINIA STATE PLANE COORDINATE SYSTEM SOUTH ZONE (NAD 83), UNITS ARE U.S. SURVEY FEET, CONTROL INFORMATION PROVIDED BY URS CORPORATION.
 2. THIS PLAT IS FOR EASEMENT PURPOSES ONLY AND DOES NOT CONSTITUTE A PHYSICAL OR BOUNDARY SURVEY.
 3. TOPOGRAPHIC INFORMATION, IF SHOWN, WAS PROVIDED BY URS CORPORATION OR OBTAINED BY THIS FIRM.



References:
 P.B.7, PG.10

Notes:

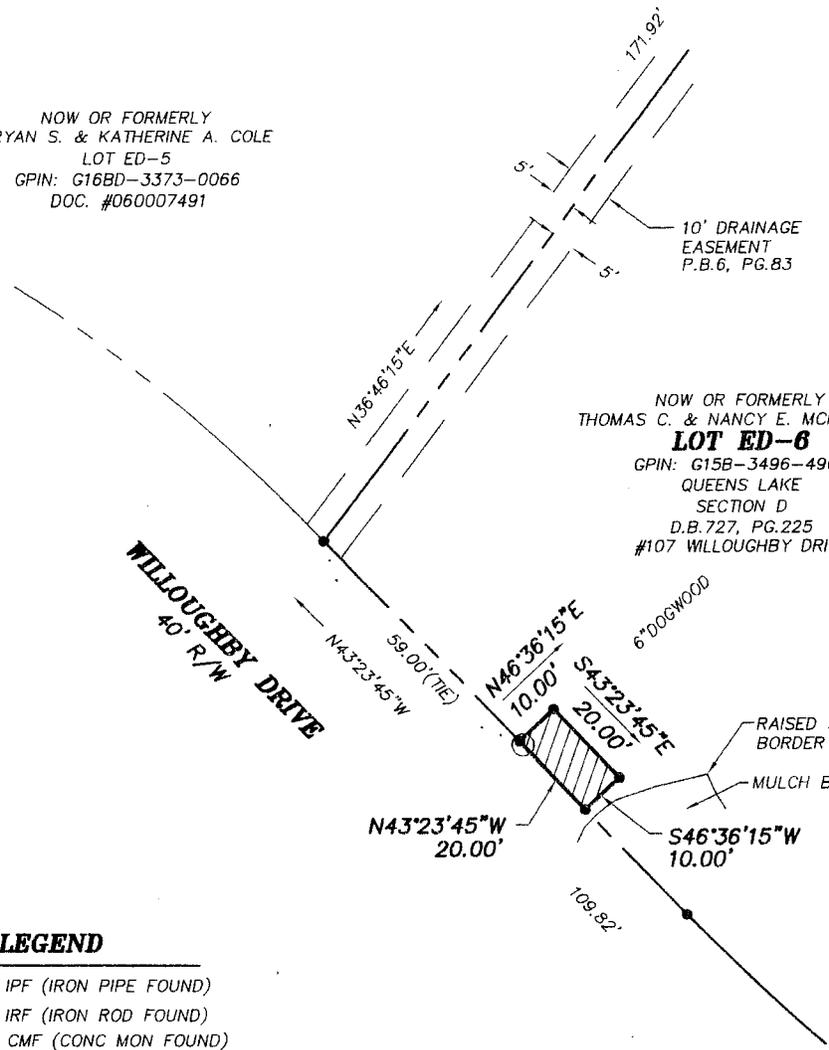
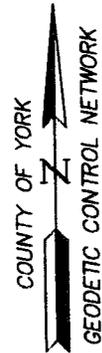
PLAT OF EASEMENT
FROM: CHERYL LEE BEGLEY & JOHN RANDOLPH BEGLEY, TRUSTEES UNDER THE CHERYL LEE BEGLEY LIVING TRUST
TO: COUNTY OF YORK
PROJECT: QUEENS LAKE SEWER PROJECT

Date: 8/1/11 Scale: 1"=30' Job No.: 07-059

MICHAEL SURVEYING & MAPPING, P.C.
 41 OLD OYSTER POINT RD. - SUITE B
 NEWPORT NEWS, VIRGINIA 23602
 TEL 757.873.1762 FAX 757.873.1772

NOW OR FORMERLY
 BRYAN S. & KATHERINE A. COLE
 LOT ED-5
 GPIN: G16BD-3373-0066
 DOC. #060007491

NOW OR FORMERLY
 THOMAS C. & NANCY E. MCFADZEAN
LOT ED-6
 GPIN: G15B-3496-4965
 QUEENS LAKE
 SECTION D
 D.B. 727, PG. 225
 #107 WILLOUGHBY DRIVE

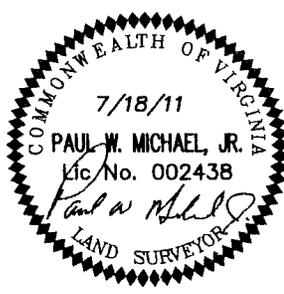


LEGEND

- IPF (IRON PIPE FOUND)
- IRF (IRON ROD FOUND)
- CMF (CONC MON FOUND)
- DENOTES PERMANENT UTILITY EASEMENT
HEREBY CONVEYED TO YORK COUNTY
200 S.F.

NOTES:

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3. TOPOGRAPHIC INFORMATION, IF SHOWN, WAS PROVIDED BY URS CORPORATION OR OBTAINED BY THIS FIRM.



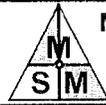
References:
 P.B.6, PG.83

Notes:
 REV: 7/22/11
 REV: 7/27/11
 REV: 8/19/11

PLAT OF EASEMENT
FROM: THOMAS C. & NANCY E. MCFADZEAN

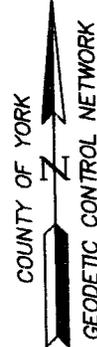
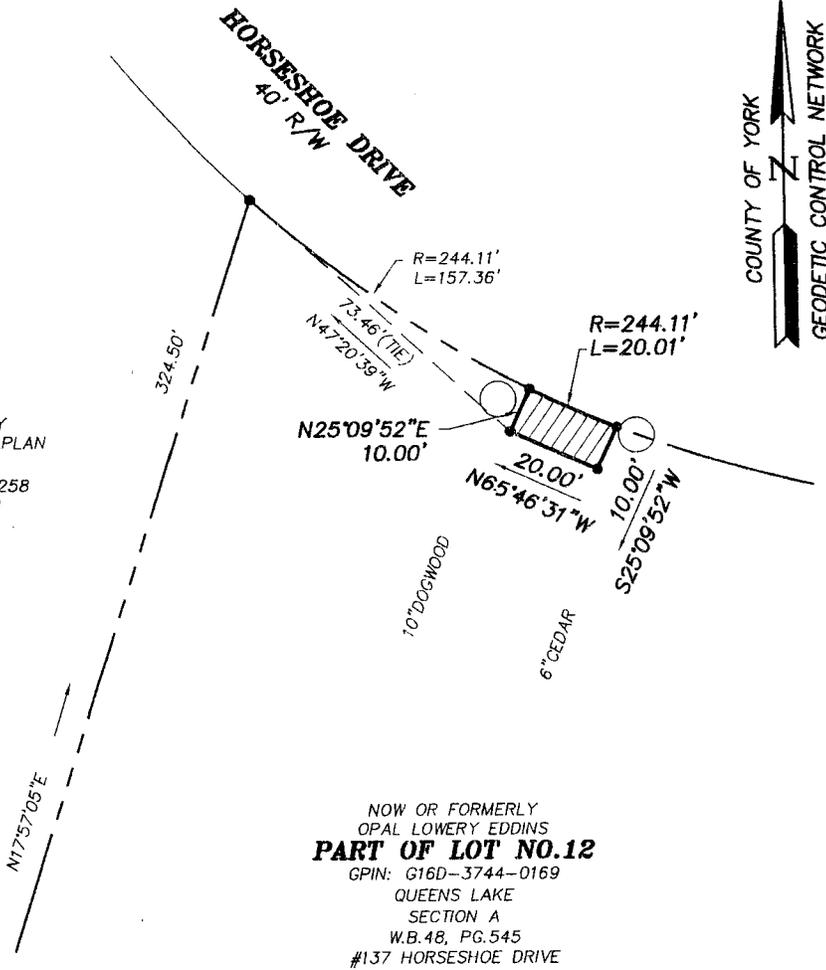
TO: COUNTY OF YORK
PROJECT: QUEENS LAKE SEWER PROJECT

Date: 7/18/11 | Scale: 1"=30' | Job No.: 07-059



MICHAEL SURVEYING & MAPPING, P.C.
 41 OLD OYSTER POINT RD. - SUITE B
 NEWPORT NEWS, VIRGINIA 23602
 TEL 757.873.1762 FAX 757.873.1772

NOW OR FORMERLY
LESLIE SCHENKMAN KAPLAN
LOT 11
GPIN: G16D-3551-0258
DOC. #050030551

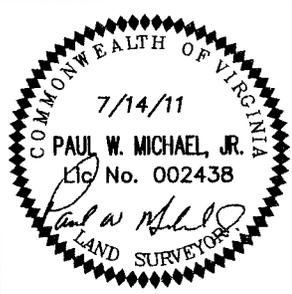


NOW OR FORMERLY
OPAL LOWERY EDDINS
PART OF LOT NO.12
GPIN: G16D-3744-0169
QUEENS LAKE
SECTION A
W.B.48, PG.545
#137 HORSESHOE DRIVE

LEGEND

- IPF (IRON PIPE FOUND)
- IRF (IRON ROD FOUND)
- CMF (CONC MON FOUND)
- DENOTES PERMANENT UTILITY EASEMENT
HEREBY CONVEYED TO YORK COUNTY
197 S.F.

- NOTES:**
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References:
P.B.5, PG.245
D.B.120, PG.392

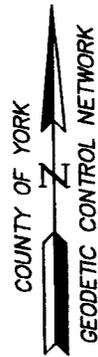
Notes:
REV: 7/22/11
REV: 8/19/11

PLAT OF EASEMENT
FROM: OPAL LOWERY EDDINS

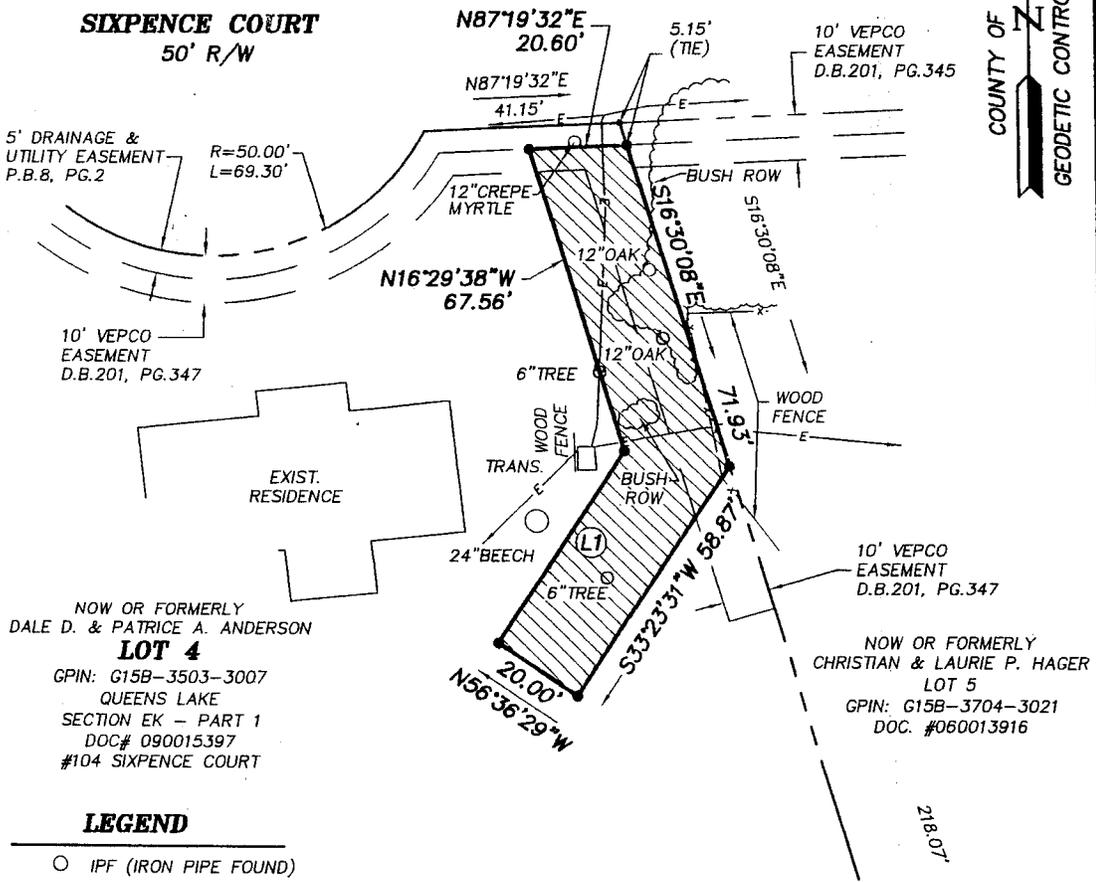
TO: COUNTY OF YORK
PROJECT: QUEENS LAKE SEWER PROJECT

Date: 7/14/11 Scale: 1"=30' Job No.: 07-059

MICHAEL SURVEYING & MAPPING, P.C.
41 OLD OYSTER POINT RD. - SUITE B
NEWPORT NEWS, VIRGINIA 23602
TEL 757.873.1762 FAX 757.873.1772



SIXPENCE COURT
50' R/W



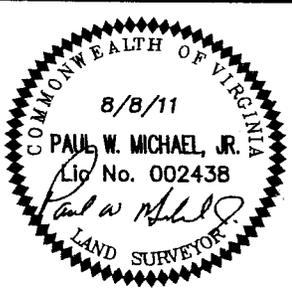
NOW OR FORMERLY
DALE D. & PATRICE A. ANDERSON
LOT 4
GPIN: G15B-3503-3007
QUEENS LAKE
SECTION EK - PART 1
DOC# 090015397
#104 SIXPENCE COURT

NOW OR FORMERLY
CHRISTIAN & LAURIE P. HAGER
LOT 5
GPIN: G15B-3704-3021
DOC. #060013916

LEGEND

- IPF (IRON PIPE FOUND)
- IRF (IRON ROD FOUND)
- CMF (CONC MON FOUND)
- E - DENOTES APPROXIMATE LOCATION OF UNDERGROUND ELECTRIC LINE.
- ▨ DENOTES PERMANENT UTILITY EASEMENT HEREBY CONVEYED TO YORK COUNTY 2,480 S.F.

- NOTES:**
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References:
P.B.B, PAGE 2

Notes:
REV. 8/30/11
REV. 9/23/11

PLAT OF EASEMENT
FROM: DALE D. & PATRICE A. ANDERSON

TO: COUNTY OF YORK
PROJECT: QUEENS LAKE SEWER PROJECT

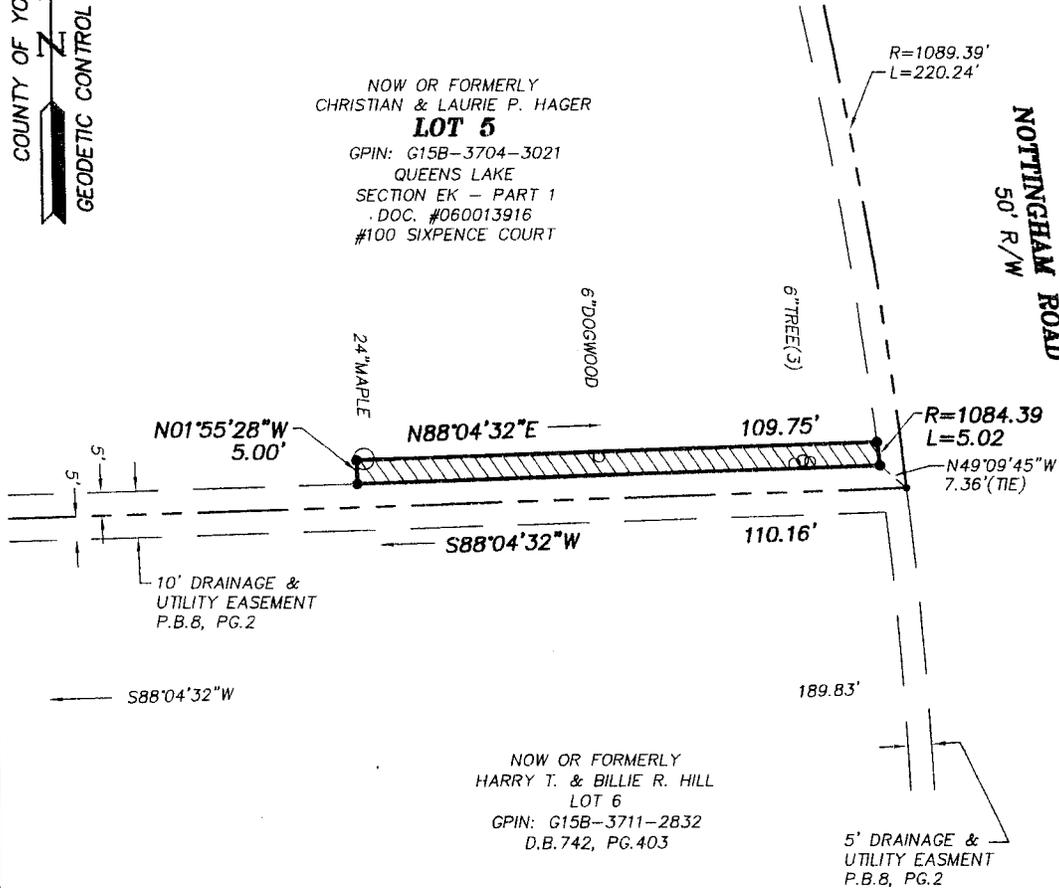
Date: 8/8/11 Scale: 1"=30' Job No.: 07-059

MICHAEL SURVEYING & MAPPING, P.C.
41 OLD OYSTER POINT RD. - SUITE B
NEWPORT NEWS, VIRGINIA 23602
TEL 757.873.1762 FAX 757.873.1772

COUNTY OF YORK
 GEODETIC CONTROL NETWORK

NOW OR FORMERLY
 CHRISTIAN & LAURIE P. HAGER
LOT 5
 GPIN: G15B-3704-3021
 QUEENS LAKE
 SECTION EK - PART 1
 .DOC. #060013916
 #100 SIXPENGE COURT

NOTTINGHAM ROAD
 50' R/W



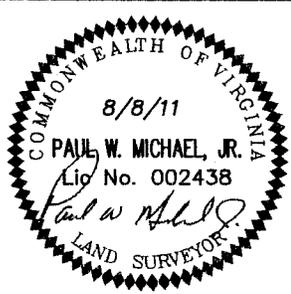
LEGEND

- IPF (IRON PIPE FOUND)
- IRF (IRON ROD FOUND)
- CMF (CONC MON FOUND)

 DENOTES PERMANENT UTILITY EASEMENT
 HEREBY CONVEYED TO YORK COUNTY
 550 S.F.

NOTES:

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References:
 P.B.B, PAGE 2

Notes:

PLAT OF EASEMENT
FROM: CHRISTIAN & LAURIE P. HAGER
TO: COUNTY OF YORK
PROJECT: QUEENS LAKE SEWER PROJECT

Date: 8/8/11 Scale: 1"=30' Job No.: 07-059
MICHAEL SURVEYING & MAPPING, P.C.
 41 OLD OYSTER POINT RD. - SUITE B
 NEWPORT NEWS, VIRGINIA 23602
 TEL 757.873.1762 FAX 757.873.1772

NOTTINGHAM ROAD
50' R/W

8" DOGWOOD

36" OAK

150.00'

N07°06'17"E
20.00'

N07°06'17"E

5' DRAINAGE &
UTILITY EASEMENT
P.B.B, PG.22

S82°53'43"E
10.00'

S07°06'17"W
20.00'

N82°53'43"W
10.00'

N11°29'23"E
65.39'(TIE)

N82°51'13"W

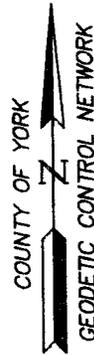
195.18'

NOW OR FORMERLY
GLENN R. HOCKADAY, TRUSTEE
GLENN R. HOCKADAY TRUST

LOT 70

GPIN: G15D-3983-2248
QUEENS LAKE
SECTION EK - PART 2
DOC. #100004949
#98 SHERIFFS PLACE

NOW OR FORMERLY
IAN T. & BEVERLEY R. ROBERTS
LOT 69
GPIN: G15D-3974-2088
D.B.979, PG.830



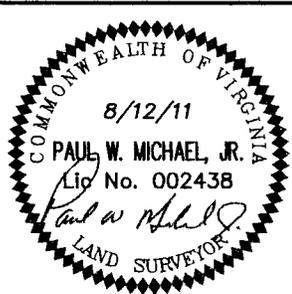
LEGEND

- IPF (IRON PIPE FOUND)
- IRF (IRON ROD FOUND)
- CMF (CONC MON FOUND)

DENOTES PERMANENT UTILITY EASEMENT
HEREBY CONVEYED TO YORK COUNTY
200 S.F.

NOTES:

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References:
P.B.B, PG.22

Notes:

PLAT OF EASEMENT
FROM: GLENN R. HOCKADAY, TRUSTEE
GLENN R. HOCKADAY TRUST

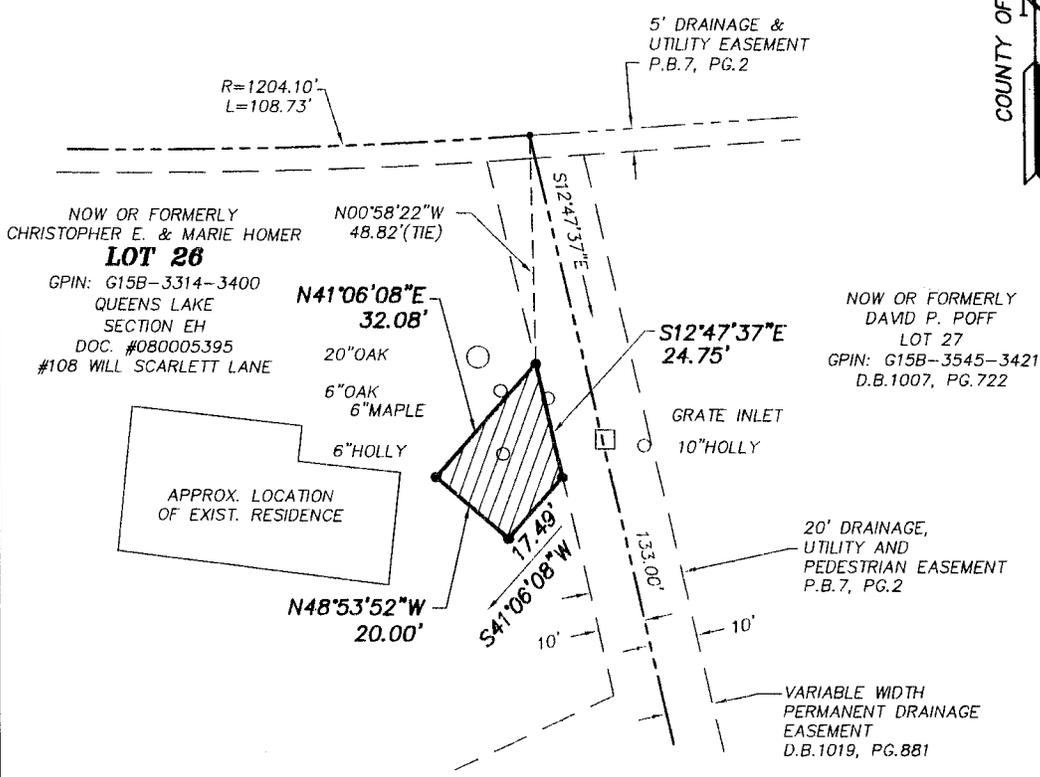
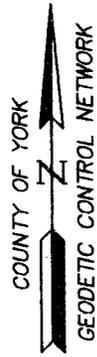
TO: COUNTY OF YORK
PROJECT: QUEENS LAKE SEWER PROJECT

Date: 8/12/11 | Scale: 1"=30' | Job No.: 07-059



MICHAEL SURVEYING & MAPPING, P.C.
41 OLD OYSTER POINT RD. - SUITE B
NEWPORT NEWS, VIRGINIA 23602
TEL 757.873.1762 FAX 757.873.1772

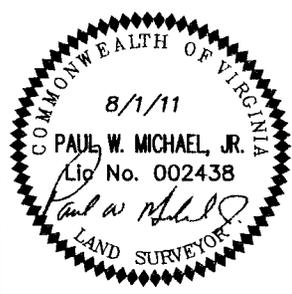
WILL SCARLETT LANE
50' R/W



LEGEND

- IPF (IRON PIPE FOUND)
- IRF (IRON ROD FOUND)
- CMF (CONC MON FOUND)
- DENOTES PERMANENT UTILITY EASEMENT HEREBY CONVEYED TO YORK COUNTY 496 S.F.

- NOTES:**
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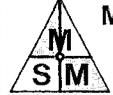
References:
P.B.7, PG.2

Notes:
REV: 8/17/11

PLAT OF EASEMENT
FROM: CHRISTOPHER E. & MARIE HOMER

TO: COUNTY OF YORK
PROJECT: QUEENS LAKE SEWER PROJECT

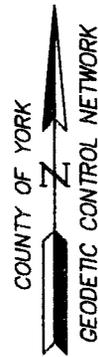
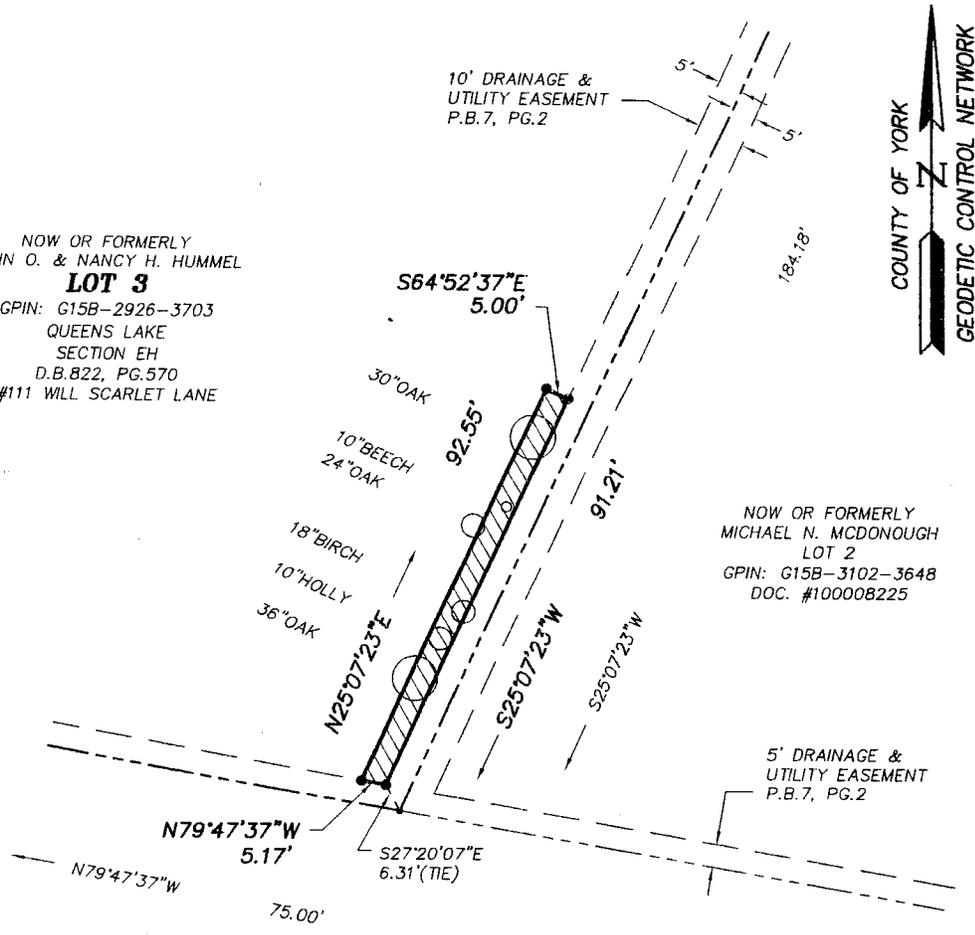
Date: 8/1/11 Scale: 1"=30' Job No.: 07-059



MICHAEL SURVEYING & MAPPING, P.C.
41 OLD OYSTER POINT RD. - SUITE B
NEWPORT NEWS, VIRGINIA 23602
TEL 757.873.1762 FAX 757.873.1772

NOW OR FORMERLY
 JOHN O. & NANCY H. HUMMEL
LOT 3
 GPIN: G15B-2926-3703
 QUEENS LAKE
 SECTION EH
 D.B.822, PG.570
 #111 WILL SCARLET LANE

NOW OR FORMERLY
 MICHAEL N. MCDONOUGH
 LOT 2
 GPIN: G15B-3102-3648
 DOC. #100008225



LEGEND

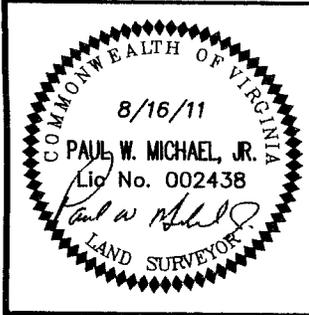
- IPF (IRON PIPE FOUND)
- IRF (IRON ROD FOUND)
- CMF (CONC MON FOUND)

DENOTES PERMANENT UTILITY EASEMENT
 HEREBY CONVEYED TO YORK COUNTY
 459 S.F.

NOTES:

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WILL SCARLET LANE
 50' R/W



References:
 P.B.7, PG.2

Notes:

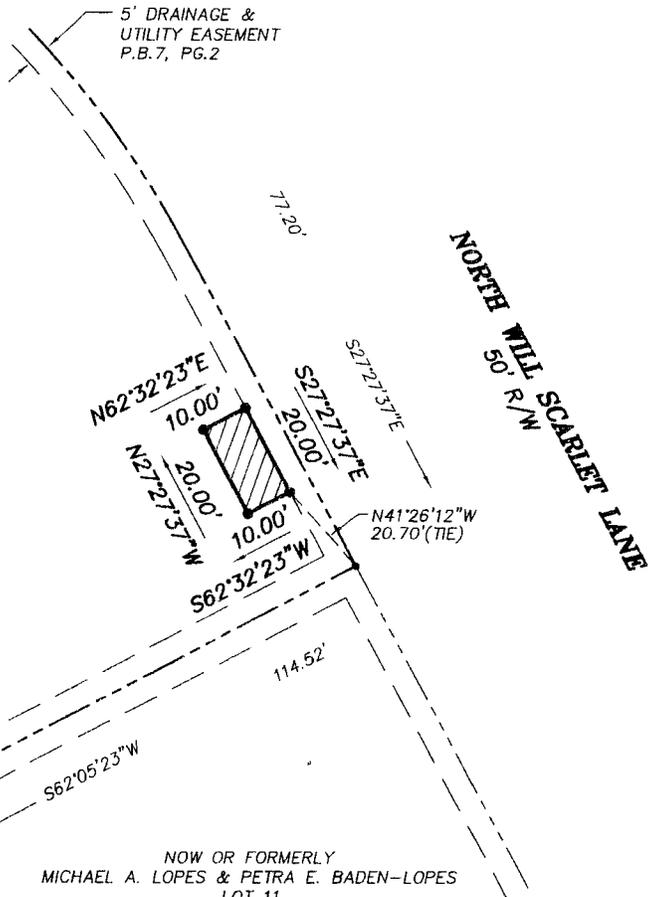
PLAT OF EASEMENT
FROM: JOHN O. & NANCY H. HUMMEL
TO: COUNTY OF YORK
PROJECT: QUEENS LAKE SEWER PROJECT

Date: 8/16/11 Scale: 1"=30' Job No.: 07-059

MICHAEL SURVEYING & MAPPING, P.C.
 41 OLD OYSTER POINT RD. - SUITE B
 NEWPORT NEWS, VIRGINIA 23602
 TEL 757.873.1762 FAX 757.873.1772

COUNTY OF YORK
 GEODETIC CONTROL NETWORK

NOW OR FORMERLY
 MICHAEL W. & SUSAN F. ADAMS
LOT 10
 GPIN: G15A-2476-3948
 QUEENS LAKE
 SECTION EH
 DOC.#010011198
 #102 N. WILL SCARLET LANE



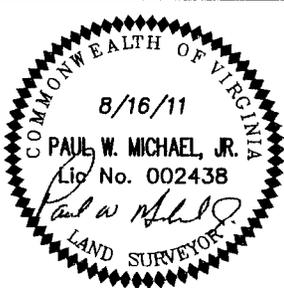
NOW OR FORMERLY
 MICHAEL A. LOPES & PETRA E. BADEN-LOPES
 LOT 11
 GPIN: G15B-2612-2748
 DOC. #010007603

LEGEND

- IPF (IRON PIPE FOUND)
- IRF (IRON ROD FOUND)
- CMF (CONC MON FOUND)

DENOTES PERMANENT UTILITY EASEMENT HEREBY CONVEYED TO YORK COUNTY 200 S.F.

- NOTES:**
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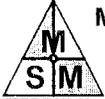
References:
 P.B.7, PG.2

Notes:

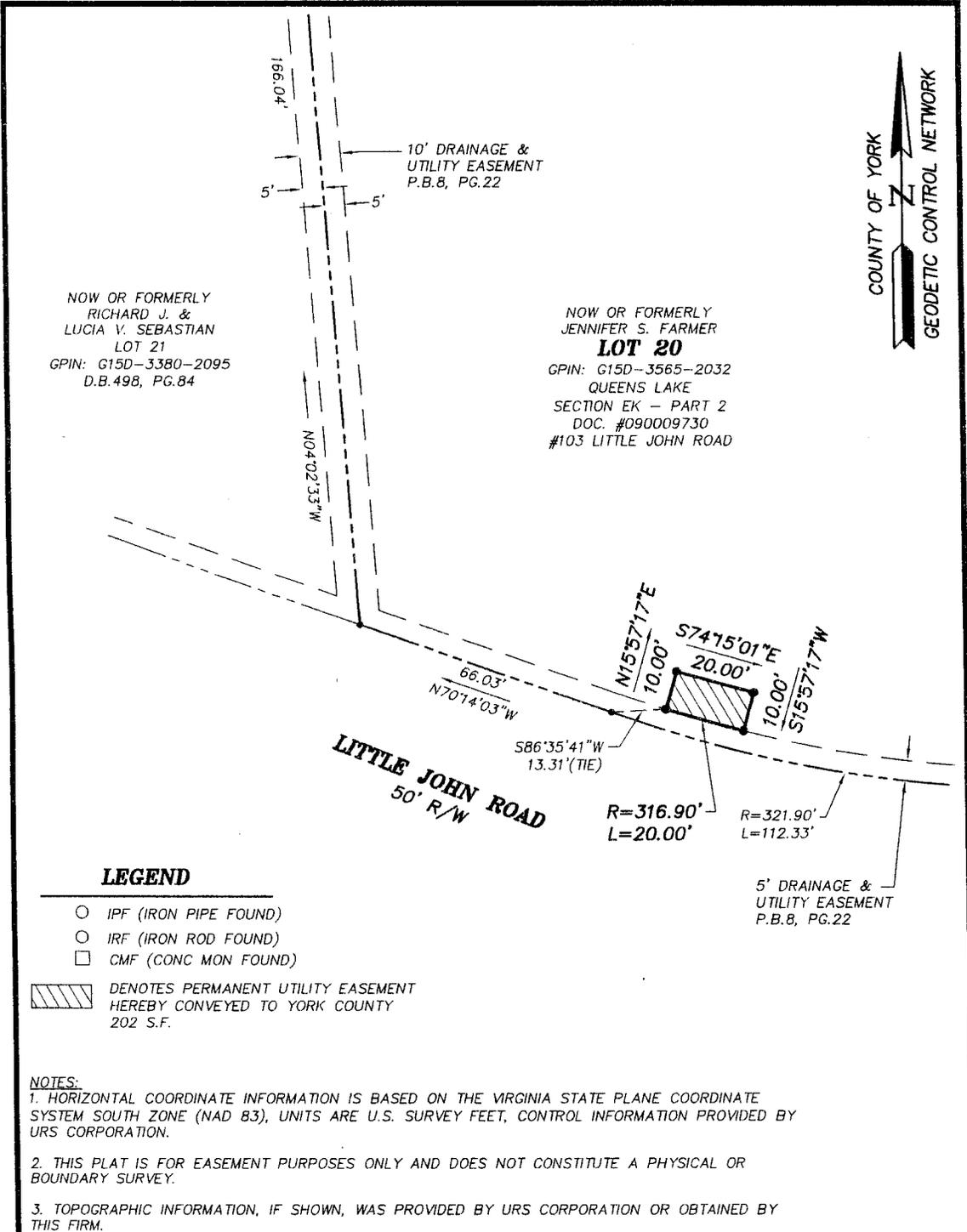
PLAT OF EASEMENT
FROM: MICHAEL W. & SUSAN F. ADAMS

TO: COUNTY OF YORK
PROJECT: QUEENS LAKE SEWER PROJECT

Date: 8/16/11 | Scale: 1"=30' | Job No.: 07-059



MICHAEL SURVEYING & MAPPING, P.C.
 41 OLD OYSTER POINT RD. - SUITE B
 NEWPORT NEWS, VIRGINIA 23602
 TEL 757.873.1762 FAX 757.873.1772

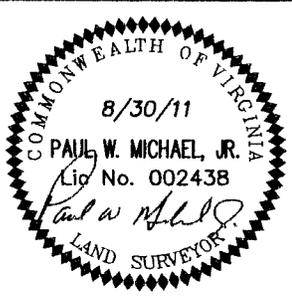


LEGEND

- IPF (IRON PIPE FOUND)
- IRF (IRON ROD FOUND)
- CMF (CONC MON FOUND)
- DENOTES PERMANENT UTILITY EASEMENT HEREBY CONVEYED TO YORK COUNTY 202 S.F.

NOTES:

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References:
P.B.8, PG.22

Notes:

PLAT OF EASEMENT
FROM: JENNIFER S. FARMER

TO: COUNTY OF YORK
PROJECT: QUEENS LAKE SEWER PROJECT

Date: 8/30/11 Scale: 1"=30' Job No.: 07-059



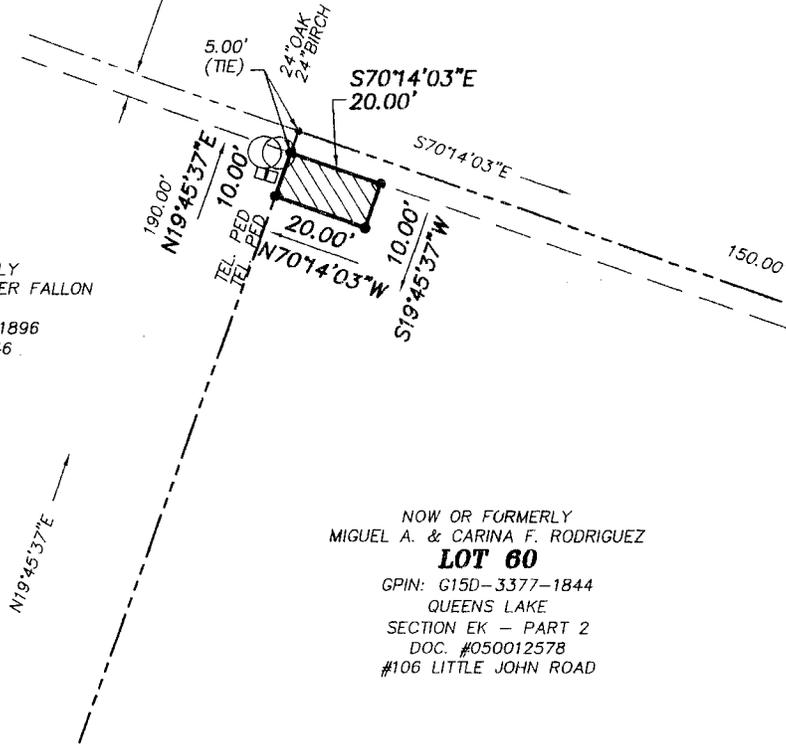
MICHAEL SURVEYING & MAPPING, P.C.
 41 OLD OYSTER POINT RD. - SUITE B
 NEWPORT NEWS, VIRGINIA 23602
 TEL 757.873.1762 FAX 757.873.1772

COUNTY OF YORK
 GEODETIC CONTROL NETWORK

5' DRAINAGE &
 UTILITY EASEMENT
 P.B.8, PG.22

LITTLE JOHN ROAD
 50' R/W

NOW OR FORMERLY
 KEVIN S. & KAREN MILLER FALLON
 LOT 59
 GPIN: G15D-3231-1896
 DOC. #060010046



NOW OR FORMERLY
 MIGUEL A. & CARINA F. RODRIGUEZ
LOT 60
 GPIN: G15D-3377-1844
 QUEENS LAKE
 SECTION EK - PART 2
 DOC. #050012578
 #106 LITTLE JOHN ROAD

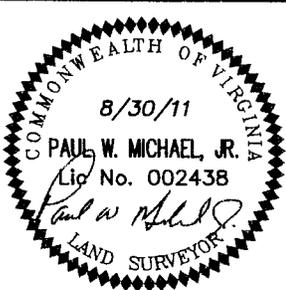
LEGEND

- IPF (IRON PIPE FOUND)
- IRF (IRON ROD FOUND)
- CMF (CONC MON FOUND)

DENOTES PERMANENT UTILITY EASEMENT
 HEREBY CONVEYED TO YORK COUNTY
 200 S.F.

NOTES:

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References:
 P.B.8, PG.22

Notes:

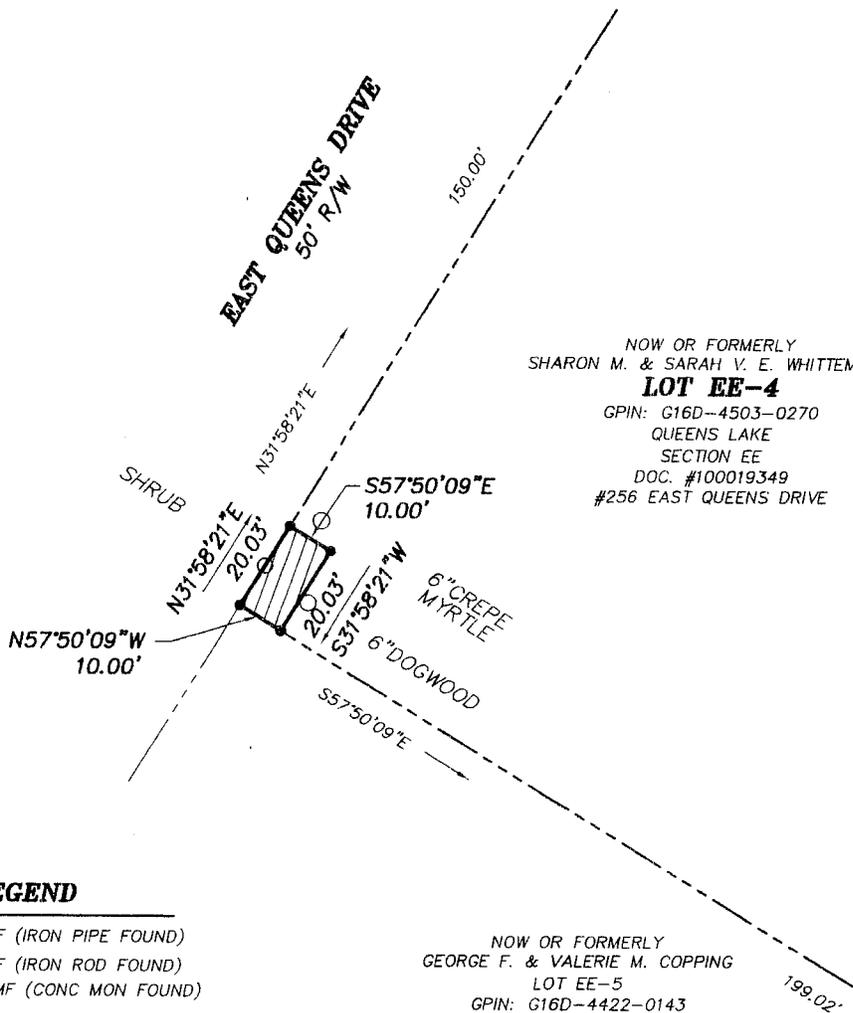
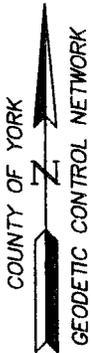
PLAT OF EASEMENT
FROM: MIGUEL A. & CARINA F. RODRIGUEZ

TO: COUNTY OF YORK
PROJECT: QUEENS LAKE SEWER PROJECT

Date: 8/30/11 | Scale: 1"=30' | Job No.: 07-059



MICHAEL SURVEYING & MAPPING, P.C.
 41 OLD OYSTER POINT RD. - SUITE B
 NEWPORT NEWS, VIRGINIA 23602
 TEL 757.873.1762 FAX 757.873.1772



NOW OR FORMERLY
SHARON M. & SARAH V. E. WHITTEMORE
LOT EE-4

GPIN: G16D-4503-0270
QUEENS LAKE
SECTION EE
DOC. #100019349
#256 EAST QUEENS DRIVE

NOW OR FORMERLY
GEORGE F. & VALERIE M. COPPING
LOT EE-5
GPIN: G16D-4422-0143
D.B.508, P.G.1

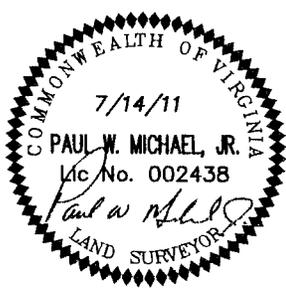
LEGEND

- IPF (IRON PIPE FOUND)
- IRF (IRON ROD FOUND)
- CMF (CONC MON FOUND)

DENOTES PERMANENT UTILITY EASEMENT
HEREBY CONVEYED TO YORK COUNTY
200 S.F.

NOTES:

1. HORIZONTAL COORDINATE INFORMATION IS BASED ON THE VIRGINIA STATE PLANE COORDINATE SYSTEM SOUTH ZONE (NAD 83), UNITS ARE U.S. SURVEY FEET, CONTROL INFORMATION PROVIDED BY URS CORPORATION.
2. THIS PLAT IS FOR EASEMENT PURPOSES ONLY AND DOES NOT CONSTITUTE A PHYSICAL OR BOUNDARY SURVEY.
3. TOPOGRAPHIC INFORMATION, IF SHOWN, WAS PROVIDED BY URS CORPORATION OR OBTAINED BY THIS FIRM.



References:
P.B.6, PG.99

Notes:
REV: 7/22/11

PLAT OF EASEMENT
FROM: SHARON M. & SARAH V. E. WHITTEMORE

TO: COUNTY OF YORK
PROJECT: QUEENS LAKE SEWER PROJECT

Date: 7/14/11 | Scale: 1"=30' | Job No.: 07-059

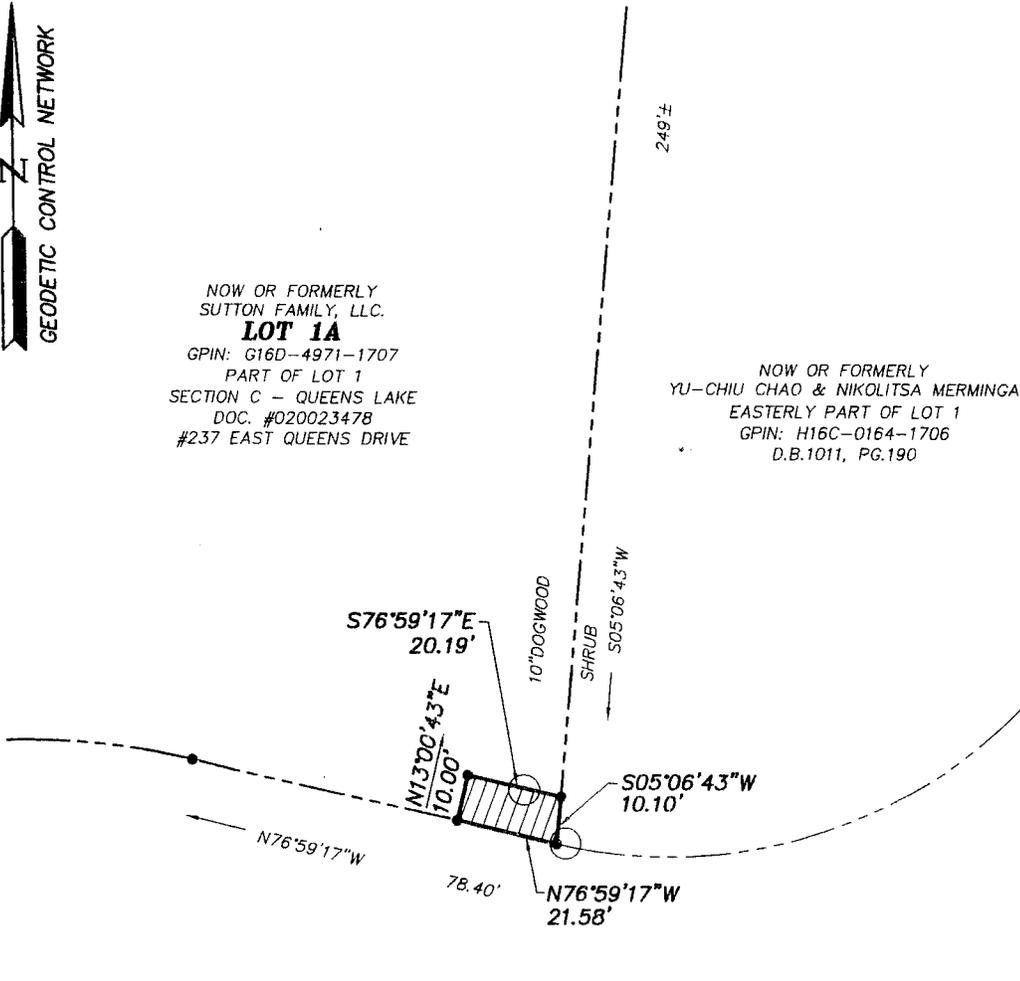


MICHAEL SURVEYING & MAPPING, P.C.
41 OLD OYSTER POINT RD. - SUITE B
NEWPORT NEWS, VIRGINIA 23602
TEL 757.873.1762 FAX 757.873.1772

COUNTY OF YORK
 GEODETIC CONTROL NETWORK

NOW OR FORMERLY
 SUTTON FAMILY, LLC.
LOT 1A
 GPIN: G16D-4971-1707
 PART OF LOT 1
 SECTION C - QUEENS LAKE
 DOC. #020023478
 #237 EAST QUEENS DRIVE

NOW OR FORMERLY
 YU-CHIU CHAO & NIKOLITSA MERMINGA
 EASTERLY PART OF LOT 1
 GPIN: H16C-0164-1706
 D.B.1011, PG.190



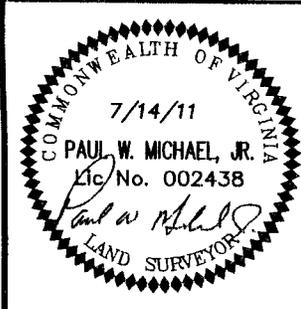
LEGEND

- IPF (IRON PIPE FOUND)
- IRF (IRON ROD FOUND)
- CMF (CONC MON FOUND)

 DENOTES PERMANENT UTILITY EASEMENT
 HEREBY CONVEYED TO YORK COUNTY
 209 S.F.

- NOTES:**
1. HORIZONTAL COORDINATE INFORMATION IS BASED ON THE VIRGINIA STATE PLANE COORDINATE SYSTEM SOUTH ZONE (NAD 83), UNITS ARE U.S. SURVEY FEET, CONTROL INFORMATION PROVIDED BY URS CORPORATION.
 2. THIS PLAT IS FOR EASEMENT PURPOSES ONLY AND DOES NOT CONSTITUTE A PHYSICAL OR BOUNDARY SURVEY.
 3. TOPOGRAPHIC INFORMATION, IF SHOWN, WAS PROVIDED BY URS CORPORATION OR OBTAINED BY THIS FIRM.

EAST QUEENS DRIVE
 50' R/W



References:
 D.B.159, PG.400
 P.B.6, PG.32

Notes:
 REV: 7/22/11

PLAT OF EASEMENT
FROM: SUTTON FAMILY, LLC.

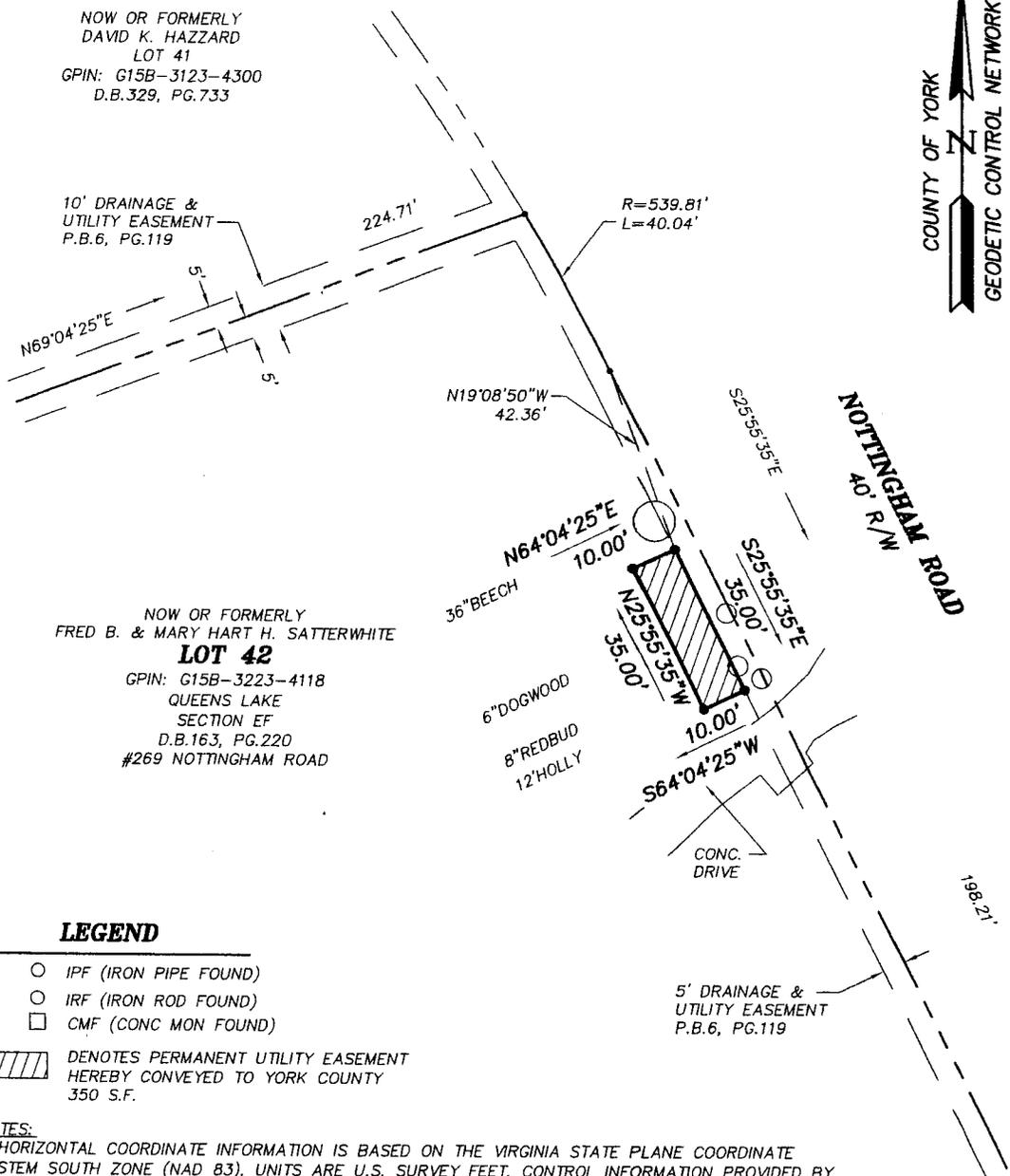
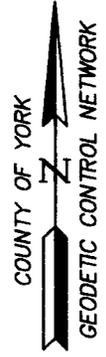
TO: COUNTY OF YORK
PROJECT: QUEENS LAKE SEWER PROJECT

Date: 7/14/11 Scale: 1"=30' Job No.: 07-059

 **MICHAEL SURVEYING & MAPPING, P.C.**
 41 OLD OYSTER POINT RD. - SUITE B
 NEWPORT NEWS, VIRGINIA 23602
 TEL 757.873.1762 FAX 757.873.1772

NOW OR FORMERLY
DAVID K. HAZZARD
LOT 41
GPIN: G15B-3123-4300
D.B.329, PG.733

10' DRAINAGE &
UTILITY EASEMENT
P.B.6, PG.119



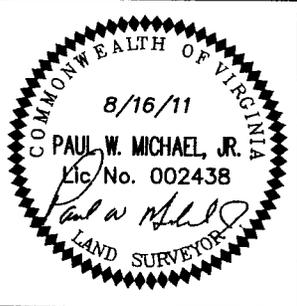
NOW OR FORMERLY
FRED B. & MARY HART H. SATTERWHITE
LOT 42
GPIN: G15B-3223-4118
QUEENS LAKE
SECTION EF
D.B.163, PG.220
#269 NOTTINGHAM ROAD

LEGEND

- IPF (IRON PIPE FOUND)
- IRF (IRON ROD FOUND)
- CMF (CONC MON FOUND)

DENOTES PERMANENT UTILITY EASEMENT
HEREBY CONVEYED TO YORK COUNTY
350 S.F.

- NOTES:**
1. HORIZONTAL COORDINATE INFORMATION IS BASED ON THE VIRGINIA STATE PLANE COORDINATE SYSTEM SOUTH ZONE (NAD 83), UNITS ARE U.S. SURVEY FEET, CONTROL INFORMATION PROVIDED BY URS CORPORATION.
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 3. TOPOGRAPHIC INFORMATION, IF SHOWN, WAS PROVIDED BY URS CORPORATION OR OBTAINED BY THIS FIRM.



References:
P.B.6, PG.119

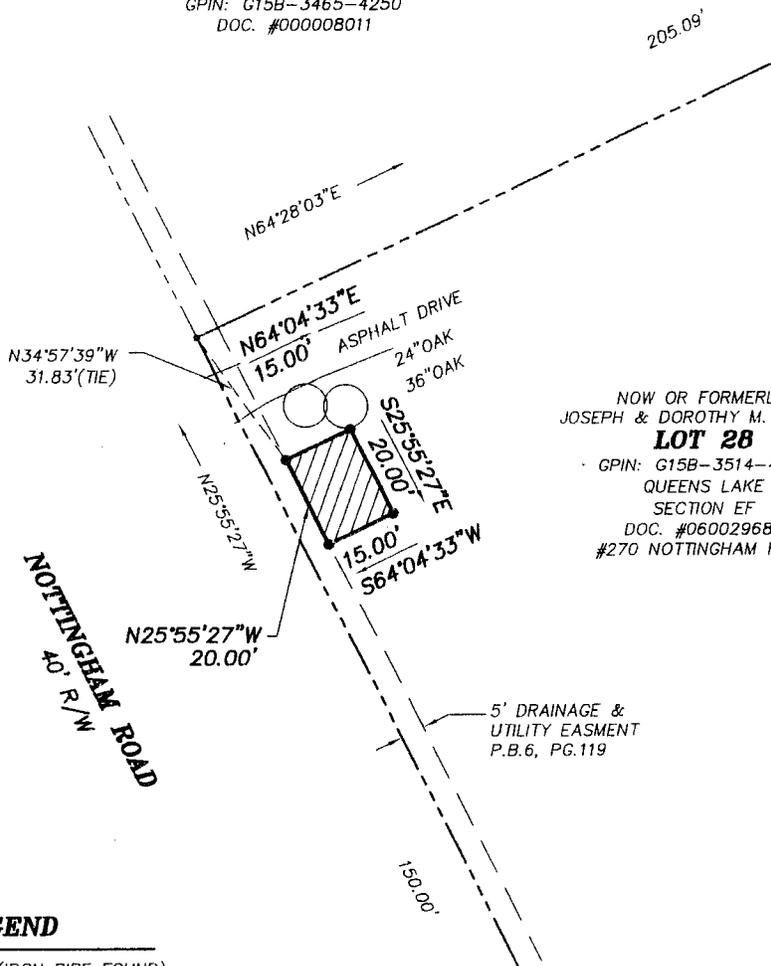
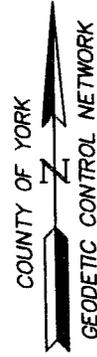
Notes:
REV: 8/25/11
REV: 9/23/11

PLAT OF EASEMENT
FROM: FRED B. & MARY HART H. SATTERWHITE
TO: COUNTY OF YORK
PROJECT: QUEENS LAKE SEWER PROJECT

Date: 8/16/11 Scale: 1"=30' Job No.: 07-059

MICHAEL SURVEYING & MAPPING, P.C.
41 OLD OYSTER POINT RD. - SUITE B
NEWPORT NEWS, VIRGINIA 23602
TEL 757.873.1762 FAX 757.873.1772

NOW OR FORMERLY
 JOHN D. ALDEN & AUDREY F. ALDEN, TRUSTEES
 UNDER THE ALDEN FAMILY LIVING TRUST
 LOT 29
 GPIN: G15B-3465-4250
 DOC. #000008011

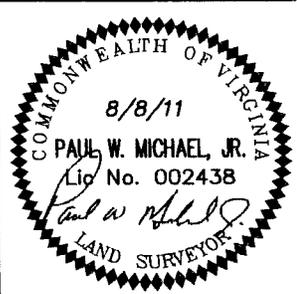


NOW OR FORMERLY
 JOSEPH & DOROTHY M. LEGASPI
LOT 28
 GPIN: G15B-3514-4103
 QUEENS LAKE
 SECTION EF
 DOC. #060029684
 #270 NOTTINGHAM ROAD

LEGEND

- IPF (IRON PIPE FOUND)
- IRF (IRON ROD FOUND)
- CMF (CONC MON FOUND)
- DENOTES PERMANENT UTILITY EASEMENT
HEREBY CONVEYED TO YORK COUNTY
300 S.F.

- NOTES:**
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 3. TOPOGRAPHIC INFORMATION, IF SHOWN, WAS PROVIDED BY URS CORPORATION OR OBTAINED BY THIS FIRM.



References:
 P.B.6, PG.119

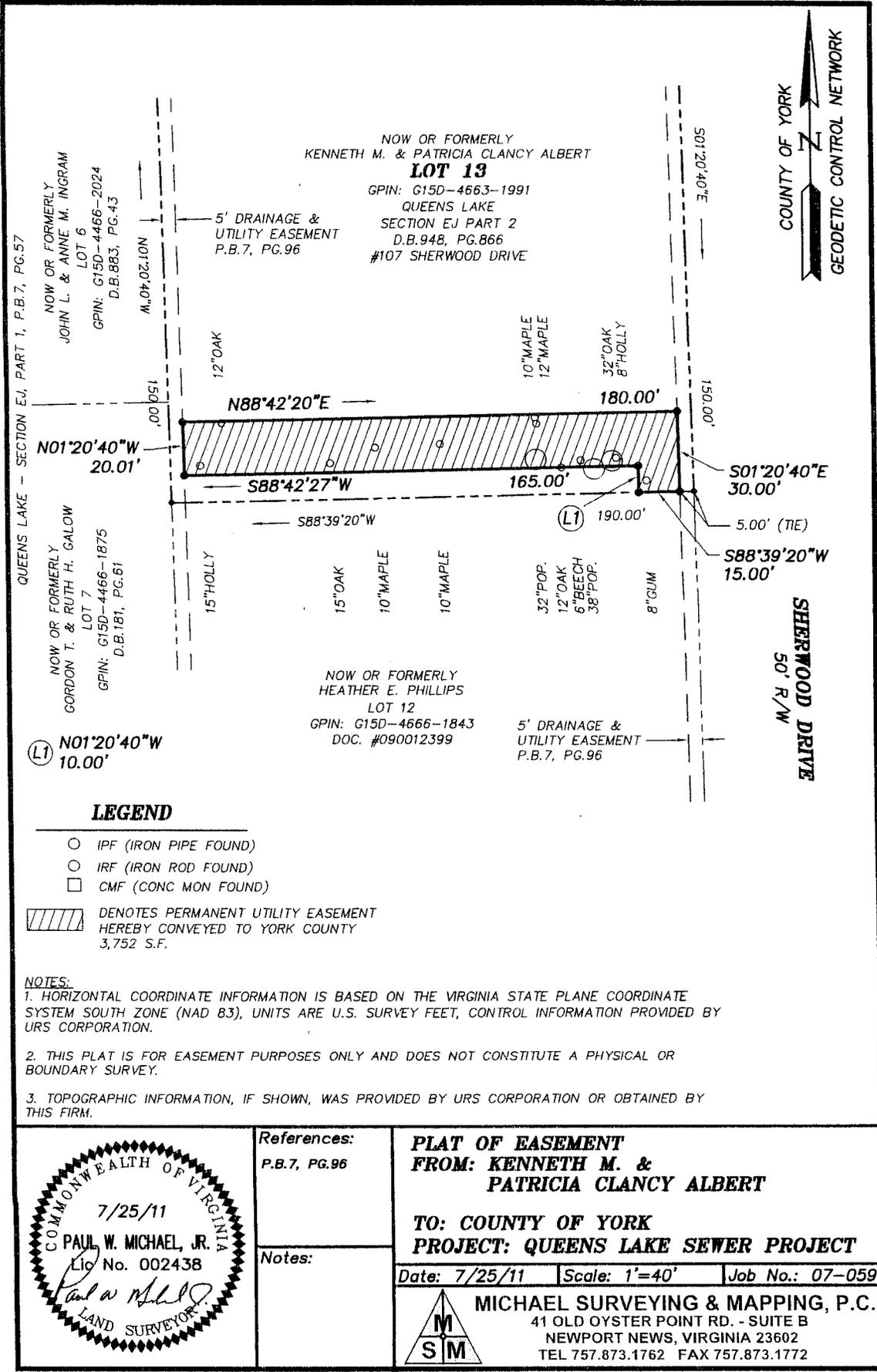
Notes:
 REV: 8/22/11

PLAT OF EASEMENT
FROM: JOSEPH & DOROTHY M. LEGASPI

TO: COUNTY OF YORK
PROJECT: QUEENS LAKE SEWER PROJECT

Date: 8/8/11 Scale: 1"=30' Job No.: 07-059

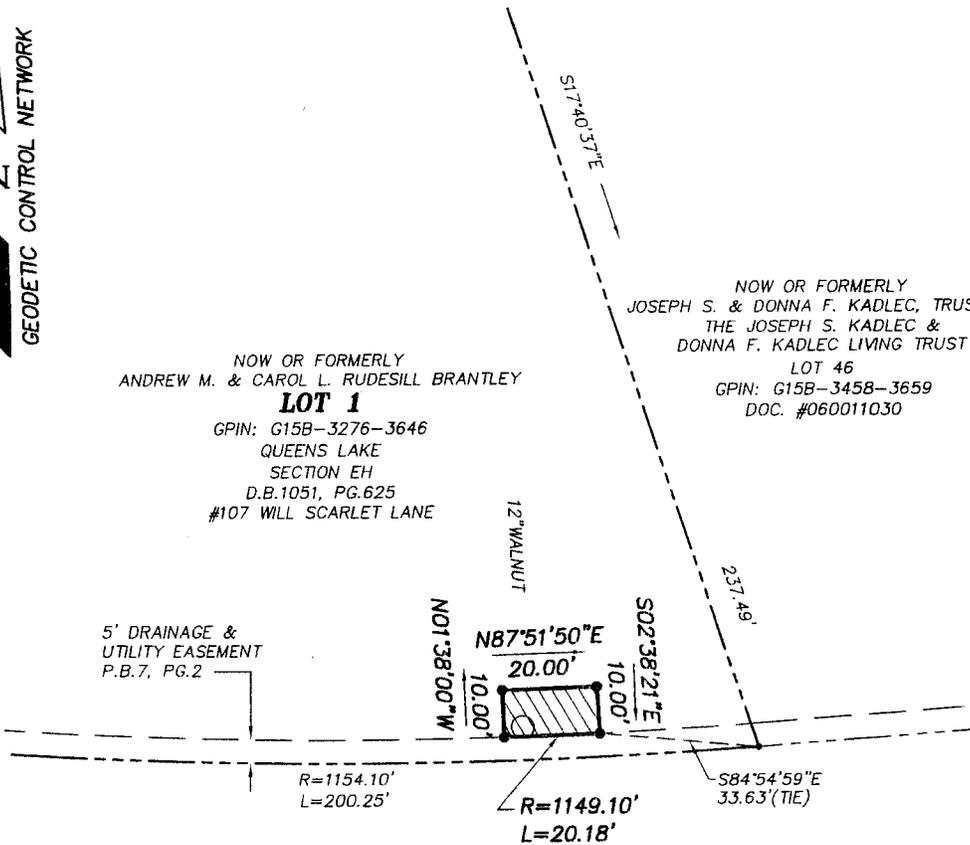
MICHAEL SURVEYING & MAPPING, P.C.
 41 OLD OYSTER POINT RD. - SUITE B
 NEWPORT NEWS, VIRGINIA 23602
 TEL 757.873.1762 FAX 757.873.1772



COUNTY OF YORK
 GEODETIC CONTROL NETWORK

NOW OR FORMERLY
 ANDREW M. & CAROL L. RUDESILL BRANTLEY
LOT 1
 GPIN: G15B-3276-3646
 QUEENS LAKE
 SECTION EH
 D.B.1051, PG.625
 #107 WILL SCARLET LANE

NOW OR FORMERLY
 JOSEPH S. & DONNA F. KADLEC, TRUSTEES
 THE JOSEPH S. KADLEC &
 DONNA F. KADLEC LIVING TRUST
 LOT 46
 GPIN: G15B-3458-3659
 DOC. #060011030

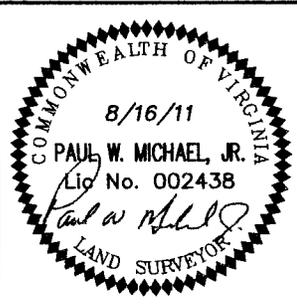


WILL SCARLET LANE
 50' R/W

LEGEND

- IPF (IRON PIPE FOUND)
- IRF (IRON ROD FOUND)
- CMF (CONC MON FOUND)
-  DENOTES PERMANENT UTILITY EASEMENT HEREBY CONVEYED TO YORK COUNTY 201 S.F.

- NOTES:**
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 3. TOPOGRAPHIC INFORMATION, IF SHOWN, WAS PROVIDED BY URS CORPORATION OR OBTAINED BY THIS FIRM.



References:
 P.B.7, PG.2

Notes:

PLAT OF EASEMENT
FROM: ANDREW M. & CAROL L. RUDESILL BRANTLEY
TO: COUNTY OF YORK
PROJECT: QUEENS LAKE SEWER PROJECT

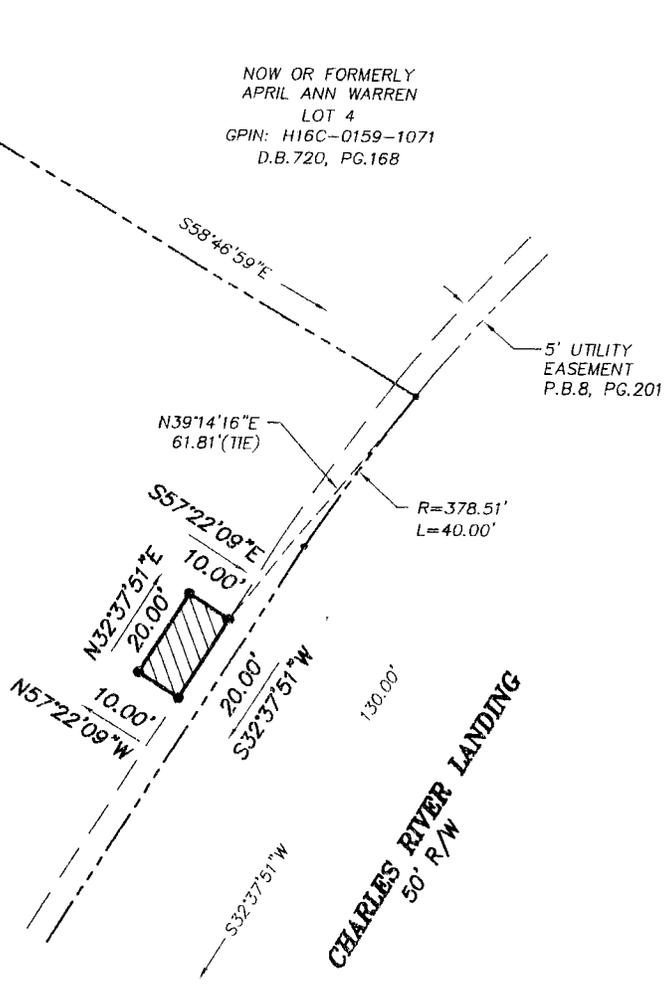
Date: 8/16/11 Scale: 1"=30' Job No.: 07-059

 **MICHAEL SURVEYING & MAPPING, P.C.**
 41 OLD OYSTER POINT RD. - SUITE B
 NEWPORT NEWS, VIRGINIA 23602
 TEL 757.873.1762 FAX 757.873.1772

COUNTY OF YORK
 GEODETIC CONTROL NETWORK

NOW OR FORMERLY
 APRIL ANN WARREN
 LOT 4
 GPIN: H16C-0159-1071
 D.B.720, PG.168

NOW OR FORMERLY
 LARRY L. WILLIAMS, TRUSTEE
 LARRY L. WILLIAMS LIVING TRUST &
 JUDITH J. WILLIAMS, TRUSTEE
 JUDITH J. WILLIAMS LIVING TRUST
LOT 3
 GPIN: H16C-0063-0915
 QUEENS LAKE
 SECTION EM - PART 1
 DOC. #070011590
 #101 CHARLES RIVER LANDING



LEGEND

- IPF (IRON PIPE FOUND)
- IRF (IRON ROD FOUND)
- CMF (CONC MON FOUND)
- DENOTES PERMANENT UTILITY EASEMENT
 HEREBY CONVEYED TO YORK COUNTY
 200 S.F.

- NOTES:**
1. HORIZONTAL COORDINATE INFORMATION IS BASED ON THE VIRGINIA STATE PLANE COORDINATE SYSTEM SOUTH ZONE (NAD 83), UNITS ARE U.S. SURVEY FEET, CONTROL INFORMATION PROVIDED BY URS CORPORATION.
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COMMONWEALTH OF VIRGINIA
 8/12/11
 PAUL W. MICHAEL, JR.
 Lic No. 002438

 LAND SURVEYOR

References:
 P.B.8, PG.201

Notes:
 REV: 8/17/11

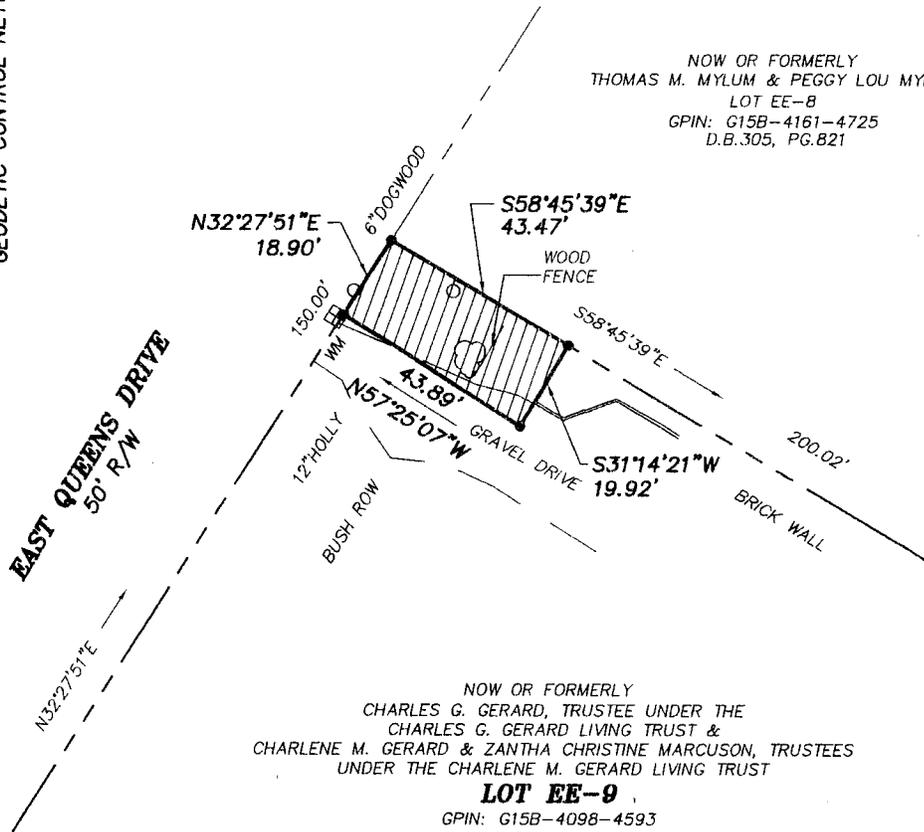
PLAT OF EASEMENT
FROM: LARRY L. WILLIAMS, TRUSTEE
LARRY L. WILLIAMS LIVING TRUST &
JUDITH J. WILLIAMS, TRUSTEE
JUDITH J. WILLIAMS LIVING TRUST
TO: COUNTY OF YORK
PROJECT: QUEENS LAKE SEWER PROJECT

Date: 8/12/11 | Scale: 1"=30' | Job No.: 07-059

MICHAEL SURVEYING & MAPPING, P.C.
 41 OLD OYSTER POINT RD. - SUITE B
 NEWPORT NEWS, VIRGINIA 23602
 TEL 757.873.1762 FAX 757.873.1772

COUNTY OF YORK
 GEODETIC CONTROL NETWORK

NOW OR FORMERLY
 THOMAS M. MYLUM & PEGGY LOU MYLUM
 LOT EE-8
 GPIN: G15B-4161-4725
 D.B.305, PG.821



NOW OR FORMERLY
 CHARLES G. GERARD, TRUSTEE UNDER THE
 CHARLES G. GERARD LIVING TRUST &
 CHARLENE M. GERARD & ZANTHA CHRISTINE MARCUSON, TRUSTEES
 UNDER THE CHARLENE M. GERARD LIVING TRUST

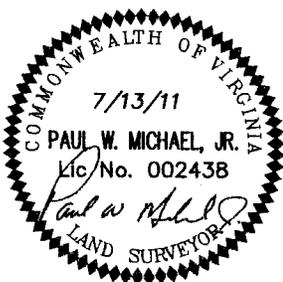
LOT EE-9
 GPIN: G15B-4098-4593
 QUEENS LAKE
 SECTION EE
 DOC. #080027157
 #266 EAST QUEENS DRIVE

LEGEND

- IPF (IRON PIPE FOUND)
- IRF (IRON ROD FOUND)
- CMF (CONC MON FOUND)
- DENOTES PERMANENT UTILITY EASEMENT
 HEREBY CONVEYED TO YORK COUNTY
 848 S.F.

NOTES:

1. HORIZONTAL COORDINATE INFORMATION IS BASED ON THE VIRGINIA STATE PLANE COORDINATE SYSTEM SOUTH ZONE (NAD 83), UNITS ARE U.S. SURVEY FEET, CONTROL INFORMATION PROVIDED BY URS CORPORATION.
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3. TOPOGRAPHIC INFORMATION, IF SHOWN, WAS PROVIDED BY URS CORPORATION OR OBTAINED BY THIS FIRM.



References:
 P.B.6, PG.99

Notes:
 REV: 7/22/11
 REV: 8/19/11

PLAT OF EASEMENT

FROM: CHARLES G. GERARD, TRUSTEE UNDER THE CHARLES G. GERARD LIVING TRUST & CHARLENE M. GERARD & ZANTHA CHRISTINE MARCUSON, TRUSTEES UNDER THE CHARLENE M. GERARD LIVING TRUST

TO: COUNTY OF YORK

PROJECT: QUEENS LAKE SEWER PROJECT

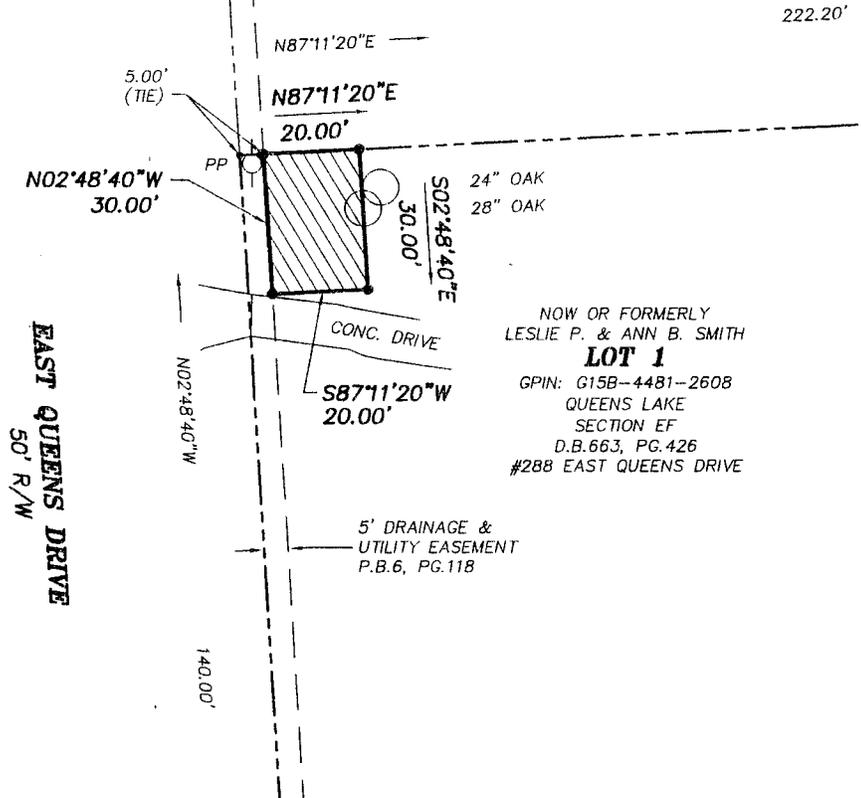
Date: 7/13/11 Scale: 1"=30' Job No.: 07-059



MICHAEL SURVEYING & MAPPING, P.C.
 41 OLD OYSTER POINT RD. - SUITE B
 NEWPORT NEWS, VIRGINIA 23602
 TEL 757.873.1762 FAX 757.873.1772

COUNTY OF YORK
 GEODETIC CONTROL NETWORK

NOW OR FORMERLY
 AMANDA E. DEVERICH
 LOT 2
 GPIN: G15D-4438-2751
 DOC. #090007314



NOW OR FORMERLY
 LESLIE P. & ANN B. SMITH
LOT 1
 GPIN: G15B-4481-2608
 QUEENS LAKE
 SECTION EF
 D.B.663, PG.426
 #288 EAST QUEENS DRIVE

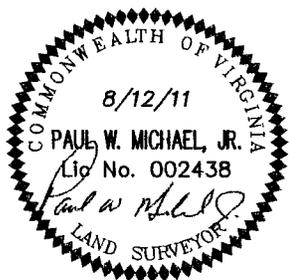
LEGEND

- IPF (IRON PIPE FOUND)
- IRF (IRON ROD FOUND)
- CMF (CONC MON FOUND)

 DENOTES PERMANENT UTILITY EASEMENT
 HEREBY CONVEYED TO YORK COUNTY
 600 S.F.

NOTES:

1. HORIZONTAL COORDINATE INFORMATION IS BASED ON THE VIRGINIA STATE PLANE COORDINATE SYSTEM SOUTH ZONE (NAD 83), UNITS ARE U.S. SURVEY FEET, CONTROL INFORMATION PROVIDED BY URS CORPORATION.
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3. TOPOGRAPHIC INFORMATION, IF SHOWN, WAS PROVIDED BY URS CORPORATION OR OBTAINED BY THIS FIRM.



References:
 P.B.6, PG.118

Notes:

PLAT OF EASEMENT
FROM: LESLIE P. & ANN B. SMITH

TO: COUNTY OF YORK
PROJECT: QUEENS LAKE SEWER PROJECT

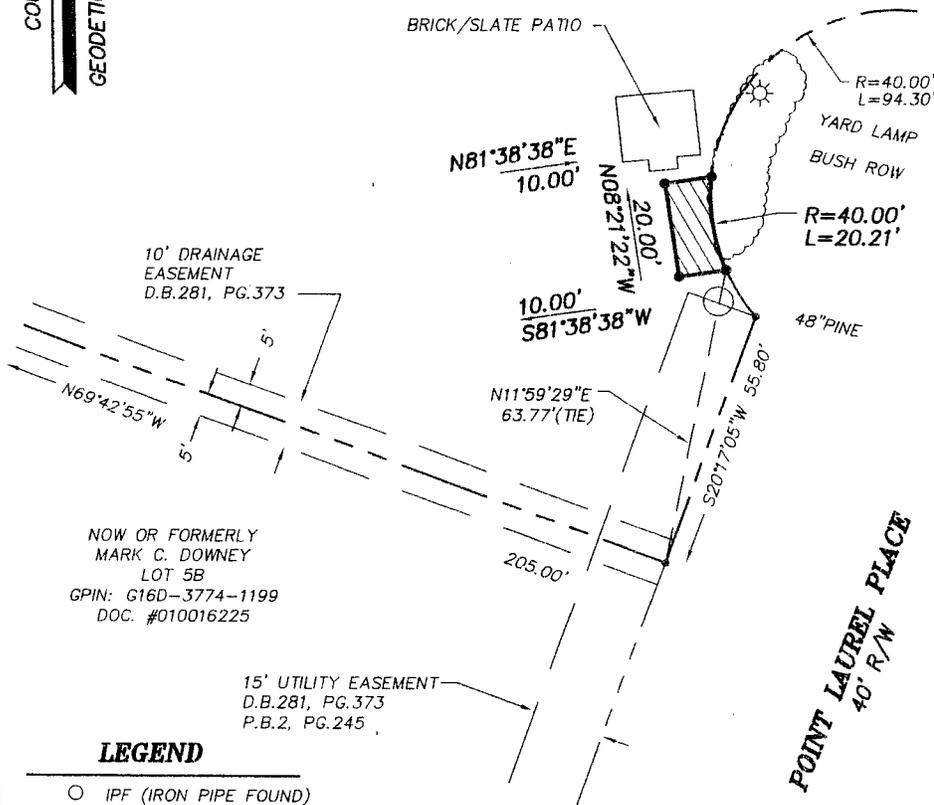
Date: 8/12/11 | Scale: 1"=30' | Job No.: 07-059



MICHAEL SURVEYING & MAPPING, P.C.
 41 OLD OYSTER POINT RD. - SUITE B
 NEWPORT NEWS, VIRGINIA 23602
 TEL 757.873.1762 FAX 757.873.1772

COUNTY OF YORK
 GEODETIC CONTROL NETWORK

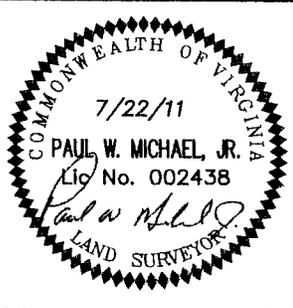
NOW OR FORMERLY
 H. MILTON HOLT &
 FRANCES G. HOLT, TRUSTEES OF
 THE HOLT TRUST
LOT 5A
 GPIN: G16D-3806-1420
 QUEENS LAKE
 RESUBDIVISION OF LOT 5, SECTION A
 DOC. #020016484
 #105 POINT LAUREL PLACE



LEGEND

- IPF (IRON PIPE FOUND)
- IRF (IRON ROD FOUND)
- CMF (CONC MON FOUND)
-  DENOTES PERMANENT UTILITY EASEMENT HEREBY CONVEYED TO YORK COUNTY 183 S.F.

- NOTES:**
1. HORIZONTAL COORDINATE INFORMATION IS BASED ON THE VIRGINIA STATE PLANE COORDINATE SYSTEM SOUTH ZONE (NAD 83), UNITS ARE U.S. SURVEY FEET, CONTROL INFORMATION PROVIDED BY URS CORPORATION.
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 3. TOPOGRAPHIC INFORMATION, IF SHOWN, WAS PROVIDED BY URS CORPORATION OR OBTAINED BY THIS FIRM.



References:
 D.B.281, PG.373
 P.B.2, PG.245

Notes:
 REV. 8/30/11

PLAT OF EASEMENT
FROM: H. MILTON HOLT & FRANCES G. HOLT, TRUSTEES OF THE HOLT TRUST
TO: COUNTY OF YORK
PROJECT: QUEENS LAKE SEWER PROJECT

Date: 7/22/11 | Scale: 1"=30' | Job No.: 07-059

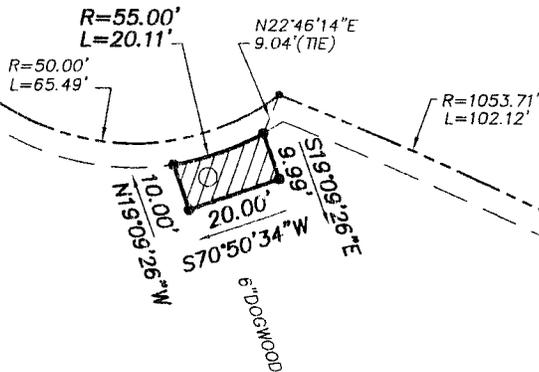
 **MICHAEL SURVEYING & MAPPING, P.C.**
 41 OLD OYSTER POINT RD. - SUITE B
 NEWPORT NEWS, VIRGINIA 23602
 TEL 757.873.1762 FAX 757.873.1772

COUNTY OF YORK
 GEODETIC CONTROL NETWORK

SHERIFFS PLACE
 50' R/W

5' DRAINAGE &
 UTILITY EASEMENT
 P.B.8, PG.2

NOW OR FORMERLY
 VIVIAN DENIS & ANGELA M. FARINA
 LOT 13
 GPIN: G15B-2924-2735
 D.B.211, PG.286

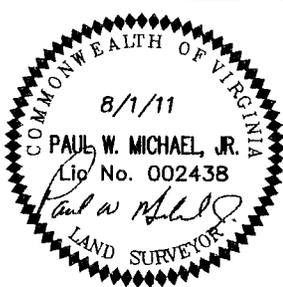


NOW OR FORMERLY
 WARD C. & EDWARD A. BOURN, TRUSTEES
 THE WARD C. BOURN TRUST
LOT 14
 GPIN: G15B-3067-2591
 QUEENS LAKE
 SECTION EK PART 1
 DOC. #090011210
 #108 SHERIFFS PLACE

LEGEND

- IPF (IRON PIPE FOUND)
- IRF (IRON ROD FOUND)
- CMF (CONC MON FOUND)
- DENOTES PERMANENT UTILITY EASEMENT
 HEREBY CONVEYED TO YORK COUNTY
 188 S.F.

- NOTES:**
1. HORIZONTAL COORDINATE INFORMATION IS BASED ON THE VIRGINIA STATE PLANE COORDINATE SYSTEM SOUTH ZONE (NAD 83), UNITS ARE U.S. SURVEY FEET, CONTROL INFORMATION PROVIDED BY URS CORPORATION.
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 3. TOPOGRAPHIC INFORMATION, IF SHOWN, WAS PROVIDED BY URS CORPORATION OR OBTAINED BY THIS FIRM.



References:
 P.B.8, PG.2

Notes:

PLAT OF EASEMENT
FROM: WARD C. & EDWARD A. BOURN, TRUSTEES
THE WARD C. BOURN TRUST
TO: COUNTY OF YORK
PROJECT: QUEENS LAKE SEWER PROJECT

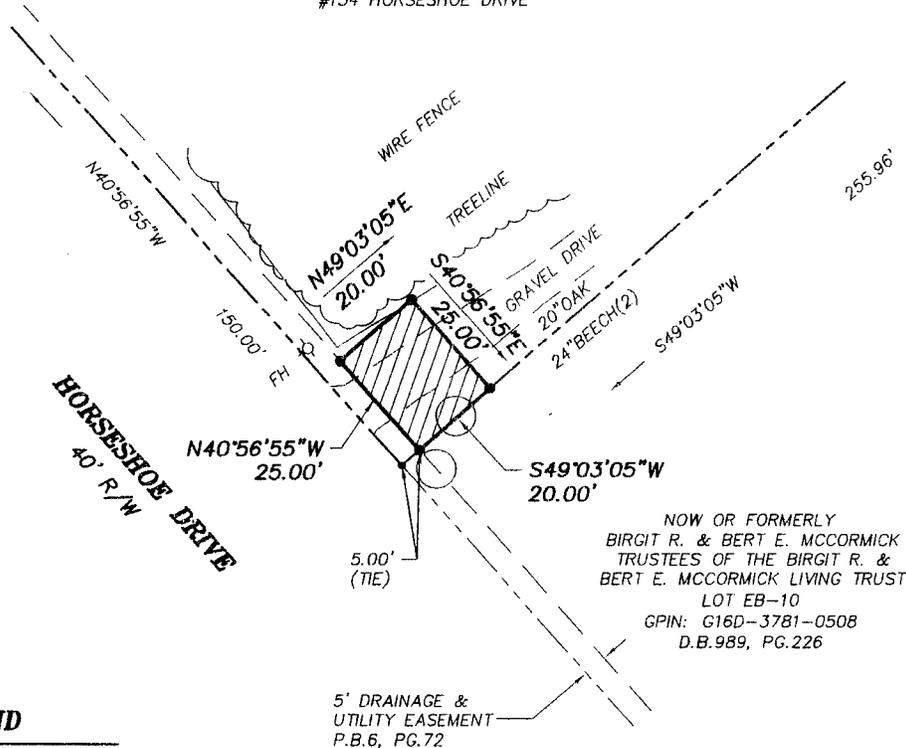
Date: 8/1/11 Scale: 1"=30' Job No.: 07-059

MICHAEL SURVEYING & MAPPING, P.C.
 41 OLD OYSTER POINT RD. - SUITE B
 NEWPORT NEWS, VIRGINIA 23602
 TEL 757.873.1762 FAX 757.873.1772

COUNTY OF YORK
 GEODETIC CONTROL NETWORK

NOW OR FORMERLY
 NAOMI L. SIEGEL, JONATHAN D. SIEGEL
 & KATHLEEN W. KANE, CO-TRUSTEES
 OF THE ROBERT T. SIEGEL TESTAMENTARY TRUST

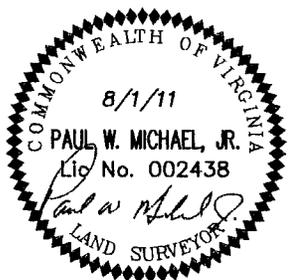
LOT EB-9
 GPIN: G16D-3694-0636
 QUEENS LAKE
 SECTION B
 DOC. #050005030
 #134 HORSESHOE DRIVE



LEGEND

- IPF (IRON PIPE FOUND)
- IRF (IRON ROD FOUND)
- CMF (CONC MON FOUND)
- DENOTES PERMANENT UTILITY EASEMENT HEREBY CONVEYED TO YORK COUNTY 500 S.F.

- NOTES:**
- HORIZONTAL COORDINATE INFORMATION IS BASED ON THE VIRGINIA STATE PLANE COORDINATE SYSTEM SOUTH ZONE (NAD 83), UNITS ARE U.S. SURVEY FEET, CONTROL INFORMATION PROVIDED BY URS CORPORATION.
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References:
 P.B.6, PG.72

Notes:

PLAT OF EASEMENT
FROM: NAOMI L. SIEGEL, JONATHAN D. SIEGEL & KATHLEEN W. KANE, CO-TRUSTEES OF THE ROBERT T. SIEGEL TESTAMENTARY TRUST
TO: COUNTY OF YORK
PROJECT: QUEENS LAKE SEWER PROJECT

Date: 8/1/11 | Scale: 1"=30' | Job No.: 07-059



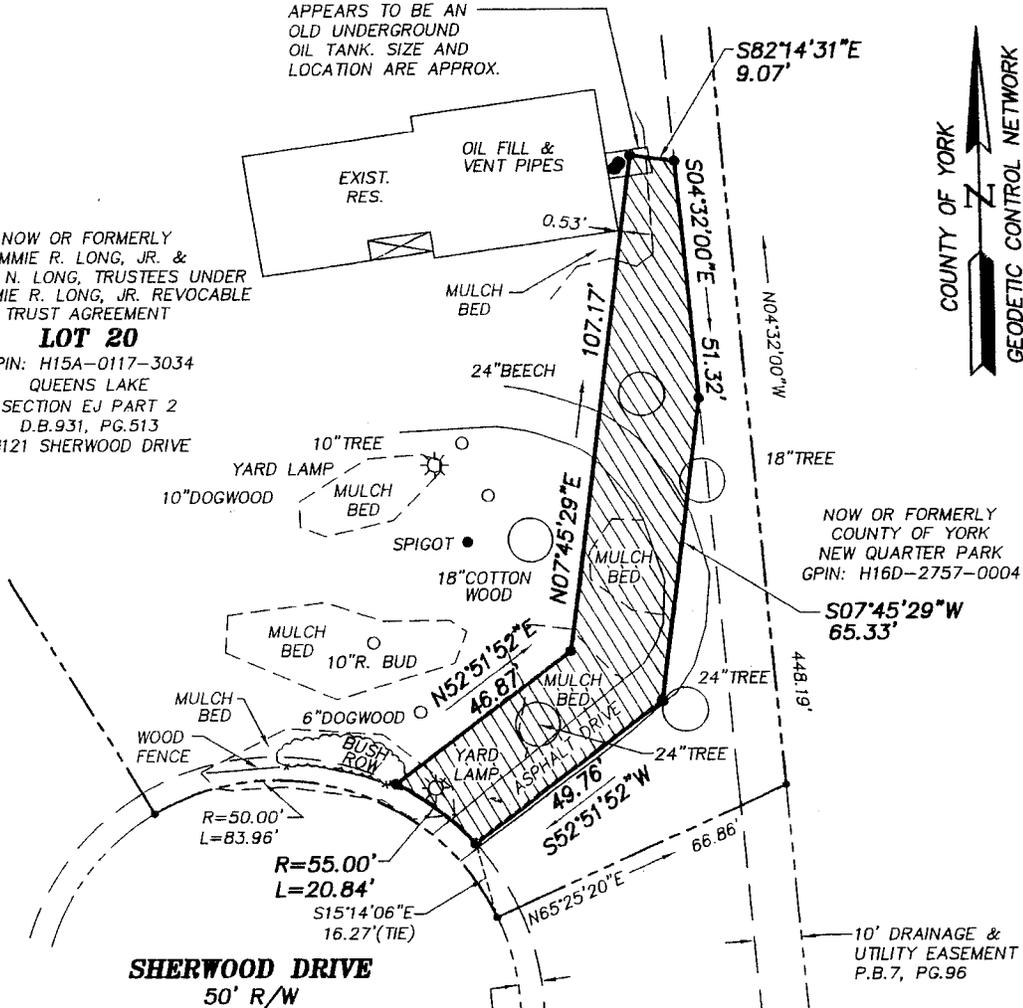
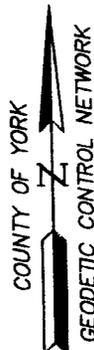
MICHAEL SURVEYING & MAPPING, P.C.
 41 OLD OYSTER POINT RD. - SUITE B
 NEWPORT NEWS, VIRGINIA 23602
 TEL 757.873.1762 FAX 757.873.1772

APPEARS TO BE AN OLD UNDERGROUND OIL TANK. SIZE AND LOCATION ARE APPROX.

NOW OR FORMERLY
JIMMIE R. LONG, JR. &
PHYLLIS N. LONG, TRUSTEES UNDER
THE JIMMIE R. LONG, JR. REVOCABLE
TRUST AGREEMENT

LOT 20

GPIN: H15A-0117-3034
QUEENS LAKE
SECTION EJ PART 2
D.B.931, PG.513
#121 SHERWOOD DRIVE



LEGEND

- IPF (IRON PIPE FOUND)
- IRF (IRON ROD FOUND)
- CMF (CONC MON FOUND)

DENOTES PERMANENT UTILITY EASEMENT HEREBY CONVEYED TO YORK COUNTY 2,905 S.F.

- NOTES:**
1. HORIZONTAL COORDINATE INFORMATION IS BASED ON THE VIRGINIA STATE PLANE COORDINATE SYSTEM SOUTH ZONE (NAD 83), UNITS ARE U.S. SURVEY FEET, CONTROL INFORMATION PROVIDED BY URS CORPORATION.
 2. THIS PLAT IS FOR EASEMENT PURPOSES ONLY AND DOES NOT CONSTITUTE A PHYSICAL OR BOUNDARY SURVEY.
 3. TOPOGRAPHIC INFORMATION, IF SHOWN, WAS PROVIDED BY URS CORPORATION OR OBTAINED BY THIS FIRM.

References:
P.B.7, PG.96

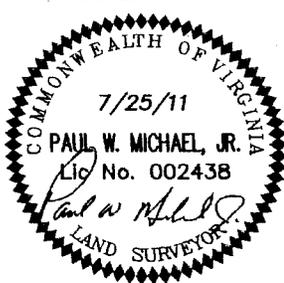
Notes:
REV: 8/1/11
REV: 8/19/11
REV: 10/31/11
REV: 11/2/11

PLAT OF EASEMENT
FROM: JIMMIE R. LONG, JR. & PHYLLIS N. LONG,
TRUSTEES UNDER THE JIMMIE R. LONG, JR.
REVOCABLE TRUST AGREEMENT
TO: COUNTY OF YORK
PROJECT: QUEENS LAKE SEWER PROJECT

Date: 7/25/11 Scale: 1"=30' Job No.: 07-059



MICHAEL SURVEYING & MAPPING, P.C.
41 OLD OYSTER POINT RD. - SUITE B
NEWPORT NEWS, VIRGINIA 23602
TEL 757.873.1762 FAX 757.873.1772



BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the ____ day of _____, 2011:

Present

Vote

George S. Hrichak, Chairman
Thomas G. Shepperd, Jr., Vice Chairman
Walter C. Zaremba
Sheila S. Noll
Donald E. Wiggins

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION DECLARING THE NECESSITY TO ENTER UPON AND TAKE CERTAIN PERMANENT UTILITY EASEMENTS IN CONNECTION WITH PHASE 2 OF THE QUEENS LAKE SEWER PROJECT

WHEREAS, it is necessary to obtain certain easements in connection with Phase 2 of the Queens Lake Sewer Project; and

WHEREAS, for various reasons, the County is not able to obtain from the owners of such property clear title to the interests in real estate necessary, or no agreement has been reached as to the consideration to be paid for the said interests; and

WHEREAS, plats of the interests in real property to be acquired have been prepared by Michael Surveying & Mapping, P.C., and a valuation of such interests have been prepared by County staff; and

WHEREAS, § 15.2-1905 (C), Code of Virginia, authorizes the Board to adopt a resolution following a public hearing on the matter declaring its intent to enter and take specified properties, rights-of-way or easements for such purposes as constructing, installing, expanding, maintaining, or repairing sewer facilities.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this ____ day of _____, 2011, that the Board finds that it is necessary for the protection and preservation of the public health, safety and welfare, and for the timely completion of Phase 2 of the Queens Lake Sewer Project, for the County, its officers, em-

ployees and agents to enter upon and take the interests in real property described below prior to the initiation of condemnation proceedings.

BE IT FURTHER RESOLVED that the interests to be taken, and the compensation and damages, if any, offered by the County is the following, which interest is more particularly described on the plat attached to the memorandum of the County Administrator dated December 5, 2011, and incorporated herein by this reference:

GPIN: G15b-4389-3790

A permanent utility easement as shown on a plat entitled "PLAT OF EASEMENT FROM: CHERYL LEE BEGLEY & JOHN RANDOLPH BEGLEY, TRUSTEES UNDER THE CHERYL LEE BEGLEY LIVING TRUST, TO: COUNTY OF YORK, PROJECT: QUEENS LAKE SEWER PROJECT," dated August 1, 2011, made by Michael Surveying & Mapping, P.C., and designated as "Permanent Utility Easement Hereby Conveyed to York County, 200 S.F." Estimated Value: \$437.00.

GPIN: G15b-3496-4965

A permanent utility easement as shown on a plat entitled "PLAT OF EASEMENT FROM: THOMAS C. & NANCY E. MCFADZEAN, TO: COUNTY OF YORK, PROJECT: QUEENS LAKE SEWER PROJECT," dated July 18, 2011, and last revised August 19, 2011, made by Michael Surveying & Mapping, P.C., and designated as "Permanent Utility Easement Hereby Conveyed to York County, 200 S.F." Estimated Value \$527.00.

GPIN: G16d-3744-0169

A permanent utility easement as shown on a plat entitled "PLAT OF EASEMENT FROM: OPAL LOWERY EDDINS, TO: COUNTY OF YORK, PROJECT: QUEENS LAKE SEWER PROJECT," dated July 14, 2011, and last revised August 19, 2011, made by Michael Surveying & Mapping, P.C., and designated as "Permanent Utility Easement Hereby Conveyed to York County, 197 S.F." Estimated Value \$243.00.

GPIN: G15b-3503-3007

A permanent utility easement as shown on a plat entitled "PLAT OF EASEMENT FROM: DALE D. & PATRICE A. ANDERSON, TO: COUNTY OF YORK, PROJECT: QUEENS LAKE SEWER PROJECT," dated August 8, 2011, and last revised September 23, 2011, made by Michael Surveying & Mapping, P.C., and designated as "Permanent Utility Easement Hereby Conveyed to York County, 2,480 S.F." Estimated Value \$5,499.00.

GPIN: G15b-3704-3021

A permanent utility easement as shown on a plat entitled "PLAT OF EASEMENT FROM: CHRISTIAN & LAURIE P. HAGER, TO: COUNTY OF YORK, PROJECT: QUEENS LAKE SEWER PROJECT," dated August 8, 2011, made by Michael Surveying & Mapping, P.C., and designated as "Permanent Utility Easement Hereby Conveyed to York County, 550 S.F." Estimated Value \$1,230.00.

GPIN: G15d-3983-2248

A permanent utility easement as shown on a plat entitled "PLAT OF EASEMENT FROM: GLENN R. HOCKADAY, TRUSTEE, GLENN R. HOCKADAY TRUST, TO: COUNTY OF YORK, PROJECT: QUEENS LAKE SEWER PROJECT," dated August 12, 2011, made by Michael Surveying & Mapping, P.C., and designated as "Permanent Utility Easement Hereby Conveyed to York County, 200 S.F." Estimated Value \$407.00.

GPIN: G15b-3314-3400

A permanent utility easement as shown on a plat entitled "PLAT OF EASEMENT FROM: CHRISTOPHER E. & MARIE HOMER, TO: COUNTY OF YORK, PROJECT: QUEENS LAKE SEWER PROJECT," dated August 1, 2011, and revised August 17, 2011, made by Michael Surveying & Mapping, P.C., and designated as "Permanent Utility Easement Hereby Conveyed to York County, 496 S.F." Estimated Value \$1,122.00.

GPIN: G15b-2926-3703

A permanent utility easement as shown on a plat entitled "PLAT OF EASEMENT FROM: JOHN O. & NANCY H. HUMMEL, TO: COUNTY OF YORK, PROJECT: QUEENS LAKE SEWER PROJECT," dated August 16, 2011, made by Michael Surveying & Mapping, P.C., and designated as "Permanent Utility Easement Hereby Conveyed to York County, 459 S.F." Estimated Value \$2,449.00.

GPIN: G15a-2476-3948

A permanent utility easement as shown on a plat entitled "PLAT OF EASEMENT FROM: MICHAEL W. & SUSAN F. ADAMS, TO: COUNTY OF YORK, PROJECT: QUEENS LAKE SEWER PROJECT," dated August 16, 2011, made by Michael Surveying & Mapping, P.C., and designated as "Permanent Utility Easement Hereby Conveyed to York County, 200 S.F." Estimated Value \$366.00.

GPIN: G15d-3565-2032

A permanent utility easement as shown on a plat entitled "PLAT OF EASEMENT FROM: JENNIFER S. FARMER, TO: COUNTY OF YORK, PROJECT: QUEENS LAKE SEWER PROJECT," dated August 30, 2011, made by Michael Surveying & Mapping, P.C., and designated as "Permanent Utility Easement Hereby Conveyed to York County, 202 S.F." Estimated Value \$433.00.

GPIN: G15d-3377-1844

A permanent utility easement as shown on a plat entitled "PLAT OF EASEMENT FROM: MIGUEL A. & CARINA F. RODRIGUEZ, TO: COUNTY OF YORK, PROJECT: QUEENS LAKE SEWER PROJECT," dated August 30, 2011, made by Michael Surveying & Mapping, P.C., and designated as "Permanent Utility Easement Hereby Conveyed to York County, 200 S.F." Estimated Value \$494.00.

GPIN: G16d-4503-0270

A permanent utility easement as shown on a plat entitled "PLAT OF EASEMENT FROM: SHARON M. & SARAH V. E. WHITTEMORE, TO: COUNTY OF YORK, PROJECT: QUEENS LAKE SEWER PROJECT," dated July 14, 2011, revised July 22, 2011, made by Michael Surveying & Mapping, P.C., and designated as "Permanent Utility Easement Hereby Conveyed to York County, 200 S.F." Estimated Value \$466.00.

GPIN: G16d-4971-1707

A permanent utility easement as shown on a plat entitled "PLAT OF EASEMENT FROM: SUTTON FAMILY, LLC, TO: COUNTY OF YORK, PROJECT: QUEENS LAKE SEWER PROJECT," dated July 14, 2011, revised July 22, 2011, made by Michael Surveying & Mapping, P.C., and designated as "Permanent Utility Easement Hereby Conveyed to York County, 209 S.F." Estimated Value \$685.00.

GPIN: G15b-3223-4118

A permanent utility easement as shown on a plat entitled "PLAT OF EASEMENT FROM: FRED B. & MARY HART H. SATTERWHITE, TO: COUNTY OF YORK, PROJECT: QUEENS LAKE SEWER PROJECT," dated August 16, 2011, and last revised September 23, 2011, made by Michael Surveying & Mapping, P.C., and designated as "Permanent Utility Easement Hereby Conveyed to York County, 350 S.F." Estimated Value \$515.00.

GPIN: G15b-3514-4103

A permanent utility easement as shown on a plat entitled "PLAT OF EASEMENT FROM: JOSEPH & DOROTHY M. LEGASPI, TO: COUNTY OF YORK, PROJECT: QUEENS LAKE SEWER PROJECT," dated August 8, 2011, and last revised August 22, 2011, made by Michael Surveying & Mapping, P.C., and designated as "Permanent Utility Easement Hereby Conveyed to York County, 300 S.F." Estimated Value \$645.00.

GPIN: G15d-4663-1991

A permanent utility easement as shown on a plat entitled "PLAT OF EASEMENT FROM: KENNETH M. & PATRICIA CLANCY ALBERT, TO: COUNTY OF YORK, PROJECT: QUEENS LAKE SEWER PROJECT," dated July 25, 2011, and made by Michael Surveying & Mapping, P.C., and designated as "Permanent Utility Easement Hereby Conveyed to York County, 3,752 S.F." Estimated Value \$11,886.00.

GPIN: G15b-3276-3646

A permanent utility easement as shown on a plat entitled "PLAT OF EASEMENT FROM: ANDREW M. & CAROL L. RUDESILL BRANTLEY, TO: COUNTY OF YORK, PROJECT: QUEENS LAKE SEWER PROJECT," dated August 16, 2011, and made by Michael Surveying & Mapping, P.C., and designated as "Permanent Utility Easement Hereby Conveyed to York County, 201 S.F." Estimated Value \$613.00.

GPIN: H16c-0063-0915

A permanent utility easement as shown on a plat entitled "PLAT OF EASEMENT FROM: LARRY L. WILLIAMS, TRUSTEE, LARRY L. WILLIAMS LIVING TRUST & JUDITH J. WILLIAMS, TRUSTEE, JUDITH J. WILLIAMS LIVING TRUST, TO: COUNTY OF YORK, PROJECT: QUEENS LAKE SEWER PROJECT," dated August 12, 2011, revised August 17, 2011, and made by Michael Surveying & Mapping, P.C., and designated as "Permanent Utility Easement Hereby Conveyed to York County, 200 S.F." Estimated Value \$448.00.

GPIN: G15b-4098-4593

A permanent utility easement as shown on a plat entitled "PLAT OF EASEMENT FROM: CHARLES G. GERARD, TRUSTEE UNDER THE CHARLES G. GERARD LIVING TRUST & CHARLENE M. GERARD & ZANTHA CHRISTINE MARCUSON, TRUSTEES UNDER THE CHARLENE M. GERARD LIVING TRUST," dated July 13, 2011, last revised August 19, 2011, and made by Michael Surveying & Mapping, P.C., and designated as "Permanent Utility Easement Hereby Conveyed to York County, 848 S.F." Estimated Value \$1,868.00.

GPIN: G15b-4481-2608

A permanent utility easement as shown on a plat entitled "PLAT OF EASEMENT FROM: LESLIE P. & ANN B. SMITH, TO: COUNTY OF YORK, PROJECT: QUEENS LAKE SEWER PROJECT," dated August 12, 2011, and made by Michael Surveying & Mapping, P.C., and designated as "Permanent Utility Easement Hereby Conveyed to York County, 600 S.F." Estimated Value \$1,591.00.

GPIN: G16d-3806-1420

A permanent utility easement as shown on a plat entitled "PLAT OF EASEMENT FROM: H. MILTON HOLT & FRANCES G. HOLT, TRUSTEES OF THE HOLT TRUST, TO: COUNTY OF YORK, PROJECT: QUEENS LAKE SEWER PROJECT," dated July 22, 2011, and revised August 30, 2011, made by Michael Surveying & Mapping, P.C., and designated as "Permanent Utility Easement Hereby Conveyed to York County, 183 S.F." Estimated Value \$384.00.

GPIN: G15b-3067-2591

A permanent utility easement as shown on a plat entitled "PLAT OF EASEMENT FROM: WARD C. & EDWARD A. BOURN, TRUSTEES, THE WARD C. BOURN TRUST, TO: COUNTY OF YORK, PROJECT: QUEENS LAKE SEWER PROJECT," dated August 1, 2011, and made by Michael Surveying & Mapping, P.C., and designated as "Permanent Utility Easement Hereby Conveyed to York County, 188 S.F." Estimated Value \$329.00.

GPIN: G16d-3694-0636

A permanent utility easement as shown on a plat entitled "PLAT OF EASEMENT FROM: NAOMI L. SIEGEL, JONATHAN D. SIEGEL & KATHLEEN W. KANE, CO-TRUSTEES OF THE ROBERT T. SIEGEL TESTAMENTARY TRUST, TO: COUNTY OF YORK, PROJECT:

QUEENS LAKE SEWER PROJECT,” dated August 1, 2011, and made by Michael Surveying & Mapping, P.C., and designated as “Permanent Utility Easement Hereby Conveyed to York County, 500 S.F.” Estimated Value \$1,263.00.

GPIN: H15a-0117-3034

A permanent utility easement as shown on a plat entitled “PLAT OF EASEMENT FROM: JIMMIE R. LONG, JR. & PHYLLIS N. LONG, TRUSTEES UNDER THE JIMMIE R. LONG, JR. REVOCABLE TRUST AGREEMENT, TO: COUNTY OF YORK, PROJECT: QUEENS LAKE SEWER PROJECT,” dated July 25, 2011, and last revised November 2, 2011, made by Michael Surveying & Mapping, P.C., and designated as “Permanent Utility Easement Hereby Conveyed to York County, 2,905 S.F.” Estimated Value \$4,531.00.

BE IT FURTHER RESOLVED that the Chairman of the Board of Supervisors, and the County Treasurer are hereby authorized and directed, for and on behalf of the County, to execute a certificate of deposit to be recorded in the Office of the Clerk of the Circuit Court for York County, certifying the amount set forth above as the estimated fair value, and damages if any, of the interests to be taken, will be paid the owners in accordance with the provisions of State law and upon order of the Court.

BE IT STILL FURTHER RESOLVED that the County Attorney be, and he is hereby, authorized, if necessary and appropriate, at any time following the date of this Resolution, to institute condemnation proceedings in the name of the County of York to acquire title to the interests in the property described above, including, if necessary, any other easements or restrictions that may affect the easements sought to be acquired, and to do all things necessary as a prerequisite thereto.

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
November 16, 2011

6:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 6:00 p.m., Wednesday, November 16, 2011, in the Board Room, York Hall, by Chairman George S. Hrichak.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Donald E. Wiggins, George S. Hrichak, and Thomas G. Shepperd, Jr.

Also in attendance were James O. McReynolds, County Administrator; J. Mark Carter, Assistant County Administrator; and James E. Barnett, County Attorney.

Invocation. Rabbi Scott Gurdin, Temple Sinai, gave the invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Hrichak led the Pledge of Allegiance

PRESENTATIONS

INTRODUCTION OF NEW MEMBERS TO YORK COUNTY BOARDS AND COMMISSIONS

Chairman Hrichak introduced Mr. Denis Morhiser, newest member to the York County Stormwater Advisory Committee, and presented him with a Boards and Commissions Handbook and a York County pin.

EMPLOYEE RECOGNITION PROGRAM

Chairman Hrichak congratulated Katherine E. Mounts, Commonwealth's Attorney's Office, for her 20 years of service with the County, and presented her with her service pin and certificate.

COMMENDATION OF FORMER BOARD OF BUILDING CODE APPEALS MEMBER

Chairman Hrichak presented a bound and sealed copy of Resolution R11-110 to Wayne D. Harbin for his service on the York County Board of Building Code Appeals.

ANNUAL AUDIT REPORT

Mr. John Montoro, partner for the firm of Cherry, Bekaert, and Holland, presented the report on the findings of the County's Fiscal Year 2011 audit, and communicated the required audit comments. He stated the County received an unqualified opinion on all aspects of the audit, an unqualified opinion on the assessment of internal controls and compliance, an unqualified opinion on compliance with specifications for cities, counties, and towns, and an unqualified opinion on major federal programs of grants received. Mr. Montoro noted there was one significant change to the format of the report this year in that a new statement had reclassified the balances in the general fund balance going from three to five classifications. He encouraged the Board to read the notes that describe what the new classifications mean. He also noted that were some estimates to the numbers, so not everything was firm; but they felt there was good support for the estimates that were made. Mr. Montoro stated there were no significant audit adjustments noted during the audit.

Mr. McReynolds thanked the auditors for their efforts and for working with County staff. He then recognized Ms. Sharon Day and her staff from the Division of Budget and Financial Reporting. He noted the Certificate of Achievement for Excellence in Financial Reporting along with the Distinguished Budget Award would be presented at a later meeting.

HISTORIC TRIANGLE COLLABORATIVE

Mr. Clyde Haulman, representing the Historic Triangle Collaborative, gave a presentation on the Historic Triangle Vision Study. He stated over the years, a number of individuals and organizations had asked questions about the long-range vision for the Historic Triangle. He noted the problem had been that there had not been an effective or efficient mechanism for doing a long range vision. He stated that with the simultaneous comprehensive plans coming about this next year, the question of a long range vision had become even more important. He explained how the study project began and the criteria that were used to select the project participants. He then spoke about the components of the implied vision of the report. He stated to encourage a broader, more inclusive community conversation regarding a long-range vision for the community, the report had been sent to the Regional Issues Committee, York County Board of Supervisors, James City County Supervisors, and the Williamsburg City Council, along with the Planning Commissions of the three jurisdictions. He stated the Historic Triangle Collaborative, working with the participating organizations, had worked to arrange a joint meeting of the governing Boards of the three jurisdictions. In conclusion Mr. Haulman stated he hoped this report would provide a spring board for broad-based inclusive community conversations out of which a relevant, long-range vision for the Historic Triangle could emerge.

Chairman Hrichak stated he believed the joint meeting was already on the schedule for January 9. He then asked if any specifics had been given on the collaboration between government and business.

Mr. Haulman stated the report came from across the spectrum, and it had been noted there was a lot of collaboration currently taking place; but there was a sense from the participants that more could be done.

Chairman Hrichak noted Hampton Roads was talking about doing the same with businesses and governments.

Mrs. Noll stated apparently the Regional Issues Committee had not been not a part of this collaborative effort.

Mr. Haulman stated this study had been done with the idea that after it was completed it would be given to the Regional Issues Committee as a way to start a conversation and be a catalyst to its discussions on the long-range vision. He stated he had briefed the Regional Issues Committee, the Williamsburg City Council, and tonight the York County Board of Supervisors, along with several other presentations. He stated he hopes to do more as this moves into the simultaneous comprehensive planning process.

COLONIAL HISTORIC NATIONAL PARK

Mr. Dan Smith, Park Superintendent, gave an update on the Colonial Historic National Park and the Yorktown Windmill Project. He then briefed the Board and citizens on the next project they would be doing in conjunction with the Watermen's Museum to construct a reproduction of a tobacco press and hogs head at the Archer Cottage. He also spoke of a major African-American study of Yorktown that will be released in the spring.

CITIZENS COMMENT PERIOD

Mr. James Trimble, 313 Hodges Cove Road, addressed the Board asking for a detailed description of the impact any proposed changes or restrictions being considered this evening would

have on the citizens' property. He also asked what the fiscal impact would be to the citizens of the County. He then asked who would be the beneficiary to the lifestyle changes in York County.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett made no report at this time.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds reminded the Board and the citizens of the Board's next regular meetings to be held on December 6 and December 20.

MATTERS PRESENTED BY THE BOARD

Mrs. Noll addressed the VPPSA hazardous waste collection program, which currently includes as participants the counties of York and James City and the cities of Hampton, Poquoson, and Williamsburg, and the potential for including Newport News. She indicated staff would continue to review this issue to determine the economy of including Newport News in the VPPSA program. She then spoke regarding transportation, stating the Secretary of Transportation had announced that the state was going to do a lottery allotment of money and perform quick fixes on certain roadways by placing the funds into the maintenance. She stated the funds allocated for the Route 17 expansion were still in the program. Mrs. Noll also spoke of concerns regarding the passing of maintenance responsibilities to local government, which the County was incapable of doing and would need to be contracted out.

Mr. Zaremba stated he was pleased to see a great deal of citizen involvement over the past couple of months, and he encouraged citizens to continue to be involved, stating the Board looked forward to hearing comments on the proposed zoning amendments. Mr. Zaremba wished everyone a wonderful Thanksgiving.

Chairman Hrichak addressed comments he heard during the recent election regarding political campaign calls and if there was a way to stop them. He stated that there was an organization called stoppoliticalcalls.org, which would securely take an individual's information and send it to all the political parties, campaigns, collection committees, and other organizations to ensure that they were no longer contacted. Mr. Hrichak next addressed the possibility of funding a Veteran's Service Officer in partnership with other local jurisdictions as is currently done in other areas of the state. He noted that currently there was no other organization other than the Veterans Administration to advise the 52,000 veterans living on the Peninsula.

Meeting Recessed. At 6:56 p.m., Chairman Hrichak declared a short recess.

Meeting Reconvened. At 7:07 p.m., the meeting was reconvened in open session by order of the Chair.

NEW BUSINESS

CARR'S HILL WATER AGREEMENT

Mr. Hudgins made a presentation on proposed Resolution R11-122 to authorize the execution of a water agreement with the City of Newport News and the Colonial Williamsburg Foundation to extend a water supply line from Hubbards Lane to the Colonial Williamsburg Foundation property near Carr's Hill Road.

Discussion followed regarding the areas the extension would serve.

Mr. Shepperd then moved the adoption of proposed Resolution R11-122 that reads:

A RESOLUTION THAT DIRECTS THE COUNTY ADMINISTRATOR TO EXECUTE A WATER AGREEMENT WITH THE CITY OF NEWPORT NEWS AND THE COLONIAL WILLIAMSBURG FOUNDATION TO EXTEND A WATER SUPPLY LINE FROM HUBBARDS LANE TO THE COLONIAL WILLIAMSBURG FOUNDATION PROPERTY NEAR CARRS HILL ROAD

WHEREAS, the County of York has previously partnered with the City of Newport News and has funded a capital project with the City to construct a water extension from Hubbard's Lane to the Lightfoot Area via Moorestown Road; and

WHEREAS, an Agreement has been proposed with Colonial Williamsburg Foundation (CWF) by which CWF will provide the preliminary design drawings in their possession to the City for a extension of the proposed water line to property owned by CWF and located near Carr's Hill Road, and to provide up to \$125,000 to complete the design of that extension; and

WHEREAS, York County will fund and obtain all necessary easements and fund fifty per cent (50%) of the construction costs administered by the City to complete the water extension to the CWF property near Carr's Hill Road as a part of the project to extend water from Hubbard's lane to the Lightfoot area, such costs to the City and the County to be partially offset by the contribution of CWF; and

WHEREAS, this agreement involves almost 50% of the Lightfoot extension and saves York County design costs estimated at \$100,000

NOW, THEREFORE, BE IT RESOLVED that the County Administrator execute the three party water line extension agreement from Hubbard's Lane to Carr's Hill Road

BE IT STILL FURTHER RESOLVED that sufficient funds are available in the Lightfoot Extension capital improvement project to fund York County's portion of this water extension project.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Shepperd, Hrichak
Nay: (0)

APPLICATION NO. UP-799-11, PAT BLOCK

Mr. Carter gave a presentation on proposed Resolution R11-126 to approve a minor amendment to a previously approved special use permit by extending the four-year term of authorization for a non-resident employee in connection with an existing home occupation with on-premises customer/client contact located at 102 Kay Circle.

Chairman Hrichak asked if there was any cost to the applicant for this application.

Mr. Carter stated there had been no cost to the applicant.

Chairman Hrichak stated the applicant had been operating a small home business in the County since 2007 with no complaints by any of the neighbors. He stated that since she pays taxes and as there have been no complaints, he would recommend that the non-resident employee authorization be extended to at least 10 years.

Mrs. Noll expressed her agreement with Chairman Hrichak to extend the term to 10 years.

Mr. Shepperd then moved the adoption of proposed Resolution R11-126(R) that reads:

A RESOLUTION TO APPROVE A MINOR AMENDMENT TO A PREVIOUSLY APPROVED SPECIAL USE PERMIT BY EXTENDING THE FOUR-YEAR TERM OF AUTHORIZATION FOR A NON-RESIDENT EMPLOYEE IN CONNECTION WITH AN EXISTING HOME OCCUPATION WITH ON-PREMISES CUSTOMER/CLIENT CONTACT LOCATED AT 102 KAY CIRCLE

WHEREAS, on December 18, 2007, the York County Board of Supervisors approved Application No. UP-731-07 to authorize nutritional counseling as a home occupation with on-premises customer/client contact and one non-resident employee on a 0.89-acre parcel of land located at 102 Kay Circle (Route 1538) and further identified as Assessor's Parcel No. 30-17-2-34 (GPIN U04c-1421-2157), subject to conditions set forth in Resolution R07-157; and

WHEREAS, the above-referenced conditions of approval specify that the authorization of a non-resident employee shall expire four (4) years from the date of approval of the application; and

WHEREAS, pursuant to Section 283(e)(3) of the Zoning Ordinance, a request for an extension of the non-resident employee term shall be processed as a minor amendment that requires only review and authorization by Board resolution, provided that the request is accompanied by written statements from the owners of each of the properties abutting the subject property indicating that they have no objection to continuation of the non-resident employee authorization; and

WHEREAS, the operator of the home occupation, Patricia J. W. Block, has requested that the term be extended for at least an additional four (4) years and has submitted the required letters from each owner of property adjacent to the site of the approved home occupation;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 16th day of November, 2011, that Application No. UP-799-11 be, and it is hereby, approved to amend the conditions of approval set forth in Resolution R07-157 by extending to December 18, 2021, the term of authorization for one non-resident employee in connection with a legally conforming home occupation with on-premises customer/client contact on a 0.89-acre parcel located at 102 Kay Circle (Route 1538) and further identified as Assessor's Parcel No. 30-17-2-34 (GPIN U04c-1421-2157).

BE IT FURTHER RESOLVED that the remaining conditions of approval set forth in Resolution R07-157 shall remain in full force and effect.

BE IT STILL FURTHER RESOLVED that in accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of this resolution shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Shepperd, Zaremba, Hrichak
Nay: (0)

PUBLIC HEARINGS

APPLICATION NO. UP-797-11, WATER COUNTRY USA

Mr. Carter made a presentation on proposed Resolution R11-132 to request a major amendment to a previously approved Special Use Permit (UP-506-96), pursuant to Section 24.1-115(d)(3) of the Zoning Ordinance, to authorize expansion of an existing theme park on property located at 176 Water Country Parkway (private road). The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval 6:0, and staff recommended approval of the application.

A brief discussion ensued regarding Water Country's guest attendance and revenue generation for the County.

Chairman Hrichak then called to order a public hearing on proposed Resolution R11-132 that was duly advertised as required by law:

A RESOLUTION TO APPROVE A MAJOR AMENDMENT TO A PREVIOUSLY APPROVED SPECIAL USE PERMIT TO AUTHORIZE THE EXPANSION OF A THEME PARK (WATER COUNTRY USA) LOCATED AT 176 WATER COUNTRY PARKWAY

There being no one present who wished to speak concerning the subject resolution, Chairman Hrichak closed the public hearing.

Mrs. Noll then moved the adoption of proposed Resolution R11-132 that reads:

A RESOLUTION TO APPROVE A MAJOR AMENDMENT TO A PREVIOUSLY APPROVED SPECIAL USE PERMIT TO AUTHORIZE THE EXPANSION OF A THEME PARK (WATER COUNTRY USA) LOCATED AT 176 WATER COUNTRY PARKWAY

WHEREAS, Sea World Parks & Entertainment, Inc., (Water Country USA) is operating the theme park (Water Country USA) located at 176 Water Country Parkway (private road), further identified as Assessor's Parcel No. 11-4-2 (GPIN I13a-0846-4200), in accordance with Board of Supervisors Resolution No. R96-201; and

WHEREAS, Sea World Parks & Entertainment, Inc., (Water Country USA) has submitted Application No. UP-797-11 requesting approval of a major amendment to a previously approved Special Use Permit, pursuant to Section 24.1-115(d)(3) of the York County Zoning Ordinance, to authorize the expansion of the theme park located on a 220.8-acre parcel of land located at 176 Water Country Parkway (private road) and further identified as Assessor's Parcel No. 11-4-2 (GPIN I13a-0846-4200); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 16th day of November, 2011, that Application No. UP-797-11 be, and it is hereby, approved to authorize the expansion of the theme park located on a 220.8-acre parcel of land located at 176 Water Country Parkway (private road) and further identified as Assessor's Parcel No. 11-4-2 (GPIN I13a-0846-4200), subject to the following conditions:

1. This Special Use Permit shall authorize the expansion of the theme park (Water Country USA) located on a 220.8-acre parcel of land located at 176 Water Country Parkway (private road) and further identified as Assessor's Parcel No. 11-4-2 (GPIN I13a-0846-4200).
2. A site plan, prepared in accordance with the provisions of Article V of the York County Zoning Ordinance, shall be submitted to and approved by the County prior to the commencement of any expansion of the subject theme park. Said site plan shall be in substantial conformance with the plans titled "Master Plan of Water Country USA, Sea World Parks & Entertainment, Inc., York County,

Virginia, and Master Plan of Water Country USA, Sea World Parks & Entertainment, Inc., York County, Virginia, Expansion Plan, both dated September 1, 2011, and received by the Planning Division on September 1, 2011, except as modified herein.

3. A one hundred foot (100') undisturbed vegetated buffer shall be preserved around the perimeter of the park as shown on the above-referenced Master Plan and shall be supplemented by additional evergreen plantings, if necessary, to achieve plantings equal to a Type 50 Transitional Buffer.
4. A one hundred foot (100') vegetated buffer shall be maintained around the lake to provide qualitative stormwater management. The Zoning Administrator may modify or reduce the buffer as follows:
 - A. The buffer may be eliminated as noted on the Master Plan referenced in condition #2 above where a future attraction requires a visual or physical connection to the lake as an integral part of that attraction; or
 - B. In all other situations, the buffer may be reduced by not more than 50% upon a demonstration that the same water quality objectives are being met through the use of other acceptable methods.
5. The minimum setback for all arenas, rides, slides, or buildings containing visitor attractions shall be one hundred fifty feet (150') from any external property boundary. All other elements of the theme park shall maintain a one hundred foot (100') setback from all external property boundaries.
6. Any attraction, structure, or facility proposed to be within one thousand feet (1000') of a property used for transient occupancy purposes shall have an individual noise analysis study prepared and submitted to the Plan Review Agent prior to site plan approval. Should such analysis determine that an average noise level exceeding forty-five decibels (45 db) is likely to be imposed on property used or approved for transient occupancy, the Zoning Administrator shall require that noise attenuation be provided to reduce the average noise level at or below forty-five decibels (45 db).
7. Development of the property shall be in compliance with the provisions of York County Code Chapter 23.1, Wetlands, Chapter 23.2, Chesapeake Bay Preservation Areas, and Chapter 23.3, Stormwater Management.
8. Development of the property shall be in compliance with the provisions of Section 24.1- 374 of the York County Zoning Ordinance, Historic Resources Management overlay district.
9. Development of the property shall be in compliance with Section 24.1-373 of the York County Zoning Ordinance – Floodplain Management Area overlay district.
10. At times when parking lots are filled to capacity and it is necessary to preclude additional guest entry to the park attractions, entering guest vehicles shall be directed to the main entry drive off of Route 199 in order to facilitate vehicle u-turns completely within the applicant's property. Persons directing traffic on behalf of the applicant shall not direct u-turns within the Route 199 right-of-way. Should such an operational plan require installation of a median break along the on-site entrance drive, construction of such break shall occur in conjunction with construction of any new attractions at the park.
11. Prior to site plan approval for Phase 3 of the development as shown on the master plan referenced in condition #2 above, the applicant shall submit a detailed traffic and parking study to the Plan Review Agent verifying adequacy of existing parking and vehicular access facilities. Additional parking and/or revised traf-

fic design shall be implemented as deemed necessary in accordance with said study.

- 12. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of this Resolution shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court and a court-certified copy of the document shall be submitted to the County prior to further development activity under existing approved site plans or at the time of future site plan approval application, whichever occurs first.

BE IT FURTHER RESOLVED that the above conditions are not severable and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

On roll call the vote was:

Yea: (5) Wiggins, Shepperd, Zaremba, Noll, Hrichak
 Nay: (0)

CABIN CREEK – NO WAKE ZONE (Continued from September 20)

Mr. Wiggins noted he had not yet had an opportunity to conduct a meeting with the Cabin Creek residents, and he asked that this matter be tabled.

Mr. Barnett stated that to avoid re-advertising costs, the procedure would be to open the public hearing and then entertain a motion to continue the public hearing to a specific date, time, and place.

Mr. McReynolds stated that given the difficulty Mr. Wiggins had encountered in scheduling a meeting with the Cabin Creek residents and with the holidays approaching, he would suggest postponing the item for 90 days or until the January 17 meeting.

Mr. Wiggins stated there was no rush to reschedule as this item deals with activities that take place mainly in the summertime.

Chairman Hrichak then called to order a public hearing proposed Resolution R11-102 that was duly advertised as required by law:

A RESOLUTION TO ENDORSE THE REQUEST OF A GROUP OF
 PROPERTY OWNERS THAT A “NO WAKE” DESIGNATION BE ES-
 TABLISHED FOR CABIN CREEK AND TO FORWARD SAID RE-
 QUEST TO THE VIRGINIA DEPARTMENT OF GAME AND INLAND
 FISHERIES FOR CONSIDERATON AND ACTION

There being no one present who wished to speak regarding the subject resolution, Chairman Hrichak closed the public hearing.

Mrs. Noll moved that the public hearing be continued to January 17 at 7:00 p.m. in York Hall.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Wiggins, Hrichak
 Nay: (0)

Mr. Carter made a presentation on Application No. ST-18-11, York County Board of Supervisors to amend various sections of the York County Subdivision Ordinance (Chapter 20.5, York County Code) and Application No. ZT-133-11 to amend various sections of the York County Zoning Ordinance (Chapter 24.1, York County Code). The Planning Commission considered Application No. ST-18-11 and forwarded it to the Board of Supervisors with a recommendation of approval and staff recommended approval of the application through the adoption of proposed Ordinance No. 11-13. Mr. Carter then reviewed the proposed zoning amendments contained in proposed Ordinance No. 11-15, and he explained the sections where the Planning Commission had made alternate recommendations. He also indicated that staff had recommended changes that the Planning Commission did not recommend, which included a listing that would indicate that home gardens, orchards, vineyards, and riparian shellfish gardening in accordance with the terms of VMRC permits for non-commercial purposes would be considered accessory uses. Staff also proposed that the listing be revised to indicate that the raising and keeping of household pets which are housed within the principal structure would be considered a permissible accessory use without any limit on numbers.

Discussion followed concerning residential accessory uses, including apartments, kennels, livestock, gardening, and parking of large vehicles. The Board and staff also discussed the misinformation the public had received regarding elimination of farming, chicken-keeping, and home gardening.

Chairman Hrichak then called to order a public hearing on Application Nos. ST-18-11 and ZT-133-11 that were duly advertised as required by law.

Proposed Ordinance No. 11-13 is entitled:

AN ORDINANCE TO APPROVE APPLICATION NO. ST-18-11 TO AMEND VARIOUS SECTIONS OF THE YORK COUNTY SUBDIVISION ORDINANCE (CHAPTER 20.5, YORK COUNTY CODE)

Proposed Ordinance No. 11-14 is entitled:

AN ORDINANCE TO APPROVE APPLICATION NO. ZT-133-11 TO AMEND VARIOUS SECTIONS OF THE YORK COUNTY ZONING ORDINANCE (CHAPTER 24.1, YORK COUNTY CODE)

Proposed Ordinance No. 11-15 is entitled:

AN ORDINANCE TO APPROVE APPLICATION NO. ZT-133-11 TO AMEND VARIOUS SECTIONS OF THE YORK COUNTY ZONING ORDINANCE (CHAPTER 24.1, YORK COUNTY CODE)

Ms. Beth Wilson, 416 Massie Lane, thanked Mr. Shepperd for coming to the meeting last week to listen to citizens input regarding the proposed zoning changes. She urged the Board to vote no to the proposed changes.

Ms. Carol Parker, 120 Carlton Drive, addressed the Board in opposition to the proposed zoning changes and the proposed filing and applications fee increases.

Ms. Beth Konopnicki, 1911 Yorktown Road, appeared before the Board as a member of the Board for the York County Waterways Alliance and read a prepared statement in opposition to the proposed zoning amendments. She urged the Board to vote against the restrictions tonight and not to table until a later date.

Ms. Carol Bartram, 102 Pageland Drive, addressed the Board regarding chicken keeping and requested it to approve the draft that was developed by the ad hoc committee including the three changes she had requested in her previous email to the Board. She also asked the Board to allow chicken keeping in R-13 districts without requiring a special use permit.

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Ms. Patricia Achten, 1203 Wilkins Drive, thanked the Board members who took the time to visit properties, correspond through emails, and for educating themselves on backyard chicken keeping. She stated R-13 neighborhoods should not be excluded from chicken keeping.

Ms. Marilee Hawkins, 117 Beecham Drive, urged the Board to endorse chicken keeping in all zoning districts without any fees or restrictions.

Ms. Beth Parziale, 164 Dennis Drive, appeared before the Board in support of chicken keeping.

Mr. Gordon Helsel, 710 Poquoson Avenue, addressed the Board asking it not to put in place ordinances that appear to violate the fundamental rights of people to use of their own property. He stated the proposed changes to the zoning ordinance might be the final blow to the already over restricted livelihood of working watermen. He urged the Board to reconsider the proposed changes to the zoning ordinance.

Mr. Joe Thornton, 600 Old Lakeside Drive, appeared before the Board in support of chicken keeping and asked the Board to allow it in R-13 and R-20 as a matter of right.

Mr. Miles Burcher, 709 Patricks Creek Road, spoke in opposition to the proposed zoning changes.

Ms. Dawn Church, 507 Mansion Road, urged the Board not to adopt the proposed zoning changes affecting agriculture uses/.

Mr. Nicholas Nunes, 112 Harbor Crescent, stated there had been some mention of defining the difference between commercial and domestic, and he felt that definition needed to be made clear and codified. He noted if the definitions were not in the code, citizens would not know by what rules they were playing. He stated the Board needed to protect all the citizens as a whole.

Mr. Joseph Wilson, 416 Massie Lane, asked the Board to vote no on any proposed changes that would restrict the rights of property owners.

Mr. Anthony Bavuso, 114 Creek Circle, addressed the Board in opposition to the proposed zoning changes.

Ms. Jamie Jordan-Nunes, 120 Harbor Crescent, appeared before the Board in opposition to the proposed zoning amendments, asking the Board to vote no and not table the item.

Ms. Teresa Brandt, 1408 Showalter Road, asked the Board to accept the recommendations of the Planning Commission and not change the current zoning regulations dealing with agriculture and aquaculture. She asked the Board to think of the fiscal impact it would have on the commercial fishermen and on future generations.

Mr. Ryan Brandt, 1408 Showalter Road, stated he is a fourth generation registered commercial fisherman, and he asked the Board to consider the full impact its decision would have on the watermen.

Mr. Ken Hammer, 203 Wharf Row, asked the Board to help the property owners to use their property as they want instead of hindering and restricting them. He stated the opinions of the community should not outweigh the rights of a property owner.

Mr. Robert Duckett, 302 Sommerville Way, Public Affairs Director for the Peninsula Housing and Builders Association, addressed the Board regarding the standards for driveways in family subdivisions, stating the standards should be equally applicable to private driveways in general. He thanked the Board for the clarifications that staff had made in response to the concerns raised at the Planning Commission meeting. He asked the Board to defer the proposed increased filing fees until the local contractors could better absorb the cost.

Ms. Brenda Pogge, 8412 Down Patrick Way, stated Senate Bill 1190 was dead and could not be resurrected unless it was re-filed, and neither she nor Senator Norment intended to re-file the

bill. She noted that she, along with the Board members, had received a letter from Senator Norment stating he would not re-file the bill. She noted she had publicly opposed the proposed zoning changes, and she asked the Board to reject all the staff recommendations that resulted in a loss of freedom to the citizens.

Mr. Noel West, 201 Pamlico Run, addressed the Board regarding chicken keeping, stating a special use permit should be required to have chickens in the R-20 zoning.

Mr. Lester Wilson, 150 Fenton Mill Road, appeared before the Board to urge it to vote no to the proposed zoning changes, and he asked that the Board not table the matter to a later date.

Mr. Tim McCulloch, 118 Sandbox Lane, asked the Board to take immediate action to protect the citizens' right to have a say in what happens in their neighborhoods. He urged the Board to adopt the amendments immediately.

Ms. Gwyn Williams, 219 Olde Pond Lane, addressed the Board asking them to vote no to the proposed zoning amendments.

Mr. Stephen Roane, 307 Fielding Lewis Drive, appeared before the Board in opposition to the proposed changes that would have a negative effect on the individual rights of the citizens.

Ms. Stephanie Smith, 106 Forest Lane, asked the Board to vote no to the proposed zoning changes and not table the matter until a later date.

Ms. Diane Bennett, PO Box 151, Middlesex County, addressed the Board in opposition to aquaculture in residential settings.

Mr. Frank Barger, 302 Honeysuckle Lane, urged the Board to vote no to the proposed zoning changes.

Mr. Robert S. Carlon, Jr., 1816 Calthrop Neck Road, appeared before the Board in opposition to the zoning amendments.

Mr. Dan Morris, 833 Railway Road, addressed the Board in opposition to the proposed zoning changes, and he asked it not to take away the rights of property owners.

Mr. Robert Bruce Alexander, 615 Carys Chapel Road, appeared before the Board in opposition to the proposed amendments to the zoning ordinance.

Mr. Norman P. Pulliam, 108 Anchor Lane, urged the Board to vote no to the proposed zoning changes.

Mr. Michael Holcomb, 168 Skimino Road, addressed the Board opposing the proposed zoning changes, asking that future residents be allowed to have farms.

Meeting Recessed. At 9:55 p.m., Chairman Hrichak declared a short recess.

Meeting Reconvened. At 10:11 p.m., the meeting was reconvened in open session by order of the Chair.

Ms. Gail Keller, 418 Shirley Road, asked the Board to put changes or adjustments to the current proposed changes on the website for citizens to have an opportunity to see the changes before they go back to the Board for a vote.

Mr. Jeff White, 131B Landing Road, asked the Board to consider what the citizens want as a majority, and he urged it to approve the recommendations of the Planning Commission.

Mr. David Ware, 106 Colonna Point, spoke in opposition to the proposed zoning amendments.

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Mr. Martin Cardwell, 140 Breezy Point Drive, addressed the Board in opposition to the proposed zoning amendments.

Ms. Lina Kilmer, 311 Ballard Street #8C, appeared in opposition to the proposed zoning changes.

Mr. Joe Hutchko, 3612 Hampton Highway, spoke in opposition to the proposed zoning amendments.

Mr. Chuck McGee, 101 Combs Loop, urged the Board to vote against the proposed zoning amendments.

Mr. Ken Smith, 92 Teal Way, Heathsville, President of the Virginia Watermen's Association, addressed the Board representing the watermen of York County and asked that the Board not pass the proposed amendments to further restrict the rights of the watermen.

Mr. Michael Davenport, 103 Todd Court, spoke in opposition to the zoning changes and asked the Board to vote no on the application.

Ms. Poppet Nelson, 220 Church Street, addressed the Board in opposition to the proposed changes to the zoning ordinance.

Ms. Jocelyn G. Roberts, 107 Forrest Lane, appeared before the Board and asked that it vote no to the zoning proposals.

Mr. Robert Baldwin, 111 Susan Newton Lane, addressed the Board in opposition to the proposed zoning recommendations proposed, stating he felt they were overly restrictive.

Ms. Sandra Dean, 201 Terrebonne Road, appeared before the Board in opposition to the proposed zoning changes.

Ms. Margo Bavuso, 104 Nobles Landing Road, spoke in support of aquaculture and urged the Board to vote no to the zoning changes.

Ms. Sue Sadler, 9929 Mountain Berry Court, Toano, addressed the Board in opposition to the zoning changes.

Mr. Keith Sadler, 9929 Mountain Berry Court, Toano, spoke in opposition to the zoning changes.

Mr. Greg Garrett, 122 Sandbox Lane, addressed the Board in opposition to the zoning amendments.

Mr. Andrew Rammell, 341 Brunell, Hampton, appeared before the Board to speak against the zoning changes.

Ms. Landra Skelly, 6572 Wiltshire Road, addressed the Board asking it to vote no to the proposed zoning changes.

Mr. Les Skelly, 6572 Wiltshire Road, urged to Board to vote no to the proposed zoning changes.

Ms. Mary Leedom, 611 Wildey Road, appeared before the Board in opposition to the zoning changes asking them to vote no and not table the issue.

Ms. Lynda Fairman, 111Galaxy Way, urged the Board to vote against the restrictive changes.

Mr. Gregory A. Grose, Sr., 113 Creek Circle, addressed the Board in opposition to the zoning changes.

Ms. Darci Tucker, 218 Skimino Road, spoke in opposition to the proposed zoning changes.

Mr. Robert Lehman, 309 Anchor Drive, addressed the Board in opposition to the proposed zoning changes.

Mr. Howard H. Barton, Jr., 109 Sandalwood Lane, asked the Board to complete its decision this evening and vote no to the proposed zoning changes.

Mr. Richard Hixson, 800 Dandy Loop Road, appeared before the Board to speak in support of chicken keeping.

Mr. Donald Streater, 108 Paspheghe Run, encouraged the Board to vote no to the proposed zoning amendments.

Mr. Bill Walker, 202 York-Warwick Drive, addressed the Board in favor of backyard chicken keeping and urged the Board to vote no to the other zoning ordinance changes.

Mr. Matt McQuillen, 1803 Dandy Loop Road, urged the Board not to table but vote against the proposed changes.

Mr. Wade Garnett, 205 Shirley Road, urged the Board to vote no to the proposed zoning changes and not table the item until a later date.

Mr. Robert Guhl, 4102 Route 17, urged the Board to listen to the people and vote no to the proposed zoning amendments.

Mr. Robert D'Eramo, 211 Ambler Street, spoke in opposition to the proposed zoning changes.

Mr. Mike Watson, 4309 Landfall Drive, James City County, addressed the Board in opposition to the proposed zoning amendments.

Ms. Robin McNamara, 323A5 Water Street, stated she was ready for the Board to vote.

There being no one else present who wished to speak concerning the subject applications, Chairman Hrichak closed the public hearing.

Mr. Shepperd then moved that the Board of Supervisors postpone indefinitely any action on the elements of Application No. ZT-133-11 dealing with the districts in which agriculture and aquaculture are permitted and the provisions allowing docking of workboats and off-loading seafood in the RC and RR Districts, and that the Board take those items up, if at all, at a later date in the event that SB 1190, or similar legislation, is introduced in the 2012 General Assembly. The motion specifically is to postpone indefinitely further consideration of the following draft ordinance amendments:

- The changes proposed to Section 24.1-283, which if adopted would delete the provisions allowing the docking of workboats and the off-loading of seafood as a home occupation by Special Use Permit in the RR and RC zones;
- The changes proposed to Section 24.1-306, the Tables of Land Uses, Category 2, Nos. 1 and 2, which if adopted would delete references to aquaculture and crop and livestock farming and agriculture as permitted uses in the RC and RR zones;
- The changes proposed to Section 24.1-321 and 322, which if adopted would clarify that the RC and RR zones are residential districts only;
- The changes proposed to Section 24.1-413, which if adopted would add new performance standards for agriculture, including a minimum lot size of 5 acres, and impose setback requirements for pens and other confinement areas for livestock.

Mr. Shepperd noted that the motion, if adopted, would mean that, absent further action of the Board:

- Aquaculture would remain a permitted principal use in the RC District;

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- Agriculture, including chicken-keeping, would remain a permitted use in the RR District;
- The recommended performance standards for chicken-keeping would not apply to the RR and RC zones where chicken-keeping would continue to be a use of right as an agricultural use; and
- Docking workboats and off-loading seafood on residential properties would remain permitted by Special Use Permit as a home occupation in the RC and RR Districts.

Mr. Shepperd expressed his uncertainty about those sections of the Zoning Ordinance he had moved to table, and said he would like them revisited. Despite the assurances the County had received from both state representatives, he did not trust that Senate Bill 1190 would not come back up again. Mr. Shepperd then proposed the Board continue the public hearing and maintain the current regulations that were in place before Senate Bill 1190. He indicated he felt meetings needed to be held to talk about the individual pieces and address the rezoning appropriately.

Mr. Wiggins expressed his feelings as to how this issue began because of someone applying for a special use permit to run an oyster business from his residence, and it grew to be a much larger issue of property rights for everyone.

Mrs. Noll noted it had been very enlightening to hear the various opinions, and she stated this issue began because local zoning rules are local, and they belong to local government. She stated when those in state government or federal government try to do something that they have no part of because they do not live here, problems arise. She noted she would like to see something worked out with regard to the special use permits where they could be lumped together twice or three times a year so the costs could be shared.

Mr. Zarembo stated in the interest of full disclosure, the motion that Mr. Shepperd had read was the product of Mr. Shepperd, the Board of Supervisors, the County Attorney, and Mr. Carter. He then commented on Senate Bill 1190, stating he had been communicating over the past couple of days with Ms. Pogge who had been insistent that the Board delay the decision on the subject matter for tonight. He spoke of a letter he had received from Senator Norment dated November 15 stating that Senate Bill 1190 was dead. He stated it was his opinion this issue would not be before the Board this evening if there had not been Senate Bill 1190, and the intent of Mr. Shepperd's motion was to put things back to where they were before SB 1190. Mr. Zarembo indicated he thought the citizens had educated the Board in terms of their concerns, demands, and rights, and the Board was attempting to do what was in the best interest of the citizens of York County.

Chairman Hrichak stated he, like Mr. Shepperd, did not believe that Senate Bill 1190 was dead. He felt either it or its successor would come back; and as York County has 143 miles of coast line, it was a major concern of the Board. He noted Senator Norment's letter had said this was a land use issue, and the Board takes this seriously. He expressed his support for Mr. Shepperd's motion.

Mr. Shepperd stated although he had said postpone indefinitely, he did not want this matter just hanging out. He asked Mr. Barnett if the Board could postpone until the second meeting in March and if that would cover the General Assembly session.

Mr. Barnett stated the regular session of the General Assembly should end on or about March 3, and he would assume that by March 20 it may or may not have finished all of its business; but the regular session should have been finished. He stated if this issue was still up in the air in Richmond on March 20 the Board could again continue the matter to a later date.

Mr. Shepperd stated his recommendation on the motion to postpone that it would be postponed until the second meeting in March, on March 20. He stated because the motion was rather long and complicated, he wanted to reiterate that basically the Board was saying aquaculture is a principal permitted use in the RC district, agriculture including chicken-keeping

was being reset back to what it was before Senate Bill 1190. The watermen could still operate under and apply under the special use permits they have had for decades to hook up their boats off load their seafood. Mr. Shepperd amended his motion to postpone until March 20 those portions of the application he had removed for reasons previously cited.

Chairman Hrichak then called for a roll call on Mr. Shepperd's motion to postpone the cited portions of the application until March 20, 2012.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Shepperd, Zaremba, Hrichak
Nay: (0)

Mr. Shepperd stated the subsequent part of the motion dealt with the bulk of the details that the Board had discussed with respect to the remainder of the proposed elements of Application ZT 311-11 which would be to consider proposed Ordinance No. 11-15(R).

Chairman Hrichak then briefly reviewed each of the proposals of the Planning Commission; and after questions and staff input, the Board reached consensus on the proposed changes contained in proposed Ordinance No. 11-15(R).

Mr. Shepperd then moved the adoption of proposed Ordinance No. 11-15(R) that reads:

AN ORDINANCE TO APPROVE CERTAIN ELEMENTS OF THE PROPOSALS IN APPLICATION NO. ZT-133-11 TO AMEND VARIOUS SECTIONS OF THE YORK COUNTY ZONING ORDINANCE (CHAPTER 24.1, YORK COUNTY CODE)

WHEREAS, Application No. ZT-133-11 has been sponsored by the Board of Supervisors to allow consideration of amendments necessary to keep the Zoning Ordinance current with respect to State Code requirements and to address various other issues identified for consideration by the Board; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application and has recommended approval of the proposed amendments; and

WHEREAS, the Board has conducted a duly advertised public hearing and has carefully considered the public comments and the recommendations of the Planning Commission and the staff with respect to this application;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 16th day of November, 2011, that Application No. ZT-133-11 be, and it is hereby, approved to amend the York County Zoning Ordinance (Chapter 24.1, York County Code) to read and provide as follows:

Chapter 24.1 – Zoning

General – Correct and replace outdated references to former Title 15.1 of the Code of Virginia; new references: title 15.2.

Sec. 24.1-104. Definitions.

Agriculture. The use of land for a bona fide agricultural operation involving the production for sale (but not the processing) of plants, animals, and agricultural products useful to man and including tilling of the soil, the raising of crops, horticulture, the keeping of agricultural ani-

mals and fowl, dairy and poultry operations, or any other similar and customary agricultural activity, but not aquaculture, and including the customary accessory uses which are normally associated with agricultural activities. Fruit, vegetables, eggs and honey are deemed agricultural products only prior to processing of any kind other than washing.

Aquaculture. The propagation, rearing, enhancement, and harvest of aquatic organisms (including but not limited to shellfish) in controlled or selected environments, conducted in marine, estuarine, brackish, or fresh water.

Aquaculture facility. Any land, structure, or other appurtenance that is used for aquaculture, including any laboratory, hatchery, pond, raceway, pen, cage, incubator, or other equipment used in aquaculture.

Convent/Monastery. A facility housing a group of individuals devoted to a religious life and existence, such as a group of monks, friars, or nuns, and in which the inhabitants live in a communal manner as a single residential unit with various shared facilities such as, but not necessarily limited to, cooking and meal preparation.

Household pet. Animals that are typically and customarily kept for company or pleasure in the house or yard including: domesticated rabbits; hamsters; ferrets; gerbils; guinea pigs; Vietnamese potbellied pigs; pet mice and pet rats; turtles; fish; dogs; cats; birds such as canaries, parakeets, doves and parrots; non-poisonous spiders; chameleons and similar lizards; and non-poisonous snakes. Agricultural animals, game and wild species or hybrids thereof, poisonous snakes, or animals regulated under federal law as research animals shall not be considered as household pets.

Livestock. Includes all domestic or domesticated animals that are typically characterized as farm animals including without limitation horses, ponies, bison (American buffalo), cattle, sheep, goats, alpacas, llamas, poultry, or other similar animals specifically raised for food or fiber, except household pets. Vietnamese potbellied pigs (*sus scrofa vittatus*) which are kept as household pets are excluded from this definition.

Sec. 24.1-109. Administration, enforcement, and penalties.

(c) *Penalties.* Violating, causing, or permitting the violation of, or otherwise disregarding any of the provisions of this chapter by any person, firm or corporation, whether as principal, agent, owner, lessee, employee or other similar position shall be unlawful and is subject to the following:

(3) *Civil fines:*

- a. Any person summoned or issued a ticket for a violation of this chapter listed in subsection (b) below may make an appearance in person or in writing by mail to the county treasurer prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability and pay the civil penalty established in this section for the offense charged, in lieu of criminal sanctions. Such persons shall be informed of

their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court. If a person charged with scheduled violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided by law.

- b. A civil penalty is hereby established for a violation of any offense listed below in the amount of two hundred dollars (\$200.00) for any one (1) violation for the initial summons and five hundred (\$500.00) for each additional summons:
1. Constructing, placing, erecting, installing, maintaining, operating, or establishing an accessory structure or use in violation of section 24.1-270 et seq.
 2. Constructing, placing, erecting or displaying a sign in violation of section 24.1-700 et seq.
 3. Erecting, altering, or changing use or occupancy of any building, structure, or premises without first obtaining a zoning certificate or certificate of zoning compliance in violation of section 24.1-107.
 4. Failure to perpetuate and maintain all landscaping, screening, and fencing materials required by this chapter in violation of section 24.1-242.
 5. Operating, conducting or maintaining a home occupation in violation of Article II – Division 8, Home Occupations.
 6. Failure to observe the requirements for keeping sight triangles, as described in section 24.1-220(b), free of obstructions.
- c. Each day during which a violation is found to exist shall be a separate offense. However, in no event shall specified violations arising from the same set of operative facts be charged more frequently than once in a ten (10) day period and in no event shall a series of such violations result in civil penalties which exceed a total of more than five thousand dollars (\$5,000.00). When such civil penalties total \$5,000 or more, the violation may be prosecuted as a criminal misdemeanor.
- d. The above provisions notwithstanding, civil penalties shall not accrue or be assessed during the pendency of the 30-day appeal period allowable pursuant to the terms of Section 24.1-903. b.
- e. No provisions herein shall be construed to allow the imposition of civil penalties for:
1. enforcement of the Uniform Statewide Building Code;
 2. activities related to land development;
 3. violations of the erosion and sediment control ordinance;
 4. violations relating to the posting of signs on public property or public rights-of-way; or
 5. violations resulting in injury to any person or persons.

- (b) Interpretations by the zoning administrator with respect to situations not specifically addressed by the provisions of this chapter shall be issued in writing and shall become a part of a permanent file to be maintained and available for review in the office of the zoning administrator. Such interpretations shall describe the rationale for the decision and shall include citations of the specific policies of the board of supervisors, as expressed in the adopted comprehensive plan, which support the interpretation.
- (c) Any decision, order, requirement or determination by the zoning administrator shall be rendered in writing and shall include the following statement:
- You have thirty (30) days in which to appeal this decision to the Board of Zoning Appeals, in accordance with section 15.2-2311, Code of Virginia, or this decision shall be final and unappealable. The filing fee for an appeal application is _____ (stating the amount of the fee). Information regarding the appeal application process can be obtained by contacting the Secretary of the Board of Zoning Appeals [(757)890-3532].*
- (d) Charts and diagrams included in this chapter are intended to supplement and illustrate the chapter provisions. In the event of conflict between such charts or diagrams and the text of this chapter, the text shall control.
- (e) When any applicant requesting a written order, requirement, decision, or determination from the zoning administrator, other administrative officer, or the Board of Zoning Appeals is not the owner or the agent of the real property subject to such written order, requirement, decision or determination, written notice shall be given to the owner of the property within 10 days of the receipt of such request. Such written notice shall be given by the zoning administrator or other administrative officer, or the zoning administrator may require the applicant to give the notice and to provide satisfactory evidence of having done so. Written notice mailed to the owner at the last known address of the owner as shown on the current real estate tax assessment records shall be deemed to satisfy the notice requirement.

Section 24.1-114. Conditional zoning.

- (g) *Petition for review of decision.* Any zoning applicant or any other person who is aggrieved by a decision of the zoning administrator pursuant to the provisions of section 24.1-114(f) herein may petition the board for the review of such decision. Any such appeal shall occur within thirty (30) days of the action complained of and shall be instituted by filing with the zoning administrator a notice of appeal fully specifying the grounds therefor.

The zoning administrator shall forthwith transmit to the board all of the papers constituting the record upon which the decision appealed from was taken, and the board shall proceed to hear the appeal at its next regularly scheduled meeting.

An appeal shall stay all proceedings and furtherance of the action appealed from unless the zoning administrator certifies to the governing body after the notice of appeal has been filed with the zoning administrator that by reason of the fact stated in the certificate a stay will cause imminent peril to life or property. In such case the proceeding shall not be stayed otherwise than by a restraining order which may be granted by the governing body or by a court of record on application or notice to the zoning administrator and on due cause shown.

A decision by the board of supervisors on an appeal taken pursuant to this section shall be binding upon the owner of the property which is the subject of such appeal

only if the owner of such property has been provided written notice of the zoning violation, written determination, or other appealable decision.

Sec. 24.1-261. Public service facility standards.

- (b) *Emergency services.* The following design standards are intended to ensure that emergency services can be delivered effectively and efficiently should the need arise:
- (1) All buildings, and all portions thereof, on a site shall be readily accessible to emergency vehicles and apparatus. Where two or more principal buildings are proposed on the same parcel, the distance between any two such buildings shall be sufficient to ensure convenient emergency access and to comply with all applicable fire separation standards prescribed by the Uniform Virginia Statewide Building Code. Circulation routes, driveways, parking lot aisles and other vehicular circulation areas shall be designed and arranged so as to provide for convenient access and operation of emergency services apparatus. Permanent obstruction or closing of existing access routes shall require specific approval of the fire chief prior to being authorized.
 - (2) Any single-family detached residential structure constructed after the date of adoption of this subsection and located more than 150 feet from the edge of pavement of a public street or highway shall be subject to the following emergency access and site design standards:
 - a. The structure shall be served by an access drive not less than twelve feet (12') in width and capable of supporting fire and rescue vehicles and apparatus. Such driveway shall be bordered by two-foot (2') wide compacted shoulders. Such shoulders need not be constructed of the same material as the driveway but shall be sufficient to ensure the stability of the driveway when it is traversed by fire and rescue apparatus and vehicles.
 - b. The access drive shall be an all-weather surface (concrete, asphalt, gravel, or other approved material) capable of supporting the weight of large fire and rescue apparatus up to 80,000 pounds (gvw).
 - c. The access drive shall be maintained with an unobstructed horizontal clearance of sixteen feet (16') and unobstructed vertical clearance of thirteen feet six inches (13'6").
 - d. The access drive shall extend to at least the front of the building or one side (as determined by the Department of Fire and Life Safety). On properties where the structure has a floor area in excess of 4,500 square feet or where the height of the ridgeline or highest part of the roof exceeds thirty-five feet (35') the access drive shall include an apparatus parking/operations area pad at least twenty feet (20') in width. The exact location and length shall be determined during the site layout plan review process. Turnarounds of a size and configuration necessary to accommodate the apparatus likely to respond to an incident, as determined by the Department of Fire and Life Safety, shall be required where the access drive exceeds two hundred feet (200') in length and may also be required for shorter access drives based on the site layout plan review and any unique site characteristics.
 - e. When the structure has a floor area in excess of 4,500 square feet or where the height of the ridgeline or highest part of the roof exceeds

thirty-five feet, the site shall be designed such that the entire perimeter of the structure shall be within 150' of the access drive.

- f. Where fire hydrants are installed along access drives, turnouts shall be installed at each hydrant location. Turnouts shall be forty feet (40') in length (twenty feet (20') on either side of the hydrant) and the combined width of the driveway and turnout shall be a minimum of twenty feet (20').
- g. The intersection of the access drive and the public street to which it connects shall be designed with a minimum turning radius of thirty-three feet (33') (taking into consideration the entire width of the roadway) unless otherwise approved by the Department of Fire and Life Safety.

Building plans and a site layout plan (both to scale) shall be submitted for review and approval by the Department of Fire and Life Safety to ensure appropriate accessibility around the structure for firefighting/rescue operations by fire and rescue personnel and apparatus and vehicles where appropriate. The site layout plan shall include a cross-section and description of construction materials and methods for the proposed driveway.

- (3) An adequate water supply for firefighting must be ensured through compliance with the provisions of the county's water construction standards.

Sec. 24.1-271. Accessory uses permitted in conjunction with residential uses.

The following accessory uses shall be permitted in conjunction with residential uses. No accessory use, activity or structure, except fences, shall be constructed or conducted until the principal use of the lot has commenced, or the construction of the principal building/structure has commenced and is thereafter diligently and continuously pursued to completion. Land uses not listed in this section and not deemed similar to a listed use pursuant to subsection (q) shall be deemed not allowed as residential accessory uses:

- (a) Antenna structures including guy wires for radio, television, and other noncommercial communication purposes subject to the following provisions:
 - (1) All locational standards and setbacks applicable to accessory structures shall be observed. Guy wires shall not be permitted in the front setback areas.
 - (2) Antennas in excess of the height requirements specified in division 3 of this article shall be permitted only by the board after conducting a duly advertised public hearing. The measurement of height shall include both the antenna, any ancillary antennae, and any support structure.
 - (3) The above provisions notwithstanding, dish antennas shall be subject to the following standards:
 - a. Dish antennae shall not exceed twelve feet (12') in diameter and fifteen feet (15') in height.
 - b. In residential districts, dish antennae larger than twenty-four inches (24") in diameter shall be permitted in rear yards only. No part of a dish antenna shall be closer than five feet (5') to any lot line. Dish antennae larger than twenty-four inches (24") in diameter shall not be permitted on the roofs of residential structures or structures accessory thereto.
 - c. All dish antennae and the construction and installation thereof shall conform with applicable requirements of the Uniform Statewide Building Code. No dish antenna may be installed on a portable or movable base.

- d. The above dimensional and location standards notwithstanding, where the zoning administrator determines that a usable satellite signal cannot be obtained by locating or sizing a dish antenna in accordance with such criteria, application may be made to the board, in accordance with the procedures established in article I, for authorization, by use permit, of an alternative placement or size in order to provide for the reception of a usable signal. In its consideration of such applications, the board may impose such conditions as it deems necessary to protect the public health, safety and general welfare and to protect the character of surrounding properties.
- (aa) Accessory apartments, subject to the district location and supplementary requirements set forth in Section No. 24.1-306, Table of Land Uses, and Section No. 24.1-407, Standards for Accessory Apartments, respectively, of this chapter.
- (b) Barns or other structures that are customarily incidental to a legally established and permitted agricultural use or when used in conjunction with horsekeeping as permitted in the residential districts.
- (c) Carports, garages, utility sheds, and similar storage facilities customarily associated with residential living. Movable storage boxes, also known as portable on-demand storage units, may be placed temporarily on a residential property for loading or unloading. Such units shall not be placed in a front yard area, except on a driveway and at least twenty (20) feet from the front property line. When placed in a side or rear yard, the boxes shall be located at least five (5) feet from any property line. For the purposes of this section, temporary placement shall mean no more than sixteen (16) consecutive days at a time, and with at least one (1) year between successive placements. Not more than one (1) unit shall be placed on a residential property at a time and if multiple units are used for sequential loading or unloading, the sixteen (16) day limit shall apply to all cumulatively.
- The above restrictions notwithstanding, when the principal structure on the property has been made uninhabitable as a result of a natural disaster for which a local state of emergency declaration has been issued or a fire or other damaging event beyond the control of the owner, one or more movable storage boxes may be used for on-site storage purposes exceeding sixteen (16) days while the principal building is undergoing reconstruction/repair. The authorization for such use shall be dependent on issuance of a building permit for the reconstruction/repair of the principal residence and shall expire upon issuance of a Certificate of Occupancy for the principal structure or twelve (12) months from the date of the event that damaged the structure, whichever occurs first. For good cause shown and to recognize extenuating circumstances, the Zoning Administrator may extend the authorization for as much as an additional 12-month period or until a Certificate of Occupancy is issued, whichever occurs first.
- (d) Child's playhouses, without plumbing.
- (dd) Home gardens, orchards, vineyards, riparian shellfish gardening when in accordance with the terms of Virginia Administrative Code section 4VAC20-336 General Permit No. 3 Pertaining to Noncommercial Riparian Shellfish Growing Activities, and similar pursuits when the produce of such activities is for household consumption purposes and not for commercial marketing purposes. Nothing in this subsection shall be construed to prohibit the sharing of such produce with friends, neighbors and others in a non-commercial manner.
- (e) Raising and keeping of household pets which are housed within the principal structure.
- (f) Doghouses, pens, hutches, or similar structures or enclosures, that are not within the principal structure and which are intended for the housing and confinement of household pets. The keeping of more than four (4) canines or felines over the age of six (6) months in such a structure or enclosure shall be deemed a private kennel and shall be

permitted only in accordance with the location and supplementary requirements set forth in Section No. 24.1-306, Table of Land Uses, and Section No. 24.1-417, Standards for Private Kennels, respectively, of this chapter.

- (ff) Horsekeeping for personal but not commercial purposes, when in accordance with the Permitting and Performance Standards set forth in Section Nos. 24.1-306 and 24.1-414 of this Chapter.
- (g) Beekeeping provided no beehive is closer than fifty feet (50') to any dwelling, school or church establishment and that the owner provides a supply of water for the bees within fifty feet (50') of the hive.
- (gg) Backyard chicken-keeping for personal but not commercial purposes, when in accordance with the Permitting and Performance Standards set forth in Section Nos. 24.1-306 and 24.-414.1 of this Chapter.
- (h) Parking or storage of small cargo or utility trailers, recreational vehicles and similar equipment, including, but not limited to, boats, boat trailers, motor homes, tent trailers and horse vans, and also including commercial vehicles having a carrying capacity of 1-ton or less and used as transportation by the occupant of the dwelling to and from their place of employment, provided that the following requirements are observed:
 - (1) such vehicles or equipment may not be parked or stored in front yards except on the driveway;
 - (2) such vehicles or equipment shall not be used for living, housekeeping or business purposes when parked or stored on the lot, provided however, that when the principal structure on the property has been made uninhabitable as a result of a natural disaster for which a local state of emergency declaration has been issued or a fire or other damaging event beyond the control of the owner, motor homes and recreational vehicles may be used for temporary residential occupancy during the time of reconstruction/repair of the principal dwelling. The authorization for such temporary occupancy shall be dependent on issuance of a building permit for the reconstruction/repair of the principal residence and shall expire upon issuance of a Certificate of Occupancy for the principal structure or twelve (12) months from the date of the event that damaged the structure, whichever occurs first. For good cause shown and to recognize extenuating circumstances, the Zoning Administrator may extend the authorization for as much as an additional 12-month period or until a Certificate of Occupancy is issued, whichever occurs first.
 - (3) wheels or other transporting devices shall not be removed except for necessary repairs or seasonal storage.

The provisions of this subsection shall not be deemed to authorize take-off or landing operations from residential properties for aircraft of any type, including special light-sport aircraft, experimental light-sport aircraft, or ultra-light aircraft, as defined by the Federal Aviation Administration (FAA).

- (hh) Home occupations in accordance with the terms and requirements set forth in Division 8 of this Article.

Sec. 24.1-272. Accessory uses permitted in conjunction with commercial and industrial uses.

The following accessory uses shall be permitted in conjunction with commercial and industrial uses. No accessory use, activity, or structure, except fences, shall be constructed until the principal use of the lot has commenced, or the construction of the principal building/structure has commenced and is thereafter diligently and continuously pursued to completion. Land uses not listed in this section and not deemed similar to a listed use pursuant to subsection (l) shall be deemed not allowed as commercial or industrial accessory uses:

a) Single-Family, Detached	P	P	P	P									
b) Single-Family, Attached • Duplex	S	S	S	S									
3. Apartment Accessory to Single-Family Detached	(1)	(1)	(1)	(1)									
4. Manufactured Home Park					S								
5. Boarding House		S			S								
6. Tourist Home, Bed and Breakfast	S	S	S	S	S		P	P					
7. Group Home (for more than 8 occupants)		S	S	S	S								
8. Transitional Home		S	S	S	S								
9. Senior Housing – Independent Living Facility						S							
(a) detached or attached units w/individual outside entrances						S							
(b) multi-unit structures w/internal entrances						S	S	S					
(c) multi-unit structure w/ internal or external entrances to individual units when established in an adapted structure formerly used as hotel or motel.							S	S		S			

(1) Refer to Section 24.1-407 for accessory apartment location and performance standards

USES	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG
	CATEGORY 2 - AGRICULTURE, ANIMAL KEEPING, AND RELATED USES												
1. Aquaculture	P									P		P	P
2. Agriculture	P	P										P	P
3. Horsekeeping in Conjunction with Residential Use	P	P	S	S		S	S	S	S			S	S
4. Plant Nursery or Greenhouse									P		P	P	
a) Wholesale Only	P	P							P		P	P	
b) Retail Sales with or without wholesale sales	S	S						P	P		P	P	
c) Retail or Wholesale with accessory landscape contracting storage & equipment	S	S							S		P	P	P
5. Private Kennel accessory to a residence	P	P	S	S					S			S	
6. Backyard chicken-keeping accessory to a single-family detached dwelling	P	P	P	P					P				
7. Animal Hospital, Vet Clinic, Commercial Kennel													
a) Without Outside Runs	S	S				S		S	P		P	P	P
b) With Outside Runs	S	S						S			S	P	P
8. Commercial Stables		S										S	S
9. Commercial Orchard or Vineyard	P	P	S	S					S		P	P	P
10. Forestry	P	P	S	S	S	S	S	S	S	S	S	S	S
11. Farmer's Market	S						P		P		P	P	P

USES	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG
	CATEGORY 6 - INSTITUTIONAL USES												
1. Place of Worship including Accessory Parsonage, Parochial School, Accessory Day Care, Accessory Cemetery		P	P	P	P	P	P	P	P				
1a. Convent/Monastery		S				S		S			S		

2. Senior Housing – Congregate Care					S		S	S		S		
3. Senior Housing – Assisted Living					S		S	S		S		
4. Senior Housing – Continuing Care Retirement Community					S		S	S		S		
5. Nursing Home		S	S	S	S		S	S		S		
6. Medical Care Facility, including General Care Hospital, Trauma Center							S	P		P		
7. Emergency Care/First-Aid Centers or Clinic							P	P		P		
8. Secured Medical Facility								S				

USES	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG
	CATEGORY 14 - WHOLESALE / WAREHOUSING												
1. Wholesale Auction Establishment													
a) without outdoor storage/activity									P			P	P
b) with outdoor storage									S			P	P
2. Warehousing, Including Moving and Storage Establishment									S		S	P	P
3. Wholesale Trade Establishment (May include accessory retail sales)													
a) without outdoor storage									P		P	P	P
b) with outdoor storage									S		S	P	P
4. Seafood Receiving, Packing, Storage										P		S	P
5. Petroleum Products Bulk Storage/Retail Distribution												S	P
6. Mini-Storage Warehouses													
a. Single-story									S			P	P
b. Multi-story									S			P	P

Sec. 24.1-373. FMA-Floodplain management area overlay district.

Freeboard. A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” is required in order to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.

(e) *Special standards and requirements.*

(7) *Construction standards for properties in Zone AE.* All new construction or substantial improvement in Zone AE of the floodplain management area shall occur in accordance with the applicable floodplain construction provisions for Zone AE contained in the Virginia Uniform Statewide Building Code. The zoning administrator shall be satisfied that all applicable provisions have been complied with prior to issuing building permits or temporary or permanent certificates of occupancy.

In addition, the following standards shall apply:

- a. All new and replacement electrical equipment, and heating, ventilating, air conditioning and other service facilities be installed with a freeboard at least one and one-half feet (1½') above the base flood elevation or otherwise designed and located so as to prevent water from entering or accumulating within the system.
 - b. All electrical distribution panels be installed with a freeboard at least three feet (3') above the base flood elevation or otherwise designed and located so as to prevent inundation.
 - c. The elevation of the lowest floor of the structure, including basements, shall be constructed with a freeboard at least one and one-half feet (1½') above the base flood elevation or, in the case of non-residential structures, floodproofing to at least that level shall be required.
- (8) *Construction standards for properties in Zone VE.* All new construction or substantial improvement in Zone VE of the floodplain management area shall occur in accordance with the applicable floodplain construction provisions for Zone VE contained in the Virginia Uniform Statewide Building Code. The zoning administrator shall be satisfied that all applicable provisions have been complied with prior to issuing building permits or temporary or permanent certificates of occupancy. In addition, the following standards shall apply:
- a. All new construction or development shall be located landward of the reach of the mean high tide.
 - b. Any man-made alteration of a sand dune or any part thereof shall be prohibited.
 - c. No structure or any part thereof may be constructed on fill material of any kind.
 - d. All new and replacement electrical equipment, and heating, ventilating, air conditioning and other service facilities be installed with a freeboard at least three feet (3') above the base flood elevation or otherwise designed and located so as to prevent water from entering or accumulating within the system.
 - e. All electrical distribution panels be installed with a freeboard at least six feet (6') above the base flood elevation or otherwise located so as to prevent inundation.
 - f. The elevation of the bottom of the lowest horizontal structural member of the lowest floor of the structure, excluding pilings or columns, shall be constructed with a freeboard at least three feet (3') above the base flood elevation.

Sec. 24.1-402. Standards for open space development (cluster techniques).

- (c) *Yard, size and dimension requirements.*
 - (1) There are no lot width or area requirements.
 - (2) The above notwithstanding, any lots abutting the exterior boundary of the open space development shall be of the same size as would be required of conven-

tional development unless the abutting development shall have been developed as an open space development. In the case of any open space development receiving Preliminary Plan approval after October 20, 2009, the building setback requirement from any property line on the perimeter of the development shall be the same dimension as would be required for a conventional development unless the lot abuts another open space development or an open space area not less than forty-five feet (45') in width. A lot shall be considered to be abutting unless it is separated by an area of open space which is not less than forty-five feet (45') in width. Any open space strip used to satisfy this requirement shall remain undeveloped, except for stormwater management facilities if approved as specified below, and shall be maintained in its natural state if wooded or, if void of vegetation or undervegetated, it shall be landscaped to meet Type 25 Transitional Buffer standards, as established in section 24.1-243 of this chapter. Such open space area shall not be used to accommodate stormwater management facilities unless such stormwater management facilities are set back at least twenty five feet (25') from any property not in the open space development. Existing trees and vegetation within such setback area shall be preserved and protected and/or the area shall be landscaped to meet the planting standards of a Type 25 Transitional Buffer. With the concurrence of abutting property owners, the landscaping along all or portions of the 25-foot wide buffer strip may be eliminated or reduced in scope so as not to obscure desirable views of a BMP feature such as a pond or lake.

- (3) The minimum setback from external streets shall be that which is prescribed in the underlying zoning district.
- (4) The minimum setback from internal public streets shall be thirty feet (30') and from internal private driveways or streets the setback shall be established on the plan of development, but in no case shall it be less than ten feet (10').
- (5) The minimum distance between any two principal buildings within the open space development shall be twenty feet (20'). Side yard dimensions on each individual lot shall be a minimum of ten feet (10') in depth and rear yard dimensions shall be a minimum of twenty feet (20') in depth. Accessory building locations and setbacks shall be governed by the provisions set out in Section 24.1-273 of this Chapter.
- (6) Flag lots, if proposed, shall be subject to the limitations and dimensional standards set forth in Section 24.1-202(c) of this chapter.

Sec. 24.1-411. Standards for Senior Housing (Housing for Older Persons)

- (n) Applications for Special Permits for senior housing projects shall be accompanied by a community impact statement which shall analyze in specific terms the probable impact of the project on the community over time. The assessment shall include, but not be limited to, reports on population projections, public services and facilities demands and impacts, and environmental, fiscal and economic impacts.
- (o) In the case of proposals involving the adaptive re-use of a structure and property formerly used as a hotel or motel, the applicant may propose, and the Board may approve, adjustments in the normally applicable site design requirements such as, but not necessarily limited to, building setbacks, landscape areas, and buffers when such adjustments will allow existing site features and elements to remain and to be incorporated into the new development in an appropriate and acceptable manner, as determined by the Board.

Sec. 24.1-414. Standards for horsekeeping and commercial stables.

- (a) The minimum area of any parcel proposed for the keeping of horses, whether accessory to a residential use or as a commercial stable, shall be two (2) usable acres. In determining usable acreage, the area occupied by any residential structures, the area of required front or side yards, and any areas unsuitable for keeping of horses by reason of topography, drainage conditions, or the extent of tree or other vegetation cover shall not be included in the computation.

Sec. 24.1-414.1. Standards for Domestic Chicken-keeping as an Accessory Activity on Residential Property

Keeping and housing domestic chickens on residentially-zoned and occupied property in the R20, R13 and WCI Districts shall be solely for purposes of household consumption and shall be permitted only in accordance with the following terms and conditions. These provisions shall not be construed to allow the keeping of game birds, ducks, geese, pheasants, guinea fowl, or similar fowl/poultry.

- (a) Chickens allowed pursuant to this section shall be kept and raised only for domestic purposes and no commercial activity such as selling eggs or selling chickens for meat shall be allowed unless authorized as a home occupation through the issuance of a special use permit by the board of supervisors pursuant to the terms of Section 24.1-283(b) of this chapter.
- (b) The maximum number of chickens permitted on a residential lot shall be one (1) hen per 2,500 square feet of lot area, not to exceed a maximum of sixteen (16) hens.
- (c) No chickens shall be allowed on townhouse, duplex, condominium, apartment or manufactured housing park properties.
- (d) No roosters shall be allowed.
- (e) Pens, coops, or cages shall not be located in any front or side yard area.
- (f) All pens, coops, or cages shall be situated at least ten (10) feet from adjoining property lines and twenty-five (25) feet from any dwelling located on a property not owned by the applicant. Pens, coops, or cages shall not be located in a storm drainage area that would allow fecal matter to enter any storm drainage system or stream.
- (g) All chickens shall be provided with a covered, predator-proof shelter that is thoroughly ventilated, provides adequate sun and shade and protection from the elements, is designed to be easily accessed and cleaned. Such structures shall be enclosed on all sides and shall have a roof and at least one access door. Coops shall provide adequate space for free movement and a healthy environment for birds.
- (h) All pens, coops, or cages shall be kept in a neat and sanitary condition at all times, and must be cleaned on a regular basis so as to prevent odors perceptible at the property boundaries. All feed for the chickens shall be kept in a secure container or location to prevent the attraction of rodents and other animals.
- (i) No person shall store, stockpile or permit any accumulation of chicken litter and waste in any manner whatsoever that, due to odor, attraction of flies or other pests, or for any other reason diminishes the rights of adjacent property owners to enjoy reasonable use of their property. .
- (k) In the case of proposals for backyard chicken-keeping in the R20, R13 and WCI Districts, the property owner must file an application with the Division of Development and Compliance, Department of Environmental and Development Services, on such forms

as the Division provides. Such application shall be accompanied by a \$15.00 processing fee. The application shall include a sketch showing the area where the chickens will be housed and the types and size of enclosures in which the chickens shall be housed. The sketch must show all dimensions and setbacks. Upon review and determination that the proposed chicken-keeping complies with the standards set forth above, the Division of Development and Compliance shall issue a permit to document that the proposed activity has been reviewed and is authorized pursuant to the terms of this chapter. Accessory residential chicken-keeping operations shall be subject to periodic inspection to assure compliance with the performance standards established in this section.

- (l) Proposals for keeping more chickens than allowed by subsection (b) above, for observing setbacks of a lesser dimension than any of those set forth above, or for keeping roosters, may be considered and approved by Special Use Permit in accordance with all applicable procedural requirements.

DIVISION 3. COMMUNITY USES (CATEGORY 4)

Sec. 24.1-423. Standards for all community uses.

- (a) Outdoor recreational facilities such as swimming pools and tennis courts shall be not less than fifty feet (50') from any residential property line external to the development served. Such facilities shall be effectively screened from view from properties external to the development served by landscaping or appropriate fencing materials. Ancillary buildings or structures associated with such facilities shall be subject to the setback and yard requirements specified in the district in which located.
- (b) Off-street parking areas shall be provided in accordance with all applicable requirements of this chapter. Such parking areas, as well as circulation drives and paved fire lanes, shall be located not less than twenty-five feet (25') from any residential property line and shall be effectively screened from view from adjacent residential properties external to the development served by landscaping supplemented, as necessary, with appropriate masonry or wooden fencing materials. The provisions of this section do not apply to neighborhood or community recreation or assembly facilities which are approved as a part of an overall plan of development for a subdivision or planned development.
- (c) Site and building design shall be accomplished in a manner that will appropriately minimize and mitigate any noise associated with HVAC, emergency generator systems, or other mechanical equipment that would otherwise be audible on any adjacent residentially zoned property
- (d) Community uses may be established only by organizations, the charter and by-laws of which ensure that the organization shall be a cooperative established by the Virginia Real Estate Cooperative Act (section 55-425 et seq., Code of Virginia) or can achieve bona fide nonprofit status in accordance with the Internal Revenue Service guidelines.

DIVISION 4. EDUCATION USES (CATEGORY 5)

Sec. 24.1-427. Standards for all education uses.

- (a) All off-street parking and loading spaces, circulation drives, and paved fire lanes for education uses shall be located not less than twenty-five feet (25') from any residential property line and shall be effectively screened from view from adjacent residential properties by landscaping, supplemented, as necessary, by appropriate fencing materials.
- (b) Unless waived in writing by the zoning administrator at the time of application, a traffic impact study prepared in accordance with the standards established in article II of this

chapter shall be submitted with all applications for educational uses. The study shall either find that such a facility will have no excessive or adverse impact on residential streets nor will there be a demonstrable safety hazard at the site entrance(s) or it shall determine what improvements are necessary to making such a finding.

- (c) Outdoor lighting shall be sufficient to protect public safety; however, it shall be directed away from property lines and rights-of-way and shall not cast unreasonable or objectionable glare on adjacent properties and streets.
- (d) Site and building design shall be accomplished in a manner that will appropriately minimize and mitigate any noise associated with HVAC, emergency generator systems, or other mechanical equipment that would otherwise be audible on any adjacent residentially zoned property.

DIVISION 5. INSTITUTIONAL USES (CATEGORY 6)

Sec. 24.1-431. Standards for all institutional uses.

- (a) All off-street parking and loading spaces, circulation drives, and paved fire lanes for institutional uses shall be located not less than twenty-five feet (25') from any residential property line and shall be effectively screened from view from adjacent residential properties by landscaping supplemented, as necessary, by appropriate fencing materials.
- (b) Unless waived in writing by the zoning administrator at the time of application, a traffic impact study prepared in accordance with the standards established in article II of this chapter shall be submitted with all applications for institutional uses. The study shall either find that such a facility will have no excessive or adverse impact on residential streets nor will there be a demonstrable safety hazard at the site entrance(s) or it shall determine what improvements are necessary to making such a finding.
- (c) Outdoor lighting shall be sufficient to protect public safety; however, it shall be directed away from property lines and rights-of-way and shall not cast unreasonable or objectionable glare on adjacent properties and streets.
- (d) Site and building design shall be accomplished in a manner that will appropriately minimize and mitigate any noise associated with HVAC, emergency generator systems, or other mechanical equipment that would otherwise be audible on any adjacent residentially zoned property.

Sec. 24.1-432. Standards for Convents/Monasteries

- (a) The minimum area of any parcel on which such uses may be proposed shall be four (4) times the minimum lot area for the zoning district in which located or 5 acres, whichever is less.
- (b) The maximum number of resident occupants in such facility shall be established by the Board of Supervisors in consideration of the character of the site and the surrounding area, infrastructure and service delivery capacities, compatibility with existing and potential development in the area, and such other factors as the Board may deem appropriate.
- (c) The provisions of Article VI – Off-Street Parking and Loading notwithstanding, the minimum required number of parking spaces shall be established by the Board of Supervisors on a case-by-case basis in consideration of the specific characteristics and operational policies of the proposed facility, as documented in writing by the applicant.

Sec. 24.1-433. Reserved.

DIVISION 6. PUBLIC AND SEMI-PUBLIC USES (CATEGORY 7)**Sec. 24.1-434. Standards for all public and semi-public uses.**

- (a) All off-street parking and loading spaces, circulation drives, and paved fire lanes for public and semi-public uses shall be located not less than twenty-five feet (25') from any residential property line and shall be effectively screened from view from adjacent residential properties by landscaping supplemented, as necessary, by appropriate fencing materials.
- (b) Unless waived in writing by the zoning administrator at the time of application, a traffic impact study prepared in accordance with the standards established in article II of this chapter shall be submitted with all applications for public and semi-public uses. The study shall either find that such a facility will have no excessive or adverse impact on residential streets nor will there be a demonstrable safety hazard at the site entrance(s) or it shall determine what improvements are necessary to making such a finding.
- (c) Outdoor lighting shall be sufficient to protect public safety; however, it shall be directed away from property lines and rights-of-way and shall not cast unreasonable or objectionable glare on adjacent properties and streets.
- (d) Site and building design shall be accomplished in a manner that will appropriately minimize and mitigate any noise associated with HVAC, emergency generator systems, or other mechanical equipment that would otherwise be audible on any adjacent residentially zoned property.

Sec. 24.1-712. Standards for increases in sign placement, area and height.

The board may authorize, by special use permit issued in accordance with all applicable procedural requirements:

- (a) increases in sign area and sign height when unusual topography, vegetation, parcel shape, or the distance from the road right-of-way would impose substantial hardship by making a sign otherwise permitted by the terms of this chapter ineffective and unreadable from vehicles on adjoining (i.e., abutting) roadways; or
- (b) an increase in the number of allowable signs in the case of shopping centers or other large commercial uses having more than 100,000 square feet of retail floor area, and having in excess of 1,000 feet of frontage and more than one entrance drive on the same street frontage, when it is determined that distance, topography, or other factors prevent adequate and timely recognition by motorists of the available entrance points to such shopping center or commercial use.

In authorizing signs in either of the above situations, the board shall limit the area, height, and location of such signs to that which, in its opinion, is reasonably in keeping with the provisions of Article VII.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Shepperd, Hrichak
Nay: (0)

Chairman Hrichak stated in Ordinance No. 11-13, Section 20.5-57, subparagraph k following "shoreline erosion control best management practices" in the middle requirement "the obstruction of access passes" was not included, and he felt it should be added.

Mr. Carter suggested to the Board that maybe as a catch all the wording could be added to say "except disturbances that are authorized by such or such section of the Chesapeake Bay Act" to cover it.

Mr. Shepperd then moved the adoption of proposed Ordinance No. 11-13(R) that reads:

AN ORDINANCE TO APPROVE APPLICATION NO. ST-18-11 TO AMEND VARIOUS SECTIONS OF THE YORK COUNTY SUBDIVISION ORDINANCE (CHAPTER 20.5, YORK COUNTY CODE)

WHEREAS, Application No. ST-18-11 has been sponsored by the Board of Supervisors to allow consideration of amendments necessary to keep the Subdivision Ordinance current with respect to State Code requirements and to address various other issues identified for consideration by the Board; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application and has recommended approval of the proposed amendments; and

WHEREAS, the Board has conducted a duly advertised public hearing and has carefully considered the public comments and the recommendations of the Planning Commission and the staff with respect to this application;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 16th day of November, 2011, that Application No. ST-18-11 be, and it is hereby, approved to amend the York County Subdivision Ordinance (Chapter 20.5, York County Code) to read and provide as follows:

Chapter 20.5 – Subdivisions

Sec. 20.5-34. Special provisions for family subdivisions.

A single division of a lot or parcel is permitted for the purpose of sale or gift to a member of the immediate family of the property owner. For the purposes of this section, a member of the immediate family is defined as any person who is a natural or legally defined offspring, eighteen years (18) of age or older, or an emancipated minor under section 16.1-331 et seq., Code of Virginia, or parent of the owner, or the spouse or siblings of an owner having no natural or legally defined offspring. Such subdivision shall be subject to the following provisions:

- (a) Only one (1) such division shall be allowed per family member, as defined above, and shall not be made for the purpose of circumventing this chapter. Lots created under this section shall be titled in the name of the immediate family member for whom the subdivision is made for a period of no less than three (3) years following the recordation of the subdivision plat unless such lots are subject to an involuntary transfer such as foreclosure, death, judicial sale, condemnation or bankruptcy. The subdivider shall place a restrictive covenant on the subdivided property that would prohibit the further voluntary transfer of the property for a period of three (3) years, with such covenant to be approved as to form and content by the county attorney and to be recorded simultaneously with the subdivision plat.
- (b) In addition, in the case of property held in trust, the family subdivision opportunity may be used to effect a single division of a lot or parcel for the purpose of sale or gift to beneficiaries of the trust. All trust beneficiaries must
 - 1. be immediate family members, as defined above, of the originators of the trust;
 - 2. agree in writing that the property should be subdivided;
 - 3. agree to place a restrictive covenant on the subdivided property that would prohibit the further voluntary transfer of the property for a period of three (3) years,

with such covenant to be approved as to form and content by the county attorney and to be recorded simultaneously with the subdivision plat.

- (c) The minimum width, yard, and area requirements of all lots, including the remaining property from which the lot is subdivided, shall be in accordance with the applicable provisions of the zoning ordinance. Land proposed for subdivision shall be suitable for platting in accordance with section 20.5-66.
- (d) The provisions of this section shall apply only to those properties having a single-family residential zoning district classification.
- (e) For property not served with public water and public sewer, each lot shall have a primary and reserve septic system and a water source approved by the health department with evidence of such approval shown on the subdivision plat. If public water and public sewer facilities are available, as defined in this chapter, to the property proposed to be subdivided then all proposed lots shall be served by such facilities in accordance with applicable provisions of the Code.
- (f) Each lot or parcel of property shall front a public road or shall front upon a private driveway or road which is in a permanent easement of right-of-way not less than twenty feet (20') in width. Such right-of-way shall include a driveway within it consisting of, at a minimum, an all-weather surface of rock, stone or gravel, with a minimum depth of three inches (3") and a minimum width of ten feet (10'). The right-of-way shall be maintained by the adjacent property owners in a condition passable by emergency vehicles at all times. A notation to this effect shall be placed on the face of the final plat and this provision shall also be included in the deeds by which the subdivision is effected. Passable condition refers not only to the surface, but also to horizontal and vertical clearance. An erosion and sediment control plan with appropriate surety shall be submitted for approval if the proposed right-of-way and driveway construction disturbs more than two thousand five hundred (2,500) square feet.
- (g) Drainage and utility easements shall be dedicated to the county when deemed necessary by the agent to accommodate drainage and/or sanitary sewer facilities, whether for current or future needs, in accordance with applicable provisions of the county code.
- (h) For property which fronts on an existing street or streets whose rights-of-way are, in accordance with section 20.5-70(c), deficient in width, one-half ($\frac{1}{2}$) of the right-of-way width deficiency shall be dedicated by the subdivider at the time of plat recordation.
- (i) The corners of all lots created shall be marked with survey monuments as provided for in section 20.5-78.
- (j) No parcel created by family subdivision shall be further subdivided unless such division is in full compliance with all requirements of this chapter.
- (k) A final plat shall be submitted to the agent for approval as provided in section 20.5-30 of this chapter along with an affidavit describing the purposes of the subdivision and identifying the members of the immediate family receiving the lots created. Any plan submitted shall be subject to the fees set forth in section 20.5-13. All physical improvements, including, but not limited to, public water, public sewer, and all-weather access drives shall be incorporated into a subdivision agreement and appropriately guaranteed in accordance with article VII of this chapter.

Sec. 20.5-57. Submittal requirements.

The subdivider shall submit to the agent thirteen (13) copies (12 folded, 1 rolled) of the final plat on blue-line or black-line prints at a scale of one hundred feet (100') to the inch except in cases where the agent has approved an alternate scale. Where more than one (1) sheet is used, sheets shall be numbered in sequence and match-lines shall be provided and labeled. The size of any final plat shall be eighteen inches by twenty-four inches (18" x 24").

November 16, 2011

The following information for the subdivision or part thereof shall be shown on the face of the final plat:

- (h) The location of all approved private sewage disposal systems, including both primary and reserve locations, and a notation on any plat of property located in whole or in part within a Chesapeake Bay Preservation Area (CBPA) indicating that any on-site sewage treatment system on such property must be pumped out at least once every five (5) years.

- (k) The location of any resource protection area, resource management area or watershed management area including delineation of all required buffers and setbacks and including a notation indicating that required buffers, and specifically the 100-foot RPA Buffer, are to remain undisturbed and vegetated, except for such modifications as may be authorized by Section 23.2-9(d), York County Code, for reasonable sight-lines, access paths, shoreline erosion control best management practices, removal of dead or diseased trees or shrubbery, and other listed modifications. In the event the property is within any area designated as a RPA – Resource Protection Area, the plat shall also contain a notation indicating that development in the RPA is limited to water dependent facilities or redevelopment or is otherwise allowed pursuant to the terms of Section Nos. 23.2-9(f), 23.2-10 or 23.2-11, York County Code, or is otherwise approved as a waiver under applicable code provisions.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Shepperd, Zaremba, Hrichak
 Nay: (0)

CONSENT CALENDAR

Mrs. Noll moved that the Consent Calendar be approved as submitted, Item Nos. 4, 5, 6, and 7, respectively.

On roll call the vote was:

Yea: (5) Wiggins, Shepperd, Zaremba, Noll, Hrichak
 Nay: (0)

Item No. 4. APPROVAL OF MINUTES

The minutes of the following meetings of the York County Board of Supervisors were approved:

October 4, 2011, Regular Meeting
 October 18, 2011, Regular Meeting

Item No. 5. DRUG ENFORCEMENT ADMINISTRATION GRANT: Resolution R11-125

A RESOLUTION TO ACCEPT AND APPROPRIATE \$47,779 IN UNITED STATES DEPARTMENT OF JUSTICE, DRUG ENFORCEMENT ADMINISTRATION (DEA) FUNDS TO BE USED FOR OVERTIME PAYMENTS AND ONE ADMINISTRATIVE ASSISTANT FOR THE NORFOLK RESIDENT OFFICE TASK FORCE

WHEREAS, the DEA has determined that trafficking in narcotics and dangerous drugs exists in the Tidewater area and that such illegal activity has a substantial and detrimental effect on the health and general welfare of the citizens; and

WHEREAS, the DEA has established a Norfolk Resident Office Task Force to disrupt illicit drug activities and provides up to \$17,202 in funding to support the overtime payments of the York Poquoson Sheriff's Officer assigned to the task force; and

WHEREAS, the DEA is desirous for the York County Sheriff's Office to provide administrative support to the task force, and will provide up to \$30,577, to reimburse York County for the employee's salary and benefits; and

WHEREAS, there is no local match or funding required to support the Administrative Assistant position; and

WHEREAS, it is the policy of the Board of Supervisors that all funding exceeding \$30,000 be submitted to the Board for its review and approval;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th day of November, 2011, that the County Administrator be, and he is hereby, authorized to accept and appropriate \$47,779 in the General Fund for overtime and clerical expenses relating to York County employees working with the Norfolk Resident Office Task Force.

Item No. 6. VIRGINIA POWER EASEMENT – DARBY ROAD SEWER PUMP STATION: Resolution R11-129

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A DEED CONVEYING AN ELECTRIC UTILITY EASEMENT TO DOMINION VIRGINIA POWER AT THE SITE OF A PUMP STATION LOCATED AT 521-Z DARBY ROAD

WHEREAS, in order to provide electricity to the new Darby Road pump station, it is necessary to convey a power line easement to Dominion Virginia Power; and

WHEREAS, this Board has determined that it is in the public interest that such easement be granted.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 16th day of November, 2011, that the County Administrator is authorized to execute a deed conveying an electric power utility easement to Dominion Virginia Power in the location shown on the "Plat to Accompany Right-of-Way Agreement" dated September 27, 2011, attached to the County Administrator's memorandum of October 20, 2011, such deed to be approved as to form by the County Attorney.

Item No. 7. PURCHASE AUTHORIZATION: Resolution R11-130

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO CONTRACT FOR OAKTREE/ROCHAMBEAU DRIVE WATER AND SEWER EXTENSION, MAINTENANCE/INSPECTION OF THE RIVERWALK FLOATING PIERS (RENEWAL) AND REPLACE VIDEO CAMERAS

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurements are necessary and desirable, they involve the expenditure of \$30,000 or more, and comply with all applicable laws, ordinances, and regulations;

November 16, 2011

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th day of November, 2011, that the County Administrator be, and hereby is, authorized to contract with Peters & White Construction to construct the Oaktree/Rochambeau Drive Water and Sewer Extension; and with Coastal Design and Construction, Inc., to provide inspection and maintenance services to the Riverwalk floating piers; and Digital Video Group to replace video cameras, as follows:

	<u>AMOUNT</u>
Oaktree/Rochambeau Drive Water and Sewer Extension	\$1,048,945
Inspection/Maintenance: Riverwalk Floating Piers	58,500
Digital Studio Cameras	70,210

Meeting Adjourned. At 12:52 p.m. Chairman Hrichak declared the meeting adjourned to 6:00 p.m., Tuesday, December 5, 2011, in the East Room, York Hall, for the purpose of conducting a work session with York County's Legislative Delegation.

James O. McReynolds, Clerk
York County Board of Supervisors

George S. Hrichak, Chairman
York County Board of Supervisors

COUNTY OF YORK

MEMORANDUM

DATE: December 6, 2011 (BOS Mtg. 12/20/11)
TO: York County Board of Supervisors
FROM: James O. McReynolds, County Administrator 
SUBJECT: Approval of Procurement Action

The attached resolution provides for the approval of County purchases by the Board of Supervisors in accordance with its policy for procurements of over \$30,000. The Board's approval is requested for procurement of the following:

Queens Lake Sanitary Sewer Project, Contract 4-Vacuum Linework East – An Invitation for Bid was issued and advertised to construct a sanitary sewer collection system including vacuum sewer mains, valve pits, force mains, and grinder pumps in the Queens Lake Subdivision. Services include the installation of approximately 25,000 LF of vacuum sewer, 7,000 LF of 6-inch force main, 25,000 LF of small diameter low pressure force main, including sewer laterals, cleanouts, approximately 100 valve pits, approximately 60 grinder pumps, and pavement reconstruction involving approximately 64,000 square yards of finished pavement. Six (6) firms submitted bids in response to the solicitation, with the lowest bidder being Walter C. Via Enterprises, Inc., in the amount of \$5,287,435. Sufficient funds are available in the Utility budget to complete these services.

Tabb Library Carpet Replacement - An Invitation for Bid was advertised to replace approximately 27,000 sq. ft. of carpet and tile at the Tabb Library. The floor coverings being replaced have been in service since 1999 and are showing heavy wear and are separating at the seams. Four (4) firms submitted bids, with the lowest responsive and responsible bidder being Dominion Contract Carpets, Inc., in the amount of \$119,765. Sufficient funds are available in the Capital Improvement Program (CIP) to complete this purchase.

These procurements have been conducted in accordance with State procurement laws and/or County procurement policy, and I recommend they be approved through the adoption of proposed Resolution R11-138.

Sawyer/3681
Attachment

- Proposed Resolution R11-138

BOARD OF SUPERVISORS
 COUNTY OF YORK
 YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the ____ day of _____, 2011:

Present

Vote

George S. Hrichak, Chairman
 Thomas G. Shepperd, Jr., Vice Chairman
 Donald E. Wiggins
 Walter C. Zaremba
 Sheila S. Noll

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO CONTRACT FOR CONSTRUCTION OF THE QUEENS LAKE SANITARY SEWER PROJECT, CONTRACT #4—VACUUM LINE-WORK EAST, AND CARPET REPLACEMENT AT THE TABB LIBRARY

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurements are necessary and desirable, they involve the expenditure of \$30,000 or more, and comply with all applicable laws, ordinances, and regulations;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this ____ day of _____, 2011, that the County Administrator be, and hereby is, authorized to contract with Walter C. Via Enterprises, Inc., to construct the Queens Lake Sanitary Sewer Project – Contract #4-Vacuum Linework East; and Dominion Contract Carpets, Inc., to replace carpet at the Tabb Library, as follows:

	<u>AMOUNT</u>
Queens Lake Sanitary Sewer Project – Contract #4	\$5,287,435
Tabb Library Carpet Replacement	119,765

COUNTY OF YORK

MEMORANDUM

DATE: December 5, 2011 (BOS Mtg. 12/20/11)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator 

SUBJECT: *Watch for Children* Sign Request – Magnolia Park

The Magnolia Park Homeowners Association has requested that “Warning Children at Play” signs be installed at the three (3) entrances to the Magnolia Park subdivision. The Association notes that the signs are desired as a safety warning since the subject streets – Dogwood Road and Foster Road - have the potential for non-neighborhood traffic due to interconnections with adjoining areas of the Lackey community and that pedestrians sometimes use the streets on the way to and from the nearby Charles Brown Park.

Section 33.1-210.2 of the Code of Virginia authorizes the governing body of any county to request that the Virginia Department of Transportation install appropriate signage alerting motorists that children may be playing nearby. In accordance with this Code section, VDOT has established a policy governing the installation and maintenance of *Watch for Children* signs. The following summarizes the process that VDOT has established:

- The request must be submitted by the County to the Residency Administrator and must be in the form of a Resolution adopted by the Board of Supervisors;
- The Resolution must include an indication of the funding source that the County desires be used for the sign installation. The source of funding can be from:
 - The County’s Secondary System construction allocations;
 - From direct contributions or grants (e.g., contributions by a homeowners association or group of property owners) made for such purpose to the governing body; or
 - From such other sources as may be provided by the governing body.

In any event, the cost of maintaining the signs will be paid out of VDOT’s Secondary System maintenance allocations to the County.

- The Resolution must include the desired location(s) where the signs are to be erected, although VDOT reserves the right to make the final determination as to numbers and locations.

Over the past several years, staff has received a number of inquiries from neighborhood associations and individuals concerning this type of warning sign. In most cases, these inquiries have come from developments where the homeowners association owns com-

mon open space at the community entrance or along the main streets leading into the development. Staff's advice in those instances has been that the homeowner's association consider erecting its own sign(s) at locations of its choosing on its common property. For example, inquiries from Foxwood, The Greenlands, Villages of Kiln Creek, Prospect Park and Olde Port Cove have been responded to in this manner.

Where common area has not been available, the Board has supported three other requests for installation of a *Watch for Children* signs in the recent past:

- one was for a location at the end of Dare Road where a child had been hit by a vehicle; In that particular case, the Board endorsed the request since the absence of a proper turnaround makes it necessary for vehicles to either back up or turn in private driveways, with neither situation allowing proper sight distance. Because of the documented safety issue, and because it involved a residential area not covered by a homeowner's association, the Board endorsed the sign placement and approved funding from the Secondary System allocations;
- another was for the Overlook Point subdivision at the end of Mansion Road; In that case, the Board endorsed the request because of the absence of turnarounds on Mansion Road and the resultant non-neighborhood traffic using the streets of Overlook Point as a "turnaround." The Board stipulated that the Overlook Point homeowners association would be responsible for the costs charged by VDOT for sign fabrication and installation (costs were approximately \$112 per sign); and
- the third was for a total of four (4) signs on the Running Man Trail, Messongo Run and Pohick Run approaches to the Running Man community building / recreation complex in recognition of the amount of traffic on Running Man Trail and the somewhat narrow residential streets. The Board's approval action stipulated that the homeowner's association pay to VDOT the actual costs of sign fabrication and installation.

Staff continues to believe that the Board's support for installation of this type of sign should be limited to situations with documented safety problems or unique site conditions. Most any neighborhood has children at play and, under a broad application of this policy, might expect support for such signs. However, general approvals could lead to a proliferation of signs and, if funded from the Secondary System funds, the costs of installation and maintenance would diminish the amount of construction and maintenance funds available for other needs. Related to the issue of sign proliferation is the fact that no amount of signage will make a street an appropriate "playground" for children. In that vein, staff believes it is important not to support requests that give the false impression that streets are able to be used in that manner or which may be viewed as a substitute for conveying important safety lessons to children. That is not to say that an accident must have occurred in order to consider a sign. On the contrary, staff would recommend a proactive approach (before an accident occurs) where there are physical conditions (e.g., lack of a proper turnaround, sight distance issues, traffic volume issues, speeding, high potential for non-neighborhood traffic, etc.) that warrant appropriate warnings to motorists.

In several of the previously approved cases, the Board has required the signs to be privately funded (i.e., through a payment by the neighborhood or group of citizens requesting the sign). The President of the Magnolia Park HOA has indicated to staff that the Association is prepared to cover the sign costs in the event this request is endorsed by the Board and approved by VDOT.

Recommendation

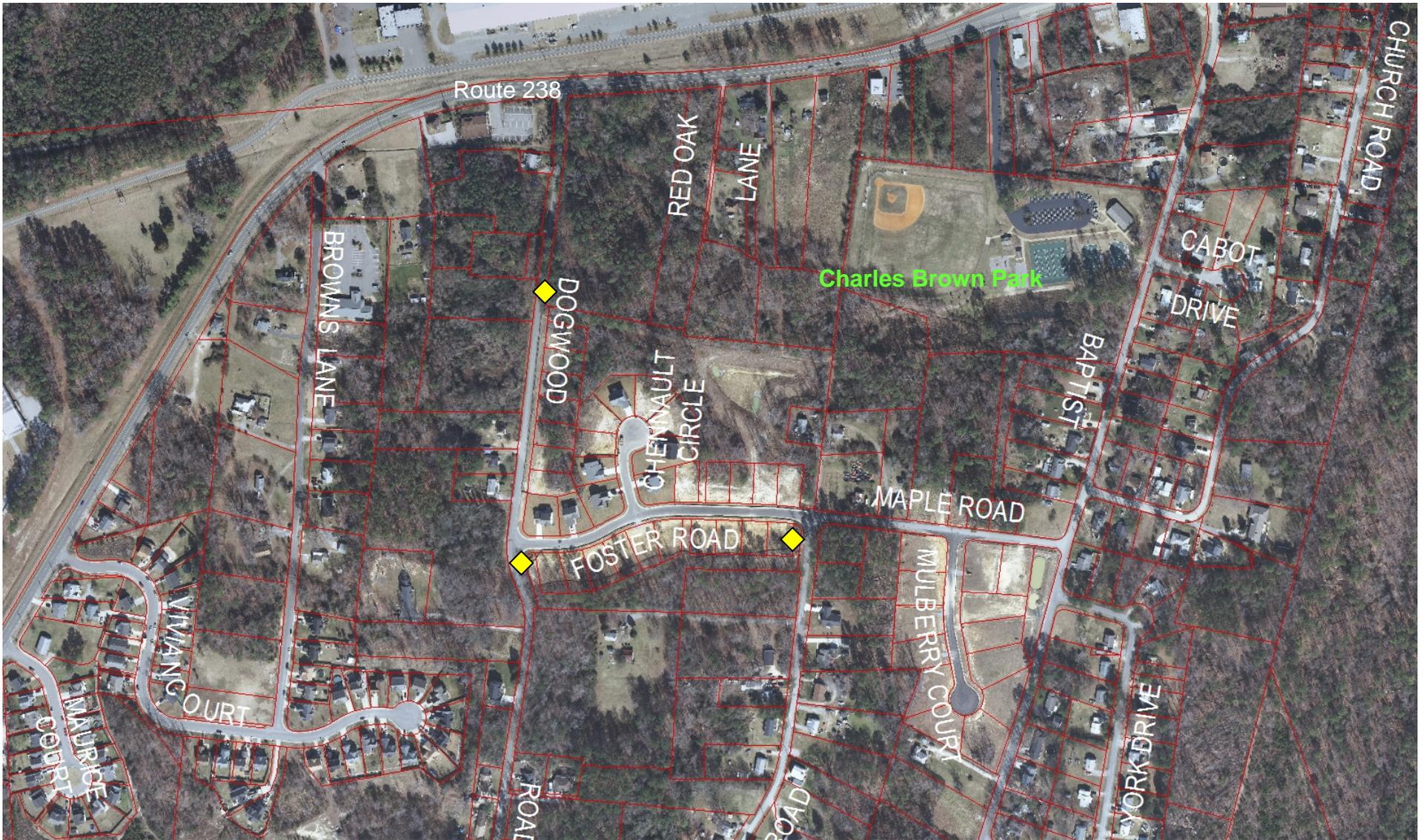
Although the streets in Magnolia Park are designed to VDOT standards, a sidewalk is available only along the Dogwood Road frontage. In addition, since Dogwood Road serves other development and since Foster Road provides a connection between several neighborhoods in Lackey, it appears that additional safety benefits could be provided by the installation of the *Watch for Children* warning signs. Therefore, I recommend that three (3) sign locations be approved – one on each end of Foster Road and one on the Dogwood Road approach to the subdivision – with the stipulation that the homeowner's association pay to VDOT the actual costs of sign fabrication and installation. This action may be accomplished through the adoption of proposed Resolution R11-140.

Carter/3337:jmc

Attachments:

- Vicinity Map showing desired sign locations
- Letter from HOA requesting the signs
- Proposed Resolution R11-140

Magnolia Park Subdivision



Requested "Watch for Children" sign locations 

Magnolia Park Homeowners Association

Request "Warning Children at Play" Sign

19 July 2011

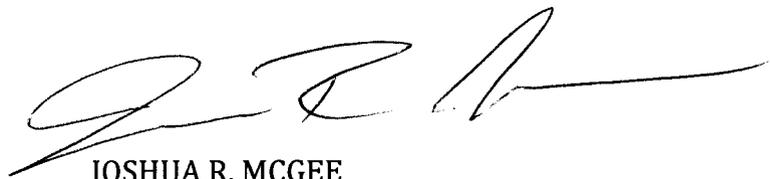
York County Board of Supervisors
PO Box 532
Yorktown, VA 23690-0532

Dear York County Board of Supervisors:

The residents of Magnolia Park Subdivision, Yorktown, Virginia are requesting the installation of three "Warning Children at Play" signs within the Magnolia Park Subdivision. In accordance with the Code of Virginia 33.1-210.2, as well as requests from residents, we are hopeful the sign will enhance safety within our residential subdivision.

At our most recent Magnolia Park Homeowners Association meeting, held at Charles Brown Park, Yorktown Virginia on 19 July, 2011. Residents discussed several options to limit speeding within the Magnolia Park subdivision and to inform motorist of children at play in and around the community to include the Charles Brown Park playground extension. The meeting was attended by residents, United Property Associates (UPA) representative, and elected officials. We determined that signs should be placed at the three entrances to the Magnolia Park subdivision; eastern, northern, and southern entrances (see attached map).

Magnolia Park Homeowners Association, York County Board of Directors and VDOT embraces a shared philosophy of **Safety** being our highest priority. We appreciate your assistance in providing the safest conditions for our children and residents. Should you require additional information on this request, I can be contacted at 757-947-4366.

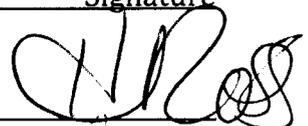
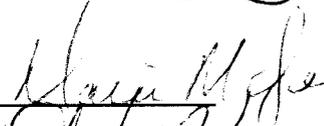
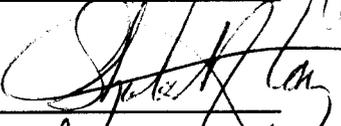
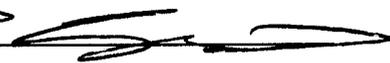
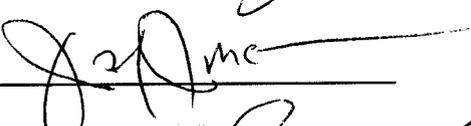
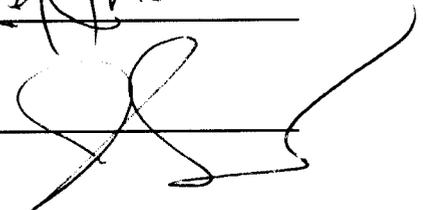
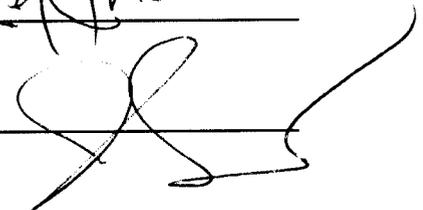


JOSHUA R. MCGEE
President, Magnolia Park Homeowners Association

Received
10-7-11
MES
(S)

Magnolia Park Homeowners Association

This request is agreed upon by the following residents of the Magnolia Park Subdivision:

Name	Address	Signature
1. HOPE ROSS	207 FOSTER ROAD	
2. Maria McGee	210 Foster Road	
3. Shontae Taylor	209 Foster Road	
4. STEVE BOLDREAU	221 DOGWOOD RD.	
5. Amy Newton	204 Foster Rd.	
6. Allison Lee	206 Foster Rd.	Allison A. Lee
7. Merlin M. Choic	102 Foster Rd	Merlin M. Choic
8. Jason Boldreau	221 Dogwood rd.	
9. GEORGE COITRAC	205 FOSTER	
10. Auden Lee	206 Foster Rd	
11. Tracy McKinnis	101 Chennault Circle	Tracy McKinnis
12. JOSEPH MCKINNON	101 CHENNAULT	
13. Irene Santiago	211 Foster	
14. RENE SANTIAGO	211 Fost	

Magnolia Park Homeowners Association

15. Wan RL 102 Foster Rd Walter Choice

16. Shannon Day 106 Foster Rd SHANNON DAY

17. Daniel B. Biting 217 Dogwood Rd Danielle Biting

18. Brett 217 Dogwood Rd Bruce Biting

19. Frederick H. Day 106 Foster Rd. Frederick H. Day

20. _____

21. _____

22. _____

23. _____

24. _____

25. _____

26. _____

27. _____

28. _____

29. _____

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the ____ day of _____, 2011:

Present

Vote

George S. Hrichak, Chairman
Thomas G. Shepperd, Jr., Vice Chairman
Walter C. Zaremba
Sheila S. Noll
Donald E. Wiggins

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO REQUEST THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INSTALL “WATCH FOR CHILDREN” SIGNS AT THREE (3) LOCATIONS IN AND ON THE APPROACHES TO THE MAGNOLIA PARK SUBDIVISION

WHEREAS, Section 33.1-210.2 of the Code of Virginia provides for the installation and maintenance of signs by the Virginia Department of Transportation alerting motorists that children may be at play nearby, upon receipt of a request from the local governing body; and

WHEREAS, Section 33.1-210.2 further provides that funding for the fabrication and installation of such sign be provided from Secondary System allocations for the jurisdiction or from other funds provided by the governing body; and

WHEREAS, the York County Board of Supervisors has received a request to support the installation of such signs at three (3) locations in and on the approaches to the Magnolia Park subdivision; and

WHEREAS, the Board has determined that such signs are warranted given the potential for non-neighborhood traffic using the subject streets and the potential safety implications for young residents who may be walking to and from the nearby Brown Park;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this ____ day of _____, 2011, that the York County Board of Supervisors does

hereby request the Virginia Department of Transportation to install and maintain three (3) “Watch for Children” signs in and on the approaches to the Magnolia Park subdivision at the following locations:

- one on Foster Road at its intersection with Maple Road;
- one at the Foster Road / Dogwood Road intersection; and
- one on Dogwood Road approximately 600 feet south of Route 238.

BE IT FURTHER RESOLVED that the Board’s endorsement of this request is contingent on funds for the fabrication and installation of such signs being provided by the Magnolia Park Homeowners Association.

COUNTY OF YORK

MEMORANDUM

DATE: December 12, 2011 (BOS Mtg. 12/20/11)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator 

SUBJECT: Memorandum of Understanding – Joint Public Safety/Public Service Radio Communication System (800 MHz) between York County, James City County and Gloucester County

York County currently shares a public safety/public service radio communication system with James City County, which is used for telecommunications and emergency services. The infrastructure and costs have been shared equally between the Counties for five years. The system is administered by County Administration and Public Safety representatives from participating jurisdictions on a Policy Team, and York County serves as the fiscal agent. Recently, Gloucester County became a partner in the joint radio system. In order to memorialize the rights and responsibilities for each locality, a Memorandum of Understanding (MOU) has been drafted to address fiscal responsibilities and infrastructure needs. The MOU splits the operational costs between the localities with York County to pay 40 percent, James City County to pay 40 percent, and Gloucester County to pay 20 percent, beginning January 1, 2012. York County's share in FY12 is \$891,000. The cost is expected to increase 3-5 percent in FY13.

In order to support the mission-critical needs of our individual and collective public safety and public service personnel, and citizens' property and business interests, the Motorola Solutions, Inc., ASTRO Digital P25 wide-area radio communications system created by York and James City pursuant to their agreement dated August 6, 2003 ("the system") must be maintained at the highest level of availability and integrity.

Incorporating Gloucester County into the York–James City Joint radio system provided a one-time opportunity to upgrade our system to the newest version available at that time. The upgrade would have cost York and James City County an estimated \$1 million each; however, Gloucester's participation, and their earlier purchase of the Motorola equipment necessary for their participation in the system, provided the upgrade at no cost to York and James City Counties. The work necessary to complete the system expansion required to add Gloucester County as a third partner has been accomplished. The duties and responsibilities of each owner/member have been set forth in a document entitled "*Memorandum of Understanding for Operations, Oversight and Management of the Joint Public Safety/Public Service Radio Communication System among the Counties of York and James City, Virginia, and the County of Gloucester, Virginia,*" a copy of which is attached. The MOU defines the operations, oversight, and management protocols in place for the three owners/members of the joint system and supersedes and replaces the

agreement between the Original Members dated December 12, 2007. The effective date for the MOU is January 1, 2012.

Staff recommends approval of the attached resolution authorizing the County Administrator to execute the attached MOU for a joint public safety/public service radio communication between York County, James City County, and Gloucester County.

T. Hall/3620

Attachments

- Memorandum of Understanding
- Proposed Resolution R11-141

**MEMORANDUM OF UNDERSTANDING FOR OPERATIONS,
OVERSIGHT AND MANAGEMENT OF THE JOINT PUBLIC
SAFETY/PUBLIC SERVICE RADIO COMMUNICATION SYSTEM
AMONG THE COUNTIES OF YORK AND JAMES CITY, VIRGINIA
AND THE COUNTY OF GLOUCESTER, VIRGINIA**

This Memorandum of Understanding (MOU), dated September 1, 2011, is entered into by the Counties of York and James City, Virginia (“York” and “James City” respectively, collectively referred to as the “Original Members”) and the County of Gloucester, Virginia (“Gloucester”), York, James City and Gloucester sometimes being collectively referred to as “the member localities” or “the members”. This MOU supersedes and replaces the agreement between the Original Members dated December 12, 2007 and shall become effective on January 1, 2012.

In order to support the mission-critical needs of our individual and collective public safety and public service personnel, and citizens’ property and business interests, the Motorola Solutions, Inc ASTRO Digital P25 wide-area radio communications system created by York and James City pursuant to their agreement dated August 6, 2003 (“the system”) must be maintained at the highest level of availability and integrity. York, James City and Gloucester all desire that Gloucester shall be permitted to participate in the system as a member, and to that end, the members do hereby agree to the following:

I. System Defined

1. The members agree to utilize the system in accordance with the rules and regulations of the Federal Communications Commission (FCC) and the Commonwealth of Virginia and to operate the system in a professional manner and only for official business purposes.
2. The “backbone” components of the system, which include communications towers, repeaters, communications infrastructure, antennas, system controllers, microwave equipment, equipment shelters, and system frequencies, as defined in Appendix A, are shared and jointly operated by the members to ensure adequate system operations. All licenses required by the FCC shall be held in the name of York on behalf of the members.
3. In order to ensure system integrity, all members must utilize Motorola Solutions, Inc. as the authorized service provider to the system. All sites and towers that comprise the communication system shall be maintained jointly by the members as set out herein, including without limitation generators and fuel, grounds maintenance, ground system maintenance, tower lights, amplifiers, antennas, transmission lines, receive multi-couplers, microwave components, and transmitter combiners.

In order for the system to operate at the reliability level for which it was designed, and that the support of the system is not dependent on the technical abilities of any individual member, all members agree that the system will be maintained through a service agreement with the equipment provider as outlined in §35 of the Agreement dated August 6, 2003, between York County, Virginia, James City County, and Motorola Solutions, Inc (“the original contract”, incorporated herein by reference), and amended December 20, 2006 to incorporate Gloucester County. York and James City County have divided, and will continue to divide their maintenance service agreement costs equally. Gloucester County shall pay its maintenance service agreement share based on its acceptance of the Motorola Solutions, Inc. maintenance proposal dated November 20, 2006, with updates dated November 27, 2006.

II. Radio System Governance

1. The members shall appoint representatives to a “Policy Team” which shall exercise those duties and responsibilities set out below. The representatives of the Policy Team for York and James City shall consist of the Chief Administrative Officer, Fire Chief, Emergency Communications Chief/Director, and Chief Law Enforcement Official. Representation from Gloucester County shall be the Chief Administrative Officer and Director of Public Works. On any matter pending before the Policy Team and requiring a vote, York County and James City County shall each have four votes, and Gloucester County shall have two votes for a total of ten votes. Non-voting representatives may be added as designated by the chief administrative officers of the member localities.
 - a. The Policy Team shall be responsible for oversight of policy and fiscal issues related to the system, subject however to authorizations of necessary funds by the governing bodies of the members. Project Managers shall recommend any changes to the Policy Team.
 - b. To allow for the timely implementation of new standard operating procedures and system policies, to allow for the allocation of frequency and data bandwidths, and to provide management and oversight of the system, each member shall designate one member of the Policy Team, or other employee as appropriate, to act on behalf of the member as that member’s Project Manager. The Policy Team and Project Managers for each member locality are identified in Appendix B. Appendix B will be updated as necessary in the event the names of voting or ad hoc members change.
 - c. The same ratio used to allocate votes (40% for York, 40% for James City, and 20% for Gloucester) shall be used to divide system costs not attributable to maintenance service agreements addressed in “member allocation percentage.” The member allocation percentage shall become effective January 1, 2012.

- d. York shall serve as Fiscal Agent for the system. In addition, the Chief Administrative Officer for York County shall assign York County staff to act as the system manager and administrative assistant for the system, with duties as defined in Appendix C attached hereto. Such persons shall be deemed employees of York County and not of either James City or of Gloucester. The members agree that Appendix C to this MOU sets forth the portion of salaries paid by York to such staff which is attributable to their work on the system. Such costs shall be shared among the members according to the member allocation percentages.
 - e. The Chief Administrative Officer for each locality, or his or her designated proxy, shall cast the vote(s) for any members absent from his/her jurisdiction.
 2. The members of the Policy Team may enter into contractual services with professional experts and consultants as required to protect the integrity of the system and the interests of the members.
 3. In no event shall members be liable to each other for any indirect, incidental, special or consequential damages including, without limitation, damages attributed to any malfunction of the system, regardless of the cause of action, arising out of or in connection with a party's performance.
 4. New members may be admitted to the system on such terms and conditions as unanimously agreed upon by the Chief Administrative Officers of the member localities.
 5. Necessary and periodic upgrades, software enhancements and emergency technologies will be funded regionally by the members' normal funding process. If Project Managers determine that major system enhancements beyond necessary and periodic upgrades are required, Policy Team approval will be required subject to funding allocations from each member locality's governing board. The members shall individually and collaboratively seek grants to enhance the public safety communication network. Any grants must be approved by the Policy Team. Matching requirements for grants will be paid by all members according to the member allocation percentages.
 6. Members will individually be responsible for maintaining adequate insurance on equipment and infrastructure owned by their respective jurisdictions.

III. Enterprise Fund

1. With the exception of maintenance service agreement costs, costs of the system will be accounted for in a separate enterprise fund by the Fiscal Agent. The annual operating budget as set by the Policy Team shall be shared by York, James City and Gloucester according to their member allocation percentage, with Gloucester's initial

contributions occurring after its warranty expires January 1, 2012. Revenues collected from tenants, as defined in Appendix A, of York or James City who were on the system prior to Gloucester's membership, including City of Poquoson, City of Williamsburg, Kingsmill Security, College of William and Mary, National Park Service, Peninsula Regional Hospitals and Eastern State Hospital, shall be offset against James City's and York's contributions. Future tenants for airtime usage will be credited to the enterprise fund and available to offset the operational costs of the member localities in the member allocation percentages. At the end of each fiscal year (which shall end as of each June 30), the fund will be closed out and the unallocated balance will be left in the fund to cover anticipated future capital or maintenance costs. Any deficit shall be allocated amongst the member localities according to the member allocation percentages.

2. The enterprise fund shall be utilized for, but not limited to, covering the costs for the following equipment and services.
 - a. Repair to all fixed equipment located at the remote tower sites, as defined in Appendix A, including:
 - i. Tower climbs
 - ii. Tower lighting
 - iii. Air conditioning maintenance and repair
 - iv. General upkeep of the building and grounds
 - v. Replacement of equipment not covered under Motorola Solutions, Inc. maintenance service contract, including without limitation: antennas, transmission lines, connectors, tower-top amplifiers and combiners, and microwave components.
 - b. FCC licensing and management
 - c. Damage to towers due to vandalism
 - d. Communications gear utilized for testing and redundancy
 - e. Cost related to operation and administration of the regional radio system
3. All tenants must be approved unanimously by the Policy Team and all funds received from tenant agreements will be received by York as Fiscal Agent and placed in the enterprise fund to pay for ongoing costs for the system.

IV. System Policy

1. All equipment and accessories utilized for the system must be Motorola Solutions, Inc. original equipment manufacturer (OEM) products. Exceptions to the OEM requirement are only permitted if approved unanimously by the Project Managers prior to purchase and implementation. Purchasing and procurement of equipment and services for the system will be processed through York as fiscal agent.
2. All subscriber installations shall be performed by trained, certified Motorola Solutions, Inc. authorized service personnel. This requirement protects the overall

system operation and integrity. Any deviation must be approved unanimously by the Project Managers. Remote Tower Site and other backbone facility access is strictly limited to authorized trained and certified personnel only. Fuel purchases for Remote Tower Site generators will be limited to the approved regional supplier.

3. Where authorized by the Policy Team, tenants may have access/use of the system. Such authorization shall include initial and ongoing costs including maintenance, as well as talk-group/channel quantities and operational parameters. Further, such access may also be predicated and/or subject to system capacity/capabilities.
4. Other non-member, non-tenant entities may be granted talk-group/channel access only upon approval by the agency head/user agency to which talkgroup/channels are assigned as initially approved by the member or tenant entities and as coordinated with the members.

V. Co-Location of other Radio Systems (Cellular Providers)

To protect the integrity and operation of the overall system, any co-location as defined in Appendix A for any Remote Tower Site must undergo a frequency intermodulation study and a stress/structural analysis. Project Managers, through unanimous action, and following review of the intermodulation study and the stress/structural analysis, must authorize any co-location request. Such approval will be subject to the approval of the co-location by the member which owns the affected tower. Funds collected by a member locality pursuant to a co-location agreement for a Remote Tower Site located within its jurisdiction will accrue solely to that locality.

VI. Termination of Membership from the Radio System

Should any member desire to terminate its participation in the system, such member shall be responsible for all costs associated with its removal from the system and for all capital and operating costs associated with the remaining members continuing to operate the system without degradation of capability through the end of the current fiscal year, subject to appropriations by the governing body of the withdrawing member. For purposes of this paragraph, a fiscal year ends on June 30 of any year. Further, all system frequencies shall remain part of the system unless otherwise authorized by the licensing authority. A member may withdraw from the system and its obligations under this MOU by providing at least one year written notice to the other members.

By signing this MOU, the parties hereto agree to improve homeland security and to improve the safety of the citizens within our localities by maintaining and improving our wide-area P25-compliant radio communications infrastructure.

This MOU shall remain in effect for four-year terms, automatically renewable and subject to appropriations by governing boards of member localities. This MOU shall be reviewed annually by the Project Managers and any amendments proposed shall be incorporated as amendments subject to unanimous approval by the Policy Team. The agreement shall be reviewed annually by the Project Managers.

Approved as to form:

Agreed to by:

County Attorney

Chief Administrative Officer

York County

York County

Approved as to form:

Agreed to by:

County Attorney

Chief Administrative Officer

James City County

James City County

Approved as to form:

Agreed to by:

County Attorney

Chief Administrative Officer

Gloucester County

Gloucester County

Glossary of Terms

- MOU:** Memorandum of Understanding
- FCC:** Federal Communications Commission
- P25:** Project 25; The National Standard for digital radio communications

MOTOROLA SOLUTIONS, INC TRUNKED BACKBONE SYSTEM:

There are many components that make up the Backbone of a Trunked Radio System:

Co-Locations – Cellular or other communications that may lease space on towers. Each proposal for co-locations will need to be accompanied by a stress analysis and a frequency intermodulation study as to protect the integrity of the system. All proposals will be agreed upon in concept by the Project Managers and forwarded to Motorola for technical competence/engineering and review. After this review the project managers will review and authorize the locality to move forward with their individual leases.

Master Site – the location of the central core of the entire system. It consists of the following:

Central Electronics Bank, System Controllers, Control Stations, Channel Banks, Logging Recorders, 911 System, Routers & Switches, Microwave Equipment, Radio Transmitters, DC Rectifiers, Batteries, UPS's, Tx & Rx Mux, Monitors, Tower, Antennas and Transmission lines, Microwave Dishes, Surge Protection, Generator, Propane Tanks for the Generators, Ice Bridges, Alarm Systems

Microwave System – this is major backhaul system for transport of communications whether it be voice or data between the Remote Tower Sites and the Master Site. These systems are installed in all of the Remote Tower Sites and the Master Site and they consist of the following:

Microwave Equipment, Antennas and Transmission lines, Dehydrators and other devices to interface with the radio equipment

Remote Tower Sites – installed in key locations to provide the best radio coverage and overlap with other Remote Tower sites to tie the communication system together and they consist of the following:

Communications Compounds with; Radio Towers, Communications Shelters to house the communications equipment (Repeaters, Combiners, Radio Control Stations, Microwave Equipment, Paging Transmitters) Lightning Protection Systems, Alarm Systems, DC Rectifiers, Batteries, UPS 's, Generators for backup power, Propane Tanks for the generators, Ice Bridges to protect the transmission lines, Antennas and Transmission lines installed on the tower, as well as Microwave Dishes installed on the towers, Tower Lighting Systems, Grounding Systems to protect the Equipment/Shelters/Towers, Fencing to protect the entire compound.

Subscribers – Any mobile radio or portable radio operating on the system.

System Frequencies – the frequencies are imperative to making the system work and work correctly without interference issues. The frequencies are coordinated by various coordinating agencies and granted by the FCC. They must be properly engineered to ensure correct channel spacing for all of the equipment involved in the system. They are used for the prime communications system including but not limited to the joint operation with other member localities as well as the interoperability with other agencies and non-member localities. The frequencies are sometimes shared on an approved basis for joint forces operations with other agencies.

Tenants – defined as a user on the system that utilizes their own talk-group(s) to communicate. (i.e. Kingsmill PD, National Park Services, College of William & Mary etc.)

Appendix B

Joint Public Safety/Public Service Radio Communication System

Policy Team Members

As of the date of this Agreement

Voting Members

James “Mac” McReynolds, Chief Administrative Officer, York County

Robert C. Middaugh, Chief Administrative Officer, James City County

Brenda Garton, Chief Administrative Officer, Gloucester County

Stephen Kopczynski, Fire Chief, York County

Tal Luton¹, Fire Chief, James City County

Danny Diggs, Sheriff, York County

Emmett Harmon, Chief of Police, James City County

Garrey Curry¹, Public Works Director, Gloucester County

Terry Hall¹, Chief of Emergency Communications, York County

Julie McKercher, Director of Emergency Communications James City County,

Ad Hoc Members

Sharon Day, Chief of Budget & Financial Reporting, York County

Tom Sawyer –Purchasing Agent, York County

Stephanie Luton –Purchasing Agent, James City County

Steve Gentry, Sheriff, Gloucester County

Nickie Champion, Finance Director, Gloucester County

Bill Lindsey, Purchasing Agent, Gloucester County

¹Project Managers

Joint Public Safety/Public Service Radio Communication System

Cost Sharing Allocation for Staff Resources

Percentages stated in this Appendix refer to the percentage of the total salary paid by York County to the personnel listed below, which is to be attributed to the costs of the system and shared (40/40/20) by the members as a system cost as set forth in the MOU:

System Manager – \$50,000

Regional duties include, but are not limited to: daily management of all aspects of system; negotiating and overseeing the re-banding of all frequencies from 800MHz to 700MHz; overseeing the expansion of the regional system to incorporate the Gloucester components;

Administrative Assistant – \$25,000

Provide administrative and fiscal support to the joint regional system. This will cover both administrative and fiscal services provided by York County staff.

(i.e. –procurement, billing, accounts payable, technicians and administrative).

Any increase to the amounts specified herein shall be unanimously approved by the Chief Administrative Officers of the member localities based on a demonstration of increased costs.

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the ____ day of _____, 2011:

Present

Vote

George S. Hrichak, Chairman
Thomas G. Shepperd, Jr., Vice Chairman
Walter C. Zaremba
Sheila S. Noll
Donald E. Wiggins

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF YORK, THE COUNTY OF JAMES CITY, AND THE COUNTY OF GLOUCESTER, REGARDING GLOUCESTER'S PARTICIPATION IN THE ASTRO DIGITAL P25 WIDE AREA RADIO COMMUNICATIONS SYSTEM CREATED BY THE COUNTIES OF YORK AND JAMES CITY

WHEREAS, by an Agreement dated August 6, 2003, the Counties of York and James City agreed to create and jointly fund and operate a regional radio communications system for law enforcement and emergency response purposes; and

WHEREAS, the County of Gloucester has requested participation in the system as a member on terms and conditions outlined in a draft Memorandum of Understanding attached to the County Administrator's memorandum to the Board of December 12, 2011; and

WHEREAS, this Board deems it to be in the public's interest to allow the County of Gloucester to participate in the radio communications system as set out in the Memorandum of Understanding;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this ____ day of _____, 2011, that the County Administrator is hereby authorized to execute on behalf of York County a Memorandum of Understanding between the County, James City County, and Gloucester County, by which Gloucester County shall

participate as a member in the regional radio communications system created by York and James City Counties pursuant to an agreement dated August 6, 2003.