



CHARLES CITY COUNTY

PLANNING COMMISSION

MEETING

January 9, 2020

Government Administration Building
Training Room

7:00 P.M.

I. CALL TO ORDER

II. DETERMINATION OF A QUORUM

- Election of Officers
- Planning Commission Bylaws
- 2020 Meeting Schedule

III. MINUTES

- November 14, 2019 and December 12, 2019

IV. UNFINISHED BUSINESS

- Comprehensive Plan Update
- DEQ- CBPA Review Update

V. NEW BUSINESS

- Notification of Variance Application Request

VI. PLANNING DIRECTOR

- Informational Item: Motions of Approval

VII. PUBLIC COMMENT

VIII. ADJORNMENT

Charles City County, Virginia



Planning Commission

Bylaws

Amended and Re-adopted
October 12, 1988
June 13, 2002
February 13, 2003
December 13, 2012
February 27, 2014
June 25, 2015

ARTICLE 1 - AUTHORIZATION

- 1-1 This Planning Commission is established in conformance with a resolution adopted by the Board of Supervisors of Charles City County, Virginia on June 23, 1952; and in accordance with the provisions of §15.2-2210, Code of Virginia (1950), as amended.
- 1-2 The official title of this body shall be the "Charles City County Planning Commission", hereinafter referred to as the "Commission". Further, the Commission shall meet and be subject to all applicable provisions found within the Code of Virginia, 1950, as amended.

ARTICLE 2 - MEMBERS

- 2-1 The Commission shall consist of nine members, appointed by the Board; who shall be residents of Charles City County, qualified by knowledge and experience to make decisions on questions of community growth and development; and, at least one-half of the members shall be owners of real property in Charles City County.
- 2-2 One Commissioner may be a member of the Board of Supervisors, and one Commissioner may be a member of the Board of Zoning Appeals.
- 2-3 The term of the member from the Board of Supervisors shall be at the pleasure of the Board of Supervisors. Appointed members shall serve for terms of four years.
- 2-4 Any vacancy in membership shall be filled by appointment of the Board of Supervisors, and shall be for an unexpired term only. A member whose term expires shall continue to serve until reappointed or a successor is appointed and qualifies.
- 2-5 Any appointed members may be removed by the Board of Supervisors for neglect of duty, or malfeasance in office. Absence from three consecutive meetings without justification constitutes neglect of duty, or is absent from any four meetings within a twelve month period. Justifiable absences are those due to an illness (self or family member), personal emergency, or job restrictions.
- 2-6 The Board may provide for compensation to Commission members for their services, reimbursement for actual expenses incurred, or both.

ARTICLE 3 - OFFICERS AND DUTIES

- 3-1 Officers of the Commission shall consist of a chairperson, vice-chairperson, and secretary. The chairperson and vice-chairperson are elected from the Commission's membership, whose terms of office shall be for one year. The secretary may be appointed by the

Commission, and need not be a member of the Commission.

- 3-2 Nomination of officers shall be made from the floor at the regular December meeting each year. Election of officers shall follow immediately. A candidate receiving a majority vote of those voting shall be declared elected. Officers shall take office in January and serve for an one year term, or until a successor shall take office.
- 3-3 Vacancies in office shall be filled immediately by regular election procedures.
- 3-4 The Chairperson shall:
- ❖ Preside at all meetings and public hearings;
 - ❖ Appoint committees;
 - ❖ Rule on procedural questions;
 - ❖ Report any official communications to the Commission;
 - ❖ Be authorized to sign all documents as required by the Commission;
 - ❖ Carry out other duties as assigned by the Commission; and,
 - ❖ To monitor attendance and report neglect of duty or malfeasance to the Board of Supervisors.
- 3-5 The Vice Chairperson shall act in the absence or inability of the Chairperson to act, with the full powers of the Chairperson.
- 3-6 The Secretary shall:
- ❖ Record and prepare the Commission minutes;
 - ❖ Notify members of all meetings and hearings;
 - ❖ Maintain a record of all business transacted by the Commission;
 - ❖ Maintain all official records and reports of the Commission;
 - ❖ Prepare and be responsible for the preparation of all official Commission communications;
 - ❖ Maintain member's attendance record;
 - ❖ Prepare meeting agenda with copies of supporting documents for distribution; and,
 - ❖ Prepare and be responsible for the publishing of advertisements relating to public hearings.

ARTICLE 4 – DUTIES OF PLANNING COMMISSION

- 4-1 The Planning Commission shall:
- a) Serve as an advisory body to the Board of Supervisors to promote the orderly development of the County and its environs and to accomplish the objectives set forth in Virginia Code §15.2-2220, as amended;
 - b) Prepare and recommend a comprehensive plan for the physical development of the County pursuant to Virginia Code §15.2-2223, as amended;
 - c) At the direction of the Board of Supervisors, or may on its own initiative, make or cause to be made an official map pursuant to Virginia Code §15.2-2233, as amended;
 - d) At the direction of the Board of Supervisors, or may on its own initiative, prepare and

- revise annually a capital improvement program based on the comprehensive plan of the County for a period not to exceed the ensuing five years pursuant to Virginia Code §15.2-2239, as amended;
- e) At the request of the Board of Supervisors, or may on its own initiative, prepare and recommend amendments to the zoning ordinance including a map or maps showing the zoning districts of the County;
 - f) At the request of the Board of Supervisors, or may on its own initiative, prepare and recommend amendments to the subdivision ordinance;
 - g) Administer the subdivision ordinance and zoning ordinance as set forth in such;
 - h) Make recommendation and an annual report to the Board of Supervisors concerning the operation of the Planning Commission and the status of planning within the County; and,
 - i) Perform any other duty of the Planning Commission pursuant to Virginia Code §15.2-2221, as amended.

ARTICLE 5 – MEETINGS

- 5-1 Regular meetings of the Commission shall be held on the fourth Thursday of each month at 7:00 P.M. November and December Commission meetings shall be held on the second Thursday. When deemed necessary, meeting dates may be changed by majority vote of the Commission present.
- 5-2 Work Sessions of the Commission shall be held, as needed, on the second Thursday of each month at 7:00 P.M.
- 5-3 Special meetings may be called at the request of the Chairperson or by two members upon written request to the Secretary. Written notice of meetings shall be given to each member at least five days prior to such meetings. It shall state the time and place of the meeting and the purpose thereof.
- 5-4 All regular meetings, hearings, records, and accounts shall be open to the public. Meetings may only be closed in accordance with the requirements of the Freedom of Information Act pursuant to Virginia Code §2.2-3711.
- 5-5 A quorum shall consist of not less than five Commission members, a majority of the membership.
- 5-6 The number of votes necessary to transact business shall be a majority of those present and voting. Voting shall be by a show of hands.
- 5-7 Public shall be allowed to address the Planning Commission during the Public Comment Period. Speakers are limited to three minutes per individual, or five minutes if representing a group or an organization.

ARTICLE 6 – ORDER OF BUSINESS

- 6-1 The order of business for a Commission meeting shall be:
- 1) Call to order by Chairperson
 - 2) Determination of a Quorum
 - 3) Minutes Approval (minutes shall be read prior to approval when not provided in the agenda packet or whenever requested)
 - 4) Unfinished Business
 - 5) New Business
 - 6) Planning Director
 - 7) Public Comments (See §5-7)
 - 8) Adjournment
- 6-2 Motions shall be restated by the Chairperson before a vote is taken. The name of the person making a seconding motion shall be recorded.
- 6-3 Parliamentary procedure in Commission meetings shall be governed by the adopted rules of order, namely Robert's Rules of Order.
- 6-4 The Planning Commission shall keep a set of minutes of all meetings, and these minutes shall become a public record. All such minutes shall be considered a Draft Document until they are approved by the Commission.
- 1) The Secretary shall prepare a set of minutes for all regular, adjourned and special meetings.
 - 2) The Chairperson shall sign all minutes and at the end of the year shall certify that the minutes of the preceding year are a true and correct copy.

ARTICLE 7 – PUBLIC HEARINGS (Amended 06/25/2015)

- 7-1 In addition to those required by law, the Commission, at its discretion, may hold a public hearing when it decides that a hearing will be in the public interest.
- 7-1.1 Applications submitted for consideration at the Commission's Regular Meeting must be presented to the Zoning Administrator. Applications shall only be accepted by the Zoning Administrator if deemed to be complete and/or sufficient in detail for review by the Commission. Application forms are available to the public through the Department of Planning.
- 7-2 Notice of a hearing shall be published in a newspaper of general circulation in the area once a week for two successive weeks specifying the time and place of hearing at which persons affected may appear and present their views, not less than five days nor more than 21 days after final publication. (§15.2-2204 of the Code of Virginia, 1950 as amended)

7-3 The case before the Commission shall be summarized by the Chairperson or by another person delegated by the Chairperson. Chairperson will give citizens an opportunity to ask questions which will help them understand the application/request. Citizens will direct their questions, after being recognized, to the Planning Commission Chairman. All questions and/or remarks shall be directed to the Chairperson. The Chairperson shall respond to any questions and/or remarks, or refer to the appropriate persons for a response. A record shall be kept of those speaking before the Commission.

7-4 Citizens (Public) will be given the opportunity to comment on the case before the Commission at the Public Hearing. Speakers shall be limited to three minutes per individual, or five minutes if representing a group or an organization. The Sign-Up Sheet will be used to call speakers to the lectern. Speakers will state their name, address and whether they are representing themselves, a group, or an organization. Others will be given the opportunity to speak after the Sign-Up Sheet is exhausted.

7-5 Public Hearing Procedures:

- 1) Chairperson shall call the meeting to order and remind the public of the Sign-Up Sheet(s) located at the back of the Auditorium.
- 2) The Chairperson will make a brief statement indentifying the matter to be heard and verify with the Secretary that all proper legal notice requirements have been met.
- 3) Chairperson shall explain the Hearing Procedure & Rules.
- 4) Presentation of Staff Report.
 - Staff will give a brief description of the applicant's request; compliance with Zoning Ordinance & Comprehensive Land Use Plan; and Staff's recommendation (if any).
- 5) Presentation by Applicant.
 - Applicant shall have the opportunity to give a Presentation.
- 6) The Chairperson will ask the public if there any questions as to the nature or elements of the proposal; if there are, the Chairperson will answer questions or direct the questions to the appropriate person(s). Comments at this time are for informational purposes and will not be considered as public comment for the hearing.
- 7) Public Hearing Open to Comments.
- 8) Once all comments have been received, the Public Hearing shall be closed to comments.
- 9) Planning Commission discussion, questions, comments, and/or motion.

7-6 Joint Public Hearing

In a case involving a joint public hearing with the Board of Supervisors and the Planning Commission the following format will be used:

- The Board of Supervisors' Chair will make a brief statement identifying the matter to be heard, and verify with the County Administrator that all proper legal notice requirements have been met and call the public hearing to order.
- The Board of Supervisor's Chair will ask the Planning Commission to bring its meeting to order.
- The Board of Supervisors' Chair will turn over conduct of the public hearing to the Planning Commission Chairperson.
- **The Chairperson will conduct the public hearing as set out in §7-5 (3) through (8).**
- The Planning Commission, upon agreement by the Board, will close the hearing, conduct its discussion, and make a recommendation to the Board of Supervisors as provided by law.
- The Board of Supervisor's Chair will refer the matter to the Board for discussion and action.
- In the event that no recommendation is made by the Planning Commission, the matter will be continued to the Board's next meeting date, or another date by which it has received the recommendation of the Planning Commission.

ARTICLE 8 – STAFF

- 8-1 The Charles City County Board of Supervisors shall provide administrative and technical support to the Officers and members of the Charles City County Planning Commission in the performance of their duties. This support shall include but not be limited to:
- 1) The preparation and/or typing of the agendas, the minutes, notices and recommendations, and other clerical needs of the Commission.
 - 2) The preparation of the meeting packet. The meeting packet shall include the agenda, and all the information needed to deal with the issues thereon, including the minutes of the last meeting.
 - 3) Keeping written record of all business transacted by the Commission.
 - 4) Notifying all members of all meetings.
 - 5) Giving notice of all Public Hearings and meetings.
 - 6) Attending to the correspondence of the Commission.
 - 7) Preparing and being responsible for the publishing of advertisements relating to public hearings.
 - 8) Educating and keeping the Commission abreast of planning issues.
 - 9) Preparing written recommendations on applications for zoning, subdivision, and conditional use permits.
 - 10) Assisting and advising the Planning Commission in developing and revising land use, Ordinances, the Capital Improvement Program, the Comprehensive Plan, etc.

- 11) Serving as the representative of the Planning Commission to the Board of Supervisors, the public and other public or private entities in matters of land use.

ARTICLE 9 – AMENDMENTS

- 9-1 These rules may be changed by an affirmative 2/3 vote of the entire membership after thirty days prior notice.

CHARLES CITY COUNTY

Planning Commission
2020 Meeting Schedule
Auditorium, GAB

DATE	DAY OF WEEK	MEETING
January 9, 2020	Thursday	Regular
January 23, 2020	Thursday	Public Hearing
February 13, 2020	Thursday	Regular
February 27, 2020	Thursday	Public Hearing
March 12, 2020	Thursday	Regular
March 26, 2020	Thursday	Public Hearing
April 9, 2020	Thursday	Regular
April 23, 2020	Thursday	Public Hearing
May 14, 2020	Thursday	Regular
May 28, 2020	Thursday	Public Hearing
June 11, 2020	Thursday	Regular
June 25, 2020	Thursday	Public Hearing
July 9, 2020	Thursday	Regular
July 23, 2020	Thursday	Public Hearing
August 13, 2020	Thursday	Regular
August 27, 2020	Thursday	Public Hearing
September 10, 2020	Thursday	Regular
September 24, 2020	Thursday	Public Hearing
October 8, 2020	Thursday	Regular
October 22, 2020	Thursday	Public Hearing
November 12, 2020	Thursday	Regular
December 10, 2020	Thursday	Regular

- NOTE:** All Commission meetings will begin at 7:00 P.M.
All Commission meetings will be held in the GAB Auditorium and/or Training Room at 10900 Courthouse Road.
- When necessary, Recess meetings are to be scheduled for the fourth Thursday of the month.

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1 **VIRGINIA:**
2

3 The meeting of the Planning Commission was held at the Charles City
4 County Government Administration Building on November 14, 2019, at 7
5 p.m. in the 244th year of the Commonwealth and 385th year of the County.
6

7 **PRESENT:** Edward L. Baber, Jr., Chairman
8 Kevin R. Pittman
9 C. Linny Miles
10 Gilbert A. Smith
11 Yvonne Smith-Jones
12

13 **OTHERS:** Dr. Rhonda L. Russell, Asst. Co.
14 Administrator/Dir. of Community Development
15 Gary Mitchell, Planner/Asst. County
16 Administrator
17 Denise Williams, Community Development
18 Specialist
19

20 **ABSENT:** Andrew Adams, Vice Chairman
21 William B. Bailey
22
23

24 **RE: CALL TO ORDER:**
25

26 Chairman Baber called the Planning Commission meeting to order.
27 Dr. Rhonda Russell asked permission to move the minutes until the end of the
28 meeting agenda.
29

30 **RE: PLANNING DIRECTOR:**
31

32 Director Russell introduced Gary Mitchell to the Commission. Gary
33 Mitchell is the new Planner and Assistant Zoning Administrator for the
34 Department of Community Development. Director Russell stated that Gary
35 Mitchell is a Certified Planner with more than twenty years of experience.
36

37 **RE: SUP-03-2019, TRUE CARE ASSISTED LIVING, LLC:**
38

39 Gary Mitchell presented staff's recommendation to the zoning text
40 amendment special use permit for SUP-03-2019, True Care Assisted Living,
41 LLC. He stated staff has prepared a zoning text amendment which is

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1 scheduled for review by the Board of Supervisors at their November 26th
2 meeting. The amendment would permit the Assisted Living facility with a
3 special use permit in the Agricultural (A-1), General Business (B-1) and
4 Neighborhood Business (B-2) zoning districts. The B-1 zoning district
5 permits a hospital as a permitted use. However, the ALF, while like such an
6 institution is not a hospital. The zoning ordinance includes “convalescent
7 care” and the term “nursing homes” in the definition of a hospital. This
8 interpretation will allow the applicant to proceed with filing for a special use
9 permit for the ALF while the zoning text amendment is under review by the
10 Board of Supervisors.

11 Mr. Mitchell proceeded to present the staff recommendation for the
12 zoning interpretation. Chairman Baber interrupted Mr. Mitchell to discuss his
13 concerns in the zoning interpretation. After presented and reviewing the list
14 of concerns the Chairman requested that this zoning interpretation be
15 retracted. Director Russell stated the zoning interpretation is appealable to
16 the Board of Zoning Appeals and she respectfully elects to decline the
17 Chairman’s request that she retract the interpretation.

18 The Commission discussed the Special Use Permit process and
19 procedures as well as other concerns leading up to the zoning interpretation
20 and text amendment. Chairman Baber motioned that the Planning
21 Commission retract the zoning administrator’s interpretation without a second
22 motion, Chairman Baber ask Mr. Mitchell to proceed with his presentation.
23 Mr. Mitchell went on to explain the internal department procedures when
24 handling the special use permit applications. Commissioner Miles suggested a
25 checklist of all agencies and items to be completed during the Special Use
26 Permit process. Chairman Baber referred staff to Section 26-3 of the Zoning
27 Ordinance when creating a special use permit checklist. Chairman Baber
28 expressed his concern about staff setting up public hearings without the
29 Commission’s advance knowledge to review applications. Director Russell
30 stated if the Commission is not comfortable with what is presented, they can
31 defer action on these applications. She explained the Planning Commission
32 advises the Board of Supervisors with a recommendation to approve, deny, or
33 defer an application. Director Russell stated that this practice is customary in
34 most Virginia localities.

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1 Tim Edwards the owner of the property expressed his concerns with the
2 discussion in tonight's meeting and stated things have changed since the first
3 discussion on this application.

4 SUP-03-2019, True Care Assisted Living, LLC. will be an action item
5 on the Planning Commission's public hearing on December 12, 2019.

6 **RE: DEQ CHESAPEAKE BAY AMENDMENT**

7 Director Russell briefed the Commission on the County's compliance
8 review and the developmental plan review process for the Virginia
9 Department of Environmental Quality (DEQ). As a result of this review,
10 there are issues that the county must address to become compliant with the
11 Chesapeake Bay Preservation Act. There are changes that need to be made to
12 the Comprehensive Plan, Zoning, Subdivision, and Water Protection
13 Ordinances. The Commissioners were given a copy of the draft correction
14 action plan, dated August 16, 2018. She explained the changes that staff has
15 made with internal reviews to come into compliance.

16
17 **RE: CONSERVATION EASEMENT**

18
19 Gary Mitchell presented a request from the Capital Region Virginia
20 Land Conservancy for a formal review of the Charles City Comprehensive
21 Land Use Plan for a land conservation easement to be placed on the property
22 of Ms. Sarah Chamberlain, located at 5645 West Run Road (T.M.# 37-134).
23 Gary Mitchell explained based upon the review of the plan and the purpose of
24 the proposed land conservation easement, it is deemed consistent with the
25 Charles City County Comprehensive Land Use Plan.

26
27 **RE: COMPREHENSIVE PLAN WORK PLAN REVISION**

28
29 Director Russell discussed with the Commissioners the previously
30 proposed timeline of the Comprehensive Plan review. Staff is proposing to
31 modify the Comprehensive Plan schedule to include three community
32 meetings in each district at the start of the year. This revision will add
33 approximately three months to the existing timeline. The County Administrator
34 has asked staff to provide monthly updates at the Board of Supervisors work
35 session and all decisions and discussion will be directed back to the
36 Commission. The Commission discussed doing the minimum to the
37 Comprehensive Plan to focus on the Route 106 corridor. The Commission

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1 decided to at their first scheduled meeting in January they will be working on
2 the Comprehensive Plan and implementing a plan for the Route 106 corridor.

3
4 Chairman Baber asked staff to discuss the mailing process of the
5 Planning Commission packages. He stated the packages are being delivered
6 to late to go over the materials in a timely fashion for discussion during the
7 meetings. After discussion staff committed to try hand delivery of the
8 advance package to Commissioner’s address.

9
10 **PUBLIC COMMENT:**

11
12 Brenda Clarke –

13 Is the assisted living facility licensed by the state social services?

- 14 • Director Russell - they will have to be licensed by the state
15 Department of Social Services and the licensing agency
16 will monitor the facility.

17 What guidelines do they have to meet in Charles City County for the
18 special use permit?

- 19 • Chairman Baber – Traditionally, the Planning Commission
20 will put conditions to defer to the Federal, State, and Local
21 laws.

22
23 **RE: MINUTES**

24
25 The Commission minutes for September 26, 2019, October 10, 2019,
26 and October 24, 2019, were presented for approval. The motion to approve
27 the minutes as corrected was made by Commissioner Miles, seconded by
28 Commissioner Pittman and carried with a 5:0 vote.

29
30 **RE: ADJOURNMENT**

31
32 The Planning Commission meeting was adorned at 9:15 p.m.

33
34
35 _____
Edward L. Baber, Jr., Chairman

Recording Secretary

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1 **VIRGINIA:**

2 The meeting of the Planning Commission Public Hearing was held at
3 the Charles City County Administration Building on December 12, 2019, at
4 7:00 p.m. in the 244th year of the Commonwealth and 385th year of the
5 County.

6
7 **PRESENT:** William B. Bailey
8 Kevin R. Pittman
9 C. Linny Miles
10 Yvonne Smith-Jones
11 Gilbert A. Smith, Planning Commission & Board
12 of Supervisors

13
14 **OTHERS:** Dr. Rhonda Russell, Assistant County
15 Administrator/Community Development Director
16 Gary Mitchell, Planner/Asst. Zoning
17 Administrator
18 Denise Williams, Community Development
19 Specialist

20
21 **ABSENT:** Edward L. Baber, Jr. Chairman
22 Andrew Adams, Vice-Chairman

23
24 **RE: CALL TO ORDER:**

25
26 After a quorum had been established the Planning Commission was
27 called to order at 7:00 p.m. Chairman Baber and Vice Chairman Adams were
28 not present, Commissioners decided to select Commissioner Bailey to preside
29 as acting Chairman.

30
31 **Item#1: SUP-03-2019, TRUE CARE ASSISTED LIVING, LLC.**

32
33 Gary Mitchell read the staff report for SUP-03-2019, True Care
34 Assisted Living, LLC. (see attachment) The applicant D. Cassiere is
35 requesting a Special Use Permit to permit an Assisted Living Facility at 5130
36 John Tyler Memorial Highway. The property is zoned General Business (B-1)
37 and consists of ±1.4 acres fronting ±119' on the north side of John Tyler
38 Memorial Highway/SR5, beginning ±1,033; west of the intersection of John
39 Tyler Memorial Highway/SR5 and Harrison Lake Road/SR665, with an
40 average depth of ±340'. The Tax Parcel Identification Number is 50-38.

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1 Mr. Mitchell stated that the site is zoned General Business (B-1) and the text
2 amendment under consideration would allow an assisted living facility as a
3 special use permit in the Agricultural (A-1), General Business (B-1), and
4 Neighborhood Business (B-2) zoning districts.

5
6 The text amendment would add the following definition to the
7 ordinance;

8
9 Assisted Living facility means any congregate residential setting that
10 provides or coordinates personal and health care services, 24-hour
11 supervision, and assistance (scheduled or unscheduled) for the
12 maintenance or care of four or more adults who are aged, infirm, or
13 disabled and who are cared for in a primarily residential setting.
14 Included in this definition are any two or more places, establishments
15 or institutions owned or operated by a single entity and providing
16 maintenance or care to a combined total of four or more aged, infirm or
17 disabled adults. Maintenance or care means the protection, general
18 supervision and oversight of the physical and mental well-being of an
19 aged, infirm or disabled individual.

20
21 Finally, he stated staff is recommending approval to the Board of
22 Supervisors with the following conditions:

- 23
24 1. The applicant shall record the To-Witt (approval form) with
25 the Charles City County Circuit Court Clerk's office within
26 30-days of receipt. Provide a copy of the recorded document
27 to the Community Development Department with the Deed
28 Book and Page number affixed;
- 29 2. All staff as well as the operator of the assisted living facility
30 shall have the proper licenses and endorsements from the
31 State of Virginia as required by law prior to opening for
32 operation(s);
- 33 3. This SUP is for the operation of an assisted living facility for
34 elderly persons who need assistance with day to day activities
35 as specified in the ordinance definition below:

36
37 "Assisted living facility" means any congregate residential
38 setting that provides or coordinates personal and health care
39 services, 24-hour supervision, and assistance (scheduled and
40 unscheduled) for the maintenance or care of four or more adults
41 who are aged, infirm or disabled and who are cared for in a

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1 primarily residential setting. Included in this definition are any
2 two or more places, establishments or institutions owned or
3 operated by a single entity and providing maintenance or care to
4 a combined total of four or more aged, infirm or disabled adults.
5 Maintenance or care means the protection, general supervision
6 and oversight of the physical and mental well-being of an aged,
7 infirm or disabled individual.
8

- 9 4. The applicant shall comply with all health department
10 requirements and shall not be issued a Certificate of
11 Occupancy (CO) until the State Health Department has
12 certified that such improvements have been accomplished.
- 13 5. The applicant shall comply with all VDOT requirements
14 including the installation of a single commercial entrance.
- 15 6. The applicant shall have a site plan prepared for submission
16 and review by the County. The site plan must be prepared by
17 an engineer licensed by the Commonwealth of Virginia and
18 receive County approval prior to obtaining a Certificate of
19 Occupancy.
- 20 7. All site improvements shall be installed prior to the issuance
21 of a Certificate of Occupancy or place a cash bond payable to
22 Charles City County to cover costs of site improvements in
23 the event of default by the applicant.
- 24 8. Trash cans/dumpsters shall be located to the rear of the
25 existing parking lot and be screened with a board on board
26 fence enclosure so as not to be visible from the public right-
27 of-way;
- 28 9. The parking lot shall be a dustless surface via utilizing
29 asphalt, concrete or surface treatment (tar and chip) with all
30 parking stalls identified and parking bumpers installed in
31 accordance with industry standards;
- 32 10. The applicant shall have a certified design professional
33 prepare a plan for any modifications required by the USBC
34 for the appropriate use group;
- 35 11. Upon inspection/review of the plan by the Building Official,
36 the applicant shall install any life/safety measures required by
37 the Building Official;
- 38 12. Any increase in the impermeable surface area shall require a
39 mitigation plan to be submitted that brings the property into
40 conformance with the standards of the Chesapeake Bay Act
41 and Storm Water Management regulations. This may include

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1 onsite detention/retention.

2 13.The applicant shall coordinate with the Sheriff's Office and
3 the Director of Fire/Rescue to ensure that all emergency
4 operation plans/processes in place prior to use of the facility.

5 14.The applicant shall comply with required annual inspections
6 by the Director of Fire and Rescue.

7 15.The owner shall comply with all other applicable Federal,
8 State, and Local laws and/or ordinances.

9
10 Commissioner Bailey asked the applicant for any questions. The
11 applicant Mr. Daniel Cassierie stated he has operated other assisted living
12 facilities and he would like the opportunity to operate a facility of his own. He
13 stated he would be happy to answer any questions.

14
15 Commissioner Bailey asked the public for any questions about the
16 application. The following questions was asked:

17
18 What is the scoop of the assisted living facility?

19 What else will this facility allow?

20 Will it be people with drug and alcohol problems?

21 Do you run other facilities?

22 Who is the owner now?

23 Will they allow local people or everyone?
24

25 Dr. Smith-Jones expressed concerns about the role of the Department
26 of Social Services in the licensing of this type of facility. She asked whether
27 the state agency or the local agency will be the contact for the licensing for
28 this facility. Mr. Mitchell explained that the state is the licensed agency for
29 this type of use.
30

31 Commissioner Bailey explained the rules and procedures for
32 conducting a public hearing and opened the public hearing.
33

34 1. Robin Ruffin- 6111 John Tyler Memo. Hwy.- There are two
35 vacant buildings in Charles City County that are not being used
36 on Adkins and Courthouse Road. Will this facility be used for
37 expansion and why is it that we have vacant buildings that are
38 not being used for this type of facility?

- 39 • The building on Adkins Road is currently being used by
40 the Health Department and the Courthouse Road building
41 under consideration of a contract.

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1
2 There were no further questions, the public hearing was closed.
3 Commissioner Miles motioned to forward SUP-03-2019 to the Board of
4 Supervisors for approval with the recommended conditions. Dr. Smith-Jones
5 seconded the motion, carried by a 5:0 vote.
6

7 **Item#2: SUP-04-2019, SANDY FIELDS FARM, LLC.**
8

9 Mr. Mitchell read the staff report for SUP-04-2019, Sandy Fields Farm,
10 LLC. (see attached) The applicant Sandy Fields Farm, LLC is requesting a
11 special use to allow a third dwelling at 11100 Sandy Fields Road, as
12 permitted by Section 5-3 of the Charles City County Zoning Ordinance. The
13 property is zoned Agriculture District (A-1) and consists of +25.5 acres
14 fronting on the southside of Route 619, beginning +0.6 mile from the James
15 River, extending 11,027' feet to the intersection of Lisbon Road and Route
16 619, with an average depth of +306. The Tax Parcel Identification Number is
17 66-6A.
18

19 Mr. Mitchell presented the proposed site plan and diagram of the
20 location at 11100 Sandy Fields Road and staff's recommended conditions. He
21 stated that staff recommends sending this proposal to the Board of
22 Supervisors with the following conditions:
23

- 24 1. The applicant shall record the To-Witt (approval form) with
25 the Charles City County Circuit Court Clerk's office within
26 30-days of receipt. Provide a copy of the recorded document
27 to the Community Development Department with the Deed
28 Book and Page number affixed;
- 29 2. The guest house is for the exclusive use of the friends and
30 family members of the property owner - year-round
31 occupancy is not permitted. No occupant will be subject to
32 paying rent or conducting commercial operations on the
33 property.
- 34 3. The applicant shall comply with all health department
35 requirements and shall not be issued any type of Certificate of
36 Occupancy until the State Health Department has certified
37 that such improvements have been accomplished.
- 38 4. The applicant shall comply with all VDOT requirements per
39 VDOT letter.
- 40 5. The applicant shall have a site plan prepared for submission
41 and review by the County. The site plan must be prepared by

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- 1 an engineer licensed by the Commonwealth of Virginia and
 2 receive County approval prior to obtaining a building permit.
- 3 6. A site-specific wetlands delineation to include any
 4 Chesapeake Bay Features is required as part of the site plan
 5 process. Any increase in the impermeable surface area shall
 6 require a mitigation plan to be submitted that brings the
 7 property into conformance with the standards of the
 8 Chesapeake Bay Act and Storm Water Management
 9 regulations. This may include onsite detention/retention.
- 10 7. The owner shall comply with all other applicable Federal,
 11 State, and Local laws and/ordinances.

12

13 Mr. Mitchell stated that Mr. Monte Lewis the Project Engineer and
 14 Kenan White the owner are present to answer any questions. Monte Lewis
 15 explained the reason for the SUP request and the site expansion.

16

17 Commissioner Bailey asked the public for any questions about the
 18 application. There were no questions, Commissioner Bailey opened the
 19 public hearing. There were no questions or comments from the public.
 20 Commissioner Bailey closed the public hearing.

21

22 Dr. Smith-Jones motioned to approve and forward SUP-04-2019,
 23 Sandy Fields Farm, LLC to the Board of Supervisors with staff's
 24 recommended conditions. Commissioner Miles seconded the motion, carried
 25 by a 5:0 vote.

26

27 **PUBLIC COMMENT:**

- 28
- 29 1. Betsie Pierotti- 2026 CC Road – Do they would have to get
 30 approval to build a house on their land?
- 31 • Due to the new regulations, they can only have one
 - 32 structure on each parcel land.

33

34

35 **DIRECTOR'S COMMENT:**

36

37 Rhonda Russell gave the Commissioners an updated on the deliberation
 38 from the Department of Environmental Quality (DEQ) audit review. She
 39 stated the VDEQ conducted a review of local permitting practices from
 40 August of 2018 forward and staff has received comments and corrections.
 41 VDEQ is asking that staff send them revisions by January 17, 2020. The

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1 Commission will be receiving a draft at their January meeting. Staff met with
2 Plan RVA and went over the mapping requirements outlined by VDEQ. Plan
3 RVA has agreed to assist the County with our audit response.
4

5 **ADJOURNMENT:**
6

7 Commissioner Miles motioned to adjourn the Planning Commission
8 meeting at 7:40 p.m. The motion was seconded by Commissioner Pittman.
9

10 _____
11 William B. Bailey, Acting Chairman
12

Recording Secretary

WHAT IS THE TIMELINE FOR THIS PROCESS?

Given the scope of what is proposed, this process will take longer than merely updating small sections of the current plan. Staff has developed a tentative timeline, but the proposed timeline is subject to change as some chapters may take longer to review. The underlined topics are generally required under state law.

January – March 2020 – Community meetings on vision for county; *Introduction* and *Charles City Today* (current conditions)

May – *Charles City in 2040* (Projections and Vision)

June – *Managing Growth* (General Policy Areas, Future Land Use)

July – *Historic Resources and Natural Resources*

August 2020- Community Meetings Vision, Manage Growth, Historic & Natural Resources

August – *Transportation* (required at least 90 days before adoption for VDOT review of draft)

September – *Public Utilities and Public Facilities*

October – *Housing*

November – *Economic Development*

December- Community Meetings, Transportation, Public Utilities, Housing & Economic Development

December – *Implementation Plan* (separate document to be adopted at same time specifying actions and timelines to follow)

March 2021- Draft Plan Presentation to Public at Community Meetings

April – Planning Commission Public Hearing & Recommendation

May – Board of Supervisors Public Hearing & Adoption



CHARLES CITY COUNTY

TO: Planning Commission

FROM: Rhonda Russell/Community Development Director

DATE: January 9, 2020

RE: **Department of Environmental Quality – CBPA Review Update**

Attached for your review and comments are the following items:

- Response to the Virginia Department of Environmental Quality regarding the Charles City County Comprehensive Plan submittal, submitted on July 24, 2019. Upon approval of the response Planning & Community Development will advertise the proposed map and plan amendment for consideration by the Planning Commission, tentatively scheduled for February 28, 2020; and
- A proposed community meeting schedule for the Charles City County 2040 Comprehensive Plan update commencing in January 2020. Commissioners will recall that Planning & Community Development staff proposed to present plan development progress in each of our three electoral districts quarterly.

Should Commissioners have any questions or desire additional information please feel free to call me at 804-652-4707.



COMMONWEALTH OF VIRGINIA
COUNTY of CHARLES CITY

P.O. BOX 128

CHARLES CITY, VIRGINIA 23030

BOARD OF SUPERVISORS

*WILLIAM G. COADA, CHAIRMAN
GILBERT A. SMITH, VICE-CHAIRMAN
LEWIS BLACK, III., MEMBER*

COUNTY ADMINISTRATOR

MICHELLE JOHNSON

ASST. COUNTY ADMINISTRATOR

RHONDA RUSSELL

January 2, 2020

Mrs. Heather Mackey
Principal Environmental Planner
Virginia Department of Environmental Quality
1111 East Main St., Suite 1400
Richmond, Virginia 23219

Dear Mrs. Mackey,

Charles City Community Development staff partnered with the RVA Planning District Commission to review and respond to your December 1, 2019 comments regarding proposed revisions to the Charles City County Comprehensive Plan. Outlined in the table below is a summary of the prescriptive comments provided by the Virginia Department of Environmental Quality regarding proposed plan amendments submitted on July 24, 2019.

VDEQ COMMENT	LOCALITY RESPONSE
Shoreline Inventory Report (2013) - Is this the most current	Yes
Identify the James River, Chickahominy River, Walkers Dam, and Courthouse Creek as referenced in the document.	Completed

Add areas of known streamline erosion. Figure 2	The Virginia Institute of Marine Science has not updated the Shoreline Erosion map for Charles City County
In violation of the Bay Act! Need to turn this statement into a discussion of how general woodlot management and thinning for view and vistas per the Bay Act can be achieved...legally: see the Buffer Manual.	The discussion does not discourage compliance with Bay Act provisions. Vista clearing Et. Al activities are prescriptively addressed in the Combined Water Protection Ordinance. Revisions as noted were not made.
Site data source for 119 docks	Source is the Virginia Institute of Marine Science Shoreline Inventory. Added to discussion.
Identify public marinas by name to provide context to text. River's Rest, public access on James River and Chickahominy, location of Lawrence Lewis park, barge parts. (Port Tobacco and Sandy Point)	Map revisions completed
Locate Mattituck Neck Park on map.	Map revision completed.
2006 Water Quality Assessment Integrated Report- Update data and provide a map per the 2018 report.	Please provide a specific reference for the 2018 report. the VDEQ website includes multiple data sets; however, our review of available data does not indicate that more current data is available.
Identify on map- Chickahominy Wildlife Management Area, Morris Creek, and River's Rest Marina.	Map revisions completed.
Identify on map- Harrison Lake National Fish Hatchery	Map revision completed.
Add surface water map and include stormwater features map noted throughout document. Include the James River and Chickahominy River, Walker's Dam, Morris and Courthouse Creek, Harrison Lake National Fish Hatchery.	Map revision completed.
Inquiry- location of municipal and industrial sewage treatment plants.	Map revision to include location of three plants located in Charles City County.
Consistent Reference to Chickahominy Lake	Noted
Groundwater- One word with the exception of references to the law and EVGWMA, which is two words.	Agency overreach
Identify three primary water systems on map.	Map revision completed.
What does "commonly because concern" mean?	Agency overreach
Update water quality performance per the 2018 Report.	Clarification requested
Update statement and provide impaired waters map per the 2018 report.	Please provide a specific reference for the 2018 report. the VDEQ website includes multiple data sets; however, our review of available data does not indicate that more current data is available.
Inquiry – Status of program for disposal of hazardous waste.	No text revision made in response to comment.

Add soils map	Soils map added.
Septic Pump Out Program	Comprehensive Plan is a policy guidance document, rather than implementation. Per the Combined Water Protection Ordinance, Charles City County actively implements the septic pump out requirements of the Ordinance and proactively engages in public engagement efforts to communicate this and other program requirements and assistance programs.
Update March 2006 data.	This is the most current information available.
Update VPES map	Please provide a specific reference for the 2018 report. the VDEQ website includes multiple data sets; however, our review of available data does not indicate that more current data is available.

In summary, some of the comments noted by VDEQ staff appear to be patterned comments provided across the Commonwealth. For example, notations for updated data and maps when the source is the VDEQ which has not provided more current information. Charles City County is engaged in developing its 2040 Comprehensive Plan and envisions significantly expanding the environmental and Chesapeake Bay Act discussions. Additionally, the County will launch a Neighborhood Leadership College program in 2020 that will proactively address programs, services and relief opportunities to relieve the burden of enforcement for income eligible households.

The County envisions presenting the proposed amendments to the Comprehensive Plan to the Planning Commission at their January 9th and 23rd meetings for discussion only. Upon a response from the Virginia Department of Environmental Quality approving proposed revisions, plan revisions will be advertised for a public hearing.

Please feel free to call me at 804-652-4707 for additional information or clarification.

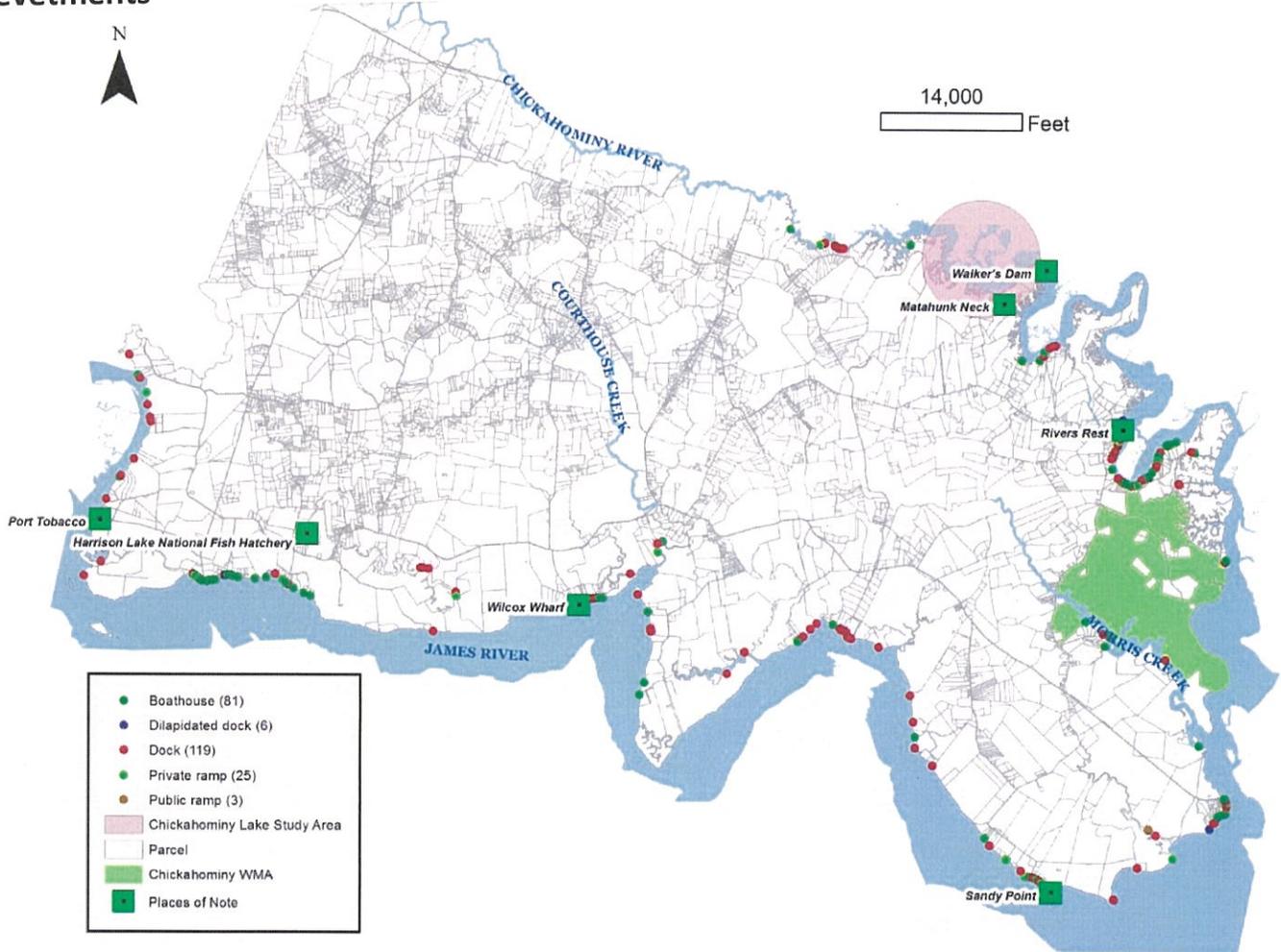
Sincerely,

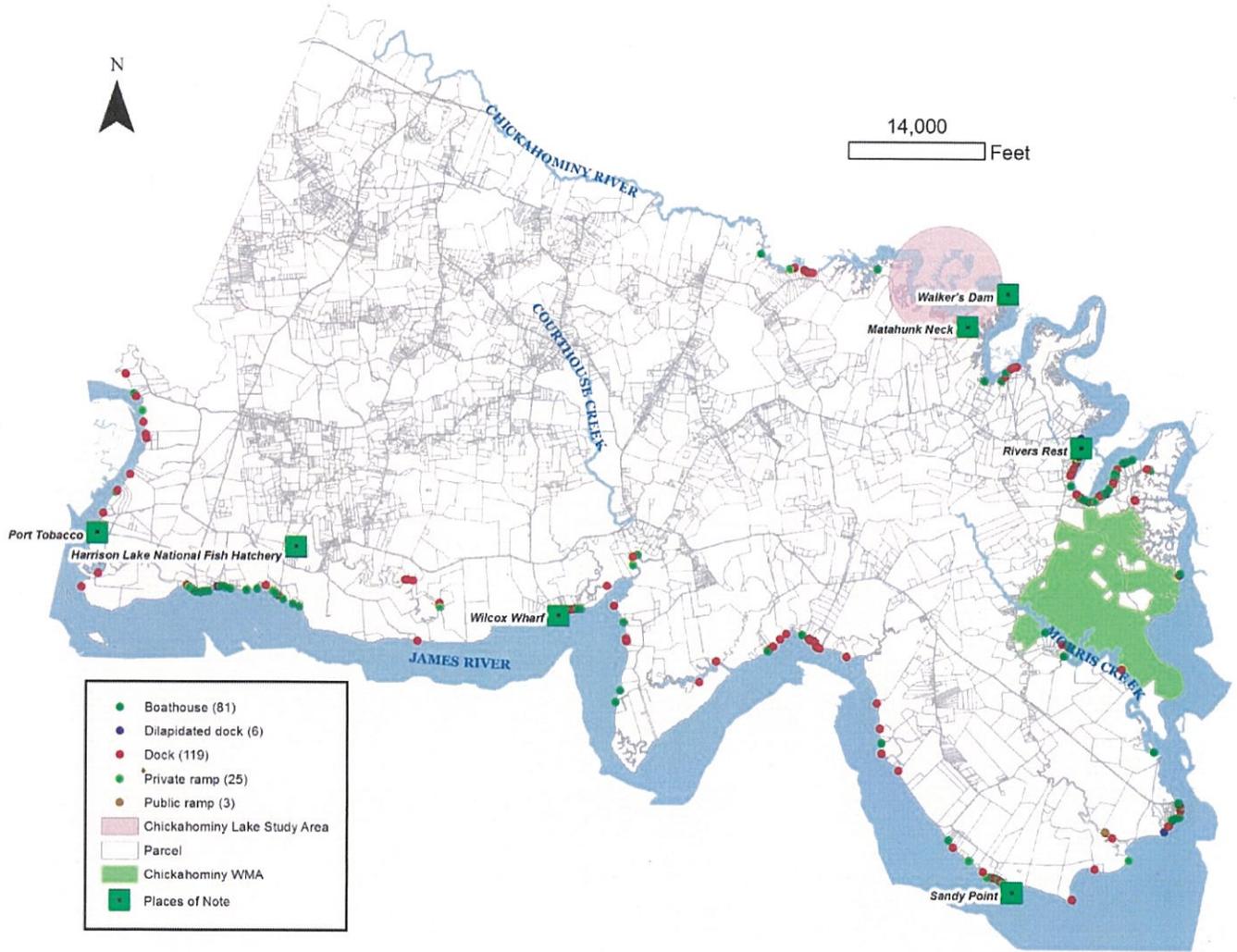
Rhonda L. Russell, Director Community Development/
Assistant County Administrator

rr

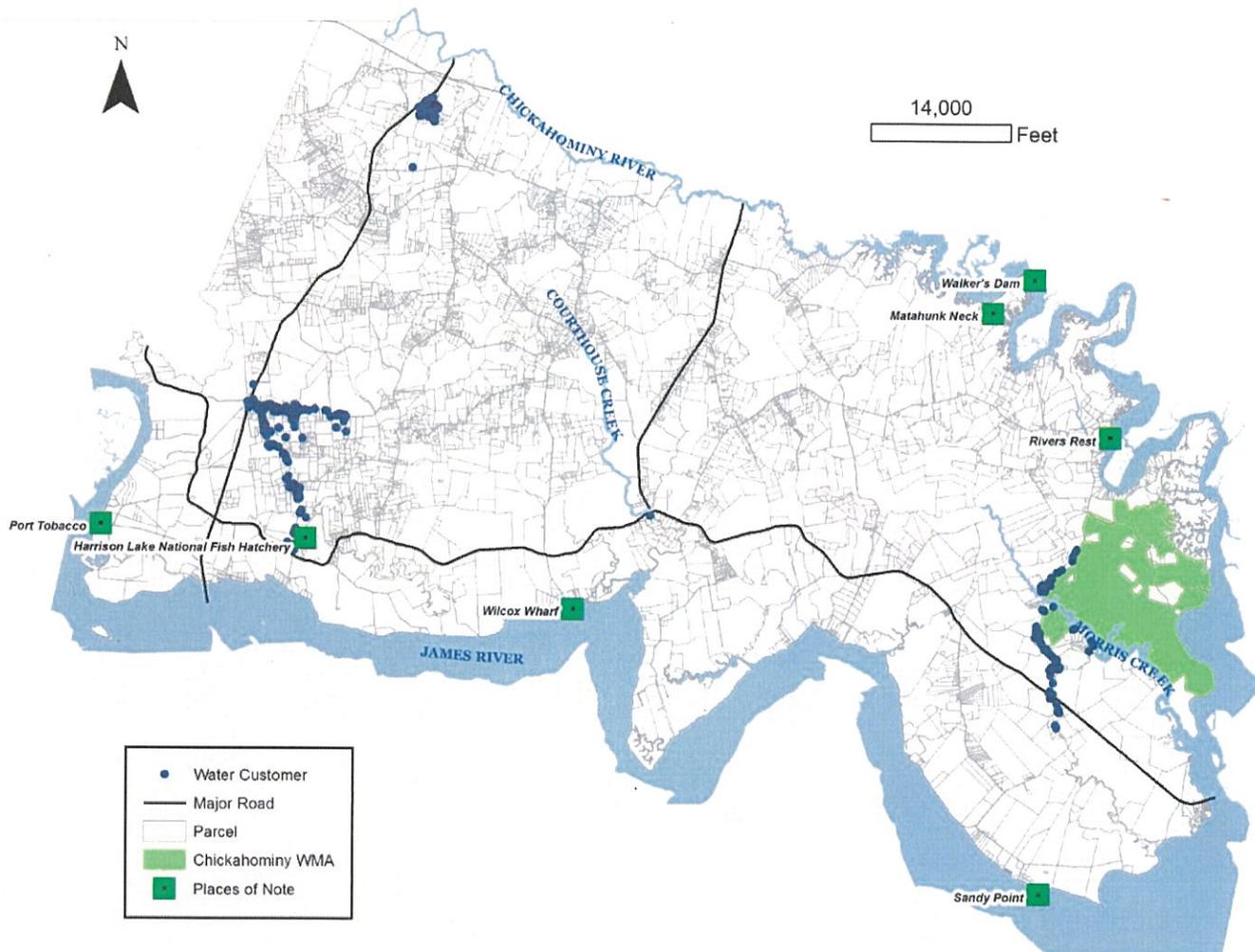
C: Ms. Michelle Johnson, County Administrator

Charles City County – Shoreline Improvements/ Revetments



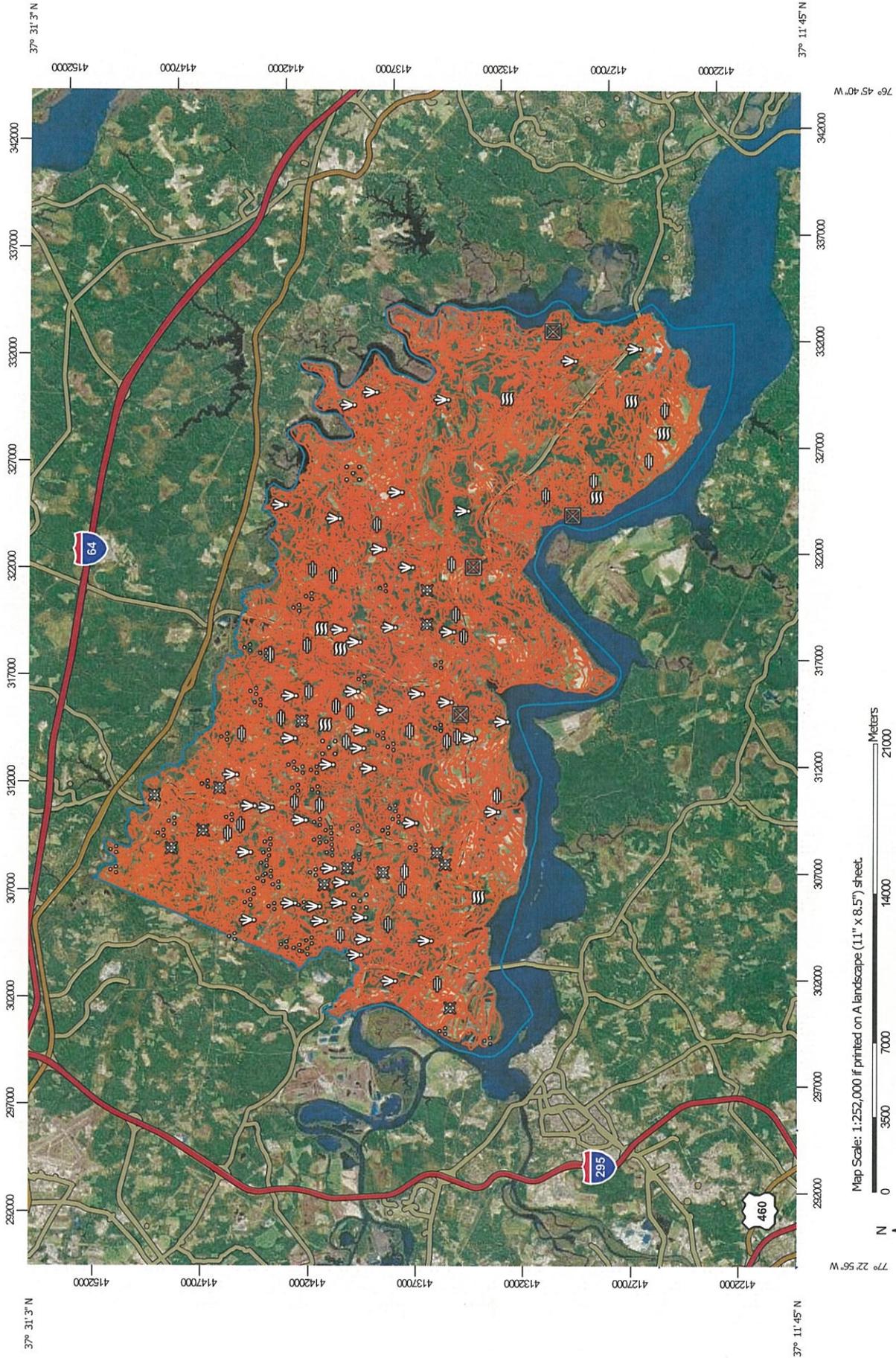


Charles City County – Water Utility Customers



Charles City – Soil Map

Soil Map—Charles City County, Virginia



Map Scale: 1:252,000 if printed on A landscape (11" x 8.5") sheet.

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84

MAP LEGEND

- Area of Interest (AOI)
- Soils
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points
- Special Point Features**
 - Blowout
 - Borrow Pit
 - Clay Spot
 - Closed Depression
 - Gravel Pit
 - Gravelly Spot
 - Landfill
 - Lava Flow
 - Marsh or swamp
 - Mine or Quarry
 - Miscellaneous Water
 - Perennial Water
 - Rock Outcrop
 - Saline Spot
 - Sandy Spot
 - Severely Eroded Spot
 - Sinkhole
 - Slide or Slip
 - Sodic Spot
- Water Features**
 - Streams and Canals
- Transportation**
 - Rails
 - Interstate Highways
 - US Routes
 - Major Roads
 - Local Roads
- Background**
 - Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Charles City County, Virginia
 Survey Area Data: Version 14, Sep 16, 2019

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jan 1, 1999—Dec 31, 2003

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

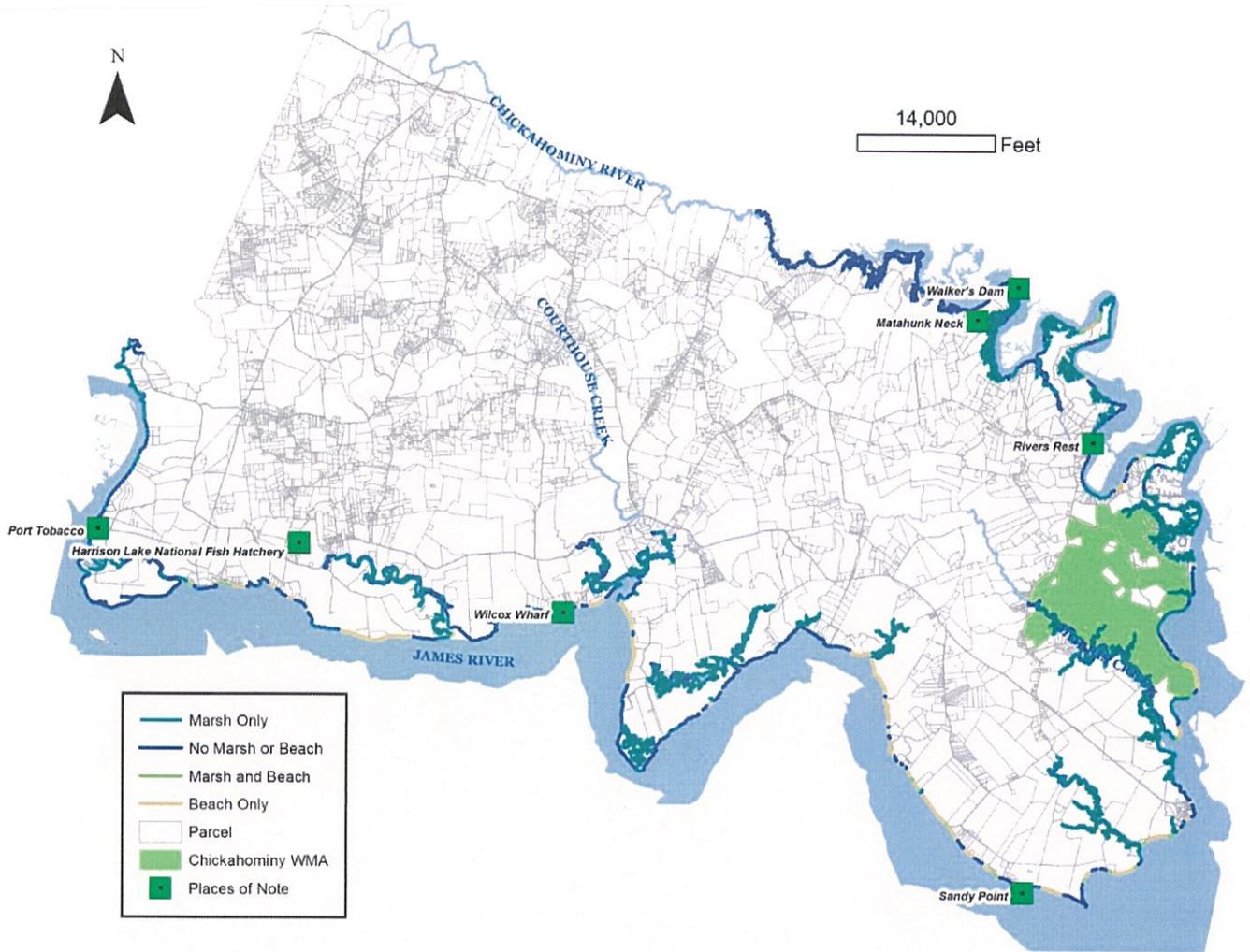
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
1A	Altavista fine sandy loam, 0 to 3 percent slopes	987.7	0.8%
2A	Augusta sandy loam, 0 to 2 percent slopes	972.5	0.7%
3A	Bethera silt loam, 0 to 2 percent slopes	799.9	0.6%
4A	Bibb fine sandy loam, 0 to 2 percent slopes, frequently flooded	6,744.8	5.1%
5A	Bojac loamy fine sand, 0 to 2 percent slopes	110.8	0.1%
5B	Bojac loamy fine sand, 2 to 6 percent slopes	486.6	0.4%
6B	Caroline silt loam, 2 to 6 percent slopes	311.3	0.2%
7B	Caroline-Emporia complex, 2 to 6 percent slopes	6,558.0	5.0%
7C	Caroline-Emporia complex, 6 to 10 percent slopes	241.2	0.2%
8B	Catpoint loamy sand, 0 to 4 percent slopes	479.1	0.4%
9A	Chickahominy loam, 0 to 2 percent slopes	7,867.5	6.0%
10A	Chickahominy loam, 0 to 2 percent slopes, ponded	370.0	0.3%
11B	Conetoe loamy sand, 0 to 4 percent slopes	432.3	0.3%
12B	Craven loam, 2 to 6 percent slopes	2,063.6	1.6%
13C3	Craven clay loam, 6 to 10 percent slopes, severely eroded	140.0	0.1%
14B	Craven-Caroline complex, 2 to 6 percent slopes	1,401.8	1.1%
15C3	Craven-Caroline complex, 6 to 10 percent slopes, severely eroded	606.5	0.5%
16C	Craven-Remlik complex, 6 to 10 percent slopes	2,044.1	1.6%
17C	Craven-Uchee complex, 6 to 10 percent slopes	10,404.8	7.9%
18A	Dogue silt loam, 0 to 2 percent slopes	721.7	0.6%
18B	Dogue silt loam, 2 to 6 percent slopes	6,208.4	4.7%

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
18C	Dogue silt loam, 6 to 10 percent slopes	160.7	0.1%
19A	Dragston fine sandy loam, 0 to 2 percent slopes	150.6	0.1%
20B	Emporia fine sandy loam, 2 to 6 percent slopes	831.1	0.6%
21B	Emporia gravelly fine sandy loam, 2 to 6 percent slopes	312.0	0.2%
22B	Emporia loam, 2 to 6 percent slopes	90.6	0.1%
23B	Emporia-Kempsville complex, 2 to 6 percent slopes	3,183.9	2.4%
24B	Izagora silt loam, 0 to 4 percent slopes	1,663.3	1.3%
25B	Kempsville loamy sand, 2 to 6 percent slopes	738.4	0.6%
26A	Lawnes muck, 0 to 1 percent slopes, very frequently flooded	4,135.6	3.2%
27B	Masada loam, 2 to 6 percent slopes	1,229.5	0.9%
28B3	Masada sandy clay loam, 2 to 6 percent slopes, severely eroded	210.1	0.2%
29A	Mattan mucky loam, 0 to 1 percent slopes, very frequently flooded	2,198.6	1.7%
30A	Munden loamy sand, 0 to 2 percent slopes	233.0	0.2%
31A	Nahunta silt loam, 0 to 2 percent slopes	781.2	0.6%
32B	Nansemond loamy sand, 0 to 4 percent slopes	269.6	0.2%
33A	Nawney silt loam, 0 to 2 percent slopes, frequently flooded	644.7	0.5%
34A	Nawney silt loam, 0 to 2 percent slopes, ponded	1,628.4	1.2%
35D	Nevarc-Remlik complex, 10 to 15 percent slopes	6,329.3	4.8%
35E	Nevarc-Remlik complex, 15 to 25 percent slopes	7,018.1	5.4%
35F	Nevarc-Remlik complex, 25 to 60 percent slopes	2,844.5	2.2%
36A	Newflat silt loam, 0 to 2 percent slopes	7,516.6	5.7%
37A	Nimmo sandy loam, 0 to 2 percent slopes	255.0	0.2%

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
38A	Pamunkey loam, 0 to 2 percent slopes	611.6	0.5%
38B	Pamunkey loam, 2 to 6 percent slopes	1,856.4	1.4%
38C	Pamunkey loam, 6 to 10 percent slopes	166.2	0.1%
39A	Peawick silt loam, 0 to 2 percent slopes	3,186.4	2.4%
39B	Peawick silt loam, 2 to 6 percent slopes	3,420.5	2.6%
40A	Roanoke silt loam, 0 to 2 percent slopes	2,321.9	1.8%
41A	Seabrook loamy sand, 0 to 2 percent slopes	617.0	0.5%
42B	Slagle fine sandy loam, 0 to 4 percent slopes	2,217.9	1.7%
43B	Slagle-Emporia complex, 2 to 6 percent slopes	4,384.3	3.3%
44A	Tomotley fine sandy loam, 0 to 2 percent slopes	786.0	0.6%
45B	Turbeville loam, 2 to 6 percent slopes	413.1	0.3%
46B	Uchee loamy sand, 2 to 6 percent slopes	152.8	0.1%
47B	Udorthents, loamy, gently sloping	642.9	0.5%
48B	Udorthents, smoothed, gently sloping	396.9	0.3%
49A	Wickham fine sandy loam, 0 to 2 percent slopes	157.5	0.1%
49B	Wickham fine sandy loam, 2 to 6 percent slopes	724.6	0.6%
50B3	Wickham sandy clay loam, 2 to 6 percent slopes, severely eroded	143.9	0.1%
51A	Yeopim silt loam, 0 to 2 percent slopes	395.7	0.3%
51B	Yeopim silt loam, 2 to 6 percent slopes	2,074.6	1.6%
W	Water	13,966.2	10.7%
Totals for Area of Interest		131,014.3	100.0%

Charles City County - Fisheries

Mail - Rhonda Russell - Outlook



SHORELINE and STREAMBANK EROSION

Charles City County is bounded to the north and east by the Chickahominy River. The county is bounded to the south and west by the James River. There are only seven miles along the western boundary of Charles City County where neither the James nor Chickahominy Rivers are its boundary. Within Charles City County all of the James River and two-thirds of the Chickahominy River are tidal. The county's non-tidal shoreline includes the portion of the Chickahominy River upstream of Walkers' Dam and the shoreline along perennial streams such as Courthouse Creek.

The Virginia Institute of Marine Sciences (VIMS) at the College of William and Mary has authored a Shoreline Inventory Report (2013) for Charles City County and an accompanying Shoreline Management Plan (2015). The updated inventory report includes the two major rivers as well as several tidal tributaries. This report surveyed a total of 292.1 miles of shoreline in the county using a combination of visual inspections from boats and analysis of aerial imagery. According to the 2013 study, approximately 18.2 miles of shoreline contain beaches and tidal marshes make up over 3,240 acres along the shores of Charles City County, mostly along the Chickahominy and other smaller tributaries. Marshes and beaches serve as natural buffers from wave action and help to prevent erosion along the shore. A map of these natural buffers is included below.

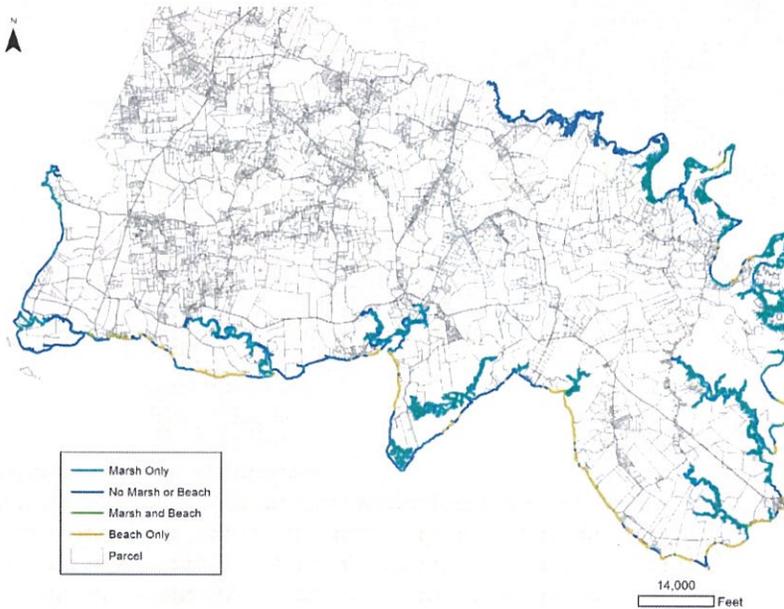


Figure 1: Natural Shoreline Buffers

Commented [MH(1)]: These are the latest?

Commented [MB2R1]: Yes

Commented [MH(3)]: Identify the JR and the Chick, Walker's Dam, Courthouse Creek as referenced in text

Commented [MB4R3]: OK

The Shoreline Inventory Report also classifies the banks based on erosion status and bank height. Based on this assessment, approximately 2.54 miles are deemed "erosional," indicating that the bank shows signs of slumping, scarps, exposed roots, or undercut. An additional 1.16 miles of shoreline is classified as "transitional," meaning there are mild signs of erosion. Approximately 1.25% of the shore included in the study shows some sign of erosion. A map of the shoreline areas showing erosion is included below.

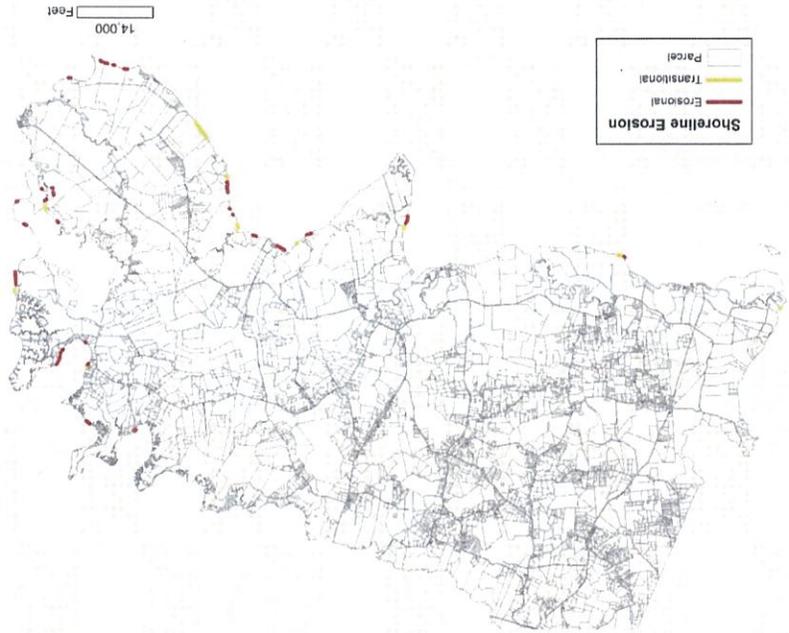


Figure 2: Shoreline Erosion

The areas of erosion were studied in more detail in the Shoreline Management Plan. The following up study divided the county's tidal shoreline into eight (8) reaches. All segments showed very low overall levels of erosion with the Chickahominy showing the highest average rate of erosion at 0.6 ft. per year. The study identified no areas of concern within Charles City County.

The Shoreline Inventory Report also classifies land use along stream corridors in Charles City County. As noted above, this classification was developed with a combination of field inspections from the water and aerial imagery. Table 21 shows the development trends along the shoreline in Charles City County.

Commented [MB6R5]: VIMS has not updated this information

Commented [MH(5)]: Add areas of known streambank erosion

Table 21: Land Use by Waterway

	RIVERS						CREEKS/TRIBUTARIES												TOTAL	
	Chickahominy		James		Herring		Kittewan		Morris		Queens		Tomahund		Turkey Island		Mile	Pct.		
	Mile	Pct.	Mile	Pct.	Mile	Pct.	Mile	Pct.	Mile	Pct.	Mile	Pct.	Mile	Pct.	Mile	Pct.				
Agriculture	10.62	8.2	3.80	6.3	0.04	0.3	1.36	6.4	0.00	0.0	0.00	0.0	0.22	1.4	0.00	0.0	16.04	5.5		
Commerce	0.11	0.1	0.07	0.1	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.18	0.1		
Forest	113.92	87.8	46.17	76.6	13.53	96.4	19.46	91.2	27.43	96.6	18.92	95.6	14.04	86.7	2.32	100.0	255.79	87.6		
Grass	1.76	1.4	6.18	10.3	0.26	1.9	0.19	0.9	0.38	1.3	0.64	3.2	0.57	3.5	0.00	0.0	9.98	3.4		
Paved	0.04	0.0	0.18	0.3	0.04	0.3	0.00	0.0	0.03	0.1	0.01	0.1	0.00	0.0	0.00	0.0	0.26	0.1		
Residential	3.22	2.5	3.47	5.8	0.16	1.1	0.33	1.5	0.57	2.0	0.15	0.8	0.03	0.2	0.00	0.0	7.93	2.7		
Scrub-Shrub	0.09	0.1	0.37	0.6	0.00	0.0	0.00	0.0	0.00	0.0	0.07	0.4	1.27	7.8	0.00	0.0	1.80	0.6		
Timbered	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.07	0.4	0.00	0.0	0.07	0.0		
TOTAL	129.76	100	60.24	100	14.03	100	21.34	100	28.41	100	19.79	100	16.20	100	2.32	100	292.09	100		

Factors Affecting Shoreline and Streambank Erosion

Each segment of shoreline, regardless of its location in the county, is being constantly affected by wave action caused by the wind and boating activities, stormwater runoff from rainfall (a detailed discussion of stormwater is found in the section "Threats to Water Quality"), and removal of vegetation. Each segment of shoreline may also react differently to the erosive forces of wind and water. For example, shoreline segments located within the bends of the river are more susceptible to river erosion, because more of waves energy released at the bend.

The physical characteristics of the shoreline, such as slope and soil type, also affect the rate of erosion. The amount of vegetative cover in an area and along the shore helps to reduce the potential for erosion. The amount of marsh vegetation and beach found in an area also helps to buffer wave action and to reduce the impact of the waves on the bank. As shown on Figure 2 (pg...), erosional banks are most common in areas with no natural buffer or only beach buffers.

Another factor which can dynamically affect the shoreline erosion rate is the loss of vegetation that occurs when land is developed. The shoreline areas in Charles City County are largely undeveloped with over 88% forested or natural scrub-shrub. These buffers are most effective at preventing erosion and maintaining stable banks and uplands. Agricultural and residential uses, by contrast, are prone to erosion and sediment loading as banks are generally not maintained adjacent to farm fields and residential users are more likely to clear the vegetated buffers for views or access. The County's CWPQ requires preservation of native vegetation within Chesapeake Bay Preservation Areas and revegetation of areas where the RPA Buffer has been modified for agricultural or silvicultural purposes when changing between uses to reduce the nutrient and sediment impacts on our waters.

Public and Private Access

The majority of waterfront access in Charles City County is privately owned. This includes residential home sites with associated boat ramps, docks, and boating structures. It is estimated that, as of 2013, there were 119 docks in Charles City County. On the Chickahominy River where pier density is the greatest, nearly every parcel has its own pier. Each parcel of land on the river usually has an average frontage of several hundred feet. The combination of large river frontage on single parcels limits the total numbers of piers. Although direct access to the river is relatively low in this scenario, access still impacts the environment. In addition to providing access, piers are often used for long term boat mooring. The cumulative impact of low pier densities with long term boat mooring can result in reduced water quality from added pollution. This is a situation that is expected to intensify as currently undeveloped areas are subdivided and more piers are built.

The only commercial ramp accessing the Chickahominy River in the county, the Rivers Rest Marina (formerly the Hideaway Marina), is located in the northeastern part of the county. The marina consists of a boat ramp, 60 floating docks, field boat storage, a convenience store,

Commented [MH7]: In violation of the Bay Act! Need to

turn this statement into a discussion of how general woodlot mgmt. and thinning for view and vistas per the Bay Act can be achieved...legally! - see the Buffer Manual

Commented [MH8]: May need to add additional paragraph directly addressing streambank erosion: causes,

location, solutions

Commented [MH9]: Might want to cite the data source

Commented [MB10R9]: Source is VIMS Shoreline Inventory

restaurant, and motel. The Marina hosts the Freedom Boat Club, an organization that rents boats to members under contract. Overnight mooring is available, and a free pump-out station is available. The new facility was designed and built to minimize impacts to the Chickahominy River by incorporating an extensive French drain system, floating docks, and maintaining shoreline vegetation whenever possible.

In addition to the commercial facility, a public boat ramp with pier is located within the Chickahominy Wildlife Management Area along Morris Creek. This facility caters to the recreational day fisherman. This facility does not permit overnight mooring. No pump-out facilities are available or required at this location.

Public access to the James River is provided at the county's fishing pier and public boat ramp at the end of Wilcox Wharf Road (Route 618) at Lawrence Lewis, Jr. Park. The Lawrence Lewis, Jr. Park boat ramp was a public-private project that was completed and opened in May 2013.

Two barge ports are also found on the James River. One port is associated with the sand and gravel operation at Sandy Point. The second port, Port Tobacco, is located near Shirley Plantation. The facility handles barges bringing a variety of commodities to the local area. A map of existing docks, ramps, and boathouses can be seen in the map below.

Submerged Aquatic Vegetation (SAV)

County policy has been to support individual private docks for each property owner along the waterfront. Given the county's low rate of growth, this policy is expected to continue into the foreseeable future. The county generally only sees a few dock applications in any given year. This policy would need to be revisited if population growth were to increase significantly.

To provide increased public access to the water, the county has adopted a goal of obtaining public boat access to both the James and Chickahominy Rivers as well as the Chickahominy Lake (See Chapter 9). With the completion of the ramp at Lawrence Lewis Park on the James, at least one public boat ramp is available on both the James and Chickahominy Rivers. The Department of Parks and Recreation has a master plan which recommends development of a park at Matahunk Neck, immediately upstream from Walker's Dam, and two study areas for public boat access to the Chickahominy Lake. The general area recommended for these public access points is indicated on the map above. Additional study is required to determine the feasibility of these sites for public access. ADD discussion re: siting docks/piers per VIMS guidance

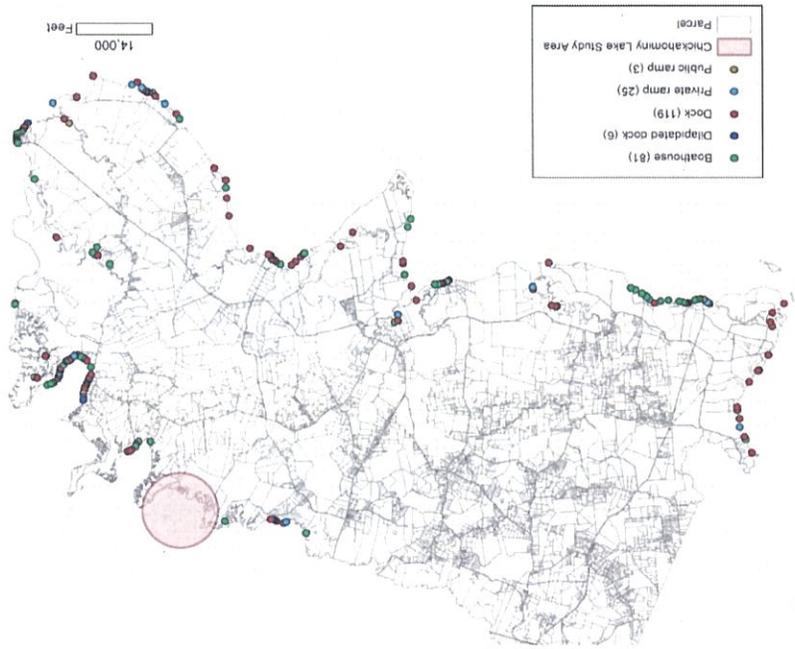
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Commented [MH11]: Identify public marina's by name to provide context to text: Rivers Rest, public access on JR and Chick, location of Lawrence Lewis Park, barge ports (Port Tobacco and Sandy Point)

Figure 3: Existing Boathouses, Docks, and Ramps (2013)



Submerged aquatic vegetation (SAV) is those grasses that exist below the surface in fresh water and low-salinity tidal waters. Their presence is vital to the Chesapeake Bay ecosystem. The grasses provide lodging and food for various small organisms, while also generating oxygen. Sediment is collected by SAV, which leaves the water less cloudy and reduces the likelihood of sediment crushing bottom dwelling life forms.

Unfortunately, today there is less than half of the submerged aquatic vegetation in the Chesapeake Bay and its tributaries than existed before 1960. The main reason for the downturn of this vegetation is due to light reduction caused by excessive stormwater runoff from farms, construction, and other developments.

A 1998 study, *Analysis of the Distribution of Submerged Aquatic Vegetation in the James River* by Virginia Institute of Marine Science, found numerous small beds of SAV along the Chickahominy River in Charles City County. These grasses were mainly fringing various marsh channels and small creeks. However, along the James River, only a few scattered beds now occur and are found within tributary creeks.

In addition, the water quality report on streams, estuaries and lakes with water quality impairments, the 2006 Water Quality Assessment Integrated Report, created every two years by the Commonwealth of Virginia's Department of Environmental Quality identifies a shortage of SAV in the James River through Charles City County in its assessment of impairments to the estuarine sections of the rivers.

The Harrison Lake National Fish Hatchery in Charles City County has become a planting area to create donor beds of such species as wild celery. The grasses are raised for restoration programs for planting throughout the Chesapeake Bay.

Commented [MH(15)]: Update data and provide a map per the 2018 report

Commented [MB16R15]: DEQ must identify the precise report/map/data this references. DEQ website has multitude of data and we cannot determine what is relevant.

FISHERIES

Rivers and lakes of Charles City County support recreational fisheries that are nationally known. The tidal Chickahominy along the eastern side of the county has supported a largemouth bass fishery for many decades. Anglers also fish for catfish, especially blue catfish, river herring, striped bass, and Hickory and American shad. In addition to access at the Chickahominy Wildlife Management area on Morris Creek and the Rivers Rest marina in Charles City, there is also public access to the river in James City County and New Kent County.

The Chickahominy Reservoir, a 1,230-acre fresh water lake formed by Walker's Dam, is along the northern side of the county. According to the Department of Game and Inland Fisheries, the lake is considered to be one of the "best all-around fisheries in Virginia." The habitat created by bald cypress trees, water lilies and underwater vegetation is credited with providing consistently good fishing at this lake. In addition to chain pickerel, bowfin, largemouth bass, bluegill, black crappie, yellow perch, gar and others, there are twin fish ladders next to the dam which allow for the passage of blueback herring and striped bass. There is no public access to the Chickahominy Reservoir in Charles City County. Access is from either private or commercial landings in New Kent County.

The tidal James River also supports a nationally recognized largemouth bass fishery and has been the location of many recreational fishing tournaments including the Bass Master Classics.

The Harrison Lake National Fish Hatchery next to Harrison Lake is owned and managed by the US Fish and Wildlife Service. Since 1994, the hatchery has stocked millions of American shad larvae into rivers in Maryland and Virginia, including the James River.

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SURFACE WATER

The many rivers and streams that flow through Charles City County have played a significant role in the development and history of the county. The locations and general characteristics of the rivers and streams will greatly impact future development.

The entire county is within the James River watershed. This means that all of the streams eventually flow into the James River, which flows into the Chesapeake Bay. The county's two major rivers are described below.

James River

The James River is an estuary in Charles City County and is influenced by the ebb and flow of lunar tidal cycles. Fresh water flowing down from the upper basin to the west mixes with the salty waters moving up from the Chesapeake Bay in the east. The concentration of salt water is greatest at the mouth of the river near Norfolk and gradually decreases upriver towards the City of Richmond. The salinity of the James as it passes through the county varies from season to season.

Approximately 15 major municipal and industrial sewage treatment plants are located upstream on the James River. These plants affect the water quality of the river downstream through the discharge of pollutants contained in their effluents. Also, the extensive growth and urbanization of these upstream localities make for conditions that create stormwater runoff which also pollutes the river.

Chickahominy River

The Chickahominy River along the eastern side of Charles City County is estuarine from Walkers Dam to the James River. This tidal portion is saline with concentrations similar to that of the James River. Above Walkers Dam, located 22 river miles upstream from James River, the Chickahominy is nontidal fresh water.

The City of Newport News utilizes the water impounded by Walker's Dam, Chickahominy Lake, as a raw water supply. This water is used to supply a portion of the water needs of the City of Newport News and other localities served by that city's water works. The State Water Control Board has developed strict standards for water quality and effluent discharges into the Chickahominy River from its headwaters to Walker's dam. There are several industrial and municipal sewage treatment plants up river in Hanover, Henrico, and New Kent Counties.

Commented [MH(23)]: ADD: surface water map and include SW features mentioned throughout the doc including, the JR and the Chick, Walker's Dam, Morris and Courthouse creeks, Chick WMA, Chick Reservoir (or is it Lake? Called both, please be consistent if they are the same waterbody), Harrison Lake National Fish Hatchery

Commented [MB24R23]: OK

Commented [MH(25)]: Any of these w/I CCC?

Commented [MB26R25]: Yes. Data will come from CCC.

Commented [MH(27)]: Same as Chick Reservoir?

Commented [MB28R27]: Yes

GROUNDWATER

General Information on Groundwater

Groundwater begins as surface water such as melting snow, rain, ponds, creeks, lakes and rivers. Overtime, large amounts of surface water are slowly absorbed in the ground. The specific locations where surface water filters into the ground are referred to as the saturated zone—the point where surface water becomes groundwater. The point where the surface water actually begins to collect and to pool underground is commonly referred to as the water table. Knowing the location of the water table is important in locating wells for both residential and non-residential purposes, especially in areas where public water and sewer service is not readily available.

Groundwater is found underground between the cracks and spaces in soil, clay and rocks. These spaces (or collection areas) are referred to as aquifers. Aquifers are made of varying natural materials that allow the water to flow at different rates. For example, aquifers made primarily from large clay deposits will hold water for longer periods of time than aquifers consisting primarily of soil. The actual location of the aquifer may vary considerably. The aquifer may be only a few feet below the ground, or it may be hundreds of feet below the surface.

The speed of the flow of groundwater depends on the size of the spaces in the soil or rock and on how well the spaces are connected. Because groundwater moves slowly through the cracks and spaces between rocks and other non-porous materials, it can take long periods of time for it to move; often as long as a day just to move a couple of inches.

Recharge is the process that allows surface water to replenish an aquifer. This process may occur naturally or artificially. The process occurs naturally when rain falls, springs and streams filter down through the ground into an aquifer. The land area where recharge occurs naturally is called the recharge area or recharge zone. Artificial recharge is achieved by injecting water into a well or by spreading water over the surface where it can seep into the ground.

Per the State's 1992 Ground Water Management Act, the county is located within the Eastern Virginia Ground Water Management Area. This legislation aims to restrict the use of ground water and reduce the possible sources of ground water pollution in the management area. Uses that require large withdrawals of water, exceeding 300,000 gallons per month, are required to obtain a Ground Water Withdrawal Permit from the State. The Act also requires that there be a Ground Water Plan in place for those locales that fall within the management area.

Aquifers in Charles City

There are several confined aquifers in Charles City County. These aquifers are "confined" because they are separated from each other by thick layers of clay. These clay layers hold the water, only allowing water to be transferred between the aquifers very slowly. The clay layers also add pressure to the water because the water wants to move faster than the clay allows. When the

Commented [MH29]: One word, with the exception of references to the law and the EVGWMA, which is two words

confined aquifers are tapped by a deep well, the pressure can force the water to spring upward as an artesian well.

Throughout Charles City, there is also an unconfined aquifer. This aquifer is found between the surface of the ground and the first confined aquifer. Rain, creeks and rivers supply the water to this shallow aquifer. The unconfined aquifer provides water for shallow wells. Because the aquifer is shallow and receives water directly from the surface, it is very susceptible to contamination. Substances that can filter through the ground can quickly reach the shallow aquifer.

In a study by the United States Geological Survey, *Groundwater Resources of the York James Peninsula of Virginia*, in 1989, there were several important issues identified in the executive summary including:

- Groundwater withdrawal has lowered water levels throughout the multi-aquifer system.
- Cones of depression are centered at, and are expanding outward from, areas of concentrated groundwater use.
- Groundwater withdrawal is expected to increase. This will lower water levels and cause the possible movement of salty water into freshwater parts of aquifers.
- The availability of groundwater for meeting future water needs has become a matter of local and regional concern.

Residents and businesses in the county are served entirely by groundwater at this time. The county anticipates that groundwater will continue to be the sole source of drinking water for the foreseeable future. Section 62.1-44.15 of the Code of Virginia requires localities to develop a long-term water supply plan that identifies the quantity and potential of threats to the quality of the county's water supply system.

POTABLE WATER SUPPLY

As noted above, groundwater supplies all the drinking water in Charles City County. The county operates three primary water systems serving the Roxbury, Wayside/Kimages, and Rustic/Mt. Zion areas of the county. A smaller system serves the Courthouse area of the county but at present only has one non-government user. The county systems serve approximately 218 homes and 54 businesses. Less than 10% of the county's population is served by these public systems. These systems withdraw an estimated 44,000 gallons per day from the confined aquifers. A map of the existing water customers can be seen below.



Most of the population is served by private wells. These include individual, on-site systems and, in a few cases, neighborhood systems serving a single subdivision and operated by the homeowners' association. These systems include both shallow wells (drawing from the unconfined aquifer) and deep wells (drawing from one of the confined aquifers). In total, these systems are estimated to use approximately 740,000 gallons per day. A 1998 study by Timmons Group commissioned by the County found that the recharge rate for the aquifers beneath the county is between 6 and 10 million gallons per day. In terms of quantity,

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groundwater supply is sufficient for current and projected future drinking water needs, even when factoring in non-drinking water withdrawals such as industrial and agricultural uses.

Groundwater, particularly in the unconfined aquifer, is susceptible to contamination from a wide range of uses including leaching, leaking storage tanks, failed septic systems, and even open wells. A range of potential sources of water quality impairment are discussed in the following section along with mitigation measures the county has implemented to reduce the impacts.

To preserve water quality for existing water systems and individual wells, the County will explore several development tools and adopt those deemed best suited for county's staffing and technical capacity. Several of the options identified by staff and in previous water planning documents which can be adopted as land use controls include:

1. Identify and develop adequate buffering and land use controls for critical aquifer recharge areas using the best available research and technical advice.
2. Improve the buffers and land use controls around wellheads for community water systems.
3. Develop and require standard additional environmental controls as part of the Special Use Permit process for land uses with increased potential for significant water quality impacts such as underground storage tanks, automotive repair businesses, or utility pipelines.

As the county is largely forested and undeveloped, implementing adequate land use controls now will protect the county water supply as it grows in the future.

THREATS TO WATER QUALITY AND QUANTITY

Water quality is an important issue for Charles City County. The protection of groundwater and surface water is important in the short and long term both as a source of drinking water and for recreation and for fish and wildlife habitat. Pollutants generally affect water quality in two ways: stormwater runoff and leaching. Stormwater runoff refers to water, which is not absorbed in the soil but instead flows overland. This excess water eventually collects and flows into either natural channels or manmade drainage courses such as a ditch or wale. As the water flows, part of it is absorbed into the ground, eventually helping to recharge the groundwater supply; the remainder is carried away to help recharge a surface water body.

Managing water quantity is also an important issue. Undeveloped or "pervious" surfaces, such as woodlands and meadows, absorb and filter rainfall and reduce runoff. Conversely, "impervious" surfaces, such as pavement and/or rooftops, increase the amount of runoff that occurs when it rains. This increase in runoff can overwhelm waterways causing erosion, localized flooding and property damage.

Stormwater

If too much stormwater flows too quickly over the ground, soil erosion may occur. Soil erosion occurs when great volumes of stormwater, sometimes also flowing at great speeds, washes away soil and debris. The soil eroded from the site carries nutrients, such as nitrogen and phosphorus, and the additional nutrients pollute the county's waterways. The debris and litter carried by stormwater runoff is also considered pollution and should be prevented from entering county waterways.

Also, land that is covered with buildings, parking areas and other built structures does not allow water to be absorbed into the ground and downstream flooding may occur if preventative measures are not taken. Excess runoff from development sites can cause channel erosion, flooding, and have adverse impacts on the hydrology of streams and wetlands. Preventative measures include stormwater detention and retention ponds or basins, also known as BMPs or Best Management Practices, and underground stormwater drainage systems. The preservation of vegetation on development sites increases the opportunity for stormwater to be absorbed into the ground. The maintenance of a vegetative cover also reduces the volume and velocity of stormwater runoff from the site.

Leaching

Leaching refers to the action of water and the particles it carries being absorbed and filtered by soil layers beneath the ground. Soil overlying the water table provides the primary protection against groundwater pollution. Bacteria, sediment and other insoluble forms of contamination become trapped within the soil. Some chemicals are absorbed or react with various soil constituents, thereby preventing or slowing the migration of pollutants into the groundwater. In

addition, plants and soil micro-organisms use some potential pollutants, such as nitrogen, as nutrients for growth, thereby depleting the amount (of nutrients) that reaches the groundwater. Eventually the leached materials that are not filtered out in the soil layers enter the groundwater supply.

Highly permeable soils allow water and the particles it carries to more readily move through the soil layers. Because the water filters through highly permeable soil at a faster rate than non-highly permeable soils, chances are much greater that pollutants will not be filtered out and will enter the groundwater supply. Unconfined aquifers that do not have a thick cover of soil are more susceptible to contamination. Confined, deep aquifers tend to be better protected with a dense layer of clay material.

Most of the contaminants that commonly because concern originate above ground, often as the direct result of human activities. More often than not the primary force involved is gravity, as wastes are washed, poured, spilled or flushed into pathways that lead into the ground. Opportunities for direct pathways to the aquifers which are used by Charles City County residents and businesses for potable water include open and abandoned wells, drain tiles or drainage wells, surface depressions where water ponds, septic tanks and drainfields, cesspools, rudimentary bored wells, pipe trenches, and mining excavations.

Commented [MH(32): What does this mean? Should it read, "commonly cause concern"?

Erosion and Sediment Control

The county adopted its erosion and sediment control ordinance in 1980 and later modified it to become consistent with the state requirements. The purpose of this ordinance is to ensure that no drainage from a construction site will cause damage to adjacent properties or waters due to sedimentation and stormwater runoff. All land disturbing activities over 2,500 square feet County-wide. In 2014, the Charles City County CBPA Ordinance was combined with the county's erosion and sediment control ordinance and a new stormwater management ordinance to provide for the integration of these programs to better protect water quantity and quality.

Stormwater Management

The state Stormwater Management Act regulates the impacts to water quality and water quantity due to stormwater runoff from land that has been developed. In accordance with state law requirements adopted in 2012 by the General Assembly, Charles City County adopted and began administering a Virginia Stormwater Management Program (VSMP) to regulate certain land disturbing activities of greater than an acre County-wide (or less than acre where part of a common plan of development), or greater than 2,500 sq. feet when located within a Chesapeake Bay Preservation Area. The County's Stormwater Management Ordinance was combined with its then existing CBPA Ordinance and its Erosion and Sediment Ordinance into the "Combined Water Quality Protection Ordinance of Charles City County" to integrate these programs to the betterment of water quality and quantity, and to provide "one stop-shop" for developers. The "one stop-shop" benefits local developers and citizens by streamlining the permitting process for

Floodplains

Department of Environmental Quality, for the permitting process. qualifying land disturbance projects. That is, the county now serves as the contact, instead of the

The county's floodplain overlay district was designed to protect persons and property from the negative impacts of floods. Citizens cannot build within the 100-year floodplain without providing assurances that damage is unlikely to occur to their property or the property of others due to floods. In addition, adoption and implementation of the county's Combined Water Quality Protection Ordinance will minimize stormwater runoff impacts to the county's flood prone areas.

Impaired Waters in Charles City County

Every two years, the Virginia Department of Environmental Quality develops a list of impaired waters in the state's lakes, rivers and tidal waters based on the presence of certain types of pollutants. A water body is considered impaired if it is determined through the monitoring of pollutants that the water is not suitable for swimming, fishing or drinking. Most rivers, lakes and estuaries in Virginia do meet water quality standards as described in the biennial 305(b) Water Quality Assessment Reports, which is a requirement of the Clean Water Act. Waters that do not meet standards are reported in the 303(d) Impaired Waters Report. If a lake, river or tidal waters are impaired, DEQ develops plans, with public input, to restore and maintain the water quality for the impaired waters. These plans are called "Total Maximum Daily Loads," or TMDL implementation plans. TMDL is a term that represents the total pollutant a waterbody can assimilate, or take in, and still meet water quality standards.

In Charles City County, portions of the James River, Chickahominy River, Turkey Island Creek, Harrison Lake, Chickahominy Lake, Possum Run, West Run, Morris Creek, Gunn's Run and Collins Run were classified as being impaired according to the 2012 Impaired Waters report. Depending on the section of the river or creek, reasons for impairment include the presence of fecal coliform, pH deficiencies and the open water 30-day summer dissolved oxygen criteria. Sources of the pollutants could include failing septic systems, agriculture, atmospheric deposition of nitrogen, natural conditions, loss of riparian habitat, wet weather discharges from point sources, and stormwater from urbanized areas. Many of these potential sources are located upstream and outside of Charles City County.

All major county land uses (agriculture, residential, and business and industry) have the potential to introduce contaminants to ground or surface water through either direct pathway, leaching or stormwater runoff. Below is a summary of the various ways these land use types may contribute to ground or surface water pollution.

Agriculture

Nutrient Management

Commented [MB35R34]: See earlier comment on 2018 Report. DEQ must precisely identify relevant information.

Commented [MH34]: Update statements and provide impaired waters map per the 2018 rpt – citation is in the consolidated checklist

Commented [MH33]: Do, or do not? Update per the 2018 305b/303d rpt

Agricultural activities can introduce nutrients, toxicants and sediments into streams, waterways and groundwater and can have a negative effect on water quality. According to Colonial Soil and Water Conservation District records, there are about 17,800 acres of farmland in Charles City County under active cultivation (about 16 percent of the county). These lands are generally used for growing small grains and cotton. The activities for each farm are regulated by a management plan prepared for them by the local soil and water conservation district office. These plans are developed to meet the standard of the United States Department of Agriculture's Food Security Act (FSA), and include standards for tillage practices, application rates for pesticides, fertilizers, herbicides, and other nutrients. These plans are designed in part to prevent surface and groundwater pollution by minimizing erosion and possible excessive chemical application. If the farmers meet standards established in the plan, they are eligible for cash subsidies provided through the USDA program. The cash subsidies provide the incentive for the farmer to follow the plan.

Biosolids Application

Biosolids are applied to approximately 10,000 acres of farmland in Charles City County. Biosolids (or treated sewage sludge) contain organic and inorganic nitrogen and can be applied to non-edible plants as a fertilizer to dramatically accelerate plant growth. Application of biosolids is not suitable for all land areas (types?). Land features such as topography, soil characteristics, location of groundwater and surface waters, and proximity to residences, operational accessibility, proximity to a biosolids supply, intended land use, economic viability, and application time need to be evaluated.

Farms that apply biosolids to crops and trees are required to follow strict, approved nutrient management plans that consider plant needs and soil nutrient levels. These plans outline the amount of nitrogen the plants can utilize from the application of the bio-solids. The Virginia Department of Environmental Quality closely restricts sludge application to sites where surface runoff can be minimized, and prohibits biosolids from reaching surface water bodies, drainage ditches, and other impoundments. Application of biosolids within 100 foot of wells is strictly prohibited to reduce the potential waste contaminants to move from soil into groundwater. Regardless of how restrictive local or state regulations are, or how reasonable it is to use biosolids as a soil additive on agricultural lands, it remains the ultimate responsibility of the farmer to properly apply biosolids in strict accordance with the rules that are designed to protect water quality. Safe and effective application of biosolids will fail if the farmer is not knowledgeable of appropriate agronomic practices and soil types.

Residential

Use of Lawn, Garden and Household Chemicals by Homeowners and Small-scale Farmers

Small scale farmers, gardeners, and homeowners however do not typically have the assistance of the local soil and water conservation district and may not be familiar with USDA requirements.

Lawn and garden chemicals may be misapplied, potentially contaminating groundwater unless application instructions are carefully followed. Groundwater contamination may also occur when these chemicals are stored in uncovered areas, unprotected from wind and rain, or are stored in locations near wells or drains.

Many sources of groundwater contamination can originate from the home, in the form of improperly stored or disposed household chemicals such as paints, synthetic detergents, solvents, oils, medicines, disinfectants, pool chemicals, pesticides, batteries, gasoline and diesel fuel. When chemicals are stored in garages or basements with floor drains, accidental spills or flooding may wash chemicals away to contaminate groundwater. Similarly, wastes dumped or buried in the ground can contaminate the soil and leach into the groundwater, as can hazardous products that cannot be reused (i.e. agricultural chemicals etc.) and are often disposed in the landfill.

In 2000, Waste Management Incorporated and Charles City County co-sponsored a county-wide program to assist local residents with the proper disposal of hazardous household and agricultural chemicals waste. Prior to 2000, residents would depend on local vendors (i.e. service stations, etc.) to accept their waste.

Open Wells

Open wells can easily become contaminated from simple daily operation or by accidental spills near the well opening. The lubricating fluids used to help the pumps operate, such as grease and oil from the pump can contaminate open wells. Open wells can also be contaminated from the surface if the well cap is not tight or if the casing lining the well is cracked or corroded. In addition, many older wells were merely dug as shallow holes in the ground. These wells can easily be contaminated and are also a safety hazard to children and animals.

The Virginia Department of Health (VDH) and Charles City are working closely together to identify open wells. It is the intent of both agencies that once these open wells are located, the owners will be identified, and proper well abandonment procedures followed. The state's Wellhead Protection Plan Development Program is based on community involvement, wherein a local committee works with VDH to create a plan for wellhead protection which can be used by a locality's waterworks for implementation to protect groundwater.

On-site Sewage Treatment

The majority of Charles City County is served by individual onsite wastewater systems (septic systems). These systems are designed for safe use by homes, offices or businesses not connected to a community sewer system. These systems work by collecting human waste in underground vaults, allowing it to decompose through natural processes, and draining away at a slow, harmless rate. The county's soil survey indicates that most of the county soils have such severe limitations that they are unsuitable for individual on-site septic systems.

Commented [MH36]: Is this program still in place?
Please update this language to include current status of the program and end date if applicable

The average lifespan for well-designed and maintained systems is about 30 years. The county estimates that the majority of the on-site systems built before 1980 may need to be repaired or replaced based on information gathered from Virginia Department of Health records for Charles City County. Generally, systems designed and installed after 1990 should be in good operating order because they were developed with water quality issues and appropriate VDH regulations in place. However, there are questions about the integrity of systems installed before then. Health department records kept on septic system permits issued before 1990 are not complete, and therefore many of the records are not reliable. Review of records issued before 1990 indicates that approximately 1,228 records are reliable, and the remaining 1,800 records are not. Of the reliable records, about 800 were recorded before 1980. Of those 800 records, more than 500 (at least 63 percent) are for systems located on areas of unsuitable soils. Therefore, the assumption is made that for the systems with unreliable records, 63 percent are located on unsuitable soils.

In addition, these systems are at best, over 20 years old and are nearing their life expectancy. In addition, the 2010 census identified 38 homes without complete indoor plumbing. The lack of indoor plumbing and the existence of large numbers of septic systems that are at the end of their life span and potentially failing is an important issue for the County Board of Supervisors. The county is actively seeking resources to provide adequate and safe wastewater disposal for all citizens, regardless of income.

Business and Industry

Hazardous Waste Disposal

Some businesses and home occupations, without access to sometimes expensive alternative types of disposal technology, treat their wastewater with residential-styled septic systems. Businesses that use harsh chemical or solvents such as automobile repair service, electrical component or machine manufacturers, photo processors, and metal platers or fabricators are of particular concern because the waste they generate is likely to contain toxic chemicals. Septic systems are not designed to treat these types of industrial wastes. Other industrial sources of contamination include cleaning of holding tanks or spraying equipment on the open ground. Some of this material can be lost through spillage, leakage, or improper handling. Even the cleanup of spills may pose a threat to groundwater when the spills are flushed with water rather than cleaned up with absorbent substances.

Although businesses may run a "clean shop," even small amounts of hazardous waste fluids can end up on the shop floor and be washed down floor drains that are not designed to handle industrial chemicals. Even relatively small amounts of chemicals accumulate over time and may create severe water pollution problems. Education of business owners concerning the need to employ proper waste disposal and wastewater management practices is needed. Ensuring that resources are available to assist with the proper disposal of hazardous products is the key to reducing the amount of hazardous waste inadequately disposed of in this county.

Commented [MH(37): What soils are considered unsuitable? Add a map of soils with an indication of those areas that are unsuitable for septic systems

Commented [MB38R37]: We can map soils but cannot state which are unsuitable for septic systems.

Commented [MH(40): Now 9 years old – is it possible to update this data?

Commented [MH(41): The pumpout program and regular maintenance of septic systems are integral to keeping these older systems in working order, many of which may actually be serving second homes that do not see year-round use. Their age alone may not be an indicator of their demise. You might consider re-working this section to include a discussion of the importance of regular maintenance and the requirement for pumpout or inspection every 5 years, County-wide. You should also include a discussion of the pump out grants the county has pursued and which remain available to low-mod homeowners. It is disturbing that you all had trouble getting folks to apply for the grant funds during the latest go-round and we need to get the news out. Also, please include numbers of the existing systems in the County, and how many have been pumped out in the past 5 years.

Leaking Underground Storage Tanks

A major source of petroleum products entering groundwater is leaking underground storage tanks. Leaking underground storage tanks (LUST) can pollute both ground and surface waters. The Virginia Department of Environmental Quality maintains a program for tracking and assisting owners with the clean-up of leaking underground storage tanks. In March 2006, there were five identified LUST in Charles City County. The location of these sites is shown on Map 10, which shows existing and potential water pollution sources.

Point Source Pollution

The regulation of point source pollution, as a result of industrial or municipal wastewater or stormwater, is controlled by the Department of Environmental Quality through its permitting known as Virginia Pollutant Discharge Elimination Systems (VPDES). In order to protect water quality, the discharge from wastewater systems is monitored and regulated through an annual permit specifying the allowed level of nitrogen, phosphorous and other chemicals which are harmful to water quality.

Commented [MH(42)]: Data needs to be updated

Commented [MH(43)]: Haven't seen map 10 - I'm sure it shows more than LUSTs...VPDES permits? Brownfield sites, superfund, RCRA, and CERCLA sites? See need for additional information on this topic in consolidated checklist

Commented [MH(44)]: map

Commented [MB45R44]: Main DEC GIS contact should be identified to get latest data.

Chesapeake Bay and Tributaries

In 1988, the General Assembly adopted the Chesapeake Bay Preservation Act in order to protect and improve water quality in the Chesapeake Bay and its tributaries by regulating the use and development of land. Charles City County first adopted the Bay Act Ordinance and map designating Chesapeake Bay Preservation Areas in October of 1993. This ordinance designates two types of Chesapeake Bay Preservation Areas - Resource Protection Areas (RPA) and Resource Management Areas (RMA) as shown on Map 11 - and establishes performance criteria applicable to the use and development of land within these areas.

Resource Protection Areas (RPAs) are highly sensitive land types at or near the shoreline, that in their natural condition are essential to the protection of the water quality of state waters. RPAs include tidal wetlands, nontidal wetlands connected by surface flow and contiguous to tidal wetlands and water bodies with perennial flow, tidal shores, and a 100-foot wide vegetated buffer area landward of the first three components and along both sides of any water body with perennial flow. Uses and development permitted within the RPA include water dependent uses, redevelopment, a new principal structure and necessary utilities on a lot or parcel recorded prior to the adoption of the county's Bay Act ordinance, a road or driveway crossing, or a flood control or stormwater management facility. Each permitted use is conditioned and additional performance standards apply to their development. In addition, within RPAs, a water quality impact assessment and mitigation are required for any land disturbance in the RPA.

Resource Management Areas (RMAs) are land types that if improperly used or developed have the potential for causing significant threats to water quality or diminishing the functional value of the Resource Protection Area. Resource Management Areas include those areas contiguous to any Resource Protection Area where there is an overlap of soils delineated as highly erodible and soils delineated as highly permeable, those areas adjacent to any Resource Protection Area delineated as a 100-year floodplain, and an area 25 feet in width landward and contiguous to the entire inland boundary of the Resource Protection Area. Any use or development of land allowed by zoning is permitted within the RMA.

Within both the RPA and the RMA certain general performance criteria apply to development: land disturbance and impervious surfaces must be minimized and indigenous vegetation must be preserved to the maximum extent practicable; land disturbance greater than 2,500 square feet must undergo plan of development review by County staff; projects disturbing equal to or greater than 2,500 square feet must comply with erosion and sediment control and stormwater management requirements; septic systems county-wide must be pumped out or inspected every five years; and land upon which agricultural activities are being conducted must undergo a soil and water quality conservation assessment.



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MEMO

TO: Planning Commission

FROM: Gary D. Mitchell, AICP

DATE: 12-30-2019

RE: Notification of Variance Application/Request

Per the Code of Virginia, 15.2-2310, whenever a petition for a zoning variance is requested the application shall be presented the Planning Commission for comment (see bold print below);

§ 15.2-2310. Applications for special exceptions and variances.

*Applications for special exceptions and variances may be made by any property owner, tenant, government official, department, board or bureau. Applications shall be made to the zoning administrator in accordance with rules adopted by the board. The application and accompanying maps or plans, or other information shall be transmitted promptly to the secretary of the board who shall place the matter on the docket to be acted upon by the board. No special exceptions or variances shall be authorized except after notice and hearing as required by § 15.2-2204. **The zoning administrator shall also transmit a copy of the application to the local planning commission which may send a recommendation to the board or appear as a party at the hearing.** Any locality may provide by ordinance that substantially the same application will not be considered by the board within a specified period, not exceeding one year.*

The Planning Commission has no authority over the approval or disapproval of the request but as stated above it may offer comment to the Board of Zoning Appeals or it may appear at the hearing and offer comment.

APPLICATION DETAILS

The applicant is requesting a variance to the side and front setbacks to an existing residence so that an addition for his mother may be constructed. The addition is designed as a handicapped bathroom and bedroom. Staff supports the requested due to the unique shape of the parcel. Staff has 4 recommended conditions the BZA may attach to the request:

1. The proposed additions shall not be any larger than those indicated on the plat plan.

2. The applicant must submit plans to health department so that the existing septic system can be evaluated in light of this request to ensure the system can handle the additional bedroom and bath or if the system will be required to be upgraded to handle the additional load.
3. A stormwater BMP agreement and Plan consistent with the County's requirements shall be recorded in the County Clerk's Office at the applicant's expense prior to issuance of permits for construction of the addition to the house. A copy of the recorded document shall be submitted to the County and shall provide to Staff a copy of the recorded instrument prior to obtaining a building permit to commence the construction of the renovations for the new structure.
4. The applicant takes the necessary steps to have this variance and its conditions recorded in the County Circuit Clerk's Office as part of the deed of the property and shall provide to staff a copy of the recorded instrument prior to obtaining a building permit to commence the construction of the renovations for the new structure.

Informational Items

Motions of Approval
for SUP-03-2019 and SUP-04-2019

No Action Needed by the Planning
Commission

PLANNING COMMISSION PAPER

AT THE REGULAR MEETING HELD, THURSDAY, DECEMBER 12, 2019 AT THE CHARLES CITY GOVERNMENT CENTER

SUP-03-2019 - Application by D. Carriere for a Special Use Permit to permit an Assisted Living Facility at 5130 John Tyler Memorial Highway. The property is zoned General Business (8-1) and consists of +/-1.4 acres fronting +/-119 feet from the north side of John Tyler Memorial Highway/SR5, beginning +/-1,033 feet west of the intersection of John Tyler Memorial Highway/SR5 and Harris/on Lake Road/SR665, with an average depth of +/-340 feet. Tax parcel identification number is 50-38

Whereas the Charles City County Planning Commission finds that public necessity, convenience, and general welfare and good zoning practice would be served by the recommending approval of Special Use Permit (SUP-03-2019 - True Care Assisted Living).

And,

Now therefore be it resolved that the Charles City County Planning Commission hereby recommends approval of SUP-03-2019 True Care Assisted Living Facility with the conditions reflected in the staff report dated December 12, 2019 and forwards SUP-03-2019 True Care Assisted Living Facility to the Charles City County Board of Supervisors with a favorable recommendation in accordance with §15.2-2200 of the *Code of Virginia*, 1950 as amended.

MOVED BY: Mr. Miles

SECONDED BY: Dr. Smith-Jones

	AYE	NAY	ABSENT		AYE	NAY
Mr. Baber, Chairman	_____	_____	<u> X </u>	Mr. Pittman	<u> X </u>	_____
Mr. Bailey, Acting Chairman	<u> X </u>	_____	_____	Mr. Miles	<u> X </u>	_____
Mr. Adams, Vice-Chairman	_____	_____	<u> X </u>	Dr. Smith-Jones	<u> X </u>	_____
Mr. Smith,	<u> X </u>	_____	_____			

ADOPTED BY PC 12-12-2019 TABLED FOR _____

PLANNING COMMISSION PAPER

AT THE REGULAR MEETING HELD, THURSDAY, DECEMBER 12, 2019 AT THE CHARLES CITY GOVERNMENT CENTER

SUP-04-2019-Application by Sandy Fields Farm, LLC to permit a third dwelling at 11100 Sandy Fields Road, as permitted by Section 5-3 of the Charles City County Zoning Ordinance. The property is zoned Agriculture District (A-1) and consists of ±25.5 acres fronting on the southside of Route 619, beginning ±0.6 mile from the James River, extending 11,027' feet to the intersection of Lisbon Road and Route 619, with an average depth of ±306. The Tax Parcel Identification Number is 66-6A

Whereas the Charles City County Planning Commission finds that public necessity, convenience, and general welfare and good zoning practice would be served by the recommending approval of Special Use Permit (SUP-04-2019 - Sandy Fields Farm LLC).

And,

Now therefore be it resolved that the Charles City County Planning Commission hereby recommends approval of SUP-04-2019 Sandy Fields Farm LLC Guest House with the conditions reflected in the staff report dated December 12, 2019 and forwards SUP-04-2019 Sandy Fields Farm LLC to the Charles City County Board of Supervisors with a favorable recommendation in accordance with §15.2-2200 of the *Code of Virginia*, 1950 as amended.

MOVED BY: Dr. Smith-Jones

SECONDED BY: Mr. Miles

	AYE	NAY	ABSENT		AYE	NAY
Mr. Baber, Chairman	_____	_____	<u> X </u>	Mr. Pittman	<u> X </u>	_____
Mr. Bailey, Acting Chairman	<u> X </u>	_____	_____	Mr. Miles	<u> X </u>	_____
Mr. Adams, Vice-Chairman	_____	_____	<u> X </u>	Dr. Smith-Jones	<u> X </u>	_____
Mr. Smith,	<u> X </u>	_____	_____			

ADOPTED BY PC 12-12-2019 TABLED FOR _____