

**MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
AND THE KING WILLIAM COUNTY PLANNING COMMISSION
JOINT WORK SESSION
OF MARCH 8, 2016**

A joint work session of the Board of Supervisors of King William County, Virginia, and the King William County Planning Commission was held on the 8th day of March, 2016, beginning at 7:00 p.m. in the Board Room of the County Administration Building.

RE: CALL TO ORDER and ROLL CALL

Chairman Breeden called the meeting to order for the Planning Commission, the members were polled:

David Ford	Aye
Tara Roane	Aye
Bonnie Hite	Aye
Carlyle Clements	Aye
John Breeden, Chairman	Aye

Chairman Greenwood then called the meeting to order for the Board of Supervisors, the members were polled:

William L. Hodges	Aye
Travis J. Moskalski	Aye
David E. Hansen	Aye
Robert W. Ehrhart II	Aye
Stephen K. Greenwood, Chairman	Aye

Others in attendance included:

K. Charles Griffin, County Administrator
Bret Schardein, Director of Community Development
Bobbi Langston, Deputy Clerk to the Board

Mr. Breeden opened the meeting and thanked the Board for taking time out of their busy schedule to meet, especially with the ongoing budget process. He noted he is very passionate about the comprehensive plan. In his opinion, this is a very important document that spells out the vision for the County and where we want to go. He noted the current comp plan is approximately 13 years old. He said a lot of work has gone into preparation and he is anxious to move forward with the process.

Each of the Commissioners introduced themselves, to include the district they reside. Mr. Breeden is from the 3rd District and the at-large member for the Commission; Mr. Clements is from the 4th District; Ms. Hite is from the 2nd District; Ms. Roane is from the 5th District; and Mr. Ford is from the 3rd District. Each of the Board of Supervisor members introduced themselves as well.

RE: SUMMARY OF PLANNING DUTIES

Mr. Schardein, Director of Community Development, gave a brief summary of the Planning Commission duties, how they serve the County, and their role of working with the Board. The Planning Commission was originally established by the Board of Supervisors in 1968. The purpose of the Commission is to serve in an advisory capacity to the Board by preparing plans, ordinances, capital improvement programs and to carry out all activities as designated by the Board. The Commission consists of five members, each for a four year term. He noted the Town of West Point, the 1st District, does not have a representative serving the Commission as they enforce their own zoning and land use ordinances. In addition, one Board of Supervisor member serves as a full member for a term of one year; currently Supervisor Greenwood serves this position. Members are appointed by the Board of Supervisors. Commissioners are not allowed to hold any other County offices, with an exception that one member is allowed to serve on the Board of Zoning Appeals; currently Commissioner Roane is serving a dual office.

The Planning Commission has two areas where they are the approving body. They are charged with granting exceptions to the subdivision ordinance, and approving all subdivision plats for developments with 50 lots or greater. They are an advisory body for variances and the capital improvements program to make recommendations to the Board. The bulk of the items the Commission deals with is rezoning's and conditional use permits. They are also tasked with reviewing and updating the comprehensive plan, at least every five years, for recommendation to the Board for adoption. Another important duty they are responsible for is changes to the zoning and subdivision ordinance.

Supervisor Ehrhart asked for further clarification of the number of members appointed from each district and if the Commission follows a charter.

Chairman Breeden explained the 1st District, the Town of West Point, has their own Planning Commission and the Board of Supervisor's do not appointment a member from that district. He further explained that the Commission consists of five members for the remaining four districts in the County; therefore two appointments are made from one district at any given time. He said typically in districts that have more growth, multiple appointments are made to represent that district. The number of

appointments to a Planning Commission is spelled out in the State Code and the number is decided by the Board of Supervisors; in the past the Commission consisted of a larger body.

RE: COMMUNITY DEVELOPMENT ANNUAL REPORT

Mr. Schardein reported on the 2015 Community Development activity. He gave a brief overview of the Planning and Development department. The Department is tasked with dealing with planning and zoning; working with the Planning Commission; administering the building code, conducting building inspections, performing site and building plan review; enforcing environmental regulations, including those dealing with erosion and sediment control, wetlands; managing the County's GIS mapping system and E911 addressing system; and carrying out code enforcement.

Code changes for 2015 consisted of a federally mandated update of the flood zone management ordinance as well as the update of the flood maps; pet crematory development standards and solar power stations development standards were adopted. Planning and building fees were also updated. The Central Garage HB2 application was prepared and submitted to VDOT for upgrades to the Route 360 and Route 30 intersection.

There was a brief discussion of the utility services for new construction. A topic of interest was the renewal of the DEQ permit, which is due next year, for ground water withdrawal. Mr. Schardein noted some of the process is underway for the renewal permit that includes justification of withdrawal capacity. He said surface water alternatives are also being looked to address future water needs.

Mr. Schardein said cell tower site and upgrade activity throughout the County included the start of construction at the Powhatan Trail site; equipment upgrade to 4G at Dabney's Mill, Sharon Road, and West Point Log locations; and a conditional use permit was approved for the Manfield tower. A recent broadband study was performed for the County, by Virginia Tech at no cost, which included significant analysis on signal strength. Mr. Griffin noted the study has been received and will be distributed to the Board for further discussion, sometime after budget deliberations.

Mr. Schardein stated a noteworthy project last year involved a study grant through DEQ, at no cost to the County, to get County inventory of all of the BMPs, basically storm water ponds and things of that nature that will hold managed storm

water. DEQ contracted a company to perform the study. Over the years, through economic development, King William County has not done a good job of tracking storm water facilities. This study allows us to have the information readily available in order to be more responsive to developers when considering construction of new businesses in the County.

Continuing, Mr. Schardein reviewed the yearly activity of residential and commercial construction. He gave some details of commercial activity which consisted of 6,200 sq. ft. of vacated space; 60,000 sq. ft. of new leases; and 7,200 sq. ft. of new construction. Some of the commercial activity included approval of a solar farm; several restaurants; auto repair shop; Advance Auto; expansion at Nestle' Purina; additional activity at Aylett and King William Sand and Gravel; and a coal refining operation.

In closing, he noted some of the ongoing department projects such as updating the comprehensive plan; digitizing additional records; Commerce Park rezoning; regular review of the Chesapeake Bay program; review of updating the sign ordinance, subdivision ordinance, kennels/chickens ordinance, and in-law suites ordinance; and review of historic preservation zoning.

Chairman Greenwood asked for an update on the recently approved pet crematory project. Mr. Schardein stated permits were recently pulled and he anticipates the project being completed in 2016.

RE: REVIEW OF PROFFERS

Mr. Schardein stated there are complex legal issues with proffers, especially in light of the State Code change that was signed by the Governor this afternoon, which needs to be analyzed. In summary, proffers were established in the State Code of Virginia and only apply to rezoning's; proffers were established in King William County by the Board of Supervisors in 1978. Proffers are similar to conditions that can be placed on a conditional use permit but the difference is when someone proposes to rezone land you have to voluntarily offer up proffers or conditions, the County imposes a conditional use permit or variance. Cash proffers must be used within 12 years of full payment or return to State transportation fund; this only applies to rezoning's after 2005. Cash proffers must be used to fund capital improvements to serve new growth; they cannot be used to supplement the general fund or operating expenses. Again,

legislation signed into law this afternoon by the Governor that further restricts how those improvements must be made. He briefly explained how proffers work when conditions, land dedications, and or cash is put into place. Cash proffers must be voluntary; must be related to the impacts of the development; and must be reasonable. Recent changes made to proffers include: County cannot collect cash until a certificate of occupancy is obtained; County cannot accept unconstitutional proffers even if voluntary, legal fees may be awarded; Senate Bill SB549 allows for codification of some Supreme Court cases; and in the future the General Assembly and courts are likely to continue to erode the process. King William adopted a cash proffer policy/method in 2005; and since 1978, 194 re-zoning applications were considered with 160 approved, 88 included proffers, and 19 included cash proffers. Local changes could include considering any change to proffers as part of the comprehensive plan update; although County cannot change already accepted proffers. There are approximately 1,000 such lots available for homes. It is unlikely given new State laws that revising proffer methodology would result in much increase in their use. Some ways to increase collection of proffers is to focus more growth to existing approved developments with cash proffers; flexibility in revising proffered conditions; reduce by-right divisions; and wait for growth. He recommends proffers be reviewed but not necessarily changed.

A brief discussion was had on the topics of by-right divisions; cluster zoning; and future methodology for calculating proffers.

RE: REVIEW OF DRAFT COMPREHENSIVE PLAN UPDATE

Chairman Breeden introduced the review of the draft comprehensive plan update saying the plan is designed to look ahead 20 years in the future for King William County. He said if the direction of the Board is to expand water and sewer in the County this is going to take some time and should be included in the comprehensive plan.

Mr. Schardein began the review by saying that State code requires localities to adopt a comprehensive plan. The first plan for King William County was established by the Board of Supervisors in 1976. The plan is a vision used to guide decisions and is not law. Typically a plan looks 1-20 years ahead, possibly even further, and not necessarily a quick fix for all issues. The contents of the plan contains a broad vision

statement; existing conditions such as current population, maps of utilities, and developments; goals; strategies to implement; and future land use map.

The current comprehensive plan is in need of an update. A lot of changes have occurred since 2003 such as the recession, the '03 Plan anticipated 20% growth and the actual peak growth was 15%; with current projections showing approximately 5% growth. New stormwater management regulations are continuing to evolve; Chesapeake Bay total maximum daily loads, restrictions on various waters and creeks; and probably the biggest one for King William County is the ground water management area. Other reasons an update is needed includes the length of the plan is too long and unlikely to be read. The current plan is time consuming to update and the goal is for the updated plan to be less than 100 pages, with appendices. The updated plan should focus on growth, the '03 Plan has enough residential area for nearly 50,000 people, we are nowhere near there, and for the life of this plan we are not going to get there. King William County needs a strong current plan to follow and guide development. He briefly reviewed the current future land use map that included high density residential, medium density residential, and industrial areas. Probably the single biggest issue with the current plan is the future land use map spreads the growth out and there is no cost efficient way to getting utilities to some areas. He explained the updated comp plan will include a water and sewer service area and will come with a separate ordinance recommends reviewing and revising.

In closing, he explained the steps to adoption of an updated Comprehensive Plan are to incorporate guidance of the Board; finalize the draft future land use map; encourage public involvement; conduct a public hearing by the Planning Commission for a recommendation to the Board; and then make final changes based on the public hearing conducted by the Board of Supervisors, and then finally adoption by the Board. He said a lot of the ground work has been done on the updated plan and potentially the adoption process should move pretty quickly.

RE: GROWTH POLICIES/VISIONS

a. Discussion and Supervisor input on current or new goals

Chairman Greenwood feels it is important the update of the comprehensive plan be pushed for the approval process as soon as possible.

Supervisor Hansen suggested reaching out the Pamunkey Tribe, given their recent Federal recognition, as the County may be faced with some very significant costs of hopefully supplying them with utilities.

Chairman Breeden said this is the type of input the Planning Commission is looking for from the Board. He noted the goals and the strategies from the Board are needed soon to incorporate in the draft plan.

Supervisor Hansen inquired about the broadband issue for the County as this seems to be a big deal to many citizens.

Chairman Breeden said in his opinion the two largest obstacles we face are water and broadband/internet service. He said ideally the comprehensive plan will be looked at yearly and tweaked as necessary.

At the conclusion of the meeting, the Board members were instructed to transmit any suggestions or input to Mr. Schardein. It was decided another joint work session will be held at a later date to review the document that incorporates revisions.

RE: ADJOURNMENT

The meeting was adjourned at 9:05 p.m. by the Planning Commission and then the Board of Supervisors adjourned the meeting.

COPY TESTE:

Stephen K. Greenwood, Chairman
Board of Supervisors

Bobbi L. Langston
Deputy Clerk to the Board