

RESOLUTION

NATURAL RESOURCE POLICY

WHEREAS, the citizen-based Residential District Committee reviewed the residential districts in light of the 1997 Comprehensive Plan and recommended revisions to the districts; and

WHEREAS, the 1997 Comprehensive Plan calls for continuing efforts to protect and preserve natural resources; and

WHEREAS, the Residential District Committee recommended that developments be required to preserve habitats for rare, threatened, and endangered species; and

WHEREAS, the Planning Commission endorsed that requirement when it recommended approval of the residential districts on March 3, 1999, by a vote of 5 to 0; and

WHEREAS, staff developed the Natural Resource Policy which Board of Supervisors adopted along with the R-1, R-2, and Cluster Overlay Districts on May 25, 1999, by a vote of 5 to 0; and

WHEREAS, the Board of Supervisors wanted to allow an additional opportunity for public input, and the Natural Resource Policy has been advertised in the newspapers.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby endorse the following Natural Resource Policy.

As part of the Chesapeake Bay ecosystem, James City County is endowed with many natural resources, including rare, threatened, and endangered species, and rare and exemplary natural communities. In order to better conserve these resources, James City County, along with York County and the City of Williamsburg, worked with the Virginia Department of Conservation and Recreation's Division of Natural Heritage (DCR/DNH) to identify habitats for rare species and natural communities. The result was a document entitled, Conservation Planning for the Natural Areas of the Lower Peninsula of Virginia.

Where the conservation plan indicates that significant natural resource potential exists the County seeks to protect these resources, and staff will recommend the following condition or proffer be added to all special use permit and rezoning cases. In making a final determination as to when studies may be required, staff will consult the conservation plan to see if the sites are located in any B1, B2, or B3 areas and will seek the recommendation of the DCR/DNH or other qualified persons if necessary.

A natural resource inventory of suitable habitats for S1, S2, S3, G1, G2, or G3 resources in the project area shall be submitted to the Director of Planning for his/her review and approval prior to land disturbance. If the inventory confirms that a natural heritage resource either exists or could be supported by a portion of the site, a conservation management plan shall be submitted to and approved by the Director of Planning for the affected area. All inventories and conservation management plans shall meet the DCR/DNH's standards for preparing such plans, and shall be conducted under the supervision of a qualified biologist as determined by the DCR/DNH or the United States Fish and Wildlife Service. All approved conservation management plans shall be incorporated into the plan of development for the site, and the clearing, grading or

construction activities thereon, to the maximum extent possible. Upon approval by the Director of Planning, a mitigation plan may substitute for the incorporation of the conservation management plan into the plan of development for the site.

I. In interpreting this proffer or condition, the following procedures and guidelines will be followed:

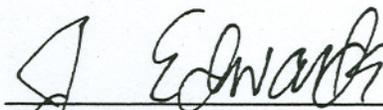
1. *A natural resource inventory of suitable habitats for S1, S2, S3, G1, G2, or G3 resources in the project area shall be submitted to the Director of Planning for his review and approval prior to land disturbance. Since the County lacks the expertise to review such documents, the County will send the studies to the DCR/DNH for review. The DCR/DNH's responsibility is to determine if the study meets their standards and has been conducted under the supervision of a qualified biologist. This is the preferred option for review of these studies.*

The developer may request that staff hire an independent biologist to review the study. The Director of Planning shall select the independent biologist. The developer will pay the full costs of this review. It would be the independent biologist's responsibility to determine if the study meets the DCR/DNH's standards, and if it has been conducted under the supervision of a qualified biologist. The developer will take any risk in this matter. If at some point in the future the developer needs to go before the DCR/DNH, and comments are made regarding previous studies, it will be the County's position that all DCR/DNH issues need to be resolved. The County's biologist will not participate in this process other than to provide technical assistance to the County as requested by the County.

2. *If the inventory confirms that a natural heritage resource either exists or could be supported by a portion of the site, a conservation management plan shall be submitted to and approved by the Director of Planning for the affected area. The conservation management plan shall consist of a site plan that indicates preservation boundaries, and with language that fully explains the safeguards intended to minimize impacts to the natural heritage resource. The plan shall be reviewed by staff who may, if necessary, consult with the DCR/DNH. The developer may request review by an independent biologist subject to the provisions of Guideline No. 1. Once identified concerns have been addressed, staff (not the DCR/DNH) will approve the study.*
3. *All approved conservation management plans shall be incorporated into the plan of development for the site, and the clearing, grading or construction activities thereon, to the maximum extent possible. Upon approval by the Director of Planning, a mitigation plan may substitute for the incorporation of the conservation management plan into the plan of development for the site. The preferred option for implementation of the conservation management plan is to fully incorporate it into the plan of development. However, should the recommendations of the conservation management plan severely impact the plan of development, the expectation is that all reasonable measures shall be taken to implement the conservation management plan. As an alternative under severe conditions, the Director of Planning may consider and approve a mitigation plan which provides for the permanent conservation of an equally or more rare resource off-site. The preference is for the same resource to be conserved.*

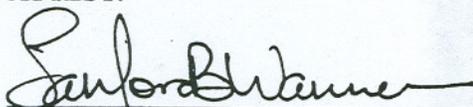
II. In Implementing and updating this condition, the following procedures and guidelines will be followed:

1. Maps indicating the general location of natural areas shall be included within the text of the Comprehensive Plan with appropriate cross-references to documents such as the Natural Areas Inventory and Natural Areas Conservation Planning Report.
2. A developer may advertise on-site preservation efforts in accordance with the regulations of the sign ordinance and after consultation with a professional biologist and the Director of Planning.



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
NERVITT	AYE
SISK	AYE
MCGLENNON	AYE
BRADSHAW	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of July, 1999.