

**MEETING NOTES**  
**York 2040 Committee**

Wednesday, September 4, 2019 – 5:00 p.m.  
Public Works Multi-Purpose Room  
105 Service Drive, Yorktown, Virginia

Members Present: Mark Bellamy, Gregory “Skip” Brooks, Leigh Houghland, Montgoussaint “Montee” E. Jons, Michael S. King, Vivian McGettigan, Richard Myer, Sheila L. Myers, R. Anderson Moberg, Jacob Rizzio, Eugene Seiter, and Cowles “Buddy” Spencer

Staff Present: Neil Morgan, County Administrator; Susan Kassel, Director of Planning and Development Services; Timothy Cross, Deputy Director of Planning and Development Services; Earl Anderson, AICP Senior Planner; Amy Parker, Senior Planner; Daria Linsinbigler, Planning Assistant; Gail Whittaker, Public Information Officer

Member Absent: Chad Green

Call to Order

Chairman King called the meeting to order at approximately 5:00 p.m. and welcomed the Committee members and visitors.

Approval of August 7, 2019 Meeting Notes

The August 7, 2019 meeting notes were unanimously approved with a few minor revisions.

Comments from the County Administrator

Neil A. Morgan, County Administrator, gave an update of the County’s preparations for the approaching hurricane with a brief description of the latest weather models and forecast. He noted that the weather is subject to change and is being closely monitored.

Mr. Morgan thanked the members for the time and effort they are dedicating to the Comprehensive Plan update, stating that he has heard good things about the members’ attendance and the quality of their input. He stated that the Committee is near the mid-point of the review process and that it is going to get more difficult when it begins to grapple with developing actual policy recommendations. He noted that although great efforts have been made to generate citizen participation and input, most of the citizen input in the process is going to come from the Committee. Mr. Morgan added that eventually, once a draft updated Plan has been prepared, citizens are likely to come out to complain about various Committee recommendations, and that at that point, it will be important for the Planning Commission and Board of Supervisors to hear from Committee members who have invested so much time and effort in this process. He added that he would welcome the opportunity to return when the Committee begins to discuss policy questions.

Mr. Spencer commented that Mr. Morgan made some important points and that he agrees.

Chairman King agreed, adding that it will be important for the Committee members to step up and defend the Plan. He thanked Mr. Morgan for his comments.

Presentation: York County Environmental Programs

Anna Drake, Stormwater Engineer II, and Amy Green, Stormwater Engineer II, gave a presentation on County Environmental Programs administered by the Department of Public Works covering the following topics:

- York County MS4 Permit
- Stormwater Capital Improvement Plans (CIP)
- Stormwater Construction Crew
- Stormwater and Erosion and Sediment Control (E&SC)
- Wetlands
- Chesapeake Bay Preservation Area (CBPA)
- Watershed Management and Protection (WMP)
- Floodplain

Ms. Drake explained that the County is mandated by the U.S. Environmental Protection Agency (EPA) to achieve established Total Maximum Daily Load (TMDL) limits for discharges into the waters of the United States. She described various stream restoration projects and Best Management Practice (BMPs) undertaken by the County to achieve the required reductions. She explained that for water pollution, the term “BMP” includes any structural, vegetative, or managerial practice used to treat, prevent, or reduce water pollution. She used the example of stormwater detention and retention ponds, which will hold the water until pollutants settle to the bottom instead of flowing directly into a waterway.

Ms. Green gave an overview of the County’s Stormwater and Erosion and Sediment (E & S) Control Ordinances, which are enforced by the Department of Public Works. She added that the Virginia Department of Environmental Quality (DEQ) conducts a review of the County’s enforcement efforts every five years. She provided details of the various permitting and inspection requirements and gave examples of BMPs for both quality and quantity control.

Ms. Drake discussed the County’s wetlands regulations, explaining the difference between tidal and non-tidal wetlands as well as the respective roles of the County Wetlands Board, the Virginia Marine Resources Commission (VMRC), and the Army Corps of Regulations through the Joint Permit Application process. She also provided examples of different wetlands protection projects that have been undertaken in the County. Noting that the Governor has issued an Executive Order stipulating “no net loss of wetlands,” Ms. Drake said that the Virginia Marine Resources Commission conditionally approves bulkheading but prefers waterfront properties to have a living shoreline.

Ms. Drake spoke about the Chesapeake Bay Preservation Act, which is a state law that is administered by localities. She explained that the County’s performance in implementing the Act is reviewed every five years by the DEQ. She gave an overview of the Chesapeake Bay RPA (Resource Protection Area) and RMA (Resource Management Area) buffer requirements and the role of the County’s Chesapeake Bay Board.

Ms. Drake discussed the Watershed Management and Protection Area overlay district provisions of the Zoning Ordinance, which include special development standards designed to protect the various reservoirs in the County. She also discussed the County's floodplain ordinance, which is also embedded in the Zoning Ordinance and is enforced by both the Building Regulation Division and the Stormwater staff.

### Committee Discussion

Mr. Myer stated that it is a real burden for homeowners' associations to bear the high costs associated with maintenance of stormwater ponds.

Ms. Drake acknowledged the concern of high costs and said homeowners' associations are still held liable and the County can fine or take them to court to enforce codes. She said education for new development planning is key.

Mr. Myer asked if the County has inspectors who go out into the field to detect or eliminate violations.

Ms. Drake answered that the system is primarily complaint-driven with no policing efforts.

Mr. Seiter said that even though he lives in a neighborhood with a homeowners' association, of which he serves on the Board of Directors, he has never heard the term "BMP" before. He stated that it might be because he lives in an older subdivision that does not have any stormwater ponds, and he added that it might be a good idea to provide some education to the homeowners associations.

Ms. Whittaker stated that information about BMP maintenance has previously been published in the *Citizen News*, which is mailed quarterly to all County residents, and that this might be a good time to publish the information again to make sure the associations are aware.

Ms. Drake noted that inspectors will contact home owners associations when there is a reported problem. She said that the DEQ sets the goals and localities can be fined for not meeting them.

Mr. Seiter asked how individual homeowners contribute to pollution.

Ms. Drake cited various examples, such as dumping oil, paint, or hazardous chemicals into the ground, over-fertilizing their lawn, and not cleaning up their animal waste.

Mr. Brooks asked if the County informs landscaping companies hired for homeowners' associations of ways to reduce pollution.

Mr. Bellamy said that homeowners' associations should employ reputable landscaping companies that are green-certified and test the soil before adding nutrients.

Ms. Drake noted that County-owned property has soil testing to prevent over-fertilization and that the County plants drought-resistant native vegetation. She added that the goal is to further reduce pollution, and the projects are funded by the meals tax and the Stormwater Local Assistance Fund (SLAF).

Mr. Spencer asked if any grants are available to homeowners' associations.

Ms. Drake answered that she is not aware of any but that the availability of grants might be posted on the DEQ website.

Ms. McGettigan noted that one of the County stormwater projects mentioned by Ms. Drake required geese to be removed, and she asked how the County accomplished that.

Ms. Drake responded that through trial and error, it was determined that the best solution was to let the grass grow tall within ten feet of the water.

Mr. Rizzio asked if there are any plans to reduce pollution by planting trees and vegetation.

Ms. Drake said that the County does not have a tree planting program, but new developers have the opportunity to plant and obtain credits.

Mr. Bellamy added that each new project completed by the County has an unknown number of costs to keep it maintained. He also noted that taking septic systems offline and connecting homes to public sewer would result in credits.

Chairman King asked what the County policy is for pumping out septic systems.

Ms. Drake answered that residents are required to have septic systems pumped out and inspected every five years and that most homeowners comply after the first or second notice.

Chairman King said that he is aware of at least one defunct septic system that was not filled with sand and crushed.

Mr. Bellamy noted that before they are allowed to connect to the County's public sewer system, homeowners must provide proof that the septic system has been properly abandoned.

Chairman King spoke about a demonstration project by the Hampton Roads Sanitation District (HRSD). He said the decision to release treated water directly into the ground to replenish the underground water supply is efficient but is driven by economics. Mr. Spencer asked if York County is addressing the issue of rising sea levels.

Ms. Drake answered that homeowners are allowed to build berms as long as lawns are buffered with native vegetation and wetlands are not filled in. She further stated that a home located in a flood zone can be rebuilt on the same footprint.

Chairman King asked Ms. Drake to name three important environmental goals or initiatives that she believes should be addressed in the updated Comprehensive Plan.

Ms. Drake responded that sea level rise is a major concern, which she felt can be partially mitigated through the establishment of a fill bank to provide owners of property in low-lying areas, such as Seaford, access to low-cost fill material. She added that other important goals and strategies are to combat invasive species, both flora and fauna, with the planting of native species of vegetation and to address the issue of stormwater pond maintenance.

Mr. Seiter stressed the importance of giving information to the community and perhaps incorporating it into the schools' curriculum.

#### Other Business

Chairman King reminded everyone that the next meeting is scheduled for October 2<sup>nd</sup> at the Public Works Multi-Purpose Room.

#### Citizen Comment Period

There were no citizen comments.

#### Adjournment

The meeting was adjourned at 7:11 p.m.