

MINUTES FOR THE WEEKLY MEETING OF THE STEERING COMMITTEE ON MONDAY, DECEMBER 8, 2008 AT 4 PM IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, BUILDING F.

**PARTICIPANTS:**

MEMBERS PRESENT:

Chris Henderson  
George Billups  
Bill Porter  
Mary Jones  
Vaughn Poller  
Rick Krapf  
Julie Leverenz  
Tom Tingle  
Jack Fraley  
Mark Wenger

NOT PRESENT:

STAFF PRESENT:

Tammy Rosario, Planning  
Sarah Propst-Worthley, Planning  
Ellen Cook, Planning  
Allen Murphy, Development Mgmt.  
Mike Woolson, Environmental  
Steven Hicks, Development Mgmt.  
Kate Sipes, Planning  
Fran Geissler, Stormwater Mgmt.  
Larry Foster, JCSA  
Terry Costello, Planning

**I. CALL TO ORDER**

Mr. Jack Fraley called the meeting to order at 4:05 p.m.

Mr. Fraley stated Mr. Tingle and Mr. Poller will be arriving late, and Mr. Billups was not present. (Mr. Billups arrived later.)

**II. PUBLIC COMMENT**

Ms. Linda Rice, of 2394 Forge Road, spoke on behalf of the James City County Citizens Coalition. She stated that the Coalition had presented some recommendations to the Community Participation Team concerning land use issues. Staff has posted these comments to the website. She wanted to mention a few points concerning green infrastructure. Ms. Rice mentioned the handout and the description concerning green infrastructure. She stated that green infrastructure is about integrating concepts, linking historical, land use, economic, recreational and cultural concerns together. She stated the organization in Charlottesville, the Green Infrastructure Center, provides advice in integrating this concept into organizations and into comprehensive plans. Ms. Rice stated this concept should be considered when looking at land use designations. She felt that the County has done a commendable job in trying to preserve greenspace and agricultural lands. She felt that it is important to look at continuity when evaluating land use designations, and integrating this concept of green infrastructure. Another feature might be a savings to transportation, with the promotion of a more pedestrian friendly environment. She did state that most of these ideas have come from the Green Infrastructure Center but are supported by the James City County Citizens Coalition.

Mr. Gerre Johnson spoke on his concerns about shorelines, referencing the technical report for the environmental section of the Comprehensive Plan. He felt there was a general lack of basic information. He stated most of the studies referred to in the technical report were from the last century, and there are more current ones available. He would like to see more definitions, for instance being more specific as to what is a steep slope. He felt illustrations would be helpful in explaining some of the information. Mr. Johnson volunteered to rewrite the geology section.

Mr. Jack Fowler, of 109 Wilderness Lane, spoke on environmental issues. He felt that there is an issue with the allowance of inoperable cars in A-1. He felt that allowing this is an environmental issue with runoff and toxic materials getting in the watersheds.

Mr. Fraley asked the committee and staff to consider an evening or a Saturday meeting. The request has been made by several citizens.

Ms. Rosario stated that the availability of committee members was an issue when this subject was discussed at a previous meeting. She stated staff will look at times and topics that may be available.

### **III. APPROVAL OF MINUTES**

Ms. Julie Leverenz motioned adoption of the December 1st minutes, with a second from Mr. Bill Porter. In a unanimous voice vote, the minutes were approved.

### **IV. ENVIRONMENTAL**

Ms. Sarah Propst-Worthley initiated a follow up discussion on the goals, strategies and objectives for the environmental section. She reviewed all of the additions, deletions, and changes from the Steering Committee. She stated that action 1.1.4 had been changed at the committee's request, but that it may need to reverse back depending on the outcome when presented to at the Chesapeake Bay Local Assistance.

Ms. Leverenz suggested the word "providing" be substituted for "evaluating" locations of water access opportunities on item 1.1.4.

Ms. Propst-Worthley stated that staff believed part of this action is associated with providing public access to waterways so as to decrease the need for private access. This would be beneficial since the private ones there is not control. She referenced the Virginia Outdoor Plan that suggested the County needs to expand its public access.

Ms. Leverenz suggested stating this in the technical report.

Ms. Propst-Worthley answered that this will be addressed in the parks and recreation section, but since this is a Chesapeake Bay action, staff felt it worth mentioning here.

Ms. Leverenz suggested adding a statement, to see parks and recreation section for further information.

Ms. Propst-Worthley stated that would be added.

Ms. Jones questioned the need for more public access.

Ms. Propst-Worthley stated that public access is encouraged because it was felt that it decreased impacts from private access points. Virginia Outdoor Foundation creates a plan, and updates it every couple of years, as to public and private access to water. It has been suggested that the County does not have as much public access as preferred.

Ms. Jones asked what the goal is.

Ms. Rosario stated that staff separated the need to provide new access points to the waterways and left that up for discussion in the parks and recreation section. It has been suggested by HRPDC and the Virginia Outdoor Foundation that there will be more demand than what is currently provided. Staff does feel that having more public access points will decrease the need for private access points, and this in turn minimizes the impact on the shoreline.

Mr. Porter asked what was meant by shoreline access.

Ms. Rosario stated that there are two ways to evaluate, one is direct access to water for activities such as boating and swimming, and then there is also access for public viewing of the water.

Mr. Fraley stated that item 1.1.10., requiring the pump out of onsite waste disposal tanks was discussed with the Policy Committee.

Mr. Woolson answered that the Environmental Division is now monitoring this. Records are sent from companies and homeowners updating County records.

Ms. Leverenz corrected wording from develop to developing on 1.1.14.

Ms. Leverenz suggested changing the wording on 1.1.15 from sound policies to use of sound policies.

Ms. Leverenz questioned “increased access” on 1.2.8. She would like wording added to say nondisruptive or something similar. She stated increased access could bring disturbance to these sensitive areas.

Ms. Propst-Worthley will add nondisruptive or something similar.

Mr. Tingle asked how item 1.4.9. will be defined, with regards to sea level rise. He questioned the VIMS study that was referenced in the technical report, with its figures higher than information that he has read from other sources. He stated if these numbers were accurate, that it may not just apply to County facilities.

Ms. Propst-Worthley answered that the studies she has reviewed had similar numbers to the VIMS study.

Mr. Henderson suggested eliminating the reference to sea level rise.

Mr. Fraley suggested every facility.

Mr. Porter said some facilities, such as picnic ones, are built to be flood resistant.

Mr. Tingle stated the County is currently reviewing three sites, James River Campground, Yacht Basin, and Chickahominy Riverfront Park. These sites have existing areas that are developed within the 100-year floodplain.

Ms. Rosario stated the language could state to locate all new County facilities, as appropriate, outside areas prone to flooding.

Ms. Leverenz suggested using the language, in accordance with the floodplain overlay.

Ms. Rosario stated that the County is already locating facilities in accordance with the floodplain overlay district. She stated she sensed there was a difficulty in picking a source to base flooding beyond those controls—flooding attributable to sea level rise.

Mr. Tingle suggested removing the item.

Ms. Rosario suggested if the Steering Committee was comfortable with allowing staff to make a judgment call in determining what would be more appropriate.

Mr. Henderson questioned 1.4.1., as to whether it was a new initiative or from a previous comprehensive plan.

Ms. Propst-Worthley stated that this was a new initiative, and a part of the Cool Counties Climate Initiative.

Mr. Henderson asked who would be responsible for this undertaking, the time frame and how much the cost would be.

Ms. Rosario stated the Board of Supervisors has adopted this Cool Counties Initiative, and the General Services Department has been responsible for implementing it.

Mr. Fraley stated that time tables will be established for some of these initiatives at the end of the process.

Ms. Rosario stated that this can be blogged and can be reflected in the implementation section.

Mr. Henderson also asked about 1.4.4., as to the timeline and responsibility.

Mr. Fraley answered that the timelines will be decided later.

Ms. Jones stated on 1.1.20 where it discusses the bond referendum, she would like to change it to just state bond. She also asked for committee input as to thoughts concerning overreaching: If there is a bond involved in the financing of a project, what does the bond apply to? She would like input as to the pros and cons with language that funding is limited to just construction, or should it include engineering and consultant costs.

There was a discussion concerning what should be included in a bond when financing a project. Costs that can be included are consultant work and engineering costs. The Board of Supervisors can determine what is included in a bond.

Mr. Steven Hicks explained referendums and lease bonds and how the County utilizes them. He mentioned how the County has done capital projects in the past.

Mr. Porter stated that a referendum needs to be done when the County incurs a debt, so that the citizens permit the County to incur the debt.

Mr. Henderson suggested having the County Attorney review to make sure the language is correct.

Mr. Poller asked how the County has handled this in the past.

Mr. Hicks answered that the traditional capital projects method is that the Board of Supervisors determines a set amount of money to be used as engineering or consulting funds to determine how much the project will cost. Once this is calculated a package is put together. Another situation is the Warhill site where a lease bond was done. This is a situation where this is a debt to the County and this was or will be paid back through debt services.

Mr. Fraley asked Mr. Hicks to come back with more information.

Mr. Hicks stated he would do so.

Mr. Woolson apologized for stating in the last meeting that item 1.3.4 was not about a Phase I environmental site assessment, but in fact that is what it is referencing.

Mr. Tingle asked if the intent of this item was to get environmental inventories on sites as opposed to a site assessment.

Mr. Woolson stated that environmental inventories have been covered in earlier items, and in this case it is specifically referring to a phase I site assessment. There have been previous projects where a site assessment should have been done, but the County has no recourse to require one. Mr. Woolson stated that in some cases a financing institution requires it, and in those cases the County would request that information.

Mr. Fraley asked if the County is required to amend the ordinance.

Mr. Woolson stated the State Code allows the County to amend their ordinance.

Mr. Henderson stated that this item does not distinguish the size of the site, so it suggests that anything submitted would require a site assessment.

Mr. Woolson stated that might not be the case, since it would be determined at the time the ordinance is amended.

Mr. Fraley stated it may be a better option to have a policy as opposed to amending the ordinance. This would allow for more discretion.

Mr. Henderson asked what staff hopes to accomplish by amending the ordinance.

Mr. Woolson gave an example of when checks and balances are broken and might allow a development to take place on a site where it is not appropriate. He looks at it as an added protection. Issues may be brought to the County's attention earlier in the process that may be beneficial to the County and the developer.

Mr. Tingle asked if the ordinance requires a Phase I assessment now for rezoning.

Mr. Woolson stated it does not.

Mr. Tingles mentioned his concerns with regard to small businesses being required to do this assessment.

Ms. Rosario stated that it might be more appropriate to have a less actionable word such as “consider” amending the ordinance.

Mr. Fraley recommended consider a policy or consider amending the ordinance.

Mr. Tingle recommended getting more specific, such as rezoning or special use permits.

Mr. Henderson wanted to concentrate on what is gained from the Phase I assessment. He felt that the County is then in the position of potentially requiring a Phase II assessment, which can be very costly.

Mr. Porter stated that he has been his experience that if there is a problem, the County will be blamed. He questioned how important amending this ordinance is to the County.

Mr. Woolson answered that the Phase I is a basic background check. He feels that this is very important to protect the County and the future residents of that property. He further stated that if something was in a Phase I assessment report that would require a Phase II, then it would likely be required by the financing institution or another agency. Mr. Woolson stated that to the best of his knowledge he has never seen a Phase II undertaken in the County.

Mr. Poller sees this initiative as a positive, where the information would be useful for the County and future developers. If the County would be requiring a copy of something that is already required by some other entity, the cost would be minimal.

Mr. Henderson sees this information as being useful in two specific circumstances--where ground water and soils are being affected. This is an area where he felt that a requirement might be necessary. He does have some concerns about greenfield sites, and whether it is worth the exercise.

Mr. Fraley asked staff and committee members to consider whether this should be included or not.

Mr. Murphy stated that this is one item in a long list of items to be reviewed. There are some things that there is not enough information to get all committee members to agree on. This one item is one instance where the specifics will not be known until the ordinance is amended. Mr. Murphy suggested changing the language to consider the feasibility of amending the ordinance.

Ms. Leverenz suggested changing the language to say explore provisions to require site assessments.

The committee agreed.

Mr. Henderson asked about endangered species and historical sites.

Mr. Woolson stated other federal and state agencies handled those areas.

Ms. Rosario asked the committee to vote on the amended version that was reviewed today with the exception of the one item that staff will bring back to the committee concerning the bond referendum.

Mr. Fraley stated he would prefer to vote on the final text of the entire list of goals, strategies, and actions when staff comes back to the committee.

## **V. LAND USE OVERVIEW**

Ms. Cook gave an overview presentation on the land use section. She stated that staff has provided information concerning the ongoing work being done on the land use sections, along with consultant work being done. She stated that the land use applications will be reviewed on January 5<sup>th</sup>, 12<sup>th</sup>, and 20<sup>th</sup>. Application information is available online, and staff will be sending out materials at a later date. Ms. Cook gave a summary of public feedback that was obtained from the Community Conversation meetings, forums, and the surveys that were completed. She compared this information to information that was obtained for the 2003 Comprehensive Plan update.

Ms. Cook stated that Renaissance Planning Group, one of the consultants hired to work on the Comprehensive Plan, has been working on three sets of topics, and has provided a draft report on the first two sets. The first set of topics was a review of new planning legislation in Virginia since 2003 and their possible implications to the County. The second set of topics is the update to the Mr. Milton Herd report on development outside the PSA. The third set is a set of topics on emerging and potential planning tools and trends. She stated staff hopes to have a draft on the third set posted within the upcoming weeks. In addition, staff is working with URS on traffic modeling which is the subject of next week's meeting.

Ms. Cook listed the documents that have been posted for review by the committee. She then discussed the PSA and what the goals and objectives of the PSA are. She stated as part of the last update, staff requested Mr. Herd to prepare a report on recommendations for development outside the PSA. Ms. Cook outlined the recommendations and policy options included in this report. Renaissance Planning Group has been contracted to update this report.

Ms. Cook posed the following questions. First, does the committee have any questions for the consultants? Second, does the committee generally see going in the same direction on PSA policy as the 2003 Comprehensive Plan? Third, does the committee agree with the current definition of rural lands, and what changes does the committee see for rural land residential or commercial development?

Mr. Fraley would like to see consideration of open space zoning for residential development. This idea centers on clustering and the preservation of large areas of open space. His concern with development outside the PSA, with conventional zoning, is the danger of sprawl, including repetitive subdivisions and shopping malls. The clustering idea would take the form of by-right development. Mr. Fraley believes that how the PSA is drawn needs to be examined for environmental considerations.

Mr. Krapf asked if the consultant can review the impact of extending utilities outside the PSA without moving the PSA. This would involve any case studies and the impact on other localities where this may have taken place.

Mr. Fraley also questioned whether it makes sense to consider extending utilities to those developments close to the PSA line, as opposed to the developer constructing a well facility and turning this facility over to the JCSA.

Mr. Krapf clarified he was asking for an evaluation of what the impacts may be if the waterline is extended in these circumstances. He asked for information as to how land values would be affected in those areas, would density increase in those areas, etc.

Mr. Porter would like the consultants to look at how those utilities were supplied. In some localities, there are private water systems.

Mr. Tingle suggested looking at James City County developments outside the PSA where utilities were extended. He asked if there have been any expansions to the PSA since the mid 70's.

Ms. Rosario answered that in 1997 the PSA was expanded in a significant way to include one of the quadrants of the Croaker interchange. She was unsure of any other.

Mr. Tingle stated Stonehouse was in the early 1990's.

Ms. Rosario added that in reference to utilities being expanded outside the PSA, there was a special use permit tied to the Governor's Land development which restricted connections to the water and sewer line to a certain number of vacant lots, although when the line was originally approved, only connections to existing structures adjacent to the line had been permitted.

Mr. Henderson stated that there were schools that were constructed outside the PSA for which utilities have been extended. He stated that there was another piece of property that this occurred to that was owned by Mr. Sam Hazelwood.

Mr. Fraley stated there was much discussion concerning the schools. There was also a case that should be coming back to the Planning Commission where Freedom Park wanted to tie into the extension that was built for the schools.

Ms. Rosario mentioned that during the last update, staff had recommended changes to the PSA line, extending it in some areas, and constricting it in others. The final recommendation from the Board of Supervisors was no change to the PSA line.

Ms. Jones would like to revisit the rural lands ordinance with regard to the PSA. She doesn't want to see current policies get in the way of common sense planning and application. She understands there is some hesitation when discussing the PSA, but she feels that it is in the best interest of the County to have this discussion.

Mr. Fraley stated he felt there are two primary factors in slowing growth outside the PSA. One is being the cost of the well system, and the other is getting a water withdrawal permit.

Mr. Foster stated that the smaller developments of thirty-three lots or less, that have an average withdrawal of less than 300,000 gallons a month, would not be required to get a permit. He stated that if the withdrawal impact does not extend beyond the boundaries of the development, it is fairly easy to get permits. If it extends beyond that, then it becomes more difficult. Mr. Foster says it becomes complex since it has an overall effect on the groundwater permit system as a whole.

Mr. Porter stated that if the County is not careful, the rural area becomes more attractive for development than the area that is in the PSA. He stated he felt it was important to make sure the clustering encouraged does not make developing outside the PSA more attractive.

Ms. Rosario said that the density levels overall need to be reviewed and considered by the Steering Committee, in addition to the utility issue.

Mr. Foster stated that in the past the cost of a well system has been a deterrent for development outside the PSA. With the increasing price of real estate, it appears that the value of the land makes it a profitable situation to install a well system.

Mr. Tingle stated that it has been an effective tool over the last few decades. However, since some of the conditions have changed, it may not be as effective. He felt that if the County is going to be successful in discouraging growth in areas outside the PSA, then redevelopment and higher density needs to be encouraged inside the PSA. This does not mean the market will go there, but it may help encourage growth inside the PSA.

Mr. Fraley then mentioned traffic problems and the potential for more traffic problems with additional growth in the PSA.

Mr. Porter then stated that if growth is encouraged outside, then the traffic problems will follow the development, where there is no capacity to handle it.

Mr. Fraley stated design standards are important along with zoning to address some of these problems.

Ms. Jones stated it was important to understand that development will occur outside the PSA, and it is important to develop some kind of standards as to what the County would like to see. She felt it may be important to discuss those developments that are bordering the PSA line, whether it would be beneficial to extend utilities as opposed to having a central water system just for that development.

Mr. Poller asked that maybe the consultant could review the possibility of approaching the General Assembly for an opt out with regards to the well water permits. This might encourage development where water is available.

Mr. Krapf mentioned having incentives to encourage infill within the PSA and some economic development options to maintain the rural character of the land. He wanted to make sure that commercial issues are reviewed as well as residential.

Mr. Tingle stated that the EDA is working on nonresidential uses of rural lands. He stated that the committee may want to look at the PSA line in regards to nonresidential growth. He felt there is some property bordering York County and in Stonehouse that might benefit from a change.

Ms. Rosario encouraged the committee to review Mr. Herd's report if they had not already done so as it contains a lot of relevant information.

Mr. Billups asked under what conditions or criteria would the JCSA be forced to extend their service for development outside the PSA.

Mr. Foster said there was one instance where one subdivision that was on a privately owned water system had water extended to it due to a system failure. He stated that the JCSA made an application for a special use permit to extend the service from a nearby independent water system.

Mr. Henderson asked about the transfer development rights. He would like information on how this may have worked or not worked in other jurisdictions.

Ms. Rosario asked if there was any particular information he would like.

Mr. Henderson would like information about what other localities do, in order to incorporate proven strategies within the County.

Mr. Porter stated it was important as a group to understand what makes transfer of development rights attractive. He did not get a solid answer from the information provided.

Ms. Leverenz would like to emphasize encouraging development within the PSA.

Mr. Porter stated he would like discussions about having affordable housing scattered throughout the County, and not just concentrated in one area.

Mr. Fraley would encourage the use of an overlay district that is voluntarily that could be applied in residential or mixed use areas. The development industry would get a density bonus as long as they have some affordable housing integrated throughout their design, not in one area.

Mr. Porter asked for information as to what is proposed for Eastern State.

Mr. Henderson stated there is a document that relays the vision for that site.

## **VI. OTHER ITEMS**

Ms. Rosario discussed a scheduling issue. She proposed the date of January 26<sup>th</sup> for the remainder of the economic section. There will be another meeting on April 6<sup>th</sup> where a meeting had not been scheduled. She also stated that topics will be rotated so as to allow more time between meetings on a certain topic for revisions to be made.

Mr. Fraley suggested having the January meeting possibly in the evening.

Mr. Henderson suggested another topic for an evening meeting, since the majority of input on economic development has been with the Business Climate Task Force, and they have made themselves available.

Ms. Rosario stated that the meeting on December 15<sup>th</sup> will be concerning transportation issues.

## **VII. PUBLIC COMMENT**

Ms. Linda Rice spoke concerning community character corridors. She would like to see a policy encouraging redevelopment, specifically referencing blighting buildings. She also thought it was important to preserve the Community Character Corridors and highlighted the impression it gives to citizens and tourists.

## **VIII. ADJOURNMENT**

Mr. Henderson made a motion to adjourn, with a second from Ms. Leverenz.

There being no objections, the meeting was adjourned at 6:15 p.m.

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Mr. Jack Fraley, Chair