

# QUESTIONS AND ANSWERS REFERENCE DOCUMENT

October 16, 2009

*The following document lists questions and considerations, and the staff responses, generated from the Planning Commission's discussion of the draft Comprehensive Plan, as well as from the joint Commission-Board of Supervisors work session. These are the items which did not result in a text or organization change.*

## **GENERAL ORGANIZATION**

1. Mr. Fraley: Create a "Sustainable Development Criteria Checklist."

**Response:** *Staff does not recommend creating a checklist as part of this Comprehensive Plan process, but rather using the proposed land use development standards to influence development in this regard. A major difficulty in creating a checklist is that there are virtually limitless ways to establish sustainability measures on any given project or initiative. On the one hand, a checklist might result in additional sustainability measures being worked into new projects and programs, but on the other hand, it could limit the creativity of developers and engineers with a standardized checklist. The checklist would not be effective unless adopted as a Board policy or a new ordinance.*

*Without going through the actions described above, the land use development standards can be effectively used to guide development toward sustainability. Staff has more closely integrated the standards with the land use descriptions as part of a reorganization effort during this update in order to maximize their use. Many of them are closely related to the items listed by Mr. Fraley.*

*Staff had suggested that should the Commission wish to include this as an action in the Comprehensive Plan, it could be located under Strategy 1.7 in the Land Use section: "Work to ensure the compatibility of codes, ordinances and regulations with the tenets of Sustainability." (The Commission did not direct staff to include this as an action.)*

2. Mr. Fraley: Develop a County Sustainability Plan.

**Response:** *Staff has reviewed sustainability and smart growth plans from several localities, including the City of Asheville, Arlington County, and the City of Alexandria. These plans appear to focus primarily on energy consumption, which is addressed by the Comprehensive Plan as well as by the Cool Counties Resolution and related initiatives. Staff notes one positive aspect of these plans is that they can bring together information on a variety of existing endeavors and serve as a central source of information.*

*Given the commitments and plans already in place, staff concludes the step of creating a sustainability plan is not necessary; however, staff had suggested that should the Commission wish to include this in the Comprehensive Plan, it could be located as an action under Strategy 1.7 (cited in Item #4 above) in the Land Use section. (The Commission did not direct staff to include this as an action.)*

3. Ms. Kratter: For each Strategy or Action that begins with “promote”, “support”, “encourage”, “consider”, etc., - unless there are some specific actions that are envisioned, consider removing them altogether.

**Response:** *Concepts and ideas are kept at a broad level to allow for appropriate measures of interpretation and flexibility. As noted in Mr. Wanner’s memorandum, words such as “promote,” “support,” “encourage,” and “consider” give decision-makers flexibility and allow the County to more easily adapt to rapidly changing circumstances. Manpower, fiscal, legal, public versus private roles, and other considerations often determine the timing and/or scope of a given initiative. In addition, strategies and actions with words like “promote” and “encourage” in them can get people to view issues in new ways and to “think outside of the box” in attempting to solve problems, even if James City County cannot mandate the change or solve the issue alone.*

*These words also allow staff and decision-makers the ability to fine-tune or reconsider a complex or untested idea after more detailed research and nut-and-bolts work is conducted after the Comprehensive Plan. As a guidance document, the Comprehensive Plan does not carry with it the force of law like the Zoning Ordinance does, and therefore, new ideas are more liberally introduced. During the revision process, ideas that initially sounded like a good course of action and given a green light for further action may prove ill-suited, unaffordable, or impractical for James City County once the details are considered.*

4. Mr. Peck: Adopt elements of the American Planning Association’s Proposed Model Locality Plan. Elements include:
  - a. Issues and Opportunities
  - b. Land Use
  - c. Program for Implementation
  - d. Provisions for adoption, amendment, and periodic review and revision of the plan

(Note: The Growing Smart Legislative Guidebook referenced above can be viewed at <http://www.planning.org/growingsmart/guidebook/>. The local comprehensive plan is discussed in Chapter 7.)

**Response:** *Although they may not be identified in name as coming from the APA’s suggested legal framework found in the Growing Smart Legislative Guidebook, the James City County Comprehensive Plan does include and address many of these elements in the following ways:*

- **Issues and Opportunities** section seeks to outline ideas for including citizens in the visioning process, outline their concerns, show how they are addressed, discuss trends within the locality and impacts of proposed actions, and show how the various sections are interrelated. Most of these concepts are currently contained within the Vision Statement, Planning Process, and Demographics sections and in the Citizen Commentary paragraphs located within each topic area. As noted earlier, citizen concerns and related action items will also be highlighted within the executive summary. Impacts of actions and topic relationships, while addressed within each specific section, could be expanded upon if the Commission desires.
- **Land Use** is already a specific section within the draft plan and includes both a text section, which discusses new and current planning tools and describes each Land Use designation, and a Land Use Map, which outlines the vision for future development of

the County, areas served by public water and sewer, proposed road extensions, and the locations of public facilities.

- **Program for Implementation** is included in the back of the draft plan as the Implementation Guide and Schedule. The specific sections and some actions discuss the incentives and regulations that could potentially be examined and/or adopted to accomplish the stated vision. The Schedule includes most of the suggested elements, such as identification of a timeframe and responsible parties. The Guide details the Plan's relationship to other County documents, including the budget and Capital Improvements Program (CIP), and how various actions are monitored through the Strategic Management Plan (SMP).
- **Provisions for adoption, amendment, and periodic review/revision** were formally adopted in the Methodology for the plan in April 2007. Aspects of the review and update process are highlighted in the Foreword and Planning Process sections and will also be reinforced in the new executive summary. Essentially, the plan is subject to review every five years, making it a long-term document that can still reflect fresh ideas and respond to changing environments and conditions.

Staff does not propose further action.

5. Mr. Peck: Consider examples of plans/initiatives from other jurisdictions (as shared with staff).

**Response:** Planning staff has examined the documents provided to staff during the work sessions in addition many other examples and plans during the early stages of Comprehensive Plan review process. Staff has used this information to inspire and shape the proposed revisions (i.e., support for universal design and complete streets, a sustainability audit action item, the Implementation Guide and Schedule, and most recently, the executive summary.) The breadth of the revisions recognizes the time and scope limitations of the process, the need to tailor solutions to James City County's circumstances, and the solid foundation provided in the award-winning 2003 Comprehensive Plan.

## DEMOGRAPHICS

1. Mr. Fraley (from 7/20/09 work session):

Consider setting a target population and then designing facilities to serve that target.

**Response:** While setting a target population number would be an intriguing academic exercise, there are a number of limitations which call into question the net positives of such an endeavor.

- First, deciding the basis for such a number would likely be a complex, resource-intensive, and controversial task, and should not be undertaken without appropriate study and deliberation.
  - Over the years, the Planning Division, committees, and consultants have spent significant resources producing population projections and build-out figures. These have used a range of methods and models based on historical data, development trends, and land use patterns. Each "best guess" has had a certain usefulness and limitation, given the quality of data inputs, the validity of the assumptions, the accuracy of the model, and shelf-life of the data. In the end, they only answer the question of what the population might be at any point in time, and therefore, are not an appropriate basis for a target population size.

- *Setting a target population figure to answer the question of what the population should be requires additional layering of scientific analysis and judgment. In the case of the Albemarle County example, the group Advocates for a Sustainable Albemarle Population (<http://www.stopgrowthasap.org/>) has spent more than \$100,000 to study the “optimal sustainable population size” for Albemarle County and the City of Charlottesville. The group’s Scope of Work notes there is no established methodology for determining an optimal sustainable population size for a community and establishes its own process – five studies related to a biological “carrying capacity” analysis, then a series of four studies related to socio-economic issues, and finally, a consensus-seeking community outreach program. Although Albemarle County contributed \$25,000 toward the ecological study, there was no commitment on how it would respond to the findings. Sixteen months after issuance of the scope of work, the group has received the first of nine anticipated reports. It is likely that James City County would need to undertake a similar process to arrive at a justifiable number.*
- *Second, if the County did determine and establish a target population number, there would need to be caution in basing decisions upon the number.*
  - *There is little ability to commit future Boards of Supervisors to staying within or not raising the target, particularly once the target is reached and growth pressures are felt in future revisions to the Comprehensive Plan.*
  - *In addition, there could be major fiscal implications if the target number, particularly one that is not well-grounded, underestimates actual population and facilities or infrastructure are undersized or unable to expand.*
  - *Therefore, the County will still need to incrementally plan, check the stresses on our resources/quality of life, and make adjustments in the five and ten-year horizons to reduce those risks.*
- *Third, many of the tools to keep growth in check are the same that exist or are enhanced in the draft Comprehensive Plan. The question would remain as to what the County would be able and willing to do beyond that to stay within a strict target.*
  - *During the last two Comprehensive Plan revision processes, efforts to decrease the PSA were rejected, although commitment to the concept of the PSA as a growth management tool has remained strong.*
  - *The toolbox of growth management tools (legislative approval, adequate facilities tests, proffers, purchase of development rights, etc.) is expanded in the draft plan with greater emphasis on measuring impacts, exploring lease or transfer of development rights programs, examining densities, and focusing on redevelopment.*
  - *The County cannot legally “shut the borders” or place an indefinite moratorium on growth.*
  - *Changing zoning and Comprehensive Plan designations solely to “achieve” the desired number could ignore other considerations such as the impacts of the land use patterns on resources, infrastructure, and quality of life, unless the relationships have been well-established. Some solutions may be the exclusion of other valued ambitions or state requirements such as smart growth principles, affordable housing policies, and UDA requirements.*
- *Staff recommends that a more beneficial use of limited staff resources would be to implement the wide range of planning initiatives found in the draft Comprehensive Plan which seek to improve capital planning, better measure and mitigate the impacts of growth, and better control the timing, location, and character of development. Key decisions about sustainable land use thresholds, acceptable densities within zoning classifications, and levels of service*

*will be made as part of this process. The collective implementation of these strategies and actions will form the basis for the vision of this plan for a sustainable future in James City County. These policy level decisions should not wait for a population study, and in fact, should be answered first in order to inform the population study.*

*The Commission could add determination of an optimal sustainable population size for James City County as action in the GSAs, but in consideration of the many other tasks already included in the GSAs, and without further discussions about actual will to make adjustments to the County ordinances and policies to achieve whatever the target number might turn out to be, staff does not recommend including this item. A different focus might be on tools which might facilitate staying within a target growth rate (see Land Use #1), recognizing that even these have challenges and limitations.*

*(Note: After deliberation, the Commission voted 5-2 to add Action 1.5.3 in the Land Use Section to investigate a population target.)*

2. Mr. Peck (from 7/20/09 work session):  
Include a greater discussion of trends and their implications.

***Response:** The text in the Demographics section of the Comprehensive Plan generally illuminates that the population of the County is becoming older, less racially diverse, wealthier, and better educated. The text was not intended to add value judgments to the trends that are being seen, but merely to report the trends and to provide the data as a starting point for discussion. The Technical Report goes into greater depth in discussing the trends, and the implications of the trends are explored throughout the balance of the Comprehensive Plan, especially in the Population Needs Section. This was done by design, as the discussion in each section of the Comprehensive Plan is affected by these trends. [Information will also be included in the Executive Summary.]*

3. Ms. Kratter (via email):  
Header, Third Paragraph, Page 10 - Add the word "Current" to the header "Demographic Characteristics"

***Response:** Staff recommends that "Current" not be added, as references are made to statistics from the past, as well as for the present and future. Further, it is assumed that the Comp Plan will be updated with "current" data to the extent possible, so the word becomes unneeded in that context as well.*

4. Mr. Fraley (via email):  
This section serves as the backbone for driving much of the Comp Plan and I recommend it be updated annually in concert with Annual Monitoring and Report Program.

***Response:** Staff finds that an annual update of the statistical data found in the Demographic Section is not necessary. The reasons for this are twofold. First, much of the data is readily available on the American Community Survey (ACS) website of the US Census. This data is updated yearly, and the most commonly sought data (population numbers, race and gender breakdowns, economic data, etc.) is provided – to replicate it in a formal staff document or*

*Comprehensive Plan revision would be a duplication of effort. A direct link to this ACS website could be placed on the James City County website. Second, the data that is not readily available in the ACS typically falls into two general categories: a.) data that is not updated between the formal decennial Census counts (and, thus, not available), and b.) data that requires detailed research. References to this data in the Comprehensive Plan should be adequate for most needs.*

## **POPULATION NEEDS**

1. Mr. Poole (via email):

Was there substantive SC discussion regarding ways in which seniors and youths might be more effectively integrated in activities? And not just through public facilities, but in the private sector (at Colonial Heritage, Windsor Meade, Williamsburg Landing) where impressive private facilities exist that may serve others if pragmatic restrictions don't bog things down...

**Response:** *There was much discussion at the Steering Committee level about integrating public and private activities, and the GSAs have incorporated techniques that both promote private activities and prioritize public ones.*

2. Mr. Poole (via email):

While we've made great strides in bicycle access in many places, I continue to believe that we're not as pedestrian friendly as we might be in certain more densely populated areas (and as compared to the much smaller City of Williamsburg and its efforts in these regards). For instance, the Route 199/Route 5 intersection is a disaster for bicyclists and pedestrians – and the Monticello strip in the vicinity of News isn't much better.

**Response:** *There is discussion of the special transportation needs of the youth and senior population in this section and pedestrian and bicycle travel is very much encouraged; however, specific plans for improvements are dealt with in the Transportation section. Staff is not proposing any changes to the Population Needs section at this time.*

3. Mr. Peck (from 7/20/09 work session):

Highlight the resources allocated toward youth since the last Comp Plan (new school construction and recreational facilities, for example). Differentiate between at-risk populations and all youth and all seniors.

**Response:** *This section is geared toward all youth and seniors regardless of whether they are receiving services in the County. Certainly, at-risk students may benefit from some of the leadership programs more than other students; however, these are valuable traits for all youth. Similarly, seniors in need of special transportation considerations because of health issues may benefit a certain sub-section of the senior population, but all of them may benefit from promoting these types of changes. While recreational activities are a portion of the Population Needs section, it is not the focus. Staff has not proposed any changes.*

4. Mr. Poole (from 7/20/09 work session):

Can we encourage coordinating resources that better integrate the senior and youth populations to improve the quality of life for both marginalized populations?

**Response:** The Community Services Department currently deals with both of these populations, and they continue to work with other agencies or groups (Youth Advisory Council, Senior Services Coalition, etc.) to help improve the services that help both of these populations. Staff has not proposed any changes.

5. Mr. Billups (from 7/20/09 work session):

Can we partner with private employers to hire and train at-risk youth?

**Response:** The County is currently involved in a program called "Youth Career Café" that helps students research career opportunities and work with workforce staff on developing job skills. In addition, a local high school has a program, Student Transitional Education Program (STEP), that pairs students looking for work experience with local employers willing to offer internships and job experience. Staff is not proposing any changes to the GSAs at this time.

6. Mr. Fraley (via email):

Action 1.2.1 - Start sentence out with "Provide children and youth with ..."

**Response:** Staff is uncomfortable with this change because the County does not "provide" child day care for the community. The County is responsible for reviewing licenses for private providers of these services to ensure that they are qualified and safe for children, and therefore in this instance, "ensure" is the most appropriate term.

7. Mr. Fraley (via email):

Action 1.2.3 - Same as 1.2.1 above

**Response:** See #6 above.

## **ECONOMIC DEVELOPMENT**

1. Mr. Henderson (from 07/01/09 work session):

Does an airport figure into our Economic Development strategy and should there be an action item added in that regard (finding a new site, for example)? Note that specifics are under current consideration by the BOS. Page 31, Item 1.7.6.

**Response:** According to the Office of Economic Development (OED), general aviation is an important driver of the local economy by supporting industries such as tourism and by contributing to spending on hotels, restaurants, shopping, ground transportation, entertainment, etc. In 2009, the James City County Economic Development Authority (EDA) adopted a resolution in support of general aviation airport in the James City County-Williamsburg area which was fully supported by the OED. The two existing Economic Development actions (see below) already recognize the importance of general aviation in the County:

1.7.6. Recognize the importance of access to general aviation facilities.

1.7.7. Work with regional airport facilities to promote additional direct commercial flights to serve the destinations preferred by James City County businesses.

2. Mr. Poole (from 7/1/09 work session and via email):

I would like some mention in this section of the concept of revenue sharing with adjacent jurisdictions as a means to explore economic development opportunities in areas of extant infrastructure (and decay) instead of continuing to move westward into previously undisturbed areas.

**Response:** According to the OED, the concept of shared revenue/cost is complex and requires a high level of organization and coordination among internal departments and with other localities. A commitment of this magnitude must be initiated by each locality's elected officials and with the support of several departments such as Legal, Commissioner of Revenue, Planning/Land Use, Real Estate Assessments, Administration, Economic Development, etc. As a tool to promote economic development opportunities, the concept of shared revenue/costs must be considered by all localities involved, particularly issues related to taxation, land use, how costs and revenues will be shared, etc. Currently there are no initiatives to introduce the concept of shared revenue/costs in James City County with surrounding areas. This concept may be best suited to be explored during the upcoming regional comprehensive plan efforts among the City of Williamsburg, James City and York Counties.

3. Mr. Poole (via email):

Comment on Action 1.1.2.2. "Reviewing the Zoning Ordinance to ensure it allows appropriate home occupations and other small businesses." The word "appropriate" gives me pause. Who determines appropriate and what are his/her criteria? I'd like to protect all residential areas, especially older ones without HOA's and CCR's that may be more susceptible to non-residential uses over time.

**Response:** The term "home occupation" is currently defined by the Zoning Ordinance as, "Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling purposes and conducted solely by residents of the dwelling..." The word "appropriate" reinforces the notion that some home occupations and/or small business may not be suited to some areas in the County. The Zoning Administrator, guided by the Zoning Ordinance, has the discretion to determine if a given type of business can be considered a home occupation and whether or not is compatible to its surroundings. Elements which may be used to determine whether or not a home occupation/small business is "appropriate" include generation of traffic, noise, odor, smoke, dust or glare and its impact on persons residing in the home or on adjacent properties. Any revisions to the Zoning Ordinance would be considered and approved by the Planning Commission.

4. Mr. Poole (via email):

Comment on Action 1.6.2 "Identify and protect historic sites, including those associated with the Civil War..." I'd like to think that anything mid-19th century is "historic" and am curious as to the special emphasis on the Civil War. Is a particular JCC Civil War site in jeopardy? Background, please.

**Response:** Mr. Jim Golden, business vice chair of the Greater Williamsburg Chamber of Tourism Alliance has assisted staff with the drafting of the GSAs related to tourism. According to Mr. Golden, the emphasis on the Civil War theme is due to the upcoming 150<sup>th</sup> anniversary of the American Civil War and this would be a good opportunity to recognize the importance of Civil War historic sites to the tourism industry in James City County.

5. Ms. Kratter (from 8/1/09 work session):

Pages 28-32, Goals, Strategies and Actions (GSAs). Highlighted text and questions shown in the text document related to the suggestion of adding specificity to the GSAs.

- a) Any specifics to Action 1.1.2.3 (Developing strategies that strive to retain those companies who successfully graduate from the technology business incubator)?

*Response:* According to the OED, these strategies focuses on making sure the County has the available sites and buildings necessary to house graduates.

- b) Proposed changes to Action 1.1.3.2-“Maximize the land area available to James City County for inclusion in the Enterprise Zone as allowed by the Code of Virginia *consistent with citizens’ concerns regarding growth and maintenance of the quality of life within the County.*”

*Response:* According to the OED, the James City County Enterprise Zone is an area already slated for potential development. The proposed new language could be interpreted as putting limits to the development capacity of the Enterprise Zone.

- c) Need to find an overriding sentiment somewhere that indicates what takes priority (Action 1.1.5-Continue to analyze County regulations, policies, and procedures to ensure that they do not unnecessarily inhibit commercial and industrial development.)

*Response:* The priority is the well being of the community and that all elements concerning development must be analyzed and balanced on a case by case review.

- d) Any specifics to Action 1.3.6 (Attract young professionals and retain the community’s graduates)?

*Response:* Although not specified in the above action, there are a number of strategies which may be considered a means to accomplishing this action such as provision of a diverse housing stock, a county-wide affordable housing policy, quality jobs for entry level positions, and provision of additional cultural venues in the County. No changes are proposed.

- e) Any specifics to Action 1.5.1 (Encourage the rehabilitation of abandoned and/or underutilized facilities by promoting them to new business)?

*Response:* The OED works with real state community to promote and market available commercial buildings for occupancy. Rehabilitated and/or underutilized facilities may be less costly to build/maintain as structures such as parking areas and utility lines may already be in place. These advantages would be shared with prospective business during site selection discussion. Staff has not made any changes.

- f) Any specifics to Action 1.5.2 (Encourage new development and redevelopment of non-residential uses to occur mainly in areas where public utilities are either available or accessible within the Primary Service Area (PSA) and infrastructure is supportive)?

*Response:* This action reinforces the County’s ongoing effort to manage growth. Programs highlighting the cost benefits of developing/redeveloping in an area where utilities and

*infrastructure are already in place may be a strategy used to contain development in appropriate areas of the County. Staff has not made any changes.*

## **HOUSING**

1. Ms. Kratter (via email for the 7/20/09 work session):  
“As promised, I have attached the last draft of the 2006 report by the League of Women Voters of the Williamsburg Area on Homelessness. One of our conclusions was that it was insufficient to rely on NGOs and other charities to care for all of the homeless in this area (Historic Triangle), and that zoning provisions were part of the challenge.” Additional comments were offered in the text document under the Homelessness heading.

***Response:** County staff believes Action 1.4.1 addresses the challenge posed by current zoning provisions, though homelessness is not specifically called out. County staff further believes a collaborative effort between government entities, not-for-profit organizations including the faith community, and outside funding sources is the best approach for the community at this time (covered by Actions 1.4.3 and 1.5.1). James City County currently participates in several programs and regional efforts, including providing funding. One example of this is the Virginia Peninsula Mayors and Chairs Commission on Homelessness, which has formally been established by six peninsula localities (Cities of Hampton, Newport News, Poquoson and Williamsburg and the Counties of James City and York) as the collaborative body to oversee the effort to combat homelessness. Action taken by the Board of Supervisors in November 2008 authorized County participation in a formal agreement between the six localities. Among other things, the agreement formally endorsed 1) the establishment of the Commission on Homelessness; 2) a study to determine the feasibility of implementing a ten-year regional plan to end homelessness within the six jurisdictions; and 3) the implementation of a regional Homeless Management Information System (HMIS) for the provision of uniform and consistent data collection and reporting for all participating jurisdictions. Additionally, the Board authorized the allocation of funding to the Commission.*

*County staff involved in homeless issues notes the overall homeless population requires a variety of services, leading to multiple and varied programs, and no one single need can be identified within the overall group. Even if funding were not an issue, deciding how to spend those funds would require consensus and delivering services would require collaboration. No action is proposed at this time.*

2. Ms. Kratter (via email for the 7/20/09 work session):  
Comments were offered in the text document under the Introduction heading regarding expectations for each County to provide every element of housing and employment and the need to recognize that high housing costs mean higher assessments and real estate taxes (a positive for the County).

***Response:** Staff notes there are benefits to high home values. The goal of the housing section is to emphasize the need of a mix of unit types and price ranges. This is consistent with both the concept of sustainability and the citizen commentary received.*

3. Ms. Kratter (via email for the 7/20/09 work session):

Comments were offered in the text document under the Homeownership heading regarding the link between families who would benefit from affordable housing units and their County of residence. “If we are trying to have the County be self-sustaining with respect to housing and employment, we need a means to track whether businesses here of the type we want to encourage are suffering from a lack of local workers. If we are going to encourage affordable housing, how do we determine whether we are serving local employers, rather than employers outside the County?”

*Response:* Staff notes there is data available with regard to housing prices and with regard to commuting patterns, but not cross-referenced between the two. Housing availability influences decisions at a household level regarding housing and employment choices; creating housing choices may affect commuting patterns. The overall goal outlined in the housing section is to strive to have housing available across all income levels, specifically those that correspond with local employers’ needs. The County currently has a disproportionate amount of higher end housing.

4. Ms. Kratter (via email for the 7/20/09 work session):

Comments were offered in the text document under the Regional Impacts heading regarding the link between housing costs and transportation. “Another way of addressing this issue is to provide better transportation links via bus/mini-van – these may be more cost effective, environmentally and socially sensitive.”

*Response:* Staff acknowledges there are a variety of approaches from both the housing availability and the transportation sides of the equation. The Housing section focuses on the housing side of the equation and believes the narrative is consistent with both the concept of sustainability and the citizen commentary received.

5. Ms. Kratter (via email for the 7/20/09 work session):

Comments were offered in the text document under the Tools Available heading. “How do we assure that local affordable housing, which has many costs to the County, is used by those who work in the County – and not those in Richmond or Norfolk? If a large number are going outside the county, how can we recoup the costs?” (Inclusionary Zoning/Affordable Dwelling Unit Ordinance). “This should be a priority rather than an afterthought?” (Fair-Share Programs)

*Response:* The goal of the housing section is to emphasize the need of a mix of unit types and price ranges. This is consistent with both the concept of sustainability and the citizen commentary received. This section on Tools is intended to highlight the options available to the County for achieving certain outcomes, with the understanding that additional discussion is needed before determining which may be most appropriate. Specific policies can be developed with specific goals in mind regarding target price ranges and eligibility for benefits (while adhering to Fair Housing laws).

6. Ms. Kratter (via email for the 7/20/09 work session):

Comments were offered in the text document under the Community Sustainability Spotlight heading. “Do studies show a critical mass necessary for the success of these developments? Are there any studies showing whether those who live in New Town actually work there? Where do the knowledge workers/health care workers live? If

there is not a significant overlap, we are not achieving the goal of reduced traffic, etc.” And “is there economic data to support the proposition [that housing be available in the community for all age groups, household types, and income categories]?”

**Response:** *Staff notes more detailed information was included in the Housing Technical Report: “...While it is true at first that residents of a mixed-use neighborhood often still commute out of that neighborhood for work, research shows that the trend changes within one generation. Given the choice, people will relocate their home or business to be near their business or home. It is imperative that communities offer them the opportunity to do so.” Again, the goal of the housing section is to emphasize the need of a mix of unit types and price ranges. There is no specific data, but this principle is consistent with both the concept of sustainability and the citizen commentary received.*

7. Ms. Kratter (via email for the 7/20/09 work session):  
Comments were offered in the text document under the Goals, Strategies and Actions (GSAs) for the following items:

a) 1.3. Increase the availability of affordable and workforce housing, targeting households earning 30%-120% area median income as established by HUD. [Ms. Kratter: “Must have a method for determining how many houses in each category are needed, based on local employers or regional using Fair Share.”]

**Response:** *Target amounts of dwelling units were identified as part of the Housing Needs Assessment. This number would require constant adjustment over time, and OHCD staff would continue to track needs in the community and participate in proffer negotiation.*

b) 1.5: Coordinate with neighboring jurisdictions to address regional housing concerns and needs. [Ms. Kratter: “This should be a priority-we should organize the effort, and work with state and federal authorities-not wait for someone to invite us.”]

**Response:** *Staff believes the order of the strategies and actions can be modified, or priorities otherwise identified, as part of the ongoing discussion regarding the implementation section of the plan. Staff notes James City County regularly initiates regional coordination, but would encourage other jurisdictions to also initiate coordinated efforts on a rotating basis in an attempt to more evenly distribute the staff and financial resources required.*

c) Revisions offered for specific actions:

1.1.1 ~~Expect~~ **Require** energy conservation measures and green building techniques in rehabilitation projects and new residential developments by ~~encouraging~~ **specifying** participation from builders in green certification programs such as EarthCraft, LEED ND, LEED for Homes, or the National Association of Home Builders’ National Green Building Program.

1.1.7 ~~Promote~~ **Require** a scale and density of residential development compatible with adjacent and surrounding land uses, supporting infrastructure, and environmental conditions.

1.3.3 **Target Limit** publicly funded or publicly sponsored housing programs toward County residents and persons employed in the County [Ms. Kratter: “some tenure?”].

1.3.5 Continue to ensure that housing units constructed or rehabilitated with public funds remain accessible to **local** families with low-to-moderate incomes.

1.3.12 **Develop Consider** a fast-track subdivision, site plan, and building permit process for qualified affordable and workforce housing developments **which are consistent with all GSAs related to controlling growth.**

***Response:** Staff does not believe consensus of the Planning Commission was reached and prefers to keep the original language on 1.1.1; 1.1.7; 1.3.3; 1.3.5; and 1.3.12.*

d) Specifics requested and editorial comments made with no proposed changes:

1.1.2 Promote residential development that provides a balance of unit types and price ranges, open space preservation and recreational amenities, and supports walkability and bicycle travel both internally and to nearby destinations. [Ms. Kratter: “Need specifics.”]

1.1.4 Guide new residential development to areas that are served by public utilities and that are convenient to public transportation and major thoroughfares, employment centers, schools, recreation facilities, and shopping facilities. [Ms. Kratter: “Land use/zoning changes”]

1.3.1 Review and revise all existing residential districts in the Zoning Ordinance (R-1, Limited Residential; R-2, General Residential; R-4, Residential Planned Community; R-5, Multi-family Residential; R-6, Low Density Residential; R-8, Rural Residential; PUD-R, Planned Unit Development-Residential; MU, Mixed Use; and Cluster Overlay) to provide additional bonuses and incentives for the provision of affordable and workforce housing, as appropriate. [Ms. Kratter: “All this will do is increase density, lower proffers, increase costs to county.”]

1.4.2 Promote universal design for a portion of units in major subdivisions or multi-family projects. (See also Population Needs.) [Ms. Kratter: “Specifics”]

***Response:** Staff does not believe consensus of the Planning Commission was reached to make any changes.*

8. Mr. Peck (from the 7/20/09 work session):

Page 40- Housing Revitalization Focus Area Map - include both residential and commercial target areas for revitalization efforts.

***Response:** OHCD compiled the Housing Revitalization Focus Area Map for inclusion in the Comprehensive Plan for the purposes of pursuing funding sources for projects in these specific areas. OED has confirmed that no comparable list of sites has been compiled for commercial development.*

9. Mr. Peck (from the 7/20/09 work session):  
Look into clarifying the impact on I-64 widening to three lanes on housing and the rate of development.

*Response:* Staff has no hard data on which to base this analysis; therefore, this cannot be accomplished in the time frame available.

10. Mr. Peck (from the 7/20/09 work session):  
Page 33, 2<sup>nd</sup> paragraph- note of whether high home values are necessarily a bad thing.

*Response:* Please see item #2 above. Staff notes there are benefits to high home values. The goal of the housing section was to emphasize the need of a mix of unit types and price ranges. This is consistent with both the concept of sustainability and the citizen commentary received.

11. Mr. Peck (from the 7/20/09 work session):  
Page 37, Table H-1- determine whether households counted in table are also employed within the County (how many live and work within the County?).

*Response:* Please see item #6 above.

## **ENVIRONMENT**

1. Mr. Poole (via email for the 7/20/09 work session):  
"1.1.2.8 Continuing (??) to promote the protection of trees." This certainly didn't happen at Settlers Marketplace (let's not kid ourselves about continuing) – so let's get real going forward and add words (and actions) to the effect that this pertains to construction sites, too.

*Response:* Not all sites are appropriate for tree preservation and in those instances clear cutting may occur. This action encourages tree preservation where it is possible as an existing component of environmental regulations. Specific tree preservation measures are covered more thoroughly in the Community Character section.

## **COMMUNITY CHARACTER**

1. The Steering Committee recommended that language be added to page 87 in the Community Character Area section to discuss the overlapping areas of the Norge CCA and the Economic Opportunity area, discuss how guidelines are considered in the center of the CCA versus the outskirts of the area, and clarify how the guidelines in all CCA's are applied to existing residential areas.

*Response:* A detailed response to this comment is provided under the Land Use Map section.

2. Mr. Fraley (via email):  
Action 1.5.2. Replace "Consider" with "Adopt."

*Response:* Staff proposes to leave the action the way it is currently written, so it can be determined if a policy is feasible and supported by the Planning Commission and Board of Supervisors. (Action 1.5.2 currently reads as follows: "Consider adopting a Specimen Tree Policy

*that would enable developers who wish to preserve specimen trees that are not within required tree save areas, an option of gaining a waiver to delete another portion of the landscape requirements in order to preserve the more desirable existing trees.”)*

3. Mr. Fraley (via email):

Action 1.7.2. Replace “Consider the adoption of” with “Concurrent with the development of a wired broad band plan (see Public Facilities 1.6.1), develop a Wireless Communications Plan.”

*Response: As also discussed under the Public Facilities heading (item #6), development of the broadband deployment policy and plan is a separate task that has a set of different considerations (different aesthetic impacts since broadband is largely underground, different actors in that the County as a public body can help deploy broadband, etc.). At the time it is practical to move forward on the broadband front, resources or other considerations may either permit or limit the ability to move forward on the Wireless Communications Master Plan (or vice versa). Therefore, staff recommends retaining the existing language which permits this flexibility in timing.*

4. Mr. Poole (via email):

Pages 92/93 – Great to see emphasis on preserving existing vegetation during development, which has been missing in large degree in recent years (Settler’s Market, Marywood, Powhatan Parkway, etc.) – and I encourage us to strongly consider adopting a subsequent Specimen Tree Preservation Policy as introduced on Page 92 – and as further delineated in GSA 1.5 on Page 100.

*Response: As noted in Mr. Poole’s comment, this item is currently included in Strategy 1.5 as Action 1.5.2.*

5. Mr. Poole (via email):

Page 98 – it is important to note high priority nature of citizen comments as far as preservation, etc.

*Response: The information referenced in Mr. Poole’s comment is under the Citizen Commentary section of the final report – the section opens with the following sentence: “Citizen commentary revealed that community character remains a high priority issue.”*

6. Mr. Poole (via email):

Page 98, GSA 1.1.4. Underground Utility Escrow Fund? I personally believe that enhanced landscaping/buffering is much more effective aesthetically and economically as opposed to burying utility lines. Additional information in these regards, please.

*Response: Staff acknowledges Mr. Poole’s point; however, staff has actively pursued screening utilities with landscaping where possible and promotes the escrow fund in higher priority areas where landscape screening is restricted by physical features.*

7. Commission members (from 8/12/09 work session):

Concerns regarding Jamestown Road and News Road and the community’s desire to maintain the character of these two corridors (currently CCC) and the effect of by-right

development on the existing/desired character. What can be done in cases where by-right development will negatively affect the character? Consensus indicated.

*Response: The Commission also discussed this issue in relation to Land Use; see the Land Use responses.*

## **PARKS AND RECREATION**

1. Mr. Poole (via e-mail):

Page 103, paragraph 4 - 89% of survey respondents comments regarding increased number of youth friendly activities in the area. As shared in my Population Needs comments earlier: Was there substantive SC discussion regarding ways in which seniors and youths might be more effectively integrated in activities? And not just through public facilities, but in the private sector (at Colonial Heritage, WindsorMeade, Williamsburg Landing) where impressive private facilities exist that may serve others if pragmatic restrictions don't bog things down....

*Response: There was much discussion on Population Needs at the Steering Committee level about integrating public and private activities, and the Population Needs goals, strategies, and actions have incorporated techniques that both promote private activities and prioritize public ones (see Population Needs Action 1.1.7). Parks and Recreation focuses on including certain information (health and wellness, volunteerism, and leadership) within recreational programming and also re-evaluating programming to make sure they are affordable and fit the types of programs that are needed/wanted in the community. Staff does not propose any changes.*

2. Mr. Poole (from 8/12/09 work session): Consider how private facilities might be made accessible to those who live outside of those residential areas to relieve some pressure off the County in providing public facilities.

*Response: There was significant discussion at the Steering Committee level about the relationship between private and public recreational facilities and how each are counted towards meeting citizen needs. Some private facilities, such as Williamsburg Landing, do have provisions for some public access. Private facilities are considered to alleviate some demand for public recreational amenities and private offerings are considered when Parks and Recreation evaluates new programs and facilities. Action 1.5.4 seeks to incorporate some percentage of private facilities into the inventory of recreational facilities.*

3. Mr. Poole (from 8/12/09 work session):

Strategy 1.5 (page 114) regarding bikeway connection and access. Look at improvements to areas with high levels of commercial activity (News Road and Monticello; Route 199 and Jamestown Road and Route 5).

*Response: Connectivity of pedestrian and bicycle amenities is an important part of both the Parks and Recreation and the Transportation sections. Several actions included in the draft plan promote the concept of complete streets and look to revise the Sidewalk Master Plan and ordinance to encourage construction of pedestrian crossings and sidewalks simultaneously with road improvements. However, funding and right-of-way acquisition to retrofit older intersections is more difficult. Nevertheless, the County, in conjunction with VDOT, is always evaluating possible projects and funding sources.*

4. Mr. Henderson (from 8/12/09 work session):  
Are we monitoring the physical condition or financial health of neighborhood pools so they are not lost to use by the community?

*Response:* The Division of Parks and Recreation is not currently monitoring neighborhood pools. It appears that neighborhood pools perform relatively well due to the strong summer competitive swimming leagues and the fact that some neighborhoods open paid pool use memberships to individuals living elsewhere in the area. There is also an active group (the Aquatic Center Development Commission) looking for partnership opportunities to construct an indoor aquatic center.

## **PUBLIC FACILITIES**

1. Mr. Fraley (via email):  
1.1.5.4 - Replace opening "Obtain control [of]" with "Select and acquire".

*Response:* "Obtain control [of]" implies that parcels will be "selected and acquired" although it also allows for other mechanisms. It should be noted that, occasionally, parcels come under County control through less common means such as a proffer, so "obtain control" may be more appropriate as it is broader language.

2. Mr. Fraley (via email):  
1.3.2 - Replace "Consider" with "Recommend".

*Response:* By making this item an action, it is already being recommended by staff as a step to consider. Specific policy recommendations will depend on direction from the Board of Supervisors. For example, the Board might direct staff to create an Adequate Public Facilities Test for fire protection, or to revise the existing Adequate Public Facilities Test for Schools. Staff recommends retaining the "Consider" language.

3. Mr. Fraley (via email):  
1.6.1 - Replace and re-write. "Concurrent with the development of a Wireless Communications Master Plan (see Community Character 1.7.2) develop ....."

*Response:* This language was developed by Julie Leverenz and Jody Puckett, who both are affiliated with the Cable Communications Committee appointed by the Board of Supervisors. Development of the broadband deployment policy and plan is a separate task that has a set of different considerations (different aesthetic impacts since broadband is largely underground, different actors in that the County as a public body can help deploy broadband, etc.). At the time it is practical to move forward on the broadband front, resources or other considerations may either permit or limit the ability to move forward on the Wireless Communications Master Plan (or vice versa). Therefore, while staff acknowledges that the broadband policy and plan should take into account wireless communications issues, staff recommends retaining the existing language which permits this flexibility in timing.

4. Mr. Poole (via email):  
Page 120, Paragraph 5- Who decides whether aesthetic appeal is necessary - - or not? In my view, all public facilities, as physical expressions of the community that builds and

operates them, should be as aesthetically pleasing as they are cost effective (which is the first criterion in this particular list).

**Response:** *As discussed at the Planning Commission work session on July 20<sup>th</sup>, staff agrees that “aesthetic appeal” has a degree of subjectivity that makes it harder to measure or quantify. Staff agreed with Mr. Henderson that it was important to note, however, that physical appearance is something that is taken into consideration when the County designs and constructs new facilities. More than anything else, this wording is placed into the Comprehensive Plan text so that citizens are aware of the effort that is made by the County to design attractive facilities. This idea is carried through to Action 1.4.6 as well.*

5. Mr. Poole (via email):

Page 121, Paragraph 4- [It is] important to note citizen commentary that rates our public schools and libraries higher than national benchmarks for these services.

**Response:** *Staff agrees; this information is currently included at the beginning of the Citizen Commentary section as follows:*

Citizens of James City County generally rate the County’s public facilities very favorably. In the National Research Center, Inc. (ICMA) survey, 51% of respondents rated the County’s public schools, and 52% of respondents ranked the County’s libraries, as “good.” Both the County’s schools and libraries rated higher than the national benchmarks set for these services.

6. Commission members (from the 7/20/09 work session):

Incorporate or highlight the modeling of cumulative impacts.

**Response:** *Cumulative Impact Modeling is discussed in Section 8A of the Public Facilities Technical Report (Pages T-4-33 and T-4-34), and the concept is supported indirectly by Public Facilities Action 1.3.2., which recommends the creation of additional adequate public facilities tests. Each of these tests must be designed, and at the will of the Board of Supervisors, may certainly include cumulative impact components. Cumulative impact modeling is also discussed in the Land Use Section, particularly in Land Use Appendix 3j which discusses the different factors that can make data compilation and use complex. Investigation of cumulative impact models is included in Land Use Action 1.5.1.1.*

7. Commission members (from the 7/20/09 work session):

Page 131, 1.3.3- Increase the discussion regarding the placement of public facilities in the County’s rural lands/outside the PSA. Language should reflect “location of public facilities should be discouraged outside the PSA” rather than “location of public facilities inside the PSA should be encouraged.”

**Response:** *Action 1.3.3 currently reads, “Encourage development of public facilities and the provision of public services within the Primary Service Area (PSA) as defined on the Comprehensive Plan Land Use Map.” This action has undergone several iterations - from relaxing the standard (by adding “whenever possible” to the end of it), to tightening the standard as described above (“discouraged outside the PSA”). The current version of the action represents*

and supports the position of the Board of Supervisors as it was provided to staff at the time of the 2003 Comprehensive Plan, and therefore, staff recommends no change in the action.

8. Commission members (from the 7/20/09 work session):

The Commission discussed whether the location of the Government Complex and/or existing facilities is appropriate for current or future needs.

**Response:** This issue was addressed at the meeting, and can be summarized as follows: The County Complex on Mounts Bay Road was located where it is because the development of Kingsmill provided the County with the land needed for such a complex. Over the years, this office campus has been expanded and further developed, and a considerable amount of County resources have been invested in the site over time. County facilities are spread throughout the County, concentrated primarily within the Primary Service Area, although it is recognized that citizens living in the northern end of the County may be inconvenienced or underserved by the location of the Mounts Bay Road complex. To this end, the County developed the Satellite Services Office (formerly known as the Citizen's Assistance Office), located in Toano. Here, citizens can handle most of their everyday County business, such as getting dog tags, paying taxes, and getting business licenses. There is even a limited Department of Motor Vehicles (DMV) function at this location.

9. Commission members (from the 7/20/09 work session):

Page 130, action 1.1.5.5 regarding implementation of Service Plans - needs to be a commitment with follow-through or removed from the plan.

**Response:** Most County departments and divisions have a service plan of some sort. While not uniform in their design, these plans typically address many of the components recommended by Action 1.1.5.5. The level of involvement by each department or division will be up to the discretion of the Board of Supervisors. The Planning Division recommends the retention of this action, as it provides possible future guidance.

10. Commission members (from the 7/20/09 work session):

The Planning Commission discussed whether the County should consider a policy of opposing the issuance of smaller water withdrawal permits for developments outside the PSA. Also discussed was whether central well systems should be shared among developments outside of the PSA boundary, and whether developments outside but adjacent to the PSA should be connected to the JCSA central system to cut back on the number of central wells and to reduce the operating and maintenance costs incurred by JCSA.

**Response:** This is an ongoing discussion that is tightly wrapped in a fundamental Land Use policy set by the Board of Supervisors. To date, the Board has mandated that each major subdivision located outside the PSA boundary shall have its own independent central well system, and that no sharing of systems or connecting of systems to the JCSA central water system shall be permitted. There are many factors that must be weighed in this discussion, including (but not limited to) the protection of the County's Rural Lands from urbanization and development, the prevention of urban sprawl and the attendant increased costs to the County for such sprawl, the cost to the County of maintaining independent central well systems, and the effect of multiple wells on the deep ground water aquifers that serve the County. Within the

*context of the Comprehensive Plan text, this topic is located in the Land Use Section, including within the Utility Policy section. The Utility Policy section includes, among other information, a discussion of the report produced by Renaissance Planning Group regarding the effects of utility extensions (this report was produced at the request of the Steering Committee).*

## **LAND USE**

1. Mr. McGlennon (at the 7/28/09 joint work session):  
Discuss options for controlling the pace of growth.

***Response:** These issues are discussed under the Growth Management, Primary Service Area, and Other Tools Used in Conjunction with the PSA headings in the Land Use Section, beginning on page 135 of the final text. The Board of Supervisors has the ability to control the pace of growth indirectly through the discretion afforded by the legislative approval process, as part of the examination of, among other factors, the adequacy and capacity of public facilities and services. The Board also has received proffers for several recent legislative cases which address the pace of growth more directly through binding limits on the number of lots/units which can be approved per year for a certain number of years after approval of the rezoning. Hanover County has formalized this type of approach through the expectation of proffers which place limits on the number of building permits which can be issued per year (50, with up to 10 additional units carried over from the previous year if not used) once the County's growth rate has been exceeding the historic growth rate (2%). The Board of Supervisors does not have the ability under the existing Code of Virginia to control directly the pace of by-right development.*

2. Mr. Kennedy (at the 7/28/09 joint work session):  
Address land use predictability in the plan.

***Response:** One aspect of land use predictability is providing guidelines and standards for the recommended uses within each Land Use designation. The Land Use section contains descriptions for each of the Land Use designations which detail recommended uses and recommended density or Floor Area Ratio (FAR). Staff has reformatted the descriptions to make this information as clear as possible and has also reformatted to better tie the descriptions to the associated Land Use Standards. These measures are designed to better lay out the expectations for development in each type of designation. Another aspect of land use predictability is the relationship between zoning and the Comprehensive Plan land use map. In James City County, the zoning map was drawn up prior to the first Comprehensive Plan being adopted. The Comprehensive Plan includes detailed descriptions of the major Comprehensive Plan-Zoning Map Inconsistency areas, and states the following in the introduction to this section:*

*For all of the following "inconsistent" areas, zoning was determined prior to or without recognition of the County's Land Use Map. Unlike the zoning for these properties, the Comprehensive Plan designation for these parcels was deliberate. It recognizes adjacent land uses, traffic conditions, zoning, and a variety of other considerations.*

*In recognition of the Zoning-Comprehensive Plan land use relationship as a likely item of discussion during this Comprehensive Plan update, Renaissance Planning Group (RPG) also prepared a report on the concept of "Concurrent Zoning" in which a community uses a comprehensive plan update as the basis for rezoning and remapping some, or all, of a locality to*

match desired land uses. The Land Use Technical report summarizes the RPG's discussion, which includes the information that very few localities in Virginia follow this procedure with the primary reason that most rapidly developing Virginia localities rely on development proffers to help fund the costs of new development and concurrent rezoning would preclude the ability of the locality to obtain development proffers and may shift the burden of new residential growth to existing residents. Another reason is that the property owner-initiated rezoning process also provides an opportunity for the impacts of a specific use on a specific parcel to be evaluated by the community in the context of surrounding uses so that potential negative impacts can be mitigated. More information is available in the Land Use Technical Report and in the RPG reports posted in the Steering Committee Materials section of the Comprehensive Plan website.

3. Mr. Kennedy (at the 7/28/09 joint work session):  
Address Transfer of Development Rights in the plan.

**Response:** Transfer of Development Rights was addressed in this Comprehensive Plan update through a study prepared by Renaissance Planning Group, inclusion of a detailed discussion in the Technical Report, inclusion in the final text as part of the chart of tools to be examined, and inclusion of Strategy 1.6, where it specifically is the subject of action 1.6.1.2(d). The Steering Committee discussed the concepts of TDRs extensively.

4. Mr. Kennedy (at the 7/28/09 joint work session):  
Address density and sprawl in the plan.

**Response:** Growth management tools and their application in James City County is the central focus of the Land Use section. During this update process staff has added elements to enhance this focus, by adding information to the commercial and industrial land use designation text about the recommended commercial densities [Floor Area Ratio (FAR)] for each designation, and adding information on commercial redevelopment and infill, much of which is based on a report prepared by Renaissance Planning Group for this plan update (see also Land Use GSA 1.4.5 which has been expanded).

5. Mr. Kennedy (at the 7/28/09 joint work session):  
Explore idea of transferring of Primary Service Area development rights from a sensitive area to an area where growth was encouraged.

**Response:** Of the growth management tools available under Virginia Code, the tool most applicable to this idea would be Transfer of Development Rights (TDR), which is also discussed in #4 above. The report by Renaissance Planning Group, and the discussion of TDR by the Steering Committee and Planning Commission was primarily with regard to the County's Rural Lands, rather than transfers within the Primary Service Area (PSA). A primary consideration that has been discussed is that for a TDR program to be successful there needs to be adequate incentives for both the property owner in the sending area and the potential developer in the receiving area, a density policy challenge that might be especially problematic for lands inside the PSA.

## **LAND USE MAP**

1. Road and rail connections:

- a. Provide additional information about Route 60 East realignment and Skiffes Creek Connector.

***Response:** Discussion of the desirability to have a connection between Route 60 East and Route 143/I-64 (Skiffes Creek Connector) was included in the Transportation Technical Report. The alignment as proposed on the Land Use Map is the most detailed information/location currently available and, as with Mooretown Road Extended, would be subject to a location study and environmental and traffic impact studies. The Skiffes Creek Connector could be constructed in the shorter term to alleviate congestion along existing Route 60 East until full funding is available for the Route 60 East realignment project. It is important to show this proposed connection on the Land Use Map in the event that federal or state funds could be allocated to this project.*

- b. Provide an update on the status of the railroad through the BASF property.

***Response:** While the tracks for the rail spur have been removed, it does not appear that the rail right-of-way has been vacated based on research in the Courthouse. Staff recently received confirmation of this from a representative of CSX Real Property, Inc. As such, it may be beneficial to keep the tracks shown on Land Use Map in the event that a prospect to purchase the property would be interested in putting the tracks back in place.*