

J4C COMMENTS ON
THE 2008
COMPREHENSIVE
PLAN

April 8, 2009

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PREAMBLE

County residents have spoken forcefully about the need to restrain population growth and to preserve open space and James City's quality of life. The 2003 Comprehensive Plans has as goals "to preserve the quality of life," "to control residential growth while preserving the County's natural beauty," and "to preserve rural land." In 2004, residents overwhelmingly approved bond issues to pay for the purchase of development rights and more green space.

More recently, county taxpayers commissioned two surveys (executed by Virginia Tech and the International City/County Management Association) as part of the 2008 Comprehensive Plan revision. The Virginia Tech survey confirmed what was already known:

- 83% of county residents believe that land development is occurring too quickly
- 83% believe there should be restrictions on land sold for commercial and residential development
- 79% believe that the county should do more to preserve farmland
- 69% believe that developers should always be required to pay a fee

Further, these percentages all increased since 2003. According to the Tech researchers' interpretation of the survey results, "the strengthening of opinion on these issues indicates a call for action on growth management." Residents further validated these findings through numerous submissions to the CPT.

The business community has also concluded that managing population growth is essential to our local economy. The County's Economic Development Authority chartered a Business Climate Task Force (BCTF) to (from p5):

- Review the climate for business retention and expansion of existing small, medium, and cornerstone businesses
- Recruit outside businesses.
- Identify how James City County can be more of a value-added partner to the business and industrial community.
- Identify the qualities, characteristics, and categories of businesses preferred in James City County
- Propose policies, programs, and ordinance changes that would attract, retain, and expand these businesses.

The BCTF presented its report to the County Board of Supervisors, which accepted it in January 2008. Some findings:

- The primary principle [of the BCTF Report] is that, while attracting, retaining and expanding businesses are essential elements of our continued quality of life, they are subordinate to, and should be a means for, preserving the uniqueness of James City County, its historic legacy, its rural and forested area and its sense of community. A vibrant economy loses its virtue if it turns James City County into just another suburban shopping mall or Anytown, USA. All of this report must be read in the context of the area's uniqueness and quality of life (p7).
- BCTF placed James City County's quality of life as the most important aspect to maintain and preserve (p5).
- It is imperative that the County find a balanced economic portfolio which preserves the uniqueness of our historic area while attracting and maintaining complementary businesses (p5).
- JCC must protect its community character, its appearance, its environment, and its historic heritage (p6).

There seems to be near-universal agreement on the primary goals of the 2008 Comprehensive Plan: to minimize population growth where possible and minimize or ameliorate its effects where not; to preserve open space and rural land; and to preserve JCC's unique character and its residents' quality of life, thereby protecting the local economy and creating a sustainable community for future generations.

J4C has addressed these goals as a combination of three basic principles, which we regard as the single most important element of the new Comprehensive Plan. These principles are:

- 1. Analyze the cumulative impact of any proposed development in terms of its environmental, economic and other aspects;**
- 2. Do not, under any circumstances, permit expansion of the PSA;**
- 3. Do not permit development that would exceed the maximum population presently permitted "by right".**

J4C has been an active participant in the early stages of the Plan's revision. Our group has presented to the CPT four exhaustive studies that should help the County better understand and deal with the pernicious effects of unbridled growth (see Appendix A):

- Environmental Pre-Assessment Study
- Flood Control
- Cumulative Impact
- Traffic

We are presently monitoring the handoff of community input from the CPT to the Comp Plan Steering Committee, and will continue to follow the progress from the Steering Committee to the Board of Supervisors to the final draft of the 2008 Plan. Our objective is to ensure that the goals and recommendations of the following are integrated into the Comp Plan:

- Residents' input
- Business Climate Task Force
- J4C studies mentioned above
- Past BOS Studies e.g., Five Forks Study, Powhatan and Yarmouth Creek Watershed Management Plans, etc
- The Hampton Roads Planning District Commission's Regional Water Supply Plan, which was required by the State Legislature.

I. PLANNING AND PROCESS

The J4C supports moving many specific requirements to an earlier spot in the zoning and SUP applications process to permit further opportunity for public review and examination of the cumulative impact associated with the application. This includes the environmental inventory and the conceptual plan. The conceptual plan process should be required, providing developers, staff and the public with input in the formative stages of a proposed development. Master plans must include a preliminary natural resources inventory (environmental pre-assessment).

The following are specific recommendations:

- Change development approval process to establish environmental and infrastructure impacts early in the process.
- Adopt a policy for traffic level of service that would not permit residential development that creates a cumulative traffic impact level of service lower than C.
- There should be an annual review of the goals of the Comp Plan to determine if the goals are being met or if progress is being made. Effective corrective action should be taken to correct shortcomings if goals are not being met or adequate progress is not being made.
- Require that proffers be paid before development begins.
- Development approval should include an Adequate Facilities Test as defined under Virginia Code § 15.2-2283. Also, a cumulative impact assessment must be an integral part of any approvals.
- To avoid conflicts of interest or the appearance thereof, no expert consultants (legal, engineering, environmental, etc) who serve local builders may be paid to advise the county government.
- Compliance: The County should employ adequate staff to monitor a development and ensure compliance with ordinances, regulations, and with the approved master plan. Penalties for violations should be increased.
- The development must be completed within five years of the date of the rezoning or special-use permit (SUP), or new plans must be submitted and approved. When construction has begun and then suspended, the site must remain clear of equipment and debris until construction resumes, and adequate erosion controls be put in place (for example, seeding cleared areas).

Capital Improvement Process (CIP)

Consistent with our request to have procedures moved up earlier in the process, the J4C requests that the Capital Improvement Process (CIP) be moved up in the budgeting process. The general public should be given an

opportunity to examine the rankings assigned by staff at the same time that the Policy Committee and the full Planning Commission have their reviews.

The Comprehensive Plan should change the way the County prioritizes and finances public facilities. Presently, a CIP "wish list" comes from staff to the Planning Commission late in the budget process. Under State statute, the PC reviews and prioritizes for the BOS. We support the suggestion that the staff tie the priorities in the Public Facilities Section of the Comp Plan to the CIP (including financing), and to do so early in the budget process. It can then be given a public hearing. The CIP should follow a rolling five-year plan.

Adequate Public Facilities Policy

An Adequate Public Facilities Policy should be adopted to deny rezoning and SUP applications if approval would create a negative cumulative impact of development on schools, traffic, water, sewer, police and fire services, roads, utilities, parks, libraries, etc.

Public Benefit

Public benefit should be defined and used for decision making in the rezoning process. These benefits could include, among others, energy and resource conservation, job retention, affordable/workforce housing, parks/open spaces, preserving historic structures and areas, promoting green building standards, support space (fire station, community center) offered, alternatives to farming for rural land, public transportation, climate protection, economic opportunity, rehabilitation/vitalization, floodwater control measures, improved water quality, archeological consideration, and other environmental benefits, including wetlands and habitat protection.

Micro-Master Planning

The J4C supports the use of "micro master planning" for designated areas in order to create a vision for future development in these areas. The Five Forks and Toano studies are examples of such micro-planning and could be extended with great care to areas ideal for economic development such as in the Croaker interchange area, for any development in the Anderson Corner or News Road/Centerville Road area, or for revitalization of the Williamsburg Crossing Shopping Center area. [Reference Economic Development Section]

Technology Support

Newer technology should get factored into the decision making process. We believe strongly that an electronic documents program should be initiated; that water conservation technology be a requirement; that new telecommunications technology be brought into the decision making process on cell towers; and that newer technology be examined in any effort to communicate to the public.

Mixed Use Reviews

The J4C supports a review of current ordinances to align them with the new Comprehensive Plan; to ascertain which, if any, uses could be removed from coverage and to clarify a number of the exceptions already spelled out in the mixed use category. In many cases, the exceptions currently outnumber the permitted uses. It appears that the mixed use category is a catch all and, if continued, could replace several other zoning categories.

Comprehensive Plan Process

Residents living adjacent to any land use proposed change should be contacted and given a chance to express their view on the proposal, similar to what is done with a rezoning case. In regard to this, we also believe that land use issues should be addressed near the end of the Comp Plan process – after the areas that impact land use have all been discussed and agreed upon by the Steering Committee and the citizens.

J4C supports the integration of various sections of the Comp Plan. Each section – environment, public facilities, traffic, etc. is interrelated. The plan should be actionable, measurable, and with a time line as has been defined by the Steering Committee Chair.

The County staff currently executes a biennial Strategic Management Plan in each department. This plan could be based on the Comp Plan and each year a progress report on Comp Plan initiatives should be made to the public.

II POPULATION

J4C believes that the unconstrained population growth of the past twenty-five years lays at the foundation of most of our county's problems: fiscal, economic, educational, environmental, flooding, and traffic congestion. The rate of growth embedded in future by-right development, not to mention expanded land use and rezonings, is not sustainable. This Steering Committee cannot therefore hope to craft a meaningful Comprehensive Plan without defining a population vision at the outset.

The Committee's Technical Report documents the substantial population growth and the changing demographics within James City County over the past twenty-five years, and the resulting needs of the population, both young and old. J4C supports the goal stated in the Report:

Ensure that all citizens, especially youth and seniors, have safe, affordable and convenient access to beneficial programs, services and activities.

Although we support the goal, we note that it is open-ended, as is the present potential for the continued increase in population. Population growth will impact every section of this Comprehensive Plan: Youth, Economic Development, Public Facilities, Parks and Rec, Environment, and so on. J4C, in its Cumulative Impact Analysis, projected population at buildout at about 129,000, double the current population. Whether or not the County accepts that number, it cannot make any assurances about providing anything for its citizens until it defines a vision of what the population will be and what it will look like at buildout. Legislative decisions can then be made with an eye toward meeting that vision, and plans can be made to provide the promised programs, services and activities. This Steering Committee must first define a *sustainable* population objective, and then recommend an actionable plan to achieve it.

J4C generally supports the rest of the actions in the population GSA, with some specific recommendations found elsewhere in this statement.

III ECONOMIC DEVELOPMENT

The J4C strongly supports an aggressive, cohesive and well planned economic development policy that diversifies our county away from its over-dependence on the cyclical, low paying retail, tourism and construction businesses. Diverse economic development is needed to sustain the County's economic viability through the cyclical downturns in these cornerstone businesses, and to provide jobs that pay living wages. The primary principle of the 2008 Business Climate task Force Report is that, while attracting, retaining and expanding businesses are essential

elements of our continued quality of life, they are subordinate to, and should be a means for, preserving the uniqueness of James City County, its historic legacy, its rural and forested area and its sense of community. We agree.

We also agree with the BCTF's recommendation that the county "begin looking at emerging business opportunities in areas such as sensor technology, nanotechnology, and advanced manufacturing." We also subscribe wholeheartedly to the following: "It is imperative that the county find a balanced economic portfolio that preserves the uniqueness of our historic area... A vibrant economy loses its virtue if it turns James City County into just another suburban shopping mall or Anytown, USA." Colonial Williamsburg seconded that view in December 2008, when they donated an 82-acre conservation easement along Route 132: "this conservation easement will protect scenic views along both sides of the entry to Colonial Williamsburg's Historic Area from Interstate 64," said Foundation President Colin G. Campbell. Unfortunately, the several other entrance corridors are way past protecting.

There is almost universal agreement that JCC is over-dependent on the retail, tourism and construction industries. This has resulted in an abundance of poor-paying jobs, unattractive entrance corridors and cyclical downturns in County finances. There is also strong evidence that the majority of the more able high school and college students leave the community following graduation because of the unavailability of rewarding and higher paying jobs. The high investment in their education is lost by the community. The County has generally been unsuccessful in leveraging the educational resources and talent available at William and Mary, VIMS, community colleges, and by our world class retirement community. Why is that?

In summary, the economic development plan must clearly define land use designations so as to result in the preferred type of economic development on carefully planned sites. It must leverage the intellectual and material resources of the community and region. It must eliminate bureaucratic bottlenecks and provide the needed infrastructure for rapid and pain-free startup and growth, and designate a County point of contact for help in navigating the legal hurdles. None of these should be done within the context of specific land use applications.

Apart from land use considerations, J4C further recommends;

1. JCC must protect its community character, its appearance, its environment, and its historic heritage (p6).
2. As with "mixed use," J4C is very much concerned over the designation of an Economic Opportunity (E.O.) land use category, without further study and examination of how it is working in other areas and what types of development it would permit.

3. The most important items to preserve are quality of life and unique historic and community character, if we are to attract the high quality commercial businesses desired for tax revenue and employment for educated/highly skilled individuals.
4. Identify areas and develop master plans for economic development as well as establishing R & D zones.
5. Installation of adequate storm water facilities adequate for business zones
6. Work force low cost housing to enhance JCC's position of having local residents available for commercial employment.
7. Ordinance changes within an economic development zone:
 - i) reduce categories of projects that require DRC and PC review
 - ii) define the types of businesses that meet our desired criteria
 - iii) account for outside agency reviews (VDOT, Hampton, water, etc) in the project review process time line
8. We have underutilized business/commercial areas in James City County. It is important that we identify these areas, determine why they are underutilized and develop focused plans for their revitalization through the use of micro master planning.

Approval of the applications to change several hundred acres of Rural Land in the Upper County to Low Density Residential, Moderate Density Residential or Mixed Use will affect the county in permanent, far reaching ways that nobody has attempted to quantify, much less understand. We recommend studying surplus commercial properties – BASF, John Deere, etc. before we pave over more rural land. Vague discussions of redesignating these properties as some sort of enterprise zone or clustered village are premature. Any plan must first precisely define the type of businesses that would be located there. That cannot be done without first re-writing the Mixed Use ordinance, which presently permits just about anything.

Many of the characteristics desirable of businesses that will be compatible with the county's character are evident:

- Non-emitting, quiet, and environmentally friendly placing minimum stress on our air, water, sewerage, open space and watershed resources
- Non-sprawling and relatively compact to preserve the open spaces and agribusinesses so vital to the county
- Requiring modest infrastructure improvements, e.g., no new major roads, water, power needed.

- Alike enough to require similar infrastructure, e.g., office, light manufacturing, service oriented so that roads, power, water, sewer and information technology resources are compatible. This promotes clustering and reduces sprawl.

The business/job characteristics include:

- Provide both professional, college level jobs with highly skilled support (junior college, high school) jobs.
- Jobs that can be built on support-to and -from the surrounding region, e.g., defense and IT contractors in Newport News and Norfolk.
- Year around, not highly seasonally dependent.

The plan must address:

- Coordination with our neighbors in Williamsburg and York County and the region for labor resources and business opportunities.
- Establish mentoring relationships with established businesses in the region, e.g., many federal government contracts have set asides for small businesses.
- Capitalizing on the expertise at William and Mary and VIMS in a mutually beneficial way.
- Enlisting the retirement community as mentors. Many of the retirees are successful businessmen and professionals with expertise, connections and money who may welcome an opportunity to work with entrepreneurial and small businesses.
- Guidance to existing commercial/office space in carefully designated areas. Readily accessible County assistance to navigate through business licenses, permits, financing, etc.

IV PUBLIC FACILITIES

Public facilities in James City County have fallen behind the frantic rate of population growth, with congested highways, polluted and scoured streams, crowded classrooms and a strained water supply among the results. Bringing these facilities in line with today's population, much less with future population, will require money that this county does not have (which should lay to rest the notion that development pays for itself). We make several recommendations in other sections of this statement, but the following apply in general:

1. Rural Wells. These are mentioned only once in the Technical Report (T-4-28). The County presently assumes responsibility for wells drilled outside the PSA, and the fees charged are inadequate to cover maintenance expense. The result is that residents living within the PSA subsidize the water consumption of those living outside. It is a goal of the county to encourage development within the PSA in

order to preserve open space and rural character outside of its boundaries. Subsidizing development outside the PSA therefore works at cross purposes to the county's own goal. We urge the county to adjust the fees charged to users of rural wells to cover the true cost and to discourage excessive use of this limited resource.

2. J4C supports a Public Facilities Master Plan (para 8b, P. T-4-34), requesting that it include schools, emergency services, road capacity and other infrastructure, libraries, parks and recreation facilities, water supply, sewer, flood abatement measures, natural resource and watershed protection, historic and archaeological protection.
3. Para 1.3.4 (page T-4-44) amends the PSA statement from 2003. It had read "encourage development of facilities within the Primary Service Area (PSA) as defined on the Comprehensive Plan Land Use Map." Changed to: "Where feasible, 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." J4C requests that the qualifier "where feasible" be dropped.
4. Within the 5 year planning horizon the County should make an evaluation to determine the necessity of continuing the commitment toward the second \$25MM payment (plus 20% operating expenses) for water from Newport News. This determination should be made in light of a 129,000 county population derived from "by right" development and currently approved housing developments. This determination should include effective water conservation programs including reclaimed water. [Also under Environment Section]

V ENVIRONMENT

The County's natural environment, once a distinguishing characteristic of our community, has been a major casualty of development. The County's own officials and reports attribute the decline of our streams and watersheds to the rapid development and associated impervious cover. The Impervious Cover Report issued this past February projects further degradation.

J4C offers the following recommendations for the "environmental" section of the Plan. In some cases the issues identified are addressed to some extent in the Goals, Strategies and Actions developed by the Steering Committee, but we believe that some change in emphasis is warranted. These items have been identified by a reference to the relevant GSA.

Flood Control

1. Under the Environment Section discussions, the GSA's refer to the need to examine a bond issue to permit needed construction and

remedial actions to be taken to avert flooding in future storms. The J4C believes the time is right, when construction costs and interest rates will most likely be down, for the Comp Plan to call for an intensive effort to correct situations that lead to the flooding of specific areas in the County. This will reflect the desires of County residents, concerned with the economics, health and safety associated with current conditions.

2. In order to determine which areas of the County are susceptible to flooding due to storm surges, exacerbated by sea level rise, we believe it is desirable to perform high resolution mapping of coastal/estuarine regions, and to undertake modeling and simulation of storm events. Moreover, it is highly desirable to monitor, on a continuous basis, actual water level at least at one location, for the purpose of predicting flooding events. With these objectives in mind, the following actions are suggested:

- Construct highly accurate digital elevation maps of critical areas using high resolution airborne LIDAR¹. Several companies do this work routinely, at a cost of \$100+ per square mile. The maps are valid for a very long period, and the mean shoreline can be updated by long term water level measurements.
- Perform numerical modeling of storm surges, using the high resolution elevation maps. This type of work is presently being done in Virginia at both VIMS and Old Dominion University, and identifies the regions at risk of flooding.
- Perform long term measurements of water level at a permanent location in the County, to develop a model for storm surges combined with tidal variations specific to the County. A tide gauge has recently been installed at Jamestown pier by VIMS, which forms part of a network of such gauges in the lower Chesapeake Bay region. Over time, as experience is gained by continuous monitoring of water level, and other relevant factors such as wind and atmospheric pressure, a predictive capability will be achieved. The meteorological data is available routinely from national sources (e.g., NOAA); a nominal level of funding may be required to maintain the tide gauge. A predictive capability in excess of 12 – 24 hours should be achievable for moderate to large flooding events.
- The County should constitute a committee to formulate a County position on the subject of the impact of rising sea level within the County. This committee should consist of members drawn from diverse elements of the community (government, academic, economic, developers, interested citizens). The committee should examine scientific data to establish the likelihood and severity of

¹ Laser (Light) Ranging and Detection – analogous to RADAR (Radio Detection and Ranging)

future inundation. Its recommendations should address the creation or modification of ordinances designed to avoid development in areas likely to be inundated in coming decades, and potential mitigation approaches for existing threatened developed areas.

3. Environmental degradation is already evident in specific areas of the county affected by rapid development. Development along the Powhatan Creek has already resulted in decreasing water quality, increased soil erosion, storm water runoff and flooding in several areas -most particularly negatively impacting such communities as Jamestown 1607, St. Georges Hundred and Fieldcrest. Impervious cover percentages are already approaching or exceeding "impacted" levels in several sub watersheds experiencing rapid development, including New Town. The County has created a Stormwater Division to begin to push-back on the environmental degradation already experienced, but this effort is extremely under funded and clearly inadequate to meet the proven need. We believe that restoring a funding base to this the Stormwater Division is imperative to addressing these and future issues. Consideration should be given to a regional approach to Stormwater control where possible
4. Stormwater retention ponds built to outdated specifications should be upgraded where possible, and new ponds should be built to modern specifications. [Ref: 6.1.1]
5. Where applicable permeable concrete or similar should be the material of choice as an alternative to retention ponds as a means of encouraging environmental stewardship in parking areas, driveways, and sidewalks.

Water Supply

1. The same Environment Section refers to the promotion of "residential and commercial water conservation, including the reuse of grey water where appropriate." The J4C believes, as has been proven in many other countries and areas of the U.S. that water reuse in combination with effective water conservation is the best approach to solving water supply problems. We therefore request that this be given greater visibility in the Comp Plan's Environment and Public Facilities sections. New development proposals should be required to examine the potential for a reuse system before any approval is granted. Such efforts will reduce demand for potable water from a stressed aquifer system and potentially reduce the cost of water for citizens and business/industrial/commercial establishments. A starting point is to identify those applications which are suitable – e.g.. residential irrigation, commercial and industrial property use, and golf course irrigation. [Ref: 3.1.5]

2. A second step is to develop a regional approach, both to source the effluent to provide the raw materials and to use the reclaimed water output.
3. Within the 5 year planning horizon the County should make an evaluation to determine the necessity of continuing the commitment toward the second \$25MM payment (plus 20% operating expenses) for water from Newport News. This determination should be made in light of a 129,000 county population derived from "by right" development and currently approved housing developments. This determination should include effective water conservation programs including reclaimed water. [Ref: Public Facilities]
4. J4C supports continued County commitments toward water conservation including water smart rebates.
5. Encourage greater transparency in the development of the Hampton Roads regional Water Plan

Watershed Management

1. In view of the deteriorating situation for the Powhatan Creek and Yarmouth Creek basins, a master plan for protecting, and where possible, restoration of the watersheds is a must during the next 5 years. This should thus be reflected in the Comp Plan. We believe that a major effort should be made to **complete and implement** Management Studies for all watersheds [Ref: 1.1.1].
2. Wetlands are becoming increasingly fragmented and rare, threatened and endangered (RTE) species are becoming dispersed and more vulnerable. The principles of "Cumulative Impact" need to be applied to managing these issues. [Ref: 1.1.4; 2.1.1]
3. It appears that additional legislative tools will be required if the tide of rampant development is to be stemmed. We believe one such tool is the expansion of buffer zones around headwater streams and the main stems of major streams within the watersheds. The principles of "Better Site Design", and the earlier "Builders for the Bay" study, should be more actively encouraged.
4. Greater emphasis should be placed on bringing more land under conservation management, ideally in cooperation with private entities.
5. In addition we believe the County should adopt a "Special Watershed Overlay District" for those watersheds that are particularly impaired. Any future development in those Watersheds would expressly stipulate the additional environmental protection.

Environmental Stewardship

1. A more energetic approach should be taken to educating and informing the citizenry of responsible environmental stewardship. [Ref: 4.1.1]

2. We believe there needs to be a minimal depth of topsoil for new homes along with standards for organic and nutrient content in the soils.
3. We believe there needs to be the establishment of more drought tolerant, warm weather grasses (e.g., zoysia or Bermuda) as a standard for new homes.

VI TRANSPORTATION

Overriding policy and methodology

J4C believes traffic and congestion is a major factor/impact to be considered in the Comprehensive Plan and for consideration for any new development. Our concern centers on three areas of the county and includes emerging problem corridors, already stressed corridors and the designated community corridors. J4C believes that current traffic count methodology is not a dependable predictor of future results> We believe the method currently used for traffic counts and estimates is not repeatable, difficult to understand (not transparent), fragmented in approach, with resulting data collection having a wide variation of interpretation. In planning for future traffic patterns it will be critical to develop a consistent methodology for evaluating and grading traffic patterns including those patterns for emerging corridors. With such a definitive and repeatable methodology the County would greatly benefit by allowing it, with confidence of results, to adopt appropriate policies for traffic level of service. The J4C believes residential development that creates a cumulative traffic impact level of service lower than "C" would be unacceptable. This could be a stand-alone policy or incorporated into the Adequate Public Facilities Policy.

A. Cumulative Impact

The J4C has in previous reports to the County outlined its position concerning the desirability of including traffic studies in a cumulative impact study. Adopting this policy would identify unacceptable traffic impacts, including a specified safety threshold, and would allow a mitigation plan before any development could go forward.

The J4C believes that a cumulative impact study including current and future traffic patterns must be completed before any proposed development is granted approval.

B. Methodology

Current traffic counting methodology is inconsistent, fragmented and non reproducible. In addition it does not cover sufficiently wide evaluation parameters. Traffic reports are often difficult for the general public to

understand, let alone offer comments. As a result the public lacks confidence. Some shortfalls in the methodology include:

1. Currently a traffic study submitted by a developer covers only the situation at the current time, i.e. with only the addition of the proposed development. It does not include the cumulative impact of what is there now (current counts), plus what will be generated by already approved but not built units, and what the potential development might be for that corridor.
2. These data need to be provided by the developer and independently verified by the County staff or an unbiased contractor in the County in recommending approval or denial of the project.
3. Differences in traffic counting methodology and site selection make calculating traffic trends and comparisons difficult. The State and County should coordinate times and locations for counting traffic and assure that there is an adequate basis for year to year analysis and comparisons. For example, a count for an entire week in one year is difficult to compare to a count for a three day period in a subsequent year. Determine the consequence of taking counts on certain days, as well as at a consistent time of the year.
4. Conduct a review that compares historical traffic estimates and projections with actual traffic experienced. Adjust traffic increase projections to more accurately reflect experience.
5. Develop a traffic count system (understandable by lay individuals) for displaying counts used in presentations to the public.
6. In traffic reports, the complete information on the location of the counting site and the dates of the count should be included and coordinated with other agencies.

The J4C believes the County should review and adopt a uniform methodology of traffic count and a more transparent method of conveying that information to the general public.

C. Traffic engineer

The J4C believes that adding a traffic engineer to the County staff to review and verify traffic studies submitted with new development proposals would be a good resource allocation.

This position would be responsible for reviewing the adequacy of submitted traffic studies, for improving traffic flow on existing roadways, for standardizing the county's procedures for the periodic collection of traffic data, and for disseminating this traffic data to the public in an easily understood manner.

This position would develop actual estimates of traffic growth in the

County. VDOT and the County estimates of 3% per year are not realistic and historically underestimate real growth.

This position would help the County strengthen and enforce the filing of reports under the new Chapter 527

Some additional responsibilities would also be:

1. Establish an ongoing review of traffic on the major community corridors. This would permit VDOT to make changes early enough to prevent serious accidents and congestion.
2. Require a realistic traffic study for ALL new development proposals on Community Character Corridors. These would include current counts and realistic estimates for at least 10 years.
3. Recommend improvements in traffic flow on existing roadways, standardizing the County's procedure for periodic collection of traffic data and disseminating this traffic data to the public in an easily understood manner.

D. Specific recommendations for traffic corridors

J4C submitted a traffic report to the County in September 2008. In this report J4C offered an exhaustive analysis of traffic patterns and offered some specific recommendations for consideration. The five traffic corridors evaluated include:

- Centerville Road
- Ironbound Road
- Monticello Road
- News Road
- Richmond Road

We refer the members of the Steering Committee to this J4C study and encourage their inclusion into the recommendations for the Comprehensive Plan

VII COMMUNITY CHARACTER

In introducing this subject, J4c could not improve upon the County's own introduction in the 2003 Plan:

Modern development will substantially change this character and sense of place unless special care is exercised in the manner in which growth occurs. By its very nature, much modern development requires extensive land clearing and grading which destroys natural features, favors large scale buildings, and generates large volumes of traffic. This in turn could require the transformation of a once-scenic road into a busy highway to provide the necessary traffic capacity. If it spreads out along our roads in a strip fashion,

development might eventually transform our smalltown atmosphere, once characterized by low intensity neighborhoods and identifiable commercial centers, into a congested regionally-oriented development which has no special identity and lacks pedestrian accessibility and safety. The character of James City County is important to the citizens and has contributed to the large amount of growth in the County.

1. J4C stresses the need for a limit on exceptions to the policies and ordinances that impact community character. In the case of community character considerations, standards established should be enforced with any, and all, applications.
2. As an example of this issue, we find far too often that an application is approved for less than the 50' buffer required for non-residential development along a community corridor or 150' for residential. Buffer requirements should be stated as minimums, not averages. Adequate buffers preserve the natural appearance so desirable in a community, and have been agreed upon by the County officials in approving the ordinances. Another example is in the permitting of signs within community character areas, where requirements should be consistent.
3. J4C recommends the reinstatement of 1.3.6 in the GSA. We must continue to create and use standards and tools for the different situations that may occur along Community Character Corridors, especially wooded, agricultural and other areas as appropriate.
4. The preservation of trees in community corridor buffers should be mandatory. Tree canopies along the Community Corridors should be preserved and where they do not exist, they should be created. Development along these corridors, specifically those designated as historic areas or historic by-ways should be discouraged. These trees add ambience, provide shade and assist in managing stormwater runoff.
5. J4C wholeheartedly approves of item 1.6.1. We need "tree save" areas and a Specimen Tree Policy and a Tree ordinance with teeth.
6. J4C recommends that GSA #1.7.4 be reinstated. The zoning ordinance must be amended to include additional provisions for tree preservation. We must stop approving exceptions to the policies and ordinances that govern development in the County, tree removal included.
7. Residents of the County have expressed their desire for maintaining the small town, rural and natural character of the County. J4C vehemently objects to the removal of 1.6.5.3 in the GSAs. Development along rural roads would certainly compromise the rural character of the area.

8. Rural roads and those traversing historic areas must be identified and preserved. Route 5 is a designated Historic By-Way; Old News Road is another designated historic road. These roads need to be heavily buffered and development along them limited. Traffic on these roads must be factored into any decisions on development since they are often restricted in the number of lanes they can accommodate and yet are often the most heavily traveled (with low LOS's). Recent lane designations at Route 5 and Ironbound are examples of a lack of planning and lack of concern for cross walks and safety measures. Added turn lanes are not likely to solve problems in areas such as this.
9. Recent applications for cell towers in Kingsmill have raised issues that require an amended ordinance for the County. The ordinance must restrict the siting of towers in residential developments and if it would appear that this placement was the only suitable location, a zoning application or SUP must be required. The residents impacted by such placement or siting must be given all the information available to the carriers on needed coverage, why that location is best, and what the carrier proposes to do to mitigate the impact on those residents affected. Any application should be required to address all technological alternatives considered and why they would or would not work. A master telecommunications plan for James City County would give the residents a better understanding of gaps in service and possible ways of covering them without placement of towers in residential districts. In the GSAs why put so much emphasis on underground utilities and yet approve towers in these same residential areas? Item 1.2.2 and 1.5.1 should be strengthened to incorporate placement of towers. It is essential that the current ordinance be amended to reflect the absolute need for currently available and forthcoming technologies and the need for consideration of those residents who may be affected by their placement.

VIII HOUSING

The James City County Citizens' Coalition (J4C) believes housing cannot be addressed in isolation, but needs to be interconnected with others factors being addressed in the Comp Plan – particularly population, transportation, traffic, water, etc. In other words, the cumulative impact of all development applications becomes a major consideration for all types of housing.

To address the issue of housing, the J4C has reviewed several documents relative to the issue of Housing in James City County. It supports the majority of recommendations in these reports, particularly those related to

funding and the encouragement of affordable and workforce housing within existing and proposed subdivisions.

1. Housing Needs Assessment: James City County and Williamsburg, Virginia
2. Workforce Housing in a Neighborhood Context
3. Housing Technical Report prepared by staff for the Steering Committee

The Housing Assessment

Getting a consistent picture of housing in the County is extremely difficult, yet without such a picture, it will be difficult to resolve what appears to be a major problem for those working here. Existing and completed housing with a total for approved units not built give us the total housing to expect at buildout. These figures are difficult to come by as is shown in the Technical Report as being between 10-13,000 units, where the J4C cumulative report shows 11,576 in the pipeline. 7955 of these are unbuilt units in developments approved and included in the County Real Estate database and are registered at the Courthouse. An additional 3621 are approved (rezoning or SUP), but have not yet been entered on the Real Estate database. It is time for the County to address a perceived shortage in housing affordable to starting-level professionals and essential support workers. What, then can be done?

1. We require exceptional public benefits for any rezonings necessary to permit new development. One of these should be requiring a percentage of affordable workforce housing.
2. Whenever senior housing (55 and above) is proposed, a number of the units within the development should be set aside for the service personnel that will be needed to support the senior population housed within the development.
3. Conduct a review of the number of skilled, critical and adult day care facilities in the county; determine the number of skilled and unskilled workers necessary to support the population housed here; then provide guidelines that will require applications to include housing that would help to meet this need.
4. Mental health day care will become more important as full-time facilities such as Eastern State are down-sized. Again, the workers required for these facilities will be considered within the category of "work force" employees, skilled or unskilled.
5. Facilities for health care, training and retail and tourist centers should be identified and applications for new development judged on the ability of any existing or proposed transportation system to move those necessary to provide the services to and from the location.
6. The County should immediately identify areas where work force housing could be built. A defined County wide picture of existing

housing by type could assist in meeting population goals and the needs that currently exist for certain types of housing.

7. The County should identify vacant facilities that could house the homeless or indigent individuals and families, at least during the winter months or extremely distressed times.
8. The County must develop a program of subsidized housing for those who work here and are unable to find affordable housing.

IX LAND USE

The land use section and its related map give definition to county government's vision for future land development. Changes to designations can lead to enormous and often misunderstood changes to the character of the county. For that reason, changes should be made only after a complete study of the cumulative impact of such change, and under no circumstances if such change expands the potential for population growth.

1. J4C is very much opposed to the granting of a "mixed use" category to land use applications until the category is thoroughly reviewed and scrubbed of the many exceptions.
2. Local citizens' input should be gathered before land use issues are decided, especially when they affect a specific area. The recent Five Forks Community meeting on February 17th was a good model for the way we believe residents living adjacent to any land use proposed change should be contacted and given a chance to express their view on the proposal, similar to what is done with a rezoning case.
3. We believe that land use issues should be addressed near the end of the Comp Plan process – after the areas that impact land use have all been discussed and agreed upon by the Steering Committee and the citizens.
4. Ordinance 24-283 needs to be clarified to ensure that any action necessary to meet citizens demands be incorporated in the Comp Plan.
5. As with "mixed use" J4C opposes an Economic Opportunity land use designation without further study and examination of how it is working in other areas. It must be very tightly defined, and based on reasonable expectations. We are not opposed to a call for review of such categories in other localities, but are opposed to having it added during this Comp Plan update.
6. Assemble an inventory of Community Resources and, through the use of the GIS technology, create a Community Resource Map. This idea could even be expanded to create a Land Use Community Resource Map based on the Comprehensive Plan. These would be valuable tools in creating a vision for shaping growth around the

preservation and conservation of the special natural and cultural features in James City County.

General Recommendations

- Obtain a legal opinion on the feasibility of setting a moratorium on development
- Initiate the delayed study on non-residential uses for rural lands

Specific Recommendations

- Create walkable neighborhoods;
- Preserve open space, farmland, critical environmental areas and cultural, historical and natural resources;
- Strengthen and direct development toward existing communities/developed space, i.e. no expansion of the PSA;
- Provide a variety of transportation choices - mass transit, bike paths, interconnectivity using green infrastructure guidelines

Special Use Permits

- Establish appropriate standards/time frames for review of completed documents by Planning and other JCC agencies
- Require that these time frames must be adhered to by applicants.
- Limit approval of rezoning/SUP to an applicant for 2 years
- If a property is sold within that timeframe, the rezoning/SUP should become invalid.
- SUPs must be retained as a mechanism by which citizen input is required.

Incentives for Green Development

- Implement a Green Building Incentive Program
- Allows a private developer to apply for additional density if project achieves a LEED award from USGBC.

Rural Lands:

With land inside the PSA nearing build out, and with the county's environment and infrastructure showing increased strain, the James City County Board of Supervisors in 2006 chartered a committee to study how best to maintain the historic, educational, aesthetic, and environmental character of the county's rural lands. The committee found that the rural lands encompassed 15,420 acres, which could accommodate 6,858 building units by-right.

Rural Lands Study Recommendations (For details, please refer to J4C Rural Lands Statement, 2006):

1. Revise the A-1 and R-8 zones to allow Lower Density Development (one unit/10 acres or less) as a by-right option.

2. For parcels smaller than 30 acres, keep the A-1 and R-8 provisions unchanged (3-acre minimum).
3. Optional cluster on 30-acre parcels or larger. That allows density on A-1 land to be possibly doubled.
4. Additional incentives for land owners for protecting natural resources.
5. In addition, the development of agri-business should be an important focus of the county's Economic Development office.

The concerns that caused the Board of Supervisors to charter the study three years ago have gotten worse. The study should be resurrected and followed through enactment, with the following emphasis:

1. The PDR program should be accelerated while land prices are lower. Dr. David H. Feldman, Professor of Economics at the College of William & Mary, in a paper presented by J4C in 2007 (copy attached), estimated that "Under the conservative assumptions we have made, the net present value of the fiscal cost of residential build out beyond the PSA is \$114,300,000. In other words, if we wanted to avoid the future fiscal deficits of the build out, we would be willing to float a bond issue today up to that size in order to buy the development rights. This would amount to a current payment of \$7,412 per acre."
2. Prepare a community resource inventory, which would provide overlays of county maps for agricultural lands, forests, wetlands, slopes, RPAs and private wells.
3. Require developers to assess natural and cultural resources on rural land prior to building.
4. Assess the implications of population growth in the rural lands at it will generate needs in public transportation and other services presently concentrated within the PSA.
5. Implement a conservation sub-division design as an alternative to clustering on medium-large rural tracts (50-100acres).
6. Enlist the help of the Natural Lands trust or similar organizations to conduct workshops on conservation zoning and conservation subdivision design.
7. Exclude non-developable land when calculating density for units per acre.
8. Require a review of tract size, soil type, BMP design and maintenance and the cumulative effects on aquifers of private wells, and standards for septic system designs.
9. Monitor groundwater withdrawals to maintain accurate projections of aquifer health.
10. Offer developers a density bonus to preserve natural resources (min 50% of developable land) and quality.

11. Support rural economic development alternatives.
12. Conduct a community audit, consisting of:
 - a. Numerical analysis of growth projections
 - b. Written evaluation of land use regulations in JCC.
 - c. Build-out maps.
13. Transfer of development rights
14. As stated earlier, the county must apply user fees to county-maintained wells and septic systems that cover the costs to taxpayers.
15. J4C continues to support a nonresidential rural land study to help determine economic uses for this critical area.