

December 8, 2008

James City County Concerned Citizens (JC4)
Rural Lands
Proposed Outline of Comments

The James City County Concerned Citizens (J4C) is a group, which consist of representatives from several neighborhood associations in James City County. It was formed to improve networking opportunities among associations on issues of common concern such as watershed protection, rural lands preservation, and comprehensive plan update.

We have summarized the background for the Rural Lands Study, the Study recommendations and the J4C response to these recommendations.

Background

Definition: Rural lands are defined by the JCC Comp Plan as those used for agriculture, forest, natural areas, resource protection areas, and watersheds. The scope of this study only considers rural lands outside the PSA.

The Problem: The Rural Lands Study was performed because of the need to manage growth in order to offset negative fiscal impacts brought about by certain types of residential growth. These impacts include increased demand for schools, emergency services, water treatment plants, road improvements, and recreation. The study also reflects the desire to avoid suburbanization of rural lands and to consider rural lands as a valuable economic asset to the County. Further, development of some rural lands is inevitable, it is important the landowners, governing body, planning staff, and the citizens establish some criteria to define the types of rural lands, which should be conserved.

Developable Acreage in Rural Lands: The estimate below was prepared in December 2005 by the Renaissance Planning Group in order to provide a reasonable point of comparison between different residential development scenarios. Developable Acreage: 15,240 acres; Rural Lands Total By-Right Development Potential: 6,858 units

Desired Outcome: Maintaining the historic, educational, cultural, aesthetic and environmental character of rural lands while respecting the rights of individual property owners and recognizing the need to balance these rights with the common good of the County.

Present Tools: James City County currently has the Purchase of Development Rights (PDR) program to provide conservation easements for rural lands over 20 acres and outside the PSA. It is also has a green space program where funds can be used for to conserve land of less acreage and outside the PSA. The bond referendum passed in November 2005 provides \$20 million dollars for the further implementation of both of these programs. The county also provides large landowners tax relief through the Land Use Program and Agricultural and Forrestral District Program.

Rural Lands Study Recommendations

Proposed New Tools:

- a. Lower density on acreage of 100 acres or more (Source: Residential Development in Rural Lands Study, 2006).
- b. Optional Cluster on lands 30 acres or greater. This allows a density on A-1 land to be possibly doubled. (Source: Residential Development in Rural Lands Study, 2006)
- c. Additional incentives to landowners for providing rural resources.

J4C Recommendations

- a. No extension of the PSA. This would encourage more residential development of rural lands.
- b. Prepare a community resource inventory which would provide overlays on County maps for agricultural lands, forests, wetlands, slopes, RPAs and private wells. This could be done in conjunction with the data from the Soil and Water Conservation District Boards and the local Department of Health. This could also be compiled by requiring developers to conduct an assessment of natural (wetlands, forests, slopes, RPAs, meadow, depth of public view shed) and cultural resources on the land prior to development. This effort would be required prior to approval of a sub-division plan with road and lot layouts. It would contribute to the eventual formation of a community wide conservation network (corridors).
- c. Implement a conservation sub-division design as an alternative to cluster on medium-large rural tracts (50-100 acres). This alternative requires a resource inventory which is described above. It conserves a larger amount of unconstrained land –not only unusable land for development. It requires the developer to delineate conservation areas but then gives the developer maximum flexibility in

regard to lot and street design. The developer would also be required to design subdivision layouts with consideration for buffers between the new development and existing parks, preserves, and land protected by conservation easements. See Table 1 for a comparison between Cluster and Conservation Sub-Division Characteristics.

d. Calculate density for units per acre by excluding non-developable lands (RPAs, wetlands, slopes) so that unit density is not artificially lowered.

e. Support lower net density on **A-1 lands of a large parcel size - 100 acres or greater** where the preserved agricultural land could continue in crop or other rural economic use such as pasture. We recommend a lowered density of **at least 1 unit per 25 acres**. Note: Several farm estates have already been established on A-1 lands along or near Forge Road where the density is less than 1 unit per 3 acres. Examples include: Martin Farm Estates (Henry Branscome), Chadwick (Michael Brown), Warren Farm (Sam Hazelwood), and Lakeview Estates (Sam Hazelwood).

f. Require a review of the size of tract, soil types, BMP design and maintenance, cumulative affects on aquifers of private wells, and standards for septic system design and maintenance prior to any approval of a cluster/ conservation sub-division design. The County also needs to require a periodic pump out of these systems with accompanying documentation. The conservation sub-division approach allows the developer to choose the "best" soils for use as a communal septic field. The septic field could also be used for recreational purposes. Note: Wellington Subdivision in upper James City County is a good example of how problems arise when soil types are not carefully considered before the approval of a development. In this subdivision, residents used a lot of water to irrigate landscaping because of the erodible sandy soil. In order to bring relief from costly water bills, the BOS to passed an amendment to allow the installation of irrigation systems. The County was involved in this process because of the County's involvement in the original approval of the development.

ff. Monitor ground water withdrawals and coordinate this information with VA Department of Environmental Quality to maintain accurate projections of aquifer capacity and anticipated draw down. At some point the County may have to restrict or prohibit new development where private wells provide the water supply and fire suppression system for a rural sub-division.

g. Estimate other costs to the County residents as a result of cluster and conventional development. This should be done before formal adoption of any

new zoning ordinances. For example, all residents of the County may incur costs for deepening private wells of residents as a result of more residential development in the upper County. They may also see an increase in personnel needed to monitor the maintenance of septic systems and BMPs. Private drinking water systems have not been successful in the past because of poor maintenance by either the developer or Homeowners Association. Sycamore Landing and Kristiansand are examples of two developments which had private water systems taken over by the County.

gg. Exempt parcels smaller than 20 acres from the new ordinance in order to mitigate the effects on small landowners. Also, lands above 20 acres can be candidates for PDR program, which can also help offset the effect of new ordinance on small property owners.

h. Recognize and estimate the environmental benefits provided by the rural land such as regulating water flows and flooding prevention, sequestration of carbon dioxide, aquifer recharge, and biodiversity conservation.

Other

The following recommendations may not directly apply to changes in the zoning ordinance language for residential development but are important as new process or procedural modifications.

a. Support rural economic development as an alternative to residential development for certain categories of rural lands. J4C does NOT want to see an elimination of farming activity or the exclusion of other rural economic activity such as wineries, small specialty farms, wholesale nurseries, riding stables, eco-tourism. According to County staff, this will be done in the second phase of the Rural Lands Study.

b. Use Transfer of Development Rights as another option for conserving rural lands. This may be an option for preserving open land in areas where there are zoning inconsistencies.

Table 1. A Comparison Between Cluster vs Conservation Sub-Division

Cluster	Conservation Sub-Division
1. 25-30% of gross land conserved; May contain unusable land-ie BMPs, wetlands, steep slopes as open space	1. 50-70% of unconstrained land set aside.
2. Produces small "green" islands.	2. Forms a community wide conservation network (corridors). Can also be used to buffer existing protected areas, such as parks, preserves, and land protected by conservation easements.
3. Promotes a "cookie cutter" design –awards full density for by-right with no open space	3. Full density with creative layouts where 50% of unconstrained land is conserved as open space.
4. May not provide extensive environmental protection.	4. Greater environmental benefits because of less disturbance of parcel. There may likely be wildlife management, water quality protections, increase opportunity for aquifer recharge, and improved ww treatment.
5. Developer may have less flexibility for layout of houses, lot dimensions and streets. Does not require a resource inventory.	5. Developer must delineate conservation areas but then is given maximum flexibility in regard to lot and street design. Resource inventory is required and includes: vegetative patterns (meadow, field, woodland), location of various forest types, historic areas, and depth of public viewshed as seen from surrounding roads.