

June 3, 2008

TO: Members of the Community Participation Team and Planning Staff

SUBJECT: Input to the Comprehensive Plan – Land Use Section

INTRODUCTION:

We are submitting these comments on behalf of Friends of Forge Road and Toano and James City County Citizens Coalition in regard to land use issues to be considered for the 2008 Comprehensive Plan Update. Overall, we support the continuation of the goals, strategies and actions listed in the 2003 Comprehensive Plan. Our comments will relate to format of the 2008 Comprehensive Plan Update and to actions which we would like to see accomplished or enhanced from those listed in the 2003 Plan.

FORMAT:

1. Reference the 2003 James City County Comprehensive Plan, use a matrix to summarize those actions which have already been completed and indicate those which will be revised from 2003. In this way, more continuity is brought to the process and the citizens can see accomplishments over a 5 year period.
2. Include BOS funded studies such as the Toano Community Character Area –Design Guidelines and Streetscape plan and Five Forks Study as references in the text of the Comp Plan chapters. Be sure the recommendations in these studies are integrated with new actions or recommendations in the 2008 Comp Plan.
3. Include a land map of James City County which identifies areas which are part of Agricultural and Forrestral Districts (AFDs), land use, conservation easements (Purchase of Development Rights, Virginia Outdoors Association, Williamsburg Land Conservancy), and green space. In this way, the staff and citizens can develop a more integrated approach to establishing contiguous “green” infrastructure corridors.
4. Include the goals of the Coalition of High Growth Communities and the recommendations in the Business Climate Task Force as appendices of the 2008 Comp Plan. Ensure that the goals and/or recommendations are integrated in the appropriate chapters.
5. Creatively incorporate the results of the two Virginia Tech surveys of JCC residents to “slow commercial and residential development” into the goals, strategies, and actions of the 2008 Comprehensive Plan. Recommend a legal opinion on the setting of a moratorium on development.

- 83% answered that they strongly agree (57.8%) or somewhat agree (25.2%) that “Development of the land in JCC is happening too quickly”.

- 78.8% responded that they strongly agree (56.5%) or somewhat agree (22.3%) that “It is more important to preserve farmland than to have more development”.

- 82.8% answered that they strongly agree (63.4%) or somewhat agree (19.4%) that “There should be restrictions on the amount of land that can be sold for residential and commercial development in JCC.”

- 61% answered that they strongly agree (34.3%) or somewhat agree (26.6%) that "It is important to slow development in the County even if it means increasing taxes."

- As noted by the survey results, many JCC citizens believe that the rate of development is adversely impacting the quality of their lives. A move by the Board of Supervisors to "slow" development after this second survey will send a positive message to the County residents that the Supervisors are finally listening. To date JCC remains a very unique area with a small town atmosphere. It has drawn a large number of retirees who have relocated here for a myriad of reasons. Some of these reasons are related to the fact that the area is not overdeveloped, over populated or over congested (traffic).

ACTIONS:

1. *No extension of the PSA.* Any initiatives need to be accompanied by a public hearing.

2. *Preservation of open land.*

- Promote connectivity between nodes of open land, wetlands, agricultural lands, and forests to form a "green" infrastructure. Green infrastructure has been defined as "an interconnected network of waterways, wetlands, woodlands, wildlife habitats, and other natural areas; greenways, parks and other conservation lands; working farms, ranches and forests; and wilderness and other open spaces that support native species, maintain natural ecological processes, sustain air and water resources and contribute to the health and quality of life for America's communities and people." Green infrastructure planning involves the coordination of conservation values and actions in concert with land development and growth management.

- Focus on a more aggressive program to encourage Agribusiness in conjunction with the new PDR ordinance. Roughly 75% of those responding to the two Virginia Tech surveys agreed that, "It is more important to preserve farmland in the County than it is to have more developed."
- Apply Transfer of development rights as another option to preserve open land in designated areas

3. *Community Character Corridors.*

- Incorporate all 2003 Comp Plan Actions related to Community Character Areas and Corridors into the 2008 Comp Plan. Zoning ordinances must be updated if not already done to ensure that overlay districts are in place to preserve, protect and adequately buffer all areas/roads appropriately.
- Ask VDOT to reassess the speed limits on some of the major roads , especially Community Character Corridors which we would like visitors to drive down, e.g., routes 60 and 30.

- Review the 2003 Comp Plan Community Character Goals which include:
 - Improve the overall appearance of the County's urban and rural environment.
- Enhance and preserve the County's scenic, cultural, rural, farm, forestal, natural, and historic resources as being essential to the County's rural and historic character, economic vitality, and overall quality of life.

4. *Traffic.*

- Revisit the need to develop an efficient mass transportation system that will benefit residents and tourists of all age groups throughout the County.

5. *Set An Optimum Population Goal for JCC.*

6. *Rezoning and SUPs.*

- Hold the applicant of a rezoning/special use permit to a high standard and **do** not permit them to submit incomplete documents. Submission of incomplete documents wastes the time of our County Planners (costing the JCC tax payers money that could be used elsewhere). Appropriate standards/timeframes should be established for review of "completed" documents by the Planning and other County Government staffs as well as standards/timeframes that applicants must adhere to. Shoddy work should not be rewarded.

- Develop standards/timeframes to limit an approved rezoning/special use permit (SUP) to the applicant for 2 years. If the property is sold within the timeframe, the rezoning/SUP will become invalid and the new owner will need to reapply.

- SUPS should be retained as a mechanism for citizen input about proposed changes in zoning.

7. *Consider A Unified Development Ordinance.*

In 1998, leaders in Cabarrus County, N.C., about twenty miles north of Charlotte, decided to address proactively the county's rapid population growth. The county and four municipalities began collaborating on a Unified Development Ordinance (UDO), which would set common ground rules for development throughout the county. Standardized development regulations have reduced inter-governmental competition and allowed for better planned, higher quality development. The new regulations include an Adequate Public Facilities Ordinance to ensure that new growth doesn't outstrip the county's capacity to provide services, enhanced sidewalk and landscape requirements to improve walkability, and flexible coding that makes Traditional Neighborhood Designs (TND) developments – an increasingly popular option in the area – possible as of right. This means that the developments are automatically allowed under the zoning code. Developers that meet conditions of the code can therefore receive approval for their TND projects with little regulatory delay. The code also reduces the number of zoning categories in the county from more than 100 to 26, and introduces a more stringent development review process.

Concord, N.C., became the first city to adopt the UDO in October of 2000 and has been a leader in implementation. Since then, the county and municipalities have continued to work together, collaborating on a countywide strategic plan, and a plan for parks and pedestrian and bicycle facilities.

8. *Apply Smart Growth Principles.* Include the following principles of smart growth as objectives for the comp plan update (we recognize that some of these may already be included in the 2003 Plan and will be carried over). Source: Smart Growth Network.

- [Create Range of Housing Opportunities and Choices](#)
Providing quality housing for people of all income levels is an integral component in any smart growth strategy.
- [Create Walkable Neighborhoods](#)
Walkable communities are desirable places to live, work, learn, worship and play, and therefore a key component of smart growth.
- [Encourage Community and Stakeholder Collaboration](#)
Growth can create great places to live, work and play -- if it responds to a community's own sense of how and where it wants to grow.
- [Foster Distinctive, Attractive Communities with a Strong Sense of Place](#)
Smart growth encourages communities to craft a vision and set standards for development and construction which respond to community values of architectural beauty and distinctiveness, as well as expanded choices in housing and transportation.
- [Make Development Decisions Predictable, Fair and Cost Effective](#)
For a community to be successful in implementing smart growth, it must be embraced by the private sector.
- [Mix Land Uses](#)
Smart growth supports the integration of mixed land uses into communities as a critical component of achieving better places to live.
- [Preserve Open Space, Farmland, Natural Beauty and Critical Environmental Areas](#)
Open space preservation supports smart growth goals by bolstering local economies, preserving critical environmental areas, improving our communities' quality of life, and guiding new growth into existing communities.
- [Provide a Variety of Transportation Choices](#)
Providing people with more choices in housing, shopping, communities, and transportation is a key aim of smart growth.
- [Strengthen and Direct Development Towards Existing Communities](#)
Smart growth directs development towards existing communities already served by infrastructure, seeking to utilize the resources that existing neighborhoods offer, and conserve open space and irreplaceable natural resources on the urban fringe.
- [Take Advantage of Compact Building Design](#)
Smart growth provides a means for communities to incorporate more compact building design as an alternative to conventional, land consumptive development.

9. *Provide Incentives for Green Development.* Adopt incentives similar to those in Arlington County to encourage the use of green building principles in the development of site plans and construction. See below.

Overview: Green building is a loosely defined collection of land-use, building design, and construction strategies that reduce the environmental impacts that buildings have on their surroundings. Arlington County has adopted the [US Green Building Council's](#) Leadership in

Energy and Environmental Design (LEED™) Green Building Rating System as a way to measure the energy and environmental performance of buildings in the County. In December 2003, Arlington County enhanced its program to encourage site plan projects to incorporate green building components and processes. The goal of this program is to reduce the environmental impacts of development.

Green Building Fund: In December 2003, the County established a Green Building Fund and a policy of having site plan developers who do not commit to achieving a LEED™ rating from the U.S. Green Building Council (USGBC) contribute to the Fund. The contribution is calculated at a rate of \$0.03 per square foot. (This contribution calculation is based on the fees assessed by the USGBC for registration and evaluation of a formal LEED™ application.) The Green Building Fund is used to provide education and outreach to developers and the community on green building issues. If a project achieves 26 or more points and the developer receives LEED™ certification from the USGBC, the Fund contribution is refunded upon receipt of the final LEED™ certification.

Green Building Incentive Program: Originally adopted in October 1999, the incentive program was revised and enhanced in December 2003. The program allows a private developer to apply for additional density if the project achieves a LEED™ award from the USGBC. The program applies to all types of building projects (office, high rise residential, etc.) achieving any one of the four LEED™ awards. The density bonus ranges from a minimum of .15 Floor Area Ratio (FAR) for a LEED™ Certified project to a maximum of .35 FAR for a platinum project. For more information, contact the Arlington County Environmental Planning Office (703-228-4488) or the Arlington County Planning Division (703-228-3525).

10. *Special Considerations:* The following properties because of their strategic location deserve careful attention by the Comp Plan Steering Committee and citizens when their land use is deliberated: Jamestown Campground, Eastern State, Hill Pleasant Farm, Taylor Farm and I-64/Barhamsville Road Interchange. It is hoped that some of these properties may be designated for the promotion of agri-business or green business opportunities along with retention of their historic significance (i.e. Hill Pleasant Farm). Further, the County needs to designate and acquire areas for future county building and school sites. For example, the EOC complex in the upper county will be insufficient to meet the growing needs of the population. The Bunting, Ferguson, and Ferguson property on 21 acres across from the EOC/Fire Station would appear to be a possible expansion site for the County offices.

Respectfully,

Friends of Forge Road and Toano
James City County Citizens Coalition