



LAND USE

TECHNICAL REPORT

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1. Introduction

Land use planning attempts to harness the related, yet sometimes competing, needs for population, economic development, public facilities, parks and recreation, environment, housing, transportation, and community character into a single coherent vision for future land development in the community. This vision is expressed in the community's land use policies; translated into its land use map; and supported through its goals, strategies, and actions. Together these elements make up the land use plan for the community.

2. Current Development Trends

2a. Residential

James City County has undergone continuous rapid growth since 1970. In the past 30 years the County's population has more than doubled, growing from 17,853 in 1970 to 48,102 as reported in the 2000 Census (see the Demographics Section for more recent population estimates). During that time significant changes in land use, particularly within the Primary Service Area (PSA), have transformed the predominantly rural character of James City County into a more urban and suburban environment. Most development has been contained within the PSA and largely concentrated around the City of Williamsburg, though it has spread both to the north and west areas of the County.

Most of the 20,772 housing units in County exist in subdivisions in the central part of the County along John Tyler Highway (Route 5), Ironbound Road, Greensprings Road, Centerville Road and Longhill Road. Some established neighborhoods such as Kingsmill, Kingspoint, and First Colony have reached or are approaching build-out level, or their planned capacity. Other large planned communities such as Colonial Heritage, Ford's Colony and Settlement at Powhatan Creek, will continue to contribute new dwelling units from their current inventory of approved units throughout the next several decades. More than one-third of the County's existing dwelling units in the County are in large master planned communities and between 9,998 and 10,810 more dwelling units in these communities have been approved but not built. Over a third of this potential output is located in Stonehouse, a master planned community in the northern end of James City County.

Table 1. Existing Large Master Planned Communities (500 or more homes)

Development	Cap	2003 Existing Homes**	2009 Existing Homes***	Remaining Capacity (Minus Timeshares)
Stonehouse	4,411	105	501	3,910
Ford's Colony	3,846*	1,387	1,968	1,878
Kingsmill	2,400	2,168	2,243	157
Greensprings	1,505	789	1,027	478
Powhatan Secondary	1,485	828	1,345	140
Governor's Land	734	507	654	80
Hidden (Monticello Woods and The Settlement at Powhatan Creek)	550	24	135	415
Colonial Heritage	2,000	0	549	1,451
New Town	1,692-2,504	0	203	1,489-2,301
Total	18,623 - 19,435	5,808	8625	9,998 - 10,810

* Does not include the 143 assisted living or nursing beds, ** Figures from 2002 Development Potential Analysis, ***Estimates based on Geographic Information Systems Mapping data. Based on rezonings as of January, 2009.

Since the last Comprehensive Plan update, no new large master planned communities over 500 units have been approved. However, one existing large master planned community, Ford's Colony, was approved for a substantial increase in units through the addition of a Continuing Care Retirement Center (CCRC) south of News Road. Another existing large master planned community, New Town, received rezoning approval for a number of its component sections, although the total unit cap remained the same as had been approved for the original master plan. One significant new development that was approved that was just short of the 500 unit threshold was The Villages at White Hall, near Anderson's Corner. Overall, most of the new developments approved by rezoning in and since 2003 have been approximately 100 units or fewer. Collectively, the total number of new units approved was approximately 2,380 (this includes Ford's Colony CCRC, but not the New Town section rezonings). The majority of developments rezoned in or since 2003 have been either a mix of unit types (single family detached and multifamily) or multifamily. New developments have been approved throughout the County, including projects in Five Forks, along Jamestown Road, along Longhill Road, along Richmond Road (Route 60) in Lightfoot and Norge, and along Route 30 near Anderson's Corner and near Stonehouse.

As to geographic distribution, the 2002 Development Potential Analysis found that roughly 70% of the existing dwelling units are located inside the PSA; more recent staff estimates put this figure closer to 75%. Rural area dwellings are dispersed throughout the rural lands with the heaviest concentrations located along John Tyler Highway (Route 5), near the Chickahominy River, in the Croaker area, and along Barnes and Richmond roads. Excluding master planned communities, the great majority of the lots in large rural neighborhoods were subdivided before 1990. The 1989 density revision to the A-1, General Agricultural, zoning district and subsequent

central well requirements slowed the trend of rural development considerably, but recent market trends may show the demand for rural residential development growing. Since 2003, a number of new large developments outside the Primary Service Area have been approved or are in progress; two of the largest are Liberty Ridge and West Port, both of which are located along Centerville Road (see Section 5d below, and appendices 3g and 3h for more information).

2b. Commercial/Industrial

Business and industry have also grown significantly in the past 30 years. In the 1970s many parts of the County experienced surges of industrial development, such as the Ball Metal expansion in the Skiffes Creek area and construction of the Owens-Brockway bottle factory in Toano. Busch Gardens also opened, significantly adding to the County's tourism industry. Retail space doubled at the Williamsburg Pottery Factory, spurring additional commercial growth along Richmond Road (Route 60). The 1980s were also a time of growth. The Owens-Brockway plant expanded, light industries moved into the New Quarter Industrial Park on Ironbound Road, and outlet and tourism-related businesses spread along Richmond Road (Route 60) and Pocahontas Trail (Route 60). Norge, Toano, Busch Corporate Center, and Jamestown Road near the intersection of Route 199 saw significant office development. In the 1990s retail and outlet growth continued. Berkeley Commons, now known as Prime Outlets, expanded to twice its original size, and Monticello Marketplace opened on Monticello Avenue. Full service shopping centers have also been added at Williamsburg Crossing, Five Forks and Norge Crossing.

The 1990s and the 2000s also marked a period of significant diversification in business and industry. The Jamestown Professional Center, Busch Corporate Center, Greensprings Commons Office Park, and Courthouse Green all either opened or expanded. Long a location for discount outlet shopping, the County saw an expansion at Prime Outlets in 2005, and another phase of expansion is still underway: the James City County location is reported to be one of the busiest Prime Outlet centers in the nation. One of the most prominent developments in James City County in this decade has been New Town, a mixed use area with over 1 million square feet of non-residential space. The beginning of New Town was the SunTrust office building, with 60,000 square feet of Class A office space. The main retail corridor, Main Street, was completed in 2007, and is anchored by New Town Cinemas. In 2007, James City County completed a 5,600 square foot community building known as Legacy Hall. New Town also includes the Discovery Office Park, where a substantial amount of the office square footage is planned. In between the existing New Town development and Route 199 is Settlers Market. Upon completion Settlers Market will contain about 400,000 square feet of additional retail and office square footage.

The industrial sector also made gains during this time period. Much of the industrial growth occurred in the James River Enterprise Zone in the Grove area of the County, both in James River Commerce Park (including Volvo Rents, Endeavor Center, Jeanne Reed, Lawrenceville Brick, Coresix, and the James City County Economic Development Authority Virtual Building) and in Green Mount Industrial Park (including the Wal-Mart Import Distribution Center and expansion, Haynes Furniture Distribution Center and Caterpillar). Additional development such as AVID Medical and expansion, ESGI and expansion, Design Masters, Wythe Will, Nicewood Enterprises, La Tienda, Lumber Liquidators, and C & F Bank, occurred in the

Stonehouse Industrial Park. The County’s industrial base now includes three Fortune 500 companies (Anheuser-Busch, which recently modernized its brewing plant, Ball Metal, and Wal-Mart).

Numerous opportunities for future industrial growth still exist within the County. See Table 2 for a listing of the major industrial properties and parks and their available acreages.

Table 2. Major Industrial Properties and Parks in James City County LAND FOR SALE, ACTIVELY MARKETED		
Location	Total Acreage*	Useable Acreage Remaining**
Stonehouse North	553.36	382.49
Stonehouse South	236.76	59.55
Hankins Industrial Park	138.31	14.39
Busch Corporate Center	137.69	28.92
James River Commerce Center	203.32	86.55
Jacobs	86.62	54.59
Green Mount	744.03	199.80
<i>Land Potentially Available:</i>		
BASF	588	382
Total	2,688	1,208.3

Source: James City County Office of Economic Development, 2009

* All acreage amounts are computed from GIS and do not necessarily reflect legal Acreage, ** Takes into account RPA, steep slopes, environmental sensitive areas

In addition to the major industrial parks and property acreages listed in the table above, substantial amounts of zoned and/or designated lands are available for commercial and industrial development or redevelopment throughout the County. This information is discussed further in Section 5 of this report.

2c. General Construction and Service Trends

Trends in population, Certificates of Occupancy (COs), building permits, and water and sewer service all indicate the rate of growth and assist in the analysis of its total impact on the County. Certificates of Occupancy signal that a building is complete and ready for occupancy. COs are useful for analyzing the number of new homes added to the County’s housing stock and determining the amount of population growth. From year to year, both residential building permits and CO numbers tend to be cyclical, echoing fluctuations in the housing market. Over the past 10 years, however, the long-term trend for James City County has been one of steady growth, nearly approaching levels seen during the housing boom of the late 1980s. Based on the years 1990 to 2008, the average for residential COs (excluding timeshares) was 804 units per year, with 1,496 persons added to the population each year from housing growth.

A final indication of growth and its impact on County services is the growth in public water and sewer. Sewer and water service connections have risen to meet population demands and to respond to health concerns. The percentages that water and sewer customers have increased over the years are shown in Table 3 below. For both the water and sewer customer base, the growth rate was faster during the last half of the 1990s as opposed to the first half, but slower during the first eight years of the new century.

Table 3. Percent Increase in Customers and Miles				
Year	Water Customers*	Sewer Customers*	Water Miles	Sewer Miles
1990-1995	37%	30%	64%	38%
1995-2000	47%	37%	19%	12%
2000-2008	31%	29%	23%	19%

Source: James City Service Authority records, 2008

*Numbers reflect actual water and/or sewer customers, not the total number of JCSA customers

The growth rate for the customer base has shown a different pattern than the pattern for total miles of water and sewer line. During the 1990s, while the overall numbers of water and sewer lines continued to rise, the growth rate decelerated. From 1990 to 1995, total miles of water lines grew 64%. Then from 1995 to 2000, total miles only increased 19% from 214 to 255. Likewise, the total number of miles of sewer line rose 38% from 1990 to 1995. However, over the next five-year period they increased only 12% from 275 miles in 1995 to 310 miles in 2000. Thus, while the number of customers added per year accelerated, the number of water and sewer miles added per year decelerated. That inverse relationship between the growth rates for total number of customers and total miles suggested a growing proportion of customers added per water and sewer mile constructed during the 1990s; a positive growth management trend as it pointed to a more efficient, and one assumes less costly, growth pattern for water and sewer service. During the 2000s, the total miles of water and sewer line both increased by a higher percentage than during the previous five years (Table 3). As of 2008, the Service Authority has calculated that there are 370 miles of sewer line and 329 miles of water line which have been constructed in the County.

2d. Agriculture

Agriculture continues to be an important part of a diverse economy and community in James City County. With lands available for both farming and timbering, agriculture not only remained an important means of revenue in the County, but also served as a way to uphold the community character. Reflecting a national and state-wide trend, agriculture in James City County declined in key areas (number of farms, acreage in farms) over the past few decades. However, the market value of production and the average value of production per farm have increased, as shown in Table 4 below.

Table 4. James City County Agricultural Statistics from 1997, 2002 and 2007					
	1997	2002	% change 1997-2002	2007	% change 2002-2007
Number of Farms	74	64	14% reduction	74	16% increase
Land in Farms (acres)	10,002	8,962	10% reduction	5,831	35% reduction
Average Size of Farms (acres)	135	140	4% increase	79	44% reduction
Market Value of Production	\$2,074,000	\$2,341,000	13% increase	\$2,866,000*	22% increase
Market Value of Production, average per farm	\$28,023	\$36,579	31% increase	\$38,735	6% increase

Source: 2002 and 2007 Census of Agriculture - US Department of Agriculture. Dollar figures are unadjusted. *Of this total, \$1,469,000 are accounted for by crop sales, and \$1,398,000 by livestock sales

The amount of acreage in James City County in farms, 5,831 acres, is about 6% percent of the County's total land area. This number represents a steady decline over the decades in the amount and percent of land in farms, although the largest decreases occurred in the 1960s and 1970s as shown in Chart 1 below. The 35% decline in the amount of land in farming between 2002 and 2007 represents a greater decrease than the decrease in the amount of land in farms in Virginia overall, which experienced only a 6% decline in the same time period.

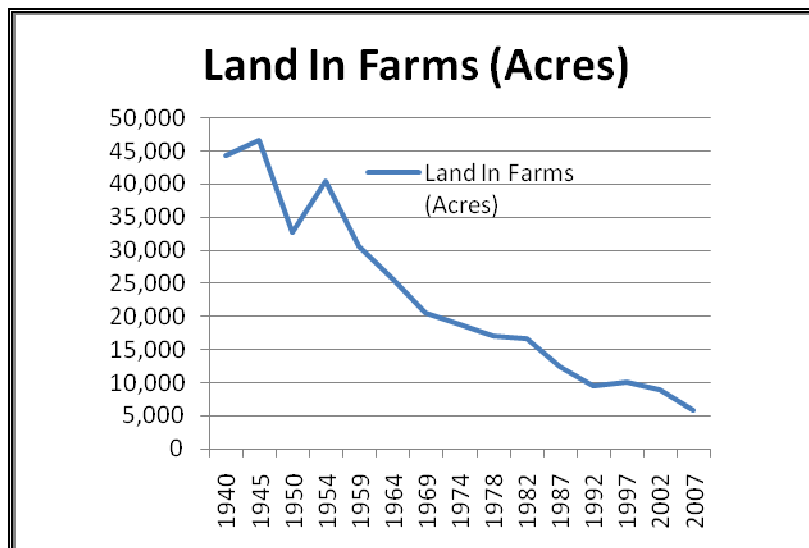


Chart 1. James City County - Land in Farms by Year

The number of farms has also decreased over the years, a trend that is also true for Virginia overall, although between 2002 and 2007 the number of farms was actually reported as increasing (Chart 2). The average size of farms had been increasing, likely reflecting consolidation of farms, but the trend between 2002 and 2007 was in the opposite direction, with the average farm size decreasing 44%. By a wide margin, the greatest number of farms in the

County are between 10 and 49 acres; for Virginia overall, the greatest number of farms fall in the category of between 50 and 179 acres. Census of Agriculture numbers indicate that there are proportionally more small farms in the County than overall in the Commonwealth, and that the number of small farms in the County is increasing.

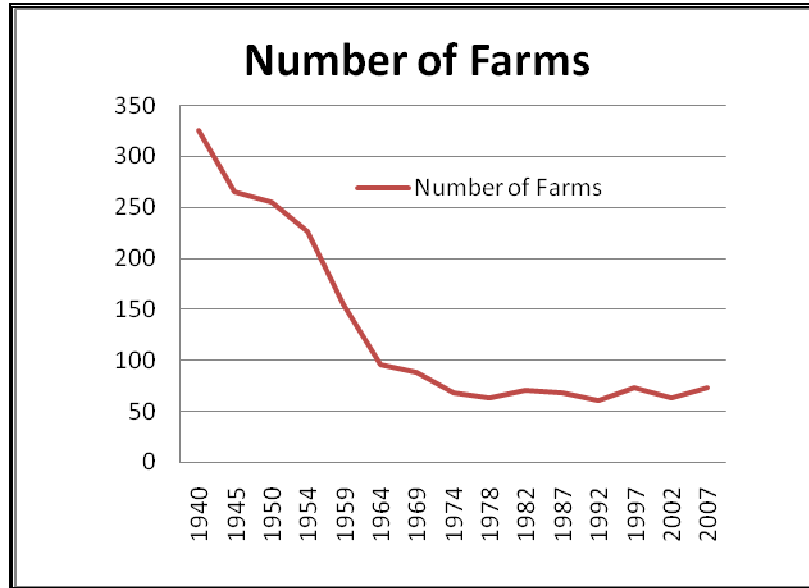


Chart 2. James City County - Number of Farms by Year

While about 6% of the County’s land is considered farm land by the 2007 Census of Agriculture, not all of this land is used for farming. In 2007, 51.3% of the acres were used for harvesting crops. Other uses for farm lands in the County were pasturing and woodlands.

In terms of community value, however, one must not rely solely upon the Census of Agriculture statistics for an accurate picture of the state of agriculture in James City County. While only 5,831 acres may be reported to the Census of Agriculture as cropland or actively timbered land, much more remains as forest land. Of the approximately 40,900 acres zoned A-1, estimates put half of that in environmentally sensitive Natural Areas—10,000 acres in the primary conservation area and 20,000 in the primary and secondary conservation areas combined. Another important factor is the James City County Agricultural and Forestal District (AFD) program, which is a formal method of assembling tracts of land into large, contiguous districts for the purpose of short- or long-term conservation. The AFD program has been successful in preserving or deferring the development to date of more than 17,800 acres.

2e. Summary of Development Trends

These development trends and patterns for residential, commercial, general construction and services, and agriculture all indicate the need for continuous planning and data analysis to ensure that the needs and desires of County citizens are known and met in the most efficient manner possible. The primary method for accomplishing this goal is proper planning through the Comprehensive Plan and subsequent implementation through tools such as the County’s operating budget, Capital Improvements Program, and Zoning and Subdivision ordinances.

3. Adjacent Localities and Institutions

James City County's growth trends are not the result of activities solely within its borders. The plans of surrounding localities and major institutions influence development within James City County and vice-versa. Therefore, James City County coordinates its planning efforts on a regional level, taking into account the comprehensive plans of other jurisdictions and participating in regional planning opportunities. Many opportunities to plan collaboratively and cooperatively exist in formal groups such as the Hampton Roads Planning District Commission, the Regional Issues Committee, and Crossroads, while others are created and taken advantage of daily in normal work activities. Building upon these previous efforts, the staffs and elected officials of York County, James City County, and the City of Williamsburg have committed to more formally coordinating their respective Comprehensive Plan updates. At the recommendation of the Regional Issues Committee, the three jurisdictions have agreed to make adjustments to their five-year update cycles so that all three Comprehensive Plans for the Historic Triangle area can begin simultaneously, allowing more comprehensive discussions between elected and appointed officials, as well as citizens, on those issues that cross jurisdictional boundaries (such as population, economic development, transportation, and housing). Per a resolution passed in the summer of 2008 by the York County Board of Supervisors, the James City County Board of Supervisors, and the Williamsburg City Council, staff will begin collaborating in the summer of 2010 on data collection efforts. After the 2010 Census data is released the three jurisdictions will begin their analysis of all available data for use in their respective Comprehensive Plan updates, all of which will include more detailed discussions on regional impacts. Joint meetings between the Planning Commissions of all three jurisdictions, as well as public forums, are scheduled to occur throughout 2012. Scheduled Comprehensive Plan updates for all three jurisdictions will then be on a coordinated schedule, with the next five-year update to begin in 2017.

Listed below is a summary of the comprehensive plans of adjacent localities and institutions that are likely to impact planning efforts in James City County.

3a. College of William and Mary Master Plan

The College of William and Mary has not amended its adopted Master Plan since 1987, but it did adopt the Campus Design Guidelines Report in 2003. The College owns little County land, and any development on the main campus would have only indirect land use effects. Over the last few years, the College has engaged in its largest building program since development of the New Campus in the 1960's. Several of the changes have occurred on Jamestown Road near the main campus (Barksdale Dormitories, the new School of Business Administration, and a new parking garage), while another major change - the conversion of the former Williamsburg Community Hospital to the new School of Education - is taking place along Monticello Avenue. As noted above, these changes are likely to have only indirect land use effects; however, land use in the County near Treyburn Drive should recognize the changing nature of this area.

The College does own a small portion of land adjacent to the Longhill Connector Road that is used as a playing/practice field. Development on this tract in the last ten years and adjoining land in the City has included Plumeri Park baseball stadium. The Dillard Complex, which is adjacent to Plumeri Park and is located in the City of Williamsburg, is a possibility for future

student housing renovation or redevelopment. Additional areas of interest include a 400-acre tract in the City of Williamsburg west of Lake Matoaka, along both sides of Monticello Avenue known as College Woods which is to be preserved as open space. Because of the land's proximity to New Town, the College has been an active participant in the Crossroads planning effort with James City County and other stakeholders.

Other land use impacts derive from the College's enrollment and on-campus housing figures. For instance, many William and Mary students live in apartments in the County, especially in the Ironbound Road, New Town, and Lake Powell Road areas. Significant increases in enrollment or decreases in on-campus housing would heighten the demand for these and similar areas. Undergraduate enrollment is projected to grow from 5,604 in 2005 to 5,883 in 2011. The City of Williamsburg's comprehensive plan lists some options for consideration for meeting future student housing needs. The options most relevant to James City County include renovation/redevelopment of the Dillard Complex, possible construction of student housing at the former Williamsburg Community Hospital Site, and the possibility of constructing student-oriented housing on the City owned Mixed Use property on Strawberry Plains Road.

3b. City of Williamsburg Comprehensive Plan

The City of Williamsburg adopted an updated Comprehensive Plan on October 12, 2006. The plan envisions new development in areas that are relevant to James City County. The Quarterpath Road-Route 199 area is designated as Economic Development and Medium Density Multifamily Residential to allow for a mixed-use and residential community on the land bounded by Route 199 and Pocahontas Trail (Route 60). Through an already approved rezoning, this site is planned for up to 2,575 dwelling units and more than 570,000 square feet of retail commercial space, along with the hospital and associated uses. Although the plan includes some areas preserved as open space and environmentally sensitive area, substantial development is expected which will have impacts on James City County. Especially of note, development in this area will have access points on Pocahontas Trail (Route 60) and access improvements to the intersection of Quarterpath Road and Route 199. Quarterpath Road is not planned for improvement as a through-road. Improvements to the Route 199 and Route 60 interchange are planned; however, roadway levels of service for the Route 199 corridor between Jamestown Road and I-64 are projected to decline.

Another area of note is the development of the High Street property on Richmond Road that is now underway, and the recent completion of Treyburn Drive extended which connects Monticello Avenue to Ironbound Road. As an active participant in the Crossroads planning effort, Williamsburg has coordinated plans for this development with adjacent stakeholders. If developed, several other planning areas along Strawberry Plains Road, Ironbound Road and Richmond Road may have an impact on James City County.

3c. York County Comprehensive Plan

Charting the Course to 2025 is York County's current Comprehensive Plan. James City County shares a considerable border with York County of both developed and undeveloped land. James City County borders seven of the sub-area planning sections of York County as described in their most recent Comprehensive Plan: Skimino, Lightfoot, Mooretown Road, Magruder,

Country Club, Naval Weapons Station and Camp Peary. Two of these, the Naval Weapons Station and Camp Peary, are not expected to significantly develop in the future and would not likely access or impact James City County.

Several of the sub-areas appear to be designated for densities and intensities similar to existing development that has already occurred in these areas, with the potential for this development to continue over time. One area which is in this category is the Skimino sub-area which is its northernmost and most rural section of the County. The York County Comprehensive Plan states that residential lots in this area are relatively large, utilities are generally unavailable, topography is severe, and road conditions are generally poor. For these reasons the plan states that the existing development character should continue. During the last Comprehensive Plan update, however, a portion of this sub-area near the Route 199 interchange was designated as Limited Business. The Magruder sub-area, which borders James City County along Penniman Road and continues the commercial corridor along Merrimac Trail (Route 143) toward the City of Williamsburg, has established residential, commercial, and industrial areas, and is designated such that additional infill residential development is supported. The Country Club sub-area also has established residential and commercial areas, and a significant amount of the remaining acreage in this area is designated as Conservation. However, a portion of this area along Merrimac Trail (Route 143) has been re-designated as Economic Opportunity in recognition of an approved timeshare resort and the Phillip Morris plant; development of the timeshare resort has already begun. Finally, the Mooretown Road sub-area is predominantly designated Conservation, as a protection for the Waller Mill reservoir. Based on the land use designations, a small amount of Limited Industrial and Limited Business uses could expand in this area in the future.

The sub-area which has changed the most in recent years and is likely to have the most continued implications for James City County is the Lightfoot sub-area. This area is centered on the Route 199 and Mooretown Road interchange and is bounded to the north by I-64. As stated in the York Comprehensive Plan, the Lightfoot area south of Route 199 has emerged as a regional activity center with the construction of Lowe's, Wal-Mart, Home Depot, the Great Wolf Lodge, Sentara Williamsburg, International Center and Williamsburg Marketcenter. Of particular relevance for James City County is designation for the land on the north side of Route 199, which is now designated Economic Opportunity with a Mixed Use overlay. The York plan states that this area has the potential for a large master planned development, with commercial development in the front, and residential development in the interior areas where there are steep slopes and land abuts Skimino Creek. The sub-area description includes language stating that the Pottery had requested that a Mooretown Road extended segment be designated and reserved for a potential future road connection, also noting that this should be paid for by the developer.¹ Based on input from York County Planning Division, recent economic difficulties experienced by some elements of the development in this area has already begun, and will likely continue, to drive pressure to locate residential development in and around this sub-area.

¹ *Development of adjacent parcels in James City County would likely depend on an extension of Mooretown Road, since constraints (railroad tracks, environmentally sensitive areas) limit other transportation connection options.*

There is one additional portion of York County which is not directly adjacent to the James City County line, but which also has relevance to James City County, which is the Whittakers Mill sub-area. This area has the existing Water Country and Marquis developments, and has significant amounts of additional land designated for Economic Opportunity. Developments in this area will affect the available capacity on Route 199, the functioning of the Route 199 and Routes 143 and 60 interchanges, and the functioning of the Exit 243 (Route 199/I-64) interchange.

3d. Newport News City Comprehensive Plan

Newport News adopted its most recent plan, *Framework for the Future 2030*, in November of 2008. The Skiffes Creek Reservoir, which is part of the Newport News water supply system, forms the lower boundary between James City County and Newport News. The majority of the land on this boundary is either part of industrial parks or the Fort Eustis Military Reservation. The closest residential neighborhoods in Newport News located along Pocahontas Trail (Route 60) are part of the historic Lee Hall area. These areas are almost completely developed; the Newport News Comprehensive Plan calls for preserving and enhancing these neighborhoods. However, population in this portion of Newport News is likely to increase with changes at Fort Eustis as the U.S. Army Training and Doctrine Command (TRADOC) headquarters transfers there from their former headquarters at Fort Monroe. In addition, a substantial amount of development has been approved over the last few years in the Lee Hall area, most notably the Asheton development, which has been approved for 1,600 units on about 430 acres.

Another important item to note is the Newport News portion of the proposed Route 60 East relocation, which is shown on their Comprehensive Plan Land Use Map. This road would connect from James City County into Newport News through the existing Oakland Industrial Park. Newport News is James City County's most urbanized neighboring jurisdiction and is the source for the greatest percentage of the County's in-commuters. Monitoring and coordination with Newport News on transportation, particularly transit planning, is relevant to the County's future economic development and quality of life. As outlined in its Comprehensive Plan, Newport News, in cooperation with regional entities, is planning for a future rapid transit system, and is evaluating bus rapid transit, light rail (this option, unfortunately, was recently turned down for federal funding), or a streetcar system. Newport News is also a critical element of the possible extension of the proposed Southeast High Speed Rail Corridor, as well as plans for increasing the frequency of the existing "higher speed" passenger rail service.

3e. New Kent County Comprehensive Plan

James City County shares its upper boundary with New Kent County. New Kent is currently updating its Comprehensive Plan, with plans to have it considered by the County's Board of Supervisors in 2009. The 2003 land use map shows the majority of the border as rural housing, although the Barhamsville and Lanexa areas are planned for nodes of more intense activity. Along Route 30 near Barhamsville, the map proposes a limited amount of suburban detached housing (the area of which may shrink as a result of the current update process) and village uses. The existing collection of industrial uses in the proposed Barhamsville village is not expected to expand to any great degree; however, the land use map outlines a broader area of

economic opportunity and industrial property north of Barhamsville between Interstate 64 and West Point. Along Route 60, the Lanexa area is proposed to have village and suburban detached housing uses only. Since 2003, approximately 3,600 acres of New Kent County in the vicinity of Ware Creek across from the Stonehouse development have been dedicated as a conservation easement.

3f. Charles City County Comprehensive Plan

Charles City County's last Comprehensive Plan was adopted on May 12, 1998; however, the County is currently working to update the plan. While much of Charles City County's future growth is slated to occur in its northern and western parts, some development will occur along John Tyler Highway (Route 5) near the Chickahominy River Bridge. This area is designated as a local development center that would contain a mixture of residential, commercial and public uses with community facilities and utilities including central water and sewer. With the recent dedication of the Judith S. Dresser Memorial Bridge and the planned connection to James City County's portion of the Virginia Capital Trail, connections between James City and this portion of Charles City County will improve. The majority of the James City County/Charles City border is designated rural and conservation areas that would discourage growth. Rural areas are intended primarily for agricultural and forestal activities.

3g. Surry County Comprehensive Plan

Surry County's current plan, the Surry County Comprehensive Plan Update, was adopted in July of 2005. Surry County shares a unique relationship with James City County in that the Jamestown-Scotland Ferry, the only 24-hour State-run ferry in operation, connects the two communities. Surry County documents support continued development of their industrial park areas and other economic development initiatives which could increase the usage of the ferry between the two counties.

4. Major New Planning Legislation

Since approval of the James City County Comprehensive Plan in 2003, the Commonwealth of Virginia has adopted potentially significant new planning tools for localities. This section will look at the following topics that may have future impacts the County and future Comprehensive Plan updates: Urban Development Areas (UDAs), Transfer of Development Rights (TDR), Mandatory Open Space Clustering, and Impact Fees.

Since these topics are potentially affected by legislative actions on a yearly basis this section of the technical report is more likely to require updates more than every five years. An action has been added to the Land Use Goals, Strategies, and Actions that states the Planning Director will be responsible for providing updates to the Planning Commission on an as-needed basis should legislative decisions on these topics change during non-Comprehensive Plan update years.

4a. Urban Development Areas

Virginia state code was recently changed to require that certain high growth localities, including James City County², include at least one Urban Development Area (UDA) on their Comprehensive plan Land Use Map. According to the new legislation, a UDA is an area located close to a city, town or other developed area that is designated as appropriate for higher density development due to its proximity to transportation facilities and to public or community sewer and water systems. The UDA or UDAs must be of sufficient size to accommodate projected commercial and residential growth for at least 10 years but not more than 20 years.³

Localities do have the option of certifying that their current plans already meet the requirements of the legislation, but it is not clear if this provision means that the general intent of the legislation must be met, or the specific requirements laid out in legislation. As a result, in March 2008, the General Assembly established a joint subcommittee⁴ to study development and land use tools. In particular, the joint subcommittee was charged to “examine and monitor the transition to channeling development into Urban Development Areas, and determine if additional legislation is needed to help localities as they transition to Urban Development Areas.” The study is scheduled for completion on November 30, 2009.

In light of the pending results of the Joint Subcommittee report, and potential legislative changes resulting from that report, the best course may be to wait until at least November 2009 before initiating such a study, although the parameters of the legislation should be kept in mind throughout the Comprehensive Plan update and the work of the joint subcommittee should be monitored.

In the interim, and as part of the current Comprehensive Plan update, the County is reviewing the density and intensity policies of the Land Use Districts to see if there are any opportunities to clarify the density and intensity described in the legislation.

4b. Transfer of Development Rights (TDR)

TDR programs are designed to conserve farmland and open space while reinforcing the concept of urban growth areas like the PSA in James City County. A TDR program allows landowners who do not wish to develop their property to sell their development rights to another landowner, typically a developer who wants to develop another property at a density higher than existing zoning would allow, usually without the need for a rezoning. The TDR purchaser pays the seller for their unused residential development rights, usually on a per unit basis, and “moves” those units to another location in the community. The sender agrees to an easement that precludes residential development on the property, but allows the continuance of farming or other activities that maintain the property in an undeveloped state. Some programs (and the legislation approved in Virginia) also allow residential density to be transferred and converted to a square footage equivalent for use in a non-residential development.

² James City County is subject to the requirements of Section 15.2-2223.1 because it has adopted zoning and the County's growth rate exceeded 15% between 1990 and 2000 based on U.S. Census Bureau estimates.

³ The legislation states that future growth projections shall be based on official projections or estimates from the Weldon Cooper Center for public service or other official government sources.

⁴ The study was initiated by House Joint Resolution No. 178.

James City County would face some challenges in crafting a successful TDR program. The most significant challenge is that the County currently relies in part on proffers associated with rezonings to provide facilities for new development and growth. A TDR program that is used to increase density, instead of rezoning, would limit the County's ability to share the costs of growth with the development community. The County would need to weigh the trade-off associated with reduced development proffers in exchange for preservation of farmland and open space.

A second consideration is the existing baseline density in rural areas. Many communities downzoned prior to, or in conjunction with, adoption of a TDR program. These downzonings were generally pursued to protect natural areas, sensitive environmental features or to protect agricultural land; however, they had the secondary effect of boosting the market for TDRs because the residential subdivision potential of rural areas was less attractive than the potential for selling development rights to a receiving area.

A third consideration is whether there is a sufficient market for higher density housing types in the PSA. The permitted densities in the current PSA range from 1 to 18 dwelling units per acre. Most of the current demand for development in the PSA appears to be occurring at typical suburban densities ranging from 2 to 4 units to the acre. Therefore, a study would need to show that there is sufficient demand for higher density development in order to make density increases in these "receiving areas" marketable.

Also, consideration of a TDR program would need to ensure that other ways of getting density increases outside of the TDR program be restricted. Unless use of TDRs becomes the only mechanism for increasing density to suburban or urban development levels, it is unlikely that a developer would participate in a TDR program to receive an additional increment of density.

As a final, and important consideration, the density required in a PSA to make a TDR program attractive to developers may not be acceptable to local residents. This would need to be explored before such a significant undertaking. In any case, the County would need to prepare a fairly detailed development and market analysis to determine if the current PSA would have the capacity to accept additional density and to ensure that there is sufficient incentive for developers to participate in a TDR program.

The County could consider the use of TDRs for rural to rural density transfers only, or to allow density increases in any new or expanded PSA area that may be identified as part of the Comprehensive Plan update. However, it would be advisable for the County to monitor the experiences of other Virginia communities who are taking steps to implement TDR programs and to wait for the findings of the joint subcommittee currently reviewing the newly adopted TDR legislation.

In the meantime, the County should continue to support its current voluntary Purchase of Development Rights (PDR) program since it supports current Comprehensive Plan goals to reduce development in rural areas, accomplishes many of the goals that would be accomplished by a TDR program, and reduces overall development rather than shifting it to other locations. The County adopted its PDR program in 2001 and to date has purchased development easements on 469 acres (as of December 2008). A County initiated bond referendum for \$20

million dollars toward the acquisition of open space through the PDR and Greenspace program was approved in 2005. Both of these programs can be a vital component in the County's Rural Lands strategy.

4c. Mandatory Open Space Clustering

In 2006 the General Assembly adopted legislation requiring that certain localities that grew by more than 10% between 1990 and 2000, and with a density of less than 2000 persons per square mile, provide cluster regulations applicable to at least 40% of the unimproved land in residential and agricultural zoning districts. These provisions apply to James City County since the County's growth exceeded 10% between 1990 and 2000. Cluster developments must be permitted by right under the local zoning and subdivision ordinance, without a public hearing or any kind of special use permit; however, they may be subject to standards, conditions and criteria. The County currently permits by-right cluster development in the R-2, General Residential District at the base density of one unit per acre, and in the R-5, Multi-Family Residential District up to nine units per acre. As part of the Rural Lands Study, the County evaluated several rural/open space cluster options, including a by-right option. It was anticipated that at least one of the new by-right cluster options which were proposed would have helped the County further address the new legislation (see additional information about the proposed narrative ordinance under Rural Lands, below). Future amendments of all residential and agricultural zoning districts should continue to take this legislation into account.

4d. Impact Fees

In the past five years, Virginia state code has been amended to allow certain localities to develop systems for assessing road impact fees (other types of impacts are not included in this legislation). An impact fee is a fee charged by a local government to offset the costs of public improvements required to support new development. Impact fees are based on the premise that new development should pay its own way and that the developer proposing the project should pay all or part of the costs of improvements required to serve the project.

Impact fees are typically mandatory and not subject to negotiation. Most impact fees are collected at the time of building permit approval so they can be collected regardless of whether a development is approved administratively and by-right or subject to legislative approvals like rezoning. This differs from Virginia's voluntary proffer/conditional zoning system which only garners funding for public improvements when a rezoning is necessary for development.

James City County could pursue road impact fees as an alternative to the current proffer system; however, it appears that from a local government standpoint, the use of impact fees may not prove to be a better option. Implementing such a system would require detailed study and an investment of staff time and/or funding for a consultant study. It is instructive to note that most Virginia localities that have recently completed detailed studies of road impact fees have elected *not* to proceed with a road impact fee program.

There was another bill (Bill 768) introduced during the 2008 legislative session that dealt with impact fees and proffers that could impact a County's proffer policy. Specifically, this legislation would have replaced the ability of localities to request proffers with the ability to

collect impact fees, but only in accordance with certain methodologies and with limits on the impact fee amounts determined at the state level. The County should monitor the progress of this bill or any similar subsequent bills. Additional discussion of impact fees is included in Section 5.b.4 below.

5. Growth Management

5a. Growth Management

The linchpin of James City County's land use planning is growth management. In simple terms, growth management is a set of tools to address the timing, character, and location of development so that growth occurs in an orderly and efficient manner. It answers the questions of where growth should occur, how it should occur, and when it should occur.

Growth management, however, does not seek to stop growth. Localities inevitably evolve over time, and planning for growth is a proactive way of responding to these anticipated changes. Equally as important, though, the *Code of Virginia* as well as court decisions throughout the nation and Virginia provide guidance that municipalities must reasonably plan for and accommodate growth.

In general, growth management tools fall under the following categories: direct growth controls; urban containment (growth boundaries); facility planning, adequacy and timing; land preservation; infill and redevelopment; and regional planning. Their implementation is often expressed in terms of a locality's policies, ordinances, and regulations. Direct growth controls are not included in this discussion because they do not hold viable options for James City County. First, controlling growth through building moratoria can only be a temporary measure for a particular purpose, and second, population and building caps are not currently supported under Virginia law. Tools that James City County utilizes in the other categories are discussed in the appropriate topics below. Finally, the appendix item entitled *Virginia's Growth Management Tools*, published by the Virginia Chapter of the American Planning Association (APA-VA), focuses on and further explains the growth management tools available to localities in the Commonwealth: the major new tools which were included in state code in the years since the last Comprehensive Plan update are discussed in more detail in the section above. In one form or another, James City County uses all of the tools described in the text of the APA-VA document.

5b. Primary Service Area (PSA)

5.b.1 Goals

The Primary Service Area policy is James City County's principal tool for managing growth. In growth management terms, it falls under the category of urban containment as it attempts to direct growth in one area (where public facilities and services are planned) and away from another (where the majority of agricultural and forestal activities occur). The Primary Service Area utilizes many of the same principles as Urban Growth Boundaries or Urban Service Areas

found in other localities. They are all concepts for concentrating growth in a compact geographical area in order to accomplish the following goals:

- to encourage efficient utilization of public facilities and services (water and sewer, roadways, schools, fire and police stations, libraries, etc.);
- to help ensure such facilities and services are available where and when needed;
- to increase public benefit per dollar spent;
- to promote public health and safety through improved emergency response time;
- to minimize well and septic failures; and
- to preserve rural lands.

Other important considerations include the following:

1. The Primary Service Area is most effective when it is tied to the provision of public utilities. Connecting developments to public utilities not only facilitates residential development and increases the need for associated peripheral uses, but extending utilities to the rural lands also encourages those previously preserved lands to convert to development. Development pressures could entice more rural landowners into selling their lands, which could increase the pace of development and increase the amount of farmland developed.
2. The effectiveness and tightness of the Primary Service Area as a policy tool is affected as more housing and amenities are allowed. More intensive expansion outside of the PSA boundary creates a need for additional core services, such as health facilities, supermarkets, post offices, and so forth. While the County does not necessarily directly bear the cost of providing these types of services, there are indirect effects:
 - The creation of new businesses and services in the Rural Lands increases the demands for new housing. As more new houses are built, the demand for businesses, services, and amenities increases, creating a cycle of “providing amenities leading to demanding additional amenities.”
 - The net effect of this cycle is that the PSA boundary could quickly become an ineffectual way of controlling or limiting growth.
3. A strong PSA policy can have compound environmental benefits when tied to transit. Concentrating growth inside the PSA helps to make provision of public transit systems more efficient and cost effective to run. Efficient public transit systems are important in reducing traffic, reducing our national dependency on foreign oil, reducing our carbon footprint and pollution levels, and helping to keep our environment cleaner.
4. The PSA supports citizen goals. In the 2007 Virginia Tech Citizen Survey, 83% of respondents felt that development was occurring too quickly and 79% favored preserving farmland over more development.

On the James City County Land Use Map, the Primary Service Area defines areas presently provided with public water and sewer, and high levels of other public services, as well as areas expected to receive such services over the next 20 years. It is intended that most residential, commercial and industrial development will occur within the Primary Service Area. Boundary changes to the PSA should be conditioned upon significant changes in development trends and patterns, significant changes in County policy, and projected community needs. The PSA

should provide for adequate economic growth and County housing needs at all levels of affordability, which is further discussed below.

5.b.2 Residential Capacity

In order to be an effective tool for managing growth, the PSA also should hold enough capacity for anticipated growth through the cycle of the land use map. One measure of this is the development capacity of the PSA relative to the projected absorption rates. To assist in this exercise, James City County commissioned Kimley-Horn and Associates to determine the total development potential of the PSA. They reported their findings in a study entitled *James City County 2002 Development Potential Analysis* which is summarized in the table below.

As the numbers in Table 6 indicate, an additional 13,060 to 13,790 dwelling units could be built in the PSA with existing zoning approvals alone. Once unzoned residentially designated property is added into the equation, this number grows to 19,290 to 20,475 dwelling units. These numbers compare to only 20,772 dwelling units currently existing in the entire County, according to the census.

Table 6. Summary of Development Potential within the PSA			
Parcel Status	Number of Parcels	Zoning	Development Potential
Platted/Vacant Lots	3,850	Residential	3,850
Approved Not Subdivided Master Planned Communities	40	Residential	7,400 - 7,970
Zoned Residential, Undeveloped	50	Residential	1,810 - 1,970
Total of Existing Zoned Parcels			13,060 - 13,790
Unzoned, Designated Residential in Comprehensive Plan	204	A-1, R-8	6,230 - 6,685
Total Development Potential			19,290 - 20,475

Source: 2002 Development Potential Analysis

Approximately 57% of the potential dwelling units were projected to occur in master planned communities, leaving approximately 43% of the capacity of the PSA to occur outside these communities.

To answer the question of how long the PSA will take to absorb these units, or how much “life” the PSA has left, one can divide the potential numbers identified in the DPA by the anticipated absorption rates. At the time of the 2002 DPA, the absorption rate or average number of residential Certificates of Occupancy (COs) issued per year figure which was used was 650,

which was the average over the preceding 15 years. Using that number, it was projected that the PSA had enough capacity for at least 20 and for as many as 32 years (see Table 7 below).

Table 7. Lifespan of the PSA		
Potential Dwelling Units	Absorption Rate	Number of Years to Absorb Capacity
13,060 - 13,790	650	20 - 21
19,290 - 20,475	650	30 - 32

Source: James City County staff estimates using the 2002 Development Analysis and historic Certificate of Occupancy data

Since that time, the average absorption rate has increased: based on the years 1990 to 2008, the average for residential COs (excluding timeshares) was 804 units per year, which is a substantially higher average. Based on this number, the PSA would be projected to have capacity for an additional 16 to 25 years of residential growth based on 2003 potential dwelling units. Given the current economic climate, the high CO numbers in recent years which have pulled the average absorption rate up may not continue into the future, leaving this calculation as a “conservative estimate.”

5.b.3 Commercial Capacity

In James City County most commercial activity occurs in one of five zoning districts: Limited Business (LB), General Business (B-1), Limited Business/Industrial (M-1), General Industrial (M-2), and Planned Unit Development - Commercial (PUD-C). All of these zoning districts occur exclusively inside the PSA. Other commercial development is permitted, and has occurred to a more limited extent, in the other zoning districts, particularly Residential Planned Community (R-4); however, for the purposes of the following commercial capacity analysis, only the primary districts were included. Based on County Geographic Information System (GIS) information, there are approximately 8,326 acres in the County which are currently zoned as one of these five districts. Counting only lands with improvement values of less than \$20,000, approximately 4,102 acres were classified as being undeveloped, as shown by zoning district in Chart 3. (Note that this figure does not take into account site constraints and/or infrastructure that may reduce the developable acreage available.)

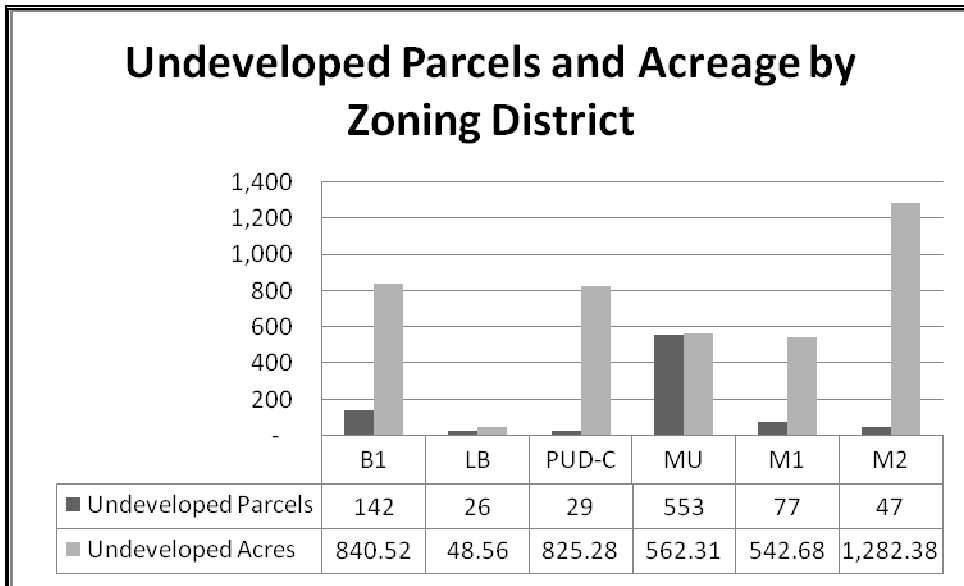


Chart 3. GIS-Mapping Data on Undeveloped Parcels by Acreage and Zoning District

To further refine this information, staff evaluated each of the zoned parcels based on aerial photography and master plans and classified them as undeveloped, developed commercially, developed residentially, partially developed commercially, partially developed residentially, and developed as an institutional use (County building, church, etc.)⁵. Also, all parcels which were master planned as residential in Mixed Use developments were classified as “developed residentially” even if the structure had not yet been built. This classification exercise was able to largely eliminate the “undeveloped” acreage in existing Mixed Use zoned areas that are devoted to residential use, as well as parking lot and materials storage areas which are associated with an adjacent commercial use. Based on this classification, the total undeveloped area was calculated to be approximately 2,127 acres: this number includes a 25% reduction in area to approximate for site constraints and infrastructure. The total partially developed commercial area was approximately 323 acres: this number includes both a calculation of 40% of the total acreage to account for the existing development, and a 25% constraints reduction. The total of the undeveloped and partially developed categories is 2,450 acres.

The great majority of land which has a commercial Comprehensive Plan designation (Neighborhood Commercial, Community Commercial, Limited Industry, General Industry, and Mixed Use) also currently has commercial zoning, and is therefore reflected in the figures discussed above. The commercial zoning of a significant number of parcels is a result of the original zoning of the County in 1969. In other cases, the parcels have been rezoned during the intervening years. Analysis using GIS indicates that there are approximately 648 acres of additional land which are commercially designated but have not yet been rezoned to a commercial zoning. Of these, approximately 520 acres are Mixed Use, 91 acres are General Industry, 13 are Limited Industry, and 24 are Neighborhood Commercial. For those areas designated Mixed Use, it is likely that some proportion of the land would be approved for

⁵ *The partially developed classification was applied to parcels which had approximately 40% or more of their area free of structures, parking and related infrastructure – so a parcel classified as developed under the criteria above could be classified as “partially developed” using these criteria.*

residential uses. The largest concentration of land which is designated but not yet zoned is in the Croaker Interchange area, which accounts for 270 acres of the Mixed Use total. (The figures listed here do not reflect currently proposed land use designation changes.)

Table 8. Commercial Land Based on Planning Staff Analysis	
Category	Acres
Zoned, undeveloped	2,127
Zoned, "open portion" of partially developed parcels	323
Designated, not yet zoned	648
Total	3,098

In the 2008 Business Climate Task Force (BCTF) report, the consultants provide some analysis and a projection of the land requirements to support the local economy in the year 2020. In the BCFT study, the projection was derived by projecting the incremental employment in individual economic segments, using the result to project future employment numbers, which is then converted to an amount of square footage needed by economic sector (using formulas which assign a certain amount of square footage per person), which is translated an estimated number of acres (see pages 3.17-3.19 of the BCTF report). According to the consultant, the step between square footage and the acres needed was based on general knowledge of development trends: when calculated based on the figures provided in the study, most of the resulting floor area ratios (FARs) were below 0.1 (for comparison Prime Outlets has a FAR of approximately 0.2, McClaws Circle has a FAR of approximately 0.17, and the *minimum* FAR currently listed in state code for Urban Development Areas is 0.4). The resulting number of acres listed in the report which are projected to be needed based on these assumptions is 1,275. Based on the approximate amount of undeveloped and partially developed zoned land, as well as the land which is commercially designated but not yet zoned, sufficient land is zoned and/or designated inside the limits of the current Primary Service Area to meet and exceed the acreage need projected by the BCTF study.

Should development occur at higher FARs than were used in the BCTF study, the amount of projected land needed to accommodate the projected square footage needed would be less and more commercial development could be realized on the land available. Achieving higher FARs can be the result of measures such as building structures with multiple floors, or achieving savings on parking area through shared parking, on-street parking, structured parking, or reduced Zoning Ordinance requirements. In order to place more emphasis on the efficient use of commercial land, additional information on recommended FARs has been added to the commercial land use designation descriptions, and an action has been added that suggests re-evaluating current Zoning Ordinance requirements.

Another important aspect of efficient use of commercial land is the use of redevelopment, re-use and infill techniques. As the figures provided above indicate, it appears that there are some opportunities for infill commercial development, based on the estimated number and acreage of parcels which were classified as "partially developed commercially". Not all of the parcels may be suitable based on site constraints, location, or adjacent uses, but the quantities are sufficient to suggest that there may be some areas where infill development could be pursued. Commercial redevelopment is also an important goal. Recent examples of progress on this

front include approval of a rezoning for a portion of the Pottery property, and the development of guidelines that help provide direction for redevelopment in Toano. Opportunities for redevelopment exist throughout the County, from the BASF property and the nearby borrow pits (which operate under Special Use Permit conditions designed to ensure future re-use) in Grove, to the possibility for an eventual change in the development pattern at one or more shopping centers, to additional possible steps at the Pottery and in Toano. Together, these and other properties represent hundreds of acres of land that may currently, or may in the future, be suitable for redevelopment.

There are a number of tools that can be used to help promote revitalization, redevelopment and infill. The attached APA-VA document lists some tools for revitalization that are allowed by Virginia Code, several of which are financial mechanisms. These tools include:

- Targeted Development Areas (applies broadly to development, not just redevelopment)
- Revenue shared between jurisdictions
- Enterprise Zones (JCC already has an Enterprise Zone located in Grove)
- Empowerment Zones (there is only 1 in Virginia, located in Norfolk/Portsmouth)
- Tax Increment Financing

Another example of a financial mechanism is capital facility investments on the part of the jurisdiction, which can take the form of provision of water/sewer, roads, streetscape features such as streetlights, landscaping, pedestrian amenities, etc., to attract private investment to a given area.

In addition to the tools listed above, Renaissance Planning Group has provided information on other strategies using policies and programs to promote infill, redevelopment and revitalization (Appendix 3.f). These strategies are outlined in detail in the memo, and include the following:

- Designation of revitalization areas, and subsequent modification of the Zoning Ordinance to create commercial revitalization zoning overlays, which can provide for incentives such as flexibility for setbacks and parking requirements, and expedited reviews.
- Modification of the Zoning Ordinance to create a form based code overlay which details the desired physical form of the development, and provides flexibility in uses and density. In Arlington County, these tools are used in combination with Tax Increment Financing, and an expedited approval process.
- Creation of a master plan for redevelopment that provides guidance on the desired new development form, such as the one developed by the City of Hampton for the Peninsula Town Center (formerly Coliseum Mall area).
- Creation of strip commercial center redevelopment guidelines to encourage conversion to mixed use centers, such as the Neighborhood Development Model used in Albemarle County.

The GSAs of the Economic Development section include language that promotes sub-area master planning of strategic redevelopment areas. Section 6 below, which discusses implementation options, provides additional detail on the form based code concept. Other

options could be pursued through updates to the Zoning Ordinance or the development of guidance policies.

5.b.4 Other Tools Used in Conjunction with the PSA

James City County uses a number of other growth management tools to complement the PSA policies. James City County has implemented a number of strategies to address facility planning, timing, and adequacy. Both the 1997 and 2003 Comprehensive Plans have emphasized this idea through prominent statements in the Development Standards and the GSAs, and specifically stated that “Considering the balance the County must strike between accommodating additional development and providing services for the already approved development, the County will not approve additional residential development without first carefully considering the issues of adequate schools, transportation, water, sewer, recreation and public safety facilities and services.” The Adequate Public Schools Facilities Policy (APSFP), adopted in 1999, adds an additional level of scrutiny to the impacts on schools when the Planning Commission and Board of Supervisors discuss new development cases. Although the policy can be expanded to address other areas of public facilities and services in proposed developments, it cannot be extended to already approved development due to Virginia law. In another example, submittal requirements for rezonings and special use permits compel applicants to outline traffic, water and sewer, stormwater, public facility, and fiscal impacts in greater detail, and address archaeology and environmental impacts if the projects are near sensitive resources. As with the APSFP, these studies are used both in the assessing the impacts of new developments and in evaluating associated proffers. Past Boards of Supervisors have desired the ability to weigh this information against other factors and the public benefits of the case in making a final determination.

Throughout the past, the County has strongly encouraged applicants to mitigate the impacts of the proposed development through the combination of physical improvements, cash, and timing requirements offered in their proffers. In terms of adequate facilities, many of the physical improvements are related to keeping traffic to an acceptable level of service with turn lanes and traffic signals and to building recreational facilities as recommended by the Parks and Recreation Master Plan. The County has also accepted cash proffers toward other capital improvements necessitated in whole or part by the development such as schools, new roads, or water facilities. In 2005 the Board of Supervisors adopted the Cash Proffer Policy for Schools, which was subsequently updated in 2007. The policy provides recommended per unit cash contribution amounts. For other public facilities, the amounts offered are typically calculated on a per unit basis and depend on the type of improvements mitigated as well as on the developer’s inclinations. Sometimes, timing requirements are added to condition the issuance of site plan or subdivision approvals upon the availability of a certain public facility, such as the construction of Monticello Avenue or the permit for the desalination plan.

Assessing development impacts and creating policy to best address them is very complicated. Appendix 3.j of this Technical Report contains additional information on the current status of impact assessment planning and policy, and possible future policy options, for public facilities, water and sewer, transportation, and natural resources. Of particular note is the discussion of transportation, since this Comprehensive Plan update has included consultant modeling of transportation impacts of land use by zoning, 2003 Comprehensive Plan, and proposed future

land use scenarios as a tool for making policy decisions that take into account the links between transportation and land use. This topic is discussed further in the Transportation Technical Report. While the traffic model helps to evaluate long-range transportation improvement needs, the traffic studies required for site-specific cases will continue to be important as tools for assessing corridor and area specific impacts. Policy options for all subject areas listed above which are recommended by staff are currently included in Strategy 1.5 of the GSAs.

In addition to these strategies to address facility planning, timing, and adequacy, James City County also tackles the issue of growth management within the PSA with tools for land preservation, infill and redevelopment, and regional planning. In regard to land preservation, the greenspace fund is a significant tool in the County's efforts to preserve critical lands in the PSA. Land preservation also comes in the form of encouraging clusters and maintaining opportunities to construct accessory apartments and mixed use buildings in appropriate areas. As discussed in other technical reports, residential infill and redevelopment initiatives are evident in Housing and Community Development and local non-profit housing programs as well as in the approvals of private developments such as Ironbound Village and Longhill Grove. Additional information on commercial redevelopment and infill is discussed in Section 5.b.3 above. Mechanisms to manage growth regionally primarily include the County's active participation in regional planning bodies, such as the Hampton Roads Planning District Commission, the Metropolitan Planning Organization (for transportation planning), and the Regional Issues Committee, among others. As noted previously, the County is now committed to more formally coordinating the next Comprehensive Plan update with York County and the City of Williamsburg. Along with the PSA policy, these tools work independently and collectively to manage growth.

5c. Rural Lands

The area outside James City County's PSA is known as the Rural Lands. While the Rural Lands are predominantly known for agricultural and forestal activities, they also contain lands that are vital to the broader environmental health of the County, such as Natural Areas, extensive Resource Protection Areas (RPAs), aquifer recharge area, and the headwaters for important watersheds. Land preservation, especially of prime farmland soils, is of utmost importance in this area. To accomplish this goal, James City County already employs a number of mechanisms that seek to preserve land in the Rural Lands, including restrictive utility, zoning, and subdivision requirements (some which are explained more fully in the Utility Policy section); land use value taxation; Agriculture and Forest Districts (AFDs); and a Purchase of Development Rights (PDR) program (described in Section 4b above, and in the Community Character technical report).

All of these mechanisms, as well as ones the County does not currently use to preserve the Rural Lands, were the subject of a special study prepared by Milton Herd, AICP, of Herd Planning and Design, Ltd. in 2003 in conjunction with the 2003 Comprehensive Plan. The resulting Rural Lands report is attached as an appendix. In it, the consultant reviewed existing conditions in the Rural Lands, evaluated potential tools the County might use, and made preliminary recommendations on the ones most promising for the County. Herd asserted that there was no immediate "development crisis" in the rural areas at that time; however, to protect

the integrity of the Rural Lands for the long-term he recommended that James City County sharpen its existing tools and add others. In particular, he suggested the following actions:

- Reaffirm the PSA;
- Strengthen the subdivision ordinance and related regulations to provide strong incentives for very low density residential development (defined in his report as a gross density of 20-25 acres per dwelling) and disincentives for the existing higher density development (3 acres per unit);
- Refine the rural cluster zoning provisions;
- Refine the zoning regulations for non-residential uses in the A-1 District;
- Consider implementing a lot-cap or sliding-scale zoning provision;
- Continue use value assessment and AFD programs;
- Continue the PDR program;
- Promote and facilitate easement donation; and
- Provide assistance for limited development plans.

The consultant's recommendations were largely incorporated into the land use goals, strategies, and actions of the 2003 plan. Of special note were Herd's recommendations for utility and subdivision requirements, primarily the central well requirement for major subdivisions. This existing requirement, along with the existing public road requirement, has been a major deterrent to large-scale rural residential development due to its prohibitive costs; however, as noted section 5d, there are currently some negative trade-offs to the County associated with their operational and long-term costs. To remedy this while maintaining the Land Use goals, Herd outlined guidelines to waive the requirement in some instances but increase the financial responsibility in other instances (for details, refer to Appendix 3c).

Following the 2003 Comprehensive Plan, the Board of Supervisors appointed a Rural Lands Steering Committee, and a subsequent Technical Committee to develop specific policies and ordinances that would change the rules for residential development in the Rural Lands. The Technical Committee developed a draft narrative set of ordinance revisions for the A-1 and R-8 districts. The draft Narrative ordinance, which is attached as Appendix 3h, directly related to many of the recommendations in the Herd Report, and included the following provisions:

- Created more options for property owners in A-1 and R-8 districts through the provision of additional residential development options, such as "Fixed Lot," Base Density Cluster," and "Rural Conservation Cluster."
- Preserved rural character and open space by lowering the by-right density for large tracts while allowing the same or increased density for smaller tracts through a "Fixed Lot" development option.
- Refined and expanded the cluster development provisions of the ordinance to allow for more flexible development and greater preservation of open space and sensitive environmental and historical resources.

In an update to the 2003 Herd report, Renaissance Planning Group (RPG) examined and discussed the narrative ordinance in the context of Herd's recommendations (see Appendix 3d). While many of the provisions directly relate to Herd's recommendations, as stated above, RPG

pointed out two differences between the 2003 recommendations and the narrative ordinance. First, a key recommendation of the Herd report was to create strong incentives for property owners to develop at “very low densities” with “lots of at least 20 or 25 acres or greater in size, and that no lots should be permitted between 1 to 1.5 acres and 20 and 25 acres in size, in order to achieve preservation of a typical rural character, rather than a more hybrid suburban/rural residential character. However, the narrative ordinance would, if implemented, provide for densities in a range from 1 lot per 3 acres to 1 lot per 12 acres. Second, the Technical Committee specifically deferred discussion of non-residential uses in the Rural Lands, while the 2003 report had suggested that they be considered together and linked. In their updated document, RPG made the following recommendations:

- Re-affirm the Primary Service Area concept as the overall framework for the County’s growth.
- Affirm the key recommendations of the 2003 study for protecting rural character through zoning revisions that create incentives for very large lot development and disincentives for conventional small-lot subdivisions in the Rural Lands.
- Affirm the findings of the Rural Lands zoning update process and consider implementing the recommendations of the draft narrative ordinance along with a reassessment of its core density provisions in order to better preserve rural character through additional large lot incentives and small lot disincentives.
- Include recommendations for expanding the permitted uses in rural zoning districts and other recommendations for rural economic development to offer a comprehensive package of incentives for rural landowners including choices other than small lot rural residential subdivisions that progressively erode the rural character of the County.

The first three recommendations have been incorporated into the Land Use goals, strategies and actions (GSAs). The fourth recommendation, increasing rural economic development opportunities in Rural Lands, is discussed in greater detail in the RPG report, which provides case studies of the approaches other localities have taken. A discussion of this issue was also included in the Economic Development section and was incorporated in part in Economic Development GSAs. GSAs in this section have also been included to address this recommendation.

As noted above, in 2003 Herd asserted that there was no immediate “development crisis” in the rural areas, but to protect the integrity of the Rural Lands for the long-term, James City County should sharpen its existing tools and add others. However, over the last six years, over 400 additional lots have been subdivided in the Rural Lands, and hundreds of additional lots are currently in the planning stages. The public road and community water requirements which had been major deterrents due to prohibitive costs now appear to be less effective in discouraging large-scale rural residential development. While the fundamental ideas of the Primary Service Area and the land use designations remain cornerstones of the County’s growth management policies, it is more evident in 2008 that the tools used to effect these policies need to be updated if they are to achieve the stated goals of the Rural Lands designation. In the final section, the Herd report states a question which can be used as a guiding principle with which to judge tools (ordinances, policies, etc.) for the Rural Lands: “If the tool is fully and totally effective and used to the maximum extent, will the result be

consistent with the County's long term goals for the rural area?" The Herd report conclude that very large lots would meet this test, that smaller cluster lots might meet the test, but that conventional 3-acre lots would clearly fail the test. Milton Herd also offered in subsequent work with the County that even cluster lots at a 3-acre density, as a predominant land use pattern, would feel suburban rather than rural in nature.

5d. Utility Policy

James City County's utility policy plays a major role in limiting growth to areas within the PSA. The following points briefly explain JCSA's pertinent water and sewer requirements.

- If public water and sewer are available, they must be extended to all lots within a new subdivision including recreation lots. Availability of public water and sewer is determined in accordance with the JCSA regulations. Generally speaking, all residential structures within the PSA are required to connect to public water and sewer if they are within 300 feet of an existing line. Any new development is required to connect to the JCSA system if it is within 1,000 feet of a JCSA water or sewer line. Most developments desire to be served by public water and sewer to achieve a higher density and reduce infrastructure costs.
- If public water is not available, the subdivider of any major subdivision (generally, subdivisions with more than 9 lots) must construct a central well and water system including distribution lines, storage, and supply facilities within the subdivision. (This is a requirement of the Subdivision Ordinance.) Upon completion and acceptance of the improvements, the water system together with all necessary easements and rights-of-way, including the well lot are dedicated to the JCSA. There are six areas located outside the PSA which have central water systems owned and operated by JCSA--Wexford Hills/River View Plantation, King's Village, Ware Creek Manor, Racefield, The Retreat, and Glenwood. In addition, areas where systems are either in progress or are in the planning stages include West Port, Liberty Ridge, Deer Lake (Colonial Heritage), Summer Place, Mill Creek, and Shepard's Landing.

The central water system requirement may be waived by the JCSA. The JCSA is reluctant to grant waivers to subdivisions with more than 5 lots within the PSA and 25 lots outside the PSA. Community wells that withdraw 300,000 gallons or more per month are required to obtain a Groundwater Withdrawal Permit from the State Water Control Board. Water systems are designed for an average household use of approximately 400 gallons per day (gpd). Using these figures, JCSA estimates that a subdivision with a central well and more than 33 homes would be required to obtain a State Groundwater Withdrawal Permit. If a waiver were granted, no State permits would be required for the individual wells.

The operation of a public water system to serve a subdivision of less than 100 lots or less is not cost effective to operate. The Board of Supervisors has agreed to accept the JCSA Manager's recommendation not to grant additional waivers to the central water system requirement until further evaluation of the County's water policy. In addition, the JCSA Board of Directors approved a \$4,000 per lot fee on the developer for independent water

systems to help offset the costs of operating the water system. Additional information is included in Appendices 3g and 3h.

- If public water is not available for minor subdivisions (generally 9 or fewer), then each lot must be served by an individual well approved by the Health Department.
- If public sewer is not available, subdivision lots must be served by individual septic tank systems approved by the Health Department. The plans for these lots must include specific on-site septic tank locations and soil information as required by the Health Department. All new lots are required to have dual drainfield locations. Soil conditions in many areas of the County have historically restricted residential development; however, the introduction of new types of systems has increased the ability to develop these areas.
- A Special Use Permit is required for extensions of major water and sewer lines. There are certain locations that have SUPs for utilities located outside the PSA. These areas include John Tyler Highway (Governors Land), Greensprings West, Jolly Pond Road, Cranston's Mill Pond Road, Chickahominy Road, Brickbat Road (school site), and Riverview Plantation from the Wexford Hills Water System. The Jolly Pond, Cranston's Mill Pond, and Chickahominy Road lines were installed to improve service within the PSA. Per direction in the 1997 Comprehensive Plan, staff and the Board amended the SUPs for John Tyler Highway, Jolly Pond Road, Cranston's Mill Pond Road, and Chickahominy Road to allow one residentially-sized connection for each existing vacant lot adjacent to the lines; previous SUP conditions permitted a connection to serve existing structures only. The Riverview Plantation line was approved to address a failing water system within the development.
- In the case of the water and sewer lines extensions to Matoaka Elementary School on Brick Bat Road, and to the fourth Middle and ninth Elementary on Jolly Pond Road, the Board has made the judgment that sufficient and significant public benefit existed to permit extensions to occur, with minimal impact due to limitations on additional connections to the utilities. In the future, it is possible that development patterns and other factors may lead to proposals to site public facilities outside the Primary Service Area, and as in the past, such decisions should be made only after careful evaluation of the public benefits to be gained, the impacts of the facility, and the likelihood that such an action would significantly affect the integrity of the PSA. As was the case in examples cited above, the practice of limiting the ability of adjacent parcels to connect to one residentially-sized connection should continue as standard policy in the future.
- SUPs for utility extensions within the PSA occur infrequently due to the extensive network of utility lines already in place inside the PSA. The SUP for the extension of water lines to serve the Stonehouse Commerce Park in the 1990's is an example of a case that occurred inside the PSA. By requiring a SUP for utility extensions, the County has an opportunity to evaluate the impacts of the construction and develop conditions to mitigate the negative impacts of the utility installation.
- The developer is responsible for paying the cost of providing water and sewer service to the subdivision. If desired, the JCSA can contribute to the costs to upsize a water or sewer line to serve additional areas. The developer is responsible for all utility costs within a development.

A report by Renaissance Planning Group is included in the Appendices which discusses the idea of water line extensions beyond the Primary Service Area. The conclusions on page 6 state that if such extensions are to occur without weakening the overall PSA concept, the following should be considered:

- One of the basic legal tenets of land use planning is that similarly situated parcels must be treated similarly. For this reason, allowing any extension of water lines outside the PSA must be carefully considered to avoid setting a precedent for other landowners to make a similar request. If the County elects to expand the PSA or allow for a utility extension outside the PSA, it must outline the unique reasons why such an extension is appropriate for a particular site and what public purpose is met by the extension.
- A water line extension outside the PSA does not necessarily entail a change in land use designation or the PSA boundary. If an extension is considered, maintaining the current land use designation would most likely have the least impact on adjacent parcels or speculative property transfers.
- Utility extensions for environmental or health reasons or to serve public facilities will generally have the least potential to weaken the PSA concept, while extensions for economic development or to encourage a specific private development have greater potential to weaken the PSA concept more because they can be extended more generally to adjacent, similarly situated properties.

Any decisions about changes to the utility policy and the Primary Service Area must be carefully examined in conjunction with decisions about Rural Lands policy, which is discussed in Section 5c above.

5e. Other Policies

5.e.1 Large Retail Establishments

Development of large retail establishments is increasing in the County. Because these uses present both challenges and opportunities, the following policy was developed during the 2003 Comprehensive Plan update to guide their location and design. A large retail establishment is defined as any combination of retail establishments occupying a single building comprising 40,000 square feet or more of floor space. This building may or may not be situated within a larger shopping center. Currently, large retail establishments are regulated through the rezoning process and by a separate commercial SUP requirement for any commercial building or group of buildings which exceeds 10,000 square feet of floor area. The rezoning and SUP processes allow the County to control aesthetics, traffic, and other physical impacts through proffers and conditions.

Policy:

The bulk, size and scale of large retail establishments present many land use concerns for James City County including, but not limited to, aesthetic and transportation impacts. Large retail establishments can be detrimental to the vision for James City County and can contribute to a loss of the sense of a unique place when they result in massive individual structures that do not integrate well into the environs of the County in a positive way. There are also significant problems involved in the recycling or adaptive re-use of a large retail establishment if it is

abandoned, particularly if it was constructed as stand-alone entity. However, there are advantages to these establishments in terms of convenience and impacts on public finance in the form of sales taxes benefits and employment opportunities.

In order to insure the success of a large retail establishment and to minimize the possible negative impacts on the County, particularly the problems of adaptive re-use, these establishments should be an integral and indivisible component of a larger retail and business enterprise, such as Monticello Marketplace. Due consideration should be given to locations close to major arterial roads with adequate buffering from existing residential areas and careful integration with new residential areas. Other considerations should include combining of large establishments with smaller retail merchants and smaller commercial structures in a well designed and coordinated shopping and business center in a manner that visually reduces their bulk, size and scale. A unified theme of design, materials, shared parking, as well as the utilization of facades that are pleasing to the eye should be employed as well as the employment of natural building materials common to southeastern Virginia. Unitary, bland, box-like architecture is considered inadequate.

5.e.2 Strip Commercial Development

Commercial developments gain exposure by being located next to each other and along major roadways. Incremental “strip” commercial development is a common suburban development pattern. While this may provide the desired exposure to the public, narrow bands of development yield an unbalanced image of a community and do not assist in reducing automobile dependency. Even if the developments are attractively designed, strip development does not allow the public to take advantage of the convenience of centralized commercial activity and may in fact deter shoppers from smaller establishments in smaller developments. Over time, this type of development pattern begins to negatively impact the attractiveness of the commercial area by virtue of its inherent traffic congestion and generally unattractive and inconvenient character. County policy will continue to focus on potentially adverse impacts of commercial development, but will also attempt to encourage a more complementary pattern of development, especially at concentrated locations such as intersections of major thoroughfares. This policy is reflected in the different scales of development suggested by the Commercial and Mixed Use designations of the land use map as well as the general performance zoning principles in the Zoning Ordinance.

5.e.3 Continuing Care Retirement Facilities

As discussed in the Demographics and Population Needs sections, the older segment of the County’s population continues to increase as a percentage of the total population, and VEC projections indicate that over the next three decades, retirees will continue to increase as a percentage of total population, reaching 30% by 2030. James City County already has a number of developments and facilities to serve the older segment of the population, from age-restricted communities like Colonial Heritage, to facilities with a range of care levels (known as Continuing Care Retirement Facilities, or CCRCs) such as Williamsburg Landing and Patriot’s Colony. With the percentages expected to increase, the need for housing and care options will likely increase as well. CCRCs are sometimes called life care communities, and many have large campuses that include separate housing for those who live very independently, assisted

living facilities that offer more support, and nursing homes for those needing skilled nursing care. When all levels of care are included within the same grounds, people who are relatively active, as well as those who have serious physical and intellectual disabilities (like Alzheimers Disease, dementia, etc.), will potentially live in close proximity. Residents then move from one housing choice to a progressively more supportive one as their needs change. Given that more of such facilities can reasonably be expected to be proposed in the future, the following policy discussion and statement has been included that addresses how these facilities should be evaluated.

All of the components of CCRCs are currently allowed in the R-4, R-5, Planned Unit Development (PUD) and Mixed Use (MU) sections of the Zoning Ordinance. In the past, the question has been raised as to how to assess the density and/or impacts of CCRCs. In general, residential density calculations for developments are used as an assessment of impact, and standards for compliance are included in the Zoning Ordinance and contained as guidelines in the Comprehensive Plan land use descriptions. While there has been some variation over the decades, the consistent recent practice for these purposes has been to calculate a CCRC's density based on the independent living units, with the assisted living rooms and/or skilled nursing beds excluded from this calculation. While assisted living rooms and skilled nursing beds do have an impact to the County, they do not represent the same level of impact as would a traditional dwelling unit. Assisted living rooms and skilled nursing beds have been considered to be more along the lines of an institutional land use than a residential land use, and that their impacts should be accounted for differently than with a density measurement. Based on discussion with several neighboring jurisdictions, this approach appears to be consistent with approaches used elsewhere. It should also be noted that density is just one of many potential measures of impact for a given project. For many or most CCRCs, the largest public impacts from the assisted living rooms and skilled nursing beds will likely come from traffic (staff members who support these units traveling to and from the site, delivery of goods and services, etc.), emergency services (fire and EMT response support for these units), and the environmental impacts associated with locating the building(s) to house these units on the CCRC site. In the past, adequately addressing these types of impacts via the proposal's master plan or proffers has been judged to have met the intent of the Comprehensive Plan.

Another approach that has been discussed in the past would assign assisted living rooms and skilled nursing beds a fractional density measurement based on the proportion of impacts (water and sewer use, traffic generation, fire and EMT response support, etc.) they generate compared with a single family detached unit. Under that scenario, an assisted living room might be counted as a certain percentage of a dwelling unit, and a skilled nursing bed might be counted as a percentage that was somewhat lower again. These percentages could then be multiplied by the number of proposed units to come up with a density figure. Pursuing this approach would require careful calculations to arrive at appropriate and accurate proportion figures. Given this drawback, and the fact that the method that has been used in the past has been judged to be reasonable and adequately allow for identification and mitigation of impacts, it is the intent of the County to continue to address CCRC impacts using past practice, and furthermore to consider amending the Zoning Ordinance to provide additional guidance on this subject.

5.e.4 Timeshares

In James City County, timeshares have traditionally been considered as appropriate uses in residential zoning districts and comprehensive plan designations. When assessing impacts, it is important for projects to provide information on the maximum possible occupancy of units (given features such as lockout units). In the past, lockout features have not been counted toward density, but should be taken into account, if appropriate, in assessing impacts. Timeshare development should not directly or adversely impact either existing or planned development and should not be developed as a primary use within any non-residentially designated area. In Mixed Use areas timeshares should be a secondary use and should not be located in areas generally reserved for commercial or industrial use.

6. Implementation Options

6a. Performance Zoning

Performance zoning is an alternative approach to land use regulation that focuses on mitigating the impact of a use rather than the conventional approach of separating uses into distinct categories by use type. It is sometimes called Flexible Zoning because the zoning districts allowed under this concept permit a greater variety of uses and are more responsive to the characteristics of the specific parcel and use being developed. The performance zoning concept grew from efforts in the 1950s to develop performance standards for industrial uses to limit the impact of noise, vibration, glare, pollution, toxic waste etc. on adjacent properties. Since then, the use of performance standards has grown to include other issues such as steep slopes, floodplains, traffic impacts, buffers, etc. The James City County Zoning Ordinance includes several performance standards.

A review of recent literature about performance zoning indicates that most of the communities around the United States that adopted performance based zoning in the 1980s and 1990s have since repealed their performance based codes. Others refined their codes to a hybrid of conventional zoning with performance oriented districts and performance standards. One hybrid approach is a fairly conventional type of zoning ordinance that may include performance standards and flexible zoning districts such as Planned Unit Development Districts. Mixed use districts, environmental overlay districts, design guidelines, landscaping requirements, buffer zones and similar zoning techniques address many of the development impact issues that performance zoning set out to address.

While performance zoning can be more responsive to market conditions or changes in market conditions since there is more flexibility with respect to uses, performance zoning is only as good as the established evaluation criteria and great care must be taken in developing clear criteria that can be measured objectively. In most instances, the current James City County Zoning Ordinance districts cover so many different areas that it would be difficult to establish criteria appropriate for all areas. Performance zoning creates uncertainty about what can be built (in terms of uses) and emphasizes site specific impacts to the exclusion of overall community impacts.

However, other concepts that allow design flexibility such as mixed use districts and planned development districts are already included in the James City County ordinance and can be expanded.

6b. Concurrent Zoning

Some communities use a comprehensive plan update as the basis for rezoning and remapping some, or all, of the locality to match desired future land uses; this could be termed “concurrent” zoning. Very few localities in Virginia amend their zoning maps simultaneously with adoption of a new or revised comprehensive plan, unless they are down zoning or implementing major new policy initiatives. The primary reason is that most rapidly developing Virginia localities rely on development proffers to help fund the costs of new development. Communities outside of Virginia that routinely revise zoning maps concurrent with comprehensive plans usually fund the costs of growth through impact fees, special service districts or have some ability to regulate the timing of new growth through adequate public facilities requirements.

Since mechanisms for funding improvements associated with new growth are limited in Virginia, a locality-initiated concurrent rezoning would preclude the ability to obtain development proffers and may shift the burden of new residential growth to existing residents. The 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.

Until new mechanisms for funding public facility and utility improvements are made available to James City County, it would be inadvisable to proceed with a countywide rezoning based on the future land use map just to ensure that the future plan map and the zoning map match. The instances, if any, where concurrent rezoning would be the only or best means of achieving a very specific public policy should become clear as the James City Comprehensive Plan moves forward and should be identified for review by the Planning Commission and Board of Supervisors.

6c. New Urbanism and Form-Based Codes

New Urbanism is based on principles of urban design that are the underpinning of treasured and historic places, and have been used successfully for centuries, but which fell out of favor as new development became increasingly auto-oriented. These principles seek to create communities with “human-scale” streetscapes, pedestrian scale amenities, a mix of uses, usable public open spaces, and strong neighborhood identity.

James City County has both a Mixed Use designation on the Comprehensive Plan land use map, as well as a zoning designation associated with Mixed Use development (both the Mixed Use district and the Planned Unit Development district). These both help to promote the ideas of New Urbanism. Since creating a place where a mixing of uses important and the building scale is more important than the specific uses there are multiple techniques for achieving more flexibility in these New Urbanist areas.

Form-based codes are a method of regulating development to achieve a specific urban form. Form-based codes create a predictable public realm primarily by controlling physical form, with a lesser focus on land use, through city or county regulations.

This approach seeks to regulate building form rather than, or in addition to, land use. It establishes zones of building type based on pedestrian accessibility and the scale and character of surrounding development, but largely allows building owners to determine how the buildings will be used. Form-based codes typically contain a regulating plan that identifies which building envelope standards apply to which block frontages; building envelope standards that set basic parameters for building height, setbacks, roof design, and fenestration; and architectural and streetscape standards.

Because these standards are more important for New Urbanist and traditional developments these types of standards provide more flexibility for developers. However, in areas that are more suburban, or where uses need to be segregated, such as purely residential or industrial areas, form-based codes do not provide the same type of protection as more standard zoning regulations. While form-based codes may not be appropriate for the entire County it would still be very applicable to small area plans for communities or districts – especially those with a clearly defined existing or future design character such as Toano.

Similarly, form-based codes are an emerging land use tool that can be appropriate for redevelopment and infill development, particularly in areas where the goal is to promote mixed use development. If the County can identify areas where redevelopment is important, and flexibility is needed to encourage this type of development, then form-based codes can provide a more efficient means of development of this land.

7. Sustainability Spotlight

Throughout the Comprehensive Plan, the concept of sustainability has been highlighted in many of the different sections. With the interconnectivity of the Comprehensive Plan it is easy to see how the previously presented sustainability themes are also important to Land Use. Land Use decisions affect everything from road networks and housing opportunities to economic development and environmental protection and vice-versa.

As the County prepares this long-range planning document careful thought needs to be given to how decisions today will affect the landscape of tomorrow. Sustainability in land use requires planning practices that will preserve natural resources, plan for adequate transportation and housing infrastructure, create a sense of place and community, and maintain an economic base that remains vital during a variety of climates. In order to achieve a pattern of land use and development that reinforces and improves the quality of life for the community, James City County has identified the following strategic issues for sustaining a strong community:

- having a range of housing opportunities and choices;
- having a diverse tax base;
- achieving cooperation among all neighboring localities to ensure compatibility of land uses;
- having attractive places with a discernible identity;

- promoting the use of land in a manner harmonious with other land uses and the environment;
- mixing land uses to promote the efficient use of land;
- preserving natural resources such as open space, farmland, and environmentally sensitive areas;
- providing varied and adequate transportation opportunities; and
- directing development into designated growth areas; and providing services and facilities that meet the needs of all citizens.

Land Use, along with the entire Comprehensive Plan, seeks to address these strategies and provide the framework for the policy decisions that will guide the community both today, as well as into the future.