

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 26TH DAY OF JUNE 2012, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

**A. CALL TO ORDER**

**B. ROLL CALL**

Mary K. Jones, Chairman, Berkeley District  
John J. McGlennon, Vice Chairman, Roberts District  
W. Wilford Kale, Jr., Jamestown District  
James G. Kennedy, Stonehouse District  
James O. Icenhour, Jr., Powhatan District

Robert C. Middaugh, County Administrator  
Leo P. Rogers, County Attorney

**C. BOARD DISCUSSIONS**

**1. Fiber Optic Ring Construction Report**

Mr. Tom Pennington, Director of Information Resources Management, provided the Board with a presentation regarding the fiber optic ring which supplies the County with telephone, television, and computer services. He stated that his division is trying to build a reliable network and protect it from storms. He stated that his division has started using the fiber network to link Wi-Fi points. He stated the Wi-Fi is available at certain County sites and is convenient for official and tourism purposes. Mr. Pennington stated that the network begins at the EOC Satellite Office and will end at the Regional Jail. He stated that the project is 75 percent complete. Mr. Pennington informed the Board of the project partners who are actively working with Information Resources Management (IRM) and benefitting from the program. He stated that James City Service Authority (JCSA) has offered to provide utility locator services. He stated that the City of Williamsburg is a project partner. Mr. Pennington informed the Board that Mr. Middaugh helped to obtain a license to go through the City which saved the County a considerable amount of routing. Mr. Pennington stated that the other partners in the project are the Williamsburg/James City County Schools and Cable Associates/Metro Fiber. Mr. Pennington expressed concerns in obtaining easements from the Virginia Department of Transportation (VDOT) for property on Route 199 and the Federal Government for property on the Colonial Parkway. Mr. Pennington stated that he is hopeful to complete the first phase of the project by the end of 2012. He stated that in the near future he will come before the Board regarding the second phase of the project, which is completing the aerial line shift to underground and connecting the Merrimac Center/Regional Jail. Mr. Pennington discussed the benefits of the fiber optic ring stating that it was extensible to meet new construction requirements; it had long life which is an appreciating capital investment; and is adaptable to new initiatives. Mr. Pennington stated that he would answer questions from the Board.

Mr. McGlennon questioned if large sections of the County would become wireless.

Mr. Pennington replied that it was not his intention to make the County wireless. He stated that it was his division's goal to make County facilities wireless.

Mr. Kale asked Mr. Pennington to explain the partnership between the County and Metro Fiber.

Mr. Pennington responded that as part of the request for proposals process, Cable Associates proposed that they would co-trench if they were selected. He stated that they provided an incentive to accept co-trenching by cutting the costs of maintenance. He stated that there is also an incentive that makes it possible for regional or commercial development.

Ms. Jones thanked Mr. Pennington for his presentation.

## 2. Rural Lands

Ms. Leanne Reidenbach, Senior Planner II, stated that in response to an October 2011 work session pertaining to the Transfer of Development Rights (TDR) Feasibility Study, the Board requested a work session to discuss rural land ordinances. Ms. Reidenbach stated that the goals for the work session were to recap TDR Feasibility Study and non-residential uses; review peer locality rural planning tools; review the process, chronology, guiding principles and findings of the 2006 Rural Lands Study; receive Board input on critical decision points and questions; and work to determine the course of action by the Board for proceeding with rural lands amendments. Ms. Reidenbach informed the Board that a new set of goals, strategies, and actions (GSAs) were adopted in the 2009 Comprehensive Plan since the 2006 Rural Lands Study was done. These GSAs involved investigating the feasibility of TDR, investigating non-residential and economic development options and investigating residential options. She stated that the guidance pertaining to residential options involved very low density pattern of lot sizes for conventional subdivisions that is significantly lower than current permitted density; revising A-1 cluster to have lower density than currently permitted, but higher than the very low density for conventional developments and easing requirements for low density development. Ms. Reidenbach stated that the TDR Feasibility Study was a year-long project that used outside consultants and was completed in October 2011. She stated that the staff and consultant reached the conclusion that while a TDR program would be feasible for James City County that significant changes would have to be made to County ordinances. Ms. Reidenbach informed the Board that State Code requires TDR to be voluntary. She stated that due to numerous difficulties that the Board opted not to pursue TDR at this time. Ms. Reidenbach stated that staff has continued researching non-residential options and has continued participating in the efforts of the Rural Economic Development Committee, researching best practices in other localities and continuing to look at permitted and specially permitted uses in the zoning ordinance. Ms. Reidenbach introduced Mr. Vlad Gavrilovic, Renaissance Planning Group, to discuss rural lands residential options.

Mr. Gavrilovic presented the Board with a background of major rural lands initiatives from 1989 through 2009 and the Rural Lands Study process from 2005 to 2007. He also presented the Board with a background of the Rural Lands Steering and Technical committees. He stated the most important matter that came out of the 2005-2006 Steering Committee were the guiding principles of respecting property rights, reducing the overall impact of residential development in the Rural Lands and encouraging development patterns that protected the rural character of the area. Mr. Gavrilovic stated that Rural Lands are distinguished from the Public Service Area (PSA) and are primarily in the western and northeastern parts of the County. He stated that 2007 development trends indicated that 70 percent of existing dwellings are in the PSA, nearly one quarter of the dwellings in the Rural Lands were estimated to be in large subdivisions and the County was seeing renewed interest in major rural subdivisions. Mr. Gavrilovic provided the Board with a summary of the current by-right standards. He provided a summary of recommendations from the Technical Committee which included four new by-right development options in the A-1 and R-8 zones.

Mr. Gavrilovic stated that the first option in the recommended package was Fixed Lot Option. He stated that any size parcel could be developed under this option and the maximum density is one unit per three acres with a minimum lot size of two acres. He stated that there is a requirement for 30 percent open space under an easement but that it could be private ownership. He stated that this option was applied to a maximum of seven lots. He indicated that there were no changes to communal or individual wells.

Mr. Gavrilovic stated that the second option was the Conventional Option. He stated that this was an approach for very simple large lot subdivisions. He stated that it requires 12 acre or larger lots. He stated that there was no limit on the number of lots, no common wells, or open space required.

Mr. Gavrilovic stated that the third option was the Base Density Cluster Option. He stated that this was a large lot low density clustering option. He stated that the maximum density is one unit per 12 acres. He stated that the minimum lot size is eight acres. He stated that there was no limit on the number of lots and no common wells were required.

Mr. Gavrilovic stated that the fourth option was the Rural Conservation Cluster Option. He stated that the maximum density is one unit per four net acres indicating that the density is based on net acreage, which is determined by subtracting non-developable areas such as wetlands. He stated the minimum lot size is three-quarters of an acre.

Mr. Gavrilovic provided an analysis to the Board indicating what all four options would look like on the County's landscape on Forge Road. Mr. Gavrilovic also provided the Board with a comparison chart of rural policies from prominent Virginia counties.

Ms. Reidenbach advised the Board of key decision points that staff wanted to discuss. The first was to evaluate the guiding principles from the Rural Lands Study to determine whether they were still applicable or if they should be changed to accommodate the revised GSAs in the Comprehensive Plan. The guiding principles included respecting property rights, reducing the overall impact of residential development in the Rural Lands, and encouraging development patterns that protect the rural character of the area.

Ms. Jones stated that she would support keeping respecting property rights. She stated that this was a concern from citizens at the 2009 Comprehensive Plan public forum. She asked the Board for input on the matter.

Mr. Icenhour questioned the definition of respecting property rights. He stated that if it meant that the County could not change density, it would be in conflict with Land Use Action 6.2.1.

Ms. Jones stated that there were incentives to balance it out.

Mr. Icenhour stated that he agrees with respecting property rights, but questioned the expectation of a rural landowner as to what the value of their land is worth. He stated that there are a lot of small property owners who do not have any intention of developing their land into three-acre lots. He stated that their expectation of the value of their land is what they can grow on it. He stated that if the owner did want to develop, he wants to make sure that the County has options that allow some protection to the maximum extent possible. He stated that the Comprehensive Plan states that the County has to reduce the density in order to protect it.

Ms. Jones stated that there are a number of rural landowners who have no intention of developing on their land. She stated that it was important that while the Board is discussing a possible strategy or change for moving forward, that the property owners have a seat at the table. She stated that the property owners showed up and expressed their opinions at a public forum on the Steering Committee's recommendations. She stated

that a positive change would be increasing opportunities for the landowner's by-right as far as economic development that is compatible with the environment of the rural lands. She stated that it was very important to hear what the citizens had to say.

Mr. Icenhour stated that if the goal of the Comprehensive Plan is to reduce the density that is currently permitted, the County will not be able to do that and have 100 percent agreement of landowners.

Ms. Jones reiterated that she would be very supportive of keeping property rights a goal.

Mr. McGlennon agreed with Mr. Icenhour that the challenge is determining the right balance of making sure that the property owner is able to realize the value of the property and at the same time be able to accomplish the objectives of the Comprehensive Plan to minimize the impact of rural land development. He stated that he was supportive of finding economic development opportunities that are consistent with rural lands.

Mr. Kennedy stated that the Rural Lands Economic Development Study has been going on for years and that the County is no closer today to bringing parties together to discuss economic impacts. Mr. Kennedy stated that as a restaurant owner, he uses local farms products. He stated that there has never been a meeting of restaurant owners/chefs with farmers to work together. He stated that Charlottesville does that and that there are no funds to accomplish this. He stated that EDA funds are committed to other industries. He stated that the County has made no economic commitments to rural economic studies. Mr. Kennedy spoke about protecting buffers. He suggested that the staff talk to timber companies regarding buffers. He stated that the majority of roads are in the James City County Community Character Corridor (CCC) which resulted in loss of income to those landowners who harvest timber.

Mr. McGlennon stated that the County has purchased easements for the value of timber on Route 5.

Mr. Kennedy stated that on the CCC the County does not compensate for the value of the timber. Mr. Kennedy stated that the County needs policies that are clear and that provide compensation.

Mr. Icenhour agreed that the County needs to respect property rights, but expressed his opinion that it needs to be looked at in a broader context.

Ms. Jones stated that the last public forum to discuss rural lands was in 2006. She suggested that the County hold another public forum to discuss Rural Lands.

Ms. Reidenbach stated that the public forum suggestion is one of staff's key decision points. She stated that public input is desired and questioned if a public forum was the way to go or if the Board wanted to hold stakeholder meetings with landowner groups or focus groups.

Ms. Jones stated that she preferred to have an open forum.

Mr. McGlennon stated that it would be valuable to have a public forum and suggested that the County have meetings with landowners who would be directly affected and inquire as to their major issues in maintaining their property.

Mr. Kennedy questioned if rural clustering while not increasing or decreasing density is a viable option. He questioned if public water and sewer services can be mandated for any new development. He stated that he supported transfer of development rights. However, that option was not feasible. He stated that the County has been doing Purchase of Development Rights (PDR), which has had a marginal success rate.

Mr. Kale stated that there are no specifics on the three principles. He questioned if the County said respects property rights would that be in context with the current Comprehensive Plan goals. He stated that when the County has a plan that the three principles would be included in addition to the specifics that support the three principles. Mr. Kale stated that he agreed with the public forum approach and agreed with Mr. McGlennon's suggestion. Mr. Kale stated that Mr. Kennedy has raised significant points that need to be put into the process as the County is moving forward. Mr. Kale stated that he supports the County moving forward with public forums.

Ms. Tammy Rosario, Principal Planner, recapped the discussion and stated that there was not a great deal of consensus with keeping the guiding principles intact. She stated that there was a large effort toward public meetings.

Mr. Kennedy suggested looking at Economic Development Authority (EDA) funding as well. He stated that funding could be used to benefit the preservation of farm land and for the utilization of rural economic development.

Mr. Icenhour stated that in the past, the County has included a lot of material in the Comprehensive Plan. He stated that when the County transitions the plan to the ordinance, that is when the County experiences the problems. He stated that the words in the plan never make it to the ordinance. He stated that the Comprehensive Plan specifically sets a goal.

Ms. Jones stated that she voted for the Comprehensive Plan. She stated that she does not agree with all that is in the Comprehensive Plan.

Mr. Icenhour stated that he didn't think that the Comprehensive Plan went far enough or that the Board took ownership.

Mr. Kennedy stated that 36 percent of the County is preserved as open space for zoning, acquisition, and protection areas.

Mr. Icenhour stated that the County needs to reduce the baseline of available land for development and determine how to compensate the reduction.

Mr. Kennedy stated that the baseline was reduced by PDR.

Mr. Icenhour stated that the Rural Lands committee was trying to get a reduction ranging 10-15 percent of what could be developed by-right today.

Mr. Kennedy stated that over the course of the last decade, since PDR was started in 2000, he would like to determine the total acreage of the amount of greenspace acquisition, how much PDR is protected, and how many easements were granted in rural lands.

Mr. McGlennon questioned the total amount of units that were permitted overall in the County.

Ms. Rosario questioned the Board on the time frame that the Board wanted staff to come back to them and questioned the types of discussions that the Board wanted to have. Ms. Rosario stated that the staff wanted to update maps; bring together professionals from other jurisdictions for a panel discussion pertaining to rural economic development, rural subdivision designs and regulations and other preservation tools; and focus on non-residential development and then re-evaluate residential options in 2013.

Mr. Icenhour stated that he would like the EDA to also participate in the discussions.

Ms. Jones questioned the timeline for public input.

Ms. Rosario stated that staff could take the various components and assemble them into a larger methodology.

Ms. Jones stated that she would like to have the minutes from the previous Rural Lands public forum. She stated that she would like to have the public comment section from the minutes.

Mr. Allen Murphy, Manager of Development Management, advised the Board that his staff will put together a methodology. He stated that the material will be presented in the forum as options to provoke discussion.

Ms. Jones thanked the Planning staff.

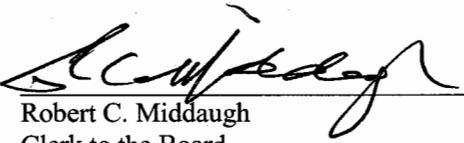
**D. BREAK**

At 5:41 p.m. the Board of Supervisors took a break.

**E. CLOSED SESSION**

Mr. McGlennon made a motion to go into closed session to discuss appointments of individuals to County boards and/or commission, the purchase of property for public use and consulting with legal counsel, and staff members pertaining to actual or probable litigation.

The motion passed by unanimous voice vote.

  
Robert C. Midaugh  
Clerk to the Board