

**Policy Committee
Government Center Complex
Large Conference Room, Building A**

March 17, 2010 - 6:00 p.m.

A. Roll Call

B. Minutes

1. February 25, 2010

C. Old Business

1. External Communications Discussion (Policy and Bylaws)

D. New Business

1. Ordinance Update Methodology (Cover Memorandum) (Draft Ordinance) (Option B Research Explanations) (Option B Process and Timeframe) (Option B - Scope)

E. Adjournment

POLICY COMMITTEE MEETING

February 25, 2010

6:00 p.m.

County Complex, Building A

A. Roll Call

Present

Mr. Jack Fraley, Chair

Mr. Chris Henderson

Mr. Al Woods

Mr. Reese Peck

Others Present

Ms. Leanne Reidenbach

Mr. Jason Purse

Ms. Tammy Rosario

Mr. Brian Elmore

Mr. Jack Fraley called the meeting to order at 6:00 p.m.

B. Minutes – January 28, 2010

Mr. Chris Henderson stated that the minutes should reflect his late arrival at the meeting. He was late and did not vote to approve the January Policy Committee minutes.

Mr. Reese Peck moved for approval of the minutes as amended.

In a unanimous voice vote, the minutes were approved as amended (3-0; Abstain: Woods).

C. Old Business –

a. External Communications Discussion

Ms. Leanne Reidenbach stated that staff has drafted a policy regarding Planning Commissioners' meetings with applicants outside of regular public hearings.

Mr. Peck stated he would like to see the external communications guidelines set as Commission bylaws, not as a more detailed policy statement.

Mr. Henderson stated that he supported the current voluntary reporting of meetings and did not want to impact Commissioners' ability to gather information.

Mr. Al Woods stated that the draft policy was reasonable and that he would support it.

Mr. Fraley stated that Mr. Adam Kinsman's counsel was to make the guidelines very simple and clear. He stated Mr. Kinsman said a policy statement would be easier to change than if the guidelines were to be placed in the bylaws. There can be difficulty in defining meeting-related terms, particularly 'parties of interest.'

Mr. Woods stated that including definitions of meeting terms in a policy would show clear meeting expectations for the public and future Commissioners.

Ms. Reidenbach stated that defining 'parties of interest' was to help Commissioners determine when disclosure was appropriate.

Mr. Fraley stated he would define a 'party of interest' as anyone on the applicant's team. He stated he would support combining the 'party of interest' and 'applicant' definitions. Including definitions would make it more difficult to include the guidelines' in the bylaws.

Mr. Peck stated the two strong points of the Leesburg *ex-parte* guidelines were disclosure and keeping the Planning Director informed. He stated that including formal guidelines in the bylaws sends a stronger message.

Mr. Fraley stated he always attempted to take a second Commissioner to meetings and send a summary to other Commissioners and staff. He stated he does not want to take away any Commissioner's right to meet under his own conditions. He would not consider e-mails and phone calls to be meetings.

Ms. Reidenbach stated that written guidelines were to ensure that all Commissioners, including future ones, were following the same definitions.

Mr. Henderson stated that if a Commissioner does not have a financial interest in a case, there should be no disclosure requirements or communication limitations.

Mr. Fraley stated that the Board has no communications policy of its own.

Mr. Peck stated that Commissioners should disclose meetings prior to public hearings. He stated the Commission has no final decision-making ability.

Mr. Woods stated that any Commissioner not attending external meetings could be criticized as not trying to obtain as much information as possible regarding a particular case.

Mr. Henderson stated he did not like the wording that Commissioners were 'encouraged' to contact staff prior to meetings. He stated that Commissioners could face criticism by forgoing the contact.

Mr. Fraley stated that he contacts staff for case background prior to meeting applicants.

Mr. Peck stated that encouraging staff contact helps Commissioners better evaluate site plans if they are not familiar with reading them on a professional basis. He stated the Planning Director should know when Commissioners make requests of staff.

Mr. Fraley asked staff to substitute a phrase for 'encourage' regarding staff contact. He stated the Commission chair would not need notification. The Committee agreed to use 'may find it helpful to.'

Mr. Fraley read the section of the draft policy which stated that Commissioners would not make a commitment of voting intent at any meetings and the Committee agreed to keep that in the guidelines.

Mr. Fraley stated he finds it helpful for both staff and himself to disclose meeting summaries. He stated that he wanted to share any fact-finding with other Commissioners, especially those not meeting with applicants. The summaries provide a tangible meeting record as well.

Ms. Reidenbach stated that having a disclosure period prior to the public hearing on the application would exclude administrative and Development Review Committee (DRC) cases. She stated that Commissioners disclosing meetings before staff presentations at public hearings would; however, cover most cases where an applicant contacts a Commissioner, but would not include cases like the recent Autumn West plan.

Mr. Peck stated that disclosure should take place prior to when the full Commission votes, and not occur at all committee levels.

Mr. Henderson stated that after he has received staff reports and site plans for DRC, applicants often call him for feedback and clarification.

Mr. Peck stated that DRC meetings often concern by-right development or amendments to approved legislative cases. He stated that DRC communications should be held to a different standard than legislative cases.

Mr. Fraley stated that the definition for 'meeting' was a common sense issue.

Mr. Henderson stated that the primary reason for meeting is transmitting information, which can still occur without a physical meeting.

Mr. Peck stated that any meeting disclosures should be transparent to other Commissioners.

Mr. Fraley stated that he forwards communications on cases that he thinks are relevant to the rest of the Commission. He stated the actual policy could be an endless listing of possible scenarios. Commissioners should know what their colleagues would want to learn.

Mr. Henderson stated that he supported the external communication procedures as a bylaw, if they are required at all.

Mr. Woods stated that bylaws discuss goals, while policies guide the group towards those goals procedurally. He stated that the process of disclosure should be a policy, which allows amendments as circumstances change.

Mr. Henderson stated that he objected to the entire external communications policy.

Mr. Fraley stated that the bylaws should include simple language and include that Commissioners may have outside meetings and that the Commissioner is expected to disclose those meetings.

Ms. Reidenbach stated that the bylaws would read "...Planning Commissioners are permitted to meet with applicants, and Commissioners shall disclose all meetings." She stated there would be a separate policy drafted covering the specifics of the disclosure.

Mr. Henderson stated that the separate policy statements should include some definitions, particularly that of 'applicant.'

Mr. Fraley stated that Mr. Kinsman is currently reviewing courses of action for tied Commission votes that can be incorporated into the bylaws along with the proposed external communications changes.

The Committee asked that staff prepare revised bylaws and communications policy to e-mail to the full Planning Commission for consideration at its regularly scheduled April meeting.

b. Format for minutes documents

Mr. Fraley stated that staff forwarded four alternatives for minutes that were drafted by Debbie Kratter and Chris Henderson.

Mr. Henderson stated that Ms. Kratter had proposed a shorter form of Commission minutes, since the minutes were already not verbatim.

Ms. Rosario stated that Commission videos were not stored in perpetuity so written minutes remained as the permanent record of a hearing.

Mr. Henderson stated it should be simple for Planning staff to adopt a policy for storing Commission meetings on disk.

Ms. Reidenbach stated that staff recommends not changing minute formatting.

Mr. Fraley stated he did not wish to consider minute changes. He stated that he knows of three Board members who read minutes regularly and find them preferable to watching the videos.

Mr. Woods stated that the people who use the minutes the most do not want the format to change so he would be opposed to changing the format.

On a voice vote, the Committee decided not to pursue changing the format for meeting minutes.

D. New Business

a. Comprehensive Plan “score card”

Mr. Peck stated that Augusta County had created a 14-page comprehensive plan report card that would serve as a good model for the County. He questioned whether the report card would be a part of the Commission’s Annual Report or a separate document.

Mr. Fraley stated that the report card would require a large amount of data gathering. He stated that budget restraints may also be an issue.

Mr. Jason Purse noted that staff had reviewed the Augusta County documents and felt there were many positive features in the way data and information was presented. He said that staff would keep this model in mind while developing a reporting format for *Historic Past, Sustainable Future*.

The Committee discussed how new technology could be used to make the update and tracking process less time consuming. Ms. Reidenbach stated that staff was working with IT to put together an interactive implementation schedule for the County website.

D. Other Business –

a. Establishing regular Policy Committee meeting dates

The next Committee meeting will be March 17th at 6 p.m. Staff will check with Mr. Woods schedule for possible future meeting dates to try to set up regularly scheduled Policy Committee meetings.

Mr. Fraley stated that the Zoning Ordinance updates would be a lengthy process with lots of public input. He stated a large number of meetings would be required, including discussions with the Board, staff, consultants, community groups, and the public.

E. Adjournment

Mr. Henderson moved for adjournment.

The meeting was adjourned at 8:30pm.

Jack Fraley, Chair of the Policy Committee

Date: March 17, 2010

To: The Policy Committee

From: Allen Murphy, Director of Planning/Assistant Development Manager

Re: Ordinance Update Process

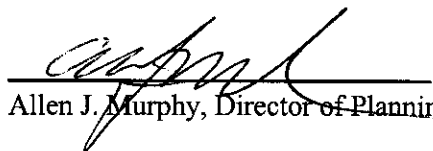
At the March 3, 2010 Planning Commission meeting, staff provided the Commission with materials related to the Zoning Ordinance update process. They included documents describing draft options for the update's scope and process which had been developed at the request of the County Administrator for discussion at the Board of Supervisors' budget retreat. As a result, the Board provided general guidance about the scope and scale of consultant assistance that could be expected during these difficult financial times, as that factor affects the overall scope and process. The Board generally favored option B as a guideline.

The draft update scope and process options were a starting point for discussion, and subsequently, staff requested input from the Commission before writing the draft methodology. To date, Commission members have provided feedback at the February 25, 2010 Policy Committee meeting, at the March 3, 2010 Planning Commission meeting, and in a number of separate meetings and communications with staff. In response to the input, staff has focused on community input and communication, and has recognized the Commission's desire to work ordinances through the Policy Committee by adding Policy Committee meetings and extending the process by two months to accommodate these meetings. The feedback received so far has been used to develop a draft methodology document and to revise the initial version of the update process spreadsheet.

Please find attached this draft methodology document with its revised scope and process spreadsheets for the Policy Committee's consideration. As part of the consideration, staff will share with the Policy Committee any other Planning Commission comments we have received in the interim between the March 3rd Planning Commission meeting and the March 17th Policy Committee meeting. Staff notes that in preparing the draft documents to this point, staff has been careful to think through how changes in scope, for example, can affect the projected update timeframe or process. All aspects of the update process affect each other, and staff would recommend that the Policy Committee also include these considerations in their discussion of the methodology.

Going forward, staff anticipates that the draft methodology and attachments, plus any additional Policy Committee feedback from the March 17th meeting, will form the basis for an ordinance update discussion at the scheduled joint Planning Commission/Board of Supervisors work session on March 23, 2010. Should all key decision points reach resolution at or after the Policy Committee and joint work session meetings, staff will revise the final methodology for consideration at the Planning Commission and Board meetings in April and May, respectively.

Staff looks forward to discussing the draft methodology with the Policy Committee.


Allen J. Murphy, Director of Planning

Attachments

1. Draft Ordinance Update Methodology

MEMORANDUM

DATE: March 15, 2010
TO: Members of the Policy Committee
FROM: Leanne Reidenbach, Senior Planner
SUBJECT: Policy for outside meetings with applicants

Based on the feedback of the Policy Committee at its February 25, 2010 meeting, staff proposes the following changes to the policy for outside meetings with applicants:

1. Amend the Planning Commission's bylaws to include an additional article. A copy of the redlined bylaws is also included to reflect the placement of this change.

ARTICLE IV. OUTSIDE MEETINGS WITH APPLICANTS

1. Planning Commissioners are permitted to meet with applicants outside of a Planning Commission meeting.
2. Commissioners shall publicly disclose all meetings.

2. Create a policy outlining the guidelines for outside meetings with applicants.

Planning Commission Guidelines for Outside Meetings with Applicants

Planning Commissioners are permitted to meet with applicants outside of a public hearing pursuant to the below. Applicants shall include all individuals directly participating in the preparation of or having a material financial stake in the application that is the subject of the meeting.

1. Commissioners may find it helpful to contact Planning Division staff prior to such meetings to gather facts about the application; the staff may attend such meetings if requested by the Commissioner and approved by the Planning Director or designee.
2. The purpose of such meetings is limited to fact finding and clarification for all parties.
3. Commissioners shall not make a commitment of their voting intent.
4. Commissioners shall disclose all meetings by reporting them verbally at the Planning Commission meeting where the case is scheduled for public hearing. Such disclosures shall include whether the matter is a conflict of interest or of a personal interest for the Commissioner.

BYLAWS

PLANNING COMMISSION

COUNTY OF JAMES CITY, VIRGINIA

ARTICLE I. OBJECTIVES

This Planning Commission (the "Commission") was established by the Board of Supervisors of James City County (the "Board") on April 13, 1953, to direct the development of James City County (the "County") and ensure its prosperity, health, safety, and general welfare, in accordance with Chapter 22, Title 15.2, Article 2, *Code of Virginia*, 1950, as amended (the "Virginia Code").

ARTICLE II. MEMBERSHIP

The Commission shall consist of 7 or 9 members, each appointed by the Board for a term of four years.

ARTICLE III. MEETINGS

1. All meetings of the Commission shall be open to the public.
2. Regular meetings of the Commission may be called by the Chair or by two members upon written request to the Secretary. The Secretary shall deliver (via hand delivery, U.S. Mail, or electronic mail, return receipt requested) to all members, at least five days in advance of a special meeting, a written notice fixing the time, place and the purpose of the meeting.
3. Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting, or at a previous special meeting at which all members were present.
4. The Commission may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the Order of Adjournment. When a regular or adjourned regular meeting is adjourned as stated in this paragraph, the resulting adjourned meeting is a regular meeting for all purposes. When an Order of Adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings. Adjourned special meetings will be considered special meetings for all purposes and all regulations concerning special meetings must apply.
5. A quorum of the Commission shall consist of a majority of the members of the Commission. No action of the Commission shall be valid unless authorized by a majority vote of those present and voting.
6. The annual meeting for the election of officers (Chair and Vice Chair) shall be held as the first order of business at the regular meeting in February of each year and thereafter the

newly elected officers shall preside at the regular meeting in February. When a vacancy occurs for the Chair or Vice Chair, an election shall be held on the next regular meeting date.

7. All minutes and records of the Commission of its meetings, resolutions, transactions and votes, shall be kept by the Secretary.

ARTICLE IV. OUTSIDE MEETING WITH APPLICANTS

1. Planning Commissioners are permitted to meet with applicants outside of a Planning Commission meeting.
2. Commissioners shall publicly disclose all meetings.

ARTICLE IV. MATTERS PENDING BEFORE THE COMMISSION

1. All matters which require an advertised public hearing in accordance with Section 15.2-2204 of the Virginia Code and which meet submittal requirements filed with the Planning Division at least six weeks before the regular meeting are to be placed on the agenda for the advertised public hearing. All other matters filed at least 15 days before the regular meeting in the Planning Division are to be placed on the agenda. Any matter not placed on the agenda in advance of the meeting can be considered at the meeting by a majority vote of the Commission.
2. For each public hearing, notices shall be forwarded to the Commission members no less than 15 days prior to the public hearing.

ARTICLE VI. HEARINGS

1. Advertised public hearings shall be scheduled during a regular meeting, except in the event of a joint public hearing between the Commission and the Board.
2. For each public hearing item, presentations by staff, applicants, individuals or groups shall be limited as follows:
 - a. Presentations by staff and applicants are limited to 15 minutes each;
 - b. Comments by individuals are limited to 5 minutes each;
 - c. Comments by citizen groups are limited to 10 minutes each; and
 - d. At a meeting, the time limits set forth in a, b, and/or c above may be extended at the discretion of the Chair.

| ARTICLE VII. VOTING

1. No member present shall abstain from voting on a roll call vote unless a member has a conflict of interest in the matter being voted upon. For the purposes of this paragraph, a “conflict of interest” shall exist when there is an actual conflict: (1) pursuant to the Virginia State and Local Government Conflict of Interests Act, Section 2.2-3100 et seq. of the Virginia Code; or (2) pursuant to any applicable policy adopted by the Board of Supervisors; or (3) as stated by the Commission member unless objected to by a majority vote of the members of the Commission.
2. In reporting a vote to the Board, the Secretary shall indicate (in writing) the recorded roll call vote, including any abstentions.

| ARTICLE VIII. DUTIES

A. CHAIR

The Chair shall have the following duties:

1. Preside at meetings and hearings of the Commission;
2. When authorized by the Commission, the Chair shall affix to any documents its signature on the Commission’s behalf;
3. The Chair or the Chair’s designee shall represent the Commission and keep it informed when not in session;
4. The Chair shall appoint all members and Chairs of committees and subcommittees; and
5. The Chair or the Chair’s appointee shall act as a liaison to the Williamsburg and York County Planning Commissions.

B. VICE CHAIR

The Vice Chair shall perform the duties of the Chair during the absence or disability of the Chair.

C. SECRETARY

The Secretary of the Commission shall be the Director of Planning and shall have the following duties:

1. Keep a record of all regular, adjourned regular, special, and adjourned special meetings and public hearings and transcribe in a minute book of the Commission;

2. Prepare and cause to be delivered all notices of all meetings required to be sent under these Bylaws to Commission members;
3. Have charge of all official books, papers, maps, and records of the Commission and conduct all official correspondence relative to hearings, meetings, resolutions, decisions, and other business of the Commission as directed by the Chair or reflected by valid actions of the Commission;
4. Receive minutes of all committee meetings and preserve these as official records of the Commission; and
5. Notify the Vice Chair, by telephone or in person, on the day the Chair informs him that he will not be present at a scheduled meeting. It is the duty of the Secretary to brief the Vice Chair on items to come before the Commission when the Vice Chair presides.

D. MEMBER DUTIES

Members of the Commission shall have the duties assigned to it by the Virginia Code, the County Charter, and as assigned by the Board. With respect to attendance at meetings, the Commission shall have the following specific duties:

1. Attend regular, adjourned regular, special and adjourned special meetings and public hearings;
2. Attend regular, adjourned regular, special, and adjourned special committee meetings to which the member is appointed;
3. Represent the Commission at Board meetings in rotation; and
4. Attend ad-hoc committee meetings as agreed to by the Commission.

| ARTICLE ~~VIII~~. COMMITTEES

1. The Director of Planning or the Director's designee shall serve as a non-voting, ex officio member of all standing and special committees.
2. All committee reports written or oral shall be an official record of the Commission.
3. The following committees and their Chair shall be appointed by the Commission Chair within thirty days after the Chair takes office:
 - a. Development Review Committee. This Committee shall be composed of at least four members and have the following responsibilities:

1. Review those applications for subdivisions which are required by law to be submitted to the Commission for approval, receive and review staff reports on them, and make recommendations to the Commission;
 2. Review those site plan applications that are required by law to be submitted to the Commission for approval, receive and review staff reports on them, and make recommendations to the Commission.
- b. Policy Committee. This Committee shall be composed of at least four members and shall have the following responsibilities:
1. Address long-range planning goals of the Commission and explore strategies for achieving them; and
 2. Address ways to maintain and improve working relationships between the Commission, other County organizations, as well as with surrounding jurisdictions and organizations involved in planning initiatives.
 3. Conduct the Commission's initial review of the Capital Improvement Plan.
 4. Recommend and prepare new and revised policies for the Commission.
 5. Conduct the Commission's initial review of ordinance amendments, as directed by the Chair of the Commission.
- c. Leadership Committee. This committee shall be composed of three members; the Chair and Vice Chair of the Commission and the Chair of the Policy Committee. The Leadership Committee shall review concerns raised regarding the conduct of the Commission or any one of its members acting in his or her official capacity. The Leadership Committee shall, if deemed necessary by the Leadership Committee, recommend appropriate remedial measures to the Commission.

| ARTICLE IX. PARLIAMENTARY AUTHORITY AND ORGANIZATIONAL PROCEDURE

The Commission shall follow the Robert's Rules of Order, Newly Revised 10th edition, October 2000, and more specifically, the provisions which pertain to the "conduct of business in boards" at page 469 et seq., in particular, the "Procedure in Small Boards."

| ARTICLE XI. AMENDMENT

Amendments may be made to these Bylaws by a two-thirds (2/3) vote of the Commission voting members only after a minimum 30 days' prior notice is given and only at a regular scheduled meeting.

Adopted November 28, 1978

Amended July 10, 1990

Amended May 12, 1992

Amended March 8, 1994

Amended May 4, 1998

Amended June 1, 1998

Amended June 3, 2002

Amended August 5, 2002

Amended January 12, 2004

Amended January 6, 2010

Amended April 7, 2010

~~Rich Krapf~~Reese Peck, Chair
Planning Commission

Draft Zoning and Subdivision Ordinance Update Methodology

Introduction

Following adoption of the 2009 Comprehensive Plan in late 2009, staff has moved into the implementation phase. One significant component of the Comprehensive Plan implementation process is updating the Zoning Ordinance and Subdivision Ordinances and related policies. Partial or complete updates of the ordinances were undertaken shortly after adoption of two of the last three Comprehensive Plans (1991, 1997). However, the ordinances were not updated in a comprehensive fashion after the most recent previous Comprehensive Plan update in 2003. Please note that this methodology focuses on Zoning and Subdivision Ordinance implementation actions to be achieved during approximately the next two fiscal years – work on additional implementation actions would continue beyond the two years. Ordinance update processes also provide an opportunity, as appropriate, to coordinate ordinances with amendments to State code, changes in related County documents, or reflect evolutions in development-related technologies, techniques, or best practices.

Groundwork

This methodology was shaped by a number of factors. In terms of the scope of issues to be looked at during this update, much of the groundwork was laid through the extensive public comment and technical analysis that resulted in the 2009 Comprehensive Plan’s implementation actions (see “Scope of Work” below). In terms of process, staff analyzed past James City County ordinance update processes, talked with other Virginia localities about processes they have used, and consulted professional publications. Staff used the information gained through this research to help draft the methodology, which is presented for input and guidance from, and subsequent endorsement by, the Policy Committee, the Planning Commission, and the Board of Supervisors.

Goals

Having an overall set of goals for the updated ordinance can help make sure expectations are met and inform the challenging decisions that will need to be made both about policy directions, and about the language of the ordinance text. Staff offers the following five goals for enhancing the updated ordinances:

- Reflect the Comprehensive Plan and community input (for example, address actions listed in the Plan’s goals, strategies, and actions);
- Organize in a logical and understandable manner (for example, consider consolidating all process language in one section, rather than in each district);
- Incorporate clear standards (for example, adding graphics if possible);
- Use best practices (for example, looking at a form based code for Toano); and

- Provide linkages with other relevant codes and ordinances (for example, referencing the building permit process where relevant).

Scope of Work

The scope of work for a project details the range of topics to be investigated and potentially incorporated. The draft scope of work in Attachment 2 for this ordinance update is drawn primarily from the 2009 Comprehensive Plan implementation guide. In particular, effort was made to include items identified as high priority and in the 0 – 5 year timeframe in the implementation guide. The final scope of work is based on projected resources (consultant funds, using existing staff levels, etc.), expectations about timeframe and process, and priority guidance from the Planning Commission and Board of Supervisors. While many of the Comprehensive Plan actions are addressed by this scope, not every relevant action item could be accommodated during this update process. Should the Policy Committee or Planning Commission require additional time to be comfortable with certain amended ordinances, the timeframe might need to expand or items might need to be dropped from the scope of work.

The scope of work includes elements to be completed in several stages: major research items to be completed by consultants and/or staff, smaller-scale technical review items compiled by staff (for example, looking at appropriate commercial uses in Rural Lands), and drafting and finalizing of the actual ordinance language. The research projects are an essential part of the process, as they will allow analysis of different options and assessments of feasibility before the detailed work of creating ordinance language starts.

The list of major research items in this scope of work includes:

- Review of sustainability and green building best practices for overall ordinance;
- Accommodation of new wireless technologies/section update;
- Affordable housing provisions;
- Cluster overlay update;
- Infill housing provisions;
- Review of rural lands narrative ordinance and update;
- Investigation of transfer of development rights;
- Form-based code analysis for Toano;
- Amendment of mixed use district or creation of new district for Economic Opportunity designation;
- Business Climate Task Force items;
- Sidewalk/trail inventory/ master plan/text update;
- Development of new submittal requirements for traffic impact analyses using VDOT regulations, and for environmental and fiscal impact analyses;
- Initial database work for cumulative impact modeling; and
- Review of subdivision ordinance amendments required for alternative onsite sewage systems.

More information about each of the major research items listed above can be found in Attachment #1 Explanation of Research Items and these items are also shown in Attachment #2 Scope of Work.

Completing the proposed research items and comprehensive ordinance drafting is an ambitious scope of work for the timeframe. Staff suggests that the Policy Committee, Planning Commission and Board of Supervisors identify a smaller number of priority items that would be the focus of the overall effort and could potentially move through the process in advance of other items, or at least continue on track if other items prove to be more difficult to work through in the allotted timeframes. Based on feedback we've heard so far, those priority items/groups of ordinances could be:

- Sign ordinance;
- Amendment of mixed use district or creation of new district for Economic Opportunity designation;
- Business/Industrial/Rural Lands-Commercial/Mixed Use Districts;
- Review of Green building best practices for overall ordinance;
- Development Standards

Process Components

The Zoning Ordinance update process is divided between three stages: (1) identification of issues and evaluation of options, (2) preparation and revision of ordinances, and (3) adoption. These stages are described below, and are also shown in Attachment #3 Process and Timeframe. This process uses a mixture of consultant and staff work, and is anticipated to take approximately twenty months. The process is designed to be undertaken primarily by staff and the Policy Committee, with periodic Planning Commission and Board of Supervisors check-in points.

Stage 1: Identification of Issues and Evaluation of Options

The first stage of the process will last approximately eight months. During this time, staff will retain and subsequently work with consultants on a variety of the research items. Staff will also work on non-consultant research items and will conduct a general technical review of the ordinance to catalogue known issues and identify any additional issues. The goal of this work is to come up with a list of possible needed amendments and to develop options for how those amendments could be accomplished. These options would then be brought forward to the Policy Committee, Planning Commission and Board of Supervisors for decisions and guidance before moving into the next stage, preparation of draft ordinance language.

This first stage will include significant opportunities for early community input and Planning Commission and Board guidance. In terms of community input, this stage will include forum opportunities at two Policy Committee meetings at the very beginning of the process to assist in identifying issues (within the scope of work items), plus subsequent opportunities for the community to learn about and comment on the possible amendment options at additional Policy Committee meetings, a Planning Commission work

session and a Board work session. These same meetings will be opportunities for the Committee, Commission, and Board to evaluate, guide and make decisions. In order to organize the presentation of options, it is anticipated that options will be grouped in five categories as much as reasonably possible: (a) Commercial/Industrial/Rural Lands-Commercial/Mixed Use, (b) Residential/Subdivision Ordinance, (c) Development Standards, (d) Submittal Requirements/Process Regulations, and (e) Rural Lands.

Stage 2: Preparation and Revision of Ordinances

The second stage of the process will last approximately nine months. During this time, staff and consultants will take forward the guidance from the first stage and use it to develop a set of draft ordinances. These draft ordinances will then be brought forward to the Policy Committee for a series of 8 – 12 meetings. These meetings will allow for Policy Committee review to make sure that the Stage 1 guidance is adequately reflected in the draft ordinances and to consider and make decisions about any specific policy questions that have come to light during the drafting process. Should additional Policy Committee meetings be needed, the timeframe for the process would likely need to be adjusted. After Policy Committee review, the draft ordinances will then be brought forward to the Planning Commission and Board of Supervisors. After this vetting, staff and consultants will work to finalize the ordinance language. During this time, the ordinances will also be carefully reviewed by the Zoning Administrator and County Attorney's Office to ensure that the ordinances are legal and enforceable. In the end, these final draft ordinances will be considered at two Policy Committee meetings to resolve any remaining issues. Opportunities for community input will be available at all of the Committee and Commission meetings listed above.

For both Stage 1 and Stage 2, while the attached Process and Timeframe spreadsheet shows periods of staff and consultant work prior to formal commencement of the sets of Policy Committee meetings, if research items or draft or final ordinances are ready prior to the end of those periods, staff could bring them forward for consideration. This would be particularly the case for any items designated as priorities (see "Scope of Work" above).

Stage 3: Adoption

The final stage of the process is anticipated to take approximately four months. This time will concentrate on conducting any necessary advertising and written notifications, and preparation of final materials for Planning Commission and Board consideration and adoption. Community input opportunities will be available at each of the public hearings.

Other Community Information Resources

As outlined above, the process includes many opportunities for community involvement and input. Staff anticipates that the Planning Commission and Planning Commission/Board work sessions will be televised, and that the Policy Committee meetings will be open for public comment and meeting agendas and meeting materials will be posted on the webpage. Staff can undertake notification of

potentially interested parties to make them aware of the upcoming ordinance process, and in consultation with the Policy Committee, could invite additional community input at meetings.

In addition, staff is in the process of outlining a communications plan that would include use of the *FYI* Newsletter, press releases, and the video center. Other avenues of publicity may include flyers, articles, editorials, direct mailings, and email subscription lists. In particular, staff anticipates that a significant amount of information will be posted on the Internet, which is a feature that was not present in past ordinance update processes.

Staff's Role in the Process

Staff will participate in this process in several ways. Staff will draft option explanations and ordinances, provide advice on best practices, and make recommendations to the Policy Committee, Planning Commission and Board of Supervisors. Overall, staff will work to assist the Planning Commission in developing a product that the Commission can recommend approval of to the Board of Supervisors.

Access to the Updated Text and Map

Once the Board has approved the amendments, the updated text will be posted on the Internet. Hard copies of the text will also be available for purchase upon request. Any amended Board policies or other associated guidance documents will also be posted on the Internet. The Zoning map will continue be available on the internet through the County's Property Information System or in hard copy through the County's Mapping Division.

Attachments:

1. Explanation of Research Items
2. Scope of Work Spreadsheet
3. Process and Timeframe Spreadsheet

Attachment 1: Explanation of Research Items

Zoning Ordinance Update Category	Potential Large Research Item	Explanation of Research Item
Overall Ordinance	Sustainability Audit	The product would be a report that identifies provisions of the Zoning Ordinance that may create obstacles to sustainability and an outline of recommended changes to meet specific sustainability goals. The sustainability audit will include specific recommendations on changes that can be made to the Zoning Ordinance, including model language.
	Green Building Standards Investigation	Inclusion of regulations regarding green building standards, such as LEED or EarthCraft, for new construction.
	Density/Intensity Recommendations for Residential and Commercial Districts	Analysis of existing ordinances and policies against Comp Plan and best practice documents – including a review of the Zoning ordinance and policy documents to evaluate current densities and intensities in existing districts, as well as best practices for emerging techniques to better plan for a range of commercial and residential densities and intensities, i.e. how well do our ordinances describe what we want to see in terms of density and design. This also includes the preparation of a Memorandum that summarizes the basic concepts, research findings and identifies opportunities and an outline of options for the County to implement these practices, e.g. references to model ordinances, suggested language
Wireless Communications Ordinance and Performance Standards Policy	Wireless Communications Master Plan	The scope could vary depending on JCC's needs, but typical elements include: an inventory of existing antenna-supporting structures and buildings, upon which wireless antennas are currently mounted; analysis of reasonably anticipated wireless facility growth over the next ten years; engineering analysis of potential coverage based on existing height restrictions and other locations and design criteria; and recommendations for managing the development of wireless structures for the next 10 years.
Residential Districts (R-1, R-2, R-4, R-5, R-6), Cluster Overlay, and Manufactured Home Parks	Affordable Dwelling unit ordinance or affordable housing overlay district investigation	(Discussed in detail in the Comprehensive Plan Housing Section)
	Cluster Overlay update	This was a recommendation that emerged from the Better Site Design process and subsequent implementation committee. At a Board work session on September 25, 2007, the Board provided guidance that this should be looked at during the Zoning Ordinance update process.
	Infill Residential Provisions Investigation	(Discussed in detail in the Comprehensive Plan Housing Section)
Rural Lands Districts (R-8, A-1)	Facilitated Session with BOS to discuss the 2007 draft ordinance (with preparation of an update memo as well)	The staff would prepare and facilitate a BOS work session, and technical assistance (consultant) to get direction on whether to proceed with old narrative or work on something new.
	Transfer of Development Rights Investigation	This would be a detailed review, to include (among many other things) an evaluation of potential challenges and opportunities of a TDR program in James City County, to include a discussion of the current proffer system, existing density incentive programs, and a review of the zoning ordinance to determine the relationship of density to development. It would also explore the idea that higher density development is necessary in order to make density increases in potential “receiving areas” marketable, and whether sufficient market demand for higher density development exists? What are basic characteristics of the residential development market in the county relative to a market for transferring of densities?
Multiple Use Districts (Mixed use, R-4, PUD)	Investigate improvements to the Mixed Use District standards, and creation of Form Based Code For Economic Opportunity, investigate possible amended mixed use district or creation of a new district. Also, Urban Development Area (UDA) investigation.	This includes review of the Zoning ordinance and policy documents to evaluate their performance in relation to best practices for emerging Form Based Code zoning and Mixed Use zoning and land use policies. It also includes the preparation of a Memorandum that summarizes the basic concepts, research findings and identifies opportunities and an outline of options for the County to implement these practices, e.g. references to model ordinances, suggested language.
		Due to the creation of the new Economic Opportunity designation, this investigation would seek to determine whether the existing Mixed Use district would be appropriate or whether a new or modified district might be advisable.
Commercial Districts (LB, B-1, M-1, M-2)	BCTF items	These items are listed in the Business Climate Task Force recommendations.
Development Standards (Landscaping, Parking, Lighting, Signs, Streets, Sidewalks and Paths, Utilities, Outdoor	Community Character Overlay Investigation	This item originates from the Community Character section of the Comprehensive Plan, and would include assessing what areas and standards would be appropriate.
	Sidewalk/Trail Inventory, Master Planning, and Text update	Update the existing and outdated Sidewalk Master Plan which is referenced in the zoning ordinance. This item originates from the Transportation and Parks and Recreation sections and would create an up-to-date baseline for where we have sidewalks, multi-use paths, etc in order to make administration of the ordinance more effective.

Attachment 1: Explanation of Research Items

<p>Operations and Storage, and Timbering) & Overlay Districts</p>	<p>Bikeway Standards from Greenway Master Plan</p>	<p>This originates from the Parks and Recreation section. Currently there is no mention of bikeways in the ordinance but the Greenways Master Plan did include some ideas as a baseline for bikeway standards. This item would include reviewing the existing standards in the Greenway Master Plan to make sure they're consistent with current best practices and researching adjacent localities to determine the best way to include the standards into the ordinance.</p>
<p>Procedural Descriptions, Submittal Requirements, and Administrative Items (including definitions, fees, SUP and Rezoning submittal requirements and procedure, site plan requirements and procedure, enforcement, nonconformities, and BZA)</p>	<p>Submittal Requirement Guidelines - for Traffic Studies. Scope of work could include Level of Service (LOS) criteria</p>	<p>The first possibility, developing guidelines, would involve setting down a specific list of items that should be included in traffic studies so that studies are comprehensive and consistent - this would build on VDOT's new traffic study regulations, but put in place items that are expected in James City County. The second possibility, level of service (LOS) criteria, would be an investigation of policy options related to establishing LOS standards that are based on the particular road and location in the County. This investigation would look at policy options, but does not include in its scope the analysis necessary to craft the actual policies or ordinances - putting a specific policy or ordinance in place would be a second task that would likely require additional consultant funds.</p>
	<p>Submittal Requirement Guidelines - for Environmental</p>	<p>Preparation of a guidance document that outlines information needed to evaluate the environmental impact of a development.</p>
	<p>Submittal Requirement Guidelines - Fiscal Impact Statement</p>	<p>The first possibility, developing guidelines, would involve setting down a specific list of items that should be included in fiscal impact studies so that studies are comprehensive and consistent. It would focus fiscal impact studies on the fiscal picture of the development once it is built (rather than on revenues associated with the construction phase). The second possibility, developing a software model, would allow for comparison of scenarios, such as the worst case fiscal picture of a development.</p>
	<p>Cumulative Impact Modeling - Database Set-up Investigation (to allow tracking of approved units in relation to public facilities, traffic, etc.)</p>	<p>This item would involve investigating software to model the cumulative impacts of development (tracking approved units in relation to public facilities, traffic, etc.)</p>
<p>Subdivision Ordinance</p>	<p>Alternative Onsite Sewage Systems Investigation</p>	<p>New regulations were put in place during the 2009 General Assembly session that should be investigated by staff.</p>

Attachment 3: Option B Process and Timeframe

		Month																			
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	15	17	18	19	20
Stage 1 : ID of Issues & Eval. Of Options	Joint Planning Commission/Board of Supervisors Work Session	█																			
	2 Policy Committee Meetings/Forums	█	█																		
	Staff review of the ordinance sections and ID of problems	█	█	█																	
	Staff work on options for non-consultant items		█	█	█	█	█	█													
	Work to get consultants under contract for pre-cursor items	█	█																		
	Consultant work on pre-cursor items, preparation of reports and options		█	█	█	█	█	█													
	4 - 8 Policy Committee meetings/Public comment				←*	←	←	█	█												
	1 Planning Commission Work Session/Public comment				←*	←	←	←	█												
	1 Board Check-In Work Session/Public comment								█												
Stage 2 : Prep & Revision of Ordinances	Preparation of the draft ordinances								█	█	█	█	█								
	8 - 12 Policy Committee meetings/Public comment										←*	←	█	█	█						
	1 Planning Commission Work Session/Public comment										←*	←	←	←	█						
	1 Board Check-In Work Session/Public comment														█						
	Ordinance Finalization & Vetting of draft ordinances through zoning administrator and attorney's office													█	█	█	█				
	2 Policy Committee meetings/Public comment																█				
Stage 3 : Adoption	Advertisements & Written Notice - Prep and publication or mailing												←*	←	←	←	←	←	█	█	
	Planning Commission consideration												←*	←	←	←	←	←	←	█	█
	BOS consideration												←*	←	←	←	←	←	←	←	█

* Priority items or other more straightforward items may be moved through the process more quickly

Attachment 2: Option B Scope

Zoning Ordinance Update Category	Potential Large Research Item	Research Item Consultant Cost / Staff work hours*	Comp Plan Priority/Timeframe	Ordinance Text Drafting Consultant Cost / Staff work hours*	Total Consultant Cost / Staff Work Hours*
Miscellaneous Items	Sustainability Audit	Approx. \$8,000 / 200 hours	High/0-5 (LU 1.7.1)	(Staff work hours incorporated in time estimates below)	\$8,000 / 400 hours
	Green Building Standards Investigation	na / 200 hours	High/0-5 (ENV 1.4.3, H 1.1.1)		
Wireless Communications Ordinance and Performance Standards Policy	Determine options for the ordinance to be adjusted to accommodate new technologies	Approx. \$6,000 / 600 hours	High/0-5 (CC 1.7.1)	na / 1200 hours	\$6,000 / 1800 hours
Residential Districts (R-1, R-2, R-4, R-5, R-6), Cluster Overlay, and Manufactured Home Parks	Affordable Dwelling unit ordinance or affordable housing overlay district investigation	na / 450 hours	High/0-5 (H 1.3.7)	na / 1200 hours	na / 2,700 hours
	Cluster Overlay update	na / 600 hours	n/a specific (Better Site Design)		
	Infill Residential Provisions Investigation	na / 450 hours	High/0-5 (H 1.1.6)		
Rural Lands Districts (R-8, A-1)	Staff/BOS meetings to discuss the 2007 draft ordinance (with preparation of an update memo as well as consultant assistance)	\$5,812 / 100 hours	High/0-5 (LU 1.6.2)	To take the narrative ordinance to final ordinance= \$12,368 / 1200 hours	\$57,000 / 1900 hours
	Transfer of Development Rights Investigation	Approx. \$38,822 / 600 hours	Moderate/0-5 (LU 1.6.1.2(d))		
Multiple Use Districts (Mixed use, R-4, PUD)	Investigate Form Based Code for Toano	na / 600 hours	Moderate/0-5 (LU 1.4.5.3)	na / 1200 hours	na / 2520 hours
	For Economic Opportunity, investigate possible amended mixed use district or creation of a new district. Also, Urban Development Area (UDA) investigation.	na / 720 hours	n/a specific		
Commercial Districts (LB, B-1, M-1, M-2)	BCTF items	na / 450 hours	High/0-5(ECON 1.1.6), High/On-going (ECON 1.1.5)	na/ 1000 hours	na / 1450 hours
Development Standards (Landscaping, Parking, Lighting, Signs, Streets, Sidewalks and Paths, Utilities, Outdoor Operations and Storage, and Timbering) & Overlay Districts (Cluster, Floodplain, Airport)	Sidewalk/Trail Inventory, Master Planning, and Text update	na / 450 hours	Moderate/0-5 (P&R 1.5.5), overall Sidewalk MP update not in Comp Plan	na/ 1200 hours	na / 1650 hours
Procedural Descriptions, Submittal Requirements, and Administrative Items (including definitions, fees, SUP and Rezoning submittal requirements and procedure, site plan requirements and procedure, enforcement, nonconformities, and BZA)	Submittal Requirement Guidelines - for Traffic Studies (LOS criteria not included in the scope of work)	na / 320 hours	Moderate/0-5 (LU 1.5.2.1)	na / 1200 hours	Up to approx. \$45,000 / 2890 hours
	Submittal Requirement Guidelines - for Environmental	na / 320 hours	Moderate/0-5 (LU 1.5.2.1)		
	Submittal Requirement Guidelines - Fiscal Impact Statement	Development of impact statement data guidelines - approx \$2,000 - \$5,000 / 450 hours	Moderate/0-5 (LU 1.5.2.1)		
	Cumulative Impact Modeling - Database Set-up Investigation (to allow tracking of approved units in relation to public facilities, traffic, etc.)	\$30,000 - \$40,000 / 600 hours	High/0-5 (LU 1.5.1.1)		
Subdivision Ordinance	Alternative Onsite Sewage Systems Investigation	na / 200 hours	n/a specific (very recent state code issue)	na / 1000 hours	na / 1200 hours

* Staff work hours is an estimate only. The estimate includes Planning/Zoning staff, front desk staff support and supervisory review. The estimate does not include time spent by other divisions or agencies, such as the County Attorney's office, Environmental Division, etc.. These estimates may not be reflective of the total number of hours if an item proves to be controversial, has heavy public interest, or has a higher amount of time spent on it by the Planning Commission or Board. The staff work hours for the Zoning Ordinance review represent the following percentages of total staff hours: 34% for Option A, 36% for Option B, and 30% for Option C.

Up to \$116,000 / 16,510 hours