

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

WORK SESSION

County Government Center Board Room

June 27, 2001

4:00 P.M.

A. CALL TO ORDER

B. ROLL CALL

C. BOARD DISCUSSION

1. Water conservation programs update
2. Water usage update
3. Cash proffers
4. Open space land acquisition update

D. CLOSED SESSION

1. Consider acquisition of a parcel of property for public use, Section 2.1-344(A) (3) of the Code of Virginia.

E. ADJOURNMENT

M E M O R A N D U M

DATE: June 27, 2001
TO: The Board of Supervisors
FROM: Lisa Meddin, Water Conservation Coordinator, James City Service Authority
SUBJECT: Water Conservation Programs Update

Attached is an update on the JCSA's current and future water conservation programs as of June 2001.

LM/gs
water conservation

Attachment

JCSA
WATER CONSERVATION PROGRAMS UPDATE
JUNE 2001

CURRENT PROGRAMS:

1. **Let's be Water Smart**
 - a. **Partners** - Twenty Partners to date, including landscapers, nurseries and irrigation contractors.
 - b. **Website** - www.bewaersmart.org. Features Water Smart tips, current and upcoming events, contests and general info.
 - c. **Brochure** - distributed to all partners and County sites.
 - d. **Garden Flags**
 - e. **Stickers**
 - f. **Bags**
 - g. **Workshops** - fourth Saturdays of June, July, August, and September. Given by Water Smart partners.
 - h. **Summer Ad Campaign** - May 25 through July 28. Features a 3" x 7" ad every Saturday in Virginia Gazette, every Thursday in Daily Press, Williamsburg section, and a ½ page ad in Hampton Roads Gardening, July and August. The campaign is subsidized by workshop presenters and sponsors, who receive ad space with a minimal contribution toward the cost of the ad.
 - i. **Contests** - write-in contests advertised in the ad campaign and on the website. Water Smart giveaways contest in lobby of JCSA.
 - j. **Residential Awards** - ongoing.
 - k. **Water Smart Articles** - Conservation Coordinator writes monthly articles for neighborhood association newsletters.
 - l. **Water Smart Communities** - Two new developments, Mulberry Place and Wellington, are Water Smart Communities and will use Water Smart materials to promote developments.
 - m. **Water Conservation Proffers** - Completed draft of suggested Water Conservation Guidelines for all new developments requesting special permits.
2. **BayScape** - Planted BayScape certified by the Alliance for the Chesapeake Bay at JCSA building. Educational material on BayScapes available in JCSA lobby. Designed to encourage customers to follow Water Smart principles in their landscape.
3. **Presentations** - Have presented conservation or Water Smart presentations to various groups, including the local landscaping industry, Peninsula Homebuilders Association, AARP, Master Gardeners, and student groups.
4. **Neighborhood Water Conservation Retrofit Program** - Using EPA grant dollars remaining from an HRPDC grant, in March, JCSA, HRWET, and the Forest Glen Neighborhood Resource Center replaced 95 old toilets in Forest Glen with 2.5 gpf ultra low flow toilets. This represented one third of the neighborhood, and a water savings of 1,491,500 gallons per year. The Resource Center earned \$1,425 for its efforts, which they are using for its summer youth program.

UPCOMING PROGRAMS & PROJECTS

1. **Speaking Tour** - Sending invitations to neighborhood associations belonging to JCC Neighborhood Connections Program, local civic groups and relevant organizations to host a Water Smart speaker. (Water Conservation Committee members or Conservation Coordinator available to speak.)
2. **Wellhead Abandonment Program** - Public relations and educational campaign designed to inform residents why they need to find and report unused wells for proper abandonment. Fall 2001 and beyond.
3. **Local Drought Resistant Plant Guide** - Supporting Master Gardener program to publish a drought resistant landscape guide. Winter 2002.

OTHER NEWS:

The Water Conservation Coordinator completed the Master Gardener Program, offered through the Virginia Extension Office.

Public Relations/Media: Ten articles featuring the conservation or Water Smart message appeared in local print media since January 2001.

MEMORANDUM

DATE: June 27, 2001

TO: The Board of Supervisors

FROM: John T. P. Horne, Development Manager

SUBJECT: Cash Proffers

INTRODUCTION

The subject of cash proffers has been discussed numerous times in the past by the Board of Supervisors. While James City County currently accepts cash proffers on a case-by-case basis, and has done so for many years, some other jurisdictions in Virginia have adopted a more systematic cash proffer system that is based on a relatively uniform expectation per dwelling unit.

The purpose of this memorandum is to place before this Board of Supervisors a number of issues related to systematic cash proffers as they may apply in James City County.

Voluntary proffers are tools that may be used by landowners and governing bodies only at the rezoning stage. State enabling legislation places several requirements on the localities if they wish to accept proffers. They are:

- Rezoning itself must give rise to the need for the conditions;
- Such conditions must have a reasonable relation to rezoning; and
- All such conditions must be in conformity with the Comprehensive Plan.

If the proffer involves dedication of real property or payment of cash:

- The property or cash shall not transfer until the facilities for which it is intended are included in the Capital Improvements Plan, if the facilities are normally included in the C. I. P.; and
- If the accepted proffer includes real estate of substantial value, or substantial cash payments or construction of substantial public improvements, the County cannot thereafter enact zoning changes that restrict the properties uses, floor area ratio, or density, except when there has been a mistake, fraud, or changes in circumstances substantially affecting the public health, safety, or welfare.

The most complete discussion of this issue in James City County took place in 1994. At that time, staff put forth a memorandum and proposal that included cost calculations, discussion of the time of collection of the cash proffers, and affordable housing impacts.

In September 1999, the Board held a discussion with representatives of Chesterfield and Hanover Counties, two jurisdictions which have well established systematic cash proffers systems. After that work session, the Board expressed continued interest in such a system for James City County. During 1999 and 2000, the General Assembly and various interest groups in the Commonwealth had substantial discussions related to cash proffers and a number of other growth management tools. No action was taken in the 2001 General Assembly, and a number of growth management related issues have been placed before a study commission by the General Assembly. The real estate and construction industries have opposed cash proffers and have stated significant concerns about their desire for substantial change in State enabling legislation.

In James City County, there is a well established set of practices related to proffers, including proffers involving real property and cash in limited cases. Substantial proffers have been accepted related to transportation improvements necessary for direct access to the property. Some cases have also involved substantial cash and real estate contributions for off-site transportation, the most notable of which has been Monticello Avenue. **Parks and Recreation** improvements and proffer expectations are formally stated in the Parks and Recreation Master Plan which has become part of the Comprehensive Plan. This has resulted in installation of significant recreation facilities on some sites, and contributions of cash towards the Capital Improvement Plan for Parks and Recreation where on-site facilities were not appropriate. There are other capital improvements related to **fire protection, traffic signalization, bikeways, and environmental protection** which are accepted in some cases. These proffers, however, are documented on a case-by-case basis and typically are not translated to a total per-unit proffer expectation as is typically done in systematic cash proffer programs. Coverage of capital costs is less complete under this case-by-case program than what a systematic process would probably achieve. A systematic cash proffer system could, in the long run, provide an important additional source of capital facility funding.

CURRENT ISSUES

Cost Calculations

Attached is a spreadsheet produced by the Department of Financial Management Services that estimates the per-unit capital costs associated with the public facility types included in the adopted C. I. P.

Two additional capital costs which are not included in this calculation, but very well may be appropriate for inclusion in the future are, **stormwater management** and **water supply**. The Board is aware of current efforts to both document and propose a financing strategy for stormwater management facilities in James City County. That effort should be complete within the next two years. At that time, it is probable that staff will be able to document a per-unit stormwater management cost in many watersheds in James City County. Water supply cost, particularly related to the desalinization facility, can now be translated to per-unit cost and may be appropriate for inclusion at this time based on direction of the Board of Supervisors. Those costs are included in the JCSA budget. Transportation improvements are not covered in this calculation. It is staff's opinion that these capital costs can be better identified and negotiated on a case-by-case basis.

If the Board should establish a systematic cash proffer system, the calculation would be the maximum expected amount per-unit. Actual proffers would need to be considered during each rezoning depending on the specific attributes of the proposed development. Certain types of development may need to be exempted from certain capital facilities when the developer can demonstrate that certain capital facilities will not be impacted. For example, developments which are restricted by legal instruments to serve as retirement type communities, with no children, would need to be exempt from education costs under a proffering system.

Housing Costs

The Board of Supervisors is aware that housing costs in James City County are high compared to both statewide and regional averages. In 1999, the average cost for new single-family residential unit in James City County was \$147,000 (see attached chart).

The potential impact of a cash proffer system on housing costs was discussed in the 1994 memorandum. At that time, staff proposed a sliding scale which would start with a 0 percent proffer at the affordable housing price utilized by James City County Community Services in their programs and in certain provisions of the Zoning Ordinances (\$95,100 for 2001). The percentage of the total proffer paid would increase on a percentage basis reaching 100 percent of the proffer at the average price home. This example is based on new single-family homes. If the Board endorses this concept, staff would develop similar reduction

procedures for multifamily (including rental) units. When the issue of affordable housing was discussed with Chesterfield and Hanover representatives, they both stated that for various reasons this issue was not significant in their jurisdictions. Chesterfield County felt the issue was adequately addressed by County investment in older neighborhoods. Hanover County stated that price competition from adjacent jurisdictions was holding house prices consistent among the jurisdictions. The additional costs associated with the proffers were being absorbed in the initial land sale price paid by the developer to the original landowner.

The effect of a cash proffer system on housing costs in James City County is a significant staff concern. Staff does not believe that there is significant competitive price pressure on James City County housing from our nearest neighbors, York County or Williamsburg. Since 1994, prices of homes have increased very rapidly. A cash proffer system may place the most pressure on home prices at or below the average in James City County. It is housing in this price range that appears to be under the most pressure at this time. While a sliding scale system could mitigate this issue somewhat, staff suggests the Board consider this issue carefully in any decision as to whether to proceed with a cash proffer system in James City County.

Development Management Issues

Most new housing in James City County is constructed within the Primary Service Area (PSA), as encouraged by the Comprehensive Plan and utility policies. An issue to be considered by the Board of Supervisors is the potential effect on pressure to either increase the size of the PSA or to build housing at low density in rural areas, if the cost of housing rises more rapidly within the primary service area. The James City County community has expectations of high quality development; has expressed limited support for higher density; is experiencing the concentration of infrastructure impacts; and is increasingly recognizing the environmental impact of suburban development. All these factors are quite legitimate and need to be addressed as development in the PSA proceeds, but may contribute to additional costs for development of housing within the PSA. Collection of cash proffers could partially mitigate some costs of providing important public infrastructure within the County. Staff does, however, suggest that the Board should consider these broader potential impacts on the overall development management strategies in James City County.

Board of Supervisors Discretion

Virginia law affords the Board of Supervisors broad discretion and defers to reasonable Board judgments when considering a rezoning. It is the point during the land development process where the most discretion can be exercised by the governing body. Capital facility impacts are one of many factors that can and should be considered by the Board of Supervisors during rezoning. Current proffer practices in James City County are relatively robust compared to many other jurisdictions. A systematic proffer system would not limit the legal discretion afforded to the Board of Supervisors during rezoning, but staff recommends the Board of Supervisors consider the possible effect of a systematic proffer system on the practical discretion of an elected Board of Supervisors during the rezoning process.

Cost Recovery

It is very difficult to project the actual cost recovery that can be expected from a cash proffer system in James City County. Chesterfield County pointed out that actual collection of proffered funds was limited for several years after the establishment of their proffer system. This was due to a large backlog of previously approved units. Hanover County collected funds more quickly due to a smaller backlog. Attached is the most current staff estimate of development potential in the County. Cost recovery in James City County may be limited until previously approved units are developed. Once the backlog has been partially utilized, systematic cash proffers could provide an additional source of funding for needed public facilities.

RECOMMENDATION:

Staff expects that many capital facility impacts of future rezonings would be addressed with the current proffer practices in James City County. A systematic cash proffer program would probably recover more costs, particularly for educational facilities. Such a program may, however, have other disadvantages as previously noted in this report.

Staff requests Board guidance prior to proceeding to draft a Board resolution to adopt a cash proffer program.

JTPH/gs
cash.proffers.mem

Attachments

MEMORANDUM

DATE: June 27, 2001
TO: The Board of Supervisors
FROM: John T. P. Horne, Development Manager
SUBJECT: Open Space Land Acquisition Update

At the January 26, 2000, Board of Supervisors Regular Meeting, the Board met in Closed Session with staff to review an update of our open space acquisition strategy. At today's Work Session, staff requests that the Board go into closed session to discuss the purchase of specific parcels. Maps showing those specific parcels will be provided during the Closed Session.

Previous open space acquisition strategies are detailed below. These strategies ultimately resulted in ten parcels identified for acquisition. The status of those ten parcels has been updated.

Open Space Land Acquisition Strategy

In April 1997, staff presented a strategy to the Board which recommended four primary objectives for open space land acquisition. They are:

- # to preserve the "national treasure" of Williamsburg and James City County
- # to preserve the beauty and biodiversity of the natural environment for the benefit of those natural systems and for the benefit of our residents for future generations
- # to restrict growth and development from occurring in areas which compromise the fabric and character of our community
- # to preserve our agricultural heritage through farmland preservation

This strategy led to the identification of the following four geographic areas with the greatest need for conservation or preservation.

Evaluation Criteria Summary

An open space matrix was developed in order to assist staff in evaluating and ranking 123 potential properties. Criteria included:

- # parcel status - if it was for sale or threatened by development
- # significance of the site - were there natural, scenic, historic, or cultural qualities which made this site unique
- # community character issues - did it affect the fabric, character or heritage of a community
- # other factors - such as multiple staff selection or alternative means of acquisition

Staff periodically revisits and updates this large list.

Status of Funds and Acquisitions

Acquisition opportunities for Mainland Farm were partnered with the Williamsburg Land Conservancy (WLC) in June 1997. An agreement by the County secured a two-year option on the property until the WLC completes its fund-raising campaign. A down payment of \$300,000 in November 1997 was followed by a \$724,025 option payment at closing on August 12, 1997. The remaining \$1.2 Million will be paid in ten annual \$60,000 principle plus interest payments. A balloon payment occurs in 2009 for \$600,000. In March, the County submitted a grant request to the Federal Farmland Protection Program for \$800,000 to help finance the purchase of a conservation easement by WLC. WLC would pay an additional \$400,000. No decision has been made on the request. Acquisitions such as Mainland Farm save the County \$280,000 annually by taking 430 homes off the development books, eliminating those residential infrastructure deficits. In eight years, this savings pays for the \$2.2 million acquisition.

As of May 15, 2001, there was an available balance of \$2,092,426 in the Open Space Acquisition Fund. Other acquisitions from open space acquisition funds, timbering restitution, and some as a result of SUP requirements, etc., include:

	<u>Property Location</u>	<u>Year Purchased</u>	<u>Description</u>	<u>Amount Paid</u>
1	Jamestown Road Area	1999	3 residential parcels at the entrance to Settler's Mill	\$100,531
2	Exxon	1999		\$611,000
3	Rees / Colonial Parkway	2000	buffer easments	\$17,500
4	Sawin Property	2000	2.021 acres	\$110,000
5	Chanco's Grant	2001	7.93 acres	\$67,000
6	Scott Trust	2001	7.09 acres	N/A
7	Hoffmeyer easement	2000	6.2 acres	N/A
8	Scott Trust easement	2001	0.96 acres	N/A
9	Jamestown Nursing Home/ Gajaski Indian Village	2000	SUP easement	N/A

Current Status of New Open Space Parcels

In March 2001, the Board met in Closed Session and agreed to purchase an easement along Forge Road. The importance of the viewshed along Forge Road was cited as being a primary justification of this opportunistic acquisition. The easement was purchased from owner Sam Hazelwood for \$37,875 for 20.5± acres along Forge Road with a depth of between 400 and 643 feet.

With the successful resolution of Mainland Farm, Gajaski Indian Village, and Exxon, staff continues to work on the acquisition or protection of other key parcels.

2001-2002 Proposed Goals and Objectives

Current land acquisition strategies for the remaining priority parcels recommend full or partnered acquisitions and remains a high priority of the program. Corridor buffering, as development continues, impacts aesthetic components of our Community Character Corridors. Public interest to protect and enhance our roadways with buffers and scenic easements steadily increases. Buffer protection through

easements and zoning may provide the best scenario for continued Community Character protection with limited acquisition funds. Protecting roadway buffers, gateways, and scenic viewsheds with 150-200 foot easements allows parcel interiors to develop as planned while protecting that portion of the property the public considers public. Easements would protect greenbelt corridors, permit buffer regeneration, restrict billboards and other signage, and provide bikeway and greenway opportunities. Greenbelt buffers and community character buffers are successful components of our preservation goals and objectives. As we approach the 2007 Celebration, we should also consider the timetable for timbering and AFD operations to make sure these activities either occur after the Celebration or get scenic easements to guarantee their protection.

Protecting Agricultural Lands

Protecting agricultural lands has been gaining national attention and local support. This serves to protect the agricultural heritage of our County. As development needs increase, large parcels will be subdivided and smaller parcels will be developed. Staff has developed a Purchase of Development Rights (PDR) program which the Board has reviewed and which is currently scheduled for a primary public information meeting on June 11, beginning at 6:30 p.m., at the Upper County Library on Croaker Road.

Environmental Protection for the Powhatan Creek

In collaboration with James City County and the Friends of Powhatan Creek, the College of William and Mary Center for Public Policy Research recently completed work identifying the environmental sensitivity of the Powhatan Creek watershed. As the most environmentally significant natural resource on the Peninsula (by the Virginia Division of Natural Heritage), the watershed is threatened by increased development pressure which will compromise its character and quality of this watershed that encompasses much of the Primary Service Area (PSA). Its currently designated an impaired stream by the Department of Environmental Quality for high levels of fecal coliform.

Recommendation

Staff recommends that the Board go into closed session to discuss the purchase of specific parcels.

John T. P. Horne