

A SPECIAL MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE TWENTY-SEVENTH DAY OF SEPTEMBER, TWO-THOUSAND AND TEN, AT 6:30 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

ROLL CALL

Planning Commissioners

Present:

Reese Peck
Joe Poole
Al Woods
Tim O'Connor
Jack Fraley
Mike Maddocks

Staff Present:

Allen Murphy, Director of Planning/
Assistant Development Manager
Tammy Rosario, Principal Planner
Brian Elmore, Development Management Asst.

Absent:

Rich Krapf

Mr. Reese Peck called the meeting to order at 6:30 p.m.

Mr. Peck welcomed the public to the third Planning Commission public input forum. He stated the forums allow citizens, interest groups, developers, and other stakeholders to identify problems and offer solutions early in the zoning ordinance update process. The Board has approved an update methodology which includes a defined scope of work.

MIXED USE AND COMMERCIAL DISTRICTS

Mr. Peck opened the public forum for mixed use and commercial districts.

Ms. Deborah Kratter, representing the James City County Citizens Coalition (J4C), spoke regarding her submitted comments on stricter Mixed Use development standards. (See Attachment #1)

Mr. Richard Drumwright, Director of Planning and Development for Williamsburg Area Transit Authority, spoke regarding his submitted comments on future alternative transportation opportunities. (See Attachment #2)

DEVELOPMENT STANDARDS

Mr. Peck opened the public forum for development standards.

Mr. Tim Trant, representing Kaufman and Canoles, stated that any future development standards should focus on project aesthetics and community impacts. He stated many development projects are slowed by regulations unrelated to direct community impact. A narrower range of regulatory issues would make developers more willing to work with staff on

correcting major regulatory concerns¹. Regulations should take into account costs of compliance to the applicant. Development standards should use more incentives as opposed to mandates for achieving community goals.

PROCEDURAL DESCRIPTIONS, SUBMITTAL REQUIREMENTS, AND ADMINISTRATIVE ITEMS

Mr. Peck opened the public forum for procedural descriptions, submittal requirements, and administrative items.

Ms. Deborah Kratter spoke regarding her submitted comments on Commission communications policy, definitions of financial interest, listing ordinances applicable to projects, and electronic submittals. (See Attachment #3)

RESIDENTIAL DISTRICTS AND CLUSTER OVERLAY DISTRICTS

Mr. Peck opened the public forum for residential districts and cluster overlay districts.

Ms. Susan Gaston, representing the Williamsburg Area Association of Realtors, spoke regarding her submitted comments on higher densities, TDR program implementation, and workforce housing incentives. (See Attachment #4)

Ms. Deborah Kratter, representing the James City County Citizens Coalition (J4C), spoke regarding her submitted comments on neighbors and homeowners' associations having greater influence over nearby undeveloped property. (See Attachment #5)

RURAL LANDS DISTRICTS

Mr. Peck opened the public forum for rural lands districts.

Ms. Linda Rice, representing the James City County Citizens Coalition (J4C), spoke regarding her submitted comments on criteria and incentives for rural lands preservation and rural lands inventories. (See Attachment #6)

SUBDIVISION ORDINANCES AND GREEN PRACTICES

Mr. Peck opened the public forum for subdivision ordinances and green practices.

Ms. Susan Gaston, representing the Williamsburg Area Association of Realtors, spoke regarding her submitted comments on incentives and market-based solutions for sustainable growth. (See Attachment #7).

OPEN COMMENTS

Mr. Peck opened the public forum for open comments.

Ms. Jacqueline Griffin-Almond, 1704 Treasure Island Road, spoke regarding her submitted comments on determining types of property ownership and zoning ordinance update effects on property residents and owners. (See <http://www.jccplans.org/what.html>)

Ms. Kensett Taylor, representing the Pet Health, Safety, and Welfare Group, spoke regarding her submitted comments on a pet spay and neuter ordinance. (See Attachment #9)

Mr. Fraley asked if a spay and neuter ordinance would be addressed under a land use ordinance.

Mr. Murphy stated it could be addressed under the County Code. He stated Ms. Taylor's comments would be passed to the County Attorney.


Ms. Terry Gilley McIlwean, co-owner of properties on Neck O Land Road, stated any rural lands preservation should consider property owner land values.

Mr. Fraley stated that the Board of Supervisors will hold a rural lands worksession on September 28, 2010.

ADJOURNMENT

Mr. Peck continued the public meeting until October 6, 2010 at 7:00 pm


Reese Peck, Chairman


Allen J. Murphy, Secretary

Attachment #1

Deborah Kratter

As a preliminary matter, I would like to thank the commission for responding to my request that this additional session for comments be added. I am glad that I am not the only one speaking here today.

The J4C has previously suggested a complete re-evaluation of the need for Mixed Use Zoning. But if you do determine to retain this Division, at a minimum the sections should be revised to include provisions that will assure approval ONLY of developments that are designed to and are likely to meaningfully effectuate the intent expressed in 24-514:

.....to promote a broad spectrum of land uses in more intensive developments on lands designated mixed use by the Comprehensive Plan. *The mixed use district is designed to:*

- (1) Promote a multiuse master-planned community which may include residential, commercial, industrial (with a predominant focus on light industrial), office and other nonresidential uses;***
- (2) Provide flexibility, unity and diversity in land planning and development resulting in convenient and harmonious groupings of uses, structures and common facilities; varied type, design and layout of residential, employment and social centers; and appropriate relationships of open spaces to intended uses and structures which include attractive and usable open space linked by pedestrian walkways and/or bicycle paths;***
- (3) Reduce commuter driver demands on highways and roads by concentrating employment, housing and recreation opportunities in locations served by, or convenient to, public transportation; and***
- (4) Permit densities and intensities of development in excess of those normally permitted in customary residential and commercial zoning districts.***

Currently, the designation is subject to abuse by those who wish to use land not otherwise zoned for primarily high density residential developments which are not a part of a true mixed use development. *A recently withdrawn proposal for multiple residential units tried to circumvent zoning requirements by throwing in a couple of low rise office buildings and a "wouldn't it be nice someday" retirement facility – neither of which would have provided significant employment opportunities to those living in the homes – and thus none of the goals of the mixed use district would have been realized.*

Thus, in doing your rewrites add some specificity to the requirements to assure that each proposal actually fulfills the stated intent of the district. 24-514 (b) would be an ideal place to add concepts such as proper proportions of residential to other uses.

Among other issues to consider are these:

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To the extent permitted by state law, put in provisions for expirations of any permitted zoning. What we need today may be inappropriate 10 years from now.

Sec. 24-515, relating to “Documents required for submission,” has ample room for improvement. Develop more rigorous requirements for the Community impact statement, by a combination of mandated assumptions to be used in its preparation (for example, cumulative impact of already approved projects along traffic corridors, and within existing school districts) and requirements for clear disclosure of assumptions used to determine the conclusions to be offered under subsection (c), 1-4. These assumptions should be set forth in their own section, with academically testable bases for their use, rather than in obscure footnotes that require the commission and the staff to be armed with both magnifying glasses and crystal balls.

Either in the ordinance or procedural rules make it clear that potential employment for a use that has no sponsor, developer, financing or timeline – simply doesn’t count. If the only reasonably likely (again in terms of sponsors, developers, financing etc.) near term use in a proposed mixed use district is residential, for example, it should not be approved for mixed use zoning.

Special care in rewriting should be taken to assure that the proposed mixed use zoning is used for viable, currently-planned projects and not merely as a way to increase the value of property that is likely to be sold to an unknown developer for unclear or unspecified purposes.

Under 24- 517 (c), add requirements to assure that the guarantees are of sufficient amount, quality and duration to accomplish their purpose. If any of the obligations for maintenance of project facilities are to be left to residents or owners or users of commercial structures, specify metrics to test whether the ability of those constituencies to pay is real.

Also, throughout your reviews, consider whether the fees for submittals are sufficient to meet the county’s current budget needs. Large mixed use projects may be better able to absorb higher costs than small residential ones.

In Sec. 24-519, “Addition of land to an existing mixed use development” – consider increasing the approval level from the DRC to the full planning commission, and specifically require that the additions be consistent with the existing uses in the mixed use district as well as those uses outside the district. Addition of land to mixed use district should not be allowed where it will adversely affect nearby property owners –and this should be made clear.

Section 24-521 sets out a variety of permitted uses – many of which are not necessarily compatible with other permitted uses. Ordinances should be revised to require that the proposed uses within the mixed use development be specifically identified before a master plan is approved and more importantly, not subject to change for another permitted use without a special use permit.

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In Section 24-523, to the extent permitted by law, use the total developable area rather than Gross Acreage to avoid structures or projects which are inconsistent with the county's vision.

As always, in doing these revisions, keep in mind the goals set forth in the recent Comp Plan and those expressed by the people who pay taxes and vote here. Remember that those folks have property rights that are in every way, equal to the property rights of those who wish to sell or develop their property.

Attachment #2

Good evening, I am Richard Drumwright, Director of Planning and Development for the Williamsburg Area Transit Authority or WATA, the regions public transportation provider. We represent the public transportation interests of the City of Williamsburg, the Colonial Williamsburg Foundation and James City and York Counties.

On behalf of WATA, we applaud the James City County Planning Commission efforts for allowing continued input on subdivision and zoning updates. After all, these regulations will serve as a guide for the type and placement of future business and residential growth.

The Counties Zoning and Subdivision policy updates are critical as population increases and the unfavorable impacts of congestion continue in an environment where resources for infrastructure, whether local, state or federal are limited at best.

Design elements encouraging transportation alternatives such as walking, biking and public transit as seen in such developments as New Town need consideration. We are pleased James City County Planning is incorporating these elements in policy as illustrated in the County's Comprehensive Plan and in practice by involving WATA when development begins to take shape.

We urge the relationship between growth and land use principles continue to receive evaluation as future opportunities for alternative transportation are presented. One such opportunity is included in the Hampton Roads Public Transit Vision Plan, the Regions blueprint for Public Transit development along major corridors.

The opportunity calls for increased Amtrak service between Richmond and Newport News and over time an additional regional commuter rail system is proposed for the same corridor.

Under both scenarios, undeveloped land bordering James City and York Counties in Lightfoot are recommended as an activity center, subject to land use compatibility supportive of this transit improvement.

Again, on behalf of WATA we thank you for encouraging public comment in regards to land use regarding subdivision and zoning updates.

Attachment #3

Deborah Kratter

(note that time did not permit the entire J4C board to review these comments, so they are made in my individual capacity)

Among the important goals of this review process should be to increase public confidence in the way land use decisions are made.

To this end, make it a priority to adopt internal policies and procedures that will provide the following:

1. Control extra-public communications between applicants and their agents and members of the commission. The failure to do so may result in the **appearance** of favoritism or deal making outside the public view, even where that is not the case.
2. Remove even the appearance of any impropriety or undue influence relating to fund raising, political parties or candidates for office. While service on the commission should not preclude participation in the political process, commission members should recuse themselves from participation in decisions involving applicants or their agents, from whom they have or are likely to solicit support.
3. Strengthen and clarify the nature of “interests” in a project, or with applicants or their agents that should require immediate disclosure by a member of the commission, and recusal from all deliberations regarding an application. Do not be confused however between “being interested in” something – as we may be “interested” in rural land use, and “having a financial interest” in a particular project. There is no need to restrict communication with those who are merely “interested in” something – while there is a need to control the role of those who have a “financial interest” in a particular outcome.

Note that the failure to address these issues, **on its own**, is a red flag to the public. Recall the skepticism from all quarters on a recently approved project in the Monticello corridor: It was moved up for early consideration, it was permitted open-ended land use decisions and the recently implemented focus on phased clearing was ignored. The suspicion, even if untrue, that it received special treatment due to the financial interests of one of the commissioners is not hard to understand. Make rules – and then make sure that exceptions get wide public notice and buy-in.

Here are some other procedural suggestions:

Require that both applications and the staff analyses of them, clearly and separately list all ordinances that apply to the project and a description of how the project complies – or not. Having both applicant and staff do this will immediately focus on issues of disagreement – for both the commission and the public to discuss. Given the current state of technology, it would not be difficult for both to provide links to the appropriate provisions so that there would be a convenient mechanism for retrieving and

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reviewing the relevant regulations. Also, where there are apparent missing pieces in a regulatory puzzle, as with Autumn West, assure that both staff and applicant prepare analyses of how and why various provisions, letters or rulings apply.

As part of your efforts on sustainability, carefully review all provisions that specify the number of copies to be provided on submissions, as well as your own procedures for delivery of documents for meetings. Reduce that number and substitute electronic versions wherever possible. It is appropriate to have a hard copy available for public review, and some "blue-prints" may not lend themselves well to shrinkage to screen-size – but other than that, every effort should be made to eliminate the reams of paper consumed by unnecessary paper copies of materials that can be made available electronically. Even worse are plastic bound copies of various reports and studies that make recycling more difficult. The vast majority of the paper that goes to the commission and staff can readily be eliminated. These provisions will save significant money for both applicants and the county in production, delivery, storage and recycling costs.

Thank you.

Attachment #4

Good Evening.

Mr. Chairman, Members of the Commission:

I'm Susan Gaston. I reside at 205 Par Drive in James City County and I speak to you tonight on behalf of the Williamsburg Area Association of REALTORS.

The Williamsburg Area Association of REALTORS® is a professional trade organization that represents the real estate community and property owners in James City County and the City of Williamsburg, as well as portions of both New Kent and York Counties. 500 members strong, the Association works diligently to promote pro-housing and pro-business interests and supports legislative, regulatory and political efforts that reflect those interests.

Let me begin by reviewing the five guiding principles upon which the Association is basing our comments and which we believe are relevant to residential development and sustainability issues.

1. Make a commitment to housing opportunity and choice, a wide range of urban, suburban, and rural homes at all price levels for a diverse population.
2. Build better communities with good schools, low crime, quality public services, efficient transportation systems, ample recreation areas, open space, a strong employment base, and a viable commercial sector.
3. Protect the environment by controlling pollution and encouraging preservation of natural resources and properties of historic significance.
4. Respect our Constitutional rights to freely own, use, and transfer real property.
5. Implement fair and reasonable public sector fiscal measures to ensure that the cost of new infrastructure is shared proportionally among those served.

With the County on the cusp of rewriting the zoning ordinance and implementing the legislative framework to implement the Comprehensive Plan, we must ask ourselves as a community what we want. We cannot have it all. We cannot have the convenience of a big box store here in James City County so that we can avoid a trip on the interstate to the Peninsula...and then complain about the traffic that the big box store may generate. We cannot praise convenience on one hand, then criticize it on the other. We cannot think it's okay for some of us to move here from other areas outside of the Triangle, then deny others the same opportunity. And we cannot suggest that people working in the very service community that provides our convenience not live here. We have some very basic questions we need to answer at the outset.

But on to residential development issues:

The development of raw land impacts all of us. To the extent that we can **redevelop** both urban and suburban lands, we dramatically reduce environmental impact and move toward a more sustainable community. We use more energy getting to and from most of

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our homes than we do in our homes themselves. So, if homes can be located near the main corridors of the County, in walkable communities, then they will have much lower negative impact.

As gas prices continue to hover near \$3 per gallon, it will help to drive less and walk more, or bike or take public transportation. The housing market today generally is not supporting new development that has large square footage on large lots, but it is supporting more dense communities with mixed-use qualities. The Association continues to support higher densities and mixed-use developments that lead to preservation of open space and create more housing options at a variety of price points.

One methodology that may link the issues of development, environmental stewardship and smart growth is the implementation of a transferable development rights program.

The purposes of a TDR program include, but are not limited to:

- Preserve open space, scenic views, and critical and sensitive areas
- Conserve agricultural and forestall uses
- Protect lands, resources and structures of aesthetic, architectural, and historic significance
- Assist in shaping the character and direction of development
- Establish a procedure enabling the County and its landowners to VOLUNTARILY sever development rights from a sending property
- Create incentives, such as bonus densities, for attaching development rights to receiving parcels AND
- Protect and enhance the preservation of private property rights by enabling the transfer of development rights.

TDRs have been discussed and will be closely reviewed as a potential tool in the County's tool box. The Association offers itself as a resource to the County in creating and implementing a voluntary TDR program. Along with over 30 other stakeholders including VACO and VML, the Association was part of a work group that for two years, prepared a model TDR ordinance for localities in Virginia. I have sent this model ordinance to staff and look forward to working with the County if the policy makers move forward on the program.

The other issue that the Association wishes to elevate is workforce housing and affordable housing. Let's establish what workforce or affordable housing is, and what it isn't. Workforce housing typically refers to housing for firefighters, police, municipal employees, teachers, nurses and service employees. It is not public housing or subsidized housing, although those programs also serve an important purpose.

Workforce housing allows people to live and work in the same community and affects our sustainability. According to the 2007 Center for Housing Research at Virginia Tech housing needs study for the County and the City of Williamsburg, there has been an affordability gap. If the cost of housing in a community is too high for the types of jobs

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available, then residents are forced to commute out to jobs with better pay or they must move to an area where housing is more affordable and then commute back.

More than ever, the cost of commuting for individuals and communities is significant, involving time and money not to mention the impact on the environment from fuel consumption and emission of greenhouse gases. In addition, attracting new residents to a community is difficult when the available jobs do not support the cost of housing. Achieving balance is desirable with James City County offering their residents good choices for employment and at the same time offering good choices for housing.

We believe we can assist with that effort by working with the County in developing an incentive-based, voluntary affordable dwelling unit program, also called an ADU. As with the TDR enabling legislation, the Association worked tirelessly with decision makers and vested parties in Richmond to craft a legislative framework that outlines the do's and don'ts for a local ADU program. We can provide the statute to the County, work with you to develop a workable program in the community and provide resources on what similar communities throughout the country have successfully achieved with a voluntary ADU program.

Attachment #5

Deborah Kratter

As you review the ordinances pertaining to residential districts, use, as your overriding principle, a commitment to protect the quality of life of the people who live in our residential neighborhoods. Remember that the owner who wants to sell or to develop his land has NO GREATER property rights than the owners who are not selling, but who want to continue to live in their neighborhoods in peace – and who have the right to have the value of their homes protected.

Wherever legally permissible, limit the time periods in which permits may be exercised and plans fulfilled. A project that is consistent with the community's needs in 2011 may not be appropriate in 2020. Given the fast pace of growth in our county, after 5 years, a project should be subject to review if it is not yet actively in progress. Make sure that the people who live in a community are the ones who control it and revise any provision that allows the developer, or anyone else, to exercise any control over land that someone else is paying the taxes on.

For example: in Sections 24-243 and 24-264, prohibit developer representation in a homeowner association greater than its percentage ownership of unsold lots bears to the initial plan.

Similarly, 24-283 should be revised so that the addition of land to an existing residential planned community is subject to the approval of those who have already purchased units. If the developer still owns a majority of the lots, it will be able to add – if it does not, it will have to convince the owners that the addition is in their interest, so that they approve. There is absolutely no reason that a developer should be able to add land to an existing RPC that will benefit the developer but be to the detriment, either financially or with respect to the quality of life, of existing owners.

Carefully review Sec. 24-287 and 288. Revise them to provide that unless a specifically permitted use is clearly designated at that site in the master plan (i.e. an automobile service station or funeral home) a special use permit must be obtained before development. It is not in the best interests of this county and its residents to permit a developer that broadly noted an area for commercial development to 20 years later, add for example, a fish market, or a pool hall to a neighborhood where it is not appropriate.

Determine whether the county should protect itself with bonds or sureties in addition to those already required, and make sure that their duration and amount are sufficient to cover the size and the life of the risk. Assure that all bonds and sureties remain viable in the event of bankruptcy.

Also in connection with the responsibilities assigned to HOAs, require an analysis of the dues paying abilities of the proposed HOA based on number of units and their price, to make sure that it is realistic to expect an HOA to fulfill its obligations. Otherwise, the county may find itself with non functioning BMPs and ill kept roadways – to the detriment of us all. And where there may be a shortfall in expected dues during build out, make sure that the developer is responsible for that from its own resources, and that it cannot surreptitiously loan money to a fledgling HOA and saddle subsequent owners with large debts.

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Finally, on these, and all other ordinances that you will review, do not feel bound to retain inappropriate provisions and don't be afraid to add others as needed. Decide what you want to accomplish first, and then tackle the individual ordinances and sections.

Attachment #6

James City Citizens Coalition (J4C) appreciates the opportunity to comment on several issues related to the preservation and management of rural lands. In May 2006, in an email from Tammy Rosario, James City County Senior Planner, she estimated 14,400 acres of A-1 developable land outside the PSA which included a 20% discount for site constraints. This would likely yield at the current allowed density of 1 unit per 3 acres at least 4,800 housing units. This figure and/or updates are important to remember as you consider various tools to better manage future development in rural lands.

Relevant ordinances should be revised and new ones written as necessary in order to accomplish or address the following:

Rural Lands and Residential Development:

Prior to an ordinance re-write and adoption, you and the Board of Supervisors should consider the following:

- 1a. Establish **criteria** to define the types of rural lands, which should be conserved, developed, and/or become sites for agri-businesses. We need to remember that the Rural Lands Study of 2006 occurred because of the need to manage growth in order to offset negative fiscal impacts brought about increased demand for schools, emergency services, water treatment plants, road improvements, and recreation.
- b. Prepare a community resource inventory which would provide overlays on County maps for agricultural lands, forests, wetlands, slopes, RPAs and private wells. This could be done in conjunction with the data from the Soil and Water Conservation District Boards and the local Department of Health. This could also be compiled by requiring developers to conduct an assessment of natural (wetlands, forests, slopes, RPAs, meadow, depth of public view shed) and cultural resources on the land prior to development. This effort could be required prior to approval of a sub-division plan with road and lot layouts.
- c. Prepare a map of land already conserved through conservation easements either through Purchase of Development Rights (PDR) or through other groups (Williamsburg Land conservancy, Nature Conservancy Virginia Outdoors Foundation), green space, and agricultural and forestal districts. With this type of map, the County planners could better identify those lands neighboring these locations which would have a higher priority for preservation and possible candidates for Transfer of Development Rights.
- d. Identify why the Purchase of Development Rights program has not attracted more participants. Does the marketing or the PDR ordinance need improvements? To date, it has expended about \$1.77M to preserve about 518 acres of land. As a result of the bond referendum in 2004, approximately \$14M remains for future purchases.
- e. Recognize and estimate the environmental benefits provided by the rural land such as regulating water flows and flooding prevention, sequestration of carbon dioxide, aquifer recharge, and biodiversity conservation. From these benefits, an incentive (density bonuses) could be given to developers who preserve natural resources at a certain size (a minimum of 50% of the total developable land) and quality (wildlife habitat of threatened species and tidal wetlands).

Transfer of Development Rights (TDR):

TDR was the main focus of a J4C forum on September 14, 2010. J4C would urge that the county consider an alternative to using a consultant to study the feasibility of a TDR. For example, Callum Murray, Montgomery County or Virginia McConnell, University of Maryland who are experienced planning professionals could provide workshops so that **county staff** can develop the pros and cons of TDR. This approach would be less costly and takes less time than waiting for a consultant's report.

J4C agrees that TDR may be a tool for rural land preservation but provides several recommendations which would enhance the implementation of such a program.

2a. Establish criteria for sender locations (amount of acreage, proximity to land already protected through conservation easements) and fully evaluate if we have enough receiving locations to make the TDR even feasible. J4C does not support an extension of the PSA as a mechanism to obtain receiving locations. Mr. Callum Murray, planner from Montgomery County, agreed that TDR will not work if sewer and water is allowed into the farming areas.

b. Ensure that JCC Economic Development works with the Planning Department to develop a model for assessing whether farmers would receive a higher economic benefit from participating in TDR rather than PDR. Staff costs also need to be assessed to better understand the value of this program for the County.

c. Establish a committee of rural landowners and have them discuss the TDR program with farmers in Montgomery County, Maryland. Likewise, educate County developers about TDR.

Economic Development in Rural Lands:

J4C supports the comments made by Leanne Dubois in regard to rural economic development on September 1, 2010. We also urge you to consider that:

3a. Agriculture businesses are a primary component to maintaining rural character. Some examples of these are Kel-Rae Farm, Hidden Brook Farm, Stonehouse Stables, and Cedar Valley Stables.

b. Lower density on A-1 lands should be enacted where the preserved agricultural land could continue in specialty crop or other rural economic use such as pasture. Suggest that you reconsider a lower **net** density of **at least** 1 unit per 12 acres which was proposed in the 2006 Residential Development in Rural Lands Study for by-right development (base density cluster and conventional lot subdivisions). If a landowner has a parcel of 21 acres or smaller, the current A-1 zoning of 1 unit per 3 acres could remain. Note: Several farm estates have already been established on A-1 lands along or near Forge Road where the density is less than 1 unit per 3 acres. Examples include: Martin Farm Estates (Henry Branscome), Chadwick (Michael Brown), Warren Farm (Sam Hazelwood), and Lakeview Estates (Sam Hazelwood).

c. The county can enhance small farm profitability through farmers' markets, farm to school and institution programs, selling to restaurants and other high value direct marketing opportunity sales. The Williamsburg Farmers Market is eager to showcase more local produce, meats, poultry, and other items.

d. Ordinance rewrites should offer incentives for rural land uses that promote the

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rural economy. We currently have a land use program in the county which provides tax breaks for landowners that keep their land in crop or timber. New incentives need to be designed to encourage rural businesses in place of residential development.

Respectfully submitted,

James City County Citizens Coalition

Attachment #7

Green Matters and Sustainability

As I mentioned in my earlier remarks regarding residential issues, housing, development, land use, rural lands, clustering and density, growth of the local economy and green matters are inextricably linked. A sustainable community is one that has successfully linked housing, jobs, development, energy issues and the environment.

At the Association of REALTORS, the concept of green specifically, and sustainability in general is drawing more and more attention from our members. They realize that it is in their best interest to maintain a high quality of life. No one has more at stake in the overall County character than the very people who sell the County day in and day out. With that in mind, and in efforts to support incentive and market-based approaches to creating sustainable communities, the Association has become a knowledgeable resource of green real estate and sustainable practices, believing that every step toward green is a step in the right direction.

We have real estate professionals in our membership who know the various green building principles applied in residential and commercial properties, developments and communities. We were involved with the Green Building Design Roundtable, and generally support the incentive-based, no mandate approach discussed in the Roundtable report released earlier this summer. Now that the report is in circulation, the Association also can work with the County to:

- Form coalitions with community planners and groups to foster resource-efficient communities and lifestyles.
- Recognize, validate, and respond to concerns and priorities of the green-generation consumer—seller, buyer, tenant, builder, developer.
- Describe the interrelationships of sustainable communities, smart growth, natural habitat conservation, New Urbanism, and land planning with green homes and buildings.
- Acquire awareness of trends in public and consumer sentiment on quality of life issues and community economic development.
- Identify how the green philosophy can be employed in housing of all types.
- Create a legislative and regulatory framework that incentivizes green practices and green design.
- Recognize the features that make a home or building green and resource efficient in construction or remodeling, use, and operation.
- Recognize and respond to obstacles—regulatory, zoning, building codes, costs, perceptions, lack of knowledge—that can impede green development and construction.
- Inform citizens of the significance of LEED, Energy Star, and other rating systems.
- Discuss the cost-benefit of resource-efficient building and home systems, materials, land usage, and maintenance.

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- Adapt listing presentations and buyer-counseling sessions to address concerns and priorities of the green consumer.
- Price and market resource-efficient properties.
- Guide buyers in finding resource-efficient properties.
- Inform citizens of green mortgage options and state/local incentives that encourage and enable resource efficiency AND
- Implement resource-efficient and green practices in the real estate office environment.

Sustainability requires innovative solutions and approaches that are grounded in incentives and education. It is directly linked to how we grow, how we create jobs and economic development opportunities, where our citizens live, how we move our citizens and how we develop our community.

We again commit that the Association can serve as a resource to the County in its sustainability issues that will inevitably become the backdrop for the entire Zoning Ordinance. Working with other local associations of Realtors throughout the nation and utilizing experts at the National Association of REALTORS, the Williamsburg Area Association of REALTORS can be a tremendous resource to the County and the community on greening James City and making it a truly sustainable community.

Attachment #9

My name is Kensett Teller, I reside at 126 Lake Drive in James City County.

I am here today representing a newly formed group concerned with Pet Health, Safety and Welfare in our community. While our group is interested in many issues related to the health, safety and welfare of pets our main mission at this time is a **Spay/Neuter Ordinance to reduce Pet Over Population.**

Are you aware that conservative estimates report that as a nation every year we euthanize 5 to 8 million beautiful dogs and cats simply because we cannot provide homes for them. And in case you did not think you hear that figure correctly, please let me repeat, **each year as a nation we kill approximately 5 to 8 MILLION** homeless pets!

So what can we do as a nation and as a community to stop this tragedy?
There has been a better wayand that way is Spay-Neuter.

In the last ten years there has been much more awareness and participation for **voluntary** spay/neuter of pets (and when we say pets we are speaking of dogs and cats only). In addition to individuals spay/neutering their own pets; we now have shelters, organizations and grants which are willing to assist pet owners financially with Spay/Neuter so that we can reduce **Pet Over Population.**

But all these voluntary efforts and good intentions are still just a drop in the bucket when it comes to combating **PET OVER POPULATION.**

We need to be able to do more.

For the last few years many counties and cities across the United States have adopted **Mandatory Spay Neuter Ordinances**.

And, I would mention just quickly that Virginia's capital city of Richmond has a excellent **Mandatory Spay Neuter Ordinance**. I do not have a copy of this ordinance with me but I presume that our local Animal Control Department can provide you with a copy

Mandatory Spay/Neuter Ordinances require **all pet owners** to Spay/Neuter their dogs and cats unless otherwise exempted by a **Special Breeding Licenses**.

It was our intention to come to you today and request that James City County Create a **Mandatory Spay/Neuter Ordinance** for the pets of our community. In the opinion of our group this would certainly be the correct answer to stop the suffering and the killing of **Pet Over Population**. However, if the county feels such a request is premature we would ask the Comprehensive Plan Committee to establish a **Spay/Neuter Committee** consisting of Animal Control, the Heritage Humane Society, the county attorney and citizens to study this problem and come up with the best solution for our community and our companion animals.

Please keep in mind that **Pet Over Population** is not just a problem facing just our community but is a National problem. It is our goal that our community, James City County, be part of the solution and **not** part of the problem.

We would request that as you plan for the future and quality of life for the citizens of James City County, please plan as well for the future and quality of life for our Companion Animals - which are such an important part of our lives and our community? Thank you.