

**POLICY COMMITTEE MEETING**

February 24, 2011

7:00 p.m.

County Complex, Building A

**1) Roll Call**

**Present**

Mr. Reese Peck, Chair

Mr. Al Woods

Mr. Jack Fraley

**Absent**

Mr. Tim O'Connor

**Staff Present**

Mr. Allen Murphy

Ms. Tammy Rosario

Mr. Jason Purse

Ms. Ellen Cook

Ms. Terry Costello

Mr. Reese Peck called the meeting to order at 7:00 p.m.

**2) Minutes –**

A. February 3, 2011

Mr. Jack Fraley moved for approval of the minutes.

In a unanimous voice vote, the minutes were approved (3-0: Absent O'Connor).

B. February 7, 2011

Mr. Fraley moved for approval of the minutes.

In a unanimous voice vote, the minutes were approved (3-0: Absent: O'Connor).

**3) Old Business**

Mr. Reese Peck stated that he was in receipt of comments from the James City Concerned Citizens Coalition (J4C) concerning the Economic Opportunity Zone (EO). Mr. Fraley stated he was in contact with a representative from J4C and that they would like the opportunity to meet with staff and one or two members of the Policy Committee to discuss their comments. Mr. Jason Purse suggested that the Policy Committee review the draft ordinance for EO prior to this discussion taking place.

Mr. Purse initiated the discussion on the current legislation regarding Urban Development Areas. Per the legislation, the County either passes a certification resolution or updates the Comprehensive Plan to be in compliance. He stated staff is currently reviewing the Comprehensive Plan in comparison to the language in the *Code of Virginia*. The goal is to bring this information to the Policy Committee at the next meeting on March 16, 2011.

**4) New Business**

A. Green Building Zoning Ordinance updates

Ms. Ellen Cook started the discussion on green building ordinance updates by mentioning some of the programs that are available. Staff's recommendation was to utilize the LEED and Earthcraft certifications that are available, with provisions of equivalent programs as the industry developed.

Mr. Fraley wanted to emphasize the use of equivalent programs, especially as the industry changes.

Mr. Al Woods asked how difficult it would be for staff to remain aware of new programs that may be utilized in the industry. He also asked who would determine if the programs are equivalent.

Ms. Cook answered that staff could be a part of the decision making along with the stakeholder group whose recommendations were a part of this discussion. The developer could also provide information if there is an equivalent program that staff may not be familiar with. Ms. Cook also mentioned that the policy would be that staff would periodically review programs that were available.

Mr. Woods asked how it would be defined so that applicants would have some predictability when submitting applications.

Ms. Cook stated that it could be included in the policy that the program's equivalent would be determined by the Planning Director or list programs that the Planning Director could consider.

Mr. Richard Costello, of AES Consulting Engineers, stated that a determination by the Planning Director would be acceptable. There are programs developed on a constant basis, especially for single family dwellings.

Ms. Cook started the discussion on whether actual certification should be obtained, or whether points on a checklist should be used. Some localities use the check list but they have dedicated staff to accomplish this. Staff recommends actual certification be required given current resources. The Policy Committee agreed.

Ms. Cook stated that staff agreed with the Green Building Roundtable Report recommending a Board policy which states that buildings over 10,000 square feet with are rezoned or need a Special Use Permit achieve Green Building Certification at the basic certified level. For residential development, staff had a preliminary recommendation of expecting a basic certified level for 35% of homes in a major subdivision. Staff also recommended reviewing the ordinance to offer incentives for higher levels of certification and/or offer incentives for those developments outside the thresholds. Staff also recommended providing recognition to those who have achieved these certifications.

Mr. Fraley questioned how much this certification would increase the cost of developing.

Mr. Costello stated that developers are building according to Earthcraft certification. He stated that much of the certification is energy related and that is what people are buying. Buyers want this type of dwelling. He suggested 100% of homes when requiring it for major subdivisions. He suggested leaving some flexibility for other programs other than those stated in the ordinance. Mr. Costello stated that for commercial, certification can be very expensive.

Mr. Peck suggested staff contacting the Peninsula Homebuilders Association and getting some information on the increased cost of these certifications on construction.

Ms. Cook next spoke about enforcement of these regulations. Staff recommended some language in the policy so that it is clear to developers. She asked for suggestions on enforcement mechanisms. She stated that the builder would obtain third party certification so that it was not the County's responsibility to police that aspect, but that there needed to be provisions in place to make sure certification was followed through on. She explained one locality had what was effectively a bonding process and that this might be an option.

Mr. Costello suggested requiring initial submission of the project checklist when a building permit is issued, rather than at the site or subdivision plan level.

Ms. Cook stated that she had been looking into having an initial version of the checklist at the site plan / subdivision plan review level due to the fact that there are checklist point opportunities, such as tree preservation, that would be best addressed up-front during the site design.

Mr. Fraley cautioned about overuse of incentives. He asked whether the County should offer incentives for higher levels of certifications in terms of the benefits that would be obtained.

Ms. Cook answered that the benefit would be a higher program standard.

Mr. Woods asked how it was determined that the 10,000 square feet be used as a threshold.

Ms. Cook answered that it was the recommendation of the Green Building Roundtable.

Ms. Cook discussed the last item in the memo, which was the possibility of looking at an expectation of energy star certification for those developments that would not trigger third-party certification requirements. Energy would one of the multiple components of what Green Building encompasses.

The Committee agreed that this would be a good area to research and review.

#### B. Mixed Use Districts Zoning Ordinance Updates

Mr. Jason Purse initiated the discussion on the R-4, Residential Planned Community District, and PUD, Planned Unit Development. These areas along with the Mixed Use designation have been viewed by the community as those districts that allow multiple uses but do not provide the same predictability as other districts. Mr. Purse stated that all these districts have Comprehensive Plan designations, with the Mixed Use designation having specific uses depending on the location in the County. All of the descriptions have some uses that are categorized as primary and secondary uses. One of the requirements for these districts is to create a master plan, where the land use designations are listed in the specific areas. There is some flexibility with this. Once the master plan is approved that will dictate what kind of development will occur on site.

Mr. Peck raised his concerns about linking the Comprehensive Plan to the Zoning Ordinance. He expressed his ideas about having the descriptions in the ordinance.

Mr. Fraley would like to see the mixed use areas listed in the ordinance. Performance and developments standards are needed. He would also include building design standards and sidewalk standards. The ordinance does need some flexibility to control some of the mix.

Mr. Purse stressed the importance of getting an adequate mix of uses. He solicited ideas on how specific the Committee would like to be on the uses.

Mr. Fraley suggested linking those areas to the ordinance.

Mr. Murphy stated that the issue with that is there would have to be at least thirteen different descriptions for mixed use alone.

Mr. Peck stated that if these are governing rules then they need to be in the ordinance not the Comprehensive Plan.

Mr. Costello commented that the County should have recommendations or a plan for those areas but to lock it down would not be advantageous to the development community.

Mr. Murphy stated that he felt there could be better descriptions of these thirteen districts in the Comprehensive Plan. This would allow some flexibility and allow for some discretion.

Mr. Fraley agreed that this may be the preferable option in that it provides needed flexibility.

Mr. Costello stated that recent legislation will set some limits that the County does not have currently.

Mr. Purse suggested having design and performance standards in the ordinance so as to be more predictable and to give the development community ideas of what is desired in those areas.

Mr. Purse stated that during discussions concerning a continued care retirement case, it was suggested to strength some of the language in the R-4 designation. It was determined that some language was unclear as to ownership or control of a master plan. Staff obtained an interpretation from the Zoning Administer and County Attorney's office. It was determined the developer or the owner would control the master plan.

Mr. Purse then went through items that came up through the Sustainability Audit.

Mr. Fraley questioned requirements versus incentives.

Mr. Peck believes that incentives should always be used.

Mr. Purse mentioned that one of the things to consider is that not all of the bonuses provide the same benefit. Categories would need to be determined.

Mr. Fraley does not prefer performance based codes or form based codes.

There was a discussion on areas that are mixed use which could include some industrialized areas. Mr. Woods asked what light manufacturing might consist of.

Mr. Purse stated he would come up with some uses that would be in this category. He will also consult with the Economic Development office.

Mr. Purse talked about form based codes especially for redevelopment, mostly in the Toano area. This was listed as a GSA (goal, strategy and objective) of the Comprehensive Plan. Staff has been working on methods to revitalize the area. A by-right form based code encourages development. The County does need to make sure that the infrastructure is in place for the development being proposed. There are also design guidelines for Toano that have been in place. Staff does not recommend form based codes, but instead use the guidelines already in place, and possibly provide a redevelopment district to assist developers. Staffs suggested developing a redevelopment ordinance and incorporating some of the elements of form based codes.

Mr. Peck suggested using some incentives to encourage development in that area with a certain look that is desired. This would come to a policy decision. Form based codes would require some subsidies from the County.

Mr. Costello suggested overlay districts. He stated some developers have had some discussions. He suggested maybe in smaller areas, such as Toano.

Mr. Murphy stated that staff has envisioned that in areas where there are design guidelines.

#### **5) Adjournment**

The next meeting is March 16, 2011 in Building A at 7:00 p.m.

Mr. Fraley moved to adjourn.

The meeting was adjourned at 9:08 p.m.



Reese Peck, Chair of the Policy Committee