

POLICY COMMITTEE MEETING

October 11, 2012

4:00 p.m.

County Government Center, Building A

1) Roll Call

Present

Mr. Rich Krapf
Mr. Tim O'Connor
Ms. Robin Bledsoe
Mr. Al Woods

Staff Present

Ms. Tammy Rosario
Ms. Ellen Cook
Mr. Jason Purse
Mr. Brian Elmore

Mr. Rich Krapf called the meeting to order at 4:00 p.m.

2) Minutes

Mr. Al Woods moved for approval of the September 4, 2012 minutes.

In a unanimous voice vote the minutes were approved (4-0).

3) Old Business

There was no old business to discuss.

4) New Business

a) Stockpiling

Mr. Jason Purse stated stockpiles are maintained onsite to fill to maintain positive drainage patterns without bringing it from elsewhere. He stated specific details about the stockpiles are sometimes lacking on Erosion and Sediment Control (E&S) plans. A new Zoning Ordinance sections will provide specific guidance, with performance standards including: they must be located onsite, at least 50' from property lines, at least 100' from existing buildings, have minimal impact on existing residential streets, a maximum height of 25' in residential districts and 40' in commercial districts, be temporary in nature, with a two-year window. Waiver requests go to the Development Review Committee (DRC). Staff recommends approval of the ordinance.

Mr. Krapf asked how the numbers were derived.

Mr. Purse stated a lot of them came from York County's ordinance, with assistance from the Engineering and Resource Protection division.

Ms. Robin Bledsoe asked if the ordinance stemmed from aesthetics and drainage.

Mr. Purse stated the County does not have any specific criteria. He stated these are the basic standards, with flexibility.

Mr. Woods asked what would the landscape of other jurisdictions look like.

Mr. Purse stated he did not look a lot at other jurisdictions. He stated when we look at standards for other types of uses, the setbacks are consistent with requirements in other districts. A 50' or 100' setback from something similar makes sense. Height was not reviewed, but buffers between uses were used. There are similar performance standards in the Mixed Use, Planned Unit Development, and manufactured home ordinances. The 3:1 horizontal to vertical ratio would be considered a good engineering standard to ensure stability.

Mr. Krapf stated he was impressed with the safety and preservation language, including preventing the stockpile from extending into tree drip lines, and erosion language.

Mr. Woods asked if there was language to encourage tree preservation using fencing to prevent soil compression by heavy equipment.

Mr. Purse stated yes.

Mr. O'Connor asked if parcels in Community Character Corridors (CCCs), with a 300' depth, as close as 75', could apply for a waiver.

Mr. Purse stated yes, numbers one through seven can apply for waivers. He stated that was included because there are large infill site along CCCs.

Mr. O'Connor stated the Colonial Heritage pile is about six stories tall, steep, and with lots of runoff.

Mr. Purse stated that one would be able to get a waiver. He stated there are places, such as way in the back of the property, where a 60' pile works. There are situations when developers would need to go higher, which is why staff tried to add flexibility.

Mr. O'Connor stated he did not want to bog people down with multiple requests for stockpiles if they were building a phased project.

Mr. Purse that is why waiver provisions have been built in, although it is not ideal for stockpiles to go from site to site.

Mr. O'Connor stated some people like to see projects phased. He stated he would like to add flexibility without adding cost.

Mr. Howard Price, AES, stated he likes the guidelines because they give better direction. He stated he is concerned that with larger, phased projects, he may have to come back for quite a few waivers. With a large project, two years is not long enough for a stockpile. He asked if the waiver process will be cumbersome.

Mr. Purse stated those big projects are not the norm. He stated staff could work with applicants on a master plan. The DRC could rule once without having to come back constantly. If a stockpile will be onsite three years, we want to know it is in an appropriate spot.

Mr. Woods asked why we required the DRC, which seems an administrative burden, instead of the director of development, to deal with waivers.

Mr. Purse stated stockpiles would affect the whole community if you move it off site. He stated a lot of these instances require a committee that deals with those overall issues. Staff would be able to consider allowing the planning director to review them.

Mr. Krapf asked the Committee if it was more appropriate for the planning director to have first shot at an appeal, or to have the DRC address it.

Ms. Bledsoe stated that as someone living in New Town, with constant construction, she would want the DRC to review it. She stated she wants to whoever looked at the master plan, whoever is most familiar with the community, to make those decisions.

Mr. O'Connor stated he likes the stockpile regulations, and that the planning director could do it. He stated the DRC meeting once a month would potentially delay someone's work three to four weeks.

Mr. Krapf asked if an HOA or a citizens group have the right to appeal to the DRC if they disagree with the waiver request.

Mr. Purse stated they put in that language last time that it has to specifically deal with density, as a substantive change from the master plan. He stated he did not think it would meet that criteria.

Mr. Woods stated the planning director's first responsibility is to the community, so there is no inconsistency there. He stated everyone is moving together to achieve the same standard.

Mr. Krapf stated he came to the same conclusion, that this is a collaborate approach with staff and the Commission working to the same goals.

Mr. Woods asked if parameters could be crafted, that if exceeded, would go the DRC.

Mr. Purse stated there have been offsite cases in the past. He stated if it is a small site, you cannot stockpile and build on the property.

Mr. O'Connor stated it prevents the perpetual wasted area.

Mr. Purse stated there are waiver criteria that need review, such as CCCs and buffering. He stated that if the planning director reviewed them, there would need to be more concrete language for approvals. The DRC has rooms to make interpretations that the planning director may not.

Mr. O'Connor asked why, if the property is in a CCC, they need a waiver if the stockpile if not visible.

Mr. Purse stated his intention was to give the DRC parameters to review when they consider a waiver. He stated these are not one size fits all.

Mr. Woods asked that regarding the letter of credit, how was it settled that there is no authority independent of a determination made by the Virginia Department of Transportation (VDOT).

Mr. Purse stated that came from the York one, with staff adding additional language. He stated VDOT makes the determination whether stockpiles affect their roadways.

Mr. Woods stated there was no harm putting in language for private roadways. He stated the County would have options, independent of VDOT, if a scenario developed it considered unacceptable.

Mr. Scott Thomas stated the ordinance was necessary because of siting. He stated if the developer uses a private road as a primary, there should be a consideration if it should go somewhere else.

Mr. Woods stated if the pile was in the middle of Kingsmill, it could be impractical for it to go someplace else.

Mr. Purse stated he did not think the County wanted to take over responsibility for private roads.

Mr. Thomas stated the County has never bonded a private roadway. He stated the County does not want to get into that.

Mr. O'Connor stated he had reviewed York's working documents online, which talked about cubic yards versus a quantitative stockpile.

Mr. Thomas stated that in the ordinance, he felt that dimensional things were easier to work with than yardage. He stated all if the standards for Chesapeake Bay would still apply. It would be absurd to give a waiver to an impact of an environmental feature.

Mr. Price asked if the maximum height was the average or highest point.

Mr. Purse stated the highest point.

Mr. O'Connor asked if this had any impact on the upcoming stormwater regulations in 2013-2014.

Mr. Thomas stated things may change, but from what he sees, this would be independent.

Mr. Purse stated there are two issues: if we leave it at DRC, to change the language of the criteria "could include but not limited to" and looking into whether it is planning director or DRC in general. If it is moved to planning director, he will want some very specific things to be included.

Mr. Woods moved to recommended approval of the ordinance as amended.

In a unanimous voice vote, the Committee recommended approval as amended.

b) Updates to the Housing Opportunities Policy and resulting implications for Residential and Multiple Use districts and Definitions

Ms. Ellen Cook stated the Board had reviewed the policy at their September work session and wanted changes, with a concentration on the term "affordable." The Board wanted "affordable" split from "workforce housing" to keep an emphasis on that part of the Area Median Income (AMI) range. They specified a target for the 30 to 60% portion of the range, to prevent developers from clustering on

the high end. The Board also wanted to adjust the percentage of expected units down the scale to the lower end.

Mr. Woods asked staff to explain the 30% - 60% and 80% - 120% in today's dollars.

Ms. Cook stated the range comes from the Comprehensive Plan, which separates affordable and workforce housing.

Ms. Rosario stated those are based on Housing and Urban Development (HUD) guidelines.

Ms. Cook stated the Board wanted to emphasize the 30%-60% AMI category, thinking that was in the greatest unaddressed need in the community. Thirty-percentage of AMI equals a family income of \$20,000, with a target house price of \$61,000. Sixty-percentage of AMI would be a family making \$40,000, with a target house price of \$120,000.

Ms. Rosario stated at the lowest end, we are typically talking about rental units.

Ms. Cook stated the policy covers rental and home ownership.

Mr. Woods asked if a developer in the program would get reduced development costs.

Ms. Rosario stated there is that potential in the policy, but this also states an overall expectation for any residential development. The County would be requesting 8% of the units be in the 30%-60% range, 7% in the 60%-80% range, and 5% in the 80%-120% range.

Mr. Woods stated he thought it was an incentive program.

Ms. Rosario stated it is an expectation, with incentives, including cash proffer reductions. She stated there is also an in lieu option.

Ms. Cook stated in lieu funds could be used to subsidize rents or as matching money to help construct buildings in that range.

Mr. Woods asked if he was developing a high-value property, could County force him to include affordable housing in his offer.

Mr. Krapf stated that all proffers are voluntary, but they increase costs.

Mr. O'Connor stated this was a policy, not an ordinance. He stated if you have a neighborhood with an average home price of \$800,000, and you add 15% of units that are not compatible, you are creating a dysfunctional neighborhood.

Mr. Krapf stated high-end neighborhoods would probably use the in lieu option. He stated the County wants to encourage affordable housing, and one way to do it is to set expectations with the developers that they address workforce housing. If they do not, the cash contribution helps those types of units be constructed.

Mr. Woods stated that in principle, he thought the County was going to employ incentives to encourage behaviors, not penalties. Incentives would allow developers to reduce their costs relative to the market.

Mr. O'Connor stated density was incentivized.

Ms. Rosario asked if we view all proffers as penalties or if, instead, as ways of mitigating impacts.

Mr. O'Connor stated the County says applications must have a certain number of proffers, but for some of the developments to work, you can only come up with a smaller percentage of affordable lots. He stated if the County wants to encourage affordable housing, it should waive proffers.

Ms. Cook stated the policy allows a full reduction of cash proffers in exchange for offering units in the 30%-60% range. She stated it could be more than a \$20,000 tradeoff.

Ms. Rosario stated that coming out of the Comprehensive Plan, this policy was designed to give more guidance to developers.

Mr. Krapf asked if staff got feedback from the development community.

Ms. Rosario stated that representatives of the realtor community had expressed support for more affordable workforce housing as had groups like the Williamsburg Area Chamber of Commerce, and that staff had not heard any expressions of concern regarding the Policy. She stated the County decided to step up its game with the Comprehensive Plan, but did not go to inclusionary zoning.

Mr. Woods stated the combination of incentives for affordable housing and density should be economically powerful.

Ms. Cook stated there were incentives in the form of proffer reductions before, but there had never been a consistently policy to guide staff or developers. She stated this Policy provides clarity but maintains some flexibility and room for Commission and Board discretion.

Mr. Krapf stated the policy is not ironclad because it uses the wording "should" not "must." He stated it reads as a very strong encouragement.

Mr. O'Connor stated he was derailed by the language "should be" and staff describing the policy as an "expectation." He stated the term "subject development" in Item 5 should be defined.

Ms. Cook stated staff would go back and review the term.

Ms. Rosario stated to further that line of thinking, when talking about the average square foot cost to construct units, there should be a comparable measurement.

Mr. O'Connor stated there are neighborhoods with a minimum square footage where it would not work. He stated in a Kingsmill, a 30%-60% AMI paying a high HOA fee would be unrealistic. Forcing someone to join an HOA is a burden. These policies, with Chesapeake Bay and green space requirements, are creating HOAs. At the same time, the County encourages affordable and workforce housing. In some of these cases they are incompatible.

Ms. Bledsoe stated the inclusiveness philosophy has been building for many years. She stated that the County having this option is progress. It is about encouraging inclusiveness in schools and resources, and is not just about what the developer wants. The policy is reasonable, with fluidity for negotiating room. There is a stigma associated with workforce and affordable housing, but people living in these communities realize that nothing changes.

Mr. Krapf stated he looks at workforce housing as an enhancement to the community. He stated County police living in the community add an extra sense of security. It benefits everyone in the process. This policy echoes the Comprehensive Plan and provides a range of alternatives and incentives. Developers can ignore it and explain their reasons to the Board.

Mr. Woods stated this is direction the County should be headed and the outcome it wants to achieve. He stated he just had questions about the method.

Mr. O'Connor stated the County should ensure there are lots of good incentives in place. He stated he is concerned with elevating the prices for people living in those neighborhoods.

Mr. Woods stated a large project can take a section and put the affordable housing in one little area.

Ms. Bledsoe stated that the affordable and workforce units are all over New Town and it looks nice. She stated they are across the street from her home. They were sometimes smaller, but not less attractive.

Mr. O'Connor stated it works in New Town because it is urban. He stated there are other subdivisions where affordable housing creates a disparity.

Mr. Krapf stated in the sentence "...in lieu of a contribution to the housing fund..." to change the language from the "the director, at his sole discretion" to "the planning director may consult" to remove the gender.

Mr. O'Connor moved to recommend approval of the Housing Opportunities Policy with amendments to the definition of "subject development" and to the planning director gender language.

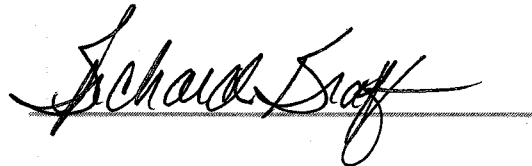
In a unanimous voice vote, the Committee recommended approval (3-0; Absent: Bledsoe).

5) Other Business

Mr. Purse stated he would send out a list of brief descriptions of CIP proposals so the Committee can review who it wants to speak with at their December CIP review meetings.

6) Adjournment

Mr. Woods moved to adjourn. The meeting was adjourned at 5:40 p.m.



A handwritten signature in cursive script, reading "Richard Duff", is written over a horizontal line.

Rich Krapf, Chair of the Policy Committee

