

MEMORANDUM

DATE: July 28, 2009
TO: The Board of Supervisors and Planning Commission
FROM: Sanford B. Wanner, County Administrator
SUBJECT: Draft 2009 Comprehensive Plan

Since November 2007, the Comprehensive Plan update process has benefited from the hard work of the Citizen Participation Team and the Steering Committee. The extensive time and thought that these groups have committed to collecting community input and developing the text and policies of the Plan are to be commended. I have recently had the opportunity to review the draft Plan and the Goals, Strategies, and Actions (GSAs) in its entirety. I have also reviewed the entire set of GSAs with the Department Managers. As a result, several substantive concerns were raised and have been outlined below.

I. Goals, Strategies, and Actions Language

The Comprehensive Plan is a general guide representing a 20-year vision for the County; it is not a regulation or ordinance. The language of the GSAs should be flexible enough to take this into account. Much of the feedback I have received from Department Managers relates to the need to acknowledge that implementation of some of the programs and plans will be contingent on the availability of staff and financial resources. Given the current economic climate, this is particularly the case for the items in the 0-5 year category in the Implementation Guide, and the time frame section of the Implementation Guide should be carefully evaluated with this in mind. This idea is discussed further in the next section. Other comments include the following:

Preserving the discretion of the Board, County Departments, and Other Outside Agencies

- Certain GSAs discuss funding of programs and plans. In order to preserve and acknowledge the Board's role in making funding decisions during the budget process, these GSAs would be better worded as "seek funding."
- Certain GSAs use language that would have the effect of limiting the Board's discretion to pursue an action based on an evaluation of all factors relevant at a given time. An example is an action that includes language about accepting higher construction costs "only if" facilities are made more cost-effective over time. This language would be better worded in a way that preserves the discretion of the Board.
- Certain GSA actions would require the approval of another level of government. The language of the GSAs should acknowledge the effect that this additional layer of review would have on the ability to implement the GSA.
- Certain GSAs are very specific about how an action would be achieved and what parties will be involved. I recommend that this language be considered very carefully to ensure that there is flexibility for County Administration and Department Managers to accomplish GSAs in the way that best matches staff and financial resources.
- Since the 2003 Comprehensive Plan was adopted, the Williamsburg Area Transit Authority (WATA) has been established as an authority separate from the County government structure. The language of some of the GSAs related to WATA should be revised to acknowledge that the County works in cooperation with WATA, but would be in the position of "encouraging" or "working with" rather than providing this service.

Complying with Parameters of the Code of Virginia

- The Code of Virginia and other legal documents include limits on the ability of localities to “require” certain actions on the part of applicants engaged in legislative development cases. Recognizing this issue, use of the word “require” should be re-evaluated when used in this context in the GSAs in order to avoid conflict with the Code of Virginia.
- Certain GSAs discuss items in relation to the zoning, subdivision, and other County ordinances. The language of these GSAs should be flexible enough to acknowledge that there are State Code limitations on the ability of localities to “require” (rather than words like “encourage” or “promote”) certain items for by-right development cases and that there are limitations on what is permissible in a subdivision ordinance.

Additional Detail

- Certain GSAs discuss regional issues and cooperation. It is important for all GSAs that include this element to clearly specify the extent of the region applicable in the GSA.

I have directed Development Management staff to re-review the set of Goals, Strategies, and Actions with items listed above in mind.

II. Implementation Guide

An Implementation Guide has been included as part of the draft 2009 Comprehensive Plan. This Guide includes information for each strategy and action on the stakeholders, time frame, and cross-sectional relationships. It is important for all parties to acknowledge and be mindful of the fact that limitations in budget and resources have a strong impact on the projected time frames, and priorities set by the Board of Supervisors may not always coincide with time frames identified in this document. The Comprehensive Plan is a general guide representing a 20-year vision for the County; it is not a regulation or ordinance. The Plan must be flexible enough to recognize that different Board priorities and different fiscal priorities may prevail at certain times. In order for this to be fully understood, I recommend that this be clearly acknowledged in the Implementation Guide, in the form of the following paragraph:

Most of the sections of the Comprehensive Plan include goals, strategies, and actions which collectively provide a mechanism for turning the written guidance of the Comprehensive Plan into tangible steps that can affect positive change in the County. It is important to note that these goals, strategies, and actions (GSAs) may not immediately lend themselves to implementation. Limitations, such as financial constraints and limits in needed resources, can delay or change the implementation of a given goal, strategy, or action. Changes in Board of Supervisors priorities or State or Federal laws may necessitate that some GSAs are amended, deleted, or replaced as part of the Comprehensive Plan review every five years. Some GSAs may only be partially realized, and some not at all, depending on fiscal and other constraints facing the County. The Board of Supervisors prioritizes projects, based on available funding and resources, through the annual budget and the Strategic Management Plan processes.

III. Reporting of Comprehensive Plan Accomplishments

On an issue related to the Implementation Guide, there has been discussion of a periodic progress report on implementation of the GSAs in the Comprehensive Plan. To reiterate a point made above, the Board of Supervisors prioritizes projects, based on available funding and resources, through the annual budget and the Strategic Management Plan process. Following these measures would be appropriate to address this periodic reporting issue, in that they would provide the relevant information and would be achievable given staff resources:

- Inclusion of information on implementation in the Planning Commission Annual Report that provides an update on the progress that has been made in implementing the goals, strategies, and actions.

- Highlight (via labeling or another mechanism) Comprehensive Plan actions included in the Strategic Management Plan (SMP) in order to provide a stronger connection between the Comprehensive Plan and the budget and Strategic Management Plan.

I would not recommend reporting measures beyond this, such as Planning Commission public hearings, for the following reasons:

- The apportionment of responsibilities under Virginia Code empowers the Board of Supervisors to make decisions on organizing priorities as part of the annual budget process, which includes public hearings.
- This organization has a successful record of reviewing and amending the Comprehensive Plan in its entirety on a regular basis.
- The primary focus of staff's efforts between Comprehensive Plan amendments needs to be on implementing the GSAs.

I would be prepared to discuss these items at the July 28, 2009, work session.



Sanford B. Wanner

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