

MEMORANDUM

DATE: March 8, 2006

TO: Members of the Rural Lands Committee

Jeff Barra	Victoria Fahringer
George Billups	Richard Krapf
Rich Costello	Gary Massie
Jim Daniels	Jack Schmidt

FROM: Tammy Rosario, Senior Planner II

SUBJECT: Rural Lands Committee Meeting #8 - March 8

Please find attached the materials for the next Rural Lands Committee meeting scheduled for March 8th at **4:30 p.m.** at the **James City County Library Community Room** (7770 Croaker Road). These materials include minutes from the February 15th meeting, the agenda for the March 8th meeting, and updated versions of the draft recommendation summary and matrix.

To start the meeting, the consultants will present the committee members' feedback from the recommendation matrix and the recommendations summary developed from the homework exercise. At this time, the committee will discuss the results and offer comments on any revisions to the draft. The consultants will use this feedback to make the final revisions to the committee report for the March 22 committee meeting. Next, the consultants will review the next steps in the process leading up to the May 23 Board of Supervisors work session. Finally, the agenda will conclude with another look at the design guidelines.

The next (and perhaps final) Rural Lands committee meeting is scheduled for March 22nd at **4:30 p.m.** at the **James City County Library Community Room**.

If you have any questions please feel free to contact me. I look forward to seeing you tomorrow.

Attachments:

- Minutes from the 2/15/06 meeting
- Agenda for the 3/08/06 meeting
- Draft recommendation matrix
- Draft recommendation summary



James City County
Residential Development in Rural Lands Study
STEERING COMMITTEE AGENDA

wednesday march 8, 2006 | 4:30 pm

- 4:30 **OPENING - Public Comments**
Approve Minutes from February 15th Steering Committee Meeting
- 4:40 **REVIEW DRAFT SET OF RECOMMENDATIONS**
Updated Recommendations Matrix
Updated Recommendations Summary
Recommendations Tally
Steering Committee Discussion
- 5:15 **NEXT STEPS**
Final Form of Recommendations
Presentations/Work Sessions on Recommendations
Further County Reviews
- 5:30 **DESIGN GUIDELINES**
- 5:45 **CLOSING - Public Comments**
- 6:00 **ADJOURN**



MEMORANDUM

DATE: March 6, 2006

TO: Members of the Rural Lands Committee

Jeff Barra	Victoria Fahringer
George Billups (absent)	Richard Krapf (absent)
Rich Costello	Gary Massie
Jim Daniels	Jack Schmidt

FROM: Eric Wright, Renaissance Planning Group

SUBJECT: 2-15-06 Steering Committee minutes

The seventh steering committee meeting began with a public comment period during which there were no comments. The committee reviewed and approved the minutes from the 1-25-06 meeting.

John Horne asked about rural hamlets and a general discussion followed on the design features of a hamlet:

- How big is a hamlet? (Jeff Barra)
- Give a range of 10-25 houses (Rich Costello)
- Is oriented around a feature, like a common green (Jack Schmidt)
- Look at lot size variations and conservancy lots
- Private Roads
- Assume homes face a feature
- Common feature could be a duck pond and could be used for fire suppression (Jim Daniels)
- Common garden plots or soccer fields could be central feature
- Could be a barn if equestrian theme is marketed (Gary Massie)
- JCC typically does not like conservation easements on private lots since it has to enforce the uses on the eased land (RC)

Discussion of Homework Assignments

- Tax breaks for lower density or cluster development probably not feasible under state code (RC)
- There should be a way to use carrot and stick approach on areas where county may want to expand the PSA – for example, only allow 1 unit per 5 acres in those areas if they develop before the PSA is expanded. (GM)
- The rural areas if developed should still look rural, they shouldn't look suburban (JS)



- Home insurance rates can be higher if water pressure is not sufficient for adequate fire suppression (Victoria Fahringer)
- General recommendation from Virginia Department of Health that supports secondary or pre-treatment for septic systems.

Discussion on Format of Recommendations Matrix

- Do not want just averages for recommendations (RC)
- What about minority opinions? (GM)
- If all we end up with is just a survey of agree/don't agree then we will not have served our objective well (RC)
- Need to have 1-2 page summary of all items (strongly agree/agree/etc.) and get a numerical tabulation of steering committee members' votes (GM)
- Community has concern about the rate of development, the committee should talk about ways to slow the rate or pace
- Would like to see some technical data on the benefits of pre-treatment for septic disposal (GM)
- Will add another week to schedule to allow more time to get draft recommendations back to consultants and steering committee.

Discussion on Design Guidelines

- Need to find another name for "by-right" (like 3 acre lots) since cluster will also be by-right based on steering committee recommendations (JB)
- For farm commons could combine well with equestrian them but do not have barns near homes (GM)
- Could business use be made of cluster common area, such as equestrian or recreational – this might be an incentive (JB)
- Do not use "wooded" trails in farm commons, put paths at wood's edge (GM)
- Steering Committee should decide whether and how the Design Guidelines are used in the development application process (JS and JB)

It was decided that there would be 2 additional steering committee meeting (March 8 and March 22). The meeting ending with one public comment, which asked for clarification of the last sentence on the first page of the Draft Design Guidelines, which was cut off mid sentence.

The committee chairman then asked for and received a motion and second for the meeting to adjourn, with all voting in favor.

JAMES CITY COUNTY - RESIDENTIAL DEVELOPMENT IN RURAL LANDS **DRAFT EXECUTIVE SUMMARY of STEERING COMMITTEE RECOMMENDATIONS**

BACKGROUND:

The James City County Residential Development in Rural Lands Steering Committee has met since October 2005 to develop a series of recommendations for implementing the policies of the County's Comprehensive Plan relative to the Rural Lands in the County. During this period, the Steering Committee has met regularly twice each month, and has undertaken a series of additional research and educational efforts, in order to more fully understand the technical and qualitative issues of rural development trends and options in the County and throughout the State. These additional efforts have included:

- Two Public Workshops held on November 17, 2005 and January 12, 2006. The workshops were well advertised and well-attended sessions where the public was engaged with a series of exercises and small-group discussions to get input on alternative directions for the Rural Lands and optional strategies such as rural cluster development.
- A field trip to study alternative rural cluster and hamlet developments in Loudoun County, on January 13, 2006.
- Extensive technical analysis from the County's consultant team for this project, including analysis of alternate cluster development options, a theoretical buildout analysis for the Rural Lands, and utility and other impact considerations
- Supplemental interviews, conducted by staff and consultants, with JCSA and Health Department officials on the impacts of alternative utility and well/septic policies for the rural areas.

The Steering Committee has incorporated the results of their research and discussions into the following series of General Recommendations for the Rural Lands. A more detailed summary of their findings on specific implementation options is included in an accompanying document titled Draft Matrix of Steering Committee Recommendations.

land development in the County is happening too quickly Nearly as many (74%)responded that it is more important to preserve farmland in the County than it is to have more development. An identical percentage of respondents (63%for both items) agree that is important to slow development even if it means increasing taxes. .A majority of citizens surveyed also thought that developers should always be required to pay a fee to offset public costs and supported reducing lot sizes to permanently preserve open space.

Citizens supported a slower growth rate, the protection of rural lands and other sensitive areas, and more regional cooperation on the part of local government. Citizens suggested that growth should be managed in a smarter, more creative way that takes into account the existing character and resources of the community.

.In regards to the land use designation change applications, citizens generally supported preserving the County 's rural character and opposed expansion of the PSA.

[2001 James City County Comprehensive Plan, p. 118]

SUMMARY of RECOMMENDATIONS:

The following recommendations had generally strong support from the Steering Committee. They represent a broad set of policy recommendations for the County. More detailed implementation steps and recommendations are also included. A full summary of all the options considered by the Steering Committee, along with additional considerations, is included in the accompanying Recommendations Matrix document.

General Recommendation:

A. Revise the A-1 and R-8 zones to allow a cluster provision as a by-right development option

Specific Implementation Recommendations:

1. Requirements should include a minimum of 60% open space protected under a permanent easement. The easement may be granted to the County and/or a bona-fide non-profit conservation or land protection organization.
2. The minimum lot size should be 1 acre, in order to generally allow the flexibility for on-site wells and septic systems if needed.
3. Design standards should be required as a part of the ministerial review by staff in order to receive approval of the preliminary subdivision application. Standards should reflect those listed in the Comprehensive Plan, and/or those listed in the accompanying Rural Design Guidelines document.
4. In general, design standards should be used to achieve positive benefits, such as preserving environmental features, protecting wooded or farmed lands, and their use as active farming or forestry operations, protecting rural viewsheds, and organizing the houses around an amenity or visual focal point such as a historic building, farm pond or "village green."

General Recommendation:

B. Incorporate incentives into the County's policies and regulations in order to make voluntary cluster development an attractive alternative to conventional 3-acre development

Specific Implementation Recommendations:

1. Revise the subdivision and zoning standards so that cluster developments of up to 20 lots may use individual wells on each lot, rather than being required to have a communal well and water system. Consider requiring a pond and dry hydrants in developments over 10 lots to assist in fire suppression for these subdivisions. Consider requiring shallow wells for irrigation purposes or other water-saving features to mitigate impacts on the Chickahominy aquifer.

2. Permit private roads to serve cluster developments of up to 25-50 lots. Develop private road standards that will reduce development costs while allowing adequate width and construction materials for emergency and large vehicle access.
3. Permit off-site individual septic systems for lots within a cluster development. Off-site drainfields would have to be within an easement, accessible to the homeowner for maintenance, and located on commonly owned land, rather on other private lots.
4. Eliminate requirements for minimum cul-de-sac lengths for cluster developments, in order to provide maximum flexibility for site design to preserve natural features. However, consider limiting the number of lots that can be accessed from a single cul-de-sac to 20-25 lots.

General Recommendation:

D. Incorporate incentives into the County's policies and regulations in order to make voluntary lower-density development an attractive alternative to conventional 3-acre development.

Specific Implementation Recommendations:

1. Revise the A-1 and R-8 zones to allow Lower Density Development (1 unit per 10-acres or lower) as a by-right development option that is eligible for the same incentives (listed above) that are available for cluster development.
2. Revise the subdivision and development review standards to permit Lower Density Development to obtain a simplified review process, such as being classified as Minor Subdivisions.
3. In addition to the use of private roads, permit Lower Density Development to incorporate Private Access Easements so that common driveways can be used to serve up to 4 or more lots.

General Recommendation:

E. Take steps to address a series of critical issues in the Rural Lands, beyond the more narrow focus of residential development.

Specific Implementation Recommendations:

Rural economic development:

1. Support traditional rural businesses and industries
2. Encourage compatible new rural industries such as value-added farming and timber



industries

3. Evaluate local initiatives and financial incentives to support competitiveness of traditional rural uses against conversion to residential subdivisions

Natural resource protection:

1. Ensure that development protects key natural resources such as wetlands, groundwater and plant and animal habitats
2. Link development standards and incentives to environmental protection measures

Preserving rural character:

1. Maintain rural character of road corridors (Community Character Corridors)
2. Incorporate new standards for mitigating impacts of new development (traffic/groundwater, etc.)
3. Ensure that major new commercial/industrial uses are located within the PSA
4. Continue to strongly support the Purchase of Development Rights program in the Rural Lands

JAMES CITY COUNTY - RESIDENTIAL DEVELOPMENT IN RURAL LANDS
DRAFT MATRIX OF STEERING COMMITTEE RECOMMENDATIONS

1.0 NO CHANGE

1.1: Make no changes to A-1 and R-8 zoning districts.

Description:

Avoid making any changes to the current zoning requirements to influence the current trend of development in the Rural Lands.

Steering Committee Recommendation:

Strongly Agree **2** Agree **2** Disagree **3** Strongly Disagree

Committee Discussion Highlights:

- General sentiment among most committee members that some change was necessary to these districts
- Concern that no change would mean that rural areas would develop fairly rapidly in a large-lot sprawl pattern and that it would affect groundwater, environment and rural views and character
- Recognition that the charge was to recommend ways to implement the Comp. Plan and propose positive changes to zoning and other areas to achieve Comp. Plan goals
- Consider seeking view-shed properties to participate in PDR program.
- County should offer assistance to landowners in developing preliminary layouts of cluster or hamlets suitable to their properties.

Public Input from Workshops:

- Generally strong support from the public to make no changes to the current zoning in the Rural Lands
- Concern that any proposed changes to the zoning would restrict property rights and lower property values

Additional / Technical Considerations:

- Staff and consultants' analysis suggested that approximately 6,800 new homes could be added to the Rural Lands under existing zoning
- Based on consultants' assessment and the experience of other localities within the Commonwealth, there was a general concern that the continuation of the 3-conventional large-lot development pattern over the entire rural area of the county would result in a predominantly suburban design quality and a loss of rural character and traditional rural land uses and quality of life.
- This approach would not implement the desire expressed in the Comprehensive Plan to "Discourage conventional large lot residential development in the rural areas." (p. 135, #3)
- The current rate of development and the development pattern would likely continue – both of these were issues of concern to citizens who participated in the 2001 Comprehensive Plan Survey.
- Staff agrees with the consultants' assessment.

2.0 DISCOURAGE CONVENTIONAL (3-Acre) LARGE LOT DEVELOPMENT

2.1: Increase lot frontage requirements for A-1 and R-8 lots.

Description:

Increase the minimum lot width at setback line for conventional three acre lots from 200 feet to 350 feet.

Steering Committee Recommendation:

1 Strongly Agree **1** Agree **2** Disagree **3** Strongly Disagree

Committee Discussion Highlights:

- Wider lot frontage requirements were not discussed in any detail
- Some committee members expressed sentiment that placing additional restrictions on existing conventional 3-acre lots would be unwarranted and would limit the public support for these recommendations
- **Concern from member who strongly disagreed that this would create shallow wide lots along road, creating impression of sprawl.**

Public Input from Workshops:

- Not specifically addressed in public comments
- General public support for not restricting property rights in the rural areas – especially further restrictions on development density.

Additional / Technical Considerations:

- This will result in lots more square than rectangular, increase the spacing between homes on a roadway and potentially reduce the number of curb cuts and lots on rural roadways.
- Increasing the spacing between homes in new rural development could help preserve more open views and a more rural character for development along rural roadways.
- This provision could be considered along the whole rural area, or could be localized, for example along certain road frontages such as existing or future Community Character Corridors (**not on internal streets**).
- **This provision could help maintain existing vegetation along rural roads and provide additional space to "sufficiently screen the non-agricultural and non-forestral uses to preserve open spaces and rural character and to minimize visual impacts from public roads" as recommended in the Comprehensive Plan (p. 135, #2).**

2.2: Reduce the number of lots that may be served by individual wells.

Description:

Reduce the number of lots that can be developed on individual wells in a minor **conventional** subdivision from 5 lots to 3 lots.

Steering Committee Recommendation:

Strongly Agree

Agree

3 Disagree

4 Strongly Disagree

Committee Discussion Highlights:

- Some strong concern that the owners/developers of small properties should not be restricted further – i.e. that any recommendations that strengthen the requirements for conventional 3-acre development should focus on larger developments.
- Comments that family subdivisions should be exempt from any provisions for strengthening A-1 and R-8 requirements.
- Comments that real estate trends and escalating land values are making the costs of communal wells less significant as a deterrent to development in the rural areas
- Concern that increasing development on individual wells would seriously affect the Chickahominy aquifer – recommendation that new cluster development be on communal wells or on extensions of public water lines
- Concern that this would also affect fire suppression in new rural developments – recommendation that new rural developments have water features included that could be used for fire suppression on-site
- Commentary that the original intent of the County's communal well provisions was to allow for fire suppression in rural subdivisions – reducing the number of developments served by individual wells could help with fire suppression
- **Suggestion to allow individual wells on lots greater than 8 or 10 acres.**
- **Concern that increase in cost to landowners is unwarranted.**

Public Input from Workshops:

- Strong concerns expressed that the current requirements for communal wells for subdivisions greater than 5 lots are too restrictive for property owners, and that they cause development to be too expensive in the rural areas

Additional / Technical Considerations:

- Consultants provided analysis of the relative costs of development with communal wells, rather than individual wells. A general finding was that communal wells became cost-effective for developments of 20-30 lots and greater.
- JCSA officials expressed concern over increasing their management responsibilities if there continue to be more developments with communal wells in the rural areas – they are not cost-effective to operate for JCSA.
- **This issue is not specifically address in the Comprehensive Plan, although keeping the central well requirement and increasing the financial responsibility for central well systems are mentioned as ways of possibly strengthening requirements for 3-acre development (p. 141, 21.b.)**
- **From an environmental standpoint, communal wells may be better maintained and easier to protect than multiple individual wells.**

2.3: Limit the number of access points to existing roads.

Description:

Reduce the number of access points on existing rural roadways.

Steering Committee Recommendation:

1 Strongly Agree **2** Agree **1** Disagree **3** Strongly Disagree

Committee Discussion Highlights:

- Not significantly addressed in the Committee's discussions
- County can impose more stringent requirements if it is a PUD.
- County should encourage shared curb cuts.

Public Input from Workshops:

- Not addressed in the public presentations or discussions

Additional / Technical Considerations:

- VDOT generally regulates access permits onto public roadways in the Commonwealth.
- Potential for access management corridor overlays to be established on rural roads – however, concern that without significant traffic basis for such zoning implementation techniques, they could be open to legal challenge.
- This change would help implement the Comprehensive Plan Rural Land Use standard to preserve rural character in part by "minimizing the number of street and driveway intersections along the main road by providing common driveways and interconnection of developments" (p. 135, #1).
- A requirement reducing access points may result in shared driveways or access roads that would "force" houses in rural areas closer together, promoting de-facto clustering.
- Current requirement is for shared drives with 3-5 lots, with a waiver if lots are greater than 5 acres.
- Building more than 5 lots requires a subdivision street currently.

2.4: Strengthen the way that developable acreage is calculated for 3-acre lots.

Description:

Modify the density provisions of A-1 and R-8 districts such that they are based on a density of 1 unit per 3 acres, rather than a 3-acre minimum lot size. Further, base the density calculation on net developable area, rather than gross site acreage – thus excluding wetlands and other un-developable lands from the density calculation.

Steering Committee Recommendation:

1 Strongly Agree **1** Agree **2** Disagree **3** Strongly Disagree

Committee Discussion Highlights:

- Not significantly addressed in the Committee’s discussions
- Density could be determined as in all other zoning districts, with a maximum of 35% non developable land included in gross site acreage.
- Suggestion to subtract roadways from developable land consideration.
- Concern that this provision appears to restrict landowners.

Public Input from Workshops:

- Not addressed in the public presentations or discussions

Additional / Technical Considerations:

- Numerous localities in the Commonwealth have updated their zoning standards to address density, rather than, or in addition to, minimum lot size – this could slightly increase the development potential on some sites, if the area for roadways is not subtracted from the developable land.
- Some sites in wetland or other sensitive areas could have their development potential reduced – this would potentially target the density reductions to locations that are the most environmentally sensitive and would produce the most environmental benefit to the County.
- This provision would address the Rural Land Use Standard in the Comprehensive Plan that suggests that "Particular attention should be given to locating structures and uses outside of sensitive areas..." (p. 135, #1).
- Overall, the number of developable lots in the County may be reduced if sensitive areas are excluded from density calculations.

2.5: Require all rural subdivisions to use Advanced Secondary Treatment for septic systems

Description:

Through changes in the County's subdivision or development standards, introduce new standards that require all new subdivisions that use septic systems in the A-1 and R-8 zones to use Advanced Secondary Treatment. Advanced Secondary Treatment is a form of mechanical pre-treatment, with trade names such as PuraFlo or AdvanTek, which treats the effluent before it goes into a conventional drain-field.

Steering Committee Recommendation:

3 Strongly Agree **1** Agree **2** Disagree **1** Strongly Disagree

Committee Discussion Highlights:

- Recommended by some SC members as a more environmentally sensitive method of on-site wastewater disposal than conventional septic systems
- Among those who disagree, they could support it as an optional incentive instead.
- Recommendation that it would only apply to subdivided property, not existing lots.
- Would provide significant amount of nitrogen removal and help reduce need for public sewer extension in Rural Lands due to environmental concerns.
- Could be offered as an incentive if development plan meets Rural Design Standards.

Public Input from Workshops:

- Not addressed in the public presentations or discussions

Additional / Technical Considerations:

- The County's Health Department Officials are generally supportive of Advanced Secondary Treatment as a wastewater treatment system that has State approval and provides relatively cleaner effluent and fewer drain-field problems over time.
- Advanced Secondary Treatment generally returns no nitrates into the soil, while conventional septic systems can return 60-70% of nitrates from effluent into the soil
- These systems typically add about \$10,000-20,000 per lot to development costs.
- These systems can offer much greater flexibility in locating development since they can often be used with more marginal soils than conventional septic systems; potentially increasing the overall development potential in the rural areas.

3.0 REDUCE THE BY-RIGHT DENSITY FOR LARGE LOTS IN RURAL AREAS

3.1: Increase the minimum lot size for by-right development to 5, 10, 25 acres in the A-1 and R-8 Zones

Description:

Modify the provisions of A-1 and R-8 districts so that the by-right density for conventional large lots is reduced from 3-acre lots to 5, 10 or 25 acres.

Steering Committee Recommendation:

1 Strongly Agree **1** Agree Disagree **5** Strongly Disagree

Committee Discussion Highlights:

- Mixed support, both for some type of (unspecified) density reduction, and for no change to the existing by-right density of one unit per 3 acres
- Some concern expressed that without a reduction in the base density in rural lands, that any potential density bonuses for cluster development would not have enough incentive value to be adopted by landowners
- **Member who strongly agrees suggests two criteria – one for agricultural lands, one for other lands**
- **Concerns that this provision would cause harm to existing landowners.**

Public Input from Workshops:

- Generally strong support from the public to make no changes to the current zoning in the Rural Lands
- Concern that any proposed reductions in the currently allowed density would lower property values

Additional / Technical Considerations:

- Several localities in the Commonwealth have adopted large lot by-right zoning ranging from 20 acres (Northampton County) to 25 acre (Clark County) to 50 acre (Fauquier County), as a method of preserving farmland and rural open space.
- There have been consistent discussions among many rural localities that lot sizes of 2-5 acres do not preserve opportunities for farming or general rural character in an area. These lot sizes have been called “too big to mow and too small to plow.” Therefore, some of these localities have developed much lower base densities, and some have also included density bonuses for cluster development.
- **Any increase to minimum lot size would reduce the number of lots available in rural areas.**
- **Even if the minimum lot size is increased, there may be future development pressure to further subdivide these lots into smaller lots because there are no easements on the land.**
- **If the minimum lot size were set at 20 acres or above, the option would implement one of the preferred development patterns identified in the Comprehensive Plan for rural areas – very low density development (p. 135, #3).**

4.0 ACCOMMODATE CLUSTER DEVELOPMENT

4.1: Permit Cluster Development By-Right in the A-1 and R-8 Zones

Description:

Modify the provisions of A-1 and R-8 districts so that clustered residential development is permitted as a by-right use – the density of one unit per 3 acres would not be changed.

Steering Committee Recommendation:

5 Strongly Agree 2 Agree Disagree Strongly Disagree

Committee Discussion Highlights:

- General support for a voluntary cluster provision
- Discussed concerns over whether incentives would be sufficient to actually bring about a clustered development pattern in the rural areas over time
- Discussed concerns that if incentives were too great, it could significantly accelerate the pace of development of the rural lands
- Incentives that should be included for encouraging cluster development include use of private road standards and expedited review.
- Should be combined with County assistance in laying out development so that the option is easier to use by landowners / developers.

Public Input from Workshops:

- Generally strong support from the public to allow voluntary cluster development in the rural areas
- Discussed as a positive change because it expands rural landowner rights

Additional / Technical Considerations:

- The experience of some counties (in particular Loudoun and Fauquier) has shown that voluntary cluster provisions with limited incentives has not fundamentally changed the course of rural development – some clusters have been built, but they are a small minority of all subdivisions built in those jurisdictions.
- Consultants' analysis of sample cluster development on sites in James City County indicates that cluster development at one unit per three acres does not effectively preserve land for farming – although it can preserve rural open space and view-sheds.
- Incentives such as increasing the number of individual wells on cluster developments could significantly increase the pace of small rural subdivision development in the rural areas – however, it may not be sufficient incentive to encourage large landholdings or assemblages to develop as clusters.
- This modification would potentially minimize curb cuts on local roads and provide opportunities to cluster development away from sensitive natural areas – both Rural Land Use Standards outlined in the Comprehensive Plan.
- Cluster development is identified as a preferred development pattern for rural land in the Comprehensive Plan.

4.2: Permit increased numbers of houses on individual wells as an Incentive for cluster development

Description:

Modify the current zoning/subdivision requirements in the A-1 and R-8 zones to allow up to 20 lots to be built with individual wells (instead of requiring a communal well), if they are developed under a cluster provision (assuming that such a provision be added as a by-right use in these zones).

Steering Committee Recommendation:

1 Strongly Agree **4** Agree **2** Disagree Strongly Disagree

Committee Discussion Highlights:

- Some committee members expressed concern that this incentive would stress the Chickahominy-Piney Point Aquifer, by increasing the number of private wells, which draw water only from this resource.
- General favorable remarks on using this provision as an incentive for cluster development – no recommendations as to the specific number of lots to allow with individual wells.
- Some concern that, as land prices rose, this would become less of an incentive for cluster development, since the costs of installing communal wells would be offset by higher lot prices in general.
- Concern that this would also affect fire suppression in new rural developments – recommendation that new rural developments are **required to have** water features included that could be used for fire suppression on-site
- **Communal wells are more reliable for fire suppression.**

Public Input from Workshops:

- Not specifically addressed as a proposal in the public workshops.
- The existing requirements for communal wells were criticized in the workshops.

Additional / Technical Considerations:

- JCSA officials expressed concern over increasing their management responsibilities if there continue to be more developments with communal wells in the rural areas – they are not cost-effective to operate for JCSA.
- **This may provide additional incentives for clustering which is identified in the Comprehensive Plan as a preferred development pattern for rural areas.**
- **A more typical development incentive for rural clusters in other communities is to allow the use of communal water systems.**

4.3: Permit Off-Site individual septic drain-fields for cluster developments

Description:

Develop a new cluster ordinance for the Rural areas that would permit individual drain-fields to be off-site (within a specified distance from the lot), within a commonly-owned area and covered under an easement to the lot owner.

Steering Committee Recommendation:

2 Strongly Agree **4** Agree Disagree Strongly Disagree **1** No Opinion

Committee Discussion Highlights:

- Committee members expressed support for this provision, based on seeing cluster projects using this provision in Loudoun County.
- Some discussion of County's negative experiences with off-site drain-fields – although this was not in a commonly-owned area but on an adjacent property-owner's lot.

Public Input from Workshops:

- Not specifically addressed as a proposal in the public workshops.

Additional / Technical Considerations:

- JCSA and VDH officials did not specifically express concern over this approach.
- Loudoun County, which allows this provision in their Rural Hamlet ordinance, has said that homeowner education is particularly important in these cases, so that homeowners clearly understand where their septic fields are located.
- **The use of off-site drain-fields may provide more flexibility in cluster design.**
- **Allowing off-site drain-fields may lead to clustering drain-fields on good soils, potentially increasing the development potential of marginal sites.**

4.4: Require Mandatory Cluster development for all Subdivisions in the A-1 and R-8 zones

Description:

Modify the provisions of A-1 and R-8 districts so that clustered residential development is required – the density of one unit per 3 acres would not be changed. The simplest way to establish this provision is to impose a maximum lot size of one acre in these zones and require that the remaining land be placed under a permanent open space easement.

Steering Committee Recommendation:

1 Strongly Agree Agree **3** Disagree **3** Strongly Disagree

Committee Discussion Highlights:

- Generally a lack of support for making clusters mandatory in the rural areas
- Some committee members suggested a combination of mandatory clusters for larger parcels, with voluntary clusters for smaller parcels in the rural area
- Suggestion to allow 8-10 acre lots with no restrictions and allow up to five - 3 acre lots on parcel with individual wells and advanced septic.
- Preference for voluntary clusters for small parcels and larger minimum lot sizes on clusters of 2-2.5 acres.
- Concern that this provision “punishes” existing landowners.

Public Input from Workshops:

- Strong negative reaction to any proposal for mandatory clusters in the workshops

Additional / Technical Considerations:

- The experience of Loudoun County, which has cluster provisions under a 3-acre based density, has shown that clustering development with this density does not preserve the same type of rural landscape that existed previously in the County. While preserving significant open space at their peripheries, the view-sheds are still dominated by suburban-style housing developments
- Consultants’ analysis of sample cluster development on sites in James City County indicates that cluster development at one unit per three acres does not effectively preserve land for farming – although it does preserve rural open space in rural areas, the density generally is inconsistent with preserving rural character over the whole landscape.
- Clark County, which has a de-facto mandatory cluster, uses a two-acre maximum lot size within an overall by-right density of one unit per 25 acres.
- Mandatory clustering would implement one of the preferred development patterns for rural areas as identified in the Comprehensive Plan.
- Clustering would require that open space is permanently maintained.

4.5: Allow Density Bonuses as an incentive for Cluster Development

Description:

Allow Cluster provisions in the A-1 and R-8 zones that would allow a density increase to one unit per two acres if cluster development was used under a Special Use Permit. Alternately, a new zoning district could be created that would allow the one unit-per-2-acre density only if a cluster development pattern was used. Landowners would have to apply for re-zonings to the new zone.

Steering Committee Recommendation:

2 Strongly Agree **4** Agree Disagree **1** Strongly Disagree

Committee Discussion Highlights:

- Intermittent support for using density bonuses as an incentive for cluster development – other suggestions included a more limited incentive of one-unit-per 2.5 acre density.
- Some committee members expressed concern that density bonuses would increase the overall rate of rural subdivision development.
- **Suggestion to consider sliding scale zoning based on parcel size (larger parcels = higher density) as part of cluster ordinance.**

Public Input from Workshops:

- Some public support for using density bonuses as a cluster incentive in the workshops.
- Some members of the public also expressed concern about increasing the rate of rural subdivision development.

Additional / Technical Considerations:

- Consultants' analysis of sample cluster development on sites in James City County indicates that cluster development at one unit per two acres does not preserve sufficient open space to maintain open rural view-sheds and visual character.
- **There would be an increase in the theoretical development potential in rural areas.**
- **The special exception or rezoning process would provide means for the County to potentially mitigate transportation or other impacts of development in rural areas through conditions or development proffers.**

5.0 ENCOURAGE VOLUNTARY LOW-DENSITY DEVELOPMENT

5.1: Incorporate Incentives for Development at Densities of 1 Unit per 10 Acres or Lower

Description:

Use the same set of incentives as those for Cluster Development to encourage landowners to develop at densities of 1 unit per 10 acres or lower. Incentives (see 4.2 and 4.3 above) would include increased number of lots with individual wells, and allowing off-site septic drain-fields. Additional incentives could be to allow low density developments to use a simplified review process, such as being classified as Minor Subdivisions, and to allow private roads and private access easements

Steering Committee Recommendation:

4 Strongly Agree **1** Agree **1** Disagree **1** Strongly Disagree

Committee Discussion Highlights:

- General support for incentives to encourage voluntary low density development
- Briefly discussed as a recommendation that was not consistent with the direction of the Comprehensive Plan for the rural areas
- Discussed concerns over whether incentives would be sufficient to actually bring about a lower density development pattern in the rural areas over time
- Discussed concerns that if incentives were too great, it could significantly accelerate the pace of development of the rural lands
- **Concern from member who felt that 1 du/10 ac. would require long pipe runs for off-site septic drain-fields, making it unworkable.**
- **Concern about large number of individual wells impacting aquifer.**
- **Recommendation that off-site drain-fields are not necessary with large lot sizes.**

Public Input from Workshops:

- Some support for increasing the density in Rural Lands – or for going back to the earlier density provisions, before the County's last rezoning Generally strong support from the public to provide incentives for alternative but voluntary development approaches in the rural areas
- **Some public comments against any increase in density, due to the current or future impacts on traffic, schools, the environment and overall rural quality of life**

Additional / Technical Considerations:

- Private roads and private access easements (e.g. common driveways) could reduce development costs and provide design flexibility – however, they would need common maintenance agreements to be required in order to ensure maintenance over time
- Incentives such as increasing the number of individual wells on lower density developments could significantly increase the pace of rural subdivision development in the rural areas – however, it may not be sufficient incentive to encourage large landholdings or assemblages to develop at lower densities.

6.0 MISCELLANEOUS

6.1: Increase the allowable density in the A-1 and R-8 Zones

Description:

Modify the provisions of A-1 and R-8 districts so that the by-right density for conventional large lots is increased from 1 dwelling unit per 3 acres to 1 dwelling unit per 1 or 2 acres.

Steering Committee Recommendation:

Strongly Agree Agree **3** Disagree **4** Strongly Disagree

Committee Discussion Highlights:

- Not supported by the Steering Committee
- Briefly discussed as a recommendation that was not consistent with the direction of the Comprehensive Plan for the rural areas.
- **Concern that there would be considerable impacts on County services.**

Public Input from Workshops:

- Some support for increasing the density in Rural Lands – or for going back to the earlier density provisions, before the County's last rezoning for rural areas
- Some public comments against any increase in density, due to the current or future impacts on traffic, schools, the environment and overall rural quality of life.

Additional / Technical Considerations:

- The recent development trend in James City County is toward an increasing number of by-right subdivisions in the rural area. Increasing the density of rural zoning could accelerate the pace of rural development overall
- While the study did not look at fiscal, traffic or environmental impacts, it is reasonable to anticipate increased severity of impacts in these areas if densities are increased in the Rural Lands
- **The consultants are not aware of any locality in the State upzoning rural areas unless central utility extensions are planned or available.**
- **This option would not implement the Comprehensive plan goals for rural areas**

6.2: Limited Extensions to the PSA to accommodate Cluster Development

Description:

Consider extending the Primary Service Area into the Rural Lands, and use the extensions as an opportunity to encourage **very** low-density development as a temporary use, and cluster development as a long-term use.

Steering Committee Recommendation:

3 Strongly Agree **1** Agree **1** Disagree **2** Strongly Disagree

Committee Discussion Highlights:

- Supported by some Steering Committee members
- A specific recommendation was made to extend the PSA and allow only low density (5-acre lots) development in those areas until the utilities were constructed
- General recommendation from the Steering Committee that the question of extending the PSA was beyond the scope of this study, and that the County should consider it as a separate issue
- **Suggestion to extend water lines outside PSA without extending PSA itself.**

Public Input from Workshops:

- Some support for extending the PSA into rural areas, although few specifics were discussed as to location or timing
- Some public comments against any increase in development in the rural portion of the County, due to the current or future impacts on traffic, schools, the environment and overall rural quality of life

Additional / Technical Considerations:

- Logical phasing of utility extensions and limiting rezonings until the extensions are made are practices that are generally supported by practice and precedent in the Commonwealth (Henrico County, Virginia Beach, Chesapeake, etc.)
- While the study did not look at fiscal, traffic or environmental impacts, it is reasonable to anticipate increased severity of impacts in these areas if densities are increased in the Rural Lands
- **This option would not be consistent with the Comprehensive Plan policies for rural lands or with citizen concerns expressed during the comprehensive plan process to maintain the rural character of the County.**
- **Utility extensions to serve relatively low density development, even in clusters, may not be cost effective or efficient.**

6.3: Provide Exemptions from Requirements for Various Categories of Development

Description:

For any mandatory (rather than voluntary) provisions, such as mandatory clustering or lowered density, allow for exceptions for categories such as family subdivisions, existing platted 3-conventional lots, and existing parcels under 10-20 acres

Steering Committee Recommendation:

1 Strongly Agree **3** Agree **3** Disagree Strongly Disagree

Committee Discussion Highlights:

- Intermittently discussed by the Committee, relative to certain mandatory provisions, as a way to exempt small property owners and farmers who wanted to pass land on to family members
- Recommendations centered on the relatively low impact that development of small parcels would have on the rural lands (compared to large tracts) and the need to provide relief for the small farmer and rural landowner
- Concern voiced that exceptions could become the rule.
- Feeling that this may need to be a concession in order to implement other, more critical recommendations.
- Recommendation to not make anything mandatory.

Public Input from Workshops:

- Not specifically discussed in the workshops – however, there were numerous comments on the pressing needs of small landowners to use the economic potential of their lands as a supplement for limited incomes

Additional / Technical Considerations:

- Staff has prepared an analysis of the locations and number of small parcels in the County.
- Family subdivision provisions are strictly defined and protected under State Code.
- The may increase the development potential in the Rural Lands
- The County would need to ensure that large parcels are not subdivided into smaller ones as a means of circumventing the County's land use goals.