



**JAMES CITY COUNTY
RESIDENTIAL DEVELOPMENT IN THE RURAL LANDS
CITIZEN COMMENTS ON DRAFT NARRATIVE ORDINANCE**

**RURAL LANDS PUBLIC FORUM
JANUARY 29, 2007**

CITIZEN QUESTION AND COMMENT PERIOD

1.
 - a. Location not near farmers
 - b. $\frac{3}{4}$ acre lots may be difficult for well and septic
 - c. Max build-out showed areas that may never be built
 - d. 12-acre lots will not yield same dollar amount as 3-acre lots
2. Question about build-out figures 7000 down to 4000
3. A suggestion was offered that the cluster option should not be at 1 dwelling unit per four acres due to impacts and the increased attractiveness that the property will be developed.
4.
 - a. What is precluded and allowed on the easement? Hope it doesn't transform into non-rural uses.
 - b. Have sketch of non-residential uses before adopting this
5.
 - a. Property rights are being stepped on to keep areas rural, particularly for large land-owners.
 - b. Net development calculation makes property owners pay the cost.
6.
 - a. PHBA agrees clustering is a good development option/pattern, but there are not enough incentives to do it because of the process involved (by-right vs. SUP)
 - b. Land values are protected well for small guy, but the big land owner will take a big hit (value/use).
 - c. County should hire appraiser to study land values.
 - d. State legislation concern over gross verse net calculations
 - e. Conservation easements will only get tax credits if voluntary. Should keep ability for tax credits and land use value taxations.
7. Going in socialist direction-almost immoral not looking out for poor people and long-time residents.
8. What effect does this ordinance have on properties less than 25 acres? Smaller property owners are taxed higher per acre than larger property owners.
9. AFDs allow reduced taxes, but have roll-back provisions

10. Examine meat of proposals. Why include R-8? Setbacks may be too restrictive. Are the setbacks broken? Look at values do and do a lot more study before acting.
11. No landowners are stepping up to support this. No satisfactory solutions. Don't make clustering mandatory.
12. Changes make it hard for property owners to sell the property, particularly for larger properties (50 acres +). Support cluster, multiuse. Where are lower income residents to go?
13. a. When will the non-residential study happen?
b. Need to be good stewards of the land (water impacts)
14. Think about relationships between Purchase Development Rights Program (PDR) and clusters.
15. Consider timing non-residential changes with residential changes
16. a. Provide proper incentives for cluster option. What is the nature of problem today? Quantify the trend.
b. Should be able to use GIS for determining developable vs. non-developable. Question underpinnings of analysis.
c. What about combining parcels for building community?
d. Alternative land uses.
17. a. How did you determine 7000 dwelling units? Can't develop like the existing standards.
b. What's broken? Cluster needs to be fixed.
18. Are County folks going to do an impact study?
19. a. Think about application of new ordinance cluster on 400-acre property
b. 1 dwelling unit per 4 acres net development plus 60% open space is a 1-2 punch
c. SUP process

COMMENT CARDS

Instructions

Please enter your comments or questions in the provided space below and place cards in the boxes found at the door. You can also submit comments and questions online after the forum at www.jccegov.com/rurallands.

All comments and questions will be forwarded to the Technical Committee for consideration as they work to finalize the narrative ordinance. Also, answers to frequently asked questions will be posted at a later date on the Rural Lands website. Thank you!

Anonymous Comments and Questions

1. Please make a greater effort to stick to the agenda. We only were provided with 60 minutes of public comment and 10+ minutes were taken by the introductions (Residential Development in the Rural Lands).

You needed to move the podium out of the way of the panel for those to the left of the panel as you faced them.

2. We are currently encountering severe impacts on our educational system. WJCC has a reputation for excellence in education. The present rate of growth will impact our system greatly if we don't look at other options for tax revenues. We have a lot of trailers, a 2.7 million dollar deficit in the school budget, and the threat of cuts in staffing at schools. Research shows that teacher/student ratio has a great effect on student learning. We have to take the impact on infrastructure into account when we talk about a rise in population.
3. My understanding is that residential development is a tax loss to the county when applied to the infrastructure. Controlled growth is mandatory. We have to be able to support the growth.

While individual homeowners (landowners) should have the right to sell their property, I think that unmanaged rampant growth is unwarranted. If we ruin our rural character we've lost a true legacy of our area.

4. Taxpayers might prefer to buy the land as opposed to paying for the infrastructure. Developers don't pay the landowner that much for their land-they buy wholesale (low end of assessment). So why can't the County buy up rural lands with tax money? The taxpayers will end up paying one way or other for green space or infrastructure.
5. Protect the "property rights" of the vast majority of James City County residents. Not just the large property owners and developers. Protect the "quality of life" in the community. Don't turn James City County into another Newport News. The majority of "tax payers" will be forced to subsidize the greed for more and more profits by developers and large land owners.
6. It seems that the "prime directive" is "to respect property rights". What about the property rights of the rest of us? Those of us who have recently seen 60% increases in property taxes feel that our "rights" are to subsidize the profit motive of land owners and developers. We need to require new developments to pay the costs associated with increases required for the support infrastructure-roads, water, sewer, schools, etc.

7. There are two main natural resource issues to contend with. This Rural Land proposal only deals with land use. The other main resource is water supply.
 - a. Has anyone done a water supply analysis for the aquifer?
 - b. As the aquifer continues to drop at about 1.5' per year, how long would it take to drain the aquifer? I've already had one well run dry, so, how many more homes will it take before my second will run dry? An aquifer can take as long as 2,00 years to recharge.

Do an aquifer study and make it public.

8. Did these examples account for Chesapeake Bay requirements? Specifically, were resource protection areas placed around wetlands?

Some of the build out scenarios do not seem to accommodate for Chesapeake Bay requirements.

Signed Comments

1. Alex Kuras
112 Pasbehegh Drive
Williamsburg, VA 23185
 - a. It appears that multiple entrances are encouraged in the cluster. Some criteria to limit entrances to significant roads should be included.
 - b. Cluster by right should be considered with proper limitation and reviewed at the Development Review Committee level.
 - c. As pointed out, the large lots may be short changed. Limiting advantages to small parcels may be detrimental to combining acreage for better development and more useful green space.
2. George Thompson
106 Bogey
Williamsburg, VA 23188
 - a. To get ahead of the predictable deluge of variance requests from "large" land owners/developers you should complete the commercial use study before putting this residential plan in effect. Put both plans into effect at same time.
 - b. You should develop an economic study of the cost to tax-payers– roads, schools, fire protection, eventual water need, etc.

3. Mac Mestayer
105 Gilley Dr.
Williamsburg, VA 23188

- a. Landowners and the public are bona-fide stakeholders, but not developers.
- b. I feel that the cluster option allows too many houses per acre. If large developments use the cluster options we will wind up with as many houses as in the current 3-acre minimum lot size requirement. Worse, the cluster option may encourage more development.

4. Mark Carter of PAMAKA LLC
West Point, VA 23181

Option 4- but include the undevelopable acreage in total acreage for purposes of setting number lots for cluster development. Otherwise, all costs fall on the property owner.

5. Pam Moore of PAMAKA LLC
6973 Fox Lane
Gloucester, VA 23061

- a. Regarding water– why decrease rural lot size while greatly increasing density in PSA and in Williamsburg?
- b. Large parcel vs. small and medium to have permitted number lots. More lots allowed on smaller parcels-thus putting entire burden on few large parcels.
- c. To conserve “rural” lands, share the cost, not put it all on few property owners.
- d. Wet land acreage should be included in parcel acreage for purpose of the number of lots in cluster allowed. Once again, property owner pays for everyone.

6. Stephanie Smith
106 Walnut Hills Drive
Williamsburg, VA 23185

Several speakers mentioned conducting an EIS on landowners but an EIS is also necessary for county services. Water availability is a critical issue as is continued development pressures on schools and roads. Controls on growth are absolutely necessary for the viability and livability of this community.

7. Robert Keith
4600 Town Creek Drive
Williamsburg, VA 23188

Undertake the non residential use study now before enacting so that the alternative to residential development can be evaluated and considered before the fact - It may impact the best solution.

ONLINE COMMENTS AND QUESTIONS

1. January 30, 2007

(1) Reference Option 4, Rural Conservation Cluster, consider giving a developer incentives for choosing this option if the parcel is adjacent to existing conservation easements. In this way, the County would ensure more contiguous green space. This would provide better habitat protection since few large animals stay in small pockets of green space. It would also allow a larger grouping of farmland. Larger acreage would make it more attractive to farmers to keep land in productive use. (2) This option #4 should also be compared to the existing PDR ordinance to prevent any conflict in the intent of these two efforts. (3) Conduct the non-residential uses for rural lands ASAP. Additionally, work immediately with the VATEch Extension service to identify some preliminary agri-businesses which could be applicable to our farm lands. Assign a consultant to JCC Economic Development office to look at JCC potential for agri-business opportunities.

2. February 2, 2007

Thank you so much for holding the rural lands public hearing. Do communal wells require permits and if so, is the County likely to get such permits considering the groundwater situation? Is there any way to get the non-developable land identified for rural lands before applications start coming in?

3. February 4, 2007

I am curious as to how many James City County residents are aware that their properties fall under the auspices of an RPA? I have yet to meet a homeowner who even knows what an RPA is. I dare say that this is not representative of open communication any more than the size of this text box facilitates commentary.

4. February 9, 2007

TO: Rural Lands Technical Committee
FROM: James City County Concerned Citizens
SUBJECT: Comments Regarding the Draft Rural Lands Ordinance

There are three major concerns that our Group has: 1) the problem related to withdrawal of groundwater from the Piney-Point Chickahominy and Potomac Middle Aquifers; 2) the need for a study of the potential for non-residential development before action is taken on the draft ordinance; and 3) an economic analysis of the proposed ordinance and its impact on landowners. Decisions on individual wells or communal wells should be made primarily on their anticipated withdrawals from the aquifers. It is far from certain that the County will receive the necessary permits for further withdrawals from either aquifer. We strongly believe that a study of non-residential uses should be initiated immediately, with the use of consultants to lessen the staff workload. There are numerous resources that can be used to complete this study in a timely fashion and sample draft ordinances to cover the topic at completion of the study. As noted in the draft ordinance, most existing Special Use Permit

criteria in R-8 and A-1 relate to non-residential uses. An economic analysis of the impact of the ordinance on landowners in the rural areas, as requested in the public forum, appears to be justifiable. Both the County staff and landowners considering the sale of their lands would be better able to make decisions if the true financial impact of the ordinance were known. We are concerned that nothing in the draft ordinance mentions the Powhatan and Yarmouth Watershed Management Plans and their impact on any proposed rural land residential development. This might be solved by including the words after "Comprehensive Plan" in number 3, page 17 with "and other applicable Plans, including the appropriate Watershed Management Plan". We believe strongly that these need to govern by-right developments. Other possible places to include the words "Watershed Management" might be in number 2 on page 1; number 3 and 4 on page 2 and number 4 on page 8. We are concerned that developable areas include contiguous areas of 5000 square feet or greater with slopes exceeding 25 percent gradient (page 4, second full paragraph, and number 3 on page 14). Slopes greater than 25 percent gradient should not be developable with or without a 5000 contiguous area. As is true in many County ordinances, we believe that far too many exemptions and variances are permitted. Ordinances should be binding and it should be rare that any variance or exemption is granted, particularly when they increase even the slightest possibility of negative environmental impact. We believe the County's GIS should be used to identify precisely the non-developable land throughout the County, not just in rural areas. Where this is not possible now, it should receive priority attention by staff to ensure that any land proposed for development takes into account the land first and then what can be done with it. Net-developable land should be the basis for any subdivision application in the County. We are pleased with the Standards to Determine Conservation Area on page 14, but would like to see the secondary features become part of the primary features. A grammatical note on number 2.b on page 15. "by the caretaker and (his or her) immediate family" not "their". We are very pleased with the 60% open space in the Rural Cluster Development Option and strongly recommend that the Base Density Cluster Development Option be increased significantly above 30% open space. In general, many with whom we have discussed the draft ordinance are confused with the three options. Possibly, the description of each could be more clearly stated.

5. February 22, 2007

At Monday's Forum, one of the public commenters had a great idea: to study non-residential uses before installing a new ordinance for residential uses. Both uses affect one another and you will know how to better amend residential ordinance after having studied non-residential. Also, since non-residential changes may mitigate the economic disadvantages to large landowners of residential changes, these landowners may become more accepting of the changes when viewed in the totality.

6. February 22, 2007

I am the owner of 65 acres in James City County rural lands. This property has been in my family for four generations and today is a working farm and homestead for me and my family. Simply put, I do not agree with the premise that gives rise to the recommendations of your committee. I did not hear anything at the last meeting that would support your premise that the county needs to change its current development requirements for our/JCC rural lands. While I should stop there, I would add that it seems absolutely amazing to me that no economic impact study on property owners (such as me) would have been done. Also, to say that you have not studied and proposed any non-residential uses of the land for our consideration at this time goes to my belief that you are not truly considering the landowners economic interests. In 1990 (approx), when the last significant changes were made to the development requirements of our rural lands, I watched our family suffer a 67% reduction in its most valuable asset. While a tough pill to swallow, we did so.... and have not looked back. But to go through this again seventeen years later, and face what amounts to an ADDITIONAL 40% reduction in our property, I have to look back. I realize full well that your responsibilities are to the betterment (in your judgment) of JCC and not to individual landowners, so we will have a difficult time resolving this to everyone's satisfaction. However, I intend to do everything in my power to keep your current recommendations from becoming statute unless someone can tell me why it makes economic interest to do so (which includes understanding the impact on me and offering alternatives to the erosion of economic value that will occur. To my knowledge, not one member of the committee has landholdings in JCC rural lands of 65 acres or more, so I will never be able to take your recommendations seriously...you simply aren't affected the way me and my future generations are. Thanks