

A SPECIAL WORKSESSION OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE FOURTEENTH DAY OF SEPTEMBER, TWO-THOUSAND AND NINE, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER WORKSESSION ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Planning Commissioners

Present:

Jack Fraley  
George Billups  
Reese Peck  
Chris Henderson  
Rich Krapf  
Joe Poole, III  
Deborah Kratter

Staff Present:

Allen Murphy, Director of Planning/Assistant  
Development Manager  
Tammy Rosario, Principal Planner  
Steven Hicks, Manager of Development Management  
Kate Sipes, Senior Planner  
Ellen Cook, Senior Planner II  
Jason Purse, Senior Planner  
Sarah Propst, Planner  
Leanne Reidenbach, Senior Planner  
Brian Elmore, Development Management Assistant  
Jim Kennedy, Board of Supervisors

Mr. Rich Krapf called the meeting to order at 4:00 pm. He said the day's agenda would be based on exception comments submitted by Planning Commission members.

2. MINUTES

a. August 6, 2009

Ms. Deborah Kratter stated that on page two, the term 'located' should be replaced with the term 'incorporated.'

Mr. Joe Poole moved to approve the minutes as amended, with a second from Mr. Chris Henderson.

In a unanimous voice vote, the minutes were approved (7-0).

b. August 12, 2009

Mr. Reese Peck stated that on page two, the County should not use a separate set of review criteria for analysis for outside the Primary Service Area (PSA). On page 3, the Comprehensive Plan allows for lower bus service standards outside the PSA. On page 6, it should state that the Service Authority requires community wells instead of the comments on letting developers take the lead on development. On page 11, "though" should be changed to "tough."

Ms. Kratter moved to approve the minutes as amended, with a second from Mr. Henderson.

In a unanimous voice vote, the minutes were approved (7-0).

c. August 19 , 2009

Ms. Kratter moved to approve the minutes, with a second from Mr. Henderson.

In a unanimous voice vote, the minutes were approved (7-0).

## 2. COMMENT RESPONSES

Mr. Krapf stated that Mr. Jack Fraley wanted to discuss implications of population numbers under Demographics.

Mr. Fraley stated that he could find no written statement in the Comprehensive Plan that discussed the implication of population numbers. He said various parts of the Comprehensive Plan can affect population numbers after adoption. A written statement in the Comprehensive Plan should discuss the impact of those numbers. The document should address the implications of population on public facilities and tax rates, although those implications may be a Board of Supervisors matter. An envisioned population range may be suitable for the Comprehensive Plan, as well as commissioning a study to determine the County's maximum sustainable population. He is uncomfortable with including the population projection numbers in the Comprehensive Plan without the Commission considering them further, and including the implications of the numbers in the Plan.

Mr. Krapf stated that Mr. Fraley referenced three points in time and three numbers, ranging up to approximately 189,000. He said the numbers simply reflected where the County was going, without further discussion or drawing conclusions about implications.

Mr. Fraley stated the Commission should not have conducted a build-out analysis if it is unprepared to discuss the results in the plan. He said the analysis is a waste of money if not summarized.

Mr. Krapf stated that the build-out analysis was developed on an assumption that no other actions would be taken to change the pace of growth, and that many variables could change over time, thus affecting the population numbers actually reached.

Mr. Fraley stated the build-out analysis represents the County's blueprint and vision for the future. He said if the County does not want to analyze the build out numbers in full, it can alternatively discuss the number directionally, illustrating that other parts of the Comprehensive Plan can impact build-out. The summary can either be a paragraph in the Executive Summary, an action item for further study, or a lengthy assessment of various impacts. The build-out number is not just an academic exercise, as evidenced by an upcoming County representatives visit to Albemarle County to discuss that County's study.

Ms. Tammy Rosario asked how much emphasis the County wants to place on population projections. Staff had spent significant time researching build-out scenarios and projecting historical population trends. One of the assumptions included in Staff research was the continuation of existing rural lands policies, which was subsequently changed by the Steering Committee, which illustrates that the projection numbers are very fluid and should not be thought of as 'hard and fast' numbers. Staff research did not account for future policy changes as the specifics are inherently unknown. In addition, there are a number of 'moving parts' and variables that affect the build-out numbers. For the current Comprehensive Plan revision, the County paid consultants to prepare for build-out scenario numbers to assess future population impacts on Transportation. Further research into adequate public facilities that would serve a projected build-out population, or detailed analysis of the potential changes in the County's tax base would require additional time and money. Charlottesville and Albemarle had not made the build-out study referenced by Mr. Fraley an official part of their Comprehensive Plans – they were helping to fund a private study that was initiated and largely paid for by a local citizen's group. Future growth will be dealt with much like today's population, with the County having to determine which land use tools it will use, what growth management tools does it wishes to add, and how strictly each of the tools should be used.

Ms. Kratter stated that without growth scenarios, the County does not know how to apply its Land Use tools for new developments or zoning changes. Although it may be too late to fully analyze build-out numbers, a goal, strategy, or action could further the study. There may be private groups willing to perform the analysis. The analysis should not be overlooked due to it being difficult. A goal should be created to develop tools, or report the feasibility to develop tools, for population assessment. Assessing the build-out numbers would make the Comprehensive Plan more meaningful.

Mr. Peck stated that the population numbers are causing citizen angst. He said people want to know how the County is managing those numbers. Whether the County or private group performs the analysis, the community does not want to lose its unique historical identity.

Mr. Krapf stated there are a number of growth management tools in the Comprehensive Plan. He asked what sustainable population number would maintain the current quality of life. He wondered if determining a sustainable population number might be easier than analyzing a survey of worst-case scenarios.

Mr. Henderson stated the choices made today will define the ideal population and quality of life in the future. He said not having a value statement about preserving quality of life defeats the purpose of Comprehensive Planning. Without values, the County reviews zoning applications without considering long-term impacts. A sustainable population can be identified through environmental sustainability, through traffic service levels, and through the adequacy of public facilities.

Mr. Poole stated that although he appreciated the predictability of a build-out analysis, he would not support a building cap. He said he has seen quality of life degrade through individual cases, and is hesitant to initiate any policy that may reduce quality of life long-term or cause

unintended growth. Setting a population target may actually serve to speed up growth to meet that cap, rather than curbing growth.

Mr. George Billups stated that different demographic groups are moving into the County. He asked what control the County has over people moving here. There are budget, transportation, and school impacts from the new arrivals, including English as Secondary Language teachers. Some churches want population numbers to help plan services for the influx. There are current community impacts that could be addressed by the Comprehensive Plan, instead of planning into the future.

Mr. Krapf stated that Albemarle County's citizens' group had spent over \$100,000 on its study and had not produced many tangible action items. He said he is concerned over the studies due to a large number of variables in growth projections. Population projections could be tied into the survey results to show how the Comprehensive Plan addresses those concerns.

Mr. Fraley stated that he does not support a population cap. He said he did not want to dwell on past Comprehensive Plan mistakes. The current Comprehensive Plan has a vision unseen in previous Comprehensive Plans. The build-out analysis has already been used for the Transportation section. If the analysis has relevance, it should be expanded. The strategies to address the growth are not being brought together in a summary.

Mr. Henderson stated that having a population target, instead of a cap, sets a vision for the community as it reaches build-out. Based upon that vision, the County will list those tools it needs to preserve quality of life. A target number would provide citizens reassurance regarding the direction of the community. Plan readers would understand how the County plans to meet its vision through value statements.

Mr. Peck stated that the Demographics section should be expanded. He said other localities explore turnover rates in their demographics sections. Services needed may partially depend on immigrant demographics. The County needs to understand the natural growth forces it will eventually try to influence. The entire purpose of a plan is to establish values and policies to preserve those values. The Comprehensive Plan as a whole, trying to be all things to all people, has little focus. The County dodges growth questions, but the community is at a stage where it wants questions answered. The County should determine how to meet its targets after adoption of the Comprehensive Plan.

Ms. Kratter stated that she was concerned that a cap or target would encourage short-term growth. She said that short-term growth could outpace existing public facilities, and that the County should not permit developments that exceed resources in an area. She would support an action item for a build-out analysis.

Mr. Steven Hicks stated that the County has a sense of the build-out population. He said that although the County is growing faster than many other localities, he is cautious about setting a target. Staff would be required to manage a target number that may be unwanted.

Ms. Rosario summarized what the Commission would like in a staff discussion of various

population numbers. Public facilities impacts could be highlighted and related to quality of life measurements. Staff has enumerated growth techniques through-out the Comprehensive Plan.

Mr. Fraley stated he did not want build-out population numbers in the Demographics section. He said he sees the build-out analysis paragraph in the Executive Summary, as with a section discussing growth management tools in the Comprehensive Plan. While he would support a new action item, he would be okay with just an expanded discussion in the Executive Summary.

Mr. Allen Murphy stated that listing the impacts that might be associated with the current population estimates could be included in the Comprehensive Plan. He said the population projections will change after factoring different quality of life thresholds and policy changes proposed by the plan. Assessments should begin after implementation of the first five years of initiatives.

Mr. Poole stated there are philosophical differences between those who see the plan as a clear-cut template and those who see it as a guideline. He said the Commission, as an advisory group, will have to make intentional decisions on population growth and changing uses. He said he was comfortable with placing an analysis in the Executive Summary.

Mr. Krapf summarized that the group was okay with analysis paragraph in the Executive Summary.

Ms. Kratter stated that text related to controlling growth in the Land Use section of the Comprehensive Plan does not address citizen concerns about too much and too rapid growth. She said the Commission needs an understanding of the County's growth plans in order to make informed case decisions. The County acknowledges citizens are concerned about growth, but has not taken steps to address the issue. The Executive Summary should recognize that citizens want controlled growth and acknowledge that the County will act to slow growth.

Mr. Poole agreed that the County's effort to address growth should be included in the Executive Summary.

Mr. Krapf stated that the emotional tone of growth-slowing language in the Executive Summary is inappropriate for the Comprehensive Plan.

Mr. Billups stated that the emotions should not be taken out of a people-centered document like the Comprehensive Plan.

Mr. Peck stated that citizens want the County to make choices to further the value statements expressed in the Executive Summary. "What are you going to do about growth?" is the primary citizen concern.

Mr. Henderson stated that he could not reconcile the emotional statements being suggested with wanting to put a build-out number in the Executive Summary.

Ms. Rosario stated that the County has been a growth management leader in the State. She said that staff has proposed questions and options for growth management, including land use cases, densities, and development type choices. Staff has listened to Steering Committee and Commission voices and attempted to make changes. Growth management is limited by State Code and by the will of the citizens and decision makers.

Mr. Kratter stated that the citizens' will was expressed but unheard by the County. She said that the Comprehensive Plan process should include acting on citizen commentary. She stated that the Comprehensive Plan should express citizen wants. She said 83% of survey respondents felt that the County was being developed too fast. That number reflects the citizens' impressions that the County is not doing enough to moderate the pace of growth. The Comprehensive Plan does not provide a clear direction in relation to the 83% of the community that wish to slow growth.

Ms. Rosario asked if the lack of direction resulted from Staff-presented material or document organization from the Steering Committee's and Planning Commission's choices.

Ms. Kratter stated the presentation of material has not been bold enough in stating the Comprehensive Plan's contents.

Mr. Murphy stated that there are numerous quality of life issues addressed by the Comprehensive Plan that go beyond the scope of previous plans. He said in the past thirty years, the County has tripled its population while remaining a prime living, working, and shopping destination, reflecting the County's fine management of growth that has occurred to date. The County's challenge is to remain vigilant regarding quality-of-life issues. Concerns about growth are often related to concerns about impacts to quality-of-life. He concluded that if impacts have not been stated well enough in the Comprehensive Plan, they could be added.

Mr. Fraley stated that bringing the Comprehensive Plan forward in a focused manner could be accomplished with revisions to the Executive Summary. He said that a section in the Executive Summary should reflect growth management. As long as the Summary is a quality document, the Commission should not worry about its length. Citizens are also concerned about the lack of economic development or commercial growth. Economic development initiatives should pursue high quality, wage-earning, and revenue generating companies and be well diversified. Residential growth will happen so smart and sustainable growth principles must be promoted.

Mr. Peck stated that there were problems with the Comprehensive Plan presentation, rather than the process. The process has been inclusive, but the Commission must make hard decisions and focus the data brought forward by staff.

Ms. Kratter stated there were many good ideas in the Comprehensive Plan, but a concise statement of goals was still required. She said that growth is not inevitable.

Ms. Rosario stated that growth management considerations are discussed extensively in the Land Use section.

Ms. Ellen Cook stated that the growth management section could be brought to the beginning of the Land Use section, after the Introduction and Citizen Commentary.

Mr. Fraley stated that the growth management discussion should be included in the Executive Summary, since it will be read by the most people. Growth, as the main citizen concern over two Comprehensive Plans, should be highlighted in the Summary.

Ms. Leanne Reidenbach stated that staff reviewed the Executive Summary in an attempt to highlight growth management. Eight top citizen concerns from the Citizens' Participation Team (CPT) all incorporated growth strategies. The Impacts of Growth section, the top citizen concern, addresses citizen comments and Comprehensive Plan strategies that reflected responses to their commentary. Under responses to top citizen concerns, the language has been reworked to show growth management as the primary concern of the Comprehensive Plan as a whole. The policies of one section influence the development of other Comprehensive Plan sections. At the conclusion of citizen concerns and responses, a new paragraph further ties growth management through all citizen concerns into growth management strategies already present in the document. These updates tie the CPT's analysis of citizen comments into the draft Comprehensive Plan.

Mr. Fraley stated that the hot topics sections were still spread throughout the entire Comprehensive Plan. He emphasized that having growth management in a single Executive Summary paragraph would allow the Commission to refine the entire Comprehensive Plan and bring the sections together in one place.

Mr. Peck stated that growth management solutions can only be found midway through the existing Comprehensive Plan. In the Executive Summary, he said too much time is spent on process and the CPT hot topics instead of enumerating growth solutions. He said the Summary should illustrate the problems the County faces and present a picture of what the County looks like now and how it has changed since 2003. He said the development of New Town is an example of the County's rapid growth. There should also be illustrations of where future growth is likely to occur.

Ms. Kratter stated that controlling growth should be an upfront recognition in the Executive Summary. She said it should be clear that the Commission hears 83% of survey respondents. She noted the lack of vision and growth management in her first reading of the Comprehensive Plan. She said she is personally willing to rework the Summary language.

Mr. Fraley stated that staff should try reworking the growth management section of the Executive Summary and then bring it before the entire Commission on September 30th. The growth management strategies are already contained within the Comprehensive Plan.

Mr. Henderson stated that rather than controlling growth, the Executive Summary should discuss achieving the vision. He said growth should be encouraged in some areas and discouraged in other areas. Growth should be representative of the County's value statements.

Mr. Fraley stated that growth will occur, but should be smart and sustainable, including higher densities inside the PSA.

Mr. Murphy stated that staff was being asked to write a document with two different tones, and requested additional clarification from the Commission.

Ms. Kratter stated her emphasis was working from citizen commentary. She said citizens do not want another development boom similar to the past few years. Citizens have asked the County for controlled growth, not smart or sustainable growth. Deliberate restricted growth would be more acceptable to the citizens.

Mr. Fraley stated he did not see how the County can restrict growth. He said promoting smart and safe growth was the Comprehensive Plan vision statement.

Mr. Krapf suggested that Staff should rework the existing responses to citizen concerns into a two page growth management document, including growth concerns and management strategies in the Comprehensive Plan.

Mr. Billups stated the Comprehensive Plan must have controls to ensure any vision of the future County. Thousands of new units have been approved but not built. He asked if growth management begins after the construction of those new units. There will always be development pressures beyond the County's control. Tourism is also beyond the County's control, as well as future military realignments. He asked which practical decisions would control growth, and if the Commission is in a position to make those types of decisions. Public comments do not always reflect the development process.

Mr. Peck stated a vision is needed to establish regulations and controls. He said there are costs for every restriction, including compliance or depreciation. It is appropriate for the Commission to have a vision and recognize areas where additional restrictions are needed. A context is needed for restrictions.

Mr. Fraley stated the Comprehensive Plan sets the tone for a Zoning Ordinance review and rewrite. Growth can and will occur by-right under the ordinance.

Mr. Krapf stated staff has agreed to draft two pages in the Executive Summary addressing citizen concerns about growth and growth management plans.

Mr. Peck stated residential growth versus economic development growth should be addressed in the Executive Summary.

Mr. Fraley stated the two-page summary should replace the eight Hot Topics spread throughout the plan.

Mr. Krapf stated that dismissing the eight Hot Topics would override citizen comments from the CPT.

Mr. Poole stated both approaches can be used for reinforcement.

Mr. Peck stated that the Executive Summary can reference the Hot Topics within the document.

Mr. Henderson stated that sustainability should not be segregated within the Comprehensive Plan. Sustainability should be a subsection for each Hot Topic.

Ms. Kratter stated the first section should discuss the purpose of the Comprehensive Plan, then vision, then growth management, citizen concerns on growth, and illustrating growth management tools throughout the plan, before finally moving into sustainability.

Mr. Peck stated that the issue should be framed by mentioning the growth that has occurred in the County since the previous Comprehensive Plan. The Executive Summary should assure citizens that the County is aware of their concerns over rapid growth and is taking appropriate actions.

Mr. Hicks stated that County improvements and accomplishments should be in the Executive Summary, along with challenges. He said the County is in part a victim of its own success by being such an attractive community, and that the Comprehensive Plan should not simply be a listing of every County shortcoming, but should also include many successes as well.

Mr. Fraley agreed that the Executive Summary should not come across as negative. He said it is not fair for the Commission to try and keep others out. Challenges should be addressed in ways that positively engage citizens.

Mr. Peck stated that mentioning the use of the PSA as a growth management tool, new schools, and community character corridors were positives for the Executive Summary.

Moving on to the next agenda item, Ms. Kratter stated that the wording 'consider' for the cumulative impact policies should be changed to something like 'report on feasibility,' in order to state concrete reasons why actions can or cannot be taken in the future.

Ms. Rosario stated staff can make that change.

Mr. Fraley stated that he amended the Executive Summary's language to include an emphasis on monitoring the progress of implementing the Comprehensive Plan, replacing the last page. He said there was support among the Commission members for monitoring the Comprehensive Plan, and that Staff has had positive reception to the idea of an annual report from the Commission. He proposed the last page of the Executive Summary be changed to "Implementing and Monitoring the Comprehensive Plan." He asked the Commission to evaluate the proposed language.

Mr. Krapf stated that in the third paragraph of "Implementing and Monitoring the Comprehensive Plan," where the language discusses revised or deleted actions, the changes

described would qualify as amendments to the process.

Mr. Fraley stated that the revisions or deletions would be based on Board directives to remove something from the Comprehensive Plan. He asked staff to carefully review and assess the new language and include what they felt to be accurate in the Executive Summary.

Mr. Fraley stated that on page 4, the word 'vital' should be replaced by 'vibrant.' He said that Staff had previously accepted this wording change.

Mr. Fraley stated that at the previous meeting, four of the six Commissioners present supported the Comprehensive Plan having an amendment process. He wrote language proposing a framework for that process. He said there are three scenarios under which the Comprehensive Plan could be amended, and that no amendments would be accepted during the first year. The proposal discusses what type of amendments can be accepted, and who can bring them forward. The Board can ask for amendments at any time. Amendments should "promote health, safety, and general welfare of the County" and be "consistent with stated goals of the Comprehensive Plan" and "consistent with future Land Use elements." There are multiple proposals for Land Use change amendments. Amendments would be an annual process where applicants pay fees and work with Planning Staff. Staff would then prepare and present reports for the Commission, which would recommend approvals or denials to the Board.

Mr. Krapf stated he was against the amendment process. He said the amendment process adds clutter to an already huge agenda of action items and detracts from their implementation. The Comprehensive Plan is a general guideline and annual amendments would be cumbersome. A five-year review updates the document without bogging down Staff and the Commission.

Mr. Poole stated he had not studied the amendment process in detail, and that the subject should be discussed at a future meeting. He said a five-year amendment process saves the County from possible political whims or knee-jerk reactions that a one-year amendment process could create. The Comprehensive Plan is more of a strategic guide than a specifically prescribing document.

Mr. Krapf stated that the amendment process will be discussed at the September 30<sup>th</sup> special public hearing.

Mr. Billups stated that he was more interested in the right to amend the Comprehensive Plan than actually amending the document. He said most of the pressure for amendments will come from outside forces and the County may be required to comply. All amendments to the Comprehensive Plan should require justification.

Ms. Kratter stated that although she believes the Comprehensive Plan should not be amended on a yearly basis, if the majority of the Commission members elect to have annual amendments, she would support a narrow approach to the amendment process, such as in cases of changing regulatory requirements at the State or Federal level, or Board-approved studies. Minor errors will be dealt with as the Comprehensive Plan is implemented or updated every five years.

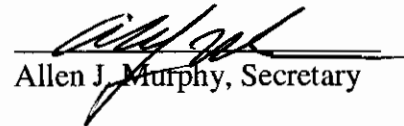
Mr. Peck stated that yearly amendments should be on an exception-only basis. He said language could accidentally be included in the Comprehensive Plan that was in direct violation of County standards. A yearly process would allow Board studies to be included in the Comprehensive Plan. The flexibility to allow annual amendments decreases long-term work by preventing items from piling up.

Mr. Henderson stated that he supported the most open amendment process available. He said he would support even fewer restrictions for the amendment process.

4. ADJOURNMENT

Mr. Krapf continued the meeting until 6:30 p.m. on September 30, 2009 for the Planning Commission special public hearing.

  
Rich Krapf, Chairman

  
Allen J. Murphy, Secretary