

WORKSESSION MINUTES

September 28, 2006

5:00 p.m.

PLANNING COMMISSION:

Wayne Hite, Chairman
James Curd, Vice-Chairman
Steve Bridge
Thomas Byerly
Kitra Shiflett
Joe Shomo

BOARD OF SUPERVISORS:

Wendell Coleman, Chairman
Nancy Sorrells, Vice Chairman
David Beyeler
Kay Frye
Larry Howdyshell

STEERING COMMITTEE:

Charles Huffman, Chairman
Virginia Carter
Mark Gatewood
Ian Heatwole
Jeanne Hoffman
Steve Klein
Kitra Shiflett
Don Vreuls

STAFF:

Patrick Coffield, County Administrator
Steve Rosenberg, County Attorney
Dale Cobb, Director
Becky Earhart, Senior Planner
Jeremy Sharp, Associate Planner

CONSULTANTS:

Vlad Gavrilovic
Chris Sinclair
Jason Espie
Jared Ulmer
Milton Herd
David Hirschman

Wendell Coleman, Chairman of the Board of Supervisors called the worksession to order and indicated that the purpose of the meeting was to gain consensus on the vision for the Comprehensive Plan as we move toward the completion of the planning effort. He then turned the meeting over to Vlad Gavrilovic with the consulting team to run the meeting.

Mr. Gavrilovic reviewed with the group the planned agenda for the worksession and encouraged active participation in the meeting. He turned the meeting over to Milton Herd for work on confirming the vision of the plan.

Mr. Herd pointed out that during the meeting on September 13th the group affirmed the intention and vision of the 1994 plan as still being valid, although there were specific concerns raised for each area. The group agreed that growth should be context sensitive, pedestrian oriented, have design standards, and should protect natural resources. The concerns identified were with how to achieve the goals, what to do at the edges of the policy areas, and what might happen if the population growth exceeds the estimates. He indicated that the point of this part of the meeting was to go through and affirm the topics that the consulting team thought there was broad consensus on and highlight any refinements or concerns they heard. For some of the concerns, the consulting team is suggesting a proposed resolution for consideration by the group.

Mr. Herd moved on to the Urban Service Areas. He said that the group had confirmed that these areas would be the primary focus for new growth in the County. There was general agreement on the density/intensity objectives with some need for flexibility. In addition, there was support for transportation principles such as a distributed network, connected roads, and pedestrian opportunities. He identified areas of concern including an emphasis on improving quality of design of new development and on the big "How do we get there" question of implementation. He also identified a concern over natural resource impacts/conservation easements in the Urban Service Areas. He suggested a possible resolution that conservation easements be allowed for parks and natural resource functions, but not farmland or forest.

Mrs. Sorrells expressed concern over that resolution. She stated that the Virginia Outdoors Foundation will not accept easements that are not compatible with the County's Comprehensive Plan.

Mr. Herd suggested that in Urban Service Areas you may not want to preserve large areas for open space, but it may be appropriate for stream buffers.

Mr. Coleman stated that he thought it was an area that needed more discussion, but he didn't support tying up land in Urban Service Areas in easements.

Mr. Herd said the Board could look at these on a case by case basis, but not have a blanket policy of encouraging easements in development areas.

Mrs. Sorrells reiterated her desire to give the Board the flexibility to make decisions.

Mr. Herd suggested that the County be clear about the expectations and the language suggested be operational for now.

The group agreed with the areas of broad consensus, the refinements as presented and the suggested resolution to the concern.

Mr. Herd moved on to Community Development Areas. He stated there was general support for clustering as a development approach in these areas, with some concerns. The group recognized the need for a stronger set of 'carrots' (incentives) and 'sticks' (regulations) for a cluster approach to development. Additionally, any new development should also be context-sensitive, have quality design standards and have a pedestrian orientation. These areas are mainly served by only central water. He identified the concerns as an emphasis on groundwater protection, adequate supply, and maintenance of septic/alternative septic and concerns about implementation and process (rezoning, subdivision ordinance, incentives, property rights, market demand, etc.)

The group agreed with the areas of broad consensus and the refinements as presented.

Mr. Herd introduced the Rural Conservation Areas for discussion. He stated there was general support for protecting the rural character of these "edge" areas, limiting development, and providing no public services. In addition, there was general support to encourage productive use of land and "low-key" agricultural uses and for refining and encouraging the use of conservation easements and PDR/TDR programs. He indicated those areas of concern included that clustering is perhaps less realistic in these areas due to septic and groundwater concerns and perhaps a hybrid cluster might be considered. He also indicated there were concerns about density – 5-10 acre densities are not efficient, encourage sprawl, and fragment the Rural Conservation Areas. In regards to the concern that 16% of new development occurs here and how to re-direct that development, he suggested using carrots and sticks in implementation to encourage cluster, and focus on incremental additions to existing settlements.

Ian Heatwole stated that he would rather see carrots and sticks be used as a tool to force development back to the Urban Service and Community Development Areas. He stated that there should be a particular emphasis on incremental additions to the development areas.

Mr. Herd moved on to Agricultural Conservation Areas. He stated there was broad consensus for general support for protecting the agricultural heritage of the County, limiting development, and not providing public services in these areas. There was general agreement that clustering is not encouraged and support for conservation easements, PDR/TDR programs, buffering, incentives, and ag/forestal districts. He acknowledged the concerns regarding farmers and families who need division rights. He recommended a proposed resolution to retain, but tighten, the minor subdivision provisions. He affirmed the concern that prime agricultural land is often prime developable land, that the minimum lot size

for this area needs re-evaluation, and concerns about redirecting the amount of development that is occurring in these areas – currently 16% of new development occurs here. He stated that with a 1 acre minimum lot size, you can end up with a more suburban density feel than what is desired. He suggested a proposed resolution as striving for any new residential development to be minor division lots, or subdivisions at 1 unit per 10 acres overall density.

Ms. Hoffman expressed her belief that we are trying to get away from ten acre tracts.

Mrs. Shiflett stated that the development is being done through the Minor Subdivision Ordinance process, not through rezonings, so the County isn't getting what it wants. She stated that the County needs to do something more. Part of the problem, she added, is the roughly 10,000 agricultural lots that have already been created.

Mr. Beyeler stated that those lots were created by farmers who wanted to create lots while they still could.

Mr. Herd suggested that having a lower allowable density per parcel might be considered, where each house takes up more land. Currently, the County is experiencing "death by 1000 cuts". Conservation easements and purchase of development rights programs take a lot of money. He suggested that the County build on what they have.

Mrs. Shiflett stated that ag/forestal districts have been helpful.

Mr. Herd stated that what the consultant team heard is you want small lots, but want to slow down their creation.

Mr. Coleman added that what he is hearing from developers is that it is a case of supply and demand. We won't rezone in the urban areas because there is a lack of infrastructure, so we are pushing it out to the agricultural areas.

Mr. Herd concurred that it will take the leadership's commitment to development in the Urban Service Areas, but that it will also take efforts to discourage the rural development and as yet he hasn't heard the political will to do that.

Mrs. Frye stated that where the County is getting the scattered development is in the agricultural areas and we make that process far too easy. She further stated, however, that she doesn't see the County downzoning, so the minor subdivision process needs to be tightened up.

Mr. Herd stated that is why they focused on their suggestion to tighten up the minor subdivision process.

Mr. Heatwole asked if we are going with a 1 in 10 overall density, don't we want to have clusters?

Mr. Herd replied that 1 in 10 may not be working, that it may be obsolete.

Mr. Coleman stated the key was the need to tighten things up versus individual property rights. Where is the balance? That is the dilemma. He asked the consulting team for their recommendations.

Mr. Hirschman suggested phasing of the lot creation. He stated that doesn't affect the number, but the rate at which the development occurs. He stated that it can slow development down but not change the character of the land. He stated they are doing that in Madison County and it is similar to what we are doing now.

Mr. Herd stated that they will try to refine these policies and add new ideas for consideration.

Mr. Herd moved on to the General Assumptions of the Plan. He began with a discussion of the growth targets and suggested:

URBAN SERVICE: 60%-70% of Growth in the next 20 years
Proposed upgraded target in light of concerns expressed: 80%
COMMUNITY DEVELOPMENT: 20% of Growth in the next 20 years
Proposed upgraded target in light of concerns expressed: 10%
RURAL CONSERVATION: 10% of Growth in the next 20 years
Proposed upgraded target in light of concerns expressed: 5%
AG CONSERVATION: Less than 10% of Growth in the next 20 years
Proposed upgraded target in light of concerns expressed: 5%

Mr. Herd suggested that in order for the County's goals to succeed, that 80% in the Urban Service Areas may be conservative.

Mr. Coleman stated he needed to see the implementation strategy on how we are going to get there before he agrees to the targets.

Mr. Beyeler said the goals are too bold. He suggested that the 5% in Agriculture Conservation Areas may be acceptable, but the Rural Conservation Area percentage needs to be bumped up.

Mrs. Shiflett stated that in order to evaluate the goals, you need to see the proposed Policy Area Map.

Mr. Herd summed the discussion up by saying that there was no consensus on the growth targets for right now, but it needed to be revisited later in the process.

Mr. Herd brought other issues up to the group. He stated there was concern about specific boundaries and how often Policy Area boundaries are reviewed and redrawn. He indicated that the Planning Commission and BOS will review and refine the Steering Committee recommendations on the initial boundaries as needed in the update process. He re-affirmed the existing plan policy of an annual review of the plan, including consideration of private sector petitions on annual basis. (The BOS always has the option of initiating or considering special requests at any time).

Mrs. Sorrells indicated she wanted more details as part of the annual review.

Mr. Herd replied that the plan could call for more details to be added to the review process.

Mr. Herd brought up the issue of whether or not to include Potential Urban Service and Potential Community Development Areas. He suggested in order to provide greater clarity and predictability the County should eliminate the "Potential" areas and include them within the most appropriate Policy Area, based on a realistic assessment of the prospect of future utility service. He noted that in the current draft many Potential USAs are subsumed into the Urban Service Areas, and most Potential CDAs are moved to the Rural Conservation Areas. He suggested that as part of the review each area be studied and a "best call" made as to whether or not there is a realistic expectation that the services will be available.

Mr. Coleman affirmed that this is what his thought was when he heard about it. Potential areas are just dangling now and business people can't make business decisions based on the unknown.

Mr. Herd indicated that predictability is an important aspect of it to property owners. During the annual reviews, you can make adjustments.

Mr. Beyeler said he supported Potential Policy Areas. If a parcel is not located in a Potential Policy Area then you don't know how to develop your land if you are on the edge of the development area. In 10-20 years if that land is developed at too low of a density and you don't have any options. Potential Policy Areas would then be full fledged subdivisions of 5 acre tracts on the edge of development areas.

Mr. Herd stated that you want to make those calls with 20 years as your planning horizon. Potential Policy Areas will come up to development areas. There will be some that will be bumped out and can't be done anyway. He encouraged the County to make realistic calls.

Mr. Beyeler stated he was thinking what was going to be developed in the next 40-50 years, not 20.

Mrs. Shiflett suggested that if you look at the map changes the Steering Committee is recommending you may feel differently. The Committee has put much of the land that was in the Potential Policy Areas and put it in the Urban Service or Community Development Area. She said that this was based on where new service was expected to go in the next 20 years. She felt there is enough land now to take care of the needs.

Mr. Herd responded to the concern that there needed to be a contingency plan if growth assumptions are not on target: He indicated that the five year review should accommodate this concern. The Planning Commission and Board of Supervisors could also have more frequent reviews if needed. The Planning Commission Annual Report (required by VA Code) should address this issue to “flag” any concerns. In response to the concern that there needed to be flexibility in the plan, he reminded everyone that the plan is a guide. Flexibility is inherent.

Mr. Herd brought up the issue that Policy Area clarifications were needed, e.g., if a CDA gets both utilities, does it automatically become a USA? He responded that yes, any area with both utilities would be defined as a USA unless the Board of Supervisors makes a special decision to allow alternative land use policies to apply, due to unique circumstances. The public commitment should be to provide public services to accommodate densities, but the County can also respond on a case by case basis to unique situations.

Mrs. Sorrells questioned whether Rural Conservation Areas that needed to have either public water or sewer should have to become Community Development Areas.

Mr. Herd responded that the policy would be that it would automatically bump up to the next policy area, but the Board of Supervisors could decide differently on a case by case basis.

Mr. Coleman stated that if there was water there and failing septic systems and they decided to extend sewer, it would be the Board’s call whether or not to put it in an Urban Service Area.

Mr. Herd responded to the concern regarding how the County achieves its goals? He indicated the County needed to set clear priorities in the plan, including realistic time frames. Successful implementation is mainly subject to the will of the Board of Supervisors. He also brought up the concern that future funding allocations should be according to growth/need, rather than by Magisterial District. He suggested that capital budgeting should reflect needs/priorities for resource allocation. He indicated he understood the political reality of pressures in each magisterial district, but still growth needs should be the predominant force in making decisions on the capital budget.

Mr. Coleman commented that this is important; that while some magisterial districts have multiple Policy Areas in them, some have only one or two. In order to make the plan achievable, we need to wrestle with the funding of the infrastructure to make it happen.

Mr. Curd asked if that meant the money would be divided based on Policy Areas versus magisterial districts.

Mr. Herd replied that the County should fund needs caused by growth, regardless of the magisterial district.

Mr. Coleman asked that we look at meaningful ways to explore this issue.

The group broke for dinner and reconvened 30 minutes later.

Mapping Exercise:

The group divided into three working groups to design a future “network” for an undeveloped portion of the Stuarts Draft Urban Service Area. After working independently, the three groups reported out the results of their efforts.

Mrs. Carter remarked that we need to move development away from those areas where railroad tracks and South River will be a major impediment.

Additions to the Transportation Priorities:

The consulting team presented the transportation priorities from the 1994 Plan and asked for additional input into transportation issues facing the County.

Mrs. Shiflett stated that the transportation section needs to include details on how to handle accident situations on the Interstates that push traffic onto the local roads.

Mr. Coleman suggested that the transportation section look at policies on commercial entrances. He stated that allowing the right to have an entrance every 800 feet needs to be re-evaluated; there should be some criteria for limiting access. He stated that there should also be more regional transportation planning, particularly with the Cities. He also suggested that the standards for livable pedestrian-oriented communities need to be clearly defined and the impact on housing costs needs to be identified.

Additions to Natural Resource Priorities:

David Hirschman presented the natural resources priorities from the 1994 Plan and asked for additional input into natural resources issues facing the County.

Mr. Coleman recommended new approaches to Stormwater Management, i.e. low impact development versus paving all the parking lots.

Mr. Shomo stated that we still need to protect groundwater resources. He stated that there are differences between the different types of treatment options.

Mr. Bridge asked that areas with historical flooding problems be considered, i.e. Back Creek.

Mr. Coleman stated that we should explore the new approaches to stormwater management. He stated that controlling stormwater will have an even bigger impact on the County than the Chesapeake Bay regulations on treatment plants. He stated that we should be encouraging low impact development wherever possible.

Mrs. Sorrells recommended natural stream design and restoration policies, such as were undertaken at Vesuvius.

Mr. Heatwole suggested improving the County's Stormwater management enforcement will help prevent flooding.

Mrs. Sorrells also stated that flooding from the mountains needs to be considered.

Mr. Coleman reminded the group that when we go back to the public with a draft plan we need to be prepared to speak to the issues. They are going to ask us what's different with this plan from the last one and we need to have answers.

There being no further business to come before the groups, the worksession was adjourned.

Chairman

Secretary