

**Unapproved Minutes of the August 11, 2022
Policy Committee Regular Meeting**

ORD-22-0002, Amendments for R-8, Rural Residential and A-1, General Agriculture Lot Size and Related Requirements

Ms. Linda Rice, 2394 Forge Road, spoke in favor of increasing lot size in rural areas zoned R-8 and A-1 to a 20-acre lot minimum. Ms. Rice stated that the change would also conserve groundwater by reducing the number of wells outside of the Primary Service Area (PSA). Ms. Rice stated her appreciation for considering the ordinance and for the work of Planning staff and expressed hope that the Board of Supervisors would approve the ordinance.

Ms. Roberta Sulouff, 100 Paddock Lane, representing Habitat for Humanity, 11011 Warwick Blvd, stated that having a rural area helps to give the county its character; however, Habitat for Humanity is concerned about the impact of these large lot sizes on affordable housing. Ms. Sulouff stated that most of the affordable land in the county is in the northern part and asked the committee, Planning Commission, and Board of Supervisors to further explore the impact of this policy on the county's affordable housing goals.

Mr. Thomas Wysong stated this proposed ordinance follows unanimous approval of the Comprehensive Plan in Fall 2021 and a Board of Supervisors (BOS) initiating resolution in Spring 2022. Mr. Wysong stated direction from the resolution was to amend the Zoning and Subdivision ordinances for R-8 and A-1 zoning districts to be consistent with the stated rural lands designation description and development standards outlined in the 2045 Comprehensive Plan. He stated the directive stated a density of no greater than one residence per 20 acres, grandfathering all parcels in existence as of January 1, 2022 that are 25 acres or less, and eliminating the central well requirement for major subdivisions. Mr. Wysong presented draft ordinance language and stated staff recommends that the Policy Committee recommend approval of the draft Ordinance to the Planning Commission.

Mr. Rich Krapf asked if grandfathered parcels would retain the right of a 3-acre lot minimum lot size if the property was sold.

Mr. Wysong stated this was correct, as it would be based on the date of the parcel creation.

Mr. Frank Polster asked if staff could provide the number of parcels affected for R-8 and A-1.

Mr. Wysong stated staff would provide this information.

Mr. Jack Haldeman stated he and Mr. Krapf participated on the Workforce Housing Task Force and that affordable housing would likely be built in the Primary Service Area (PSA) to allow access to utilities, jobs, and public transportation. He also stated that affordable housing is likely to be multi-family housing and unaffected by the policy change.

Mr. Polster asked for staff to define which properties would be included or excluded, such as James City County properties and for staff to clarify how this affects properties with Purchase of Development Rights (PDR) or any easements. Mr. Polster further stated he would like to see how the Natural and Cultural Assets mapping plan would interact with buffers and cluster placements to avoid impacting the value of the land and connection points.

Mr. Krapf agreed.

Mr. Haldeman asked if the ordinance changes would apply to parcels already master planned such as Summer Place.

Mr. Josh Crump confirmed for Summer Place that the construction plan is approved for 47 lots and would be grandfathered in to allow 1 unit per 3 acres. Other phases would be evaluated for vested rights as they are submitted.

Mr. Polster asked if any upcoming proposals would be affected.

Mr. Crump stated this would be evaluated with the County attorney at the time of submission.

Ms. Ellen Cook stated vested rights are guided by State code provisions and related to what point of the process the project is in.

Mr. Wysong clarified that ordinance requirements would be implemented for the entirety of the R-8 and A-1 zoning districts. He stated that parcels under 25 acres would continue with the 3-acre minimum lot size and parcels over 25 acres would require the 20-acre minimum lot size.

Mr. Polster stated he was concerned that affordable housing in the form of RV and mobile home parks would be affected by this.

Ms. Cook replied those parcels are within the PSA and should have a designation other than Rural Lands, and that future development or redevelopment could be done which is compatible with the Comprehensive Plan's residential designations.

Mr. Wysong confirmed the mobile home park is designated for moderate density residential. He asked if the committee would like a map showing parcels both larger and smaller than 25 acres.

Mr. Polster stated he was more interested in the language than a map.

Mr. Haldeman stated Mr. Wysong sent a helpful map of R-8 and A-1 parcels larger than 25 acres and that the change would be applied on a case-by-case basis.

Staff stated that the change would be applied to the entire zoning district; however, parcels with projects currently under review would be considered individually.

Mr. Haldeman asked if the County should encourage more clustering.

Mr. John Risinger stated the Comprehensive Plan maintains the same density for by-right conventional lots and for clusters in Rural Lands.

Mr. Krapf asked for staff to summarize what staff would like to accomplish with the discussion.

Mr. Wysong stated that staff recommends the Committee recommend approval of the A-1 and R-8 draft language to the Planning Commission.

Mr. Haldeman asked for clarification on the ordinance language for section 24-214 and 24-222.

Mr. Wysong stated the cluster standards language was moved from one section to the other but that the only change was the unit density language.

Mr. Polster asked what standards would be used for development within the R-8 district.

Mr. Wysong replied that a subdivision application would be subject to the requirements of the subdivision ordinance, including the 20-acre minimum.

Mr. Polster asked if the design guidelines in the Comprehensive Plan would apply.

Mr. Wysong stated those would only be applied to legislative cases. He detailed that a cluster development in A-1 would require a Special Use Permit and may include additional requirements.

Mr. Polster asked if a cluster development within the R-8 district and within the PSA would be prohibited.

Mr. Wysong stated this was correct, that the type of rural cluster permitted in A-1 is not permitted in R-8.

Mr. Polster asked if only one residence per 20 acres would be allowed.

Mr. Wysong stated this was correct.

Mr. Polster asked about design guidelines for R-8 within the PSA.

Mr. Wysong stated the guidelines would be considered at the time of a legislative application which would be subject to Comprehensive Plan guidance.

Mr. Polster asked about design guidelines for R-8 commercial development.

Mr. Wysong stated that by-right development would not be subject to design guidelines.

The Committee discussed by-right development and the possibility of an applicant rezoning for different uses. Staff confirmed that the design guidelines in the 2045 Comprehensive Plan would apply during the legislative process.

Mr. Polster asked for a copy of the design guidelines.

Mr. John Risinger stated the guidelines for the applicable current land use designation would apply.

Mr. Wysong agreed that staff would refer to the appropriate land use designation description in the Comprehensive Plan.

Mr. Risinger stated that this is the current process staff follows and that staff will continue to.

Mr. Polster asked if any easements would be affected.

Mr. Wysong stated that the minimum area requirements would not affect any existing easements on a property and that any easements would remain in place.

Mr. Polster asked if any portion of the properties not in an easement would be affected.

Mr. Wysong stated the zoning and any easements would both remain applicable factors for properties.

Mr. Risinger stated easements are an overlaying regulation that also require consideration.

Ms. Christy Parrish stated the easement does not trump the zoning district.

Ms. Cook stated easements are separate from the zoning. She stated that changing the minimum lot size would apply to all parcels in the zoning district and was not property specific.

Mr. Wysong stated some conservation easements are not in perpetuity.

Mr. Polster asked about the impact to the landowner.

Ms. Cook stated the impact would be if a landowner wanted to go through a subdivision, they would be subject to the minimum lot size in the drafted ordinance amendment.

Mr. Wysong stated that every affected property owner (approximately 4,700) would receive a mailing for the proposed change.

Mr. Polster stated he was not comfortable moving forward to the Planning Commission at this time.

Mr. Krapf stated the Committee needed to discuss any relevant issues and the potential for unintended consequences.

Mr. Polster stated applying the Natural and Cultural Lands information was important and may relate to changes in how projects and clusters come to the Development Review Committee in the future.

Mr. Haldeman stated he believed the drafted ordinance fulfilled the directive from the Board of Supervisors.

Mr. Polster stated that he would like to change the cluster portion of the ordinance to have a different process and incorporate the Natural and Cultural Lands considerations.

Ms. Cook stated that the cluster portion of the draft ordinance amendment before them only involved the density, and that the third agenda item would begin the discussion on revisiting the standards for cluster development.

Mr. Haldeman asked if the committee could discuss all agenda items and then vote on each item.

Mr. Polster agreed.

Mr. Wysong stated the A-1 and R-8 density changes are a separate agenda item in response to the Board of Supervisor's initiating resolution.

Mr. Krapf stated that he believed the A-1 and R-8 updates to be straightforward.

Mr. Polster stated he was concerned that approving the cluster language would preclude further discussion and changes.

Mr. Wysong stated that an aspect of cluster development would be approved to directly respond to the resolution.

Mr. Polster stated that he was uncomfortable with amending A-1 now and that he would like to see how rural clusters are affected by scenic roadways, open space, buffering, etc.

Mr. Krapf stated that he agreed with Mr. Polster and would like an additional Policy Committee discussion.

The Committee discussed some of the advantages and disadvantages of clustering.

Ms. Cook stated that the Comprehensive Plan Rural Lands designation description guidance does include clustering guidance.

Mr. Krapf stated that it would be an interesting discussion if an ordinance was amended to conflict with the Comprehensive Plan.

Mr. Krapf asked Mr. Haldeman what his thoughts were.

Mr. Haldeman stated he supported tabling the discussion.

Mr. Polster commended staff's work.

Mr. Krapf agreed.

Mr. Wysong stated staff appreciated the Committee's time to review the materials and their thoughtful approach to each item.