

**Unapproved Minutes of the August 22, 2022
Policy Committee Special Meeting**

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

Mr. Thomas Wysong stated the Policy Committee requested a special meeting to continue discussion on ORD-22-0002 Amendments for R-8 Rural Residential and A-1 General Agricultural Lot Size and Related Requirements as a follow-up to the August 11th meeting. He stated the effort builds on the unanimous approval of the Comprehensive Plan in fall of 2021 and the Board of Supervisors (BOS) adopted an Initiating Resolution this spring pertaining to the R-8, Rural Residential and A-1, General Agricultural Districts. He stated this resolution contains three specific Board directives. He stated that the first directive is to amend the Zoning and Subdivision Ordinances to revise the R-8 and A-1 Districts to be consistent with the stated Rural Lands Designation Description and Development Standards contained in the adopted 2045 Comprehensive Plan. He stated these standards state the “subdivision of lots should occur at a density of no greater than one residence per twenty acres” (1:20 ratio). He stated that the second directive is to include language that grandfathers all parcels in existence as of January 1, 2022, that are 25 or fewer acres in size. He stated that the third directive is to include language that eliminates the central well requirement for subdivisions that are consistent with the stated Rural Lands designation description and development standards. He stated in response to these directives, staff prepared draft Ordinance language to: increase the minimum lot size in the A-1 and R-8 zoning districts from three acres to 20 acres, with all parcels in existence as of January 1, 2022, that are 25 or fewer acres in size being grandfathered with the existing three-acre minimum lot size; increase the overall density for the A-1 cluster configuration option from one unit per two acres to one unit per 20 acre; and eliminate the central well requirement for new major subdivisions, meaning these subdivisions are required to have individual wells on each lot. He stated the prepared draft language has not been revised since the previous Policy Meeting and staff recommends the Committee recommend approval of the attached draft Ordinance for consideration by the Planning Commission at their September 7th meeting.

Mr. Jack Haldeman stated he thought that the draft language set forth by staff met the directives in the initiating resolution by the BOS. He stated the recommendation was tabled to obtain clarification on how the ordinance amendments would affect Natural and Cultural Asset Plan mapping, wildlife corridors, and new clustering standards. He asked staff for any updates.

Mr. Frank Polster stated he is fine with clustering inside the Primary Service Area (PSA), as the standards are within the existing separate residential cluster overlay district ordinance, and that he also agrees with the 1:20 ratio for R-8 and A-1 in rural areas. He stated that upcoming meetings would involve discussing setbacks and clustering. He stated he recommended the Committee approve the ordinance to move forward to the Planning Commission and BOS.

Mr. Rich Krapf stated that he was also fine with the 1:20 ratio. He stated he questioned the need for rural residential clusters because the 1:20 ratio would preserve rural character. He stated that performance standards for rural clusters may be needed to align with the Comprehensive Plan.

Mr. Polster stated that was correct. He stated that the clustering memorandum included language on natural and cultural assets that he would like to revisit this after this issue.

Mr. Tim O'Connor stated he believed clusters would be treated differently than the 1:20 ratio based on conversations from the Comprehensive Plan. He stated he was okay with this ratio for by-right development but believed it to be punitive for clusters. He also stated his concern regarding a potential reduction in developable acreage. He asked for confirmation if an initiating resolution from the BOS for this existed.

Ms. Ellen Cook stated the BOS resolution regarding calculation of net developable acreage is stated as being for the residential zoning districts, which are primarily inside the PSA.

Mr. Polster asked if clustering in the rural lands in the A-1 and R-8 zoning district outside the PSA would be discussed at future Policy Committee meetings.

Ms. Cook confirmed.

Mr. O'Connor asked if the current amendments would cap A-1 cluster development at the 1:20 ratio.

Mr. Polster stated this was correct.

Mr. O'Connor stated he did not agree with this.

Mr. Haldeman asked if the initiating resolution and Comprehensive Plan allowed for any adjustments to cluster development density. He stated direction should be consistent with the Comprehensive Plan, which stated a 1:20 development density.

Mr. O'Connor stated he thought the Comprehensive Plan did not state a density for clusters and the 1:20 ratio was applied in a different section.

Ms. Cook stated she believed that during the process of updating the Comprehensive Plan the Planning Commission Working Group recommended to the BOS to not have the 1:20 density apply to rural clusters. She stated the BOS did not direct staff to make this change in the Comprehensive Plan. She stated there is language in the cluster portion of the rural lands designation description that states the cluster density would be at the same density as the standard lot size. She stated the language as written would keep the density consistent between these options.

Mr. Haldeman asked if the ordinance could be changed in a way that was inconsistent with the Comprehensive Plan and if the density for clusters could be lower.

Mr. Polster asked if the Policy Committee could recommend the Planning Commission recommend the BOS revisit this issue.

Mr. Krapf stated that Vlad from the consulting firm EPR PC had made a good point at the August 11th meeting that rural clusters may not preserve rural character. He stated rural residential clusters may no longer be of use in James City County with this new density and that the density should be lower.

Mr. Polster stated this issue relates to setbacks and viewsheds and cannot be separated.

Mr. Krapf agreed.

Ms. Cook stated the amendments before the committee would keep the cluster language consistent with standard lot sizes and consistent with recommendations in the Comprehensive Plan. She stated that future discussions would address other cluster standards such as setbacks and development design.

Mr. Krapf asked if the committee could recommend the amended ordinance and continue to discuss clusters, setbacks, and other discussion items. He asked to confirm the update would recommend a new by-right standard and allow for additional elements to be addressed later.

Ms. Cook stated this was correct and represented a phased approach.

Mr. O'Connor stated he was concerned that opportunities for affordable housing stock may be eliminated through this and other changes.

Mr. Haldeman stated this concern came up during the last meeting via a representative from Habitat for Humanity. He stated that in the Comprehensive Plan workforce and affordable housing is recommended to be within the PSA to be closer to jobs and public transportation, not in Rural Lands.

Mr. Krapf stated there is also grandfathering for parcels smaller than 25 acres and that densities of 1:3 would be allowed by-right.

Mr. O'Connor stated he did not think this would be enough to develop affordable housing. He stated wells and septic systems are not affordable when combined with the requirement to have a larger lot to accommodate a reserve field. He cited Bush Springs Road as an example.

Mr. Haldeman stated he did not know how affordable housing could be built anywhere with current inflation.

Mr. O'Connor said he currently is working with Habitat for Humanity on 1,300 homes in Charlottesville and that it requires building vertically.

Mr. Polster made a motion to recommend approval of the draft ordinance as shown in Attachments 3, 4, and 5 to the Planning Commission.

The motion passed 4-0.