

Katie Pelletier

From: Lee Alexander <lalexa1103@aol.com>
Sent: Monday, September 5, 2022 2:45 PM
To: Planning
Subject: [External]RE: ORD-22-0002 Amendments for R-8, Rural Residential and A-1, General Agricultural lot size and related requirements.

Often, when considering changes to seminal guidance documents such as the JCC code, it is good to take a look of what our goal was in the first place. It helps to bring us to a common starting point, both for those who guide our county, and for those who may only have a passing acquaintance with the matter.

The following is the overarching goal of Section 6 of the 2045 Comp Plan on Community Character. - "The County will be a good steward of the land by preserving and enhancing the scenic, cultural, rural, farm, forestal, natural, architectural, and historic qualities that are essential to the County's distinctive character, economic vitality, and overall health and quality of life of its residents."

I believe this proposal is in line with the 2045 Comprehensive Plan Goal on Community Character. I believe it is a solid step toward maintaining if not enhancing the rural character of the county in terms of "natural topography; large wooded areas; open vistas and wetlands..." I believe it also will have other benefits over time in terms of mitigating future traffic congestion and may help lessen the impact of county growth on our school system.

It should also reassure county residents who came (and will come) to James City County to "live in the country", that they can do so without fear of the over development, congestion, and related issues they see happening in other places.

I have great appreciation for those on staff that worked on this proposal to amend the JCC Code, as well as the hard work of the county staff and planning commission over the past few years to develop and implement the 2045 Comprehensive Plan. There are many county residents that have placed their hope and trust in this plan as the best way to protect the rural nature of the county we love so well. Thank you.

I request that this be made part of the record.

Best Regards
Lee Alexander

Katie Pelletier

From: Timothy Trampenau <captain.trampenau@gmail.com>
Sent: Monday, September 5, 2022 2:53 PM
To: Planning
Subject: [External]Comment on ORD-22-0002

Hello,

My name is Tim Trampenau (7512 Little Creek Dam Road). My wife, Libby, and I fully support ORD-22-0002. We were drawn to James City County because of its distinctly rural and open feel. We would like to see reasonable limitations on the high density developments that have ruined the character of so many of the cities and towns in America. Thank you for your time and I hope you will vote to approve this amendment.

Cheers, Tim

Date: August 29, 2022

From: Linda Rice, President of Friends of Forge Road and Toano
2394 Forge Road, Toano, VA 23168
lindarice678@cox.net

To: The Honorable Members of the James City County Planning Commission

Re: Comments in support of ORD-22-0002: Increase of minimum lot size from 3 to 20 acres

Friends of Forge Road and Toano ("F.O.R.T.") is a non-profit group founded in 2004 by concerned citizens in Upper James City County. We work with other neighborhood associations and various other groups to promote the preservation of rural areas, enhance awareness of our region's historic significance and support agri-tourism. Some of our members have served on the James City County Planning Commission, the Chesapeake Bay Board, the Wetlands Board, the James City County Historical Commission and the Purchase of Development Rights Committee.

In the first instance, F.O.R.T. applauds and is most appreciative of the extensive and diligent work which the Board of Supervisors, the Planning Commission, the Policy Committee, JCC Staff and other involved persons have devoted and are devoting to analyzing and formulating these critical amendments to our zoning ordinance.

F.O.R.T. strongly supports increasing the minimum lot size from 3 to 20 acres and accordingly is in favor of the proposed zoning ordinance changes to JCC Code, Chapter 24 which the Planning Commission will have before it at its September 7, 2022 hearing. As noted in the amendment proposals, these amendments will bring the zoning ordinance into conformance with the 2045 Comprehensive Plan by matching the density within the A-1 district and the R-8 district to the recommended density in the Rural Lands Designation Description and the Development Standards in the Comprehensive Plan.

Further, these amendments will help preserve our ever shrinking, finite rural areas. In addition, these zoning changes will complement the County's commitment to its natural and cultural assets, will help promote agri-tourism and will invigorate support for our very important Purchase of Development Rights program.

Again, we thank you for your diligence and anticipated support of these amendments.

Respectfully submitted,

Linda Rice, President
Friends of Forge Road and Toano

To: The James City County Planning Commission
From: Nancy Cottrell Kruse, Lombardy Farm, Forge Road
Date: September 5, 2022
Re: Proposed A1 Zoning Changes

I am writing to oppose the proposed policy change in density in A1 zoning from 1 unit per 3 acres to 1 unit per 20 acres for landowners owning more than 25 acres. This increase in lot size is a **7 fold downzoning** to landowners. Larger landowners are targeted to bare 100% of the cost of this program. Development property has considerable more monetary value than agricultural property in James City County (JCC). Under this proposed downzoning policy, this development value would be taken from these targeted landowners. This is simply **inequitable** and discriminatory. Furthermore, farmers who have a bad year and face selling off property for cash flow purposes, would be forced to sell 20 acres instead of 3 acres. The County would be placing undue hardship on farmers with this new policy!

Besides the extreme depravation placed on the larger landowners, there are many negative externalities caused by this market distortion.

1. JCC housing prices will rise across the board due the additional restriction placed on housing supply. There is overwhelming empirical evidence in Virginia counties using large lot zoning of rapidly escalating housing prices and of tightened housing supply.
2. JCC workers seeking to buy a home are increasingly priced out of the market and an ever larger percentage of workers are unable to afford a home as the housing cost gap widens. Thus, this rural land policy has a negative impact on the availability of workforce housing, simply because existing units become increasingly out of reach for working families.
3. Large lot zoning is termed "Exclusionary Zoning". Because minorities compose a greater percentage of our lower income population, they are disproportionately shut out of the housing market. They are also shut out of the large lot housing, which could potentially be over 20,000 acres of JCC. This "Exclusionary Zoning" favors the wealthy. By using zoning restrictions to zone out lower-income families, wealthy residents protect the value of their homes. Exclusionary zoning promotes income segregation by creating areas of concentrated poverty and concentrated wealth.
4. As the difference between the median housing price and the price the average worker can afford to pay for a house widens, the cost of government programs supporting affordable housing and workforce housing increases and spirals out of control.
5. Empirical evidence indicates large lot zoning has a negative fiscal impact to the tax base.
6. Large lot zoning exacerbates suburban sprawl as people continue to move further out creating increased commuter traffic. More road infrastructure is needed for fewer homes. The desired "feel" of rural character and farming is not achieved. Thus, the policy tool has not been proven effective in meeting its goal.

In summary, this proposed change to A1 zoning would codify inequity into both the land and housing markets and widen the gap between the haves and have nots in the County. Thus, I respectfully urge the Planning Commission vote against the amended A1 changes and revisit the many other equitable tools available for view shed preservation and land preservation.

Thank you for your service to our community and for your consideration of these issues,



Nancy C. Kruse

To the Planning Commission of James City County & Concerned Citizens

I have received disturbing communications from the powers that be in the mother county of James City. It seems Orwellian changes to constitutionally protected property rights are being thrust forward. I am familiar with the dictatorial mind games being pushed globally, nationally, and locally by the United Nations system of "sustainable development". I am aware of agenda 21, "toward 2035: leading the way", engage 2045 Comprehensive Plans for global governance, the Rio Principles 2012, and the World Economic Forum with Klaus Schwab, George Soros, Gates et al orchestrating a global takeover, an elimination of private property rights which clash with the concept of liberty and private ownership. Their stated goal is "you'll own nothing, and you'll be happy". Property rights were seen by our forebears as essential to our liberty. The 14th and 5th amendments to the Constitution install the concept of private property holdings. The 5th amendment referred to as the "Takings Clause" states: "nor shall private property be taken for public use without just compensation". There are 2 basic ways government can take property: 1) outright by condemnation or seizure taking title, 2) by government regulations that take away private ownership use, leaving the property owner with title and taxes, but a title that suffers loss of value. Who, do you propose, is going to financially compensate for the restrictions and devaluing to landowners who will be restricted in the use of their property? Let us be reminded of words from one of Virginia's most treasured sons, who had numerous writings concerning private property rights: "nothing is ours which another may deprive us of" (Thomas Jefferson to Maria Cosway 1786). Oh! James City County, my ancestral home and place of my birth, who has bewitched you? Sadly, much of the county I knew as a child and young adult no longer exists. Great swathes of open space, farmland, and forest have been gobbled up by developments & subdivisions which you promoted & "permitted", and infrastructure. Now those of us who have resisted the onslaught of "progress" and financial offers are being forced to be the replacement greenspace for those who have chosen to pave over history. Why do you propose an explosive change from 3 acres to 20 acres per lot-size parcel, a 700% increase in acreage per lot, and why the 25-acre cut off, above which the new rules will apply and below which the 3-acre rule will remain. Where is the equal justice under law? I fear that James City County officials have apparently chosen to participate in agenda 21, toward 35, and engage 45, a "comprehensive plan of action to be taken nationally and locally by organizations of the United Nations system". I encourage you to reinstate American values over the globalist agenda. I urge you to reject the so called "sustainable development" they propose for the 21st century,"SD21". My beloved Daddy, former head of the James City County Planning Commission, my Uncle, James City County Commonwealth Attorney, and my Grandfather, James City County Commissioner of Revenue would be appalled as I am. Resist this power grab and evisceration of our constitutional rights as property owners. I urge you to restore sanity and constitutionality to your deliberations. We are free citizens of the United States of America. We love liberty, we love freedom, we are Virginians. We are counting on you to preserve our God-given rights as Americans. To do otherwise will violate your oath of office to represent the people that you serve. I beg you to preserve what remains of James City County: liberty, independence, tradition, history, and the right of the people to control the uses of their own property.

Sic Semper Tyrannis!

Linda Henderson Gordon
September 6, 2022

**Gary & Linda Massie
8644 Merry Oaks Lane
Toano, VA 23168**

September 7, 2022

Outline of Comments regarding ORD-22-0002

I am Gary Massie and I live at 8644 Merry Oaks Lane, Toano VA.

I and my family own 10 parcels with A1 zoning. The parcels range in size from 2.26 acres to 106 acres. Some of the parcels are being used for residential purposes and others are being used for permitted special uses of mining, production of wood products, and contractors office and maintenance facility. Nine of the parcels are outside the PSA and 1 parcel is within the PSA.

I currently have a Boundary Line Adjustment (Case # S-22-0007) affecting 4 of these parcels under staff review.

I have read the packet presented to the Planning Commission and I have not had sufficient time to review how the proposed ordinance revision will affect my parcels. **I request that you defer a decision tonight, continue the public hearing and allow more time for me to provide you informed comments of the effect of this ordinance on my parcels.**

Based on my current review of the amendment I have two comments for your consideration.

- 1) Regarding Boundary Line Adjustments for residential purposes where no additional parcels are being created can the minimum lot sizes be deleted? IE If I have 2 parcels one 26 acres and one 2 acres could I do a Boundary Line adjustment and have a 1-acre parcel and a 27-acre parcel? If I have a 15-acre parcel and a 2-acre parcel could I do a BLA and have a 16 acre parcel and a 1 acre parcel? Would these BLA's be permitted under this ordinance amendment?
- 2) On my 106-acre parcel realistically it could have held about 30 each 3 acre minimum residential lots. This amendment changes that to a maximum of 5 lots. I believe it will lower the value of my parcel to lose this many lots. Has the county done a fiscal impact study of this ordinance amendment? If so, can it be shared?

Thank you for your service.

I request that you defer a decision tonight, continue the public hearing and allow more time for me to provide you informed comments of the effect of this ordinance.

Date: September 29, 2022

From: Linda Rice, President of Friends of Forge Road and Toano

2394 Forge Road

Toano, VA 23168

lindarice678@cox.net

To: The Honorable Members of the James City County Board of Supervisors

Re: Support for ORD-22-0002: Amendments for R-8, Rural Residential and A-1,
General Agricultural Lot Size and Related Requirements

Friends of Forge Road and Toano (F.O.R.T.) is a non-profit group founded in 2004 by concerned citizens in Upper James City County. We work with neighborhood associations and various other groups to promote the preservation of rural areas, enhance awareness of our region's historical significance, and support agri-tourism. Some of our members have served on the James City County Planning Commission, the Chesapeake Bay Board, the Wetlands Board, the James City County Historical Commission and the Purchase of Development Rights Committee.

F.O.R.T. applauds the Board of Supervisors for unanimously adopting the Initiating Resolution on March 8, 2022 which called for, "consideration of amendments to the zoning ordinance and subdivision ordinance to establish lot sizes in the R-8 and A-1 zoning districts that are consistent with the stated rural lands designation description and development standards of the 2045 Comprehensive Plan."

F.O.R.T. strongly supports these amendments.

We are here as a culmination of this important Initiating Resolution. We are most appreciative of the efforts of the Planning Commission, Policy Committee, JCC Staff and other involved persons who have worked diligently to codify the stated

goals of the Comprehensive Plan to accommodate reasonable growth while protecting our environment, economy, culture and quality of life.

We acknowledge the concerns of long-established property owners in our community, and their desire for flexibility in the disposition of their land. We are all neighbors.

However, there are other property owners whose concerns must also be addressed:

- Owners of working farms and/or agritourism businesses who depend on the rural environment for their livelihood and quality of life.
- Owners of properties who purchased their homes in agricultural areas for the specific purpose of living in a rural environment.
- Owners of homes throughout James City County, many of whom are fixed-income retirees, who bear the ever-increasing tax burden of residential growth and the resulting demand on schools and other essential services.

We respectfully submit that the needs of ALL property owners in James City County should be considered—whether their land has been in the family for 100 years or whether they just moved in.

We also acknowledge and value private property rights. We agree that those rights should be respected. However, those rights must be exercised within the confines of zoning laws, building codes and other restrictions and guidelines. No property owner in James City County is permitted to use, subdivide, develop, or build on their land completely as they see fit. That's just how it works.

The proposed amendments to the zoning ordinance for R-8 and A-1 Districts represent a rational approach to balancing the desires of certain large landowners with the interests of the rest of the citizens of James City County. Using the Comprehensive Plan as a guide, ORD-22-0002 seeks to codify the County's intention for rural lands which has been in place since 1975. These ordinance

amendments did not come out of the blue and are not a surprise—they have been a long time coming.

The year 1975 is when the first Comprehensive Plan was approved by the JCC Board of Supervisors. In this original Plan, the Primary Service Area (PSA) was established. As stated in the Comp Plan, “the PSA is our County’s foundational, longstanding, growth management tool.” (LU-2)

Inclusion of their land in the PSA has been relied upon time and again by property owners to justify development. This has resulted in the expansive residential, commercial and industrial growth which we have all witnessed in James City County.

However, rural lands are different. The Rural Land Designation Description in the 2045 Comprehensive Plan states: “Residential development is not a recommended use and is discouraged outside the Primary Service Area in the Rural Lands.”(LU-36) That statement has been in the County’s comp plans since inception.

In survey after survey, the vast majority of citizens of James City County have repeatedly affirmed their desire to maintain the character of rural lands. As stated in the Community Character chapter of the Comp Plan: “The County will be a good steward of the land by preserving and enhancing the scenic, cultural, rural, farm, forestal, natural, architectural, and historic qualities that are essential to the County’s distinctive character, economic vitality, and overall health and quality of life of its residents.”(Intro-p. 7) Good stewardship of the land also benefits our environment, protecting our air quality, watersheds and streams, and wildlife habitats and migration routes.

Are we honoring that stewardship in James City County? Clearly, the current minimum lot size provisions are not working. Between 2015 and 2019, the total number of housing units in James City County increased by approximately 5.4%. During this same time period, the number of housing units in land designated as

Rural Lands actually increased by approximately 7%, or 30% more than in the County as a whole. (LU-17) This growth is exactly the opposite of the goals of the County and the expressed wishes of County residents. If this pattern continues, we will watch our prized and finite rural lands gradually dissolve both visually and functionally into large lot residential subdivisions. Rural land requires farms and open space.

Some would argue that our farmland is urgently needed to provide housing in James City County. The facts do not support this. Using County data, our Planning Staff has concluded that there is a capacity for 10,608 additional dwelling units within the PSA. (LU-4) This would be sufficient to accommodate about a 30% population increase.

And, as to the need for workforce housing, the JCC Affordable Housing Task Force, in its February 2019 report, strongly recommends that these developments be located in proximity to job opportunities, along transit corridors and within the PSA—not in rural lands. The report concludes, “Strategies to promote workforce housing options should be designed to preserve open space in the County, maintain its existing rural character, and respect the County’s history and cultural heritage.” (James City County Workforce Housing Task Force: Findings & Recommendations, pp. 8-9)

Again, the proposed change in lot size implementing the adopted Comp Plan is a balanced approach. The Planning Commission Working Group studied the issue of lot size and rural land preservation extensively, considering the experience of other high-growth Virginia counties. The group’s conclusion was that, “In general, the most successful zoning for rural protection has been achieved in the 20-50 acres per dwelling unit range of density...” (LU-13) One unit per 20 acres is, in fact, a modest proposal.

Finally, the proposed amendments provide ample accommodations for existing landowners. These include provisions for family subdivisions with a minimum lot

size of just one acre and also for cluster configuration subdivisions, allowing for reduced acre lots.

We applaud the Board of Supervisors for its reasoned, balanced approach to the protection of our rural environment. The proposed amendments will bring our zoning ordinance in line with the adopted Comprehensive Plan and the stated wishes of the vast majority of the citizens of James City County. In addition, these zoning changes will complement the County's commitment to its natural and cultural assets and will help promote agri-tourism. We urge that you vote yes and help preserve our distinctive rural lands for generations to come.

Respectfully submitted,

Linda Rice, President
Friends of Forge Road and Toano