

Lancaster County, Virginia



MEMORANDUM

Date: June 26, 2007

To: Chairman, Lancaster County Board of Supervisors

From: David Jones, Chairman, Lancaster County Planning Commission

Subject: Final Chapter of Comprehensive Plan Update (Attached)

On behalf of the other members of the Planning Commission, I am pleased to forward Chapter 7, the final chapter of the Comprehensive Plan Update. This chapter reflects extensive public input and is intended to guide further action as to modification of existing land use ordinances and the development of new ordinances that will support future land use decisions in Lancaster County. There are several key points addressed that I would like to highlight.

Waterfront Overlay. Opposition to any type of development in the water-front overlay other than single-family residences on two acres of land with two hundred feet of waterfront has been very strong and persistent. This opposition has far outweighed the few members of the development community who would like the option of clustering development, ideally as close as 100' to tidal wetlands. Because there appears to be no room for compromise in which developers could cluster development within the waterfront overlay, but farther back than 100', the Planning Commission made the decision that any new ordinances permitting this type of development within the waterfront overlay would not be supported in the Comprehensive Plan and that, therefore, no action would be initiated to develop such ordinances as a follow-on effort.

Rural Character. Achieving a single, commonly accepted definition of "rural character" has proven to be difficult. Some have defined it as no new development of undeveloped land with greater restrictions on existing uses of land. Recognizing that new development cannot be prohibited and is desired if properly managed, the Planning Commission is proposing to direct new development to designated areas, identified as the Planned Growth Area (PGA) and Secondary Growth Areas (SGAs), leaving the remainder of County land for such rural activities as farming and timbering. If acceptable to the Board of Supervisors, ordinances would be developed that would provide incentives to develop land in the directed areas. Some of the incentives might include density credits/increased density, variations in type of principal structures, or mixed use. Measures will also be taken to preserve rural landscape in parts of the County where it exists and current zoning is agricultural that will not adversely affect property values. Some of these measures are conventional subdivision by special exception for agriculturally zoned property, sliding scale density, and special consideration for conservation developments that are well buffered and leave ample area for continuation of agricultural and/or silvicultural activity. Possible elimination of some of the many permitted uses in the agricultural zoning districts that are not consistent with the intent of these districts will also be considered.

Promoting and assisting farming and silviculture are as important to preserving the rural character of the County as controlling development in rural areas. To that end, this final chapter proposes such things as expanded land use assessment to include forest

land,
a right-to-farm ordinance that would reinforce the State right-to-farm law, and
promotion
of conservation easements and bargain sales. Other land use tools such as Transfer of
Development Rights (TDRs) and Purchase of Development Rights (PDRs) may also be
investigated as desired by the Board. Research has shown that TDRs, especially, have
enjoyed limited success, and both are objectionable to those who have regularly
attended
and contributed to Planning Commission discussions on the Comprehensive Plan.
The Highway Corridor Overlay District (HCOD). The HCOD is also presented as
a vehicle for helping to preserve the rural character of the County. It is the intent of the
Comprehensive Plan to put the public on notice as to its intent and provide a basis for
denying requests for rezoning to commercial designation along the three corridors.

Given
the recent unacceptability of the proposed increase in setbacks, the Planning
Commission
would not propose any other actions at this time that would make the HCOD more
restrictive.

Public Access. While this issue is primarily addressed in Chapter 5, it continues to
be a hot topic and one worthy of reemphasis. There appears to be strong support for
increasing public access especially in a location, or locations close to Chesapeake Bay.
Whether this support would be maintained when faced with the issues of funding the
acquisition of additional waterfront property and selecting a site is debatable.
Workforce Housing. Housing that can be afforded by citizens in the workforce,
especially those with no equity to place in the housing, is a major issue and one that
affects
economic development addressed in this chapter. The U.S. Census Bureau estimates that
the population of Lancaster County was approximately 300 fewer people in 2006 than it
was in the 2000 Census, a condition of negative growth that is rarely found if at all in
the
remainder of the state. The outward migration appears to be primarily persons of
working
age who provide the skills and services needed by the citizens of the County and an
essential component of business expansion. It will be necessary to modify existing
zoning
to provide incentives to developers to produce housing that can be afforded by the
persons
actually building the houses and other citizens of similar means.

Timbering Ordinance. The Board of Supervisors specifically directed the Planning
Commission to consider a Timbering Ordinance that would, among other actions,
establish
buffers along roads within the County. The Planning Commission did consider such an
ordinance using the James City County model and another proposal more voluntary in

nature. Both would have placed an enforcement requirement on the County that would be difficult if not impossible to implement without additional staff. Of greater significance was the infringement on private property rights that would result from a small number of citizens forfeiting one fourth, or perhaps more, of the economic value of a cash crop, timber, without compensation for the benefit of the general citizenry. It was felt that those

concerned with the aesthetic impact of timbering were capable of reducing or eliminating that impact through private transactions. No mention is therefore made in the Comprehensive Plan of pursuing such an ordinance. Again, response to expansion of the setbacks in the Highway Corridor Overlay District, a somewhat analogous situation, reinforces the wisdom of not pursuing a Timbering Ordinance.

Summarizing, it is the intent of the Comprehensive Plan overall, and this chapter especially to more effectively guide modification and/or creation of land use regulations that achieve objectives for future growth. The Comprehensive Plan will serve as a road map for the work that will follow immediately upon implementation with respect to regulations and selection of land use tools.