

M E M O R A N D U M

DATE: March 14, 2017

TO: The Board of Supervisors

FROM: Ellen Cook, Principal Planner and Tammy Mayer Rosario, Principal Planner

SUBJECT: Case No. LU-0002-2014. 8491 Richmond Road (Taylor Farm) Land Use Designation Change

At the Board meeting on June 23, 2015, the Board adopted the Comprehensive Plan “Toward 2035: Leading the Way”. As part of its consideration of the Plan, the Board reviewed Case No. LU-0002-2014, 8491 Richmond Road (Taylor Farm) Land Use Designation Change. During the discussion of this application, the Board members noted the outstanding Department of Environmental Quality (DEQ) groundwater withdrawal permit, a possible future discussion of the Primary Service Area (PSA) generally and the opportunity to further examine the possible land use designations for this parcel. Following this discussion, the Board postponed the Taylor Farm application to its December 8, 2015 meeting. At its December 8, 2015 meeting, the Board postponed the application to the March 8, 2016 meeting, at the request of the applicant. At its March 8, 2016 meeting, the Board postponed the application to the March 14, 2017 meeting at the request of the applicant.

Updates on the DEQ permit status and the land use designation possibilities are noted below.

DEQ Permit Status

As the Board is aware, over the past several years the DEQ had indicated that it might restrict the County’s permitted groundwater withdrawal to amounts below what the County currently uses, citing concerns about aquifer water levels, land subsidence and saltwater intrusion. During the 2015 Virginia General Assembly session, legislation established an Eastern Virginia Groundwater Management Advisory Committee (EVGMAC) to assist the DEQ in developing, revising and implementing a management strategy for groundwater in the Eastern Virginia Groundwater Management Area. The EVGMAC, including representation from James City County, has met multiple times and is required by the state legislation to report the results of its examination and related recommendations to the Director of DEQ and the State Water Commission no later than August 1, 2017. The regional EVGMAC group and James City County have both been examining options for a sustainable long-term water supply, and several longer term possibilities are under consideration, including a Chickahominy Riverfront Park Raw Water Intake and Treatment Facility.

With regard to the DEQ water withdrawal permit, as discussed at the February 14, 2017 Board meeting, a significant update to the permit situation is that the DEQ has issued the County a water withdrawal permit, as further summarized below.

	Water Withdrawal: Million Gallons Per Day (mgd)
Actual 2016 Water Withdrawals	5.33 mgd
DEQ Permit that was Valid January 1, 2003 - December 31, 2012 (issued August 17, 2009 and administratively continued)	8.83 mgd
DEQ Initial Permit Proposal Under Consideration	3.8 - 4.0 mgd
DEQ Permit that was just Issued	Groundwater withdrawals in accordance with the following Tiers: <ul style="list-style-type: none">- Tier 1 is authorized for use as of the effective date of the permit: 6 mgd- Tiers 2 - 4 are dependent on system growth and certain DEQ approvals as specified in the permit. Tier 2 is for 6.4 mgd, Tier 3 is for 7.4 mgd and Tier 4 is for 8.4 mgd.

The James City Service Authority Water Supply Study prepared by CDM Smith in 2015 examined projected growth in the County and the resulting future water supply needs. It looked at several scenarios including possible DEQ permitted withdrawal amounts of 7.8 mgd and 8.8 mgd, and projected that water system capacity deficits would begin to occur in the years between 2022 and 2030.

The DEQ permit does not cut withdrawals to levels below what the County currently needs to serve its customers, as had initially been under consideration. The amount also appears to adequately cover planned-for growth in the County over roughly the next ten years. While longer term possibilities appear to have a good potential to address the County's water supply needs more fully, it should be noted that over the near term (ten years) the approved permit amount is limited and constrained as compared with the past withdrawal permit.

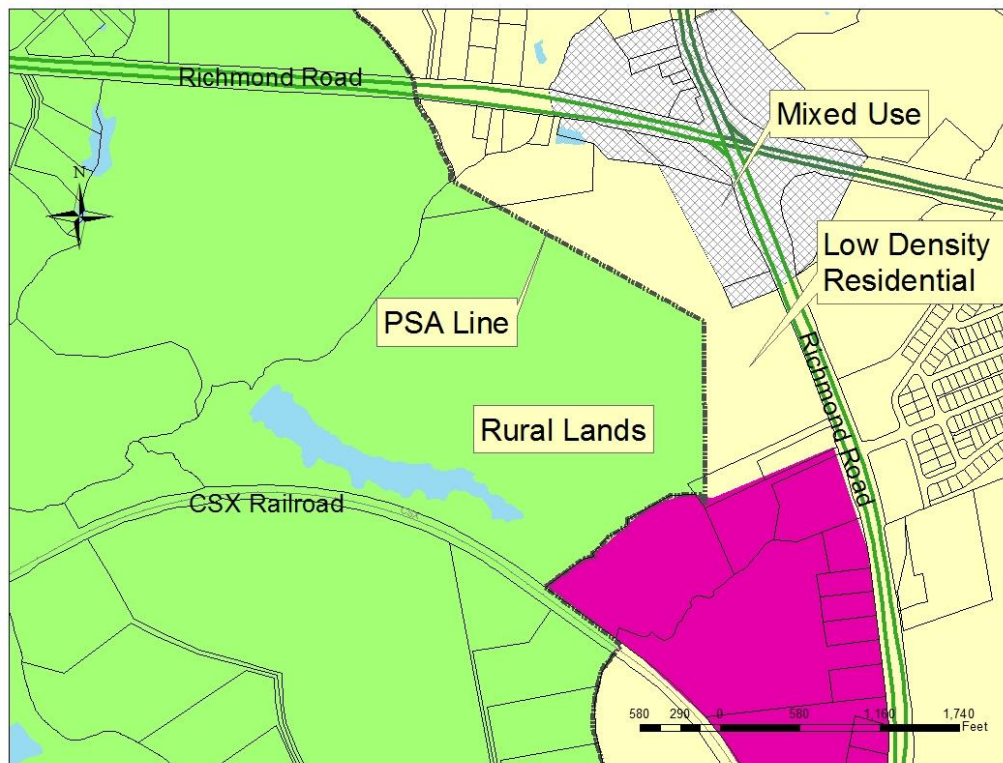
Land Use Designation Possibilities:

A. Current Land Use Designations

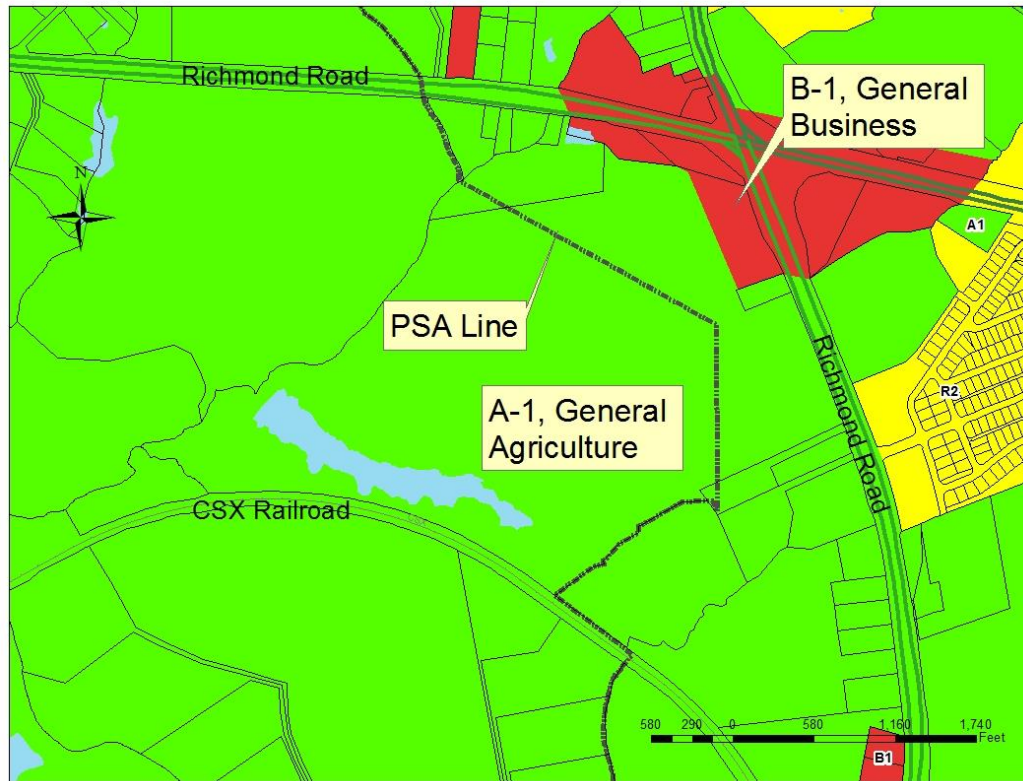
As noted on the first map below, the current Comprehensive Plan land use designations for this property are Rural Lands (approximately 141 acres), Low Density Residential (approximately 38 acres) and Mixed Use (approximately 7.5 acres). The Mixed Use designated portion is a component of the Anderson's Corner Mixed Use area, which has specific designation description language as noted in Attachment No. 7. The PSA corresponds to the divide between the Rural Lands and Low Density Residential Designations; thus, approximately 141 acres are outside the PSA and approximately 45.5 acres are inside the PSA.

In terms of the current zoning (which governs *current* permitted/specially permitted uses, lot sizes, setbacks, etc.), approximately 180 acres are zoned A-1, General Agricultural and approximately 6.2 acres are zoned B-1, General Business - see second map that follows.

Comprehensive Plan Designations



Zoning Districts



B. Property Owner's Initial and Subsequent Proposed Land Use Designations

The property owner initially submitted an application to change the entire property from the existing designations to Mixed Use. In addition, the application sought to bring the approximately 141-acre portion of the property inside the PSA. The information submitted by the applicant in support of the Mixed Use/PSA change request is included as Attachment No. 3. Staff had not recommended approval of this proposed change for the reasons previously discussed in the staff report for the case (Attachment No. 4) and noted in the Land Use Evaluation Table (Attachment No. 1). The most significant of the reasons continue to be the potential loss of prime agricultural land and the significant uncertainty with which an adequate source of water would be available to James City County to serve this property considering the amount of developable land already inside the PSA as it exists today.

The applicant subsequently submitted a letter requesting that the property be re-designated to Economic Opportunity (EO), also fully within the PSA, and listing seven reasons in support of this approach as noted in Attachment No. 5. Staff's evaluation of the request for a change to EO was provided in a memorandum to the Planning Commission Working Group dated December 12, 2014 (Attachment No. 6) and is summarized in the Land Use Evaluation Table (Attachment No. 1).

In November 2015, staff and the applicant met to further discuss this application. At the meeting the applicant shared their continued desire to change to EO and to have all of the property included in the PSA. The applicant did not have any additional information to be included with the application.

C. Previously Considered Designation – Rural Economy Support (RES)

After evaluating the property's physical attributes such as the prime farmland soil toward the front of the property, its location along an improved roadway but still in close proximity to the County's rural lands, and after considering the County's recently completed Strategy for Rural Economic Development, staff had recommended consideration of a new Comprehensive Plan Land Use Designation for this property, Rural Economy Support (RES). RES would allow for commercial or light industrial uses in addition to uses associated with traditional or innovative agriculture and forestry. Staff had prepared a description for this possible new designation as noted in the staff report, Attachment No. 4. From discussion at its June 23, 2015 meeting, staff understands that the Board may not wish to consider this designation due to the property owner's discomfort, so it is not included in the Land Use Designation Evaluation Table (Attachment No. 1).

Recommendation:

Staff recommends denial of this application. Given the information outlined under the DEQ Permit Status heading above, at this time staff does not recommend expansions to the PSA or re-designation of land for more intense development with potentially higher water demand. There is significant existing growth potential inside the PSA, and serving this planned-for growth with the available permitted water would be consistent with the overall Comprehensive Plan. Inherent to the DEQ's decision to limit withdrawal of groundwater is a recognition of the fact that the aquifers which provide water to James City County are still stressed. Further, the withdrawal amounts set forth in the DEQ permit are not sufficient to accommodate all growth permitted inside the PSA as it exists today; rather, withdrawal of groundwater will be on a first come, first served basis. Expanding the PSA will contribute to the total water demand expected of the JCSA.

While water is a primary factor in this analysis and recommendation, staff also recommends that the Board carefully consider the implications more generally of PSA expansion and/or adding additional growth potential within the PSA, such as greater needs for other County services and facilities (schools, emergency services, etc.). As noted in the recently adopted Strategic Plan, the expansion of the PSA may have fiscal implications and could impact Community Character, the environment and infrastructure.

However, should the Board wish to redesignate the property, staff has prepared a Land Use Designation Evaluation Table providing information about the current designations, a change to Mixed Use and a change to EO (see Attachment No. 1). In the event that the Board wishes to consider the application at this time, staff recommends the Board consider a change to EO over a change to Mixed Use. Should the Board wish to pursue this designation, staff has prepared draft EO designation description language (see Attachment No. 2). This language description is written to cover the entire the property changing to EO; however, should the Board wish to consider an EO redesignation for just the area that is within the existing PSA boundary, the language could be revised accordingly. The applicant has had an opportunity to review the draft language and has not had any comments to date.

Finally, should the Board wish to consider redesignating this property, it may also wish to consider remanding this case to the Planning Commission for review of the application and the draft designation description language.

Attachments:

1. Land Use Designation Evaluation Table
2. Draft Economic Opportunity language
3. Applicant's Mixed Use justification
4. Staff Report (November 20, 2014)
5. Applicant's Economic Opportunity justification
6. Staff memorandum to the Planning Commission Working Group, December 12, 2014
7. Anderson's Corner Mixed Use area designation description language
8. Case-related public comments received during the Comprehensive Plan update (Public Comment Sheet, James City County Citizens Coalition and Friends of Forge Road and Toano statements)
9. Resolutions