

PRESERVATION AND PROGRESS IN THE DRAGON RUN

TECHNICAL MEMORANDUM: Implementation Recommendations

For Middlesex County, Virginia

September 20, 2005



This report was funded, in part, by the Virginia Coastal Resources Management Program at the Department of Environmental Quality through Grants #NA17OZ2355 and #NA04NOS4190060 of the National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management, under the Coastal Zone Management Act of 1972, as amended. The views expressed herein are those of the author(s) and do not necessarily reflect the views of NOAA or any of its subagencies.

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BACKGROUND

The following Technical Memorandum summarizes key implementation issues for adopting the recommendations contained in the Preservation and Progress in the Dragon Run report for Middlesex County. This memorandum is intended as a companion document to the “Preservation and Progress” report, and should only be understood in conjunction with the larger report.

The recommendations in this memorandum and the larger report are both intended to respond to each county’s long-range goal of conserving the important natural resources and traditional rural economy and small businesses of the Dragon Run area.

There are four basic parts to this memorandum:

1. The Dragon Run as addressed in the Current County Comprehensive Plan (and Zoning Ordinance)
2. Key recommendations from the Preservation and Progress report
3. Compatibility issues with the existing County Comprehensive Plan (and Zoning Ordinance)
4. Considerations for implementing the recommendations

This basic outline will be applied to both the County Comprehensive Plan and Zoning Ordinance, as described below.

I. THE MODEL COMPREHENSIVE PLAN DISTRICT

A. The Dragon Run in the Current County Comprehensive Plan

The land area within the watershed, or natural drainage area of the Dragon Run in Middlesex County falls within three separate plan districts in the County comprehensive plan:

- Residential Area:
The majority of the watershed is designated for low density residential development, although the policies do state that preservation of prime farmland is a priority. Appropriate densities are determined by the zoning ordinance and surrounding uses.
- Industrial Development Area:
South of Saluda, there is an existing area of light industrial use/zoning that is planned for continued light industrial use. The plan also identifies the Route 17 corridor as an “Industrial Development Opportunity Zone”, appropriate for suitable industrial activities. Exact boundaries would be determined as individual uses are approved. The south side of Route 17 is generally located within the Dragon Run watershed.
- Transitional Development Commercial Center :
Saluda and the surrounding area is planned to continue as a mixed settlement of low impact commercial activities, services, and residences at low to medium density adjoining higher intensity commercial development

In addition, the following points are important, relative to the Dragon Run in the Middlesex County Comprehensive Plan:

- The comprehensive plan does not map or identify the Dragon Run drainage area as a distinct geographic planning area subject to a separate set of planning policies.
- There is minimal discussion of the Dragon Run in the current comprehensive plan and very little specific policy guidance for the Dragon Run.
- The adopted comprehensive plan does not place particular emphasis on the Dragon Run as a regional resource.

The primary mention of the Dragon Run in the current Plan is under Chapter VI, Section C. 1. (Environmental Objectives): “ *Protect rivers, marshes, wetlands, and other bodies of water, e.g. the Dragon Run System, from pollution, disturbance and destruction.*”

The Dragon Run is also mentioned under Chapter V, Section 8. Public Facilities and Services; paragraph d. Waterfront Access. This paragraph addresses the County’s “*superb boating, fishing, hunting and touring areas of the Dragon Run Swamp, the Rappahannock and Piankatank Rivers, and the Chesapeake Bay make ready access by every segment of the resident and transient population essential to their well-being.*” This policy statement may be more appropriately applied to the Chesapeake Bay and other river systems, than the Dragon Run, where a number of landowners have expressed

concerns about increasing public access to the Dragon Run, unless it can be carefully managed and controlled.

In general, the existing Comprehensive Plan policies and maps for Middlesex County do not give significant mention of the Dragon Run and its drainage system, nor do they give adequate policy direction for conservation efforts to preserve the future character and quality of the Dragon Run area.

B. Key Recommendations from the “Preservation and Progress” Report

The recommendations in the “Preservation and Progress” report are intended to conserve the important natural resources and traditional rural economy and small businesses of the Dragon Run area, as described in the Dragon Run Memorandum of Agreement of 2002.

The “Preservation and Progress” report describes a model Comprehensive Plan district that is summarized below:

- The overall intent of **Dragon Run Compatible Economic Development and Preservation District** is for the area to remain largely rural, with low intensity uses, and to preserve its key natural areas and its water quality. Specifically, to:
 - maintain the health and quality of the Dragon Run stream system and associated natural areas,
 - achieve the objectives of the Memorandum of Agreement and reinforce the existing shared values for preserving the Dragon Run,
 - support the traditional economic base of the Dragon Run area and its rural industries such as farming and forestry that are compatible with preserving the natural health of the stream system, and
 - support new rural economic development and industries that are compatible with the traditional pattern of rural land uses in the Dragon Run area
- The boundaries of the district are generally defined as the boundaries of the drainage area or watershed – it is not necessary that these be mapped in order to establish the district.
- The intent of the policies for the District is not to prevent development of those areas, but, through policies and standards, to ensure that they are developed in ways that are compatible with the basic intent of preserving the

Dragon Run's natural resources and low intensity rural character. Specific policies include:

- **Rural Character**
 - The Dragon Run District should maintain its rural character into the future.
 - It should continue to adapt to changing times, but new development in the District should integrate harmoniously with the existing rural economy and settlement patterns.

- **Land Use**
 - Low intensity rural land uses, that are consistent with the preservation of the area's natural resources should be the dominant land uses in the District.
 - New residential development in the District should generally be of a very low intensity rural character, incorporating standards to ensure compatibility with the natural resources and rural surroundings.
 - New non-residential development in the District should also be low intensity, compatible with surrounding rural areas and incorporate development standards and management practices that ensure preservation of the area's natural resources.

- **Water and Wastewater**
 - The extension of central sewer and water is not considered consistent with preserving the area's rural character and land uses

- **Compatible Economic Development**
 - Support the cornerstone rural industries of the area, such as farming and forestry, and enact policies and ordinances that help protect the long-term viability of these industries, while ensuring that they are practiced in ways that are compatible with the health of the natural resources on which they depend.
 - Encourage compatible new supportive industries such as value-added farming and timber products, local specialties and handicrafts and small-scale workshops and craft industries, and others that integrate well with the existing rural economy.

- **Natural Resource Protection**
 - Protect the key natural resources in the District, including the ground and surface water quality, wetlands and sensitive environmental features, native plant and animal species and their natural habitats and the productive soils that support farming and forestry uses.
- **Recreation and Tourism**
 - Discourage the extensive use and exploitation of the area for public recreation and large-scale tourism.

It is important to note that this is generally in concert with Middlesex County's existing policies for most of the area around the Dragon Run already.

C. Compatibility of Recommendations with the Existing County Comprehensive Plan

The Future Land Use Map in the Middlesex County Comprehensive Plan designates the overwhelming majority of the Dragon Run drainage system as Low Density Residential. In addition, numerous policies throughout the Comprehensive Plan urge the preservation of important natural resources, farm and forestry lands and overall rural character.

The recommended policies in the proposed **Dragon Run Compatible Economic Development and Preservation District** are in concert with these policies and the overall intent of the Comprehensive Plan for its rural areas. The proposed model District does not discourage residential development, but urges that it be done with densities and development patterns that protect the overall rural character of the area. Thus the proposed District is compatible with the intent of the current County Comprehensive Plan.

The primary aspect of conflict, however, is in the areas along Route 17 that are designated Industrial Development Area, and the areas around Saluda that are designated Transitional Development Commercial Center. The goals of these districts are not compatible with the goals of the model Dragon Run district. As discussed below, it is recommended that the Model district language be modified to fix this inconsistency prior to adoption of the new district.

D. Considerations for Implementing the Recommendations

In general, the **Dragon Run Compatible Economic Development and Preservation District** can be adopted by the County as an amendment to its current Comprehensive Plan, without any major change in policy direction from the current Comprehensive Plan. It is recommended, however, that the following language be added to the Model district in order to address the issue of compatibility with the Industrial Development and Transitional Development Commercial Center districts:

Recommended revised language for Section 3.0, DISTRICT DEFINITION:

3.0 DISTRICT DEFINITION

*The boundaries of the **Dragon Run Compatible Economic Development and Preservation District** are generally defined as the boundaries of the watershed, or natural drainage area of the Dragon Run. The watershed for the Dragon Run is the area where precipitation collects and funnels to end up in the Dragon Run stream. It is the primary area that affects the water quality of the Dragon Run. It is also the area where compatible rural land uses have predominated and maintained the quality and health of the stream system.*

The following policies are generally intended to apply to the entire watershed of the Dragon Run. However, recognizing that the Middlesex County Comprehensive Plan has previously identified some areas within the watershed as Industrial Development Areas and Transitional Development Commercial Center, the following District policies do not apply to those areas.

It is the intent of the policies for this District not to prevent development of any areas, but, through policies and standards, to ensure that they are developed in ways that are compatible with the basic intent of preserving the Dragon Run's natural resources and low intensity rural character.

II. THE ZONING RECOMMENDATIONS

A. The Dragon Run in the Current County Zoning Ordinance

In general, the County Zoning Ordinance has several areas which are important, relative to the recommendations in the Preservation and Progress report:

- There is a considerable variety of zoning districts, including commercial and industrial zones within the watershed or drainage area of the Dragon Run.
- More intense zones such as higher density residential and non-residential zones are present but only over a relatively small portion of the drainage area.
- The list of permitted uses includes a few uses that are incompatible with the goals of maintaining the rural character of the Dragon Run area.
- Both the Chesapeake Bay Protection Ordinance and the proposed “Streamside Buffer Zone” generally supercede the provisions of the existing Dragon Run Conservation District.

B. Key Recommendations from the “Preservation and Progress” Report

In general, the Zoning Recommendations are intended as options for Middlesex County to adopt in whole or in part, as is, or customized for the county policy and zoning framework.

There are three basic types of recommendations contained in the report:

1. Watershed-based (Drainage Area Zone)
2. Streamside (Stream Buffer Zone)
3. Conservation Subdivision Option

Drainage Area Zone:

- The proposed district is an Overlay Zone (it modifies, but doesn’t eliminate the base zoning)
- The proposed District extends over the whole Drainage Area or watershed of the Dragon Run
- The District includes a Table of Uses to modify some uses in the Base Zone. This provision is intended to protect traditional rural industries in the area and can be customized to best fit with the County’s existing zoning provisions.

Stream Buffer Zone:

- The proposed district is an Overlay Zone (it modifies, but doesn't eliminate the base zoning)
- It extends 200' landward from the Chesapeake Bay Resource Protection Area
- It allows only certain conservation & passive recreational uses as specified
- The District is primarily intended to protect stream ecology
- It generally permits Farming & Forestry with BMP's

Conservation Subdivision Option:

- The Conservation Subdivision Option is a voluntary (optional) development type with a built-in incentive for conserving natural areas and prime forest or farm land.
- The general incentive mechanism is Ministerial Approval for 10 lot subdivisions
- Development is permitted as a conservation-based cluster option with permanent easement over 75% of a tract
- There is no common ownership of the open space required and all the land can remain in individual private ownership
- Required easements for the open space may be held by the County or a qualified Conservation Organization

C. Compatibility of Recommendations with the Existing County Zoning Framework

Specific issues of compatibility between the proposed zoning recommendations and the County's zoning framework are as follows:

- A number of uses that are listed as permitted in the current Table of Uses may be incompatible with the purpose of the Drainage Area Zone. These include Auto/Truck Sales (new) and Public Airport.

- The current Dragon Run Conservation District (DRCD) is generally superceded by the existing Chesapeake Bay ordinance and the proposed Stream Buffer Zone. The DRCD is based on soil types, and is both more complicated to administer, and provides less overall protection than the 200 foot buffer of the Stream Buffer Zone.
- The proposed Conservation Subdivision Option is generally compatible with the current County zoning and subdivision ordinances. Currently, the Low Density Residential zone allows up to 6 lots to be developed as a Minor Subdivision, with ministerial (non-legislative) approval. The Conservation Subdivision option would increase this type of approval to 10 lots, in exchange for clustering lots and permanent protection of open space.

D. Considerations for Implementing the Recommendations

In general, the zoning recommendations can be adopted by the County as amendments to its current zoning and subdivision ordinances without major disruption to the structure or intent of either ordinance. It is recommended, however, that the following issues be addressed at the time that the actual ordinance amendments are drafted:

Drainage Area Zone:

The list of permitted and conditional uses currently in the Dragon Run area should be carefully reviewed and only those uses that are clearly incompatible with the intent of the proposed Drainage Area Zone should be eliminated as part of a new Use Table.

Specific permitted or conditional uses that should be considered for prohibition in the Drainage Area Zone include the following. Note that, since this is an overlay zone, it would only modify the uses in those underlying zoning districts in which these uses are already permitted:

- Airport, public
- Auto/Truck Sales (new)
- Auto Racetrack
- Car Wash, attended or self-service
- Hospital
- Junkyard
- Landfill, public (county)
- Marina

- Seafood Processing Plant

Specific Permitted uses that should be considered for change to a conditional use include the following. Note that, since this is an overlay zone, it would only modify the uses in those underlying zoning districts in which these uses are already permitted:

- Apartments
- Auction House
- Auto Service Station
- Auto/Truck Service, Repair
- Business or Technical School
- Child Care Center
- Contractor's Storage Yard/Office
- Eating Establishments/Restaurant
- Financial Institution without drive-in
- Food Processing Plants
- Golf Course/Country Club
- Grocery Store
- Kennel, commercial
- Lumber and Building Supply
- Manufacturing
- Office, Public/Government
- Nursing Home/Home for Elderly
- Printing, Commercial/Newspaper
- Research Institutions, Labs
- Retail Sales Establishment
- Service Business
- Theater
- Warehouse, Wholesale Distribution
- Wholesale Businesses

Stream Buffer Zone:

The current Dragon Run Conservation District (DRCD) is generally superceded by the existing Chesapeake Bay ordinance and the proposed Stream Buffer Zone. The DRCD is based on soil types, and is both more complicated to administer, and provides less overall protection than the 200 foot buffer of the Stream Buffer Zone.

If the new zoning recommendations are adopted, it may be advisable to repeal the existing DRCD.

Conservation Subdivision Zone:

In general, the Conservation Subdivision Ordinance can be adopted in as an option within a new Dragon Run overlay zone in the County code. However, the Conservation Subdivision Ordinance, as well as all the new zoning provisions, should have a thorough legal review by county staff or outside legal experts to ensure that they conform fully to the State Code and they are not in conflict with any of the other provisions of the County Code.