

SUMMARY OF WORK SESSION 3.
DRAGON RUN LAND USE POLICY AUDIT

July 8, 2003 - Saluda, Virginia

ATTENDEES :

Robert Gibson	King and Queen
Prue Davis	Essex
Dorothy Miller	Essex
David Birdsall	Resource Management Service, Inc.
Andy Lacatell	The Nature Conservancy
Anne Ducey-Ortiz	Gloucester
Rick Allen	Gloucester
Carissa Lee	Middlesex
Patricia Tyrrell	USDA - NRCS, Tidewater Resource Conservation and Development Council
Hoyt Wheeland	VA Dept. of Conservation and Recreation
Julie Bixby	VA Coastal Program
Nancy Miller	Chesapeake Bay Local Assistance Department
David Fuss	MPPDC
Vladimir Gavrilovic	Paradigm Design
Karen Gavrilovic	Paradigm Design

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PARADIGM DESIGN

July 21, 2003

NOTE: The following is a summary of comments made at a Work Session for the Dragon Run Land Use Policy Audit facilitated by Vladimir and Karen Gavrilovic of Paradigm Design. The comments do not reflect official views of the MPPDC or any of the jurisdictions or agencies represented at the work session.

GENERAL DISCUSSION

The following is a summary of the comments and discussion among members of the Dragon Run SAMP Advisory Group, based on a presentation by Mr. Gavrilovic of Paradigm Design on the Summary of Policy Recommendations of the Land Use Policy Audit project.

PLANNING FOR THE FUTURE

- The Dragon Run SAMP Advisory Group needs to be able to look ahead in this process. All County Boards can't or won't react the same way. The process should take into account the potential for future changes.
- Zoning Ordinances and Comprehensive Plans aren't always in sync. Any landowner has the right to request a rezoning, despite what the plan says. For this reason, amending the Comprehensive Plan alone does not ensure that the policies will be implemented.
- One reason to be proactive in changing the land use policies at this time is because plans and ordinances may not be in sync. A disparity between what a Comprehensive Plan calls for and what the zoning ordinance says could open a County up to challenges from those seeking to amend the zoning ordinance to allow a particular development, for example. Counties can negotiate from a stronger position by looking ahead and by having planning documents to address issues that may arise in the future.
- Comprehensive Plans are guides, not legal or binding. Zoning Ordinances dictate actual uses and final development outcome.
- Comprehensive Plans are also guides that are studied and used by prospective purchasers/investors and may deter undesirable uses in an area; Gloucester and Essex have both had that experience.

PROCESS / TIMING

- How long would it take to complete Phase I, II and III as outlined in the Summary of Policy Recommendations? Adoption of all three Phases could take from 1 to 3 years or longer, it could be faster or slower depending on political climate and community will. The Watershed Management Plan would probably take approximately one year, the Comprehensive Plan portion, could take approximately one year and the Zoning Ordinance Amendments, approximately 1 year, but any phase can be done quicker or slower, depending on public reaction and support/opposition.

- The final report should identify the lead agency for each proposed level/phase of the process.
- The process seems logical – need to see what the Steering Committee says.
- Need to work on getting landowner feedback if they support the concept – work on going forward in the Counties.
- Need to go forward with the Watershed Management Plan and get feedback from the landowners and uses (i.e. Hunt Clubs) through that process.
- Need to continue to educate & prepare; need to be ready for future. Development pressures may change or intensify, elected officials may change policies or there may be new elected officials - need continued public input to make sure this process is on track

FARMING/OPEN SPACE

- Fragmentation of traditional land uses can occur and the culture of a rural area can change as residential development spreads throughout a region. Farm support services can't be supported as agriculture declines, making it harder for the remaining farmers to remain in business.
- What is the "right" minimum lot size for farming? Depends on the community, typical farm sizes, soils, traditional crops. Several Virginia counties have used 25 to 50 acres. There could be an analysis to see what the minimum viable farm size in the 4 counties of the Dragon Run.
- Open space needs to be protected to make sure that farming remains a possibility in rural cluster subdivisions. Covenants and disclosures could be used to protect farming as an option.
- How do you keep large lots from further subdivision once the parent tract is subdivided? Records must be carefully maintained on subdivision dates and "parent tracts" and covenants might also be used to prevent further subdivision.
- Agricultural and Forestal Districts have fiscal and tax implications that vary by County; may be viewed as positive or negative; requirements within each district may vary.
- How will open space be maintained? Who will be responsible? What are the tax implications of open space – how is property assessed? This should be addressed in the final report.
- Some of the studies currently underway for the Dragon Run may help determine logical densities and minimum lot size for the watershed.

FORESTRY USES

- Some logging operators are cutting into or clear cutting the RPA. Some are then subdividing the tracts afterward when the natural buffer area is gone. This has become a way to circumvent Chesapeake Bay regulations. There is some recourse for these situations that may involve mandatory replanting when a violation is declared.
- Forestry violations are being addressed by the State legislature and some loopholes are being closed. Enforcement and interpretation vary by County. Communication between local and state staff members is essential to help identify and address violations.
- One potential benefit of the Dragon Run watershed plan should be education and fostering stewardship and to help landowners know what is unique and important about the Dragon Run.

COUNTY SPECIFIC COMMENTS

- Middlesex County commented that their Board of Supervisors would probably support the recommendations for Level 1 (adoption of the Dragon Run Watershed Plan by reference in the County's Comprehensive Plan) and Level 2 (adoption of a set of specific policies for the Dragon Run to be incorporated into the County's Comprehensive Plan) but, that adoption of special zoning regulations might be viewed as too much additional regulation by the Board.
- Gloucester County commented that if the process is logical and the public process builds awareness and educates, there may be support for all three phases proposed in the report if it goes one step at a time, based on how the community feels.
- Middlesex County would support a policy that clustering in all subdivisions in the Dragon Run would be preferred – but how many lots (what minimum would be subject to clustering)? Family subdivisions could be an issue and there should be some provision for allowing basic family subdivisions with minimum regulation.
- Middlesex County would not support a special exception requirement for marine structures because it would be too much of a burden and duplicative.
- Middlesex County supports preserving the Dragon Run but feels that we need to take “baby steps” to get there.