

Meeting Notes
York 2040 Committee

Wednesday, May 4, 2022 – 5:00 p.m.

Senior Center of York

5314 George Washington Memorial Highway, Yorktown, Virginia

Members Present: Mark Bellamy, Gregory “Skip” Brooks, Chad Green, Leigh Houghland, Michel S. King, Richard Myer, Sheila Myers, Eugene Seiter, Cowles “Buddy” Spencer

Staff Present: Susan Kassel, Director of Planning and Development Services; Timothy Cross, AICP, Deputy Director of Planning and Development Services; Earl Anderson, AICP, Senior Planner; Amy Parker, Senior Planner; Cathy Tartabini, Planning Assistant; Richard Hill, Deputy County Attorney; Jeanne M. Sgroi, Management Analyst

Members Absent: Rick Moberg, Jacob Rizzio

Call to Order

Chairman King called the meeting to order at 5:00 p.m.

Opening Remarks

Chairman King welcomed everyone and stated that the purpose of the meeting was to discuss the draft Housing element of the Comprehensive (Comp) Plan that was distributed to the Committee members last week.

Approval of Meeting Notes

On motion of Ms. Myers, seconded by Mr. Green, the March 2, 2022, meeting notes were approved unanimously.

Committee Discussion of Draft Housing Element of the Comprehensive Plan

Chairman King stated that he would like to go through the Housing element page by page and ask Committee members to provide any comments they have. He stated that this format has worked well in the past. He then asked Mr. Cross to give a brief overview of the document.

Mr. Cross stated that the draft Housing element follows the basic structure of the Housing element in the current Comp Plan, which includes a lot of data and quantitative analysis, all of which was updated to reflect current conditions. He noted that some of data charts and tables are based on the Census Bureau’s American Community Survey for 2014-2018, while others are based on the survey data for 2015-2019, which he explained is due to the fact that work on the element has been going on for a long time and updated figures were released midway through the drafting process. He said that in the final draft he plans to revise the tables and charts using a uniform data source. Mr. Cross stated that in putting the document together, he tried to incorporate the results of the scientific citizen survey, citizen comments that the Committee has received, and comments made by Committee members in its many discussions related to housing. He added that with the help of the County’s Housing Manager, Abbitt Woodall, who spoke to the Committee at a previous meeting about the various housing assistance programs in the County, that section of the Housing element has been expanded somewhat.

Chairman King asked if any of the members had general comments they would like to make before proceeding with a page-by-page review of the document.

Mr. Seiter commented that he felt the Housing element is well laid out and thoroughly done. He said the document reinforces what he has been saying since the Committee's first meeting, which is that we live in a nice place that is well run and that the indicators show that we have a healthy environment with an appropriate mix of housing. He said he feels the County is on the right track and that we should not dramatically change the way we are doing things.

Mr. Spencer stated that housing affordability has changed dramatically in the past year and a half and that rising interest rates and building supply costs will continue to have a major effect on affordability. He said things have changed since some of the data was produced for the draft element. Ms. Myers responded that she thought there was some mention of the role of interest rates in the document, and Mr. Cross stated that he included language stating that the affordability analysis represents a snapshot in time and is highly sensitive to assumptions regarding interest rates. Mr. Seiter said he agrees with Mr. Spencer but that the problems he is talking about are experienced everywhere and are not unique to York County.

Chairman King then asked the members to offer any comments or questions they may have while collectively going through the draft Housing element, beginning with Page 1. He noted that the lines are numbered for easy reference and he asked the members to refer to the specific line numbers when making comments.

Mr. Seiter referred to Figure 1 on Page 1, which shows that the average annual increase in housing units has declined over the past few decades, and he asked if that is due to the diminishing supply of available land. Mr. Cross responded that some of it is attributable to the lack of land but that in the past decade, some of the decline can also be attributed to the recession and housing crisis, which started to have an impact in the County around 2010. Mr. Seiter added that the fact that the federal government owns so much of the land probably plays a role along with wetlands restrictions. He asked if zoning restrictions have affected housing availability, to which Mr. Cross responded that overall, zoning restrictions have not changed much since the Zoning Ordinance was comprehensively revised 1995. Mr. Seiter said if the zoning restrictions haven't changed, it appears the County is simply running out of buildable land, and he asked Mr. Spencer for his opinion. Mr. Spencer responded that he believes that is the case and he added that so much of the buildable land that remains is zoned for low-density development, which means one unit per acre but in reality is more like one unit per 1.25 acres when one accounts for roads. He said he is concerned that large lot sizes and low densities reduce the County's capacity for growth.

Chairman King referred to Figure 2 on Page 2, which illustrates housing construction by housing type from 2010 through 2020, and he commented on the increase in age-restricted housing over the past several years, which he said reflects a national trend associated with the growing senior population. Mr. Houghland asked if age restrictions are typically proffered by developers when trying to get property rezoned. Mr. Cross said that is correct and that any senior housing project has to be approved by the Board of Supervisors and that when it involves a rezoning, the developer proffers to restrict occupancy by seniors as a condition of approval. He added that in one case – The Reserve at Williamsburg on Mooretown Road – the developer obtained approval of a rezoning to allow senior housing and then, after the first phase was completed, came back to the Board to request that the age restrictions be removed from future phases of the project. He said the request was approved subject to cash proffers on the part of the developer to address the school impacts associated with the change from age-restricted housing to general market housing with no age restrictions.

Mr. Green commented that one of the largest rezoning applications that he has voted on as a Supervisor was a senior housing project for which Mr. Spencer's company was the applicant, and he asked Mr. Spencer to comment on the value of senior housing. Mr. Spencer responded that seniors contribute a lot of volunteer services and are good for the community and that senior housing projects are fiscally beneficial to the County since they do not generate school students and the streets and amenities are private, so they generate real estate and sales tax revenue without generating significant public service

needs, other than emergency services. He stated that the market for his Rainbrook Villas and similar projects has been very strong and that this type of housing offers a lifestyle for increased quality of life by offering recreational amenities, and activities, with maintenance provided by others.

Chairman King commented on the fact that the County's housing stock is relatively young compared to some of the neighboring localities and that most of the housing is single-family detached. Mr. Seiter noted that when comparing Figures 2 and 3, it becomes evident that the current trend is in the opposite direction, with townhouses and apartments making up the majority of new construction. Chairman King said that with the limited amount of land, developers try to maximize density but that it would take a lot of these types of units to significantly change the overall composition of the housing stock, which is heavily dominated by single-family detached homes.

Ms. Myers noted that the document states that nearly half the housing units built between 2010 and 2020 have been in the upper County, which she said explains why so many upper County residents have expressed concerns to the Committee about development. She stated that most of the available land is in the upper County, and those citizens are not accustomed to seeing the kind of growth that is now taking place.

Mr. Myer questioned the language on Page 4 stating that minimum lot sizes have increased over the past thirty years or so. Mr. Cross responded that minimum lots sizes have indeed increased since the original 1957 Zoning Ordinance, which allowed lots as small as 7,500 square feet as a matter of right. He stated that minimum lot sizes have increased since then, most notably with the 1995 Zoning Ordinance rewrite. Mr. Myer stated that he felt people might question that statement. Mr. Seiter commented that zoning can be misleading, noting that he lives in a neighborhood that is zoned low density although almost all of the lots are less than an acre in size because of unbuildable wetlands. Mr. Cross explained that most developers utilize the cluster provisions of the Zoning Ordinance, which allow smaller lot sizes in exchange for setting aside at least 40% of the gross land area as common open space. He explained that these provisions do not allow an increase in density; the allowable lot yield for the developer is the same as if the property were developed as a conventional subdivision utilizing the standard minimum lot sizes.

Ms. Myers asked why the County's vacancy rate is higher than the national rate. Mr. Cross responded that he did not know. Mr. Spencer commented that the vacancy rate has declined since then, and Mr. Cross said that is correct but that more recent data is not available. Ms. Myers suggested that the dates of the vacancy data be noted in the document so that readers do not get the wrong idea. Mr. Cross said that was a good idea.

Chairman King commented that there are a lot of housing assistance programs in the County. Ms. Myers stated that as a former social worker, she was interested in knowing how many people have been helped by these programs and that at her request, Mr. Cross had provided her with that data. She wondered if it should be included in the document. She added that she suspects a lot of people who would benefit from these programs are not aware that they exist. Mr. Myer said he had the same thought and wondered if the document should indicate where citizens can go to find more information about these programs. Ms. Myers suggested that it might be good to include a recommendation about increasing public awareness of housing assistance programs. Mr. Cross responded that he would contact Mr. Woodall to see what is currently done to publicize these programs and if there is more that can be done. Chairman King stated that including such a recommendation makes more sense than putting contact information in the Plan because people who are looking for information about housing programs are not going to look in the Comp Plan. Ms. Kassel stated that if you perform a Google search on "York County, Virginia Housing," you are directed to the County's Housing and Neighborhood Revitalization Division web page, which includes information about all the programs as well as Mr. Woodall's contact information. She said it is not a question of making the information available but more a question of promoting it, which is a function of the County's Public Affairs Office. Mr. Brooks said it's good to have the information on the website, but

he asked if the County provides assistance to citizens who want to use them. Mr. Cross responded that if citizens contact the Housing Office, the staff there will walk them through the application process. Mr. Green commented that he has several constituents in the Lackey area who have participated in these programs and that their experience has been universally positive. He said they were actually directed to these programs by someone with the County. Mr. Seiter said he has always found the County staff to be very responsive when he has contacted them.

Chairman King then stated that he would like to hear comments on the “Planning Issues for the Future” section of the draft Housing element. Mr. Cross led off with a brief overview of the section, stating that the County has a good mix of housing unit types, both currently and in the pipeline, but that when all the housing projects that are currently in the pipeline have been built, the County will face difficult choices because almost all the developable land that is left will be designated Low Density Residential, which will not help the County to achieve its goals in terms of affordability and balanced population growth. Ms. Myers asked if the Planned Development process – as an alternative to changing the land use designations – would provide an opportunity for a better mix of housing. Mr. Cross responded that it could, since Planned Developments, which are evaluated on a case-by-case basis, typically involve an increase in density. He noted that the draft element includes language recommending flexibility on the part of the County in terms of being open to such requests. Mr. Houghland asked Mr. Spencer if that is what he was trying to do with the Fenton Mill rezoning in Skimino. Mr. Spencer responded that it is but that if a developer is locked into a density of one unit per acre, they are not going to achieve the increase in density that the Planned Development process typically provides.

Mr. Cross explained that Planned Developments almost always involve an increase in density or, in some cases, a change from commercial to residential zoning. He stated that each Planned Development has specific parameters related to density, lot size, building height, setback requirements, and so forth that are set forth in the approval conditions. He said in that regard, each Planned Development is basically its own zoning district and that the ordinance provides significant room for flexibility.

Mr. Spencer commented that recent years have seen an increase in organized citizen opposition to development projects, and these groups can apply political pressure that makes it difficult for the community to address its housing needs. He said this is happening not just in York County but all over the country. He said it would be beneficial to revise the ordinances to give staff more flexibility.

On the topic of housing affordability, Mr. King commented that young people should not be under the false expectation that they are entitled to a single-family detached home in a nice subdivision. He said most people start out living in an apartment that they can afford while they work to save up enough money to purchase a home later in life.

Mr. Brooks raised a concern about language on Page 11 stating that the Comprehensive Plan citizen survey found that 65% of County residents feel it is important to focus on encouraging and attracting balanced population growth. He said the statement implies that the entire County was surveyed, when in fact it was only a small sample of the County’s population. Mr. Cross responded that the purpose of having a scientific survey using proven random sampling methods is to provide results that are statistically valid and can be used to draw inferences about the greater population. Mr. Brooks said he understood that but was concerned that readers might misconstrue the statement. Mr. Cross responded that it is a factual statement. Mr. Houghland commented that most citizens probably agree with the need to provide housing for firefighters and teachers as long as such housing is not proposed in their neighborhood. Ms. Myers added that while most citizens support the goal, most do not support allowing higher densities to achieve the goal. Chairman King commented that it is common for people to express support for general policy goals as long as they are not directly affected by them.

Chairman King asked if anyone had any more comments about housing affordability before moving on to the next topic. Ms. Myers responded that based on her reading of the document, it seems the County is doing fairly well in all income categories except extremely low income. She asked how we can address that problem. Mr. Cross responded that one thing the draft Housing element recommends is that the County invest in older, higher density, moderate-income neighborhoods to keep them viable and maintain the existing affordable housing stock. She asked if the County has ever required developers to set aside a certain percentage of units in a new development for households of below-average incomes. Mr. Cross responded that the County does not have such a policy. Chairman King added that some localities allow density increases in exchange for providing a specified number of moderate-income units. Ms. Kassel agreed and said that to date such a policy has never been viewed favorably in York County. Mr. Cross referred to the Grande Oak project, which was approved by the Board of Supervisors as a 148-unit income-restricted, age-restricted apartment complex targeted specifically to low-income seniors. He explained that the project is being financed through the federal Low-Income Housing Tax Credit Program, which is intended to promote the development of moderately-priced housing. He said that when it is built, renters will have to meet specific income requirements in order to qualify.

The Committee discussion then moved to the topic of senior housing. Chairman King commented that there is a need for one-story ranch-style homes for aging residents who have difficulty climbing stairs. He said these kinds of homes are not being built in the County, but he wasn't sure what can be done about it. Mr. Cross responded that he didn't see a role for the County and that if the market demand for such housing is so great, then the development community presumably would respond by building ranchers. Mr. Spencer commented that the Arbordale development in the upper County was very successful, and Ms. Kassel agreed, noting that Ryan Homes built smaller single-family detached homes in Arbordale that were targeted toward empty nesters and sold out very quickly. Mr. Seiter stated that in his home state of New Jersey, a lot of people are moving into one-story homes in gated communities with a lot of amenities, and he said there is nothing like that in the County and that he thinks there would be a market for it. Chairman King agreed.

Mr. Spencer asked what the maximum allowable density for senior apartments is in the County. Mr. Cross responded that it is twenty units per acre, subject to approval by the Board of Supervisors. Mr. Houghland asked about the redevelopment of the George Washington Inn on Merrimac Trail. Mr. Cross responded that that project is not age-restricted. He explained that several years ago, a Special Use Permit was approved to convert the hotel into senior apartments, but the project fell through and the use permit expired. He stated that the hotel is now being redeveloped as moderate-income apartments targeted mainly toward younger members of the workforce.

Chairman King then asked for comments on the final section of the document dealing with specific policy recommendations. Mr. Cross stated that Mr. Woodall had recommended that the Plan include an implementation strategy recommending that the County engage a consultant to perform an affordable housing study of the County. He explained that there have been several affordable housing studies of the greater Williamsburg area, but that leaves out lower York County, which is part of the Newport News-Hampton market area. Ms. Myers asked which objective that recommendation would fall under. Mr. Cross responded that it would fall under Objective #2 on Page 18, which deals with housing affordability.

Ms. Myers stated that at a previous meeting there had been discussion about developers using the Mixed-Use overlay designation as a pretext for getting residential projects approved, and she asked if the language in Objective #1, Strategy #3 was intended to avoid that. Mr. Cross said that is correct. Ms. Myers responded that she is glad that language is included.

Mr. Spencer expressed concern about the recommendation on Page 18 that the Comp Plan be used as a general guides for future development in making zoning decisions and evaluating residential development proposals. He noted the preponderance of land designated in the Plan for Low Density Residential

development, which he said will not allow the County to achieve some of its other housing objectives. Mr. Cross explained that the language is actually intended to emphasize that the Plan should be used as a *general* guide while allowing flexibility to deviate from that guide as circumstances dictate. Chairman King noted that the language states that the “totality of circumstances” be considered in addition to the policies set forth in the Comp Plan.

Mr. Spencer stated that he thought some consideration should be given to adjusting densities so that the actual development density of a project aligns with the gross density set forth in the Comp Plan. He said a common misconception is that a ten-acre parcel zoned for one unit per acre is entitled to ten lots, which is not the case because roads and other things have to be accounted for. Chairman King responded that that is the nature of the development business all over the country. He said he believed there was some language in the draft element about reexamining zoning definitions. Mr. Cross responded that Objective #1, Strategy #2 states that as the County approaches 2040, it will need to consider changes to zoning and land use designations in order to ensure a range of housing opportunities.

Mr. Seiter asked if there is a way to give builders an incentive to build nice two- and three-bedroom ranchers on smaller lots. He said there appears to be more profit in building upscale homes such as Smith Farm Estates. Ms. Kassel responded that Smith Farm Estates is actually the exception and not the rule. She said it is the only upscale subdivision being developed right now and that almost everything else in the past five years has been built by Ryan Homes, which typically sells smaller homes for a lot of money but are not upscale. Ms. Kassel mentioned Marquis Hills and Carrington Meadows, and she explained that Ryan Homes builds what the market demands and their homes sell very quickly. She said Ryan Homes is selling houses for \$100,000 more than the same house would have cost a year and a half ago. Mr. Spencer responded that even so, with the increased building costs, their profit margins might be the same. Ms. Kassel responded that she understands that but it doesn't help us address the issue of a firefighter making \$50,000 a year who can't afford a place to live.

Ms. Whittaker noted the discussion of revising the Tax Relief for Elderly and Disabled Program criteria and she asked if the Board hadn't, in fact, recently agreed to change those criteria. Mr. Cross said that is correct but that was after the document was prepared, and he said it would be revised.

Mr. Myer suggested adding a strategy under Objective #3 stating that the County will monitor changes to the flood zone maps as well as research on sea level rise in order to evaluate the need for changes to building and development regulations. He said he thought that might be a good hook to the Environment element. Ms. Myers said she thought that was a good idea.

Ms. Myers stated that a citizen who attended one of the land use forums had commented about the need for neighborhood parks and she wondered if that should be addressed in the Housing element. Mr. Cross responded that it really should be addressed in the Public Facilities element because she was talking about parks that are accessible to everyone and not just the residents of a particular subdivision.

Other Business

Chairman King thanked the Committee members for their comments, and he asked Mr. Cross about the next meeting. Mr. Cross responded there if there is a meeting in June, it will be on June 1. He said there would be a decision regarding the June 1 meeting in the next few weeks.

Mr. Houghland asked if there is a timeline for the remainder of the Committee process. Mr. Cross responded that staff is hoping to have it wrapped up by late fall or early winter

Citizen Comments

There were no citizen comments.

Adjournment

The meeting was adjourned at 6:37 p.m.