

MINUTES
YORK COUNTY PLANNING COMMISSION
Regular Meeting
York Hall, 301 Main Street
August 9, 2023

MEMBERS
Douglas Holroyd
Glen D. Titus
Mary P. Leedom
Michael S. King
Robert T. Criner
Jeffrey D. Wassmer
Joseph P. Smith

Charting the Course to 2040: The York County Comprehensive Plan

Chair Smith stated that the public hearing to receive comments on the Comprehensive Plan would be a little unusual in that the Commission has previously agreed to extend the time limit for speakers, and he noted that this would require a vote to suspend the rules.

Mr. King moved to suspend the rules set forth in Article V, Section 2(b) of the Planning Commission Bylaws, pursuant to Article X, Section 2 of the Bylaws, to increase the time limit for speakers from three minutes to five minutes specifically for the public hearing on the Comprehensive Plan.

On a roll call the vote was:

Yea: (6) King, Criner, Wassmer, Holroyd, Titus, Smith
Nay: (0)

Timothy Cross, Deputy Director of Planning and Development Services, gave a brief presentation regarding the timeline for the Comprehensive Plan process. He stated that the Commission held a public hearing on June 14 and then conducted a work session on June 22 to discuss the citizen comments and the draft Plan. He stated that all of the changes to the Plan agreed to by the Commission at the work session have been incorporated, and that the agenda package includes all of the replacement pages as well as a summary of all the changes made. He stated that the staff is not recommending that the Commission take any formal action tonight, which is why a proposed resolution was not included in the agenda material. Mr. Cross stated that after tonight's public hearing, staff would like to get direction from the Commission as to any additional changes it wants to make to the draft Plan, with the goal of having a formal vote on the document at its September 13 regular meeting. He added that staff has one change to recommend, and that is to redesignate a parcel on the west side of Route 17 from General Business to Conservation. He explained that the property is owned by Newport News Waterworks and is part of the watershed; therefore, it should be designated Conservation as is the rest of the watershed.

Chair Smith opened the public hearing.

Dalila Johnson, 104 Shorewood Trace, asked for a reset on the Comprehensive Plan, stating that the full impacts of the COVID-19 pandemic on the economy are still not known. Another reason she cited is that recent development and population growth in the County has been unevenly distributed – with most of it taking place in District 1 – which required the election district boundaries to be redrawn. She also expressed opposition to the Princess Cruise Lines’ plans to use Yorktown as a port of call, citing concerns about the appearance of the waterfront, security of nearby military bases, and environmental impacts. Lastly, she expressed concerns that school capital improvements in the Bruton attendance zone have not kept up with development, and she stated that students in the Bruton zone will start the school year in trailers. She stated that quality of life is a balance everyone strives for and that if the County is going to attract young, knowledgeable workers as stated in the Plan, it needs to listen to the concerns of the community, remain flexible, and accept changes. Ms. Johnson stated that the future belongs to those who listen, learn, and adapt.

Tom Chamberlain, 270 Barlow Road, noted that the Comprehensive Plan identifies seven dangerous roads in the County, including Barlow Road, but he said it does not include a strategy for addressing these road safety needs. He suggested that 25% of the County’s annual budget surpluses over the next five years be targeted toward road improvements. He noted that the Six-Year Secondary Road allocations recently approved by the Board of Supervisors include about \$1 million and address only one intersection, yet the County has allocated millions for the Riverwalk Restaurant renovation. He asked for the funding to be redirected to fix these roads.

Richard Howell, 104 Horseshoe Drive, recommended that the word “feelings” be replaced with the phrase “positions of opposition or support” in the sentence that references the importance of allowing neighbors to express their views on proposed short-term rentals (STRs). He also recommended that the language pertaining to home occupations and STRs should make a distinction between the two since they are different from each other and fall under separate zoning rules. Lastly, he opined that the Plan should include goals and objectives for short-term rentals, and he suggested that at a minimum, language be added stating that the County will work on drafting additional guidelines for STRs.

Steven Kennedy, 104 Penn Drive, stated that he is Vice President of the Conserve York County Foundation and thanked the Commissioners for their volunteer work on the Comprehensive Plan. He characterized the draft Plan as symbolism over substance. He recommended that action on the Plan be delayed until after the upcoming Board of Supervisors election, noting that in January of next year there will be two to four new Board members, one new Planning Commissioner, and a new County Administrator. He stated that the Plan cites old data, which he said gives the impression that evidence is being manufactured that creates an environment where citizens are intensely suspicious of the County’s motives. He opined that the Plan does not adequately address conservation, and he suggested that the Commissioners read Article XI of the Constitution of Virginia pertaining to conservation. He questioned the use of a telephone survey of 464 residents as a basis for the Plan, noting that there are more than 70,000 residents in the County. He also questioned language in the Plan regarding the 82,500 maximum build-out population and the role of citizen input in guiding the Plan, which he indicated should be paramount. Mr. Kennedy cited comments made by a member of the Comprehensive Plan Review Steering Committee, Cowles Spencer, including the statement that “local leaders need to consider what is in the long-term best interest of the community rather than trying to appease opponents of development” and that “in a political process, decisions are not always made that are in the best interests of the community.” He indicated that various land use decisions have been or are being made that are not in the best interests of the community, including The Marquis, Kelton Station, Tranquility, and the proposed

warehouses on Lightfoot Road. He recommended that the Commissioners visit all five election districts and then redo the Plan next year when new leadership is in place.

Dana deJager, 108 Horseshoe Drive, said the draft Plan is lacking in metrics and measures, which she said are vitally important because they affect every aspect of decision-making at every level of local government. As an example, she cited the 2013 Comprehensive Plan, which projected that 440 housing units would be built in the upper County between 2015 and 2020 when, in fact, many more units were built. She stated that this growth has increased traffic in the upper County – citing the impact of Kelton Station on Lightfoot Road as an example – and has placed a strain on the schools, forcing some students to have classes in trailers. She stated that many of the issues facing the County today could have been avoided if County officials had followed the Comprehensive Plan, but without metrics such as currently proposed in the updated Plan, there is no clear direction.

Teri Hodson, 207 Nelson Street, thanked the Planning Commissioners for their service and expressed appreciation for their time and patience in listening to the citizens. She stated that the County does not always follow the Yorktown Design Guidelines, which it created. She stated that two members of the Historic Yorktown Design Committee (HYDC) were not reappointed because they contradicted the desires of the Board of Supervisors. Ms. Hodson stated that when the proposed dockmaster building in Yorktown was presented to the HYDC prior to the pandemic, the Committee and concerned citizens asked that the project be redesigned because it was too large and not appropriate for Yorktown. She stated that the very same plans were again presented to the HYDC this year, and even after the application was tabled, still no changes were made in response to expressed concerns. Ms. Hodson stated that there has been no citizen input into the decision to allow Princess Cruise Lines to use Yorktown as a port of call, which she said will have a more significant effect on the village than anything else in the Comprehensive Plan. She expressed concern about pollution, the size of the ships, and the effect on underwater shipwrecks in the York River, and she stated that Yorktown businesses will not benefit from the additional visitors. Finally, she stated that people will not be able to see Yorktown from Gloucester because of these large ships, and she noted that over 800 people have signed a petition against the Princess Cruise ships coming to Yorktown.

Elizabeth Wilkins, 228 Church Street, expressed opposition to the Princess Cruise Lines proposal. She stated that visitors to Yorktown, including some that she spoke to recently, come for the small-town atmosphere, which she said will be greatly diminished by the presence of large Princess Cruise ships. She added that scenic views of Yorktown from the Colonial Parkway will be obliterated by these large ships. She asked that consideration be given to the current visitors, residents, and nonresidents and continuing to enhance their experience and encouraging them to engage with and support local businesses and cultural offerings. Ms. Wilkins quoted the introduction to the Comprehensive Plan, which states that “The quality of life in a community cannot be measured by statistics and can only be expressed in terms of the collective experiences enjoyed by the residents” and “includes such things as a comfortable climate, recreational and entertainment opportunities, educational and cultural life, and an aesthetically pleasing living environment.” She urged the Commission to take its commitment to the community seriously and rethink this proposal.

Jacques van Montfrans, 228 Church Street, expressed opposition to the Princess Cruise proposal, stressing the company’s environmental record, which he said is very poor. He stated that Princess Cruise Lines professes to be environmentally conscious but in 2016 was criminally charged by the Department of Justice with seven felony counts stemming from its deliberate pollution of the seas and then undertaking numerous intentional acts to cover up its actions. These charges, he stated, were related to discharging heavy oil-laden bilge water directly into the ocean and bypassing all

of the environmental control technology that was aboard these ships to remove these contaminants. He said that ultimately, the company entered into a plea agreement that resulted in an initial fine of \$40 million, which at the time was the largest maritime criminal penalty ever imposed for deliberate vessel pollution. He stated that as part of the plea agreement, Princess Cruise Lines agreed to a five-year probationary period but that two recent press releases from the Department of Justice, one in 2019 and one in 2022, indicated that the company was guilty of six additional felonies for non-compliance with the environmental regulations imposed during the probationary period. Mr. van Montfrans stated that environmental non-compliance is part of the company's corporate culture, and he expressed concern about emissions of particulate matter, sulfur dioxide, nitrous oxide, and carbon dioxide. He stated that these large ships will have a significantly greater impact on the environment than the smaller cruise ships that currently dock in Yorktown, and he expressed opposition to the proposal to build a permanent pier on the Watermen's Museum property for Princess Cruise Lines.

David Bowditch, 702 Main Street, requested that the reference to the Princess Cruise Line proposal be removed from the Economic Development element of the Plan to avoid giving the impression that the County has endorsed the proposal or approved construction of a new pier at the Watermen's Museum. He stated that he opposes the proposal, which he stated is out of scale for Yorktown and a bad idea because for Yorktown.

Ron Struble, 205 Shady Bluff Point, stated that he is President of the Conserve York County Foundation. He stated along that two of the Board of Supervisors' strategic priorities are value-driven economic development and environmental stewardship with a focus on resiliency and technology investments. He said the draft Plan shows a lack of balance between economic development and environmental priorities, stating that there have been too many residential rezonings of land designated for economic development which he said demonstrates a lack of determination to preserve the character of the area. He stated that the County's solution to the problems at The Marquis was to rezone the South Pod for residential development rather than honestly assessing what needed to be done. He further stated that the Plan does not adequately address environmental stewardship. Mr. Struble condemned the recent practice of clear-cutting sites and reshaping the natural contours of the land in preparation of development rather than integrating the contours and preserving the existing tree canopy, as in the case of the Villages of Kiln Creek and Coventry. He criticized the decision to allow development at the end of Springfield Road, which he said has harmed the quality of life for the under-privileged residents who live there. Lastly, Mr. Struble addressed conservation, noting that it is entities other than the County that have been responsible for the preservation of land for open space in recent years, and he stated that the Board of Supervisors cut funding for the Historic Virginia Land Conservancy. He proposed that an objective be added to the Plan to establish a land conservation program in the County that could include select and strategic land acquisitions for the purpose of conservation and preservation of the character of the area.

Bob Hodson, 207 Church Street, stated there hasn't been enough time to evaluate the Princess Cruise proposal, adding that over 800 people have signed an online petition in just two weeks opposing the idea. He noted that the draft Plan has references to the possible construction of a pier at the Watermen's Museum and possible economic benefits of the cruise ships and to the proposed dockmaster building expansion, which he opined is not intended to manage the cruise ships that currently dock in Yorktown. He suggested that the County is planning for Princess Cruises, but it is not thoroughly discussed in the Plan. He stated that although the Board of Supervisors has indicated that the cruise proposal is a private partnership, it sent a letter to the state asking for funds to build a pier at the Watermen's Museum. He said he feels there is a lack of transparency in County government on this issue.

There being no one else wishing to speak with regard to the Comprehensive Plan, **Chair Smith** closed the public hearing.

Mr. Criner thanked all the speakers and said a lot of good points were made but he doesn't have a suggestion at this time.

Mr. King stated that he appreciated everyone coming out to express their opinions. He said he needed time to digest and consider everything that was said.

Mr. Titus stated he was surprised about the opposition towards the cruise line and needs time do some research on the matter.

Mr. Holroyd stated that many of the comments expressed tonight were expressed during the development of the Plan but were not incorporated, and he felt they should be considered but doesn't think it can be done effectively tonight. He suggested that a summary of the comments be prepared and that the Commission have another discussion of any additional changes, either at a work session or at its next regular meeting.

Mr. Smith thanked everyone for taking the time to come out and urged the citizens to take their concerns regarding the Princess Cruise Line proposal to the Board of Supervisors and the Department of Economic and Tourism Development. He stated that the Commission needs time to review the information brought up tonight in more detail before it takes any action. He asked if staff had any comments to offer.

Mr. Cross responded that many of the issues raised tonight were discussed at the June 22 work session and that the Commission reached resolution on a number of them. He stated that there were comments about the Princess Cruise Lines proposal at the June 14 public hearing, which the Commission discussed at the work session and determined was not an appropriate issue to include in a Comprehensive Plan. He clarified that the draft Plan does not take a position on the idea; it merely references the fact that it has been proposed. With regard to the comment about funding for road improvements, Mr. Cross stated that the Plan does, in fact, include implementation strategies addressing this issue. He asked the Commission if it wants to have another work session on the draft Plan.

Mr. Smith asked what the established timeline is for the process.

Mr. Cross responded that September 13 is the target date for a Commission vote and that it could be feasible to schedule a work session before then, depending on the Commissioners' schedules. He noted that August is a difficult time to schedule meetings since a lot of people go on vacation, and he stated that the goal is to keep the process on track for adoption of the Plan before the end of the year, especially since Mr. Green, who represented the Board of Supervisors on the Comprehensive Plan Review Steering Committee, expressed his intention to vote on adoption of the updated Plan, which means a vote would have to take place this year.

Chair Smith asked the Commissioners' for their input on holding a work session.

Mr. Wassmer asked the staff if it can put together a written summary of the items that were brought forward tonight and prepare a position paper for the Commissioners to review and collectively decide within two weeks if the issues have been addressed or if another work session is warranted.

Mr. King agreed with Mr. Wassmer's suggestion and recommended that the Commission be prepared to meet in a work session prior to the September 13 meeting, perhaps at 5:00, to address the comments rather than have an additional meeting.

Chair Smith responded that he liked the recommendations made by Mr. Wassmer and Mr. King.

Mr. Cross responded that it would be possible to schedule a 5:00 work session on the same night of the regular meeting but that the staff would have to have actual language prepared for consideration in order to then vote on the Plan.

Chair Smith asked how long it would take for staff to prepare a summary document.

Mr. Cross responded that it would probably take one to two weeks, and he added that in the meantime the Commissioners can also review the video recording of the meeting while they're waiting to receive the summary.

Chair Smith suggested that by August 30, the Commission make a decision on whether or not it needs to meet to make a recommendation based on the summary that staff will prepare.

Mr. King responded that he liked that idea and suggested that the Commission reserve the possibility of scheduling a work session after staff prepares the summary. There were no objections to this idea.

Mr. Holroyd stated that the 5:00 PM window for a work session should be kept open in case it is necessary.

Mr. Smith raised the issue of STRs, stating that his understanding is that the Board of Supervisors has tabled consideration of any tourist home applications until next year, at which time it will be asking for more definitive guidance.

Mr. Cross said that is correct and that the Board wants to have a work session early next year to talk about the STR issue. He stated that it has been implied that the Board has been asking for stricter standards for four years and that there has been no response to that request, which he said is not true. Mr. Cross explained that the original request was made in 2019 and that in response, the Planning Commission developed additional standards that were adopted unanimously by the Board in March 2020. He stated it was not until two months ago, when the Commission's second series of proposed Zoning Ordinance text amendments were presented to the Board, that the Board gave an indication that it wanted additional standards. He added that the Board did not provide guidance as to what those standards might be. He noted that the driving force determining whether or not an STR is approved is neighborhood opposition or support, although there is a clear preference for on-premises management and agreement that STR approvals should run with the property owner and not the land.

Chair Smith said that was his reason for bringing up the issue because he did not want anyone to get the impression that the issue is not being addressed.
