

## PRESERVATION AND PROGRESS IN THE DRAGON RUN

### TECHNICAL MEMORANDUM: Implementation Recommendations

For Gloucester County, Virginia

September 20, 2005



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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 Gloucester 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 (Adopted November, 2001)**

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

Rural Countryside District:

The majority of the watershed located in Gloucester County falls within this district which is intended to encourage farming and maintain rural character. Rural residential development is permitted, but is intended to be secondary to agricultural uses. A five-acre minimum lot size is recommended and clustering is encouraged.

Rural Service Area:

The area known as Glens is designated a Rural Service Area. Generally these are existing settlements or crossroads that include service uses such as country stores, post offices, and fire stations as well as houses. Residential development at a one-acre minimum lot size is appropriate and clustering is encouraged. The plan mentions that some light industrial or transportation-oriented uses may be appropriate at Glens because of Route 17 frontage.

Resource Conservation District:

Land areas, including wetlands and floodplains, along shorelines and all tributary streams are included in the Resource Conservation District. Generally only passive recreation and low density residential uses are considered appropriate in these areas.

In addition, the following points are important, relative to the Dragon Run in the Gloucester 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 Gloucester County plan amply addresses general natural resource protection and water quality issues. It also addresses the design and siting of new structures in the rural landscape. Generally, these policies are not as specific or well defined as policies relating to water quality. This may be because there is more subjectivity involved in implementing, measuring and mitigating the impacts associated with the loss of some of these resources. Additionally, developing specific policies for

protection of many of these resources requires balancing public rights and private rights.

In summary, the existing Comprehensive Plan policies and maps for Gloucester 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.

In addition, it should be noted that the Gloucester County Board of Supervisors adopted, in 2005, the Dragon Run Watershed Management Plan as an addendum to its Comprehensive Plan. The Model Comprehensive Plan district, as recommended for adoption herein, would serve to fully implement the land use recommendations in the adopted Watershed Management Plan.

## **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 Gloucester 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 Gloucester County Comprehensive Plan designates the overwhelming majority of the Dragon Run drainage system as Rural Countryside district. Other portions along the Dragon Run stream itself are designated Resource Conservation district. 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 area along Route 17 known as Glens, that is designated Rural Service Area. The goals of this district are not compatible with the goals of the model Dragon Run district, especially in recommending residential development of one-acre lot sizes. 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 Rural Service Area district:

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 Gloucester County Comprehensive Plan has previously identified the Glens area within the watershed as a Rural Service district, the following District policies do not apply to that area.*

*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 business 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.
- The County's cluster ordinance is different in scope and intent from the recommended Conservation Subdivision option.

## **B. Key Recommendations from the "Preservation and Progress" Report**

In general, the Zoning Recommendations are intended as options for Gloucester 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 proposed Conservation Subdivision Option is generally compatible with the current County zoning and subdivision ordinances. Currently, the RC-1 Resource Conservation zone allows up to 3 lots to be developed as a Minor Subdivision. 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:

- Adult Bookstore, theater
- Airport, public
- Auto/Truck Sales (new)
- Auto/Truck Sales (used)
- Communication facility, radio or Television stations or towers
- Eating Establishments with drive-in
- Hotel, Motel, Motor Lodge
- Landfill, public (county)
- Racetrack, Commercial
- Seafood Processing Plant
- Truck and Freight Terminal

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:

- Auto Service Station
- Contractor's Storage Yard/Office
- Convenience Store
- Eating Establishments/Restaurant
- Financial Institution, Bank
- Lawnmower/Equipment, sales, rental, repair
- Library
- Livestock, Intensive Dairy, Poultry
- Manufactured Home and trailer sales
- Manufacturing
- Microbrewery
- Monument Works
- Museum
- Nursing Home/Home for Elderly
- Office, Business, Professional, Administrative
- Office, Medical/Dental
- Office, Public/Governmental
- Post Office
- Public Utilities
- Retail Sales Establishment
- Sawmill
- Sawmill, Portable or Temporary
- Service business
- Veterinary Clinic or Hospital
- Wholesale Businesses

Stream Buffer Zone:

The proposed Stream Buffer Zone supplements and extends the range of protection of the current Chesapeake Bay Protection Ordinance. It extends protection to an additional 200 feet beyond the current Resource Protection Area. It is compatible with the county's Chesapeake Bay provisions and could be adopted as an overlay zone within the watershed of the Dragon Run.

Conservation Subdivision Zone:

In general, the Conservation Subdivision Ordinance can be adopted as an option within a new Dragon Run overlay zone in the County code. However, the incentive for this development option, in Gloucester County's case, should be that Minor Subdivisions of up to 10 lots can be approved under the Conservation Subdivision option, without requiring rezoning to a Residential zone. Moreover, 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.