

COUNTY OF ALBEMARLE

EXECUTIVE SUMMARY

<p><u>AGENDA TITLE:</u> Rural Areas Comprehensive Plan Joint Work Session</p> <p><u>SUBJECT/PROPOSAL/REQUEST:</u> <u>Review of topics and issues to be addressed in the Rural Areas Comprehensive Plan section</u></p> <p><u>STAFF CONTACT(S):</u> Cilimberg; Benish; McDowell</p>	<p><u>AGENDA DATE:</u> <u>ITEM</u> <u>NUMBER:</u> April 2, 2003 – Board of Supervisors/Planning Commission Joint Work Session</p> <p><u>ACTION:</u> <u>INFORMATION:</u></p> <p><u>CONSENT AGENDA:</u> <u>ACTION:</u> <u>INFORMATION:</u> N/A</p> <p><u>ATTACHMENTS:</u> Yes <u>REVIEWED BY:</u> Cilimberg; Benish</p>
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BACKGROUND:

On March 5, 2003, in a joint work session with the Board of Supervisors and Planning Commission, staff received direction regarding the potential topics and major issues to be researched and addressed in Rural Areas section of the Comprehensive Plan. In response to that direction, staff has revised the report accordingly. A copy of these revisions is attached for review and comment (Attachment A).

The Board and Commission also directed staff to examine the status and provide a summary of Family Divisions. A copy of staff’s research and recommendations for Family Divisions is attached for review and comment (Attachment B).

In addition, the Guiding Principles for the Rural Area are attached for review and comment. The Guiding Principles are included as Attachment C.

DISCUSSION:

- **Comprehensive Plan Summary of Discussion.** The report includes the information provided in the March 5th report, as well as a summary of the direction given to staff at the meeting. The format of the report is as follows: following each topic reviewed on March 5th, a new section has been added titled “Direction to Staff.” This new section (in a box) summarizes the direction given to staff at the work session. The bulleted strategies identified under each topic in the original report have not been changed, unless otherwise noted in the “Direction to Staff” sections. (Attachment A)
- **Family Divisions.** The attached report includes a summary of regulations, results from research conducted in 1997, and a comparison with other Virginia Counties. Staff has

also included recommendations for strategies to be conducted during the comprehensive plan review regarding family divisions. (Attachment B)

- **Guiding Principles.** After several extensive discussions, the Planning Commission determined that the attached Guiding Principles for the Rural Areas should be the foundation for future rural area decisions. The Guiding Principles reflect the Growth Management policy to conserve “the balance of the County for rural areas and resource protection. Resource protection is the basic theme behind the County’s growth management approach.” Further, the Growth Management policy currently identifies agricultural and forestal resources as the “most critical County resources and the desired primary land use in the Rural Area.” The most important deviation of the Guiding Principles from existing policies is that agricultural and forestal land uses would share equal status in with natural resources, land preservation and conservation, water supply resources, scenic resources, historical, archeological and cultural resources in future policy development. (Attachment C)

RECOMMENDATION:

Staff has provided the summary of major issues to insure the Planning Commission and Board of Supervisor’s direction has been accurately reflected.

Information regarding family divisions has been included for review and comment.

The Guiding Principles for the Rural Areas has been provided for review and comment.

ATTACHMENTS:

- A Comprehensive Plan Major Issues**
- B Family Divisions Preliminary Research**
- C Guiding Principles for the Rural Area**

RURAL AREAS COMPREHENSIVE PLAN
MARCH 5, 2003 WORK SESSION SUMMARY

INTRODUCTION:

The Board of Supervisors and the Planning Commission at a joint work session discussed the following topics and issues on March 5, 2003.

The format of this report is as follows: after each topic major issues section (contained in the March 5th report), a new section has been added titled "Direction to Staff." This new section (in box) summarizes the direction given to staff at the work session. The bulleted strategies identified under each topic in the original report have not been changed, unless otherwise noted in the "Direction to Staff" sections.

It should be noted that the "major issues" in the March 5th report are not the only major issues considered in the Rural Area review. They are the issues identified by staff to be the ones most in need of direction from the Board and Commission.

INFRASTRUCTURE/COMMUNITY SERVICES

I. Transportation

(Pages 44 – 46 in draft Comprehensive Plan)

Transportation needs should be carefully analyzed so as not to conflict with the primary goal of the County's growth management policy to direct growth into the designated growth areas and conserve the remainder of the County for rural areas and resource protection. The two main considerations in rural transportation issues are providing safe roads and maintaining rural character. The County should consider the following strategies to determine what tools could be used to provide a safe transportation network in the rural areas while maintaining the rural character:

- Road improvements should not necessarily preclude that paving and widening of roads is a sole solution, but rather focus on safety improvements such as providing shoulders, guardrails, and spot improvements such as straightening a curve.
- The Rural Rustic Roads program, recently created by the Virginia Department of Transportation, should be implemented to provide an alternative to the Pave-in-place program. Rural Rustic Roads is a more environmentally friendly and less costly way than the Pave-in-Place program.
- Re-evaluate the Pave-in-Place program. This program is little used in the County as few roads can meet the criteria. Also, this program does not meet the goal of maintaining the rural character, as the design standards are more like urban road standards (i.e., rights-of-way area and pavement widths).
- Consider expanding transportation alternatives, such as JAUNT to provide and enhance rural transit opportunities.
- Explore new transportation alternatives such as park and ride lots and traffic calming in crossroad communities.

Major Issue:

- **There needs to be a balance between the safety of rural roads and maintaining the rural character. Staff will evaluate the need to establish rural road design standards to help articulate expectations for road design that meet this balance.**

DIRECTION TO STAFF:

It should be clearly understood that it is not the intention of the County to increase road capacity in the rural areas. (Pages 44 – 46; strategies 1, 3, 4, 5, and 6)

The County should serve needs of rural area residents with safe and well-maintained roads. (Page 46; strategy1)

We do not need to evaluate the Pave in Place Program; we should evaluate the Rustic Roads program for implementation. (Page 46; strategy 2)

II. Water and Sewer

(Pages 46 – 48 in draft Comprehensive Plan)

Current County policy is to restrict development in water supply watersheds and to discourage the location of public facilities such as public sewer and water lines in the rural areas. Current County policy also does not support central water and sewer systems. The County should consider the following strategies:

- Maintaining the current policy of not encouraging the extension of the Jurisdictional Area that serves the Development Areas.
- As part of the Groundwater Program, the Groundwater Committee has recommended the County adopt a policy that would provide technical guidance on how to conduct site-level groundwater assessments.
- The Planning Commission has had several work sessions with planning staff and representatives of the Groundwater Committee regarding central water and sewer systems. It was generally agreed that County policy should be re-evaluated toward the use of central systems. In particular, rural preservation developments could utilize central systems where the site's groundwater suggested that employing a central system would be the most sustainable approach. A Rural Utility District could be created by the County to ensure proper operation and maintenance of any such central system.
- Tools that could be used to achieve water protection at a specific rural preservation development site could include using community open space for reserve drainfields and/or well fields.
- There would have to be design flexibility to maximize the effectiveness of site-level groundwater studies.

Major Issue:

- **Central water and sewer systems are to be considered for RPD's or other types of rural development. Staff will be re-examining current County policy which discourages use of central systems, particularly for use with RPD 's and possibly other types of rural development.**

DIRECTION TO STAFF:

With a focus on technology, staff will explore the use of central systems. Central water and sewer systems may be considered where feasible for RPD's or other types of rural development. It is not the intent that central systems would be a mechanism for encouraging development or that they would create additional development that couldn't otherwise occur with private systems of individual systems. (see attached White Paper for Water & Wastewater and the Albemarle Rural Area as a Source of Watershed Ecosystem Services; Page 28 Rural Preservation Development)

RURAL COMMERCIAL

I. Crossroad Communities

(Pages 39 – 41 in the draft Comprehensive Plan)

Albemarle County has numerous crossroad communities that were once thriving. For many years, communities such as Batesville, Covesville, Free Union, Greenwood, and Proffit provided the necessary services to the surrounding areas of each community. In fact, crossroad communities were the heart and soul for the outlying areas as they were the commercial and social centers of the surrounding communities. Many of these areas still function as centers of activity and there is a desire from many residents for them to maintain some level of viability.

The rural crossroad communities are an important part of the County's heritage. There are many buildings located in the crossroad communities that are vacant and could have local historical significance. These buildings could be renovated to maintain the rural character of the crossroad community and provide a valuable service to the immediate local area. There appears to be substantial support for maintaining strong, viable crossroad communities, as the Albemarle County 2002 Citizen Survey reveals 96% of respondents favored allowing localized services in traditionally rural communities.

This component of the Comprehensive Plan should be closely connected to the Historical Resources section in the Natural Resources and Cultural Assets chapter of the Comprehensive Plan, which is considered to be a component of rural conservation, as the older surviving historic buildings typically relate directly or indirectly to agricultural pursuits. The County should consider the following:

- Buildings in crossroad communities could be used/renovated to provide appropriately scaled services to the surrounding community with particular emphasizes given to historic buildings.
- Crossroad communities should remain viable rural community/social centers that retain their individual rural historic characteristics while also supporting the broader Rural Area Growth Management Goals.
- Ensure the scale and scope of any new use is consistent with the existing infrastructure and character of the crossroad community and rural areas, without any requirement for upgrade or expansion of infrastructure.
- Establish standards to guide decisions on the location of uses in crossroad communities.

- Establish design standards to ensure the scale and scope of businesses maintains the character of the crossroad communities and supports the County's growth management policies.

Major Issues:

- **Establish the concept of, and identify rural crossroad areas in the Comprehensive Plan.**
- **Staff will identify the types of uses that should be permitted in crossroad communities.**
- **Staff will consider the scale and scope of uses in crossroad communities that would be consistent with the Rural Areas.**

DIRECTION TO STAFF:

Establish the concept of and identify existing rural crossroad areas in the Comprehensive Plan, with an emphasis on historic crossroads communities. (see attached Survey of Historic Crossroads Communities in Albemarle County)

With the help of community involvement, staff will identify the types of uses that should be permitted in crossroad communities. The County should locate government offices/services within these crossroad communities, rather than other rural area locations, if feasible. (Types of uses to be determined through community involvement with the Zoning Ordinance Text Amendment; discussion in comprehensive plan pg. 39, 40, and strategies 3, 4, 5, 6, 7 regarding scope and parameters.)

The scale, scope, and geographic boundaries of crossroad communities will be considerations in the identification of crossroads communities and in the determination of appropriate uses. Page 41, strategy 3 and 4)

II. Alternative Uses
(Pages 41 – 43 in the Draft Comprehensive Plan)

There is increasing pressure on landowners to subdivide their property as the decline of agriculture has provided limited options for farmers to keep their land. Rural alternative uses, such as home occupations, commercial recreation, special events, and farm sales, could be supported that would not conflict with the County's growth management policies and could be supportive of protecting and conserving the County's natural resources. These uses should also be compatible with and supportive of the policies and objectives of the Comprehensive Plan. The County should consider the following strategies:

- Ensure that any effects of rural alternative uses will have minimal impacts on the surrounding area (i.e., road improvements such as paving, erosion, stormwater runoff).
- Limit the size and intensity of any rural alternative use so that it would not conflict with the character of the rural area.
- Maintain the existing policy of not expanding public water and sewer service to the rural areas, including rural alternative uses.
- Ensure that rural alternative uses do not conflict with agricultural and forestal uses.

- Review the Zoning Ordinance to re-evaluate by-right uses and uses by special permit, such as home occupations and farm sales, to encourage uses that promote agriculture, crossroad communities, and the preservation of rural land, and discourage uses that are contrary to the County's growth management policies and the Defining Elements.

Major Issues:

- **Staff will consider amending the Zoning Ordinance to make it easier to establish certain home occupations and other uses in the Rural Areas, such as farm sales, certain types of commercial recreation, and special events.**
- **Explore strategies that could provide alternative uses in the Rural Areas to help farmers maintain their farms rather than subdivide.**

DIRECTION TO STAFF:

Explore strategies that could provide alternative uses in the Rural Areas to help rural landowners preserve their land intact rather than subdivide, with the goal to eliminate and/or reduce subdivisions. Page 43, strategy 1)

Staff will consider amending the Zoning Ordinance to make it easier to establish certain home occupations and other uses in the Rural Areas, such as farm sales, certain types of commercial recreation, historic and cultural, arts and crafts, artisan, and temporary special events. The County's goal is to reduce subdivision on land that would benefit from this inclusion of these uses, i.e., land use in exchange for commitment not to subdivide. (Page 43, strategy 1, 2, 3, 8)

AGRICULTURE

(Pages 34 – 37 in the draft Comprehensive Plan)

In 1994, the Agricultural and Forestal Industries Support Committee presented a report (attached for reference) to the Board of Supervisors. Representatives from many types of farms participating on the Committee provided recommendations based on their valuable, first-hand experiences. Among those recommendations, the Committee sought a reduction of ordinances in order to provide support for and to promote agricultural interests. They asked that measures to be taken that discourage farmland fragmentation and for the development of policies and ordinances that favor clustered development. Further, they recommended that marketing strategies for agricultural products, niche agriculture, such as cut flowers and garlic, and direct marketing operations be promoted and encouraged. They also requested that County policies support farmers regarding nuisance conflicts in Rural Areas. These concerns and recommendations are still compelling and valid, as the County continues to lose agricultural lands. The County should consider the following strategies:

- Encourage creative land uses that support agricultural and horticultural uses.
- Support land use standards that reduce conflicts between different agricultural uses and between agricultural and non-agricultural uses.

- Encourage protection of prime agricultural soils from non-agricultural development, whenever possible.
- Discourage the fragmentation of land.
- Continue the land use tax program.
- Encourage Rural Preservation Development that preserves farmland.
- Work with property owners to develop conservation easements and other voluntary techniques to preserve land and habitats.
- Actively promote Agricultural and Forestal Districts.
- Actively promote and establish a reliable funding source for the ACE program.
- Actively promote conservation easements.
- Establish agricultural support through the assignment of a dedicated staff person who would work to establish a viable agricultural community. Staff assignments would include the following:
 - Explore the inclusion of appropriately scaled, low-impact agricultural industries that support the local agricultural economy;
 - Review a streamline processing for appropriately scaled low-impact uses that support the local agricultural economy.
 - Explore the inclusion of appropriately scaled, low-impact agricultural industries that support the local agricultural economy.
 - Streamline processing for appropriately scaled low-impact uses that support the local agricultural economy.
 - Explore marketing strategies that support and enhance the local agricultural and horticultural economy.
 - Improve the understanding and appreciation of agriculture and horticulture resources at the County level and with the general public.

Major Issues:

- **Reduce the fragmentation of land**
- **Consider establishing a dedicated County staff position to focus on Agricultural/Forestal/Rural Area initiatives**

DIRECTION TO STAFF:

Consider establishing a dedicated County staff position to focus on Agricultural/Forestal/Natural Conservation/Natural Preservation/Rural Area initiatives. The consideration of this position would include a canvas of organizations, departments, and agencies to determine existing support and need Page 37, strategy 5)

FORESTRY

(Pages 37 – 39 in the draft Comprehensive Plan)

The Department of Forestry Strategic Plan 2000-2002 lists “Conserve the Forest Land Base” as one of its goals. The Plan includes a broad spectrum of critical issues, objectives and performance measures in order to obtain its goals. Among the critical issues identified is the recognition that suburban expansion presents many challenges for continued forest renewal and improvement. The proposed strategies within the Forestry Strategic Plan that would address this issue include education, small lot management, and application of grants to develop sustainable community forestry programs.

The 1994 Agricultural/Forestral Industry Support Committee Report identified forest fragmentation as the biggest threat to the future vitality of the forest industry in Albemarle County. The Report stated that tract sizes below 40 acres are difficult to manage economically and the proximity to houses and other structures further escalates the problem. Further decreases in forestland, and further fragmentation of the remaining land, reduces the sustainability of both the ecological services and the forest products provided by the forests of Albemarle.

Although this section speaks to the forestry industry and not the undisturbed forests within open space areas, it should be noted that proper land stewardship of lands that are being managed for timbering would promote a habitat for wildlife habitat. The erosion of larger blocks of forest decreases the habitat for forest-interior bird species, favors edges species, such as white-tailed deer, and increases the risk of forest fires and the loss to fire of woodland homes. The County should consider the following strategies:

- Employ creative development tools that result in suitable land areas that can be used as forestry resources, including Rural Preservation Development.
- Encourage educational programs that teach conservation of the forest land base.
- Encourage the use of Department of Forestry Forest Stewardship Plan.
- Encourage the use of Department of Forestry Healthy Forest Resources.
- Continue the land use taxation program.
- Actively promote conservation easements.
- Actively promote and establish a reliable funding source for the ACE program.
- Consider giving priority to the conservation of large contiguous blocks of forest.
- Consider the impact on forest fragmentation in the evaluation of land use decisions.
- Encourage cooperative management of small parcels of forestland to provide economies of scale and better management.
- Actively promote Agricultural and Forestal Districts.

Major Issues:

- **Reduce the fragmentation of land**
- **Consider establishing a dedicated County staff position to focus on Agricultural/Forestral/Rural Area initiatives**

DIRECTION TO STAFF:

(Same as Agricultural)

Consider establishing a dedicated County staff position to focus on Agricultural/Forestral/Natural Conservation/Natural Preservation/Rural Area initiatives. The consideration of this position would include a canvas of organizations, departments, and agencies to determine existing support and need. (Page 39, strategy 7)

LAND USE PATTERNS, DENSITY, AND DEVELOPMENT

Residential development and its social, physical, and economic impacts on the Rural Areas are central topics for this plan review to address. The level of development that has

occurred to date along with the future potential development will lead to a character of development inconsistent with current County goals and expectations for the Rural Area. Staff proposes to analyze and address policies that affect the intensity and extent of development on the land.

I. Land Use and Land Cover Pattern

Staff proposes to develop a comprehensive strategy to ensure that all the land elements reflected in the Guiding Principles—including agriculture and forestry, land preservation and biodiversity, open space conservation, water resources, and natural, scenic, and cultural resources—can be accommodated in our finite land area

II. Density and Development

Possible strategies to address the overall level of residential development in the Rural Areas could include:

- Modify lot size and density permitted in the RA District.
- Development rights (reduce number or establish time release/phasing).
- Development-right lot sizes (smaller minimum sizes, set maximum size rather than 31-acre total for 5 lots).
- By-right lot sizes (increase to size consistent with agricultural, forestal, and open-space/conservation goals).
- Other zoning approaches (large lot, sliding scale, and overlays).
- Enhance voluntary land-conservation programs, such as ACE and easement donations.

Major Issues:

- **Staff will pursue alternatives that reduce the development potential in the Rural Areas, potentially through reduction of assigned development rights, increasing size of non-development-right lots, or through other zoning approaches (e.g., large-lot zoning, sliding-scale zoning, others).**
- **Staff will explore reducing size of development-right lots to reduce consumption of land for residential uses**

DIRECTION TO STAFF

Do not consider a reduction in development rights. (No reduction in development rights has been recommended; changes to reduce land used for residential lots – page 17))

Staff will pursue alternatives that reduce the development potential in the Rural Areas, potentially through increasing size of non-development-right lots or through other zoning approaches (e.g., large-lot zoning, phasing, sliding scale zoning, for example). (Page 17, 18 19 and 20)

Staff will explore incentives that would result in a reduction of land used for residential acreage, in order to increase land used for natural resources, agricultural, and forestal

resources, for example rural preservation development. (See pages indicated above and RPD on page 28)

RURAL PRESERVATION DEVELOPMENTS

(Pages 28 – 33 in the draft Comprehensive Plan)

Rural Preservation Developments (RPD's) are currently used by the County as an alternative to traditional by-right residential development. The advantages of RPD's over traditional development are that they reduce fragmentation, generally require less road length/impervious surface, provide for better stream protection, and provide for the potential of preserving agricultural land. However, as the current RPD ordinance is written, the goals of an RPD are not fully being realized (average lot size is approximately 6 acres and only 40 acres are required for the preservation tract). The County should consider the following strategies:

- Establish a maximum lot size for RPD lots that is lower than the current 6-acre average lot size and require a larger preservation tract.
- Establish a percentage for the preservation tract in relation to the overall acreage of the development (i.e., at least 75% of the parcel being developed must be in the preservation tract).
- Permitting central water/sewer systems as an acceptable means for providing utility services for RPD's.
- Consider the creating rural utility districts that could operate and maintain central water and/or sewer systems in RPD's.
- Establish community open space for reserve drainfields and/or well fields.
- Health Department approval necessary prior to approval of any RPD proposal.

Major Issues:

- **Attempt to make RPD's the standard form of rural development as opposed to an option.**
- **Permitting central water/sewer systems in RPD's and to creating rural utility districts to maintain central systems.**

DIRECTION TO STAFF:

Attempt to make RPD's the standard form of rural development as opposed to an option. (Page 33, strategies 6 and 7 – will make RPD a preferable alternative)

With a focus on technology, staff will explore the use of central systems. Central water and sewer systems may be considered where feasible for RPD's or other types of rural development. It is not the intent that central systems would be a mechanism for encouraging development or that it would create additional development that couldn't otherwise occur with private systems of individual systems. (Page 33, strategy 8 and see White Papers for Rural Area Comprehensive Plan attached)

Include residential design standards listed below into standards for Rural Preservation Developments. (Page 33, strategies 1 – 5, 7 and 9)

RESIDENTIAL DESIGN STANDARDS

While the level and character of permitted residential development is the major issues we will address, we also need to consider and improve the design standards for those residential developments that we do permit. These standards would be the basis of future Zoning Ordinance and Subdivision Ordinance amendments, and would be used for evaluating discretionary reviews, such as special-use permits. Some possible strategies include:

- Lot arrangement – setting standards for subdivision layouts based on physical land features.
- Water conservation measures – requiring and/or encouraging designs that reduce consumption of groundwater.
- Water protection measures – requiring and/or encouraging home designs, land-management tools, and subdivision layouts that protect groundwater and surface water from contamination, plus incorporating stream buffers and groundwater infiltration areas into designs.
- Visual design standards – reducing the visual impacts of rural subdivisions.
- Mountain protection plan – developing standards to reflect this portion of the Natural Resources & Cultural Assets Plan.
- Building sites – instituting standards for house locations for all subdivisions, beyond the current restrictions on slopes and floodplains.

Major Issue:

- Staff intends to establish development-design standards for residential uses permitted in the Rural Areas.

DIRECTION TO STAFF:

Include all issues (indicated by all bullets within this topic) to the Rural Preservation Development topic. (see above)

It is not the intention of rural residential design standards to reduce or eliminate affordable housing in the rural area.

Retain the strategy to develop Mountain Protection Plan standards to reflect this portion of the Natural Resources & Cultural Assets Plan, as Mountain Protection is a broader issue.

In recognition of the importance water conservation and protection, retain the following strategies in this topic:

- *Water conservation measures – requiring and/or encouraging designs that reduce consumption of groundwater.*
- *Water protection measures – requiring and/or encouraging home designs, land-management tools, and subdivision layouts that protect groundwater and surface*

water from contamination, plus incorporating stream buffers and groundwater infiltration areas into designs.

FISCAL/TAX TOOLS

(Pages 49-50 of the draft Comprehensive Plan)

Taxation and incentives can be influential in determining the future of an area. Staff proposes to investigate the effects of current taxation and funding programs in the rural areas, analyze incentives that support or contradict Rural Area goals, investigate additional funding sources, and recommend changes to County policies.

- Review the use-value taxation program (possibly by committee).
- Funding strategies for purchasing development rights.
- Incentives to support Rural Area goals.
- Fiscal analysis of development impacts.
- Pursue state and federal grants.
- Explore state tax-credit programs.

Major Issue:

- **Staff proposes to explore taxation and incentive programs to ensure that they support Rural Area goals, and to recommend changes as necessary.**

DIRECTION TO STAFF:

No changes to strategies listed above. (Page 50, strategies 1-5)

CONSISTENCY WITH NATURAL RESOURCES & CULTURAL ASSETS PLAN

(Pages 5- 6 of the draft Comprehensive Plan)

All of the goals of the Natural Resources & Cultural Assets Plan include elements that are found in the Rural Areas. Staff proposes to ensure that proposed policy changes in the Rural Areas chapter reflect the goals of Chapter Two. Strategies that those goals can be incorporated into the planned sections of the Rural Areas chapter include:

- Water Resources – All topic areas include measures to protect groundwater and surface-water quality and quantity.
- Biological Resources and Biodiversity –Incorporate the existing goals from Chapter Two into the topic areas identified above. Also, the chapter can accommodate expected future input from the ongoing biological inventory work and the standing Biodiversity Committee, to be established later this year.
- Agricultural and Forestry Resources – Protection of these resources and uses incorporated into most or all sections of this chapter.
- Critical Slopes and Mountains –Include these subjects in proposals on density and development design standards. However, the upcoming hearings on the proposed mountain-protection ordinance will affect how this issue is addressed.
- Dark Sky – Lighting concerns addressed in proposals on design standards.
- Scenic Resources –How to achieve the County’s scenic-resource goals in the context of protecting agriculture and land preservation/conservation.

- Historic Resources –Address protection of historic resources in the Rural Areas in the sections on density & development, rural commercial uses, commercial recreation, and Rural Preservation Developments.
- Critical Resources Inventory – Amendments to the Rural Area chapter as portions of the Critical Resources Inventory are expanded or completed in the next few years by the Historic Resources Committee, the Biodiversity Work Group, and others.
- Greenways – The greenways plan reflected in the sections on density & development, scenic resources, and subdivision design standards.

However, incorporating these individual goals into the various sections of the Rural Areas chapter could lead to piecemeal consideration. To avoid this, staff proposes to also analyze the chapter comprehensively to ensure that the proposed pattern of land uses in the Rural Areas forms a coherent vision for how natural and cultural resources can best be protected in the Rural Areas.

Major Issue:

- **No major issue; these strategies relate to the application of existing goals already in the Comprehensive Plan within the development of the Rural Areas section.**

DIRECTION TO STAFF:

Staff intends to ensure that all recommendations are consistent with the goals established in the Natural Resources and Cultural Assets Plan to protect water resources, biological resources and biodiversity, agricultural and forestry resources, critical slopes and mountains, the dark sky, scenic resources, historic resources, and greenways. Staff will take into account new information received since that chapter was adopted and provide for flexibility in using future input from the ongoing Critical Resources Inventory.(Page 6, strategies 1-5)

FAMILY DIVISIONS

Researching Family Divisions in Albemarle

In 1997, staff carried out research on the sale of parcels created by family division from 1990 through 1995. This research found that of the 223 parcels created by family division within that period (an average of 37 per year), only 9 parcels were transferred out of the family. Information on family divisions for 1996 through the present would require extensive research.

Enabling Legislation from Code of Virginia

Section 15.2-2244.C of the Code of Virginia does not require family divisions in Albemarle, as it is considered a high growth county under that regulation. The section does allow “..reasonable provisions permitting divisions of lots or parcels for the purpose of sale or gift to a member of the immediate family..”

County of Albemarle Subdivision Ordinance

The County's Subdivision Ordinance sets the requirements for review and approval of family divisions. The ordinance specifies a lower fee and fewer requirements than those established for standard subdivisions. Currently, family divisions are exempt from subdivision ordinance requirements, including road standards.

Section 14-211 specifies that family divisions should be approved only if:

- each family member receives only one lot
- the subdivider has not previously transferred a family-division lot to that person, and
- the agent is satisfied that the family division is not sought for the purpose of circumventing the requirements of the subdivision ordinance.

SUMMARY:

Without further research, staff cannot conclude that there are any significant abuses of family division regulations. However, family divisions are part of the broader issues concerning land divisions that were discussed during the joint work session on March 5th. Therefore, the County should consider the following strategies:

- Staff will research family divisions to determine their compliance with ordinance standards
- Staff will evaluate family divisions in conjunction with other methods of subdivision during the review of the comprehensive plan
- Evaluating the qualifications for family divisions, including extending the length of time required for family ownership, will be included in a review of family divisions

VIRGINIA COUNTY COMPARISONS
FAMILY DIVISIONS

At the March 5, 2003 joint Board of Supervisors/Planning Commission meeting, staff was directed to research the policies of surrounding counties in regards to family divisions and the length of time required the family division is held before the family member can sell the property to a non-family member. As the following chart indicates, there is a range of no time limit to five years. In addition to Loudoun County having a one-year requirement before a family division can be sold outside the family, they also require the person requesting the family division to have owned the property at least one year prior to a family division.

<u>County</u>	<u>Required Time For Holding Family Division</u>
Albemarle	2 years
Buckingham	No limit
Fluvanna	1 year
Greene	5 years
Loudoun	1 year (also requires property owner requesting family division to hold property for 1 year prior to division)
Louisa	5 years
Orange	No limit
Rockingham	5 years
Spotsylvania	5 years

GUIDING PRINCIPLES FOR THE RURAL AREA

The Planning Commission has recognized these principles as the guiding principles for the Rural Areas:

- 1) Recognize in policy development that all the following defining aspects are equal and important components of the Rural Areas:
 - a) Agriculture - - Protect Albemarle County's agricultural lands as a resource base for its agricultural industries and for related benefits they contribute towards the County's rural character, scenic quality, natural environment, and fiscal health.
 - b) Forestry resources - Protect Albemarle County's forests as a resource base for its forestry industries.
 - c) Land Preservation – Preserve and protect Albemarle County's rural land as an essential and finite resource.
 - d) Land Conservation – Protect Albemarle County's rural land through planned management to prevent exploitation, destruction, or neglect.
 - e) Water supply resources - Protect the quality and supply of surface water and groundwater resources.
 - f) Natural resources - Preserve and manage the rural areas' natural resources in order to protect the environment and conserve resources for future use.
 - g) Scenic resources - Preserve the County's rural scenic resources as being essential to the County's character, economic vitality, and quality of life.
 - h) Historical, archeological and cultural resources - Protect the rural areas' historic, archeological and cultural resources.
- 2) Protect and enhance rural quality of life for present and future rural area residents.
- 3) Provide support to local agricultural and forestal economies and connect local producers and consumers of rural products.
- 4) Address the needs of existing rural residents without fostering growth and further suburbanization of the Rural Areas.
- 5) Develop tools to direct residential development into designated Growth Areas, where services and utilities are available, and where such development will have minimum impact on rural resources and agricultural/forestal activities.
- 6) Establish development standards that are consistent with rural-area characteristics and expectations.
- 7) Provide levels of service delivery in accord with the Facilities Planning goals of the Land Use Plan.
- 8) Provide support for long-standing rural crossroads communities and villages without creating *de facto* growth areas.
- 9) Consider financial and fiscal tools to support implementation of Rural Area policies.

- 10) Consider the goals of the Thomas Jefferson Sustainability Council in rural-area policy and code development.
- 11) Strive for better understanding and coordination of rural-area land use planning with neighboring counties.
- 12) Provide tools that offer alternatives to fragmentation of parcels into pieces too small for economic viability.
- 13) Implement the applicable objectives of the Natural Resources and Cultural Assets Plan.
- 14) Encourage creative and diverse forms of rural production and support rural land uses that provide rural landowners with economic viability.
- 15) Encourage and implement protection and enhancement of genetic, species, and ecosystem diversity for wildlife in the County.