

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on March 2, 2005, at 9:00 a.m., Room 241, County Office Building, McIntire Road, Charlottesville, Virginia.

PRESENT: Mr. David P. Bowerman, Mr. Kenneth C. Boyd, Mr. Lindsay G. Dorrier, Jr., Mr. Dennis S. Rooker, Ms. Sally H. Thomas and Mr. David C. Wyant.

ABSENT: None.

OFFICERS PRESENT: County Executive, Robert W. Tucker, Jr., County Attorney, Larry W. Davis, Director of Community Development, Mark Graham, Director of Planning, V. Wayne Cilimberg, and Senior Deputy Clerk, Debi Moyers.

Agenda Item No. 1. The meeting was called to order at 9:04 a.m., by the Chairman, Mr. Rooker.

Agenda Item No. 2. Pledge of Allegiance.
Agenda Item No. 3. Moment of Silence.

Agenda Item No. 4. Other Matters Not Listed on the Agenda from the Public.

Speaking on behalf of the Piedmont Environmental Council, Jeff Werner addressed the Board. He stated that he also is representing the League of Women Voters, the Southern Environmental Law Center, Citizens for Albemarle, Voters to Stop Sprawl – Albemarle, Advocates for a Sustainable Albemarle Population, Friends of the Moorman River, as well as individual residents Brian Wheeler, Scott Neese, Harry Levins, Andy Wright, John Foster, Martha Levering, Chad Freckman, Rich Collins – some of whom were attending the meeting.

Mr. Werner reference a letter he had sent the Board, indicating he hoped they would read it prior to their meeting March 3rd with the Rivanna Water and Sewer Authority. He stated that the letter presents concerns and questions on the current community water supply discussion, hoping that it will initiate a broader discussion by the Board.

Mr. Werner said that he appreciates the recent joint city-county discussions, and has recommendations from the groups mentioned before:

(1) in providing for future water, take a decisive leadership role in discussions for providing the water supply so that it protects the health, safety and welfare of citizens. He added that they would like the Board to go beyond what the RWSA is charged with, and address the environmental, fiscal, and policy ramifications of each of the alternatives;

(2) clarify the decision-making process – tell how decisions will be made and who will make the decisions. He noted that the public must then be given the opportunity to address their elected officials before the final decision is made;

(3) don't let an artificial deadline or artificial crisis drive decision-making. He mentioned that the July deadline is driven by the Department of Conservation and Recreation's request for a plan to renovate the Ragged Mountain Dam, and suggested that an extension be requested so that necessary time can be taken to make an informed decision on the community water supply. He emphasized that there is no water crisis, and with the use of Beaver Creek, the urban area would feel no shortfall of water supply even during the most severe drought, through year 2018;

(4) examine the phrase "least environmentally damaging," and take a comprehensive view of environmental impacts and include local interests in the equation. He added that there are unintended economic environmental costs associated with the different alternatives;

(5) avoid making decisions on cost figures made available to date. The complexity of the water supply system has led to a long list of alternatives and combinations, and suggested that the Board request cost estimates from RWSA for the entire system, not just selected components; and

(6) recognize the challenges of a 50-year planning horizon. He added that it cannot be predicted with any certainty what the water demand will be in the year 2055, and it is "prudent to build and maintain only what we need." It makes sense to have a plan that would allow for flexibility in the planning and management of an integrative water supply.

Mr. Werner said that while RWSA advises officials on the course of action they believe will be most acceptable to the regulatory agencies, elected officials must choose the course that will be most acceptable to the community. He added that we cannot ignore the ecology, health, and stewardship of local reservoirs and streams.

Mr. John Martin, of Free Union, addressed the Board. He stated that he has received an agenda from RWSA that appears they will be running the meeting. Mr. Martin urged the Board to reconsider the agenda and "take charge" along with City Council to take control of the meeting. He emphasized that the problem that exists now is a repeat of one eight years ago, when uncertainty arose as to "who is governing this community with respect to water supply issues." Mr. Martin suggested that the Board and City Council conduct the meeting and take charge of this important matter.

Agenda Item No. 5. Consent Agenda. **Motion** was offered by Ms. Thomas, **seconded** by Mr. Boyd, to approve Items 5.1 through 5.7 and Item 5.9, and to accept the remaining items for information. (Discussions on individual items are included with that agenda item. Item 5.8 was removed from agenda).

Roll was called, and the motion carried by the following recorded vote:

AYES: Mr. Dorrier, Mr. Rooker, Ms. Thomas, Mr. Wyant, Mr. Bowerman and Mr. Boyd.

NAYS: None

Item 5.1. Approval of Minutes: February 11N, March 15A, March 17A, March 22A, June 2, October 13A, October 14A, November 10N, and November 11A, 2004; and February 9, 2005.

Mr. Boyd had read the minutes of February 11N, 2004 and November 11A, 2004 and found them to be in order.

Ms. Thomas had read the minutes of March 15A, 2004 and June 2, 2004, pages 17 (beginning at Item 5.4) – 34, and found them to be in order, with the correction of some typographical errors.

Mr. Bowerman had read the minutes of March 17A, 2004 and June 2, 2004, pages 1-17 (ending at Item 5.4), and found them to be in order.

Mr. Wyant had read the minutes of March 22A, 2004 and June 2, 2004, pages 48 (beginning at Item 18) - end, and found them to be in order, with the correction of some typographical errors.

Mr. Dorrier had read the minutes of June 2, 2004, pages 35-48 (ending at Item 18) and February 9, 2005 and found them to be in order.

Mr. Rooker had read the minutes of October 13A, October 14A and November 10N, 2004, and found them to be in order.

By the recorded vote set out above, all of the minutes were approved, as read by Board members.

Item 5.2. New Guidelines for considering enhanced fines for speeding.

The Executive Summary states that the Board of Supervisors, at their June 2, 2004 meeting, approved a resolution requesting VDOT to designate Morgantown Road for enhanced speeding violation fines and to install signage alerting motorists of the enhanced fines. The enhanced fines can be up to \$200 for exceeding the established speed limit. At that time, the Board also requested staff to bring back to the Board guidelines for considering future requests.

VDOT has established criteria to consider roads for this program. Staff has reviewed the VDOT criteria, and has conferred with the County Police Department to identify if any requirements in addition to VDOT's criteria should be established to govern local review. Based on these discussions, staff proposes the following guidelines, along with the attached VDOT criteria, be used to consider future requests:

1. The request must meet the VDOT criteria for this program.
2. A petition requesting the use of enhanced speeding violation fines shall be submitted and signed by at least 75 percent of the total occupied households (or businesses) along the impacted street segment. (This is a fairly typical criterion that VDOT uses for similar programs (traffic calming, cut-through traffic restrictions) to ascertain public support for the proposal.) In certain unique situations, alternate methods for determining public support may be necessary or more appropriate.
3. The request must identify an area deemed critical to public safety, such as areas where uses like schools, daycare centers, public park/playgrounds, and/or areas of high pedestrian/bicycle traffic are located.
4. Other methods for controlling speeding (traffic calming, neighborhood outreach/education, etc.) must have been considered or pursued and determined not to reasonably address the speeding and safety issues prior to establishing enhanced fines for speeding. Community Development staff will work with VDOT and the neighborhood to insure that the other possible methods of controlling speed have been considered and pursued, if appropriate.
5. A meeting with the residents and Community Development Department and Police staff (and VDOT, as necessary) shall be held to discuss the residents' concerns, the enhanced fine for speeding program, and the review process. Upon completing this step, staff will determine whether representatives for the petitioners wish to continue to pursue the request. Upon completion of this step, staff will review the request and forward a recommendation to the Board of Supervisors with an appropriate resolution for the Board's consideration. No public hearing shall be held by the Board unless the Board determines that a public hearing is necessary based on the information provided.

Items 4 and 5 above are proposed to ensure that residents understand the policy and the review process and the potential limitations of the enhanced speeding program and have an opportunity to provide input. It is important for residents to understand that the program imposes increased fines, but does not necessarily imply an enhanced level of enforcement on the street. Staff

believes these guidelines, along with the VDOT criteria, will provide an effective process for future requests.

Staff recommends the Board of Supervisors approve the proposed guidelines.

(Ms. Thomas commented that the proposed fines seem reasonable as they parallel previous fine structure revisions.)

By the recorded vote set out above, the Board approved the following guidelines:

VDOT Criteria to Consider Roads for Installation of Signs Advising of Maximum Penalty for Exceeding Posted Maximum Speed Limit in Certain Residence Districts (46.2-878.2 the Code of Virginia)

Criteria

To qualify for sign installation, a highway shall meet the following criteria:

1. Meet the definition of local residential, collector, or minor arterial street
2. Have a posted speed limit of 35 mph or lower

County/Town Responsibilities

To initiate these procedures, the county or town shall request, by resolution of the local governing body, that VDOT install the appropriate signs as stipulated in 46.2-878.2 of the Code of Virginia. This request shall be submitted to the local VDOT resident engineer in the form of a resolution, along with the following support data.

Support Data Requirements:

1. Identification of the neighborhood and specific highway(s) where the signs are requested to be installed.
2. Confirmation that the highway(s) meet the definition of local residential, collector, or minor arterial streets as described above.
3. Notification that a speeding problem exists and that the increased penalty has community support.

VDOT Responsibilities

It is the responsibility of VDOT to provide, install, and maintain the signs.

Item 5.3. FY 2005 Requested Budget Appropriations.

It was noted in the staff's report that the Code of Virginia §15.2-2507 stipulates that any locality may amend its budget to adjust the aggregate amount to be appropriated during the current fiscal year as shown in the currently adopted budget. However, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget or the sum of \$500,000, whichever is lesser, must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. The Code section applies to all County funds, i.e., General Fund, Capital Funds, E911, School Self-Sustaining, etc.

The total of this requested additional FY 2005 appropriation is \$169,735.86. It is anticipated that a budget amendment public hearing will be proposed in April 2005 and these appropriations would be incorporated into it.

This request involves the approval of three (3) new FY 2005 appropriations as follows:

- One (1) appropriation (#2005043) provides \$124,735.86 for various education programs and donations;
- One (1) appropriation (#2005044) distributes \$101,901.00 from the General Fund salary contingency to various departments who had reclassifications during FY 2005; and
- One (1) appropriation (#2005045) provides \$45,000.00 for completion of the HVAC project at the Health Department.

A detailed description of these appropriations follows. Staff recommends approval of the FY 2005 Appropriations #2005043, #2005044, and #2005045.

Appropriation #2005043, \$124,735.86. Western Albemarle High School received donations in the amount of \$2,000.00. Doug and Sarah DuPont donated \$1,000.00 and the Frederick S. Upton Foundation made a matching donation of \$1,000.00. These donations will be used to support the Fine Arts Program at the school. Western Albemarle High School and the Warrior Club also received a donation in the amount of \$51.70 from Downtown Athletic. This donation will be used to purchase weight room equipment for the new Weight/Wellness Room that is being constructed at the school.

The State Department of Education reimbursed Albemarle County Public Schools in the amount of \$1,178.00 for satellite related expenses incurred by the Albemarle Resource Center.

Broadus Wood Elementary School received a donation in the amount of \$2,000.00 from Samuel H. Austin on behalf of the Austin Memorial Foundation. Mr. Austin requested that \$1,000.00 be used by Ms Techman to purchase books for the school library, \$500.00 be used by Mr. Roach to purchase hands-

on instruments and musical materials, and \$500.00 be used by Mrs. Jones to purchase hands-on math and/or science materials. Broadus Wood Elementary School also received a donation in the amount of \$1,510.16 from the Broadus Wood PTO. This donation will be used to pay the salary of the Spanish teacher to teach a weekly Spanish lesson to kindergartners and 1st graders for two nine week periods.

Murray High School received a donation in the amount of \$500.00 from Donna and William Evans. This donation will be used to pay the salary for a teacher to teach the Community, Challenges and Choices class offered to the students at Murray High School.

Albemarle High School received a donation in the amount of \$100.00 from Jack T. Kayton III. This donation will be used by the wrestling team at Albemarle High School.

The Albemarle County School Board approved \$11,000.00 for the Migrant Education Program in March 2004 for the FY04-05 budget. These funds were designated to meet the unmet needs of the Albemarle migrant students due to the extreme cuts in federal and state allocations. These funds will be utilized for migrant students enrolled in Albemarle County Schools in order to increase the number of hours of tutoring and extended learning time provided.

Albemarle County Schools have been selected by the Annenberg Foundation to participate in a pilot project in the design and implementation of a professional development program in civic education for FY04-05. This grant award in the amount of \$106,396.00 will pay for the lead teacher's salary, benefits, staff development, educational materials, copy supplies, mileage and equipment.

Appropriation #2005044, \$101,901. This appropriation distributes funds from the General Fund salary Contingency to the salary and benefit lines of departments who have been impacted by salary adjustments and reclassifications during the current fiscal year. There is no net cost to this appropriation, since the funds are simply being shifted from a contingency fund into departments. The departments receiving additional funds are as follows:

County Attorney	\$24,793
Information Technology	9,082
Sheriff	10,989
Commonwealth's Attorney	6,468
Parks and Recreation	45,840
Soil & Water Conservation	4,729
TOTAL	\$101,901

Appropriation #2005045, \$45,000.00. This appropriation provides funding to complete the HVAC project at the Health Department.

By the above recorded vote, the Board approved the following FY 2005 appropriations:

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2005043
DATE _____
BATCH# _____

EXPLANATION: Various Education Programs and Donations

FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
				CODE	AMOUNT	DEBIT	CREDIT
2302	61411	580000	Misc. Expenses	J	1	2,000.00	
9000	60302	800656	WAHS Weight Room	J	1	51.70	
2114	61320	800101	Mach/Equip-Repl	J	1	1,178.00	
2201	61101	601200	Books/Subscriptions	J	1	1,000.00	
2201	61101	601300	Misc. Expenses	J	1	1,000.00	
2201	61101	132100	PT Salary - Teacher	J	1	1,394.63	
2201	61101	210000	FICA	J	1	115.53	
2303	61101	112100	Teacher Salary	J	1	461.75	
2303	61101	210000	FICA	J	1	38.25	
2301	61105	580000	Misc. Expenses	J	1	100.00	
3103	61101	132100	PT Salary-Teacher	J	1	10,218.30	
3103	61101	210000	FICA	J	1	781.70	
3155	61101	112100	Salary-Teacher	J	1	43,410.00	
3155	61101	152100	Sub-Wages-Teacher	J	1	25,267.00	
3155	61101	210000	FICA	J	1	5,014.12	
3155	61101	221000	VRS	J	1	5,026.88	

3155	61101	231000	Health Insurance	J	1	5,232.00		
3155	61101	232000	Dental Insurance	J	1	180.00		
3155	61101	580500	Staff Development	J	1	13,800.00		
3155	61101	601300	Misc. Expenses	J	1	2,500.00		
3155	61101	601700	Copy Supplies	J	1	2,500.00		
3155	61101	800100	Mach/Equipment	J	1	3,466.00		
2000	18100	181109	Donations	J	2	6,110.16		
9000	18100	181123	WAHS Weight Room	J	2	51.70		
2000	24000	240262		J	2	1,178.00		
3103	51000	512001	Transfer-School	J	2	11,000.00		
3155	18120	189900	Annenberg Foundation	J	2	106,396.00		
2000		0501	Est. Revenue				7,288.16	
		0701	Appropriation					7,288.16
9000		0501	Est. Revenue				51.70	
		0701	Appropriation					51.70
3103		0501	Est. Revenue				11,000.00	
		0701	Appropriation					11,000.00
3155		0501	Est. Revenue				106,396.00	
		0701	Appropriation					106,396.00
						249,471.72	124,735.86	124,735.86

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2005044
DATE _____
BATCH# _____

EXPLANATION: Distribution of Salary Contingency

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
1	1000	12040	110000	Salaries-Regular	J	1	21,458.00	
1	1000	12040	210000	FICA	J	1	1,368.00	
1	1000	12040	221000	VRS	J	1	1,967.00	
1	1000	12200	110000	Salaries-Regular	J	1	7,860.00	
1	1000	12200	210000	FICA	J	1	501.00	
1	1000	12200	221000	VRS	J	1	721.00	
1	1000	21070	110000	Salaries-Regular	J	1	9,511.00	
1	1000	21070	210000	FICA	J	1	606.00	
1	1000	21070	221000	VRS	J	1	872.00	
1	1000	22010	110000	Salaries-Regular	J	1	5,598.00	
1	1000	22010	210000	FICA	J	1	357.00	
1	1000	22010	221000	VRS	J	1	513.00	
1	1000	71011	110000	Salaries-Regular	J	1	8,353.00	
1	1000	71011	210000	FICA	J	1	533.00	
1	1000	71011	221000	VRS	J	1	766.00	
1	1000	71012	110000	Salaries-Regular	J	1	27,114.00	
1	1000	71012	210000	FICA	J	1	1,729.00	
1	1000	71012	221000	VRS	J	1	2,485.00	
1	1000	71014	110000	Salaries-Regular	J	1	3,629.00	
1	1000	71014	210000	FICA	J	1	231.00	

1	1000	71014	221000	VRS	J	1	333.00		
1	1000	71017	110000	Salaries-Regular	J	1	577.00		
1	1000	71017	210000	FICA	J	1	37.00		
1	1000	71017	221000	VRS	J	1	53.00		
1	1000	82030	110000	Salaries-Regular	J	1	4,093.00		
1	1000	82030	210000	FICA	J	1	261.00		
1	1000	82030	221000	VRS	J	1	375.00		
1	1000	95000	999999	Contingency Funds	J	1	(101,901.00)		
TOTAL							0.00	0.00	0.00

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2005045
 DATE _____
 BATCH# _____

EXPLANATION: Funding for completion of HVAC project at Health Department.

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER			GENERAL LEDGER	
					CODE		AMOUNT	DEBIT	CREDIT
1	9010	51020	800673	Health Dept.	J	1	45,000.00		
2	9010	51000	510100	CIP Fund Balance	J	2	45,000.00		
	9010		0501	Est. Revenue				45,000.00	
	9010		0701	Appropriation					45,000.00
TOTAL							90,000.00	45,000.00	45,000.00

Item 5.4. Misfit Place Road Name Change.

The Executive Summary states that pursuant to Part I, Section 6 (e) of the Albemarle County Road Naming and Property Numbering Manual, road name change requests may be forwarded to the Board of Supervisors for approval upon validation of the following:

Landowners of more than fifty (50) percent of the parcels served by the road in question have signed a petition in favor of a common road name, and that the proposed road name is otherwise consistent with other road name guidelines (not a duplicate name, is limited to three words, does not exceed sixteen characters and/or spaces, etc.) outlined in the Manual.

A request to change the road name of Misfit Place to Stockton Ridge Place at the request of the sole landowner has been received. The proposed name is a common road name within the meaning of the Manual and is consistent with the Manual's other road name guidelines referred to above. The Landowner will be responsible for costs associated with new signage. A map indicating the location of the road has also been provided to the Board members.

Staff recommends approving the change in the road name from Misfit Place to Stockton Ridge Place and granting staff the authority to coordinate/implement the above referenced change.

By the recorded vote set out above, the Board approved the requested road name change and granted staff the authority to coordinate and implement the change.

Item 5.5. Resolution supporting nomination of the Colesville Historic District to the National Register.

It states in the executive summary that a group of Coveseville residents, headed by former Cove Presbyterian Church pastor Marcie Orr, with the assistance of the Piedmont Environmental Council (PEC), is working towards establishing National Register Historic District designation for approximately 2308 acres in the southwestern portion of Albemarle County. This is a grassroots citizen initiative stemming from the desire of some local residents to acknowledge the natural beauty and cultural, agricultural, and transportation heritage of historic Coveseville. Attachment A (copy on file in the Clerk's office) is a summary of historical significance extracted from the nomination form submitted to the Virginia Department of Historic Resources (DHR) by consultants Jennifer and Gardiner Hallock of Arcadia Preservation, LLC.

Covesville is located fourteen miles southwest of Charlottesville on U.S. Route 29. This highway bisects the village into roughly two halves. The proposed district is in the valley created by the Fan and Brush Mountains to the south and east and the Boaz and Heards Mountains to the north and west. The proposed district would include the village of Covesville, which is fairly compact in size and shape, and a few adjacent, historically related farms to the west.

DHR has recommended the Covesville district as eligible for listing on the National Register of Historic Places under two out of four of the criteria for significance based upon the Secretary of the Interior's Standards for the Treatment of Historic Properties (A – Patterns of History; and C –Architecture). Survey work has been completed by Arcadia Preservation, LLC and the nomination will be brought before the State Review Board on March 16, 2005.

The County's Historic Preservation Plan, adopted in 2000, includes as one of its major recommendations the designation on the Virginia and National registers of all potentially eligible villages. Therefore, listing of the Covesville Historic District is in keeping with the County's Historic Preservation and Comprehensive Plans.

Staff recommends that the Board adopt a Resolution of Support for the nomination of the Covesville Historic District to the Virginia Landmarks Register and The National Register of Historic Places.

By the recorded vote set out above, the Board adopted the following resolution:

**RESOLUTION OF SUPPORT
FOR COVESVILLE HISTORIC DISTRICT**

WHEREAS, it is the intent of the Board of Supervisors to protect Albemarle County's historic and cultural resources; and

WHEREAS, historic preservation also contributes to the community's economic vitality through heritage tourism and the cascading effect of rehabilitation projects on local employment and commerce; and

WHEREAS, a historic district designation for Covesville will further the Historic Preservation Plan objective to continue to identify and recognize the value of buildings, structures, landscapes, sites, and districts which have historical, architectural, archaeological or cultural significance;

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors does hereby support the nomination of the Covesville Historic District to the National Register of Historic Places and the Virginia Landmarks Register.

Item 5.6. Proclamation recognizing March 2005 as National Athletic Training Month.

By the recorded vote set out above, the following proclamation was adopted and presented to Mr. Ian Rogol, Head Athletic Trainer at Charlottesville High School:

NATIONAL ATHLETIC TRAINING MONTH

WHEREAS, *quality health care is vital for individuals involved in physical activity; and*

WHEREAS, *certified athletic trainers (ATCs) have a long history of providing quality health care for athletes and those engaged in physical activity based on specific tasks, knowledge and skills acquired through their nationally regulated educational processes; and*

WHEREAS, *certified athletic trainers provide: prevention of injuries, recognition, evaluation and aggressive treatment, rehabilitation, health care administration, education and guidance; and*

WHEREAS, *athletic training was recognized by the American Medical Association in 1990 as an allied health care profession; and*

WHEREAS, *the National Athletic Trainers' Association represents and supports the more than 30,000 members of the athletic training profession employed in the following settings: professional sports, colleges and universities, high schools, clinics and hospitals, corporate and industrial settings, and military branches; and*

WHEREAS, *leading organizations concerned with athletic training and health care have joined together in a common desire to raise public awareness of the importance of the athletic training profession and to emphasize the importance of quality health care for athletes and those engaged in physical activity within the aforementioned settings; and*

WHEREAS, *such an effort will improve health care for athletes and those engaged in physical activity and promote ATCs as allied health professionals;*

NOW, THEREFORE, I, Dennis S. Rooker, Chairman on behalf of the Albemarle Board of County Supervisors, do hereby proclaim the month of March, 2005 as **National Athletic Training Month in Albemarle County, Virginia, and urge all its citizens to learn more about the importance of athletic training.**

Item 5.7. Proclamation recognizing May 21, 2005 as Albemarle County Blue Star Salute Day.

By the recorded vote set out above, the following proclamation was adopted and presented to American Legion, Post 74:

Blue Star Salute Day

WHEREAS, *throughout the history of the United States of America the sacrifices necessary to maintain our liberty and freedom have consistently been borne by citizen soldiers; and*

WHEREAS, *countless men and women of our great County have proudly worn the uniform of the United States Armed Forces; and*

WHEREAS, *many of our fellow citizens are serving today in the war on terror as members of the active military, National Guard or Reserves; and*

WHEREAS, *on Armed Forces Day 2005, it is appropriate as individuals and families to reflect upon the sacrifices of our fellow citizens and to celebrate their dedication; and*

WHEREAS, *the citizens of Albemarle County, Virginia, desire to honor and acknowledge those who serve in uniform for their sacrifice and preservation of our American way of life;*

NOW, THEREFORE, I, Dennis S. Rooker, Chairman on behalf of the Albemarle Board of County Supervisors, do hereby proclaim Saturday, May 21, 2005 as **Albemarle County Blue Star Salute Day and urge all citizens of this community to honor our citizens who are serving today by joining in the festivities of the day in Albemarle County.**

Ms. Nancy Carver, Commander of the local American Legion post, thanked the Board for this great honor. She stated that she is very proud of the work being done by those in the armed forces.

Item 5.8. Resolution recognizing Virginia Municipal League's 100th Anniversary.

Removed from agenda.

Item 5.9. Proclamation recognizing March 16 through March 20, 2005 as the Eleventh Annual Virginia Festival of the Book.

By the recorded vote set out above, the following proclamation was adopted and presented to Nancy Damon, Program Director, Virginia Festival of the Book:

VIRGINIA FESTIVAL OF THE BOOK

WHEREAS, *Albemarle County is committed to promoting reading, writing, and storytelling within and outside its borders; and*

WHEREAS, *our devotion to literacy and our support of literature has attracted over 1,000 writers and tens of thousands of readers to our VIRGINIA FESTIVAL OF THE BOOK; and*

WHEREAS, *the VIRGINIA FESTIVAL OF THE BOOK celebrates the power of books and publishing; and*

WHEREAS, *businesses, cultural and civic organizations, and individuals have contributed to the ongoing success of the VIRGINIA FESTIVAL OF THE BOOK; and*

WHEREAS, *the citizens of the County of Albemarle and Virginia, and the world, have made the VIRGINIA FESTIVAL OF THE BOOK the best book festival in the country;*

NOW, THEREFORE, I, Dennis S. Rooker, Chairman, on behalf of the Albemarle Board of County Supervisors, do hereby proclaim Wednesday, March 16, 2005 through Sunday, March 20, 2005 as the Eleventh Annual VIRGINIA FESTIVAL OF THE BOOK and encourage community members to participate fully in the wide range of available events and activities.

Ms. Damon thanked the Board for the honor, and encouraged the public to attend events related to the festival.

Item 5.10. 2004 Website Annual Report, **was received for information.**

Item 5.11. Jaunt, Inc., Quarterly Report, **was received for information.**

Item 5.12. Copy of draft Planning Commission minutes for February 8, 2005, **was received for information.**

Item 5.13. VDOT monthly report for March, 2005, **was received as information.**

Item 5.14. Copy of letter dated February 8, 2005 from Mr. John Shepherd, Manager of Zoning Administration, to S. Barkley Rives or Agnes R. Burke, re: Official Determination of Development Rights and Parcels – Tax Map 65, Parcels 93A1, 94, 95, 95A & 121 (property of S. Barkley Rives or Agnes R. Burke) - Section 10.3.1., **was received for information.**

Item 5.15. Copy of letter dated February 8, 2005 from Mr. John Shepherd, Manager of Zoning Administration, to Tommy Brannock, re: Corrected Official Determination of Development Rights and Parcels – Tax Map 58, Parcel 8A (property of Kevin and Coleen O'Rourke) - Section 10.3.1., **was received for information.**

Item 5.16. Copy of letter dated February 8, 2005 from Mr. John Shepherd, Manager of Zoning Administration, to Rock Mills Land Trust, re: Official Determination of Development Rights and Parcels – Tax Map 74, Parcels 19 & 20 (property of Rock Mills Land Trust) - Section 10.3.1., **was received for information.**

Agenda Item No. 6a. Transportation Matters not Listed on the Agenda.

Mr. Jim Utterback addressed the Board and made the following comments:

VDOT has worked hard this week and last week with the two snow storms in the County.

His staff is working on reformatting VDOT's monthly reports to make them easier for Board members to read. The reports did get into the Board's packet this month.

To followup from last month's meeting, he has forwarded the suggestion about letting the public know which boundaries VDOT maintenance shops' cover during wintry weather to the Culpeper District public affairs office.

The request for additional guardrail on Route 810, north of Crozet, has been submitted to traffic engineering for review.

The water problems on Lake Albemarle Road will be monitored by area headquarters and VDOT will take corrective action when weather permits.

The bridge work for the Old Trail project is scheduled to begin next week, adding that the project is in the district bridge office undergoing preliminary review.

The request for guardrail on Dry Bridge Road has yielded a construction estimate from the contractor, and they have met with property owners to obtain a temporary easement from them for that to move forward.

There was a comment regarding communicating road conditions and closing of schools. There was a meeting with VDOT and the Albemarle County Schools Transportation Director Willie Smith, and they conveyed to him how the road closing system works. Mr. Utterback said the meeting was successful, noting that he reiterated that VDOT does not make decisions on school closings.

He indicated that Mr. Boyd was briefed on snow removal at Forest Lakes.

There was a question about guardrail on Route 20 North, and when weather permits that work will begin. Mr. Boyd indicated that he did receive Mr. Utterback's email.

District Traffic Engineering is planning to install center-line reflectors on all primary routes, including Route 20 South, with expected completion by December 2005. There are placement and maintenance cost issues related to putting them on secondary roads, and that will be considered in more detail at another time.

Regarding the Georgetown Road project, VDOT has not begun preliminary design on the project, noting that they have found an aerial photograph that will be used with right-of-way overlay to begin the process of surveying the area. They will look at and try to address some of the previous concerns, then come up with some possible solutions. He added that there would be internal meetings, then public meetings, to discuss a plan. Mr. Utterback said that he would like to reveal plans prior to spending money on any preliminary engineering. Mr. Rooker said that sounds like a good approach.

In terms of the Southern Parkway, Mr. Utterback said that he did some research on that project's history and found that he needs to communicate more with the county on that. Mr. Rooker pointed out that recently passed legislation makes more money available for revenue sharing, and it may be possible to get up to \$1 million. He said that with three or four years of revenue sharing, the Southern Parkway may be able to be built.

Mr. Tucker mentioned that the state contacts localities with information about how much money is available, and county staff comes back to the Board with that information. Mr. Rooker said that Butch Davies has indicated that a lot of localities are not using the revenue-sharing monies. Mr. Tucker responded that the state would then let other localities know how much total is available.

Regarding North Pointe, Mr. Utterback reported that he has not received the most recent set of proffers. Mr. Rooker asked Mr. Graham to continue corresponding with Mr. Utterback on traffic issues related to this project. Mr. Rooker added that the Board is looking for guidance from VDOT, so that if there are inadequacies they can be addressed.

Mr. Utterback stated that the Route 250 bridge painting has been hindered by poor weather conditions. He reported that the crew on that project has asked to work on another location, and he has not responded to them yet. If they have good weather, it will be about another three or four weeks. Mr. Utterback stressed that if the project were delayed, that would be communicated to the public.

He noted that with the Briarwood rezoning, VDOT provided comments in September on the site plan development.

Mr. Utterback said that there is a request for a traffic light in Dunlora, and that project has been moved to the regional office. He should have some information for the Board in the next two weeks or so.

Mr. Rooker mentioned that there is a light planned at that location as it relates to the Meadow Creek Parkway.

Mr. Wyant asked about the Lake Albemarle Road water situation, noting that it is undermining the foundation of one home there. Mr. Utterback replied that the situation is being monitored.

Mr. Wyant mentioned the water runoff from Route 240 in Crozet into the IGA shopping center on that store's end. Mr. Utterback agreed to look into it.

Mr. Wyant mentioned a dangerous location on Route 614 coming onto Garth Road. On the east side of Lake Albemarle, water ponds out in the road. It caused a fatal accident about two years ago. He suggested cutting the ditch down a little bit.

Mr. Wyant asked if the Rural Rustic Roads Plan was still on schedule. He asked if VDOT has advertised for the Gilbert Station Road project. Mr. Utterback replied that it is still on schedule, and they are waiting for bids on one project.

Mr. Wyant asked if VDOT would look into installing guardrail or rumble strips on Route 810. He asked if a sign could be installed warning people before they go into the curve. Mr. Utterback agreed to do so.

Mr. Wyant said that the sign to Mint Springs should say "Mint Springs Valley Park" instead of "Valley Park Mint Springs" as it seems to reference two different locations. Staff and Board members agreed that it should say "Mint Springs Park." Mr. Utterback agreed to take care of it.

Ms. Thomas thanked Mr. Utterback for meeting with the Morgantown Road group, noting that she had just received the Faulconer site letter.

Ms. Thomas also thanked VDOT for working on an improved entrance to West Leigh Drive.

Ms. Thomas said that VDOT owns land that becomes a staging area at the Ivy Interchange with I-64, noting that people have dumped cars and garbage at that location. She emphasized the need to keep it neat and not let it become any messier than it currently is. Mr. Utterback replied that VDOT ended up there as a last resort, and they are sensitive to the situation.

Ms. Thomas mentioned that there is a reverse 911 system that automatically calls property owners in locations where roadwork and other projects are taking place, and suggested VDOT work with notifying residents when the need arises.

Ms. Thomas said that a number of parents have indicated difficulty locating the signs at night to Brownsville Elementary along Route 250, and asked if it might be lighting.

Mr. Benish stated that there is a streetlight program in the CIP, and that would be one approach. He added that perhaps working through VDOT might be more cost effective, and he would look into it.

Mr. Boyd thanked Mr. Utterback for his work with the Forest Lakes Homeowner's Association and the guardrail on Route 20 North. He asked about work on the rural rustic roads, specifically Route 640. He also asked why the project was advertised for both Albemarle and Greene Counties.

Mr. Utterback noted that the project has been advertised for bid, and he would check into what the actual timeframe is. He mentioned that this is the local VDOT's residency first rural rustic roads project, and added that it worked well in Bristol.

Mr. Dorrier asked about the Blenheim Road (Route 795) project, explaining that residents have expressed some concerns to him. Mr. Utterback said that he has heard some of the history on Blenheim, and would get an update.

Mr. Rooker mentioned the speed limit on Hydraulic Road as it leads toward the reservoir. He said that it seem strange to him that the speed limit increases from 35 to 45 as the road becomes more curvy, noting that there are plans to put in winding road signs. Mr. Utterback replied that he is meeting with Steve Black soon, and would address this with him as well.

Mr. Rooker said that he and Mr. Boyd had received letter copies from Butch Davies concerning the Route 22/231 no truck traffic request, which says that staff study indicates an alternate route is not available. Mr. Rooker reported that a speed limit reduction will be recommended and Mr. Davies feels this will have a positive long-term impact. Currently that is the determination on this issue.

Mr. Boyd stated that he and Mr. Rooker were trying to find out whether that determination was final.

Mr. Tucker said that the reference to the Commonwealth Transportation Board seems to indicate that it is final.

Mr. Rooker mentioned the Eastern Connector project, explaining that it would connect Route 29 or Rio Road with Route 20, and is in the 20-year road plan although no specific route has been selected. He noted that Kevin Lynch, of Charlottesville City Council, has proposed that the city and county put up the money for the study, and believes that he could get City Council to match whatever the county puts up. Mr. Rooker stated that while the city believes the cost for their portion of the connector study would be similar to Hillsdale, it is likely that it would cost more because of environmental issues. He said that Mark Graham has looked into that issue.

Mr. Graham reported that he and city staff have discussed it, although they have not done a detailed scoping of the project. He indicated that \$750,000 would be required for this type of study.

Mr. Rooker mentioned that this project is being reviewed by the citizen funding committee, which is comprised of citizens and government officials, and noted that the MPO considers it a high priority project. It might be wise to at least determine a potential location before intensive development takes place in that area.

Mr. Tucker said that one issue has been the possibility of losing federal funding if the road is aligned so that it goes through parks.

Mr. Rooker stated that he thinks it's unlikely that that road would qualify as a primary road, given the difficulty they have had with Meadow Creek. He added that one likely placement put the road very near Darden Towe Park, and the committee indicated they did not have an objection to that.

Mr. Boyd said that he has seen five or six configurations for this connector, and does not want to drag the community through another meeting with the route plans. He would like to have some finality come out of an Eastern Connector in the process.

Ms. Thomas pointed out that the MPO in their six-year list ties the eastern connector into another study, and wondered if it would be part of the Route 29 study.

Mr. Graham responded that the project would not be considered as part of the 29 study, and confirmed that there are no other studies on the horizon that would cover the Eastern Connector study.

Mr. Rooker mentioned that the Pantops Master Plan does include possibly connection points for the road. He noted that picking a location has never been done in the past and that is why it hangs around as a broad area that might be ultimately impacted.

Mr. Rooker said that he and Mr. Boyd met with city officials and VDOT representatives to discuss the engineering and design of Meadow Creek. He reported that the city has an excellent traffic simulation model in which they show the traffic on 250 and Meadow Creek completed without an interchange, based on VDOT's traffic numbers and taken forward five years. If we do not have an interchange there, it shows traffic stacking up on Pantops Mountain during rush hour, and similar problems going in the other direction. Mr. Rooker said that he has set up a March 15th meeting with the Commissioner of Transportation and Butch Davies that would facilitate discussion of the need for the interchange. He mentioned that the interchange would qualify for primary road funding because it's on a federal highway.

Ms. Thomas said that Jim Bryant has encouraged the Board to pursue federal funds for the interchange.

Mr. Rooker noted that there is also a plan to use the project as a demonstration project, and there will be a meeting with Senator Warner's office to pitch that concept.

Mr. Tucker received direction to discuss with VDOT and the city the cost-sharing for the Eastern Connector study.

Agenda Item No. 7. Presentation: Proposed Urban Areas Communication Plan.

Ms. Lee Catlin, Community Relations Manager, summarized the executive summary which stated that as part of the Strategic Plan Direction titled "Enhance the Quality of Life for all Albemarle County Citizens", the Board established a goal related to urbanization issues - *Develop and implement policies that address the county's growth and urbanization while continuing to enhance the factors that contribute to the quality of life in the county.*

One objective under that goal deals with public education, communication and outreach efforts associated with the County's urbanization efforts - **By June 2005, the County will have an active program which promotes the visibility and viability of the County's urban areas as distinct and attractive living and working environments.** This discussion will be a status report on activities related to that objective.

In establishing this objective as part of the urbanization goal, staff and the Board of Supervisors recognized the importance of communicating effectively with the public regarding the County's transition to a more urbanizing locality. The adoption of the Neighborhood Model, initiation of the neighborhood master planning process, revisions to the subdivision ordinance, and other major policy initiatives are modifying the County's approach to its urban areas and creating significant impacts to urban area residents and, in fact, all residents of the County. In order to inform residents of the philosophy motivating these changes, and the ultimate positive benefits they will bring to our entire community, including the rural areas, a proactive, comprehensive communication and outreach program is necessary.

In assessing the community relations aspect of our increasing focus on urbanization, there are several challenges that need to be considered and addressed as a communications strategy is developed:

- Building understanding and support for the development area concept, one of our fundamental growth management concepts (70% support in 2004);
- Creating a stronger connection between urban area density and rural area protection (65% down to 56%);
- Addressing misunderstanding/concerns among urban area residents regarding density and master planning;
- Building public support for funding strategies that will help accomplish infrastructure goals.

Ms. Catlin said continuing with the status quo approach to communicating our urbanization priorities and goals will not significantly address these challenges. There is a range of more proactive, aggressive outreach strategies that could be incorporated into a communication plan that supports the goal of building public acceptance, understanding and support for urban area policies, projects and funding needs.

Components of a comprehensive communication plan would include:

Target audiences – although all citizens of Albemarle County need to be well-informed about our progress regarding urbanization, there are specific groups that are more immediately and substantially impacted and that should receive a more intensive communication effort. Potential target audiences are identified in the attached Communications Plan

Informational messages - a communication plan would identify what information is critical for each target audience to understand. Potential messages are outlined briefly in the attached Communication Plan.

Tactics – there are specific methods by which we would disseminate information to our target audiences, obviously a wide range of possibilities exists depending on what level the Board feels is appropriate for achieving the strategic plan objective. Potential tactics are described in the attached Communication Plan.

Once these elements are determined, timelines and resource requirements can be developed.

Ms. Catlin said in the recent County survey, the question was asked “what would attract people most to urban areas,” and the responses were public utilities, faster emergency response times, variety of housing types, easy access to public transportation, pedestrian-friendly commercial areas, sidewalks, greenways. There is a lot of support for people who want the urban areas to look more like this. The County needs to do a better job of connecting what it is doing and what its’ budgeting and planning is all about to getting to the places that people have said they want in the urban areas.

Ms. Thomas commented that journalists and editors need to be educated. She thinks target audiences have to affect the people on your list. The news media is one, the other is the realtors. The realtors can start it off right or wrong when they drive the new county residents around.

Ms. Catlin agreed that both the media and realtors are gatekeepers to opinions of people that the County thinks are very important, and agreed to add them to the list.

Ms. Catlin reported that a major step in the communications plan would be to compile in an organized fashion the positive attributes of urban areas and urbanization efforts – why we’re doing this, and why we think these are going to be great places to be. She said that people also need to see that there is progress being made on urban infrastructure improvements. The County has not actually put those out there in front of folks and let them know that is where we are moving and progress is being made. She said that presentations to neighborhood associations and civic organizations, updates on the county website to let people know what progress is being made on projects are steps to be taken.

Ms. Thomas suggested that people who come to public hearings get a “very abbreviated” description of what the Neighborhood Model is, and perhaps those principles should be elaborated upon during those meetings. She thinks it would add to community understanding. She emphasized the need for a visual presentation to pique public interest.

Ms. Catlin said that a strong message also needs to be delivered on the importance of Master Planning and why it is beneficial to engage in that process.

Mr. Rooker mentioned that there are a number of renditions for the Meadow Creek Parkway, and would be a good visual to use as an example. He noted that Will Rieley has done several renditions that he would likely lend to any presentations.

Mr. Dorrier said that affordable housing should be mentioned as part of the presentations.

Mr. Tucker commented that getting urban area projects moved through more quickly will allow for the “product” to be available in the development areas. The harder we make it in the urban area to develop will push people into the rural areas, which is the direct opposite of what we want to do.

Mr. Boyd said that he is not seeing a reduction of development in the rural areas, and is concerned that the urbanization movement is not working. He added that the development community needs to be involved in any marketing plan.

Ms. Catlin responded that when staff gets to the specifics of the communications plan, the private sector will be involved. She emphasized that the communications plan is not going to solve our rural-urban issue, but it is hopefully one more way to get the message out there and reinforce what the county is trying to do. Ms. Catlin said that she would like to use the communications plan to support the county’s policy direction. She does not believe the county has made a good effort in helping people understand or be educated. She acknowledged that there may be other pressures that are not resolved with the communications plan.

Mr. Boyd said that the county should take advantage of renderings of planned projects already in the works.

Mr. Wyant stated that it is also important to convey the message to citizens in the rural areas. He said that he hears complaints from rural residents about increased taxes, no additional services, and increased restrictions. Mr. Wyant mentioned a recent Crozet by-right development that was not in keeping with the Master Plan, and wondered if the developer went that route to avoid county hoops.

Mr. Rooker said that the dilemma is it costs more money to build the infrastructure in the urban area that is going to make it an attractive place to be. He commented that the larger development projects do incorporate the Master Planning/Neighborhood Model concepts, which is more difficult with smaller projects.

Mr. Dorrier stated that the county wants to provide incentives for developers to produce the product people can afford.

Ms. Catlin emphasized that the county is trying to “take the best shot that we can” to bring the public along as Albemarle becomes more urbanized.

Ms. Thomas said that the county will be judged anyway by the public, and a better job should be done in communicating what the initiatives are and their progress.

Ms. Catlin indicated that urban residents, business people, and rural area residents would be among the target audiences for the plan.

Mr. Boyd noted that the county website is used more and more, and perhaps links to sites that show the development plans would be helpful.

Agenda Item No. 8. Report: Biodiversity Work Group Recommendations.

Mr. Cilimberg summarized the executive summary which states that in November 2001, the Board of Supervisors authorized the creation of a Biodiversity Work Group (BWG), whose charge was to begin the Biodiversity Assessment of the County called for in the Natural Resource and Cultural Assets chapter of the Comprehensive Plan, and to advise the Board on the composition of a standing advisory committee on biodiversity issues. The BWG was made up of citizen volunteers including local naturalists, professionals in biological and environmental sciences, and experts in environmental education. On December 1, 2004, the Board accepted the report of the Biodiversity Work Group, which described the group's work on the following tasks:

- Inventory and collect currently-available biodiversity data.
- Identify biodiversity data gaps, prioritize data needs, and develop a general strategy for addressing data gaps and achieving an assessment of the state of biodiversity in the County. Identify a structure for an ongoing, constantly-updated assessment of biodiversity resources to be adopted into the Comprehensive Plan, with an estimate of costs.
- Assess prospects for donations to the inventory of time, expertise, or other resources from the community, including the University of Virginia
- Provide time, data, and other support to assist with establishment of the foundation of a County-wide biodiversity assessment.
- Assist in development of preliminary materials for public education on biodiversity
- Make recommendations regarding the size, composition, and necessary expertise for the permanent committee, to be known as the Natural Heritage Committee

The report concluded with three sets of recommendations:

1. Recommendations to the Board of Supervisors regarding the establishment, composition, and role of the standing committee called for in the Natural Resources and Cultural Assets chapter of the Comprehensive Plan
2. Immediate measures to be taken to protect biodiversity in the County
3. Recommendations to the standing committee for the structure and content of the Biodiversity Action Plan that the Natural Resources and Cultural Assets chapter of the Comprehensive Plan states they should draft.

This report focuses on the steps for carrying out the first set of recommendations in this list, and the issues they raise for County operations.

The Biodiversity Work Group was the first of three major steps toward implementing the biodiversity-protection goals included in the Comprehensive Plan. That first step set the foundation of a County-wide Biodiversity Assessment and recommended initial directions for protection efforts.

The second step—which is the focus of this report—is the creation of the Natural Heritage Committee which would continue and expand the Assessment and develop a Biodiversity Action Plan. The Assessment and occasional advisory input would provide improved information for staff to use in policy development and project review. This report addresses the resource-allotment and operational implications of appointing the Committee and making use of the Assessment.

A third future step would be the Board's review and potential adoption of the Biodiversity Action Plan that the Natural Heritage Committee would assist in developing. The implications of that initiative will need to be evaluated by the Board at the time of those recommendations.

Staff will address each of the Biodiversity Work Group's recommendations regarding the Natural Heritage Committee individually in the following:

Recommendations for Membership of the Natural Heritage Committee

1. *The process of establishing the standing Natural Heritage Committee should begin upon completion of the Biodiversity Work Group's work and acceptance of this report by the Board of Supervisors.*

Community Development staff would need to work with Board of Supervisors staff to develop a fact sheet for the committee and initiate an application process, as used for the creation of all other County committees. Community Development Department staff and the County Attorney's office would need to develop a set of by-laws for the Committee. Board of Supervisors and Community Development staff would need to set up an interview process to assist the Board with appointments.

Resources needed to establish the Committee: Staff time from Planning Division, Board of Supervisors staff, County Attorney's office. The purpose of the Committee and how it would relate to planning and review processes are discussed under "Recommended Tasks for the Standing Natural Heritage Committee" later in this report.

2. *The Natural Heritage Committee should consist of 8 to 12 members; the Work Group feels that this is a good compromise between the wide experience base of a larger committee and the more efficient interaction and decision-making of a smaller group. The group agrees that a larger group*

would be cumbersome and slow to act. When additional expertise is needed, the Committee should invite experts to attend meetings and provide input that the Committee needs.

These standards can be included in the by-laws for the Committee.

Resources needed: To be included as part of establishing the Committee as described in Recommendation #1. No additional resources will be needed.

3. *The Committee needs to include a range of expertise in fields applicable to its tasks (see below). As with the Biodiversity Work Group, membership should include individuals with experience in:*
 - a) natural history (including those with detailed knowledge of local wildlife, plants, and other resources);
 - b) terrestrial, aquatic, and landscape ecology;
 - c) biological conservation and conservation planning;
 - d) population genetics; forestry; geology and soils;
 - e) geographic information systems for conservation;
 - f) and science education (adult and youth).
 - g) The group should also include local landowners and citizens with interests in biodiversity conservation, farming and forestry, and conservation-oriented rural and urban development.

This list of fields and interests can be included in the announcement of the formation of the Committee. Prospective members would be asked which of these areas they have experience in. If necessary, staff could contact prospective members to obtain more information to help the Board in the selection process. The intent is for this to be a working committee providing professional expertise in this area; as such, general citizen representation is not emphasized. The Biodiversity Work Group report said:

These tasks are largely technical in nature, requiring experience and expertise in natural history, environmental sciences, conservation planning, and education. The Work Group therefore feels that the Committee would function most effectively if constituted as a technical advisory body that reports to the Planning Commission and Board of Supervisors, rather than as a "stakeholder" group charged with balancing biodiversity and many other interests. (However, some representation of landowners, concerned citizens, farmers, foresters, and/or persons interested in conservation-oriented urban and rural development would be appropriate, as the committee would benefit from their perspective.) With clear advice from such a technical group, the County's normal policy-development and project-review processes could balance biodiversity and other issues of concern.

Resources needed: To be included as part of establishing the Committee as described in Recommendation #1. No additional resources will be needed.

4. *All members of the Committee, no matter what their background or area of expertise, should be supportive of the biodiversity-protection goals that the County has adopted into its Comprehensive Plan. The Work Group feels strongly that the Committee's role should be to support, expand on, and implement that policy. As part of the application process for the Committee, potential members should be asked to confirm their support for biodiversity protection in the County, and their answers should be considered in the Board's selection of the most suitable candidates.*

As part of the committee application process, a question can be included requesting that prospective committee members briefly describe their background and interest in biodiversity conservation, and in the areas of interest/expertise listed in #2 above. The answers could be evaluated by the Board as part of their appointment process, without any additional process.

Resources needed: To be included as part of establishing the Committee as described in Recommendation #1. No additional resources will be needed.

5. *The membership of the Committee should reflect the diversity of the community. The Work Group recommends that the process of announcing the Committee's formation and accepting applications be expanded to ensure that persons of both genders and any ethnic, racial, and/or socioeconomic group are well aware of the opportunity and have an equal opportunity to be involved.*

Planning Division staff will work with Board of Supervisors staff and Public Relations staff to ensure that a diversity of news and information outlets is used, in order to reach a diverse array of citizens.

Resources needed: Staff time from Planning Division, Board of Supervisors staff, Community Relations staff.

6. *The Committee should be known as the "Natural Heritage Committee."*

Resources needed: No additional resources will be needed to implement this.

Recommended Tasks for Standing Natural Heritage Committee

1. *Development of policy recommendations to the Board in response to biodiversity issues and information gathered from the Biodiversity Assessment. The Committee should be consulted on programs, regulations, and Comprehensive Plan changes that may affect biodiversity protection.*

The primary function of the Committee is to develop and maintain the Biodiversity Assessment, interpret and advise the County on the use of the Assessment, and make recommendations regarding methods to protect resources identified in the Assessment. Internal staff procedures would need to be modified to add the Committee as a resource to be used during development of programs, regulations, and Plan amendments. The Committee is seen as a resource to be utilized when reviewing new land-use and environmental policies. The Committee would provide advice and recommendations to staff and, from time to time, to the Planning Commission and the Board. It will be similar in character to the Historic Preservation Committee.

Resources needed: Community Development staff time.

2. *Development of educational materials and programs on biodiversity.*

Educational experts included in the Committee would develop these materials and work with other professional educators to implement programs in the community. Staff would provide coordination assistance, but the substance of the work would be done by Committee members.

Resources needed: Community Development staff time, possibly printing costs for brochures or other materials.

3. *Input on and oversight of the maintenance, expansion, updating, and evaluation of the ongoing Biodiversity Assessment begun by the Biodiversity Work Group, and development of a protocol for assessing changes in the state of biodiversity (with reference to planning goals).*

This is the primary function of the Committee. The Assessment was begun by the Biodiversity Work Group. Much of the ongoing work of the Assessment would be done by Committee members, providing the benefits of their expertise without cost to the County, although at some stage it could become necessary to work with a consultant and/or with the Natural Heritage Division of the state Department of Conservation and Recreation. This would require funding to cover the costs of assessment tasks (landscape analysis, comprehensive surveying of important habitats, etc.) that the Committee could not do alone but that are important to effective conservation planning. No funding requests are included in the initial setup of this Committee.

The Assessment would become an advisory tool to be used by Community Development staff in policy development and project review, providing information on the location, character, and management or protection needs of biodiversity resources.

Resources needed: Community Development staff time; occasional mapping projects or data management by Geographic Data Services staff. Although no funding requests are anticipated now or in the near future, requests may be necessary in the future to meet needs the Committee and/or the County cannot meet on their own (additional surveying of important sites, expert analysis of large-scale landscape patterns and functions, or other types of projects.).

4. *Assistance in staff development of an action plan that specifies detailed steps for achieving protection of Biodiversity as outlined in the Comprehensive Plan;*

Many potential steps are included in the Recommendations section of the full Biodiversity Work Group report. The Committee would serve as a resource to help staff develop these and other measures into a plan with more detailed recommended steps and clear priorities. The development of the action plan is also directly related to implementation measures in the proposed Rural Areas Comprehensive Plan Amendment. Several strategies in the proposed Rural Area Plan relate to biodiversity protection and anticipate the Committee's input; therefore the creation of the Committee is important to the full implementation of that Plan as well.

Resources needed: Community Development staff time.

5. *Provision of periodic reports to the Board of Supervisors on the state of biodiversity in the County.*

This task would be carried out by the Committee members with the assistance of staff, based on Biodiversity Assessment work and ongoing monitoring programs to be developed by the Committee. Staff would anticipate (at a minimum) an annual report from the Committee to the Board; staff and the Committee may choose to report more or less frequently.

Resources needed: Community Development staff time.

6. *Review of the biodiversity impacts of selected development proposals, and comment to the Planning Commission and Board regarding the impacts and potential mitigation measures or alternative approaches.*

This is intended to be a secondary role for the Committee. The process could be compared to that of the Agricultural and Forestal Districts Committee or the Historic Preservation Committee, in that it would be advisory rather than regulatory. The Comprehensive Plan identifies biodiversity protection as a priority for the County and it needs to be considered in reviews. The Committee would act in a resource and advisory

capacity to provide information and interpret biodiversity data on request. The Committee would not have authority to approve or deny a plan. No additional applications or processes would be created.

Projects selected for review would include those located on properties known to include important biodiversity resources (such as those identified in the Biodiversity Work Group report), or those that impact important habitat types (riparian forests, wetlands, uncommon ecological communities, large forest areas, etc.). It is expected that the majority of review projects submitted to the County would not be sent to the Committee for comment.

For those projects for which Committee input is sought, the Committee would be asked to provide staff with comments on the expected extent of biodiversity impacts on the site. This review would be based upon information supplied by the applicants, the County's Biodiversity Assessment, and/or outside sources such as the Virginia Department of Conservation and Recreation. Site visits by staff and/or by Committee members may be beneficial in some cases. The Committee's response could include an assessment of the important resources on the site, the expected impacts of the proposal, and potential mitigation measures or alternative approaches. That information could be used to develop solutions with the applicants, when necessary.

Staff time would be required to prepare summary reports on projects that would benefit from the Committee's input. Staff expects reviews to be achieved within the existing review schedules. This will require staff to schedule Committee meetings and prepare reports for Committee meetings in conjunction with Planning Commission deadlines.

Resources needed: Community Development staff time

Overall Resource Needs

As previously noted, these recommendations represent the second step toward implementing the biodiversity-protection goals. Based on the primary activities in this step, the creation of the Natural Heritage Committee, which would continue and expand the Biodiversity Assessment and develop a Biodiversity Action Plan, and the Committee's advisory input for use in policy development and project review, staff estimates the ongoing resource needs are:

In any given week, lead staff work could require 5 to 20 percent of the time of one Senior Planner or Planner in the Community Development Department (Rural Area team), with an average of approximately 10 percent (approximately 200 hours per year). This work would include coordination with Natural Heritage Committee members on Biodiversity Assessment projects and committee administrative work (report preparation, meeting arrangements, communication with committee members, etc.). This effort can be staffed by existing Community Development staff using the same staff resources that have been involved with the prior Biodiversity Work Group. Although without further biodiversity obligations this staff time may have been directly utilized in the implementation of the Rural Area Comprehensive Plan Amendment, its assistance to the Natural Heritage Committee will still enable several strategies in the proposed Rural Area Plan related to biodiversity protection to be pursued. Staff is accounting for this in developing schedules for Rural Area Plan implementation, another high priority initiative.

Other Community Development staff, particularly environmental staff and project reviewers in the Planning and Current Development divisions, would also be involved in the biodiversity efforts, either providing technical information or incorporating biodiversity considerations into policy development and project review where appropriate. Administrative staff support (for mailings, agendas, etc.) and occasional input from Geographic Data Services staff would also be needed.

Based on staff experience with other policy initiatives such as Historic Preservation, the best estimate of the total workload for the Community Development staff support discussed above would be approximately 500 hours per year, or the equivalent of one-quarter of the time of one full-time employee (FTE). Future staffing needs will be determined by the outcome of the Committee's work on the action plan.

One-time involvement of Board of Supervisors staff, Community Relations staff and the County Attorney's office to provide the Board of Supervisors support in establishing the Committee and developing a set of by-laws.

Standing committees occasionally require assistance from staff in other departments, depending on the issues being discussed by the Committee.

Policy & Process Implications

This second step in the implementation of biodiversity protection goals also has both policy and process considerations:

- Creation of the Natural Heritage Committee would fulfill an existing policy commitment made by the Natural Resources and Cultural Assets chapter of the Comprehensive Plan. The Committee would be a working group that would undertake projects to fulfill the assessment needs and policy directions established in the Plan. The committee would be available as an advisory body when staff, the Planning Commission, or the Board of Supervisors need more detailed information regarding biodiversity.
- The availability of a more detailed and advanced Biodiversity Assessment will mean that the County will have necessary information that was not easily available in the past. For some cases,

this information will enable more informed policy development and project review. For these cases it should be understood that this will introduce more information and potentially more complexity to the decision-making process.

- As noted under Overall Resource Needs, this biodiversity effort will have a staff resource relationship to the implementation of the Rural Areas Plan. However, the Natural Heritage Committee is expected to serve as a resource for that implementation as well. As this is intended to be a working committee, the members would be able to undertake research and technical tasks that would be of benefit to staff in some of the implementation work.

Mr. Cilimberg said staff has attempted to outline the next step in implementing biodiversity protection goals as identified by the Biodiversity Work Group, including potential resource requirements and the possible implications of these initiatives to County policy development and project review. Unless the Board determines it needs additional information, staff recommends that the Board act to authorize creation of the standing Natural Heritage Committee and direct staff to prepare the application process and the by-laws for approval by the Board. It is understood that the Committee, as part of its work, will assist in developing a more complete Biodiversity Action Plan from which the Board can base its future decisions regarding further initiatives to protect biodiversity.

Mr. Dorrier asked how projects are identified in this process. Mr. Cilimberg replied that the assessment identifies where these areas are located, and then as a project might come through for review – such as a rural preservation development – it would provide an additional piece of information to identify the natural resource characteristics of that particular parcel. He said that this may also come into play in the development areas, as open space options are considered.

Mr. Dorrier asked if situations similar to the opposition to timbering in Washington State because of rare species located there might occur. Mr. Davis replied that certain operations are subject to reasonable regulations in the county, but ordinances do not regulate timbering operations in the county.

Mr. Rooker said that this might have an impact on ACE property selection, noting that the Board adopted the Biodiversity section of the Comprehensive Plan and agreed that it was an important aspect of the community. He stated that this type of information will be helpful in the rural preservation developments, where easements might be offered. Mr. Rooker added that groundwater protection will also be a consideration. This is not regulatory. This is a tool for obtaining information for the Planning Commission and for the Board, so that it can be factored into the decisions. He added that if the Board is faced with a rezoning in which they have some discretion, plans on how biodiversity is impacted is an important piece of information.

Mr. Wyant commented that there is a lot of work to be done to inventory the entire county. “He is not sure how we are going to get to a database that he could feel comfortable with in making decisions on it.

Mr. Rooker responded that when a decision comes along, the Biodiversity Committee’s report can be taken into consideration as each Board member sees fit. He noted that the Historic Preservation Committee provides similar information on historic resources and Board members have the option to consider that or not.

Mr. Wyant said that he would want specific information on the quantity of species left.

Mr. Cilimberg mentioned that the primary function of the committee would be completion of the biodiversity assessment, identifying unique natural characteristics in the county.

Mr. Rooker noted that there are a lot of people in the community who have an extensive knowledge of this, including those who would serve on the committee.

Mr. Boyd expressed concern about “creating a layer of bureaucracy,” and it specifically excludes the general public. He suggested integrating biodiversity expertise onto other committees.

Ms. Thomas said that she sees it as similar to the Historic Preservation Committee, and wondered if Board members have felt that that group has delayed projects.

Mr. Cilimberg noted that that committee is advisory, and the Biodiversity Committee would also be advisory in its role.

Mr. Dorrier stated that Tom Olivier is mentioned as part of this effort, and he is a fair and reasonable person, adding that there needs to be a balance with the farming community also.

Mr. Boyd suggested folding this expertise into existing committees. Other Board members felt that there is a level of expertise needed for the assessment and fact-gathering that cannot currently be gleaned from other committees.

Mr. Wyant said that the species inventory should be done by people who have that expertise.

Mr. Boyd commented that he just doesn’t like the idea of setting up another separate layer, and would rather have it woven into existing groups. He expressed concern about project delays because of having to wait for information from this committee.

Mr. Rooker replied that he cannot recall a single instance when the Historic Preservation Committee or Agricultural/Forestral Committee have held up the project review process. He thinks this is, a mild step toward fulfilling what the Board outlined it was going to do in the Comprehensive Plan.

Mr. Boyd said that he disagreed, noting that it is how it should be implemented that causes him concern.

Mr. Cilimberg noted that the biodiversity assessment started with the workgroup, but did not get completed, and that is the primary function of the committee. That is going to give them the kind of information to help in decision-making.

Ms. Thomas said she cannot see that the Board would be doing anything different than it has either done already or been doing.

Mr. Rooker emphasized that this is just a tool for additional information to be given to guide the decision-making process. He said that standing committees enable us to cover a lot of areas that are important to the community with volunteers doing the work.

Mr. Boyd asked where the Board stops them from becoming an advocacy group.

Ms. Thomas said that she has not seen anything to justify Mr. Boyd's contention that this is just another layer of bureaucracy.

Motion was then made by Mr. Bowerman that the Board authorize the creation of the standing Natural Heritage Committee, and directed staff to prepare the application process and the bylaws for the committee for approval by the Board.

Mr. Davis mentioned that the by-laws would set out the purposes of the committee, which would mirror what was recommended in the staff's report.

Mr. Dorrier noted that the language within the proposal stresses the advisory nature of the committee, and the importance of the initial biodiversity assessment.

Mr. Dorrier **seconded** the motion.

Mr. Rooker said that there is no mechanism currently in place to gather biodiversity information, even though it is listed in the Comprehensive Plan as a county priority.

Mr. Tucker stated that the bylaws could indicate that the committee is not a regulatory board.

Mr. Davis commented that the Board could make it more restricted in the bylaws.

Mr. Rooker said that "advisory rather than regulatory" should obviously be in the by-laws, and the extent to which the Board wants information could be decided on a case-by-case basis.

Mr. Dorrier mentioned that the Historic Preservation committee brought forth one of the most comprehensive reports he has ever seen done about Albemarle. He said this is not trying to bring things to a halt in Albemarle County, but instead trying to deal with a sensitive approach to change in the county.

Roll was then called, and the motion carried by the following recorded vote:

AYES: Mr. Dorrier, Mr. Rooker, Ms. Thomas, Mr. Wyant, Mr. Bowerman and Mr. Boyd.
NAYS: None.

In response to Mr. Boyd's question about the amount of time spent by staff on this, Mr. Cilimberg said that he anticipates Scott Clark to spend the same amount of time on this, with some staff contributing time occasionally.

(Note: At 10:10 a.m., the Board recessed, and reconvened at 10:20 a.m.)

Agenda Item No. 9. Work Session: Implementation of Rural Areas Plan.

Mr. Cilimberg outlined the executive summary which stated that on February 9, 2005, the Board of Supervisors conducted a public hearing to receive public comment on the Rural Areas section of the Comprehensive Plan. Thirty-one people spoke at the hearing and the Board also received written comments from the public. The Board agreed to consider these comments at the March 2 work session.

In addition, staff advised the Board that steps toward implementing the Rural Areas section would be discussed at the work session.

This work session will consist of two components:

- 1) Discussion of public comments.
- 2) Review and discussion of RA Comprehensive Plan implementation steps.

In preparation for the discussion of the public comments, the Board was provided minutes of the February 9 public hearing by the Clerk.

The focus of this report is to identify the major steps needed to implement the strategies contained in the Plan. This initial implementation discussion includes the review of key implementation categories (Attachment A). These categories are consolidations of strategies contained in the Plan that are considered by staff to have the highest priority for implementation. For each of these categories, staff has identified pertinent policy and regulatory changes that will affect County operations, resource requirements necessary to accomplish these initiatives, and the length of time needed for the initiatives to be completed by staff. The timing does not include the period during which the Planning Commission and Board will conduct work sessions and hearings, as that time is less predictable. It should be noted that the timing takes into consideration a reallocation of assignments (moving from work on the RA Comprehensive Plan amendment to work on implementing the Plan) based on existing staff resources. In addition, the timing of these implementation steps does not assume that all implementation steps can take place concurrently; however, some of the steps are currently underway and some will be ongoing and/or long-term projects.

Determining priority status and implementation impacts of the categories included the following steps:

Partner Consultation. Planning Staff met with representatives from departments and agencies that will be involved in implementation, both within and outside the County organization. Each of these implementation partners identified their resource requirements, service delivery modifications, budget requirements, timing, etc. that would be necessary for their involvement in implementation of each strategy.

Assigning Categories. Each strategy contained in the Comprehensive Plan was assigned to a category that best represented the programs or tasks that would be necessary to achieve implementation.

Determination of Key Implementation Categories. Development pressures, specifically residential development, are considered the greatest threat to the Rural Areas. Therefore, each implementation category was evaluated for its potential to lessen development pressure on the Rural Areas, both in the short term and for the long term. The key categories in Attachment A were determined to have the greatest potential to lessen development pressures and were given the highest priority status for implementation. It should be noted that all categories listed cannot be implemented at the same time. The Board's assignment of priorities will determine the ultimate order. Staff believes that Phasing of Development should be the first priority assignment and Mandatory Rural Preservation Developments (RPD) should immediately follow. The timing given for each of these categories has been based on this order. Phasing would provide a potential slowing of the pace of new lot creation that would allow time to do a comprehensive review for RPD standards. However, it should be noted that based on the inventory of existing undeveloped parcels in the Rural Areas and the historic average of new residential building permit activity in the Rural Areas, Phasing will not likely affect that building permit activity in the foreseeable future.

Determination of Other Implementation Categories. The categories listed in Attachment B were determined to have less potential to directly affect development pressures. However, it should be noted that for other beneficial reasons some of these implementation steps are currently underway or could be undertaken along with the key categories noted above with minimal impact to staff and other resources. An asterisk has noted these implementation initiatives in each attachment.

Staff recommends that the Board discuss the public comments and give final direction to staff as to changes to the draft RA Comprehensive Plan amendment and set a date for approval of this amendment.

Staff further requests that the Board review staff's recommended implementation priorities and make a final decision as to the priorities for the RA Comprehensive Plan amendment's implementation. The summary of major staff recommendations as detailed in Attachments A and B is as follows:

- Phasing of Development (time release) – April 2005 – April 2006 (to Planning Commission)
- Mandatory Rural Preservation Developments – April 2006 – April 2007 (to Planning Commission)
- Dedicated and Increased Funding for ACE – Board funds in FY 2006-07
- Create RA Support Program Position – Board funds in FY 2006-07
- Crossroads Communities/Alternative Uses in RA – April 2007- April 2009 (to Planning Commission)
- Review of Use Value Taxation Program – TBD
- Pursue Voluntary Donation of Conservation Easements – Somewhat underway
- Track and Monitor Conservation Easements – Begin July, 2005
- Rural Rustic Roads as Alternative – Underway
- Research TDR Programs and Support TDR Legislation – Next General Assembly
- Implement Mountain Overlay District – Consideration Underway
- Amend Code for Tours of National and State Registered Historic Sites/Buildings – Consideration Underway

Mr. Boyd asked Mr. Cilimberg to discuss phasing as it relates to the Rural Areas Plan. Mr. Cilimberg replied that no priorities have yet been set, so staff developed priorities that would be focused on lessening development pressure in the rural areas.

Mr. Rooker commented that the Board needs to decide what order the strategies are taken in.

Mr. Boyd said that perhaps the public hearing on the Rural Areas Plan would have been different if the phasing had been revealed as a primary strategy.

Mr. Rooker replied that that component was discussed, and a few people commented on it.

Ms. Thomas noted that phasing is one aspect that has been there ever since the Planning Commission has been discussing it, as they were contemplating increasing division minimums from 20 acres to 50, etc. Phasing seemed to have the kind of support that the 50 and 100-acre provisions weren't having, so she has always assumed that it was a given in what came to the Board from the Planning Commission, and most of the comments have been along those lines. She added that people who followed the process saw that new phasing was included as a strategy.

Mr. Rooker stated that what the phasing entails would be up to the Board, including how it might work with the Rural Preservation Development. He suggested that the Board consider adopting the plan, as implementation depends on it being in place, noting that they have already had a number of work sessions in which language changes and page-by-page analysis occurred.

Mr. Wyant asked how the comments received would be dealt with, noting that he had hoped to receive a summary of comments made prior to deciding.

Mr. Dorrier said that one major point is elevating Agricultural and Forestry to the equivalent of Conservation and Protection, as it is a key issue with farmers.

Mr. Rooker noted that several comments were received on that point, and asked if there was anything other than that put on the table.

Mr. Wyant replied that he has received phone calls and emails regarding the septic system pumping issue the Board had previously discussed. Mr. Rooker responded that it is not currently in the Comprehensive Plan.

Mr. Wyant said that he is concerned that farmers are being hurt by the Rural Areas Plan.

Mr. Rooker emphasized that the Board has discussed at length the strategies and text within the plan, and decisions would be made on a case-by-case basis.

Mr. Boyd commented that there needs to be language in the plan to encourage clustering through central water source availability. He acknowledged that there have been concerns about central water systems such as the one in Key West.

Ms. Thomas said that some states have actually outlawed central water and sewer systems because their maintenance is so poorly done.

Mr. Wyant asked why, then, sidewalks were required of developers in new developments. Mr. Rooker replied that a sidewalk is not a matter of public health. A sewer system is, and the problem we've had in the past is that a number of them were approved. He believes that most of the systems have failed, and the county's had to move in and take care of the problem. He added that even if the strategy were put back in, the system would still have to be approved, and he does not believe the Comprehensive Plan should include Board endorsement of central sewer and water systems in the rural areas. The problem is, the history has been deplorable.

Mr. Boyd contended that not having individual well and septic would reduce the amount of land needed to cluster development in the rural areas.

Mr. Rooker said that if there was a method introduced that proves to be effective and safe, he would support it, but mentioned that it should be included as a strategy.

Mr. Wyant commented that it is easier to monitor groundwater with fewer wells. He thinks technology has improved.

Mr. Rooker suggested language that says "consideration will be given to small systems."

Mr. Boyd said that leaving language in that the Board supports the systems would send the message to staff in their review process.

Ms. Thomas mentioned that the other reason for not including it is there are lots of areas in the county where it's going to be difficult to find adequate water and have your septic tank and field. She said that if the Board encourages clustering and piping in water, we are going to open up areas to development that today are not very developable, or very farmable, or in forestry, which is our main interest in the rural area. They're not very amenable to turning into a suburb or subdivision, which is what we don't want to have in the rural area. Ms. Thomas noted that David Hirschman was quoted as saying he preferred

central well and sewer, but only IF there is residential development in the rural area, which should not be encouraged.

Mr. Rooker suggested adding language that says "central well and sewer systems will be considered on a case-by-case basis." He explained that there are by-right developments that might only have three lots with water, whereas there is room for ten lots.

Ms. Thomas read language in the Comprehensive Plan that specifically says county policy does not support central water and sewer system.

Mr. Rooker suggested changing the language to "may be considered on a case-by-case basis."

Mr. Boyd said, "will be considered on a case-by-case basis."

Ms. Thomas emphasized her reluctance to support the language, but agreed to it to build consensus.

Mr. Boyd asked if there could also be language included to favor Ag/Forestry when there is a conflict with conservation.

Mr. Dorrier said that farmers need to be supported, and believes biodiversity can also be supported.

Ms. Thomas stated that agriculture and forestry have been the most important stewards of our rural land, and wondered if the word "equal" seems to be an insult to farmers. She suggested removing the word "equal" from the Guiding Principles page, recognizing the importance of both farmers and conservationists.

Mr. Dorrier emphasized that working farmers need to be better supported.

Ms. Thomas noted that they also care about conservation, and they need to be better supported in their marketing of crops and farm products.

Mr. Rooker reported that he has received 50 emails on the Rural Areas Plan over the last month, and he would guess that 5:1 those constituents support keeping conservation and farming equal, including many farmers. He added that there is a strategy in the plan to help agriculture be more successful economically, and agreed with Ms. Thomas' suggestion to remove the word equal.

Mr. Boyd asked what the impetus was for the change in language in the plan to include conservation.

Ms. Thomas replied that there were numerous meetings in the rural areas seeking community input, and the Planning Commission developed language in the plan to reflect conservation as an issue raised during those sessions.

Mr. Benish emphasized that this was not a devaluing of the agricultural benefits to the rural area, but the other components and the other resources should not conversely be considered less important. They all need to be considered equally based on the comments and the evolution of the activities that have been taking place in the county. He noted that even in the earlier plans, one of the benefits that had elevated agriculture to its highest priority was that stewardship actually benefits those farm resources.

Mr. Rooker noted that there have been things added to the plan to help agriculture in the community be more successful.

Mr. Wyant again repeated his feelings that farmers were not being supported enough in this plan.

Mr. Rooker said that he has received emails from farmers who support maintaining the quality of their land. He asked if we were to try to rate them, would the Board say that water supply resources were less important in this community than agriculture.

Mr. Wyant responded, "no", and he does not think farmers do. Mr. Rooker then asked why rate one over the other.

Mr. Boyd asked how this plan helps to resolve the conflicts that arise between conservation and agriculture, or which one takes precedence over the other.

Mr. Rooker said that he is not interested in supporting something that doesn't recognize water resources and conservation on an equal level with agriculture. He emphasized that he has received emails from farmers who want to support the equality of these resources.

Mr. Dorrier stated that the Board needs to support farming and agriculture, and if putting that first as a priority helps accomplish that, then it should be done.

Ms. Thomas said that there is a right to farm law in Virginia, and looking at the words on the page and priority approaches given to agriculture and forestry numerically, she thinks that saying all of these components are important reflects the Albemarle County community, recognizes the value of the people who live on that land and are 'doing their all' to protect it and continue a rural community. She cannot see

why saying that these may not be equal but they are all important components is denigrating any one of them.

Mr. Boyd commented that he has received input encouraging the language to be changed back to what it was, given farming priority.

Mr. Benish said that the old language states that farming is given priority.

Mr. Tucker suggested distributing copies of that language to the Board for review. Mr. Tucker noted that the Board was running behind schedule, so it was the consensus of the Board to continue this discussion in the afternoon.

Agenda Item No. 10. County Executive's Budget Overview.

Mr. Tucker reported that the proposed budget totals \$255.2 million. He stated that the reassessments have been very strong, which mirrors what has been true in other localities as well. Mr. Tucker said that the budget has been built on a reassessment rate of 8.5 percent, which has allowed a reserve of \$3 million that can be used at the Board's discretion as it has not been allocated – for possible tax rate reduction, critical capital needs, and/or any operational needs for schools or local government. He mentioned that the ten-year capital improvements plan for FY 06-10 is \$142.2 million.

Mr. Tucker stressed that the budget attempts to address the challenges the county faces, noting that Albemarle's population is growing by 2,000 or two percent each year, and could reach 100,000 by 2010. He mentioned that in 2002, there was an estimated 51 percent of population living in urbanizing areas, and challenges remain to provide appropriate levels of infrastructure and community services for the higher-density areas. Mr. Tucker noted that the budget is based on a more rural-oriented tax rate, and counties are currently not allowed to diversify revenue sources with meals tax, hotel tax, or cigarette tax and must rely heavily on property tax to fund needed services.

Mr. Tucker noted that the real estate tax rate is 76 cents per \$100 of assessed value, and since 1983, Albemarle has transferred 10 cents of that to the City of Charlottesville per a revenue-sharing agreement, or \$10 million. He emphasized that operations are actually operating on 66 cents, and is well below the 2004 average of all Virginia counties, which averages 70 cents, and is even lower than small counties Frederick and Rockingham.

Mr. Tucker reported that the budget provides for a 12 percent employer increase in health insurance, which has decreased from last year's 15 percent increase. He mentioned that \$80.9 million will be transferred to the schools for operations, an increase of 8 percent or \$6 million over the current year. Mr. Tucker pointed out that the superintendent's budget shows a shortfall of \$1.3 million in what he's recommending to the School Board. Mr. Tucker said that schools also receive \$11.3 million in local funds for capital projects and debt service, and local funding covers 67 percent of total school revenues; state and federal funds comprise the remainder.

Mr. Tucker noted that this budget provides \$21.6 million for public safety, which includes three additional police officers and one civilian patrol support assistant, moving towards the goal of 1.5 officers per 1,000 population. He mentioned that the budget also funds 100 percent of the operational costs for volunteer fire and rescue departments, a goal over the last several years.

Mr. Tucker mentioned that new funding is recommended for trail development and maintenance equipment/supplies, and Parks & Recreation department. He reminded the Board that last year's citizens' survey revealed that the number one item from respondents was a desire to see more hiking trails in the county. Mr. Tucker noted that the county will also be faced with unfunded state and federal mandated programs, including the Ivy Landfill remediation efforts; \$360,000 is recommended for a mandated stormwater master plan implementation. He said that that plan of implementation will probably grow as DEQ and EPA regulations mandate that the county expands on the program in future years.

Mr. Tucker said that a competitive compensation package that will recruit, promote, retain and reward high-performing employees is important to the organization, and staff is recommending a 4.4 percent merit pool increase for local government and school classified employees. He noted that teacher salary increases are higher in the school budget.

He reported that there is still \$3 million in reserve for a possible rate reduction or additional capital for operational needs. Mr. Tucker said that the first budget public hearing is scheduled for March 9th, and work sessions will be held on March 14, 16, and 21 and the 23rd if needed. He added that the Board's public hearing on the budget would be held April 6th, after the work sessions are held; April 20th has been set aside to adopt the budget and set the tax rate.

Mr. Tucker thanked Melvin Breeden, Laura Vinzant, Chris Beaver, and the OMB staff for all of their assistance.

In response to Mr. Boyd's question, Mr. Tucker explained that the \$3 million is set aside as reserve, currently unallocated, noting that each penny represents \$1.1 million.

Mr. Bowerman asked why there was such a spread in assessments with Charlottesville and Greene. Mr. Tucker replied that the county is annual instead of biennial.

Mr. Rooker said that he was surprised to see that a map in the Washington Post that showed reappraisals in the last five years, and the property values have doubled.

Mr. Tucker noted that Loudoun, Madison, and Louisa counties were even higher than Albemarle's in appreciated assessments.

Agenda Item No. 11. Closed Session.

At 12:34 p.m., **motion** was made by Mr. Dorrier, **seconded** by Mr. Bowerman, that the Board adjourn into closed session pursuant to § 2.2-3711(A) of the Code of Virginia, under subsection (1) to consider appointments to boards, committees and commissions; under subsection (7) to discuss with legal counsel and staff specific legal issues regarding restricting the use of real property; and under subsection (7) to discuss with legal counsel and staff pending litigation relating to the denial of a site plan.

Mr. Rooker asked that the Board consider the expansion of the ARB from five to six members. He indicated that an additional member on that board might help improve attendance at their meetings. Mr. Bowerman said perhaps those members could eventually be magisterial appointments.

Mr. Boyd said that he didn't feel adding members needed to be done.

Ms. Thomas said that of the 23 meetings last year, 9 meetings had 5 attendees, 11 meetings had 4 attendees, and 3 meetings had 3 attendees.

Mr. Boyd and Mr. Wyant commented that the goal ought to be getting members to attend.

Mr. Bowerman commented that Board of Supervisors attendance has been 100 percent almost every time.

Mr. Rooker noted that issues will always come up that might prevent attendance, and that has an impact on a small committee like the ARB.

Ms. Katie Hobbs, an ARB member, addressed the Board and said that having six members might cause deadlocks and time delays. She said that she is comfortable with keeping the ARB as five members, or increasing it to seven.

Mr. Rooker suggested putting that item on hold.

AYES: Mr. Dorrier, Mr. Rooker, Ms. Thomas, Mr. Wyant, Mr. Bowerman and Mr. Boyd.
NAYS: None

Agenda Item No. 12. Certify Closed Session. At 2:05 p.m., the Board reconvened into open session.

Motion was immediately offered by Mr. Dorrier that the Board certify by a recorded vote that to the best of each Board member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed session were heard, discussed or considered in the closed session

The motion was **seconded** by Mr. Bowerman. Roll was called, and the motion carried by the following recorded vote:

AYES: Mr. Dorrier, Mr. Rooker, Ms. Thomas, Mr. Wyant, Mr. Bowerman and Mr. Boyd.
NAYS: None

Agenda Item No. 13a. Vacancies/Appointments

Ms. Thomas then offered **motion** to make the following appointments:

appoint Duane Snow to Architectural Review Board, with said term to expire November 14, 2008.

reappoint Alan N. Culbertson to the Charlottesville Area Community Foundation Governing Board, with said term to expire December 31, 2007.

reappoint Edward J. Jones, Hovey Dabney and Richard Lindsay to Jefferson Area Board on Aging, with said terms to expire March 31, 2007.

Second to the motion was given by Mr. Dorrier. Roll was called, and the motion carried by the following recorded vote:

AYES: Mr. Dorrier, Mr. Rooker, Ms. Thomas, Mr. Wyant, Mr. Bowerman and Mr. Boyd.
NAYS: None

Agenda Item No. 13b. Proposed terms of office and term limits.

The Board agreed to defer this item until April 6, 2005.

Agenda Item No. 14. Ordinance to amend County Code Chapter 3, Agricultural and Forestal Districts, Article 1, in General, Subsection 3-103, Advisory Committee Established, Powers and Duties. (Advertised in Daily Progress on February 14 and February 21, 2005)

Mr. Tucker said the Board of Supervisors has requested that all boards and committees be established with specific membership terms and term limits.

The County Code currently provides that the Agricultural and Forestal District Advisory Committee shall consist of ten members, including four County landowners who are engaged in agricultural and forestal production, four other County landowners, the County Assessor, and one member of the Board of Supervisors. In addition, the County Code sets forth the compensation and the powers and duties of the Committee. It does not address the terms of office of the Committee members.

The proposed ordinance amends the County Code to add subsection 3-103(B) to provide terms of office and term limits for the landowner Committee members. To establish staggered terms, it proposes transition terms for current members by having the Board designate an initial one-year, two-year, three-year or four-year term for each member upon adoption of this ordinance. The current Committee members would remain eligible to be appointed to two additional four-year terms. All future members shall be appointed to four-year terms and shall be limited to no more than three consecutive four-year terms, provided, however, a member appointed to complete the unexpired term of another member may serve the unexpired term and up to three additional consecutive four-year terms. Finally, the proposed ordinance provides that a member whose term expires shall continue to serve until his or her successor is appointed.

Mr. Tucker said staff recommends that the Board adopt the proposed ordinance after the public hearing.

Mr. Davis pointed out that if the Board feels that three consecutive four-year terms is too long, they could change that, as some committee terms are recommended to be two terms.

Mr. Tucker said that others may be changed to two consecutive terms also.

Ms. Thomas commented that she does not feel the need to limit terms to eight years.

Mr. Davis said that changing it to two terms would allow existing members to serve up to 15 years.

Mr. Rooker suggested two four-year terms, noting that it is only going to apply with strictness to new appointees.

Mr. Wyant noted that new people coming in and out might be helpful on this committee.

At this time, the Chairman opened the public hearing. No one came forward to speak, so the public hearing was closed.

Motion was made by Mr. Wyant to adopt the proposed ordinance. The motion was **seconded** by Mr. Bowerman. Roll was called, and the motion carried by the following recorded vote:

AYES: Mr. Dorrier, Mr. Rooker, Ms. Thomas, Mr. Wyant, Mr. Bowerman and Mr. Boyd.
NAYS: None

ORDINANCE NO. 05-3(1)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 3, AGRICULTURAL AND FORESTAL DISTRICTS, ARTICLE I, IN GENERAL, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 3, Agricultural and Forestal Districts, Article I, In General, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained as follows:

By Amending:

Sec. 3-103 Advisory Committee Established; Powers and Duties, as follows:

CHAPTER 3. AGRICULTURAL AND FORESTAL DISTRICTS

ARTICLE I. IN GENERAL

Sec. 3-103 Advisory committee established; membership; appointment and term of office of members; compensation; powers and duties.

An advisory committee is hereby established, as provided herein:

A. The committee shall consist of ten (10) members appointed by the board of supervisors. The committee shall be comprised of four (4) landowners who are engaged in agricultural or forestal production, four (4) other landowners of the county, the county assessor, and one (1) member of the board of supervisors.

B. The terms of the eight (8) landowner members of the committee shall be as follows:

1. Upon adoption of this subsection, the eight (8) landowner members shall be appointed to one-year, two-year, three-year or four-year initial terms so that one (1) engaged landowner and one (1) other landowner is appointed to serve each initial term length. Thereafter, all terms shall be for four (4) years.

2. No landowner member may serve more than two (2) consecutive terms, provided, however, a member appointed to complete the unexpired term of another may be appointed to serve up to two (2) additional consecutive four-year terms.

3. A member whose term expires shall continue to serve until his or her successor is appointed.

C. The members of the committee shall serve at the pleasure of the board of supervisors.

D. The members of the committee shall serve without compensation, but the board of supervisors may, in its discretion, reimburse each member for actual and necessary expenses incurred in the performance of his duties.

E. The committee shall elect a chairman, vice-chairman and secretary at the first meeting of the committee each calendar year. The secretary need not be a member of the committee.

F. The committee shall advise the planning commission and the board of supervisors on matters that it considers pursuant to this chapter, and shall render expert advice as to the nature of farming and forestry and agricultural and forestal resources within a district and the relation of those resources to the county.

G. The committee shall advise the planning commission and the board of supervisors on matters pertaining to the rural areas of the county which may affect agriculture or forestry.

(Ord. 98-A(1), 8-5-98; Ord. 05-3(1), 3-2-05)

State law reference--Va. Code §§ 15.2-4304, 15.2-4404.

(The next two agenda items were heard concurrently.)

Agenda Item No. 15. **SP-2004-0054. Subway at Forest Lakes (Signs #24& 89).** Request to allow drive-in window to serve fast food restaurant in accord w/Sec 24.2.2.13 of Zoning Ord, which allows drive-in windows serving or associated w/permitted uses. (Site plan SDP-2004-89 is currently under review for this proposed dvlpmnt.) TM 32 P 42H, contains 2 acs, znd HC. Loc on Seminole Trail (Rt 29 N), just S of McDonald's at Worth Crossing (Rt 1722). Rivanna Dist. (Advertised in Daily Progress on February 14 and February 21, 2005)

Agenda Item No. 16. **SP-2004-0058. Dairy Queen at Forest Lakes (Signs #24&89).** Request to allow drive-in window to serve fast food restaurant in accord w/Sec 24.2.2.13 of the Zoning Ord, which allows for drive-in windows serving or associated w/permitted uses. (Site plan SDP-2004-89 is currently under review for this proposed dvlpmnt.) TM 32 P 42H, contains 2 acs, znd HC. Loc on Seminole Trail (Rt 29 N), just S of McDonald's at Worth Crossing (Rt 1722). Rivanna Dist. (Advertised in Daily Progress on February 14 and February 21, 2005)

Mr. Bill Fritz said that this report covers the Subway and Dairy Queen requests, confirming that the restaurants are side-by-side and linked together. He explained that these are two requests for drive-thrus, noting the location on the site plan presented. Mr. Fritz said that Worth Crossing would connect the properties as an access road and allow access to the Forest Lakes development to then get back to Route 29. He stated that the ARB has conditionally recommended this project for approval. Mr. Fritz added that staff supports the layout and design of the drive-thrus, noting that there is an unusual proffer on the property that limits the number of vehicle trips per acre per day. He explained that staff used the ITE manual to calculate an estimated vehicle trip count of 861 vehicle trips allowed, and staff then estimated the actual trips would be greater. He said that the applicant did their own study of Subways and Dairy Queens in the area, which shows vehicle trips below the limit.

Mr. Fritz said that the Planning Commission unanimously recommended approval of the requests subject to five conditions.

Mr. Bowerman commented that those conditions could be amended in the future. Mr. Fritz agreed, noting that a property rezoning would make the vehicle trip count requirement go away. Mr. Fritz noted that VDOT did not have any concerns with the traffic counts, and county staff recommends that

condition #3 for both special use permits be changed to read: "The applicant shall submit a plat for reservation for dedication upon demand of the county of the 50-foot section of right of way providing interconnections and roads within the Forest Lakes development to public use and acceptance into the state road systems as shown on the plan. This plat shall be approved and recorded prior to signing of the final site plan."

Mr. Rooker asked if the road would have a dedicated right of way. Mr. Fritz responded that it would be reserved at the request of the county, which is language used on many plats.

Mr. Boyd asked about the vehicle trips per day restriction. Mr. Fritz replied that the county attempted to limit traffic accessing Route 29, and a formula was developed to estimate the average commercial trips that would be generated per particular property. He said that the emphasis was on average of 430 vehicle trips per acre, and Forest Lakes is subject to the same proffer, a different rezoning with the same kind of language. Mr. Fritz confirmed that staff and Planning Commission's recommendations were the same for both special permits.

The Chairman asked the applicant for comments.

Ms. Donna DeLoria of Payne & Hodus, attorney for the applicant, addressed the Board. She indicated that they agree with the staff report. She mentioned that the amended condition involves a portion of the dedicated right of way that is owned by another party, and asked that the dedication be made prior to the issuance of a building permit rather than at the final site plan approval phase.

Mr. Davis agreed that that would work in this situation.

The Chairman opened the public hearings. There being no comments, the public hearings were closed and the matter placed before the Board.

Motion was offered by Mr. Boyd to approve SP-2004-0054, subject to the five conditions recommended by the Planning Commission with condition #3 modified at Board meeting. The motion was **seconded** by Mr. Wyant. Roll was called, and the motion carried by the following recorded vote:

AYES: Mr. Dorrier, Mr. Rooker, Ms. Thomas, Mr. Wyant, Mr. Bowerman and Mr. Boyd.

NAYS: None

(Note: The conditions of approval are set out in full below.)

1. The site shall be constructed in general accordance with the preliminary site plan entitled "Subway/Dairy Queen at Forest Lakes", last revised October 22, 2004 and November 11, 2004;
2. For all future uses on the property, the traffic calculations for each use shall be based upon actual traffic counts for the specific use proposed and not on traffic estimates applicable to general use classifications. The traffic calculations also shall use a methodology consistently applied by County staff to allow for traffic capture;
3. The applicant shall submit a plat for reservation for dedication upon request of the County of the fifty (50) foot section of right-of-way providing interconnections from roads within Forest Lakes development to public use and acceptance into the state roads system, as shown on the plan. This plat shall be approved and recorded prior to the issuance for any building permit on the property;
4. The applicant shall provide hedge planting in the vicinity of the drive-through window, with the species to be determined subject to the Architectural Review Board approval of the final site plan. All such plantings shall be allowed to grow up to minimum mature heights of at least five (5) feet; and
5. The access will be limited to Worth Crossing.

Motion was offered by Mr. Boyd to approve SP-2004-0058, subject to the five conditions recommended by the Planning Commission with condition #3 modified at Board meeting. The motion was **seconded** by Mr. Wyant. Roll was called, and the motion carried by the following recorded vote:

AYES: Mr. Dorrier, Mr. Rooker, Ms. Thomas, Mr. Wyant, Mr. Bowerman and Mr. Boyd.

NAYS: None

(Note: The conditions of approval are set out in full below.)

1. The site shall be constructed in general accordance with the preliminary site plan entitled "Subway/Dairy Queen at Forest Lakes", last revised October 22, 2004 and November 11, 2004;
2. For all future uses on the property, the traffic calculations for each use shall be based upon actual traffic counts for the specific use proposed and not on traffic estimates applicable to general use classifications. The traffic calculations also shall use a methodology consistently applied by County staff to allow for traffic capture;

3. The applicant shall submit a plat for reservation for dedication upon request of the County of the fifty (50) foot section of right-of-way providing interconnections from roads within Forest Lakes development to public use and acceptance into the state roads system, as shown on the plan. This plat shall be approved and recorded prior to the issuance for any building permit on the property;
4. The applicant shall provide hedge planting in the vicinity of the drive-through window, with the species to be determined subject to the Architectural Review Board approval of the final site plan. All such plantings shall be allowed to grow up to minimum mature heights of at least five (5) feet; and
5. The access will be limited to Worth Crossing.

Agenda Item No. 17. Work Session: Implementation of Rural Areas Plan (continue from morning session).

Mr. Benish noted that the existing language that refers to the priority given to resources in the rural areas was located in the county's growth management policy as part of the land use plan. He noted that also included is the Rural Development Policy from the 1989 plan, which is what is being updated.

Mr. Dorrier asked how it was decided to switch the language from growth management to "Guiding Principles for the Rural Areas."

Mr. Benish replied that the growth management policy format is driven from the same guiding principle approach being used in the Rural Areas section, but that terminology has been new to the 1995 plan, and that's when the term Guiding Principles came into use. He stated that the Guiding Principles as drafted are based on the growth management policy as presented. Staff felt that the underlying theme for what they were trying to achieve in the rural areas was basically the same; it's a terminology change, but they like the form of using Guiding Principles. Therefore, for each section they have a clear understanding of what the expectations are within the rural areas, within the natural resources section, and within the development areas. They all really come from the growth management policy.

Mr. Rooker pointed out that Board and staff have spent a lot of time trying to get language that was acceptable throughout the document.

Mr. Wyant asked Board members to read the highlighted section on the front page.

Mr. Rooker emphasized that the same ideas in the old text are expressed in the new, and the only issue is the sentence that says "of these, the protection of agricultural and forestal resources is the highest priority."

Mr. Benish noted that there is also language that says "agricultural and forestal resources have been identified as the most critical resource," but staff felt that concerns brought forth were reflected in the newer language.

Mr. Rooker asked if it would be possible to recognize one or more items as highest priorities, without including the entire list.

Mr. Wyant pointed out that language in the growth management text says that "agricultural and forestal resources have been identified as the most critical county resources, and are the desired primary land use in the rural area." He indicated that he liked that entire paragraph, including the reference to water resources.

Mr. Rooker agreed that that language could be included in the text in the introduction as it currently appears or in the agricultural uses section. He asked if Board members would be satisfied if that sentence were added to the introduction, with the Guiding Principles text left as proposed. Mr. Rooker suggested picking up that entire paragraph and adding it to the introduction. All Board members agreed.

Mr. Dorrier asked about the reference to phasing development.

Mr. Rooker said that by approving this, the Board is agreeing that this is one of the strategies to be considered, noting that there are things currently in the Comp Plan that have never been followed up on with ordinances. It's a general statement of intent to achieve the goals of the Comprehensive Plan.

Ms. Thomas reported that she had received calls of concern about outside purchases of large farms for subdivision. She has learned that Madison, Orange, and other counties have included phasing development as a way of making sure that the landowner can sell and get pieces of land developed, but that it keeps the large outside developers out of the county pretty well because they don't want to buy the land and hold onto it. They want to develop it all at once in the rural areas and it slows down development, but it doesn't take anyone's development right numbers away from it.

Mr. Davis clarified that it would limit the number of lots you can divide a piece of property into in a set period of time, such as five lots in a ten year period.

In response to Mr. Dorrier's question, Mr. Rooker said that it would be up to the Board whether those stipulations apply to family subdivisions. Mr. Rooker commented that he thinks most family subdivisions would probably be within that limit.

Mr. Rooker said this point was considered because of the goal to reduce the number of lots in the development areas, and as it was worked through, the county received comments in support of phasing and rural preservation developments but people did not support the 21-acre requirement larger nor did they support reducing the number of development rights per parcel.

Mr. Cilimberg said that the Board basically has concepts that include minimizing the development lot sizes and maximizing the preservation tract size. Staff will have to get to the particulars of what those minimums for development lots and maximums for preservation tracts are as part of the review in bringing that ordinance to the Board.

Mr. Davis mentioned that there is a recent law requiring any clustering to be through an ordinance that allows approval administratively, and cannot be something that requires approval by either the Planning Commission or the Board of Supervisors. He said that the county had to repeal the part of the ordinance that applied to more than 20 lots, and that is grandfathered as long as it is not amended.

Ms. Thomas pointed out that the Mountain Overlay District Committee is leaning towards just utilizing that clustering provision as a way of protecting the mountain ridges.

Mr. Wyant mentioned "Crossroads Communities" and protecting historic structures, noting that people he has spoken with have expressed concern about restrictions that this might place on homeowners and buyers. He does not know why the County would want to put boundaries on those little crossroads communities.

Mr. Rooker responded that if you did remove those boundaries, you would be implying that it would be okay to spread out with commercial development. He said that most of the uses are grandfathered, and are not zoned commercial. This language attempts to take steps to ensure these communities can thrive.

Ms. Thomas pointed out that the Coveseville Store is doing exactly what the rural areas plan wants them to do, but the ordinances have been running counter to this, such as requiring an asphalt parking lot.

Mr. Wyant asked why they weren't grandfathered. Mr. Rooker replied that because there was a change of use, it moved into a special use permit approval process.

Mr. Tucker noted that the county had been applying urban standards to these rural villages. That's what the staff is saying, let's relax that.

Mr. Rooker emphasized that the standards need to be in keeping with the goals to allow those areas to remain rural in their look and feel.

Mr. Wyant mentioned that old stores often go under because people are not allowed to live in them.

Mr. Benish noted that the idea is to allow for uses that are in keeping with the rural areas. That is the intent of this section.

Mr. Rooker read the language in the proposed plan to expand uses in the crossroads communities to help make them successful and generate revenues needed to maintain the buildings there.

Mr. Tucker pointed out that the plan sets the guidelines, and the ordinance amendments will serve as the tools to implement those changes.

Ms. Thomas emphasized that the whole intent is to make it easier for the entire crossroads communities to exist, and make sure that the county is not applying inappropriate standards.

Mr. Wyant said that he has heard concerns about regulations of historic structures, as people would like to be able to use those buildings without a lot of restrictions.

Mr. Cilimberg mentioned that the historic structures references are primarily to give a starting point to identify those areas in the county, not to impose restrictions on those structures and sites. He noted that there is a mention of preserving character, but the rest of it is to "loosen it up" and make it more available for uses.

Mr. Dorrier asked about the Chesapeake Bay Preservation Act, and why it was included.

Mr. Cilimberg said that it was included because of the septic pumpout issue discussed.

Ms. Thomas pointed out that the state is working on measures in keeping with the Chesapeake Bay protection efforts. She noted that Albemarle is in the watershed, but only communities east of 95 are required to adopt those measures.

Motion was then offered by Ms. Thomas to adopt CPA-2003-05, to approve the Rural Areas section of the Comprehensive Plan, taking out the references in the Guiding Principles to "equal and," and adding language from existing growth management page referencing "agricultural and forestal resources... residential developments are considered a secondary use in the rural areas" to the Rural

Areas Land Uses introduction; the revised language would also read "Central water and sewer systems may be considered on a case by case basis." Mr. Boyd **seconded** the motion.

Roll was called, and the motion carried by the following recorded vote.

AYES: Mr. Dorrier, Mr. Rooker, Ms. Thomas, Mr. Wyant, Mr. Bowerman and Mr. Boyd.

NAYS: None.

Mr. Cilimberg said that staff would be making modifications in the Land Use Plan section that reflect what the Board decided, and brought back at a later date.

Mr. Boyd commented that he is not convinced that phasing is the top priority in the implementation phase.

Ms. Thomas stated that the Board should consider what might cause a "land rush" that might undo the efforts of the Rural Areas Plan. The Board should act first on those items that are otherwise going to cause a land rush. She thinks that phasing is protective of our present local landowners but doesn't encourage large outside developers to come into the rural area. It is appropriate to take it very early and with some swiftness otherwise the use that the Board has just adopted as our secondary use, that is residential, is going to quickly overwhelm the rest of the rural area. She added that another way to keep that from happening would be a cluster requirement, but that will take more time because standards would be developed that will be totally up to staff. Ms. Thomas added that clustering can't come first because of what is entailed in making those changes.

Mr. Boyd said that phasing is a "stick" and clustering is a "carrot" for developers.

Mr. Rooker concurred that phasing would be able to be done more quickly because the ordinance would not be as elaborate. He said that the concern is that large developers can come in and buy 1,000 acres and put in a large rural subdivision in the county. The county would like to channel those into the growth areas. Mr. Rooker stated that he would like for both phasing and clustering to be moved along simultaneously, and asked Mr. Davis to comment on how that would work.

Mr. Davis responded that the cluster ordinance will be more difficult to reach consensus on, and how quickly it can be done would be determined by how much public process was done and how much staff time is available.

Mr. Rooker noted that a number of jurisdictions have adopted the phasing, so the county does have models to work with.

Mr. Davis replied that the phasing is fairly easy to deal with.

Mr. Boyd expressed concern about the fiscal impact to property owners.

Ms. Thomas pointed out that the Board just approved a plan that shows agricultural and forestry put first and residential second. Phasing is going to be the proof of whether the Board meant anything of what it has been saying today.

Mr. Boyd mentioned that the subdivision ordinances and affordable housing for the urban areas would be a carrot to get development out of the rural area.

Mr. Dorrier agreed that if the right thing is done in the development areas, it takes the pressure off of the rural areas.

Mr. Thomas said that it needs to be ensured that development is not made too easy in the rural area, and time phasing and clustering are the best ways to discourage mass development there.

Mr. Rooker commented that the phasing is the crux of trying to implement the goals while at the same time for existing landowners saying you're not losing development rights and you can sell off lots over a period of time and realize value. He mentioned that the discussion a few years ago involved eliminating development rights and reducing the 21-acre parcel size. What the Board opted for instead was this approach, which is supported by the way, by the agricultural/forestral committee, etc. in a letter over a year ago. Mr. Rooker said that the rural preservation development ordinance should be dealt with right after the phasing.

Mr. Boyd suggested moving clustering up on the list of strategy priorities.

Mr. Cilimberg responded that if the county had the resources, it would take on all of these things right away. He said that they will have to program this out and determine the timeframes that will work, given the staff availability.

Mr. Rooker asked if it is possible to deal with the usage concepts of crossroads communities now. Mr. Cilimberg replied that review of one particular applicant's request is getting ready to be brought to the Planning Commission as a Zoning Text Amendment.

Mr. Benish explained that the application is to use a structure for weddings and special day events.

Mr. Cilimberg said that if the Board felt that staff should perform a comprehensive use of alternative uses on their own, staff would push back the phasing to allow that.

Ms. Thomas stated that phasing is the most important strategy, but also expressed concern about the crossroads buildings that may not be standing in a few years unless they can be used.

Mr. Wyant commented that he would like to make the biggest impact possible as a Board member, and looking at phasing in the larger rural areas should be prioritized, with the crossroads communities coming right after that.

Mr. Rooker asked if a staff increase would help implement the components of the plan faster, perhaps using some of the Board reserve.

Mr. Cilimberg said that Mr. Graham had suggested the possibility of trying to have funding that could allow temporary contract assistance for the implementation of the plan.

Mr. Wyant suggested concentrating more staff on the rural areas, once development areas are "up and running."

Mr. Tucker said that Mr. Graham has been working on planning the best use of staff, and would make a presentation to the Board in May.

Mr. Cilimberg mentioned that the Subdivision Ordinance for the development areas and Zoning Ordinance changes are critical to enabling a little easier process for the projects that go through. He added that staff spends a lot of time on elements in rezonings that could be covered by the Subdivision and Zoning Ordinances and addressed ministerially. Mr. Cilimberg said that the budget for 2006-07 calls for increasing ACE monies as a primary conservation program initiative, and creating a Rural Areas full-time support position. He indicated that looking at the Use-Value Taxation Program would not be a part of that timing, but would be looked at by a committee comprised of citizens and staff.

Mr. Rooker said that he would like to see that started very quickly. He noted that 15 to 18 percent of property tax revenues are "lost" to land use, and the county ends up paying the city an additional 10 cents.

Ms. Thomas stated that land use tax break is a very important tool. She does not regard the fact that land eventually gets subdivided as a failure of the land use taxation program. She mentioned that the farm at the end of Meadow Creek Parkway is being held as a respite when you drive out on Rio Road because of the land use taxation break.

Mr. Davis said that the land use issue has been revisited several times, and the frustrating part about it is there is no authority to do means tests. In addition, the General Assembly is very restrictive in how the program operates. He added that the real meaningful review is whether or not you allow land use taxation outside of an agricultural/forestral district.

Mr. Rooker commented that he believes the Board should consider whether properties are required to be in agricultural/forestral districts in order to be in land use. Could you use those funds to buy development rights, you would have permanently retired a lot of property from development. He thinks the county should look at tools to make certain land use is being utilized in a way that is consistent with county goals.

Mr. Tucker said that the Board has elected not to do anything in the past. Mr. Rooker stated that looking at it shouldn't take too long.

Mr. Tucker responded that staff would basically be "dusting off an old staff report" to bring it back to the Board.

Staff confirmed that Mandatory Rural Preservation Developments would deal with clustering.

(The adopted Plan is set out below:)

CHAPTER FOUR THE RURAL AREAS

INTRODUCTION

The Rural Landscape

Albemarle County occupies 726 square miles in the Virginia Piedmont and Blue Ridge Mountains. The designated Rural Areas, about 690 square miles, make up approximately 95 percent of the County, and surround the designated Development Areas and the City of Charlottesville. They border Greene and Orange counties to the north, Louisa and Fluvanna counties to the east, Buckingham County to the south, and Nelson, Augusta, and Rockingham counties to the west.

Agricultural and forestal resources have been identified as the most critical County resources and the desired primary land use in the Rural Area. Such uses play an important and long-standing role in the

environment, heritage, and economy of the County. Loss of these resources to development is irreversible and irreplaceable. Stewardship of these resources also provides an opportunity to conserve and efficiently use other resources such as: (1) water resources (with use of property conservation techniques); (2) natural, scenic, and historic resources with the maintenance of pasture land, farmland, and forested areas; and, (3) fiscal resources by limiting development and lessening the need to provide public services to wide areas of the County. In the interest of this growth management strategy, residential development is considered a secondary use in the Rural Areas.

The County's topography varies from Piedmont hills in the east and south to the Blue Ridge and its foothills in the west. Altitudes range from 235 feet, where the Rivanna River crosses the County's eastern border, to 3,389 feet on Big Flat Mountain in Shenandoah National Park. There are large areas of steep slopes primarily in the central and western part of the County. The majority of the Rural Areas is in the watershed of the James River, mostly draining through the Rivanna and Hardware rivers. The two largest Rivanna River tributaries in the County are the North Fork and South Fork Rivanna rivers. The South Fork is dammed to form the area's largest drinking water reservoir.

The land cover of the Rural Areas is a complex mosaic. It has been estimated that, as of the early 1990s, nearly 47 percent of the Rural Areas was in deciduous forest, 18 percent was in mixed forest, and 8 percent was in conifer forest. Open areas, including pasture, row crops, barren areas, mowed areas and yards, occupied about 24 percent of the Rural Areas. However, these numbers may not be exact because the data is collected at coarse resolution by satellite, making it difficult to distinguish between pasture and residential yards, or between unfragmented forest and wooded subdivisions.

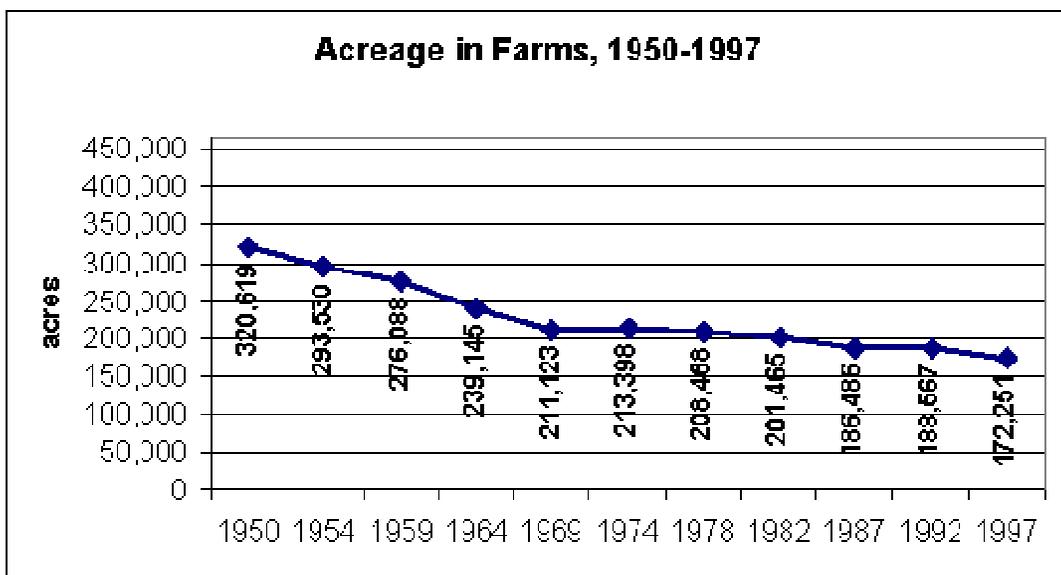
In 2002, the Rural Areas population was estimated to be 42,731 compared to 44,017 in the designated Development Areas. There were 16,994 residences in the Rural Areas. Density is not distributed evenly throughout the four Rural Areas: some areas remain quite rural, with large parcels of farm and forestland, while others, including the former Villages of Earlysville and Ivy, are largely characterized by suburban residential development. Commercial zoning districts within the Rural Areas included 274 acres in existing commercial or industrial uses and another 729 undeveloped acres.

The 1997 Federal Census of Agriculture identified 747 farms (counting only those with at least \$1,000 in gross income) with a total of 172,251 acres, or 37 percent of the County. The average farm size was 231 acres, although the 493 were less than 176 acres. The most common farm products were hay, beef cattle, and horses. The majority of crops were hay, horticultural products, and fruits and the majority of livestock raised were cattle.

The number and area of farms has been declining since the 1920 Census of Agriculture, which counted 3,765 farms over 388,941 acres, or 83.6 percent of the County. In the period since World War II, smaller farms have experienced the most extensive declines, but farms of every size have declined in number:

Farm Size	Farms 1954	Farms 1992	Farms 1997	Change 1992-1997	Change 1954-1997
1 to 9 acres	346	33	41	+8	-305
10 to 49 acres	547	186	186	0	-361
50 to 179 acres	568	269	266	-3	-302
180 to 499 acres	328	177	176	-1	-152
500 to 999 acres	102	62	50	-12	-52
1,000 acres or more	35	34	28	-6	-7
Total Acreage	320,619	188,567	172,251	-16,316	-148,368

The total acreage in farms has also declined:



In addition to the County's most well-known historic property, Monticello, many of the County's known historic resources are located in the Rural Areas. The villages of Advance Mills, Batesville, and Proffit are listed as historic districts on the National Register of Historic Places. White Hall and Yancey's Mill are also

potentially eligible for listing as historic districts. Approximately 31,000 acres of the County are included in the Southwest Mountains Rural Historic District, the environs of Greenwood, and portions of the southeastern section of the County have potential to be listed as another historic district. The County also has a rich archaeological heritage, having been occupied by Native Americans for approximately 12,000 years before the arrival of European settlers, who themselves left significant artifacts and sites. For more information on historic resources and related policies, see Chapter Two of the Comprehensive Plan: Natural Resources and Cultural Assets Plan and the Historic Preservation Plan.

The majority of the County's parks and natural areas, which provide recreational opportunities to the entire community, are located in the Rural Areas. Over 14,000 acres of the northwestern edge of the County (approximately 3 percent of the Rural Areas) are included in the Shenandoah National Park.

Rural Policy History

The County's approach to rural area planning has changed over the years. The first Zoning Ordinance, adopted without a Comprehensive Plan in 1969, was largely intended to address concerns over land development and potential annexations by the City of Charlottesville; rural planning was not a major focus. The first Comprehensive Plan, adopted in 1971, laid out large areas of development to accommodate a projected 185,000 people by 1995. The 1977 Plan reflected more concern with growth management, and designated less of the Rural Areas for conversion to urban or suburban development. It also projected a lower rate of growth, with the County population expected to reach 100,000 by the year 2000. In reality, the County population reached approximately 84,000 by the year 2000.

The 1969 Zoning Ordinance permitted unlimited residential development on lots as small as 2 acres in the Agricultural zoning district, as well as planned developments of at least 100 acres. The 1977 Ordinance maintained the 2-acre minimum, and introduced a "Conservation" district, which was short-lived and included very little land outside Shenandoah National Park.

By 1980, water quality degradation in the South Fork Rivanna Reservoir (the main drinking water supply for the County's urban areas and the City of Charlottesville) created concern about the level and location of development. As a result, Development Areas within the watershed were restored to rural designation in the Comprehensive Plan. The exception was the Crozet development area, which was only reduced in size. Its boundaries were contained within a single watershed, where water quality management measures were to be put in place to address drinking water protection.

In December 1980, the County was comprehensively rezoned. In the Rural Areas, a single zoning district was created that focused on agriculture and forestry as the preferred uses, but it also accommodated development by assigning each rural parcel up to five development right lots (lots with a minimum of 2 acres). Outside those development right lots, a minimum parcel size of 21 acres was established in hopes of preserving larger parcels for agriculture, open space, and rural character. Several more intensive land uses and land development options that had been permitted under the 1977 Zoning Ordinance were removed from the list of permitted uses.

Plan revisions in 1982, 1989, and 1996 focused on an evolving commitment to growth management. (In the 1980s, more than 50 percent of the County's residential growth was in the Rural Areas - peaking at 65 percent in 1987.) The 1989 Comprehensive Plan focused rural area policy on resource protection, with an emphasis on promoting and protecting agricultural and forestal uses and limiting the scale and character of rural residential development. The policies of this plan also led to the inclusion of cluster development provisions (the "Rural Preservation Development" option) in the Zoning Ordinance.

In 1992, the County adopted the Open Space and Critical Resources Plan chapter of the Comprehensive Plan, which identifies important resources, discourages the piecemeal loss of important open space, and encourages the evaluation of a resource as part of a larger system of open space that serves several functions. In 1996, the County adopted the Land Use Plan, which focuses largely on the development areas, but the Land Use Plan also contains a commitment to protect the key elements of rural character and establishes policies intended to direct growth into the Development Areas. As part of this growth management plan, the County has adopted a policy of not extending public water or sewer service into the Rural Areas, where it might drive more rapid residential and commercial development.

The Neighborhood Model for the County's Development Areas, adopted as a section of the Land Use Plan in May 2001, calls for protecting the Rural Areas by increasing development capacity in the Development Areas and forming clear edges with the Rural Areas. The Historic Preservation Plan, adopted in September 2000, recommends measures to protect the County's historic and prehistoric resources, many of which are located in the Rural Areas.

Several tools for protecting the Rural Areas are in place. Albemarle County offers a use-value taxation program that reduces tax rates for lands in agricultural, forestal, horticultural and open space uses. As of spring 2003, the County's voluntary agricultural and forestal districts program helped prevent intensification of use on nearly 65,000 acres of land. Another tool is the County's voluntary Acquisition of Conservation Easements (ACE) program, under which the County purchases conservation easements (which limit uses and development) on qualifying properties. One of the goals of the ACE program is to ensure that owners can afford to keep their land, while benefiting the community through long-term protection of agricultural, forestal, and open space lands.

While policies have advanced, rural residential development and changes in the character of the Rural Areas continued from 1985 to 2002, the number of development right lots (lots under 21 acres) created per year ranged from 171 to 340. In sum total, over 3,000 development right lots were created, converting

over 15,000 acres of the Rural Areas to potential residential use. Another 704 parcels between 21 and 50 acres in size were created, dividing over 19,000 acres of rural land.

In the decade from 1987 to 1997, 14,235 acres were removed from farming according to the Census of Agriculture, continuing a long-standing trend toward fewer and smaller farms. These are the central trends—the division and fragmentation of the rural landscape, and the increasing suburbanization of the Rural Areas—that Albemarle County’s rural area policies must address.

Trends in Rural Areas Land Use and Development

The following data summarize trends in land use and development in the County’s Rural Areas:

- From 1985 to 2000, 3,662 new parcels were created through subdivisions in the Rural Areas. Of these, nearly 42 percent were at least 2 but less than 5 acres in size, and another 30 percent were 5 to just under 21 acres. (At present, 21 acres is the minimum size for lots other than development right lots in the County.) In other words, 76 percent of new parcels in this period were below the 21-acre minimum.
- During this period, the division of new parcels in the Rural Areas has continued at a relatively steady rate, ranging from 171 to 340 parcels per year. In 1996, the Thomas Jefferson Planning District Commission estimated that the Rural Areas could accommodate 54,867 more housing units, bringing a population increase of 143,751. They estimated that, at buildout:
 - Lots in the “Open Space” categories (1 housing unit per 50 acres or more) would decrease from 57.6 percent of the Rural Areas to 1.4 percent of the Rural Areas.
 - “Large Lot” parcels (1 housing unit per 5 to 20.9 acres) would increase from 16.8 percent of the Rural Areas to 72.3 percent of the Rural Areas.
 - “Suburban” parcels (1 housing unit per 1 to 4.9 acres) would increase from 2.1 percent to 24.1 percent of the Rural Areas.

From 1991 to 2002, over 2,500 new subdivision lots were approved in the Rural Areas (data for 1995 are not available). This would leave approximately 52,000 more dwelling units in the Rural Areas. For comparison, the entire County had 36,469 dwelling units in 2002 (19,475 in the Development Areas and 16,994 in the Rural Areas). TJPDC estimated that total Rural Areas population could increase to 189,636, as compared to an estimated 42,731 in 2002--nearly four and a half times the current rural population.

- Development right lots have been created at higher densities within the designated Water Supply Protection areas than outside those areas.
- Rural Preservation Developments (RPDs), which are clustered subdivisions that are intended to reduce the impact of rural residential development, have only rarely occurred in the County. Since 1989, when RPDs were first allowed under the Zoning Ordinance, only 13 RPDs have been approved, with preservation tracts under conservation easement ranging from 40 to 385.6 acres. Between 1990 and 1998, there were six years with no clustered subdivisions approved. In 69 percent of the developments, 50 percent or more of the land was protected; 53 percent preserved 60 percent or more).
- In 2002, the rural area population was estimated at 42,731 (compared to approximately 44,017 in the Development Areas), occupying 16,994 dwelling units. However, density and population growth are not distributed evenly through the Rural Areas.

Comprehensive Plan Area	Annual Growth Rate, 1993-2000
Rural Areas 1	1.65%
Rural Areas 2	0.78%
Rural Areas 3	1.27%
Rural Areas 4	2.19%
All Development Areas	1.94%

- From 1993 to 2000, the Rural Areas population growth (1.49 percent annually) was only slightly slower than the rate for the Development Areas (1.94 percent annually).
- In the 1989 Comprehensive Plan, it was reported that, on average, over 50 percent of the County’s residential development was occurring in the Rural Areas. From 1998 to 2002, this percentage ranged from 18 to 44 percent of total development. However, it is important to note that this is not due to a significant decrease in the number of dwellings created in the Rural Areas, but to a large increase in the number created in the Development Areas. Rural residential development has continued at a relatively steady rate. This building permit activity reflects development on both existing and newly created parcels. In addition, these trends are inconsistent with the County’s growth management policy.

Building Permits for Dwelling Units, 1998 - 2002										
COMP PLAN AREA	1998		1999		2000		2001		2002	
Urban Areas	367	42%	218	28%	189	29%	414	47%	1,131	66%
Communities	158	18%	167	22%	130	20%	186	21%	246	14%
Villages	63	7%	49	6%	50	8%	22	3%	27	2%

Rural Areas	286	33%	336	44%	281	43%	253	29%	316	18%
TOTAL	874	100%	770	100%	650	100%	875	100%	1,720	100%

Public Input

In the winter 2002-03 public input meetings, 70.1 percent of respondents agreed with the County's policy of directing residential growth into the Development Areas, and another 24.3 percent agreed "somewhat." Many of those who qualified their answers agreed with the policy, but felt that it was not being effectively implemented. These answers correspond with those in the 2002 Citizen Survey, in which the protection of water, natural resources, and farm and forest land were all high priorities--all of these resources are impacted by residential development.

Asked to characterize their vision for the Rural Areas, 73.1 percent favored a rural character with little residential development (1 on scale of 1 to 4, with 4 representing extensive suburban development). Another 24.1 percent selected "2" on this scale. On another scale from 1 (large-lot subdivisions) to 4 (clustered subdivisions with protected areas), 75.4 percent chose 3 or 4. A majority felt that farms (62.7 percent) natural areas (64.9 percent), and stream buffer and habitat corridors (76.7 percent) should be common features of the Rural Areas. Ranking visual character on a continuum of values from 1 (suburbs) to 4 (farms, forests, and natural areas), most chose a rank of 4 (76.2 percent) or 3 (21.1 percent).

CONSISTENCY WITH OTHER SECTIONS OF THE COMPREHENSIVE PLAN

This chapter of the Comprehensive Plan is intended to work in concert with the other elements of the Plan. Strategies for implementing the growth management policy and the public facilities policy established in the Land Use Plan and the policies set in the Natural Resources and Cultural Assets Plan are found throughout this chapter. This chapter also takes advantage of new information regarding resource protection and provides for further policy adoption based on the expected products of the Critical Resource Inventory. In order to ensure consistency throughout the Plan, the other elements of the Plan will require amendment upon adoption of this Chapter.

Land Use Plan

The Guiding Principles for the Rural Areas (page 11) echo and build on the Growth Management goal of the Land Use Plan. As that plan states, "[t]he County's primary growth management goal directs development into designated areas and conserves the balance of the County for rural areas and resource protection....Planning efforts aim to channel growth into designated areas to facilitate economical service delivery in those areas, and to conserve the Rural Areas....Planning efforts also focus on means to discourage development in the Rural Areas and support activities consistent with the character of the Rural Areas....Loss of [rural] resources is irreversible...." (Land Use Plan, page 3.; amended July 2002).

Natural Resources and Cultural Assets Plan

Rural Areas regulations and programs should be reviewed for their natural and cultural resource impacts and the County should ensure that regulatory and program changes protect or restore the resources they affect. This will require an orientation to resource protection that pervades the County's planning process, rather than a separate resource protection program.

This approach would implement the Guiding Principles for the Rural Areas by furthering land preservation and conservation; protecting water supply, natural, scenic, and cultural resources; retaining rural quality of life for current and future residents; implementing the objectives of the Natural Resources and Cultural Assets Plan; and encouraging and implementing protection of genetic, species, and ecosystem diversity for native plants and wildlife.

However, committee work and research regarding resource protection policies and the Critical Resource Inventory are ongoing. The following general strategies are intended to ensure that Rural Areas policies adopt the recommendations that result from that work:

GUIDING OBJECTIVES FOR FURTHER POLICY DEVELOPMENT:

- Ensure that Rural Areas policies are developed in accord with the Guiding Principles (page 11) and the Facilities Planning goal of the Land Use Plan ("[s]trongly support and effectively implement the County's growth management priorities in the planning and provision of transportation infrastructure, public facilities, and public utilities"—p.5, Land Use Plan), and that policy changes are designed to avoid any increased demand for public infrastructure in the Rural Areas.
- Ensure that Rural Areas policies are developed in accord with the Natural Resources and Cultural Assets Plan, and protect resources identified as important in the Critical Resources Inventory.

STRATEGIES:

The County should:

1. Continue and increase current efforts on behalf of agricultural, forestal, open-space and natural resource protection through existing and new Codes and programs.

2. Amend Codes and programs affecting the Rural Areas and the County as a whole to protect biodiversity, reflect the recommendations of the Biodiversity Work Group and the standing Biodiversity Committee once adopted, and incorporate policy responses to issues raised by the ongoing biological resources inventory.
3. Amend codes and programs affecting the Rural Areas to protect historic resources and reflect the recommendations of the Historic Preservation Plan.
4. Protect potential trail areas as recommended in the Greenways Plan.
5. Locate trails to provide public access to natural and cultural resources without negatively impacting those resources.
6. Protect scenic resources for residents and visitors. Approach protection of scenic resources by fostering viable rural economies, healthy ecosystems and protected cultural resources.

A VISION FOR RURAL ALBEMARLE COUNTY

County land use decisions regarding the Rural Areas should be based on a set of consistent policies adopted by the Board of Supervisors. Decision making should always include a consideration of a proposal's cumulative effects on the Rural Areas and the County as a whole. It is, therefore, very important for the County to have a coherent idea of the desired future of its rural lands. The following vision statement is intended to clarify the overall goals of this section of the Comprehensive Plan:

Albemarle County envisions its Rural Areas as multifaceted places that will, over centuries, provide and protect the key elements that give the area its character. This vision is not a list of actions to be avoided, but a positive design to be achieved, maintained, and improved over the very long term, with the intention that the Rural Areas remain rural.

The elements of this vision include:

- A pattern of land uses defined by farms, forests and other natural elements, and traditional crossroads communities, rather than by suburban or ex-urban – outside the suburbs - development that typically uses land faster than population increases;
- A strong agricultural and forestal economy, with large unfragmented parcels of land on which to produce their goods, opportunities to gain value from processing their own produce, and access to local markets;
- Diverse, interconnected areas of viable habitat for native wildlife, extensive enough and sufficiently protected and restored to allow ecological processes to endure for the long term;
- Healthy streams and sustainable supplies of unpolluted groundwater;
- Protected historic structures, archaeological sites, and other cultural resources;
- Rural citizens supported by community meeting places, a basic level of services, and rural organizations and other cultural institutions at traditional rural scales, with opportunities to take part in community life and decisions;
- A clearly visible rural character achieved by supporting lively rural industries and activities and discouraging suburbanization of the Rural Areas;
- A significant tourist economy in which rural and historic landscapes augment the visitors' experience and give historic sites as authentic a setting as possible;
- Well informed citizens, both rural area and development area residents, who understand the cultural, economic, and ecological aspects of the Rural Areas and appreciate their importance to the community, region, and state;
- Plans, policies, and decision making that consider and protect rural economies and ecological processes;
- Boundaries that show a clear distinction between rural and urban areas, without low-density transition areas.

Several aspects of this vision were reflected in the input received from citizens during four public meetings held in the winter of 2002-2003. The strong majority of attendees (over 70 percent in each case) felt that:

- The visual character of the Rural Areas should be made up of farms, forests, and natural areas.
- Stream buffers and habitat corridors should be common throughout the Rural Areas.
- Growth should be limited and well managed to maintain the rural character of the County.
- Residential development should be directed into the designated Development Areas.
- Agricultural and forestal lands are critical County resources, and that agriculture and forestry are the desired primary land uses in the Rural Areas.

The County's 2002 Citizen Survey reflected similar views. Items rated "very important" for the County by a majority of respondents included "protecting water quality in reservoirs, streams, and wells" (85.2 percent), "preserving natural resources and open space" (65.1 percent), and "preserving farmland and forested land" (63.8 percent). Planning approaches favored by a majority included permitting localized services (stores, post offices, etc.) in traditionally rural communities (96 percent), the Acquisition of Conservation Easements (ACE) program (74 percent), use-value taxation of agricultural and forestal land (79 percent), and restricting the number of lots into which a rural parcel can be subdivided (76.1 percent).

GUIDING PRINCIPLES FOR THE RURAL AREAS

The following principles are intended to guide comprehensive planning of the Rural Areas and to set general guidelines for future policy decisions. They reflect the County's growth management policy and its vision for the Rural Areas.

Albemarle County will:

1. Recognize in policy development that all of the following defining principles are important components of the Rural Areas:
 - i) 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.
 - ii) Forestry resources - Protect Albemarle County's forests as a resource base for its forestry industries and watershed protection.
 - iii) Land Preservation – Permanently preserve and protect Albemarle County's rural land as an essential and finite resource through public ownership or through conservation easements.
 - iv) Land Conservation – Protect Albemarle County's rural land through planned management of open spaces to prevent exploitation, destruction, or neglect.
 - v) Water supply resources - Protect the quality and supply of surface water and groundwater resources.
 - vi) Natural resources - Preserve and manage the Rural Areas' natural resources in order to protect the environment and conserve resources for future use.
 - vii) Scenic resources - Preserve the County's rural scenic resources as being essential to the County's character, economic vitality, and quality of life.
 - viii) 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 Areas 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 Development 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 Areas policies.
10. Include the goals of the Thomas Jefferson Sustainability Council in rural area policy and code development. (These guidelines have been adopted as part of the Natural Resources and Cultural Assets Plan, where they are reproduced.)
11. Strive for better understanding and coordination of rural area land use planning with neighboring counties.
12. Foster 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 the protection and enhancement of genetic, species, and ecosystem diversity for wildlife in the County.

RURAL AREAS LAND USES

INTRODUCTION

Albemarle County has a long tradition of protecting its rural land through its land use policies, resource protection policies, and growth management policies in the Comprehensive Plan. Also, the County has demonstrated its support of and in its efforts to maintain the character of the Rural Areas through the Acquisition of Conservation Easement (ACE) program, Agricultural and Forestal Districts, the Use Value Assessment (land use tax) program, conservation easements, and Rural Preservation Developments. The

Natural Resources and Cultural Assets Component of the Plan states, "In the Rural Areas, agricultural and forestry uses are the preferred land use, over residential uses." In accord with the Guiding Principles, this section builds on that policy by recognizing that agriculture and forestry are the preferred income-generating activities, but also that land and water conservation activities are equally important aspects of the Rural Areas.

According to the United States Department of Agriculture, between 1992 and 1997 the County's agricultural land decreased nine percent. Response to the continued decrease in agricultural lands cannot be to turn aside from our determination to preserve and protect farmland. The conversion of land in the Rural Areas for residential development is the County's biggest threat. The decline of agricultural lands calls for proactive support of agricultural uses, illustrating the need to seek creative solutions that would prevent or reduce land divisions without compromising the land, the character, or the resources of the Rural Areas.

All Rural Areas land uses should be measured against their support of and their impact on the Guiding Principles, so that the preservation of the Rural Areas is assured. Scale and the intensity of land uses should be carefully considered. Where necessary, performance standards should be used to ensure that scale and intensity are appropriate to the rural landscape. Uses that cannot be sufficiently mitigated or that conflict with the Guiding Principles should not be permitted.

AGRICULTURAL USES

GOAL: *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.*

The Guiding Principles for the Rural Areas recognize the importance of our agricultural lands as a resource base for agricultural industries and for the contributions they make toward the County's rural character, scenic quality, natural environment, and fiscal health.

The Growth Management and Facilities Planning Goals section of the Land Use Chapter of the Comprehensive Plan corroborates the significance for the preservation of agricultural resources as they provide "an opportunity to conserve and efficiently use other resources such as: (1) water resources (with use of property conservation techniques); (2) natural, scenic, and historic resources with the maintenance of pasture land, farmland, and forested areas; and (3) fiscal resources by limiting development and lessening the need to provide public services to wide areas of the County. In the interest of this growth management strategy, residential development is considered a secondary use in the Rural Areas."

The importance of agricultural uses to the economy, environment and heritage of the County is also articulated in other sections of the Comprehensive Plan, including the Natural Resources and Cultural Assets Plan and the Growth Management Plan.

Citizens attending the Rural Areas public meetings held during the winter of 2002-2003 confirmed the validity of the County's policies to protect agriculture. In response to a survey given at the meetings, over 62 percent desired farms to be common and widespread. A visioning question revealed that citizens wanted to see support for working farms, but with the realization of the need for economic alternatives to traditional farming. They also wished to see support for more sustainable management techniques on farms. Over 69 percent of the public meeting participants ranked agriculture as number one when asked how they would rank the land uses they would like to have within the County. Over 76 percent of the participants agreed that agricultural and forestal resources should be the primary land uses in the Rural Areas.

Protecting agricultural land has become more urgent despite all past efforts and resolve; Albemarle's agricultural lands continue to disappear. Much of the land that has been farmed for generations has been subdivided for residential use.

In 1994, the Agricultural and Forestal Industries Support Committee presented a report to the Board of Supervisors. Representatives from a variety of farm types participating on the Committee provided recommendations based on their valuable, first-hand experiences. Among those recommendations, the Committee asked that measures be taken that discourage farmland fragmentation, they favored clustered development and the protection of prime soils (Map F, Important Farmland Soils) believing that the 21-acre lots size wastes land and that growth should be concentrated. They asked that the number of development rights be maintained, in order to maintain stability. Further, they recommended that marketing strategies for agricultural products, niche agriculture, and direct marketing operations be encouraged and promoted. They also requested that County policies support farmers regarding nuisance conflicts in Rural Areas.

One of the County's challenges will be to maintain and increase agricultural uses on smaller parcels, as acreages devoted to farming decrease. Viticulture, the cultivation or culture of grapes especially for wine making, is an emerging leader in agriculture. Virginia ranks ninth in commercial grape production and Albemarle County ranks first among the ten leading Virginia counties (2001 acreage figures) with over 367 acres planted in grape vines. In Virginia, a 20-acre vineyard is considered large and a 5-acre vineyard is more common. The Virginia Cooperative Extension Service recently published a report titled, *Virginia Farmers Have Opportunity to Fill Organic Crops Market Niche*. Organic farming provides opportunities for small and mid-size farming, according to the Extension Service. These are only two examples of alternative farming opportunities that should be explored in order to reverse the decline in farming.

The 1994 report of the Agricultural and Forestal Industries Support Committee, as well as subsequent discussions with many farmers in the County, has provided a clearer understanding of the needs of the agricultural community. It is unmistakable that the agricultural community values Albemarle's rural character and its natural resources and that they are resolute in their determination to retain the integrity of the Rural Areas. Many of their recommendations are included as strategies in this section.

The County recognizes that there can be conflicts between residential uses and agricultural uses. Both smaller parcels and increased development exacerbate these inherent, inevitable conflicts. Using multi-media communication methods, including a requirement of a note on a subdivision plat, the County should advise residents of the predictable conflicts of traveling and living in the proximity of our agricultural industries, such as noise, odors, slow moving farm equipment on roadways, and chemical spraying.

Conflicts can arise from different agricultural uses as well. As agricultural uses are encouraged in our Rural Areas, conflict resolution can be more difficult in these cases. Education, communication, and sensitivity toward neighbors will be key components in seeking resolution. Additional setbacks, minimum area requirements, and any other necessary requirements should be considered for agricultural uses that may have greater impact on their neighbors. These impacts include the potential to create demands on services, off-site negative environmental impacts, and significant traffic concerns.

For the purposes of this document, the term agriculture encompasses all forms of food, ornamental plant, beverage, equine and other animal operations.

OBJECTIVE: To support agricultural land uses and to create additional markets for agricultural products through creative economic and land use strategies.

STRATEGIES:

The County should:

1. Initiate a multi-media communication program that educates citizens of the benefits and the conflicts of living in proximity of agricultural industries, promotes the appreciation of the Rural Areas and the importance of agricultural resources.
2. Encourage the protection of prime agricultural soils and working farms from non-agricultural development through Rural Preservation Developments, conservation easements, Agricultural and Forestal Districts, the Land Use Taxation program, and the Acquisition of Conservation Easement program.
3. Allow appropriately scaled low-impact uses on working farms that provide supplemental economic benefit to farmers.
4. Increase and establish consistent funding for the Acquisition of Conservation Easement program and actively seek supplementary public and private funding sources.
5. Establish proactive support of agricultural land uses through the creation of an Agricultural/Forestal Support Program position that provides agricultural assistance that includes community education, marketing strategies, the exploration of agricultural support businesses and alternative agricultural uses.
6. Revise the Zoning Ordinance to include performance standards for agricultural operations, such as confined animal feeding operations (CAFOs) that may cause serious negative impacts the environment.
7. Continue to support the Farm Tour as an educational tool.
8. Support agricultural education in the classroom; implement a farm day for children.
9. Encourage and promote agricultural related vocational education programs from middle school onward.
10. Encourage the integration of conservation land uses with agricultural and forestal uses, especially if the conservation use would provide connectivity to other conservation land and/or would provide a buffer between potential conflicting uses, such as residential and other types of agricultural or forestal uses.
11. Recognize increasing interest in wine production and consider how regulations and the use of agricultural education and support staff can foster appropriately located vineyards.
12. Support the marketing of farm products in the creation and operation of farmer's markets.

FORESTAL USES

GOAL: *Protect Albemarle County's forests as a resource base for its forestry industries and watershed protection.*

The Guiding Principles for the Rural Areas recognize the importance of forestal resources to the County. Forestal resources in the County serve as a base for its forestry industry, add to the economic vitality of the region, contribute to the biodiversity of the region, and benefit the scenic, natural and historic resources.

Although this section addresses forestal uses, the importance of forested land as an essential component for the continued protection of the County's water resources cannot be overstated. "The most important and obvious source of resilience in the South Fork Rivanna Reservoir Watershed ecosystem is the natural forest. Forests produce the cleanest and most reliable flow of water possible," according to *The South Fork Rivanna Reservoir and Watershed* report prepared in 2002 for the Rivanna Water and Sewer Authority. The report explains resilience as, "Ecosystems, including watersheds, have natural characteristics that confer a degree of protection to the ecosystem and those who rely on it. These protective characteristics sometimes are referred to as 'resilience.'" According to the Virginia Department of Forestry, an ecosystem approach is based on whole ecosystem function, rather than on single

elements or species in isolation. Management objectives blend long-term needs of people and environmental values so the land will support diverse, productive ecosystems and sustainable ecosystem processes.

While the popularity of wood products has increased, the Agricultural and Forestal Industries Support Committee 1994 report identified continued forest fragmentation as the biggest threat to the future vitality of the forestry 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. Continued decreases in forested land, 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 County. 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 of woodland homes to fire.

The latest estimate (2002) of forestland area for Albemarle is 272,000 acres. The previous estimate (1992) was 293,400 acres. Therefore, the estimated total net loss over the last 10 years has been approximately 21,400 acres. County-level estimates of conversions of land between agriculture and forestland uses are not available. However, statewide data indicates that for approximately every 3 acres of forestland converted to urban and agricultural uses, 2 acres of agricultural land reverts to forestland use. Map G, Important Forestal Soils, documents that most of the County contains soils conducive to the potential for growing of both hardwoods and softwoods.

The Virginia Department of Forestry recognizes that urbanization is the main source of fragmentation and predicts that an annual net loss of about 18,000 acres of Virginia forestland per year is likely to continue due in part to the trend toward large lots and woodland homes. Urbanization is cited as the biggest threat to forestal land.

OBJECTIVES:

- Strive to maintain and/or restore sufficient forestlands in the County, with spatial arrangement of connected parcels or a sufficient size that permits harvesting, ownership, and management needed to provide sustainable ecological services and forest products; adhere to the principles of ecosystem management, while working to achieve the primary goals of conserving and promoting biodiversity and reducing the risk of wildfire to forest and human communities.
- Continue to support the forestry industry, in recognition of its contribution to the economy, environment, and heritage of the County of Albemarle.

STRATEGIES:

The County should:

1. Encourage protection of prime forestal soils from non-forestal development through Rural Preservation Developments, conservation easements, Agricultural and Forestal Districts, the Land Use Taxation program, and the Acquisition of Conservation Easement program and implementation of the Mountains section of the Natural Resources and Cultural Assets Component of the Plan, as mountains in Albemarle are heavily forested.
2. Encourage educational programs that teach conservation of the forest land base.
3. Continue to actively promote conservation easements.
4. Consider the impact on forest fragmentation in the evaluation of land use decisions.
5. Encourage cooperative management of small parcels of forestland to provide economies of scale and better management.
6. Actively promote Agricultural and Forestal Districts.
7. Establish proactive support through the creation of an Agricultural/Forestal Support Program that provides forestal assistance that includes community education, marketing strategies and the exploration of forestal support businesses.
8. Encourage the integration of conservation land uses with forestal uses, especially if the conservation use would provide connectivity to other conserved land and/or would provide a buffer between potential conflicting uses, such as residential uses.

CONSERVATION USES

GOAL: *Protect Albemarle County's rural land through planned management to prevent exploitation, destruction, or neglect, and permanently preserve rural land as an essential and finite resource.*

The Guiding Principles for the Rural Areas recognize the importance of conservation use of land to the County. For the purposes of this section, conservation may be defined simply as "the protection, preservation, management, or restoration of wildlife and of natural resources such as forests, soil, and water." *The American Heritage® Dictionary of the English Language, Fourth Edition*

Recognition of "conservation" as a use of land is crucial to protection of essential natural resources, such as water and biodiversity, in Albemarle County. In 1992, the County adopted an Open Space and Critical Resources Plan. In the 1999 Natural Resources and Cultural Assets chapter of the Comprehensive Plan, the importance of such resources is recognized. In the Natural Resources chapter, the County also makes a commitment to development of a long-term biodiversity protection plan. This biodiversity commitment supplements the County's long engagement in protecting local water resources. Citizens have indicated a strong wish to see such protections accomplished.

Open Space land used for conservation ranks with agricultural and forestal uses of land as one of the most prevalent and important uses of land in the Rural Areas, and as noted in the Guiding Principles, ranks equally in importance with them. Conservation uses are recognized in the State Land Evaluation Advisory Council (SLEAC) provisions as qualified for land use that may be covered by the use-value taxation program (commonly called "land use tax").

Conservation, agriculture and forestry have a dynamic and mutually supportive relationship in our Rural Areas. Albemarle's Rural Areas are a mosaic of land used for agriculture, for forestry, as well as for land whose greatest value is its contribution to the protection of natural resources. This mosaic has great value to the residents of Albemarle's rural communities, for whom it provides a traditional rural environment; but its value extends to the community at large, including the City of Charlottesville and the County's Development Areas, which benefits from the proximity to rural land and its salutary contributions to clean and abundant water supply, clean air, and preservation of wildlife habitat that are fundamental to a healthy and diverse biological community.

The relationship among forestry, agriculture and conservation is also mutually supportive in that some land whose primary use is conservation may have secondary uses for agriculture or forestry (e.g., limited hay cutting and/or small selective harvesting of trees). The relationship is dynamic because these uses may change among the three over time (e.g., agricultural land may become forest). This is in stark contrast to residential or commercial uses which almost never revert to agriculture, conservation or forestry.

Like agriculture and commercial forestal land use, effective protection of natural resources generally requires substantial blocks of land dedicated to conservation. Fragmentation of land by suburban type development is no more compatible with conservation use of land than it is for land dedicated to agriculture or to forestry.

Land in long-term conservation use can buffer agricultural and commercial forestry operations from less intensive use of land or particularly sensitive ones; can provide recreational opportunities; and may provide a greater level of protection for natural resources than land dedicated to either agriculture or forestry alone.

The economic benefits of conservation use of land are also important. For the community at large and for the individual property owner to a lesser extent, retail sales for activities associated with conservation use of land such as hunting, fishing, hiking, camping, and horse-back riding equipment (also uses found on agricultural and forestry lands) are substantial and growing. As with agricultural and forested lands, there are also other potential property owner benefits such as tax benefits, including use value taxation, protection from more intensive development through easement donation or participation in agricultural and forestal districts, and the possibility of increased property value as conserved land. Land in conservation use can also enhance the value of near-by property. And tourism, one of the most important components of this area's local economy, is inextricably linked to conserved land that preserves natural resources. In the larger sense, perhaps the primary long term economic value of conservation use of land can be the ecological services they provide, such as moderation of temperature extremes, facilitation of rainfall absorption, purification of water and air, erosion control, pollination of crops and supply of many active ingredients in drugs used to treat human diseases. As an example, all human enterprise in the community depends on the abundance and quality of water, which can be enhanced and protected by large tracts of properly conserved land.

Conservation can be assisted by providing funding for conservation projects, such as the planting and maintaining of forested stream buffers. Raising public awareness of funding sources and providing assistance with acquiring funding and implementing conservation measures is an effective way for the County to achieve resource conservation on private lands.

However, for voluntary programs (especially permanent easements) to be truly effective, use of the protected land must be monitored to ensure that the established conservation standards are being met. The County currently has little or no capacity for monitoring even the relatively small number of easements that it currently holds. An increasing dependence on easements for conservation will require that such a capacity be created.

OBJECTIVES:

- Strive to maintain and/or restore sufficient land in conservation use in the County, with the primary goals of conserving and promoting undisturbed land for its benefit to clean and abundant ground and surface water, clean air, and terrestrial and aquatic habitats that are fundamental to a healthy and diverse biological community.
- Support rural land owners whose main objective is the conservation of rural land not necessarily in agricultural or commercial forestal production.

STRATEGIES:

The County should:

1. Protect the County's natural, scenic, and historic resources in the Rural Area, continuing the efforts begun with the "Open Space and Critical Resources Plan" adopted in 1992.
2. Encourage educational programs that teach conservation of natural resources, especially those programs tailored to individual user groups such as land owners, business owners, contractors, developers, and teachers.

3. Identify and protect land areas that should be maintained as natural conservation areas to assure persistence of our water and biological resources. This should consider, among other things, maintenance of large blocks of forest to provide groundwater recharge and forest interior habitat, protection of wetlands, riparian areas and other biologically rich and ecologically important areas, maintenance or creation of wildlife movement corridors, possibly in riparian areas and mountain ridge tops. Utilize the County's biodiversity initiatives to identify areas or species that need conservation protection.
4. Review potential conflicts between conservation areas and other adjoining rural land uses. Seek to develop planning and management methods that promote coexistence of these different uses.
5. Continue to actively promote conservation easements.
6. Consider the impact on rural land fragmentation in the evaluation of land use decisions.
7. Actively promote Agricultural and Forestal Districts.
8. Establish proactive support through the creation of an Agriculture/Conservation/Forestry Support Program that provides assistance including community education, marketing strategies, and the exploration of rural land use support businesses.
9. Promote the benefits of conservation and preservation of land through education programs, information provided through mixed media resources, and the County web page. Information pertaining to the Land Use Taxation program for Open Space should be included in this outreach initiative.
10. Preserve large areas of forest, protect or create forested stream buffers, and support good soil management in order to protect watershed services.
11. Fund and/or provide grant assistance for voluntary conservation projects that protect agricultural and forestal resources, animal and plant habitats, and ecosystem services.
12. Upon adoption of recommendations from the Groundwater Committee, adopt measures to protect the quality and quantity of groundwater, both as a critical portion of the County's overall water system and as a water supply for rural residents.
13. Recognize land conservation programs as the highest priority for achieving Rural Area goals, and management of development patterns as a tool that can reduce but not prevent development impacts.

Land Preservation or Voluntary Land Conservation

Albemarle County has demonstrated the importance of voluntary land conservation by its adoption of the Acquisition of Conservation Easements (ACE) program which acquires conservation easements to preserve the land's rural character, whether in agriculture, forest production, or dedicated to conservation. Further, this Comprehensive Plan's description of the benefits of Rural Preservation Developments includes "the permanent preservation of large areas of land that can be used for agricultural and forestal production, recreational uses, water supply protection, and the conservation of natural, scenic and historic resources."

The community profits from the preservation of scenic and cultural resources, which not only enrich lives, but which are important components of a thriving tourism industry, and as a setting for traditional rural activities such as hunting, fishing, hiking and horseback riding. The economic benefits of preservation or voluntary land conservation of rural lands are also important. With conservation easements come potential property owner benefits such as federal and state gift and estate tax benefits. When neighborhoods participate in agricultural and forestal districts, each property's value and residents' quality of life increases with the protection from intensive residential development. Eased land over time acquires a value as a protected estate, independent of what residential development it holds. Land under easement also enhances the value of near-by property. Tourism, one of the most important components of this area's local economy, is inextricably linked to the preserved rural countryside.

Conservation easements are needed to meet Comprehensive Plan goals as listed in other sections. These include:

- Protect natural, scenic, and open-space resources (Natural Resources and Cultural Assets p. 7)
- Manage growth to protect the defining elements of the Rural Areas—agricultural and forestry resources; water supply resources; natural resources; scenic resources; historic and cultural resources; and limited service delivery. (Land Use Plan, p. 3)

With the prospect of over 50,000 or more dwelling units being added to the Rural Areas, it becomes clear that the County must take advantage of every opportunity to reduce the number of available development rights. Although it may not be practical to change the current development pattern of the Rural Areas solely through the purchase of development rights, the existing Acquisition of Conservation Easements (ACE) program does make conservation easements an option for landowners who cannot afford to donate them. Applicants' incomes are considered in determining the purchase price of ACE easements and properties that have high development potential or that are under pressure to subdivide are ranked higher for purchase. Assuring or increasing the funding for this program will make protection of more of this threatened land possible. Goal setting (for the number of development rights to be extinguished, and/or the area of land to be protected) would help to determine the level of funding and program promotion necessary to make this approach more effective.

Some landowners are willing to donate easements that protect important resources by eliminating development potential. The Virginia Outdoors Foundations and other organizations hold such easements. The County's Public Recreational Facilities Authority is also able to hold easements if the property includes resources identified as important in the Comprehensive Plan. Promotion of easements could lead to a significant increase in the number of easements donated, and provide new opportunities for resource protection through the elimination of development potential. The Thomas Jefferson Soil and Water

Conservation District now has a program for accepting riparian conservation easements; the County streams and riparian woodlands could benefit from increased participation in this program.

In order to have an accurate picture of the extent of conservation easements in the County and to plan accordingly, it would be useful to have a database and maps that include the easements accepted by all holders. Unfortunately, records on easements are scattered, with some records kept by the County and some by other holders. Also, there is no mechanism in place to notify the County or other holders when new conservation easements are recorded. Working in cooperation with the other easement holders in the community, the County could facilitate the creation of an accurate and freely available easement tracking and mapping system that would assist in land protection efforts. See Map E, Conservation Easements, for presently known conservation easements, including ACE easements.

The County's voluntary Agricultural/Forestral Districts program helps limit the development potential of a member's land for renewable periods of up to 10 years. Although nearly 70,000 acres are currently enrolled in the program, enrollment has been slowly decreasing. The reasons for this decline are not clearly understood; surveying past and current members would provide useful information. Increased public awareness of the Districts and an active promotion program would be useful in increasing participation.

For voluntary easement programs to be truly effective, use of the protected land must be monitored to ensure that the established conservation stipulations are being met. The County currently has little or no capacity for monitoring even the relatively small number of easements that it currently holds. An increasing dependence on easements for conservation will require that such a capacity be created.

OBJECTIVES:

Assist, promote, and fund land easement programs that further the policies and goals of the Comprehensive Plan

- Create the technical, legal, and public relations tools and personnel necessary to hold, maintain and increase the amount of land held in easements

STRATEGIES:

The County should:

Encourage protection of environmentally sensitive land from residential or commercial development through Rural Preservation Developments, conservation easements, Agricultural and Forestal Districts, the Land Use Taxation program, and the Acquisition of Conservation Easement program.

Promote voluntary donations of conservation easements that prevent development and protect valued resources, whether those easements are held by the County's Public Recreational Facilities Authority or by other approved bodies.

Acquire a stable funding source for the ACE program

Acquire independent legal assistance for ACE and the Public Recreational Facilities Authority to avoid any conflict in interest between the County and easement holders

Promote and support Agricultural and Forestal Districts, including assisting the Agricultural and Forestal District Advisory Committee in its legal and policy-related duties

Increase the County's capacity to monitor the use of land under easement and ensure adherence to the terms of easements.

Coordinate with other easement holders to create a complete and accurate conservation easement tracking system for the County.

RURAL COMMERCIAL

Crossroads Communities

GOAL: *Provide support for long standing rural crossroads communities and villages to provide an appropriate level of services for rural residents and to protect historic resources, without creating de facto growth areas.*

Albemarle County has numerous rural crossroads communities that were once thriving. In fact, crossroads communities were the heart and soul for the outlying areas as they were the commercial and social centers of their surrounding areas. Many of these areas still function as centers of activity and there is a desire from most residents for them to maintain some level of viability. These areas could also contribute to some level of traffic reduction by providing some essential rural-scale services that would otherwise have to be obtained by driving a further distance.

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

Furthermore, during the Rural Areas public input meetings held during the winter of 2002-2003, citizen comments indicated a high preference for country stores as a permitted land use in the Rural Areas. Country stores were the third preferred land use option out of nine land use categories, ranking only

behind agricultural and forestal land uses. Country stores could be a primary use in crossroads 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. Furthermore, the Albemarle County Historic Preservation Plan, adopted by the Board of Supervisors in September 2000, identifies the protection of the County's natural, scenic, and historic resources in the Rural Areas as a primary goal. The Historic Preservation Plan also recommends that the County should be more proactive in allowing the reuse of country stores. In crossroads communities, adaptive reuse of historic structures should be permitted where appropriate to encourage their maintenance and preservation.

The boundaries of crossroads communities should be well defined to ensure the rural character of the area is maintained. These boundaries should correspond to parcels that have traditionally served as crossroads communities and would serve the immediate surrounding area. The goal would be to limit the area of the crossroads community to the "crossroads" rather than create "strip" development that would not be in character with the Rural Areas. While crossroads communities would not encourage development of the Rural Areas, development that would be expected in the Rural Areas would be encouraged to provide services to the immediate surrounding area of the crossroads community. Crossroads communities are not to become Development Areas or de facto growth areas.

Crossroads communities should provide only essential goods and services for their immediate area. Therefore, they will be limited in area and their permissible uses should be carefully delineated. It is imperative that crossroads communities should be established in a manner that would not encourage further development in the Rural Areas.

It is desirable to maintain the historic nature of the crossroads communities in the sense that, traditionally, these communities have a simpler ambiance than urban style development. While structures in crossroads communities are located on smaller lots and closer to the road, as is typical with urban-style development, crossroads communities have not traditionally incorporated other typical urban-style characteristics such as strict parking requirements and landscaping. Issues such as number of required parking spaces, parking surfaces, entrance standards, and landscape requirements should be examined to ensure the character of the Rural Areas is maintained. Urban-style site development standards should not be introduced into the Rural Areas. Site improvements should be limited to those that ensure public safety or that are determined to be necessary through the application process.

OBJECTIVE: Establish crossroad communities that would be viable in meeting the goal of providing limited services to the immediate surrounding area of the crossroads community without creating strip development.

STRATEGIES:

The County should:

1. Encourage the renovation and use of buildings in crossroads communities to provide appropriately scaled services that would only benefit the immediate surrounding area while preserving the rural character. Examples of such services include country stores, crafts, small-scale offices, day care, and small-scale doctor/dentist offices, and public institutional uses, such as post offices, with particular emphasis given to historic buildings as spaces to support the maintenance of these resources.
2. Assure that crossroads communities remain viable rural community/social centers that retain their individual rural historic characteristics while also supporting the broader Growth Management Goals found in the Land Use Chapter of the Comprehensive Plan.
3. Ensure that the scale and scope of any new use is consistent with the existing infrastructure and character of the crossroads community and Rural Areas, without any requirement for upgrade or expansion of infrastructure.
4. Identify historical sites or potential historical sites, to guide decisions on the location of uses in crossroads communities.
5. Establish design standards, such as architectural, renovation, and sign guidelines, to ensure that the scale and scope of businesses maintain the character of the crossroads communities and support the County's growth management policies.
6. Encourage the adaptive reuse of historic structures that promotes their maintenance and preservation.
7. Implement policies in the Zoning Ordinance that promote the character of the Rural Areas and not urban style development such as relaxing the required parking standards and requirements for parking lot surfaces, entrance requirements, and landscape requirements.

Alternative Uses

GOAL: *Encourage creative and diverse forms of rural production and support rural land uses that provide rural landowners with economic viability.*

Increasingly, rural landowners come under financial pressure to subdivide their land. Some of those landowners could offset the pressure to subdivide if the County permitted a range of land use opportunities that provided secondary sources of income on rural parcels. These secondary activities would be intended to provide support for primary uses (agriculture, forestry, etc.), forestall subdivision, or improve the viability of crossroads communities.

The County would benefit from the reduced fragmentation of land and the resulting protection of potential agricultural and forestal production, as well as natural and historic resources. This would implement the Guiding Principles by providing alternatives to land fragmentation; supporting local rural economies; encouraging creative and diverse forms of production that increase economic viability for owners of rural parcels; meeting the needs of rural residents; and protecting agricultural and forestal resources, natural and cultural resources, and rural quality of life from the impacts of suburban development. Respondents at the winter 2002-2003 public input meetings moderately favored such alternative uses as home occupations, commercial recreation, and special events, ranking them below agriculture, forestry, and country stores, but above restaurants and offices.

The County should review how it permits such uses as farm product sales, home occupations (businesses located in homes or accessory structures), some low impact forms of commercial recreation, temporary special events, and arts and crafts sales and other uses suitable for the Rural Areas. The costs and time required for approval of such uses should be minimized. Uses without significant negative impacts on the Rural Areas could be permitted by right, subject to established performance standards; uses with potentially significant impacts should be permitted only by special use permit, if at all.

The increasing frequency of applications for home occupations (class B are permitted by special use permit) has made it clear that the current definitions need clarification to ensure that only appropriate uses are permitted. Restructuring the standards that define which uses are permitted by-right and which require special use permits, based on impacts of individual uses rather than simply location (in a house vs. in a detached structure) and number of employees, could streamline approvals for low impact uses and more effectively manage or prevent high impact uses. These standards could also more clearly define which uses (such as those that approximate contractors' storage yards) would not be permitted as home occupations.

The Guiding Principles and the Land Use Plan suggest that these home occupation uses be limited to a scale and intensity that will not diminish the character or quality of life in the Rural Areas, encourage suburban development patterns or density, or significantly impact natural or cultural resources. The list of permitted uses and their associated performance standards could be used to ensure that these uses are:

- reversible (so that the land can easily return to farming, forestry, conservation, or other preferred rural uses);
- scaled and sited to cause minimal impacts on their rural surroundings;
- minimal in their public health and environmental impacts; and
- viable with no increase in public infrastructure or services, either at time of approval or later.

To minimize the impacts of these uses, the County could avoid requiring parking lot paving, curb and gutter, commercial entrances, and other site improvement features more typically found in the Development Areas.

Hospice facilities that provide services for patients and their families could benefit from a rural setting without creating a need for extended utility services or for frequent response from rescue services, unlike retirement and/or convalescent facilities.

Historic sites can also be protected through increased flexibility in rural uses. The Historic Preservation Plan recommends that owners of properties listed on the State or National Historic Registers, or that are contributing structures in historic districts, be enabled to apply for special use permits to allow public tours. As most of these properties are located in the Rural Areas, amending rural policies to allow these tours would be of the most benefit. The scale of these tours and their impacts on their surroundings would be considered and limited during the special use permit review process. Any impacts unique to these uses could be addressed with performance standards.

In addition, for uses that are not directly related to the agricultural, forestal, or conservation uses of the land, the County could institute a program through which landowners can reduce or eliminate their ability to subdivide their land for the duration of the permitted use. On smaller parcels in crossroads communities, alternative uses would provide opportunities for landowners and the County to support historic preservation.

OBJECTIVE: To permit rural landowners to have income producing land uses that will offset financial pressure to subdivide their land but that are consistent with the Guiding Principles regarding rural character and resource protection.

STRATEGIES:

The County should:

1. 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 the preservation of rural lands and activities, including but not limited to farm sales and agricultural service businesses, low-impact forms of recreation, temporary special events, arts and crafts sales, garden centers, and discourage uses that are contrary to the County's growth management policies, including but not limited to swim or tennis clubs, new schools, and off-site parking for industrial districts.
2. Change farm sales to a by-right use without site plan requirements.
3. Revise the definitions and standards relating to home occupations to streamline approvals for low-impact uses (preferably by right), require special use permits for uses with higher impacts, and clarify which uses will not be permitted as home occupations.

4. Establish performance standards that minimize impacts on natural and cultural resources, and avoid conflicts with agricultural and forestal uses.
5. Revise the Zoning Ordinance to permit tours of National or State registered historic sites or buildings and of contributing structures in historic districts by special use permit, as recommended in the Historic Preservation Plan, and consider performance standards for these uses to mitigate any impacts on the building, historic district, or Rural Areas.
6. Limit the size and intensity of rural alternative uses so that they do not conflict with the character of the Rural Areas.
7. Maintain the existing policy of not expanding public water and sewer service to the Rural Areas, including rural alternative uses.
8. Ensure that subdivision is not possible for the duration of alternative uses that are not related to agriculture, forestry, or conservation.
9. Require alternative uses located in the Rural Areas to use lighting (if any) that conforms to the design specifications found in the Natural Resources and Cultural Assets Plan.
10. Consider allowing hospice facilities within the Rural Areas.

LAND USE PATTERNS, DENSITY AND RESIDENTIAL DEVELOPMENT

INTRODUCTION

The Growth Management Policy of the Comprehensive Plan is a fundamental commitment to retaining the Rural Areas as an asset to the County. The rural character of Albemarle provides significant environmental, economic, and quality-of-life benefits to the County and its residents. The character and qualities of the Rural Areas are affected most significantly by patterns of development. As noted in the Introduction, the Rural Areas are being impacted by consistent residential development and land subdivision, and a declining agricultural economy, which drives further land conversion.

A major impact of this land conversion is the fragmentation of large units of land. Those units might be individual parcels, or areas of forest or other vegetation that do not correspond to a single parcel. Agriculture, forestry, and resource conservation share an interest in avoiding this fragmentation.

Forestry and many forms of agriculture depend on large parcels of land to provide sufficient area for a viable scale of production. Division of rural parcels not only takes significant areas out of production but also leaves remnant pieces that are no longer large enough to be economically viable for farming or forestry.

Beyond the size of individual parcels, a general pattern of larger parcels both ensures contiguous areas of production that make viable support industries possible and minimizes nuisance and other conflicts with nearby suburbanized residential areas. There are, of course, exceptions to this rule. Specialty or niche vegetable growers, for example, can sometimes succeed on smaller lots, as long as incompatible nearby uses do not lead to conflicts. While these uses are not currently common in the County, they do provide an opportunity for appropriate rural uses where small to moderately sized parcels already have been created.

Avoiding land fragmentation is also essential for the conservation of plant and wildlife habitats. The County's rural land is a variable mosaic of uses and land covers. In any one place, the dominant land characteristic, or "matrix," might be pasture, deciduous forest, lawns and residences, or any of the other common rural land use patterns. Within the matrix are "patches," which are smaller areas of different character. For example, a forested area might include patches of residential lots, or an expanse of pastures might include patches of remnant forest. Linear features such as streams and roads act as both corridors and barriers. For example, roads provide movement for vehicles and the seeds of invasive plants, but can be barriers to mammals and amphibians. See the "Biological Resources and Biodiversity" section of the Natural Resources and Cultural Assets Component of the Plan for more on habitat fragmentation.

Many animal species require large areas of habitat for basic life functions (feeding, breeding, etc.), while many plants and animals require specific habitats connected by safe corridors. In some cases, the species need large areas that may not correspond to any single recognized parcel of land, or that connect via corridors that cross many parcels. A general pattern of large tracts of land and unbroken corridors is as important as the size of any individual parcel. Landscape ecologist Richard Forman (author of *Land Mosaics*, a work built on a survey of landscape research studies) notes four essential aspects to be protected in a landscape plan; he states that "no substitute for their benefits is known." These four aspects are (1) "a few large patches of natural vegetation;" (2) "wide vegetation corridors along major water courses;" (3) "connectivity for movement of key species among the large patches;" and (4) "heterogeneous bits of nature throughout human developed areas."

The subdivision of land for the construction of residences is the central factor in the ongoing fragmentation of rural land. It has serious implications for the viability of rural industries and successful resource conservation and protection, and therefore has a significant impact on the character of the Rural Areas that we experience. The scattering of residential development creates unsustainable fiscal impacts on the County. It also leads to "accidental house arrest" for elderly residents caught beyond the reach of public transportation.

The Rural Areas are currently zoned to create a pattern of small "development right" lots (as small as 2 acres, but generally ranging from 2 to 10 acres in practice) and moderately sized "estate lots" (21 acres).

Neither size is considered sufficient for viable agriculture (except perhaps some specialty or niche farming uses), forestry, or conservation. The continuing spread of this pattern is steadily converting the Rural Areas from a relatively un-fragmented landscape to one that is becoming highly fragmented and characterized largely by small parcel sizes and a suburban character.

There currently exist (June 2003) nearly 7,500 undeveloped tax map parcels (parcels without dwelling units) in the Rural Areas zoning district (some of which may consist of multiple legal parcels, each with development rights), and more than 12,500 developed parcels. Compared to the 1989 Comprehensive Plan that reported "more than 7,500" undeveloped parcels and "more than 9,600" developed parcels. The changes in those numbers seen by 2003 reflect both the ongoing rate of subdivision and the construction of dwelling units on previously unoccupied parcels.

In 1996, the Thomas Jefferson Planning District Commission estimated that the Rural Areas could accommodate 54,867 more housing units. The large number of existing and potential lots must be considered in determining an acceptable level of new Rural Areas subdivision activity. Furthermore, the tendency to use 21-acre parcels for home sites rather than for agricultural/forestal uses must be recognized in developing strategies to preserve rural land.

In addition to fragmentation, rural subdivision creates conflicts between residential uses and rural economic activities, increases service delivery needs, and permanently alters the natural, scenic, and historic landscape. Fragmentation also reduces the economic viability of the agricultural and forestry industry.

To be consistent with the Guiding Principles, the County's land development policies must be changed to stop the ongoing trend toward fragmentation and loss of rural character. New policies should focus on protecting existing large parcels from fragmentation, preserving a general pattern characterized by farms, forests, and habitat corridors, and reducing the potential overall level of residential development and loss of rural character. Implementation of these policies to address residential density and pattern of development should be the County's highest priority. The County should aggressively pursue implementation mechanisms that include phasing of development, changing the formula for calculating the number and size of lots within Rural Preservation Developments, decreasing the size of residential lots, increasing the size of the preservation parcels in RPDs, and , with few exceptions, requiring that RPDs to be the standard for residential subdivisions.

WATER CONSERVATION AND WATER PROTECTION MEASURES

GOAL: *Protect the quality and supply of surface water and groundwater resources.*

The County's Rural Areas depend on an adequate supply of safe water for human consumption and other uses, and are the source of the majority of the water used by in the Development Areas and the City of Charlottesville. The quality and quantity of our water supply, and the health of aquatic ecosystems, largely depend on the character of rural land uses and land covers. Healthy watersheds provide four essential ecosystem services to the community: (1) recharge of aquifers that supply both wells and reservoirs; (2) moderation of flood flows, which reduces stream bank erosion and prevents loss of reservoir capacity from sedimentation; (3) clean water, which reduces water treatment needs and provides for healthy aquatic life and safe recreation; and (4) protection of plant and animal habitat in and around streams.

The features that generally make healthy watersheds possible are large areas of forest, low amounts of impervious surface, and well protected soils. Forests provide good groundwater recharge and moderated flood flows. Forested stream buffers are particularly important, as they provide flood moderation, water quality protection, habitat and landscape connectivity for plants and animals, and recreational opportunities. Rivers and streams through the County, from intermittent and ephemeral streams to the Rivanna River, should have forested buffers wherever possible. Pervious surfaces slow runoff and reduce erosion. Soils that are protected from compaction and erosion are less likely to erode, and will more efficiently recharge groundwater, which flows to wells, streams, and reservoirs. These features can be more effectively managed in a land use pattern defined by large rural parcels, where land cover characteristics can be more easily protected and improved than in developed areas. Protecting and restoring healthy watersheds should be a goal for Rural Areas policies and programs. For more details on this topic, see *The Albemarle County Rural Areas as a Source of Watershed Ecosystem Services*, prepared by the Water Resources division of the Community Development Department.

Where development is permitted, the County faces patterns of water consumption and contamination influenced by the layout of residential subdivisions. Currently, some impacts are managed through the Water Protection Ordinance, but this approach does not typically address overall subdivision layout. The information currently being obtained regarding recharge areas and other critical aspects of the groundwater system, as well as research into stream health, will allow the County to develop standards for subdivision layouts that protect both groundwater and surface water from contamination. Stream buffers and groundwater infiltration areas can also be incorporated into designs as protected areas, and would be especially effective where forest vegetation is either protected or reestablished.

CRITICAL RESOURCES AND RESIDENTIAL DEVELOPMENT IMPACTS

GOAL: *Protect critical natural resources identified in the Comprehensive Plan from the impacts of residential development.*

The ongoing Critical Resources Inventory is identifying areas and resources of high importance to the County, in addition to those already identified in the Open Space and Critical Resources Plan. These

areas should not be converted to rural residential uses, and the County will need tools to prevent that conversion. One approach is to establish overlay districts that set standards to protect sites and resources of value. For example, the direction set by the current Flood Hazard Overlay District and the Water Protection Ordinance's standards for stream corridors could be combined with goals set by the Biodiversity Committee to establish a riparian buffer overlay district that addresses both water quality concerns and the need for connectivity between wildlife habitats (see Map D, Hazards and Limiting Factors).

The Zoning Ordinance currently requires that building sites not include critical slopes or floodplains, but does not consider other resources. The building site definition should also be revised to avoid important resources and hazard areas identified by the Critical Resources Inventory, the County's ongoing groundwater studies, debris flow hazard studies, and other sources of applicable information.

In order to protect existing areas of forest and other natural areas that provide habitat, resource protection, and other values in the face of permitted development, it will be necessary to include these resources in the design standards set by the Zoning and Subdivision Ordinances. Residential development should be directed away from large areas of forest, wildlife corridors, and highly valued habitats. Where development is approved, impacts can be mitigated through creative measures including but not limited to conservation easement donations, riparian buffer plantings and corridor establishments, and habitat restorations. This should be true for both clustered and non-clustered subdivisions. On a smaller scale, individual homes, roads, stormwater management facilities, and other constructed features of residential subdivisions should be directed away from important or sensitive habitat areas. The results of the biodiversity assessment and the recommendations of the Biodiversity Committee should be considered in the development of tools to address these impacts.

In 1996, the Mountain Protection Committee recommended standards for driveways that would avoid the erosion impacts of creating of steep slopes, and ensure safe access to residences for private vehicles and emergency services. However, erosion on steep slopes and safe access are of concern throughout the Rural Areas. The County can address these concerns through driveway standards for the Rural Areas as a whole, and should adopt standards that will reduce the erosion impacts of residential development and ensure safe access.

MOUNTAINS

GOAL: *Incorporate new and anticipated information to update the existing Mountain Protection Plan.*

The Natural Resources and Cultural Assets Plan was amended to include a section on Mountains in 1998. That section's objective is to "[p]ursue additional protection measures to protect mountain resources and to promote public safety in these areas of exceptional critical slopes and higher elevations." Several aspects of the County's mountains are identified as areas of concern, including critical slopes; soils; water quality and quantity; forest and agricultural resources; debris flows; plant and animal habitat; scenic resources and their economic impact; dark skies; and tourism. Because the majority of the County's mountains are located in the Rural Areas, rural residential development and land use policies will have a significant impact on these aspects of the mountains.

Policies established elsewhere in this chapter will also assist in the effort to protect mountain resources. In 1996, The Mountain Protection Committee recommended changing the 21-acre minimum lot size to 42 acres, largely based on the expected size required for viability of commercial forestry. Recommendations were also offered for improved clustering in RPDs, more detailed requirements for building sites, and reduced or eliminated minimum lot sizes. By addressing these critical issues for the whole County, many of its mountain protection goals can be achieved.

The ongoing Critical Resources Inventory is expected to provide detailed information that will need to be included in the consideration of mountain protection policies. Plant and animal habitats were included as one aspect of the mountains in need of protection. The outcome of the ongoing biodiversity assessment is expected to provide more information on the mountains' role in providing habitat and landscape connectivity, and to identify unusual habitats and landscape features found in the mountains that are in need of protection. Other elements of the Critical Resources Inventory should also be considered as appropriate.

Since the adoption of the Mountains section of the Natural Resources and Cultural Assets Component of the Plan in 1998, the County has received more detailed information and mapping regarding debris flow hazard areas. Residential construction and other development activities in these areas can pose a significant safety risk. These areas are also highly susceptible to groundwater contamination. Codes implementing the County's mountain protection policies should include measures to prevent construction in these areas and to avoid creating hazards.

The 1998 Mountain policy should be maintained. However, policies affecting the mountains should be revised or designed to include the new and expected information discussed above.

DENSITY AND DEVELOPMENT

GOAL: *Reduce the level and rate of residential development in the Rural Areas, and minimize the impacts of permitted development.*

The ongoing conversion of rural land from farms, forests, open spaces, and natural habitats to residential uses is a central issue for the County. Despite the community's established goals for rural area protection,

existing regulations do not achieve these goals because they are permitting this conversion to continue with few hindrances (see Map A, 2000 Population Density).

Rural residential development has two key impacts: fragmentation impacts on the land, and density related impacts, including but not limited to inefficient public facilities demands, change in rural character, increased traffic on dangerous rural roads, and pollution and erosion impacts. The most effective methods for protecting rural land from these impacts will continue to be those that ensure long term or permanent prevention of development of parcels in the Rural Areas (including but not limited to conservation easements). Regulations that control the form of residential development may reduce fragmentation to a small degree, but will not significantly reduce its impacts, nor affect density-related impacts at all, if overall density is not reduced.

Where development cannot be avoided with the use of conservation easements and other land-protection tools, the impacts of rural residential development can be reduced by altering the pattern of permitted development. The current pattern can be improved upon significantly to reduce impacts on an individual site and its surroundings. However, this approach does not alter the overall impact of residential growth in the Rural Areas and should be considered secondary to true conservation efforts.

However, as a certain level of residential development will be permitted in the Rural Areas, the County must address the location, character, and extent of this development in order to minimize its impacts. Rural Preservation Developments, have the most potential to reduce the impacts of the currently permitted level of residential land use. Therefore, Rural Preservation Developments (cluster development) is the preferred method for all residential subdivision and should be required for all Rural Areas subdivisions, with exceptions made only in cases where properties are too small for clustering to make a significant difference (where preservation tracts would be too small for effective conservation).

Addressing rural residential development, both by limiting its extent and by implementing designs that reduce the impacts of permitted development, would implement the Guiding Principles by protecting agriculture and forestry resources; conserving and preserving land; protecting water quality and quantity; protecting natural and cultural resources; directing development into the Development Areas; creating development standards appropriate to the Rural Areas and implement the Natural Resources and Cultural Assets Plan.

Rural Preservation Developments

Rural Preservation Development (RPD) was added to the Zoning Ordinance in 1989 as an alternative to the conventional development subdivision in the Rural Areas zoning district. The RPD subdivision option was intended to encourage more effective land usage, while retaining all development potential available under conventional subdivision. As a tool to address development patterns, RPDs place the same number of residential development as permitted under conventional subdivision regulations on smaller parcels in a more compact neighborhood. However, the RPD regulations contain standards that provide protection for natural resources, farmland, forestland, historic resources and scenic views.

The benefits for the landowner include a reduction in development costs; the creation of smaller, more marketable development lots; obtaining the full economic benefit of development while retaining a substantial portion of the land for agricultural, forestal or rural recreational uses; preservation of important aesthetic aspects of the land which can enhance both the desirability and the marketability of lots; and protection of sensitive environmental aspects of the land.

The benefits to citizens include the permanent preservation of large areas of land that can be used for agricultural and forestal production, recreational uses, water supply protection, and the conservation of natural, scenic and historic resources. Rural preservation developments are a tool by which the County can impact the way development occurs in the Rural Areas. As stated above, it is the preferred method of subdivision in the Rural Areas and, with few exceptions, should be made the only way land in the Rural Areas could be subdivided. However, it should be clearly noted that Rural Preservation Developments are not a way to encourage residential development in the Rural Areas.

Between 1990 and 2003, 13 Rural Preservation Developments containing 2,886 acres were approved. These RPDs contain 275 development lots, 17 preservation parcels, and have permanently preserved 1,843 acres. The preservation parcels range from 16 percent of the total RPD acres to 84 percent of the total acres. The average development lot size is 3.72 acres. In some cases, the landowners did not request that the RPD contain the full number of development right lots that would have been permitted under conventional development.

Although land has been preserved that may not have been otherwise, Rural Preservation Developments cannot be considered a success when compared with the rate rural land has been subdivided using conventional subdivision methods. For example, in 1993 (the year with the most acreage in RPDs had three RPDs recorded):

	1993		1993
	RPD ACTIVITY		CONVENTIONAL ACTIVITY
Total Acres	663.61 acres	Total Acres	3,205 acres
Development Lots	53 acres	Total Lots	273 lots
Average Lot Size	3.6 acres	Average Lot Size	11.74 acres
Total in RPD	470.1 acres		
Total in Lots	190.8 acres		
Percent in RPT	70.84 %		

The reasons that RPDs have not reached their full potential are varied, but the most dominant reason given by applicants is the special use permit application process. However, effective July 1, 2004, state law required that localities allow clustering of single-family dwellings (RPDs) by right, if the locality had clustering provisions in place. The law provided that, in establishing standards, conditions, and criteria for clustering, the Board of Supervisors may include any provisions it determines appropriate to ensure quality development, preservation of open space, and compliance with its comprehensive plan and land use ordinances.

When considering standards for Rural Preservation Developments, it will be important to ensure that the standards achieve the objectives contained in the Guiding Principles. The development standards should ensure, and have as the highest priority, the protection of the natural environment, scenic and historic resources, water supply resources, agricultural and forestal land, and open space. A maximum lot size, a minimum percentage of the RPD to be placed in a preservation parcel, and the phasing of development should be considered.

A survey of existing Rural Preservation Developments in the County has revealed that although RPDs preserve large areas of land, most of the RPDs have been subdivided into large lot residential developments. Accomplishment of the purpose for RPDs -- to provide more effective land use, while retaining all development potential available under conventional subdivision -- will require the same philosophy as that of all residential development in the Rural Areas: minimize the amount of land used for residential development in order to maximize the amount of land that is available for agriculture, forestry, open space, natural, scenic and historic resources. In order to accomplish this goal, consideration of fewer residential lots may be necessary.

RPDs, like any other development in the Rural Areas, should not become a justification for extending public services to the Rural Areas.

Other Rural Areas Issues

Development Right Lot Sizes

The Zoning Ordinance currently permits development right lots as small as two acres, but allows the five development rights on any parcel (including access roads) to occupy up to 31 acres--an average of approximately 6 acres per lot (although any one lot could theoretically be much larger than 6 acres). Instituting a maximum acreage for individual development right lots could significantly reduce the total area used for residential development. A flat maximum lot size would also prevent the creation of subdivisions that meet the 31-acre total by creating some quite large lots and some smaller ones, with the average being six acres. However, a maximum development right parcel size will result in residues of less than the maximum non-development right parcel size on some parent parcels. In those cases, the residue should be assigned to one of the development right parcels, and that parcel should not be further subdivided.

The current minimum lot size of 2 acres is significantly larger than the 30,000-square-foot (0.68 acre) building site envelope currently required by the Zoning Ordinance. This building site is considered sufficient to provide space for a dwelling and two septic field locations (primary and backup). A larger lot size is required to accommodate setbacks and to ensure a safe well location and some flexibility to work with terrain; however, there is a potential to reduce the minimum 2-acre parcel size. These reductions of residential parcel sizes could potentially reduce the amount of land developed and could reduce the price of rural lots. The Village Residential zoning district--largely represented by developed land in rural villages--currently permits lots of approximately 1.5 acres, or 0.92 acres with bonus density provisions. The County could develop standards that would permit similar minimum parcel sizes in the Rural Areas zoning district, ensuring first that well water safety can be sufficiently protected and that each lot has enough space for backup wells to ensure a viable water supply.

Phasing of Subdivisions (Time-release)

The 1980 Zoning Ordinance granted up to five development rights to all rural parcels of record, and made possible by-right creation of 21-acre lots. Since that time, it has been possible to use all the potential lots from a parent parcel at once to create a rural residential development.

Rather than simply providing needed income to rural landowners who intend to keep the majority of their land intact, this approach has led to the Rural Areas being used as a low density development area. Under current regulations, rural subdivisions can be created at least as easily as within the designated Development Areas.

A phasing or time-release requirement, permitting only a limited number of lots to be created from a given parcel over a fixed period of years is one approach to this problem. Such a program would permit landowners to use their development potential to meet occasional financial needs, but would not readily permit the creation of entire subdivisions or encourage land speculation for that purpose. Since the total development potential is not reduced by such a program, it will not be effective unless the required time period is long enough to discourage piecemeal approvals that effectively create the same development pattern that is now occurring. The table below shows the numbers of lots approved per Rural Areas subdivision application from 1999 to 2002. Divisions creating one new lot accounted for 33.6 percent of all new lots. The numbers of applications for more lots are significantly lower. Setting the appropriate time limits would necessitate balancing the needs of landowners for occasional lot sales with the County's goals of avoiding residential development with suburban character and scale in the Rural Areas.

Rural Areas Subdivisions, 1999-2002			
Lots Created per Application	Applications Approved	Lots Approved	Percentage of Total Lots
1	234	234	33.6%
2	34	68	9.8%
3	12	36	5.2%
4	8	32	4.6%
5	8	40	5.7%
6	7	42	6.0%
7	3	21	3.0%
8	1	8	1.1%
10	1	10	1.4%
11	1	11	1.6%
12	1	12	1.7%
13	2	26	3.7%
16	1	16	2.3%
19	1	19	2.7%
20	3	60	8.6%
25	1	25	3.6%
37	1	37	5.3%
Grand Total	319	697	100.0%

Family Divisions

In order to support the ability of rural families to transfer land to immediate relatives, the County permits "family divisions." These divisions are subject to a lesser review standard. However, in order to discourage the resale of these lots for non-family related development, the County requires that the owner of the new parcel hold it for a minimum of two years. Increasing this period could dissuade the resale of family division lots without inconveniencing family members who intend to remain on the land. Requiring the family to hold the land for a certain period before family divisions are permitted would help to ensure that relatively easy family divisions do not provide an incentive to purchase and divide large parcels.

Rural Divisions

The Subdivision Ordinance currently includes reduced review standards for "rural divisions," which are subdivisions that create lots of 5 acres or more with at least 250 feet of public road frontage. On some parent parcels, it is possible to create entire residential developments through this simpler process. (Five development right lots of five acres or more can be created under the 31-acre rule.) In other cases, it is possible to create a residential development without full review by using a combination of rural division and two-lot subdivision applications, neither of which requires the full review applied to standard subdivisions. The subdivision process should be revised to ensure better designs and consistent reviews. There are some minor exceptions, such as some boundary adjustments, where a reduced level of review is appropriate.

Transfer of Development Rights

The Transfer of Development Rights provides communities with a potentially powerful tool for redirecting growth from one area of a community to another. Under a TDR program, the County could allow higher density development in the development areas in exchange for lower densities in the Rural Areas.

Once a program was established, developers in the development areas would be allowed to build more dwelling units than permitted by the zoning regulations, provided that they purchased development rights from landowners in the Rural Areas. Through these purchases, the development potential in the rural areas would be gradually transferred to the development areas.

TDR programs are not expressly enabled by the state legislature and, under the Dillon Rule, the power to establish them cannot be necessarily implied. Therefore, the state must pass enabling legislation for the County to be able to use this valuable planning tool. The legislature, so far, is unwilling to support TDR programs. The County should use every means available to advocate TDRs as a significant growth management tool that would support the goals and policies of the Comprehensive Plan.

OBJECTIVES:

- Achieve the Vision for Rural Albemarle County by limiting the extent of residential development in the Rural Areas and establishing a land use pattern based on protecting large parcels and valuable resources for farming, forestry, natural resource conservation, and other rural activities.
- Preserve open space, natural resources, farmland, forest land, and natural, historic and scenic resources, while preserving the economic value of the land for rural uses.
- Minimize the amount of land used for residential development in order to maximize the amount of land that is available for agriculture, forestry, open space, natural, scenic and historic resources.

STRATEGIES:

The County should:

1. Require Rural Preservation Development (clustering) for all Rural Areas subdivisions, with exceptions to be determined with this Chapter's implementation.
2. Maximize to the extent possible the rural preservation parcel in RPDs, in terms of size and benefit to the natural environment, scenic resources, historic resources, agricultural and forestal soils and uses, by requiring that the preservation parcel be contiguous and with a minimum percentage of the total acres of the RPD. Reduce the impact of the development parcels by minimizing to the greatest amount feasible the acreage used for residential parcels within a Rural Preservation Development by establishing a maximum residential lot size. The preservation parcel should not be less than 80 percent of the total acreage in the RPD. The residential parcel sizes shall be determined with this Chapter's implementation.
3. Require that residential lots should be clustered together, to the extent possible, in order to reduce the impacts of fragmentation and to avoid conflicts with agricultural and/or forestal uses.
4. Require that the primary consideration for the location of residential lots and the preservation tract in RPDs must be the protection and conservation of rural open space and/or natural, historic, or scenic resources, as well as the conservation and protection of critical slopes, stream valleys, floodplains, perennial streams, prime, important or unique agricultural or forestal, non-tidal wetlands, water supply watersheds, groundwater recharge areas, and mountain protection areas, as described in Chapter Two of the Comprehensive Plan.
5. Adopt standards and restrictions for subdivisions that are consistent with the policies of the Comprehensive Plan and of the Rural Areas Guiding Principles.
6. Restrict access for all development lots in RPDs to an internal street in accordance with Chapter 14 of the Albemarle County Code.
7. Restrict the number of RPD lots to no more than the number that could be achieved with a conventional subdivision.
8. Encourage the connectivity of conservation land wherever feasible by locating the RPD conservation easement adjacent to other conservation easement properties.
9. Set a maximum acreage for development right lots in subdivisions that will effect a significant reduction in land consumption by development, compared to the current 31-acre total for five development rights, while ensuring reasonable flexibility to make wells and septic fields possible in difficult terrain.
10. Adopt a phasing (time-release) program that would permit a limited number of lot(s) to be created in a fixed period of time.
11. Establish overlay districts (for example, a combined stream buffer and habitat corridor district) and building site definitions that better protect important resources identified in the Comprehensive Plan and Critical Resources Inventory from the impacts of residential development.
12. Address the impacts of residential development on biodiversity by altering zoning and subdivision regulations to include design criteria that direct residential development away from large areas of forest, wildlife corridors, and highly valued habitats, and by implementing the recommendations of the Biodiversity Committee.
13. Adopt programs and regulations to implement the mountain protection goals identified in the Natural Resources and Cultural Assets section of the Comprehensive Plan, in accord with new information on debris flow hazard areas and with the future input of the Critical Resources Inventory.
14. Set standards that limit the slopes and curvature of driveways in the Rural Areas to prevent erosion and provide safe access.
15. Limit or prevent residential development in debris flow hazard areas as needed to protect public safety.
16. Require use of lighting that conforms to the design specifications found in the Natural Resources and Cultural Assets Component of the Plan in all residential development approvals.
17. Revise time requirements for family ownership both before and after a family division.
18. Actively support enabling legislation for the Transfer of Development Rights. When TDR programs are enabled, the County should adopt measures for implementation.
19. Consider adopting the Chesapeake Bay Act's provision regarding maintenance of septic-tank systems.

LAND USE PATTERNS AND COMPREHENSIVE PLANNING

GOAL: *Develop tools that help the County envision the interactions and possible outcomes of Rural Area policies and measure the success of those policies and programs.*

The Guiding Principles reflect the complexity of the elements that make up the Rural Areas. Planning for these elements should not occur in isolation but should ensure that the County's policies and programs are integrated and consistent in order to maximize their effectiveness in achieving the Vision for the Rural Areas.

Changes to Rural Areas programs and regulations, as well as future revisions of the Comprehensive Plan, should make certain that all of the land elements 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 a finite land area over a long period of time.

To implement this approach, it will be necessary for the County to have an understanding of how these land elements relate and interact. However, tracking all of these aspects over the expanse of the Rural Areas is a difficult task, and summary measures are needed to make such an effort practical. An accepted

set of indicators can summarize the status of important resources and features. These indicators are referred to as "rural area status indicators." In developing them, the County should consider what data about rural land (for example, degrees of land fragmentation, density of residential uses, water quality indicators, favorability of conditions for agriculture, etc.) can be reasonably collected, and what values for each measure are needed to achieve a positive status.

To give this data a link to the on-the-ground reality of land use and land cover in the County, the County could add a mapping element to the indicators that would show the current status of natural and cultural resources. This plan can help citizens and policy makers visualize the status of the Rural Areas, which can be difficult to do with data and abstract analysis.

To be useful, such indicators and maps need to be developed with the input of experts in various fields. Frequent and regular reviews of changes shown by the indicators and the maps can be used to inform future policy, program, and regulatory changes.

Ecological Footprint Analysis is an accounting method for estimating the land area that a community needs to supply its resource needs. It is similar to fiscal impact studies already used by the County, but rather than expressing costs in dollars, it measures impacts in acres. Such a method could be used to estimate the outcomes of both County policies and proposed land uses. Adapting this method could provide a tool for considering impacts on ecosystem services (air and water quality, septic absorption, climate mitigation, soil productivity, etc.) and natural systems caused by permitted or proposed land uses, as well as other activities.

Another tool that would be useful for future Comprehensive Plan revisions is a landscape futures scenario process. Rather than accommodating predicted trends, this process sets a desired set of physical landscape conditions (the "scenario") that is then used as a guide for policy development. Participants in the process are presented with maps and/or pictures of an area under various future combinations of land uses and land covers. Informed by their own knowledge and preferences and the community's goals, participants choose a best case scenario, and policies are used to attempt to meet this goal.

OBJECTIVES:

- Effectively implement policies that acknowledge the complex interactions of the elements of the Guiding Principles and strive to achieve each Principle without hindering the overall vision.
- Review future changes to County policies, regulations, and programs to ensure that all aspects of the Rural Areas are considered as a whole. Policies, programs, and regulations that address only one Principle to the detriment of others should be avoided or, where already in place, revised.

STRATEGIES:

The County should:

1. Adopt a set of Rural Areas status indicators and develop a set of frequently updated maps (or map layers) that show the status and trends of Rural Areas resources and features. These measures should be reviewed annually to inform policy, program, and regulation changes.
2. Develop a method of ecological footprint analysis to be used in estimating the impacts of proposed policies and land uses, and use that method in policy analysis and project review.
3. Before the next revision of this chapter of the Comprehensive Plan, engage in a participatory process that establishes a vision for achieving agricultural and forestal land conservation, biodiversity protection, watershed protection, historic preservation and other land use goals on a shared landscape. Use the outcomes of this process to guide an overall landscape plan for achieving the Vision for Rural Albemarle County.

INFRASTRUCTURE/COMMUNITY SERVICES

TRANSPORTATION

GOAL: *Provide safe, effective transportation options while preserving the character of the Rural Areas.*

The primary objective of the Rural Areas Chapter is to preserve the rural character of the County. Depending on one's perspective, there can be many interpretations of what rural character means. In regard to transportation issues in the Rural Areas, it should not be the commuter that defines rural character; rather the local residents should define the context of rural character. It should be recognized that rural roads are the sites of most of the county's fatal automobile accidents (see Map J). Increasing the numbers of persons driving the rural roads is an unavoidable consequence of increased residential development in the rural area. A goal of the Rural Areas should be to keep residential increase to a minimum in order not to increase the numbers of drivers on rural roads. There are not enough fiscal resources to make all rural roads safe, especially when impacted with greatly increased traffic.

Rural character could be described as a scenic landscape of open spaces, and is also composed of the human activities upon that landscape that define rural life. Consideration should be given to the multi-modal function of rural roads, giving non-motorized users equal consideration in rural neighborhoods and where otherwise appropriate. When possible, rural roads should be designed in such a manner that drivers passing through Rural Areas are alert to and moving at appropriate speed to react safely to slower moving farm equipment, bicyclists, horseback riders, or children walking from a school bus stop.

County roads should maintain their rural character, even when changes are made to them. Road improvements should not only provide for safe and reasonable mobility, but also contribute to the rural character of the County. Roads should be identified that provide for connections/destination routes to serve the rural population and to provide farm-to-market functions. It should be clearly noted that these secondary roads should not be designated or designed to become the impetus for growth corridors. Transportation improvements should be designed in context with their setting.

During the Rural Areas Public Meetings held during the winter of 2002-2003, citizen comments indicated that their primary concern was for the safety and maintenance of the County's rural roads. Road improvements, such as installing shoulders and guardrails, were preferred over building new roads. Many rural residents responded that they did not want to see transportation funding that could contribute to the safety of rural roads be channeled into the Development Areas.

There was also public sentiment for alternative transportation possibilities such as JAUNT, public transport stations, and traffic calming. The County should coordinate alternative transportation possibilities with the appropriate agents, such as VDOT, at the time development or road construction occurs.

Unpaved Roads

There are currently 227 miles of unpaved secondary roads in the County. At the end of 2002, the Virginia Department of Transportation introduced a program to pave rural roads in the County that is an alternative to the Pave-In-Place Program. The Rural Rustic Roads Program is designed to pave rural roads in a more environmentally friendly and less costly manner than the rarely used and more restrictive Pave-In-Place Program. The goal of the program is to pave more miles of roads with the limited funds available, doing so with no or minimal encroachment beyond existing ditches and without compromising the safety of the road.

For a road to be considered a candidate for the program, the road must be a priority in the County's Six-Year Plan; it must be part of the State's secondary system of highways and have an average daily trip count of no less than 50 and no more than 500; and it must also be familiar to most drivers and serve low-density land uses.

In addition to the above criteria, the Albemarle County Board of Supervisors must pledge to designate a candidate road as a Rural Rustic Road and pass a resolution for each candidate road. Furthermore, the Board would have to pledge to limit growth along the candidate road through comprehensive planning and zoning.

The Rural Rustic Roads Program would better meet the Guiding Principles for the Rural Areas than the Pave-In-Place Program. By using existing road widths for road improvements, rather than increasing road widths, the goal of preserving the County's rural scenic resources would be more obtainable.

General Design Standards for Rural Roads

The following are general design standards for roads in the Rural Areas and should be coordinated with the Community Development Department:

1. Rural roads should be designed to retain their rural character and not be designed to the characteristics of suburban subdivision street standards.
2. Rural roads should consist of the minimum travel way widths that are necessary for safety.
3. Typical rural section design (shoulders and ditch) should consist of greater horizontal and vertical curvature.
4. As is not always the case, Virginia Department of Transportation Mountainous Road Standards should be applicable to the Rural Areas roads. Exceptions to these may be appropriate in the rural crossroads communities where the character of those areas may dictate pedestrian facilities and road designs.
5. Rural roads should be designed to encourage multi-modal travel opportunities.
6. Design the construction of road improvements to be protective of environmentally sensitive areas. Any anticipated road improvements or construction in fragile areas should receive careful scrutiny and provide protection measures to eliminate ecological, environmental, and aesthetic concerns.
7. Minimize clearing activities associated with construction to the greatest extent feasible.
8. Minimize the number of access points on rural roads to those necessary to provide safe and convenient access.

OBJECTIVES:

- Provide a balance between the safety of rural roads and maintaining the rural character.
- Evaluate the need to establish rural road design standards to help articulate expectations for road design that meet this balance.

STRATEGIES:

The County should:

1. Focus road improvements on safety improvements such as providing shoulders, guardrails, and spot improvements such as straightening curves rather than the paving and widening of rural roads.

2. Pursue the Rural Rustic Roads Program as an alternative to the Pave-In-Place program for qualified roads that have been designated to be paved by the County. The Rural Rustic Roads Program is a more environmentally friendly and less costly way than the Pave-In-Place Program.
3. Consider expanding transportation alternatives, such as JAUNT, to provide and enhance rural transit opportunities.
4. Explore new transportation alternatives such as park and ride lots and traffic calming in crossroad communities.
5. Except for agricultural and forestal purposes, limit construction of new roads in the Rural Areas, especially where road building would impact or fragment natural habitats.
6. Require that new-road projects and road improvement projects include measures that avoid degrading habitats or actively improve them (for example, wildlife tunnels where roads cross migration corridors, stream crossing designs that consider habitat connectivity as well as flood level impacts, etc.).
7. Identify roads that would provide for connections/destination routes to serve the rural population and to provide farm-to-market routes. It should be clearly noted that these secondary roads should not be designated or designed to become the impetus for growth corridors.

WATER AND SEWAGE DISPOSAL

GOAL: *Protect public health and water quality from the impacts of proliferating septic systems in the Rural Areas.*

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. Central water and sewer systems may be considered on a case-by-case basis. The underlying goal of the County is to protect public health and the environment.

As of 2002, there were 16,994 dwelling units in the Rural Areas. Based on the 1996 Thomas Jefferson Planning District Commission build-out report, there is the potential for another approximately 54,867 dwelling units in the Rural Areas. Conservatively, there is the possibility of 66,000 dwelling units in the Rural Areas that would have a need for water supply and septic services.

Considering this build-out scenario, according to the report entitled *Technology Choices for Water & Wastewater*, written by the County's Water Resources Manager, there would be an overall demand of 16.5 million gallons of water per day provided by individual wells and 13.2 million gallons of wastewater per day disposed into conventional septic tanks and drainfields (based on current demand figures from the Albemarle County Service Authority). If the disposed wastewater were disbursed evenly over the County's 726 square miles, there would be approximately 18,000 gallons per square mile per day of wastewater. In reality, some areas of the County would receive a higher percentage of the disposed wastewater than other areas.

The report goes on to explain that in addition to the build-out scenario, the type of soils found in Albemarle County is critical to the ability to provide on-site wastewater and conventional septic systems. Of the 222 soil units listed in the Albemarle County Soil Survey, only one is considered to have "slight" limitations for septic tank absorption fields (soil properties and site features are generally favorable for absorption fields). Eighty are considered moderately unsuitable (soil properties and site conditions are not favorable) and 128 have "severe" limitations based on poor permeability or filtering, high water table, shallow depth to bedrock, or excessive slope and/or flooding. Thirteen soils are unrated.

Given the characteristics of conventional wastewater technologies, the build-out scenario, and soil types, there can be no accurate prediction as to the impact on wells, streams, and reservoirs from conventional wastewater systems.

The Chesapeake Bay Act sets requirements for septic tank maintenance. Those requirements were not adopted when Albemarle adopted other sections of that act. The County should consider adopting those requirements, for the sake of the Bay and to reduce the possibility of failed systems and resulting contamination of wells.

OBJECTIVE: Maintain septic systems as a safe and viable waste-disposal system for the Rural Areas while avoiding contamination of wells or pollution of waterways.

STRATEGIES:

The County should:

1. Maintain the current policy of not encouraging the extension of the Albemarle County Service Authority Jurisdictional Area that serves the Development Areas.
2. Adopt the Groundwater Program being developed by the Groundwater Committee to enable a policy that would provide technical guidance on how to conduct site level groundwater assessments.

FISCAL AND TAX TOOLS

GOAL: *Analyze and improve County budgeting and taxation to support Rural Area goals and avoid unintentional subsidy of uses with negative impacts.*

The County's revenue and funding programs have a significant impact on rural land uses. Favorable tax assessments on rural land, such as those established under the County's use-value taxation program, can provide support for agriculture and land conservation and accurately reflect open spaces' low requirements for County services. However, if qualification standards for those rates are not sufficient or are not effectively enforced, those same tax rates can subsidize residential development and other activities that are counter to the County's rural area goals. Funding strategies have similar effects; they can provide for protection of the Rural Areas (*e.g.*, purchase of development rights), or they can provide counterproductive subsidies (*e.g.*, funding for increased road capacity in relatively undeveloped areas).

Ensuring that these programs conform with Rural Areas policies will support the Guiding Principles by providing alternatives to land fragmentation, protecting the agricultural and forestal resource base, supporting local rural economies, supporting conservation and preservation of rural land, protecting natural and cultural resources, meeting the needs of current rural residents, and providing tools that offer alternatives to the fragmentation of parcels into pieces too small for economic viability.

Taxation Tools

The use-value taxation program, one of the County's main tax tools for supporting rural area goals, needs to be reviewed for its effectiveness in reaching those goals. The current standards may need to be altered, and new options may be required to encourage activities (such as some forms of natural or cultural resource protection) that are not strongly supported by the program. As the program covers a wide range of rural activities, its revision will require input from a variety of interests and perspectives, including non-rural residents. The issue of rollback taxes and whether they are an effective disincentive to development should be addressed. A study committee including citizens involved in farming, forestry, horticulture, biodiversity conservation, open space protection, and historic and cultural resource protection could provide the expertise needed to improve the program and/or request changes in Virginia enabling legislation.

The history of participation in the use-value program raises questions about its effectiveness. From 1982 to 2002, the percentage of the Rural Areas enrolled in the program declined from 75.6 percent to 62.6 percent. Map H, Albemarle County Land Use Taxation, shows that few rural parcels large enough to qualify are not enrolled in the program. This suggests that the decline in area enrolled is largely due to the disqualification of land subdivided into parcels too small to qualify for the program. This raises the question of whether or not the tax relief provided by the program is effectively countering the financial pressure to subdivide and develop.

Fiscal Tools

The County's budget policies and funding programs should be comprehensively reviewed to ensure that they are also effectively supporting the County's goals for the Rural Areas. Existing programs, such as the Acquisition of Conservation Easements program, should be examined in light of continuing residential development of the Rural Areas and be allocated sufficient funding to respond effectively to that threat. The County should also compare its existing funding strategies to its list of rural area protection goals, and consider new programs to address unmet needs.

The County will also need to find and take advantage of outside funding sources that are available for rural conservation purposes. Landowners should be helped to connect with state and federal funding sources for purchasing land (or at least associated development potential), land rental for conservation uses (such as the Conservation Reserve Enhancement Program), and installation and maintenance of Best Management Practices for natural resource protection.

OBJECTIVES:

- Ensure that the County's fiscal and tax policies actively support Rural Areas goals and do not provide subsidies for activities that are counter to those goals.
- Find additional sources of funding for private and public projects that support the Guiding Principles.

STRATEGIES:

The County should:

1. Establish a committee to review the County's use-value taxation program and revise the program within the framework of state enabling legislation. The Committee should ensure that this program supports rural area policy goals and does not subsidize residential development or other activities that are counter to rural area goals.
2. Revise the standards for the Open Space category of the use-value taxation program to allow landowners to qualify through the protection of environmental resources (such as biodiversity) and ecosystem services (such as watershed protection), and create a straightforward application process for this purpose.
3. Review the County budget for opportunities to effectively provide incentives that support rural area policies and to remove inadvertent subsidies of uses and activities that are counter to rural area goals.
4. Conduct an analysis of the fiscal impacts of rural residential development, including transportation, and revise policies and regulations to address those impacts.
5. Find outside funding sources for the purchase of development rights and other forms of resource protection and effectively use that funding for County land protection programs. County staff should help landowners find funding for conservation purposes.

(Note: At 3:28 p.m., the Board recessed, and reconvened at 3:38 p.m.)

Agenda Item No. 18. Work Session: Subdivision Ordinance.

Mr. Graham reported that this is a follow-up to previous work sessions, noting that he has attached a summary of proposed changes in the ordinance and how it is reordered. He said that questions have come up regarding why a subdivision text amendment is being done. He explained that it is a direct result of the Neighborhood Model, which tries to create a development area that is attractive and desirable as an alternative to developing in the rural area.

Ms. Echols reported that there are organizational changes and additions/deletions in the ordinance. She mentioned that staff has been working since 2001 on the Neighborhood Model changes, after it was adopted, and has been trying to get them into an acceptable form for adoption. Ms. Echols noted that staff is eager to clear up some things in the ordinance as well as having Neighborhood Model characteristics be reflected in the requirements in the Subdivision Ordinance.

She said that one change is to make explicit the current county practices of reviewing and approving easement plats, and noted that staff has reordered the private street standard section and pulled standards and waivers and waiver criteria all into one section. Ms. Echols noted that she has tried to delete the duplicative sections and superfluous language, and has made changes that reflect changes in the state code, and has added definitions that have been added to the Zoning Ordinance or relate to the rest of the Subdivision Ordinance.

Ms. Echols mentioned that staff has added the distinctions between the rural and urban subdivisions and their kinds of standards, as well as the urban street requirements – curb and gutter, sidewalks, planting strips, and overlot grading. She reported that staff has modified the preliminary plat requirements to reduce the amount of initial information needed in order to review a preliminary plat, and has added the ability to get waivers without fully engineering a preliminary plat. Ms. Echols said that the 50-lot rule was removed, and the interconnection standards were strengthened. Staff thinks that it is necessary to provide interconnections to make the community meet standards that have adopted which the 50-lot rule is impeding that.

Ms. Echols reported that there have been changes in the street construction criteria related to floodplain, changing it from a 100-year floodplain to a 25-year floodplain, and has added the ability to approve private streets with a standard that's different than the VDOT standard; references to sidewalks, paths, and private street standards have been added to the Design Standards Manual.

Ms. Echols said staff has tried to make the subdivision ordinance easier to understand, clearer to follow, and less ambiguous. Hopefully what they have done is help make changes that will make the development areas more attractive places for people to live and not worry about all of those details that come up in the Subdivision Ordinance and eventually the Zoning Ordinance for rezoning.

Mr. Graham noted that Blue Ridge Homebuilders Association has two issues with the proposed ordinance: (1) the language for the interparcel connections – he said that that section has been modified, and is a strengthening of the existing requirements. Mr. Graham said that this is a foundation block for the implementation of the Neighborhood Model, and is not one of those things that can be done on a development-by-development basis if we're going to have an integrated street network. (2) overlot grading – Mr. Graham noted that staff has not been able to resolve differences with the BRHA, but some might be able to be done through the implementation of the ordinance, but some might not.

Mr. Rooker asked if there are any waiver provisions with respect to overlot grading. Mr. Graham responded that that decision is made by staff. He said that the BRHA fears that staff will treat what is the standard as a rule that can't be modified in any way. Mr. Graham noted that staff should start there, but is leaving room for a case-by-case option to modify an application, such as driveway grades.

Mr. Boyd mentioned that he has heard from BRHA that waiver provisions for overlot grading are time-consuming and costly.

Mr. Graham replied that he is not sure why that concern would exist because it is an administrative decision and it is something that's required after the preliminary plan; therefore, they can identify what modification they may be seeking at the time of the preliminary plat and do it simultaneously with the preliminary plat.

Mr. Rooker said that the Board considered at length the issue of overlot grading, and homebuilders asked that a waiver process be put in place, which was done; they wanted the waiver process to be administrative, and that was also done. Unless you're going to abandon overlot grading entirely, he does not know where you go unless you have a requirement that has some flexibility in its application and administrative waivers which are the cheapest and easiest to get.

Mr. Boyd said that he thinks there might have been some "bad apple" developments picked when the Board learned about overlot grading. Mr. Boyd used Hollymead Town Center as an example.

Mr. Rooker stated that the reason Hollymead Town Center looks the way it does is simply density. If you're going to permit that kind of density with that kind of pavement on site, you're going to end up with a totally graded site.

Mr. Graham emphasized that the overlot grading provision doesn't really apply to Hollymead Town Center because it applies to residential developments with lots less than 20,000.

Mr. Dorrier commented that it requires the developer to spend a lot of money to meet the grading requirements.

Mr. Graham said that if there is an approved plan, developers are building houses within a year and are built out within just a couple of years. He emphasized that as lots get smaller and smaller, the complexity of drainage issues gets higher and we're going to have problems, adding that staff is trying to avoid future Boards being stuck with having to make expensive decisions about going into people's back yards for drainage corrections. Mr. Graham pointed out that in the Windward Subdivision, the county spent \$250,000 to fix the drainage in 12 backyards.

Mr. Wyant stated that it bothers him to have a chunk of raw land open, and asked if the accuracy of drawings provided is part of the problem.

Mr. Graham responded that the primary problem is that the builders are coming in on a lot-by-lot basis, and are not respecting how the adjoining lot is graded, creating problems for each other. There's no comprehensive look at how the drainage across those lots is going to work. He added that a lot grading plan could be required with every house built, which could fall under the water protection ordinance, and that has been done in certain subdivisions. Mr. Graham explained that it does not work well because there is no comprehensive look at the drainage.

Mr. Dorrier commented that perhaps a second developer might have to "pay for the sins" of the previous developer.

Mr. Graham said that there are a number of good developers who work through these problems, but then it's cheaper not to do it so not all developers make that effort.

Mr. Boyd asked if there were some middle ground on the overlot grading. He is fearful that the county is setting up such restrictions and such costs that the opposite of developing in the urban areas is going to happen.

Mr. Rooker said, people will come and live in an area – even if it's densely populated – if it's attractive, and if amenities are nearby. He added that the county is trying to ensure that those amenities exist, but if there are not attractive areas, people are not going to want to live there.

Mr. Boyd stated that developers certainly have the goal of selling homes that are attractive to the buyer.

Ms. Thomas emphasized that developers "have the first buyer" in mind, and the Board's concern must be for the neighborhood ten years later. That doesn't come naturally to the developer because he's on to something else by that time. She feels a lot stronger about the interconnectivity than the overlot grading. She is concerned that the development community that has worked hard with staff is holding up on two items. Ms. Thomas said she hoped there would be something acceptable to the development committee regarding the drainage issues.

Mr. Graham replied that if the Board finds the overlot grading section too controversial, perhaps this could be held out and revisited when the Board considers critical slopes.

Ms. Thomas stated that it would be interesting to see if the development community creates any additional drainage problems, with the county keeping an eye on development without the overlot grading requirement in place.

Mr. Rooker said that he is aware of two projects in his district that have not yet been corrected, and the occurrence of these problems is not an isolated event. It's in a number of areas around the county. He emphasized that the waivers were built into the plan to offer some flexibility for specific development situations. Mr. Rooker reminded the Board that they have dealt with every issue raised by the BRHA, and waivers were recommended out of that process. He emphasized that developers can always appeal to the Planning Commission or Board of Supervisors if it comes to that. He does not know how the Board can get away from the issues that staff raised that are the reason for the requirement. The Board has tried to make it as malleable as possible by the waiver provisions.

Mr. Boyd said that industries often self-police, and perhaps the BRHA could come up with a plan for coordinating the grading.

Mr. Davis responded that under current subdivision regulations, all drainage easements are dedicated for public use and become county easements, county responsibility for their maintenance and operation. He added that older easements are privately granted and the county has a choice whether to remedy those problems. If these subdivisions fail, the county is really not going to have much choice as to how they would have to be addressed. The county would have to step in and correct the problems, especially if there's damage to private property. Usually the problems become exacerbated as developments build out and when it's much more difficult to correct it.

Mr. Dorrier asked if there were ordinances on the books already to address these issues. Mr. Davis replied that there are measures in place in the subdivision review process to address drainage, but staff is finding that without an overlot grading plan, it's difficult to be successful.

Mr. Tucker emphasized that the county could work with the Blue Ridge Homebuilders Association to try to come up with some plan to address the situation.

Mr. Rooker asked how the problem could be solved without an overlot grading plan. You don't even know you're going to have problems until the 25th house is built.

Mr. Boyd said that the development community believes they can deal with drainage issues without overlot grading. Mr. Graham responded that they can, but the issue comes back to there's an economic advantage to cut the corner if you're not required to do something.

Mr. Dorrier commented that he thought the issue was that the developers were required to put in an overlot grading system for the entire development upon commencement of the first phase.

Mr. Bowerman pointed out that it took him two years to get a builder to change the drainage so that five lots weren't flooded every time it rained. The creation of the final six lots created tremendous problems for the six lots that had been built earlier downhill from them.

Mr. Dorrier asked if overlot grading would have prevented that. Mr. Bowerman responded that it would have made the developers look at the affect of the water leaving the land that had been vegetated and now had driveways and roof drains. There was no thought at that point to how it was going to be done until they did it, and there was the problem.

Mr. Boyd asked if the situation could be presented to Blue Ridge to see what their remedy would be.

Mr. Graham said that staff is still trying to get past the conceptual stage with BRHA.

Mr. Rooker commented that in many cases, lots are sold off to separate builders, and if there is no plan for how the water is going to be handled overall, everybody is just working with their little piece of a puzzle without even knowing what the overall picture is supposed to look like with respect to grading and drainage. He added that we are not the first community that's looked at doing this.

Mr. Dorrier offered Four Seasons as an example of a project that was done without an overlot grading plan. Drainage seems to work out there now. Mr. Bowerman responded that that development was built in big pieces in the 1960's.

Mr. Rooker noted that it originally did not work, and he knows of three or four nearby developments that have problems right now. We're talking about situations where the lots are 20,000 feet and less.

Mr. Bowerman pointed out that topography causes the problems, when there are only so many places the water can go.

Ms. Thomas asked if the requirement was for overlot grading itself, or just an overlot grading plan. Mr. Graham replied that what is required is the plan, adding that there will be many circumstances where they have to do the grading.

Mr. Rooker added that the only thing that is required is the plan, and the implementation would be done on a case-by-case basis depending on what made sense in the field.

Mr. Graham pointed out that with dense development, it is often cheaper to mass grade than have each builder grade per lot. He added that what is created as a composite of a house, and the grading is drawn around that.

Mr. Boyd asked if someone from Blue Ridge Homebuilders could provide some input at this meeting.

Mr. Wyant noted that all that is being discussed is how to make sure water runoff doesn't cause problems for the homeowners.

Mr. Rooker asked how we can propose owning the easements for drainage and not have a plan for where the water will go.

Mr. Wyant asked why the county was having to assume those easements.

Mr. Davis replied that that decision was made about four years ago after a report by engineering, which indicated that drainage easements in private ownership were not being properly maintained. Experience has dictated not only here – but in every other urbanizing locality in Virginia – that that doesn't work in the long run.

Mr. Rooker said that if you asked the BRHA whether they would like to choose between the overlot grading plan versus the assumed responsibility of the drainage areas, they would probably choose the grading plan. He noted that staff has made a strong effort to address all concerns in the subdivision ordinance, including the overlot grading requirement. What we're talking about is a plan. People are not required to go out and overlot grade three phases of a development, unless it makes economic sense for them to do that. They're required to have a plan for how the houses are going to be sited and how the drainage will work.

Mr. Graham reported that there is still a conceptual difference with staff and the BRHA as to when drainage becomes an issue. He said that engineering feels that it becomes an issue when it crosses three lots one-half acre in size, and the BRHA has a different standard.

Mr. Boyd said that he would like to see an alternative proposal from the BRHA.

Mr. Rooker said that he would like to see that any alternatives are sent to the Board prior to the public hearing. He asked Mr. Graham if other urbanized areas that have the kind of density discussed in this proposal, do those localities typically require overlot grading. Mr. Graham answered, "Yes."

Mr. Rooker reported that overlot grading plans are often required in other localities.

Mr. Wyant mentioned that an overlot grading plan sets the baseline for elevation for structure placement.

Mr. Graham noted that staff would still use the agreements in lieu of a plan for that builder, if they were going to grade the lot as shown on the overlot grading plan, and if they wanted to do something different, they would have to submit an individual lot grading plan. He added that erosion control inspectors would do this as part of signing off on the building permit. Mr. Graham said that the ordinance to be advertised would stay as drafted for the public hearing April 20.

Mr. Boyd stated that developers have expressed concern to him that they have to build interconnections to property lines before the adjoining property has even been rezoned. He wondered if simply designating the right of way would be sufficient.

Mr. Graham said that there is a waiver provision – up to the Planning Commission – that allows discretion on what could be built, and would allow escrowing with the county the cost of completing that road to the property line.

Mr. Davis corrected him, noting that it is an administrative waiver. He also explained that there are two parts to the interconnectivity requirements: coordination of the interconnections that looks at where they should be as they align to adjacent property and building the road. If a developer feels that what's being required for coordination is more than what they need to do, there's a waiver process from the Planning Commission. He noted that the ordinance says to build the road as far as it makes sense, and administratively you can be granted a waiver not to build beyond that.

Mr. Graham stated that there is still a fundamental issue with BRHA regarding the required inter-parcel connection, as to whether they are effectively being required to promote development of the adjoining property, creating value with the adjoining property.

Mr. Rooker expressed dismay at the thought that developers would worry about the fact that you may be enhancing somebody else's value slightly by having to plan for a road connection.

Mr. Dorrier mentioned that many developers worked together on the Hollymead Town Center.

Mr. Rooker noted that Don Franco expressed concern that building his road would enhance the value of Wendell Wood's neighboring parcel.

Mr. Graham emphasized that the developers' chief concern seems to be building something that's going to provide value to somebody else. He noted that developers have to build their road section anticipating additional traffic from the adjoining parcel.

Mr. Davis noted that many of these streets will be internal to development as opposed to external accesses to public roads. He emphasized that topography would likely limit the number of access points, anyway. We don't view that to be as big of an issue as the development community may think it is.

Mr. Rooker said that you'd almost have to have a pipestem development for it to come into play – two or three pieces of property stacked up using the same public road access, the back parcels accessed through the front parcels. He added that if they are all on the public road, this issue doesn't arise, except internally. The idea of bestowed value on internal connections is not nearly as significant as if you have a pipestem-type development."

Mr. Davis added that a grid system will even out the traffic volume so that it does not impact one particular street.

Mr. Wyant commented that there would be a sign put at the end of these roads.

Ms. Thomas said that we've been doing that for years.

Mr. Davis stated that for roads that aren't extended to the property line, people would be put on notice that this isn't their side yard.

Mr. Wyant mentioned that the two developments in Crozet might not achieve connection.

Mr. Davis said that when he lived in James City County, streets were dedicated to the property line. If the developments adjacent built out without connections or designs changed, the right of way

would be vacated and returned to the adjacent property owner. But, that is a decision you make in the future once the development pattern has been assured.

Mr. Rooker noted that sometimes it's difficult to make the connection if it's planned in advance.

Mr. Dorrier said that the last issue related to the Subdivision Ordinance is the Neighborhood Model, noting that developers have commented to him that that's the only model the county is pushing at this time.

Mr. Rooker commented that there is nothing in the ordinance that requires that model to be imposed on every development.

Mr. Boyd said that there is a perception among staff to start with it.

Mr. Rooker responded that the Board adopted a Comprehensive Plan that includes the Neighborhood Model. We adopted ordinances that embody the Neighborhood Model. Staff has basically analyzed development proposals and shown us how they meet or don't meet the Neighborhood Model. Ultimately, the decision about what we do is up to us. He added that the county is looking to have sidewalks, curb and gutter, and some open space in developments, but how all that fits together is up to the Board.

Mr. Boyd commented that developments were not being approved because they did not meet every criteria in the Neighborhood Model.

Mr. Rooker emphasized that staff has recommended a number of rezonings that don't meet all of the 12 principles of the Neighborhood Model, adding that staff has recommended approval of many rezonings that are not mixed use, which is one of the primary components of the model.

Mr. Davis said that the Subdivision Ordinance doesn't require the Neighborhood Model to be built, but addresses the model primarily when private streets are involved. He added that the ordinance requires urban designs for small-lot subdivisions in the growth areas, and that has some overlap with the Neighborhood Model. He added that the existing zoned property that has by-right development would have to comply with the Subdivision Ordinance, and properties that are up for rezoning may or may not be considered under the Neighborhood Model standard.

Mr. Boyd stated that the development community states that the Neighborhood Model is encouraged to the point that it is easier for them to build in the rural areas.

Mr. Dorrier said that developers will move to other counties because of high land prices.

Mr. Rooker mentioned that it is hard to find lots in the downtown area, and the county has decided that they want to try to create a good form of development in the urban areas, so that people will want to live there. He does not know how you get there without requiring some kind of form of development as you go along. We do have a plan of trying to make those areas desirable places to live, like Crozet.

Mr. Bowerman brought up Belvedere, Hollymead Town Center, and Pantops as great examples of how the Neighborhood Model is working.

Mr. Rooker commented that he has not seen people running away from the development areas at this point. In fact, we've got more large developments that have been approved than he can ever remember.

Mr. Dorrier asked if the existing ordinances are "broken" as he feels there are already good housing options.

Mr. Bowerman noted that several years ago, 85 percent of the homes were built in the rural area, with 15 percent in the urban area; now it's 50 percent to 50 percent. He brought up Forest Lakes as an example of a neighborhood built at that time.

Mr. Boyd stressed that Forest Lakes would not be approved today under the Neighborhood Model.

Mr. Rooker disagreed, stating that that development embodies many Neighborhood Model principles. He does not think they would have not built it had they been required to put sidewalks in. It's got commercial within a walkable distance. It has recreational facilities within the community. If that came before the Board today, you'd see a lot of the criteria met.

Mr. Boyd said that if a developer came through with a Forest Lakes proposal today, the builders' perception is that it would never be approved.

Mr. Rooker said that the Kessler Group has proposals for a Neighborhood Model type development. He said that the North Pointe housing development is a mixture of detached and attached, similar to Forest Lakes, with a school proposed. He thinks if you look at any community that has become more urban, you see them going in that direction because people don't want to live in highly dense areas without having some amenities.

Mr. Boyd stated that he would like to see a high buy-in from the development community.

Ms. Thomas responded that the only two things the developers are objecting to are the overlot grading plan and the interconnectivity. To go back to the whole issue of whether the Neighborhood Model is the only model, as a group, at least, they're not even discussing this. She added that if the development community comes up with alternatives to the two outstanding issues, the Board will listen to that.

Mr. Boyd asked how the ordinance would be implemented.

Mr. Graham responded that he would like to see the ordinance become effective 60 days after adoption, because preliminary plans are approved within 60 days, and this would avoid anyone having a preliminary plan in the pipeline prior to adoption of the ordinance. He said that if a preliminary plan were submitted after the adoption, they would have to comply.

Mr. Boyd asked if North Pointe has an overlot grading plan.

Mr. Graham responded that they did have one, which the county could require as a condition of a special use permit.

Mr. Davis reported that under state law, any plat that has preliminary approval would be valid for five years and would be grandfathered from any change in the ordinance under vested rights. There's a possibility there will be some development that will not be required to meet these requirements over the next few years because they already have preliminary plat approval.

Mr. Rooker pointed out the definition of Rural Subdivisions, which states that each lot created is five acres in area, and asked about two-acre lots. He asked how this interacts with lots that are less than five acres.

Ms. Echols replied that if the lots are less than five acres, it becomes a regular subdivision, which is actually how it's handled now.

Mr. Rooker mentioned that there is a provision for an administrative waiver, just as overlot grading.

Mr. Dorrier asked how the waivers work. Mr. Graham said that he believes administrative waivers are fairly routine.

Mr. Tucker said that there is often discretion used in granting the waivers, because not every detail can be predicted on site ahead of time.

Mr. Rooker stated that there are a lot of circumstances in which the overlot grading requirement will be needed, but there will also be situations where the waiver is appropriate.

Mr. Wyant said that in his engineering experience, the waiver system has worked very well.

Ms. Thomas asked about Family Subdivisions being held on for two years, and said the Board hears from the public that that is often an abused provision in the law.

Ms. Echols replied that in the Rural Areas discussion, there will be some ordinance amendments that relate to implementation of the Comprehensive Plan – Rural Areas section.

Ms. Thomas asked if sufficient innovation is built into the ordinance for rain garden drainage.

Mr. Graham responded that by policy, stormwater management facilities on private lots in the development area are disallowed, as they have a long history of problems.

Mr. Davis mentioned that there are a number of sections that have been fine-tuned, and said that staff will proofread the ordinance again and make non-substantive changes, to be ready for the April 20th public hearing. He said that this is primarily the ordinance that the Planning Commission has seen.

Mr. Rooker commented that any additional feedback could be received prior to that date.

Agenda Item No. 19. From the Board: Matters not Listed on the Agenda.

Mr. Tucker presented a resolution to the Board from VaCo and NaCo asking Albemarle to support the Community Development Block Grant Program, as there is great concern that program will be eliminated. They have asked that copies be sent to Senators Warner and Allen and Congressman Goode,.

Motion was made by Ms. Thomas to adopt the resolution as presented. Mr. Bowerman **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

AYES: Mr. Dorrier, Mr. Rooker, Ms. Thomas, Mr. Wyant, Mr. Bowerman and Mr. Boyd.

NAYS: None.

RESOLUTION

Whereas, the Administration's fiscal year 2006 budget has proposed the elimination of the Community Development Block Grant (CDBG) Program, a federal program which provides urgently needed funds in Albemarle County for important infrastructure, community improvement and housing projects; and

Whereas, CDBG funds were successfully used in the early 1990's to develop the infrastructure for Crozet Crossings, a housing development that provided 30 affordable units purchased by low- to moderate-income families; and

Whereas, because of CDBG funds, Albemarle County was able to help construct the Park's Edge Community Center which offers a daily after-school program, computer lab, and meeting space for resident activities; and

Whereas, because of the CDBG program, the Porters Road/Yancey School Neighborhood Revitalization Project was completed, a project that received a 2003 Virginia Housing Award for Best Housing Development; and

Whereas, the CDBG program creates successful partnerships of federal, state, and local governments, businesses, non-profits and community efforts, including a more than twenty year working relationship among Albemarle County, the Virginia Department of Housing and Community Development and Albemarle Housing Improvement Program; and

Whereas, hundreds of families and several communities in Albemarle County have benefited from activities funded in part with Community Development Block Grant funds over the past twenty years; and

Whereas, Community Development Block Grant funds were critical in leveraging other public and private resources to improve the lives and living conditions of County residents; and

Whereas, funds for these kind of urgently needed projects are not and will not be available from any other federal, state, local, or private source;

Now, Therefore, Be It Resolved, that the County of Albemarle opposes the proposed elimination of the Community Development Block Grant Program; and

Further Resolved, that the County of Albemarle hereby respectfully requests that Senator/Representative (John W. Warner/George Allen/Virgil Goode) support maintaining the CDBG program at the U.S. Department of Housing and Urban Development and a \$4.7 billion appropriation for the CDBG program for fiscal year 2006.

Ms. Thomas reported that the Board meets tomorrow at 9:00 a.m. with City Council and the Rivanna Water and Sewer Authority, and wanted the Board to discuss what they would like to get out of the meeting. She expressed concern that some aspects of the long-range decision-making aren't driven by regulators, but are driven by the county's own land use decisions and economic development concerns, and quality of life aspects. She wants to make sure that we make the decision about the long-range planning of our water supply just as we make other decisions for our community.

Mr. Dorrier asked if the county's interest was the same as the city's. Ms. Thomas responded that it would be helpful to find that out tomorrow.

Mr. Tucker said that RWSA is having the meeting to provide more information to the city, the county, and the service authority.

Mr. Rooker said that a long list of questions from the RWSA has been circulated, and additional questions have been submitted. He explained that he is not going into the meeting with the impression that a decision on the water supply will be brought forth, but rather to have the many questions answered. Mr. Rooker expressed an interest in eventually having a unified plan emerge from this and other discussions, adding that he hopes the meeting will provide an opportunity to work toward a solution that is good for both communities.

Ms. Thomas mentioned that if a Board decision could be made about the Ragged Mountain Reservoir dam, such as keeping the reservoir and building a dam downstream that raises the level 13 feet, that would take off of the table the July 1st deadline, and then other studies could have time to be completed. She emphasized that making that decision would relieve the pressure of the July 1 deadline, noting that the dam safety division of DCR is forcing RWSA to make a decision because of several years of extensions.

Mr. Boyd asked about the other studies. Ms. Thomas replied that The Nature Conservancy is doing an instream flow study that they have outside funding for, and that won't be ready until the end of the year.

Mr. Rooker said that the dam situation should be discussed tomorrow, along with the 12-million gallon starting point for water need, noting that there is a question on the demand side. He added that

there is a question about supply not being included, such as Beaver Creek and Chris Greene Lake. Mr. Rooker stated that whatever the 50-year need is, a solution must be developed to satisfy that number. He said that building Ragged Mountain dam higher might satisfy the entire need, and perhaps capacity could be added as needed.

Mr. Boyd expressed concern about the RWSA Board structure, as he would like to see representation similar to the Transportation Board and MPO. He added that he would also like to discuss the decision-making process, and go back and define "what we'd like to do."

Mr. Tucker said that it's not just Rivanna. We're all under certain regulations ourselves that we have to go and have a long-range plan, and the 50-year plan is what we're under right now. He added that that would be discussed tomorrow.

Mr. Rooker stated that while demand might be satisfied incrementally, a long-range plan to satisfy demand is required.

Mr. Davis pointed out that the amount of that demand is subject to federal approval, and they determine whether those demand projections are acceptable as part of their review process.

Mr. Boyd commented that it's not clear in his mind of how the plan would be approved, asking what the process is to be followed.

Mr. Tucker explained that his approach has been not to vote on anything as a Rivanna Board member without Board of Supervisors direction. That's why Rivanna has tried to structure this so that you all are more involved in this than maybe you've ever been in any of it before. He added that maybe the plan and process have not been set out yet, and the first step is answering those questions previously circulated.

Mr. Rooker said that the process before was: Rivanna recommended a plan, which went to City Council and Board of Supervisors for approval. He stated that the process would probably be similar this time, with both entities having veto power.

Mr. Davis pointed out that whatever project is chosen, the Board of Supervisors has to determine that it is consistent with the Comprehensive Plan.

Mr. Tucker said he does not know that Rivanna is going to have a real good consensus on those alternatives, either in the city or here.

Mr. Rooker stated that there are fundamental issues to be decided before a final decision can be made, such as adjusting the demand equation and available sources. He added that the process is more difficult because it must be approved by federal regulators. If we're looking at options from counsel that has expertise in this area, then he thinks they need to let us know whether or not we are looking at any options that are unlikely to be approved if they go to the regulators. If they are then we need to take that into consideration.

Mr. Boyd asked if the decision is made by RWSA or the Board.

Mr. Rooker said that the Board must approve a plan, along with City Council. Mr. Tucker has indicated he won't vote until he gets instruction from the Board. He said that part of the decision making will come from what role the Board wants RWSA to play, noting that they are part of the process of overseeing what options are recommended and eventually chosen.

Mr. Davis emphasized that the ultimate dilemma for Rivanna would be if the Board chose an option that is not approvable by the regulatory process. That's going to create a dilemma for them because they will want to do your wishes, but that may mean going through a very long and expensive regulatory process and getting a project denied.

Ms. Thomas said she had suggested that regulators should meet with the Board and City Council.

Mr. Boyd stated that 20 options have been narrowed down to 4.

Mr. Tucker commented that many of these questions will be answered tomorrow.

Mr. Rooker reported that there is enabling legislation that permits counties to adopt separate tax classifications for qualifying solar energy and recycling equipment, facilities, or devices. He said that a Planning Commissioner (Bill Edgerton) suggested that the Board look into adoption of an ordinance to offer property tax breaks for those who enlist those measures.

Mr. Davis explained that it covers machinery or equipment which is certified by the Department of Waste Management, and is integral to the recycling process and for use primarily for the purpose of abating or preventing pollution of the atmosphere or waters in the Commonwealth, or certified solar energy equipment certified by the locality that is designed and used to provide solar energy. He said that there are a handful of jurisdictions that have these types of incentives on the books, noting that Richard Wiggins has offered to gather more information from localities if the Board is interested.

Mr. Wyant asked if it would cover green roofs. Mr. Davis replied that he would check, but didn't think it would cover them.

Mr. Boyd commented that if it would take a lot of staff time, it might not be a priority right now.

Mr. Davis said that it would not require a lot of legal staff time, but the Finance Department would have to spend time evaluating the facilities and determining their eligibility for the tax break.

Ms. Thomas noted that she would like to find out if this applies to industrial facilities or residential homes.

Mr. Davis said that whatever the cost of the improvement would be, the tax rate would be applied to its value as an offset to what the tax would be otherwise and used as a deduction, effectively a "tax credit."

Ms. Thomas mentioned that the finance part of it tends not to be a time-intensive process, but asked to consider the administrative time required.

Mr. Rooker commented that as an environmentally friendly community, the incentive is worth taking a look at.

Mr. Rooker distributed some letters from Virgil Goode in response to the Chairman's letter on federal tax legislation proposed to eliminate the tax benefit for conservation easements. Mr. Goode said that he would oppose any efforts to eliminate that benefit.

Mr. Rooker mentioned the proposal for Lake Anna's additional nuclear reactor by Dominion Power, and asked if the Board should weigh in or not. He noted that the decision might have implications to the Albemarle community in terms of radiation safety or possible terrorism strikes.

Ms. Thomas noted that she and Mr. Wyant sit on the Planning District Commission, and they can make comments on environmental issues such as this. It's not a real powerful tool, but it is some means for input. If Board members want to forward any comments, they would present them at the Planning District's next meeting.

Agenda Item No. 20. Adjourn.

With no further business to come before the Board, at 5:45 p.m., **motion** was offered by Mr. Boyd, **seconded** by Mr. Wyant, to adjourn this meeting until March 3, 2005, 9:00 a.m., COB-5th Street.

Roll was called, and the motion carried by the following recorded vote:

AYES: Mr. Dorrier, Mr. Rooker, Ms. Thomas, Mr. Wyant, Mr. Bowerman and Mr. Boyd.

NAYS: None

Chairman

Approved by Board
Date: 08/04/2005
Initials: DBM