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# THE RURAL AREAS



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ALBEMARLE COUNTY COMPREHENSIVE PLAN

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# CHAPTER FOUR

## THE RURAL AREAS

### INTRODUCTION

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#### 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,

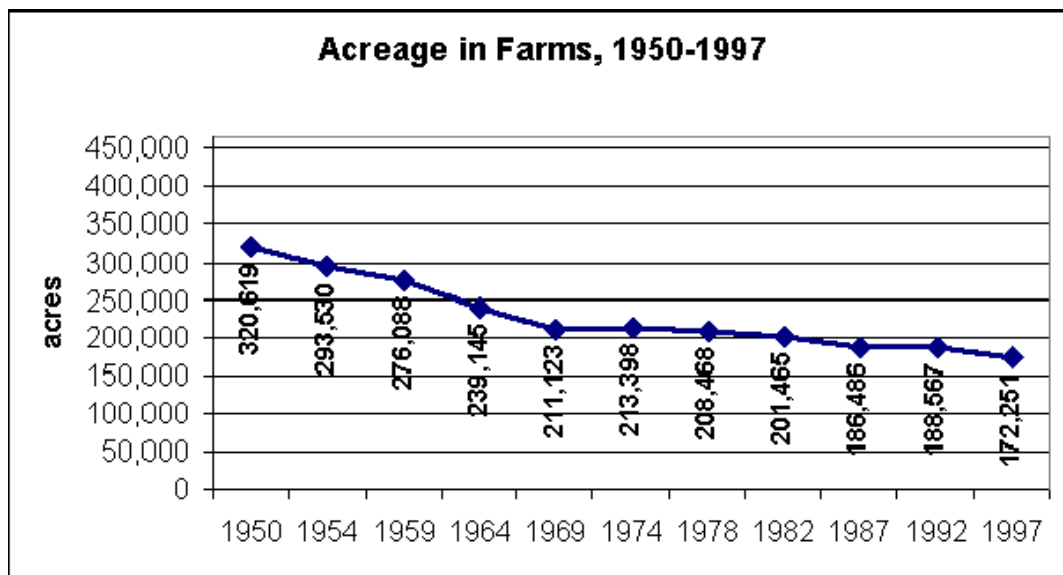
are largely characterized by suburban residential development. Commercial zoning districts within the Rural Areas included 274 acres in existing commercial or industrial uses and another 729 undeveloped acres.

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.

| <b>Comprehensive Plan Area</b> | <b>Annual Growth Rate, 1993-2000</b> |
|--------------------------------|--------------------------------------|
| 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

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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

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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.

### 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:

1. Protect natural, scenic, and open-space resources (Natural Resources and Cultural Assets p. 7)
2. 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/Forestal 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:

1. 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.
2. 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.
3. Acquire a stable funding source for the ACE program
4. Acquire independent legal assistance for ACE and the Public Recreational Facilities Authority to avoid any conflict in interest between the County and easement holders
5. Promote and support Agricultural and Forestal Districts, including assisting the

Agricultural and Forestal District Advisory Committee in its legal and policy-related duties

6. Increase the County's capacity to monitor the use of land under easement and ensure adherence to the terms of easements.
7. 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

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## 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/forestral 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<br>RPD ACTIVITY |              | 1993<br>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.

| <b>Rural Areas Subdivisions, 1999-2002</b> |                              |                      |                                 |
|--|------------------------------|----------------------|---------------------------------|
| <b>Lots Created per Application</b>        | <b>Applications Approved</b> | <b>Lots Approved</b> | <b>Percentage of Total Lots</b> |
| 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%                            |
| <b>Grand Total</b>                         | <b>319</b>                   | <b>697</b>           | <b>100.0%</b>                   |

### **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

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## 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

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**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.