

Fluvanna County A-1 Zoning District Review
Public Input Form
March 2010

Should preserving and enhancing Fluvanna's unique identity and rural character be a major goal of the County as stated in the Comprehensive Plan? Why or why not?

Yes. Open space, agricultural and forestal lands are being developed at alarming rates. Protection of these resources benefits the public in general and has many environmental benefits as well.

What does rural preservation mean to you?

Low population density and primary land use being open space agricultural and forestal.

Division Rights - What is appropriate?

Probably five divisions per parcel would work well. I believe the five divisions with a minimum lot size of two acres with a 25 acre minimum after the first 5 divisions would be appropriate.

Minimum Lot Size - How small should lots be?

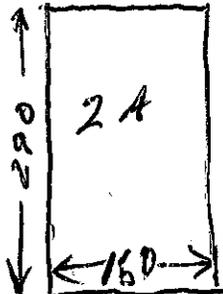
2 acres

Setbacks (front, rear, sides) - How far from roads and lot lines should a house (or other structure) be?

Side 50ft
rear 40ft
front 100ft

Road Frontage / Lot Width - How wide should a lot be at a minimum? How much road frontage should be required?

150ft.



Rural Cluster Regulations (See Rural Cluster Issues display)

Density: Probably one dwelling unit per 20 acres would go a long way to protect the natural preservation area, including agricultural and forestal uses.

Open Space Ownership:

Open space systems work well within planned developments. They should be owned by thoughtfully established homeowners associations with sufficient funding to achieve intended uses.

Open Space Location (arrangement):

Location should be based on intended use. Example stream corridor protection recreational use etc.

Open Space Uses (utilities, community, etc.):

Open space should be for the benefit of the owners of the subdivision. Open space systems should be protected by deed restrictions or in permanent conservation easements to entities such as VA Outdoors Foundation.

Major Subdivisions must Cluster: Major subdivisions should only be allowed in Rural Residential areas. Appropriate densities should be established (1 du / 5 acres) and clustering should be required.

Number of Dwellings allowed on one parcel:

One unit per parcel

General Comments

Please share any other thoughts you might have regarding the A-1 zoning district, this process, other land use tools the County should focus on such as TDRs (Transfer of Development Rights program), cash proffers (minimum cash amount paid to offset impacts from development), the provision of central water and sewer systems to areas of the county, and so on.

Lots fronting on state primary or secondary roads should be discouraged. These roads are not intended to be utilized as subdivision streets. Lots fronting on a primary or secondary road should be at least 10 acres with a minimum frontage of 600-700ft. Transfer of Dev. Rights would be great if it could be administered properly and have a viable market in the target area. The economics are problematic given the high cost of development.

Central Water and Sewer including ^{only} privately owned systems should only be allowed in the Community Planning areas. No central systems in the Rural Preservation areas.

The creation of a subdivision (greater than 2 lots) should require a new internal street, either public or private but if private to be constructed to VDOT standards.

Please reply by March 18, 2010 to:
Fluvanna County Department of Planning & Community Development
132 Main Street, P.O. Box 540
Palmyra, VA 22963

or

You may send comments to: bphillips@co.fluvanna.va.us

Fluvanna County A-1 Zoning District Review
Public Input Form
March 2010

Should preserving and enhancing Fluvanna's unique identity and rural character be a major goal of the County as stated in the Comprehensive Plan? Why or why not?

Yes, Fluvanna's rural character absolutely should be preserved. It is the single best distinguishing feature the county possesses. Once it's gone, it's gone for good and Fluvanna will become like every other bland bedroom community filled with subdivisions. Moreover, a majority of residents in the county's 2006 Planning Issues survey strongly supported rural preservation, to the extent that nearly half (49%) were willing to give up potential property value, if need be, to retain rural preservation.

Rural preservation is important for other reasons:

- 1) It helps keep taxes down, unlike higher-density development that demands costly infrastructure and services.
- 2) True rural preservation helps the county achieve the goals in the "Financial Sustainability" chapter of the Comprehensive Plan by having a more positive impact on taxpayers than high-density residential development.
- 3) One acre of forest absorbs six tons of carbon dioxide and releases four tons of oxygen, enough to meet the needs of 18 people, according to the U.S. Agriculture Department. All the more reason to preserve Fluvanna's rural areas.

What does rural preservation mean to you?

Lots of trees, forests, woods, farms, agricultural enterprise and activities – not suburbia, not subdivisions, not curbs and sidewalks, not Fairfax. Rural clusters are not rural!

Division Rights – What is appropriate?

Any investment is a gamble. Why should real estate investors or landowners in particular deserve a guaranteed return? Stocks undergo splits and reverse splits all the time, companies merge with other companies, and investors lose money or see the value of their stock diminished in the process. Every time the county permits spot-zoning, somebody's property value goes up or down. When the county lets a shooting range or a mud bog spring up next to someone's house or development, that property almost certainly loses value. When the FCC doles out spectrum licenses or a state government changes standards that make certain companies' equipment investments obsolete, somebody loses money because of a government decision.

The idea that somehow large landowners should have their real estate investment guaranteed seems a bit narcissistic and out of sync with the rest of the world. Carried to its logical conclusion, claiming that government can't tinker with "division rights" resulting from some 1970s ordinance effectively would mean that no local law or ordinance could ever change once put into place because somebody somewhere made an investment based on those rules and could

stand to lose money. To maintain that rules and laws established by the county at some point in its history should never change would make community planning impossible and prevent Fluvanna from adapting to new conditions such as technology, growth trends, pressure on resources and spiraling taxes caused by growth, etc.

Minimum Lot Size – How small should lots be?

No more than one unit for every five acres in the Rural Preservation areas. This is in line with the revised Comprehensive Plan, which, under Rural Preservation areas, states that “In general, development should strive to maintain a very low density (e.g. less than one unit every five acres), in order to maximize the opportunity for continued preservation of farms and open space.”

Setbacks (front, rear, sides) – How far from roads and lot lines should a house (or other structure) be?

In the Rural Preservation areas, homes should be separated from each other and set back from the road as far as possible in order to preserve rural character. The setbacks on my 4-acre lot, which I consider pretty ideal, are about 330’ front, 125’ rear, 125’ sides. Those setbacks enable the lot to maintain a rural presence. Therefore, I believe setbacks should be at least as generous as those currently stipulated by the county. In addition, the county should do more to require buffers, such as large stands of trees, between residences and the road to preserve the rural viewshed.

I live in a small subdivision in the Rural Preservation Area that I think is pretty ideal. The homes are mid-range in price – no mansions or anything. There are a few smaller lots, but most are 4 to 12 acres. People have lots of privacy and homes are separated by large expanses of trees. The houses are not clustered and everybody here loves the fact that they are not. It’s like we all live in our own little private park without being rich. I don’t know what the formula is, but someone designed this pretty well. My home is about 330 feet from the road, with mostly trees between the house and the road. Because of the long setbacks and the preservation of trees (enforced by covenant) on each lot, a rural-looking landscape is largely preserved despite the fact that there’s an 18-lot subdivision here. This not only is great for the people who chose to live here because they wanted a rural setting but it also helps retain the rural character of the county.

Rural clusters, because of their mass, should have bigger road setbacks – at least 350’. Such developments also should have, as a minimum, 75 feet of vegetative buffer between the primary road and structures to enhance the rural environment and screen the development.

Road Frontage / Lot Width – How wide should a lot be at a minimum? How much road frontage should be required?

Lot width – 275 feet at a minimum. Current county road frontage standards seem fine.

Rural Cluster Regulations *(See Rural Cluster Issues display)*

Density: In the county's community planning survey, nearly 57 percent of respondents felt the county should mandate lower density in the rural areas. I agree. I believe the density should be no more than 1 unit per 5 acres. Large-lot subdivisions should be allowed. The fact that they aren't is a major defect in the current ordinance. Large, suburban-style subdivisions should not be allowed because they are not consistent with the Comp Plan, they are not a fiscally sustainable residential model in the rural areas, and their very size can overwhelm or compromise natural, rural resources.

Open Space Ownership:

Open space should be owned by the homeowners, not by a third party except in the case of the farmer who wants to remain on his or her land (but the terms of that need to be more carefully constrained – see below).

Open Space Location (arrangement):

Loopholes in the use of open space have allowed developers to circumvent the county's intent. Houses should not be close to the road with the open space in the back. The open space should, as much as possible, buffer the houses from the road.

Open Space Uses (utilities, community, etc.):

If the open space is a required adjunct of the subdivision, it shouldn't be a "false common area" – a separate property that residents can't even step on. Currently, open space that's part of a subdivision and abuts residents' homes can be used as a pig farm or a timbering operation, for example. That might not be what people have in mind when they buy their homes and are told the nice treed area or greensward out there is their "open space," then find out later what that really means.

I do, however, feel that a farmer who subdivides should be able to remain the owner and sole user of most open space as long as new residents of the subdivision understand that the open space that is a required part of the subdivision is not theirs to use. However, I don't think that ownership of the open space should be transferable from the farm to any other kind of use or operation except to the subdivision residents themselves.

If a homeowners association owns the open space, use of the space ought to be determined by the will of the residents themselves. If they want a community garden, fine. If they want a pond, fine. If they want a riding stable, fine. As long as the use is consistent with rural character.

Since centralized utilities should not be permitted in rural clusters, there is no need to place utilities in the open space. The utilities for each lot should be placed on that lot. This eliminates any potential responsibility of the county to step in and rescue a large development with a common system that fails.

Major Subdivisions must Cluster:

Major subdivisions should not be permitted in the Rural Preservation areas, only in designated growth or residential transition areas.

Number of Dwellings allowed on one parcel:

Depends on the size of the parcel. I think the most important stipulation is density of no more than 1 unit per 5 acres.

General Comments

Please share any other thoughts you might have regarding the A-1 zoning district, this process, other land use tools the County should focus on such as TDRs (Transfer of Development Rights program), cash proffers (minimum cash amount paid to offset impacts from development), the provision of central water and sewer systems to areas of the county, and so on.

The fact is, that as long as “by right” development is allowed in 95 percent of the county, as long as developers in A-1 don’t have to apply for rezoning, the A-1 community meetings and all the information you collect from these forms won’t amount to a hill of beans. You will never be able to plan. Developers will do our planning. The tail will continue to wag the dog. Land investors and developers will make money at taxpayers’ expense, and taxpayers will have no say over the biggest single factor that makes their taxes go up. Developers will force us to build more and more new infrastructure and provide new services for developments, never mind whether we can afford this or not. No matter how much you try to entice developers to the growth areas, they’ll continue to build ghettos in the meadows in the rural areas because they can and because it will be cheaper. And all the work, time and thought that went into the Comprehensive Plan will have been an exercise in futility.

Central water and sewer systems: Such systems should not be permitted in the Rural Preservation areas because they are designed to enable the very kind of large developments that the county does not want in the rural areas.

Cash proffers: Consistent with the Comp Plan’s financial sustainability chapter, growth should pay its own way. New real estate developments should not be financially injurious to existing taxpayers. Cash proffers, impact fees and level-of-services standards should protect taxpayers, promote financial sustainability and assure that new developments are revenue-neutral in their impact on the county.

TDRs: A great idea. But in a state that tries to be so hospitable to free enterprise, Virginia seems oddly restrictive in this area. There should be more flexibility allowed so that a broker can buy up or bank development rights just as you now can buy up mineral rights, drilling rights or domain rights and resell them. One solution to the issue of “loss of division rights”: make it attractive for landowners to sell the division rights that can no longer be exercised on their particular piece of property. This would be particularly appealing if desired growth-area densities could only be achieved by purchasing division rights from landowners in rurally rezoned areas.

Darren Coffey

From: elizabethfranklin@earthlink.net
Sent: Saturday, March 20, 2010 11:51 AM
To: Darren Coffey
Subject: A-1 Addendum on Road Frontage

Hi, Darren:

I want to add a thought about road frontage in A-1. On my form, I specified a desired number of feet for road frontage. One of the things, though, that makes our little subdivision work so well is that a few properties don't have much road frontage at all. These properties have just a little road frontage, enough for a driveway and the requisite footage alongside it. They have long driveways and lots that flair out at the end of the driveways and sit far back off the road. The effect is that these lots alternate with lots that are a little closer to the road so that houses aren't all in a row, creating more privacy and leaving big stands of trees. Instead of rectangle after rectangle of lots following the same line, you have more of a scattered effect. I think this creative use of road frontage to design lots should also be allowed in A-1.

Thanks for inviting citizens' thoughts on all this.

Elizabeth

As the county seeks to bring the A1 zoning ordinance into line with the Comprehensive Plan, current strategy is to examine ordinance language without looking at uses permitted by right or by special use permit. For most purposes, this approach is fine. However, it is not productive to consider questions of land use and density without also examining certain permitted uses. The key to effective land use and density management lies, not in the basic language of the ordinance, but in the permitted uses. Specifically, development of major subdivisions by right must be addressed.

The only way to effectively manage growth in Fluvanna County is to **remove major subdivisions from the list of uses permitted in A1.**

Currently, major subdivisions are permitted by-right as “Rural Cluster Developments” a use that appears, for some reason, under the rubric “Miscellaneous Uses” rather than under the more logical heading “Residential Uses.” The fact is, however, that it should not appear at all. So long as major subdivisions – clustered or otherwise – are permitted by right in the A1 zoning district, the county will have no say over growth patterns and will continue to suffer the urban sprawl presaged by the approval of such undesirable projects as Southern Pines and Central Meadows.

First, consider the problems of management of growth and control of sprawl. Permitting major subdivisions by right, short circuits all county attempts to direct residential development into planned growth areas and divert it from rural preservation areas. When a development may be put in place by right, the Fluvanna Planning Commission may supervise it only to the extent that it must conform to existing standards, which are minimal, for sound design and public safety. Beyond that, any subdivision that satisfies clustering requirements – maintaining 75 percent of the included property as open space, observing wetlands and slope restrictions and satisfying primitive requirements imposed by VDOT -- can go ahead. More important, County Supervisors, the officials that citizens elected to make decisions about such vital matters as growth, have no opportunity at all to review rural cluster subdivision proposals.

Among the ramifications of existing ordinance permissions is that Fluvanna’s hard-earned Comprehensive Plan provisions bear no weight whatsoever. No official body can even ask the question, “Does this proposed subdivision comply with the Comprehensive Plan,” because no official body has review authority at that level. Large rural cluster subdivisions can be developed in rural areas, where our Comp Plan calls for little growth. Conversely, rural clusters with their relatively low density of one unit per two acres, can be located in designated growth areas, where our Comp Plan envisions high densities. What is the point of having a Comprehensive Plan if it cannot be among considerations for growth and development in 95 percent of the county?

Second, consider the costs that may be incurred by the county as a result of unplanned major subdivisions currently permitted. By-right rural cluster developments may be situated anywhere in the county that suits a developer. They may be of any size permitted by density restrictions. That means that the county must provide services to far-flung, relatively isolated locations. If and when the Central Meadows subdivision already approved is built, our school system will need four additional buses and drivers to serve its children. Fluvanna also will need additional police and fire services to ensure safety among 430 new residences.

From a cost standpoint, it also is important to note that a proffers policy – assuming Fluvanna ever adopts one – may not apply to by-right cluster subdivisions. Although at least two Virginia counties collect proffers from by-right developers, their legal grounds for doing so are not clear. A court decision will be needed to clarify this point. In the meantime, it is likely that Fluvanna will not attempt to collect proffers from these developments. Assuming we adopt a proffers policy similar to one proposed by staff two years ago, development in growth areas, where rezoning may be needed, will cost a developer about \$11,500 per residential unit in cash to the county. Because no similar proffer will be requested of a by-right rural subdivision developer, development costs will be \$11,500 per unit lower in a rural area. That would be a powerful incentive for growth in rural areas, rather than in designated growth areas. It would create similar incentive for rural cluster development in designated growth areas. Neither of these outcomes would be desirable.

The cluster development concept creates additional incentives for so-called rural cluster development. Chief among them is the fact that developments of this kind are much cheaper to build than are such growth-area projects as PUDs. These developments require no curbs or sidewalks, no interior landscaping, no lighting, no water and sewer infrastructure or connection fees, no speculative business development no recreational facilities, no parking, and little or no provision for drainage and similar environmental protection.

It also is true that land costs in rural areas traditionally have been considerably lower than land costs in areas in which high densities are permitted. The cost discrepancy will grow even greater if and when sewer and water infrastructure is available to growth areas. It is reasonable to expect that some developers would rather build less expensive projects on cheaper land than build higher density projects on more expensive land. If those developers also must pay proffers and water and sewer connection fees, their per unit cost for high density development will, in many cases, be higher than the per unit costs for rural cluster developments. This is particularly true under our ordinance as currently written, which permits the developer to sell off the open space portion of his land to a third party. Doing so, allows a developer to recover more than half of his/her land costs and to build at a density that, from a developer's perspective, amounts to six, or possibly eight, units per acre. This is exactly the intention expressed by the developer of the Southern Pines subdivision, which has been approved as a matter of right.

One further point to consider in weighing the possibility of striking major subdivisions from by-right uses in A1 is this: rural cluster subdivisions cost Fluvanna County a lot of money, at least several million dollars a year, in lost tax revenue. This happens because, under current county taxing policy, the acreage of lots in an A1 subdivision may be added together to qualify for the raw land tax rate. Only when a building permit is taken (or when the unsold lots in a subdivision total fewer than 10 contiguous acres) does a lot become taxable at residential lot value. When you consider that a two-acre residential lot will be appraised for tax purposes at \$70,000 while the same two-acre lot added to other lots to total 10 acres or more will be appraised for tax purposes at only \$10,000 (these numbers are based on current assessment values in our part of the county), you can see that the county loses money through aggregation. If rezoning were required before a major subdivision could proceed, each lot could be taxed at residential rates from the time a site plan is approved.

The idea of removing major subdivisions, including rural cluster developments, from Fluvanna's A1 zoning district sometimes meets several technical objections. The one most often expressed has to do with provisions of Virginia Code section 15.2-2286.1 that have not been clarified by the Virginia Supreme Court. Confusion lies largely in the following sentence: "Any such locality shall provide in its zoning or subdivision ordinances, applicable to a minimum of 40% of the unimproved land contained in residential and agricultural zoning district classifications, standards, conditions and criteria for the clustering of single-family dwellings and the preservation of open space developments."

Some local planning commissions have interpreted that sentence to mean that clustering must be available within the zoning districts currently in place. For Fluvanna County, where the vast majority of land is zoned A1, that interpretation would suggest that the A1 district must permit clustered subdivisions. But that interpretation is largely regarded as incorrect. A contrasting interpretation reads that sentence to mean that a zoning category that permits clusters, by right, must be **available** to 40% of unimproved land, not that it must be on the ground. The distinction is subtle, but important. One way, the county must permit development within existing zoning that actually is on the ground. The other way, the county must permit development within zones that could be on the ground if someone applies for the appropriate rezoning. With this second, more legalistic interpretation, we need only create the possibility that someone can apply for rezoning and, if all criteria are met and BOS approves the rezoning, then by-right cluster development can go ahead. Note that the cluster development is by right, but the rezoning is not.

The section of the statute that we are discussing makes it clear that "If proposals for the clustering of single-family dwellings and the preservation of open space developments comply with the locality's adopted standards, conditions, and criteria, the development and open space preservation shall be permitted by right under the local subdivision ordinance. The implementation and approval of the cluster development and open space preservation shall be done administratively by the locality's staff and without a public hearing. No local ordinance shall require that a special exception, special use, or conditional use permit be obtained for such developments. " In other words, cluster subdivisions may be developed, by right, in any zoning category in which single-family residences are permitted. This means that making a zoning district, such as Fluvanna's existing R1, available to owners of land currently zoned A1 satisfies the requirements of this statute. In our current zoning construct, an owner of A1 may apply for rezoning to R1 or any other existing zoning category. We have no need for major subdivisions, clustered or otherwise, in our A1 category.

What is the support for this alternate interpretation of the Virginia Code section? To our knowledge, it was first put forward by the Southern Environmental Law Center. Upon learning of that organization's reading of the law, the Fluvanna Friends of Rural Preservation research committee investigated further. Committee members talked to attorneys and other experts on land use and zoning. Among them were former Virginia Attorney General Bill Broadus, attorney Sharon Pandak, Louisa County environmental attorney Rae Ely and, of course, planning guru Mike Chandler. All of these agreed that the second interpretation, that clustering need not be part of the zoning on the ground so long as it is available, is correct. And when the FFRP research committee reported these results to BOS Chairman Marvin Moss, Mr. Moss responded that he had shown the committee's findings to Cabell Lawton and Lawton had agreed that he, too, understood the statute in that way. Even the one or two lawyers the committee talked

to who did not accept the more liberal reading agreed that this interpretation likely would prevail under Virginia's "Fairly Debatable" doctrine.

Applying the code section in this way would eliminate the need for new zoning districts, such as A2, when major subdivisions are stricken from A1. It also could head off arguments that property values are threatened by the zoning text change because it would make higher density developments available through rezoning. No one would lose development rights. Owners simply would have to go through the process of applying for and winning rezoning before they could proceed with cluster development by right.

Even if this interpretation is not deemed satisfactory, permitting clustering of minor subdivisions in A1 should satisfy the statute. We currently permit minor subdivisions of up to 5 dwellings by right. There is no reason why those dwellings cannot be clustered if developers choose.

Finally, it should be noted that 40% of the unimproved land in Fluvanna County is not very much. That's because most of the county's land either has been subdivided already or is in use for agriculture or silviculture. Subdivided land is assumed, by definition, to be improved. And Fluvanna attorney Fred Payne contends that agriculture and silviculture are industrial uses and must be viewed as improvements. State law seems to support this interpretation. If it is correct, then all acreage currently in land use must qualify as improved and, therefore, not be included in the base from which the 40 percent requirement is calculated.

Having said all this, I also want to address the questions on the A1 survey form.

Should preserving and enhancing Fluvanna's unique identity and rural character be a major goal of the County as stated in the Comprehensive Plan? Why or why not?

The Comprehensive Plan is correct in asserting that a major goal should be to preserve and protect Fluvanna's rural character. The Comp Plan does not do much to achieve that end, but the sentiment is fine. Rural character should be preserved because it is the only feature that makes living in or visiting the county attractive. We have no significant historical sites, no natural recreational features other than a few scraps of river frontage, no institutions of higher education, no convenient access from outside and no position as a stop on a route to someplace else. Without its rural character, this county will become a collection of little boxes in subdivisions housing people who live, work, learn and play elsewhere.

What does rural preservation mean to you?

Rural preservation entails preservation of rural qualities. And what are those qualities? They include the prevalence of forests, farms and fields in the landscape. They also include the absence of large numbers of houses packed close together. Cluster subdivisions, which encourage a large number of houses on a small land footprint, are anathema to rural preservation. As a working definition of the word "rural," I like the one used by the U.S. Census Bureau. That agency defines rural as having population density no

greater than 500 persons per square mile. That works out to a maximum density of one home for every four acres. I like this definition because it is quantifiable and can be applied to any tract of land no matter what its size.

Division Rights – What is appropriate?

The entire concept of division rights is defective. Our citizens are guaranteed possession, use and enjoyment of their land, but a provision of division rights is nowhere to be found. I think we should forget the idea of division as a right and permit division only to the extent that it furthers and does not hinder the larger goals of the community.

Minimum Lot Size – How small should lots be?

If we forget the concept of division rights, this question becomes moot. Lots should be exactly the size of existing parcels as they are right now. Creating any smaller parcels, i.e. lots, should be permitted only when it furthers the general good of the community. That can be determined only through public hearings and careful review of the kind that usually accompanies rezoning. If, however, you are asking for an arbitrary number, I favor the lot size suggested by the census definition of rural. That is, one house for every four acres without any exceptions for clustering of houses.

Setbacks (front, rear, sides) – How far from roads and lot lines should a house (or other structure) be?

I think existing setback requirements are fine.

Road Frontage / Lot Width – How wide should a lot be at a minimum? How much road frontage should be required?

Again, I have no objection to existing standards.

Rural Cluster Regulations (See Rural Cluster Issues display)

Density:

Rural cluster subdivisions larger than 5 dwellings should not be allowed in A1. Minor subdivisions should be permitted density no greater than five units per 80 acres.

Open Space Ownership:

In a desirable construct, the open space would belong to one of the five units that may be constructed in a minor subdivision. In something resembling our current cluster ordinance sections, open space should be owned by those who own residences within the cluster. No third party ownership should be permitted under any circumstances.

Open Space Location (arrangement):

Open space should be so placed as to make clustered houses as invisible from adjacent roadways as is physically possible. Beyond that, open space should be used to create the most pleasant environment and satisfying appreciation of natural features as possible.

Open Space Uses (utilities, community, etc.):

Uses should be limited to those agricultural or similar purposes already in place when the property is subdivided for no more than five dwellings. If larger clusters are to be permitted, open space should be for recreational use and enjoyment of cluster residents with the provision that the space must be maintained in a condition as close to its natural state as possible. That would mean that hiking and riding trails would be permitted but artificial accouterments, such as playground equipment, would not be allowed. Manmade topographical alterations, such as lakes and golf courses, should not count as part of the open space.

Major Subdivisions must Cluster:

Major subdivisions should not be permitted in A1.

Number of Dwellings allowed on one parcel:

Five

General Comments

No centralized water or sewer systems, whether public or private, should be permitted in A1. No alternative or experimental water or sewage treatment systems should be permitted in A1. It's true that state law says the county cannot prohibit these systems, but the law does not require that they be permitted in every zoning category. And the word "centralized" should be defined to mean any system serving more than two connections.

Transfer of development rights is an excellent idea. Purchase of development rights is a poor idea insofar as it involves a government or any agency supported with tax money. Fluvanna County should seek from the state a special code section permitting purchase of development rights by private entities. What ought

to happen is this: A private company buys development rights from the owner of land in a sending area. The purchase is recorded by deed, and the rights become the property of the purchaser to exercise or sell as the purchasing company wishes, provided that the rights may be exercised, either by the original purchaser or by some subsequent purchaser, only in a designated receiving area.

To make this clearer, suppose that I form a company with the purpose of buying and selling division rights. I go to a local owner of a large number of acres located in a sending area and offer to purchase X number of division rights. We agree on a price. I buy the rights and hold onto them for a couple of years. Eventually I find a developer who wants to buy those rights from me for use in a designated receiving area. I sell those rights to the developer for more than I paid for them a couple of years earlier, thus making a profit. The transactions are handled in precisely the same way as are transactions for such things as mineral rights, air rights or water rights. It is not complex, and taxpayers take no risk. A private company is created. The county gets economic development.

Existing state law will not permit this kind of business because the law allows transactions only between the owner of property in a sending area and the owner of land in a receiving area. A third party company would not be permitted as the law now stands.

The county also should consider creating a class of division rights that can be sold but cannot be exercised on the originating property. This would allow a land owner to capture value through the sale of rights but would not allow that owner to divide his own property.

Darren Coffey

From: Andy Wilson [AWILSON@pvcc.edu]

Sent: Thursday, March 18, 2010 7:25 PM

To: Darren Coffey

Subject: Fluvanna Co Zoning

I would like to add my voice to those who favor stricter zoning regulations that prevent large residential developments in land zoned for agriculture or preservation. Thank You.

Andy Wilson
Bachelor of Interdisciplinary Studies
University of Virginia
268 Springtree Lane
Scottsville, VA 24590
434-286-3466

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information or otherwise be protected by law. Any access, use, disclosure or distribution of this email message by anyone other than the intended recipient(s) is unauthorized and prohibited. If you are not an intended recipient (or an agent acting on an intended recipient's behalf), please contact the sender by reply e-mail and immediately destroy all copies of the original message. Virus scanning is recommended on all email attachments.

Fluvanna County A-1 Zoning District Review
Public Input Form
March 2010

Should preserving and enhancing Fluvanna's unique identity and rural character be a major goal of the County as stated in the Comprehensive Plan? Why or why not?

It should be within reason - a balance between the needs of the landowners and those who want areas to remain as rural as possible. The charm and attraction of Fluvanna is in its ruralness.

What does rural preservation mean to you?

It means a balance between the ~~County~~ County remaining rural but also having designated growth areas to help build and sustain a solid economic base.

Division Rights - What is appropriate?

Hanover County 1 lot per 10 acres.

Also, landowners might consider dividing land into mini farms of

25 or 50 acres. Also, consideration should be made to farms as

agricultural related businesses that are green and not obstructive.

At home businesses, artists, herb farms, nurseries, riding academies and

vineyards. Camp Friendship an example. Also Orange County - good model -

Minimum Lot Size - How small should lots be?
1 unit per ~~two~~ 2 acres.

Setbacks (front, rear, sides) - How far from roads and lot lines should a house (or other structure) be? Fluvanna seems reasonable - Orange also.

Road Frontage / Lot Width - How wide should a lot be at a minimum? How much road frontage should be required?

Fluvanna appears to fall somewhere in the middle among the Counties and so far it seems to be working but no less than 150-200 ft.

Rural Cluster Regulations (See Rural Cluster Issues display)

Density: 1 acre lots similar to The Acres at Lake Mystic.

Otherwise models like Fox Hollow and Merry Oaks (1 lot per 10 acres) are ideal as well as Broken Island. Condos and townhouses need to be considered. * Look at Short Pump's new

- townhouse/apt. dev. w/ shops.
Open Space Ownership: Commonly owned.

Open Space Location (arrangement): Depends on the submissions. When I lived in Keene N.H. there was a parcel of farmland that featured condos and small housing dev. All the open space was seen from the road but in the back were walking trails and woods.

Open Space Uses (utilities, community, etc.): Recreational use or paths. Utility easements need to be considered for infrastructure purposes.

Major Subdivisions must Cluster: Look above for current examples in the area

Number of Dwellings allowed on one parcel: NO less than 1/4 - 1/2 an acre.

General Comments

Please share any other thoughts you might have regarding the A-1 zoning district, this process, other land use tools the County should focus on such as TDRs (Transfer of Development Rights program), cash proffers (minimum cash amount paid to offset impacts from development), the provision of central water and sewer systems to areas of the county, and so on.

CO
Wards
+
trails

Here is an example of the subdivision in Keene Valley:



Please reply by March 18, 2010 to:
Fluvanna County Department of Planning & Community Development
132 Main Street, P.O. Box 540
Palmyra, VA 22963

or
You may send comments to: bphillips@co.fluvanna.va.us

KFluvanna County A-1 Zoning District Review
Public Input Form
March 2010

Should preserving and enhancing Fluvanna's unique identity and rural character be a major goal of the County as stated in the Comprehensive Plan? Why or why not?

There is no question in our minds on that score. If you do not abide by keeping the rural character in the county you will eventually end up with row on row of big houses on little yards, and huge townhouses. The character of the county is gone. It just becomes another nightmare of big roads and row on row of houses. This county ,if nothing else is known for being dotted with charming farms . Plus our farmlands are important to all of us, not only for beauty but for supplying food and etc to our people. We should be helping out the farmers to improve their farming practices, not trying to destroy it.

What does rural preservation mean to you?

Keeping the area marked for preservation is just that! Keeping it farmland and being sure that developers do not infringe on this area with huge developments(that can do nothing but make life worse for us)is a must!. We bought property in a "rural preservation" area over ten years ago and have established a farm here. If we had wanted to live in a highly populated area we would have purchased same. We delight everyday in the rural character of this area (we live on Mountain Laurel Road) . Virginia is known for its rural character , and we do not want to see this changed. Though some changes are needed in this county, destroying the quiet countryside is not one of them. Developments in the middle of farms are not compatible to one another.

Division Rights – What is appropriate?

sometimes people want to put an extra home or two on their acreage. Sometimes it is to make room for a family member who will continue to help on the farm. Or perhaps it is for someone who is in need , and cannot live completely on their own , but could use a home of their own. Whatever the reason, I think that the division of the property should be kept to a minimum No developments. If you allow someone to build 15 or 20houses on his land that is in a rural preservation area---how is that preserving anything? Is that not making a mockery of the very term ":RURAL PRESERVATION"? Is that not infringing on the rights of his neighbor to live peacefully in a rural preservation area (which he thought he did live in)?

Minimum Lot Size – How small should lots be?

I really think that 15 acres should be the norm. Some people think ten. But to preserve the rural feel of the area one must space these parcels in an attractive, pleasing manner. The smaller the plot, the less country we have. I don't think any of us wants that.

Setbacks (front, rear, sides) – How far from roads and lot lines should a house (or other structure) be?

I really am not sure. We are quite a few hundred feet off the road-----but sometimes the shape of a piece of property makes that difficult. Along with everything else it must be pleasing to the eye. As much trees as possible should be kept.

Road Frontage / Lot Width – How wide should a lot be at a minimum? How much road frontage should be required?

It depends on the way the property is laid out.

Date: March 17-2010

Shirley M. Oak

Shirley M. Oak

Fluvanna County A-1 Zoning District Review
Public Input Form
March 2010

Should preserving and enhancing Fluvanna's unique identity and rural character be a major goal of the County as stated in the Comprehensive Plan? Why or why not?

Absolutely. The rural character of Fluvanna County is it's main draw. Beauty is frequently underestimated by politicians and businesses. But beauty is an important factor that inspires and contributes to the overall well being of the citizenry. The beauty of a landscape contributes to the quality of life of its people.

What does rural preservation mean to you?

To me, rural preservation means valuing the beauty of the natural landscape, wildlife habitat, and history over housing development for profit, uncontrolled business development and population growth.

Division Rights – What is appropriate?

What is appropriate is taking into consideration the choice of the individual landowner AND ALSO the choice of the other landowners around him (all those who live in the district) as well as valuing the beauty of the landscape, wild life habitat and areas of historical significance.

I know Darren would really appreciate a cut and dried answer here, and I can give him one if all he wants to hear is what I would ideally want... but I doubt he'd consider it practical: I would not divide anything. If a piece of property is 1 acre, sell it as one acre.... If a piece of property is 500 acres, sell it as 500 acres. No division.

Minimum Lot Size – How small should lots be?

If you went with my point of view in the previous question then this question is moot. However, if I had a gun to my head, I'd say no smaller than 10 acres.

Setbacks (front, rear, sides) – How far from roads and lot lines should a house (or other structure) be?

I don't feel qualified to answer this question since I am not familiar with all the particulars that need to be considered in building a house. That being said.....200 feet?

Road Frontage / Lot Width – How wide should a lot be at a minimum? How much road frontage should be required?

I don't feel qualified to answer this question since I am not familiar with all the particulars that need to be considered in setting a house. That being said.....road frontage at 200 feet?

Rural Cluster Regulations (See Rural Cluster Issues display)

Density:

Open Space Ownership:

Open Space Location (arrangement):

Open Space Uses (utilities, community, etc.):

Major Subdivisions must Cluster:

Number of Dwellings allowed on one parcel:

General Comments

Please share any other thoughts you might have regarding the A-1 zoning district, this process, other land use tools the County should focus on such as TDRs (Transfer of Development Rights program), cash proffers (minimum cash amount paid to offset impacts from development), the provision of central water and sewer systems to areas of the county, and so on.

Any strategies that can be employed to keep sub-developments down to a minimum (ideally, zero), I would probably support. Cash proffers, however, are a joke. You'd essentially be prostituting the land to any one willing to pay for it. What kind of message does that send? "You, sir are not allowed to do "x" in our county, unless you pay us a bunch of money, then you can do what you want."

Even if you allowed cash proffers, it makes more sense to pay them to the citizens who would be negatively impacted and be forced to live with the "development" decisions of others.

Better incentives for conservation easement and providing incentives for farming, raising livestock, or other agri-business is a better strategy. Attract businesses and individuals who want to "work" the land, not raze it and build on it.

Please reply by March 18, 2010 to:
Fluvanna County Department of Planning & Community Development
132 Main Street, P.O. Box 540
Palmyra, VA 22963

or

You may send comments to: bphillips@co.fluvanna.va.us

Fluvanna County A-1 Zoning District Review
Public Input Form
March 2010

Should preserving and enhancing Fluvanna's unique identity and rural character be a major goal of the County as stated in the Comprehensive Plan? Why or why not?

- ① We are not unique, as much as we would like to think we are.
- ② We are not rural. Very few citizens make their living from agriculture - We are rapidly becoming a suburban, bedroom community.

What does rural preservation mean to you?

Polly Annas wishing the world could be the way they always imagined it should be. "Rural Preservation" is a buzz word for "No Growth Now that I am here".

Division Rights - What is appropriate?

Any number, depending on minimum lot size - see below. As many 10 acre lots as you can.

Minimum Lot Size - How small should lots be?

In A-1, 10 acres by right. Smaller lots would require rezoning.

Setbacks (front, rear, sides) - How far from roads and lot lines should a house (or other structure) be?

Setback 100 feet on all roads. 50 feet from side/rear lines. You now have it completely backwards by requiring 200 feet on primary highways - these are major highways with businesses (25' setback in B-1), etc. If you want to appear rural, make it 200' on the secondary roads. However, be reasonable and have a uniform 100' setback on all roads. (public)

Road Frontage / Lot Width - How wide should a lot be at a minimum? How much road frontage should be required?

Minimum lot width, 300' at building location. No minimum road frontage with minimum 10 acre lot size.

Rural Cluster Regulations (See Rural Cluster Issues display)

Density: *No Rural Cluster in A-1. 10 acre minimum lot size. Any smaller lots or greater density would require rezoning.*

Open Space Ownership:

Open Space Location (arrangement):

Open Space Uses (utilities, community, etc.):

Major Subdivisions must Cluster:

Number of Dwellings allowed on one parcel:

ONE

General Comments

Please share any other thoughts you might have regarding the A-1 zoning district, this process, other land use tools the County should focus on such as TDRs (Transfer of Development Rights program), cash proffers (minimum cash amount paid to offset impacts from development), the provision of central water and sewer systems to areas of the county, and so on.

These would all apply to other zoning categories than A-1.

Please reply by March 18, 2010 to:
Fluvanna County Department of Planning & Community Development
132 Main Street, P.O. Box 540
Palmyra, VA 22963

or
You may send comments to: bphillips@co.fluvanna.va.us

Fluvanna County A-1 Zoning District Review
Public Input Form
March 2010

Should preserving and enhancing Fluvanna's unique identity and rural character be a major goal of the County as stated in the Comprehensive Plan? Why or why not?

Yes! We all need trees & fields

What does rural preservation mean to you?

No development
Agricultural = Rural
Trees = Rural
Lots of Buildings does not = Rural

Division Rights – What is appropriate?

It depends on the lay of the land. There is no one answer.

Minimum Lot Size – How small should lots be?

10 Acres

Setbacks (front, rear, sides) – How far from roads and lot lines should a house (or other structure) be?

100 ft.

Road Frontage / Lot Width – How wide should a lot be at a minimum? How much road frontage should be required?

Once again it depends on the way the roads lay & safety regarding driveway entrances should be shared between lots.

Rural Cluster Regulations (See Rural Cluster Issues display)

Density:

None in A-1

Open Space Ownership:

The original landowner, or the HO Association.
Once again, not in A-1

Open Space Location (arrangement):

What makes sense?

Open Space Uses (utilities, community, etc.):

It should be left alone - OPEN.

Major Subdivisions must Cluster:

There really should not be any major subdivisions in A-1. But 6 lots on a family farm should not be considered a major subdivision

Number of Dwellings allowed on one parcel:

One per 10 acres - if lots are 10 acres or larger

Bryant Phillips

From: Darren Coffey
Sent: Thursday, March 18, 2010 11:48 AM
To: Bryant Phillips
Subject: FW: Zoning in Fluvanna

From: Ken&Linda Waller [mailto:kenlinwall@gmail.com]
Sent: Thursday, March 18, 2010 11:45 AM
To: Darren Coffey
Subject: Zoning in Fluvanna

Dear Mr. Coffey,

I have been unable to attend county zoning meetings so am sending this email to weigh in on my opinion.

My husband and I moved to Fluvanna because of its rural character. I like that most of the land is used for farming or pasture with some housing communities in designated areas. I am also a devoted preservationist and I'm appalled at the sprawl that seems to be beginning, the wanton destruction of trees to build housing tracts, and the increase in clearing land for the price of the trees and no replanting of hardwoods to replace what is being destroyed (replacing everything with cheap pine trees is not the answer!). I would like to see Fluvanna be more consistent in designating rural preservation areas that cannot be developed for housing or business uses. I would like to see no more housing tracts because we do not have water and sewage infrastructure to make these kinds of things viable here. New housing may create more tax base but it also costs more in taxes for infrastructure than it brings in. We need specific zoning for specific areas - rural/farm, preservation areas, some zoning for growth for retail in specific areas and some housing areas with specific rules regarding good sized lots so that we don't have the character of "ticky-tacky" housing tracts which in the end just raise our taxes.

I thank you for your time and attention to this email.

Sincerely'
Linda Waller
Fluvanna County

Bryant Phillips

From: Darren Coffey
Sent: Thursday, March 18, 2010 11:11 AM
To: Bryant Phillips
Subject: FW: A-1 Zoning

From: Allison Simpson [mailto:allisonesimpson@yahoo.com]
Sent: Thursday, March 18, 2010 11:07 AM
To: Darren Coffey
Subject: A-1 Zoning

Dear Mr. Coffey,

I received an e-mail asking for comments concerning zoning changes in Fluvanna County. I recently returned to Fluvanna after living in Southern California for six years. I was surprised to see the number of subdivisions that have sprung up and will be ready to expand soon. Before I moved in 2004, I thought the roads had become rather congested. I worry that huge new subdivisions, particularly those on Route 53, will make travel to Charlottesville troublesome and will require numerous road improvements to maintain safety and increased traffic. I believe it's in the best interest of the current residents of the county, to slow the growth of subdivisions once the economy improves. There have to be other areas available besides Route 53 for that type of development

On the other hand, I believe that Fluvanna County is missing the boat on business development in Zions Crossroads. I'm not sure what the county's long range plan is for that area, but I feel that development in that area would be a boon to the county, in that the roads in that area can handle increased traffic and the Interstate makes for easy access. When I see Lowes and Walmart in that area, I feel that the reluctance of the Board to allow business development in Zions Crossroads, but to allow the development of more subdivisions along Route 53, only hurts the taxpayers. More residents require more services. Business brings jobs and tax revenue to the county. I hope that some sort of business development plan is in the works for the Crossroads area.

In other words, I feel that zoning can be used wisely to make use of the systems already in place. I hope the Board takes those areas and issues into consideration.

Thank you for your time.

Sincerely,

Allison Simpson

Darren Coffey

From: John Wormley [johnwormley@yahoo.com]

Sent: Thursday, March 18, 2010 9:46 AM

To: Darren Coffey

Subject: "Rural Preservation"

We need to preserve the rural character in Fluvanna County. I agree with the FFRP and side with their recommendations.

Thank You

John Wormley

4170 Covered Bridge Road

Kents Store, VA 23084

804-305-7808

Fluvanna County A-1 Zoning District Review
Public Input Form
March 2010

Should preserving and enhancing Fluvanna's unique identity and rural character be a major goal of the County as stated in the Comprehensive Plan? Why or why not?

Absolutely. I don't believe anyone would disagree with this concept.

What does rural preservation mean to you?

Reminding future generations of the wonder of the past.
Protecting a way of life before it becomes a picture on a postcard.

Division Rights – What is appropriate?

Better left in the capable hands of the planning department but certainly not the archaic gumless mess currently in effect.

Minimum Lot Size – How small should lots be?

For me, say, 25 acres. But that is just to make a point. No more pipestem driveways off secondary roads, no more subdivisions in rural areas.

Setbacks (front, rear, sides) – How far from roads and lot lines should a house (or other structure) be?

Road Frontage / Lot Width – How wide should a lot be at a minimum? How much road frontage should be required?

Rural Cluster Regulations *(See Rural Cluster Issues display)*

Density:

Planning's arena for all below. I'm aware there are folks who have definite opinions on issues below but I defer to Planning after it hears from everyone. My position is not to tell the Planning Department how to do its job. You have the skill set to reach these goals, based on citizen input.

Open Space Ownership:

Open Space Location (arrangement):

Open Space Uses (utilities, community, etc.):

Major Subdivisions must Cluster:

Number of Dwellings allowed on one parcel:

General Comments

Please share any other thoughts you might have regarding the A-1 zoning district, this process, other land use tools the County should focus on such as TDRs (Transfer of Development Rights program), cash proffers (minimum cash amount paid to offset impacts from development), the provision of central water and sewer systems to areas of the county, and so on.

- (1) developers need to share the costs of their development, whether through cash proffers or other means;
- (2) push for landowners to put their property under easement (great tool);
- (3) keep subdivision development out of the RPA, period!
- (4) IMPLEMENT A ZONING CLASSIFICATION FOR THE RPA THAT KEEPS DEVELOPMENT OUT.
- (4) use any means at your disposal to protect the RPA

I would like to be able to say in 50--make that 30--years, Fluvanna County had the foresight to protect the land from the ravages of development. For me, that truly is forward thinking. . . .

Please reply by March 18, 2010 to:
Fluvanna County Department of Planning & Community Development
132 Main Street, P.O. Box 540
Palmyra, VA 22963

or
You may send comments to: bphillips@co.fluvanna.va.us

**Fluvanna County A-1 Zoning District Review
Public Input Form
March 2010**

March 18, 2010

Should preserving and enhancing Fluvanna's unique identity and rural character be a major goal of the County as stated in the Comprehensive Plan? Why or why not?

I don't think so. This area needs jobs. We have plenty of agricultural land – most of which is open space that is not even used for agriculture. According to 2007 County Business Patterns ZIP code 2296 has only 252 business establishments of which 177 had 1-4 employees. We have one of the lowest population densities in the state. All this uproar about "rural character" is nonsense. The population could double and there would still have plenty of rural character. . From just driving around the county a lot of this so-called rural character is acres of weeds and abandoned or run-down houses and barns.

We also need more tax revenue. The lack of economic development places more burden on homeowners.

The comprehensive plan should encourage sensible economic development. We don't want to look like Rt. 29 in Greene County. We should have an architectural review board like Albemarle to encourage the construction of attractive business establishments that blend with the aesthetics of the area.

What does rural preservation mean to you?

A lot of wasted space and lost county revenue from sales taxes an property taxes.

Division Rights – What is appropriate?

Families should be able to sell or bequeath lots to generational relatives without restrictions.. Rural landowners should be able to sell their property to developers, but only after approval and it must be consistent with a comprehensive plan. A plan is pretty useless if the county does not have the power to enforce it.

Minimum Lot Size – How small should lots be?

Minimum required for septic tanks if water is not provided. That would normally be one acre. If water is provided lots can be as small as one-third acre which is the norm at Lake Monticello. Smaller lots keep housing costs down and encourages a greater sense of community.

Setbacks (front, rear, sides) – How far from roads and lot lines should a house (or other structure) be?

Whatever is safe and protects utilities. 50 feet would seem appropriate

Road Frontage / Lot Width – How wide should a lot be at a minimum? How much road frontage should be required?

Considering we have a lot of lot of underutilized land I would suggest 100 feet

I am not qualified to answer the rest of these questions, nor do I suspect are many other people who live in Fluvanna. These are questions are for elected officials and professional planners that have knowledge and expertise. You can go to far in soliciting public input. In general, my view is that too much – not too little – land is zoned for agriculture. Small-scale agriculture is a dying business. The county needs to look to the future and attract environmentally friendly businesses and impose more rigorous standards on architecture and land maintenance.

Thank you,
Richard Bucci
5 Swan Court
Palmyra VA 22963

Rural Cluster Regulations *(See Rural Cluster Issues display)*

Density:

Open Space Ownership:

Open Space Location (arrangement):

Open Space Uses (utilities, community, etc.):

Major Subdivisions must Cluster:

Number of Dwellings allowed on one parcel:

Darren Coffey

From: elizabethfranklin@earthlink.net
Sent: Wednesday, March 17, 2010 4:34 PM
To: Darren Coffey
Subject: RE: Fwd: FTA - IMPORTANT MESSAGE

Hi, Darren:

In our flurry of e-mails week before last, I missed responding to this one, then lost sight of it when I went out of town for a week. So my apologies for not responding sooner. I do have some figures that provide at least a ballpark in which to weigh the tax impact of new development in Fluvanna.

About two years ago, Fluvanna Friends of Rural Preservation did a research project (Dennis was heavily involved in this effort) to gauge the fiscal impact of new residences in Fluvanna County. Using a methodology handbook developed by a Richmond consulting firm engaged to draft a proffers policy for Goochland County, we plugged Fluvanna numbers into the consulting firm's equations to derive reasonable estimates of rooftop costs versus tax-revenue benefit in Fluvanna. The numbers we used were Fluvanna County's own numbers that staff had collected as the basis for a preliminary proffers policy here (which never got proposed).

Our findings were based on Fluvanna's existing statistical averages of persons per household and school children per household. Those averages may skew the results somewhat because new development likely will attract younger families with more school children than we see in Fluvanna today. Using these averages, the costs work out this way:

A new home costs the county **\$2.56 in services for every dollar it returns in taxes** over its projected 50-year useful life. That is just slightly higher than the \$2.51 the consulting firm found in Goochland County. A new home in Fluvanna County must be appraised, for tax purposes, at a minimum of **about \$520,000** to achieve a cost/benefit ratio of 1:1.

Of course, a great many variables can affect these calculations, so they are valuable only as guidelines. As mentioned, the computations were completed more than two years ago -- before the cost of the new high school was final. The high school cost more than anticipated, so the ratios may be a little further out of balance than we projected. On the other hand, the remainder of the Domino Plan was estimated, for our purposes here, at \$20 million. Current indications are that the work may be completed for a lower sum, something in the neighborhood of \$15 million, so the combined cost figure used in our estimates may roughly equal reality.

Hope this is helpful.

Kind regards,
 Elizabeth

----- Original Message -----

From: Darren Coffey
To: elizabethfranklin@earthlink.net
Sent: 3/2/2010 6:49:19 PM
Subject: RE: Fwd: FTA - IMPORTANT MESSAGE

Thank you. I don't recall seeing a break even point for Fluvanna. Do you know if that analysis has been done? It is usually in the \$300-350k range or higher depending on individual localities level of service costs.

From: elizabethfranklin@earthlink.net [mailto:elizabethfranklin@earthlink.net]
Sent: Tuesday, March 02, 2010 5:41 PM
To: Darren Coffey
Subject: FW: Fwd: FTA - IMPORTANT MESSAGE

Darren:

FYI, a comment on the A-1 Zoning District meetings we received at FTA. The quote is from our membership message about the meetings.

Darren Coffey

From: Debra Kurre [daycpa@earthlink.net]
Sent: Tuesday, March 16, 2010 12:00 PM
To: Darren Coffey
Subject: info on A1 meetings

Darren,

My thoughts on the A1 issue are pretty simple really.

Life experience has led to me see that most folks do not "move to the country" to live on small lot sizes. The current cluster subdivision ordinance doesn't appear to lend itself to folks having larger lots.

I think in A1 zoning it makes sense for the lots to be at least one acre (preferably two acres). If the lots are less than an acre or two, then folks get the feeling of living in a regular subdivision. If they are used to living in a "regular subdivision" and end up in a country cluster subdivision, they still expect the same level of "service as living in town". That level of service just isn't there. Then they are very unhappy when they aren't living like they are "in town".

I like the idea of a sliding scale for the number of lots per acreage sizes. The "lay of the land" needs to be taken into consideration when working out the numbers. If there is hilly territory, that may will have a different topo makeup than flat land or river bluff land. Also different soil structures may make a difference in the lot number. I don't think you can take all land and call it the same for the lot division.

Andy said something to me about division vs. density. I still don't get that.

Thanks for taking the time to get public input on this issue.

Thanks so much,
Debra

CONFIDENTIALITY NOTICE: This email message and any attachment is intended only for the use of the individual or entity to which it is addressed. It may contain confidential, privileged, proprietary or private information. If you are not the intended recipient, employee, or agent be aware that any dissemination, distribution, disclosure, or copying of this email or attachment is strictly prohibited. If you have received this communication in error, do not copy, save, or distribute this information. Please notify the sender and immediately delete this communication from your system.

CIRCULAR 230 NOTICE: This communication was not written or intended to be used for the purpose of avoiding tax penalties that may be imposed. Further, any written statement contained in this communication relating to a federal tax transaction or matter may not be used by any person to support the promotion or marketing of, or to recommend, any federal tax transaction or matter addressed in these communication.

Fluvanna County A-1 Zoning District Review
Public Input Form
March 2010

Should preserving and enhancing Fluvanna's unique identity and rural character be a major goal of the County as stated in the Comprehensive Plan? Why or why not? *Yes. Discouraging large developments will keep our taxes stationary. Fluvanna has little rural character left.*

What does rural preservation mean to you? *Keeping the rural areas as they are now; too much development has already occurred.*

Division Rights – What is appropriate? *Should depend on the size of the property. A huge piece of property should be required to have larger minimum lots. Clustering leads to more units & hence more services to be provided by the county.*

Minimum Lot Size – How small should lots be?

5 acre minimum

Setbacks (front, rear, sides) – How far from roads and lot lines should a house (or other structure) be?

300' from the front, sides, & back lines of the property

Road Frontage / Lot Width – How wide should a lot be at a minimum? How much road frontage should be required?

300' for each

I'm opposed to clustering because it greatly increases the number of people living in the rural areas & thus increases the need for services.

Rural Cluster Regulations (See Rural Cluster Issues display)

Density:

Open Space Ownership:

Open Space Location (arrangement):

Open Space Uses (utilities, community, etc.):

Major Subdivisions must Cluster:

Number of Dwellings allowed on one parcel:

General Comments

Please share any other thoughts you might have regarding the A-1 zoning district, this process, other land use tools the County should focus on such as TDRs (Transfer of Development Rights program), cash proffers (minimum cash amount paid to offset impacts from development), the provision of central water and sewer systems to areas of the county, and so on.

Not much will change for the better, i.e. preserving what rural areas remain, until the B.O.B. tackles the zoning issue. I've lived in the county for 16 years and have come to realize statements in the Comp Plan are practically worthless for slowing development in the rural areas unless we have strict zoning laws. As the situation now stands, developers have their way in this county. We allow spot zoning throughout the county.

Asking proffers from the developers might reduce the number of new developments and would defray some of the expenses of the added services needed.

Please reply by March 18, 2010 to:
Fluvanna County Department of Planning & Community Development
132 Main Street, P.O. Box 540
Palmyra, VA 22963

or

You may send comments to: bphillips@co.fluvanna.va.us

Fluvanna County A-1 Zoning District Review

Public Input Form

March 2010

Should preserving [...] Fluvanna's [...] rural character be a major goal [...]? Why or why not?

The Comp Plan goal to sustain Fluvanna's rural character is important. A sense of place, derived from the particular characteristics of local land and custom, deepens understanding, loyalty and a feeling of belonging among the people who live there. A sense of place encourages responsible citizenship. Eventually new influences and aspirations may evolve into an authentic new ethos in Fluvanna. For the present it is valid to claim and cherish a rural, Fluvanna-flavored, Virginia Piedmont tradition as our core identity.

What does rural preservation mean to you?

Rural preservation means retaining a physical and practical connection to agricultural cycles. It means finding constructive ways to make farming profitable. It means that entrepreneurial newcomers who want to live as effective stewards on the land will find knowledgeable mentors prepared to help them. Rural preservation means respecting interdependencies between wildlife and habitats, between indigenous plants and traditional crops. It means safeguarding water quality in rivers, streams, and underground aquifers. It means retaining landmark trees, groves, and woods. It means you do not chomp through hillcrests and river bluffs just because you have access to earthmoving machines that could.

Effective rural preservation means you retain and use old buildings. When planning new buildings, you work with a sensitive concern as to the site and scale of the new construction in relation to the old. Living in a rural place makes it natural to raise your own food. In addition, local plants, fruits, vegetables, dairy products, and meat can be bought near home. A rural way of life conserves resources; rural preservation makes good sense both in financial and ecological terms.

A rural person knows his neighbors. A habit of reciprocity is ingrained. People who co-own private roadways share up-keep and make peace with each other's esthetic preferences. The County, which signs off on public utility permits, makes sure (or should make sure) that utility easements are non-invasive, both in areas designated for rural preservation and in densely populated areas. Cyclists and pedestrians are safe along rural roadways. Hikers have ample opportunities to trek cross-country, hunters to hunt, and fishers to fish. Rural preservation ensures that diverse, established, wildlife habitats remain healthy. Damaged habitats are restored. Animal migration corridors are safeguarded.

Rural preservation means you can predict tomorrow's weather by looking at a sky untainted by man-made smog. On clear nights, it means bright stars. A country person can sleep in perfect darkness. On moonlit nights, no suburban glow competes.

Rural preservation means amateur theatre, community singing, dancing horses, batteaux! If nurtured carefully, the pleasures of life in Fluvanna will offset the fact that Fluvanna people must travel far to hear a first-class symphony orchestra, or see an all-star game, live. Rural preservationists, like their urban counterparts, accept the fact that if everything is everywhere, sense of place is non-existent.

Division rights:

Within the boundaries of the Towns of Columbia and Scottsville, stick to existing plats. Encourage development on unbuilt or uninhabited town lots by having the Community Planning Area (or any high density zone) adhere to town boundaries. Then, outside the township, graduate immediately to a rural preservation zone, where parcels should be twenty five (25) acres minimum from now on. In effect, this would leave post-2010 Columbia and Scottsville surrounded by residential neighborhoods already extant, to be grandfathered, or re-thought.

For the sake of clarity in discussion, boundaries of unchartered villages should be defined, if only unofficially. Then division rights should be worked out which respect the village character, the existing range of property sizes, and the wishes of the inhabitants.

Minimum lot size

¼ acre to 25 acres, depending on location

Setbacks, Road frontage, Rural cluster Regulations

I feel unqualified to recommend specific figures. Please see General Comments.

General Comments

The A-1 Zone should be replaced by several zones implementing the following concepts:

- Varied land use and population densities in appropriately designated areas of Fluvanna. No more one-rule-fits-all!
- Yes to dense, mixed-use development at Zion Crossroads and to an inter-jurisdictional water system there. Zoning at Zion Crossroads in particular should invite new dwellings near new jobs.
- No to further subdivisions, clustered or not, in rural preservation areas.
- Fill in Town of Columbia, Palmyra, and Scottsville while preventing strip development along roads leading in and out of these towns.

Miscellaneous suggestions relating to rural preservation:

Fluvanna County should require that utility companies to whom they grant rights-of-way

1. Leave wide filtration buffers along streams crossing their easements.
2. Refrain from mowing easements in times of drought.
3. Refrain from using equipment too big for the job at hand.
4. Vary the mowing calendar from year to year, so as not to wipe out any one species of seasonal plant.

Consider requiring that utility easements be positioned along the edges of properties claimed by eminent domain, so that owners of adjacent lands would divide the monetary and esthetic injuries to their holdings, rather than having the whole burden fall on one.

Parents of children from the same neighborhood should arrange for them to meet the school bus in a group, rather than one by one. New residential and road designs should facilitate this, and schools should foster such arrangements.

Fluvanna needs a full-time Game Warden.

County regulations on sediment and erosion control should be more rigorously enforced.

Yes to requiring cash proffers from developers; high time we did!

Thanks for your consideration.

Lindsay Nolting
Columbia District, Fluvanna County

Fluvanna County A-1 Zoning District Review
Public Input Form
March 2010

Should preserving and enhancing Fluvanna's unique identity and rural character be a major goal of the County as stated in the Comprehensive Plan? Why or why not?

Yes - That is why many people moved to this area. It also promotes clean air, ~~allows~~ allows for water absorption & reduces flood hazards. Promotes quality of life.

What does rural preservation mean to you?

I assumed rural preservation to extend beyond just the rural preservation zone. Since I purchased my property, changes in the comp plan have permitted massive developments with high densities in areas that were considered agricultural at the time of purchase of my property. First time developers do is destroy the forests - clear cut - taking away character & privacy. At least we should have a tree preservation ordinance
Division Rights - What is appropriate?

No division rights with parcels less than 5 acres.
5-10 Acres, 1 division

Minimum Lot Size - How small should lots be?

3-5 Acres
10 acres if no frontage on public road

Setbacks (front, rear, sides) - How far from roads and lot lines should a house (or other structure) be?

front 250'
sides ~~100~~ 100'
rear ~~250~~ 250'

Road Frontage / Lot Width - How wide should a lot be at a minimum? How much road frontage should be required?

~~300~~ frontage - 400'
600' width

Rural Cluster Regulations (See Rural Cluster Issues display)

Density:

1 per 2 acres

Open Space Ownership:

Common

Open Space Location (arrangement):

Scattered within subdivision with trees preservation unless designated as playground, etc. Important to preserve privacy in the sense that tree acres look as little disturbed as possible

Open Space Uses (utilities, community, etc.):

Just community - if you allow use for utilities, parking, etc., you defeat the purpose.

Major Subdivisions must Cluster:

Not necessarily if there are large lots.

Number of Dwellings allowed on one parcel:

1

General Comments

Please share any other thoughts you might have regarding the A-1 zoning district, this process, other land use tools the County should focus on such as TDRs (Transfer of Development Rights program), cash proffers (minimum cash amount paid to offset impacts from development), the provision of central water and sewer systems to areas of the county, and so on.

- Do not force central water and sewers on residents who do not need them in order to make the projects financially viable
- Sewers & public water leads to high density development
- Stop decreasing frontage for commercial developments
- Use natural barriers (vegetation, landscaped swales) etc to protect sight lines
- Any ~~high~~ high density development should provide proffers to offset school costs, increased police, traffic etc.
- Need buffers between new developments and existing properties

Please reply by March 18, 2010 to:
Fluvanna County Department of Planning & Community Development
132 Main Street, P.O. Box 540
Palmyra, VA 22963

or
You may send comments to: bphillips@co.fluvanna.va.us

Fluvanna County A-1 Zoning District Review
Public Input Form
March 2010

Should preserving and enhancing Fluvanna's unique identity and rural character be a major goal of the County as stated in the Comprehensive Plan? Why or why not?

Yes,

What does rural preservation mean to you?

Division Rights – What is appropriate?

1 lot / 10 acres

Minimum Lot Size – How small should lots be? 10 acres

Setbacks (front, rear, sides) – How far from roads and lot lines should a house (or other structure) be?

Depends on area - subdivision vs rural area and road, but buffers between subdivisions and adjacent properties

Road Frontage / Lot Width – How wide should a lot be at a minimum? How much road frontage should be required?

Rural Cluster Regulations (See Rural Cluster Issues display)

Density:

1 house/10 acres

Open Space Ownership:

Considers community ownership who will maintain the open spaces

Open Space Location (arrangement):

Depends on topography

Open Space Uses (utilities, community, etc.):

Septic & reserves should not be allowed on open space. set backs of septic from adjoining properties should be regulated

Major Subdivisions must Cluster:

Major subdivisions should cluster but the arrangement of cluster should be environmentally friendly

Number of Dwellings allowed on one parcel:

1 house per 10 ac.

General Comments

Please share any other thoughts you might have regarding the A-1 zoning district, this process, other land use tools the County should focus on such as TDRs (Transfer of Development Rights program), cash proffers (minimum cash amount paid to offset impacts from development), the provision of central water and sewer systems to areas of the county, and so on.

Cash proffers should be collected.

• All major subdivisions, especially cluster subdivisions should require permits - No by-right's use. These subdivisions have a significant impact on rural areas from increases in population, traffic, and services. The nature of the rural community changes with the large influx of houses/people. Increase minimum acreage for cluster subdivisions.

An expansion of by right uses for agriculturalists should be considered - associated 'industries' for agriculture such as meat processing, dairy/cheese making, kitchens (commercial) and canning facilities on-farm store requirements should be loosened to allow off-farm products to be sold.

Please reply by March 18, 2010 to:
Fluvanna County Department of Planning & Community Development
132 Main Street, P.O. Box 540
Palmyra, VA 22963

or

You may send comments to: bphillips@co.fluvanna.va.us

Juan Domercq
589-5165

Fluvanna County A-1 Zoning District Review
Public Input Form
March 2010

Should preserving and enhancing Fluvanna's unique identity and rural character be a major goal of the County as stated in the Comprehensive Plan? Why or why not? Yes. It is why many people moved here & it is not available many places anymore. If not protected it will be lost forever. Many high growth areas people can move to, not many rural areas.
What does rural preservation mean to you? Undisturbed Views. Open space. Fields, farmland, forest. Very limited buildings, growth. Policies to discourage growth, & discourage people from moving here should be adopted.

Division Rights – What is appropriate?

Minimum Lot Size – How small should lots be?

Setbacks (front, rear, sides) – How far from roads and lot lines should a house (or other structure) be? Far back - should not be able to see developments, houses, businesses from road. Need tree or green shield.

Road Frontage / Lot Width – How wide should a lot be at a minimum? How much road frontage should be required?

other- parking lots should have trees, bushes asphalt that rainwater can go through should be used to ~~protect~~ protect streams from runoff green bldg. should be required.

Fluvanna County A-1 Zoning District Review
Public Input Form
March 2010

Should preserving and enhancing Fluvanna's unique identity and rural character be a major goal of the County as stated in the Comprehensive Plan? Why or why not?

What does rural preservation mean to you?

Preserving rural land for rural uses - farming, vineyard, timber, market garden, value adding small businesses for agricultural products - grain - mills, meat processing but not slaughterhouse

Division Rights - What is appropriate?

Timber milling
Land in rural preservation should have very limited division rights. We bought land in the rural preservation assuming that's what it was - to be preserved - not developed.

Minimum Lot Size - How small should lots be?

I think the lot sizes should average 10 acres - that a 2 acres lot be allowed but then the other lot should be 18 acres.

Setbacks (front, rear, sides) - How far from roads and lot lines should a house (or other structure) be?

I think the houses should be near the road (less front set back) and have large rear & side setbacks so the open land is of some use. It's one thing to have the "appearance of rural" and another to have "useful rural"

Road Frontage / Lot Width - How wide should a lot be at a minimum? How much road frontage should be required?

Should require 500ft road frontage on all roads. I realize the 500ft on major roads is for traffic flow but the small (especially dead end) roads are becoming traffic problems in themselves

Rural Cluster Regulations (See Rural Cluster Issues display)

why?

Density:

More like Orange County. —
because until recently land without road frontage
wasn't developed ~ now w/ clusters allowed
everything is leasurably developable and the
~~Open Space Ownership:~~ existing rural roads and existing
horse sheds just can't bear the traffic of
1/1 house per 2 acres — (let alone the water supply
etc.)

Open Space Location (arrangement):

The open space should be located w/it
consideration to adjoining farms/ag. districts/
conservation areas. So that neighbouring
agricultural/tube businesses are not impacted
by noise/smell/practice complaints

Open Space Uses (utilities, community, etc.):

No sewer treatment, septic wells etc
in the open space, as this land cannot
be used or sold for agriculture,

Major Subdivisions must Cluster:

Yes.

Number of Dwellings allowed on one parcel:

~~1 per 10 acres~~ 1 per parcel unless otherwise
provided for.

General Comments

Please share any other thoughts you might have regarding the A-1 zoning district, this process, other land use tools the County should focus on such as TDRs (Transfer of Development Rights program), cash proffers (minimum cash amount paid to offset impacts from development), the provision of central water and sewer systems to areas of the county, and so on.

Transfer of Development Rights
Wetland Banking
I think the TDRs are important
especially to help farmers
sell their land

Please reply by March 18, 2010 to:
Fluvanna County Department of Planning & Community Development
132 Main Street, P.O. Box 540
Palmyra, VA 22963

or
You may send comments to: bphillips@co.fluvanna.va.us

Fluvanna County A-1 Zoning District Review
Public Input Form
March 2010

Should preserving and enhancing Fluvanna's unique identity and rural character be a major goal of the County as stated in the Comprehensive Plan? Why or why not?

What does rural preservation mean to you? *Maintaining the status quo unless someone with enough "pull" can make a change*

Division Rights – What is appropriate?

Minimum Lot Size – How small should lots be?

Setbacks (front, rear, sides) – How far from roads and lot lines should a house (or other structure) be?

Road Frontage / Lot Width – How wide should a lot be at a minimum? How much road frontage should be required?

*George Mitchell
557 Hidden Valley Rd*

General Comments

Please share any other thoughts you might have regarding the A-1 zoning district, this process, other land use tools the County should focus on such as TDRs (Transfer of Development Rights program), cash proffers (minimum cash amount paid to offset impacts from development), the provision of central water and sewer systems to areas of the county, and so on.

A-1 should be for Agriculture "only"
The power plant should have its "special
use permit" revoked

Please reply by March 18, 2010 to:
Fluvanna County Department of Planning & Community Development
132 Main Street, P.O. Box 540
Palmyra, VA 22963

or
You may send comments to: bphillips@co.fluvanna.va.us

Fluvanna County A-1 Zoning District Review
Public Input Form
 March 2010

Should preserving and enhancing Fluvanna's unique identity and rural character be a major goal of the County as stated in the Comprehensive Plan? Why or why not?

The major goal should be attracting clean industry & businesses with good paying jobs & lowering the tax burdens on its citizens

What does rural preservation mean to you?

Directing commercial & industrial growth away from rural areas.

Division Rights - What is appropriate?

Once a property is divided to its maximum under a existing ordinance. That ordinance should grandfather the Tract.

Minimum Lot Size - How small should lots be?

minimum lot size in A-1 should be 2 acres.

Setbacks (front, rear, sides) - How far from roads and lot lines should a house (or other structure) be?

Set backs are too restrictive especially on major roads. across the board setbacks in A-1 should be 100ft front, 30ft sides & 50ft rear.

Road Frontage / Lot Width - How wide should a lot be at a minimum? How much road frontage should be required?

Road frontage should be the same on all roads in A-1 200 to 250ft is more than adequate.

Rural Cluster Regulations (See Rural Cluster Issues display)

Density: Rural Cluster was a huge mistake in the A-1 zone. No sane person wants to move to the rural countryside & live on a City Lot. then have to drive 30 miles to the City to work.

Open Space Ownership:

Open Space Location (arrangement): open space should be dedicated to the County to maintain.

only on unusable land

Open Space Uses (utilities, community, etc.):

recreation - if it can be agreed upon by the owners.

Major Subdivisions must Cluster:

This should be changed back to a Conventional 2 acre or larger lot division of a Tract.

Number of Dwellings allowed on one parcel:

Depends on the size of the parcel.
 (tenant houses on a farm) (guest cottage on a 10 to 20 acre parcel) (1 dwelling on a 20 acre parcel)

Fluvanna County A-1 Zoning District Review
Public Input Form
March 2010

Should preserving and enhancing Fluvanna's unique identity and rural character be a major goal of the County as stated in the Comprehensive Plan? Why or why not?

No. Any property owner has many ways to limit development on private property. Any forced down zoning or Division Reduction must be paid for in full for lost property value.

What does rural preservation mean to you?

Buying large tracts + preserving them by choice.

Division Rights – What is appropriate?

2 ACRES on state Road
10 acres off. That is what Land Owners bought.
Minor subdivision 10 lots or less.

Minimum Lot Size – How small should lots be?

2 Acres

Setbacks (front, rear, sides) – How far from roads and lot lines should a house (or other structure) be?

As is.

Road Frontage / Lot Width – How wide should a lot be at a minimum? How much road frontage should be required?

Less than current. Allow 2 Acre lots
Reduce Frontage + Setback.

Rural Cluster Regulations (See Rural Cluster Issues display)

Density:

1 lot per 2 Acres

Open Space Ownership:

Common or Private

Open Space Location (arrangement):

~~Other~~ Owner Choice

Open Space Uses (utilities, community, etc.):

utilities

Major Subdivisions must Cluster:

No.

Number of Dwellings allowed on one parcel:

1 per 2 acres

General Comments

Please share any other thoughts you might have regarding the A-1 zoning district, this process, other land use tools the County should focus on such as TDRs (Transfer of Development Rights program), cash proffers (minimum cash amount paid to offset impacts from development), the provision of central water and sewer systems to areas of the county, and so on.

*Restore original 2 on 10 off Road 10+ lots.
Please leave our property rights alone*

Please reply by March 18, 2010 to:
Fluvanna County Department of Planning & Community Development
132 Main Street, P.O. Box 540
Palmyra, VA 22963

or
You may send comments to: bphillips@co.fluvanna.va.us

Fluvanna County A-1 Zoning District Review
Public Input Form
March 2010

Should preserving and enhancing Fluvanna's unique identity and rural character be a major goal of the County as stated in the Comprehensive Plan? Why or why not?

Yea as long as you have a clear understanding of what rural actual means.

What does rural preservation mean to you? Preserving true rural uses like farming & forestry - by prohibiting large-scale development in rural areas - lots need to be large enough to not adversely impact adjacent rural uses. Rural means noisy, dusty and smelly - not otherwise which would be a park!

Division Rights - What is appropriate?

Do not use division rights based on a certain # of rights est. on a given date - it does not work and is very difficult to keep track of. Left you access and road standards prevent fly-by night developers from creating substandard lots without proper access.

Minimum Lot Size - How small should lots be?

2 acres is fine - greater than that is not necessary in your general Ag. district if you want larger create a large lot zoning district. ~~Created~~ Cumberland did this in 09 - A-20 district.

Setbacks (front, rear, sides) - How far from roads and lot lines should a house (or other structure) be?

They should ~~be~~ not be charged - what does greater setbacks actually accomplish? If there is not a true need to change them then don't or you'll just have more variance requests.

Road Frontage / Lot Width - How wide should a lot be at a minimum? How much road frontage should be required?

Lot width and road frontage should be equal - keep it simple. 300 ft on non-primary public roads is more than adequate 500 ft on primary roads is needed. less than 300 ft on private roads probably would be a problem.

Rural Cluster Regulations (See Rural Cluster Issues display)

Density: No more than what is permitted in the zoning district the cluster provisions are in.

Open Space Ownership: depends on what is in open space (i.e. mass drainfields) homeowner association is best bet - if I was VDF or the CO. why would I want to own a conserv. easement in the middle of a subdivision?

Open Space Location (arrangement):

Not fragmented - need corridors ~~made~~ - if any rural uses are to continue on open space it has to be large without potentially conflicting with lot owners

Open Space Uses (utilities, community, etc.):

I think utilities should be bucked out of the open space equation - b/c they are truly past of subdivision development and not really "rural" - Would be hard to allow public

Major Subdivisions must Cluster:

to use cluster - open space
Need to prevent major subs in rural preservation areas - ~~doesn't~~ doesn't matter - where they are - they are still a lot of lots in a rural area that likely can't support them. Only residential major subs should cluster not Indust.

Number of Dwellings allowed on one parcel:

Base it on acre acreage or Bus.
1 - 20 acres 1 dwelling, 20 - 60 = 2 61 - 100+ = 3
up to 2 additional dwellings allowed total
must remain under 1 ownership

General Comments

Please share any other thoughts you might have regarding the A-1 zoning district, this process, other land use tools the County should focus on such as TDRs (Transfer of Development Rights program), cash proffers (minimum cash amount paid to offset impacts from development), the provision of central water and sewer systems to areas of the county, and so on.

- TDRs won't work - State enabling legislation remains flawed.
- You NEED CASH PROFFERS! EVEN your LITTLE NEIGHBOR TO THE SOUTH HAS THEM! Cumberland's are \$5,400 per res. unit
- Add a large lot zoning district that won't even permit the lots to be further subdivided.
- No more major SNBs in rural preservation areas
- What about PDR program? why couldn't it be included in annual CIP program so that developers can proffer towards it? They that could be used towards funding the PDR w/o using county \$!

Please reply by March 18, 2010 to:
Fluvanna County Department of Planning & Community Development
132 Main Street, P.O. Box 540
Palmyra, VA 22963

or
You may send comments to: bphillips@co.fluvanna.va.us

Fluvanna County A-1 Zoning District Review
Public Input Form
March 2010

Should preserving and enhancing Fluvanna's unique identity and rural character be a major goal of the County as stated in the Comprehensive Plan? Why or why not?

What does rural preservation mean to you?

Open space valuable to the conservation of game & non-game wildlife. Bulk of land is used for forest & farm production, hopefully managed so as to protect water quality & biodiversity values. Land provides ~~surrounding~~ rural residents & ~~suburbs~~ developed areas with food (including wild meat), fiber, O₂, recreational ops, etc.

Division Rights - What is appropriate?

Something along the lines of 4-5 per lot + 1 per 21 acres. That's still a whole lot of lots!

Minimum Lot Size - How small should lots be?

2 acres, perhaps smaller if applicant can demonstrate that the property can support a viable well (e.d.s.) and has adequate areas with soils which will support an adequate septic drainfield & reserve disinfectant as per DO Health specs.

Setbacks (front, rear, sides) - How far from roads and lot lines should a house (or other structure) be?

More or less ok with current reg's. Should be smaller for clusters.

Road Frontage / Lot Width - How wide should a lot be at a minimum? How much road frontage should be required?

Generally same as existing, perhaps reduced for clusters.

- Accept standard limiting "pencil" lots, i.e. ^{Louisa's!} ~~depth~~ width must be at least 20% of depth.

Rural Cluster Regulations (See Rural Cluster Issues display)

Density: 1 per 10 acres

Open Space Ownership:

Appropriate for it to be either an individual private lot & residence or an open-space lot held by the subdivision, homeowners' association or similar body.

Open Space Location (arrangement):

Should be contiguous & valuable for farming or conservation use. Avoid multiple, poorly connected, scattered bits & pieces.

Open Space Uses (utilities, community, etc.):

~~No use for~~ No use for ~~septic~~ septic fields other than ~~the~~ that required by the one residence if the lot is occupied.

Major Subdivisions must Cluster:

Yes

Number of Dwellings allowed on one parcel:

1 N/A clear dependences, guest houses, etc.

**Fluvanna County A-1 Zoning District Review
Public Input Form
March 2010**

Should preserving and enhancing Fluvanna's unique identity and rural character be a major goal of the County as stated in the Comprehensive Plan? Why or why not?

Yes, of course. It was in 2001 & is more important now in 2010.

What does rural preservation mean to you?

It's well defined in the 2009 Comp Plan. I like the way it is written.

Division Rights - What is appropriate?

I would prefer to see us go to a lower density in the Rural Preservation Planning Area. It could be scaled as other counties do it based on the size of the parent property.

Minimum Lot Size - How small should lots be?

One acre

Setbacks (front, rear, sides) - How far from roads and lot lines should a house (or other structure) be?

I like our current setback requirements

Road Frontage / Lot Width - How wide should a lot be at a minimum? How much road frontage should be required?

Again I like our current road frontage requirements, although I acknowledge they are more extreme than other jurisdictions. Perhaps they should be changed,

Rural Cluster Regulations (See Rural Cluster Issues display)

Density: 1 house per 17 acres

Open Space Ownership: Clarified in our ordinances as ownership issues are minimized

Open Space Location (arrangement): Better preliminary + final plans for clusters are needed

Open Space Uses (utilities, community, etc.): No utilities in open space

Major Subdivisions must Cluster: Fine but only with adequate public utilities - public utilities should limit growth

Number of Dwellings allowed on one parcel:

General Comments

Please share any other thoughts you might have regarding the A-1 zoning district, this process, other land use tools the County should focus on such as TDRs (Transfer of Development Rights program), cash proffers (minimum cash amount paid to offset impacts from development), the provision of central water and sewer systems to areas of the county, and so on.

See attached Mass statement

Please reply by March 18, 2010 to:
Fluvanna County Department of Planning & Community Development
132 Main Street, P.O. Box 540
Palmyra, VA 22963

or
You may send comments to: bphillips@co.fluvanna.va.us

Marvin F. Moss

PO Box 394

Palmyra, VA 22963

Tel: 589-4839 mmoss@cstone.net

**Comments Prepared for the Fluvanna County
A-1 District Zoning Review
March 2010**

I am delighted that the citizens of Fluvanna County have again adopted a solid and attainable Comprehensive Plan providing a detailed outline of what the citizens would like the county to look like in the future. The challenge now is to ensure that this vision becomes reality.

There is no doubt that Fluvanna's citizens both value their open space and rural areas and are committed to their preservation. That was true when the 2001 Comprehensive Plan was adopted and is true today. It was reflected in the Heritage Forums held in 1999 and 2001 and in the responses the Planning Commission received to its 2006 questionnaire. For instance in the 2006 survey 68% of landowners within the designated rural preservation area responding to the questionnaire expressed a desire to reduce density as a means of preserving rural character.

The recently adopted 2009 Comprehensive Plan in its land use section again establishes a Rural Preservation Planning Area and once more calls for limiting growth in that area to 10% of all growth over the period of the Plan's implementation. It states, "Development in the Rural Preservation areas should consist of farmland, preservation zones or otherwise environmentally sensitive land with scattered housing." It is quite clear that this area is to be afforded a high level of protection.

Since passage of the Comprehensive Plan last spring, the county has made a major move to implement the goal of placing dense development in the designated Urban Development Area at Zion Crossroads by creating a new level of zoning called the Planned Unit Development. This is a very positive step but will be meaningless absent the infrastructure to make such development feasible. The A-1 Review now underway by the Planning Commission is a commendable effort to deal with the challenges facing us in the Rural Preservation Planning Area.

Let us look at what the current zoning regime has produced as a result of the 2004 zoning ordinance. Despite the Comprehensive Plan's goal of 10% growth in that planning area, here is what has actually happened.

2000-2007 RESIDENTIAL ACTIVITY – Subdivision Lots by Planning Area¹⁰

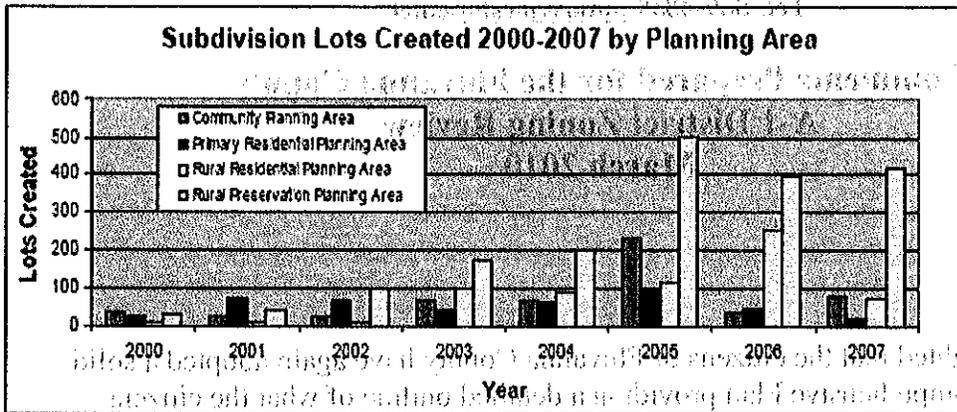


Figure 11: 2000-2007 Subdivisions by Planning Area

Where Development is Actually Going

Since the passage of the 2004 zoning ordinance, the majority of new lots subdivided in the county have been located in the Rural Preservation Planning Area. These dense cluster developments violate the overall vision, spirit and goals of the Comprehensive Plan. The clusters have 75% of their land area set aside for preservation; however, we currently allow sewerage systems, wells and other utilities to be placed in that preservation land in an area that could easily be subject to possible legal challenges in the future. Also this type of development in areas of the county lacking infrastructure adds to the burden of the taxpayers by adding to the costs of emergency and public safety services as well as transportation costs for school children. It is, of course, obvious that they are, in these days of energy concerns, very energy inefficient. They also ignore the fact that no one knows the amount of ground water available in the county and the impact these developments will have on future water supplies.

It is therefore very important that the Planning Commission and the Board of Supervisors take the new Comprehensive Plan and this dilemma seriously and work to ensure that the history of the last six years is not repeated in the future. We have an opportunity now to address this challenge forthrightly and boldly, and I urge those who represent us on these bodies to do so.

Fluvanna County A-1 Zoning District Review
Public Input Form
March 2010

Should preserving and enhancing Fluvanna's unique identity and rural character be a major goal of the County as stated in the Comprehensive Plan? Why or why not?

Yes! Fluvanna has already been rural.
We should keep part of the county rural.

What does rural preservation mean to you?

No more than 64 homes per square mile.

Division Rights - What is appropriate?

In rural preservation area,
For parcels less than 20 acres, 5 division rights (depending on droinfeld sites.)
For parcels of more than 20 acres, 5 division rights plus one right for each additional 20 acres.

Minimum Lot Size - How small should lots be?

~~At least 1/2 acre~~ I'm more interested in houses per square mile. We will not be rural if we have more than 100 homes per square mile in the rural preservation area.

Setbacks (front, rear, sides) - How far from roads and lot lines should a house (or other structure) be?

I don't care.

Road Frontage / Lot Width - How wide should a lot be at a minimum? How much road frontage should be required?

I don't care. One advantage of clustering is that it limits driveways.

Rural Cluster Regulations (See Rural Cluster Issues display)

Density:

I don't object to some clustering in the rural preservation area. But my primary goal is less than 64 homes per square mile.

Open Space Ownership:

I think the open space could be owned by a homeowner's assoc., a former, a park, etc.

Open Space Location (arrangement):

Open Space Uses (utilities, community, etc.):

Major Subdivisions must Cluster:

Good idea

Number of Dwellings allowed on one parcel:

2

General Comments

Please share any other thoughts you might have regarding the A-1 zoning district, this process, other land use tools the County should focus on such as TDRs (Transfer of Development Rights program), cash proffers (minimum cash amount paid to offset impacts from development), the provision of central water and sewer systems to areas of the county, and so on.

Right now, we allow lots of density by right. This means we can't get proffers. We need to limit development rights, so we can get proffers if we ~~offer~~ allow larger developments.

Our family owns a farm in the rural preservation area. We don't mind giving up some division rights. We would be fine with one division right per 20 acres or with 4 rights per parcel.

Please reply by March 18, 2010 to:
Fluvanna County Department of Planning & Community Development
132 Main Street, P.O. Box 540
Palmyra, VA 22963

or

You may send comments to: bphillips@co.fluvanna.va.us

**Deborah Murdock
PO Box 65
Kents Store, VA**

March 1, 2010

I firmly support a new zoning ordinance which will limit development rights within the Rural areas of the county. Over-development such as cluster housing subdivisions will impact the agricultural usage, diminish water resources and unalterably change the character of the county.

STATEMENT TO THE FLUVANNA PLANNING COMMISSION AT HEARINGS
ON CHANGES TO THE A-1 ZONE

THE A-1 ZONE THAT CURRENTLY COVERS ALL OF FLUVANNA IS COMPLETELY OUTDATED. FLUVANNA IS THE ONLY COUNTY IN VIRGINIA WITH SUCH A BLANKET ZONE. MOST OF THE OTHER ZONES CREATED IN THE PAST 30 YEARS ARE IN REALITY ILLEGAL "SPOT ZONES". THIS NEEDS TO BE CHANGED. MANY OF THE PRESENT A-1 PARCELS NEED TO BE RECLASSIFIED AS A-2 AND/OR RP ZONES.

A-2 ZONE SHOULD BE THE PARTS OF THE PRESENT A-1 WHICH WILL BE SUBJECT TO REZONING (UPON REQUEST) INTO R-1, B-1 OR I-1.

RP (RURAL PRESERVATION) ZONE WOULD BE THOSE AREAS WHICH SHOULD BE PROTECTED FROM ANY MORE INTENSIVE DEVELOPMENT THEN THE A-1 ZONE. THESE AREAS WOULD INCLUDE PARCELS ALREADY UNDER CONSERVATION OR HISTORIC EASEMENTS, THE PARCELS ADJACENT TO THOSE EASEMENTS, AND OTHER AREAS DEEMED UNSUITED FOR MORE INTENSIVE DEVELOPMENT (WET LANDS, FLOOD PLAINS, ETC.).

THIS REZONING SHOULD BE DONE BY THE PLANNING COMMISSION WITH THE APPROVAL ACTION BY THE BOARD OF SUPERVISORS, WITH PROPER NOTICES TO ALL LANDOWNERS INVOLVED, LEGAL NOTICES AND PUBLIC HEARINGS.

SUCH REZONING WILL NOT BE A BASIS FOR LEGAL ACTION OF DIMINUTION OF PROPERTY RIGHTS, AND COUNTY REIMBURSEMENT FOR SAME, AS DETERMINED BY RECENT COURT CASES.

SUBMITTED BY:
T. KENT LOVING
6115 STAGE JUNCTION ROAD
COLUMBIA, VA 23038

A handwritten signature in black ink that reads "T. Kent Loving". The signature is written in a cursive, flowing style.

Bryant Phillips

From: Darren Coffey
Sent: Tuesday, March 02, 2010 5:51 PM
To: Bryant Phillips
Subject: FW: Last Night's A-1 Meeting
Follow Up Flag: Follow up
Flag Status: Red

Please receive this as input from last night's Columbia meeting and bullet the major points as General Comments, or otherwise as appropriate. Thanks. D

From: elizabethfranklin@earthlink.net [mailto:elizabethfranklin@earthlink.net]
Sent: Tuesday, March 02, 2010 5:25 PM
To: Darren Coffey
Subject: Last Night's A-1 Meeting

Hi, Darren:

To the point I made last night about the taxpayer impact of zoning alternatives being an important factor for people to consider, you responded that tax impact would be something you'd bring out later in the process. You also said something to the effect that tax impact could be negated or even a wash if landowners lost division rights, seeming to imply that there would be a revenue loss to the county that would offset any tax impact from development.

With all due respect, that conclusion is simply incorrect. In Fluvanna, owners of raw land are not taxed on the so-called "highest and best use" formula applied in some other Virginia counties. No one pays more because of development rights. In Fluvanna, raw land is raw land and it is taxed the same (within geographic map quadrants) whether it could be developed for 100 homesites or no homesites at all. In our map quadrant, an acre of raw land is assessed at \$5,000 per acre, no matter how many division rights may be associated with it. If the parcel includes a homesite, then the homesite footprint, two acres, will be taxed at \$35,000 per acre. All remaining acres are taxed as raw land. Ergo, if an investor loses division rights, there is no change in taxes. The owner hasn't paid taxes on those rights to begin with.

I was disappointed there was not a single mention of tax impact in your exhibits because it is an impact as real as that felt by landowners. I feel the information presented acknowledged only the potential loss by people who own land. Other people -- namely, taxpayers -- also lose property because of zoning: The money in their wallets and bank accounts. Taxpayers don't stand to make any money, they only stand to lose money. You centered the discussion around people who may lose division rights. What about the rights of the taxpayer not to be forced to pay increasing taxes caused by all the new developments resulting from the exercising of division rights? Taxpayers are at the mercy of upward pressure on taxes caused by our current zoning and "by right" that is built into zoning ordinances. Zoning changes that reduce development are just about the only mechanism left to taxpayers to try to protect their rights to their own money. That's why tax impact is an important consideration -- at the beginning of this decision-making process as well as at the end.

That there is a cost or potential loss to the taxpayer from zoning needs to be acknowledged upfront, just as you're pointing out that there may be a cost or potential loss for land owners. At the very least, I would recommend adding the following "issue" after the "gross density" column in your "Some Issues with A-1 Zoning District, Rural Cluster Regulations" board:

"New subdivisions generally make taxes go up for existing county residents."

Thanks for listening.

Kind regards,