

Seasonal changes (fall leaves)
Rivers & mountains
See the mountains from everywhere
Hike and use them for recreation too
No light pollution
2 lane roads
Tractors – agricultural equipment
Farm fields
Church as center
Mom & pop store
Buffer zones

View to include Livestock, Grain, Barns
Minimal traffic – ‘rural’ traffic included trucks
Base to preserve agriculture
Good jobs within community
Wildlife
Safe places for children to play, families
“Rural” order
Open space
Forested areas
Waterways (streams, creeks)
Natural features
Remnants of existing valley culture
Activities, agricultural activity
Lack of light pollution: noise pollution
Observation of tourism for scenic areas

Farm fields
A lack of suburban development
Lack of traffic congestions
No streetlights, sidewalks, dusk to dawn
Predominantly Vegetation i.e. farms, forests, woods
Slopes, mountains, national forest + preservation of those woods
Sparse development w/on site disposal/septic systems
Dark skies, low level of light pollution
Clean edges, hard edges
Commercial limits – immediate needs of community
Ex. Car repair, agriculture, limited in scope and scale
Do not lose small town atmosphere
Balanced development, pockets, clusters, in county
Not too many individual driveways on rural roads (two homes on private road limitation)

Rural & Agriculture are two different things
Sense of community – know your neighbors
Low density
Open space – large areas
Farming
Smell of manure
Livestock within site
Farm machinery on the road

Rural spaces – covered bridges
Diversity in housing location – spread out
Farm style homestead, farm structures and open land
Working farms
Diversified farms –family farm
Small businesses
Locally owned
Mixed business and housing areas
Access to outdoor activities, natural areas
Gravel roads

Sparse population
Open pastures & field
Not excavated
Livestock
Residential is secondary
2 lane roads and dirt roads
Have mts as they are!
Diverse vegetation
Low taxes
Good husbandry
Lack of congestion
Small communities with clear boundaries
County stores
Churches
Absences of neon lights
Able to see night sky
Proud character w/historic flair
Clean and abundant water
Protect natural resources
Unblemished horizons
Working farms
Country air
Bovine bliss
Technology that blends with rural character
Appreciation of nature and God
Defined growth areas
Human network/relationships
Larger lots
Natural spaces
Sustainable agriculture (not sustainable now) X3
No commercial practices
Direct marketing – farmer/citizen link
Smaller farms
* (X2) Citizen interest & involvement in ag.
Organic/Natural
*(X2) Educated farmers & citizens and youth!
Water supply – healthy (surface & wells)
Healthy Rivers
Ag. that does not negatively influence Water
Suburban & Ag. Coexistence

(problem with roads/traffic conflicts)
 (need to appreciate each other's space)
 melding of lifestyles
 Small businesses that serve both ag. Community & suburban community
 Educate youth to keep ag. Land use and appreciation of farming.

NOT

Building on the mountains
 Wind turbines: Not rural
 Commercialize the environment not necessary

Measuring

Septic systems
 Pop. Density
 Value of agricultural outputs
 Lot density
 Average parcel size
 Calculating density of lot size
 Not determining density by lot size
 # of large lots

2. Examples – Rural and Not Rural

Rural Areas	Not Rural Areas
Saumsville Back Rd Mt Olive Fort Valley Fairview CD's – Jackson Bowmans Crossing Cedar Creek – ZEPP Lebanon Church Wolf Gap/Columbia Furnace Palmyra Fort Valley Western side of county Rural villages Back Roads Back roads Secondary roads St Luke Hudson's crossroads Forestville Mt. Olive Orinda Clary	Rt 11 Corridor Strasburg I-81 Corridor Bryce Rt. 42/West of Woodstock (reservoir) 6 towns Bryce Resort Industrial park Near interstate interchanges Mt View Waverly Fairview (subdivision) The Junction *The Towns Wal-mart/Lowe's Truck stop (Thomas Brook) McMansions (5 acre lots & mowing) Industrial Parks: Rocks, Strasburg, Mt. Jackson Trailer parks (8-10 -15+) Columbia furnaces

Rural Areas	Not Rural Areas
Quicksburg	Back Road north of Shenandoah County
Sandy Hook – 2 schools surrounded by downs – It works	Middle Road
Orkney Springs	Route 421 from Woodstock to George’s Chicken
Jerome	Towns (Strasburg) Woodstock, Tom’s Brook
Fort Valley	Bryce
Basye	Towns (must have them)
Maurytown	Woodstock
Shenandoah County	Big Box stores
Meems Bottoms	Bryce resorts – actual development, dense housing
Fishers Hill	Strasburg
Jerome	Waverly (subdivision) – mansion houses, 5-8 acres
Back Road – Scenic Byway	Sewer treatment center
Fort Valley – Ortny Grade +	Industrial park
Edinburg except for new subdivision	Strip malls
Conicville, Forestville	Gov’t buildings
Bryce	Fast food corridors
Major part of southern portion of County	Hotels/motels
Edinburg (Has small town characteristics)	Tom’s Brook – inbetween
Bryce (mostly wooded)	Woodstock
Fort Valley	Strasburg
Quicksburg (village)	New Market
Waverly (Rural subdivision)	Mount Jackson
Agriculture	Edinburg
Vineyards	Bryce Resort
ST. Luke	Strasburg
B&B’s	Walmart
Orkney Springs	Woodstock interchange
Cedar Creek Valley	New Market
Zepp	North end of Edinburg
State Forest	School sites
Conicville	Mt. Jackson
Forestville	“Rural” subdivisions
Fort Valley	Bryce Mt
National forest	Abandoned factories
Meems Bottom	

Rural Areas	Not Rural Areas
Mount Olive Off Rt. 11 Lebanon Church Star Tanneries Columbia Furnace Deer Rapids Battlefields	New Market interchange Both truck stops (Toms Brook truck stops) North 11 Corridor Georges Leisure Pt
Backroad – Zepp Forestville – Star Tannery Nat'l & State Forest Rt 42 (from Columbia Furnace to Timberville)	All towns Along Rt. 11 corridor Along Rt. 81
State Pakre – Jerome, Cedar Creek Orkney Springs Saulmsville Connickville/St. Luke Edinburg (southern end) Ft Valley Battlefields – Adams Hole, Morning Star Mt. Olive Morland Gap Meems Bottom Shenandoah River Huggins Landing	
Ft. Valley Connickville Forestville Jerome Mt. Olive ½ Mile (or 1 mile) outside of all 'towns' limits Meems Bottom Red Banks	

3. Concerns

A. Of Farmers & Large Landholders:

Concerns	Desires
“Not being hostage (\$) to conservation districts”	Farmers – Continue farming without interferences
Farmers feel most fin. impact in preserving community rural character	Landowners - ability to sell, preserve existing property rights
Markets for AG products	Keep production farming viable in the county
Extension of public service area as a threat	Keep it economically feasible
Proliferation of residential in rural – threat	Don’t want 3.5 acre lots in rural (eats away at farmland)
Lack of local conservation easement funding	Expectation to not have a neighboring lot turn into a subdivision
County Gov’t	
Heirs to have options	Desire to sell off land for retirement
Land use decision making	Desire to sell land for conservation for market value
Water quality	Water quality
Taxation	Land-use taxation- couldn’t farm without it
Tax base	Long term support for farming in county policy
Larger farmers have higher tax burden compared to services used.	Preservation of agriculture trend
3.5 acre lots aren’t viable for farming	Farm support
Concerned about citizen of subdivisions complaining about farm smells, sounds, work hours	Conservation value
Infrastructure	Preservation easement
Relationship between agriculture merchandise and agriculture	Land valuation
Economies of scale	Ability to earn a living from agriculture
What are your neighbors? Will they complain about the smell, feathers, etc?	Financial flexibility
Future prospects	View shed
1 every 3 years limits them, they can’t sell small portion	Stability in the rules, consistency
Not having the land to keep to be able to keep land sustainable	Farmers want to feel confident that farming business will be stable and can support other farming businesses
Large transfer of tax liability	Keep the land for farmers and crops

A. Farmers and Large Landowners (cont'd)

Concerns	Desires
Encroachment of residential without enough setback	Farmers & large landowners need critical mass
Taxes on the farm	Understanding lifestyles
Concerns about spraying	Environmental interests in children
Safety of the farmers to drive down roads	Family heritage and quality of life.
Overdevelopment of towns	Small community
Higher tax rates	Excellent educational opportunities
Who takes over farm?	Slower pace of life
Be able to sell/develop land	Consistency/familiarity - Of land; Of people
Town annexation (mandated)	Keeping pristine environment
Suburban encroachment	Property rights
Storm water management plan	401K (ability to have)
Need watershed protection plan for county	Ability to continue to farm! (X2)
Too much roadside development by Rt. 11 – unsustainable	Enough clean water
Property rights	Tools to continue to farm (PDR's & TDR's)
Encroachment of residential growth	Ability to divide property for children w/out regard to number of kids
Property taxes	Education for kids (quality)
How PDR & TDR's will affect taxes	Return of investment
Unnecessary finger pointing to farmers (i.e. pollution....)	Need tools Ex. Funding PDR's
Conflict - some want to farm and some want to cash in and sell land	Tax policy that does not penalize large land owners
It's <u>my</u> property rights Equal for everyone involved	

B. Of Rural Residents who do NOT farm

Concerns	Desires
Water Quality	Access to services
Taxation	Option to farm or not on rented land
Cost of services	Taxes
Concern of neighboring AG by-products	Cost of services
Ground water protection	Desire to protect open space and scenic vistas
Town encroachment – bad	Concentrate/cluster new growth around towns
Dense subdivisions with septic systems	Don't want farms to be cut up
Light pollution, downlighting – preserve 'darkest part of the east coast'	Development in and around towns would bring more restaurants to area
Non-sustainable farming practices (Water quality impacts)	Should consider more clustered development Rehab older homes (recycle what we have)
Access to neighboring areas restricted for poorer residents	Farmers as neighbors – prevent farms from disappearing
Jobs – availability	Keep out close neighbors – larger lot size
Transportation \$ of gas Lack of affordable/public transportation options	View shed protection Taxation policy that doesn't require me to pay for things I don't use
Noise, smell, animal litter	Low cost of living Small government Development shouldn't create public financial burden
	Rural recreation Hiking, Hunting, Fishing Be tolerant of agriculture practices Quality of life
	Want farmers to stay in business Farms provide open space Beauty- maintain Part of the history Maintain and keep wood lots Wildlife habitat Farmers to make enough money to maintain Farming keeps taxes low Good neighbors Quality of life for all, even for those on the edge – access

B. Rural Residents who do NOT farm (cont'd)

Concerns	Desires
	Property taxes Appreciation of use of land by other county residents Property rights are equal to farmers Avoiding unnecessary concerns with farmers Maintaining farming practices medium to small scale Quality education Diversity and acceptance of different farming practices Buy Localvores Maintain rural element Maintain environmental integrity Affordable living

C. Of Residents on small landholdings in & around towns and villages

Concerns	Desires
Safe roadways	Recreational options, connections to open area
Prevent suburban architecture & keep clear edge at town that represents the community	Green infrastructure
Cost of infrastructure and public service extension	Safe bike routes
Population growth	Job, economic opportunity
Land value could go up	Walkability
Cost of housing and land	Telecommunication ability/access
Over development – in development	Minimize big box
Traffic	Maintain locally owned businesses
Annexation	Desire for clear planning for future development patterns and maintaining buffer
Sprawl Noise Late night traffic/trash pick up Rt. 11 Disappearance of small business owner/downtown	No more traffic Don't want to be incorporating into towns (pay taxes) Wouldn't mind more people – they would increase commercial development too If directing growth to towns, needs to be a reasonable limit to growth Good quality jobs Sidewalks – ability to <u>walk</u> to shopping, social, recreation Sense of neighborhood Close proximity to farms & scenic views Low taxes

C. Residents on small landholdings in & around towns and villages (cont'd)

Concerns	Desires
	High value services Good schools Road mat. Trash collection Maintain a rural town Access to Vibrant gridded street neighborhoods Not high density cities (cramming all in) Safe streets Denser than agriculture area Parks & Rec. facilities View sheds Access to local goods & produce Access to open space and activities Horse back riding Enjoy county living without the hard work
	Want a community where people work where they live Convenience to shopping Walkability
	Land value of lot size, lot sizes that meet the needs of the owner & is proportional to the value Acceptance and cooperation of farmers
	Town maintain character and boundaries Directing growth to town Maintaining view sheds around towns Water and sewer Quality of life (maintaining) Maintaining walkable communities Historic preservation
	Small town “Feeling” when in town Walkable Local economy (healthy) Comprehensive shopping facility/option Strong local economy Vibrant downtown

4. General Concerns

Not a lot of town officials within steering committee
Business owners not included
Process of P.C. to make decisions that are consistent with Comp. Plan.
The national forest – protected land – is taken for granted. More land should be considered for preservation.
Small Business Owners: Licensing and start of starting small business

5. Mapping Exercise Notes

Protect streams – buffer areas where there is new development
Valleys between national forest
Strasburg - grown into I-81 (annex land)
Extend Tom's Brook to I-81 and to County Park
New Market – already did growth study to determine boundary
Mt. Jackson just did re-zoning along 81
Extend utilities from Edinburg to subdivisions in Maurytown
Extend Woodstock west of I-81
North Woodstock interchange w/o commercial development - Is this possible?
42 into Woodstock past Wal-Mart needs improvement
Any transportation route should be multi-modal
Rt. 11 and in towns only - dotted line is bike trail – follows Rt. 11
Stream buffer ordinance needed
Bike/Ped connections to schools
Protect National Forest

90-95% of growth in and around towns - Strasburg, Woodstock
Which towns want to grow?
Tom's Brook and Edinburg are limited for growth
Good quality farmland is right along I-81 corridor - Battle for land preservation
Intensive-type agriculture west of Woodstock
Woodstock as aspirations of expansion – into that rich agriculture
Agriculture comes right up to housing property
Poultry north of Mt Olive Road
Dairy farms south of Woodstock
Preserve battlefields, esp. north of Tom's Brook
Growth projections are unacceptable
Keep rural edge on west border of Woodstock
Center most growth in Strasburg & Bryce Resort

Contain growth around the major towns
No expanding of I-81
Congestion on Rt. 42 – need improvements
Rt. 55/corridor 11 – will take open space and farmland (concern)
Development could follow (concern)
Noise, pollution

Second Forum September 24

- Formally affirmed the Eight points of the Vision (only 1 of 24 sheets opposed)
- Formally affirmed expectations for future population (only 1 of 24 sheets opposed)
- Defined “the dilemma” and identified thematic elements

The Dilemma:

- *Most people throughout the County do want to maintain the rural character and the open, agricultural landscape, however...*
- *Farmland owners do not want additional restrictions on subdividing and developing their property, but...*
- *Non-farm residents do not want additional property taxes to fund land preservation through easement purchase or lease.*
- **Assessed potential methods to solve the dilemma**

Groups brainstormed ideas about:

- Duration and certainty of the Vision:
→ *Remain rural in perpetuity; 100 years; 20-25 years; 5-10 years; pass to next generation...*
- Taxes vs. Regulation to achieve the Vision:
Willing to pay more taxes to conserve land; don't overdo regulation; can farmers and towns do TDR?; more cooperation between County and Towns...
- Geographic priorities
Viewsheds along corridors - farmland; mountain range; forest land; good soils; karst areas...
- Conflicting themes
Farmers want to keep farming: Make farming more profitable; marketing support for farming; value-added businesses; develop towns first...
Farmers want to be able to develop their farms: “this contradicts theme #1”; sell farm without subdividing; cluster development; purchase development rights; large buffers around development; regulations based on size of farm; subdivide for farming only; allow only 10% of growth in rural areas...
Non-Farm residents want low taxes: Nobody wants higher taxes; need other source of revenue beside agriculture – economic development; focus development around towns; make farming profitable; add 2 cents to tax rate to purchase development rights; taxes will be lower if county stays rural; non-farmers are willing to pay for sustainable farming...

Family sub.

Where We Are Now

First Forum September 16

- **Assessed/reviewed current trends in land use and development**
- **Clarified and affirmed the *geographic* Vision of the County Comprehensive Plan**

Mapping exercises produced very similar maps of preferred development and conservation areas, generally consistent with future land use map in comprehensive plan
- **Defined the needs and expectations of local citizens**
 - Described meaning of “Rural Community” and Open Agricultural Land”

Livestock, grain, barns, fields; working farms; night sky; 2 lane roads; dirt roads; view of mountains; low density housing; sparse development on septic systems...
 - Cited examples of “rural” and “non-rural” areas of County

*Rural: Back Road, Fort Valley, rural villages, National and State Forest; Bryce
Non-Rural: Rt. 11 & I-81 corridors; towns; “rural” subdivisions strip malls, Bryce...*
 - Identified concerns and desires of:
 - Farmers and large landholders

Encroachment of residential; economies of scale – need critical mass; property rights; property taxes: “some want to farm, some want to sell” ...
 - Non-farm rural residents

Noise, smell, animal litter; taxes, cost of services; water quality; want farmers to stay in business; property rights are equal to farmers...
 - Residents of small landholdings in and around towns and villages

Concern about population growth, traffic; want sense of neighborhood, vibrant, walkable downtown; want low taxes, strong local economy...

Memorandum

Date: October 20, 2008
To: Members of the Steering Committee, Community Planning Project
From: Milt Herd, Herd Planning & Design, Ltd.
Through: Brandon Davis, County Planning Director
Subject: Preparations for the Upcoming Fourth Public Forum

This memorandum contains four main pieces of information that I hope we can discuss at tomorrow evening's committee meeting. Please accept my apologies for having to deliver this at such a late hour – I have been working continuously on this since last week's public forum so that we could have as productive a discussion as possible at our meeting.

The contents are as follows:

- A brief overview of some major points of *contrasts and commonalities* among stakeholders as expressed at the public forums to date. This is my interpretive summary drawn from the large volume of input we received.
- A brief list of some *key considerations* to keep in mind as we move forward with formulating potential amendments to County policies, programs, and regulations.
- A general outline of two *potential combinations of tools* for growth management, compared to the existing efforts. A set of tools that might be called a "moderate" program is shown, as well as a "stronger" or more ambitious set of tools. These combinations are shown in a very general form and do not yet show all of the specific quantitative elements, in order to keep our focus on the big concepts. However, I realize that ultimately, the "devil is in the details" so we will be "drilling down" into the specifics as we move forward.
- Finally, I've attached a summary tally of the dot-ranking exercise we did at the forum last week.

I greatly look forward to discussing this with you on Tuesday evening.

Contrasts and Commonalities Among Stakeholders – through 10-15-08

Stakeholders in the first three forums shared common views as well as some contrasting views:

Common Views	Contrasting Views
<i>Support for the Vision:</i>	
Most generally support the basic ideas of the Vision	Some strongly support the Vision while some others support the Vision contingent upon how it is achieved.
<i>Level of Assurance of Success:</i>	
	<p>Is it necessary to assure that rural land will be protected from housing development sufficient for the local farming economy to remain in tact for multiple generations into the future, OR is it only necessary to provide landowners with reasonable options and flexibility to subdivide and develop the land?</p> <p>Should the Vision last in perpetuity, OR is it a 20 or 30-year achievement to be passed forward to the next generation?</p>
<i>Judging the Threat of Rural Development:</i>	
<p><i>short term → overstated</i> <i>long term - Not</i></p>	Does development threaten natural resources & the agricultural industry with a risk of a slow death through steady, sprawling rural housing development? OR Is the threat of excessive rural development overstated?
<i>Protecting Farms from Encroachment:</i>	
Most want farmers to have long-term protection from excessive encroachment of rural residential development by some reasonable means.	
<i>Support for Stricter Regulations:</i>	
	Are significantly greater restrictions on rural land development needed in order to achieve the Vision, OR are such greater restrictions on rural land development not appropriate due to potential impact on landowners?
<i>Use of Public Funds for Land Preservation:</i>	
Most broadly support the use of public funds for voluntary, permanent acquisition of development rights and for agricultural economic development, although some oppose the use of tax revenues for easements.	
<i>Growth within the Public Service Areas (PSAs):</i>	
Most support the concept of directing most future growth in and around the existing towns, but they want assurance that these areas can and will accommodate most of the County's future growth in a way that enhances the livability and sustainability of those communities.	

Some Key Considerations

- **Balancing Concerns and Desires.**

- The various concerns and desires expressed by stakeholders need to be balanced in order to have an effective and sustainable growth management program.
- While the County has the legal authority to enact stricter zoning laws, the existing zoning laws have given many landowners expectations of potential development, and therefore, any increase in restrictiveness should be coupled with an increase in the number of options – and the benefit of those options - that landowners have for the disposition of their property.
- A combination of tools would provide the best probability of success, including:
 - increased commitment to supporting growth within the PSAs,
 - wider choices for how to develop rural land in a compatible manner,
 - public investment to promote farming and preserve open land, and
 - stricter regulation of rural development.

- **Defining Achievement of the Vision.**

- Regardless of the timeframe that defines success, the Vision can be achieved as an ongoing effort by allowing an incremental amount of continued rural housing development, as long as such housing:
 - occurs in a pattern that preserves significant pieces of open farm and forest land as part of an ongoing agricultural land resource and working landscape,
 - is limited enough in total amount of houses so that expectations for development are in balance with expectations of a continued agricultural economy, and
 - is gradual enough to allow farmers to adapt to the increase in population in the rural areas. *(note that growth management tools in Virginia are best suited for guiding the location, pattern and form of development, rather than the pace of development).*
- A reasonable objective to achieve the Vision would be for a substantially greater proportion of new housing to occur in the PSAs, such as 75% or 90%, rather than the 50% - 60% of recent years. This would further extend the ultimate build-out of the rural areas.
- A reasonable supply of total zoned building lots would be the amount of new houses needed to accommodate the demands of the present generation – 20 to 30 years worth. *(However, there are currently approximately 7,000 undeveloped parcels of less than 20 acres in the A-1 and C-1 Zoning Districts, which could accommodate 35 years of rural growth at current trends - with no further subdivisions. Thus, stricter zoning alone is not likely to achieve the Vision).* If zoning provisions could encourage future rural development to occur in a different pattern so it that preserves open land and is compatible with agriculture, such provisions may mitigate the large number of existing lots.
- Any number of tools could help meet the Vision. However, it will likely require more than just one, because there is no “magic bullet” for such a complex issue. Regardless of which tools are used, the long-term effect would likely be to increase or stabilize the value of open land within the PSA as demand for housing increased there; and to increase or stabilize the value of rural lots as the supply is gradually reduced in relationship to the demand, over the medium to long term.

- The local economy, environment, and government budget should benefit from efficient, compact development, and a stable, productive farm economy.
- Even if the Vision is achieved with a fully successful combination of tools, substantial changes in the rural landscape and the rural economy are almost certain to include:
 - the construction of additional rural housing;
 - the subdivision of additional farmland parcels for house lots;
 - the voluntary placement of conservation easements on various properties (either by donation or purchase);
 - changes in farm products, methods and markets to adapt to changes in the region, nation and world.
- **Perspectives on “Landowner Rights”.**
 - Most participants in the public forums seem to share many views regarding the protection of land values and “land owner rights”, but may view the idea from different perspectives: some thinking more in terms of maintaining the **individual’s personal control over his/her property**, and others more in terms of **preventing impacts on his/her property due the actions of other property owners**. These different but valid viewpoints need to be balanced as growth management tools are designed and implemented.
- **Political Sustainability.**
 - *Working Assumption #1: It is **reasonable** for any County to try to influence its own destiny* by managing growth to maintain and improve its economy, quality of life, public health, and cultural traditions, especially in light of constant, powerful, rapid change coming from “outside”.
 - *Working Assumption #2: Growth management solutions have technical, legal, and political dimensions. But ultimately, growth management actions reflect the political will of the community. Thus, **sustaining political will over the long-term is a continuous process** of assessment and adjustment.*
 - *Working Assumption #3: To maintain political will and stability, an effective growth management program needs to result in **most stakeholders feeling as though they are being treated fairly and that while the outcome may not be their most preferred, they can “live with it” and can see that the benefits are shared broadly by the community as a whole.***
- **Most Helpful Tools.**

The analysis to date shows that the rural areas of the County are both “over-zoned” and “over-subdivided” in relation to expected market demand for housing.

Thus, the tools with the best chance to help achieve the Vision in the short term would be those that:

- Attract growth to the Public Service Areas (PSAs).
- Ensure that the pattern of rural subdivision and development is compatible with agriculture and absorbs the demand for new rural housing.
- Conserve open land through easements – either temporary or permanent.

Longer term, tools that help avoid adding excessive additional supply of lots to the already over-supplied market would also be useful.

General Outline of Possible Alternative Combinations of Tools

Status Quo	Moderate Growth Management Program (objective: > 75% of new housing in PSA)	Stronger Growth Management Program (objective: > 90% of new housing in PSA)
<p>Regulations:</p> <ul style="list-style-type: none"> • Cluster zoning only with public utilities • Subdivision limits: one lot per three years • Family subdivision lots must meet all zoning requirements • Large Lot Zoning A-1 and C-1 Zoning Districts: <ul style="list-style-type: none"> ○ 3.5 & 10 acre min. lot size ○ 350' & 450' min. road frontages 	<p>Regulations:</p> <ul style="list-style-type: none"> • Cluster zoning on well & septic • Subdivision limits: one lot per three years (cluster option is exempt) • Family subdivision lots allowed to be a part of a cluster lot layout • Large Lot Zoning A-1 and C-1 Zoning Districts: <ul style="list-style-type: none"> ○ larger lot size &/or lower density ○ Smaller min. road frontage 	<p>Regulations:</p> <ul style="list-style-type: none"> • Cluster zoning on well & septic • No time limits on subdividing • Family subdivision lots allowed to be a part of a cluster lot layout • Large Lot Zoning A-1 and C-1 Zoning Districts: <ul style="list-style-type: none"> ○ significantly larger min. lot size and/or lower density ○ Smaller min. road frontage
<p>Tax Benefits/Public Investments:</p> <ul style="list-style-type: none"> • Use Value Assessment • Agricultural & Forestal Districts (AFD) 	<p>Tax Benefits/Public Investments:</p> <ul style="list-style-type: none"> • Use Value Assessment • Agricultural & Forestal Districts (with option for leasing conservation easements in AFDs) • Agricultural Economic Development program • Development Rights Acquisition - PDR &/or LDR* program funded with one to two pennies on the tax rate. 	<p>Tax Benefits/Public Investments:</p> <ul style="list-style-type: none"> • Use Value Assessment • Agricultural & Forestal Districts (with option for leasing conservation easements in AFDs) • Agricultural Economic Development program • Development Rights Acquisition - PDR &/or LDR* program funded w/ three to five pennies on tax rate. <p><i>twice as much as Use Value Assessment</i></p>
<p>PSA Tools:</p> <p><i>Current tools:</i></p> <ul style="list-style-type: none"> • PSA boundaries (annexation and utility agreements) • Capital Improvements Program • Conditional zoning. 	<p>PSA Tools:</p> <p><i>All current tools, plus:</i></p> <ul style="list-style-type: none"> • Traditional Zoning regulations to ensure livability and walkability. • Joint comprehensive plans to ensure coordination and power sharing between county and towns. • Service districts to ensure fair funding of various public improvements. • Levels of service standards in conjunction with conditional zoning. • Phased annexations. 	<p>PSA Tools:</p> <p><i>All current tools, plus:</i></p> <ul style="list-style-type: none"> • Traditional Zoning regulations to ensure livability and walkability. • Joint comprehensive plans to ensure coordination and power sharing between county and towns. • Service districts to ensure fair funding of various public improvements. • Levels of service standards in conjunction with conditional zoning. • Phased annexations.

Dot Tallies from 10-15-08

Dot Tally By Tool in order presented

Tool	Green	Yellow	Red	Weighted Total*
a. Existing Regulations	2	12	49	-47
b. Large Lot / Agricultural Zoning	15	13	34	-19
c. Cluster Zoning	34	20	5	29
d. Sliding Scale Zoning	26	20	14	12
e. Purchase of Development Rights (PDR)	39	8	13	26
f. Leasing of Development Rights (LDR)	6	18	35	-29
g. Transferable Development Rights (TDR)	17	24	19	-2
h. Agricultural Economic Development	49	1	1	48
i. Public Service Area Tools**	20	22	3	17

* Weighted as: green = 1; yellow = 0; red = -1

**Overall total for all tools

Dot Ranking By Tool

Tool	Green	Yellow	Red	Weighted Total*
h. Agricultural Economic Development	49	1	1	48
c. Cluster Zoning	34	20	5	29
e. Purchase of Development Rights (PDR)	39	8	13	26
i. Public Service Area Tools	20	22	3	17
d. Sliding Scale Zoning	26	20	14	12
g. Transferable Development Rights (TDR)	17	24	19	-2
b. Large Lot / Agricultural Zoning	15	13	34	-19
f. Leasing of Development Rights (LDR)	6	18	35	-29
a. Existing Regulations	2	12	49	-47

Ranking By Stakeholder Group

Group	Tool	Weighted Ranking
Farmers	Ag Econ Dev	15
	TDR	8
	PDR	7
	PSA	3
	Sliding Scale	0
	Cluster	-1
	LDR	-7
	Large Lot / Ag Zoning	-13
	Existing Regulations	-17
Rural Residents (Non-Farmers)	Ag Econ Dev	20
	Cluster	16
	PDR	14
	Sliding Scale	8
	PSA	7
	TDR	4
	Large Lot / Ag Zoning	-6
	LDR	-10
	Existing Regulations	-13
Non-Rural Residents	Cluster	8
	Ag Econ Dev	8
	PSA	5
	Large Lot / Ag Zoning	4
	PDR	4
	Sliding Scale	4
	LDR	-2
	TDR	-4
	Existing Regulations	-5
Business owner/ operator	Ag Econ Dev	4
	Cluster	3
	PSA	1
	Sliding Scale	-2
	PDR	-3
	Existing Regulations	-3
	Large Lot / Ag Zoning	-4
	TDR	-4
	LDR	-5

Community Planning Project
*Review of the Shenandoah County Comprehensive Plan,
Zoning and Subdivision Ordinances*

Steering Committee Meeting #4

Board of Supervisors: David Ferguson & Conrad Helsley

Planning Commission: Gary Lantz & Russ Adams

Comp Plan Committee: John Adamson & Deb Truban

October 21, 2008

7:00 p.m.

Board Room, Shenandoah County Government Center

AGENDA

The major objectives of this meeting will be to:

- *Review the results of the first three Public Forums*
- *Discuss preparations for fourth Public Forum*

7:00 p.m. Review Results of First Three Forums

- Opening Comments - Chairman Ferguson
- Committee and Consulting Team will discuss results of the first three forums

7:45 p.m. Discuss Preliminary Preparations for Fourth Public Forum

- Consulting Team will present rough concepts for the fourth Forum
- Committee and Consulting Team will discuss concepts
- - Public Comment Period at the Chairman's discretion

9:00 p.m. Adjourn (target time)

Major Growth Management Tools Available

Following is a list of the major planning tools available to the County for growth management and land preservation, followed by brief descriptions of each tool.

At the **Third Public Forum on October 15**, we will examine these tools in detail.

Factors to consider in evaluating them include:

Effectiveness – how much certainty is there that the tool will be effective in helping achieve the County’s Vision of directing growth to the towns and maintaining open, agricultural land?

Acceptability – will the tool enjoy enough broad support among citizens for the Board of Supervisors to adopt it and implement it?

Feasibility – is the tool feasible and practical for Shenandoah County to implement in light of the County’s geography, economy, culture, staff size, government budget, etc.?

Durability – does the tool create short-term, long-term, or permanent results?

Combinations – could some of these tools be combined into a “package” of actions that would balance any undesirable impacts on urban, rural, and farm residents?

Major Growth Management Tools Available

(The Most Relevant Tools for Agricultural Land Preservation are shown in bold font.

Note that some of these tools are currently in use in Shenandoah County)

Police Power (Regulatory Tools)

Zoning Regulations (legislative authority)

- 1. Large Lot / Agricultural Zoning**
- 2. Sliding Scale Zoning**
- 3. Cluster Zoning**
4. Traditional Neighborhood Development (TND) and Form-Based Codes
5. Conditional Zoning/Cash Proffers

Subdivision and Site Plan Regulations (ministerial authority)

Special Exception Permitting (Conditional Use, Special Use)

Financial Power (Taxation, Public Investment)

- 1. Use-Value Assessment and Taxation (“Land Use”)** (temporary)
- 2. Agricultural and Forestal Districts (AFD)** (temporary)
- 3. Purchase of Conservation Easements / Development Rights – PDR** (permanent)
- 4. Lease of Conservation Easements / Development Rights** (temporary)
5. Capital Improvements Program (CIP)
6. Service Districts
7. Community Development Authorities

Combined Powers (Planning Policy, Regulations, Guidelines, Incentives)

- 1. Urban Growth Boundaries** (*Land Use and Infrastructure Coordination*)
2. Community Design and New Urbanism
- 3. Transferable Development Rights (TDR)**
4. Level of Service Standards
5. Density Incentives
6. Joint Comprehensive Plans / Joint Service Delivery
7. Commission Permits (“2232” Review)
- 8. Agricultural Economic Development and Promotion**

Brief Summary of Each Tool

These summaries were prepared by Milton Herd, AICP, and/or excerpted from a 2-9-07 Draft of "Managing Growth and Development in Virginia: A Review of the Tools Available to Localities", prepared for the Virginia Chapter of the American Planning Association

Police Power (Regulatory Tools)

Zoning Regulations (legislative authority)

1. Large Lot / Agricultural Zoning

Large lot zoning is one of the techniques in a more inclusive category of zoning techniques called agricultural zoning or agricultural protection zoning. Large lot zoning simply requires that the minimum lot size in a designated rural zoning district is set at a large enough size to protect agricultural activities from excessive encroachment of residential and other non-agricultural land uses.

The American Farmland Trust defines a "large lot" for the purposes of agricultural protection as being 20 acres or more. Many localities consider smaller minimum lots sizes such as five or 10 acres as being a "large lot" measure.

Examples of Large Lot Zoning in Virginia

- Fauquier County (25 to 50 acre minimum lot size)*
- Hanover County (10 acre minimum lot size)*
- Prince William County (10 acre minimum lot size)
- Rappahannock County (25 acre minimum lot size)
- Amelia County (5 acre minimum lot size)
- Powhatan County (10 acre minimum lot size)
- Accomack County (5 acre minimum lot size)*
- Isle of Wight County (40 acre minimum lot size)*

**also allows a cluster option*

2. Cluster Zoning (also "open space development")

Under cluster zoning provisions, when a residential subdivision is created, it is designed so that the dwelling units are clustered together on smaller than average lots on only a portion of the tract, leaving the remainder available for open space or similar uses. Clustering may be used in either urban or rural areas. However, the term "cluster zoning" is usually associated with rural land use issues.

Depending on the provisions of the specific cluster ordinance, the remaining open space within a cluster development may be held in common and/or be a strictly agricultural or environmental area with no "development rights" remaining on it; or, the open space parcel (s) may be allowed to have a dwelling unit, with a permanent easement that prohibits further subdivision or additional dwellings.

3. Sliding Scale Zoning

Sliding Scale zoning essentially requires that the larger the initial size of the parent parcel prior to subdividing, the lower the permitted average density of newly subdivided lots. The permitted density decreases on a “sliding scale” as the size of the parent parcel increases. The rationale for sliding scale is that higher densities should be allowed on smaller tracts because they are difficult to farm and may have already passed out of agriculture into the residential land market.

This can best be illustrated by an example from Clarke County, as follows:

<i>Size of Tract of Land</i>	<i>Number of Single Family Detached Dwellings Permitted</i>
0 - 14.99 acres	1
15 - 39.99 acres	2
40 - 79.99 acres	3
80 - 129.99 acres	4
130 - 179.99 acres	5
180 - 229.00 acres	6
230 - 279.99 acres	7
280 - 329.99 acres	8
330 - 399.99 acres	9
400 - 499.99 acres	10
500 - 599.99 acres	11
600 - 729.99 acres	12
730 - 859.99 acres	13
860 - 1,029.99 acres	14
1,030 or more	15

Minimum Lot Size is 1 acre; maximum lot size is 2 acres

Using the above scale, a landowner with an existing parent parcel of 200 acres would be permitted to divide it into six lots for dwelling units, for an average density / lot size of 33.33 acres. Each new lot could be no greater than two acres, with the remainder of the tract (188 acres) remaining in open farmland or forest land.

Examples in Virginia

- Clarke County
- Fauquier County
- Montgomery County

4. Traditional Neighborhood Development (TND) and Form-Based Codes

Traditional Neighborhood Development (TND) is a form of development that reflects the principles of New Urbanism, which is aimed at achieving a “human-scale” built environment of mixed uses and interconnected streets that is conducive to pedestrian movements, as well as to motor vehicle movements. These principles should be implemented through both comprehensive plan policies and zoning regulations.

Implementing New Urbanism through zoning typically involves creating one or more districts that are a variation of “planned” districts, or “planned unit development” districts. These TND districts typically allow (or require) a variety of dwelling types, relatively narrow streets that form a connected network, a variety of permitted uses, location of parking at the rear of lots, and the use of alleys for motor vehicle access. Form-based codes are best applied to downtowns and other urban neighborhoods – these regulations focus on creating streetscapes that are conducive to pedestrian movement, by ensuring that buildings frame the street and parking is relegated to the rear of buildings. Form-based codes are usually permissive with regard to density and use, and prescriptive with regard to building location on the lot.

5. Conditional Zoning/Cash Proffers

Conditional zoning was enabled by the Virginia General Assembly 30 years ago to address the shortcomings of traditional zoning methods when competing and incompatible land uses conflict. While it is actually a zoning tool, it is also a tool for managing the financial impacts of growth, which is how it is used by many localities.

As designed, conditional zoning allows reasonable conditions, known as proffers, to be offered by the applicant during a rezoning process as a way of mitigating the impacts of the proposed rezoning. Proffers may include land, infrastructure, cash or other conditions/constraints on the use of the property. These proffers, if accepted by the governing body as part of the rezoning approval, become part of the zoning ordinance as it applies to that property. In theory, conditional zoning allows land to be rezoned that might not otherwise be rezoned because the proffers will protect the community or area affected by the rezoning.

Subdivision and Site Plan Regulations (ministerial authority)

Subdivision regulations are also one of the four primary tools of implementing the comprehensive plan. Each local government in Virginia is required to adopt a subdivision ordinance to assure that land development occurs in an orderly and safe manner. The subdivision ordinance establishes the procedures, platting and design requirements, as well as surety guarantees for public infrastructure improvements, associated with the subdivision of land into parcels or lots of development.

A subdivision according to the Virginia Code means the division of a parcel of land into either three or more lots or into parcels of less than five acres each for the purpose of transfer of ownership or building development. Many Virginia localities have three types of subdivisions: minor, major, and family.

The code defines a site plan as the “proposal for a development or a subdivision, including all covenants, grants or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space, public facilities and such other information as required by the subdivision ordinance to which the proposed development or subdivision is subject.”

Because the subdivision of land is considered a by-right activity, the landowner’s only obligation is to meet the applicable subdivision (and zoning) regulations before subdividing. This guarantee can become a liability if the subdivision regulations are out of date or the underlying zoning of the property does not reflect the intent of the community’s comprehensive plan. When this happens the subdivision, regardless of the concern expressed by citizens, the planning staff, the planning commission or the governing body, must be approved. Accordingly, it is essential that subdivision ordinances be reviewed and updated on a regular basis.

Special Exception Permitting (Conditional Use, Special Use)

Zoning ordinances usually delineate a number of uses that are allowed as a matter of right, and a number of uses that are allowed by special exception. (Special exceptions are also called “special use permits” or “conditional use permits”, which mean the same thing).

Uses allowed by special exception are those considered to have a potentially greater impact upon neighboring properties or the public than those uses permitted by right in the district. For example, houses of worship may be desirable in a residential area, but controls over parking, circulation, setbacks and landscaping may be needed to prevent them from adversely affecting surrounding residences. By classifying them as special exceptions, separate and specialized regulations or conditions can be imposed by the locality to mitigate the adverse impacts. These conditions may be imposed and need not be negotiated or agreed to by the applicant. Such conditions must be specific, reasonable and enforceable.

Financial Power (Taxation, Public Investment)

1. Use-Value Assessment and Taxation (“Land Use”) (temporary)

The Use Value Assessment and Taxation Program uses discounts in property tax assessments to promote and preserve agricultural, forestal, and open space lands.

Use Value Assessment (also commonly known as “land use” or “land use assessment”) is a state guided program available to localities in which the locality can tax farmland and open space land at its “use” value rather than its fair market value. In most rapidly growing jurisdictions, this typically reduces the real estate tax on the land by a significant amount, thus making it easier to continue a farming business. The program is voluntary to the landowner and requires only five acres to qualify under agricultural or open space classification or 20 acres under the forest use classification (areas as small as one quarter acre may qualify if adjacent to a scenic river or scenic highway or other specific instances provided by the code). Rollback taxes must be paid when the property is removed from the program.

2. Agricultural and Forestal Districts (AFD) (temporary)

The Virginia Code provides for the voluntary creation of Agricultural and Forestal Districts (AFDs) in order to “provide a means for a mutual undertaking by landowners and localities to protect and enhance agricultural and forestal land as a viable segment of the Commonwealth's economy and as an economic and environmental resource of major importance.”

Agricultural and/or Forestal Districts are established by local ordinance to run for a set number of years (from 4 to 10), during which the property owner continues to hold fee simple title to the land, and enjoy various benefits provided by the code for such districts. The local ordinances usually include provisions that permit the landowner to withdraw from the program under certain defined circumstances.

3. Purchase of Conservation Easements / Development Rights (permanent)

A conservation easement (also known as an Open Space or Scenic Easement) is a legal agreement between a landowner and a land trust or government agency that limits the use of the land by recording deed restrictions that prohibit or severely restrict further development in order to protect the conservation value of the property, such as farmland, watersheds, wildlife habitat, forests, and/or historical lands. Each easement is unique in terms of acreage, description, use restrictions, and duration. These details are negotiated between the property owner granting the easement, and the organization that will be holding the easement.

Purchase of Easements (Development Rights) (PDR). When conservation easements are purchased as part of a broad government program, it typically called “Purchase of Development Rights” or PDR. In some other parts of the country it is also known as PACE or Purchase of Agricultural Conservation Easements. Purchasing “development rights” is the same as purchasing conservation easements, or that portion of the “bundle of rights” that allows landowners to construct dwellings or non-farm commercial structures on the property. Thus, when a locality purchases a conservation easement from a landowner, it essentially “buys” the right to develop the land and “retires” that right by placing a permanent conservation easement on the property that restricts or prohibits further non-farm development. Typically, these easement restrictions run in perpetuity.

4. Lease of Conservation Easements / Development Rights (temporary)

When conservation easements are acquired for short periods, they are called easement leases, term easements, or the leasing of development rights (LDR).

Lease of Development Rights (LDR) is the same as Purchase of Development Rights except that the term of the easement can be as short as five years. To date, no Virginia locality has enacted an LDR program. However, this tool offers great potential because the locality can set the terms of eligibility, easement duration, restrictions, and compensation; whereas under the Use Value program, the state sets most of the rules. However, like Use Value Assessment, an LDR program is a temporary solution to the problem of farmland and open space conversion.

5. Capital Improvements Program (CIP)

The Capital Improvement Program (CIP) is one of the four primary tools of implementing the comprehensive plan. It is an integral component of a locality's overall growth management program. It outlines the multi-year scheduling of public physical improvements and related costs to help guide the locality's decisions on how to allocate available funds over a 5-year period. The CIP is sometimes called a Capital Improvement Budget or Capital Improvement Plan.

6. Service Districts

Service Districts (sometimes called Special Service Districts) are legally defined geographic portions of a jurisdiction established by the local governing body. They are created to provide additional, more complete, or more timely services of government than are desired in the locality as a whole. Property owners within the special service district pay a higher tax rate in exchange for these enhanced services.

Sections 15.2-2400 through 15.2-2405 of the Code of Virginia grant localities the authority to create and fund service districts. Any locality may by ordinance, or any two or more localities may by concurrent ordinances, create service districts within the locality or localities. In addition, in any city created from the consolidation of two or more localities, service districts may be created by order of the circuit court for the city upon the petition of fifty voters of the proposed district.

Once created, the additional revenue derived from service districts may be used for a wide variety of public enhancements as specified when the district is created, including, but not limited to, water supply and sewerage facilities; garbage removal and disposal; fire-fighting equipment; sidewalks; economic development services; promotion of business and retail development services; beautification and landscaping; beach and shoreline management and restoration; public parking; extra security, street cleaning, snow removal, and other services, events, or any other activities that will enhance the public use and enjoyment of, and the public safety, public convenience, and well-being within, a service district.

7. Community Development Authorities

A community development authority (CDA) is a political subdivision of the Commonwealth. A CDA can be authorized and created by a local governing body upon petition by a majority of property owners, or those owning a majority of the assessed property value, within the proposed CDA boundaries. CDAs are authorized and created for the purpose of providing public infrastructure associated with the development or redevelopment of an area. Community development authorities are authorized by §15.2-5152 through §15.2-5158 of the Code of Virginia.

To establish a CDA, counties and towns must first elect by ordinance to accept CDA creation authority. A CDA is empowered to issue tax-exempt bonds for many different kinds of infrastructure improvements including roads, parks, recreation facilities, educational facilities, water and sewer, and fire prevention and control systems. Any bonds issued by the CDA are repaid through special assessments levied upon all the property owners within the boundaries of the CDA district. Such special assessments cannot exceed .25 dollars per \$100 dollars of assessed value unless every property owner in the CDA agrees to a higher special assessment.

Combined Powers (Planning Policy, Regulations, Guidelines, Incentives)

1. Urban Growth Boundaries (*Land Use and Infrastructure Coordination*)

Extensions of infrastructure, particularly water and sewer lines and major streets, significantly affect the timing and density of development. The comprehensive plan can designate areas which are planned for immediate or long-term utility service, thereby coordinating development approvals (rezonings) and utility extensions to achieve an orderly and compact development pattern adjacent to existing settlements. Urban Growth Boundaries in Virginia are not zoning designations per se, but rather policy designations established in the comprehensive plan so as to guide decisions about rezoning applications and public infrastructure investments.

2. Community Design and New Urbanism

New Urbanism is a planning concept that includes, or is otherwise known as neo-traditional design, transit-oriented development, and traditional neighborhood development. It has blossomed into a widespread planning movement during the past two decades, largely as a reaction to the deficiencies and unintended consequences of conventional suburban development patterns.

It is based upon principles of urban design that have been used successfully for centuries, but which have been largely neglected during the advent of the motor vehicle in the 20th century. It seeks to combine classic principles with the best features of modern urban design to create walkable, human-scale communities that have the timeless quality of historic settlements while also meeting the needs of modern society.

New Urbanism aims to create new communities that have the civic features that people have long enjoyed, including “human-scale” streetscapes that are comfortable for pedestrians, a “fine-grain” of mixed-uses, an interconnected street system, usable public spaces, prominent civic buildings, and strong neighborhood identity. These are provided in ways that still accommodate motor vehicles, modern commercial markets, and consumer preferences.

New Urbanism will typically provide for parking to be at the side or rear of buildings, and will locate buildings fairly close to the street so as to provide spatial definition to the public right-of-way. Wide sidewalks, street trees, on-street parking, and other pedestrian amenities are common features as well.

Recent state legislation (§ 15.2-2223.1) now requires certain counties (including Shenandoah) to incorporate one or more urban development areas, and the principles of new urbanism, into the comprehensive plan. The Code specifically cites features such as (i) pedestrian-friendly road design, (ii) interconnection of new local streets with existing local streets and roads, (iii) connectivity of road and pedestrian networks, (iv) preservation of natural areas, (v) satisfaction of requirements for stormwater management, (vi) mixed-use neighborhoods, including mixed housing types, (vii) reduction of front and side yard building setbacks, and (viii) reduction of subdivision street widths and turning radii at subdivision street intersections.

3. Transferable Development Rights (TDR)

TDR, or transfer of development rights, is a concept in which some or all of the rights to develop a parcel of land in one district (the sending district) can be transferred to a parcel of land in a different district (the receiving district). TDR is a tool used to preserve open space, farmland, water resources, and other resources in areas where a locality wishes to limit or curtail development.

In a classic TDR system one or more sending districts are identified as well as one or more receiving districts. "Development rights" are assigned to landowners in the sending district, typically on the basis of a certain number of permitted dwellings per acre. Owners of land in the sending district are not allowed to develop at the full level of their development rights, but instead may sell their development rights to owners of land in the receiving district, who may then use the newly acquired development rights to build at higher densities than normally allowed by existing zoning (without further legislative approval). TDR systems are intended to maintain designated land in open or non-developed uses and to compensate owners of the preserved land for limitations on their right to develop it.

4. Level of Service Standards

Level of service (LOS) standards specify the public facilities needed for new residential developments in an effort to determine if those facilities are adequate to support a proposed rezoning. Virginia Code § 15.2-2223-2280 allows any locality to incorporate level of service standards as a means in determining adequacy of facilities for future development. This does not apply to land already zoned for development.

Level of service standards are typically set out in a guidance document or comprehensive plan for public facilities such as schools, roads, libraries, parks, public transit, water and sewer systems. An example of LOS is the City of Chesapeake, which requires all rezoning applications to be subject to level of service standards for roads, schools and sewer capacity. If the proposed development fails any of the standards articulated in the plan, the staff recommends denial of the application. The policy exempts a development that will have minimal impact on schools and roads.

5. Density Incentives

A zoning ordinance is a principal planning tool used by localities to achieve their development objectives. Historically, zoning ordinances were purely regulatory tools that established minimum standards for new development. However, because "minimum standards" many times become "maximum performance", zoning ordinances have evolved to include incentive-based approaches to community development objectives. Although different types of incentives can be incorporated into a zoning ordinance (fast track plan reviews, reduced application fees, etc.), the most positive incentive to developers is often increased density.

Incentives may be considered and applied through the rezoning process and/or directly through provisions of the zoning ordinance text. In the rezoning process, a locality's comprehensive plan provides recommended density ranges for areas planned for residential use and intensity ranges (i.e., ranges of building square footage, floor area ratios) for nonresidential use areas. Establishing density as part of a rezoning approval is a matter of

the extent to which the objectives as specified in the comprehensive plan are met by the rezoning proposal.

Incentives may also be directly incorporated into a locality's zoning ordinance text, and be available to anyone who meets the standards established in the zoning ordinance. Incentives may be structured to foster an assortment of community objectives including, but not limited to affordable housing, dedication of land for highway improvements, reservation of land for open space, enhanced landscaping or signage design, or dedication of land for public uses.

6. Joint Comprehensive Plans / Joint Service Delivery

Because the problems and opportunities facing localities do not necessarily respect jurisdictional boundaries, the Code of Virginia provides Virginia's network of local governments broad authority to cooperate with one another. The most frequently used grant of authority for interlocal cooperation is the joint exercise of powers provision found in § 15.2-1300 of the Virginia Code. This section of the code permits any two or more localities to exercise jointly any power, privilege or authority they would be able to exercise separately.

In addition, § 15.2-2231 provides for the inclusion of incorporated towns into a county plan, and the inclusion of adjacent unincorporated territory into a municipal plan. Any county plan may include planning of incorporated towns to the extent to which, in the county local planning commission's judgment, it is related to planning of the unincorporated territory of the county as a whole. However, the plan shall not be considered as a comprehensive plan for any incorporated town unless recommended by the town planning commission and adopted by the governing body of the town. The same provision applies to a municipality that wishes to include the planning of adjacent unincorporated territory into its plan.

7. Commission Permits ("2232" Review)

According to § 15.2-2232 of the Virginia Code, the comprehensive plan "shall control the general and approximate location, character, and extent of each feature shown." Thus, while the comprehensive plan itself does not directly regulate land use, the plan does have status as a fundamental instrument of land use control once it is adopted by the local governing body.

Section 15.2-2232 provides that unless a feature is already shown on the adopted plan, no street or connection to an existing street, park or other public area, public building or public structure, public utility facility or public service corporation, whether publicly or privately owned, shall be constructed, established or authorized until its location has been approved by the local planning commission as being substantially in accord with the adopted comprehensive plan.

8. Agricultural Economic Development and Promotion

Several Virginia localities have undertaken efforts to strengthen the farm economy so that farmers can remain in business and thus keep their land in agricultural rather than be forced to sell it for development. Often these programs are aimed at sponsoring marketing efforts for local products, promoting educational and recreational services provided by farmers ("agri-tourism"), fostering "branding" efforts for local goods, and sponsoring farmers markets to give growers direct access to customers.

Shenandoah County Community Planning Project

Public Forum #3

October 15, 2008

7:00 p.m.

Central High School,

1147 Susan Avenue, Woodstock, Virginia

DRAFT AGENDA

The major objectives of this meeting are to:

- Evaluate methods to achieve the Vision (solve the dilemma)

7:00 p.m. Welcome and Introductions

7:10 p.m. Brief Project Overview

7:20 p.m. Summarize Results of First Two Forums

7:35 p.m. Review Available Tools for Rural Growth Management

7:55 p.m. "Evaluation Station" Process to Evaluate Tools

9:00 p.m. Assess Results

9:30 p.m. Adjourn

*Community Planning Project
Review of the Shenandoah County Comprehensive Plan,
Zoning and Subdivision Ordinances*

Steering Committee Meeting #3

Board of Supervisors: David Ferguson & Conrad Helsley
Planning Commission: Gary Lantz & Russ Adams
Comp Plan Committee: John Adamson & Deb Truban

October 8, 2008

7:00 p.m.

Board Room, Shenandoah County Government Center

AGENDA

The major objectives of this meeting will be to:

- *Review the results of the first two Public Forums*
- *Review and refine preparations for third Public Forum*

7:00 p.m. Review Results of First Two Forums

- Opening Comments - Chairman Ferguson
- Consulting Team will review results of the first two forums
- Committee reactions and comments

7:45 p.m. Review Preparations for Third Public Forum

- Consulting Team will present draft concepts for the Third Forum
- Comments and open discussion with Steering Committee

9:00 p.m. Adjourn (target time)

Major Growth Management Tools Available

Following is a list of the major planning tools available to the County for growth management and land preservation, followed by brief descriptions of each tool.

At the **Third Public Forum on October 15**, we will examine these tools in detail.

Factors to consider in evaluating them include:

Effectiveness – how much certainty is there that the tool will be effective in helping achieve the County’s Vision of directing growth to the towns and maintaining open, agricultural land?

Acceptability – will the tool enjoy enough broad support among citizens for the Board of Supervisors to adopt it and implement it?

Feasibility – is the tool feasible and practical for Shenandoah County to implement in light of the County’s geography, economy, culture, staff size, government budget, etc.?

Durability – does the tool create short-term, long-term, or permanent results?

Combinations – could some of these tools be combined into a “package” of actions that would balance any undesirable impacts on urban, rural, and farm residents?

PARs
nonproductive farms

Major Growth Management Tools Available

(The Most Relevant Tools for Agricultural Land Preservation are shown in bold font.

Note that some of these tools are currently in use in Shenandoah County)

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Zoning Regulations (legislative authority)

- 1. Large Lot / Agricultural Zoning**
- 2. Sliding Scale Zoning**
- 3. Cluster Zoning**
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5. Conditional Zoning/Cash Proffers

Subdivision and Site Plan Regulations (ministerial authority)

Special Exception Permitting (Conditional Use, Special Use)

Financial Power (Taxation, Public Investment)

- 1. Use-Value Assessment and Taxation (“Land Use”) (temporary)**
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- 4. Lease of Conservation Easements / Development Rights (temporary)**
5. Capital Improvements Program (CIP)
6. Service Districts
7. Community Development Authorities

Combined Powers (Planning Policy, Regulations, Guidelines, Incentives)

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Brief Summary of Each Tool

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Examples of Large Lot Zoning in Virginia

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- Hanover County (10 acre minimum lot size)*
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- Amelia County (5 acre minimum lot size)
- Powhatan County (10 acre minimum lot size)
- Accomack County (5 acre minimum lot size)*
- Isle of Wight County (40 acre minimum lot size)*

**also allows a cluster option*

2. Cluster Zoning (also "open space development")

Under cluster zoning provisions, when a residential subdivision is created, it is designed so that the dwelling units are clustered together on smaller than average lots on only a portion of the tract, leaving the remainder available for open space or similar uses. Clustering may be used in either urban or rural areas. However, the term "cluster zoning" is usually associated with rural land use issues.

Depending on the provisions of the specific cluster ordinance, the remaining open space within a cluster development may be held in common and/or be a strictly agricultural or environmental area with no "development rights" remaining on it; or, the open space parcel (s) may be allowed to have a dwelling unit, with a permanent easement that prohibits further subdivision or additional dwellings.

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Sliding Scale zoning essentially requires that the larger the initial size of the parent parcel prior to subdividing, the lower the permitted average density of newly subdivided lots. The permitted density decreases on a “sliding scale” as the size of the parent parcel increases. The rationale for sliding scale is that higher densities should be allowed on smaller tracts because they are difficult to farm and may have already passed out of agriculture into the residential land market.

This can best be illustrated by an example from Clarke County, as follows:

<i>Size of Tract of Land</i>	<i>Number of Single Family Detached Dwellings Permitted</i>
0 - 14.99 acres	1
15 - 39.99 acres	2
40 - 79.99 acres	3
80 - 129.99 acres	4
130 - 179.99 acres	5
180 - 229.00 acres	6
230 - 279.99 acres	7
280 - 329.99 acres	8
330 - 399.99 acres	9
400 - 499.99 acres	10
500 - 599.99 acres	11
600 - 729.99 acres	12
730 - 859.99 acres	13
860 - 1,029.99 acres	14
1,030 or more	15

Minimum Lot Size is 1 acre; maximum lot size is 2 acres

Using the above scale, a landowner with an existing parent parcel of 200 acres would be permitted to divide it into six lots for dwelling units, for an average density / lot size of 33.33 acres. Each new lot could be no greater than two acres, with the remainder of the tract (188 acres) remaining in open farmland or forest land.

Examples in Virginia

- Clarke County
- Fauquier County
- Montgomery County

4. Traditional Neighborhood Development (TND) and Form-Based Codes

Traditional Neighborhood Development (TND) is a form of development that reflects the principles of New Urbanism, which is aimed at achieving a “human-scale” built environment of mixed uses and interconnected streets that is conducive to pedestrian movements, as well as to motor vehicle movements. These principles should be implemented through both comprehensive plan policies and zoning regulations.

Implementing New Urbanism through zoning typically involves creating one or more districts that are a variation of “planned” districts, or “planned unit development” districts. These TND districts typically allow (or require) a variety of dwelling types, relatively narrow streets that form a connected network, a variety of permitted uses, location of parking at the rear of lots, and the use of alleys for motor vehicle access. Form-based codes are best applied to downtowns and other urban neighborhoods – these regulations focus on creating streetscapes that are conducive to pedestrian movement, by ensuring that buildings frame the street and parking is relegated to the rear of buildings. Form-based codes are usually permissive with regard to density and use, and prescriptive with regard to building location on the lot.

5. Conditional Zoning/Cash Proffers

Conditional zoning was enabled by the Virginia General Assembly 30 years ago to address the shortcomings of traditional zoning methods when competing and incompatible land uses conflict. While it is actually a zoning tool, it is also a tool for managing the financial impacts of growth, which is how it is used by many localities.

As designed, conditional zoning allows reasonable conditions, known as proffers, to be offered by the applicant during a rezoning process as a way of mitigating the impacts of the proposed rezoning. Proffers may include land, infrastructure, cash or other conditions/constraints on the use of the property. These proffers, if accepted by the governing body as part of the rezoning approval, become part of the zoning ordinance as it applies to that property. In theory, conditional zoning allows land to be rezoned that might not otherwise be rezoned because the proffers will protect the community or area affected by the rezoning.

Subdivision and Site Plan Regulations (ministerial authority)

Subdivision regulations are also one of the four primary tools of implementing the comprehensive plan. Each local government in Virginia is required to adopt a subdivision ordinance to assure that land development occurs in an orderly and safe manner. The subdivision ordinance establishes the procedures, platting and design requirements, as well as surety guarantees for public infrastructure improvements, associated with the subdivision of land into parcels or lots of development.

A subdivision according to the Virginia Code means the division of a parcel of land into either three or more lots or into parcels of less than five acres each for the purpose of transfer of ownership or building development. Many Virginia localities have three types of subdivisions: minor, major, and family.

The code defines a site plan as the “proposal for a development or a subdivision, including all covenants, grants or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space, public facilities and such other information as required by the subdivision ordinance to which the proposed development or subdivision is subject.”

Because the subdivision of land is considered a by-right activity, the landowner’s only obligation is to meet the applicable subdivision (and zoning) regulations before subdividing. This guarantee can become a liability if the subdivision regulations are out of date or the underlying zoning of the property does not reflect the intent of the community’s comprehensive plan. When this happens the subdivision, regardless of the concern expressed by citizens, the planning staff, the planning commission or the governing body, must be approved. Accordingly, it is essential that subdivision ordinances be reviewed and updated on a regular basis.

Special Exception Permitting (Conditional Use, Special Use)

Zoning ordinances usually delineate a number of uses that are allowed as a matter of right, and a number of uses that are allowed by special exception. (Special exceptions are also called “special use permits” or “conditional use permits”, which mean the same thing).

Uses allowed by special exception are those considered to have a potentially greater impact upon neighboring properties or the public than those uses permitted by right in the district. For example, houses of worship may be desirable in a residential area, but controls over parking, circulation, setbacks and landscaping may be needed to prevent them from adversely affecting surrounding residences. By classifying them as special exceptions, separate and specialized regulations or conditions can be imposed by the locality to mitigate the adverse impacts. These conditions may be imposed and need not be negotiated or agreed to by the applicant. Such conditions must be specific, reasonable and enforceable.

Financial Power (Taxation, Public Investment)

1. Use-Value Assessment and Taxation (“Land Use”) (temporary)

The Use Value Assessment and Taxation Program uses discounts in property tax assessments to promote and preserve agricultural, forestal, and open space lands.

Use Value Assessment (also commonly known as “land use” or “land use assessment”) is a state guided program available to localities in which the locality can tax farmland and open space land at its “use” value rather than its fair market value. In most rapidly growing jurisdictions, this typically reduces the real estate tax on the land by a significant amount, thus making it easier to continue a farming business. The program is voluntary to the landowner and requires only five acres to qualify under agricultural or open space classification or 20 acres under the forest use classification (areas as small as one quarter acre may qualify if adjacent to a scenic river or scenic highway or other specific instances provided by the code). Rollback taxes must be paid when the property is removed from the program.

2. Agricultural and Forestal Districts (AFD) (temporary)

The Virginia Code provides for the voluntary creation of Agricultural and Forestal Districts (AFDs) in order to “provide a means for a mutual undertaking by landowners and localities to protect and enhance agricultural and forestal land as a viable segment of the Commonwealth's economy and as an economic and environmental resource of major importance.”

Agricultural and/or Forestal Districts are established by local ordinance to run for a set number of years (from 4 to 10), during which the property owner continues to hold fee simple title to the land, and enjoy various benefits provided by the code for such districts. The local ordinances usually include provisions that permit the landowner to withdraw from the program under certain defined circumstances.

3. Purchase of Conservation Easements / Development Rights (permanent)

A conservation easement (also known as an Open Space or Scenic Easement) is a legal agreement between a landowner and a land trust or government agency that limits the use of the land by recording deed restrictions that prohibit or severely restrict further development in order to protect the conservation value of the property, such as farmland, watersheds, wildlife habitat, forests, and/or historical lands. Each easement is unique in terms of acreage, description, use restrictions, and duration. These details are negotiated between the property owner granting the easement, and the organization that will be holding the easement.

Purchase of Easements (Development Rights) (PDR). When conservation easements are purchased as part of a broad government program, it typically called “Purchase of Development Rights” or PDR. In some other parts of the country it is also known as PACE or Purchase of Agricultural Conservation Easements. Purchasing “development rights” is the same as purchasing conservation easements, or that portion of the “bundle of rights” that allows landowners to construct dwellings or non-farm commercial structures on the property. Thus, when a locality purchases a conservation easement from a landowner, it essentially “buys” the right to develop the land and “retires” that right by placing a permanent conservation easement on the property that restricts or prohibits further non-farm development. Typically, these easement restrictions run in perpetuity.

4. Lease of Conservation Easements / Development Rights (temporary)

When conservation easements are acquired for short periods, they are called easement leases, term easements, or the leasing of development rights (LDR).

Lease of Development Rights (LDR) is the same as Purchase of Development Rights except that the term of the easement can be as short as five years. To date, no Virginia locality has enacted an LDR program. However, this tool offers great potential because the locality can set the terms of eligibility, easement duration, restrictions, and compensation; whereas under the Use Value program, the state sets most of the rules. However, like Use Value Assessment, an LDR program is a temporary solution to the problem of farmland and open space conversion.

5. Capital Improvements Program (CIP)

The Capital Improvement Program (CIP) is one of the four primary tools of implementing the comprehensive plan. It is an integral component of a locality's overall growth management program. It outlines the multi-year scheduling of public physical improvements and related costs to help guide the locality's decisions on how to allocate available funds over a 5-year period. The CIP is sometimes called a Capital Improvement Budget or Capital Improvement Plan.

6. Service Districts

Service Districts (sometimes called Special Service Districts) are legally defined geographic portions of a jurisdiction established by the local governing body. They are created to provide additional, more complete, or more timely services of government than are desired in the locality as a whole. Property owners within the special service district pay a higher tax rate in exchange for these enhanced services.

Sections 15.2-2400 through 15.2-2405 of the Code of Virginia grant localities the authority to create and fund service districts. Any locality may by ordinance, or any two or more localities may by concurrent ordinances, create service districts within the locality or localities. In addition, in any city created from the consolidation of two or more localities, service districts may be created by order of the circuit court for the city upon the petition of fifty voters of the proposed district.

Once created, the additional revenue derived from service districts may be used for a wide variety of public enhancements as specified when the district is created, including, but not limited to, water supply and sewerage facilities; garbage removal and disposal; fire-fighting equipment; sidewalks; economic development services; promotion of business and retail development services; beautification and landscaping; beach and shoreline management and restoration; public parking; extra security, street cleaning, snow removal, and other services, events, or any other activities that will enhance the public use and enjoyment of, and the public safety, public convenience, and well-being within, a service district.

7. Community Development Authorities

A community development authority (CDA) is a political subdivision of the Commonwealth. A CDA can be authorized and created by a local governing body upon petition by a majority of property owners, or those owning a majority of the assessed property value, within the proposed CDA boundaries. CDAs are authorized and created for the purpose of providing public infrastructure associated with the development or redevelopment of an area. Community development authorities are authorized by §15.2-5152 through §15.2-5158 of the Code of Virginia.

To establish a CDA, counties and towns must first elect by ordinance to accept CDA creation authority. A CDA is empowered to issue tax-exempt bonds for many different kinds of infrastructure improvements including roads, parks, recreation facilities, educational facilities, water and sewer, and fire prevention and control systems. Any bonds issued by the CDA are repaid through special assessments levied upon all the property owners within the boundaries of the CDA district. Such special assessments cannot exceed .25 dollars per \$100 dollars of assessed value unless every property owner in the CDA agrees to a higher special assessment.

Combined Powers (Planning Policy, Regulations, Guidelines, Incentives)

1. Urban Growth Boundaries (*Land Use and Infrastructure Coordination*)

Extensions of infrastructure, particularly water and sewer lines and major streets, significantly affect the timing and density of development. The comprehensive plan can designate areas which are planned for immediate or long-term utility service, thereby coordinating development approvals (rezonings) and utility extensions to achieve an orderly and compact development pattern adjacent to existing settlements. Urban Growth Boundaries in Virginia are not zoning designations per se, but rather policy designations established in the comprehensive plan so as to guide decisions about rezoning applications and public infrastructure investments.

2. Community Design and New Urbanism

New Urbanism is a planning concept that includes, or is otherwise known as neo-traditional design, transit-oriented development, and traditional neighborhood development. It has blossomed into a widespread planning movement during the past two decades, largely as a reaction to the deficiencies and unintended consequences of conventional suburban development patterns.

It is based upon principles of urban design that have been used successfully for centuries, but which have been largely neglected during the advent of the motor vehicle in the 20th century. It seeks to combine classic principles with the best features of modern urban design to create walkable, human-scale communities that have the timeless quality of historic settlements while also meeting the needs of modern society.

New Urbanism aims to create new communities that have the civic features that people have long enjoyed, including “human-scale” streetscapes that are comfortable for pedestrians, a “fine-grain” of mixed-uses, an interconnected street system, usable public spaces, prominent civic buildings, and strong neighborhood identity. These are provided in ways that still accommodate motor vehicles, modern commercial markets, and consumer preferences.

New Urbanism will typically provide for parking to be at the side or rear of buildings, and will locate buildings fairly close to the street so as to provide spatial definition to the public right-of-way. Wide sidewalks, street trees, on-street parking, and other pedestrian amenities are common features as well.

Recent state legislation (§ 15.2-2223.1) now requires certain counties (including Shenandoah) to incorporate one or more urban development areas, and the principles of new urbanism, into the comprehensive plan. The Code specifically cites features such as (i) pedestrian-friendly road design, (ii) interconnection of new local streets with existing local streets and roads, (iii) connectivity of road and pedestrian networks, (iv) preservation of natural areas, (v) satisfaction of requirements for stormwater management, (vi) mixed-use neighborhoods, including mixed housing types, (vii) reduction of front and side yard building setbacks, and (viii) reduction of subdivision street widths and turning radii at subdivision street intersections.

3. Transferable Development Rights (TDR)

TDR, or transfer of development rights, is a concept in which some or all of the rights to develop a parcel of land in one district (the sending district) can be transferred to a parcel of land in a different district (the receiving district). TDR is a tool used to preserve open space, farmland, water resources, and other resources in areas where a locality wishes to limit or curtail development.

In a classic TDR system one or more sending districts are identified as well as one or more receiving districts. “Development rights” are assigned to landowners in the sending district, typically on the basis of a certain number of permitted dwellings per acre. Owners of land in the sending district are not allowed to develop at the full level of their development rights, but instead may sell their development rights to owners of land in the receiving district, who may then use the newly acquired development rights to build at higher densities than normally allowed by existing zoning (without further legislative approval). TDR systems are intended to maintain designated land in open or non-developed uses and to compensate owners of the preserved land for limitations on their right to develop it.

4. Level of Service Standards

Level of service (LOS) standards specify the public facilities needed for new residential developments in an effort to determine if those facilities are adequate to support a proposed rezoning. Virginia Code § 15.2-2223-2280 allows any locality to incorporate level of service standards as a means in determining adequacy of facilities for future development. This does not apply to land already zoned for development.

Level of service standards are typically set out in a guidance document or comprehensive plan for public facilities such as schools, roads, libraries, parks, public transit, water and sewer systems. An example of LOS is the City of Chesapeake, which requires all rezoning applications to be subject to level of service standards for roads, schools and sewer capacity. If the proposed development fails any of the standards articulated in the plan, the staff recommends denial of the application. The policy exempts a development that will have minimal impact on schools and roads.

5. Density Incentives

A zoning ordinance is a principal planning tool used by localities to achieve their development objectives. Historically, zoning ordinances were purely regulatory tools that established minimum standards for new development. However, because “minimum standards” many times become “maximum performance”, zoning ordinances have evolved to include incentive-based approaches to community development objectives. Although different types of incentives can be incorporated into a zoning ordinance (fast track plan reviews, reduced application fees, etc.), the most positive incentive to developers is often increased density.

Incentives may be considered and applied through the rezoning process and/or directly through provisions of the zoning ordinance text. In the rezoning process, a locality’s comprehensive plan provides recommended density ranges for areas planned for residential use and intensity ranges (i.e., ranges of building square footage, floor area ratios) for nonresidential use areas. Establishing density as part of a rezoning approval is a matter of

the extent to which the objectives as specified in the comprehensive plan are met by the rezoning proposal.

Incentives may also be directly incorporated into a locality's zoning ordinance text, and be available to anyone who meets the standards established in the zoning ordinance. Incentives may be structured to foster an assortment of community objectives including, but not limited to affordable housing, dedication of land for highway improvements, reservation of land for open space, enhanced landscaping or signage design, or dedication of land for public uses.

6. Joint Comprehensive Plans / Joint Service Delivery

Because the problems and opportunities facing localities do not necessarily respect jurisdictional boundaries, the Code of Virginia provides Virginia's network of local governments broad authority to cooperate with one another. The most frequently used grant of authority for interlocal cooperation is the joint exercise of powers provision found in § 15.2-1300 of the Virginia Code. This section of the code permits any two or more localities to exercise jointly any power, privilege or authority they would be able to exercise separately.

In addition, § 15.2-2231 provides for the inclusion of incorporated towns into a county plan, and the inclusion of adjacent unincorporated territory into a municipal plan. Any county plan may include planning of incorporated towns to the extent to which, in the county local planning commission's judgment, it is related to planning of the unincorporated territory of the county as a whole. However, the plan shall not be considered as a comprehensive plan for any incorporated town unless recommended by the town planning commission and adopted by the governing body of the town. The same provision applies to a municipality that wishes to include the planning of adjacent unincorporated territory into its plan.

7. Commission Permits ("2232" Review)

According to § 15.2-2232 of the Virginia Code, the comprehensive plan "shall control the general and approximate location, character, and extent of each feature shown." Thus, while the comprehensive plan itself does not directly regulate land use, the plan does have status as a fundamental instrument of land use control once it is adopted by the local governing body.

Section 15.2-2232 provides that unless a feature is already shown on the adopted plan, no street or connection to an existing street, park or other public area, public building or public structure, public utility facility or public service corporation, whether publicly or privately owned, shall be constructed, established or authorized until its location has been approved by the local planning commission as being substantially in accord with the adopted comprehensive plan.

8. Agricultural Economic Development and Promotion

Several Virginia localities have undertaken efforts to strengthen the farm economy so that farmers can remain in business and thus keep their land in agricultural rather than be forced to sell it for development. Often these programs are aimed at sponsoring marketing efforts for local products, promoting educational and recreational services provided by farmers ("agri-tourism"), fostering "branding" efforts for local goods, and sponsoring farmers markets to give growers direct access to customers.

Four separate “stations” would be set-up – to rank the “new” rural tools - shown numbered below:

Rural Tools

1. Current Tools (Joyce)



- Large Lot Zoning: 3.5 acre minimum lot size in A-1; 10-acre minimum in C-1
- Rural Subdivision Limits to 1 lot per 3 years (*plus family subdivisions*)
- Use-Value Assessment and Taxation (“Land Use”) (voluntary; renewed annually)
- Agricultural and Forestal Districts (AFD) (voluntary; renewed every 4 to 10 years)
- Cluster Zoning (requires public water and sewer)

2. Rural Zoning Tools (Vlad with two facilitators)



- a. **Large Lot / Agricultural Zoning** (*larger minimum lot size than current A-1 and C-1*)
- b. **Sliding Scale Zoning**
- c. **Cluster Zoning** (*allow in rural areas without public water and sewer*)

3. Conservation Easements (two facilitators)



- a. **Purchase of Conservation Easements / Development Rights – PDR**
- b. **Lease of Conservation Easements / Development Rights (LDR)**

4. Other Tools (two facilitators)



- a. **Transferable Development Rights (TDR)**
- b. **Agricultural Economic Development and Promotion**

Note that at each station, the scenario posters will be taped to wall surfaces, and a facilitator will hand out a sheet of “dots” to each participant who will stick them on the poster. The facilitator will also have a flip chart to record comments and questions, and again, we’ll hand out individual comment sheets as well.

PSA Tools [*could have one station for these tools all shown together*]

Assume we continue to use these:

- Urban Development Areas (Public Service Areas) (PSAs)
- Conditional Zoning (Proffers)
- Capital Improvement Program (CIP)

Assume we pursue this in accord with new state code requirements:

- New Urbanism / Form-Based Codes

Keep these in mind for future consideration/exploration:

- Joint Comprehensive Plans
- Service Districts
- Community Development Authorities

Evaluation Stations

The “Evaluation Stations” will each have a poster with a graphic scenario of how each tool would “play out” on the ground – one tool per station. The tools will be grouped into four “stations” and participants will move from station to station in groups of about 7 or 8, allowing 10 to 15 minutes for each of the four station groups.

They will put “dots” on the posters to indicate how well each particular tool would work, overall; and also how supportive they would be of it from the perspective of their constituent group.

Each participant will be given a set of colored dots for each tool. They will:

1. put either a green (*good*), yellow (*okay/maybe*) or red (*not good*) dot to indicate how effective the tool will be in achieving the overall vision for the county as a whole, and
2. put either a green (*good*), yellow (*okay/maybe*) or red (*not good*) dot to indicate how desirable that tool will be for the constituent group they belong to (just one group each).

The four constituent groups are:

- farmers and large landowners
- rural, non-farm residents
- residents of towns and surrounding areas (PSAs)
- business owners and operators

The posters would look like this:

<p>[Name of Tool]: Large Lot Zoning</p> <p><i>Show scenario depicting results in 2030:</i></p> <p><i>Map/plan view diagram and Photo-montage image</i></p> <p><i>(Show small area of county, with its share of 200 dwellings per year countywide that would occur in this small area if this tool was implemented over a 20 year period)</i></p>			
<p>How Effective Will This Tool Be?</p> <p><i>Participants place dot here to rank overall effectiveness of this tool (green, yellow, or red dot)</i></p>			
<p>How Desirable Will This Tool Be for:</p>			
<p>Farmers and large landowners</p> <p><i>Place dot to rank support for this tool (green, yellow, or red)</i></p>	<p>Rural, Non-Farm Residents</p> <p><i>Place dot to rank support for this tool (green, yellow, or red)</i></p>	<p>Residents of Towns and surrounding areas</p> <p><i>Place dot to rank support for this tool (green, yellow, or red)</i></p>	<p>Business owners/operators</p> <p><i>Place dot to rank support for this tool (green, yellow, or red)</i></p>

EXISTING ZONING



SHENANDOAH COUNTY COMPREHENSIVE PLAN UPDATE

WORKSHOP EXERCISE
October 8, 2008

-  Existing Agricultural/Forestral District
-  R-1 ZONING (note - all other parcels shown on this map are zoned A-1)

-  EXISTING DEVELOPMENT
-  NEW DEVELOPMENT

 FLOODPLAIN

LARGE LOT



SHENANDOAH COUNTY COMPREHENSIVE PLAN UPDATE

WORKSHOP EXERCISE
October 8, 2008

- Existing Agricultural/Forestral District
- R-1 ZONING (note - all other parcels shown on this map are zoned A-1)

- EXISTING DEVELOPMENT
- NEW DEVELOPMENT
- FLOODPLAIN



Shenandoah County Community Planning Project

Steering Committee Meeting #5

December 4, 2008

9:00 a.m.

Shenandoah County Government Center

AGENDA

The major objectives of this meeting will be to:

- *Review Results of Public Input to Date*
- *Discuss and identify preferred tools for implementing the Vision*
- *Establish upcoming schedule*

9:00 a.m. Review Consultant Memo and Summary Report on Public Input

10:00 a.m. Discuss Preferred Tools for Implementing the Vision

12:30 p.m. Lunch Break

1:00 p.m. Continue Discussion of Tools; Set Upcoming Schedule

2:30 p.m. Adjourn

**Friends of the North Fork of the
Shenandoah River
P O Box 746
Woodstock, VA 22664**

**Potomac Conservancy
19 West Cork Street,
Suite 201
Winchester, VA 22601**

December 3, 2008

Conservation of natural resources and preservation of agriculture are central to achieving the vision of the County's Comprehensive Plan and in maintaining the heritage and rural character of Shenandoah County. Therefore, the County's Community Planning Project must result in zoning measures that protect water quality in the Valley, including the river itself, wetlands, vegetated buffers and other natural areas such as forests. If the zoning measures developed by the Planning Project do not include specific guidelines and requirements, existing problems with this County's water resources will only increase.

Also, it is important for any new zoning measures to keep agricultural land in agricultural production, and not merely provide for open space (e.g. large lawns). There are many reasons to preserve agriculture, not the least of which is the positive impact on the County's budget. Cost of services studies consistently demonstrate that the cost of providing public services necessary to support residential development far exceed their contributions to the tax base. Conversely, agricultural landowners contribute more in taxes than government spends to provide services to them.

Managing residential development in the Agricultural and Conservation Districts must be a key component of any ordinance change. Such growth should be directed to the towns and public service areas and actively discouraged in the more rural parts of the County. Permitting housing developments in areas not serviced by public water and sewer will result in a proliferation of individual septic systems or community-owned and operated sewage treatment systems. Either of these scenarios is problematic from a water quality standpoint.

When housing development does occur outside the towns, requirements should be in place to ensure the housing is placed on a small portion of the parcel, while most of the parent parcel is preserved intact. The County's current Open Space ordinance helps to achieve this goal within the public service areas, but not rural areas. Therefore, when development occurs on large parcels distant from town, all houses should be concentrated on small lots and the vast majority of the parent parcel should remain in agriculture, forestry or conservation. Strict requirements for maintenance of septic systems should be enacted to minimize adverse effects on water quality and drinking water supplies as well.

Other tools that would help preserve agricultural land, while allowing landowners to maintain maximum control over their economic future include: conservation easements, purchase of development rights (PDRs) and transfer of development rights (TDRs). Establishment of a county PDR program was recommended by the Agriculture Task Force and has received favorable feedback in the recent community forums.

Additional tools that are needed to effectively manage rural growth include sliding scale zoning, retaining the one subdivision per 3-year requirement, and low impact development standards. These options should be part of a comprehensive approach to ensure that natural resources are protected and agriculture remains a significant activity in Shenandoah County.

It has been suggested that this stage in the planning process may not be the time to specify how natural resources will be protected. However, we are convinced that explicit consideration of natural resources is essential to achieving other goals (e.g. maintaining agricultural land, discouraging rural development, and protecting drinking water supplies). The table below notes the many benefits of emphasizing natural resource-based tools. Each of the tools was originally designed to address an environmental purpose, but has resulted in other benefits as well.

Environmental Tool	Benefits for Preserving Rural Character
<p>Low Impact Development (LID) or Environmental Site Design (for more detail, see attached brochure or visit http://www.epa.gov/nps/lid/)</p>	<ul style="list-style-type: none"> • Can be used to drive development toward towns • Protects fields and forests outside of building envelope • Mimics water absorption in forest, allowing groundwater recharge • Reduced runoff protects stream banks from excess erosion • Less runoff means less pollutants entering waterways • Protected streams leads to preserved ecosystems
<p>Purchase of Development Rights (PDRs) and Transfer of Development Rights (TDRs)</p>	<ul style="list-style-type: none"> • Highly valued rural lands are protected from development • Decrease in available rural housing lots pushes growth toward towns • Open land provides for groundwater recharge • Reduced runoff benefits streams
<p>Concentrate housing on small lots on a minority portion (e.g. 25%) of the parcel, while preserving the parent parcel intact</p>	<ul style="list-style-type: none"> • Preserves larger areas of open space • Reduces impervious surfaces (less road, driveway, housing surfaces) • Open space promotes groundwater recharge and stream protection • Protects the quality of surface and drinking water supplies

We ask the Steering Committee to take the time, sooner rather than later, to discuss how these tools are necessary to achieving the vision and goals of the comprehensive plan..

Sincerely,



Leslie D. Mitchell-Watson
Executive Director
Friends of the North Fork of the
Shenandoah River



Patrick Felling
Policy Associate
Potomac Conservancy