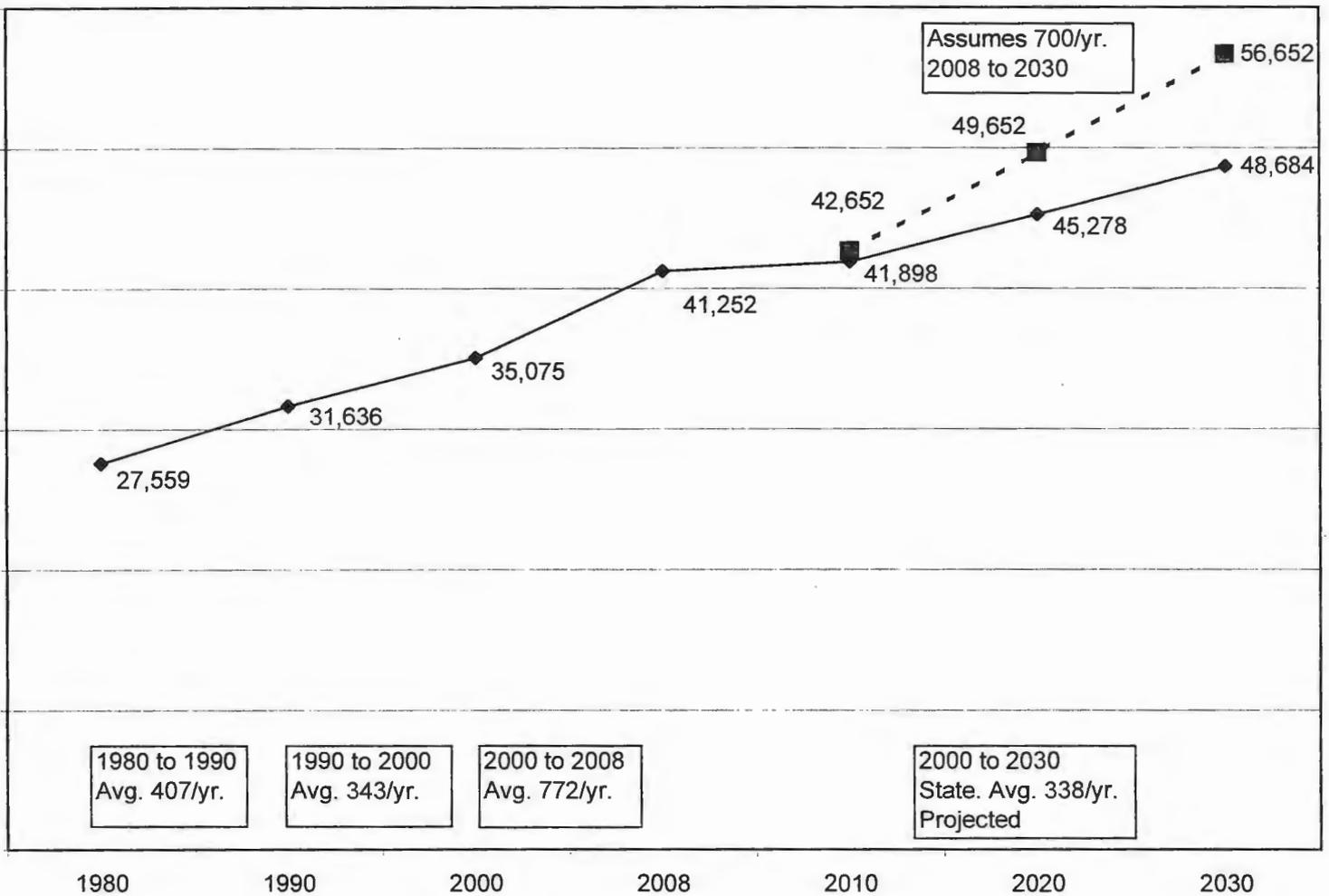


Shenandoah County Population Growth 1980 to 2030 Projected



Data from Weldon Cooper Center at UVA and US Census Bureau
2030 estimate of 48,684 based on State 38.8% projected growth from 2000 to 2030

March 18, 2008 - Ad for Proposal for Land Use
Planning Arcs. Comprehensive Planning

~~March 18~~

June 18, 2008 : SC Kick off Mtg.

- Introduce consulting team & Co. Officials
- Review process, major task & schedule
- Identify major issues & objectives

July 21, 2008 : SC Mtg. # 2

- Review analysis to date
- Review Preparations for 1st Public Forum in Sept.

Sept. 16, 2008 : 1st Public Forum - Project Overview

- Review 2005 Comp. Plan Vision Statement

Sept. 24, 2008 : 2nd Public Forum -

Oct. 8, 2008 : SC Mtg. # 3 - Brief Project Overview

- Summarize results of 1st two Forums
- Review available tools for rural growth mgmt.

Oct. 15, 2008 - 3rd Public Forum - Evaluate Tools
to achieve Vision

- Review available tools for rural growth mgmt.

Oct. 21, 2008 - BC. Mtg. # 4 - Review Results 1st 3 Forums

- Discuss Preliminary Preparations for 4th Public Forum

Oct. 29, 2008 - 4th Public Forum -

- Evaluate & rank potential combinations of methods (tools) to achieve the Vision

Dec. 4, 2008: SC Mtg. #5 -

- Review summary report of public input
- Discuss & identify preferred tools for implementing the vision

April 9, 2009 SC Mtg #6 -

- Review consultant report on implementation tools
- Discuss Issues & Options for tools

July 30, 2009 - SC Mtg #7: Facilitation of Growth In & Around the Towns

Aug. 13, 2009 - SC Mtg #8 - Land Conservation Tools

- Sept. 10, 2009 - SC Mtg #9 - Review report on land conservation tools, discuss issues & options rural zoning regs.
- Recommendation for rural zoning regs.

C. Strengthen Rural Zoning Regulations (for A-1 and C-1 Zoning Districts)

Based upon the analysis of this report, the following amendments to the A-1 and C-1 zoning districts should be pursued, in combination with the other proposed tools. The basic concept for rural zoning revisions is to reduce the “by-right” density for large-lot subdivisions while providing a density bonus for clustered subdivisions.

1. Adopt Low Density Zoning Regulations for the A-1 and C-1 Zoning Districts

Allow one lot per 15 to 20 acres on average. This would mean that while the overall average density of a rural subdivision would be 15 or 20 acres, the average lot size could vary from as small as two acres, up to well in excess of 20 acres.

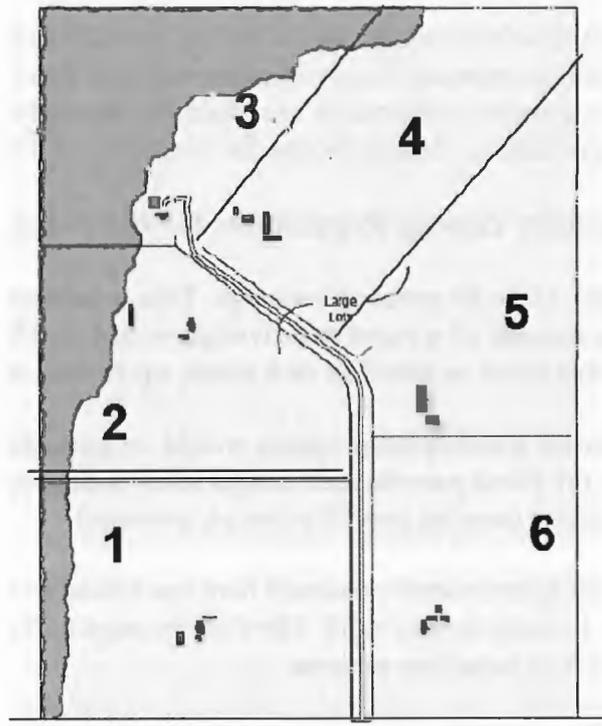
Further, the cluster development option would be amended so that it would be a viable option for rural parcels and would allow a density matching the current C-1 District (one lot per 10 acres on average).

Note that the draft amendments presented here use a base overall density of 20 acres; however, 15 acres is also valid. The County must make a reasoned judgment as to the trade-offs of these two options.

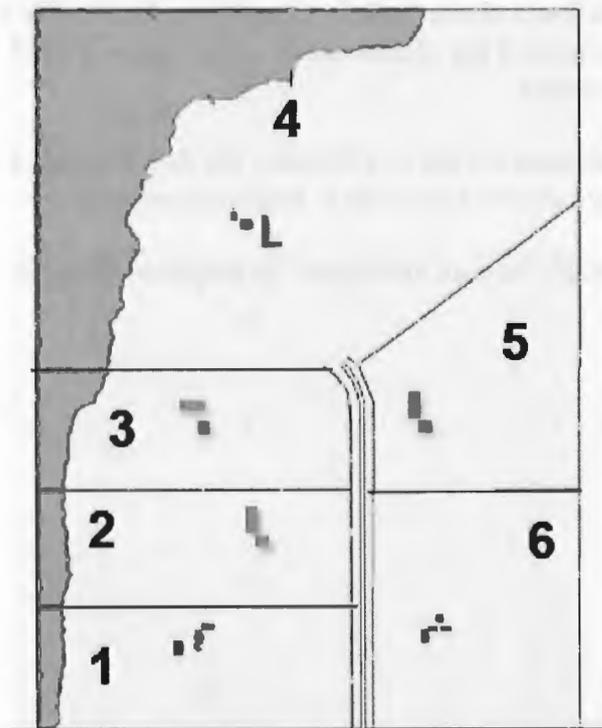
The basic concept of these draft amendments for the A-1 and C-1 zoning districts are that the overall density of housing development would be lowered to an average of one unit per 20 acres if developed as a large lot subdivision, and one unit per 10 acres if developed as a cluster subdivision (Thus, the density in the C-1 District would not be reduced if the cluster subdivision option is used). Permitted uses would not be changed.

The draft amendments for the C-1 District, the A-1 District, and the Open Space / Cluster option are shown in section 3, beginning on page 44.

Sketch diagrams of “lot-size averaging” as proposed here are shown on the following page.



A 125-acre parent parcel, divided into six 20-acre lots (plus road right of way).



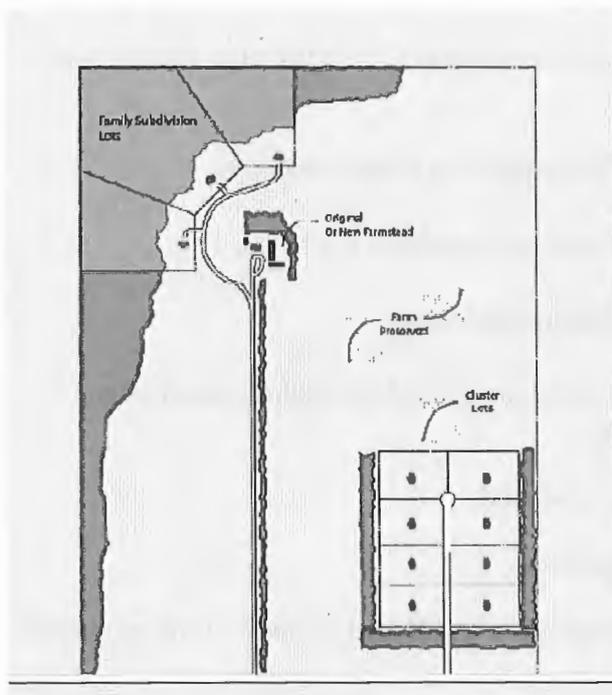
A 125-acre parent parcel, divided into six lots of varying sizes at an average of 20 acres per lot (plus road right of way).

2. Amend the Open Space Cluster Zoning Option

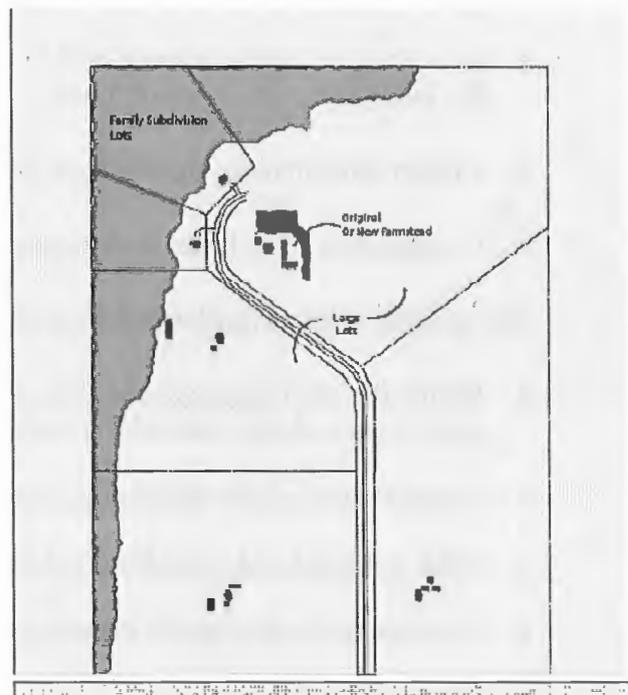
Amend the A-1 and C-1 Zoning Districts, so that the cluster development option would save at least 80% of the tract in very large, “conservation lots”, while facilitating recombining existing lots as well as facilitating family subdivisions.

The cluster provisions work in concert with the A-1 and C-1 base district provisions. The purpose of the cluster provisions is save significant pieces of open land even as adjacent land is subdivided and developed with rural housing. The result should be rural subdivisions that have less impact than conventional subdivisions, on agriculture, visual quality of the landscape, environmental resources such as water quality, and delivery of public services.

It is further hoped that the incentives of the cluster option may also encourage recombination of existing vacant lots, and facilitation of small-scale family subdivisions.



Cluster Option
(average density of one lot per 10 acres)



Basic Option
(average density of one lot per 20 acres)

Key Features of the proposed amended cluster development option include:

- Cluster development in the C-1 and A-1 zoning districts would be permitted using individual wells and septic systems.
- Average overall maximum development density of a site would be one lot per 10 acres (same as current C-1 zoning district)
- At least 80% of the parent tract would be preserved either in common open space or in large “conservation lots” of at least 30 acres each, which could be sold and used just like any other lot.
- The cluster lots would be a minimum of one acre in size.
- Off-site septic fields would be permitted on conservation lots in order to facilitate the creation of smaller cluster lots.
- Private roads would be permitted to ensure compatibility with the rural character of the landscape, and to reduce costs.
- Cluster development subdivisions would be approved administratively.
- Construction of a cluster development could be completed in phases.

The specific steps to implement these two zoning tools are:

- Refine the draft language shown in this report, as needed, including coordinating provisions with the subdivision ordinance.
- Conduct public informational meetings as needed.
- Take comment and input from public agencies.
- Conduct work sessions by Planning Commission and Board of Supervisors as needed.
- Issue legal public notice.
- Conduct public hearings before Planning Commission and Board of Supervisors as needed.
- Conduct additional work sessions as needed.
- Make refinements to the amendments as needed.
- Planning Commission makes recommendation to Board of Supervisors.
- Board of Supervisors make refinements as needed and adopts amendments.

Comparison of Theoretical Lot Yields of Existing C-1 and A-1 Districts with draft amendments.

Following is a comparison of density and lot size requirements of the existing C-1 District and the draft proposed C-1 District shown in this report:

Parent Tract Size	Number of Total Lots Permitted using conventional subdivision ¹		Density using conventional subdivision ¹ (Average lot size)		Density using cluster subdivision (Average lot size)	
	Existing C-1	Proposed C-1	Existing C-1	Proposed C-1	Existing C-1	Proposed C-1
10 acres	1	1	10 acres	10 acres	n/a	n/a
20 acres	2	2	10 acres	10 acres	n/a	n/a
30 acres	3	3	10 acres	10 acres	n/a	n/a
31 acres	3	3	10.3 acres	10.3 acres	n/a	n/a
32 acres	3	3	10.7 acres	10.7 acres	n/a	10.7 ac.
40 acres	4	3	10 acres	13.3 acres	n/a	10.0 ac.
50 acres	5	3	10 acres	16.7 acres	n/a	10.0 ac.
60 acres	6	3	10 acres	20 acres	n/a	10.0 ac.

¹ Includes bonus lots for smaller parent parcels.

Following is a comparison of density and lot size requirements of the existing A-1 District and the draft proposed A-1 District. Note however, that the lot sizes for existing A-1 regulations are theoretical because most land has various constraints that make expected lot size in the range of 4 to 10 acres, rather than 3.5 acres.

Parent Tract Size	Number of Total Lots Permitted using conventional subdivision ¹		Density using conventional subdivision ¹ (Average lot size)		Density using cluster subdivision (Average lot size)	
	Existing A-1	Proposed A-1	Existing A-1	Proposed A-1	Existing A-1	Proposed A-1
10 acres	2	2	5.0 acres	5.0 acres	n/a	n/a
20 acres	5	3	4.0 acres	6.7 acres	n/a	n/a
30 acres	8	4	3.8 acres	7.5 acres	n/a	n/a
31 acres	8	4	3.9 acres	7.8 acres	n/a	n/a
32 acres	9	4	3.6 acres	8.0 acres	n/a	10.7 ac.
40 acres	11	2	3.6 acres	20.0 acres	n/a	10.0 ac.
50 acres	14	2	3.6 acres	25.0 acres	n/a	10.0 ac.
60 acres	17	3	3.5 acres	20.0 acres	n/a	10.0 ac.

¹ Includes bonus lots for smaller parent parcels.

² bonus lots do not apply when cluster option becomes available.

3. Draft Amendments to the Zoning Ordinance

The proposed amendments to the existing zoning ordinance are shown below in a “legislative mark-up” style, with new language underlined and deleted language ~~stricken through~~. (Also shown are proposed amendments to the subdivision ordinance in order to coordinate the two ordinances).

§ 165-11. Conservation District (C-1) – *Draft Mark-up*

[Amended 6-8-1982; 1-24-1985; 4-8-1986; 6-9-1987; 11-14-1989; 12-12-1989; 7-9-1991; 9-10-1991; 11-8-1994; 6-13-1995; 5-28-1996; 11-26-1996 by Ord. No. 96-3; 9-23-1997 by Ord. No. 97-7; 3-28-2000 by Ord. No. 00-2; 5-23-2000 by Ord. No. 00-6; 6-26-2001 by Ord. No. 01-6; 11-27-2001 by Ord. No. 01-8; 1-22-2002 by Ord. No. 02-1; 1-22-2002 by Ord. No. 02-2; 2-25-2003 by Ord. No. 2003-2; 6-24-2003 by Ord. No. 2003-4; 4-24-2007 by Ord. No. 2007-08; 4-24-2007 by Ord. No. 2007-09; 6-26-2007, 4-22-2008]

A. Statement of intent. This district covers portions of the County which are occupied by various open uses, such as forests, recreation areas, farms, lakes or streams. Uses not consistent with the existing character of this district are not permitted. Real property in this zoning classification may be subdivided only in accordance with § 142-3.1 of the Code of Shenandoah County. [Amended 3-22-2005 by Ord. No. 2005-4]

B. Uses. In this district, structures to be erected or land to be used shall be for one or more of the following uses:

(1) Uses permitted by right:

- (a) General farming, agriculture, dairying and forestry. See Article XI for poultry and hog regulations.
- (b) Conservation preserves.
- (c) Single-family detached dwellings.
- (d) Kennels.
- (e) Churches, cemeteries, schools, parks and playgrounds, fire and rescue squad stations, office buildings and other public and semipublic uses.
- (f) Roadside stand or market.
- (g) Country or general stores.
- (h) Sawmills or pulpwood concentration yards.
- (i) Manufactured houses on permanent foundations.
- (j) Lines, poles and pipes to provide electric, gas, telephone, water or sewer service to structures located on properties adjacent to said facilities.
- (k) Retail greenhouse and nursery operations under 10,000 square feet. Site plan approval is required as per Article XIV.
- (l) Storage buildings or sheds, as defined.
- (m) Recreational vehicle provided that the recreational vehicle is on the property no more than 30 consecutive days and is removed from the property for at least 14 consecutive days each time it is removed. [Added 4-24-2007 by Ord. No. 2007-09]
- (n) Open Space Developments meeting the requirements of Article X [Added 6-26-2007]
- (o) Wineries [Added 4-22-08]

(2) Permitted accessory uses:

- (a) Off-street parking for uses permitted in the district as provided in Article XII.
- (b) Signs as provided in Article XIII.
- (c) Customary accessory uses and structures as provided in § 165-26.
- (d) Home occupation as provided in § 165-29.
- (e) Level 1 home business as provided in § 165-30.

(3) Uses permitted by special permit:

- (a) Level 2 home business as provided in § 165-30.
- (b) Public utility generating, booster or relay stations, transformer substations, railroads, water and sewerage installations (other than pipes), telephone facilities (other than lines, poles and towers), and other facilities for the provision and maintenance of public utility service.
- (c) Garages, public.
- (d) Farm, lawn and garden machinery and equipment sales and service.
- (e) Lodges, hunting clubs, camps, golf and country clubs.
- (f) Recreational uses or facilities, commercially operated or for private membership, such as game courts, swimming pools, campgrounds, archery ranges, fishing or boating lakes, ski slopes, picnic grounds, marinas and accessory facilities (including the sale of food, beverages, bait, incidentals, supplies and equipment); provided that no such use, structure or accessory use is located closer than 50 feet to any adjoining property lines.
- (g) Conversion of a single residential structure on a lot to contain a maximum of four dwelling units, provided that such structure was in existence prior to September 12, 1978.
- (h) Reserved (4-22-2008)
- (i) Nursing homes and adult-care centers.
- (j) Airports, commercial and private.
- (k) Flea markets.
- (l) Mobile home or manufactured housing parks as provided in Article IX.
- (m) Retail greenhouse and nursery operations over 10,000 square feet. Site plan approval is required as per Article XIV.
- (n) Telecommunications towers as provided in Article XIX.
- (o) (Reserved) [EN]10
- (p) Museums.
- (q) Conversion of existing single-family dwellings to bed-and-breakfasts, provided that the bed-and-breakfast is located at least 900 feet from all lots containing intensive poultry facilities, intensive hog facilities, and other confined feeding operations.
- (r) Corporate training centers. [Added 11-25-2003 by Ord. No. 2003-7]
- (s) Country inns. [Added 11-25-2003 by Ord. No. 2003-7]
- (t) Rural resorts. [Added 11-25-2003 by Ord. No. 2003-7]
- (u) Temporary electric service [Added 4-24-2007 by Ord. No. 2007-09]

C. Area regulations.

- (1) The minimum lot area shall be ~~10~~ two acres. The average parcel size for any subdivision of land, as defined in Chapter 142 of the County Code, shall be 20 acres, except that the provisions of part § 165-11 (4) and the open space cluster provisions of Article X of this Chapter may be applied to permit a greater overall average density. If any proposed subdivision plat includes any lot less than 20 acres in area, the plat must show a boundary survey of the entire tract, in accord with plat requirements as set forth in § 142-45 (3) of the County Code.

(2) There shall be a maximum of one single-family detached dwelling or manufactured house per ~~10~~ 20 acres, on average and not more than one principle dwelling on each lot.

(3) There shall be a maximum of two dwellings or manufactured houses or combination thereof per lot.

(4) Notwithstanding the other provisions of this chapter, each parcel of land existing at the time of the adoption of this amended provision [X-XX-09] or created by a boundary line adjustment that does not create additional lots, and with no existing dwelling, may be divided as follows:

(a) parcels of 20 or more acres but less than 30 acres in area may be subdivided into a total of two parcels, each not less than two acres in area; and

(b) parcels of 30 or more acres but less than 60 acres in area may be subdivided into a total of three parcels, each not less than two acres in area.

D. Frontage regulations. The minimum frontage for each lot shall be no less than 175 feet, and each lot shall have a length to width ratio of each lot is no greater than 3.5 to 1, except that in no case shall the frontage be required to be greater than 350 feet. ~~450 feet.~~ (See § 165-27 for cul-de-sac.)

E. Yard regulations. [NOTE: See Article XI for residential setbacks from poultry facilities.]

(1) Front yard. Structures shall be located 40 ~~100~~ feet or more from the front lot line. This shall be known as the "setback" line.

(2) Side yard. Each side yard for each main structure shall be a minimum of 40 ~~80~~ feet. No accessory building shall be located closer than 30 feet to any side property boundary line.

(3) Rear yard. Each main structure shall have a rear yard of 90 ~~150~~ feet or more. Accessory buildings may be built to within 10 feet of rear property line. When the lot was recorded prior to October 1, 1978, the rear yard may be reduced to 60 feet when it is determined by the Zoning Administrator that the required setback cannot be met because water and/or sanitation facilities are necessary to be located in front of the house as determined by the Health Director.

(4) Lots adjoining an industrial-zoned district. No residential structure shall be constructed closer than 100 feet to any adjacent property line if that property is an industrial-zoned district or contains an industrial use; however, this distance may be reduced to 50 feet for side or 60 feet for rear yards if a screen buffer consisting of total screening is provided.

F. Building coverage. The maximum building coverage on a lot shall be 20%.

G. Height regulations.

(1) Structures may be erected up to 35 feet in height.

(2) All accessory buildings shall be less than the main building in height. Church spires, belfries, cupolas, monuments, water towers, farm silos, barns and other farm related structures, chimneys, flues, flagpoles, parapet walls, television antennas, radio aerials, microwave towers and other public communication facilities are not governed by the height regulation of 35 feet set forth in the previous subsection.

§ 165-12. Agriculture District (A-1) - Draft Mark-up

[Amended 6-8-1982; 3-8-1983; 4-8-1986; 6-9-1987; 11-8-1988; 6-13-1989; 11-14-1989; 12-12-1989; 7-9-1991; 9-10-1991; 12-10-1991; 3-10-1992; 3-23-1993; 4-12-1994; 11-8-1994; 5-28-1996; 6-13-1995; 11-26-1996 by Ord. No. 96-3; 9-23-1997 by Ord. No. 97-7; 3-28-2000 by Ord. No. 00-2; 5-23-2000 by Ord. No. 00-6; 6-26-2001 by Ord. No. 01-6; 11-27-2001 by Ord. No. 01-7; 11-27-2001 by Ord. No. 01-8; 1-22-2002 by Ord. No. 02-1; 1-22-2002 by Ord. No. 02-2; 2-25-2003 by Ord. No. 2003-2; 6-24-2003 by Ord. No. 2003-4; 4-24-2007 by Ord. No. 2007-06; 4-24-2007 by Ord. No. 2007-08; 4-24-2007 by Ord. No. 2007-09; 6-26-2007, 4-22-2008]

A. Statement of intent. This district is intended to preserve the character of those portions of the County where agricultural and other low-intensity uses predominate. The permitted uses should include mainly agriculture and related uses. Real property in this zoning classification may be subdivided only in accordance with § 142-3.1 of the Code of Shenandoah County. [Amended 3-22-2005 by Ord. No. 2005-4]

B. Uses. In this district, structures to be erected or land to be used shall be for one or more of the following uses:

(1) Uses permitted by right:

- (a) General farming, agriculture, dairying and forestry. [NOTE: See Article XI for poultry and hog regulations.]
- (b) Conservation preserves.
- (c) Single-family detached dwellings.
- (d) Manufactured houses on permanent foundations.
- (e) Schools, churches, parks, playgrounds, fire and rescue squad stations, libraries, cemeteries, office buildings and other similar public and semipublic uses.
- (f) Sawmills or pulpwood concentration yards.
- (g) Kennels.
- (h) Country or general stores.
- (i) Livestock markets.
- (j) Lines, poles and pipes to provide electric, gas, telephone, water and sewer service to structures located on properties adjacent to said facilities.
- (k) Roadside stand or market.
- (l) Veterinary hospitals
- (m) Retail greenhouse and nursery operations under 10,000 square feet. (Site plan approval is required as per Article XIV.)
- (n) Cat shelters.
- (o) Storage buildings or sheds, as defined.
- (p) Recreational vehicle provided that the recreation vehicle is on the property no more than 30 consecutive days and is removed from the property for at least 14 consecutive days each time it is removed. [Added 4-24-2007 by Ord. No. 2007-09]
- (q) Open Space Developments meeting the requirements of Article X [Added 6-26-2007]
- (r) Wineries [Added 4-22-08]

(2) Permitted accessory uses:

- (a) Off-street parking for uses permitted in this district as provided in § 165-86.
- (b) Signs as provided in Article XIII.
- (c) Customary accessory uses and structures as provided in § 165-26.

- (d) Home occupation as provided in § 165-29.
- (e) Level 1 home business as provided in § 165-30.

(3) Uses permitted by special permit:

- (a) Lodges, hunting clubs, camps, golf and country clubs.
- (b) Level 2 home business as provided in § 165-30.
- (c) Garages, public.
- (d) Farm, lawn and garden machinery and equipment sales and service.
- (e) Public utility generating, booster or relay stations, transformer substations, railroads, water and sewerage installations (other than pipes), telephone facilities (other than lines, poles and towers), and other facilities for the provision and maintenance of public utility service.
- (f) Airports, commercial and private.
- (g) Recreational uses or facilities, commercially operated or for a private membership, such as game courts, swimming pools, campgrounds, archery ranges, fishing or boating lakes, ski slopes, picnic grounds, marinas and accessory facilities (including the sale of food, beverage, bait, incidentals, supplies and equipment); provided that no such use, structure or accessory use is located closer than 50 feet to any adjoining property lines.
- (h) Commercial slaughterhouse.
- (i) Rendering plant.
- (j) Blacksmith shop.
- (k) Conversion of a single residential structure on a lot to contain a maximum of four dwelling units, provided that such structure was in existence prior to September 12, 1978.
- (l) Reserved (4-22-08)
- (m) Bulk petroleum products storage and distribution.
- (n) Nursing homes and adult-care centers.
- (o) Asphalt mixing plants.
- (p) Flea market.
- (q) Mobile home or manufactured housing parks as provided in Article IX.
- (r) Motor vehicle impoundment lots.
- (s) Retail greenhouse and nursery operations over 10,000 square feet. (Site plan approval is required as per Article XIV.)
- (t) Manufacture of deli sandwiches.
- (u) Off-street parking area as a main use.
- (v) Personal service establishments under 1,500 square feet.
- (w) Telecommunications towers as provided in Article XIX.
- (x) (Reserved) [EN]11
- (y) Dormitory housing for farm workers.
- (z) Museums.
- (aa) Conversion of existing single-family dwellings to bed-and-breakfasts, provided that the bed-and-breakfast is located at least 900 feet from all lots containing intensive poultry facilities, intensive hog facilities, and other confined feeding operations.
- (bb) Child-care centers, provided that the child-care center is licensed by the Commonwealth of Virginia.
- (cc) Corporate training centers. [Added 11-25-2003 by Ord. No. 2003-7]
- (dd) Country inns. [Added 11-25-2003 by Ord. No. 2003-7]
- (ee) Rural resorts. [Added 11-25-2003 by Ord. No. 2003-7]
- (ff) Wholesale bakeries. [Added 11-25-2003 by Ord. No. 2003-8]
- (gg) Cold storage of plant and animal cultures. [Added 3-8-2005 by Ord. No. 2005-2]
- (hh) Temporary electric service [Added 4-24-2007 by Ord. No. 2007-09]
- (ii) Ice Cream Stand. [Added 4-24-2007 by Ord. No. 2007-06]

C. Area regulations.

(1) The minimum lot area shall be 3-1/2 two acres. The average parcel size for any subdivision of land, as defined in Chapter 142 of the County Code, shall be 20 acres, except that the provisions of part § 165-12 (4) and the open space cluster provisions of Article X of this Chapter may be applied to permit a greater overall average density. If any proposed subdivision plat includes any lot less than 20 acres in area, the plat must show a boundary survey of the entire tract, in accord with plat requirements as set forth in § 142-45 (3) of the County Code.

(2) There shall be a maximum of one single-family detached dwelling or manufactured house per 3-1/2 20 acres on average, and not more than one principle dwelling on each lot.

(3) There shall be a maximum of two dwellings or manufactured houses or combination thereof per lot.

(4) Notwithstanding the other provisions of this chapter, each parcel of land existing at the time of the adoption of this amended provision [X-XX-09] or created by a boundary line adjustment that does not create additional lots, and with no existing dwelling, may be divided as follows:

(a) parcels of 7 or more acres but less than 11 acres may be subdivided into a total of two parcels, each not less than two acres in area, and

(b) parcels of 11 or more acres in area, but less than 21 acres may be subdivided into a total of three parcels, each not less than two acres in area.

(c) parcels of 21 or more acres in area, but less than 32 acres may be subdivided into a total of four parcels, each not less than two acres in area.

D. Frontage regulations. The minimum frontage for each lot shall be no less than 175 feet, and each lot shall have a length to width ratio of each lot is no greater than 3.5 to 1, except that in no case shall the frontage be required to be greater than 350 feet. (See § 165-27 for culs-de-sac.)

E. Yard regulations. [NOTE: See Article XI for residential setbacks from poultry facilities.]

(1) Front yard. Structures shall be located 40 60 feet or more from the front lot line. This shall be known as the "setback" line.

(2) Side yard. Each side yard for each main structure shall be a minimum of 40 60 feet. No accessory building shall be located closer than 30 feet to any side property boundary line.

(3) Rear yard. Each main structure shall have a rear yard of 90 feet or more. Accessory buildings may be built to within 10 feet of rear property line.

(4) Lots adjoining an industrial zoned district. No residential structure shall be constructed closer than 100 feet to any adjacent property line if that property is an industrial-zoned district or contains an industrial use; however, this distance may be reduced to 50 feet for side or 60 feet for rear yards if a screen buffer consisting of total screening is provided.

F. Building coverage. The maximum building coverage on a lot shall be 20% 30%.

G. Height regulations.

(1) Structures may be erected up to 35 feet in height from grade.

(2) All accessory buildings shall be less than the main building in height. Church spires, belfries, cupolas, monuments, water towers, farm silos, barns and other farm related structures, chimneys, flues, flagpoles, parapet walls, television antennas, radio aerials, microwave towers and other public communication facilities are not governed by the height regulation of 35 feet set forth in the previous subsection.

ARTICLE X, Open Space Cluster Development Regulations - Draft Mark-up

§ 165-69. Purpose and Intent.

A. The regulations established in this article are to encourage the preservation of open spaces to be used for agricultural, forestal, and recreational uses, by permitting the clustering of smaller parcels within a subdivision so as to preserve larger lots, open spaces and environmental features within that subdivision. These regulations are consistent with Section 15.2-2286.1 of the Code of Virginia, as amended.

B. Objectives:

- (1) Protect and preserve large tracts of land for agriculture, forest, and other open space uses.
- (2) Protect and preserve natural resources, trees, watersheds, floodplains, water features, sink holes, mountain ridge lines, steep slopes, and other sensitive natural features, while enhancing the natural scenic beauty of the land.
- (3) Protect and preserve historic areas, including any area containing one or more buildings or places in which historic events occurred or having special public value because of notable architectural, archeological, or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation.

§ 165-70. Minimum area requirement.

~~An open space development shall consist of at least 5 contiguous acres in the Low-Density Residential (R-1), Medium-Density Residential (R-2), and High-Density Residential (R-3) districts, 10.5 acres in the Agriculture (A-1) and Rural-Residential Agriculture (RRA) districts and 30 acres in the Conservation (C-1) and Rural-Residential Conservation (RRC) districts, under one ownership or control.~~

An open space cluster development shall consist of at least 5 contiguous acres in the Low-Density Residential (R-1), Medium-Density Residential (R-2), and High-Density Residential (R-3) districts, 10.5 acres in the Rural-Residential Agriculture (RRA) district, 30 acres in the Rural-Residential Conservation (RRC) district, 32 acres in the Agriculture (A-1) district, and 32 acres in the Conservation (C-1), under one ownership or control.

§ 165-71. Public water and sewer.

An open space development project shall be serviced by public water and sewer as defined in Section 142-3.B of the Code of Shenandoah, except that in the C-1 or A-1 districts the lots may be

served by individual well and septic systems if approved by the Health Department. Wells and septic fields that serve a cluster lot may be located on a contiguous conservation lot; utility easements must be established at the time of subdivision to provide access to such facilities, and must be surveyed and the boundaries marked with monuments.

§ 165-72. Density, area, frontage, and yard requirements.

A. An open space development shall be designed at an overall density corresponding to the minimum lot size contained in the specific applicable district regulations section for single-family lots, except as provided for in § 165-11.C of this chapter for the C-1 district, and in § 165-12.C. of this chapter for the A-1 district.

B. All structures on residential lots in an open space development shall be clustered within an avoid any area not containing prime farm and forest land, 100-year floodplain, wetlands, stream buffers, sink holes, mountain ridge lines, steep slopes, historic areas, and areas with other sensitive natural and historical features. The Administrator shall evaluate information provided by the applicant in the site plan, soil surveys, floodplain maps, historical surveys, USGS topographical maps, and other sources of information pertaining to the property and surrounding areas. In order to facilitate such evaluation, the applicant shall show the location of building envelopes on each lot. [amend chapter 145-45 to add steep slopes, historic structures, building envelopes, and wetlands to plat submission requirements]

C. The minimum lot area, frontage, and yard requirements for individual, cluster lots in an open space development shall be as follows:

District	Minimum Lot Area	Minimum Frontage	Required Front Yard	Required Side Yard	Required Rear Yard
C-1	1 acre	125 feet	35'	15'	50'
A-1	1 acre	125 feet	35'	15'	50'
C-1/RRC	1 acre	125 feet	35'	15'	30'
A-1/RRA	30,000 sq ft.	125 feet	35'	15'	30'
R-1	15,000 sq ft.	100 feet	35'	10'	25'
R-2	10,000 sq ft.	90 feet	35'	10'	25'
R-3	10,000 sq ft.	90 feet	35'	10'	25'

Accessory structures shall be located at least 5 feet from side and rear lot lines in the RRC, RRA, R-1, R-2, and R-3 districts, and 15 feet in the C-1 and A-1 districts.

Note: 100' setback is required for all primary structures from a pre-existing street.

D. Each cluster must contain at least five but not more than ten contiguous cluster lots, except for for sites in which the total number of cluster lots is less than five, in which case they must be contiguous. Each cluster must be separated from other clusters on the parent tract by at least 375 feet.

§ 165-73. Open Space and Conservation Lots

A. A minimum percentage of each open space development shall be preserved in open space or

conservation lots as shown in the following table:

C-1	80%
A-1	80%
C-1/RRC	75%
A-1/RRA	70%
R-1, R-2, R-3	50%

B. Open space and conservation lots shall be used only for the following purposes:

(1) For properties zoned C-1, RRC, A-1, RRA: Agricultural and forestal uses including the construction of farm related accessory structures necessary to conduct agricultural activities on the property.

(2) For properties zoned R-1, R-2, R-3: Recreation areas meaning park areas, pedestrian paths, bicycle trails, and other recreational facilities. Structures directly supporting the recreation use may be constructed.

(3) For all properties: Preservation areas meaning historic places, buildings, battlefields, and other areas of historical significance, stream buffers, floodplains, wetlands, steep slopes, and other natural and environmental resources, not including structures except those farm structures allowed in Section 165-73.B(1).

(4) For properties zoned C-1 or A-1: One single family detached dwelling per conservation lot. Such lots must have a minimum area of 30 acres and must meet all other frontage and setback requirements for those districts as set forth in § 165-11 and § 165-12.

C. Except for conservation lots in the C-1 and A-1 districts, all open space within a development shall be contiguous. When open space is already designated on neighboring properties, all new open space shall be designed to be linked together with neighboring properties whenever feasible. The open space shall be arranged and designed to facilitate its use, ensure continuity of design, and preserve sensitive environmental features. Failure to achieve these goals shall be sufficient reason for the agent to deny applications for open development plan approval or to require modifications that may include the loss of lots.

~~D. An open space development shall include~~ A perpetual ~~or~~ conservation easement acceptable to and approved by the County, shall be recorded on the all open space and conservation lots to ensure it continues as open space in perpetuity and is not further subdivided or developed in excess of what is permitted by the provisions of this Article, nor is used for purposes other than general agriculture, forestry, a principal and accessory residential dwelling, and home occupation uses.

E. In the C-1, RRC, A-1, & RRA Zoning Districts the open space may remain in private ownership if the provisions of this ordinance are met. If the open space remains in private ownership and it contains an existing single-family dwelling, that single-family dwelling may be continued, improved, expanded, and repaired as necessary. The requirement of a perpetual conservation easement as required in § 165-73.D also pertains.

F. In the R-1, R-2, R-3 Zoning Districts the ~~Home~~ Property Owner’s Association shall own and maintain the open space unless the developer wishes to dedicate the open space to the county for recreational uses, and where the Board of Supervisors agrees to accept such open space, or where a

conservation organization agrees to take ownership and maintenance of the open space, if approved by the Board of Supervisors. Recreational open space shall be linked together to provide access for all residents. The Home Property Owner's Association shall conform to the following requirements:

- (1) The developer shall establish the organization prior to the sale of any property.
- (2) Membership in the organization shall be mandatory for all residential property owners, present or future, within the development.
- (3) The organization shall manage all open space and recreational and cultural facilities; shall provide for the maintenance, administration, and operation of said land and improvements, and any other land within the development, and shall secure adequate liability insurance on the land.
- (4) The organization shall conform to the Condominium Act, Code of Virginia (1950), as amended.

G. No conservation lot may have a length/width ratio exceeding 6 to 1.

§ 165-74. Streets

A. Except for conservation lots, no new lots created under the open space development regulations shall be accessed by an existing street, except that up to two cluster lots may access and front an existing public street.

B. All lots other than conservation lots shall be accessed by new streets meeting the provisions of Section 142-20 of the Code of Shenandoah, except that in the C-1 and A-1 districts, new streets may be public or may be private; if private streets are created, they must meet the provisions of parts Section 142-20 (2) (i) [b], 3 through 11, and If such private streets are created in accord with such provisions, the open space cluster development must have a Property Owners Association, established in accord with Section § 165-73.F. of this Chapter and in accord with Chapter 142.

C. All new residential structures shall be located at least 100' from any street in existence at the time of subdivision. An opaque screen buffer, as defined in Section 165-4, shall be installed and maintained along all pre-existing streets on residential lots in an open space development. The Subdivision Administrator may waive this requirement if the existing tree cover is found to adequately screen new houses from existing streets and if the trees in that area are preserved in an easement.

§ 165-75. Buffers

A. Where an open space development is to be located adjacent to land zoned or currently used for industrial or business uses, the required open space shall be located to buffer the residential lots from those properties.

B. Where an open space development is to be located adjacent to land in an Agriculture & Forest District or land used for intensive poultry or hog facilities, the required open space shall be located to buffer the residential lots from those uses.

§ 165-76. Approval Process

Open space developments shall be reviewed administratively by staff. In determining whether or not to grant approval, the applicant shall be required to show that the requirements of this Chapter and of Chapter 142 are met. how the proposed open space development provides superior protection of those resources listed in 165-69.B to that which would be effected by conventional subdivision of the subject property.

For open space development subdivisions of 20 or more total lots, a site plan, meeting the

requirements of Section 165-98 shall be submitted to the Administrator. In addition to the requirements of Section 165-98, mountain ridge lines and areas of environmental/historical value, as described in Section 169.B, shall be shown on the site plan and preserved as open space or conservation lots. Where an open space development is to be developed in phases, a site plan shall be submitted for the development of the entire site with a phasing plan. This general site plan shall not bind the county into approving further phases if the Code of Shenandoah is amended to disallow such use approved in the site plan.

Once a site plan is approved, a final plat meeting the requirements of Section 142-48 shall be submitted to the Administrator. In addition, final plats recorded for an open space development shall bear a statement indicating that the land is within an approved open space development subdivision and shall also bear a statement indicating the ownership status of the development's open space system and shall reference the covenants creating a property owners association, which shall also be recorded at the time final plats are recorded. The easement preserving the open space, restrictive covenants spelling out the maintenance of the open space, articles of incorporation for the Home Property Owner's Association, and any bonding necessary for improvements shall be approved by the County Attorney. If those items are approved by the County Attorney, the Administrator shall approve or deny the final plat based on compliance with all applicable codes.

§ 165-77. Variations

In order to promote more creative and innovative designs, the Board of Supervisors may approve variations to the requirements of this chapter through the issuance of a special use permit.

§ 165-78. Low Impact Development Techniques

In order to limit the impact of stormwater runoff from compact rural residential developments, open space cluster developments are permitted to use low impact development (LID) techniques to meet stormwater management requirements, including, but not limited to the following:

- Bioretention areas
- Green Roofs and Rooftop Gardens
- Vegetated Swales, Buffers, and Strips; Tree Preservation
- Rain Barrels and Cisterns
- Permeable Pavement
- Soil Amendments
- Impervious Surface Reduction

§ 165-4. Definitions [add the following]:

BUILDING ENVELOPE – an area not greater than 20% of the total lot area, shown for lots within an open space development subdivision, which defines the area on the lot within which the principle structure may be built.

CLUSTER LOT -- Any lot within an open space development subdivision that is not an open space lot or a conservation lot.

CONSERVATION LOT – A permanently preserved lot of not less than 30 acres in area that is created as part of an open space development subdivision, as specified in § 165-73.

LOW IMPACT DEVELOPMENT TECHNIQUES (LID) – An approach to stormwater management that emphasizes the use of on-site natural and built features to reduce the impacts of increased flow rates and volumes associated with increases in impervious area. LID involves assessing and understanding the site, protecting native vegetation and soils, and minimizing and managing stormwater at the source. LID techniques may be considered an alternative to traditional, structural stormwater management solutions. Such techniques reduce runoff volume by infiltrating rainfall water to groundwater, evaporating rain water back to the atmosphere after a storm, and by using water on-site rather than exporting it as a waste product down storm sewers.

Bioretention areas - vegetated depressions that collect and filter runoff. Bioretention BMPs increase the amount of rain water a property can absorb and include vegetative strips, grassy swales, rain gardens, shallow surface ponds, tree box filters, and underground drainage systems.

Green Roofs and Rooftop Gardens - Plants that can tolerate drought and extreme temperature conditions are planted in green roofs to absorb rainwater

Vegetated Swales, Buffers, and Strips – mild slopes adjacent to roads, parking lots and other impervious surfaces that are planted with vegetation to retain and absorb water runoff.

Tree Preservation – saving existing vegetation on site.

Rain Barrels and Cisterns – storage containers which collect and hold stormwater run-off from roofs.

Permeable Pavement - an alternative to asphalt and concrete that allows rainwater to percolate into the ground.

Soil Amendments - amending the soil with organic matter can help retain the site's ability to absorb water and prevent runoff

Impervious Surface Reduction – minimizing the construction of impervious surfaces on the site, through narrower streets, compact parking areas, extensive vegetated areas, etc.

OPEN SPACE DEVELOPMENT (CLUSTER DEVELOPMENT TECHNIQUES) -- The clustering of single-family dwellings meeting the requirements of Article X. [Amended 6-26-2007]

Chapter 142, SUBDIVISION OF LAND - Draft Mark-up

ARTICLE I, General Provisions

§ 142-3.1. Limitation on number of divisions. [Added 3-22-2005 by Ord. No. 2005-4]

A. Except as provided in Subsection B below, in zoning classifications C-1 (Conservation) and A-1 (Agriculture), no more than one division of land shall be created from an existing parcel or newly created parcel during a thirty-six-month period. All such divisions shall follow the process established in § 142-5B, as pertaining to administrative approved divisions of land.

B. The limitation in Subsection A above shall not prevent the division of land through any of the exceptions listed in Subsection (1)(a) through (f) of the definition of "subdivide" in § 142-3B.

C. The limitation in Subsection A applies only to property zoned C-1 (Conservation) or A-1 (Agriculture), including Open Space Cluster Development divisions as provided by Article X of Chapter 165. If property is rezoned to a different classification, therefore, the limitation in Subsection A shall no longer apply. Any other applicable subdivision limitations will continue to apply, however.

ARTICLE II, Administration and Enforcement

§ 142-5. Administering agent.

A. The Director of Planning and Code Enforcement or his designee as appointed by the governing body is hereby designated to administer this chapter. In so doing, the Subdivision Administrator shall be considered the agent of the governing body, and approval or disapproval by the agent shall constitute approval as though it were given by the governing body. The agent shall not take final action on a subdivision plan until the Planning Commission has made a recommendation to the Board of Supervisors and the Board of Supervisors has acted on the plan.

B. However, the division of land into two parcels (one- and two-lot subdivision), where there is not dedication of land to public use other than widening of an existing right-of-way, may be approved administratively by the agent. Such administratively approved division of the original parcel or newly created parcel shall not occur more than once during a twelve-month period, nor shall such a division be an attempt to circumvent this chapter. In the event that a plan for subdivision is disapproved by the agent, the subdivider may appeal to the governing body who then may override the decision of the agent and approve said plat.

C. The division of property zoned C-1 (Conservation) or A-1 (Agriculture) using the open space development option and where there is not dedication of land to public use other than widening of an existing right-of-way, may be approved administratively by the agent.

ARTICLE III, Procedure for Making and Recording Plats

§ 142-10. Platting required.

Any owner or developer of any tract of land situated within Shenandoah County who subdivides the same shall cause a plat of such division, with reference to known or permanent monuments, to be made and

recorded in the office of the clerk of the appropriate court. No such plat of subdivision shall be recorded unless and until it shall have been submitted, approved and certified by the agent in accordance with the regulations set forth in this chapter. No lot shall be sold in any such subdivision before the plat shall have been recorded. Preliminary plats may be drawn so as to constitute two or more groups of lots (sections or phases) which may then be recorded in two or more sequential phases, not more than six months apart. Such phases must be clearly marked on the plat, showing which lots are in each phase and the sequence in which the phases will be recorded. The Planning Commission may approve extensions of the six-month time limit for phasing.

ARTICLE V, Improvements

§ 142-20. Streets.

...E. Construction requirements. Except as otherwise provided for herein, all subdivision streets and roads shall be constructed in accordance with the Virginia Department of Transportation Subdivision Street Requirements. Subject streets shall be dedicated for inclusion into the state secondary road system....

I. Lot access.

(1) Except as provided herein, all lots shall front on and have direct access to a public street that is included in the Virginia State Secondary System or is to be constructed to meet Virginia Department of Transportation Subdivision Street Requirements for inclusion in the Secondary System according to an approved subdivision plat. All lots created after the date of this amendment [EN]6 shall meet the minimum frontage requirement for the zone, as measured from the front setback line from the public road. Spur lots are not permitted.

(2) Exceptions to the above requirement are as follows:

(a) Lots of record as of the date of this amendment (August 12, 1997) that are served by an existing private street or private access easement may continue to be served by that private street or easement.

(b) Lots created after the date of this amendment may front on and have direct access to a private access easement, provided that the following standards are met:

[1] The private access easement may serve no more than two lots. If an existing private street or access easement already serves two or more lots, no additional building lots may be served by that street or easement.

[2] The number of private access easements that are allowed is as follows:

Size of Lot of Record (acres)	Number of Private Access Easements Allowed
2.755 to 24	1
25 to 49	2
50 to 99	3
100 to 149	4
150 or more	5

- [3] Private access easements shall have a minimum right-of-way or access easement width of 40 feet.
- [4] Each private access easement shall connect directly to a public street.
- [5] The maximum length of the private access easement shall be 1,500 feet.
- [6] The minimum travelway width shall be 12 feet.
- [7] Minimum two-foot-wide graded shoulders shall be provided on both sides of the travelway.
- [8] Side ditches, relief ditches and culverts shall be provided at appropriate locations to accommodate pre- and post-construction drainage.
- [9] Utility easements not less than 15 feet in width shall be provided adjacent to both sides of the private access easement.
- [10] Adjacent parallel private access easements shall not be permitted.
- [11] Private access easements shall be identified on the plat and in the deeds for the lots, and all plats and deeds shall contain the following statement:

ATTENTION: The access serving this lot (these lots) is private, and its maintenance, including snow removal, is NOT a public responsibility. It shall not be eligible for acceptance into state secondary system for maintenance until such time as it is constructed and otherwise complies with all requirements of the Virginia Department of Transportation for the addition of subdivision streets current at the time of such request. Any costs required to cause this street to become eligible for addition to the state system shall be met from funds other than those administered by the Virginia Department of Transportation or by Shenandoah County.

(c) Lots created in the C-1 or A-1 Districts after the date of this amendment may front on and have direct access to a rural private street, provided that the following standards are met:

- [1] The private street may serve no more than 25 total lots. All such lots must be created in accord with the zoning ordinance requirements set forth in Chapter 165.
- [2] Private rural streets shall have a minimum right-of-way (access easement width) of 40 feet.
- [3] The maximum length of a private rural street shall be 3,125 feet. The Board of Supervisors may grant up to a 20% increase in length if it determines, upon written request of the applicant, that such an increase would better achieve the purposes of the open space development option, the purposes of the zoning district, and the purposes of the comprehensive plan.
- [4] The minimum travelway width shall be 14 feet.
- [5] Minimum two-foot-wide graded shoulders shall be provided on both sides of the travelway.
- [6] Side ditches, relief ditches and culverts shall be provided at appropriate locations to accommodate pre- and post-construction drainage.
- [7] Utility easements not less than 15 feet in width shall be provided adjacent to both sides of the street.
- [8] Adjacent parallel private access easements shall not be permitted.
- [9] Maximum grade is 12%, but may be increased to 15% for short distances upon approval of the director.

[10] The minimum pavement section shall consist of a two thick inch bituminous surface course on a six inch thick aggregate base course, on a properly compacted subgrade.

(d). [Reserved for lots on urban private streets]

...§ 142-24. Private water and/or sewer.

Subject to the requirements of § 142-23, nothing in this regulation shall prevent the installation of privately owned individual water and/or sewage disposal facilities in areas where public water and/or sewerage facilities are not available; provided, however, that pit privies will not be allowed, and other private installations must meet all requirements of the State Department of Environmental Quality, the State Health Department and any other state or local regulation having authority over such installation. All septic fields for individual sewage disposal facilities must be located on the lot which the septic field serves, except for cluster lots in the A-1 and C-1 districts which may be served by septic fields located on contiguous conservation lots as provided in § 165-71 of the Zoning Ordinance. Any such off-lot septic field must be located within a utility easement which shall be sufficient for access, repair and maintenance of the field, and the boundaries of which shall be marked with permanent monuments.

ARTICLE VIII, Property Owners' Associations

§ 142-37. Intent.

The intent of this Article is to require the establishment of a nonprofit organization to be known as the "property owners' association." The property owners' association shall be created by the subdivider whenever the subdivision contains dedicated common areas, easements, private streets, stormwater management facilities and/or public roads. The property owners' association shall be charged with the continuous maintenance and management of all common areas, easements, private streets, stormwater management facilities, and dedicated facilities associated with an approved subdivision.

ARTICLE IX, Approval of Plats

§ 142-45. Preliminary plat.

...(14) Natural features of the land, including streams, rivers, watercourses, ponds, sinkholes and wooded areas, and for plats of Open Space Cluster Developments, 100-year flood plain, steep slopes greater 25%, historic structures, and wetlands.

...(17) For plats of Open Space Cluster Developments, the location on each lot of the building envelope for the principle structure.

Vision Statement (2005 Comprehensive Plan)

The following Vision Statement describes in a broad sense what we as a county want to be twenty years from now. It is based on a consensus of popular aspirations and a realistic projection of current socio-economic trends. The Vision Statement provides the framework for formulating a meaningful set of goals and policies for Shenandoah County over the next 20 years.

	Okay	Can't Live with it
In the year 2025, Shenandoah County will be a primarily rural community that:		
• protects its natural resources;		
• directs its growth to the towns ensuring its open, agricultural character;		
• provides a variety of jobs in business, light industry, tourism and sustainable agriculture;		
• maintains moderate growth of a demographically varied population;		
• supports safe and efficient interstate transportation and maintains the rural character of its primary and secondary roads;		
• affords its students an excellent and appropriate education;		
• serves its citizens with public facilities and services that enhance their quality of life;		
• and ensures preservation of its natural beauty and unique, historic character by strictly adhering to the goals and objectives of its Comprehensive Plan.		

Growth Pressure Assumptions

NOTE: These assumptions are not desires or goals, but rather expectations of outside forces that the County would be wise to prepare for.

	Reasonable	Wrong
Moderate job growth will continue in and around the County, and thus so will population growth.		
County population is about 40,000 today; it will reach about 55,000 by 2030; and about 75,000 by 2050.		

Approx.
10,000 acres

Approx.
1000 acres

**AGREEMENT BETWEEN COUNTY OF SHENANDOAH, VIRGINIA
AND
HERD PLANNING & DESIGN. LTD.**

THIS AGREEMENT, made and entered into on this 30th day of April, 2008, by and between the COUNTY OF SHENANDOAH, a political subdivision of the Commonwealth of Virginia (hereinafter called "COUNTY") and Herd Planning & Design, Ltd. (hereinafter called "CONSULTANT").

WITNESSETH:

WHEREAS, the COUNTY requires professional services in the preparation of a revised Comprehensive Plan, Zoning Ordinance and Subdivision Ordinance for the COUNTY, and

WHEREAS, the CONSULTANT has the expertise necessary to properly perform such services; and

WHEREAS, these parties desire to contract for certain specific service; and

WHEREAS, the COUNTY Board of Supervisors, through its normal procurement process, selected the CONSULTANT to assist the COUNTY in its Comprehensive Plan, Zoning and Subdivision Ordinance revision tasks, and authorized the COUNTY to enter into a contract with the CONSULTANT for an amount of \$80,000.00 (eighty thousand dollars).

NOW THEREFORE, in consideration of the foregoing and of the mutual covenants and promises herein set forth, it is agreed between the parties hereto, as follows:

ARTICLE I: SERVICES, PERSONNEL AND TIME SCHEDULE

- A. CONSULTANT shall perform all services specified in this Agreement. Services to be performed will be as described in the Scope of Services section of the Agreement incorporated herein as Attachment A.
- B. CONSULTANT will furnish services necessary to complete work specified by this Agreement. The services specified by this Agreement shall be performed by CONSULTANT, or by CONSULTANT's associates, employees or subcontractors and under the personal supervision of the CONSULTANT's designated project director. The project director and key project personnel will be personally in charge of and personally perform or supervise the project on behalf of CONSULTANT. The precise number and allocation of person-hours of the CONSULTANT and the CONSULTANT's associates, employees or subcontractors to the tasks specified in the Scope of Services may be modified if the CONSULTANT deems necessary during the course of work, but no modifications to the specified tasks themselves shall be made without the written approval of the COUNTY. The CONSULTANT may re-allocate person-hours if needed in order to most efficiently complete the specified tasks.
- C. No officer, employee, or member of the governing body of the COUNTY shall be allowed to (1) participate in any decision relating to this Agreement which affects his or her personal

interest or the interest of any corporation, partnership, or association in which he or she is directly or indirectly interested or (2) have any interest, direct or indirect, in this Agreement or the proceeds thereof. CONSULTANT covenants that it presently has no interest and that it will not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required to be performed under this Agreement.

CONSULTANT further covenants that in the performance of said services, no person having any such interest shall be employed by the CONSULTANT.

- D. CONSULTANT shall have completed all services specified by this Agreement within twelve (12) calendar months of execution of this Agreement, absent causes beyond the control of the CONSULTANT. This schedule will be dependent upon the COUNTY'S timely review and action on draft materials, scheduling of meetings and other tasks beyond the control of the CONSULTANT. Such time period may be extended by written mutual agreement of both parties.

ARTICLE II: SUPERVISION

- A. In order that the COUNTY may assure the technical quality of the services to be performed as specified by this Agreement, the services performed by CONSULTANT under this Agreement shall be under the general supervision and direction of Chris Boies, Planning Director, who is hereby named as the COUNTY'S Representative. The primary contact and administrative coordinator for the CONSULTANT is Milton Herd of Herd Planning & Design, Ltd.
- B. The services performed by CONSULTANT under this Agreement shall be reviewed by COUNTY'S Representative as products are submitted in a timely manner.
- C. COUNTY'S Representative may from time to time delegate any or all of his supervisory responsibility to appropriate COUNTY staff members, and shall so inform CONSULTANT by written notice before the effective date of each such delegation.

ARTICLE III: DOCUMENTS

- A. All written and computer generated materials prepared by CONSULTANT during the performance of the services specified by this Agreement shall be delivered to the COUNTY upon acceptance of the final product or upon termination of this Agreement by either party. CONSULTANT shall treat all documents as confidential and shall not disclose them to the public while this contract is in force without the approval of COUNTY'S Representative. COUNTY shall not disclose or direct CONSULTANT to disclose information related to methods or processes entitled to protection as trade secrets unless such disclosure is necessary for proper explanation of the product.
- B. The COUNTY'S Representative will examine all documents submitted by the CONSULTANT and shall notify the CONSULTANT in writing of decisions pertaining thereto within a reasonable time from the submittal date. In the event that such notification is not provided to the CONSULTANT, it shall be assumed that the materials are acceptable as submitted. In the event work is rejected by the COUNTY'S Representative, the COUNTY'S Representative shall

define what work is unacceptable and what specific revisions are required to make the work acceptable.

- C. CONSULTANT is obligated to provide the COUNTY with a paper copy of all deliverable products, by postal or delivery service. However, subject to the COUNTY'S approval, CONSULTANT may provide any such products as electronic files by e-mail transmission, in a format suitable to the County (Microsoft Word; Microsoft Excel, PDF).

ARTICLE IV: SERVICE OF COUNTY OF SHENANDOAH

- A. COUNTY agrees that its officers and employees will cooperate with CONSULTANT in the performance of services under this Agreement and will be available for consultation with CONSULTANT at reasonable times.
- B. COUNTY shall without charge furnish to or make available, in a timely manner, for examination or use by CONSULTANT, as it may request, any data, which COUNTY may have available including, but not limited to digital files with current copy of Zoning Ordinance and Subdivision Ordinance, copies of previously prepared reports, maps, plans, surveys, records, and other documents pertinent to studies specified by this Agreement. COUNTY shall aid CONSULTANT in obtaining data from other public offices or agencies, local business firms, and private citizens whenever, in the opinions of COUNTY'S Representative or CONSULTANT, such data are necessary for the completion of the studies specified by this Agreement.
- C. The COUNTY will assume the primary responsibility for the coordination of all participating agencies, officials and individuals (including the services of the CONSULTANT), arrangements and logistics of all meetings, public notices, and advertisements, and will be responsible for providing timely directives to the CONSULTANT during the execution of this project.

ARTICLE V: CHANGES TO SCOPE OF SERVICES

- A. COUNTY may, at any time, by written order, make changes to the Scope of Services of this Agreement. If such changes cause an increase or decrease in the cost of, or time required for performance of CONSULTANT'S services under this Agreement, an equitable adjustment agreeable to both the COUNTY and CONSULTANT shall be made and this Agreement shall be modified in writing accordingly. If any of the laws, policies, regulations or ordinances applicable to any aspect of the project are revised during the duration of this project and such revisions cause change in the Scope of Services to be performed, then such changes shall be Additional Services. Any claim of CONSULTANT for adjustment under this Article must be asserted in writing within 20 working days after receipt by CONSULTANT of the written order for change. Additional services may include any tasks related to zoning, subdivision, land use, planning/zoning administration, environmental analysis, legal analysis, public involvement or comprehensive planning matters. The COUNTY may at any time, through mutual agreement with the CONSULTANT, re-allocate time and fees among the specified tasks.
- B. No services for which any additional compensation beyond agreed compensation amounts will be charged by CONSULTANT or shall be furnished without the written authorization of COUNTY.

ARTICLE VI: MANNER AND PAYMENT

- A. CONSULTANT shall prepare and submit to COUNTY in writing, monthly invoices showing requested compensation of work in accordance with the estimated percent completion of the project. The Scope of Services shown in Attachment A shall provide a guide to estimation of percent complete for billing and payment purposes. Payments by the COUNTY shall be made to HERD PLANNING & DESIGN, LTD., which shall be responsible for making payments to other consultant team members and subcontractors.
- B. Payment of net amount due shall be made upon approval of Consultant's invoice by COUNTY and within 30 (thirty) days of invoice date. Shenandoah County generates payment once per month and all invoices will be paid by the third Friday following the month which services were provided. Invoices must be provided to the County by the 10th day of the following month which services were provided.
- C. Additional meetings beyond those described in Attachment A may be authorized by the COUNTY at any time and shall be billed at the hourly rates of each team member as shown on Attachment A, plus travel expenses. All hours attributable to such meetings, including preparation and follow-up tasks shall be included. Travel time will be billed at half-rate. Additional or expanded tasks and/or scope of services beyond that described in Attachment A may be authorized by the COUNTY and shall be billed in accordance with mutually agreed upon written amendments to this Agreement.
- D. Any tasks that the County wishes the CONSULTANT to perform which are in addition to the tasks identified herein as being part of the total fee, shall be considered an extension of this contract and fees and schedule shall be negotiated separately at the time by the COUNTY and the CONSULTANT in accord with CONSULTANT's normal hourly rates. The fees shown herein include all normal costs, such as travel, telephone and copying, which the CONSULTANT expects to expend in carrying out the work.

ARTICLE VII: SUSPENSION

- A. COUNTY may suspend performance by CONSULTANT under this Agreement for such period of time as COUNTY in its sole discretion may prescribe by providing written notice to CONSULTANT at least ten (10) working days prior to the date on which COUNTY wishes to suspend. CONSULTANT shall not perform further work under this Agreement after the effective date of suspension until receipt of written notice from COUNTY to resume performance. The schedule for completion of this Agreement shall be extended by the period(s) of any suspension(s) ordered by COUNTY.
- B. The CONSULTANT may suspend, without penalty, work under this Agreement for cause by providing written notice to the COUNTY'S Representative at least ten (10) working days prior to the effective date; the due dates set forth in the time schedules shall be extended by the periods(s) of any suspension(s).

ARTICLE VIII: TERMINATION

- A. This Agreement shall continue in force until completion of services contracted by CONSULTANT unless sooner terminated by provision of this Agreement which allows termination.
- B. This Agreement may be terminated in whole or in part in writing by either party in the event of substantial failure by the other party to fulfill its obligations under this Agreement through no fault of the terminating party, provided, that no such termination may be effected unless the other party is given (1) not less than ten (10) days written notice of intent to terminate and (2) a reasonable opportunity for consultation with the terminating party prior to termination.
- C. This Agreement may be terminated in whole or in part in writing by COUNTY for its convenience, provided that no such termination may be effected unless CONSULTANT is given (1) not less than ten (10) working days written notice of intent to terminate and (2) the opportunity for consultation with COUNTY prior to termination.
- D. If termination for default is effected by COUNTY, the COUNTY will pay CONSULTANT that portion of compensation which has been earned as of the effective date of termination, less all previous payments.
- E. If termination for default is effected by CONSULTANT, or if termination for convenience is effected by COUNTY, an equitable adjustment in the fee shall be made so as to provide CONSULTANT a reasonable profit (not to exceed 15%) on work completed to that point.
- F. Upon receipt of a notice of termination pursuant to paragraph B, C or D above, CONSULTANT shall (1) promptly discontinue all services affected (unless the notice directs otherwise), and (2) deliver or otherwise make available to COUNTY all finished or unfinished documents which have been prepared by CONSULTANT in performing services under this Agreement.
- G. Upon any termination of this Agreement, COUNTY OF SHENANDOAH may take over the work and pursue the same to completion by agreement with another party or otherwise.
- H. Notwithstanding the above paragraphs, the COUNTY reserves the right to cancel and terminate any resulting contract, in part or in whole, without penalty, upon 30 days written notice.

ARTICLE IX: REMEDIES

It is mutually agreed that all claims, counterclaims, disputes and other matters in question between the COUNTY and CONSULTANT arising out of or relating to this Agreement or the breach thereof will be decided by negotiation between the two parties. In the event that the COUNTY and CONSULTANT cannot agree upon an equitable settlement through negotiation, such claims, counterclaims, disputes or other matters will be determined by the Circuit Court of Shenandoah County.

ARTICLE X: FORCE MAJEURE

Neither party shall be considered in default in the performance of its obligations hereunder to the extent that performance of such obligations is reasonably prevented or delayed by any cause, existing or future, which is beyond the reasonable control of such party. Any delays beyond the control of either party shall automatically extend the time schedules as set forth in this Agreement by period of any such delays.

ARTICLE XI: NON-DISCRIMINATION

CONSULTANT will not discriminate against any employee or applicant for employment because of race, color, religion, sex, age, national origin, disability, or other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the CONSULTANT. CONSULTANT agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. The CONSULTANT, in all solicitations or advertisements for employees, will state that it is an equal opportunity employer. The CONSULTANT will include the foregoing provisions of this paragraph in every subcontract or purchase order over \$10,000, so that the provision will be binding upon each subcontractor or vendor.

ARTICLE XII: DRUG FREE WORKPLACE

During the performance of this contract, the contractor agrees to (i) provide a drug-free workplace for the contractor's employees; (ii) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the contractor's workplace and specifying the actions that will be taken against employees for violations of such prohibition; (iii) state in all solicitations or advertisements for employees placed by or on behalf of the contractor that the contractor maintains a drug-free workplace; and (iv) include the provisions of the foregoing clauses in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.

For the purposes of this section, "drug-free workplace" means a site for the performance of work done in connection with a specific contract awarded to a contractor in accordance with this chapter, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the performance of the contract.

ARTICLE XIII: NOTICE, CHANGE

Any notice required or permitted to be given hereunder shall be deemed to have been given when received by the party to whom it is directed by personal service, hand delivery or U. S. mail as follows:

County of Shenandoah
600 N. Main Street, Suite 102
Woodstock, VA 22664

Herd Planning & Design, Ltd.
303 Riding Trail Ct NW
Leesburg, VA 20132

Any change or modification of this Agreement shall be made only upon written consent of both parties.

ARTICLE XIV: SIGNATURES

Authorized to Execute for the COUNTY:

Authorized to Execute for the CONSULTANT:

County of Shenandoah
600 N. Main Street, Suite 102
Woodstock, VA 22664

Herd Planning & Design, Ltd.
303 Riding Trail Ct NW
Leesburg, VA 20132

by 

 _____
Milton Herd

Title County Administrator

Title: President

Date 5/14/08

Date _____

Attachment A - Scope of Services and Standard Hourly Rates

PROJECT TASKS	No.	Hrs	Fee	Subtotals
1.0 Initial Research & Analysis (Months 1-2)				
1.1 Conduct Initial Field Recon.				
1.1.1 Meet with county staff team; Tour county travel time Trip 1	1	20 9	\$2,570 \$605	
1.1.2 Collect on-site data (including stakeholder interviews)		12	\$1,280	
1.2 Kick-off Meeting w/ Steering Committee & PC (#1) travel time Trip 2	2	14 9	\$1,760 \$605	
Assess 2005 Comp Plan and Zoning and Subdiv				
1.3 Ordinances (Months 1-2)				
1.3.1 Review and annotate documents in terms of land use planning policy		10	\$1,180	
1.3.2 Prepare summary report		14	\$1,580	
1.3 Deliverable Product: Summary Report on Assessment of Existing Plan and Ordinances				
1.4 Conduct Initial Public Outreach (Assist staff in preparing materials) (Web posts, flyers, email contact list, speakers bureau, focus groups, etc.)		8	\$940	
1.5 Conduct and Compile Initial Planning Analyses				
1.5.1 population and employment forecasts		6	\$660	
1.5.2 generalized existing land use pattern and trend and future land demand		36	\$3,910	
1.5.3 buildout analysis under existing zoning and existing comp plan policies		56	\$5,910	
1.5.4 generalized public facilities assessment		16	\$1,685	
1.5.5 generalized housing needs assessment		14	\$1,485	
1.5.6 generalized environmental resources and constraints assessment		38	\$4,010	
1.6 Prepare summary report of Initial Planning Analyses		0		
1.6.1 Prepare draft		34	\$3,765	
1.6.2 Refine and submit final summary report		14	\$1,555	
1.6 Deliverable Product: Summary Report on Initial Planning Analyses				
1.7 Steering Committee Meeting #2 travel time Trip 3	3	15 9	\$1,880 \$605	
				\$35,985
2.0 Prepare Draft Comprehensive Plan Amendments (Months 2-4)				
2.1 Prepare for and Conduct Public Forum #1 to Affirm the Vision (month 2) where are we now and where do we want to go? travel time Trip 4	4	45 11	\$5,305 \$705	
2.2 Prepare for and Conduct Public Forum #2 to Affirm the Vision (month 2) where do we want to go? travel time Trip 5	5	32 11	\$3,825 \$705	
2.3 Steering Committee Meeting #3 travel time Trip 6	6	12 7	\$1,560 \$465	
2.4 Prepare for and Conduct Public Forum #3 to Identify and Evaluate Implementation Options (month 7) "how do we get there?" travel time Trip 7	7	29 11	\$3,500 \$705	

PROJECT TASKS	No.	Hrs	Fee	Subtotals
2.5 Prepare for and Conduct Public Forum #4 to Evaluate and Rank Implementation Options (month 7) "how do we get there?" travel time Trip 8	8	29 11	\$3,500 \$705	
2.6 Compile and Submit Report on Public Input to date 2.6 Deliverable Product: Summary Report on Public Input.		18	\$2,030	
2.7 Steering Committee Meeting #4 travel time Trip 9	9	6 3	\$660 \$165	
2.8 Prepare draft recommendations for Comp Plan amendments 2.8 Deliverable Product: Draft Recommendations for Comp Plan Amendments		44	\$4,820	\$28,650
3.0 Review, Refinement, Adoption of Comp Plan Amendments (Mos. 4-5)				
3.1 Attend PC Comp Plan Work Session (PC #5) travel time Trip 10	10	6 3	\$660 \$165	
3.2 Attend BOS Work Session travel time Trip 11	11	11 7	\$1,460 \$465	
3.3 Attend and Present at Joint PC/BOS Public Hearing travel time Trip 12	12	6 3	\$660 \$165	
3.4 Prepare BOS Comp Plan Revisions as needed 3.4 Deliverable Product: Adopted Comp Plan Amendments		18	\$1,980	\$5,505
4.0 Prepare Draft Ordinance Amendments (Months 4-6)				
4.1 Prepare and submit draft recommendations for ZO and SO amendments 4.1 Deliverable Product: Draft Recommendations for ZO and SO Amendments		45	\$4,880	\$4,880
5.0 Review, Refinement, Adoption of Ordinance Amendments (Mos. 6-8)				
5.1 Attend Joint PC/BOS Ordinance Work Session travel time Trip 13	13	11 7	\$1,410 \$465	
5.2 Prepare revised Ordinance Amendments as needed 5.2 Deliverable Product: PC Draft Ordinance Amendments		18	\$1,720	
5.3 Attend and Present at Joint PC/BOS Public Hearing travel time Trip 14	14	6 3	\$660 \$165	
5.4 Prepare Revisions as needed 5.4 Deliverable Product: Adopted Ordinance Amendments		5	\$560	\$4,980
TOTALS		752	\$80,000	
		Total Team Hrs	Total Team Fees	

Herd Planning & Design, Ltd.**Hourly Rate Schedule**

<u>Category</u>	<u>Hourly Rate</u>
Principal	\$110.00
Associate	\$60.00
Travel Time	one-half standard hourly rate
Expert Testimony	1.5 x standard hourly rate
Mileage	\$0.48 per mile
Other reimbursable expenses	at cost

Renaissance Planning Group**Hourly Rate Schedule**

<u>Category</u>	<u>Hourly Rate</u>
Principal	\$150.00
Senior Planner	\$105.00
Project Planner	\$75.00
Mileage	\$0.48 per mile
all other reimbursable expenses	at cost

Patton Harris Rust & Associates, pc
Charlotteville and Harrisonburg Offices-Hourly Rate Schedule

Effective January 1, 2007

These rates are based upon current salary levels and are subject to change.

<u>Category</u>	<u>Hourly Rate</u>
Principals	\$ 150.00
Department Directors and Senior Project Managers	\$ 125.00
Project Managers, Senior Engineers (PE) / Surveyor (LS) / Planners (AICP) / Landscape Architects (CLA)	\$ 100.00
Project Managers, Senior Engineers (PE) / Surveyor (LS) / Planners (AICP) / Landscape Architects (CLA)	\$ 95.00
Engineers (PE) / Surveyor (LS) / Planners (AICP) / Landscape Architects (CLA)	\$ 90.00
Engineers / Designers / Planners / Landscape Architects / Senior Technicians	\$ 85.00
Engineers / Designers / Planners / Landscape Architects / Senior Technicians	\$ 65.00
Technicians	\$ 60.00
Clerical	\$ 45.00
Field Survey Parties:	
2-man	\$ 100.00
3-man	\$ 140.00
GPS Field Crew	\$ 130.00
Reimbursable Expenses:	
External Printing, photo-reproduction, courier, overnight deliveries, etc.	Cost + 15%
Consultants	Cost + 10%
Mileage - charged at the currently allowable IRS rate	\$0.365 / mile
Per Diem:	
Meals - charge per day per person	\$ 30.00
Lodging	Cost + 10%

Normal hourly rates do not apply to overtime. Court related services or expert research, preparation and testimony are billed at two times the above rates.

Shenandoah County Community Planning Project

Public Forum #2

September 24, 2008

7:00 p.m.

Central High School,

1147 Susan Avenue, Woodstock, Virginia

AGENDA

The major objectives of this meeting are to:

- Define “the dilemma” and identify thematic elements
- Assess potential methods to solve the dilemma

7:00 p.m. Welcome and Introductions

7:10 p.m. Project Overview; Initial Planning Analyses

7:30 p.m. Summarize Results of First Forum

8:00 p.m. Breakout Group Exercises

9:00 p.m. Breakout Group Presentations

9:30 p.m. Adjourn

Shenandoah County Community Planning Project

Ground Rules for Participants
(“Eight Simple Rules”)

(in order to have as productive a meeting as possible)

- *Brainstorm*, don't debate – note differences in views
- Keep your comments brief
- One person talk at a time - no side conversations
- Direct your comments to the facilitator
- Listen closely to each other
- Share responsibility for the outcome
- Be mindful of the time
- Have Fun!

Shenandoah County Community Planning Project

Public Forum #1

September 16, 2008

7:00 p.m.

Central High School,

1147 Susan Avenue, Woodstock, Virginia

AGENDA

The major objectives of this meeting are to:

- Assess current trends in land use and development
- Clarify and affirm the vision of the Shenandoah County Comprehensive Plan, and
- Define the needs and expectations of local citizens,

7:00 p.m. Welcome, Introductions and Project Overview

7:20 p.m. Review 2005 Comprehensive Plan Vision and Initial Planning Analyses

7:50 p.m. Breakout Group Exercises

8:50 p.m. Breakout Group Presentations; Review Next Steps

9:30 p.m. Adjourn

Vision Statement

(2005 Comprehensive Plan)

The following Vision Statement describes in a broad sense what we as a county want to be twenty years from now. It is based on a consensus of popular aspirations and a realistic projection of current socio-economic trends. The Vision Statement provides the framework for formulating a meaningful set of goals and policies for Shenandoah County over the next 20 years.

In the year 2025, Shenandoah County will be a **primarily rural community** that

- protects its natural resources;
- **directs its growth to the towns ensuring its open, agricultural character;**
- provides a variety of jobs in business, light industry, tourism and sustainable agriculture;
- maintains moderate growth of a demographically varied population;
- supports safe and efficient interstate transportation and maintains the rural character of its primary and secondary roads;
- affords its students an excellent and appropriate education;
- serves its citizens with public facilities and services that enhance their quality of life;
- and ensures preservation of its natural beauty and unique, historic character by strictly adhering to the goals and objectives of its Comprehensive Plan.

Shenandoah County Community Planning Project

Ground Rules for Participants
(“Eight Simple Rules”)

(in order to have as productive a meeting as possible)

- *Brainstorm*, don't debate – note differences in views
- Keep your comments brief
- One person talk at a time - no side conversations
- Direct your comments to the facilitator
- Listen closely to each other
- Share responsibility for the outcome
- Be mindful of the time
- Have Fun!

Contacts

County Staff

Joyce Wegryniak
540-459-6190
jwegryniak@shenandoahcountyva.us

Steering Committee

David Ferguson, BOS Chair
540-984-3438
davidf@shentel.net

Conrad Helsley, BOS
540-465-4146
chelsley@shentel.net

Gary Lantz, PC
540-477-3817
canhill@shentel.net

Russ Adams, PC
540-933-6730
radams@shentel.net

John Adamson, CAC
540-540-465-5570
adamsons@shentel.net

Deb Truban, CAC
540-459-2456
deb_700@hotmail.com

Consulting Team

Milton Herd
703-669-6713
mh@herdplanning.com

former staff:
Chris Boies
540-740-3432
townmgr@newmarketvirginia.com

Public Meeting Schedule

First Public Forum – September 16 @ 7:00 pm at Central High

Second Public Forum – September 24 @ 7:00 pm at Central High

Steering Committee Meeting – October 8 @ 7:00 pm at County Board Room

Third Public Forum – October 15 @ 7:00 pm at Central High

Fourth Public Forum – October 29 @ 7:00 pm at Central High

Steering Committee Meeting – November (date TBD) @ 7:00 pm at County Board Room

Shenandoah County, Virginia – Community Planning Project

Summary of Results of Breakout Groups at Second Public Forum 9-24-08 (Groups 1 through 4)

	Group 1	Group 2	Group 3	Group 4
n ty	<ul style="list-style-type: none"> Remain rural in perpetuity Likes rural, not willing to make others' minds on duration Willing to pay more taxes to conserve land Mixed use – County wide financial dilemma <ul style="list-style-type: none"> Median income – \$38K Burden of taxes on landowners currently Town people paying double taxes Economic development crisis If increase jobs, need more housing <p>How do tax revenues compare with development – town vs. rural? Mixed use district – rural vs. town?</p>	<ul style="list-style-type: none"> 100 years Perpetuity – why not? Would be ideal. 20 – 25 years depending on choices of next generation Perpetuity with review every 5 years as long as financially stable 	<ul style="list-style-type: none"> “Foreseeable future” – at least 20 years, no more than 30 (1 – 1.5 generations) 5-10 year years to ensure open agricultural land The Vision is 20-25 years Hard to see more than 30 years Certainty goes down as duration goes up Mixture of property preserved in perpetuity and some that is not (capability for development) Part of perpetuity is not always a county decision – voluntary decision by landowner – must meet zoning regulations Trade-off – exchange of putting some open in perpetuity – you let me subdivide Balance development rights + conservation interest by proffers 20 year vision, but review plan in 5 years to avoid nailing down situations if something radical occurs – to avoid “lock down” if projections are incorrect 	<ul style="list-style-type: none"> 20 years is a little short In perpetuity, indefinitely 100 years (at least) Local food security is important we need to eat, local food growing People will always need to eat Keep farmland farmed – needed it to be profitable in the future Sustainable farming, community support of local farms – passing farming to next generation
s. ion	<ul style="list-style-type: none"> Willing to pay more taxes to conserve land No more taxes if you don't have to Combination Not in favor of regulation Careful not to overdo regulation Development timeline, lot restrictions ridiculous 	<ul style="list-style-type: none"> Maintain highest priority areas Building rights on main roadways Question of value – pay a little and let accumulate People will pay for what they value (willing to pay for space, not value) Taxes will be imposed for other things – why not this? 	<ul style="list-style-type: none"> If landowners are unregulated (if a lot of development occurs), the cost to the landowners will increase Rules to keep growth from occurring vs. pain of taxes What have other communities done? Not all development is created equal <ul style="list-style-type: none"> Residential development 	<ul style="list-style-type: none"> Less expensive to fund PDR's/TDRs than to provide long term service to future developments – in the long run, cheaper Pass the cost on to developers when they build subdivisions Federal grants for land purchasing Higher proffers on developer as tool for raising money to do TDRs/PDRs

Shenandoah County, Virginia – Community Planning Project

Summary of Results of Breakout Groups at Second Public Forum 9-24-08 (Groups 1 through 4)

Group 1	Group 2	Group 3	Group 4
	<ul style="list-style-type: none"> • Some people don't want to pay any taxes • Farmers pay the price of restrictive zoning <ul style="list-style-type: none"> ○ Can farmers and towns TDR? ○ High density towns need to buy capacity zoning from open areas • Taxes are low – could come up a little to preserve what is important (if they can actually afford it) • Issue is how money is spent, not the taxes themselves • If farmers had access to supplementary jobs (good, close, and flexible) – they would have more options for retirement and finances 	<ul style="list-style-type: none"> creates need for certain services (i.e. schools, roads, etc) – classic tax burdens <ul style="list-style-type: none"> ○ Commercial development – no-classic tax burdens, pays for itself • As population increases, taxes increase • Purchase of development rights is a cost to tax payers • Board of supervisors can rezone and prohibit development – can essentially give and take away the prospect of money • Transfer of development rights <ul style="list-style-type: none"> ○ Most construction is result of rezoning ○ Let's move lots – take lots off the market, not add lots ○ Trade development rights in order to rezone – places lots in appropriate zoning areas without cost to taxpayer • Growth happens in towns; regulations happen in County – County ends up paying for Town's growth • More cooperation between County and Towns • There are a body of rural residents who would tolerate tax increases to fund conservation easements • To provide schools, fire dept, roads, government services, etc. it is not fair to raise current land owners taxes – use proffers, impact fees, development fees, 	<ul style="list-style-type: none"> • Costs for services for city residents is high – City residents are subsidizing the developer • Imbalance in the tax structure – town vs. farmers • Cost share between towns and the county • Land use taxation • In annexation, towns don't have any regard for land ownership • Towns and County Plans/agreement

Shenandoah County, Virginia – Community Planning Project

Summary of Results of Breakout Groups at Second Public Forum 9-24-08 (Groups 1 through 4)

	Group 1	Group 2	Group 3	Group 4
Public Issues	<ul style="list-style-type: none"> • Waterways + stream buffer • Can't conserve whole valley – ridiculous • No • Mountain range, upper vistas • Viewsheds along corridors - farmland 	<ul style="list-style-type: none"> • Land near towns is most valuable for development • Some lands are hard to develop – need investment and technology • Soil quality (good farmland) is highest priority to preserve • Challenge: best farmland is actually in the development corridor of the valley • Best farms are most desirable for development • Least productive farmland is in conservation areas farther away from the corridor • Conservation districts (voluntary) are not the same thing as zones (regulated) • Place higher value on conservation districts – don't allow high density housing • Historic and scenic areas also have high value – not just farmland (villages, etc. Fort Valley) • Ag + Forest districts – already voluntarily preserved • Rivers and streams (high priority) • Mountains (high priority) 	<p>transfer taxes, alternative taxes geared towards development – this transfers the price to new homeowner</p> <ul style="list-style-type: none"> • Maps at public forum #1 represent accurate geographic priorities • Best agricultural lands • Areas of particular historic value – battlefields, historic estates • Rivers and streams • Natural resources • Viewsheds • Mountains • Karst areas – which impact our water supply • Water sources 	<ul style="list-style-type: none"> • Watershed is key area for preservation • Floodplains – are they accurate? • Protecting the water • Protecting farmland • Forestland preserved • Wetlands – filtration • Mountains – areas next to national forest • Orkney Springs – historic hotel, small village atmosphere • Fort Valley, Backroad, Forestville • Preservation of battlefields • Areas around towns are areas that need to be planned carefully • Streams/watersheds within the towns – buffers • “Clear edges” – phased density • Need to adhere to current zoning

Shenandoah County, Virginia – Community Planning Project

	Group 1	Group 2	Group 3	Group 4
#1: s be ning nce ent arm s”	<ul style="list-style-type: none"> • Few rural subdivisions • Prioritize farming in ordinance • Farmers don't want to be annexed – don't want to pay for public services • Next generation of farmers need to be thought of • There is no livelihood in farming • Prioritize agricultural economic development – alternative agriculture, poultry, vineyards • Fuel stock • Value of self-sustainment 	<ul style="list-style-type: none"> • This supports the county vision • Business that support farmers (equipment, etc.) are becoming more scarce – if these businesses survive infrastructure for farming 	<ul style="list-style-type: none"> • Make ag more profitable – reduce costs of farming, increase farming revenue • Subsidize farming community – it's for the “higher good” of the community – non-farm owners should be the ones to subsidize • Marketing support for farming <ul style="list-style-type: none"> ○ Buy Local ○ Business planning for farmers ○ Extension service • Phasing out tax on land in use • Encourage schools to buy more local produce • Assist farmers in diversifying farming – hit new markets • Don't provide any remedy for complaints • Right to farm takes precedence over complaints of new landowners • “Agricultural Operations Notice” written into deeds 	<ul style="list-style-type: none"> • Farming is a by-right use • Develop the towns first • Reduce likelihood of development in the farmland • Tax reductions for farms need to continue in order to maintain the farmland • Promote value added businesses to help farmers market themselves – winery, shop, country stores, farmers market • Economic development specifically for farms to help them to be successful • Need to have an agricultural director (as recommended by the ag task force) • Develop a farm network like Hudson Valley
#2: s de he h	<ul style="list-style-type: none"> • Limited interference with property rights • Change zoning to be less restrictive • Flexibility in zoning – given constraints of septic • Reasonable governance of public services 	<ul style="list-style-type: none"> • This contradicts theme #1 • Farmers who want to farm and have children who will take it over want to keep the farm. Other farmers need to sell to retire and move • Can farmers sell to other farmers? • Farmers are giving some things up when they sell – either the farm or the profit • Hard to know if county is 	<ul style="list-style-type: none"> • Possible for farmers to sell off land without subdividing – not necessary to subdivide to increase value • Possible to have all three abilities (3 bullets) with requirements for cluster development • Do not take away right to sell land – restrict who you sell land to • Purchase of development 	<ul style="list-style-type: none"> • Farm is our 401K – everything we get out we reinvest into the farm • PDRs/TDRs can come have • Need another option – cash for easement • Hesitation for farmer to give up that right • Is not enough money in the County • Seed money to develop program (Conservation Easement Program), but no designated funding to the program

Shenandoah County, Virginia – Community Planning Project

	<p>prepared for subdivisions with zoning – there’s no test case</p> <ul style="list-style-type: none"> • To maintain open character farms must remain undeveloped • As soon as people move in, conflicts arise • Farmed fields better than empty fields • If developed we need “large vegetative buffers” • Need low impact development (consider water, runoff, etc.) • Multi-houses on farm site could accommodate family – don’t need to be able to break it up • Family subdivisions have special rules – figure out on a case by case basis, don’t need to do a blanket policy • Regulations based on size of farm • If children live out of town, their ability to sell off lots is an issue – but shouldn’t this be a lower priority? • Need to be flexible 	<p>rights, conservation easements are ways to sell land without selling lots for houses</p> <ul style="list-style-type: none"> • Concentration of houses, impact fees – tools to mitigate impacts • Allow 10% of growth in non-urban areas • Make growth in towns happen more often than others • Some exceptions for family subdivisions is possible, if rules surrounding are robust <ul style="list-style-type: none"> ○ Allow families to stay on farm – not be a loophole to other intents • Can you treat a farmer differently than other land-owner in terms of family subdivision? Family subdivisions for farmers only? For all landowners? <ul style="list-style-type: none"> ○ Specify that land must have been in agriculture within a specified number of years ○ Relatively rare, but doable when appropriate • What happens when you are on the edge of town encroachment? 	<ul style="list-style-type: none"> ○ Money from development proffers to fund the program ○ Real estate taxes that go to program • Need education for farmer and the tax payer to how the program would work • Valley Conservation Council, other non-profits to help with funding • TDRs as a way to protect farm • Children to take over the farm • Conservation easements aren’t moving fast enough • Subdivision of farms: building homes to prepare for the future without limits on the number of subdivisions then there will not be farmland in the future. Rural areas would turn to villages.
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Shenandoah County, Virginia – Community Planning Project

	Group 1	Group 2	Group 3	Group 4
<p>3 m</p>	<ul style="list-style-type: none"> • Non-farm residents – nobody, even farmers, want high taxes • Need tax revenue source other than agricultural • Economic development needed • <i>What happens to farmland when owner retires? Servicing cost go up? Fixed income?</i> 	<ul style="list-style-type: none"> • So do non-farm residents – farmers need lower taxes than non-farmers • Growth in towns is often financed by rural landowners (property taxes pay for schools, etc.) • Assessment in rural areas can (SHOULD) be a tool to help adjust this • There is no way to completely “not pay for what you don’t use,” unless we restructure things like school taxes • In other areas, developers are required to build schools, roads, etc. for newly developed areas – developers should help county provide services – changes in zoning could allow this, particularly if high density housing comes in 	<ul style="list-style-type: none"> • Disagree with statement - willing to pay money for things I don’t get • Will to pay more to subsidize open space and agriculture • Add 2 cents to tax rates to purchase development rights program • Reverts to population – more people here, more cost is added, government will increase • Keep farming profitable • Respect property rights of people • Focus development around town and service areas – cost is simplified – economies of scale <ul style="list-style-type: none"> ○ Infrastructure cost is minimized ○ Achieve a lower cost of living in taxes by staying efficient • Balance – preserve open space, provide places for development • Strong coordination between towns and county • Taxes will be relatively lower if county stays primarily agricultural • Create a new definition of “use” – viewsheds are used <ul style="list-style-type: none"> ○ Everyone uses agricultural land use because of the viewshed 	<ul style="list-style-type: none"> • Non-farmers aren’t the only ones that want low taxes • We have relatively low taxes and small government • Will continue to be low • Demand for services is relatively low • Any development will increase the demand for services • Conservation of farmland will prevent the need to raise taxes and create larger governments • Development will have an impact on all • Non-farmer in farmland...willing to pay extra. Taxed on a regular rate since its not farmed. Meadow grass and stream buffer had government help • Non-farmers are willing to pay extra to go towards sustainable farming • Education is essential – education should start in elementary school, little interaction between farmers and non-farmers • Need to pursue organic and sustainable farming (and forestry) as a way to preserve our future • Ag director needed • BMPs for forest practices

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nal nts		<ul style="list-style-type: none"> • Values of land in Shenandoah County is being driven by what is happening in Fairfax and elsewhere • Too much supply – land won't be appreciating in value, but we don't know what demand and development pressure will be -> this is an argument for long term regulation • One tool: proffers, PDR's, easements, overlays 	A rural character is defined as "not heavy industry" – What is heavy industry? Manufacturing? Asphalt plant?	

Summary of Results of Breakout Groups at Second Public Forum 9-24-08 (Groups 5 through 8)

	Group 5	Group 6	Group 7	Group 8
and y	<ul style="list-style-type: none"> • In perpetuity • Not all or nothing – existing farmers to be able, but not required to conserve land in perpetuity • No certainty – hard to think how the future will change ** Non Farm resident – do not want add'l property taxes to fund land preservation – probably assumes that only County funded conservation • Enact ordinances and programs to promote longevity • Establish density on an overall basis, not by current zoning (i.e. lots @ 3 acres) • Perpetuity is asking too much for zoning – it will have to change 	<ul style="list-style-type: none"> • Who is going to farm in the future? • Folks aren't interested in bringing produce to Farmer's Market. • 20 years is good. • Future farmers will be around and will lease the land – can they afford it? • For perpetuity for all of the citizens • 20 years – one generation • Augusta County helps new generations of farmers. • Much longer than 20 years, but unsure of political certainty 	<ul style="list-style-type: none"> • 20 years • Perpetuity – National/State Forests • Concern about permanent regulation • Vision vs. method 	<ul style="list-style-type: none"> • Want kids to decide and not have mandated • Perpetuity preferred • Reality – review 5-10 years

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	Group 5	Group 6	Group 7	Group 8
s. ion	<ul style="list-style-type: none"> • If County promotes land preservation it can be done through private funds without increasing taxes • Purchase of development rights by County for important pieces • In the toolkit – have public and private funds available for purchasing development rights • Change land use taxation – can't be taxing raw land at a higher level than improvements, expand land-use tax law (unimproved land doesn't need services) • Need land use tax for improvements • When a person subdivides it is a cost to taxpayer – balance with landowner benefits 	<ul style="list-style-type: none"> • Concern that regulation takes away freedom and taxes • Concern over any more restrictions on farmers about subdivision • Eliminating regulation doesn't save taxpayer's money because County will go away from rural/farming and that will raise taxes • There shouldn't be any more regulation on farmers and property rights • Freedom comes with responsibilities. Freedom to farm comes with responsibility to put regulations to protect farming • Need regulations to protect areas because growth is coming, but regulations with limitations 	<ul style="list-style-type: none"> • Concern about taxes funding conservation • Property is an investment – rule changes are worrisome • Easements - Subdivision ordinance adequate? Too restrictive? • Cluster development - Should agricultural property rights convey even if grandfathered? • Land use taxation? • Right regs 	<ul style="list-style-type: none"> • Organic farming possibility • Find ways to provide growth opportunities for farmers • Government does not help anyway • Why should we think this effort will be any different? Rules change (3 acres, 10 acres, 25 acres) • Standardize parcel size across all counties
phic es	<ul style="list-style-type: none"> • Rural areas, small villages need to be preserved • River – and east to National Forest (and west) • Soil based – productive soil • Areas adjacent to battlefields • Parks – 7 Bends, Keister Tract, County Park/Farm • State Forests • Meems Bottom (covered bridge) • Every corner is picturesque because of the work of the people and soil 	<ul style="list-style-type: none"> • Agree with list from last meeting • Priorities different between new and established residents – perceptions differ too 	<ul style="list-style-type: none"> • Farmland • Woodland • Parks • Vistas 	<ul style="list-style-type: none"> • Riparian • Large farm areas • Historically important •

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and l of	<ul style="list-style-type: none"> • Though we have an oversupply of zoned land, it doesn't mean it will sell or is buildable • Use density, as opposed to lot size, for development – cluster (incl. density in some areas) • Septic system regulations and steep slopes will limit buildable areas • If supply is bigger than demand, then less money • Location of affordable housing – needs to be more concentrated to be affordable (i.e. in Towns where the services are) • Rural areas are not affordable for a single home (e.g. affordable housing) • Sliding scale (subcommittee for) to look at affordable housing • Clustering as a tool – ownership of open land – opposed to community owned open space 	<ul style="list-style-type: none"> • Who knows – hard to say? • High supply means land values go down • Counties that enacted rural land controls – the land values have increased 	<ul style="list-style-type: none"> • No comment 	<ul style="list-style-type: none"> • No comment
#1 s want e to keep nce ent or a s”	<ul style="list-style-type: none"> • Virginia is a “Right to Farm” state • If you don't like the smells, don't move there – write into subdivision ordinance (into deed) • Farming has changed over 50 years – “no through trucks” signs in Town are not good in a farming community • Need trucks and equipment • Need to use roads (unless it's a safety issue) • Many complaints to the zoning 	<ul style="list-style-type: none"> • New residents don't understand/respect farmers/farming • Agree with theme – Ditto, Ditto, Ditto • More public awareness needed – pride and respect • Subdivisions hurt the farm 	<ul style="list-style-type: none"> • Land use taxation • Cluster development • Explore alternative septic/well system to allow cluster on poor farm property • Tax incentives and breaks for farming – no property rights affected • Earmark specific taxes for ag/conservation? Meals? Jails? • Public awareness of ag/conservation achievements 	<ul style="list-style-type: none"> • Speed bumps for residential use – inconvenient for farmers interference • Different cultures (farmers vs. city folks) clash when you put subdivisions next to farms • “Right to farm” rule protects farms – non-farmers don't have a case here • Subdivision placement – you're asking for trouble putting them next to farms -> need compatible land use expectations/needs

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	Group 5	Group 6	Group 7	Group 8
	<p>administrator – no ordinance and right to farm state. Go to government, not to the individual farmer</p>			<ul style="list-style-type: none"> • Don't regulate land-selling • Farmer was here first – they should be able to do what they want – it's their retirement plan • Options to keep land, but still get value of that land • How? Taxes to fund PDR program. • Business training/support for farmers • OR – economic conditions are “stacked against” farmers • Restrictions on zoning
#2 <i>rs want le to the h</i>	<ul style="list-style-type: none"> • Farmers without much money need to get money from somewhere – either loan or sell land – need ordinance flexibility • It's not a given right to divide land among all children/descendents • Family subdivision rights – not everyone has a family • Use tools for subdivisions - consideration to support families • Infringing on farmers rights and benefits and he can/can't do with his land – use land for retirement • Other retirement investments aren't guaranteed either 	<ul style="list-style-type: none"> • You're either a farmer or developer – Not Both – need limited division rights for kids • Farmers save taxpayers by farming and get a perk in land use taxation • Not OK to make houses the last crop • OK to be regulated as to lot size, but want right to convey lots to just children as cluster • Regulations, but within reason and farmers have say in how they are regulated • Farmer's right to sell farm for development. Shouldn't put burden on other taxpayers 	<ul style="list-style-type: none"> • Retirement is the most important • Fix cluster to be allowed in ag/rural areas - not on public service 	<ul style="list-style-type: none"> • Restricted ability to do what we want with our land – how we can divide it, what we can do with it • More self directions for farmers • “Give me incentives to protect open spaces” • “I'll leave a farmhouse on my best land” • Give me the ability to divide land they way I want, when I want • Cluster housing – what service issues/costs does this create for other taxpayers? Need economies of scale • Where's the balance between cluster housing and increased services/taxes? • Perpetuity issue – what's the point of short term planning?

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	Group 5	Group 6	Group 7	Group 8
<p>#3 farm want s</p>	<ul style="list-style-type: none"> • Bullet points are the same for farm residents as non-farm residents • Really selfish attitude – still wants good things even if he doesn't use it all (e.g. schools) • Residents using every service (opposed to rural and farmers) • Overgrowth of government and support thereof – residents pay for beyond basic necessities • Community must decide what's important and what taxes pay for – Board of Supervisors • Sewer bills tripling as Town grows – services are vital, but expensive with growth • Farmers want small government too • People moving in demand services – that needs larger government • Non-growth and non-farm residents – demands will increase as non-farm residents move in 	<ul style="list-style-type: none"> • Agree with theme - Ditto, Ditto • Don't want taxpayers paying for PDR's • Willing to use taxes to pay for areas that we don't use (i.e. viewsheds/mountains) 	<ul style="list-style-type: none"> • Maybe farmers are paying more in taxes proportionally when compared to non-farmers • Land use tax is great (noted that state sets the rate) • Taxation is unavoidable • Don't want to be told what to do with property • We do need to balance property regulations with property rights • Towns don't necessarily want all development • Let us keep politics out for good planning 	<ul style="list-style-type: none"> • Service expenses are not raised by farming (a good thing) • Land use – disadvantage to people paying full taxes • Land use is a good thing – fosters economic benefit for County • Everyone wants low taxes, small government • If you want open land, you have to get a tax break • Difference between non-farmer landowner and non-farm • Open land issue – treat that differently as a tax issue
<p>nal nts</p>		<ul style="list-style-type: none"> • Question the dilemma point – did non-farm landowners say they want lower taxes? How many people? • Response – Yes, PDR's cost money. Clark County has had numerous problems. 	<ul style="list-style-type: none"> • Did not get to present last time • Taxes that are demanded to supply services with increase in growth • Pipeline already impacts the farmers now • Not enough coordination between County and Towns (Woodstock) • Strasburg + Edinburg – annex at will without County approval • Possibly rein in the already approved zoning 	<ul style="list-style-type: none"> • Culture, values, economics • Differences in lifestyle • Is there a way to give "official feedback" outside of the roundtable format?

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Group 5	Group 6	Group 7	Group 8
		<ul style="list-style-type: none">• Want to sell what they want to sell (sell only what they need to sell i.e. 3 acres not 25)• Burden on landowner to keep attractive land with no stake in it• Share responsibility of financing preservation• LT agricultural economic plan needed• Multi county coalition for farming• All have a stake in keeping farming (farmers/non-farmers)• Credibility of local government needed to increase	