

## Funding for Albemarle County's ACE Program: Let's Walk the Talk

In his Fiscal Year (FY) 2004-2005 "Budget Message," Albemarle's County Executive celebrated the Acquisition of Conservation Easements (ACE) program for "protecting our valued rural areas by acquiring conservation easements."<sup>1</sup> The budget document reflects the value the County places on various programs. In that document, does ACE fare as well as the praise would indicate? Has ACE maintained its original funding level?

Discussion about instituting an ACE program for Albemarle County began in mid-1997.<sup>2</sup> At a January 2000 public hearing on the subject, *The Daily Progress* reported, "Nearly 100 Albemarle County residents—environmentalists, farmers, natives and transplants alike—urged the Board of Supervisors ... to purchase development rights and ... save the county's open spaces from the growth juggernaut."<sup>3</sup> In July of that year, the Board of Supervisors voted *unanimously* to adopt the ACE program ordinance.<sup>4</sup> \$1 million was allocated in each of the program's first three years, FY00-01 through FY02-03. That initial \$3 million investment is expected to eliminate 240 development rights and permanently protect 3,700 acres.<sup>5</sup>

The program has received nearly universal praise. An **overwhelming majority of Albemarle's citizens** have expressed support for ACE in a County survey and at public participation meetings for the Rural Area Comprehensive Plan Review. Supervisors past and present have gone on record as strongly supporting the ACE program. In 1997, **Walter F. Perkins**, who represented the White Hall Magisterial District, said, "I've been thinking about this for a while. We do need to

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<sup>1</sup> Robert W. Tucker, Jr., "Budget Message," *Albemarle County FY 04/05 Recommended Operating Budget*, March 2004.

<sup>2</sup> Sarah Cagle, "County looks to protect land by buying rights," *The Daily Progress*, 25 May 1997, p. B1.

<sup>3</sup> Peter Savodnik, "Albemarle residents urge board to save green spaces," *The Daily Progress*, 13 January 2000, p. A1.

<sup>4</sup> Eric Swensen, "Purchase of development rights passed," *The Daily Progress*, 6 July 2000, p. A1.

<sup>5</sup> "Highlights of the Albemarle County Acquisition of Conservation Easements (ACE) Program," on the Albemarle County website [as of 5 November 2003] and telephone interview with Ches Goodall, ACE Program Administrator, 6 November 2003. As of that date, the FY00-01 acquisitions were final, the FY01-02 acquisitions were being finalized, and the FY02-03 data was projected.

## Virginia Beach Leads the Way

In the January-February issue of the *ASAP Update*, we suggested that Albemarle County might wish to consider freezing the Growth Area Boundaries and taking additional steps to preserve the Rural Areas. There is precedent for such action.

In 1979, Virginia Beach adopted a "Greenline" that runs east west through the city's center. The area north of the line is designated for urban development and services. The area immediately to the south is a transition area. South of the transition area, the land is zoned for agricultural use. In 1995, to complement the Greenline, Virginia Beach adopted a Purchase of Development Rights (PDR) program (called the Agricultural Reserve Program, or ARP). The City committed to spending a small percentage of its local real estate tax *each year* to preserve open space in the agricultural zone.<sup>6</sup> The ARP's dedicated funding source has yielded approximately \$4 million in each of the last two fiscal years.<sup>7</sup> So far, Virginia Beach has purchased the development rights to approximately 7,000 acres as part of this program.<sup>8</sup> It hopes to purchase rights to another 13,000 acres.<sup>9</sup> Together, the ARP and Greenline have succeeded in confining growth to the northern area for over 20 years.<sup>10</sup> It is estimated that the total cost of buying the development rights has been one-half of what the capital infrastructure costs would have been if development had taken place on the preserved land.<sup>11</sup>

### Also in This Issue

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The "Wal-Mart Effect"

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<sup>6</sup> E-mail from Jenny McPherson, Virginia Beach's ARP Coordinator, to Harry Levins, 17 March 2003. Since 1995, the dedicated funding has been 1.5 cents per \$100 of assessed real estate value. The City is considering dropping the dedicated funding to one cent in FY04-05.

<sup>7</sup> Virginia Beach Department of Management Services, operating budget data.

<sup>8</sup> Virginia Beach website, "ARP Quarterly Report: The month of January 2004."

<sup>9</sup> Virginia Beach website, "Agricultural Reserve Program," as of 15 March 2004.

<sup>10</sup> Virginia Chapter of the American Planning Association (VAPA), *Virginia's Growth Management Tools* (13 January 2002): 23.

<sup>11</sup> Scenic Virginia, Inc., website, "Varina Goes to the Beach," 25 March 1999.

## Part V of a Multi-Part Series

# How to Slow and Eventually Stop Population Growth: A Positive Vision

By Rich Collins, Ph.D.

In this essay, Rich Collins shares a vision of how the region might eventually stabilize its local population. Dr. Collins is the Lewis Professor of Urban and Environmental Planning in the University of Virginia's School of Architecture, the founder and Director of the School's Institute for Environmental Negotiation, and a member of ASAP's Board of Directors.

The ongoing, multi-part series in the *ASAP Update* focuses on slowing and eventually stopping population growth. However, unless one plans to buy *all* of the development "rights" in an area, one needs a rational basis for public restriction of growth.

In the United States, the idea of "capping" growth or achieving a community fixed in size has strong classical and 19<sup>th</sup> century foundations, but this approach has received little attention since the 1920s. Instead, modern anti-growth and slow-growth efforts have focused on how growth negatively impacts nature, surrounding landowners, and government budgets.

Rather than focus on the negative, we should strive for a *positive vision* of a community of a particular size and character. Such a vision would permit population size to be directly, rather than indirectly, included in each County's Comprehensive Plan "vision statement." Obviously, the population number should be higher than the current population and should take into account existing plans that a locality cannot reasonably expect to stop or reverse. Adopted as a policy for the community, the population plan and vision can then guide decisions regarding growth area boundaries, zoning, subdivisions, and capital improvement programs.

The population plan will require public participation, hearings, studies, and projections that provide elected officials with a solid foundation for deciding upon the optimal population range. The plan would acknowledge the negatives that go with the optimum—no major league baseball team, some less shopping, etc. It would also acknowledge that the population range would be reviewed every five years (as state law requires of Comprehensive Plans) but would explicitly spell out the rationale for revising it. Of course, the planning horizon would be long, perhaps 30 or more years.

Just doing what I have sketched above would make us a national landmark. But what would happen after that? To achieve the goal, the locality could allocate only limited amounts of development each year. What then? Would owners, sites, or zones compete for the allocated amount? How would the locality choose from among the pool of candidates who collectively have expectations that exceed the annual apportionment? Lottery? Auction? Could the locality score proposals based on design, the number of affordable

housing units, the diversity of business, a demonstrated commitment to community participation, and so forth?

For those who now have the potential to develop but under a new regime would not, or would forego the right, we should have some form of "compensation" for hardship. The compensation could come from public taxation or from the "winners" of the development lottery. Examples of such compensation include tax incentives for keeping land in agricultural use and purchase of development "rights" (permanent easements).

The key concept is to promote the idea of "optimum" as something that is good for the community and something that should be publicly adopted. We need to broaden the citizenry's concept of a justifiable planning rationale and revise their estimation of what can be done to maintain their quality of life.

## Letter to the Editor

### Is Water the Silver Bullet?

The ASAP meeting on February 5<sup>th</sup> featured a panel discussion about water. The last issue of the *ASAP Update* summarized the discussion and quoted Nick Evans as saying, "Water is not a silver bullet that will stop population growth."

Silver bullet? Perhaps not. Key limiting resource in terms of ecology, economics, and planning philosophy for an optimum population? Absolutely.

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Ecological and economic perspectives combined with the legal/planning rationale for optimum population makes water resources more important than building sites or demographic projections in Albemarle County. I think neither a simplistic carrying capacity nor a technological response will prevail. The real world must deal with water not as rainfall or volume, but as a *resource* facing increased competition for its use and calling for judgments on how to reasonably allocate it.

Rich Collins

## Recent ASAP Activities

### New Board Members and Officers

At ASAP's Annual Membership Meeting on March 4, the membership appointed five new directors and re-appointed five others. The five new directors are:

- **Elizabeth Burdash**, who taught psychology at the College of San Mateo (California) for 30 years
- **Ann Mallek**, who has been active in the Earlysville Area Residents' League (EARL) and serves on Albemarle County's ACE Committee and the Charlottesville-Albemarle Regional Transportation Committee (CHART)
- **Marvin (Bud) Moss**, Coordinator of The Fluvanna [County] Heritage Forum and, from 1977 to 1995, Chief of Staff to U. S. Senator Paul S. Sarbanes (Democrat, Maryland)
- **Margaret (Peggy) Thome**, who lives in Buckingham County and retired in 2000 as Director of Administration for the U. S. Agency for International Development
- **Andy Wright**, a professional geologist who has spent 20 years investigating and restoring (to health) hazardous waste sites around the country

The membership also re-elected our President (**Jack Marshall**), Vice President (**Al Weed**, who is running for U. S. Congress in Virginia's Fifth District), and Treasurer (**Geoffrey Mattocks**) and elected Elizabeth Burdash as Secretary.

### Survey of Knowledge and Attitudes about Population Growth

The main topic at ASAP's Annual Membership Meeting was a proposed survey of area residents. Members had been asked to identify specific issues that should be covered in the survey; instead, the discussion centered on methodology and the pros and cons of conducting the survey. ASAP has found at least one partner who will share the cost.

### "Population and Place" Policy for Albemarle County

ASAP's Board is in the process of assembling a committee to draft a model "population and place" policy for Albemarle County. This policy could also serve as an example for neighboring counties. The drafting process will likely take several years. After the committee has completed the draft, ASAP will lobby for its inclusion in the County's Comprehensive Plan. Rich Collins' essay on page 2 explains why such a policy is so important. If you would like to help, please contact Jack Marshall at 434-974-6390 or [crijack@cville.net](mailto:crijack@cville.net).

### Administrative Staff for ASAP

To strengthen ASAP's operational capacity and relieve our volunteer President and Board of some of their more time-consuming organizational responsibilities, ASAP has decided to hire an administrator. We will provide more information in the May issue of the *ASAP Update*.

## In the News

### Affordable Housing

A recent Associated Press article discussed rising housing prices in Culpeper and other Virginia communities. The article stated, "An influx of Northern Virginians has contributed to what some say is an affordable-housing crisis in some parts of the Greater Piedmont area. ... The average price climbed 15 percent to \$285,790, in part due to housing crunches and higher-priced homes being introduced to the market."<sup>12</sup> This statement affirms ASAP's belief that rapid population growth is the primary cause of the affordable housing problem, not growth management. As **John Hermsmeier**, ASAP Board member, says, "While land protection may create some scarcity and therefore drive housing prices higher, development drives up prices even more."

### Immigration, Population, and the Sierra Club

A recent *New York Times* article reported that a fight is underway over the election of five new members to the Sierra Club's Board of Directors. *The Times* stated, "The leadership of the Sierra Club is enmeshed in a bitter struggle over whether to advocate tough immigration restrictions as a way to control environmental damage that has been associated with rapid population growth. ... Those who support immigration controls of some sort argue that the club's leadership must confront the roots of future environmental crises. ... About 39 percent of the United States' population gain over the past decade is a result of direct immigration, Census Bureau statistics show; the most recent annual figure is 45 percent." In 1996 the Sierra Club's Board voted to take a neutral stance on the issue, a position affirmed by membership vote in 1998. As reported in *The Times*, the Sierra Club's Executive Director, Carl Pope, "said there were two essential reasons for the rancorous debate. One is the outside candidates' lack of active involvement in the Club. The second is their choice of a centerpiece issue. During a similar debate some years ago, Mr. Pope said, he decided that 'this issue is so deeply charged with a lot of issues, including xenophobia and racism, that you can't get into it and have a clean debate and therefore you just couldn't try.'"<sup>13</sup>

There are two conditions in life: accept things as they exist, or accept the responsibility for changing them. — Dr. Denis Waitley

<sup>12</sup> Associated Press, "Housing prices soaring," *The Daily Progress*, 1 March 2004, p. A1.

<sup>13</sup> Felicity Barringer, "Bitter Division for Sierra Club on Immigration," *The New York Times*, 16 March 2004.

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be taking some action to set aside some land that will remain open to grow trees and food.”<sup>14</sup> In 1998, **Forrest R. Marshall**, who represented the Scottsville District, said, “I’m very much in favor of [the ACE program]. My only concern is whether we can come up with the money without having to raise taxes. I’m willing to commit myself to spend this money, because in the long run it’s going to save the county more money.”<sup>15</sup> In 1999, Supervisor **Sally H. Thomas** said the board was committed to conservation easements.<sup>16</sup> In 2003, Supervisor **Lindsay S. Dorrier** said, “[The ACE program] keeps Albemarle green. I believe the program has been very popular with citizens. There have always been more applications than awards.”<sup>17</sup> In 2003, Supervisor **Dennis S. Rooker** stated, “I have been, and continue to be, a strong supporter of ACE.”<sup>18</sup> At a September 2003 Board of Supervisors candidate forum sponsored by five environmental groups, about-to-be-elected Supervisor **David C. Wyant** advocated increasing the relative percentage of the County’s budget devoted to ACE. He said, “I support the ACE program. ... I think we need to look at other sources of funding at the state and the federal level. ... Today ... less than one-half of one percent of our total budget within the County [is devoted to] the ACE Program. We probably ought to be looking at that and increasing [it].”<sup>19</sup>

Despite this broad support, the Board budgeted only \$350,000 for ACE in early 2003 (during their FY03-04 budget deliberations). Citizens protested. **Ann Mallek**, a member of the ACE Committee and one of ASAP’s new Board members, wrote, “To cut by two-thirds the County’s premier program that saves farmland and open space ignores the priority Albemarle County residents place on protecting this superb rural landscape. ... This kind of land use preservation will take many years to succeed; therefore it is very important not to miss a single year.”<sup>20</sup> The Board found additional funding, and \$800,000 was budgeted.

Now, a year later, we face the same issue. Once again, despite explicit statements of support for ACE from at least four Supervisors, the Board has budgeted only \$350,000 for FY04-05.

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<sup>14</sup> Sarah Cagle, “County looks.”

<sup>15</sup> Brian Root, “County board smiles on development plan,” *The Daily Progress*, 3 September 1998, p. A9.

<sup>16</sup> Peter Savodnik, “County closer to plan limiting rural growth,” *The Daily Progress*, 4 November 1999, p. B2.

<sup>17</sup> David Dadurka, “Easement program enters fourth year,” *The Daily Progress*, 8 July 2003, p. A2.

<sup>18</sup> Dennis Rooker e-mail to Harry Levins, 12 March 2003.

<sup>19</sup> Transcript of the BOS candidate forum sponsored by ASAP, the Albemarle Neighborhood Association, Citizens for Albemarle, the Environmental Education Center, and the Sierra Club, 22 September 2003.

<sup>20</sup> Ann Mallek e-mail, “Call to arms for the ACE program,” 10 March 2003.

As Ann Mallek stated, a voluntary conservation easement program will work only if funding is significant and consistent from year to year. All Albemarle County Supervisors have gone on record as saying that they wish to channel growth away from the Rural Areas and into the Development Areas. ACE is the *only* County program that *permanently* preserves open land in the Rural Areas.

Why hasn’t the Board continued to fund the program at its original level of \$1 million per year? In defense of the Supervisors, there are many essential government services—education, human services, housing needs, etc.—competing for limited funds. In addition, some citizens would like the Board to cut the tax rate by two cents (from 76 cents per \$100 of assessed value to 74 cents).

Nonetheless, the county’s citizens have been clear that they support ACE. It is not an expense; rather, it is a long-term *investment* in the County’s future quality of life because it not only preserves open space, it also lowers the County’s ultimate population at buildout. As Forrest Marshall said, every dollar spent on ACE will save money in the long run. Perhaps it is time for the Board to seek dedicated funding for ACE, just as Virginia Beach has done (see “Virginia Beach Leads the Way” on page 1).<sup>21</sup>

**Express your support for ACE** at the public hearing on the proposed budget at 6:00 p.m. on Wednesday, April 7, in room 241 of the Albemarle County Office Building.

## The “Wal-Mart Effect”

Last fall, *The New York Times* ran a series on the depopulation of the rural Great Plains. The loss of population was blamed on two factors: the collapse of the family farm and the “Wal-Mart effect.” The owner and publisher of one small newspaper said, “The day a Wal-Mart comes into a midsize town ... the town newspaper loses about 40 percent of its advertising revenue. But at least the paper has a fighting chance to stay in business. For local stores, it is no contest.” *The Times* reported, “A recent University of Nebraska study found that in 52 rural counties in the state, the locally based share of the retail pie fell by 50 percent over the last 20 years. The stores that do survive sell basics: gas, quick-pickup groceries, coffee. Or they find a niche, selling local crafts, say, or wine.”<sup>22</sup>

Wal-Mart has had a store in this area for many years. But one has to wonder whether the two to three million square feet of new retail space to be built in the area over the next few years will have its own “Wal-Mart effect” on our existing, small retail businesses.

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<sup>21</sup> In 2000, Supervisors **David P. Bowerman** and **Charles S. Martin** discussed conducting a countywide referendum on permanently funding the ACE program. Peter Savodnik, “County cautious on buying rights to development,” *The Daily Progress*, 14 January 2000, p. B1.

<sup>22</sup> Timothy Egan, “Amid Dying Towns of Rural Plains, One Makes a Stand,” *The New York Times*, 1 December 2003.



## Upcoming ASAP Meetings and Other Noteworthy Events

**April 7 – Public hearing** on Albemarle County’s proposed budget, 6:00 p.m., Room 241, Albemarle County Office Building – **Express your support for the ACE program.**

**Wednesday, April 14, 6:30 p.m.** – WHTJ Charlottesville PBS will tape a one-hour program, **What Price Growth? A VIRGINIA CURRENTS Special**, before a live audience at the Abbott Center Auditorium at UVA’s Darden Graduate School of Business Administration. Panelists: **Harrison Rue**, Executive Director of the Thomas Jefferson Planning District Commission; **Jack Marshall**, President of ASAP; and **Neil Williamson**, Executive Director of the Free Enterprise Forum, which represents the Blue Ridge Home Builders Association, the Charlottesville Area Association of Realtors, and the Charlottesville Regional Chamber of Commerce. The program’s host, **May-Lily Lee**, will solicit questions from

audience members, so please plan to attend. Free parking is available in the garage located on the right side of the Darden complex. The program will be broadcast on WHTJ on Thursday, April 29, at 8 p.m. and Sat., May 1, at 5:30 p.m.

**April 15 – Board meeting**, 8:00 a.m., Room 235, Albemarle County Office Building – members welcome.

**April 29** – Broadcast of **What Price Growth? A VIRGINIA CURRENTS Special** on WHTJ at 8:00 p.m.

**May 1** – Broadcast of **What Price Growth? A VIRGINIA CURRENTS Special** on WHTJ at 5:30 p.m.

**May 6 – General membership meeting**, 7:30 p.m., Westminster Presbyterian Church Library, 190 Rugby Road. Topic to be announced.

**Saturday, October 2** – **ASAP’s 3<sup>rd</sup> Annual Conference**, Lane Auditorium, Albemarle County Office Building.

**ASAP** is a non-profit corporation organized under Section 501(c)(3) of the Internal Revenue Code. Its **mission** is to increase knowledge and awareness about the effects of net population growth on our natural environment and quality of life, and to advocate appropriate policies and mechanisms that will enable our region to reach a sustainable population size. To achieve this, ASAP will engage in research, community education, policy development, and advocacy. ASAP publishes this **newsletter** monthly except for combined January-February and June-July issues. Submit editorial comments to the newsletter’s editor, Harry Levins, at [harry@harrydale.com](mailto:harry@harrydale.com). Articles may be reprinted or excerpted with attribution. To become a member of ASAP and/or to receive this newsletter and a notice of ASAP events, contact [crijack@cville.net](mailto:crijack@cville.net).



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