

## Fluvanna Friends of Rural Preservation New Organization Formed to Protect Fluvanna's Rural Areas

In Virginia, Comprehensive Plans “guide and accomplish a coordinated, adjusted and harmonious development of [each jurisdiction] which will ... best promote the health, safety, morals, order, convenience, prosperity, and general welfare of the inhabitants.”<sup>1</sup> Each Plan is “a guideline for future development and systematic change, reached after consultation with experts and the public.”<sup>2</sup>

Fluvanna's current Comprehensive Plan reflects its citizens' oft-expressed desire to see most of the County remain rural. In order to achieve that goal, the Plan defined a Rural Preservation Planning Area (RPPA) and recommended that only 10% of future growth be allowed there. It also designated a number of areas for development and growth.

Every Comprehensive Plan must be *implemented* by ordinances (such as zoning and subdivision ordinances) and a Capital Improvements Program. To implement its Plan, Fluvanna's Board of Supervisors recently proposed a “Rural Preservation Zone” zoning measure, which will decrease residential density in the RPPA. The Planning Commission is evaluating the proposed ordinance and will make its recommendation to the Board by August 31<sup>st</sup>.

To help protect Fluvanna's rural areas, 120 of its citizens have banded together to form a new grassroots organization, the **Fluvanna Friends of Rural Preservation** (FFRP). Almost all of the charter members live in the RPPA or own land there. The organization is entirely supported by contributions from its members. FFRP's goal is to implement the County's Comprehensive Plan by establishing the Rural Preservation Zone.

The RPPA/Rural Preservation Zone constitutes 98,000 of Fluvanna's 183,000 acres, or 54% of the County. Most of the 24 County-approved agricultural/forestral districts (covering some 27,000 acres) are in the RPPA as are most of the 6,000 acres that owners have placed under permanent conservation easement. The agricultural/forestral districts and conservation easements are evidence that the citizens living in the RPPA

are committed to preserving their rural heritage and open space.

The FFRP plans to educate property owners who live in the RPPA about what is at stake. You can contact Marvin “Bud” Moss of the FFRP at 434-589-4839 or [mmoss@cstone.net](mailto:mmoss@cstone.net). The FFRP's temporary mailing address is: 14054 James Madison Hwy, Palmyra, VA 22963. Bud Moss is a member of ASAP's Board of Directors.

## Fluvanna County Asks to Tap the James River

The Fluvanna County Board of Supervisors has formally applied for federal and state permits to withdraw six million gallons of water a day from the James River.<sup>3</sup> Fluvanna plans to construct a facility “to provide water for [the] future needs of growing areas of Fluvanna and Louisa County.” The Rivanna Water and Sewer Authority (RWSA), which serves the City of Charlottesville and its urban ring in Albemarle County, is studying the option of joining Fluvanna and Louisa in their effort to build the pipeline.<sup>4</sup>

The U.S. Army Corps of Engineers, which is evaluating the project, has made preliminary determinations that:

- No environmental impact statement will be required.
- The water withdrawal facility “will not have a substantial adverse effect on Essential Fish Habitat.”

The Corps is conferring with the U.S. Fish and Wildlife Service to determine if species listed as endangered or threatened will be affected. The Corps of Engineers solicited public comment on the proposed pipeline project through August 27<sup>th</sup>.

Also in this issue: Focus on Albemarle County—page 2:

- Its Rural Area Plan
- Its Land Use Taxation Program
- “Land Protection Toolbox” for its Landowners

<sup>3</sup> U.S. Army Corps of Engineers, Norfolk District, *Federal Public Notice*, CENAO-TS-REG 04-V0805-52, 26 July 2004, available online at <http://www.nao.usace.army.mil/Regulatory/PN/04-V0805/04-0805.htm>.

<sup>4</sup> David Dadurka, “Rivanna explores water options,” *The Daily Progress*, 25 May 2004, p. A1. The RWSA is exploring many other ways to expand its water supply, such as tapping into Crozet's water supply, Beaver Creek Reservoir.

<sup>1</sup> *Virginia Code § 15.2-2223*.

<sup>2</sup> *Town of Jonesville v. Powell Valley Limited Partnership*, 254 Va. 70 (1997).

## Albemarle County's Rural Area Plan

An editorial in *The [Crozet] Whistle* described how Albemarle County's Rural Area Plan has failed to achieve its primary goal: to discourage residential development in the Rural Areas.<sup>5</sup> It pointed out that the County has issued approximately 300 building permits per year in those areas since the Plan's last update in 1989. The author asked, "Where do we put the blame?" He answered that developers, homebuyers, farmers, and the County each share some responsibility. He said those knowledgeable about the issue agree that, "Residents have not been well informed about growth, even though it's the citizenry's number one local concern. And it's too complex to understand from sound bites and short news articles." The essay concludes with a call for the area's "resident brain trust," such as the cerebrums at the University of Virginia, to address the problem.

ASAP's Board of Directors and membership are heavily leavened with Ph.D.s, many of whom are professors at the University. They have concluded that the problems highlighted in the editorial are ultimately unsolvable unless we eventually deal with the underlying driver of all "growth" issues: *population* growth.

No one really wants to address the issue; it makes people uncomfortable. But common sense and logic dictate that, eventually, we should determine the optimal population size for our community and then plan to level off at that population.

## Is Albemarle County's Land Use Taxation Program Achieving Its Goals?

The Code of Virginia permits counties, cities, and towns to tax land used for agriculture, horticulture, forestry, and open space at lower-than-normal rates. There are a couple of justifications for such programs.

First, encroaching development increases land values. As the values rise, so do the property taxes on that value. The higher taxes can act as an incentive for owners to sell to developers. Rather than have rising land values lead to more development, local authorities can tax the land on how it is *used* rather than its *market value*. That is why it is called "land use taxation."

Second, agricultural, horticultural, forestal, and open land does not require much in the way of government services. The land sends no children to school. It doesn't call very often for the fire or rescue squad. It usually requires no water or sewer hook-ups. The American Farmland Trust estimates that for

<sup>5</sup> "A House Subdivided ...," *The Whistle*, July 2004, pp. 6-7.

every dollar of taxes collected, open space costs only 36 cents.<sup>6</sup> So, rather than tax land at standard rates, local jurisdictions can tax it at a rate closer to what it actually costs.

Does land use taxation work? Does it slow the pace of development? Is it worth the \$10 million *reduction* in taxes Albemarle County collects each year?<sup>7</sup> Or would it be better to collect the \$10 million and spend it on the County's ACE program, which permanently retires development rights?

*The Daily Progress* published a scathing attack on land use taxation programs in its August 16, 2004, edition.<sup>8</sup> The Associated Press, the article's distributor, states that "numerous studies by think tanks and universities" have shown that the tax breaks "have done little to slow the pace of development." The article admonishes, "Every tax dollar lost through loopholes must be made up somehow—either in reduced services or in higher taxes for other property owners." An upcoming ASAP membership meeting will examine the land use taxation issue.

## Free Workshop for Albemarle County Landowners Land Protection Toolbox

The Piedmont Environmental Council will be sponsoring two workshops for Albemarle County landowners who wish to learn how to protect their land from development. The workshops will describe the benefits and tax implications of three voluntary programs:<sup>9</sup>

- Donated conservation easements
- The County's easement purchase (ACE) program
- Natural resource conservation options

The workshops will be held in late September:

- Monday, **September 27**, 6:30-8:35 p.m. at the **Scottsville** library (330 Bird St.. just off Route 20)
- Tuesday, **September 28**, 7-9 p.m. in the cafeteria of **Western Albemarle High School** on U.S. Route 250 (5941 Rockfish Gap Turnpike)

For more information or directions, contact Sabrina Stanwood at 434-977-2033 extension 21 or [sstanwood@pecva.org](mailto:sstanwood@pecva.org).

<sup>6</sup> American Farmland Trust's Farmland Information Center, *Fact Sheet: Cost of Community Services Studies*, November 2002. See <http://www.farmlandinfo.org>.

<sup>7</sup> Lisa Provence, "Land use: Farmers' friend or tax break for the rich?" *The Hook*, 10 April 2003, p. 20.

<sup>8</sup> Associated Press, "Law of the land: Developers make hay over tax breaks meant to conserve farmland," *Charlottesville Business Journal* insert in *The Daily Progress*, 16 August 2004, pp. 6-7.

<sup>9</sup> The workshop presenters will be Sherri Buttrick (Director of the Virginia Outdoors Foundation's Central Regional Office), Ches Goodall (Program Coordinator for Albemarle County's Acquisition of Conservation Easements [ACE] Program), and Rex Linville (Land Conservation Officer for the Piedmont Environmental Council).

**3rd Annual Conference of  
Advocates for a Sustainable Albemarle Population (ASAP)**

**No. 1 today – but tomorrow?**

**Will this still be the “Best Place to Live” when our population DOUBLES?**

**Saturday morning, October 2, 2004 - 9:00 to 12:45**

**Albemarle County Office Building, Main Auditorium**

Registration 8:30 – 9:00 (There is no registration fee, though donations are welcome)

**Moderator – Nancy O’Brien**, Past Mayor of Charlottesville, and Past Director of the Thomas Jefferson Planning District Commission

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|---------------|---|
| 8:30 – 9:00   | Registration  |
| 9:00 – 9:10   | <b>Welcome</b> - Ed Stennett, Author of <i>In Growth We Trust</i> , and Director of Growth Education Movement   |
| 9:10 – 9:20   | <b>Are We #1?</b> – Janice Jaquith, Albemarle County author   |
| 9:20 – 10:10  | <b>Yes, We’re #1!</b> – Rich Collins, Lewis Professor of Urban and Environmental Planning in the UVA School of Architecture, and Chair of UVA’s Institute for Environmental Negotiations  |
| 10:10 – 10:20 | Questions from the audience   |
| 10:20 – 10:45 | <b>Growth’s Impacts on Our Quality of Life:</b><br><br><b>Traffic</b> – Leonard Schoppa, Alliance for Community Choice in Transportation<br><b>Taxes</b> - Jeff Werner, Piedmont Environmental Council<br><b>Affordable Housing</b> – Kendra Hamilton, Charlottesville City Councilor |
| 10:45 – 11:00 | BREAK   |
| 11:00 – 11:25 | <b>Growth’s Impacts on Our Environment:</b><br><br><b>Water</b> - Lois Rochester, League of Women Voters<br><b>Watershed Protection</b> - Ridge Schuyler, The Nature Conservancy<br><b>Biodiversity</b> – Carleton Ray, Citizens for Albemarle  |
| 11:25 – 11:35 | Questions from the audience   |
| 11:35 – 12:00 | <b>Lessons From Loudon: How NOT to be #1</b> – Jim Burton, Loudoun County Supervisor  |
| 12:00 – 12:10 | Questions from the audience   |
| 12:10 – 12:45 | <b>So What Can YOU Do about Local Growth?</b> - Jack Marshall, President of ASAP  |

## Upcoming ASAP Meetings

**September 2 – Membership meeting**, 7:30 p.m., Westminster Presbyterian Church Library, 190 Rugby Road. Topic: Suburbanizing Albemarle’s Rural Areas: A critical look at the proposed revisions to the Rural Area Section of the Comprehensive Plan.

**September 16 – Board meeting**, 8:00 a.m., Room 235, Albemarle County Office Building – members welcome.

**October 2 – ASAP’s 3<sup>rd</sup> Annual Conference**, 9:00 a.m., Lane Auditorium, Albemarle County Office Building. See page three for a complete description.

**October 7 – NO membership meeting.**

**November 4 – Membership meeting**, 7:30 p.m., Westminster Presbyterian Church Library, 190 Rugby Road.

## The Forum Watch

The Free Enterprise Forum is a business-supported, pro-growth public policy think tank that, according to its web site, “is dedicated to providing research and analysis to citizens and lawmakers alike. Our mission is to keep all stakeholders informed and actively involved in the process. By being an informed participant we can keep our region among the best in the nation.”

In support of that mission, the Free Enterprise Forum publishes a monthly e-mail newsletter, *The Forum Watch*. It summarizes issues being discussed by governmental and quasi-governmental bodies in the City of Charlottesville and Albemarle, Fluvanna, Greene, and Nelson Counties. If you wish to stay informed about governmental proceedings in the area, ASAP recommends subscribing—even though we do not endorse all of the Forum’s positions on growth and economic development. To receive the newsletter, send an e-mail to the Forum’s Executive Director, Neil Williamson, at [neil@freenterpriseforum.org](mailto:neil@freenterpriseforum.org). You can also view current and past issues of *The Forum Watch* at the Forum’s web site, [www.freenterpriseforum.org](http://www.freenterpriseforum.org).

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 Andy Wright at [andy@eco3.com](mailto:andy@eco3.com) or 434-244-0793.



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