

League of Women Voters Comments on Optimal Sustainable Population Size for Albemarle County

The Charlottesville/Albemarle League of Women Voters has written the following letter to the Albemarle County Board of Supervisors. Four paragraphs have been omitted; omissions are indicated by ellipses (...).

The Charlottesville-Albemarle League of Women Voters supports an initiative to identify a sustainable optimal population size (or range) for the Charlottesville-Albemarle community and to use this figure to help guide planning.

We recommend this be done in collaboration with the City and with the University. ...

This request is in line with the League's March 28, 2003 recommendation that the Rural Areas section of the Comprehensive Plan include a policy on population size. The request is also in line with the 1998 Sustainability Accords which have been approved by the League and included in the Natural Resources and Cultural Assets Chapter of Albemarle County's Comprehensive Plan adopted by the Board on March 3, 1999. ... Underlying the Accords, one of the principles stated: "In a Sustainable Community, the members understand that there are limits to growth." One of the Accords was to "Strive for a size and distribution of human population which will preserve the vital resources of the Region for future generations."

Now, eight years later, it is time to heed the plea of the Sustainability Council to "make sustainability a reality." It is time for Albemarle County residents, as responsible stewards of our resources, to determine the size and scale of the community we want. This determination should be based on sound data which show the relationships between numerous variables and specific population densities. ...

The task is certainly formidable, but the League believes that the effort to define Albemarle County's optimal sustainable size will enrich residents' discussion about the future of the community and will provide an invaluable framework for wise decision making. ...

Sincerely,
Nancy Button
President

Letter to Four Members of the Board of Supervisors about Real Estate Assessments

DeForest (Mike) Mellon, a member of the Board of Directors of Citizens for Albemarle, wrote this letter (which has been slightly edited for this reprinting).

Dear Messrs. Boyd, Dorrier, Slutzky, and Wyant:

I am sending this message to you in particular because your discussions and votes on County matters suggest an especially friendly attitude toward residential and business expansion in Albemarle County.

The real estate assessment on my property—my primary home for the last 33 years—has risen 60% in the past four years. The necessity for increased assessments—now on a biennial basis—is the direct result of economic pressures residential and commercial growth place upon County government. No one who moves about the County on a daily basis can be unaware of this growth. For a few business people, especially bankers and real estate developers, this increase represents the opportunity to profit (in a few cases obscenely) as a direct result of an increased number of consumers. For the County residents who do not directly profit from growth, the consequences are a diminishing quality of life, outrageous increases in tax assessments, lost open space, despoliation of our scenic vistas, choked local roads, and decreased ability to travel easily within the City of Charlottesville—to name a few.

Presumably each of you ran for County Supervisor to serve all of its citizens, not just a few constituents who might benefit financially from either development-friendly policies you pass or deliberate inaction or rejection of policies (such as phasing and clustering) that would help mitigate the impacts of development. That being the case, in my opinion you are failing to perform the job in a way the citizens of this County deserve. The people who live in Albemarle deserve better. Nor do the long-term residents of the County deserve to be assessed out of their homes.

Sincerely,
DeForest Mellon
Albemarle County

Population Growth in Albemarle County

The Weldon Cooper Center for Public Service recently released its latest population estimate for Albemarle County—90,806 as of July 1, 2006. The last U.S. Census pegged the County's population at 84,186 on April 1, 2000. Therefore, according to the Weldon Cooper Center, the County has gained an estimated 6,620 people in the last 6.25 years, an average growth rate of 1.22% per year. At that rate, Albemarle's population should be about 91,550 as of March 1, 2007. The Center estimates that 37% of Albemarle's growth in the last six years was due to natural increase (more births than deaths), while 63% was due to net in-migration.¹

The Weldon Cooper Center uses the "ratio-correlation" method to estimate population. Every ten years, the Center generates a new population-estimating equation using multiple-regression analysis and the U.S. Census Bureau's decennial census population figures. Each year thereafter, the Center gathers data on the variables used in the equation (personal and dependent exemptions on state tax returns, births, public school enrollment in grades 1–8, the number of licensed drivers, housing stock, and the number of people residing in institutions) and generates new population estimates for 134 Virginia localities. However, this is a simple explanation of a very complex process. The Center's website contains a document that explains the ratio-correlation method in detail.²

Albemarle County's growth rate over the 20-year span from 1980 through 2000 was 2.08% per year. The Weldon Cooper Center has *estimated* the growth rate over the last six years to be far, far lower—only 1.22% per year. ASAP is very skeptical. Statistical processes like the ratio-correlation process are subject to a number of errors. Moreover, as we get further and further from the 2000 decennial U.S. Census Weldon Cooper is using as a baseline for its estimates, the probability of error grows even larger. The next U.S. Census will be conducted in 2010, with data expected to be released about a year later. We will be able to compare the census with Weldon Cooper's estimates at that time.

¹ Demographics & Workforce Section, Weldon Cooper Center for Public Service, University of Virginia, "Population Estimates for Virginia Counties & Cities," 22 January 2007. See <http://www.coopercenter.org/demographics/POPULATION%20ESTIMATES/>.

² Weldon Cooper Center for Public Service, "Methodology for the Cooper Center Locality Population Estimates, 2001-09," available at: <http://www.coopercenter.org/demographics/DEFINITIONS%20%26%20EXPLANATIONS/methodology.php>.

"15 Great Cities for Job Seekers"

Who is number eight on that list? You guessed it—Charlottesville, VA. In late January, CareerBuilder.com produced a newspaper feature that listed 15 cities with extremely low unemployment rates. CareerBuilder wrote, "The harsh truth of job hunting is that in some cities, no matter how hard you look, there just aren't enough jobs to go around. Because a low unemployment rate is an indication of *a city with a proportionate number of jobs for its population*, it stands to reason that cities with minimal unemployment rates represent promising economic environments for job seekers" (italics added for emphasis). Maybe somebody should alert the pro-growth folks in the area. For years they have been arguing the exact reverse—that a low unemployment rate means *there aren't enough jobs*. Using logic that can only benefit the development industry and its allies, they have been pushing to import even more jobs into the Charlottesville-Albemarle area.

ASAP doesn't have any problem with our area's existing businesses following their natural growth curves. But we have been arguing—for years—that in an area like ours with a low unemployment rate, importing jobs just drives up our population growth rate. To argue the reverse is simply ... wrong-headed, and it's nice to have CareerBuilder confirm this.

The 15 cities in order are: Fargo, ND; Bismarck, ND; Logan, UT; St. George, UT; Ames, IA; Idaho Falls, ID; Billings, MT; Charlottesville, VA; Iowa City, IA; Provo-Orem, UT; Sioux Falls, SD; Boise City-Nampa, ID; Ft. Walton Beach-Destin, FL; Huntsville, AL; and Lincoln, NE. These cities have something else in common besides a low unemployment rate—all are relatively small and therefore still great places to live. Any of them could grow large and become economic powerhouses, but would any of these towns' residents really want that for themselves? ASAP doubts it.

Photography Contest

ASAP is sponsoring a photography contest to capture the effects of growth on Albemarle County. Two prizes will be awarded to **photographs that demonstrate the impact of growth on beautiful Albemarle County**. The two prize categories are (1) a single photograph in black and white or color, and (2) a collage, a sequence, or before and after photographs in black and white or color. Each prize will be \$250 cash. Submit entries to Pro Camera, 618 Forest Street, by 5 p.m. on April 6. Prizes will be awarded at a ceremony at the C&O in late April. The winning photographs will be displayed at the C&O Gallery and on the ASAP website, www.asapnow.org. Please go to the website for more information and a contest entry form: <http://www.asapnow.org/news-events.php>. Contest sponsors are: the C&O Restaurant, Geraty & MacQueen PLC, Poetry Daily (www.poems.com), Pro Camera, and Richmond Camera.

Recap of ASAP's Jan. 18th Membership Meeting

Transfer of Development Rights, Downzoning, and Other Rural Area Issues

At its January 18th general membership meeting, ASAP hosted a panel discussion on the concept of allowing the transfer of development rights (TDRs) from the Rural Areas of Albemarle County to within or just outside of its Growth Areas. Virginia started permitting such transfers in July 2006. In early October, David Slutzky, who represents the Rio District on the County's Board of Supervisors, presented an innovative, detailed, but controversial proposal for implementing such transfers in Albemarle. The plan received mixed reaction, ranging from enthusiastic support to bitter rejection.

The January 18th panel consisted of Mr. Slutzky; Dennis Rooker, who represents the Jack Jouett District on the Board of Supervisors; Rich Collins, Professor Emeritus of Urban and Environmental Planning at the University of Virginia; Jeff Werner, Charlottesville-Albemarle Land-Use Field Officer for the Piedmont Environmental Council; and Jack Marshall, ASAP's President and moderator of the discussion. A complete transcript can be found on Charlottesville Tomorrow's website at: http://cvillemorrow.typepad.com/charlottesville_tomorrow/2007/01/tdr_asap_panel.html (what may appear as spaces are actually underscores). The following excerpts cover the first 24 pages of Charlottesville Tomorrow's 45-page transcript: the formal presentations made by the panel members and Mr. Slutzky's rebuttal. Some of the comments have been slightly edited to improve their readability.

Collins: TDRs used in conjunction with comprehensive planning hold real promise for dealing with perceived inequities in the distribution of benefits and burdens in land use. ... TDRs have been described as a severance between the site or land value and the floating economic value that has to go somewhere so it can be realized. ... We know that we'd like to have more development here and less there, but, in the past, we didn't have an easy way of bringing that about. ... We now have something that was not available two years ago. We have been arguing we need more local government authority; we should now work hard to show that, when the Virginia legislature gives us local authority, we will use our ingenuity to do what needs to be done.

Slutzky: What I tried to do by putting this TDR proposal in front of the public was to stimulate the conversation that is continuing tonight. ... TDRs are a vital tool that could be used very effectively, particularly here in Albemarle County, and I tried to propose a way ... that could not only work but ... could get a consensus of support. There are a number of things about my proposal that I'm not thrilled about, but I put it together [as] something of a centrist version of using TDRs to manage Rural Area growth. ... When I originally announced this thing on the steps of the County Building, I had people from the environmental community, the Farm Bureau, and the Free Enterprise Forum each saying it was an interesting idea. At the time, nobody said they hated it. So let me briefly describe it to you today.

... We've got 5% of the County allocated to growth and 95% designated Rural Area, and the latter's not supposed to be having growth happen in it. ... I think, at the end of the day, the only way that we're going to stop having the Rural Areas of Albemarle County destroyed by extensive development is by taking away the opportunity to develop those areas. That means downzoning. When I started running for office, I was told, "You don't use that word. You don't have a chance of winning if you utter the word 'downzoning' in Albemarle County." Well, I don't think that's true. ... I've said publicly that I'm enthusiastic about the idea of downzoning the Rural Areas. I'd be happy to do it today. We could forget the rest of the proposal. Let's just downzone the Rural Areas and move forward. ...

Rooker: Hear, hear!

Slutzky: Dennis is in agreement with me and has said so publicly. I wish we had more support for it coming from the Board. ... But there are members of this particular Board who are not going to support just downzoning the Rural Area. No chance. They couldn't even support phasing and clustering, and phasing was a very limited form of downzoning—downzoning in a temporal sense. But three members of our Board just could not see their way to support it.

So, given the existing Board, the question I struggled with over the summer was, how do we get the accomplished result of a downzoning? So I went to the folks in the Farm Bureau and the Free Enterprise Forum, and I said, "What do we have to do here? I want to protect the Rural Area. You say you do. Yet you don't embrace downzoning. Why?" They replied, "Because you're taking value away from Rural Area lands." I said, "I disagree. I think that if we were to take the development rights away from Rural Area land, it would go up in value, or, at the very worst, stay the same." In 1980, Albemarle County significantly downzoned, but land values held the same for awhile and then went up. There are a number of other places in this country where downzoning on a large scale has occurred, and the bottom hasn't fallen out of the market. There are two reasons for that. First, there are fewer opportunities for new entrants to come into the market, so there's a scarcity that puts pressure on land values. But the main reason is that people buy rural land because they want to live in the Rural Area. They don't want to live on their hundred acres surrounded by a bunch of subdivisions, so if you take away the possibility that the surrounding lands become subdivisions, presumably people will be willing to pay more for that 100-acre parcel.

So I argue that downzoning is actually in the landowners' economic interest. But, if the Rural Area landowners don't buy that, what if we create a mechanism—TDRs—whereby the development rights that we render useless through the downzoning can be sold in a free market mechanism? If we create a small "boundary area" (say 7.26 square miles, about

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1% of Albemarle County), locate the 1% adjacent to the 5% that is already designated growth area, and declare the 1% as the receiving area for the TDR program, then we can downzone the 94% of the County that remains in the Rural Area. We can then extinguish most of the development rights. Some of the extinguished rights could be sold to owners of land inside the new boundary area and used as the basis for increased density. We would still cap the density of this boundary area so it doesn't get out of control. ...

I am proposing that the boundary area not be subject to the Neighborhood Model for the following reason: to sell this to the other side, to get this thing through, I've become convinced that you need to retain the current character of those Rural Area development rights. They're not subject to the Neighborhood Model out in the Rural Areas. If you have them relocated to this boundary area, my hope and expectation is that the market will demand that those lots be developed in a manner not unlike the Neighborhood Model. I could be wrong on this point. A number of people have expressed strong disapproval of that aspect of my proposal. If it's a mistake, then let's change it, but I think we need to do that to get the votes necessary to be able to downzone 94% of the County. I applaud Professor Collins' suggestion that we analyze and study this over the next few years, but I'm very nervous about waiting too long to do something. Every single year, 250 to 300 new single family homes are built in the Rural Area. I don't want to wait five years. I'd like to do the downzoning next Thursday, and if this TDR proposal would ultimately be effective enough to get a consensus of support, then I think we should do it.

... This proposal was intended to be a straw man. It was the result of months of dialog between me and a whole lot of folks in the environmental community, the property rights community, the rural land community, the building and developer community, and the real estate community. I talked to lawyers. I've talked to an awful lot of people. ... It is the result of a lot of input from a lot of different perspectives. ... However, this isn't the Slutzky proposal. This is a straw man for everybody to take ownership of and refine. ...

[Mr. Slutzky explained why he proposed that a developer receive *two* development rights in the boundary area for *each* development right transferred from the Rural Areas. He said developers are willing to pay about \$20,000 for the right to build a detached, single-family residential dwelling in the boundary area. However, Rural Area landowners think their development rights are worth close to \$40,000 each, based on the \$31,000 or \$32,000 they are currently receiving from the ACE Program. So, if a developer has to pay \$40,000 for a development right being transferred from the Rural Areas, but that right is worth only \$20,000 in the boundary area, Mr. Slutzky proposed giving the developer two rights in the boundary area (2 x \$20,000) to make the transaction viable. But he stressed, "It's a flexible proposal."]

Werner: I think Mr. Slutzky has been forced into a situation with three Supervisors who refuse to take seriously the community's Vision Statement. You all know the saying—"Nero fiddled while Rome burned." That's not an historically accurate statement, but it's stood the test of time, and we use it when people hesitate when they have a decision to make. So, in the present context, I think the way it should be said is, "The Board of Supervisors continued to discuss while the Rural Area became more and more fragmented."

... In 2005, in a unanimous vote, the County Supervisors adopted a Rural Areas Plan, but they've done nothing with it. ... We have the local authority to take action. What we lack is the political will. ...

Let's put it into numbers. Over the last three decades, about 3,400 acres in the Rural Area are lost to subdivision each year. On average, about 2,300 acres are protected in easement. So, in total, over the last 30 years, about 95,000 acres of the Rural Area have been subdivided, ... and about 60,000 acres have been put into conservation easements. So, if Albemarle County is serious about Rural Areas protection, it's got to do a lot more than just cross its fingers and cheer on PEC and the Nature Conservancy [as they go about promoting and facilitating the creation of conservation easements].

[Werner referenced a letter written by Wren Oliver that was recently published in *C-VILLE Weekly*.³ Ms. Oliver wrote: "[Members of] the Farm Bureau have shown that they are not interested in protecting the rural areas and promoting the continuing health of agriculture and forestry in this community. If they were, they would have supported the phasing, clustering, and mountaintop protection measures, all of which are vital to protecting rural areas and their critical natural resources Instead, professing their devotion to the protection of private property rights, the Farm Bureau opposed all these measures. Really, what they want to protect is their right to sell out to the highest bidding developer at some point. A. C. Shackelford, former president of the Bureau, confirmed this in a conversation with Supervisor David Slutzky wherein he stated that protecting the rural areas was secondary to his main goal of protecting his wealth."]

... Our elected officials should stop conning County residents about the Rural Area and say, "Look, I won't support this because I've got farmers out there ready to cash out. We owe them gratitude because their fathers and their grandfathers and their great-grandfathers were wonderful stewards of the land, but [the current generation is] not interested in being stewards anymore. They're now land speculators." Let's call it for what it is.

... There are 18,000 dwelling units in the City and County Growth Area pipeline. 18,000 units. That's more homes than

³ Wren Dawson Oliver, "Rural in name only" [letter to the editor], *C-VILLE Weekly*, 16 January 2007.

were built in the entire County over the past 20-some years. Yet, in the past six years, we've approved everything that's come to the County, and I suspect that they'll approve Biscuit Run, and the argument is that it will protect the Rural Area.

Protect the Rural Area? Nothing has changed in the Rural Area. [Referring to Slutzky's proposal] now we're going to take one lot out of the Rural Area and make it two lots in the expanded Growth Area—in addition to these 18,000 units in the Growth Area where we say we want people to go. That's just not the way to go. We've got a Rural Plan. Let's take steps on that, and let's see if our elected officials are serious about protecting the Rural Area. ... If the Supervisors aren't going to support it, they should say so. They should go through the proper revision of the Comp Plan just like they did with the previous Plan and hold public hearings.

The developers and the property rights folks want to maintain the *status quo*, and you do that by discussing it and appointing another committee and holding another meeting, and all the while nothing changes except the number of subdivisions continue to grow. In the last year, do you know how much land was subdivided in Albemarle County? 8,600 acres. It's [probably] the most in a decade. And all this time, we've been ramping up all these approvals: North Pointe, Belvedere, and Old Trail. In Rural Area subdivisions, the number of lots and acreage actually increased. County residents, it's time to hold your elected officials' feet to the fire on this. ... Remember, Nero fiddled, Rome burned.

Rooker: ... I want to talk a little bit, first, about the fact that there are a number of TDR plans around the country. ... [But] what you see is that in most cases, there is very little TDR activity. [Rooker discussed TDR plans in Scottsdale, AZ; Summit County, CO; Ft. Lauderdale and Hillsborough, FL; and Calvert, Charles, and Montgomery Counties in Maryland. Of the 87 or so TDR programs in the country, he felt Calvert's and Montgomery's were the most successful.] ... Montgomery County's plan has been in place 27 years, and it has preserved about 43,000 acres. ... They have provided for significant density in the receiving area, and the sending areas have something that we don't have: an extremely simple allocation formula for development rights. Every five acres has a development right.

[In Albemarle,] our development rights situation is very difficult to figure out in a lot of cases. That's why David [Slutzky] mentioned earlier that the development rights are not taxed. That's because they're theoretical. Theoretically, if you have a 100-acre parcel in Albemarle County, you have nine potential development rights, five "small" ones and four "large" ones. But you may or may not be able to exercise all of them. You may have too much critical slope. You may not have an adequate entrance onto a state road. You may have stream setback problems. So our situation, in terms of figuring out how many development rights can be transferred, is a whole lot more complex than Montgomery County's. ...

Calvert's plan was adopted in 1978, so it's been in place for 29 years. It's a very complex program. Much of the land is both sending and receiving. ... They're not really protecting particular areas. ... One of the things they've done to try to make their plan work better is they basically will not rezone land without a TDR acquisition. ... Over the 29 years, they've preserved about 13,000 acres. ...

My conclusion in looking at these 87 plans around the country is that they're not immensely successful. The TDR prices are generally low. The only one that's been over \$10,000 that I saw is Montgomery County's. Calvert County's, for example, was \$2,500. The simpler the plans are, the better they seem to work. I am not aware of any plan that actually created new growth areas. They took existing zoning, existing designations, and they provided for a sending and receiving area.

I've passed out a handout. ... The practicality of doing a TDR plan, whatever it is, comes down to how it works in specifics.

[Mr. Rooker's handout is titled "Growth Area Size Needed to Accommodate TDRs." It calculates that Albemarle County's Growth Areas have been developed at a lower density than zoning allows. Specifically, it looks at several prominent subdivisions and calculates their average net density at approximately 0.77 dwelling units per acre. The handout then poses the question: "How large would an expanded growth area have to be to accommodate TDRs if the new expansion area is developed at the same average net density (0.77 dwelling units per acre)?" According to Mr. Rooker's calculations, the transfer of 10,000 Rural Area development rights to a new, expanded Growth Area would require 36 square miles. The transfer of 20,000 development rights would require 72 square miles. And so forth. The calculations assume—as does Mr. Slutzky's proposal—that each Rural Area development right that is transferred would be doubled to become two development rights in the new, expanded Growth Area. So 10,000 rights transferred from the Rural Areas would become 20,000 rights in the new, expanded Growth Area. Last, the handout points out that the total size of Albemarle's existing Growth Areas is only 36.70 square miles.]

[Mr. Slutzky's] proposal would create the County's largest growth area, and it would only accommodate, based on the densities that we're seeing in other Growth Areas, about 3,000 development rights. [Under Slutzky's proposal,] we would have no control over the form of development. The Neighborhood Model, which we've worked very hard to put in place to try to create attractive centers in the Growth Areas, would not apply to this area.

I think part of what would happen is that we would basically designate that area for the kind of sprawl that we're trying to avoid with the Neighborhood Model. And if you want to talk about a political fight, wait until you start talking about *where*

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the 7.2-square-mile growth area is going to be and start looking at the conservation easements that are out there. I think that would be perhaps the biggest political fight that ever occurred in the County.

It's real easy to talk theoretically about 7.2 square miles. But when you start trying to put that on a map and tell people that live [inside and] beside it that you're now going to have a growth area, which is basically going to be a place where developers control exactly what happens in that area and not the County, I think that's a big concern. It would accommodate, I think, less than 15% of the total development rights that would be lost, assuming the downzoning occurred first.

What would the reaction be? I think the reaction would be that the County might well be sued by people who lost development rights because we would be putting forward a plan that said you're going to get compensated for your lost development rights, and then we would be providing a market for maybe 10 to 15% of those development rights. I think that's a big problem.

I don't think it will actually slow development in the Rural Areas. Why? Because today, as David mentioned, there are 7,800 exempt lots. I think people would respond by immediately running out, when they see this coming, [and creating new lots.] I think it would take the County about a year and a half to two years, ... and by the time the plan was put in place, you'd probably have 15,000 [exempt] parcels.

The development in the Rural Area has been between 250 and 300 lots a year in terms of building permits. Year after year it's been constant. ... Eight thousand exempt lots is 27 years of Rural Area development. 15,000 exempt lots is 52 years of Rural Area development. ...

There are all kinds of development rights out there that nobody plans to exercise. [For example, a landowner may like living in a house on a large lot without any other houses close by. He may have several extra development rights he does not plan to use.] I think those [surplus development rights] would be the ones that go to market, so I don't think we would be extinguishing the ones we might imagine.

I don't think the plan would ever be approved by the Board. I don't think you'd have four votes for the downzoning component, and I don't think you'd have four votes to create the County's biggest new growth area.

Part of my concern, at least for this plan, is that thousands of hours of staff time would be burned up on a plan that would not ultimately be adopted by the Board. We have some things that we're looking at right now that I think we need to do. Some of these things came out of the Mountain Overlay District Proposal. ...

[Nonetheless,] I applaud David for putting this plan out for community discussion. I think it started a good dialogue. ... I support a lot of what Jeff said in terms of holding people accountable for putting in place the existing Rural Area Plan. We have a Plan that is supposed to be a guideline for what we do in the County, and there are many components to that Rural Area Plan that have not been adopted that need to be. Phasing, in my mind, was probably the best shot we had at really limiting development in the Rural Areas consistently over a period of years. It would have prevented the large-scale developers from coming in and buying a few hundred acres or a thousand acres that have 45 or 50 development rights and then putting in a subdivision, because they can't afford to make that kind of investment and then spin off only one or two lots a year. ... From a political standpoint, I hope the people in this room do hold Supervisors accountable for putting in place things like phasing that are in the Plan that was unanimously adopted.

[Slutzky was given time to respond to the various critiques of his proposal.]

Slutzky: First of all, the [proposed density in the new, expanded growth area] has always been two dwelling units per acre. I've always, in my straw man proposal, argued that it actually should be, I think, 2.16 dwelling units per acre. ... The maximum amount of development that could occur in such an area would be 10,000 dwelling units. It would probably be less than that because of [various] limitations, and at a two to one ratio, that would be somewhere between the 3,000 or so that Dennis referred to and maybe as many as 5,000. I wouldn't consider, as a voting member of the Board, supporting anything larger than that, nor in terms of the density of the acreage. Therefore, at most, maybe 15-20% of the retired development rights would have a market. As the folks in the Farm Bureau pointed out to me, much to my pleasure, that's about a 20-year supply. That's a generation. [They said they] could live with that. The main reason they're willing to live with it, at least from the way they explained it to me, is because they see that the downzoning itself will actually increase their land value, so what they do get for the sale of the transferable development rights is a windfall. They also get a little bit of increased liquidity because they could sell off a development right anytime to raise a little cash [for an emergency], which is what they say now is the reason why they wouldn't want to have their development rights taken away.

Second, ... I would not support this proposal if we didn't have a limit on the density in the boundary area. ...

The third point Dennis made that I want to sort of push back on a little bit was the characterization of this as the County's largest Growth Area. That's true, but we have a series of Growth Areas including the two that make up the Places 29 effort, and in the aggregate, we have 5% of the County right now as growth area. The fact that we've further subdivided it for purposes of master planning doesn't change the fact that

we have already set aside 5% of the County's acreage for growth area, and I'm proposing we add one more percent of the County to that number. Arguably, that's expanding the Growth Area by 20%. ...

Last, Dennis referred to some jurisdictions where the market value [for a development right] may be \$2,500. I wouldn't be shocked if it ends up being \$2,500 to \$5,000 for a development right in Albemarle County, when push comes to shove, because I think the real value is in the land [and not in the development rights]. When the Rural Area landowners come to recognize that this vast downzoning is going to make their land go up in value because the development rights were removed, they may figure out those development rights weren't really worth anything [and may have actually had a negative effect on land value]. So any amount they get will be perceived as a windfall. ...

If we could downzone the Rural Area, it would be the most effective thing we could do other than motivate all those Rural Area landowners to put their land in conservation easements.

[The panel discussion concluded with a dialog among the panel members and then a question and answer session with members of the audience. David Slutzky made the following comment during this part of the discussion.]

Slutzky: The spirit that everybody on this panel is showing towards the urgency about protecting the Rural Areas is a consistent theme we all share. I think every one of us would like to do whatever we possibly can with this current Board to get that done. ... If the Board we have right now gets reelected in November, we'll have those three people for four more years. I'm not willing to sit back and say, well, let's throw all of our eggs in the basket of trying to influence the election outcome in the hope that we can replace one of those three who aren't currently supporting the Comp Plan. I'd rather work towards an agreement they can actually sign onto that protects the Rural Areas and is consistent with the Comprehensive Plan. If ... the three incumbents return and they dig into their current positions, we're not going to be able to protect the Rural Areas for four more years. That to me would be a devastating loss to the County. So we can dig in and ... rub their noses in their mistakes over phasing and clustering ... or we can focus on what we can get them to agree to do that will actually protect the Rural Areas. ...

In the Next (April) Issue

In the April issue of the *ASAP Update*, look for an update on Albemarle County's Optimal Sustainable Population initiative, a recap of ASAP's February 15th meeting on the ethics of growth, and information on the proposed development at Biscuit Run.

ASAP's New Website www.asapnow.org

ASAP has recently launched a new website. Designed by a local firm, Growing Technologies, the new site is more intuitive and much easier to navigate than the old one.

The first page you see welcomes you and lists important upcoming events. This page has a navigation bar across the top of the page that features six drop-down menus. We'll explore each of these. A few features were not working as of late February, although work on the site should be completed soon.

What are ASAP's Core Beliefs? Who directs ASAP's affairs? Does ASAP have a brochure that will tell me about the organization or help me explain it to a friend? How can I obtain copies of ASAP's Annual Reports? You can find it all under "**About ASAP.**" ASAP is open about its affairs: who is on its Board of Directors and Advisory Council, what its agenda is, and exactly what it is doing. We encourage the area's pro-growth lobbying organizations to follow our example!

What are *The Daily Progress*, *C-ville Weekly*, and *The Hook* saying about growth? Want to read the latest letters to the editor excoriating the Board of Supervisors or the growth machine? Look under "**ASAP in the News.**" What has ASAP been talking about at its monthly meetings? This drop-down menu can take you to a list of topics discussed at ASAP's meetings and annual conferences dating back to ASAP's inception in 2002. You can also find links to Charlottesville Tomorrow podcasts of various growth-related discussions and meetings.

What is ASAP's most important initiative to date? "**CPA Proposal**" explains ASAP's efforts to persuade Albemarle County's Board of Supervisors to support an initiative to define an Optimal Sustainable Population Size (or range) for the Albemarle County-Charlottesville community. The April issue of the *ASAP Update* will include an update on this effort.

Want to learn about the ethics of growth? Heard ASAP's critics charge us with wanting to "shut the gate" behind us and don't know how to respond? Want to read an old issue of the *ASAP Update*? Look under "**Recommended Readings.**" It contains copies of formal ASAP statements made to Albemarle County's Board of Supervisors and other government bodies; copies of every issue of the *ASAP Update* published since mid-2003 (in .pdf format); and copies of essays, extended dialogs, and other documents that any student of local growth will find of interest.

Want to buy a bumper sticker? Join ASAP? Obviously, you'll find that under "**Join ASAP.**" A link at the bottom of the website page enables you to make a donation to ASAP. After you've checked out the new website, if you have any feedback, please send it to Jeff Sobel, ASAP's Executive Director. See the website for a link to Jeff!

Upcoming ASAP Meetings

March 8 – Board of Directors meeting, 4:00 p.m., Room 235, Albemarle County Office Building – members welcome. Please note time change.

March 15 – Monthly membership meeting, 7:30 p.m., Westminster Presbyterian Church Library, 190 Rugby Road. **Annual Meeting. Topic: ASAP's Next Five Years: Strategic Goals and Tactical Priorities.** Five years ago—on March 7, 2002—Advocates for a Sustainable Albemarle Population was incorporated. We appeared on the local stage in September of that year with a hugely successful conference: “The Myth of Endless Growth: Our Region’s future at Risk.” This year’s Annual Meeting will be ASAP’s fifth. After an election of officers and new Board members, Jack Marshall, ASAP’s President, will present a brief annual report as background for the evening’s discussion. Is ASAP using its resources in the most effective manner? Are we addressing

the appropriate local growth issues? What are we doing right—and wrong? What changes should ASAP consider in strategy, tactics, organization, funding, etc.? All members of the community are welcome to attend the meeting. Light refreshments will be served

April 12 – Board of Directors meeting, 4:30 p.m., Room 235, Albemarle County Office Building – members welcome. Please note new time.

April 19 – Monthly membership meeting, 7:30 p.m., Westminster Presbyterian Church Library, 190 Rugby Road. **Topic: To be announced.** All members of the community are welcome to attend the meeting.

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 for appropriate policies and mechanisms that will enable our region to reach a sustainable population size. To achieve this, ASAP engages in research, community education, policy development, and advocacy. ASAP publishes this **newsletter** monthly. Submit editorial comments to ASAP’s Executive Director, Jeff Sobel. 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 Jeff at jeffasap@aol.com or 434-996-1545.



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