

**PLANNING COMMISSION WORK SESSION
FEBRUARY 15, 2006**

THE GREENE COUNTY PLANNING COMMISSION HELD A WORK SESSION TO DISCUSS TIME BASED DIVISIONS ON WEDNESDAY, FEBRUARY 15, 2006 AT 8:30 AFTER THE MONTHLY PLANNING COMMISSION MEETING IN THE COUNTY MEETING ROOM.

Those present were:

- Gary Lowe, Chairman
- Davis Lamb, Member
- Graydon Lamb, Member
- Phyllis Woodfolk, Member
- Bart Svoboda, Zoning Administrator
- Stephanie Golon, Planner
- Kelly Clay, Secretary

Mr. Lowe called the work session to order. He said this is not a public hearing but a work session for the Planning Commission to understand and work with staff on different scenarios. He said that if the Planning Commission gets done, then he would like to hear from the public. He said that we will concentrate on A-1, C-1 zoning and gave a brief history how it came to why we are here tonight. He said that in 1975 the State mandated that every locality in the Commonwealth have a Subdivision Zoning Ordinance. He said that our first ordinance was adopted on February 22, 1975 and at that point A-1 and C-1 were established. He said that the minimum lot size for A-1 was 2 acres and 5 acres for C-1. He said that 20 years later in 1995 these two had not changed. He said he would like to point out the importance of the parent tract concept which was voted in on June 29, 1995. He said that was also the time that we established division rights. He said that between 1995 and 1997, the Planning Commission had suggested that we increase the C-1 to a 10 acre minimum lot. He said the Board of Supervisors had a discussion and reached a decision to reduce to 8. He said that made a change for C-1. Mr. Lowe said that in 2001 another important change took place. He said that there was a zoning ordinance change for parent tracts. He said that the parent tracts had already been established 6 years earlier in 1995 but found a problem being that it was difficult to record all the tract changes. He said they decided to start the clock again on May 8, 2001, every parcel recorded in the Clerk's office will now be the new parent tract and a requirement was added that when you get it surveyed or subdivided that in the title block you would list the division rights what was remaining and what went where to avoid confusion. He basically said this is a brief history and wanted to let everyone know that this is where we are now at the point where the Comprehensive Plan suggests that we look at the time based subdivision. He said that has been approved and adopted by the Board of Supervisors and they have sent the Planning Commission a directive and it is now up to us work on a recommendation to give to the Board of Supervisors. Mr. Lowe reviewed parent tract – the recorded parcel of land that was on record may 8, 2001, next he reviewed division rights which uses acreage as a formula to compute your division rights and minimal lot size – which is for A-1, 2 acre minimum and C-1 is a minimum of

8 acres. Mr. Lowe reviewed these terms so that everyone has an understanding when examples are used tonight.

Mr. Lowe asked Mr. Svoboda and Mrs. Golon for presentation.

Mr. Svoboda said that they are going to cover some of the basics, introduction and go over some researched data and then open it up for discussion. He reviewed the overhead presentation. He said that Agriculture in Virginia counts for 19.5 billion in economic activity in Virginia and continued to review the overhead presentation including examples. He said that he was going to have Stephanie Golon, County Planner review researched data using an overhead presentation.

Mr. Lowe said what Mrs. Golon was going to go over is where we have looked at the County as a whole and to try and get the magnitude of what A-1 and C-1 parcels are and the magnitude of the acreage.

Mrs. Golon reviewed her data explaining that she went into the GIS database and pulled up all the acres and all of the parcels in the acreage range of 6 acres to 2,000 acres. She then proceeded to review her overhead presentation. She said that she looked at 80% of the land. She continued with her powerpoint presentation.

Mr. Lowe asked for the overlay that showed A-1 and C-1. He said that when you look at 80% of the County and it shows A-1 and C-1, it is important that we understand where those properties are. He said that we thought it was all at the western end of the County, but really it is the Ruckersville, everywhere.

Mr. Svoboda reviewed the overlay pointing out A-1 parcels that are in the growth area. He continued to review the overlay pointing out areas in the growth area.

Mr. Lowe reminded everyone that the figures being used tonight are off of the Counties GIS and are 3 years old but still gives you the magnitude of what we are discussing tonight. He said that we are looking at acreage and parcel and understand that some of this has already been developed, but, there is still plenty of A-1 that can be developed. He said that is the reason for discussing time based subdivision, to allow us to manage growth to keep the impact on tax payers down. He asked Mr. Svoboda using this scenario using the 10 year time line, he said he would like to get the thoughts from fellow Commissioners on the 10 year time line verses the 5 year time line verses 15 years.

Mr. Davis Lamb directed his question/example to Mr. Svoboda asking that suppose someone sold a 4 acre tract off of that parent tract – does the parent tract still reserve the division right.

Mr. Svoboda answered with yes. He said that on a 4 acre tract, the parent tract could transfer 2 division rights to the newly created tract.

Mr. Lowe said that we are trying to leave flexibility to where the owner can assign division rights where he wants them to be assigned.

Mr. Svoboda said that they can be assigned but the parent tract still retains one more right to develop. He said the tract that was created cannot be divided for another 10 years unless it was done by a family division.

Mr. Lowe said that the 10 year example was selected because most localities use the 10 years.

Mr. Svoboda said that most localities use 10 years but some do use 5 years but they are trying to change to 10 years because it doesn't really promote what they are trying to do. He said they find that the 5 year plan turns over too quickly. He said that family divisions count against your division rights but they do not count in your 10 year time table. Mr. Svoboda then reviewed examples with the overhead presentation.

Mrs. Golon reviewed percentages using the overhead presentation.

Mr. Lowe said that from other discussions, a numerical amount was pegged for division rights per parcel. He said that they found this was not fair to the larger parcels so they talked about a percentage base to help the larger parcels have more division rights. He reviewed the example of 5% using the overhead presentation. He asked if anyone thought we needed a smaller or larger number. He said that we are trying to refine this to see what is reasonable and fair and what needs to be recommended to the Board of Supervisors.

Mr. Graydon Lamb said that he is opposed to this type of division restrictions because of all the property owners who have had their property for 20 plus years. He said that these owners protected their property and now we are going to take over the protection for them by limiting the number of divisions they can do. Mr. Lamb said that he is biggest concern is the less fortunate. He said that he has 6 acres and will not be affected by this financially. He said that he is concerned for the less fortunate who may need to sell more than 2-3 divisions in 10 years. He said if we could come up with a formula where property owners who have owned their land for 20 years could have a time based where they couldn't be penalized then maybe that would help them out.

Mr. Lowe said that there is the alternative of re-zoning.

Mr. Graydon Lamb said what we are proposing; the less fortunate would really be hurt.

Mr. Graydon Lamb and Mrs. Golon discussed how low to middle income families could handle the tax burden resulting from this type of residential growth.

There was discussion about R-1 impact/high density. Mr. Graydon Lamb said that he loves the beauty of the farms that he sees around when out. He said that he is concerned with taking rights away from people who have owned their land for many years.

Mr. Svoboda said that from the records they pulled from GIS, only 4% of the property of 6 acres and above is zoned R-1. He said that everything else is smaller than 6 acres in the R-1 district.

Mr. Graydon Lamb said the number of residences is going to multiply tremendously in the R-1 and R-2 zones.

Mr. Svoboda said only 4% of the acreage between 6 acres and 2,000 acres is zoned for R-1. He said that everything is less than 6 acres. He said that it would be hard to do a development and be able to cluster 10,000 square foot lots on a parcel that is 6 acres or less because there is no area to get the return for the 25% of the open space that is going to be required.

Mr. Lowe said when they were doing a search, one of the things that popped up was that they were looking at R-1 to how much impact it would have and they found that in Dyke there was 336 acres of R-1 property that has not been developed to its extent. He said that is probably one of the last big chunk left in the County – more research may need to be done. He said that the overwhelming majority of it is A-1 that is scattered throughout the County- Ruckersville, Dyke, western portion and that is where we are trying to institute time based subdivision.

Mr. Graydon Lamb said there is probably a lot of A-1 in the growth area that could be re-zoned to R-1.

Ms. Woodfolk said that she feels the same way that Mr. Graydon Lamb feels. She said that she is concerned when it comes to restricting rights. She said that the individual person who has held on to their land and has farmed the land and now may want to sell it for whatever reason and we say no to them to do that. She said that she doesn't know what the solution is, but there has to be a better one than time based management.

Mr. Lowe said that Ms. Woodfolk brings up a very important point, that being we don't want to take away rights. He said that we are not taking away rights but asking that they exercise those rights. He said the owner needs flexibility to do by right what they want. He said we are trying to preserve what we heard the people saying during the comp plan and still the flexibility to do by right what they want but they are not worried about doing a development of a subdivision. He asked if it would make sense if you wanted to develop the property to go through the same steps that a developer would. He said that you could still exercise the same rights but would not have to go through a re-zoning process. He said that would give the County an opportunity to ask for voluntary proffers to help pay for expenses.

Ms. Woodfolk said that she understands Mr. Lamb's comments but says it is still a restriction.

Mr. Lowe asked if we are interested in managing growth.

Ms. Woodfolk said yes we are interested in managing growth. She said that she felt that maybe what we were talking about tonight is the right way to manage it.

Mr. Davis Lamb said that he has been thinking about this issue for a month now. He said he feels like Mr. Graydon Lamb and Ms. Woodfolk. He said he doesn't like stepping on anyone's rights. He said that he realizes that when a farmer passes away, the children have to pick up and may have to sell off something. He said that we talk about these division rights of people who have agricultural land now, and people keep continuously building that taxes are going to increase and get so high that they are going to have to sell the agricultural land. He said that he is worried that land use will be done away with to generate some kind of tax base. He said he hopes that it doesn't come to this.

Mr. Lowe said that he shares Mr. Davis Lamb's concerns in regards to the poor/less fortunate people. He said lets look at what has happened to our tax rate over the past few years. He was questioning what has caused this and made tax increases and what has been the driving force behind this.

There was discussion about what causes the tax increase- schools and that is a driving force due to development. Mr. Lowe said that we also have an obligation to look out for fixed income, elderly – people owning 6 acres or less, roughly 80% to help keep their taxes down. He said if we know and identified that the development is driving this and causing to have more schools, more fire and rescue and more services. He asked that maybe we should change the old ways and look at the new ways.

Mr. Lowe then opened the discussion to the public. He said he would like to hear comments from the public and if 10 years is right, 5% right. He said he would like to get feedback from individuals present tonight.

Mr. Smith Coleman approached the Commission. He said that he is a landowner here in Greene and that 10 years is right. He said that he comes from rural Chesterfield County and there is no more rural Chesterfield County. He said that this is a logical and reasonable approach. He said that if we don't have tools then we are doing a big dis-service to the poor people in this County. He said that our tax rate in this County is too high. He gave a brief history on Rappahannock County using this County as an example. He said that in the 60's, it was considered rural Appalachian and very poor, now it is one of the wealthiest counties around now. He asked the Planning Commission to look 20 years down the road from now and realize that 20 years from now larger tracts of land, even 6 acres in this county will be work an amazing amount of money if we preserve the rural character of this county. He said that if we don't the poor people will pay the price and we all will pay the price.

Mr. Carl Schmitt approached the Planning Commission. He said this is an excellent balanced approach. He said that Madison County has used this time base and has controlled their growth to less than 5% and said that their tax rate is .59 cents on a \$100. He said this is a way to keep taxes down and serves the interest of the poor. He said that

he looked at rural lands that had been sold for development and some that were sold and remained in tact. He said what we find is that the land value, the per acre value is equal to and in most cases greater for those developed than those not developed. He said that two of those properties not developed had conservation easement on them that eliminated all development rights and those two properties had the very highest per acre value of any. He said that if you looked at the dynamics and the economics and the long picture, it's a balance and we are doing something and we are taking something from an individual landowner, he said he understands that but we are trying to leave the landowner with enough flexibility so he could do what he would normally do anyway. Mr. Schmitt said in return we could benefit the whole county in so many ways.

Ms. Andrea Wilkinson approached the Planning Commission. She said that she owns 98 acres in the agricultural zone in the Ruckersville area. She said she will have timing considerations which is fine. She said that this is a good formula. She said the Governor Kaine is trying to get new legislation to help the counties restrict growth. She said that she has no issues with the 10 years and 5%. She said that when you live on this land and know that the land will support you and your family it is very hard to let go. Ms. Wilkinson read a clip from the Attorney General that the counties are required to provide us with these protections for our recreational and agricultural needs.

Mr. Don Pamenter approached the Planning Commission. He discussed our tax increase. He said there are many ways to cut figures. He said that in his mind a house needs to be worth \$535,000 to break even before it's a drain on the county. He said that he is very much in favor for what is being proposed with the 10 years and 5%. He said that there is clearly hardship for some people who need to sell land to make ends meet. He asked if the Planning commission has considered whether you can have an expedited process for re-zoning for smaller pieces of land that would address some of these issues where people want to have more houses and use more of their division rights.

Mr. Lowe said that Mr. Pamenter has brought up a very good point and this is the kind of suggestion he looking for.

Mr. Victor Rosenberg approached the Planning Commission. He said that he has been in the county for over 25 years and has seen lots of changes. He said that he thought the time base is a good idea and he would support it 100%. He said there is a scarcity of land, once consumed, we cannot get it back. Mr. Rosenberg said that the hardship issue that was raised for the poor people needs to be dealt with. He said that the inheritance tax needs to be dealt with also.

Mr. Jake Harlow approached the Planning Commission. He said he has been a resident of the county for many years. He said that we are complaining about the dollar. He said that our demand is coming from the residential area. He asked if we could think about the assessment of .84 cents and if you are in residential we will raise that to \$1.50 per \$100. He said if the business needs to go up then you don't want to do that no more than necessary. Mr. Harlow said that he doesn't like the 10 years and 5%.

Mr. David Crane approached the Planning Commission. He said that he owns about 370 acres in the County. He said this is a great idea, it will affect him but he feels we are doing the right thing. He said in the long run, it will help us all. He said that there should be a hardship rule, a sensible rule and has a hardship exception as opposed to not having a non sensible rule just to deal with hardship.

Mr. Will Brown approached the Planning Commission. He said he is a resident of the county and a Wildlife Biologist and knows the impact development has not just on wildlife but on people as well. He said the biggest problem he has with this is that it slows the problem and doesn't stop it. He said that he would like to see a 20 year plan.

Mr. Carlyle Halstead approached the Planning Commission. He said that he is in support of the proposal and thinks it is the only plan he has seen that can deal with this problem. He said taxes are going to go up and we can look at other counties who have gone through this. He said he doesn't feel that there is any other tool that would work as well as this and cause as little hardship.

Mr. John Ensor approached the Planning Commission and said he is new to the County. He said he moved here from Manassas. He said he is retired from the Military, government contractor and he commutes to Dumfries every day. He said that he moved down here for the quality of life for him and his family. He said that we focus on Charlottesville, but, it is coming from the other way – look at Culpeper and Stafford. He said that he is in agreement with what is being proposed 10 years, 5% is good.

Ms. Margaret Hope approached the Planning Commission. She said this is an excellent plan. She said the 10 years is good, only 10 years too late.

Mr. Jerry Gore approached the Planning Commission. He said that he grew up in Maryland in a farming community. He said that Northern Virginia is a nightmare and he doesn't want to see that come to Greene County. He said that if we could keep a lid on this to help prevent some of the problems come here, we will also keep taxes under control. He said if we let the development run wild, we will be taking the brakes off any tax control rates.

Ms. Jamie Reaser approached the Planning Commission. She said that she owns two parcels in the County totaling 83 acres, combination of C-1 and A-1. She said that she is very much in support of the plan and sees the 10 years as a basement and would be comfortable with it going higher. She said that she also lived in Northern Virginia, California and grew up in Charlottesville and has seen what no planning and poor planning can do to a community. She said that she honor's everyone with having their hearts in the right places with regards to poor people and the people with needs. She said that she would like to Planning Commission to consider that there is a possibility if we don't plan and zone properly we are going to create poor people. Ms. Reaser said that increased taxes create stress for a lot of people. She said not only are we going to create a situation of poor people, in terms of economics, we are also going to create poor people

in the sense of spirit, heart and quality of life and that is moving forward but backward in Greene County.

Ms. Jill Meyer approached the Planning Commission. She said that she is in support of this proposal and it is working in other communities and there is no reason it can't work here. She said that she wishes it had happened a long time ago. She said that she can appreciate the want and desire to protect the farmers who created what we love about this County. She said that if we don't do something, we will lose them, they will have to sell their land. She said that we will lose our land and we lose our farmers and the charm that we want to live here with.

Mr. Jim Rhodes approached the Planning Commission. He said that he endorses this plan but he doesn't think it is restricted enough. He said what we need is action and what we have here is a plan. He said action needs to be taken. He said that we watched what happened to other plans for development in this county and he now shops in Albemarle because of the delays that caused the Rivanna System to not be built. He said that he doesn't want to see that happen with something like this. He said if you can't come up with a better plan, accept this one and put it in place, we can always change it.

Ms. Priscilla Schmitt approached the Planning Commission. She said that she has been a taxpayer in Greene County for 32 years. She said the worse thing you can do is give us no plan. She said this is a good plan and knows that it works in Madison. She said that people who are on the edge of being poor needs this protection more than anybody else. She said that if the taxes keep going up, they will be without their land – the thing they treasure the most. She said that she feels this proposal should be adopted with exceptions for the poor. She said that we all need to be responsible for the poor. She said that we need to look for people who have been her for 10 generations, that's a special category and those of us who have been here less than 50 years, we are newcomers and we are grateful to those who have been here forever and preserving it. Ms. Schmitt said that she wants to continue preserving the land so that we will have fresh air and enough water for everybody and beauty. She said that she comes from Northern Virginia and the traffic is just awful.

Mr. Roy Dye approached the Planning Commission. He said that he would endorse this strongly. He said that it would make good sense and it protects the folks that are involved. He said if he understands the Comp Plan – it's not a question whether or not to do time based division but rather how best to do that with time based division.

Mr. Lowe closed comments to the public and asked where we go from here.

There were comments from all Planning Commission members that there were good suggestions and comments tonight. They all were in agreement to move forward and implement ideas and to do something.

Mr. Lowe said he was going to ask staff to research these comments.

Mr. Svoboda said that he would like to go over some of the suggestions tonight in regards to exceptions or waiver provisions to protect long term land owners or hardship cases.

Mr. Lowe also reviewed some of the suggestions made tonight – example being the tiered tax system.

There being no further comments, the work session was adjourned.

Respectfully submitted,

Kelly Clay