

REPORT OF THE FLUVANNA RURAL PRESERVATION ADVISORY GROUP

October 22, 2022

“If Fluvanna were a ship, then its heritage should be the compass by which it sets course from now through the future. No stronger message could be sent by the citizens participating in the Forum: overwhelming consensus that the community and its government must work together to control and direct growth so that Fluvanna’s heritage – in its broadest possible meaning – continues to be a meaningful and living legacy that shapes future changes in the county and defines and unites the community.” From the 1999 Citizen Heritage Forum. We have used these words as the inspiration for our deliberations and recommendations.

Although this statement was written over 20 years ago, we feel it is still a relevant statement of the importance of our rural areas. Subsequent county-wide surveys and citizen engagement have strongly endorsed Fluvanna’s needs to maintain its rural character and direct economic and residential growth to our Planning Areas.

Introduction

The Rural Preservation Task Force, appointed to advise the Planning Commission and the Board of Supervisors on updating Fluvanna’s Comprehensive Plan, consisted of 5 citizens from many backgrounds and areas of the county. It included: Overton McGehee, Suzy Morris, Kathy Swenson Miller, Gibson Worsham and Marvin Moss. Mr. Moss withdrew his participation from the group but we’d like to acknowledge the significant contribution he made to the early work of this group. The group attended the Department of Community Development’s planned public meetings held at the library. We also met on our own to begin discussing our priorities and to outline our ideas and suggestions for amending the Comprehensive Plan. Some members have attended Board of Supervisors and Planning Commission meetings as well as had discussions with citizens throughout Fluvanna regarding direction of development in the county.

We would like to express our appreciation to Eric Dahl, Douglas Miles and his planning staff and our elected officials for their cooperation and assistance throughout this process. *Our Advisory Group would like to be included in the revision of our rural preservation zoning and subdivision ordinances after the Comprehensive Plan is adopted.*

Group’s Purpose

The Rural Preservation Advisory Group’s objective is to provide community input regarding revision of the 2040 Comprehensive Plan regarding preservation of the rural portions of the county. Whatever form the amended Plan takes, it is our desire that the Planning Commission and the Board of Supervisors ensure that it is fully implemented by passage of or updating of

strong and clear zoning and subdivision ordinances; otherwise, the Plan has little meaning. The Comprehensive Plan is meant to be and should be the blueprint for the future of the county.

Projected Population Growth in Fluvanna

According to the UVA Weldon Cooper Center Demographics Research Group, Fluvanna's projected population growth is 5 to 6% for next 10 years, which is in line with the growth these past 10 years (<https://demographics.coopercenter.org/virginia-population-projections>). Fluvanna must plan for where this growth, especially residential growth, should occur.

Background and History

Our current Comprehensive Plan is quite a good one; however, it has not served the preservation of our rural land well – a goal articulated by hundreds of Fluvanna citizens in a series of Heritage Forums held from 1999-2002 and in subsequent surveys of our neighbors. When it was adopted, the concept of clustered development was a relatively new one, at least to Fluvanna. It is now obvious that cluster development (as it is currently defined by county ordinances) has failed and has, in reality, added a disproportionate amount of development in what is now termed our Rural Preservation Area. **In the 2015 Comprehensive Plan, the goal was to have only 30% of residential growth in our rural areas; however, from 2009 to 2019, 79% of that growth has occurred in the Rural Preservation and Rural Residential Areas.**

https://www.fluvannacounty.org/sites/default/files/fileattachments/planning_amp_zoning/page/5641/2019_dar_final_draft.pdf.

The principal shortcoming of cluster development implementation was the density allowed in the adopted zoning and subdivision ordinances. In addition, those ordinances allowed cluster developments in our rural areas by right. Should this situation be allowed to continue, it will invariably result in the building out of large parts of the county's rural landscape into suburban-type development.

Suffice it to say, much land was preserved in Fluvanna since the last Comprehensive Plan was adopted, not due to superior planning and zoning, but to economic factors well beyond the control of our local citizens. By that, we mean the serious housing and economic crisis of 2008-2010 when the housing market tanked and little new housing was being planned or built either locally or nationally. The other major factor has been the Covid crisis of 2020 to 2022. We would like to see our rural areas preserved by good planning and not be governed by changing conditions in the economy. Despite these outside limitations, a disproportionate amount of housing has been and is still going into our rural areas.

In recent years, Lake Monticello, our largest community, has been built out so that there is little opportunity within it for new housing. That, of course, puts additional pressure not only on land near the Lake but also on land in our designated rural preservation area. Although recent census data show that the average age of the population of the Lake continues to decline, it continues to have a sizeable aging population whose future needs should be a central part of the planning process. As recent housing proposals around the Lake have illustrated, residents in the Lake

continue to be concerned about the short- and long-term viability and capacity of its water and sewer systems. County planners have also indicated to us that they recognize that the most crucial and restraining infrastructure in the Lake neighborhood is its road system, which is today a major commuting network and would be substantially overburdened with new dense development.

Infrastructure (water, sewer and roads)

We applaud the county for its effort to bring water to the Route 15 and Route 250 area of Zion Crossroads where our existing plan calls for growth. The water and wastewater systems from the Women's Prison will have a limited capacity. We are concerned that the ultimate provision of water at Zion from the James River will have little effect absent a central wastewater treatment system. We urge you to consider working with Louisa County, as we have done on so many other initiatives, to provide a joint wastewater treatment facility to meet the needs of our Comprehensive Plan. How does this relate to rural preservation? Our present Plan calls for development to be concentrated in the Zion Crossroads area. Without the infrastructure or incentives from our county to locate there, the pressure on the rural preservation area will not only continue but probably increase.

We are also enthusiastic about the plans for bringing a reliable source of water to the Fork Union area using the substantial funds provided by Dominion Energy with possible extensions in the future north on Route 15 to Carysbrook. We recognize that commercial development would then be attracted to that area, and we think that would be net plus for the county and its citizens. Coordination and consultation with the existing community in the village of Fork Union will be vital to its ultimate success.

Water resources must be linked to the question of land use and growth. Land use affects water both in quality and quantity. The Task Force wishes to state, in addition to the comments and suggestions made above, that we continue to be concerned about the availability of water in large parts of the proposed rural preservation area. The Timmons report and that of students from the University of Virginia in 2002 indicate that the most reliable source of water in the county is the James River, which we are in the process of bringing to some of our planned development areas. Growth is changing the nature of land use and therefore impacting the future of our water resources.

Fluvanna is blessed with an exceptionally good highway system with two major exceptions - the existing commuter routes from Lake Monticello to the interstate and to Charlottesville. The north central part of county with Route 15, Route 250 and I-64 has been recognized as the natural location for major development. In accordance with our Comprehensive Plan, it is unlikely that development will occur there without Fluvanna providing some incentives given the great cost of land at Zion versus the balance of the county. This too will have a disproportionate impact on our rural preservation area absent a concerted effort to channel development where we would like it to go.

Infrastructure Goal: Public water and sewer must drive location of residential growth in the county. In rural preservation areas, water availability must be a primary factor to determine density of development as well as proximity of wells to each other.

Infrastructure Objectives:

1. Discourage extension of public utilities and other growth-inducing public facilities into the rural preservation areas. Limit dense developments in the rural preservation area to those areas served by public utilities.
2. Water, both ground and surface, must be one of the central factors in planning future growth.
3. In Rural Preservation areas, wells must be a minimum of 200 feet apart from adjacent wells to avoid depletion of neighbors' groundwater by lowering the local water table.
4. Manage and protect the county's groundwater, river and stream resources
5. Bear in mind that the Commonwealth of Virginia, the other five Bay states, and the District of Columbia have signed an agreement with the Environmental Protection Agency entitled the "Chesapeake Bay Clean Water Blueprint." Among other things, it mandates serious reductions in the amount of phosphorous, nitrogen and silt in all the Bay's tributaries with a goal of meeting these goals by 2025. Development in our rural areas would not only have a serious detrimental impact on the ability of Fluvanna County and the Commonwealth of Virginia to meet the Total Maximum Daily Load Standards (TMDLS) contained in the Blueprint but also potentially result in loss of groundwater and the purity of our streams.

Land Use and Preservation

We viewed land and land use from the perspective of the oft-stated desire to preserve the county's rural character. While not advocating any effort "to stop or curtail" growth or to dictate to landowners the final disposition or economic value of their land resources, we believe that the existing situation under our current zoning and subdivision ordinances is likely to result in the loss of much of our agricultural, forestry, hunting, recreational and scenic resources. We, therefore, would like to propose some new approaches to this problem.

Our vision is that land use will be the overriding issue for comprehensive planning in the next 20 years or so. We need to change the concept of land use so that its relationship to water, air, agricultural and forestry production and quality of life will be the central focus of our planning. It will be an accepted reality among Fluvanna citizens that the preservation of land, water, the rural environment, historic sites and our scenic resources can only be retained as a result of good planning.

Land Use and Preservation Goal: Develop and implement zoning and subdivision ordinances that direct growth is designated growth areas in the county. Available public infrastructure is critically related to determination of the ordinances.

Land Use and Preservation Objectives:

1. Make land use decisions and plans that are consistent with the overall goal of preserving open space and approve conversion of farmland to nonfarm use only if an overriding public need exists and the designated growth areas cannot accommodate the new use.
2. Direct growth, especially to five of the six Community Planning Areas: Zion Crossroads, Fork Union, Columbia, Scottsville, and Palmyra. In the Rivanna District, limit growth to business development due to concerns about water and sewer capacity and road safety.
3. Revise ordinances defining cluster development- major subdivisions (more than 6 parcels) in the rural preservation area.
4. Dense development in the Rural Preservation Area should be limited to those areas served by existing public utilities such as water and wastewater systems.
5. Spot zoning and rezoning in the newly designated Rural Preservation Area should either be avoided or prevented.
6. Encourage and facilitate landowners to place their land under conservation easements or in agricultural/forestal districts. Assist local nonprofits in educating landowners to the advantages of these programs. We applaud the county's conservation easement program.
7. Continue to support use-value taxation and other fiscal programs that help alleviate economic burdens on owners of land used for agriculture, horticulture, forestry or open space purposes and use land use planning to protect agricultural land from escalating assessments as a result of development pressures.
8. Collaborate with Fluvanna's extension agent to work with our rural landowners in order to optimally use farmland.
9. Encourage small solar farms as a form of income for rural landowners, potentially discouraging them from selling their land for development.

Recommendation regarding cluster subdivisions in the Rural Preservation Area

This addresses major subdivisions (more than 6 parcels) in the Rural Preservation Area

1. We believe dense housing is not appropriate in the rural preservation area.
2. We recommend that low density cluster subdivisions should be allowed in the rural preservation area.
3. In the rural preservation area, cluster subdivisions should result in an overall density no greater than one house per eight acres.
4. Lots in cluster subdivisions in the rural preservation area should be at least 2 acres.
5. At least 3/4 of the original parcel should be in open space owned by a homeowners' association.
6. The open space may be leased. It may be farmed, used for timber, used as natural areas, used for resident gardens and trails, etc.

7. The open space may contain barns and other structures but may not contain dwellings.
8. In cluster subdivisions containing wells, in the rural preservation area, no well may be placed within 200 feet of another well.

Keeping Fluvanna's Rural Character

What is rural character? Rural character refers to the patterns of land use typified by open land and forests, *low population density*, and agricultural production. One can envision rural character as: farmhouses; barns; pastures; livestock; agricultural and forestal projects; country stores; winding gravel roads; green spaces; wildlife; rivers and streams; starry nights; forests; tree lined gateways and highways; mountain views; orchards; vineyards; mills; locks; old school houses; log cabins; archeological sites; and country churches.

Once rural character is destroyed or lost, it is gone forever. It cannot be replaced.

Rural Character Goal: Ordinances should reflect the oft-stated desire of Fluvanna's citizens to retain and enhance our rural heritage. Our hope is that the following objectives would prevail in drafting new zoning and subdivision ordinances regarding growth in the designated Rural Preservation Area.

Rural Character Objectives:

1. Maximize the opportunity for continued preservation of farms, forests and open space to include preserving water quality in our streams and ground water resources; preserving wildlife habitat; limiting noise and light pollution; encouraging outdoor recreation and preserving the ability of farm and forest owners to profit from their enterprises.
2. Include in any proposed development a plan for retaining tree buffers when possible and a plan for the landscaping of the development, including landscape buffers from the road.
3. Develop scenic corridor regulations to preserve the scenic views along the gateways to Fluvanna County.
4. Protect the county's scenic roadways by designating them as State Scenic Byways and by adopting a local scenic byways ordinance.
5. Develop a Greenway Plan for Fluvanna County for increased recreational and tourism opportunities, provide connections to key destination points and attractions. This plan would include parks, significant trails, local wineries and orchards, historic sites, scenic rivers and unique local businesses. (The Fluvanna Leadership Development Program bus tour may be a starting point for this objective.)
6. Work with residents in identified Rural Crossroads areas to develop a plan for their geographic boundaries and ideas for small businesses, programs and services.

The Business of Development in Fluvanna

Goal: Require residential and/or business developers to adhere to additional requirements of county government.

Development Requirement Objectives:

1. Any new project must demonstrate the potential cost impact of a proposed development (cost implications for county staff and services).
2. Regarding any proposed development, the county attorney and Planning Department resolve deed and legal disputes with all involved parties *before* any rezoning is considered.
3. Hold developers responsible for failure to comply with ordinances and/or proffers through implementation of monetary penalties.

We wish to draw your attention to the separate report we have submitted regarding solar farms in Fluvanna. In filing this separate report, we acknowledge the urgency of this issue and urge the county to address the regulatory framework for permitting solar farms as soon as possible.