

**MEETING MINUTES
OF THE
FREDERICK COUNTY BOARD OF SUPERVISORS RURAL AREAS SUBCOMMITTEE**

Held in the first floor conference room of the Frederick County Administration Building, 107 N. Kent Street, Winchester, Virginia, on August 7, 2008.

RA SUBCOMMITTEE MEMBERS PRESENT: Richard Shickle, Gary Dove, Greg Unger, and Cordell Watt.

RA SUBCOMMITTEE MEMBERS ABSENT: Gary Lofton and H. Paige Manuel.

OTHER BOARD AND COMMISSION MEMBERS PRESENT: Chuck DeHaven, June Wilmot, George Kriz, Larry Ambrogio.

CITIZENS PRESENT: Bob Carpenter, John Marker, Margaret Douglas and David Frank.

STAFF

PRESENT: Eric Lawrence, Planning Director, Candice Perkins, Senior Planner, Amber Powers, Planner I and Bev Dellinger, Secretary III.

CALL TO ORDER

The meeting was called to order by Mr. Shickle at 7:30 p.m.

Mr. Lawrence stated that at last week's meeting, staff was tasked to create a power point, an informational document, to present in forums or to put on line, so that people could have access to it and get statistical information. Staff was also tasked with creating a web page where the public could go to get information. Mr. Lawrence worked with staff this last week in creating the power point and web page and integrated everything. A hard copy of both was handed out.

Mr. Lawrence stated that he will briefly go through the web page and power point. Everything is preliminary at this point and staff is looking for comments and direction. The web page gives a summary as to what the Rural Areas Subcommittee is tasked with doing and at the bottom of the page are links. These pdf links will contain the minutes and agendas, the ongoing lists where we get the ideas, the presentation of tonight and RA map. There is also a link for people to provide information, and get onto the RA Subcommittee mailing list. It is set up so that people can enter their information and ideas, and as the Planning Department gets it, we'll be tabulating it. We also have the opportunity for people that want to get onto our mailing list; they can give us their name and email address and it goes into a data base for multiple mailings. Mr. Lawrence believes that as we update our ongoing ideas list, get it formulated and the Subcommittee takes a look at it, we can send it out to everybody and say here's the updated information. Even if people aren't going to the web page, they'll be getting emails from us just understanding what the discussions are. The link for the power point presentation is also on the web page.

Mr. Lawrence stated that everything the Subcommittee says is captured and we respond to it. As Mr. Lawrence went through the “draft” power point, several comments were made by Subcommittee members:

- ❖ Mr. Shickle referred to the three bullet points on page 1 – Impacts agricultural economy; Impacts viewshed and rural landscape; and Impacts demand for county services – and asked if anyone had any thoughts about adding more or having less?

Mr. Lawrence stated these three points were based on the notes staff took at the last meeting, but if staff missed something, or if there are suggestions or provisions, let staff know. Mr. Unger asked if the last point takes in transportation and Mr. Lawrence responded yes. Mr. Kriz suggested that the third point be placed as the first point. Mr. Lawrence asked if there are any other key aspects staff missed and Mr. Shickle stated that he looks at this as the short answer with why we’re here.

Mr. Lawrence reiterated that as he goes through the presentation, interrupt with any comments or suggestions because staff wants to make sure we’ve got a presentation that makes sense to everybody. We’re ready to go live as soon as everyone on the Subcommittee feels it’s appropriate. Gathering ideas is the most important task.

- ❖ Mrs. Wilmot commented that on page 2 where it states...”Please review the materials in this presentation”, does it seem that we’re “requesting” a review. Mr. Shickle asked Mrs. Wilmot if she wants to reinforce the idea that we’re “asking”. Mr. Lawrence said we could change it to the Board of Supervisors is seeking your input – please read these materials and provide your comments. Mrs. Wilmot stated that’s exactly right.
- ❖ When Mr. Lawrence spoke about growth trends, Mrs. Wilmot commented that it may not mean as much if people don’t see what’s happening in their region. Mr. Lawrence stated we can put in a narrative that talks about where we pull numbers from within our community and talk about what’s happening population wise east and south. We can put a map in, identifying where the pressure might be coming from.
- ❖ Mr. Shickle commented that the statement, “Approximately half of County’s population resides in the Rural Areas (2000 Census)”, caught him off guard and he was very surprised. Mr. Lawrence stated that with the County’s urban area growing, at some point, it’ll be higher. Mr. Dove stated there was a time when 100% of the County lived in rural areas. As a result of the statement that “Since 1990, 30% of new home development has occurred in rural areas”, Mr. Shickle asked if we have statistics on past significant expansions in the rural areas like moving the UDA boundary. Mr. Lawrence responded that probably the most expansion of rural areas we would have seen would have been from boundary adjustments in the last few years. Mr. Shickle would like to see acres of land that have moved into the UDA over the last ten years and Mr. Lawrence responded we can put that in and that will illustrate we’re still getting growth in the rural areas but we’re also taking land out of the rural areas and inserting it into the UDA.

Mr. Unger asked how Stephens City and Middletown would be considered because just annexed a pretty good size of land. Mr. Lawrence stated we can pull some tabulations,

whether it be the annexations or the UDA and/or SWSA adjustments to show how much land has been changed. Mr. Shickle asked if movement or non-movement of the UDA boundaries is a part of the discussion so we'll have a little history on what has or hasn't happened, whether it's Stephens City, Middletown or anything else. Mr. Kriz asked when the UDA started and Mr. Lawrence responded 1987. Mr. Unger stated that what was taken out of the UDA a few years ago and what we annexed probably almost wash each other out because Stephens City and Middletown annexed and we took a lot of land out of UDA.

- ❖ On page 7 where it states "Existing RA Zoning Ordinance subdivision provisions", Mr. Kriz believes it could say current instead of existing. Mr. Lawrence stated he could just say the rural area zoning because we're not talking about proposed, this is factual. Mr. Kriz said if you say current that wakes them up that this is what it is.
- ❖ On page 8 it shows "Neighboring Jurisdictions Rural Densities and Lot Sizes". Mr. Shickle would like to see Rockingham on the list and do a comparison.
- ❖ Also on page 8 it shows "Rural Areas Lot Creation History", and Mr. Lawrence commented that by 2006, half of the lots that occurred that year were in the rural areas of the County. We have the UDA, the RA and the R5 zoning districts. In the R5 you have Shenandoah, Shawneeland and Lake Holiday. The majority of your new lot creations are going to be within the UDA or the RA and by 2006 RA picked up half. Mr. Lawrence further stated that in the RA subdivision process, you do sketch plans and then you come back through and do your platting and we have a number of sketch plan lots, over 500, in the past five years that haven't been recorded but the sketch has already been completed. Mr. Shickle asked if it's a part of the process and you go that far and you stop, it just stays there forever? Mr. Lawrence responded that if the County changes the ordinance, you have to follow the new rules. That's part of the challenge that people are running into when we were talking about this a couple of months ago. A lot of people have done the design and sketch plans over time and then they just bring the lots in for recordation as they need.

Mrs. Wilmot would like to see the total. Mr. Kriz stated he would like for people to recognize that you just can't have some drawing on a sheet of paper and it means something. He would like to see a statement somewhere in the process that says it needs to be recorded in order to be counted or legal.

Mr. Shickle asked if staff had any significant number of applications for which there were never any lots recorded. Mr. Lawrence responded staff can figure out what that is. Mr. Lawrence stated that this slide recognizes the number of sketch plans we have but it doesn't recognize how many lots resulted from that, but we can tabulate that.

Mr. Lawrence pointed out the trend that as we go to the rural preservation results in two acre minimum lots sizes and set-asides.

- ❖ On page 9, it shows that the rural preservation subdivision had become much more popular in the last couple of years, but in 2007 it changed.

- ❖ Page 10 states that during the period of January 2004 to June 2008, rural preservation and major rural subdivision applications were submitted seeking to create 1,451 lots in the RA. 1,400 lots are about 7,500 acres because it's basically a five acre density.
- ❖ Page 11 lists issues for consideration. One thing that was mentioned last week and at the Public Works Committee meeting is that recently mandated stormwater management regulations are going to increase requirements in the urban area, which indirectly has increased costs for the urban area because of the rural area density, the larger lots, the stormwater management requirements aren't to be significant so you've shifted that it's going to be cheaper to do the UDA development because of the State's requirements.
- ❖ Mr. DeHaven requested that on page 12, under "The Rural Areas – UDA Relationship" – that the bullet point "Transit" be replaced with "Transportation" and that "Fire and Rescue" be replaced with "Public Safety".
- ❖ On page 13 under "Agricultural Economy", Mrs. Wilmot asked if we have any information on the number of acres that were agricultural that were lost. Mr. Lawrence stated we can get a figure based on the Agricultural Forestal Districts. Mrs. Wilmot stated that if our intent is to promote the agricultural interests, then the issue is the fact that we have lost ground in the amount of acres. Mr. Unger stated that the 7,500 acres just discussed was probably all agricultural. Mrs. Wilmot stated she sees the amount of acres that have been lost as a goal to strive to support and promote agricultural economy, not necessarily as part of the issue statement.
- ❖ On page 15 under "Community Services and Facilities", Mr. Lawrence pointed out that historically we have always used our Development Impact Model when we talk about rezonings. The way our model is set up, it's looking at every new house in the County, so every new house in the County that gets built is causing this impact. In the rural areas, for every house you build based on the Development Impact Model that we just adopted July 1st, you've got just under \$24,000 impact on capital facilities that's being generated from a new house that's built. There is no system established currently where a house being built by a developer, farmer or the home owner. There is no system for them to contribute and help the County, where in the RP districts and the UDA, we see proffers. Regardless, we're here to provide that public service to the community but we're not able to recoup the costs.
- ❖ Also on page 15 under "Transportation", Mr. Lawrence stated that the Six Year Road Improvement Plan has generally over 20 years worth of roads that are on there and based on Jerry Copp's comments last night at the Planning Commission meeting, a 50% increase in asphalt prices adds 50% to that time frame. What happens is that more people move to the rural areas, they call and say there's a gravel road in front of my house, pave it. We don't have the money, the State doesn't have the money; the only process we have right now is the Six Year Road Improvement Plan. Mrs. Wilmot asked if we can figure the number of roads and Mr. Lawrence responded we'll generate that. We can include how many roads it will take 20 years to complete and identify

how many miles of roads that is and how many road segments have been requested.

Mr. Dove commented that most of those roads will get the rural rustic classification and that won't handle traffic.

- ❖ Mr. Lawrence stated that capital facility fiscal modeling projects, on page 16, obviously give us a negative impact. We have a development impact model and every year the Board updates it. We have under development a transportation module for that model which hasn't been through the committee yet. Mr. Lawrence did not include the figure for transportation capital cost impacts of what a single family house is for the County, but suggested it could be close to \$20,000. Until the model is adopted by the Board, the figure should not be utilized. We know that \$24,000 for every house causes impacts on schools, fire and rescue, public safety, libraries, and parks and recreation. We hadn't had any model to digest what the impacts were on transportation. We're in discussions with the economic consultant to put it together to make sure that it's a valid number. Mr. Unger asked if the negative impact is coming from school buses and Mr. Lawrence stated no, that's truly road construction. A good way to look at it is in the RP zoning district, somebody comes in and seeks a rezoning and they proffer things like road improvements. There's no mechanism at this point to do that in the rural areas. We only have so much for transportation; we have no money to build new roads. Mr. Lawrence further stated those homes constructed in the rural areas currently do not contribute to the capital cost impact.
- ❖ Mr. Shickle commented that he fears the economy is going to contribute to making rural area development more and more a bargain.
- ❖ Mr. Unger questioned if creating community centers and expanding on that, if that would discourage people from wanting to live out in the rural area. Mr. DeHaven commented that he believes our perception of rural area is very different than a lot of our new residents. Mr. Shickle asked to what extent do we try to work or deal with that; Mr. Dove stated that he doesn't think you deal with it. Mr. DeHaven stated we could survey on the web those folks who live in the rural areas, what size lot do you live on and what were your reasons for choosing that location. It might generate some interesting statistics.
- ❖ Mr. Shickle asked for comments about the presentation. Mr. Dove asked if the citizens are going to look at it. Mr. Lawrence responded that we can adjust the power point, we can make it available on-line, do a couple paid ads to direct people to it and we can try to get some newspaper coverage on it. Mr. Lawrence feels it's an information source to let people know what the Subcommittee is doing. The power point could also be utilized through community forum in the future.

Mr. Shickle asked Mr. Lawrence if he has any comments which were submitted to the Planning Department from citizens. Mr. Lawrence stated he has just one hand-out and everyone read it.

Mr. Shickle stated that he met with the County Attorney and asked him to do some research on land use. Generally the topic of land use comes up in County government at tax time and budget

time when they're trying to maximize revenues. It usually deteriorates into almost a witch hunt for fake farmers at times which has always irritated Mr. Shickle because he always thought it would pay us to try to get as much land in land use as we could and not to figure out how to get land out of land use. As long as the person can handle the tax, they're most likely to develop it and if you start taxing as a developed lot, you might force him into having to develop. Mr. Shickle was asking the attorney to do some research because there are horticulture, agriculture, woodland and open space qualifiers. Open space ones seem to have the most potential, but every time he pursued it, he ran into trouble. The research is to see if we decided that the pieces of our tools and puzzles that encourage and try to get land in land use was an option to us. He also asked him to explore if the Code dictates to us the roll-back period. Could you have a longer roll-back period rather than five years? Mr. Shickle was strictly looking at it not as a revenue maximization tool, but a tool to promote the preservation of open space in general. He wants to see if we want to look at it as an incentive, i.e., land use, for being open space.

Mr. Shickle also wants to talk with someone about septic-type issues and try to get some people to come talk to you so you can ask questions.

Mr. Unger stated if we give land owners a better tax increase, the County is still saving money and it might encourage land owners to keep on farming because they're not paying a lot of taxes.

Mr. Shickle agrees. If you tax people too hard, they'll let somebody build a house on their land because they can't afford to have it, but they're not agriculture, horticulture or forestry people.

Mr. Unger stated that if we could have it to where a landowner would realize he's crazy to build a house because of the way he's being taxed, in the long run, it's going to save the County money.

Mr. Unger asked Mr. Shickle what the advantage is of a ten year roll-back instead of a five year roll-back. Mr. Shickle explained you've had it under land use taxation at the cheap rate. When you convert the use, the County goes back further and collects taxes that would have been collected.

Mr. Shickle stated that Mr. Lawrence has done an excellent job in what he's been asked to do. Mr. Kriz suggested that other people who are not part of this but are still knowledgeable about what's going on in the County take a look at the presentation.

Mr. Lawrence stated the Planning Department is ready to go live with the presentation, with the changes made tonight. Mr. Shickle asked if we're ready for that and Mrs. Wilmot stated that she would end the information, not only with the rural area goals and other stated goals, but she thinks they ought to go back to our three points and that is the agricultural economy, the viewshed and rural landscape and County services. Mrs. Wilmot feels very strongly that we want to keep agriculture growing, we want to provide services at an equitable cost and the important thing should also say what the goal of the UDA is. The UDA was constructed to accommodate most of the population of the County. Mrs. Wilmot doesn't think that negates anything that's been said.

Mr. Lawrence stated he can email the presentation to everybody in the group and if you have any

follow-up comments, he can make changes. Mr. Kriz asked Mr. Lawrence to wait a week until they get some feed-back.

It was decided that the Subcommittee would meet the first and third Thursday at 7:30 pm, with the next meeting being on August 21, 2008.

Mr. Shickle stated that our goal at the next meeting will be to try to have a better presentation of what we have now. If Mr. Lawrence gets input and the presentation is put on the web page a week from now with that input, the Subcommittee won't know what it is. Mr. Shickle suggested that Mr. Lawrence wait until the 21st so everyone will know. Mr. Unger agreed. Mr. Lawrence stated that he can turn the web page on, without the power point, so the agendas and minutes can be read by the public. Everyone agreed with that.

The meeting adjourned at 9:00 pm.