

WORKSESSION MINUTES
February 6, 2006
7:00 p.m.

PRESENT: W. F. Hite, Chairman
T. H. Byerly
S. N. Bridge
K. A. Shiflett
J. Shomo
J. D. Tilghman
R. L. Earhart, Senior Planner and Secretary
D.L. Cobb, Director

ABSENT: J. Curd, Vice-Chairman

STAFF PRESENT: M.L. Comer, Subdivision Administrator

The Planning Commission met to review the way agricultural lots are being created in Augusta County and recommendations from the Agricultural Task Force and staff on options for change. Dale Cobb stated that there are over 25,000 lots zoned General and Exclusive Agriculture in Augusta County. More than 15,000 of those lots are more than 2 acres and theoretically can be subdivided.

He reviewed the current regulations on how often lots can be created and indicated that the Agricultural Task Force was recommending that you could create no more than one lot every 3 years in General Agriculture and one lot every 5 years in Exclusive Agriculture. He also presented two other options that were considered by the Task Force- sliding scale zoning and allowing lots to be created based on soil types.

Mr. Cobb presented for discussion the issue of lots being created through the family member exception. He indicated that family member exception lots account for a growing number of lots being created through the minor subdivision process, averaging between 40-50% over the last 10 years. The Agricultural Task Force recommended that the family member exception be allowed for only children of the property owner and not their parents, spouse, and grandchildren. They also recommended that an affidavit be required and enforced to be sure that the family member exception isn't being used to circumvent the ordinance.

Mr. Cobb stated the third area discussed by the Agricultural Task Force was the impact that boundary line adjustments have on lot creation. Currently, boundary line adjustments do not count towards the number of lots created in a year. The Task Force is recommending that they do count unless it is a small acreage that will not result in a new subdivision right or is going to be farmed and monitor that.

Mr. Cobb also presented other recommendations of the Task Force including requiring a SUP for all dwellings in Exclusive Agriculture districts, requiring reciprocal setbacks for Single Family and Multi-Family Residential developments when adjacent to agricultural zoning, and to move to close the loopholes in the Ordinances as they are found.

Mr. Cobb presented a related topic of concern to staff which is the growing number of alternative sewage disposal systems being approved for Augusta County by the Health Department. Insuring that maintenance of the systems is being performed is a growing concern. Currently, no agency tracks the systems or knows if the yearly maintenance is actually being performed. He stated other localities are regulating the placement of the systems either by banning them altogether or requiring that the maintenance responsibility of having one of these systems is spelled out in the deeds.

Ms. Tilghman asked Mr. Cobb if he knew how many of the lots less than 2 acres didn't have a house on them yet. She indicated that she was concerned about the impact any decision that the County made on lot creation would really have on the number of new houses that could be built in agricultural areas over the next few years and that is what the residents are so concerned about.

Mr. Cobb indicated that staff could provide that information.

Mr. Byerly stated that he would support the use of woodlands for lots, as well as the less productive farm soils. He also wants people to be able to do boundary line adjustments to reflect fence lines without having it count against them. Mr. Byerly stated he thought that alternative sewage disposal systems were environmentally friendly and he didn't see the problem with allowing them in the County.

Mr. Shomo responded that the County needs to do more to protect the County's groundwater resources. He stated that the maintenance responsibility of the alternative systems at least needs to be recorded in the deeds so subsequent homeowners understand their responsibilities.

Mr. Byerly voiced his concern about the Agricultural Task Force's recommendation on limiting lot creation to 1 in 3 years and 1 in 5 years. He stated that when you look at the number of farms that will transition ownership in the coming years, the County doesn't want to take away any incentive for the younger farms to take the risk. He stated that he saw sliding scale as an

attractive option. With sliding scale you know what type of lot creation is assigned to each parcel. He stated that he wasn't as concerned about the farmer who makes 100% of their living off farming, because those numbers are so low. He was concerned about the others.

Mr. Cobb stated that the Agricultural Task Force looked at a variety of things to make agriculture more sustainable. The feeling is it will take a combination of programs to make it work. He stated the biggest concern about sliding scale is the commitment of future Boards of Supervisors to stick to the limitations.

Ms. Shiflett stated there are loopholes with sliding scale too and in Augusta County so many farms are in multiple parcels already, it may be difficult to implement the program effectively. She also stated that if the County cuts down on the number of lots that can be created, the value of each lot created will rise.

Ms. Tilghman suggested that the County make changes to the family member exception and boundary line adjustment regulations now and study the lot creation options in more depth.

Mr. Cobb stated that the Board of Supervisors needs a recommendation on the Subdivision Ordinance. He stated he would like to see it come as a package from the Planning Commission.

Ms. Tilghman asked for a copy of Clarke County's sliding scale ordinance. She stated that maybe the answer is to do a combination of sliding scale and limiting the frequency of lot creation.

Mr. Cobb stated that idea was similar to Rockingham County's regulations. He indicated that staff would provide the Commission with copies of Clarke County's ordinances prior to the next Planning Commission meeting.

There being no further business to come before the Commission, the Planning Commission adjourned.

Chairman

Secretary