

October 31, 2005

PRESENT: Dr. Charles W. Curry, Chairman
Charles C. Schooley, Vice Chairman
Garland Martin
William Bashaw
Bruce M. Bowman
Kitra A. Shiflett
Larry C. Howdyshell
Betty Jo Hamilton
Mark Grove
Beatrice B. Cardellicchio-Weber

OTHERS PRESENT: Tom Stanley, Extension Office
Kay Frye, Board of Supervisor

ABSENT: Clay Hewitt
Larry Shiflett
Dale L. Cobb

VIRGINIA: Meeting of the Agricultural Task Force Committee held on Monday, October 31, 2005, at 7:00 P.M., in the County Government Center, Verona, Virginia.

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Chairman Curry asked if there were any changes or a motion to approve the minutes from the October 20, 2005 meeting?

Ms. Shiflett stated that she would like to omit the third sentence from the bottom of page ten.

Ms. Hamilton stated that she would like to change on page eight the third paragraph from the bottom to read: "Ms. Hamilton moved the finding be approved as amended".

Ms. Hamilton moved that the minutes be approved as amended.

Mr. Martin seconded the motion, which carried unanimously.

Chairman Curry stated that there were no items in the suggestion box.

Chairman Curry stated that if there is not a motion for a finding or recommendation and the committee still wants the information to be placed in the report the finding or recommendation could be placed on a reserve list in the appendix. He stated that the committee will now continue with reviewing the report.

Recommendation #4e

The Exclusive Agriculture zoning should be amended to require a Special Use Permit for a dwelling and the dwelling must not be used as a rental (Rockingham).

Chairman Curry stated that this duplicates recommendation #8a.

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Ms. Shiflett stated that you cannot tighten zoning regulations and then recommend sliding scale. She stated that she has no problems with Special Use Permits in Exclusive Agriculture.

Mr. Martin stated that he thinks this is fine.

Mr. Bowman stated that he agrees with Ms. Shiflett. He stated that the committee could endorse sliding scale or they could recommend tightening the zoning ordinance. He stated that if the committee recommends sliding scale and the Board of Supervisors does not take their recommendations then tightening the zoning ordinance should be on a reserve list that this committee has.

Mr. Howdyshell stated that he thinks the recommendation should be deleted.

Mr. Bashaw stated that this will restrict landowners from building in the wrong place.

Chairman Curry stated that when building a dwelling in agriculture zoning a Special Use Permit should be needed in his opinion.

Ms. Hamilton stated that she would like to see a side by side comparison of sliding scale and tightening up the zoning ordinance.

Chairman Curry stated that the recommendation could be tabled but marked for a list.

Ms. Shiflett stated that the list that she gave out at the last meeting included some of the comparisons of sliding scale and tightening the zoning ordinance.

Mr. Bashaw asked at what point should new subjects be brought up?

Chairman Curry stated that if it has to do with a finding or recommendation that they are going over then at that time. He stated that if it has to do with an entirely new subject then at the end of the report.

Ms. Hamilton stated that she would move to approve the recommendation but the committee still would like a comparison list. Seven of the committee members were in favor of the motion and one was in opposition.

Recommendation #4f

The Comprehensive Plan should be amended to establish a target of less than 5% of the development occurring in Rural Conservation Areas.

Chairman Curry stated that this is a good idea.

Recommendation #4g

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The Comprehensive Plan should be amended to establish a target of less than 2% of the development occurring in Agricultural Conservation Areas.

Ms. Hamilton stated that recommendation #4e, #4f, #4g are all the same theme. She stated that all of the recommendations are leaning toward limiting development in agricultural land. She stated that she is in favor of them.

Mr. Martin, Mr. Bowman, Mr. Grove, and Mr. Bashaw stated that they are all in favor of the recommendation.

Ms. Shiflett moved to approve recommendation #4f and #4g, which carried unanimously.

Finding #5

There are loopholes in the subdivision ordinance that allow you to create more than one lot per calendar year in agricultural zoned districts. The surveyors are familiar with these loopholes and utilize them to create more lots for their clients.

Ms. Shiflett stated that this is a true statement.

Mr. Bashaw stated that the County should charge impact fees.

Chairman Curry stated that he believes that it is illegal in Augusta County but asked staff to check that out and let Mr. Bashaw know.

Mr. Bashaw stated that he agrees with the finding.

Mr. Bowman moved to approve the finding omitting the last sentence, which carried unanimously.

Recommendation #5a

Every time that more than one contiguous lot is created in agricultural zoning without a rezoning application the Subdivision Ordinance should be amended to eliminate the problem.

Ms. Shiflett stated that she agrees with the recommendation but the contiguous wording will not be limiting that much. She stated that it does not have to be contiguous.

Ms. Hamilton and Mr. Bashaw stated that they agree the contiguous part should be omitted.

Ms. Shiflett stated that maybe it should be changed to read every time a loophole is found or every time extra lots are created.

Ms. Hamilton moved that the recommendation be amended to read every time a new loophole is found in the ordinance and a lot is created in an agricultural zoning without a rezoning application the subdivision ordinance should be amended to eliminate the problem. This recommendation was approved unanimously.

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Recommendations #5b

A local recording fee should be established to defray the cost of revising the Subdivision Ordinance to eliminate problems associated with inappropriate use.

Chairman Curry stated that the County already charges a recording fee.

Mr. Bashaw stated that when extra lots are created the fee should be a significant amount of money. He stated that the money should be used to help farmland programs like PDRs.

Mr. Bowman stated that the maximum allowable amount should be charged.

Mr. Bashaw stated that the fees maybe should be called a penalty.

Mr. Bowman asked if the recording fees are at the maximum amount allowed?

Chairman Curry stated that staff should find that information out. He asked the committee if they had a motion for this recommendation. He stated that there were no motions so the committee should move on.

Finding #6

Boundary line adjustments are being used for the purpose of lot creation without being counted toward the one lot per limit.

Ms. Shiflett and Ms. Hamilton both agree with the finding.

Ms. Shiflett moved to approve finding #6, which carried unanimously.

Recommendation #6a

All boundary line adjustments should count as lot creation unless a strip of land is sold to an adjacent property owner and does not result in the creation of a new lot or 50 or more acres are sold for agricultural production and not residential development.

Mr. Howdysshell stated that if a boundary line adjustment results in the land staying in farm use then acreage should not be specified. He stated that 50 or more acres should be left out.

Ms. Shiflett stated that she agrees.

Mr. Howdysshell stated that it should be changed from ten to fifteen years.

Mr. Bowman moved to approve the recommendation with the following change: All boundary line adjustments should count as a lot creation with two exceptions: When a small parcel of land is sold to an adjacent property owner and does not result in the creation of a new subdivision right; and when a parcel of land is sold to an adjacent property owner for agricultural use and is kept in an agricultural use for at least ten years. The committee approved this unanimously.

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Chairman Curry stated that staff should reword the recommendation for better understanding.

Finding #7

Developers and landowners are using family member exceptions for the purpose of creating lots where they could not otherwise be created.

Chairman Curry stated that he asked the County Attorney if family member exception could be required to obtain ownership of a minimum of ten years. He stated that he said that the County Attorney stated that it would be doubtful.

Ms. Shiflett stated that Rockingham County's ordinance has not been challenged.

Mr. Bowman moved that finding #7 be approved, which carried unanimously.

Recommendation #7a

Lots created for the purpose of providing family member housing should be required to remain in the ownership of the family member for a minimum of ten years unless the family member is deceased.

Mr. Bowman stated that he likes the idea of the appeal process but the ten years may be too much.

Ms. Hamilton and Mr. Martin agreed with Mr. Bowman.

Ms. Shiflett stated that she agrees as well. She stated that five years is a little more practical.

Chairman Curry stated that ten years is a little extreme.

Mr. Howdyshell and Mr. Grove stated that they agree.

Mr. Bashaw stated that ten years is ok but five is better.

Mr. Howdyshell stated that when a family member exception is given it is one in a lifetime.

Mr. Bashaw stated that if the family member sells the property then they should be charged a penalty. He stated that staff should look into that.

Ms. Hamilton moved that the recommendation be approved with the following changes: Lots created for the purpose of providing family member housing should be required to remain in the ownership of the family member for a minimum of five years unless the family member is deceased. An appeal process should be available for hardships. The committee approved recommendation #7a unanimously.

Recommendation #7b

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The spouse should be eliminated from the list of eligible grantees.

Ms. Hamilton stated that the recommendation should be changed so that children are the only family members that qualify for the exception.

Ms. Shiflett, Vice Chairman Schooley, and Mr. Bowman agreed.

Ms. Hamilton moved that the recommendation be changed to Family Member Exception extended only to children of the landowner. The committee approved the recommendation unanimously.

Finding #8

The general and exclusive agriculture zones account for 93.7% of the land in Augusta County, which is 367,760 acres.

Ms. Shiflett moved that finding #8 be approved, which carried unanimously.

Recommendation #8a

The county government should require special use permits for non-agricultural uses in exclusive agricultural zones.

Chairman Curry stated that this duplications recommendation #4e.

Ms. Shiflett stated that the County already does this.

Mr. Bashaw stated that General Agriculture regulations should be tightened up as well.

Chairman Curry asked if there was a motion or should the committee move on to the next recommendation. There was no motion.

Recommendation #8b

Research should be done on the percentage of minor subdivision lots created in each policy area and each zoning classification each year and a report presented to the Board of Supervisors and published in the appropriate media.

Mr. Howdysheill stated that the Board of Supervisors gets a report on the number of building permits and housing projects along with the number of rezonings a year.

Mr. Bowman moved to approve recommendation #8b, which carried unanimously.

Finding #9

The mean lot size of lots being created in agricultural zoning districts has generally increased over the last ten years while the median size has remained largely stable. This means that

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there has been an increase in the number of very large lots being created. This trend is particularly noticeable in areas zoned exclusive agriculture.

Mr. Bowman stated that the facts are well supported.

Ms. Shiflett moved that finding #9 be approved, which carried unanimously.

Recommendation #9a

The county government should create an ordinance that creates a maximum lot size of 2.5 acres in agriculture zones.

Mr. Bashaw asked what the minimum lot size is currently?

Ms. Shiflett stated one acre.

Mr. Bowman stated that the minimum lot size should be three acres.

Ms. Shiflett stated that sometimes having a minimum of three acre lot sizes has been argued to be wasting land.

Chairman Curry stated that Clarke County has a maximum of three acres.

Ms. Shiflett stated that they use 1-4 acres with an average of three acres.

Mr. Bashaw stated that some landowners have yards that are anywhere from 2.5 – 5.0 acres in size.

Ms. Hamilton moved that the recommendation be amended to read: The county government should create an ordinance that creates a maximum residential lot size of 3 acres and a minimum of 1 acre in agriculture zones. Five of the committee members agreed approving the recommendation as amended. Three of the committee members abstained from the vote.

Finding #10

Subdivision of land zoned for agriculture is reducing the quantity of land available for production and is increasing complaints about agricultural nuisances from non-farming residents living in agricultural zoning districts.

Ms. Shiflett stated that the exclusive agricultural portion should be left out of the finding in the recommendation section. She moved that finding #10 be approved, which carried unanimously.

Recommendation #10a

Reciprocal setbacks should be implemented for single-family and multiple-family housing locating adjacent to exclusive and general agricultural zones.

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Mr. Howdyshell stated that he agrees.

Mr. Grove stated that this is a great idea but you cannot have reciprocal setbacks on three acres.

Ms. Shiflett stated that there may be a waiver that neighbors could sign.

Mr. Bowman stated that staff should clarify that.

Ms. Shiflett stated that if the buildings are already there then it would be grandfathered in. She moved that recommendation #10a be approved but it still needs to have some clarification by staff, which carried unanimously.

Finding #11

When landowners who have been producing livestock and maintaining fences in adjacent fields subdivide their property for non-farm residential housing they create an inequitable expense for their neighbors who are still producing livestock. Instead of maintaining approximately one half of boundary line fences, farmers suddenly find that they are responsible for all boundary line fences with a fence-out rule.

Mr. Bashaw asked if fence out could change?

Mr. Stanley stated yes.

Ms. Hamilton stated that Rockbridge is fence out.

Mr. Bowman moved that finding #11 be approved with the fence-out rule wording omitted from the finding, which carried unanimously.

Recommendation #11a

The county government should lobby for a local option on fencing rules that would allow counties to create a fence-out ordinance for non-farm residents of agriculture zones. Until the state government establishes a local option on fencing rules, Augusta County should collect cash proffers and construct boundary line fences on these lots.

Ms. Shiflett stated that she agrees with the first sentence but not the other part because it is illegal.

Chairman Curry stated that the wording should be changed.

Mr. Bowman stated that proffers are voluntary.

Ms. Hamilton stated that she agrees.

Mr. Martin stated that he likes what the recommendation says currently.

Mr. Howdyshell stated that he agrees with the first part only.

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Mr. Bashaw moved that the recommendation be changed to Augusta County become a fence out County, which carried unanimously.

Chairman Curry stated that would take state legislation.

Mr. Stanley stated that the County can do that.

Finding #12

Urban sprawl or the spreading of industrial, business, retail, and residential development into prime agricultural zones have reduced the availability of productive agriculture land in Augusta County.

Chairman Curry stated that there is no support data for urban sprawl.

Mr. Bowman stated that this is for residential not commercial.

Chairman Curry stated that the committee could get staff to come up with some adequate data.

Mr. Bowman stated that maybe urban sprawl should be deleted from the finding.

Chairman Curry stated that industrial and business needs to go where infrastructure is.

Ms. Shiflett moved to approve the finding with the following changes: The spreading of residences into prime agricultural zones has reduced the availability of productive agriculture land in Augusta County. The finding was approved unanimously.

Recommendation #12a

The county should continue to target and recruit industrial prospect that employ 300 workers or less and primarily hire local people to avoid a large influx of people who require housing and services. Industrial prospects should also be technologically advanced to provide upward mobility and take advantage of the higher education institutions available in the area.

Ms. Shiflett stated that she agrees.

Mr. Howdysshell stated that when the state gets prospects and if they want to look at a specific site it gets put on a master list. He stated that sometimes industry does not meet the County's criteria.

Ms. Hamilton stated that they know what type of industry the County prefers if you look at the industry that has come to the County in the passed 25 years.

Chairman Curry asked if there was a motion for recommendation #12a?

The committee had no motion.

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Recommendation #12b

The county should establish and publish an ideal prototype for targeted industrial prospects.

Ms. Shiflett stated that this is being done.

Mr. Bashaw stated that recommendation #12b could be included in recommendation #12a but it should include the number of employees.

Ms. Hamilton stated that since they changed the finding this recommendation is not applicable. She moved that the recommendation be tabled, which carried unanimously.

Finding #13

The economic viability of farming in Augusta County is threatened by escalating capital investment costs, reduced profit margins, a limited labor supply, increased health insurance costs, and competition from incompatible natural resource uses.

Vice Chairman Schooley moved that this finding be approved, which carried unanimously.

Finding #14

Farming is not just "get big or get out". Small farms, lifestyle farms, and part-time farms collectively make major contributions to the gross annual agricultural receipts.

Ms. Shiflett moved that the finding be approved, which carried unanimously.

Finding #15

The market value of land has increased and reached a level that threatens agriculture production due to resulting tax assessments and real estate taxes paid on land and farm buildings.

Vice Chairman Schooley stated that poultry houses overtime do not appreciate like a residence does.

Mr. Bashaw stated that the finding should only have the market value of land has increased and reached a level that threatens agriculture.

Ms. Hamilton stated that she agrees.

Ms. Shiflett stated that finding #15 and finding #16 should be combined.

Finding #16

Land values are not based on agricultural production but development potential.

Mr. Bashaw stated that he would move that finding #15 and finding #16 should be combined to read: The market value of land has increased and reached a level that threatens agriculture. Land values are not based on agricultural production but development potential.

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Ms. Hamilton stated that there should be a separate finding on farm buildings.

Chairman Curry stated that all buildings are taxed at the same rate.

The committee voted unanimously on combining finding #15 and finding #16.

Mr. Bowman stated that he would like to add a recommendation under #15. He moved that a study should be conducted to determine if a farm building is being accessed fairly, which carried unanimously.

Finding # 17

In order to earn an annual income comparable to the average family income in Augusta County a huge capital investment is required to farm.

Ms. Shiflett moved that the finding be approved, which carried unanimously.

Finding #18

High real estate values help farmers to keep a strong balance sheet.

Chairman Curry stated that this finding is not appropriate for Augusta County and there is no support data on this finding.

Mr. Howdyshell moved that finding #18 be removed from the report, which carried unanimously.

Finding #19

Most farmers cannot afford to buy land for expansion and therefore most of the farm real estate is rented.

Chairman Curry stated that most is strong wording.

Ms. Shiflett moved that the finding be changed to read: Most farmers cannot afford to buy land for expansion and, therefore, many farms depend on rented real estate. The committee agreed unanimously.

Finding #20

The pressure to convert land to uses incompatible with farming is increasing in Augusta County.

Mr. Martin moved that finding #20 be approved, which carried unanimously.

Finding # 21

A reduction in the amount of land available for agricultural production has created serious competition among farmers for land to rent and/or lease for the purpose of agricultural production.

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Ms. Shiflett moved that finding #21 be approved to read: A reduction in the amount of land available for agricultural production has created serious competition among farmers for land to purchase, rent and/or lease for the purpose of agricultural production. The committee agreed unanimously.

Finding #22

The economic viability of the agricultural industry continues to be threatened by the flexibility, unpredictability, and fluidity of product prices.

Mr. Bowman stated that this is a fact.

Ms. Shiflett moved that finding #22 be approved, which carried unanimously.

There being no further business, the meeting was adjourned.

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Chairman