

Albemarle County Planning Commission November 20, 2012

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Mr. Chairman and Commission Members:

I speak to you as a private citizen and land owner in Albemarle County in the vicinity of Free Union.

The Free Union area was first settled in the mid-18th century and became a part of Albemarle County in 1761...When a post office was established in 1847, it was given the name of Free Union... taken from that of the Free Union Church, built in 1837, and still operating as the Free Union Baptist Church. The church was "free" in that all races were welcome to worship there, and it was a "union" of four denominations of Christianity, none of which could have afforded a church of their own at that time.¹ (*Edited from Wikipedia*)

Free Union has survived through the generations living there. Now the County planning staff has set its sights on preserving it by imposition of a barrage of regulations and micro-management and, as yet, undefined "performance standards." A boundless list of bureaucratic devices is being offered up by the County staff to ensure that their own personal vision of the rural character be enshrined. This unwarranted impingement on the peaceful pursuit of local commerce and traditional private property rights by County planners is a piece with their attack on rural areas, and rural area development. Has some catastrophic or lesser event taken place to justify such proposed legislation? If not, why is The Free in Free Union under attack?

A recent public questionnaire by the Thomas Jefferson Planning District concluded that two top priorities were "protecting private property rights" and "decrease regulation." The sham of "Community Outreach" programs becomes apparent when such public wishes are cast aside by planning staff bent on a predetermined social agenda and "acceptable use levels."

These proposals for the County Comprehensive Plan reflect an outmoded and discredited view of conservation. In this, I defer to the Chief Scientist of the *Nature Conservancy*, Peter Kareiva, who has noted that the conservation movement's original justification for parks devoid of all people was promoted by John Muir, founder of the Sierra Club, who having built his own exclusive cabin in Yosemite state park, proceeded vigorously to back the expulsion of the local natives. The Nature Conservancy chief scientist continues: "The trouble for conservation is that the data simply do not support the idea of a fragile nature at risk of collapse." If it were so, none of us would be living today. Nature is not a static Disneyland waiting upon the County planning staff to "preserve it." It is ever changing and dynamic. The people who own property have a vested interest in it and are their own best environmental stewards.

None-the-less, the County planning staff sticks to its top-down command mode and would regulate the size and siting of places of worship, fraternal lodges, meeting rooms in fire/rescue stations, day care, doctors/dentist offices, and even the US Post Offices. Do not tell them that VDOT has a much-appreciated depot on Free Union Road, else it also be marked for regulation.

Places of worship fare no better than “breweries and distilleries” in this regulatory scheme.

The planning staff seems to know precisely how many square feet buildings should occupy lest rural areas fall into decay and lose their “rural character.”

The arrogance of Fauquier County planning staff is now being tested in court proceedings as a consequence of a child’s birthday party being deemed not a valid farm activity. Albemarle County is not far behind as the planning staff proposes to regulate traditional farm activities and potential free-enterprise activities such as corn mazes, farm dinners, and farm festivals.

This proposed planning document reeks of bureaucratic control language, to wit: “additional legislative review,” “zoning text amendment process,” “performance standards,” “parameters for production,” “unacceptable impacts,” and “advisory councils.”

The “transfer of development rights” section extolls the resultant discouragement of residential development and the preservation of environmental resources even as the *Nature Conservancy’s* chief scientist notes that “conservationists will have to jettison their idealized notions of nature, parks, and wilderness...ideas that have never been supported by good conservation science.” The County planning staff wishes to “extinguish development rights” via the ACE program, and wants more funding and staff to enforce it.

How much longer before the rest of the private property owners not “voluntarily coerced” into such so-called conservation easements are themselves “extinguished” by the increasing property tax burden shifted onto them as a result of decreased property valuations on conservation parcels?

This County planning document is an insult to the principles of our local founding Fathers’, unless they too are just another façade and local tourist attraction.