

**Watershed Moments in a Suburbanizing County:
Environmentalism, Exclusion, and Land Use in Albemarle County, Virginia, 1960-1980**

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ABSTRACT

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The last major reorganization of Albemarle County, Virginia's zoning ordinance was adopted on December 10, 1980, substantially downzoning Albemarle's rural areas. As of 2020, this zoning regime and the growth management policy it implements remain largely the same. This paper explores influences on the development of Albemarle County's land use and growth management policies between 1960 and 1980 through the lenses of land use and planning policy, environmentalism, and the civil rights movement. The case study approach included a content analysis of archived meeting minutes, planning documents, and newspaper articles; oral history interviews; and analysis of demographic information, electoral activity, and the geographic location of planning proposals.

While the 1980 ordinance addressed emerging emphases on rural and environmental conservation, preceding political battles and land use proposals suggest that controversies about annexation, race, and growth influenced its development. Following a major annexation dispute with Charlottesville in 1960-1963, Albemarle pursued utility and zoning programs as a means to combat future annexation efforts. However, by the mid-1970s, dissatisfaction with unchecked growth, environmental issues, and a development-aligned county government led to the emergence of a politically dominant environmental-conservative coalition and strengthened growth management policies. Although race and exclusion were not explicit motivations for the 1980 ordinance, opposition to annexation was underlaid by anti-integration attitudes, and exclusionary and no-growth interests likely found sympathies in policies that were "pro-environmental" or "pro-character". Anticipated revisions to Albemarle's comprehensive plan provide an opportunity to acknowledge and redress a history of exclusionary motivations and impacts through updated policy.

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While nobody may have anticipated the twists and trials that 2020 and the coronavirus would bring to education and research, I can surely say that I didn't anticipate the way this project would evolve alongside my time in school, my understanding of Charlottesville and Albemarle County, and my career.

This project is the culmination of years of exploration of Charlottesville and Albemarle County's urban history that began during my coursework as an undergraduate School of Architecture student. While it may be cliché, learning about Charlottesville's history of urban renewal opened my eyes to the racial and political dynamics of urbanization and growth in a way that my upbringing did not. As I started an internship and then a full-time position working in planning and zoning with Albemarle County, working and learning as part of a local government allowed me to continue learning about the history of the Charlottesville-Albemarle community and its institutions.

I ended that internship on August 11, 2017 and moved into my new apartment on August 12, 2017 during the Unite the Right rally, and started my full-time position weeks later as the historic roots of white supremacy and racial inequity in Charlottesville were being thrust into prominent places in local and national dialogues. Being able to engage with and learn from these conversations wherever they were happening over the following years – with colleagues, in City Council chambers, at the Jefferson School, on Twitter – opened up plenty of questions

about the work I was doing and the policies and ordinances I was implementing. The work of local activists and researchers such as Lyle Solla-Yates and Jordy Yager has been a huge help to me in understanding Charlottesville's history. As I started this degree, I felt that researching Albemarle's history would be an opportunity to use my degree credits and professional experience to help my colleagues and community understand their own history, much as Lyle and Jordy had.

With that said, I'm completing my degree requirements while taking classes remotely from Houston, Texas and am no longer working for Albemarle County, so this project feels almost as a formal and academic "thank you, and goodbye" to a place that I feel I've learned so much from and am grateful to have lived and learned in.

I'm incredibly grateful for the support and guidance of my thesis committee during this project and in the preceding years. Thank you to Ellen Bassett for the introduction to land use law some five years ago and the many candid, insightful conversations since then, including all of the help navigating what has been an unconventional graduate school experience. My biggest thanks go to Barbara Brown Wilson for serving as the chair of my committee and helping with this project from its early stages. Barbara's Planning Methods class during my second year of undergraduate study was the primer in qualitative methods, planning theory, and urban history that would lead to my interest in this topic. I could not have finished this project without her support, feedback, and encouragement.

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1 INTRODUCTION AND METHODS

1.1 STATEMENT OF RESEARCH PROBLEM

During the late 2010s and 2020, public discourse and scholarship of land use and zoning emerged in the public eye. Increased attention has been paid to the historical origins of planning policy, and in many areas, their racial motivations. Discussions of systemic racism in America have also emerged at the forefront of public consciousness in 2020 as the George Floyd protests forced a national reckoning with race. As the links between race, planning, and equity issues became more publicized, responses have varied from calls for efforts to redress this history to the thinly veiled politicization of these same issues. Several major cities have begun to grapple with the histories of planning and exclusion, including Minneapolis and Portland. Efforts such as the Mapping Inequality project¹ in Minneapolis have traced the intellectual lineage of racial covenants to restrictive zoning regulations that were intended to exclude minority and lower-income populations, and governmental responses have involved new plans and zoning reform to redress these issues.²

Within Central Virginia, as Albemarle County and the city of Charlottesville face challenges from the region's continued growth such as affordable housing, environmental

¹ University of Richmond Digital Scholarship Lab, "Mapping Inequality: Redlining in New Deal America," American Panorama, 2016, <https://dsl.richmond.edu/panorama/redlining/>.

² City of Minneapolis, "Minneapolis 2040," Minneapolis 2040, 2018, <https://minneapolis2040.com/>.

degradation, and socioeconomic disparities, renewed attention has been drawn to the area's planning history and the distributional effects of land use decisions. Within the City of Charlottesville, independent researchers have documented the racially motivated origins of zoning policies, urban renewal programs, and municipal investments. The Mapping Cville project aims to digitize and locate racially restrictive covenants within Charlottesville's neighborhoods and explore their relationships with public investments, and plans to document Albemarle County's racial covenants in the future.³ An active discourse has also appeared on what can be informally described as "Charlottesville Land Use Twitter", with Charlottesville and Albemarle County residents, staff, officials, and other stakeholders discussing current planning issues and ongoing historic research, including zoning, on social media.⁴

The last major reorganization of Albemarle County, Virginia's zoning ordinance was adopted on December 10, 1980. As of 2020, this zoning regime and the growth management policy it implements remain largely the same since its initial adoption almost 40 years prior, though periodic amendments and revisions have taken place from time to time. The 1980 ordinance involved a substantial downzoning of Albemarle's rural areas, with the prevailing explanation of responding to environmental issues resulting from development in the South Fork Rivanna Reservoir watershed, which serves the city of Charlottesville and the County's

³ Jordy Yager, "Mapping Cville – Examining Equity Through History: Mapping Racial Covenants, Infrastructure, and More...", Mapping Cville, 2020, <https://mappingcville.com/>.

⁴ Lyle Solla-Yates, "Twitter Post," Twitter, January 23, 2018, <https://twitter.com/LyleSollaYates/status/955847463855972354>.

urban population.⁵ No comprehensive county-wide map amendment has taken place since this time, and the zoning districts and designations remain largely the same.

Though the current zoning ordinance was adopted in 1980, Albemarle's planning efforts date to the 1940s and most significantly to the late 1960s, with its Planning Commission established in 1944 and its first Zoning Ordinance adopted in 1968. However, a straightforward evaluation of Albemarle's planning history and motivations during this early period is complicated by its slow development during the civil rights and environmental movements in the United States. Within a Virginia context, this period is complicated by the state's urbanization, the fall of the Byrd political machine, and the resulting changes in Virginia county enabling legislation and politics. The presence of the Dillon Rule and Virginia's structure of independent cities and counties, as well as a unique state code provision making Albemarle the only county in Virginia to require voter approval of a zoning ordinance, also served to restrict local action. Locally, Albemarle's planning efforts followed Charlottesville's, and the relationship between the two proximate (but politically separate) localities was tested by the specter of annexation and occasional cooperation. All of these factors influenced the timing and development of Albemarle's planning and land use policies.

Scholarship reviewing the origins and motivations of Albemarle's policies while accounting for its temporal and intergovernmental contexts appears to be limited. A 1977

⁵ David Benish, "Overview of Planning History in Albemarle," <https://www.albemarle.org/home/showdocument?id=266>.

thesis discusses interest activity and the roles of policymakers in the mid-1970s South Fork Rivanna Reservoir water quality issue, establishing the presence of “pro-growth” and “pro-moratorium” interests in the mid-1970s.⁶ Another thesis chronicles the negotiations behind the 1982 Charlottesville-Albemarle revenue sharing agreement, which overlaps with the development of Albemarle’s 1980 zoning ordinance.⁷ However, there appears to be almost no scholarship documenting Albemarle’s early planning history and contextualizing this history within federal, state, and local trends.

1.2 LITERATURE REVIEW

Although this work focuses on the period between 1960 and 1980, its theoretical framework was informed by scholarship evaluating land use planning strategies during the civil rights and environmental movements during the 1960s and 1970s. Additional precedent research is included at the beginning of each time period to help contextualize specific actions and issues that were focuses during the period.

The usage of zoning in suburban communities is well-documented as a potential tool for exclusion. Danielson (1976) provides a contemporary overview of land use politics in American suburbs during the 1960s and 1970s, with a focus on policies that create or reinforce

⁶ Merry Kay Shernock, “Interests, Policymakers and Local Regulatory Politics: The Albemarle Reservoir Issue” (Charlottesville, VA, 1977, 1977), <https://search.lib.virginia.edu/catalog/u333196>.

⁷ Timothy Lindstrom, “The Charlottesville/Albemarle Revenue-Sharing Agreement,” *An Informal History of Negotiations 1979-1982* (Charlottesville, VA, 1992, 1992).

segregation along economic and social lines as a proxy for racial lines.⁸ Typical local policies used for exclusionary aims included restrictions on housing types, minimum building standards and lot sizes, and limiting the timing and extent of new development; as well as opposition to subsidized housing and nonparticipation in housing programs. Although these zoning policies are facially neutral, their application has been noted as contributing to the social and economic segregation discussed by Danielson. Haar (1953) argues that minimum standards zoning lacks a reasonable relationship to legitimate health, safety, and welfare objectives and has the effect of making “preservation of expensive homes... a proper function if suitably dressed up as a zoning ordinance”⁹, alluding to “property values” arguments that would later gain ground among homeowners as part of Fischel’s “homevoter hypothesis”¹⁰ (2004). Zoning actions that distribute perceived negative land uses such as dense housing or protect areas with low-density housing are therefore relevant for their impacts on economic and spatial segregation.

During the 1970s, increased concern about environmental degradation led to a “quiet revolution”¹¹ in land use regulation and the spread of “growth management” strategies. Many of these strategies were intended to be implemented at the state or regional level to address

⁸ Michael N Danielson, *The Politics of Exclusion* (New York: Columbia University Press, 1976), <https://search.lib.virginia.edu/catalog/u372373>.

⁹ Charles M. Haar, “Zoning for Minimum Standards: The Wayne Township Case,” *Harvard Law Review* 66, no. 6 (1953): 1051–63, <https://doi.org/10.2307/1336995>.

¹⁰ William A. Fischel, “An Economic History of Zoning and a Cure for Its Exclusionary Effects,” *Urban Studies* 41, no. 2 (2004): 317.

¹¹ Fred P Bosselman, David L Callies, and Council on Environmental Quality (U.S.), “The Quiet Revolution in Land Use Control: Summary Report” (Washington: U.S. council on Environmental Quality; for sale by the Supt. of Docs., U.S. Govt. Print. Off, 1971), <https://search.lib.virginia.edu/catalog/102605165>.

issues that impacted multiple scales, however, at the local level policies similar to those described by Danielson were used to limit or slow growth. DeGrove (1979) outlines the initial roots of support for growth management in what were nominally environmental degradation concerns, as well as the expanded concern of “quality of life”.¹² The discussion of “quality of life” as a basis for planning decisions is more expansive and includes concerns about transportation, loss of open space, aesthetics, and sentiments related to “too much” or “too many”.

Political coalitions and interests were also active advocates in growth and environmental issues. In his discussion of the challenges of “opening the suburbs”, Danielson (1976) highlights the varying methods of different advocacy organizations. Groups such as the League of Women Voters (LWV) were active in open housing across the United States at the local level, with a largely white, upper-income suburban membership. However, Danielson also notes that many open housing groups faced competition for membership and support from environmental groups, indicating a tension between different planning goals and priorities. Although providing access to housing and protecting the environment are both common goals in planning practice¹³, the questions of “where and how” to achieve both goals often come into conflict in the arenas of land use planning and growth management.

¹² John M. DeGrove, “The Political Dynamics of the Land and Growth Management Movement,” *Law and Contemporary Problems* 43, no. 2 (1979): 111–43, <https://doi.org/10.2307/1191192>.

¹³ American Institute of Certified Planners, “AICP Code of Ethics and Professional Conduct,” April 2016, <https://www.planning.org/ethics/ethicscode/>.

Opposition to development on the basis of environmental degradation as well as “quality of life” concerns also provides cover for exclusionary interests to ally with advocacy and interest groups, even if the groups’ intent is not exclusionary. Fischel (2017) echoes DeGrove and again links growth management to homevoters as part of an anti-development coalition of homeowners and environmental interests, further blurring the line between physical planning strategies and exclusionary applications.¹⁴ Though no overt racial motivation is included, these precedents raise an alarm about how environmental reasons have been used to exclude or provide the political cover for exclusionary actions.

Opposite the environmental-exclusionary coalition is the “growth machine” coalition advanced by Molotch (1976) that places growth and development as the central issue in local politics.¹⁵ Compared to the “symbolic” politics of morality and reform, growth politics are primarily concerned with material terms and the distribution of benefits, including the costs of capital investments and benefits that may accrue to landowners. The key actors in the “growth machine” may include businessmen and parochial interests that are more interested in this distribution (rather than symbolic issues, which are often an afterthought). Molotch also notes the emerging countercoalition of anti-growth voices, which expanded from the very rich in

¹⁴ William A Fischel, *Zoning Rules!: The Economics of Land Use Regulation* (Cambridge, Massachusetts: Lincoln Institute of Land Policy, 2015), <https://search.lib.virginia.edu/catalog/u6655239>.

¹⁵ Harvey Molotch, “The City as a Growth Machine: Toward a Political Economy of Place,” *American Journal of Sociology* 82, no. 2 (1976): 309–32.

small, exclusive areas to a broader movement including university cities and areas of high amenity value.

Although fragmented governance and local control has also been cited as driving exclusionary policies during the 1970s,¹⁶ the presence of independent cities, limited annexation, and Dillon's Rule may weaken this argument in a Virginia context. While Danielson cites incorporation as an avenue to retain local control over planning and zoning powers, municipal incorporation is rare in Virginia and there was no evident proliferation of new localities in Virginia¹⁷. The Byrd political machine's strength in statewide politics came from strong rural support, despite major challenges from urban voters that opposed the machine's stingy fiscal policies, underfunded services, and racially motivated programs (such as Massive Resistance) that had outsized impacts on urban areas.¹⁸ However, an urbanizing population and increased expectations for increased state services led to changes in the electorate and the breakdown of the Byrd machine by 1966.

A consequence of Byrd machine control of state politics and Virginia municipal governance included limited local control and enabling authority for county governments to manage urban services. In an extraordinary example, Albemarle was subject to a 1952 state

¹⁶ Fischel 2015, Danielson 1976.

¹⁷ Chester W Bain, *A Body Incorporate: The Evolution of City-County Separation in Virginia* (Charlottesville: Published for the Institute of Government, University of Virginia [by] the University Press of Virginia, 1967), <https://search.lib.virginia.edu/catalog/u587758>.

¹⁸ J. Harvie Wilkinson III, *Harry Byrd and the Changing Face of Virginia Politics, 1945-1966* (Charlottesville: University Press of Virginia, 1968), <https://search.lib.virginia.edu/catalog/u578730>.

code provision sponsored by its Byrd-affiliated state senator that made it the only county in Virginia to require voter referendum of a zoning ordinance.¹⁹ The referendum requirement prevented Albemarle’s Board of Supervisors from enacting an ordinance as other localities were permitted to do, making initial adoption significantly more difficult. Though Albemarle’s steps towards suburbanization began long before zoning was finally adopted in 1968, its restricted enabling authority made it a “laggard” among comparable Virginia localities with regard to the adoption of land use regulations.²⁰

At the local level, there are several works which indirectly address planning, land use, and development within Albemarle and Charlottesville. Two Master’s theses also shed light on County government in the 1970s and 1980s. The first, “Interests, Policymakers and Local Regulatory Politics: The Albemarle Reservoir Issue” (1977) addresses interest activity and the roles of policymakers in the mid-1970s South Fork Rivanna Reservoir water quality issue.²¹ This work included a review of archival resources related to the Reservoir as well as a survey of stakeholder interests and perceptions, establishing the presence of “pro-growth” and “pro-moratorium” interests in the mid-1970s, similar to the framing of “growth machine” and “environmental-exclusionary” coalitions discussed earlier. “The Charlottesville/Albemarle Revenue-Sharing Agreement: An Informal History of Negotiations 1979-1982” (1992) was

¹⁹ S. J Makielski and University of Virginia. Institute of Government, *Local Planning in Virginia: Development, Politics, and Prospects* (Charlottesville: [Charlottesville] Institute of Government, University of Virginia, 1969), <https://search.lib.virginia.edu/catalog/u534898>, 74.

²⁰ Ibid., 87.

²¹ Shernock 1977.

written by a former County supervisor and overlaps with the end of the study period, establishing concerns about urban growth and governance in relation to annexation and intergovernmental cooperation.²² Other sources such as John Hammond Moore's "Albemarle, Jefferson's County, 1727-1976" (1976), chronicle social change and history within the area.²³

Understanding the historic development and motivations behind governmental decision-making required utilizing content analysis methods and controlling across time and scale. Additionally, because exclusionary motivations were often disguised or unspoken in the public record, precedents that provided a framework for understanding coded language around race issues were particularly important. Andrew Whittemore (2018) studied Durham, North Carolina's zoning history, grouping zoning decisions into categories such as residential upzonings and downzonings to allow for a comparison of similar activities across geographic areas with differing socioeconomic statuses. This analysis ultimately found that the spatial distribution of potentially exclusionary decisions tracks more closely with racial demographics than median incomes or homeownership rates between 1945 and 1985.²⁴ Such an analysis is

²² Lindstrom 1992.

²³ John Hammond Moore, *Albemarle, Jefferson's County, 1727-1976* (Charlottesville: Published for the Albemarle County Historical Society by the University Press of Virginia, 1976), <https://search.lib.virginia.edu/catalog/u380517>.

²⁴ Andrew H. Whittemore, "The Role of Racial Bias in Exclusionary Zoning: The Case of Durham, North Carolina, 1945-2014," *Environment and Planning A-Economy and Space* 50, no. 4 (2018): 826–47, <https://doi.org/10.1177/0308518X18755144>.

useful in assessing the impact of individual land use decisions or changes and accounting for their geographic context and distribution.

Whittemore and Todd BenDor (2019) utilize coded comments from Henrico County Planning Commission meetings to identify public sentiment towards rezoning proposals, finding that “negativity was most often stated in terms of anxieties over traffic, flooding, road connections and access, proposed development density, and property values”.²⁵ In the same study, a number of factors related to the intensity of development as well as increased racial diversity were also all significantly associated with higher levels of opposition. Though this analysis utilized a logistic regression model to provide a measure of statistical significance to its archival review, its coding of public comments around certain areas of concern proves useful in assessing public opinion and pressures for decision makers.

1.3 OBJECTIVES / STATEMENT OF HYPOTHESES

This thesis explores influences on the development of Albemarle County’s land use and growth management policies between 1960 and 1980 through the lenses of land use and planning policy, environmentalism, and the civil rights movement, as well as their associated political dynamics and state and federal programs. The literature review has highlighted potential areas of convergence between environmental and exclusionary interests in political

²⁵ Andrew H. Whittemore and Todd K. BenDor, “Opposition to Housing Development in a Suburban US County: Characteristics, Origins, and Consequences,” *Land Use Policy* 88 (2019), <https://doi.org/10.1016/j.landusepol.2019.104158>.

battles over land use, state and federal policies that influenced local ability to implement land use regulation, and exclusionary motivations for land use decision making. This thesis explores how these influences were manifested in Albemarle County through the following questions:

- To what extent did environmental and growth issues influence the development of Albemarle County's 1980 Zoning Ordinance?
- How did civil rights reactions such as white flight, urban renewal, and resistance to school desegregation affect attitudes towards land use and planning in Albemarle County?
- How did annexation attempts by Charlottesville impact service provision and land use policy in Albemarle County?
- What was the involvement of other local, state, and federal programs and policies in the creation of Albemarle County's early land use policies?
- How did realigning elections of the Albemarle County Board of Supervisors influence the development of land use policies?
- How did disparate interest and advocacy groups' positions align on land use issues?

1.4 DESCRIPTION OF RESEARCH APPROACH AND METHODOLOGY

This thesis documents planning milestones in Albemarle County and evaluates the role of the Albemarle County government (particularly the Board of Supervisors) in land use planning and growth management policies, capital investment, and participation in state and federal programs. The aims of this thesis are to improve the public understanding of the historic roots of current planning challenges and policies, and to assess these milestones' distributional effects, motivations, and intent.

The time period covered by this thesis required clear definition of research scope due to its length, and flexibility in sources and material types used due to disparities in surviving

documentation. While the study period was also recent enough that numerous stakeholders, community members, and staff involved in the 1970s survive, few stakeholders survive from the early 1960s, posing limitations for some interview-based data collection methods. However, some contemporary accounts and scholarly works allow this history to be contextualized in the local, state, and federal landscape.

The qualitative case study approach described by Robert Stake (2005) provides the overarching methodological framework for this thesis. Stake identifies several considerations for case study design that support the needs above, including clear bounding of the case and triangulation of interpretations through redundant data gathering.²⁶ The case also aligns with Stake's definition of an intrinsic case study, as the case itself is of interest and the intent is to improve understanding of this particular case within the generalized body of knowledge of midcentury suburban land use politics. Several different information sources and qualitative analysis methods were used to support this triangulation, including content analysis of archived documents and records, oral history interviews, and demographic analysis and mapping.

²⁶ Robert E. Stake, "Case Study Method," by pages 18-26 (London: SAGE Publications Ltd, 2020), <https://doi.org/10.4135/9780857024367>.

1.4.1 Archival Review & Content Analysis

The primary method used was a qualitative content analysis of archival materials from the study period. I devised a coding system to include policy variables and areas of concern, similar to those in Whittemore & BenDor.

Because the aforementioned policy decisions involve public hearings and comment as well as discussion among Board members, I reviewed Board of Supervisors meeting minutes from every meeting within the study period of 1960 and 1980. These meeting minutes list the names of speakers and organizations, indicating the presence of organized interest and advocacy groups. The Board's meeting minutes are the official record of County policy actions taken by its governing body, providing a consistent and accurate chronology of events. Planning Commission minutes were also used to provide additional context for the motivation and development of planning and policy proposals, though they were typically less detailed than Board minutes. Board of Supervisors meeting minutes during this period have been digitized and are available through Albemarle County's website. Historic Planning Commission meeting minutes had also been digitized, though they were not publicly available online and were available through the County's Community Development Department.

A portion of the study period predates the adoption of zoning in 1968 and discretionary review of private development proposals. Therefore, I focused on County policies and plans rather than an evaluation of individual development projects similar to that undertaken by Whittemore (2018) and Whittemore & BenDor (2019). Although individual development

proposals with significant public opinion or consequences may be encountered during the review of Board meeting minutes, they are not the focus of this work.

I also used resources from the Albemarle County Community Development Department's archives extensively, including planning and policy documents from the study period such as comprehensive plans, ordinance texts, technical reports, and studies. These documents were used to identify the relevant policy issues, intended policy impacts, and distributional effects. Staff files for planning documents, as well as development application files, also contained some correspondence between County staff and members of the public.

Because this thesis also explores interest activity and community groups, I used accounts and editorials from local periodicals to supplement positions stated in the public record. *Daily Progress* issues from 1892 through 1964 had been digitized and made available online from the University of Virginia Library's microfilm collection. While the outbreak of COVID-19 prevented a full review of *Daily Progress* issues between 1965 and 1980 due to interruptions to library services, several articles clipped from relevant *Daily Progress* and *Charlottesville Observer* issues were available in other archival materials at the University of Virginia's Special Collections Library. Groups such as the League of Women Voters of Charlottesville and Albemarle County and Citizens for Albemarle and individuals involved in local affairs during the study period have made many of their papers publicly accessible through

the University of Virginia's Special Collections Library, permitting further analysis of some groups' activities, positions, and membership.²⁷

1.4.2 Oral History

While meeting minutes document the discussions and actions taken at a single point in time and planning documents provide additional analyses and supporting information deemed acceptable for publication, interviews and storytelling provide critical opportunities to supplement the archival record with overarching narratives and recollections. An advantage of oral history interviews in expanding and clarifying the historical narrative includes that oral history can “[help] us understand how and why people remember and forget”.²⁸ Through a less structured format than a typical interview, the speaker may also share “what they *now* think they did”²⁹, allowing a degree of critical reflection and interpretation of community memory that is further removed from archival sources.

I conducted oral history interviews with two stakeholders with knowledge and experience of the study period, with a focus on the 1970s in Albemarle. Interviews were structured to supplement the official records with additional information about interest activity and political dynamics, and interviewees were recruited using a snowball sampling

²⁷ League of Women Voters of Charlottesville and Albemarle County (Va.), “Papers of the League of Women Voters of Charlottesville and Albemarle County 1944-1975.” 1944, <https://search.lib.virginia.edu/catalog/u3828135>.

²⁸ Andrea Hajek, *Oral History Methodology* (London, 2020), <https://doi.org/10.4135/978144627305013504183>.

²⁹ Ibid.

methodology. The research protocol was approved by the University of Virginia's Institutional Review Board for the Social and Behavioral Sciences.

1.4.3 Demographics, Electoral Results, and Mapping

Demographic information such as that available from the United States Census Bureau can provide insights to the presence of factors such as race, educational attainment, and income that are often associated with homevoter interests (Fischel 2004) or support for land use policies. Because Census tracts were not utilized as a standard geography until the 1980 Decennial Census in Albemarle County, historic data is often limited to a countywide area or magisterial districts. Although the boundaries of the magisterial districts have changed over time, they provide a reasonable basis to evaluate the demographic contexts of certain voting patterns. Where Census data was insufficient, other reports and studies providing demographic estimates such as an industrial study prepared by the Virginia Electric and Power Company (VEPCO) were used.

As Board members are elected by County residents, they can be reasonably expected to be responsive to their constituents' preferences; and referendums during the study period reflect can be expected to reflect popular opinion. This assessment of electoral activity provided insight on significant Board elections and the 1963 zoning referendum. Other proto-planning policies such as water & sewer provision, school facility investments, and early subdivision regulations were evaluated on the basis of their siting and their overall distributional effects.

2 1960-1967: ANNEXATION AND AUTONOMY

On January 4, 1960, a new decade began in piedmont Virginia and the Charlottesville City Council took its first steps to initiate annexation proceedings against Albemarle County. Charlottesville, an independent city surrounded by Albemarle County, had last annexed portions of Albemarle County in 1939, when it expanded its municipal boundaries to include neighborhoods such as Fry's Spring, Meadowbrook Hills/Rugby, and Lewis Mountain.³⁰ While the 1939 annexation increased the City's land area by 68 percent (1,660 acres)³¹ and its population by an estimated 2,200 residents (to 19,400),³² postwar growth and suburbanization had pushed development beyond Charlottesville's municipal boundaries. Highway improvements such as the Route 250 bypass near the northern edge of the City supported new suburban subdivisions such as Meadowbrook Heights and Greenbrier, and the rise of the Barracks Road Shopping Center just west of the City's western boundary and Route 29/Emmet Street sapped retail sales and tax revenues from Charlottesville's historic downtown area. As Albemarle County's suburban population and tax base grew, the County began to grapple with

³⁰ Although the University of Virginia was encompassed within the City's 1938 boundaries, the University actually remained within the jurisdiction of Albemarle County.

³¹ City of Charlottesville Planning Commission, *City of Charlottesville, Virginia Annexations 1765-1963*, November 1962, November 1962.

³² "More Than 2,200 County People Are Residents Of City Today," *The Daily Progress* (Charlottesville, VA), January 2, 1939.

the challenges of new services, suburban control, and the emergence of the civil rights movement.

2.1 THE 1960 ANNEXATION BATTLE

2.1.1 City-County Separation and the Annexation “Monster”

Local governance in Virginia is unique due to its total political and territorial separation of counties and independent cities. While cities in other states may still be considered to be part of an underlying county, their separation in Virginia creates an important political dynamic for urbanizing areas. Growing cities and urbanizing counties exist in a state of tension as cities can expand and annex county land. While the stability of Virginia’s local governments has perhaps prevented the proliferation of municipal corporations and prevented fragmentation of service provision to the degree seen in other metropolitan areas, the lack of flexibility in Virginia’s city-county boundaries also hinders local autonomy to address the issues of urbanization.

The history of city-county separation in Virginia reflects a rural past and limited expectations for county service provision. Cities were historically intended to provide a higher level of services for urban residents, though the grant of powers for counties to address urban needs had gradually grown over time. Annexing county land was historically cities’ main tool to extend services to new areas and expand their tax base, though at the expense of the surrounding county. Enabling acts in 1918 and 1930 allowed counties to establish special taxing

districts and public service authorities to provide services such as street lighting and sanitary districts³³. However, with the rapid growth of suburban areas within counties during the postwar period, the line between urban cities and rural counties began to blur.

2.1.2 Harland Bartholomew Makes the Case for Annexation

Although annexation appears to have been contemplated throughout the 1950s, it was not until 1960 that proceedings formally began, potentially due to “uncertainty over the city’s school desegregation suit and other factors”.³⁴ Harland Bartholomew & Associates served as a planning consultant for Charlottesville’s comprehensive planning program and annexation suit, with its 1959 master plan for Charlottesville serving as the framework for its annexation strategy. The Bartholomew master plan set its sights on urban renewal programs within City limits as well as surrounding areas within the County’s Charlottesville district to accommodate future growth. Its “Future Diagrammatic Land Use” and “Housing Plan” plates (Figure 1. Housing Plan from Harland Bartholomew & Associates’ Charlottesville 1959 Master Plan) indicate several areas within Albemarle County, including desirable residential neighborhoods of “standard” development in the Meadowbrook Heights and Rutledge neighborhoods near the 250 Bypass, the Bellair, Liberty Hills, and Buckingham neighborhoods just west of the City, and the Knollwood/Hessian Hills neighborhood on Barracks Road.

³³ P. M. McSweeney, “Local Government Law in Virginia, 1870-1970,” *University of Richmond Law Review* 4 (1970), 200-201.

³⁴ “Annexation Agreement Is Reached,” *The Daily Progress* (Charlottesville, VA), July 28, 1961.

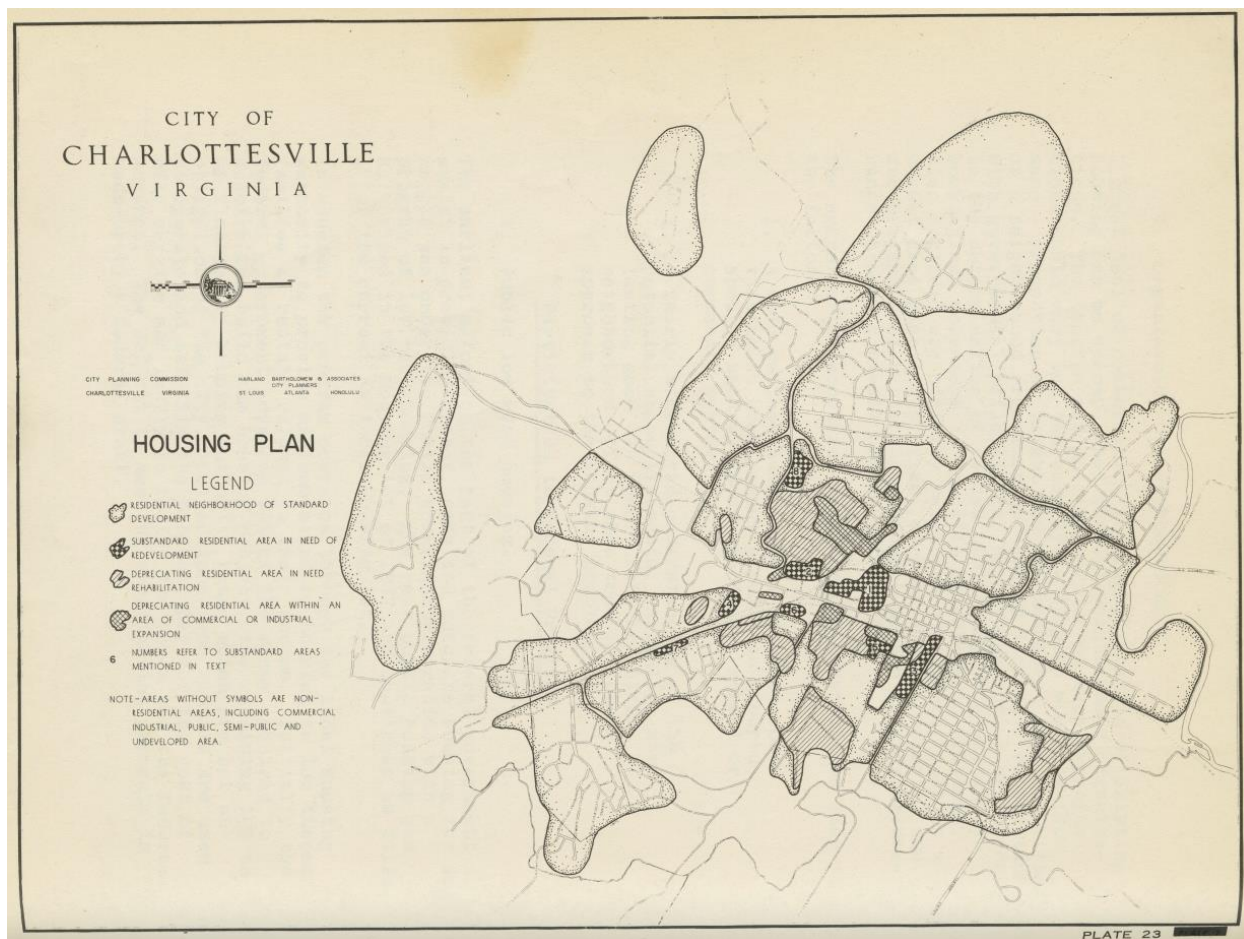


Figure 1. Housing Plan from Harland Bartholomew & Associates' Charlottesville 1959 Master Plan.

The Harland Bartholomew & Associates firm has since been noted for its use of restrictive zoning and urban renewal projects to create and perpetuate racial segregation³⁵. It therefore seems plausible that the selection of neighborhoods to annex was an attempt at staunching population loss from the City into these County's newer suburban neighborhoods and utilizing restrictive zoning to "stabilize" these areas to the benefit of white residents.

³⁵ Mark Benton, "'Saving' the City: Harland Bartholomew and Administrative Evil in St. Louis," *Public Integrity* 20, no. 2 (April 3, 2018): 194–206, <https://doi.org/10.1080/10999922.2017.1306902>.

Several neighborhoods highlighted by Bartholomew as “standard” development or shown in the area for future land use also utilized racial covenants to exclude prospective Black property owners, including Bellair³⁶, Buckingham³⁷, Meadowbrook Heights³⁸, and Knollwood.^{39 40}

2.1.3 Suburban Growth

While Charlottesville was the historic center of commerce and industry and the region’s economic center, improved road access and growing automobile ownership allowed industry to locate further away from Charlottesville’s warehouse districts and areas served by rail. The opening of new manufacturing facilities in Albemarle County during the postwar boom led to a 116% increase in Charlottesville & Albemarle County’s manufacturing workforce between 1950 and 1962, including Acme Visible Records (500 employees) and Morton Frozen Foods (1,600 employees) in Crozet, and Sperry Piedmont (900 employees) and the United States Instrument Corporation (530 employees) in the suburban area on Route 29 North.⁴¹ A detailed breakdown

³⁶ Albemarle County Deed Book 270, pg. 215.

³⁷ Albemarle County Deed Book 270, pg. 150.

³⁸ Section II racial covenants at Albemarle County Deed Book 268, pg. 474.

³⁹ Albemarle County Deed Book 272, pg. 6.

⁴⁰ Bellair, Liberty Hills, and Buckingham were developed by Bellair Estates, Inc. with the assistance of the Slaughter, Saville, & Blackburn engineering firm. Allen Saville prepared racially motivated zoning plans in Richmond and Charlottesville. Charlottesville Low-Income Housing Coalition, “The Impact of Racism on Affordable Housing in Charlottesville,” February 2020, <https://www.justice4all.org/wp-content/uploads/2020/03/Housing-Report-FINAL.pdf>.

⁴¹ Virginia Electric and Power Company. and Charlottesville and Albemarle County Industrial Commission., *Charlottesville-Albemarle County, Virginia; an Economic Study.*, 73 l. (Richmond, 1963), [//catalog.hathitrust.org/Record/102097020](http://catalog.hathitrust.org/Record/102097020), p. 23, 39-41.

of manufacturing growth in Charlottesville and Albemarle is included in Figure 2. Manufacturing Establishments Table from 1963 VEPCO Study.

<u>Manufacturing Establishments</u>				
	<u>Albemarle County</u>		<u>Charlottesville</u>	
	<u>1958</u>	<u>1954</u>	<u>1958</u>	<u>1954</u>
All Manufacturing Employees	2,914	1,404	2,035	2,150
Value added by Manufacture	\$35,844,000	\$11,624,000	\$12,444,000	\$9,833,000
Number of Establishments	47	41	31	32
Size:				
1 - 19 employees	36	31	14	13
20 - 99 employees	4	6	11	13
100 or more employees	7	4	6	6
Type:				
Food and kindred products	3	5	8	9
Textile mill products	2	2	2	2
Apparel & related products	1	-	2	3
Lumber & wood products	31	30	4	2
Furniture and fixtures	1	1	-	-
Printing and publishing	2	-	8	7
Chemicals & allied products	1	1	-	-
Stone, clay & glass products	-	-	2	3
Fabricated metal products	1	-	1	3
Machinery, exc. electrical	2	1	3	1
Electrical machinery	2	-	-	1
Instruments & related prods.	1	1	-	-
Miscellaneous manufactures	-	-	1	1

Source: U. S. Census of Manufactures, 1954 and 1958.

Figure 2. Manufacturing Establishments Table from 1963 VEPCO Study.

The increasing draw of suburban industry was noted as a driver of population increases within Charlottesville and the County's suburban area: although populations within the County's rural districts were largely stagnant or decreasing, the County's Charlottesville district surrounding the City experienced significant

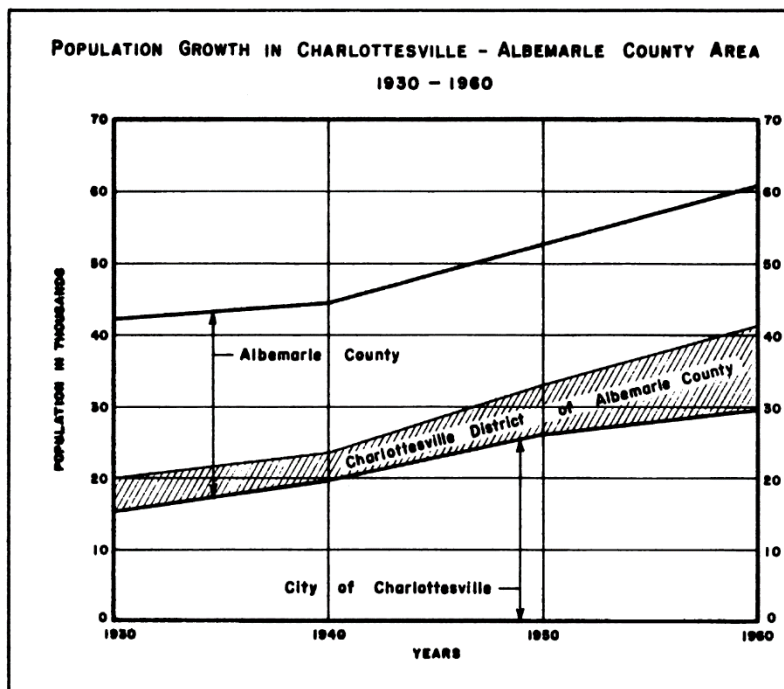


Figure 3. Population Growth in Charlottesville-Albemarle County Area 1930-1960 from VEPCO report.

growth.⁴² Between 1950 and 1960, the City of Charlottesville's population grew by 13%, within the suburban Charlottesville District, this figure was 65% (see Figure 3).

Because of their importance to Albemarle County's tax base and tax potential for Charlottesville, these suburban industries and neighborhoods were a significant battleground in the Charlottesville-Albemarle annexation. The Sperry Piedmont and United States Instrument plants alone comprised an estimated 0.6% of Albemarle County's total tax values.⁴³ Any attempt at annexation of these suburban industries would therefore be a direct hit to the

⁴² Ibid., 16-19.

⁴³ "Annexation Agreement Is Reached," *The Daily Progress* (Charlottesville, VA), July 28, 1961.

County's tax base, affecting not only residents within the annexed area but also County residents within rural districts, who benefitted from the tax revenues produced by suburban properties.

In his book "*Albemarle: Jefferson's County 1727-1976*", John Hammond Moore attributes the "heart of the matter" in annexation as the Barracks Road Shopping Center, which opened in 1957 as the area's first major suburban shopping center, with "acres of free parking" as an amenity to entice suburban shoppers.⁴⁴ Moore cites retail sales at Barracks Road as reportedly increasing as much as 14% between 1962-1966 while the downtown business district only saw increases at the scale of 3%, making Barracks Road a direct threat to the downtown district's vitality and an opportunity to recapture economic activity through an expansion of City limits.

⁴⁴ John Hammond Moore, *Albemarle, Jefferson's County, 1727-1976* (Charlottesville: Published for the Albemarle County Historical Society by the University Press of Virginia, 1976), <https://search.lib.virginia.edu/catalog/u380517>, 439.

2.1.4 A “Hell-For-Leather” Affair

Both localities began to prepare for the upcoming annexation battle in January 1960 after Charlottesville City Council passed a resolution to hire outside legal representation for their suit. On February 1, 1960, Charlottesville City Council adopted the initial annexation ordinance and sought to begin litigation soon after.

The original annexation ordinance included significant portions of County land surrounding Charlottesville (see Figure 4. Proposed Annexation Areas from February 1, 1960 Charlottesville City Council Ordinance). The ordinance cited reasons for annexation including a reasonable “need” for vacant land for the city’s future growth, rapid residential development and the need for “further industrial and commercial expansion”, the lack of zoning controls in Albemarle County which led to “an increasing development of mixed, incompatible land uses in the proposed annexation territory which if continued will work to the great detriment of the city and the residents of the area”, the need for “sound planning principles”, lack of adequate urban services including trash and garbage collection and fire and police protection (see appendix, Excerpt from City of Charlottesville February 1, 1960 Annexation Ordinance While the original ordinance asked for less than 1% of the County’s land area, the requested areas included 18.25% of its taxable property value.



Figure 4. Proposed Annexation Areas from February 1, 1960 Charlottesville City Council Ordinance.

The annexation was hotly contested, described in various sources as “unusually involved”⁴⁵, “a hell-for-leather affair which aroused considerable acrimony”, and “an issue which split the community no less than the integration fight but along different lines”.⁴⁶ Petitions opposing annexation collected over 2,500 individuals and businesses, and petitioners

⁴⁵ “Annexation Agreement Is Reached,” *The Daily Progress* (Charlottesville, VA), July 28, 1961.

⁴⁶ Moore, 437.

and opponents who neither lived in the annexation area nor operated businesses in the area were barred from the court proceedings by the annexation court. Although the annexation court issued a decree in December 1960,⁴⁷ appeals and continued negotiations delayed the final settlement until July 27, 1961, almost a year and a half after the original annexation ordinance was adopted.⁴⁸ Under the final settlement, the annexation was to become effective at midnight on December 31, 1962, with 4,223 County residents becoming City residents on January 1, 1963. The County was able to keep two of its largest employers and some subdivisions as the boundaries were changed, and it received some damages for debt incurred in its annexed areas. However, it lost significant portions of its land area, tax base, and population, and the battle highlighted the weaknesses of a rural county in its defenses against annexation.

2.1.5 Watershed Moment: The Decision to Urbanize

Rural and urban voters, taxpayers, and Board members maintained a strong desire for local control and governance. Charlottesville District Supervisor John W. Williams' home was included in the 1963 annexation, and he completed his final year as a Board member while a City resident. City actions were perceived as unwelcome intrusions into the County's affairs and unaccountable to residents. Whether out of a desire for self-determination, avoiding the challenges of urban governance that Charlottesville faced, fears of racial diversity, or for the

⁴⁷ "City Council Accepts Terms of Annexation," *The Daily Progress* (Charlottesville, VA), December 1, 1960.

⁴⁸ "Annexation Agreement Is Reached," *The Daily Progress* (Charlottesville, VA), July 28, 1961.

wishful ambition to maintain a rural-suburban “character”, County residents sought to resist annexation and becoming part of Charlottesville. Although the annexation battle was lost, Albemarle was still destined for future growth.

Yet, as growth loomed in the future, the Albemarle County Board of Supervisors began to recognize that urban services would be required to accommodate an expanding suburban population. Better yet, planned urban services would provide the County with an improved defense against annexation if it directly addressed the regulatory and service shortcomings cited in Charlottesville’s annexation ordinance and endorsed by the annexation court. Services would also support additional industrial growth to offset the revenues that would be lost through annexation⁴⁹.

By September 1961, the Albemarle County Planning Commission and Board of Supervisors had endorsed the study of land use planning and regulation within the County.⁵⁰ Voters within the suburban Charlottesville and Ivy districts began to demand zoning regulations, potentially to protect the values of their homes (in line with Fischel’s homevoter hypothesis) by excluding “undesirable” development or persons, or to support a planned form of development. Just before annexation of the Meadowbrook Heights/Rutledge area became effective, County officials issued a building permit for a 12-story apartment building within the

⁴⁹ Albemarle County Board of Supervisors Meeting Minutes, December 21, 1960.

⁵⁰ Albemarle County Board of Supervisors Meeting Minutes, September 21, 1961.

suburban neighborhood⁵¹, leading the Board of Supervisors to adopt a resolution stating that the Board was in “complete sympathy with the citizens... that are having their residential neighborhood blighted by undesirable construction”, reinforcing the relative importance of zoning and protection of suburban neighborhood norms to the Board.⁵² On the other hand, rural voters and districts outside of suburbanizing areas feared the encroachment of zoning regulation and government control of private property. A 1949 zoning proposal was never adopted due to backlash from property rights advocates, and the fear of regulation remained. While rural voters may have been opposed to the costs of regulation and urban services, they likely enjoyed the fruits of suburban tax revenues.

Seeking to address the water supply and fire protection as well as solid waste management deficits used as justifications for annexation, Albemarle would also soon turn its focuses to improving these services. Although watershed planning projects had begun as early as 1958 with planning for a Soil Conservation Service flood control dam project at Beaver Creek⁵³, the Board would soon look further to watershed planning for water supply creation to support its developed areas.

⁵¹ Upon annexation, Charlottesville issued a stop-work order and the apartment building on Brandywine was never built. The permit was likely speculative in nature.

⁵² Albemarle County Board of Supervisors Meeting Minutes, December 20, 1962.

⁵³ Albemarle County Board of Supervisors Meeting Minutes, June 18, 1958.

2.2 THE 1963 ZONING REFERENDUM

Albemarle faced an unprecedented challenge among urbanizing Virginia localities in that it was the only county in the state to require voter approval of a zoning ordinance. Following the failed 1949 zoning proposal, State Senator Edward O. McCue Jr. introduced a bill that effectively made Albemarle the only locality in Virginia to require approval of a zoning ordinance.⁵⁴ McCue was a conservative Democrat and noted Byrd loyalist who often feuded with the County Board of Supervisors.⁵⁵ The Byrd Organization derived much of its strength from Southside Virginia, though rural Piedmont counties such as Fauquier, Culpeper, and Albemarle were historically sympathetic to the Organization.⁵⁶ Organization policies skewed heavily fiscally and socially conservative with an emphasis on austere pay-as-you-go financing at the state level that starved urbanizing areas of financial power and segregationist policies such as Massive Resistance. The imposition of a roadblock to prevent zoning in Albemarle County was another such play to pander to the Organization's rural conservative base in Albemarle.

Beginning in 1960, shortly after the annexation ordinance was passed, the Albemarle County Planning Commission began work to prepare a land use map and zoning with some

⁵⁴ Chapter 432, 1950 Acts of Assembly. Sec. 15-274.1. "The board of county supervisors of any county which has adopted the county executive form of organization and government provided for in this article shall have the same powers as to zoning ordinances as is provided by general law subject, however, to the following conditions. No zoning ordinance adopted by such board shall be effective unless and until the same shall have been approved by the qualified voters of the county voting at an election called and held as hereinafter provided."

⁵⁵ Wilkinson, 289.

⁵⁶ *Ibid.*, 36.

state assistance and without the aid of a professional staff member.⁵⁷ The proposed ordinance, which was completed after annexation became effective in 1963, was a Euclidean zoning ordinance. Most of Albemarle County, including its rural areas, was to be zoned A-2 Agricultural Unrestricted/General, with minimal restrictions on use. Broad swaths of suburbanizing areas and areas with large estates were to be zoned A-1 Agricultural Limited, including the Route 250 corridor west of Charlottesville towards Ivy, the Greenwood and Batesville areas in the County's southwest corner, and the Southwest Mountains in northeastern Albemarle.⁵⁸ This designation was more restrictive, permitting generally only agricultural and residential uses. An even stricter A-1A Agricultural Restricted area required a minimum lot size of 3 acres and 50 foot setbacks from streets. Within Albemarle's suburbanizing areas, the proposed ordinance featured typical Euclidean residential zoning provisions.

The permissiveness of the A-2 Agricultural General district and the restrictiveness of the other districts, as well as their applications on the proposed zoning map, likely reflect the competing political priorities and concerns of an area that was suburbanizing yet rural. Rural voters largely opposed land use regulation due to a perceived infringement on property rights, leading to the almost totally unrestricted A-2 zone. Yet, suburban voters favored top-down control of uses.

⁵⁷ The Planning Commission's report to the Board of Supervisors at their 6/21/1962 meeting indicates that the Commission was to draft a comprehensive plan, but this was never adopted.

⁵⁸ A map of the proposed ordinance is included in the Board of Supervisors meeting minutes from August 22, 1963. However, the scan quality in the digitized ordinance was insufficient for publication.

In the weeks leading up to the referendum, debate continued regarding the appropriateness of such an ordinance, how it would be implemented, and its legal feasibility. Questions also remained about whether the ordinance would require referenda for routine amendments, since the enactment of the ordinance required voter approval. Days before the election, State Senator Edward O. McCue Jr. (author of the state code provision requiring referendum approval) announced that he would side against zoning. By refusing to amend the state law requiring a vote on regular amendments and signaling that he would refuse to amend the law even if zoning was adopted, McCue made regular amendments infeasible. He also appealed to fiscal conservatives by citing the cost of “zoning tyranny” experienced in urban Arlington County⁵⁹ and argued that the zoning ordinance was unconstitutional⁶⁰.

Despite McCue’s warning, groups such as the League of Women Voters and the County Committee of Seventy, as well as industrial plants, were pro-zoning advocates.⁶¹ On Election Day 1963, Albemarle voters decisively voted “no” to zoning. The referendum brought into light some of the same challenges that had doomed the 1949 zoning proposal. While the suburban Charlottesville and Ivy Districts reported support for zoning in 4 of 5 precincts and an overall ratio of almost 1.5 votes for zoning for every vote against, zoning was overwhelmingly defeated by rural voters and no precincts outside of the suburban districts showed a majority of voter

⁵⁹ “Zoning In Albemarle,” *The Daily Progress* (Charlottesville, VA), November 4, 1963.

⁶⁰ “McCue Says Albemarle Doesn’t Want Zoning Law,” *The Daily Progress* (Charlottesville, VA), November 2, 1963.

⁶¹ “County Group Is Working For Passage of Zoning Law,” *The Daily Progress* (Charlottesville, VA), November 1, 1963. “Plant Heads In Albemarle Back Zoning,” *The Daily Progress* (Charlottesville, VA), November 2, 1963.

support for zoning (see Figure 5. 1963 Zoning Referendum Results by Magisterial District Board members briefly considered the idea of seeking enabling authority to enact zoning by district, however, this effort did not advance.

The referendum also highlights rural concerns and property rights arguments, as well as the political challenges and imbalances that existed in Albemarle at the time. Representation varied widely across the districts. Per the 1960 Census, the suburban Ivy District's residents were overrepresented on the Board of Supervisors, while the Charlottesville District's residents were substantially underrepresented. The rural electorate was overrepresented on the Board of Supervisors and led to the overwhelming defeat of zoning in the referendum. Another factor that may have led to the demise of zoning was the loss of over 4,000 residents in the Charlottesville District from the County's voter rolls due to annexation, which may have made the representation imbalance less extreme but removed a significant pro-zoning voter group from the election.

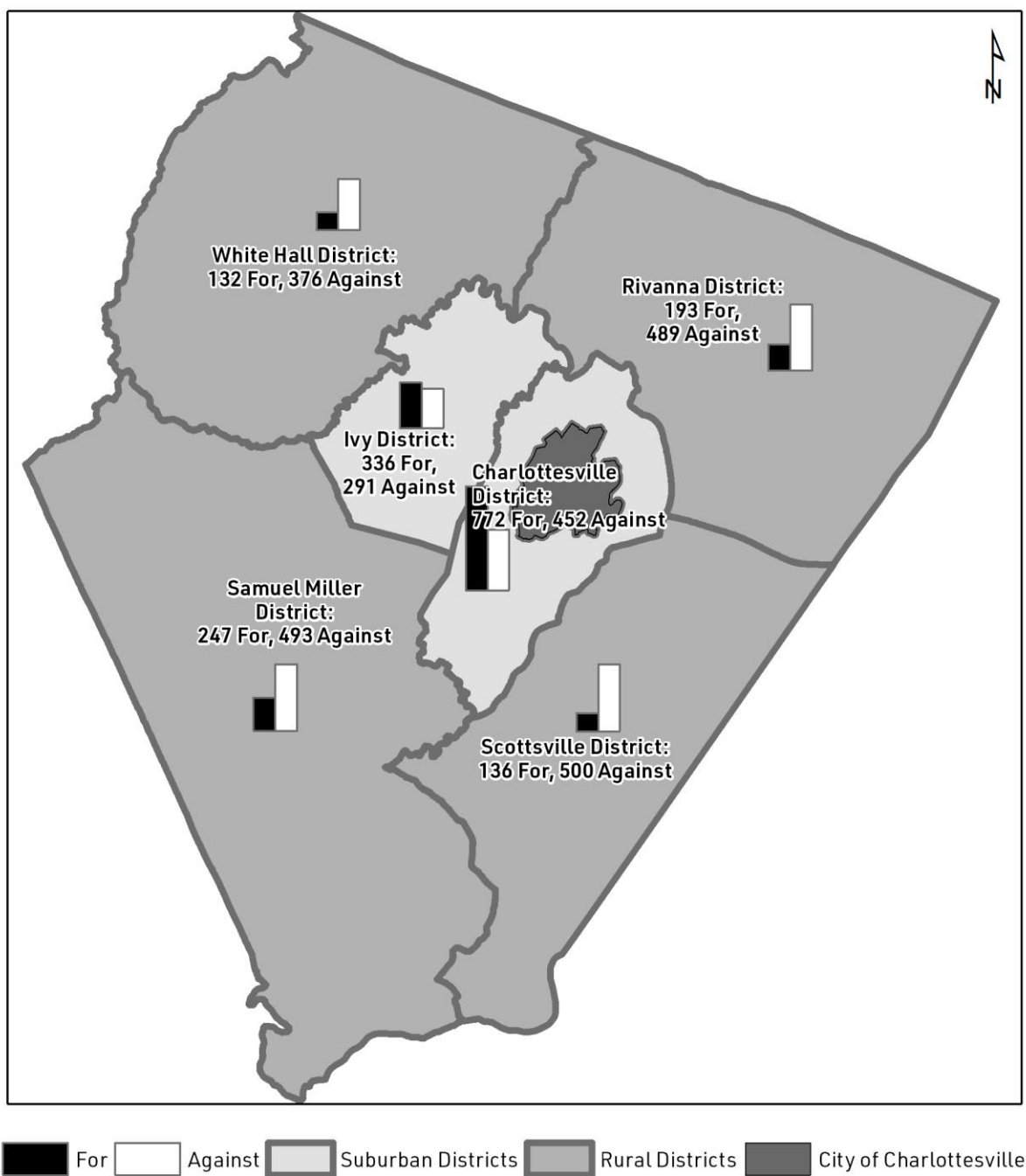


Figure 5. 1963 Zoning Referendum Results by Magisterial District

2.3 SCHOOL INTEGRATION

Following the *Brown v. Board of Education* decision in 1954, Albemarle would delay a school building program until segregation was settled⁶². However, at the same time the zoning referendum was pending, County schools were preparing to desegregate in fall 1963.

Albemarle County was a hotbed for segregationist thought leadership. School Board Chair E.J. Oglesby, a professor of mathematics at the University of Virginia and a member of the Albemarle County School Board since 1946, was an ardent segregationist and a prominent leader of a state segregationist group called the “Defenders of State Sovereignty and Individual Liberties”.⁶³ He presided over a mass meeting of the Defenders at Charlottesville’s Lane High School (now the Albemarle County Office Building) on July 23, 1956 that was attended by 1,200 persons.⁶⁴ In 1963, he was also chairman of the Virginia State Pupil Placement Board.

Leon Dure, a moderate segregationist who espoused a “freedom of choice” and “freedom of association” school of thought that included tuition grants and a private school system operated with public funds, served on the Albemarle County Planning Commission until 1963.⁶⁵ Dure’s freedom of choice plan gained traction at the state level and was a central

⁶² Dallas R. Crowe, “Desegregation of Charlottesville, Virginia Public Schools, 1954-1969: A Case Study” (Charlottesville, VA, University of Virginia, Curry School of Education, PHD (Doctor of Philosophy), 1971, 1971), <https://search.lib.virginia.edu/catalog/rf55z7799>, 31.

⁶³ “Albemarle Supervisors Fire School Board,” *The Daily Progress* (Charlottesville, VA), July 6, 1963.

⁶⁴ Thomas Hanna, “‘Shut It Down, Open It Up’: A History of the New Left at the University Of Virginia, Charlottesville,” *Theses and Dissertations*, January 1, 2007, <https://doi.org/10.25772/TZTP-WN23>, p. 24.

⁶⁵ Crowe, 86-87.

feature of the 1959 Perrow Commission report, which included tuition grants that would support private segregation academies, as well as pupil placement laws.⁶⁶

In 1957, the Sydnor Commission drew a link between educational opportunity and economic growth, arguing that the “political and constitutional crises” of school integration and Massive Resistance would lessen opportunity to “bring sound, substantial businesses” to communities.⁶⁷ Although Albemarle avoided the school closures that occurred in Charlottesville, its School Board remained opposed to integration. Through at least 1958, it proceeded with plans to build new segregated schools and consolidate rural schoolhouses, constructing Virginia L. Murray Elementary School near Ivy, Benjamin F. Yancey Elementary School in Esmont, and Rose Hill Elementary School in Charlottesville to serve the County’s Black students. This school construction program reinforced Albemarle’s commitment to segregation and a “separate but equal” approach.

In July 1962, the Board of Supervisors and School Board entered into an informal agreement where school activities such as dances, parties, clubs, band, and athletics would be eliminated.^{68 69} Seeking to discourage integration, the Board of Supervisors stated that “such

⁶⁶ Adolph H. Grundman, “Public School Desegregation in Virginia from 1954 to the Present” (Dissertation, Detroit, Michigan, Wayne State University, 1972), Wayne State University Dissertations, 249-252. Pamela Jane Rasche and Paul M. (advisor) Gaston, “Leon Dure and the ‘Freedom of Association’” (Charlottesville, VA, University of Virginia, Corcoran Department of History, MA (Master of Arts), 1977, 1977), <https://doi.org/10.18130/V36H4CP9Q>, 19.

⁶⁷ James H. Hershman Jr., “Public School Bonds and Virginia’s Massive Resistance,” *The Journal of Negro Education* 52, no. 4 (1983): 398–409, <https://doi.org/10.2307/2294947>, 277

⁶⁸ Albemarle County Board of Supervisors Meeting Minutes, June 20, 1963.

⁶⁹ Albemarle County School Board Meeting Minutes, July 12, 1962.

action was deterrent and would tend to discourage the application of colored children to the white schools”⁷⁰.

However, by June 1963 the Board of Supervisors favored continuing athletics and some other activities while continuing to eliminate social events such as dances and parties, and a conflict began brewing between the two bodies. The Board of Supervisors passed a resolution requesting that the School Board consider amending their policy, and Planning Commission member Nancy Liady of Bellair is noted in the meeting minutes as supporting the School Board. On July 6, 1963, the Board of Supervisors fired the Albemarle County School Board, including Rivanna district representative and Chair E.J. Oglesby, Samuel Miller district representative Anna Yancey, Scottsville district representative Forrest E. Paulett, and Ivy district representative Harry L. Garth. Only Walter B. Salley from the Charlottesville district and Thomas H. Jenkins from the White Hall district would be reappointed. Integration proceeded as planned in September 1963 when 26 Black students integrated Albemarle High School, Stone-Robinson Elementary School, and Greenwood School.

While the extent to which segregationist thought in public schooling may have impacted public attitudes towards segregation through land use is unclear, segregationist sympathies are apparent in various members of the County Planning Commission and School Board. Forrest E. Paulett, one of the School Board members dismissed in July 1963, would begin a successful

⁷⁰ Albemarle County Board of Supervisors Meeting Minutes, June 20, 1963.

campaign shortly after for the Scottsville District seat on the Board of Supervisors and serve as chair of the Board of Supervisors in 1964. However, 1963 would ultimately see losses for both advocates of segregated public schools and zoning.

2.4 THE POLITICS OF INFRASTRUCTURE

Beyond methods of inclusion – and exclusion – through land use and school zoning, Albemarle began to look towards major infrastructure projects to influence growth and development.

2.4.1 Interstate 64

As the Federal-Aid Highway Act of 1956 made federal funds available for the planning and construction of the Interstate Highway System, state and local leaders grappled with the impacts of new highway construction. Interstate 64 was proposed to provide an east-west connection from Richmond to Clifton Forge, generally paralleling Route 250 in Albemarle County.⁷¹

At the local level, the alignment of the interstate had the potential to impact existing neighborhoods and residents while also serving as a magnet for future development and

⁷¹ The debate whether Interstate 64 would follow a “north line” through Charlottesville and a “south line” through Lynchburg was largely separate from the local political discussion of the exact route through Albemarle County. The decision to follow the “north line” made Lynchburg the largest city in Virginia not served by an interstate highway. Route 29’s elevated importance as a through corridor connecting Lynchburg would be highlighted in later state-level political battles for the defunct Western Bypass, which was proposed to run through northern Albemarle County near the South Fork Rivanna Reservoir.

economic growth. Construction of the highway would clear land and buildings and displace residents within wide ribbons, often through lower-income and minority neighborhoods.

The exact route of Interstate 64 through Albemarle County was subject to some debate, though it mostly focused on a northern route and a southern alternative (see Figure 6 and Figure 7). A northern route (later called “Line B”) was shown in a December 1958 study, crossing through Crozet and passing north of Charlottesville before returning to parallel Route 250 near Shadwell.⁷² The southern route (“Line C”) mostly paralleled Route 250 south of Crozet and Charlottesville.

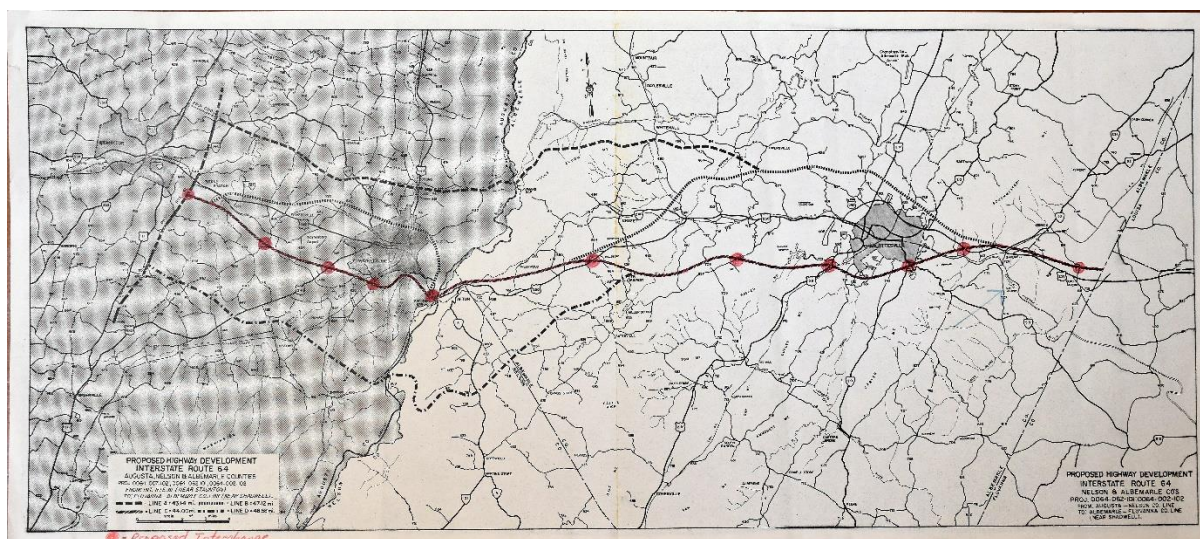


Figure 6. Alternate Routes for Interstate 64.

⁷² Virginia. Department of Highways, *Comparative Study, Alternate Routes: Interstate Route 64, Richmond-Clifton Forge* (Richmond: [Richmond] 1958 [i.e. 1959], 1958), <https://search.lib.virginia.edu/catalog/u2522130>. *Proposed Highway Development: Interstate Route 64 : Augusta, Nelson & Albemarle Counties* ([Virginia? s.n, 1964), <https://search.lib.virginia.edu/catalog/u3889008>.

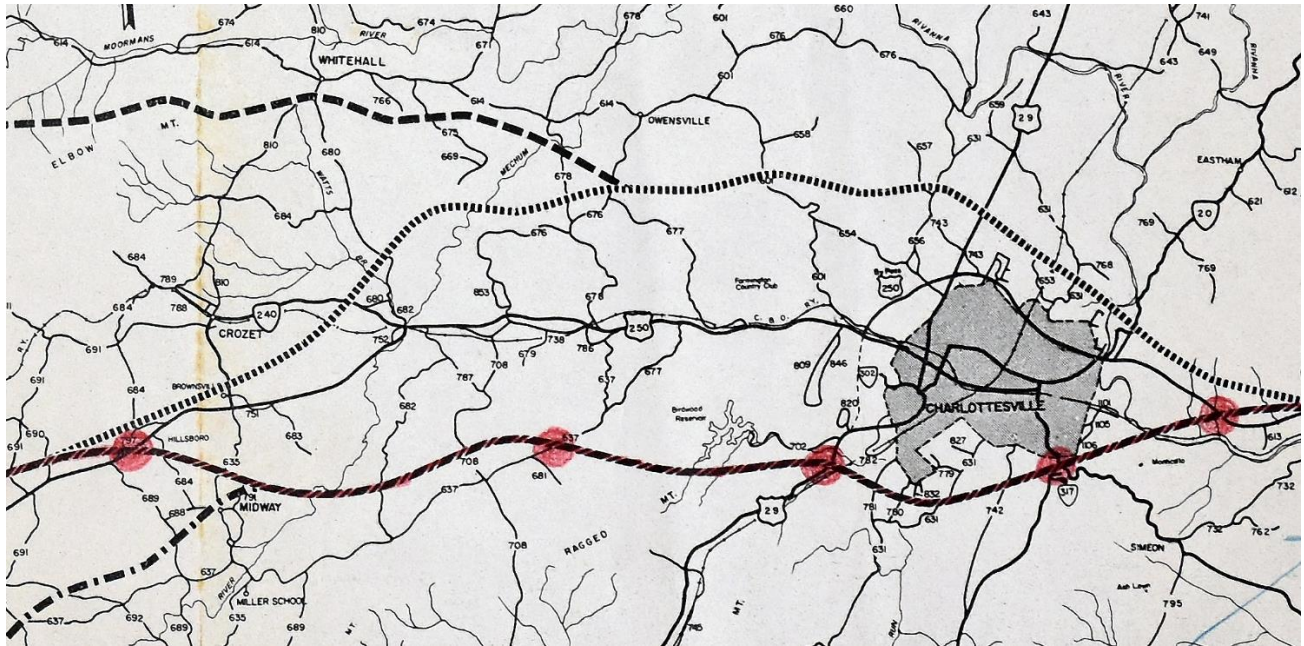


Figure 7. Detail of Alternate Routes for Interstate 64.

The northern route was supported by some industrial interests in the Crozet area and the counties to the north, though rural residents near White Hall and suburban residents north of Charlottesville largely opposed this alignment. A group calling itself the Albemarle Community Association was “formed to resist the location of U.S. Route 64 through any part of Albemarle County”, though they advocated for route South of the City in best “overall interest of the community economically and aesthetically”.⁷³

⁷³ Albemarle County Board of Supervisors Meeting Minutes, October 19, 1961. “Board Hears Protests on Road Location,” *The Daily Progress* (Charlottesville, VA), October 19, 1961. Members of this group listed in the Daily Progress article include Bernard Chamberlain and Bedford Moore, who were later listed as members of the group Citizens for Albemarle.

In the end, the Board of Supervisors approved the alignment of “Line C”, citing lower damages than the alternative routes (specifically a lack of “detrimental economic effect on the rapidly developing areas of Albemarle to the north of U.S. Route 250 and west of Route 29”) and economic benefit from a southern route, particularly the ability “to spur development in an area of the County which heretofore has not developed with the intensity of the areas north and west of Charlottesville”. While the southern route was selected to primarily benefit the suburbanizing areas to the north and west of Charlottesville, this selection may have also indirectly prevented the routing of the highway through a number of historically Black rural communities. Though the routing diagram was conceptual, a northern route may have passed through communities near Hillsboro, Mechum’s River, Lambs Road, and Free State, though the Newtown community near Rockfish Gap was ultimately divided by highway construction.

2.4.2 The Albemarle County Service Authority

As Albemarle braced for continued growth, it began to plan for water and sewer service. Besides being a potential defense against annexation, the demand for planned and expanded water service was driven by a history of water supply issues in the Crozet area, a growing suburban population, and expectations for future growth and development. A May 17, 1962 report to the Board of Supervisors indicates that water service was intended to support continued growth and development, as well as that the “magnitude of the development will be

predicated on the services available”.⁷⁴ Besides serving existing populations, Albemarle could incentivize development in certain areas through the provision of water lines.

Water and sewer services were typically expected to be provided in urban areas by cities and towns, not by counties. Earlier state law permitted the establishment of “sanitary districts” within counties, which acted as special tax districts that would be used to fund improvements such as water, sewer, and street lighting. Albemarle had previously established sanitary districts in the Fry’s Spring, Woolen Mills, and Crozet areas to provide service to these denser areas, however, there was not a plan to provide service to other growing suburban areas. Some early subdivisions relied on private central water supply and well systems, which ran risks of poor management and groundwater depletion. On March 5, 1964, the Board of Supervisors discussed a report recommending the creation of a County water authority, water and sewer facilities in Scottsville, and acquisition of private water and sewer systems in the Route 29 north corridor. Shortly after, on April 16, 1964, the Board created the Albemarle County Service Authority and began work towards these goals.

At the same time, the City of Charlottesville was planning to construct a new water supply reservoir on the South Fork of the Rivanna River just north and west of Albemarle’s growing suburban corridor on Route 29. By 1963, Charlottesville had approved a bond issue and secured funding to construct this reservoir. The duplication of efforts and management of the

⁷⁴ Albemarle County Board of Supervisors Meeting Minutes, May 17, 1962.

South Fork Rivanna watershed would prove to be recurring themes as they dueled for the upper hand in an annexation battle.

The lack of coordination between the two political entities had shown impacts as early as February 1965, as the State Water Control Board approached County officials regarding the “growing need for sewerage facilities in Crozet”, which was within the South Fork Rivanna watershed.⁷⁵ By that July, early issues with the water quality of the Rivanna Reservoir had been identified and the State Water Control Board held hearings to discuss the future of land use in the area. Crozet-area industries were identified as major contributors to water quality issues, and the potential for future growth. A resolution passed by the Board of Supervisors cited that approximately 30% of the County’s population lived within the watershed area, with 50% of the population expected to be residing in that area in the near future, including the major portion of its expected growth over the next 5-10 years.⁷⁶

Albemarle’s search for water supply prospects for its urban users as well as an annexation defense was assisted early on by the availability of federal funds for soil conservation and flood control projects. The most prominent federal funding program, the Watershed Protection and Flood Protection Act of 1954 (P.L. 566) allowed for the creation of new impoundments. The Beaver Creek Reservoir in western Albemarle was initiated in the early 1960s and financed under P.L. 566, and was intended to serve as a supplemental water supply

⁷⁵ Albemarle County Board of Supervisors Meeting Minutes, February 18, 1965.

⁷⁶ Albemarle County Board of Supervisors Meeting Minutes, July 15, 1965.

for the Crozet and Ivy areas.⁷⁷ Throughout 1965, the County undertook an aggressive watershed planning program, authorizing feasibility studies of the Preddy Creek watershed in northeastern Albemarle⁷⁸, the Ivy Creek watershed⁷⁹, identifying lake sites in the Earlysville-Proffit area and a potential dam on the North Fork of the Rivanna River⁸⁰, and a new water supply in the Scottsville area at Totier Creek.⁸¹

This energy around watershed and utility planning would continue into 1966. In March, the Board applied for federal funds for a dam project near Earlysville (now Chris Greene Lake) and a comprehensive water and sewer facility plan.⁸² This early study by the U.S. Soil Conservation Service would ultimately identify six potential impoundments on the basis of potential for flood prevention, water supply, and recreation: Totier Creek, Stockton Creek, Buck Island Creek, Buck Mountain Creek, Ivy Creek, and Preddy Creek (see Figure 8).⁸³

⁷⁷ Virginia Electric and Power Company, 46.

⁷⁸ Albemarle County Board of Supervisors Meeting Minutes, March 18, 1965.

⁷⁹ Albemarle County Board of Supervisors Meeting Minutes, July 15, 1965.

⁸⁰ Albemarle County Board of Supervisors Meeting Minutes, September 16, 1965.

⁸¹ Albemarle County Board of Supervisors Meeting Minutes, October 21, 1965.

⁸² Albemarle County Board of Supervisors Meeting Minutes, March 17, 1966.

⁸³ Albemarle County Board of Supervisors Meeting Minutes, October 20, 1966.

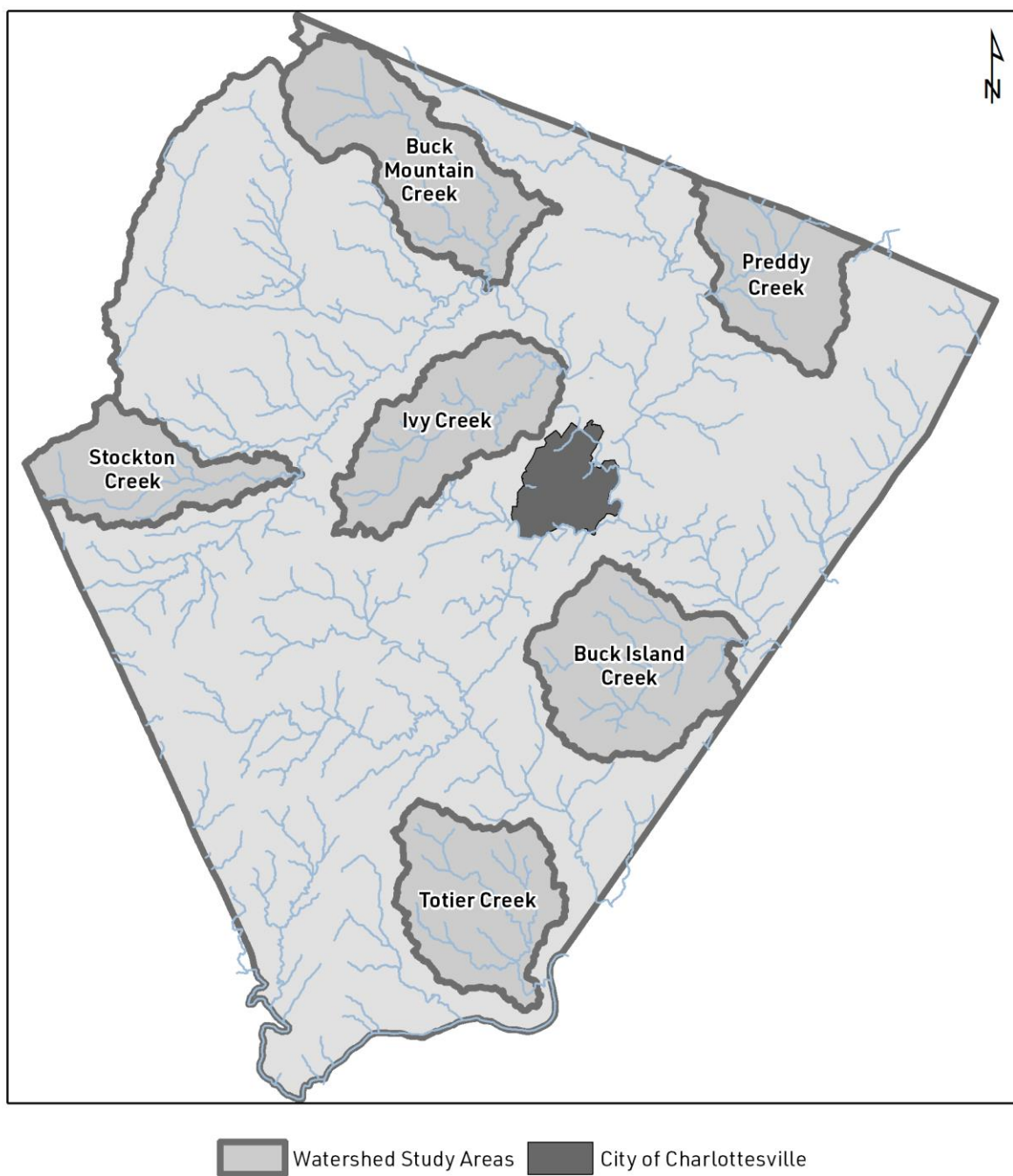


Figure 8. 1966 Soil Conservation Service Study Areas

While several water supply projects had been initiated, challenges with sewer provision still remained and the Water Quality Act of 1965 strengthened states' roles in enforcing water quality. A lack of sewage treatment in the Crozet area continued to represent a major water quality issue, though Albemarle sought Farmers Home Administration funds in March 1967⁸⁴. Water quality in the James River basin was the subject of an April 1967 special meeting regarding another State Water Control Board public hearing.⁸⁵

2.5 EXIT THE COURTHOUSE CLIQUE, ENTER THE COCKTAIL FARMERS

By 1966, the influence of the Byrd political machine in Virginia politics was waning. Longtime U.S. Senator Harry F. Byrd retired on November 11, 1965 after more than 32 years in the Senate and died less than a year later on October 20, 1966. The conservatism of southern Democrats had alienated significant portions of Virginia's increasingly urban electorate through Massive Resistance and stingy pay-as-you-go fiscal policies. The rise of the Republican Party as an actual political contender in Virginia and the upset of incumbent Byrd loyalist Senator A. Willis Robertson by William B. Spong Jr. in the 1966 heralded the beginning of the end of the conservative Democratic domination that had characterized Virginia politics.

Although historically rural Albemarle had been a reliable rural area for the Byrd machine, its local ties were aging. Longtime State Senator and Byrd loyalist Edward O. McCue

⁸⁴ Albemarle County Board of Supervisors Meeting Minutes, March 16, 1967.

⁸⁵ Albemarle County Board of Supervisors Meeting Minutes, April 12, 1967.

Jr. was replaced by J. Harry Michael Jr. beginning in 1968. The loosening of the rural machine's grip on state politics supported the enactment of increasingly urban-oriented policies at the state level, which would benefit not just communities within Virginia's urban crescent but also growing metropolitan areas like Charlottesville and Albemarle.

While the Byrd machine's fall was largely due to a growing urban presence, Albemarle's own population had been shifting in its composition during the preceding years. The University of Virginia was growing, with an increasingly educated population moving into the County. Increasing suburbanization without planning and zoning policy had led to development activity and population growth in formerly rural areas, with large lots and rural aesthetics becoming a significant selling point for homebuyers and new residents.

A new type of rural voter began to emerge during this period. A 1963 economic study highlights Albemarle's attractiveness to the gentleman farmer and wealthy retired individuals operating "estate" type farms, citing statistics about farm number, size, and value to make this point.⁸⁶ In his 1969 study "Virginia In Our Century", geographer Jean Gottmann of "Megalopolis" fame identifies the abundance of large (500+ acre) farms in Albemarle (where Charlottesville is "a center of elegant living") as part of a "suburban estate" in the northern Piedmont region.⁸⁷ Gottmann's conception of such "new versions of the plantation" in this

⁸⁶ Virginia Electric and Power Company, 33.

⁸⁷ Jean Gottmann, *Virginia in Our Century*, New printing with supplementary chapter. (Charlottesville,: University Press of Virginia, 1969). 367-369.

region stretches from Washington to Charlottesville, with fox hunting, elegant living, pastures, and beef cattle. In his description, Gottmann repeats a nickname for this practice as “station-wagon farming”.⁸⁸ Years later, County Executive Thomas M. Batchelor, Jr. would state that Albemarle County was attracting this socioeconomic group in increasing numbers, comprising those “who have made their place in life and now want to enjoy the amenities of the rural countryside”. He would also rephrase this nickname slightly differently – the cocktail farmer.⁸⁹

2.6 WATERSHED MOMENT: THE 1967 ELECTION

As the state of Virginia politics was changing, the 1967 Board of Supervisors election would prove to be a similar changing of the guard and a shift in growth priorities in Albemarle County. Shortly before the election in September 1967, the office of the Attorney General issued an opinion that the 1950 “McCue Law” imposing the zoning referendum requirement exclusively for Albemarle would no longer apply⁹⁰, and new state Senator J. Harry Michael appears to have later assisted in removing this law from the state code.⁹¹ With the assistance of planning consultant Rosser Payne, the Albemarle County Planning Commission prepared a zoning ordinance and land use plan for near-term presentation. This ordinance was submitted

⁸⁸ Jean Gottmann, *Virginia in Our Century*, New printing with supplementary chapter. (Charlottesville,: University Press of Virginia, 1969), 368-369.

⁸⁹ Batchelor, Thomas M. Jr., “Albemarle County / Measuring the Cost of Growth,” *Public Management* 56 (1974): 30–31, 31.

⁹⁰ Albemarle County Board of Supervisors Meeting Minutes, September 21, 1967.

⁹¹ Albemarle County Board of Supervisors Meeting Minutes, April 18, 1968.

to the Board of Supervisors and presented at the last meeting of the term on December 21, 1967.⁹²

Receiving the proposed ordinance, outgoing Ivy District Supervisor George Palmer, an advocate of zoning and a suburban representative, prepared a statement indicating that both incoming Supervisors from the suburban Charlottesville and Ivy districts supported zoning, as well as returning supervisors Edgar N. Garnett (White Hall) and R.A. Yancey (Samuel Miller). While outgoing supervisors Robert Thraves (Rivanna) and Forrest E. Paulett (Scottsville) held “mixed emotions” or opposed zoning, the public hearing for the ordinance was postponed until after the new board would be seated. At the same meeting, funds were appropriated to create a professional planning department.

Four new faces would join the Albemarle County Board of Supervisors on January 1, 1968. Businessman Lloyd F. Wood would represent the Charlottesville District, lawyer and professor Joseph E. Gibson would represent the Ivy District, educator Peter T. Way would represent the Scottsville District, and realtor Gordon L. Wheeler, would represent the Rivanna District. The new Board would be on average 13 years younger than the old Board, with new ties to business and real estate interests. With a draft zoning ordinance prepared and a planning staff hired, a new era was about to begin in Albemarle.

⁹² Albemarle County Board of Supervisors Meeting Minutes, December 21, 1967.

3 1968-1975: THE GROWTH MACHINE IN ALBEMARLE

3.1 PLANNING & ZONING BEGINS

With the referendum obstacle effectively removed and a professional planner joining the County staff, the new Board almost immediately moved to enact zoning regulations in Albemarle County and request that the referendum requirement be stricken from the Code of Virginia.⁹³ A public hearing was scheduled for February 15, 1968. During the public comment period, speakers supporting the ordinance included representatives from the Chamber of Commerce, Civic League of Charlottesville and Albemarle County, the League of Women Voters, and real estate developers. Two voices against zoning included University of Virginia professor F.A. Iachetta, who presented a petition against the zoning ordinance “on the grounds that it does not provide for the preservation of the current character of Albemarle County”, and that “residential areas should require lots of a larger area than proposed”, and a Robert Merckel who cited the amount of business and commercial property on Route 29 and 250.⁹⁴ Another group, the Citizens Association of Albemarle County, appears to have opposed the ordinance and would later question its effective date.⁹⁵ After another public hearing, Albemarle County adopted zoning on March 15, 1968.⁹⁶ However, the zoning ordinance and map were prepared

⁹³ Albemarle County Board of Supervisors Meeting Minutes, January 18, 1968.

⁹⁴ Albemarle County Board of Supervisors Meeting Minutes, February 15, 1968.

⁹⁵ Albemarle County Board of Supervisors Meeting Minutes, March 15, 1968 and April 18, 1968.

⁹⁶ Due to questions about procedure due to the McCue Law, the ordinance was re-adopted on December 22, 1969. Acts 1968, c. 652. Acts 1970, c. 216. Albemarle County Board of Supervisors Meeting Minutes, December 3, 1969.

without a comprehensive plan to guide development decisions. A later newspaper article would state that *“When zoning was first introduced into the county, land owners basically asked for and received what ever type of zoning they wanted on their land. Because of this, strip zoning along major highways in the county exists today and random patches of commercial, industrial, and high density residential zoning dot the county.”*⁹⁷

With a full-time planning staff and zoning in place, Albemarle was now eligible for federal funds available through the State Department of Planning⁹⁸ and submitted an application for Section 701 planning funds in early 1968.⁹⁹ Rosser Payne and Associates of Warrenton, the County’s on-call planning consultant, was hired to prepare the plan. The plan presented in 1971 included population projections showing nearly 190,000 people in Albemarle County by 2000, an increase of over 140,000 from 1970 (at what the plan considered a “low” rate of growth)¹⁰⁰. The Comprehensive Plan was designed to accommodate massive population growth and a total population of 185,000 in 2000, with a “community-village cluster” concept which attempted to concentrate this future population growth into clustered areas served by public facilities (see Figure 9). This included a population of 41,000 in the urban area

⁹⁷ “Cluster Concept Fights Urban Sprawl Around City,” *The Daily Progress* (Charlottesville, VA), January 12, 1975.

⁹⁸ Albemarle County Planning Commission Meeting Minutes, May 1, 1967.

⁹⁹ Albemarle County Board of Supervisors Meeting Minutes, February 18, 1968.

¹⁰⁰ Rosser H Payne and Associates, *A Comprehensive Plan for the County of Albemarle, Virginia*, (Charlottesville, 1971), <https://hdl.handle.net/2027/uva.x000267080>, 48-50.

Creating this pattern of development and supporting it with utilities would require a rapid pace of growth to be sustained and significant public investment. The plan proposed a total of four new water impoundment sites (North Fork Rivanna, Preddy Creek, Mechum's River, Buck Island Creek), four wastewater treatment plants and interceptor sewer line connecting Crozet and Ivy to the urban area, and 41 new schools.

Later criticism of the Comprehensive Plan would revolve around the efficacy of the cluster concept and the accuracy of the population projections. The cluster concept and the dispersion of the future population into areas outside of the urban ring was charged as an "obvious attempt to meet the threat of annexation"¹⁰¹. The population figures and scale of development may have been inflated to provide a justification for expanded service provision and urbanization in order to provide a defense against annexation. During adoption of the plan on September 16, 1971, the Board included the following statement:

"The Albemarle County Board of Supervisors and the Albemarle County Planning Commission, in the adoption of this Comprehensive Plan hereby indicate their intention to use the "Comprehensive Plan" for Albemarle County as a guide only, and they hereby go on record as favoring; at the present time, only those changes in the Zoning Map that would establish conservation and agricultural zones in conformity with the Comprehensive Plan, "Land Use Map" in areas zoned A-1 on the current Zoning Map.

¹⁰¹ "An annotated chronology of events related to land use in Albemarle Co." in Opal David Papers, Accession #10971, Albert and Shirley Small Special Collections Library, University of Virginia, Charlottesville, Va.

*Further, that those portions of the County currently zoned other than A-1 and those areas designated as “Village Communities” and “Urban Areas” on the “Land Use Map” will not be considered for rezoning as a necessary consequence of adoption of the “Comprehensive Plan”, but may be considered later by following the procedure indicated by State Law and which is indicated in Article 14 on the County Zoning Ordinance”.*¹⁰²

Whether this statement was to provide a defense for the Board’s loose interpretation of the plan or to assuage suspicious residents of fears of sweeping change, it is debatable how closely the Board of Supervisors planned to follow the recommendations for the urbanizing areas.

3.2 EMBRACING GROWTH

The existence of a zoning ordinance now brought major development decisions under public scrutiny. While most subdivisions and new developments would be approved by the appointed Planning Commission, rezonings and special use permits would draw increased attention, particularly where an increase in development potential was requested. Yet, the feeling of the time was that a “pro-growth” mindset dominated County officials and decision-making.

¹⁰² Albemarle County Board of Supervisors Meeting Minutes, September 16, 1971.

Several major proposals and land developers became lightning rods for community suspicions about growth. A 1970 proposal by General Electric to locate a new manufacturing facility at the rural Interstate 64 / Rt. 637 interchange was approved by the Board of Supervisors over opposition from Ivy-area residents¹⁰³, though the facility was never built. The proposed plant would have required the extension of miles of water and sewer lines. A Planned Community zoning designation in the Zoning Ordinance also permitted large-scale residential developments, spurring fears about the traffic, school, and utility impacts that would result from the new residents, as well as the motives behind growth. During public hearings for Dr. Charles Hurt's Hollymead development 1972, future supervisor Dr. F.A. Iachetta would imply that County Executive Thomas M. Batchelor, Jr. was behind the Hollymead development.¹⁰⁴

Yet, there was no comprehensive plan in place for the early period of zoning in Albemarle County to guide decision-making, and a relatively permissive environment for growth and land use persisted. In a 1979 opinion piece, later Supervisor Opal David would provide the perspective:

"In Albermarle [sic] County, a zoning ordinance was adopted by the Board of Supervisors in 1968 – against the advice of their paid consultant, Rosser Payne, who advised waiting until the land-use study for which he had been hired and the resulting comprehensive plan could be completed. How right he was! With no plan to guide them,

¹⁰³ Albemarle County Board of Supervisors Meeting Minutes, October 15, 1970.

¹⁰⁴ Albemarle County Board of Supervisors Meeting Minutes, March 8, 1972.

the supervisors tended to approve whatever zoning land owners asked for, if it fell into a reasonably logical pattern or did not result in spot zoning.”¹⁰⁵

3.3 SERVICING GROWTH

The rapid pace of growth and the expansive physical footprint that was anticipated by the 1971 comprehensive plan created substantial demands and substantial challenges for County service provision. Although the County had taken steps to consolidate private water systems in the urban area¹⁰⁶ and construct new water facilities as early as 1968, the expansion of service was not without controversy. The adoption of a North Rivanna water facilities plan recommending construction of a water treatment plant in December 1968 drew criticism from a Mr. William Colony and Dr. F.A. Iachetta as seeming to be “completely void of planning for a County as a whole or even for the Rivanna River Basin” and “as an insult to his common sense”.¹⁰⁷

Early plans indicated that the Albemarle County Service Authority’s service areas were to gradually expand north towards Earlysville, east across the Rivanna River towards the Key West area, and as far west as the Ivy area to serve 30,000 persons.¹⁰⁸ Soon after adoption of the comprehensive plan in 1971, efforts were underway to finance and construct a water

¹⁰⁵ “Albemarle Should Not Let Zoning Revision End in Stalemate,” *The Daily Progress* (Charlottesville, VA), January 11, 1979.

¹⁰⁶ Albemarle County Board of Supervisors Meeting Minutes, July 9, 1968.

¹⁰⁷ Albemarle County Board of Supervisors Meeting Minutes, December 19, 1968.

¹⁰⁸ Albemarle County Planning Commission Meeting Minutes, December 16, 1968.

transmission line to the Ivy area and an advanced wastewater treatment plan to serve the northern suburban areas using funds from the Farmers Home Administration.¹⁰⁹ The public hearing for the Ivy service area in early 1972 would include questions about who bears the cost for growth, opposition to growth in the Ivy area but the desire to serve existing developments with apparent water supply issues, and whether joint City-County operation of utility infrastructure would be more effective.¹¹⁰ A notable comment from former Ivy District supervisor Joseph Gibson “urged citizens to support the Board in its efforts to provide adequate water, not only for the good of the County but as a means of combatting annexation.”¹¹¹

Financing and timing challenges often meant that water and sewer provision followed growth. New growth also led to concerns with groundwater availability in rural areas, as the proliferation of new subdivisions in rural areas placed pressure on groundwater supplies and periods of drought created water shortages for private community water systems that were not served by County utilities. The Board would intermittently grapple with questions of adequate water flow with approvals of private well systems. A lack of sewer facilities also meant that wastewater treatment plants often hovered near capacity and developers would be faced with

¹⁰⁹ Albemarle County Board of Supervisors Meeting Minutes, December 16, 1971.

¹¹⁰ Albemarle County Board of Supervisors Meeting Minutes, March 7, 1972.

¹¹¹ Ibid.

the need to provide interim private treatment plants or face connection moratoriums until new public facilities were operating.¹¹²

3.4 COOPERATION AND CONFLICT

3.4.1 The Merger: 1970 Charlottesville-Albemarle Consolidation Referendum

After Charlottesville's smaller annexation of Albemarle's suburban neighborhoods in 1968, advocates for City-County cooperation on the Chamber of Commerce formed a committee to explore the merger of Charlottesville and Albemarle into a singular governmental unit, following the lead of major consolidations of cities and counties in Virginia's Tidewater region in the early 1960s. The Board of Supervisors explored this beginning in April 1968 by endorsing the Chamber's project and discussing the creation of a County committee.¹¹³

Working through joint committees in private negotiations, City councilors and County board members created twelve committee reports published as "Citizen Study Packets" with initial recommendations for how such a merger could operate. A consolidation agreement was prepared and a revised Charlottesville city charter approved by the Virginia General Assembly¹¹⁴ to become valid if the consolidation was approved.

¹¹² "Sewer Hookups Stymie Authority," *The Daily Progress* (Charlottesville, VA), February 15, 1974. "Moores Creek Sewage Connections Suspended," *The Daily Progress* (Charlottesville, VA), March 19, 1976.

¹¹³ Albemarle County Board of Supervisors Meeting Minutes, April 18, 1968.

¹¹⁴ Acts of Assembly 1970, c.84.

The final step towards merger was a voter referendum. Though a Republican-majority Charlottesville City Council unanimously supported the merger, County residents were more hostile to the idea. John Hammond Moore describes the perspective that consolidation was “nothing less than ‘massive’ annexation”,¹¹⁵ and that prospective efficiencies held little sway on voters. Moore also mentions fears of high taxes and “a school system manipulated by city educators”¹¹⁶, likely playing on the County’s fiscal conservatism and what is potentially an allusion to the racial diversity of Charlottesville’s urban schools.

This fiscal conservatism also aligned with fears of growth and the growth machine, a coalition of interests including land developers and pro-growth county officials. Moore cites the concern of “most” county residents that:

“several well-established land developers, with the acquiescence and perhaps even the cooperation of Albemarle’s officialdom, were embarking upon planned, forced urbanization. Property owners, especially those with a small farm or a home and a few acres of land, were alarmed that they would be taxed heavily to support schools, water systems, and sewerage facilities for an urban complex not unlike that found in Virginia counties near Washington.”¹¹⁷

¹¹⁵ Moore, 437.

¹¹⁶ Ibid., 438.

¹¹⁷ Ibid.

On March 3, 1970, the consolidation of Charlottesville and Albemarle was decisively defeated at the polls. In a 1992 master's thesis, former County supervisor C. Timothy Lindstrom attributes the public rejection of the proposal to public mistrust of the private, closed-door process.¹¹⁸

After merger talks broke down, the prospect of annexation quickly re-emerged. In early 1971 and 1972, Charlottesville City Council approved ordinances to institute annexation proceedings against Albemarle and bring 12.1 square miles of the County's urbanizing area into City jurisdiction.¹¹⁹ The Board of Supervisors opposed annexation and favored other means of cooperation and joint efforts, citing the cost of annexation proceedings and the damage to City-County relations due to the adversarial nature of annexation proceedings. The threat of annexation also impacted the early organization of regional planning efforts, as Charlottesville was unwilling to join the Thomas Jefferson Planning District Commission while annexation was pending.¹²⁰ The City arguably feared the influence and representation of the adjoining counties in regional planning issues as imposing an anti-urban bias against the City's interests. While the annexation attempts later failed due to procedural issues, tensions between the two localities were high.

¹¹⁸ Lindstrom, 15.

¹¹⁹ Charlottesville City Council Meeting Minutes, January 8, 1971 and February 3, 1972.

¹²⁰ Albemarle County Board of Supervisors Meeting Minutes, January 21, 1971, February 18, 1971, February 17, 1972.

3.4.2 The Shotgun Wedding: Water and Waste Struggles

While concerns about the health of the South Fork Rivanna Reservoir had been raised as early as 1965, the continued expansion of both City and County utilities and suburban growth within the South Fork Rivanna Reservoir's watershed continued to pose challenges. Although the Reservoir was constructed to service City residents and some water was sold to the County starting in 1969¹²¹, the systems existed in competition with each other for federal and state funds. Fish kills and taste and odor problems raised serious concerns about the management of the Rivanna River watershed.¹²² Though groups such as the League of Women Voters had advocated for coordinating planning and a joint service authority for years in order to save tax funds and better protect environmental features¹²³, cooperation likely faltered due to annexation tensions and the role that water and sewer systems could play in the County's defense.

In June 1971, the State Water Control Board mandated a coordinated watershed planning effort between Charlottesville and Albemarle, including the merging of utilities.¹²⁴ No funds would be allocated to either jurisdiction until an authority or other arrangement was in

¹²¹ "An annotated chronology of events related to land use in Albemarle Co." in Opal David Papers, Accession #10971, Albert and Shirley Small Special Collections Library, University of Virginia, Charlottesville, Va.

¹²² Ibid. "1971: More fish kills, the most serious in November on Mechums River, identified as caused by Crown Orchards' use of pesticide, Endrin: reservoir shut down for two weeks." "1972: Fish kill in Lickinghole Creek, cause by ammonia spill at Morton's."

¹²³ Albemarle County Board of Supervisors Meeting Minutes, May 21, 1970.

¹²⁴ "South Rivanna Reservoir: A Brief History and an Unsolved Problem" in Nancy K. O'Brien Papers, 1976-2004, Accession #14815, Special Collections, University of Virginia Library, Charlottesville, Va.

place for the joint operation and maintenance of water supplies and sewage systems.¹²⁵

Negotiations for a new authority would last through April 1972 as the City and County disputed the scope of services to be provided and accused each other of being unwilling to negotiate,¹²⁶ and the City proposing that the new authority only provide sewer service.¹²⁷ This would culminate in the incorporation of the Rivanna Water and Sewer Authority (RWSA) in June 1972¹²⁸ in what some would refer to as a “shotgun wedding”. Yet, the agreement to cooperate would be an important moment for regional environmental interests, and the City would join the Planning District Commission soon after the establishment of the RWSA.¹²⁹

The merging of utilities and creation of a regional water supply plan would also later include the mandate that a single regional wastewater treatment facility serve the Charlottesville-Albemarle urban area, with interceptor lines carrying waste from Crozet and the outlying communities to the regional wastewater treatment facility at Moore’s Creek.¹³⁰ The usage of a regional facility rather than packaged wastewater treatment plants struck yet another blow to the 1971 comprehensive plan’s community cluster concept, as it would not be feasible to service the outlying villages with package sewage treatment facilities.

¹²⁵ “An annotated chronology of events related to land use in Albemarle Co.” in Opal David Papers, Accession #10971, Albert and Shirley Small Special Collections Library, University of Virginia, Charlottesville, Va.

¹²⁶ “City-County At Odds Over Sewer Plans,” *The Daily Progress* (Charlottesville, VA), April 27, 1972.

¹²⁷ “City Proposes Joint Sewer, But Not Water,” *The Daily Progress* (Charlottesville, VA), April 28, 1972.

¹²⁸ “South Rivanna Reservoir: A Brief History and an Unsolved Problem” in Nancy K. O’Brien Papers, 1976-2004, Accession #14815, Special Collections, University of Virginia Library, Charlottesville, Va.

¹²⁹ Charlottesville City Council Meeting Minutes, June 19, 1972.

¹³⁰ “TJ Water Plan Offered,” *The Daily Progress* (Charlottesville, VA), May 30, 1973.

3.5 GOVERNANCE AND GROWING PAINS

3.5.1 Representation and the 1972-1975 Board of Supervisors

The continued urbanization of the county during the 1960s drove changes to its operations and structure as a small, rural organization struggled to keep up with the demands of suburban growth. Urban-rural imbalances in voter representation became more pronounced as urbanizing areas such as the Charlottesville District were underrepresented on the Board of Supervisors and historically rural districts continued to wield outsized power on County affairs. Between 1968¹³¹ and 1971, the Albemarle County Board of Supervisors would take action to redistrict the County's magisterial districts to align representation with the comprehensive plan and the 1970 Census.¹³² The new districts would result in five of the six magisterial districts including portions of the urban ring within their jurisdiction (see Figure 10), and two significantly smaller urban districts (Charlottesville and Ivy/Jack Jouett). The Samuel Miller District would also now include a significant rural-suburban area along Route 250 West.

¹³¹ Albemarle County Board of Supervisors Meeting Minutes, June 20, 1968.

¹³² Albemarle County Board of Supervisors Meeting Minutes, August 19, 1971.

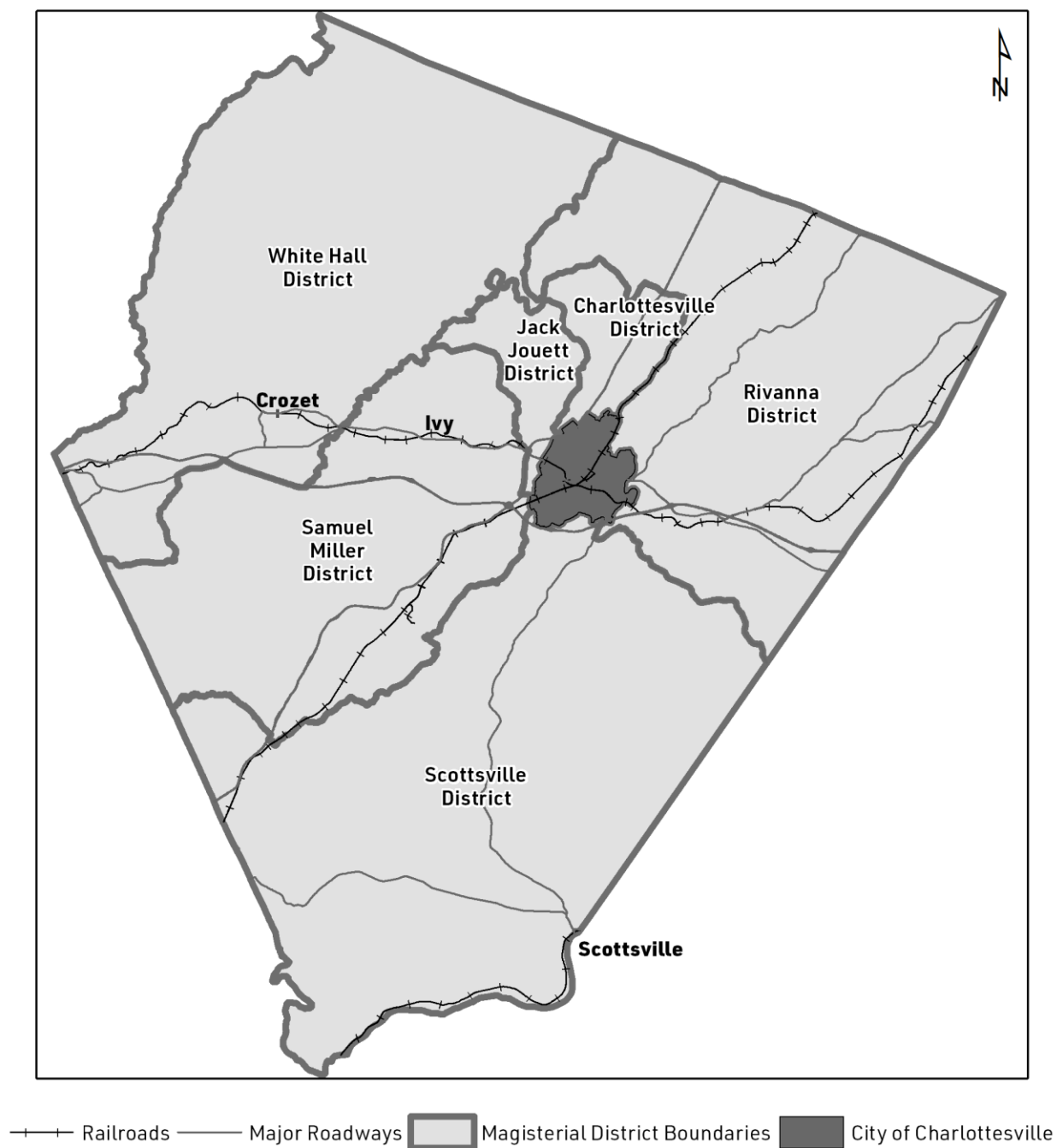


Figure 10. Redistricted 1971 Magisterial District Boundaries

The 1971 Board of Supervisors election would lead to what was probably the most pro-growth Board of Supervisors in Albemarle's history. Joining incumbents Lloyd F. Wood (a businessman from the Charlottesville District) and Gordon L. Wheeler (a realtor from the Rivanna District) were lawyer Stuart F. Carwile (Jack Jouett), University of Virginia research scientist Gerald E. Fisher (Samuel Miller), farmer Joseph T. Henley Jr. (White Hall), and general contractor William C. Thacker Jr. (Scottsville).¹³³ Four of the six Board members would have ties to real estate and development, as Carwile was counsel for major property owners and developers including Dr. Charles Hurt and Wendell Wood.



Figure 11. Photograph of 1972 Board of Supervisors. From left to right: J.T. Henley, Jr. (White Hall); Stuart F. Carwile (Jack Jouett); Gerald E. Fisher (Samuel Miller); Gordon L. Wheeler, Chairman (Rivanna); Lloyd F. Wood, Jr., Vice Chairman (Charlottesville); William C. Thacker, Jr. (Scottsville).

¹³³ Newsletter of Citizens for Albemarle, October 1971, No. 4. In Citizens for Albemarle (Va.), "Newsletter," <https://search.lib.virginia.edu/catalog/u2698722>.

3.5.2 1972-1975 Zoning Struggles

Albemarle's first zoning ordinance was prepared without a comprehensive plan and featured few tools to implement the 1971 plan's recommendations. The permissive regulatory environment and a lack of site design and environmental regulations combined with rapid growth to reveal emerging planning and environmental challenges. Two-acre parcels with access on rural highways proliferated as a rural form of strip development, rapidly consuming agricultural land rather than being concentrated in the clusters. There were few provisions for site design or site planning, and no erosion and sediment control regulations to prevent building sites from turning to mud and damaging waterways. Over time, the zoning ordinance would be amended in a piecemeal fashion to include provisions for townhomes, site planning, and erosion and sedimentation control.¹³⁴ Yet, no comprehensive zoning ordinance update to align zoning with the plan's goals had taken place.

According to the comprehensive plan, Albemarle was severely over-zoned from its original ordinance – an excessive amount of land was designated for development than would actually be needed, even with the plan's expectations for massive population growth. This meant that the Board of Supervisors would have extremely limited control over the location and pace of growth, as property owners had earlier been given the right to develop their property in accordance with the zoning. It would be even more difficult to correct this zoning

¹³⁴ Albemarle County Board of Supervisors Meeting Minutes, October 21, 1971.

through downzoning, as real estate interests would perceive a downzoning as a taking of the property's marketable value and an infringement on any vested rights.

Beginning in 1972, the Albemarle County Planning Commission began efforts to correct the failings of the county's original zoning. A draft was completed for public review in May 1975, with 18 base zoning districts and 5 "floating" (overlay) zoning districts that would provide additional regulations for sensitive areas.¹³⁵ About 95% of Albemarle County's land area



Figure 12. Generalized Zoning Map from 1972-1975 Zoning Proposal.

would be within agricultural and rural zones with minimum lot sizes of 10, 5, and 2 acres. It would also implement the community cluster concept in the comprehensive plan by de-emphasizing Charlottesville's urban ring.¹³⁶ Early drafts proposed downzoning through large acreage requirements as a way to separate the urban area from outlying rural areas, create

¹³⁵ "Proposed Zoning Ordinance for Albemarle County," *The Daily Progress* (Charlottesville, VA), August 17, 1975.

¹³⁶ "Cluster Concept Fights Urban Sprawl Around City," *The Daily Progress* (Charlottesville, VA), January 12, 1975.

greenspace, and “contain and perhaps stop urban sprawl”.¹³⁷ The Commission had hoped to stop sprawl “creeping its way toward Ivy on U.S. 250 West, toward Keswick along U.S. 250 East in the Pantops Mountain area and toward North Rivanna and Earlysville along U.S. 29 North.” Yet, opposition to downzoning led the Commission to ease this restriction, weakening the viability of the cluster concept. Proposed development near the South Fork Rivanna Reservoir would also create a point of contention.

The proposed ordinance was developed and completed during a contentious election year and as County operations were under heavy scrutiny. It would be attacked as exclusionary by making property ownership too expensive for lower- and middle-income families¹³⁸ and as too complex with the increased number of zoning districts. Market interests also opposed downzoning, including the Charlottesville-Albemarle Area Realtors, who opposed downzoning to correct strip commercial zoning along Route 29 North.¹³⁹ Fiscal conservatives opposed increased property valuations and taxes that would result from zoning potential. There was also little confidence in the current Board of Supervisors and the County government to effectively enforce the ordinance.

¹³⁷ Interview with David Carr, *The Daily Progress* (Charlottesville, VA), June 29, 1975.

¹³⁸ “Ordinance Said To Be Restrictive,” *The Daily Progress* (Charlottesville, VA), ?? 1975. (from clipping – date not shown)

¹³⁹ “Area Board of Realtors against Zoning Ordinance,” *The Daily Progress* (Charlottesville, VA), ?? 1975. (from clipping – date not shown)

3.5.3 Missteps and Malfeasance

The challenges of keeping up with growth would also strain the County's ability to assess rapidly rising property values in its urban areas and capture the tax revenues needed to finance its growth. With limited taxing authority, counties struggled to generate new revenues. In 1967, Albemarle sought to move from a six-year assessment system to an annual assessment programs in order to capture the rapid rises in property values that were accumulating within the urban areas. However, "understaffed and underequipped", the County government started to proceed district by district, starting with the heavily suburban Charlottesville district where the rise in value had been greatest.¹⁴⁰ While boosting the County's tax base and shifting the tax burden onto suburban property owners, the assessment methodology would come under fire for its lack of uniformity and eventually be ruled unconstitutional by the Supreme Court of Virginia in 1973.

Questions about the capacity of the County government and administration to lawfully and competently handle growth would not end with the assessment methodology. Beginning in 1973, Albemarle's leadership would be faced with serious allegations of misconduct. After Zoning Administrator Joseph M. Goldsmith charged that certain staff provided favored treatment to developers Daley Craig (of Four Seasons) and Dr. Charles Hurt (of Hollymead), Commonwealth's Attorney Charles R. Haugh would launch an investigation, eventually calling in

¹⁴⁰ Perkins v. Albemarle, 214 Va. 240 (1973). <https://law.justia.com/cases/virginia/supreme-court/1973/8144-1.html>

State Police investigators and requesting a special grand jury be convened to investigate “allegations of conflict of interest and favoritism on the part of some county employees”.¹⁴¹ Goldsmith would name County Planner John L. Humphrey and County Executive Thomas M. Batchelor Jr in his statement, and in May 1974, County officials would face allegations of favoritism for Cavalier-Country Bank, in which Jack Jouett Supervisor Stuart F. Carwile was a stockholder and served as corporate secretary.¹⁴²

The July 24, 1974 grand jury interim report would severely criticize County Executive Batchelor, citing that there “has been no effective, equal enforcement of these ordinances”.¹⁴³ Issues would include improper collection of license taxes and issuance of building permits to contractors and builders including Crown Corporation and Dr. Charles Hurt, and permitting County staff (including County Planner John L. Humphrey) to be employed by local developers including Daley Craig and Jack Schwab.¹⁴⁴ On July 27, 1974, Commonwealth’s Attorney Haugh would file a petition for Batchelor’s removal from office on charges of misfeasance, malfeasance, incompetency, and gross neglect of official duty. Though Batchelor would be found guilty of malfeasance on August 26, 1974, 16th Judicial Circuit Court Judge Harold F. Purcell would decline to remove him from office.¹⁴⁵

¹⁴¹ “A Chronology of Grand Jury Events,” *The Daily Progress* (Charlottesville, VA), September 14, 1974.

¹⁴² “Alleged Favor to Bank Probed,” *The Daily Progress* (Charlottesville, VA), May 7, 1974.

¹⁴³ “Special Grand Jury Interim Report, July 24, 1974,” p. 2-3 in Opal David Papers, Accession #10971, Albert and Shirley Small Special Collections Library, University of Virginia, Charlottesville, Va.

¹⁴⁴ *Ibid.*

¹⁴⁵ “A Chronology of Grand Jury Events,” *The Daily Progress* (Charlottesville, VA), September 14, 1974.

The Board of Supervisors would stand behind Batchelor, issuing statements on July 29, 1974 and September 5, 1974 supporting him despite the charges and eventual conviction. Their September 5, 1974 resolution would accuse Commonwealth Attorney Haugh of devoting “his time and his office to the purpose of embarrassing the County government instead of advising and assisting it and comment on the “pressure, tension, and harassment of an investigation by persons not impartial, but in [the Board’s] opinion clearly prejudiced against Mr. Batchelor and the County Executive form of government”.¹⁴⁶ The specter of politics would overshadow the special grand jury, as the County would later charge that “Haugh had participated in the selection of the grand jury and that several members of the panel were political allies of Haugh”.¹⁴⁷

Whatever the reality and extent of actual corruption or wrongdoing, the political ramifications of apparent misconduct and the Board’s stand with Batchelor would be immense as the 1975 election approached. After failed attempts to appeal the conviction for malfeasance,¹⁴⁸ Batchelor’s position as County Executive was seen as a liability. A *Daily Progress* article would comment in May 1975 that “according to several political observers, if Batchelor does not resign or gets fired before the November election, he more than likely will be replaced by the newly elected board”, and Charlottesville District Supervisor Lloyd F. Wood would

¹⁴⁶ Albemarle County Board of Supervisors Meeting Minutes, September 5, 1974.

¹⁴⁷ “Haugh Decides Against Re-Election Campaign,” *The Daily Progress* (Charlottesville, VA), March 23, 1975.

¹⁴⁸ “Batchelor Uncertain About Further Action,” *The Daily Progress* (Charlottesville, VA), April 16, 1975.

comment that “[Batchelor]’s days are numbered”.¹⁴⁹ Supervisor Gerald E. Fisher would spearhead a movement to fire Batchelor that would culminate with an unsuccessful vote in June 1975.¹⁵⁰

On August 7, 1975, over two years after investigations began and nearly one year after his conviction, County Executive Thomas M. Batchelor Jr. submitted his resignation. Supervisors Gerald Fisher, a longtime critic of Batchelor, and Joseph T. Henley Jr. voted against a five-month severance package, which would be a source of some controversy and was later rescinded after public pressure¹⁵¹.

3.6 TROUBLE IN THE RIVANNA RESERVOIR

The evening before the Board of Supervisors accepted Batchelor’s resignation, they grappled for three and a half hours with development policy within the South Fork Rivanna Reservoir watershed, a controversy which would epitomize the struggles that had defined County politics since 1967.

The City of Charlottesville had planned the Rivanna Reservoir since early 1960 to serve the



Figure 13. Photograph of County Executive Thomas M. Batchelor Jr., from “Batchelor Resigns,” *The Daily Progress* (Charlottesville, VA), August 8, 1975.

¹⁴⁹ “Move To Fire Batchelor Seen,” *The Daily Progress* (Charlottesville, VA), May 9, 1975.

¹⁵⁰ Albemarle County Board of Supervisors Meeting Minutes, June 4, 1975.

¹⁵¹ “Board Rescinds Severance Pay,” *The Daily Progress* (Charlottesville, VA), August 18, 1975.

water supply needs of a population that was expected to grow through annexation.¹⁵² Land was purchased after City voters approved a bond issue in June 1962, with construction commencing by 1964 and the dam and treatment plant supplying water to residents in August 1966.¹⁵³ The South Fork Rivanna Reservoir's watershed covers approximate 258 square miles, including over one-third of Albemarle County's land area and much of its northwestern section. While the large watershed provides a substantial catchment for rain to fill the reservoir, it also creates significant challenges for controlling pollution and managing the impacts of land use on water quality.

Though Charlottesville may have anticipated continued successful annexations that would place additional area near the reservoir under City control, land use controls were absent from the watershed until zoning's adoption in 1968. Even at that point, the zoning map in effect largely ignored potential environmental impacts to the reservoir, and significant areas around the reservoir were shown for urban development. Rural and suburban subdivision activity would continue at a rapid pace within the watershed in the Crozet, Ivy, and Earlysville areas, and industries such as Morton Frozen Foods in Crozet would discharge wastes into the reservoir's tributaries. Albemarle County's first comprehensive plan in 1971 even went as far as to suggest that the South Fork Rivanna Reservoir be phased out of service in favor of new water supply impoundments that would be established over time.

¹⁵² "City Urged to Construct New Water Storage Dam," *The Daily Progress* (Charlottesville, VA), February 16, 1960.
¹⁵³

As early as 1965, the State Water Control Board had warned the City about the potential impacts of additional development and eutrophication on the long-term viability of the water supply. Concerned residents and scientists such as Dr. Clinton E. Parker, an associate professor of civil engineering at the University of Virginia, would raise concerns about water quality throughout the late 1960s and early 1970s.¹⁵⁴ In response to concerns about water quality, the relatively new Rivanna Water and Sewer Authority would create an advisory committee to investigate the reservoir's pollution problems in November 1973.¹⁵⁵

Controversy about the health and viability of the reservoir would heat up during the summer of 1974. During an update on the proposed zoning ordinance revisions by the County Planning Commission on June 26, 1974, zoning around the reservoir would become a topic of discussion as adjoining property owners spoke in opposition to a potential downzoning. The Charlottesville City Council would pass a resolution on July 1, 1974 requesting that the County create a conservation zone around the reservoir, sparking more serious interjurisdictional discussions about the future of the water supply. A regional water quality management plan adopted later in July 1974 would also recommend a eutrophication study for the reservoir to understand the magnitude of the pollution,¹⁵⁶ and after some debate about how the study

¹⁵⁴ Shernock, 2.

¹⁵⁵ *Ibid.*, 3.

¹⁵⁶ Albemarle County Board of Supervisors Meeting Minutes, July 25, 1974.

would be funded, a funding strategy was established by the RWSA in May 1975 and Betz Environmental Engineers was contracted to conduct the study in September 1975.¹⁵⁷

3.6.1 An “Evergreen” Debate

Yet, the Betz study would require over a year to complete and development pressures continued around the reservoir through 1974 and 1975. A proposed development named “Evergreen” by Black developer James N. Fleming near the Rivanna Reservoir would ignite significant public opposition, acrimony, and litigation. The Evergreen development originally proposed 804 dwellings on 128 acres of land, which exceeded the County’s comprehensive plan’s density recommendations.¹⁵⁸ The staff report stated that runoff from the property would flow into a stream traversing the property and ultimately into the reservoir and soil erosion and sediment would be managed with a lake on the property, and staff recommended approval with a reduced density. Some controversy would center around the existence of high-density zoning in other areas surrounding the reservoir and their perceived arbitrary nature. However, without the technical understanding of the reservoir’s issues and what best management practices would be required to preserve its viability, the discussion around the rezoning devolved into a debate about how to protect the reservoir, with some additional discussion of traffic impacts and costs of improving nearby adjoining Hydraulic Road and Lambs Road.

¹⁵⁷ “An annotated chronology of events related to land use in Albemarle Co.” in Opal David Papers, Accession #10971, Albert and Shirley Small Special Collections Library, University of Virginia, Charlottesville, Va.

¹⁵⁸ Albemarle County Board of Supervisors Meeting Minutes, January 22, 1975.

The opposition to Evergreen would include a broad-ranging coalition of adjoining property owners, citizen groups, and local experts in planning and engineering. The Civic League of Charlottesville and Albemarle, Citizens for Albemarle, the Piedmont Environmental Council, and the League of Women Voters of Charlottesville and Albemarle County would all present their viewpoints at the January 22, 1975 public hearing, as well as experts including former University of Virginia School of Engineering dean Lawrence R. Quarles and Department of Urban Planning chair Richard C. Collins. Policymakers in the region would cite serious concerns about the impacts of future development within the watershed, including Charlottesville mayor Charles Barbour (representing the City Council) and Delegate James B. Murray.

The Board of Supervisors would unanimously deny the proposal on February 12, 1975, sparking years of litigation and protracted debate. Fleming would file suit on March 17, 1975 against Albemarle County, the Board of Supervisors, and each member of the Board individually and in their official capacity.¹⁵⁹ He would allege racial discrimination in the decision and while a settlement would eventually be reached where the Board would reconsider the application, litigation would continue through the early 1980s and Fleming sued community groups¹⁶⁰ and

¹⁵⁹ George O'Neil Urquhart, *Personal Liability of Public Officials in Virginia's Local Governments and Its Impact on Their Willingness to Serve* (Wipf and Stock Publishers, 2016), 43.

¹⁶⁰ *Fleming v. Citizens for Albemarle, Inc.*, 577 F.2d 236 (4th Cir. 1978) <https://casetext.com/case/fleming-v-citizens-for-albemarle-inc>

community members¹⁶¹. The acrimonious and litigious Evergreen proceedings would only raise tensions around the reservoir, as the personal liability suits would chill public discussion and the collision of urban development and environmental interests would set up an adversarial atmosphere.

3.6.2 “Shooting With A Water Pistol”: The First Moratorium Fight

With mounting pressures to act to protect the reservoir but little clarity about how land use decisions impacted its health, the Board of Supervisors strengthened its technical soil erosion and sedimentation control ordinance in June 1975.¹⁶² This ordinance was intended to provide higher performance standards for new development, but would not change the type or intensity of development permitted near the reservoir. While speakers for the Evergreen hearing had requested that major developments or rezonings near the reservoir not be approved, it was not until July 1975 that the Board debated the merits of temporarily or permanently restricting all development near the reservoir. On July 17, 1975, Supervisor Gerald Fisher (Samuel Miller) would move to block the issuance of all building permits within “the immediate drainage basin of the South Rivanna River Reservoir until such as time as the Rivanna Sewer and Water Authority shall have determined the effect of such development on

¹⁶¹ Fleming v. Moore 275 S.E.2d 632 (1981) <https://law.justia.com/cases/virginia/supreme-court/1981/781061-1.html>

¹⁶² Albemarle County Board of Supervisors Meeting Minutes, June 8, 1975.

the said Reservoir”.¹⁶³ Fisher’s proposal would culminate in a dramatic discussion of a potential moratorium on August 6, 1975 with over 150 in attendance and 30 speakers.¹⁶⁴

The two schools of thought in the reservoir debate were to either enact a moratorium on development activity within the watershed area or permit continued development with heightened performance standards for runoff and sedimentation. In addition to the potential issues with urban development near the reservoir, the watershed included substantial agricultural land and the Crozet area, which lacked adequate sewage facilities and was home to major manufacturing facilities.

The State Water Control Board also supported interim restrictions on land use until the Betz study was completed. A coalition of the Albemarle County Taxpayers Association, Citizens for Albemarle, and the Civic League of Charlottesville-Albemarle County would conduct a poll that showed of 513 respondents, 91% supported a “halt to all land development around the South Fork Rivanna Reservoir until the recommendations of the [Betz] study are known”. 92% also supported “reservoir protection or conservation type zoning” around the reservoir.¹⁶⁵ Groups such as the Charlottesville/Albemarle Board of Realtors supported postponing a decision for a moratorium and cited concerns that development was not at the root of the issue and potential economic losses from a moratorium.

¹⁶³ Albemarle County Board of Supervisors Meeting Minutes, July 17, 1975.

¹⁶⁴ Shernock, 6.

¹⁶⁵ Albemarle County Board of Supervisors Meeting Minutes, August 6, 1975.

After a recess at 10:10 PM, Supervisor William C. Thacker, Jr. (Scottsville) proposed a substitute to Fisher's moratorium resolution, citing concerns about the limited information to drive a moratorium decision even though "it might be politically expedient". Thacker's resolution created a committee to study the entire reservoir's watershed and provide recommendations for future development and an ordinance for enforcement. The committee would have two weeks to provide a recommendation, with membership including representatives from the State Water Control Board, the State Health Department, Rivanna Water and Sewer Authority Chair Dr. Lawrence Quarles and Executive Director George Williams, County Planning Commission Chair David Carr, County Engineer J. Harvey Bailey, and City Director of Public Works Guy Agnor. During the committee's two-week study period, no development applications would be accepted or acted upon.

Thacker's moratorium proposal covered a much more expansive area than Fisher's original proposal, covering the entire watershed (including major agricultural areas and Crozet) rather than just the urban area near the reservoir. The larger area would better play to the feelings of the rest of the Board, as Supervisor Lloyd F. Wood (Charlottesville) and Chair Gordon L. Wheeler (Rivanna) felt a larger area would be more defensible than a smaller urban area, which Wheeler described as "playing politics", "foolishness", and "shooting with a water

pistol”.¹⁶⁶ Nevertheless, the Board unanimously adopted the interim two-week moratorium for the immediate drainage basin within the urban area (see Figure 15).

Two weeks later, on August 20, 1975, the Board would receive the Committee’s report, which recommended that development be permitted to continue during the water quality study period and interim guidelines for stormwater runoff quality control be put in place. Another two weeks were granted as the committee continued to work through issues with bonding and maintenance of stormwater management facilities. After another two weeks, on September 4, 1975, the Board acted to end the moratorium and amend the County’s Soil Erosion and Sedimentation Ordinance to restrict building on slopes of 25% or greater within the watershed and with additional design standards for stormwater runoff control. During the hearing, public criticism focused on the efficacy and enforcement of such an ordinance to address the growing reservoir issue. Gerald Fisher again moved adoption of his original proposal for a moratorium within the limited urban area pending results of the Betz study, however, the motion failed due to a tie and multiple members abstaining from the vote. Supervisors Fisher (Samuel Miller) and Henley (White Hall) supported the moratorium, with Thacker (Scottsville) and Wheeler (Rivanna) voting against, and Carwile (Jack Jouett) and Wood (Charlottesville) abstaining due to conflicts of interest. With a tie, the motion failed and the aforementioned amendments were passed on an emergency basis.

¹⁶⁶ Albemarle County Board of Supervisors Meeting Minutes, August 6, 1975.

The 1972-1975 Board of Supervisors would have one final shot at the protecting the reservoir on October 22, 1975 when it sought to adopt the September emergency ordinance on a permanent basis. Less than two weeks before the November election, Fisher would make one last stand to enact a moratorium within the reservoir's urban drainage areas. In a testy exchange, supervisors Wood and Carwile (who were running for re-election but abstaining from any votes on Fisher's proposed moratorium) would respond to comment about Fisher's apparent "stunt" and the fact that "it's an election year". Fisher's final motion would fail on a 1:1 tie (Fisher for, Wheeler against), as one board member (Thacker) was absent, two abstained due to conflicts of interest (Wood, Carwile), and another (Henley) abstained due to his feeling that all board members should be present.

3.7 WATERSHED MOMENT: THE 1975 ELECTION AND THE FALL OF THE GROWTH MACHINE

On November 4, 1975, Albemarle County voters would cast their vote for supervisors in each of the six magisterial districts, the last time all six districts would be up for re-election at the same time before moving to a staggered term system. The election would prove to be a referendum on growth.

One day before the election, the *Daily Progress* wrote that "it has become increasingly apparent that there will be a marked change in the composition, if not the philosophy, of the

board of supervisors”.¹⁶⁷ Incumbents Fisher, Henley, and Wood were favored to return to their posts, with Thacker “unlikely to return to his seat” and Carwile facing a potential “upset in a close race”¹⁶⁸. The article wrote that Gerald Fisher’s “strong stands on conservation and environmental issues have gained him wide support in suburban areas”¹⁶⁹. In the heavily suburban Charlottesville District, two-term supervisor Lloyd F. Wood faced F.A. Iachetta in a rematch of the 1971 election. Wood was expected to find support in urban communities, yet the race was described as coming “down-to-the-wire”¹⁷⁰. In the Jack Jouett District, incumbent Stuart Carwile faced a serious challenge from challenger Opal D. David’s “Democratic support and a large political machinery”, support in subdivisions, and charges of Carwile’s conflicts of interest¹⁷¹. As election day passed, the Albemarle County Board of Supervisors had been transformed. Incumbents Joseph T. Henley, Jr. (White Hall) and Gerald E. Fisher (Samuel Miller) won re-election and were joined by new supervisors William Roudabush (Rivanna), Opal D. David (Jack Jouett), Lindsay Dorrier (Scottsville), and F.A. Iachetta (Charlottesville) (see Figure 14).

¹⁶⁷ “Philosophy of County Board Expected to Change,” *The Daily Progress* (Charlottesville, VA), November 3, 1975.

¹⁶⁸ Ibid.

¹⁶⁹ Ibid.

¹⁷⁰ Ibid.

¹⁷¹ Ibid.



Figure 14. Photographs of 1976-1977 Board of Supervisors members.

Over 56% of the County's registered voters turned out for the election. A contemporary account by the *Daily Progress* cites the winners' viewpoint that the election was "a vote for a stronger control on growth and a rejection of board members whose conflicts of interest have kept them from representing their districts on key issues".¹⁷² Three factors shaping land use politics seem to have been at play in this sweeping overhaul of Albemarle's governing body: a dissatisfaction with growth, a distrust in County government and its ties to development, and the emergence of an environmental coalition. The South Fork Rivanna Reservoir moratorium battle in 1975 would embody all of these factors in a physical and emotional issue that directly impacted suburban voters' water source and wallets.

3.7.1 Dissatisfaction With Growth

The failures of planning, zoning, and capital project implementation since zoning was adopted in 1968 had created an atmosphere of frustration among County voters. The inability of the current board to update an outdated and problematic zoning ordinance and map meant

¹⁷² "Albemarle Board Has Four New Faces," *The Daily Progress* (Charlottesville, VA), November 5, 1975.

that development would continue without any serious checks. State-level regulatory changes and the formation of the Rivanna Water and Sewer Authority created new challenges for attracting development to the 1971 comprehensive plan's cluster areas since utility provision would no longer be feasible. Major projects and the costs of regulation would also draw the ire of fiscal conservatives.

More broadly, many Albemarle residents did not find growth in and of itself to be a desirable outcome. The “cocktail farmers” who had left urban areas with higher costs of living such as the Washington metropolitan area sought to avoid the “Fairfax-ing” of Albemarle: with concerns about the rate of growth, which while below localities such as Fairfax or Prince William Counties in Northern Virginia, was still higher than the state as a whole. A local “Zero Population Growth” organization existed in Albemarle as early as 1972, reflecting an explicit aversion to growth.¹⁷³

3.7.2 Distrust in County Government & Developers

The Special Grand Jury proceedings and conviction of the County Executive severely wounded the credibility of Albemarle's administrators. With staff moonlighting for work with developers and struggling to properly enforce development ordinances, voters saw little separation between the County government and the development community. County Planner John L. Humphrey, who was named during the special grand jury proceedings as moonlighting,

¹⁷³ Albemarle County Board of Supervisors Meeting Minutes, March 16, 1972.

would resign as the new Board took office and set up a regime change in the County administration as it was necessary to hire a new County Executive and County Planner.

At the same time, development interests on the Board of Supervisors became a serious talking point for challengers within the suburban districts. Opal David's campaign against Stuart Carwile for the Jack Jouett district seat focused on Carwile's association with developers and conflicts of interest as a "key factor" in the election, attributing her election to voters being "really disturbed about conflict of interest issues".¹⁷⁴ After winning the Charlottesville district supervisor seat, Dr. F.A. Iachetta stated that the reason for his resounding upset of incumbent Lloyd F. Wood (1,416 votes for Iachetta versus 587 votes for Wood) was voters "being damned tired of being dominated by developers", referring to Wood's apparent associations with land developers including his brother Wendell Wood. Wood, Thacker, and Carwile were also "closely identified" with former County Executive Batchelor.¹⁷⁵ Wood's stand with Batchelor and conflict of interest abstention for the Rivanna Reservoir were also cited as factors that identified him as a "pro-growth" ally. The appearances and associations of the old Board would create what supervisor Lindsay J. Dorrier Jr. would describe as a "cloud of distrust and hostility toward government" which voters entrusted the new Board to dispel.¹⁷⁶

¹⁷⁴ "Albemarle Board Has Four New Faces," *The Daily Progress* (Charlottesville, VA), November 5, 1975.

¹⁷⁵ "Voters Oust Three In County," *The Daily Progress* (Charlottesville, VA), November 5, 1975.

¹⁷⁶ "Issue Is Not Whether to Inform Citizens of Zoning's Impact, But How," *The Daily Progress* (Charlottesville, VA), August 5, 1979.

3.7.3 A New Coalition Forms

Critics of development and governance would coalesce with emergent environmental groups to form a new coalition that would shape the 1975 election and future decision-making. While groups such as the League of Women Voters and the Civic League of Charlottesville and Albemarle County had long been active in County affairs, a new environmental consciousness would lead to the formation of citizen interest groups such as the Citizens for Albemarle and Zero Population Growth. Citizens for Albemarle was founded in 1971 to “protect and enhance the natural and historical environment of Albemarle County”¹⁷⁷, with committees focused on air quality, historic landmarks, highways, housing, the master plan, open space and recreation, population, public services and facilities, taxation and economics, water quality, and visual pollution.¹⁷⁸ The group would become a leading voice for environmental and quality of life concerns in Albemarle County and partner with groups such as the Civic League and Albemarle County Taxpayers on various projects. Though not an environmentalist group per se, the Albemarle County Taxpayers Association would also represent a rising tide of fiscal conservatives that found common ground with environmentalists on growth issues.¹⁷⁹

Associations with these groups would later boost political candidates locally, as F.A. Iachetta would tout his associations with the Citizens for Albemarle and Civic League in his

¹⁷⁷ “Group Formed to Preserve Albemarle,” *The Daily Progress* (Charlottesville, VA), March 4, 1971.

¹⁷⁸ “Report of the First General Meeting, March 29, 1971” in Citizens for Albemarle (Va.), *Miscellaneous Materials About Citizens for Albemarle*, n.d., <https://search.lib.virginia.edu/catalog/u4465139>.

¹⁷⁹ Alexander J. Walker, “Taxpayers’ Associations: The ‘Opposition’ in Government Finance,” *The University of Virginia News Letter* 54, no. 11 (July 1978).

campaign literature¹⁸⁰ and Opal David was involved with Citizens for Albemarle and the Charlottesville-Albemarle League of Women Voters. A 1976 master's thesis detailing the reservoir controversy identifies the Charlottesville-Albemarle League of Women Voters and the Citizens for Albemarle as tied for the most prominently cited promotorium interests, followed by the Albemarle County Taxpayers Association and the Albemarle County Farm Bureau.¹⁸¹

¹⁸⁰ "F. Anthony Iachetta, Independent Candidate for Supervisor in the Charlottesville District Albemarle County." in Opal David Papers, Accession #10971, Albert and Shirley Small Special Collections Library, University of Virginia, Charlottesville, Va.

¹⁸¹ Shernock, Appendix C.

4 1976-1980: ENVIRONMENTAL GROUNDWELLS

4.1 ABOUT-FACE: THE RIVANNA MORATORIUM RETURNS

Almost immediately after the new Board took office, the reservoir was again up for discussion. On January 9, 1976, the Board of Supervisors met behind closed doors for purpose simply described as “to discuss matters under litigation”, beginning at 4:15 P.M. and ending over five hours later at 9:30 P.M.¹⁸² A January 13th newspaper article would reveal the apparent purpose of the meeting was to discuss a suit against the County for denying a grading permit requested by developers Wendell W. Wood and Douglas Zirkle to construct 147 townhouses in a development titled “Panorama” near the reservoir, and to consider taking action to impose a moratorium on development around the reservoir before the court could order the county to issue the permit.¹⁸³

In an about-face from the prior Board’s decisions, the Board of Supervisors enacted a moratorium on January 14th as an emergency measure. The moratorium would cover an area within a 25 square mile “drainage basin” extending to portions of the watershed within a 5 mile radius of the water supply intake pipe (see Figure 15) and prohibit any development until “such time as the Board of Supervisors of Albemarle County shall have determined that such

¹⁸² Albemarle County Board of Supervisors Meeting Minutes, January 9, 1976.

¹⁸³ “Reservoir Issue Heats Up,” *The Daily Progress* (Charlottesville, VA), January 13, 1976.

development will have no substantial adverse impact on the said reservoir or on the quality of the water therein.”¹⁸⁴ The action taken by the Board would also direct the Planning Commission to study amending the comprehensive plan and zoning map to permit only agricultural uses within the drainage area, in contrast to the existing zoning which would permit high-density residential, commercial, and industrial uses.¹⁸⁵ These amendments were intended to improve the legal defensibility of such a moratorium.

Supervisor William S. Roudabush would cast the lone “nay” vote to the moratorium, citing concerns about the credibility of the County for the reversal of the earlier decision and the arbitrariness of the moratorium area. County Engineer and acting County Executive J. Harvey Bailey would in his staff report call such a measure “ill-advised”, citing the lack of beneficial effect on the Betz report underway, the relative effectiveness of a revised soil erosion ordinance, and challenges and costs the County would face with litigation.¹⁸⁶

Yet, the new Board had a mandate from voters to act and impose a moratorium, a fact evidenced by Supervisor Opal D. David’s comment “I do feel the fact there is a new board says something about what the people want to do about the reservoir.”¹⁸⁷ An editorial in the *Daily Progress* would describe the moratorium vote as acting “with prudence and responsibility”,

¹⁸⁴ Some limited exceptions permitted construction of single-family detached homes on lots over 1 acre in area; repair or reconstruction of existing structures; and agricultural and forestry operations.

¹⁸⁵ “Board Orders Building Halt,” *The Daily Progress* (Charlottesville, VA), January 15, 1976.

¹⁸⁶ Albemarle County Board of Supervisors Meeting Minutes, January 14, 1976.

¹⁸⁷ “Board Orders Building Halt,” *The Daily Progress* (Charlottesville, VA), January 15, 1976.

noting the potential negative impacts to affected property owners but the high financial risk of having to find a new public water supply.¹⁸⁸

The moratorium ordinance would be adopted on a non-emergency basis in February 1976 with amendments suggested by Supervisor Roudabush. The area covered by the moratorium ordinance would be reduced to roughly 11 square miles and only including those areas within 500 feet of the edge of the reservoir and 500 feet from the centerline of the reservoir's tributaries, as well as slopes in excess of 15% immediately adjacent to the 500 foot boundary (see Figure 15).¹⁸⁹ An accompanying amendment to the Soil Erosion Ordinance would also prohibit development on slopes of 15% or greater within the proximate drainage area of the reservoir and on slopes of 25% or greater anywhere else within the watershed. The ordinance was to be effective until January 1, 1977.

¹⁸⁸ "The Reservoir Moratorium," *The Daily Progress* (Charlottesville, VA), January 16, 1976.

¹⁸⁹ Albemarle County Board of Supervisors Meeting Minutes, February 25, 1976.

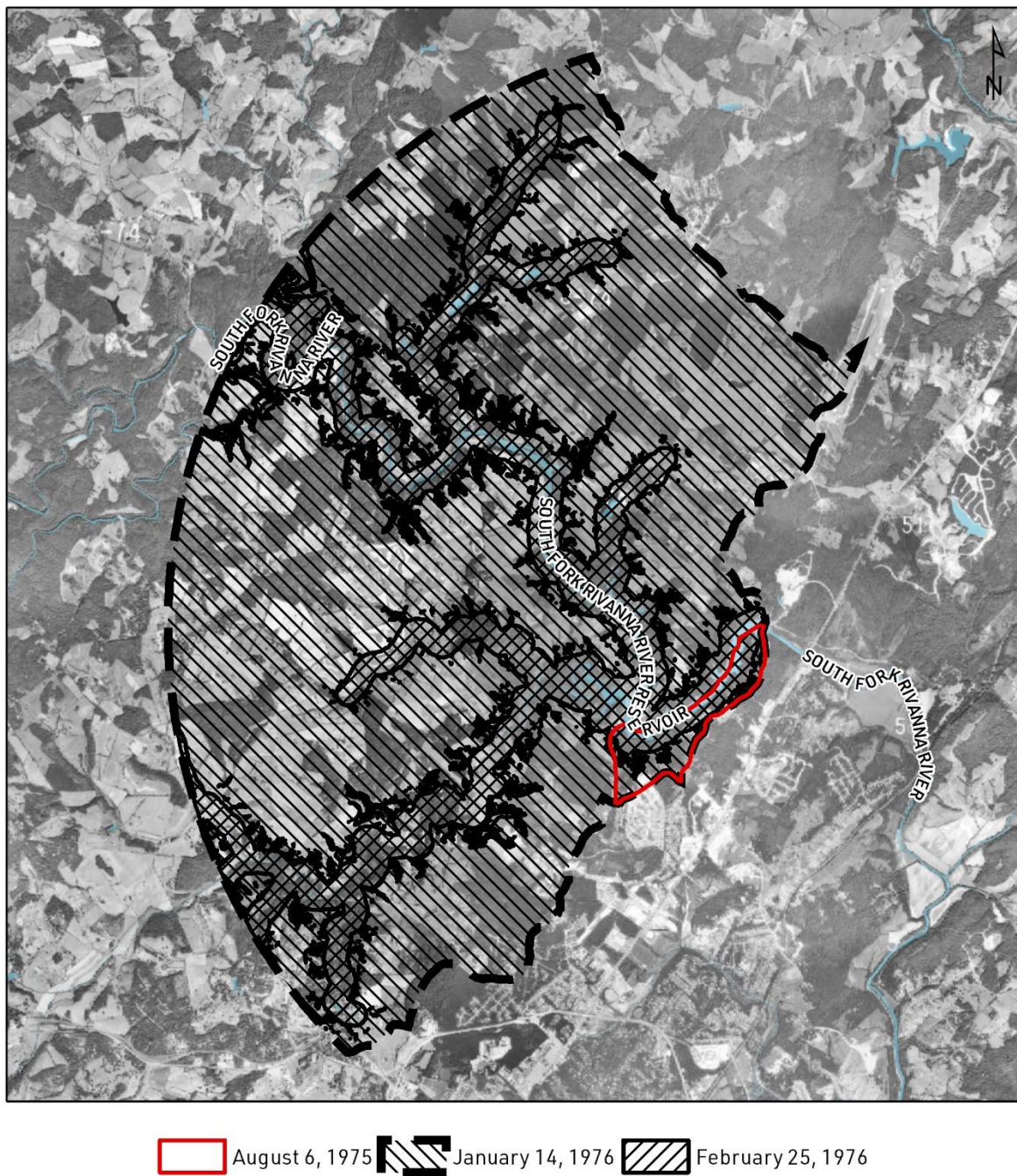


Figure 15. Comparison of South Fork Rivanna River Reservoir moratorium areas. Slopes approximated using Steep Slopes information from Albemarle County GIS. 1974 aerial photography shown.

4.1.1 The Betz Study

With the moratorium in effect, the Board attempted to buy itself time to explore other options to save the reservoir. Representatives from the Rivanna Water and Sewer Authority would provide a brief update on the progress with the Betz study and alternative water sources in March 1976.¹⁹⁰ The Board would explore the question of downzoning and amending the comprehensive plan to include conservation areas around the reservoir in May 1976, however, planning and legal staff did not support downzoning. Without the Betz study completed, the County had little legal basis for new regulations and action was deferred pending the results of the study.¹⁹¹

The Betz study would continue throughout the rest of 1976. In October, the lead scientist stated that the reservoir issue was “more of a nuisance problem than a disaster problem”, and that the reservoir was “not beyond saving”.¹⁹² The culprits behind the pollution –eutrophication and uncontrolled algae blooms – were phosphates and nitrates finding their way into the reservoir. Yet, the sources were “almost every activity in the watershed of the Rivanna’s South Fork”. Phosphates came from the Morton’s Frozen Food plant in Crozet and runoff around the reservoir, and nitrates came from nonpoint agricultural sources. While point sources such as Morton’s could be effectively eliminated or reduced, other protections would

¹⁹⁰ Albemarle County Board of Supervisors Meeting Minutes, March 18, 1976.

¹⁹¹ Albemarle County Board of Supervisors Meeting Minutes, May 5, 1976.

¹⁹² “Rivanna Reservoir ‘Not Beyond Saving’,” *The Daily Progress* (Charlottesville, VA), October 2, 1976.

require stricter land use controls. Although the draft report was originally expected in December 1976, in time for the moratorium to be replaced by new controls, the report was delayed and the moratorium was re-enacted until July 1, 1977, to the chagrin of the Panorama and Evergreen developers who cited “no-growth” interests impacting development and the results of the study.¹⁹³

The draft report would be released in February 1977, affirming the severity of the phosphate loading issue and revealing that the Morton’s plant contributed 22% of all phosphates in the reservoir.¹⁹⁴ The study also recommended a comprehensive watershed management program that would also include non-point sources and treatment of the water in the reservoir. Completely reducing phosphate loading would not be totally attainable, given that 32% of the phosphate came from undeveloped land within the watershed, but controlling and cleaning stormwater runoff in new development would be a critical step.¹⁹⁵

4.1.2 Runoff and Rezoning

Implementing stormwater runoff performance standards would mandate that the water quality on developed sites should be comparable to the quality in its undeveloped state, requiring additional technical review by County staff and outside expertise to help draft the ordinance. Despite some frustration about the lack of specific details or recommendations in

¹⁹³ Albemarle County Board of Supervisors Meeting Minutes, December 8, 1976. “Building Ban On Reservoir Lengthened,” *The Daily Progress* (Charlottesville, VA), December 9, 1976.

¹⁹⁴ “Rivanna Controls Urged,” *The Daily Progress* (Charlottesville, VA), February 19, 1977.

¹⁹⁵ “Runoff Law Urged,” *The Daily Progress* (Charlottesville, VA), May 5, 1977.

the Betz study¹⁹⁶, the Rivanna Water and Sewer Authority would re-hire Betz to review a draft runoff control ordinance and the Albemarle County Board of Supervisors would once again extend the moratorium.¹⁹⁷

The Runoff Control Ordinance would be adopted on September 29, 1977. The Runoff Control Ordinance would go through multiple iterations due to its experimental nature: it would receive substantial criticism at a November 1977 Planning Commission meeting as being excessively difficult for developers to conform to its stringent standards, particularly where undeveloped land was already producing runoff in violation of the ordinance's standards.¹⁹⁸ Developers felt the additional requirements were tantamount to a downzoning, and that the review timeline and requirement for a certified engineer or land survey to prepare the plans would add significant expense that would exclude smaller developers from the market.¹⁹⁹ However, it would withstand challenges from developers.²⁰⁰

Although the Board declined to downzone the reservoir areas in May 1976, the Board directed staff to begin the process to apply the new recommendations to the water supply areas immediately after the updated comprehensive plan was adopted on October 19, 1977.

¹⁹⁶ "Rivanna Board Says Reservoir Plan Lacking," *The Daily Progress* (Charlottesville, VA), May 6, 1977. Albemarle County Board of Supervisors Meeting Minutes, May 18, 1977.

¹⁹⁷ "Consultant to Review County Pollution Law," *The Daily Progress* (Charlottesville, VA), July 7, 1977.

¹⁹⁸ "Runoff Law 'Downzones' South Rivanna Watershed," *The Daily Progress* (Charlottesville, VA), November 16, 1977.

¹⁹⁹ "Builders and Developers Have Vital Stake in the Water Supply," *The Daily Progress* (Charlottesville, VA), October 29, 1978.

²⁰⁰ "County Runoff Law Defended," *The Daily Progress* (Charlottesville, VA), November 17, 1977.

Board members feared that the new Runoff Control Ordinance would not go far enough to protect the reservoir's viability.²⁰¹ However, no watershed-wide downzoning was pursued due to the beginning of the consultant-led zoning ordinance update.²⁰² However, a conservation zoning district would move forward in more limited areas in spring 1978, applying only to land owned by Charlottesville and Albemarle,²⁰³ and the Ragged Mountain, Sugar Hollow, South Fork Rivanna River, and Lake Albemarle reservoir areas were rezoned by the Board of Supervisors in May 1978.²⁰⁴ Other efforts to protect the watershed included watershed management planning, which had some momentum by March 1978 on a draft prepared by Dr. Frank X. Browne²⁰⁵, who had overseen the prior Betz study. The Morton's plant would eventually agree to hook up to the Crozet interceptor sewer when it came online, guaranteeing that the most significant point source of phosphorus would be eliminated in due time.²⁰⁶

²⁰¹ "Albemarle Moves Toward Downzoning of Reservoir Land," *The Daily Progress* (Charlottesville, VA), October 20, 1977.

²⁰² "County Board Votes to Drop Reservoir Zone," *The Daily Progress* (Charlottesville, VA), December 15, 1977. Albemarle County Board of Supervisors Meeting Minutes, December 14, 1977.

²⁰³ "Rezoning At Lakes Pushed," *The Daily Progress* (Charlottesville, VA), April 11, 1978.

²⁰⁴ Albemarle County Board of Supervisors Meeting Minutes, May 3, 1978.

²⁰⁵ "Watershed Management Plan Outline" in Nancy K. O'Brien Papers, 1976-2004, Accession #14815, Special Collections, University of Virginia Library, Charlottesville, Va.

²⁰⁶ "Morton To Hook Up to Crozet Line," *The Daily Progress* (Charlottesville, VA), August 11, 1979.

4.2 1977 COMPREHENSIVE PLAN

While the reservoir moratorium was at the front of the new Board's minds as 1976 began, 1976 would also mark the first five-year review of Albemarle's comprehensive plan.²⁰⁷ The 1971 comprehensive plan had hit several stumbling blocks in its implementation including unattainable expectations for population growth and utilities. Additionally, the new Board brought a mandate for environmental and conservation-minded planning and fiscally prudent policy. The Reston

firm of Kamstra, Dickerson, and Associates would be hired for the comprehensive plan update, and the update would be partially financed through Section 701 funds.

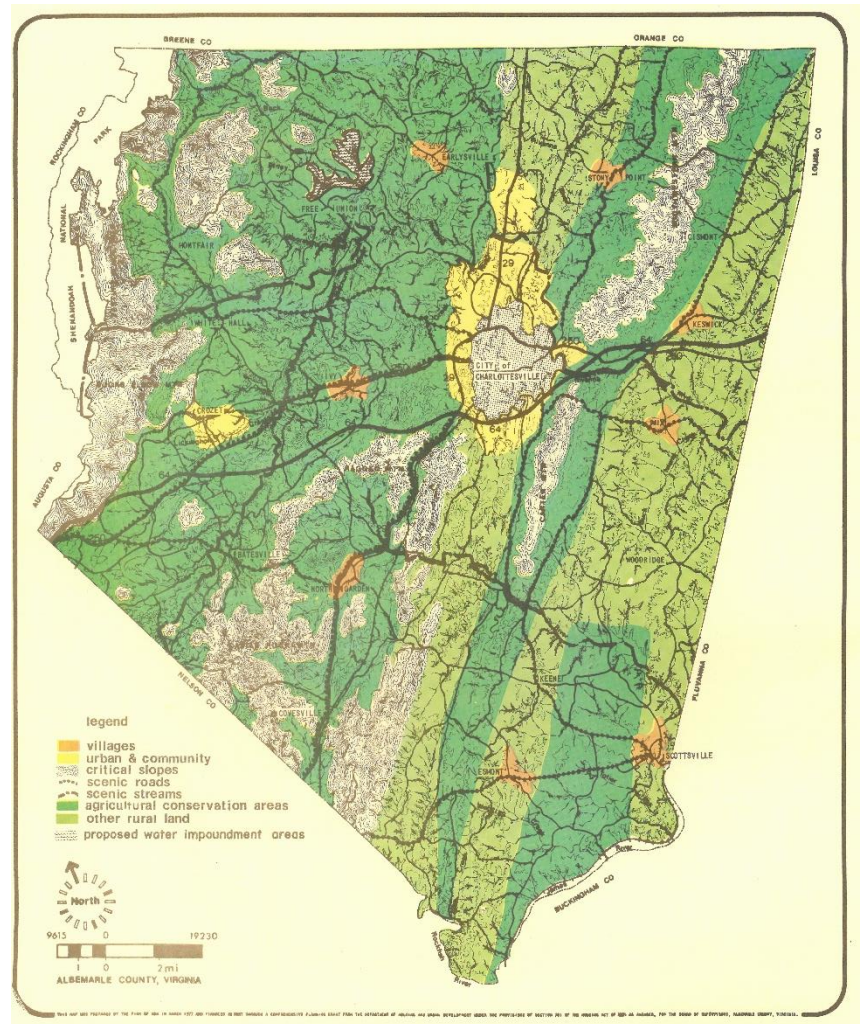


Figure 16. Albemarle County 1977 Comprehensive Plan: Land Use Plan.

²⁰⁷ Albemarle County Board of Supervisors Meeting Minutes, January 2, 1976.

Unsurprisingly, the development areas suggested in the updated comprehensive plan (Figure 16) would be substantially reduced from the 1971 plan's aggressive community cluster concept (Figure 9). Several outlying villages were de-emphasized or removed from the plan, with Charlottesville's urban ring and the Crozet and Hollymead communities being elevated in their relative importance. The Ivy community's demotion to a village responded to the potential of the Crozet interceptor sewer to spur continued strip development and sprawl along the Route 250 West corridor from Charlottesville towards Ivy and Crozet, and the plan included a policy recommending against permitting sewer connections in the Ivy area.²⁰⁸ The de-emphasized role of the villages also likely reflected an easing of tensions around annexation. In a section titled "Relationships to Other Jurisdictions", the plan notes that "issues of annexation and merger which were prevalent around 1970 have waned in importance as a result of the extended state-wide moratorium on annexations... coordination and cooperation between the city and county during recent years have probably contributed significantly to the lessening of anxieties in this area."²⁰⁹

The revised plan also included new components to address emerging priorities, including energy conservation recommendations, a fiscal impact study to address the challenges of financing growth, and a five-year outlook for implementation. An interesting note

²⁰⁸ The Crozet interceptor sewer line alignment would be determined in 1976. The alternative selected avoided the Farmington area due to lower costs and reduced environmental impacts. "Sewer Line Decision Set For Summer," *The Daily Progress* (Charlottesville, VA), April 9, 1976.

²⁰⁹ Albemarle County (Va.) Planning Commission, *Comprehensive Plan, 1977-1995, Albemarle County, Virginia* (Charlottesville, Va: Albemarle County, 1977), 34.

under “Current Issues of Concern” highlights an increased concern about quality of life in Albemarle, namely “a fear that the quality of life will change as the County grows. Some of these fears are defined in terms of the preservation of open space-rural atmosphere, and of rural strip residential development impacts. Other quality-related issues include strip commercial development with attendant traffic build-ups and protection of the County’s water supply resources.”²¹⁰ The end result of the 1977 comprehensive plan was a reversal of the unrealistic growth expectations in the 1971 plan, with a further refined and narrowly scoped implementation program and an approach that “leans toward the preservers rather than the developers.”²¹¹

4.3 ANTI-GROWTH ALLEGATIONS

“Population growth, with its twin sisters, land use controls and economic development, is the overriding issue of Albemarle County politics, pitting those who would move cautiously to preserve the county’s character against those who say to sit still is to die and decay economically and culturally.”²¹²

²¹⁰ Albemarle County (Va.) Planning Commission, *Comprehensive Plan, 1977-1995, Albemarle County, Virginia* (Charlottesville, Va: Albemarle County, 1977), 40.

²¹¹ “Opposition Aired Against Proposed Zoning Ordinance,” *The Daily Progress* (Charlottesville, VA), January 3, 1979.

²¹² “Opposition Aired Against Proposed Zoning Ordinance,” *The Daily Progress* (Charlottesville, VA), January 3, 1979.

Continued actions by the Board following the adoption of the revised comprehensive plan would lead to criticism that the Board was “anti-growth” throughout 1978. Business-friendly coalitions such as the Charlottesville-Albemarle Economic Development Commission and Chamber of Commerce, as well as members of the development and finance community, would assail the political and decision-making climate as “elitist” and driven by “people who have already made theirs”.²¹³ Chair Gerald E. Fisher would respond to this concern by citing the community’s desire for “controlled growth” or “high quality, ‘clean’ growth”.²¹⁴ The cost of growth (and who pays) was an apparent concern, with residents favoring requirements that “developers pay for the costs of growth they sponsor”.²¹⁵

With competing calls for economic and industrial development to broaden the County’s tax base, the excess quantity of properties zoned for industrial use with the 1968 zoning ordinance would be a point of contention between advocates for “controlled growth” and advocates for economic development. Fisher would promote a limit to new rezonings for industry in late 1978, citing that additional expansion of industrial development would “stimulate population growth” beyond the comprehensive plan’s expectations.²¹⁶ Community frustrations regarding growth would be exemplified in early 1979 through a flurry of opinion pieces responding to a January 28, 1979 *Daily Progress* editorial titled “What Is the County’s

²¹³ “Dialogue on Development,” *The Daily Progress* (Charlottesville, VA), July 19, 1978.

²¹⁴ “Fisher Denies Board Attitude Is Anti-Growth,” *The Daily Progress* (Charlottesville, VA), July 18, 1978.

²¹⁵ *Ibid.*

²¹⁶ “Fisher Promotes Limit on Industry,” *The Daily Progress* (Charlottesville, VA), October 11, 1978.

Policy on Economic Development?”. The editorial apparently responded to the perception that Board actions led to firm R.R. Donnelley and Sons choosing to locate a new \$60 million plant in nearby Rockingham County.²¹⁷

The editorial would describe the Board’s alleged “anti-growth and anti-economic development” bloc consisting of supervisors Gerald E. Fisher, F. Anthony Iachetta, and C. Timothy Lindstrom, going so far as to describe them as the “terrible trio”. Chair Gerald E. Fisher would be a particular lightning rod for criticism as a “symbol of anti-business, no-growth attitudes”, and the editorial would allege that Fisher was intentionally not invited to meet with Donnelley officials. Iachetta would be quoted as criticizing Donnelly as “the same sort of garbage we get from all the people around who want growth”. The editorial was not without hyperbole, comparing Fisher meeting with an industrial prospect to “inviting Typhoid Mary to play Spin the Bottle” and stating “some have suggested that if Messrs. Fisher, Iachetta, and Lindstrom had been in office 200 years ago the University and Mr. Jefferson’s Monticello would have been in Augusta County rather than in Albemarle.”

Responses would largely fall along pro-growth and no-growth lines: critics of growth would take issue with the editorial’s characterizations of Board members’ attitudes²¹⁸ and accuse the *Daily Progress*’s editor of being “one of the leading cheerleaders for the growth-at-

²¹⁷ “What Is the County’s Policy on Economic Development?,” *The Daily Progress* (Charlottesville, VA), January 28, 1979.

²¹⁸ “Opponents of Growth in County Voice Disagreement With Editorial,” *The Daily Progress* (Charlottesville, VA), February 2, 1979.

any-price people”.²¹⁹ Over 17 opinion pieces responding to the article would be published in the following two weeks, highlighting the contentious and high-profile nature of the growth debate.

4.4 THE GREAT REZONING

Following the adoption of the comprehensive plan, updating the zoning ordinance to align with the plan’s recommendations would be a major priority. Hoping to avoid some of the pitfalls that plagued the failed 1975 zoning proposal, Albemarle hired Kamstra, Dickerson, and Associates (KDA), the consultant that prepared the comprehensive plan, to begin work on the updated ordinance. A Citizens Advisory Panel was formed to guide the development of the ordinance and included a broad cross-section of the community, including numerous representatives from development and environmental interests.

4.4.1 “Selling Albemarle County”: The First Draft

KDA’s early draft would be released in November 1978 for public hearings in January and February 1979. Significant community opposition from diverse perspectives arose once public hearings began in January 1979:

“Developers at the Planning Commission’s public hearing Tuesday did not like the ordinance, did not understand it, they said. Neither did engineers, housewives, land

²¹⁹ “Growth at Any Price Not Equivocally Good,” *The Daily Progress* (Charlottesville, VA), February 2, 1979.

planners, legal aid lawyers, realtors, architects, Ivy residents, Esmont residents, builders and farmers."²²⁰

Points of contention included the complexity of the proposed text, notification procedures for property owners, and the rapid pace of the public hearing process. Others raised significant concerns about downzoning and the loss of property rights under the existing zoning map, as well as the potential negative impact on housing availability in "housing-tight and poorly housed Albemarle."²²¹ A group calling themselves the Albemarle Property Owners Association would advocate to slow down the process and oppose "the tremendous effect on Albemarle County's tax base, land values, and citizens' rights",²²² focusing on the downzoning in their opposition to the ordinance.²²³ The Charlottesville-Albemarle Chamber of Commerce would call for the proposal to be thrown out entirely, with special criticism directed towards rural land use and a "best agricultural soils" overlay district.²²⁴

Achieving the passage of the ordinance was also a major political goal for conservation-minded Board members Fisher, who sought to adopt the ordinance early in the year to avoid the fall elections and budget season, and Lindstrom, who was concerned about the ordinance

²²⁰ "Opposition Aired Against Proposed Zoning Ordinance," *The Daily Progress* (Charlottesville, VA), January 3, 1979.

²²¹ *Ibid.*

²²² "Property Owners Oppose Draft Zoning Law in Present Form," *The Daily Progress* (Charlottesville, VA), January 11, 1979.

²²³ "Land Planner Critical of Type of Zoning Law Proposed in Albemarle," *The Daily Progress* (Charlottesville, VA), January 12, 1979.

²²⁴ "Chamber Panel Favors Sacking Zoning Proposal," *The Daily Progress* (Charlottesville, VA), January 30, 1979.

dragging on.²²⁵ The polarized political climate and organized opposition to the proposed zoning ordinance led the *Charlottesville Observer* to question if the 1979 election had already begun, with “a very early campaign to unseat incumbents and replace them with supervisors who reflect a different attitudes towards land use”.²²⁶

In response to the early controversies about the new zoning ordinance, former Supervisor Opal D. David would pen an opinion piece in May 1979 titled “Selling Albemarle County” which highlighted the pervasive real estate interests involved with the Chamber of Commerce’s opposition to the proposed zoning ordinance. The Chamber and its Study Committee for the zoning ordinance were represented by Montague, Miller, & Co., a real estate firm; the Blue Ridge Home Builders Association; development firm Virginia Land Company (owned by Dr. Charles Hurt). Former supervisor Stuart Carwile’s law partner chaired the committee, and David went as far as to reference Carwile’s ties to developers Charles Hurt and Wendell Wood “[helping] to unseat him as a member of the Board of Supervisors in 1975”, and in referring to the 1975 election, stated that the “concerned voters repudiated the domination of our county government by real estate development interests.”²²⁷ The zoning ordinance was effectively becoming a rematch of the 1975 Rivanna Reservoir battle.

²²⁵ “Opposition Aired Against Proposed Zoning Ordinance,” *The Daily Progress* (Charlottesville, VA), January 3, 1979.

²²⁶ “In The Shadows,” *The Charlottesville Observer* (Charlottesville, VA), January 18-24, 1979.

²²⁷ “Selling Albemarle County,” *The Charlottesville Observer* (Charlottesville, VA), May 24-30, 1979.

Controversies around property owner notification would also pose a challenge to the review and adoption process.²²⁸ Mailed notifications were sent during the review of the failed 1972-1975 zoning ordinance, which incited significant property owner opposition that contributed to the demise of the effort²²⁹, yet in 1979, mailed notifications would not be permitted under state law.²³⁰ Regardless, by late September 1979, the ordinance had not yet been adopted and there was some risk of turnover on the Planning Commission in early 1980 after the November Board of Supervisors elections. At that point, attempts to expedite review and adoption of the ordinance were criticized as rushed and “railroading”.²³¹

4.4.2 Reworking the Rural Areas

Using KDA’s draft as a starting point, Albemarle would move production of the new ordinance in-house to be written by its planning staff led by Director of Planning Robert W. Tucker Jr. and the Planning Commission. These groups worked to respond to the public outcry around downzoning, particularly in Albemarle’s expansive rural area. While the original adopted zoning ordinance’s A-1 Agricultural zone covered over 95% of the County’s land area and permitted unlimited subdivision of two-acre lots, new proposals would seek to scale back the extent of division permitted. For the ordinance to be politically palatable, it would have to

²²⁸ “More on County Zoning,” *The Daily Progress* (Charlottesville, VA), July 23, 1979.

²²⁹ “County Land Plans’ Basics Unchallenged,” *The Daily Progress* (Charlottesville, VA), July 24, 1979.

²³⁰ “Notification Issue Won’t Die,” *The Daily Progress* (Charlottesville, VA), September 12, 1979.

²³¹ “Don’t Rush It,” *The Daily Progress* (Charlottesville, VA), September 28, 1979.

implement the comprehensive plan's conservation-oriented recommendations and land use patterns while balancing property owners' development rights.

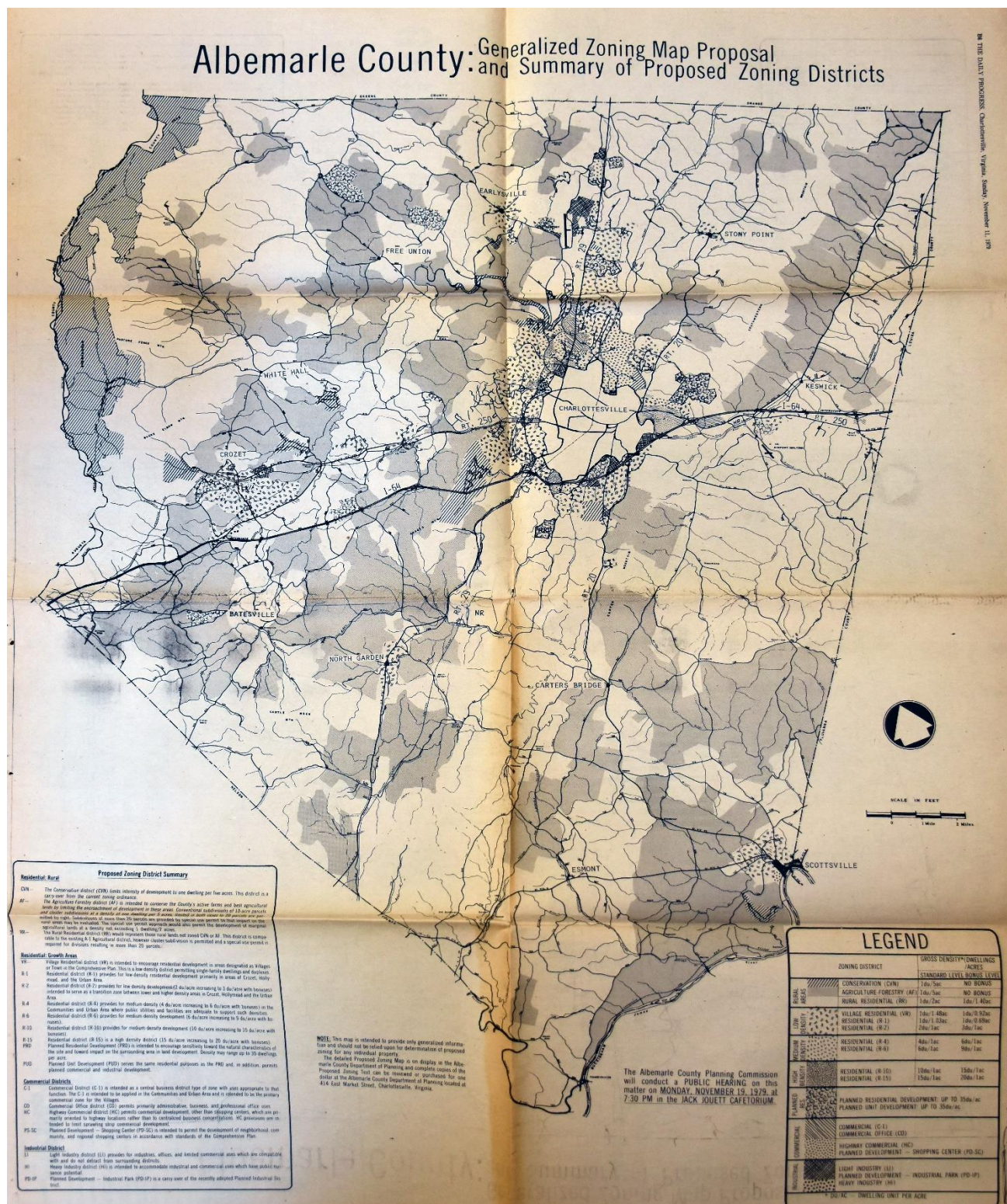
The Albemarle Property Owners Association would continue to be involved with crafting the rural zoning district, suggesting mixtures of minimum lot sizes and triggers for special use permits to balance rural property owners' interests with the desire to minimize development impacts on environmental resources.²³² Yet, the intent of the rural districts remained unclear: while groups such as the Albemarle County Farm Bureau would advocate for restrictive subdivision regulations, other farmers would side with the Albemarle Property Owners' Association. Even the definition of agriculture was up for debate, as planning commission members would point out that forestry and cattle farming were legitimate agricultural pursuits that did not require prime soils.²³³

A draft ordinance text was released on August 1, 1979, with "agriculture-forestry" and "rural residential" zones replacing the A-1 Agricultural zone in the present ordinance.²³⁴ This revision would be substantially shortened from KDA's December 1978 draft.

²³² "Property Owners Seek Change In Draft Zoning Law," *The Daily Progress* (Charlottesville, VA), March 5, 1979.

²³³ "Planners Put Off Action: Agricultural Zone Decision In Two Weeks," *The Daily Progress* (Charlottesville, VA), March 7, 1979.

²³⁴ "Text of Proposed Albemarle Zoning Ordinance Is Released," *The Daily Progress* (Charlottesville, VA), August 1, 1979.



By December 1979, enthusiasm about the more prescriptive approach to rural land use had faded, and the Planning Commission recommended consolidating the rural zoning districts (Agriculture and Forestry – AF and Rural Residential – RR) into a single Rural Areas – RA district.²³⁵ The RA district would permit limited rural development on smaller lots and mandate clustering of lots, with special use permit approvals for subdivisions over 20 lots.

4.4.3 The Development Area Amendments

At the same time, the Board of Supervisors was grappling with how to lead growth through utilities and capital planning as incentives to shepherd growth, particularly through water and sewer availability.²³⁶ As the guiding document for land use, zoning, and infrastructure, the comprehensive plan would have to support the County's next steps for the massive downzoning to be legally defensible. While the 1977 comprehensive plan included high-level land use prescriptions, neighborhood committees and County staff would spend the following years drawing up detailed revisions to the comprehensive plan's land use recommendations that would provide the basis for the updated zoning ordinance.²³⁷

These revisions would include a particular focus on the interface between the urban areas and the South Fork Rivanna Reservoir's watershed, where suburban development had been occurring for decades and was expected to occur to some extent in the future. Portions of

²³⁵ Albemarle County Board of Supervisors Meeting Minutes, January 14, 1980.

²³⁶ "Leading Growth, Not Pushing It," *The Daily Progress* (Charlottesville, VA), September 10, 1979.

²³⁷ "County Land Plans' Basics Unchallenged," *The Daily Progress* (Charlottesville, VA), July 24, 1979.

the northern urban ring were within the watershed, as well as the entire Crozet community and Ivy and Earlysville villages. As protecting the watershed through zoning was a major goal of the ordinance, the Board would have to determine how to handle urban areas within the watershed's drainage area.²³⁸

On December 11, 1979, the Board would unanimously vote to delete the South Fork Rivanna River watershed from the comprehensive plan's urban area. Beginning in January 1980, the Board would hold a series of work sessions and public hearings focused on refining the urban area's land use recommendations and addressing development potential. The loss of development potential near the reservoir would also start conversations about expanding development boundaries near the Biscuit Run area located in the southern urban ring and north near the Camelot subdivision.²³⁹ ²⁴⁰ A new "community" of Piney Mountain near Camelot was spurred by the Briarwood rezoning proposal and the presence of a sewage treatment facility, though fears of continuing urban sprawl up Route 29 would lead to the area being significantly scaled back to a "village".²⁴¹

A more controversial proposal would involve the urban area's western fringe, which was within the reservoir's watershed. This fringe included areas that had already urbanized or

²³⁸ "County Planners Deal Up Front in Working on Zoning Ordinance," *The Daily Progress* (Charlottesville, VA), July 26, 1979.

²³⁹ "Planners Recommend Reservoir Buffer Zone," *The Daily Progress* (Charlottesville, VA), August 28, 1979.

²⁴⁰ Albemarle County Board of Supervisors Meeting Minutes, December 11, 1979.

²⁴¹ Albemarle County Board of Supervisors Meeting Minutes, January 16, 1980, January 23, 1980.

had threatened to urbanize, including Albemarle High School, some smaller subdivisions, and the Evergreen development²⁴². In March 1980, Supervisor William S. Roudabush would propose amending the urban area's land use plan to include this fringe area (Figure 18) at a low density planned residential category to address property owner concerns and likely development patterns.²⁴³ However, Roudabush's amendment would not gain traction among community members and other Board members, who feared that treating this watershed area differently would weaken the premise and legal defensibility of the zoning ordinance.²⁴⁴

Public hearings for the updated land use plans would take place in March and April 1980. The village and community land use plans ((Villages of Ivy, North Garden, Stony Point, Scottsville, Earlysville; communities of Crozet and Hollymead) would be adopted on March 5, 1980, and the urban area amendments would be adopted April 16, 1980. While the question of the fringe areas would briefly come back up in discussions of a Rural Suburban zoning district,²⁴⁵ by the end of June staff was directed to update the draft zoning map to match the urban area's land use amendments.²⁴⁶

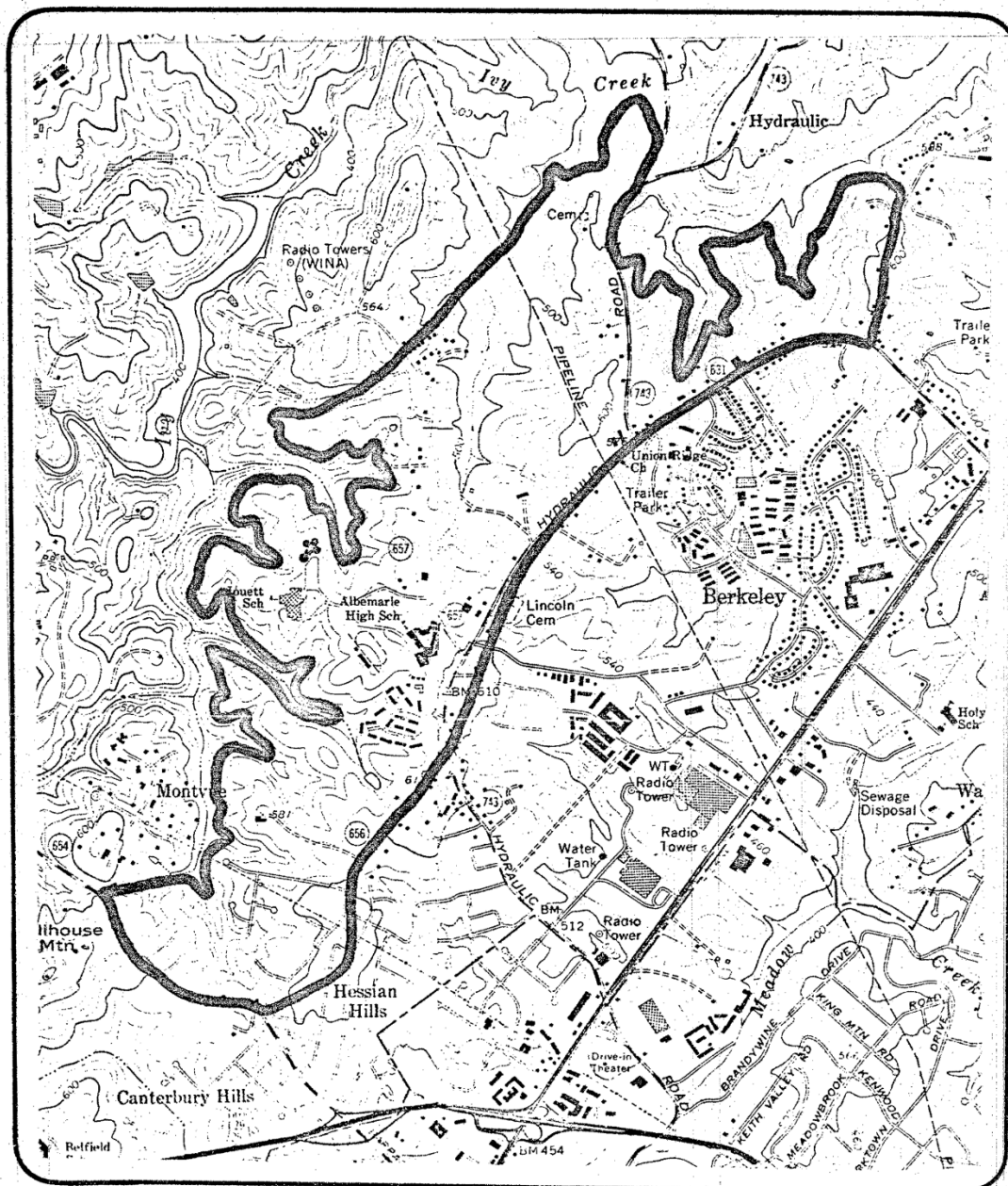
²⁴² Litigation led to the Evergreen development being approved with conditions.

²⁴³ Albemarle County Board of Supervisors Meeting Minutes, March 5, 1980.

²⁴⁴ Albemarle County Board of Supervisors Meeting Minutes, April 9, 1980.

²⁴⁵ Albemarle County Board of Supervisors Meeting Minutes, May 29, 1980.

²⁴⁶ Albemarle County Board of Supervisors Meeting Minutes, June 25, 1980.



**Proposed Planned Residential
Urban Area Addition**

Figure 18. Proposed Planned Residential Urban Area Addition from April 9, 1980 Board of Supervisors Meeting Minutes.

4.4.4 The Watershed Year: 1980

By 1980, it was clear that the goal of the rural zoning districts was not just to protect agriculture, but also to “protect the rural character of the County”, and the debate about how best to protect the rural areas would continue all the way through the adoption of the new ordinance in December.²⁴⁷ Drafting an ordinance with significant performance standards would also require significant input from the Board of Supervisors and community in several work sessions and public hearings.

The Board would explore different gradations of rural zoning, incentives, and overlay districts to implement the comprehensive plan’s recommendations effectively. At a May 1980 planning commission public hearing, the three major proposals in the ordinance were described: bonus densities in development area zoning districts, cluster development, and “very controversial” critical slopes standards for building sites.²⁴⁸ Each of these concepts would seek to preserve rural land and minimize the environmental impacts and degradation of water quality from new development in Albemarle’s hilly terrain.

A significant step towards resolving the rural zoning issue was consolidating separate rural districts into a single district, minimizing the challenges of differentiating land use across Albemarle’s vast rural landscape. An April 1980 draft proposed a single Rural Areas zoning district, which would arrive come as a response to the Albemarle Property Owners Association

²⁴⁷ Albemarle County Board of Supervisors Meeting Minutes, April 28, 1980.

²⁴⁸ Albemarle County Board of Supervisors Meeting Minutes, May 14, 1980.

proposal, though the group would later oppose the district and “spot downzoning”.²⁴⁹ The Conservation zoning district would also be retained from the current ordinance for application on publicly owned land and water supplies.

The Rural Areas district would encompass about 80% of the County. It would provide several density levels, design standards, and review processes based on the size and scale of a proposed subdivision. Board members would debate lot sizes, development rights, and approval processes through the summer, with competing proposals (Figure 19) reflecting their priorities and viewpoints on how to protect rural lands.²⁵⁰

Planning Commission Proposal: 20 lots by right with five, two-acre lots and the remaining lots being five acres each. Mandatory clustering. Divisions above 20 lots would require a special use permit based on seven criteria set out in the ordinance.

Roudabush Proposal: Five, two-acre lots by right. Six to 20 lots subject to an application plan which could be approved by the Planning Commission. A special use permit would be required for more than 20 lots. (Pages 55-56, May 29, 1980.)

Lindstrom Proposal: Six to 100 acres would be allowed three, two-acre lots by right. One hundred, plus acres would get one additional two-acre lot for each 25 acres in addition to the 100. A special use permit would be required for more lots than provided above. (June 18, 1980 meeting.)

Iachetta Proposal: Three, two-acre lots by right. Four to 15 lots would be three acres each. Anything beyond 15 lots would require a special use permit or a rezoning. (May 29, 1980 meeting.)

Figure 19. Rural Areas Zoning District Lot Size Proposals from July 16, 1980 Board of Supervisors Meeting Minutes.

²⁴⁹ Ibid.

²⁵⁰ Albemarle County Board of Supervisors Meeting Minutes, July 16, 1980.

The framework for the eventual Rural Areas zoning district emerged in July 1980 during a work session, when the Board endorsed a proposal for five lots permitted by-right, with a minimum lot size of two acres and additional divisions by special use permit. While ironing out the logistics of administering such an ordinance would take time, by October the Board would eliminate the Conservation zoning district from the map²⁵¹ and consider provisions for the by-right creation of large lots.²⁵²

The downzoning question would not entirely be addressed until the last months of 1980. Work sessions in late October would revolve around the treatment of the excess commercial zoning that was created in the original 1968 zoning ordinance and vested rights of businesses.²⁵³ While the Board stuck to a strict policy of downzoning the South Fork Rivanna Reservoir watershed for residential development, vacant commercially-zoned properties would be downzoned to conform with the comprehensive plan and existing commercial uses would be evaluated on a case-by-case basis.²⁵⁴

The final decision about the Rural Areas zoning district would be made on December 10, 1980. Each parcel existing on the effective date of the ordinance could be subdivided into a maximum of 5 development lots with a minimum of two acres each, and lots over 21 acres in area exempted from the maximum number of lots. The 21-acre requirement was intended to

²⁵¹ Albemarle County Board of Supervisors Meeting Minutes, October 20, 1980.

²⁵² Albemarle County Board of Supervisors Meeting Minutes, October 27, 1980.

²⁵³ Albemarle County Board of Supervisors Meeting Minutes, October 28, 1980.

²⁵⁴ Albemarle County Board of Supervisors Meeting Minutes, October 29, 1980.

allow property owners to receive land use tax valuation for forestry uses, since a minimum of 20 acres was required and 1 acre would be deducted. Later that afternoon, Albemarle County would successfully complete its first comprehensive zoning ordinance overhaul as the Board of Supervisors adopted the proposed zoning ordinance and map, effective at 5:15 PM on December 10, 1980, ending years of controversy and futile attempts to implement planning policy.

5 ANALYSIS AND CONCLUSIONS

The zoning ordinance adopted on December 10, 1980 would withstand several legal challenges related to the downzoning of significant swaths of County land. It has persisted as Albemarle's primary regulatory mechanism for development projects, even as the County's planning philosophy has increasingly shifted towards New Urbanist and transit-oriented development paradigms. The long-term failure of the 1980 ordinance to produce desirable results within aging urban commercial areas has led to a movement to replace portions of the zoning ordinance and map with a brand-new form-based zoning ordinance.

While the ordinance's longevity has permitted the accrual of substantial institutional knowledge, County administrators have begun to advocate for a comprehensive plan update to support a major zoning update to replace the 1980 ordinance. Yet, no staff in the County's Community Development department (its planning and zoning department) were present for the 1980 ordinance's adoption. Recent experience in cities such as Minneapolis has demonstrated that zoning updates can be an opportunity to redress the challenges and failures of prior zoning and land use decisions, particularly around issues of equity and housing.

5.1 ANALYSIS

I offer three summary explanations of the “watershed moments” described earlier:

5.1.1 Albemarle’s early land use and planning efforts were reactions to annexation and race.

The acrimonious nature, expense, and potential economic impact of the 1960-1963 annexation suit with Charlottesville appears to have influenced Albemarle’s capital investments and land use decisions in the following years. In response to the County’s loss in the suit, the Board sought to correct deficiencies in urban service provision by attempting to adopt a zoning ordinance and undertaking an aggressive water supply expansion program using federal funds. The 1968 zoning ordinance was adopted without a comprehensive plan’s guidance out of political expedience.

The formal beginning of land use planning in 1970-1971 also reflected a coordinated defense against annexation. By over-projecting population, Albemarle was able to justify investment in an expanded physical plant to serve a dispersed population that could not be effectively annexed by Charlottesville. However, by 1972, Albemarle was forced to cooperate with Charlottesville through mandates from state-level regulatory agencies and judicial proceedings. Charlottesville’s failed annexation suits in 1971-1972 also provided a temporary respite from annexation due to a prohibition on new suits and de-emphasized this priority.

Besides the economic pains caused by annexation and the loss of an urban tax base, Albemarle residents may have protested annexation out of a desire for local autonomy and control. Rural residents likely did not want to lose portions of the tax base and were likely opposed to any perceived infringement on their property rights. It is also likely that race influenced Albemarle's attitude towards Charlottesville and urbanization. The visibility of "urban" issues, racially-motivated urban renewal projects in Charlottesville such as Vinegar Hill, and school integration may have influenced residents' viewpoints on urbanization. Noted segregationists such as E.J. Oglesby and Leon Dure also served on County bodies such as the School Board and Planning Commission until 1963, though it is unclear how much they individually contributed to the formulation of early efforts such as school construction programs and the failed 1963 zoning ordinance.

5.1.2 Dissatisfaction with growth led to the emergence of a politically dominant environmental-conservative coalition in the early 1970s.

Rapid development activity was poorly controlled due to a lack of coordination of utilities and a zoning ordinance that did not implement a comprehensive plan. Planning and zoning decisions instead tended to further the aims of real estate and development interests. As the County's elected officials and staff were closely associated with real estate development interests, the undesirable impacts of development became closely identified with County actions.

Groups such as the League of Women Voters and Citizens for Albemarle were longtime advocates for comprehensive planning and zoning within Albemarle County. Citizens for Albemarle took a view of environmental advocacy that was informed by ecological concerns as well as quality of life and community “character”, including agricultural/rural and historic preservation. Other emergent environmental groups included a chapter of Zero Population Growth which explicitly linked a no-growth position to environmental and ecological issues, though Citizens for Albemarle included some environmental arguments for slowing population growth in an early newsletter.²⁵⁵

In addition to environmental concerns, fiscal conservative groups including the Albemarle County Taxpayers Association would find issues with the costs of growth and government’s role in regulating private property and development. Although the fiscal conservative groups may have disagreed with environmental and land use regulations on private property, the environmental and fiscal conservative groups found a common interest in minimizing government expenditures and tax increases to fund the services and investments needed to support a growing population.

The environmental-conservative coalition would rally around environmental degradation, fiscal impacts, and a general consensus that growth needed to be controlled.

²⁵⁵ Newsletter of Citizens for Albemarle, May 1971, No. 2. In Citizens for Albemarle (Va.), “Newsletter,” <https://search.lib.virginia.edu/catalog/u2698722>. Members of Citizens for Albemarle would in later years would eventually form an anti-growth group called Advocates for a Sustainable Albemarle Population (ASAP).

Conflicts of interest and ties to real estate interests would become major political liabilities in the 1975 county elections, as well as incumbent Board members' support of a County Executive who had been investigated by a grand jury for alleged wrongdoing and ties to development interests. Challengers sharing policy stances with the environmental-conservative coalition would resoundingly defeat development-associated incumbents.

5.1.3 The 1980 zoning ordinance was a reaction to growth justified by a changing environmental and fiscal regulatory landscape.

The conservation-minded Board of Supervisors that entered office in 1976 was empowered by voters that overwhelmingly rejected the County's prior approach to planning and land use. With the electoral mandate and the statutory responsibility to update the comprehensive plan in 1976, the new Board set out to reverse the policies of the old Board and tighten their control on growth. The enactment of the moratorium on the South Fork Rivanna Reservoir almost immediately after taking office reflects a first step and an about-face from the prior Board's attitudes.

The 1971 comprehensive plan failed to consider the ecological impacts of development on the community's primary water supply, and the changing regulatory environment for water supply and sewage treatment projects all but doomed the viability of the plan's community cluster concept. As new package treatment plants would not be permitted, the smaller outlying villages would not be able to be served in an economically viable manner. Accordingly, the 1977 comprehensive plan would significantly scale back the scope of development anticipated in the

outlying villages and expand recommendations to protect water quality within the watershed area.

While the protection of the water supply is a laudable goal driven by an environmental and economic consciousness given the significant health and safety impacts and expense of endangering the water supply, the significant reduction of development potential through downzoning and land use regulation indicates one option. Environmental performance standards such as strengthened erosion and sedimentation control ordinances and the runoff control ordinance sought to improve the water quality on a developed site, yet agricultural best practices were a smaller emphasis.

The enactment of enabling authority for conditional zoning (the “proffer system”) in 1978 by the Virginia General Assembly²⁵⁶ would permit Albemarle to exercise more precise control over rezoning proposals by accepting voluntary conditions related to a proposed rezoning’s impact. Although cash and other contribution types would not be permitted until the legislation was expanded in 1989²⁵⁷, proffers did provide an avenue for Albemarle to exact some infrastructure improvements without burdening current taxpayers. Proffers would better allow growth to pay its own way, a consistent refrain of advocates in the environmental-conservative coalition.

²⁵⁶ Edward A. Mullen and Michael A. Banzhaf, “Virginia’s Proffer System and the Proffer Reform Act of 2016,” *Richmond Public Interest Law Review* 20, no. 3 (2017), 207.

²⁵⁷ *Ibid*, 208.

Conditional zoning would expand the Board's discretionary powers and ability to review new proposals, theoretically improving the design and reducing the negative fiscal impact of new development. Yet, for conditional zoning to be effective, development potential under current zoning would have to be sufficiently low for the additional development potential sought by rezoning to be profitable for a property owner or developer. Correcting the permissive development potential of the original 1968 ordinance would require downzoning. Downzoning would reduce development potential, provide a tool for Albemarle to finance growth, and provide additional discretion in land use decision-making when a property owner or developer applied for a rezoning. However, the use of discretion would open up development decisions to additional political pressure and scrutiny, as major decisions would have to be approved by the Board of Supervisors.

In the rural areas, the Rural Areas RA zoning district would not go as far as to provide specific recommendations for agricultural preservation, but debates would center around attempts to mitigate and limit new residential development potential. The end result was "hard edge" planning that removed development potential from the suburban fringe and watershed areas and substantially downzoned the entire rural area of Albemarle County.

5.2 ENVIRONMENTALISM, EXCLUSION, AND EQUITY

Environmental protection and the prudent use of public funds²⁵⁸ are reasonable goals for a governmental body exercising its use of land use regulatory powers and budget to manage growth. Yet, localities' challenges with these subjects are often used to justify exclusionary land use aims. Michael N. Danielson's 1976 "The Politics of Exclusion" provides a contemporary overview of the use of zoning to control population and development in its third chapter, "Zoning for Fewer People".

While Albemarle did not engage extensively in efforts to prohibit multifamily development or require large lot sizes in areas served by public utilities and minimum standards for residential structures, Danielson dedicates one section to "Stopping Growth". Danielson cites the response to rapid growth with measures "designed to stop all growth in the interests of preserving community character, protecting the local environment, and reducing pressures on local public services, facilities, and finances", as well as the supporters of "no growth" including "conservationists, opponents of higher local taxes, and suburbanites seeking to exclude lower-income and minority groups from their communities".²⁵⁹ Danielson also cites William L. Wheaton, noting "the ratio of [the] mix differs from one community to another, but

²⁵⁸ The first line of Albemarle County's mission statement is "It is our mission to enhance the well-being and quality of life for all citizens through the provision of the highest level of public service consistent with the *prudent use of public funds*".

²⁵⁹ Danielson, 64.

it is the coalition of these three elements that provides the political clout”.²⁶⁰ Albemarle clearly encountered these sentiments in the development of its 1977 comprehensive plan and 1980 zoning ordinance, and the environmental-conservative coalition certainly included members of the first two groups. It is not unconscionable that exclusionary interests could find similar sympathies in environmental and fiscal objections to growth.

Other techniques Danielson describes include moratoriums on building permits and sewer connections, which are designed as a stopgap measure allowing the locality to catch up with service and public facilities.²⁶¹ Danielson also discusses growth management controls in Boulder, Colorado; Petaluma, California; Livermore, California; and Ramapo, New York; as well as Washington, D.C. suburbs. With reference to the awareness of residents regarding the challenges of growth, Danielson highlights public facilities and the cost of growth, as well as bad planning’s effectiveness of “arousing resistance to further development” through “inadequate sewer systems, overcrowded schools, highway strip development, and the general loss of open space and visual amenity”, which all “build support at the grass roots for stricter controls on development”.²⁶² Many of these issues were present in Albemarle’s early planning, with sewer facilities being a recurring difficulty within the urban area.

²⁶⁰ Ibid.

²⁶¹ Ibid., 66.

²⁶² Ibid., 70.

Finally, Danielson discusses the “growing tendency of suburbs to handle development requests through petitions for rezoning or special exemptions”,²⁶³ arguing that the use of discretion can obfuscate exclusionary motives while creating a pattern of exclusion through the prohibition of certain uses.²⁶⁴ As discussed earlier, conditional zoning and the 1980 downzoning had the impact of increasing local discretion and negotiation in land use proposals.

To Albemarle’s credit, the county did support the provision of affordable housing through participation in HUD programs which resulted in the construction of the Meadows senior housing project in Crozet, and the 1980 zoning ordinance permitted apartment developments within multiple zoning districts in the urban area. The 1980 zoning ordinance would also include density bonus incentives for affordable housing provision that would seek to expand access to housing. While County policy did generally support the creation of affordable housing where zoning permitted, the zoning map would still be the controlling factor. The scale of downzoning in 1980 and the removal of developing areas from areas designated for future growth may raise questions about the distributive effects of zoning, and where zoning changes were intended to protect advantage or exclude others. While a critique of Danielson’s suburban analysis may be the lack of detail concerning rural land use and environmental issues at the county scale, Danielson establishes some of the ways that physical planning and zoning were used for exclusionary aims.

²⁶³ Ibid., 73.

²⁶⁴ Ibid., 74.

Yet, the period of development in which Albemarle's land use policy occurred and the manner in which meeting proceedings were recorded mean that there is little clear evidence of an exclusionary factor. Ironically, the anti-urban policies of the segregationist Byrd Organization that controlled Virginia politics until the mid-1960s prevented Albemarle from using zoning to segregate the county until the month before the Civil Rights Act of 1968 was enacted.

Finally, it is worth noting that Albemarle was not alone in the "quiet revolution" of growth management and associated patterns of exclusion. Although Albemarle lacks the notoriety of some higher-population and higher-profile localities that enacted growth management policies during this period, the county's actions exemplify many of the trends and issues that were being debated across the nation. County Executive Batchelor's writing about the cocktail farmers would be published in the May 1974 edition of the International City Management Association's journal alongside pieces written by administrators from Petaluma, Ramapo, Coon Rapids (Minnesota), Prince George's County (Maryland), Dade County (Florida), Walnut Creek (California), and Oregon's Mid-Willamette Valley. Supervisor Gerald E. Fisher also served for a number of years as the Chair of the National Association of Counties' Land Use and Growth Management Steering Committee. Although smaller in size and likely facing lower rates of population growth than some of these peer localities, Albemarle has historically been situated in the same context as these pioneers who today are grappling with housing issues resulting from past policies.

5.3 LIMITATIONS OF CURRENT RESEARCH AND FUTURE RESEARCH

While this thesis attempts to contextualize the broader trends of Albemarle's land use history within national trends and the environmental movement, it does not include a detailed accounting of how past policies have distributed the benefits or costs of growth to certain communities or groups. For example, how have the suburban fringe communities that were removed from the urban area in 1980 been impacted by their status outside of a development area? Has the additional restriction of new housing within the South Fork Rivanna Reservoir watershed driven increasing housing prices, further concentrating affluence and advantage for those who can afford to live there? Quantifying the economic and social benefits of a restrictive growth regime as well as disparities between urban and rural residents would be an important evaluation before work on the comprehensive plan begins.

This analysis also relied heavily on official archival resources including Board of Supervisors meeting minutes and historic documents available through Albemarle County. These records often include simplified or summarized versions of County-sanctioned proceedings. However, a further investigation of community social movements and organizing could look more closely at a content analysis of materials used by different groups, as well as additional targeted interviews with surviving stakeholders. While some records were available at the University of Virginia's Special Collections Library, access to many of these resources was rendered unavailable or restricted due to the COVID-19 pandemic. A future effort could further

expand upon and clarify the narratives of community actors in this period, helping to establish the social and political forces at play in Albemarle's land use history.

5.4 IMPLICATIONS FOR PRACTICE: AT A WATERSHED, 40 YEARS LATER

Albemarle County's zoning ordinance will turn 40 years old on December 10, 2020, and planning is underway to begin the update. County staff have begun scoping such an update to focus on limited "strategic" updates to the comprehensive plan, to be followed by an update of the zoning ordinance.²⁶⁵ Yet, as Albemarle begins to expand its efforts to incorporate equity in its decision-making processes, a limited review of the comprehensive plan seems to miss an opportunity to review the long-term impacts of the growth management policy that is the central organizing concept of the comprehensive plan and has been in place for over 40 years. The County's 2020 resident survey highlighted disparities in the perception of quality of life across race and geographic areas, including a summary statement that "among those who expect quality of life will worsen, the primary concern was that Albemarle's growth will outpace the capacity of its infrastructure, leading to overcrowding, increased traffic, and lack of affordable housing".²⁶⁶ Today's challenges with growth are similar to those that existed 40 years ago, including capital funding and a backlog of infrastructure improvements, environmental degradation and climate action planning, and affordable housing.

²⁶⁵ Albemarle County Board of Supervisors Meeting Agendas, September 16, 2020.

²⁶⁶ Center for Survey Research, Weldon Cooper Center for Public Service, *Albemarle County Community Survey, 2020 Report* (Charlottesville, Virginia, n.d.), <https://www.albemarle.org/home/showdocument?id=4766>.

The “hard-edge” planning implemented by the 1980 ordinance requires that certain designated geographic areas receive government resources to support new development, and that other areas receive significantly reduced resources and service levels. If the development of the existing ordinance and growth management policy is historically grounded not just in environmental concerns but rather fears of racial diversity, annexation, and growth, then the demarcating line between the urban areas and the rural areas deserves critical evaluation with the upcoming comprehensive plan and zoning ordinance updates. The western boundary of Albemarle’s urban ring excludes several developed areas and Albemarle’s comprehensive plan has continually reduced expectations for limited village-scale service development within historic rural communities or crossroads communities. Several questions may arise: did downzoning in the Ivy area serve to protect single-family homeownership interests from threats of new or denser development? Has the concentration of resources in urban areas contributed to what could be characterized as purposeful neglect or disinvestment in rural communities?

Land use policies and zoning distribute of benefits through variable grants of property development rights or expectations of public investment. Where communities have been harmed or otherwise afforded unfair advantages through historic land use trends, Albemarle should consider a reparative frame in future planning efforts that addresses past patterns and undercurrents of exclusion. Will the new zoning map perpetuate exclusivity and the hoarding of opportunity within wealthy, White, suburban areas, or will it seek to reverse this trend by finally “opening the suburbs” as has been a refrain for decades? Or will it look regionally at how

the implementation of its growth management policy may have led to “leapfrog” development in adjoining counties? Will investments that improve community health or build wealth in historically marginalized communities be considered as part of the County’s growth management policy, or will the policy continue to largely ignore discrepancies in community well-being in favor of an “urban/rural” dichotomy that may be more arbitrary than a simple watershed delineation?

Race, annexation, and anti-growth sentiment are not currently prominently acknowledged in the history or the framing of land use planning in Albemarle County. Yet, Albemarle has its first opportunity in over a generation to critically review the motivations and assumptions that have historically driven its land use and zoning policies. This should be considered as a critically important first step before any work begins on drawing a land use plan.

In a way, Albemarle County is at a new watershed moment for its efforts to establish equity in operations and long-range planning. A fifth core value, “Community: ‘We expect diversity, equity, and inclusion to be integrated into how we live our mission.’” was recently adopted as the organization’s fifth core value. At this watershed moment, will the county that has prided itself on its historic associations choose to interrogate, understand, acknowledge, and make amends for its own institutional past in order to enhance the well-being and quality of life for all residents?

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APPENDIX

EXCERPT FROM CITY OF CHARLOTTESVILLE FEBRUARY 1, 1960 ANNEXATION ORDINANCE

"The City of Charlottesville does hereby set forth the necessity for an expediency of the proposed annexation:

1. That a large part of the territory proposed to be annexed constitutes a highly urbanized area which according to the constitutional and legislative policy of the State of Virginia should be governed by the municipal government of the City of Charlottesville.
2. The area proposed for annexation together with the present city area constitutes a compact body of land peculiarly adaptable to city growth and government and all of the territory is needed in the reasonably near future for the city's development.
3. For a number of years past there has been a rapid residential and industrial development both within the present city limits and in the territory immediately adjacent to the city limits. As a result an increased number of families require suitable areas for housing development beyond the capacity of vacant lands now within the corporate limits, and the many families now living in apartments or small quarters in residential areas within the present city limits require additional territory within the city limits adaptable to residential purposes and affording desirable locations for home sites.

Sufficient land suitable for these purposes and for further industrial and commercial expansion is not now available within the present corporate limits of the City of Charlottesville to accommodate the needs and desires of its present or future population which will be attracted to the city and the adjacent areas in Albemarle County.

Many former residents and newcomers to the Charlottesville have been compelled to establish their residences beyond the corporate limits because suitable or desirable land was not available in the city. Much of the suburban development and subdivision of property into lots has taken place in the territory which is proposed to be annexed, and which lies just outside the City of Charlottesville in line with its inevitable growth.

4. The creation of attractive, efficient, commercial and industrial districts related to desirable and well protected residential districts can only result from an intelligent zoning policy which is applied to the entire area of urban development. This cohesive development can not be accomplished except under city government of the area since no zoning controls exist in the County of Albemarle. Without such controls, there has been an increasing number of mixed, incompatible land uses in the proposed annexation territory which if continued will work to the great detriment of the city and the residents of the area.

This development demonstrates the need for the application of sound planning principles to the land in the proposed annexation area. A single coordinated plan for the division of acquired urban facilities is a

requirement for adequate provision initially and efficient operation subsequently. The longer adequate controls are delayed the greater for potential for poorly related or substandard facilities.

5. The people living in the annexation area have their commercial, social, recreational, civic, church and other interests largely within the City of Charlottesville, require daily use of the streets and other public facilities. their interests and welfare are identical with the interests and welfare of the city and are in no way identified with the interest and activity of the county in which they now reside.

As a result the annexation area constitutes with the present city, one homogeneous community which can be more completely, efficiently and economically governed, administered and serviced with a fair distribution of costs by being under and being part of the same local government as will be accomplished through the proposed annexation.

6. In much of the territory proposed to be annexed there is no adequate public system for trash and garbage collection and in portions of comparatively dense population, there is also a lack of effect fire and police protection. As a result of this situation it is necessary for the proper protection of the health and safety of those living within the proposed annexation areas that the area be brought under the health rules and sanitary regulations, police and fire protection of the city.

7. A projection of current growth trends indicates that the small available amount of usable vacant lands within the present city limits capable of so being, will be occupied within a few years. It is not practical or possible to develop much of the city's vacant land because it is either not for sale or topographically it does not lend itself to development.

8. The area proposed for annexation from Albemarle County needs for its proper development the administration of municipal government, equipped and designed to meet the needs for an urban population. The urban community included in the annexation area needs a governmental program for protection against the spread of disease, for the education of its children, for police and fire protection with adequate equipment and personnel, modern sewage treatment, further extension of water and sewer lines where practical, parks and playgrounds a recreational program, a central plan of community development, adequate and proper zoning, electrical, building, fire, weights and measures and other inspection facilities, streets, and garbage collection and disposal.

Such a program is not feasible unless the area affected is under a single governmental control, of modern design, capable of raising public funds by having sufficient taxable values within its jurisdiction. The accomplishment of such a result requires a consolidation of the annexation area within the city through the present proceeding.

9. The area of the County of Albemarle is greatly in excess of 60 square miles and the annexation of proposed territory will not materially affect the governmental functions of the county."