

**Albemarle County Planning Commission
FINAL Minutes May 4, 2021**

The Albemarle County Planning Commission held a public hearing on Tuesday, May 4, 2021 at 6:00 p.m.

Members attending were Julian Bivins, Chair; Karen Firehock, Vice-Chair (arrived at 6:08 p.m.); Rick Randolph; Daniel Bailey; Corey Clayborne; Jennie More; Tim Keller; and Luis Carrazana, UVA representative.

Members absent

Other officials present were David Benish; Jodie Filardo; Charles Rapp, Director of Planning; Andy Herrick, County Attorney's Office; and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

Mr. Bivins said the meeting was being held pursuant to and in compliance with Ordinance No. 20-A(16), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster." He said opportunities for the public to access and participate in the electronic meeting will be posted at www.albemarle.org on the Community County Calendar, when available.

Ms. Shaffer called the roll. All Commissioners indicated their presence, except Ms. Firehouse, who was en route.

Mr. Bivins established a quorum.

Other Matters Not Listed on the Agenda from the Public

There were none.

Consent Agenda

Approval of Minutes for April 6, 2021 and April 13, 2021.

Mr. Bivins asked the Commissioners if they wished to pull anything from the consent agenda and heard no requests to do so.

Mr. Keller moved to approve the consent agenda.

Mr. Bailey seconded the motion, which carried 6:0 (Ms. Firehock arrived late).

Public Hearings

SP201900014 & SP201900015 Blue Ridge Swim Club Amendment

Mr. Clark presented the staff report. He stated there were two special use permit amendment requests for Blue Ridge Swim Club. To review the history, Mr. Clark said the swimming pool itself had been in this location since about 1905 and operating as a swim club for area residents. He said it was a nonconforming use for many years, and then in 2011, it received approval of two

special use permits, one for a day camp with some limited overnight use and one for the swim club itself.

Mr. Clark said that in 2019, the Board approved two amendments to the original permits to allow the division of the smaller parcel with the idea being that the operator of the camp could put a house on that separate parcel and use it to have a presence on the site.

Mr. Clark said that the proposals that evening were further amendments to those two special use permits, and they would add permission for a pavilion with bathrooms and a kitchen for the camp use and also a garage/storage structure by the existing parking area. He said the camp SP would extend the season of operation, which is currently summer only, to April 1st through November 15th, and that the purpose is to be able to offer camp and environmental education programs during good weather in the nontraditional off-season of what normally would be a summer camp but extended into the school year so that environmental education programs could go on.

Mr. Clark presented an aerial view of the main portion of the property and described it. He discussed the conceptual plan that was approved in 2019, which will remain in place because there are many features of the proposals in the amendments that evening that do not appear on the larger plan. He described the location of the new pavilion and screening trees for that and the area for the new storage building in the parking area and some screening trees for that, which are the proposed changes as far as construction goes, along with the seasonal change.

Mr. Clark said it is important to remember that the area for the proposed changes is significantly elevated above the stream valley where the pool itself is; they are two separate use areas. He demonstrated the approximate location of the new pavilion on the flat next to the parking area.

Mr. Clark said for the analysis of the special use permit, staff did not feel that there was any substantial detriment in adding two structures which would be screened and also extending the season from three and a half months to seven and a half months of the year.

Mr. Clark described the character of the area as for some time having been a low-density residential portion of the rural areas. He said that character overall would not be changed, but in the interest of protecting that character, the applicant has proposed screening vegetation to mitigate any visibility of the new structures and maintaining the existing conditions that restrict amplified sound.

Mr. Clark said in terms of harmony, the previous amendments were much concerned with the possible impacts on the historic pool, which is listed on the National Register. He said the new facilities are farther from that pool area and elevated above around the parking area, so there is not the same visual impact concern as before.

Mr. Clark mentioned the VDOT review. He said VDOT has reviewed all three of the special use permits (the three sets of original amendments), and they found that the proposed changes were acceptable. Mr. Clark checked back with them to make sure that the extension of the season was not going to raise a concern for them, and they said they had no concerns raised by that.

Mr. Clark said under the consistency with the comprehensive plan criteria, staff felt that extending the season and allowing these additional structures to support the use would help to keep this historic resource going, which means funding coming in for its maintenance, which helps to preserve the historic resource for the future.

Mr. Clark summarized that favorable factors included lack of concern from VDOT for transportation impacts and a longer camp season providing more economic viability for the historic resource.

Mr. Clark said the most significant factor unfavorable was some of the visibility from the lots to the south; however, the applicant has added screening vegetation to the proposed plan to reduce visibility.

Mr. Clark said staff was recommending approval of both amendments with conditions. He highlighted the edited conditions. He said for both permits, there is a condition that said food prepared off-site may be sold from a concession stand that was depicted on the conceptual plan. He said the applicant was concerned about potential confusion about this requiring off-site food preparation when a pavilion with a kitchen is being added to help with the camp use. Mr. Clark said in discussing that, they found that he does not use the concession stand, and so there is no need for it; it is simpler to avoid the confusion by deleting this condition, and that has been done in both sets of conditions. He said this is new since the Board's staff report came out and was okay with the applicants, and it was felt to be the simplest solution.

Mr. Clark said the other change that was new was in #1 for the camp use. He said this section was included in the swim club SP amended text, but he had failed to put it into the condition and realized that morning it was missing. He said in the amended guidelines for remaining in accord with the conceptual plan, there is supposed to be a second sentence requiring that the screening vegetation be native evergreen species at least six feet in above-ground height at the time of planting.

Mr. Clark paused for questions.

Mr. Randolph asked if under this proposal, there was any limitation as to the nature of the up to 200 people that could be in this venue at any particular time. He asked if it was limited only to members and their friends and family. He said he was raising the possibility that this venue could be used for weddings for up to 200 people.

Mr. Clark said that weddings could not happen because weddings would be a separate use that is not yet permitted on the site. He said he had talked to several neighbors about this because they were concerned about that. He said he had also talked to Mr. Barnett. He said in order to operate legally, weddings would have to be permitted through a special use permit for special events, which has not been applied for on this site, and the applicant is aware that that is not a permitted use under the camp or swim club approvals.

Mr. Randolph repeated that therefore under this proposal, the primary activity for the up to 200 people who could be there at the site at one particular time must be focused on the swim club and swimming or the camp.

Mr. Randolph said with potentially 200 people in the camp, there would be more trash generated on the site, and with more trash, there would likely need to be a commercial hauling. He asked if that was something the transportation planner and VDOT had factored in on Owensville Road. He noted that the Board had worked three years ago to designate this road along with Miller School Road as two highways where the Board has limited truck traffic on it. He said one of the reasons is because of the nature of the curves and the line of sight. He said he was concerned

with more people on the site and thus more trash, there would be a different-sized vehicle coming in to service this facility. He wondered if there had been any discussion by staff that for trucks, there would be a right turn in and right turn exit only so there would not be the scenario with a large trash truck coming out of the exit and trying to make a left-hand turn onto Owensville Road.

Mr. Clark pointed out that the number of people on-site was not part of the changes in this proposal. He said the applicants had asked to add a couple of more structures and to change the season, but the number is the same. He said that the applicant could answer the trash question more directly, but that staff had not specifically talked about trash trucks. He said it would be good to hear from the applicant what the current arrangements are for this property and for the others in the area.

Mr. Bivins welcomed Ms. Firehock to the meeting.

Mr. Bivins asked for help with the distinction that the swimming would not begin before 12, but the daily camping and those activities could begin at 8:30. He asked why they both could not begin at 8:30.

Mr. Clark said he did not know if the applicant wanted to make that change to the schedule. He said the hours are leftovers from the previous SPs from back as far as 2010.

Mr. Bivins asked if by chance the number of nights (two times a week) that people could use it as an overnight would be continued into November.

Mr. Clark replied that the way the conditions are currently written, yes.

Mr. Bivins thanked Mr. Clark for putting the trees back in because he remembered two colleagues, Mr. Keller and Ms. Firehock, had deep passions about the types of trees that would be replaced.

Mr. Clark said they had put a lot of time into tree placement and tree species with the previous amendments because they were addressing visual impacts on the historic pool from changes that were much closer to it. He said this was different in that their aim is to get evergreens in place to screen the new structures not from the historic pool but from the dwellings along the southern property line.

Mr. Bivins said the last time when this particular property came before the Board, they had segregated some land out for a housing site.

Mr. Clark said that the swim club property is shown as two parcels, and when the Board had last seen it, it was still one. He said the two-acre piece has since been carved off, though it has not been built on yet. He said both parcels have to be under the SP approval because even though the residential parcel does not have any activities on it, it does contain the entranceway.

Mr. Bivins clarified that the new parcel (the two acres) gives the easement to the camp parcel. He asked who holds the easement to get onto the piece of property.

The applicant, Mr. Barnett, said he was primarily eager to answer questions. He thanked Mr. Clark for his work on the project. He said he had been fortunate to have the County support for the operation of their outdoors camp and for the continued operation of the historic swim club property. He said he has enjoyed getting to know the pool's members and the neighbors and

having had the opportunity to shepherd this unique space over the last 10 years. He said it was particularly gratifying to be there the past summer when the place got so much use from people who were neighbors to the property. He said his goal with this amendment is just to build some very much needed storage facility and a pavilion for the property and to give them the opportunity to operate environmental education programming in the spring and fall seasons.

Mr. Barnett said as far as trash goes, they generate one 40-gallon container, and they put it out by the street. He said the trucks do not come down the driveway, and it is a pretty small amount of trash.

Mr. Barnett said the pool's hours are that they can open any time between noon and 8:00 daily. He said the coming summer, they would be opening noon to 6:00 on the weekends and four evenings a week from 5:00 to 7:00. He said it would be great to be able to start earlier and to have that flexibility. He said he had often thought it might be better to start at 11:00, but when he bought the place years ago, he had been told that noon was probably the best time to start and to be open eight hours a day as had been done in the past, which explains the hours. He said they have been able to work within this.

Mr. Barnett asked Mr. Clark to put the picture back up of the tree coverage on the property, as it was interesting to see. He said it is difficult to grow trees in this shaded space with almost no open space. He said his first thought was to placing hedge trees along the edge of the property, but it is hard to grow them with so much shade there already. He said they were doing their best, but it is a pretty well covered property.

Mr. Barnett said the pavilion is actually in the middle of the trees, and they were able to keep pretty much all of the trees around the pavilion that they had built already, and that would be his goal with this place. He said he is very interested in keeping the trees as much as possible. He said he is interested in teaching the children about shepherding the outdoors in a very responsible way and wants to model that.

Mr. Barnett said another thing that is great about it is that shade is wonderful in summer camp, and they have a wonderful shady place and like to keep the pool as cool as possible. He said it can be dangerous, however, and so they have to take out any trees that look like they might represent a falling threat. He said that the reason they want to build the pavilion is that afternoon thunderstorms are quite common in the summer, and as it is, the pavilion is far away from the parking lot; it is down in the valley on the other side of the property. He said it is a three- or four-minute run through the trees from the safe spot to where the cars are in the afternoon, and sometimes pickup will happen in the afternoon, and they really just need a safe space that is closer to the parking lot.

Mr. Barnett said he put in a number of things that he thought they might want over the next six or eight years like the kitchen and bathroom at the top parking lot just because these things have historically taken a long time, and he wanted to put things in there that they thought they might want to do. He said he would not do this in the next year but hopefully might get started on some of these projects in the year after that.

Mr. Barnett responded to the question about the house and said they had cut off that property thinking that they would move there, but his family was growing, and they got to a point in their personal lives that they needed to move from the small house that they rented to a larger one from his family. He said his children became ensconced in their local school system in the City

(Jackson-Via) and liked it there, and the family found that it would be difficult to move them out of that situation. He said what started as a plan to be out there and be on the property more regularly as a homeowner has not worked that way yet, although they would still like to get out there eventually.

Mr. Barnett pointed out the driveway on a map which goes to Owensville Road and said it is probably a quarter mile long and is technically owned by the lot there now, but there is a driveway agreement that had been drafted for both properties, and he owns them both at this point, but even if one got sold off, there is an easement there and an agreement to maintain that driveway.

Ms. Firehock apologized for being late and said that she had had a power outage and had to drive 12 miles to get power, so she did appreciate the storms and the need for shelter.

Ms. Firehock commented that there are shade-tolerant species that can also do a good job in screening.

Ms. Firehock said she wanted to understand more about the reason for the dates of April 1 to November 15. She noted it did state in the application that it is for environmental education camp, etc., but she wanted to understand why such a wide window was needed. She said that he might want to incorporate some of the time that children are in school, but as the leaves come off the trees and such, there is less to survey and learn about.

Mr. Barnett said it was to use that space in order to make part of the camp's mission one of educating this generation of children. He said he thinks it is healthier for that place when they are out there year-round. He said the idea is to develop programs and provide these programs to local schools where they can do environmental ed out there, and that is a great spot to do it. He said he tried to plan it for out of the winter and in times when the leaves would be on the trees and it would not be an affront to any neighbors who did not want to see anyone over there.

Mr. Barnett said the pool property at one point was 1,000 acres, and various owners over the years had sold off pieces of it, so now the houses come up somewhat close to it, but he thought during those times of the year, the leaf cover is going to be still pretty significant, and the camp itself has a big boundary on each of its sides to protect neighbors from seeing whatever they might do at the camp. He said he felt like there was nothing better than one could do to teach young people about shepherding the resources in the outdoors and being good environmental stewards than to have them out there. He said there are programs that are done elsewhere that he is hoping to bring to Charlottesville and make available to area schools.

Ms. Firehock said that she had done environmental education and run camps herself and does understand what is involved, but she is thinking also about the noise attenuation that the leafed-out trees provide, and they will not be leafed out by April 1st. She said the later it goes into the spring season, the more likely there will be noise attenuation from the trees being leafed out. She said she was trying to balance Mr. Barnett's desire to have a long season with some of the neighbors' comments about their desire for a quiet enjoyment of their residence. She said she did not require a comment on that, but it might weigh into her deliberation on whether the season should be extended all the way to April 1st.

Mr. Clayborne asked Mr. Barnett to share a little bit about the kitchen, whether it would be a commercial kitchen, and if so, whether he would need a grease interceptor on the site anywhere.

Mr. Barnett said it would need to be a commercial kitchen. He said they provide lunch for the camp and do them off site at this point and bring them there and serve them. He said sometimes they are bagged lunches and sometimes out of trays, but they are required to do those in a commercial kitchen. He said he was trying to remember the conversation when he had someone talk to him about the grease trap issue, and he thinks that is something they would have to do, but it was not thought to be something that would be complicated to do. He noted that their sewage system is on site.

Mr. Clayborne said his comments were intended as a courtesy for Mr. Barnett to give some thought to where that is placed on the site as they move forward.

Mr. Clayborne asked the approximate size of the storage shelter and what was planned to be stored there.

Mr. Barnett asked Mr. Clark to help him because he thought the idea was 1,200 square feet but wanted clarification to make sure that was the proposal.

Mr. Clark said the note on the plan says that the pavilion overall would be 1,200 square feet. He said the storage building was also 1,200 square feet.

Mr. Clayborne asked what was planned to be stored and whether it was more like inert things or chemicals.

Mr. Barnett answered that it was a tractor and maybe the bus. He said there was no storage space there now and that he covers things with tarps, so they would like to have some basic storage facility. He said they make do, but it is a huge need. He said there is a bathhouse there, but the bathhouse is about 125 yards away from the nearest road, and there is some storage capacity there, but it is low and wet, and things rust when left there and is not a good storage spot at all. He said the idea is to try to build some facilities on top of the hill where the things put into storage would not be compromised.

Mr. Clayborne asked if they would eventually have some images available of the proposed pavilion or storage shelter to share with the neighbors trying to address the concern about visualization and screening.

Mr. Barnett responded that the back of the storage shelter would be covered and would be done in wood. He said the pavilion would be well hidden from the neighbors by the trees that will be put up. He said it would be in the middle of a dense set of trees as it is. He said they had not conceptualized anything yet, but he is imagining it would look a lot like the one that is already there.

Mr. Bivins asked if there were public comments.

Ms. Shaffer said there was no one from the public signed up and no hands raised.

Mr. Bivins asked Mr. Barnett before closing and deliberating among themselves if he had anything else he wanted to share.

Mr. Bivins said that Mr. Barnett had mentioned that if they could go to 11:00, that would be helpful, and he wondered if that change from 12:00 to 11:00 was being asked for.

Mr. Barnett said he did not want to do anything to complicate this and that he was happy to leave it at 12:00.

Mr. Bivins brought the meeting back to the Commissioners.

Mr. Keller asked Mr. Clark if on the original condition, he remembered some relationship between the lot that was going to have the new house built on that has not been built on and something about there being someone on the property at all hours to deal with issues. He said he had some vague memory of that but cannot find it in the packet.

Mr. Clark said they had definitely discussed that, and that was part of the justification for the recommendation of approval—there was a safety factor to be had by having somebody living on the site and keeping out trespassers or random visitors driving by when the facility is closed—but there is not a condition requiring that the resident of that parcel or the owner of that parcel be the operator of the pool facility.

Ms. More added that it seemed to her that the types of things that would occur in those extra months and weeks that are being asked for do not seem quite as intense as what would happen in the months that there is a full-on camp. She said when one is talking about bringing out schools and having that type of interaction, it does not seem as intense, so she supports the idea of expanding the amount of time to have those things happen. She said she had not asked the applicant because she did not think they wanted to get into having restrictions on how many people can be there in April and that type of thing. She said in response to the noise issue, it did not strike her as something that would be as intense as what is already happening there during the summer months and so that is not really a change; it is just adding the extra time in on the front of the summer and then into the fall a little bit.

Ms. More said she thought there was probably something valid that Mr. Barnett was saying about having the property in use more months out of the year because she would imagine it is a lot to maintain, and having people out there helps with that because it is an historic resource, and it is very fortunate that there is a use like this to keep it valuable and make it worth it to someone to have the money generated by the camp and other things to keep a property like that in the condition it is in.

Ms. Firehock said Ms. More had reminded her about another thing she had wanted to ask about. She said Ms. More was commenting on the fact that it is helpful to generate revenue to be able to keep the site going, especially as an historic resource. She wondered what the revenue generation is of having field trips from the local schools. She wondered if they would pay to come out and use the facility for this environmental education activity. She said a number of the neighbors in their public comments, and one person in particular, had said there were lots of other parks around the area.

Mr. Bivins asked if Ms. Firehock was asking the Commissioners to place an exception to hear from the applicant.

Ms. Firehock said she was.

Mr. Barnett replied that he did not know. He said that he was thinking mostly about getting young people from the City to have opportunities that they would not have otherwise, and he was more

thinking about trying to get grants to fund that sort of thing. He said if he did have groups that paid, he imagined them being small, perhaps a group that came out from a given school that might need a day with the student council to do something that is leadership oriented that would give them some drive about the school year.

Mr. Barnett said the main thing that he does that creates revenue there is the camp, which creates about 98% of the revenue to cover the place, and otherwise he would like to use the place in the off-season to do good work, and it seems like a good space to do that sort of thing. He said he has worked hard to have a good relationship with the neighbors out there. He said he has tried to keep their numbers down. He said there were concerns initially about people wandering into neighboring properties, and it is so far from a legitimate concern. He said the idea is to make the place available to people in a generous and community-oriented way.

Mr. Randolph said his only comment is following up with Ms. Firehock's point to say he would feel a little bit more confident given the fact that six of the eight people who wrote comments expressing concerns about the plan cited noise as a major reason for their concern. He said he would feel more comfortable if instead of April 15th when leaves on trees oftentimes are not fully developed (his red oak just basically leafed out this past weekend while they were away), he would feel more comfortable May 1st to November 1st because leaves, depending on which deciduous trees one is talking about, are already dropping by the third week in October, and therefore there would be a little more margin of protection on noise for area residents. He said that is not a deal killer for him; it is just something that might be a little more considerate and perhaps more realistic in terms of the noise that is generated on site.

Ms. Firehock commented that Mr. Randolph had taken the words right out of her mouth; that is where she was going with her comments about the fact that trees attenuate a great deal of noise and so limiting that window to when it is both more pleasant to be outside and could be quieter for the neighbors would be acceptable, to her at least. She said it is not a big change but is enough of a change that there would be more screening and quietude that the neighbors are seeking while also being a nice time to be out there.

Mr. Bivins said he understood the piece about leafing now, but he would mention that they probably all saw that day that NOAA has decided to redo the average weather charts and that they are saying a couple of things that are going to happen—it is going to get warmer faster so there will be warmer springs, which may in fact bring leaves out on the trees sooner, and there are going to be more storms, particularly on the East Coast, than previously, particularly in the summertime. He said he was not quite sure whether or not one might see leaf out perhaps much earlier than seen at present. He said he was concerned that if someone should sell their home tomorrow, they were burdening a piece of property based on an opinion that was made at present when the person may not be there in the future.

Mr. Bivins noted that the programming that is being suggested is not one where children would run wild in the woods; there would be voices like heard in many other places. Mr. Bivins said his property is contiguous to the Ivy Creek nature area, and not only does he hear people, but there are people wandering into their backyards lost because they are not used to being in the woods. He said this is part of what they have talked about, about how to take activities that are really good activities and hopefully have a blend in to the neighbors that are contiguous around them, and hopefully the applicant knows that if he does something that is out of line, there will be complaints that he would have to deal with. Mr. Bivins said he is hoping that the Commission can give the applicant and community the benefit of the doubt. He said he was also suggesting that

they modify the pool opening to 11:00 and give this project an opportunity to expand to live into the space.

Ms. More agreed with Mr. Bivins.

Ms. Firehock said she was trying to figure out where in the staff conditions the 11:00 time fit in.

Mr. Bivins replied that it was on Page 6, #3.

Mr. Herrick said by way of order, he would encourage the Commissioners to make separate motions for each of the two applications. He said the time of the pool opening is a condition of the swim club. He said to the extent there is interest in modifying the condition about the dates of operation of the camp, that is exclusive to the camp SP.

Ms. Firehock moved to recommend approval of SP201900014 Blue Ridge Swim Club Amendment with the conditions outlined in the staff report with a change to condition #3 that the swim activities be allowed to begin as early as 11 a.m.

Mr. Clayborne seconded the motion, which carried unanimously (7:0).

Ms. Firehock moved to recommend approval of SP201900015 Blue Ridge Swim Club and Field Camp Amendment with the conditions outlined in the staff report with one exception to condition #2 to require that the season begin on May 1st and end on October 31st.

Mr. Randolph seconded the motion.

Mr. Bivins asked for discussion.

Mr. Bailey said he wanted to raise as a point of discussion that this extended period is to target school field trips. He noted that the change to May 1st is a very compressed timeline when school is usually wrapping up the first week of June of three weeks to make available. He said he did not know if there was any consideration, bringing back to what Mr. Bivins had said about the increasing temperature, of thinking about splitting the difference and increasing to the mid of April. He said he did not have the background on trees and leafing out that his colleagues do but was just thinking about the fact that school age would take some planning, and in trying to make this resource available, there might be a midpoint compromise there, on maybe not April 1st, but providing a week or two extra at the end of April that might allow for a bit more use for the targeted program of making environmental education available to schools in the area.

Mr. Bailey said rather than a friendly amendment, he was asking for consideration of it by the Commissioner whose district it is.

Ms. Firehock said she was trying to attenuate the noise, and she also had written curriculums for grades one through 12 and done a lot of field trips in this area with schools where she has led the field trip out into the woods, and she has had disastrous field trips on April 15th where it snowed. She said a lot of those outdoor field trips do tend to be at the end of the semester, and it was not as common to take field trips outside at that time of year to study nature. She said she would prefer the applicant come back and make a compelling case for expanding the season again. She said that the request to have these field trips is an idea and has not been fully fleshed out; there

is no program developed yet, and no grants had been raised, unlike other applications where there is a specific curriculum that was trying to be met.

Mr. Bailey said he appreciated the comments and insight and would refrain from making a friendly amendment at this time.

Ms. More said she did not recall the applicants ever having an opportunity to explain why those particular dates were picked, so she would add that to the conversation with the idea of having to come back. She said she did not support changing the proposed dates but does appreciate why Ms. Firehock was suggesting that.

Mr. Keller said that in the discussion, it seemed that there were a number of Commissioners who were not inclined towards the shorter timeframe. He said at this point if there was not a friendly amendment, that meant that they would need to vote against this to see if that were the case, but then it would seem like by voting against it, they were against this item that they are not against. He asked if counsel had a suggestion on how to proceed.

Mr. Bivins said that they had a motion before them, and if the motion as crafted failed, they would have an opportunity to go to another motion.

Mr. Herrick said as a matter of procedure, if any member wanted to make a motion to amend the motion that is currently pending to revert condition #2 to the dates originally proposed, there could be a motion, a second, and a vote on a motion to amend the main motion, and procedurally that would be in order if any Commissioner wanted to make that motion.

Ms. More expressed concern about the motion passing where she is a "no," though in the minutes it would explain why she was a "no," but to Mr. Keller's point, she is not saying no to the idea but to the change.

Ms. More moved to amend the main motion currently pending to revert condition #2 to the dates originally proposed.

Mr. Clayborne seconded the motion, which carried 5:2 (with Mr. Randolph and Ms. Firehock dissenting).

Mr. Herrick stated the motion on the floor is to recommend approval of SP201900015 Blue Ridge Swim Club and Field Camp Amendment with the conditions recommended by staff including the recommended condition that the season be between April 1st and November 15th inclusive. The motion was approved by a vote of 5:2 (Mr. Randolph and Ms. Firehock dissenting).

Mr. Bivins addressed the applicant and told him that after hearing the discussion, he would be moving forward to the Supervisors for their review and ultimate disposition of this request. Mr. Bivins said that one of the things Mr. Barnett may have heard was hope that he would be engaged with the neighbors on how to structure the shed and how it would look from the properties and also that he be able to speak about how the summers and school sessions would be conducted to be able to be sensitive to and be able to respond to the concerns around sound.

CPA202000001 Housing Policy

Dr. Pethia, Housing Policy Manager for Albemarle County, informed the Commissioners that the presentation would cover an overview of the process followed for drafting the proposed policy and the proposed housing policy itself, a summary of the feedback received during the February public comment period, key changes to the policy document since the December work session with the Planning Commission and Board of Supervisors, and then once the presentation was finished, staff would be available to answer questions.

Dr. Pethia presented a timeline for the original policy in play currently that was adopted in 2004 and readopted into the comprehensive plan in 2015. She said the Planning Commission has been working on affordable housing policy and different types of housing-related items since 2016 when they held a work session on affordable housing. She said there were work sessions held with the Planning Commission in October of 2020 and a joint Board of Supervisors and Planning Commission work session in December of 2020. She said the draft policy was made available to the public for comments during February, which led to another work session with the Board in March of 2021, and then to that day's public hearing.

Dr. Pethia said the recommendations to update the policy itself came out of the 2019 housing needs assessment that was released by the Thomas Jefferson Planning District Commission, and after reviewing that report, there were four high-level rationales for updating the policy. She said the population in the County is expected to continue growing and between now and 2040 really increasing by about 27%. She said there are about 10,000 households in the County that are paying more than the recommended 30% for their housing costs.

Dr. Pethia said that along with the population growing, the population is also expected to age, so over the next 20 years, the senior population is projected to increase by about 26%, so there is really a need to begin looking at how to accommodate changing needs as people get older.

Dr. Pethia said it is also looking at the needs of the homeless population and households who are differently abled.

Dr. Pethia said there was a community input period held between October and December 2019, and the policy objectives and strategies seen in the proposed document were developed after feedback received during that time period. She said approximately 400 community members engaged with that process, and then between October 2019 and February 2020, staff worked with a seven-member stakeholder committee to review that community input and draft the policy document.

Dr. Pethia said the policy document itself was written to support the vision of the County and the current housing goal and contains 12 policy objectives and 39 strategies and action steps that address seven broad policies themes. She said these have been discussed before, and include increasing the overall housing stock to make sure that all future populations can live in the County who want to, increasing the supply of affordable and workforce housing, preserving existing housing and communities, increasing opportunities for community engagement in housing policy work in the County, looking at fair housing and community equity issues, homelessness and special needs populations and their housing needs, and to support the creation of sustainable communities throughout the County.

Dr. Pethia said there are several key strategies that staff would like to propose, and these are different from the current housing policy and expand on the work that has been done since 2004. She said these strategies include increasing the amount of affordable housing required in special use permits and zoning applications from 15% to 20%; expanding the definition of affordable housing to include the workforce housing category; looking at implementing rental inspection districts to help address housing quality issues and preservation of rental housing; looking at the possibility of identifying housing rehabilitation zones which would allow the County to provide a number of regulatory adjustments to support affordable housing development; implementing and adopting an affordable dwelling unit ordinance; and then really looking at tracking data related to housing that is not being checked presently including neighborhood indicators, looking at equity measures throughout the communities, and also affordable housing impact statements. She said these are some of the key differences between current policy and those being proposed.

Dr. Pethia said in terms of implementation, the proposed policy identifies six strategies for priority action. She said these include exploring options with County-owned land to develop a permanent affordable housing community; looking at providing incentives to developers to increase the production of affordable rental and for-sale housing; implementing an affordable dwelling unit program; developing and implementing a housing trust fund; establishing a standing housing advisory committee to provide opportunities for community engagement with housing; and then working in partnership with nonprofit partners and private developers to create additional permanent supportive housing opportunities for homeless individuals.

Dr. Pethia said should the housing policy be adopted, staff would begin working on all six of these immediately, but the six-year timeframe provides and works in time for staff research, work sessions that will be required with the Board and Planning Commission, and also time needed to construct new housing units, particularly for the last strategy for permanent supportive housing.

Dr. Pethia said the proposed policy also provides a number of metrics that will be measured to help track progress toward meeting the affordable housing goals. She demonstrated the broad-based metrics and said as new policies and programs that are recommended in the policy are implemented, there will be additional metrics for each of those programs and policies to evaluate their effectiveness then.

Dr. Pethia reviewed the public comments that were received in a broad overview. She said that a total of 72 community members visited the website and completed the survey, submitting 172 comments. She said that public comment period was held through a public input platform that the County has used, and there were also opportunities to look at the policy on the County's website. Dr. Pethia said that 90% of the participants in the survey indicated the proposed policy either very accurately or somewhat accurately reflects their vision for housing in the County, and that high support for the policy continued throughout the rest. She said overall, the survey participants demonstrated a good deal of support with 59% or more of respondents indicating the proposed objectives and strategies address the County's housing and community needs.

Dr. Pethia said based on feedback from the Planning Commission and the Board of Supervisors during the work sessions the previous year and the comments received through the community input, there have been some changes made to the policy from the last time the Commissioners had seen it. She said there is a full list of those changes included in the agenda packet, but she would highlight some of the big changes. She said there has been a summary of the policy objectives and strategies added to the beginning as a quick reference guide. She said that staff added definitions for minimum affordability periods (Page 10 of the document), updated the

number of units in the residential construction pipeline to give a better picture of what would be needed to meet the projected needs to 2040. She said that staff added Strategy 4c to explore options supporting homeowner efforts to connect to the public water and sewer system (Page 25), and staff also updated, where possible, many of the charts and tables to the most recent census data to give a better picture of housing needs in the County.

Dr. Pethia paused for questions.

Mr. Randolph said he had his notes from the last meeting on August 11th, and he had urged Dr. Pethia to be less bureaucratic and safe. He said he felt that had been done with some boldness now and a strong social and economic equity emphasis in the document that he had thought was missing in August. He said it was much clearer and more defined and less tentative than in August, and he wanted to compliment Dr. Pethia about that.

Mr. Randolph said Dr. Pethia had changed the Albemarle County affordable housing paradigm in the presentation and had definitely looked at that crucial sector of people looking for housing at 60% and below AMI, which really had not factored into the official equation of either the Board or Planning Commission in past years. He said he is happy to see that. He said that it is more intentional here with public transit (mentioned in Objective 12a). He said there is still not as much public transit interface in the document as he thinks there needs to be, because if people are having difficulty paying for housing at 60% AMI, they certainly cannot afford the upkeep of an automobile, especially if there are two people working and both need automobiles to get to work. He said it would be wonderful if everyone could bicycle and e-bike, but things are not there yet, mainly because the road infrastructure is not there to allow safe use of those roads to inspire confidence.

Mr. Randolph said with 10c, there is much more integration in fusing homeless strategies into the affordable housing objectives, and he gave kudos for that. He said the language now is more directive with much less promoting and much more supporting, requiring, and emphasizing what the County's responsibilities are here.

Ms. Firehock echoed Mr. Randolph's comments about transportation. She said she also made a big point about that the last time because it is also very expensive to try to provide all the affordable housing in the urban ring. She said by providing transportation to more affordable housing, a lot of those needs can be addressed. She said perhaps there could be more emphasis placed on that.

Ms. Firehock said that in Attachment 3 with the table which shows the different sectors of work, she wondered if it was possible to split out somehow workforce labor (fire and rescue, police, teachers). She said that is a specific group of public servants that cannot necessarily afford to live in the County, and she felt they need special attention. She said there are a lot of communities that have put together special down payment assistance programs for police, teachers, and fire and rescue.

Ms. Firehock echoed Mr. Randolph and said she thought this was so great and has come a long way. She said she was enjoying reading it as she is an affordable housing nerd.

Ms. Firehock said one thing that could be emphasized more, and maybe the place to do it is on Page 16, is to talk a little bit more about assisted living because there is a lot of attention given to aging in place and retrofitting housing so that people can stay in their home, but she knows there

are also a lot of people for whom it is not just a matter of putting in more bars in the shower and more wheelchair-accessible ramps to their building. She noted some people really need to go into an assisted situation, and she recently was helping a neighbor of hers and had to price assisted living in Virginia and went all over the region getting pricing; the cheapest thing she found was in Roanoke, and it was around \$2,600.

Ms. Firehock said the point is that there was nowhere in this region that this person could afford as a retired librarian of Albemarle County. She said that needs to be looked at because while there is assisted living in Scottsville and Crozet that is affordable, there are wait lists of hundreds and hundreds of people at those facilities. She speculated whether the County could get involved in subsidizing more assisted living units for people or whether the County could try to encourage other providers to come here who are not just providing high-end assisted living like the Colonnades and other places. She said that personally if she ever needed assisted living, the assisted living prices in some of them are more than she makes currently in her full-time salary. She said that might even need a whole page of attention.

Mr. Carrazana said he was encouraged on the public-private partnership section and was hoping to see more of that with multiple publics and multiple privates getting involved. He said his question was likely more for his edification but asked as Dr. Pethia was talking about a measure that limits the loss of inventory to 1% per year whether she could define what is being measured or looked at or constitute a loss of inventory.

Dr. Pethia explained this was working in tandem with the recommendation to conduct a survey of rental properties in general, and so it would be looking at the total affordable housing stock at present and checking that over time and making sure that none of those units are lost. She said that now the way that proffer units are run, particularly with the rental properties, they need to remain affordable for 10 years, and after that, they can go market rate, so after 10 years, a certain percentage of the affordable rental units in the County will be lost. She said it is finding ways to preserve those units over time beyond that 10-year period so that the affordable housing stock is not lost and the County is not constantly trying to catch up.

Mr. Carrazana said the loss could come in a lot of different forms—it could come in just the form of getting priced out of the affordable market; it could come in the form of taking an existing trailer park and tearing it down and developing it; or it could come in the form of the home just being dilapidated and being torn down or abandoned.

Dr. Pethia agreed that was correct. She said the hope is that once they get a good handle on the number of affordable housing units that exist at present, they will be able to make sure that as they exit the affordable housing arena for whatever reason, there are units in production to replace those, so really looking for a minimum 1:1 replacement every time those units leave the stock, hopefully more than that (2:1 or 3:1 replacement), but making sure the stock does not decrease but instead is maintained and gets better.

Mr. Carrazana said Ms. Firehock had brought up living in place and aging in place and how there are renovations that can happen, but he wondered if they were promoting also renovating some of these older homes, many in communities that are closer to the City and are by routes that are accessible to transit but that are getting to the point that they are probably at the end of their useful life or need renovations. He asked if any kind of program was being promoted to incentivize developers to renovate some of these properties instead of building a home that is at 60% of AMI, which still is a home that is over \$200,000. He noted this is a high AMI area, and it depends on

one's definition of affordable, and asked regarding a home that can be fixed and maintained in the stock whether they have looked at similar programs in other municipalities where they incentivize developers to renovate some of these properties instead of building a \$200,000 or even \$300,000 home (at 80% of AMI).

Dr. Pethia said that is something they will definitely look at moving forward. She said there are different ways to preserve affordable units, and that is definitely one of those. She said she knew Richmond has worked on that; they had a lot of older abandoned and vacant properties for which they have a program where they were providing funding to developers, some sort of subsidy, to help them renovate those units and sell them on as affordable housing, so that is definitely something that can be looked at through this process.

Ms. More added to what Ms. Firehock was saying about assisted living that she makes a great point, and there is a grant if people qualify that can help with the cost of assisted living. She said unfortunately what has happened in this area is the facilities have to accept that grant, and most places do not. She noted that the place in Crozet which was one of the biggest facilities where one could find a placement no longer accepts those grants. She said that is a conversation that the Department of Social Services is having with facilities and providers, and she does think it is part of the conversation that should be what the County is having overall.

Ms. More noted that like with a lot of things, that is really for people who qualify who have very low income, but what is seen a lot when trying to work with someone to see if they qualify for that grant is that a lot of people do not because they have "something," but they certainly cannot afford the prices. She said that even with that out there and available, the constraint right now is not being able to find a facility that will accept it, but it also does not help many people who have saved some money and could afford something but not the prices that are seen. She said this conversation is very relevant in addition to social services trying to create conversations and more spaces for those types of placements.

Ms. More said in the implementation part for the financial tools, 2b was to identify a package of developer incentives other than the bonus density, and that is something that was put as an action item in one or more of the objectives, but she saw that it says four to six years for the target for that, so she wondered if Dr. Pethia could talk about that. She said she knows they cannot have everything be right away, but that one seemed important to her, and she wondered if Dr. Pethia could talk about that timing a little bit.

Dr. Pethia said a lot of that will be done in tandem with the zoning ordinance update to make sure that they work together, so that is why there is that longer timeframe. She said there have been discussions already; she has had discussions with planners and others in community development about potential types of developer incentives that could be provided, but again, the four-to-six-year timeframe is a cautious timeframe, and her hope and plan is to try to get things done sooner, but it is going to go in line with the zoning code rewrite.

Mr. Keller thanked Dr. Pethia for the work she had done to get them here. He said Mr. Randolph had articulated a lot of the specifics that are much clearer that they were all thinking about. He said besides speaking for the current Commissioners, who could speak for themselves, these are all things that were begun with past Commissioners Pam Reilly, Daphne Spain, and Bruce Dotson and their particular interest in affordable housing. He said they were excited when Dr. Pethia moved over from the City and think she has shown them her worth many times over on this. He thanked her on that.

Mr. Keller told Dr. Pethia that he always wants to hold her feet to the fire on the rural affordable housing issues and said there are many things that others are covering, but just to get this in the record and to build on what Mr. Carrazana was saying, he thinks that there are measures for that 1% of housing stock loss in the rural areas by using the real estate assessment. He said he is interested in home ownership of affordable housing and thinks more of that will be seen in the rural areas—that line between affordable housing and yet some degree of substandard (he said he hated to use that word as it was laden with a lot of past problems and injustices).

Mr. Keller said he thinks that they could annually look at owner-occupied houses below the AMI at different levels in the rural areas. He said it would be a relatively easy query, and they could then compare a current year's number to a previous year's number to see whether losses are starting to be seen. He said some of those as Mr. Carrazana alluded to are older folks who are moving out, and no one is moving in, and those buildings are being lost completely (in some cases, they almost have to). He noted that in other cases, they are being upgraded, and the Commissioners have actually had some letters that have come in within the last year of where they are starting to see significant upgrades because these are small parcels of, for example, re-zoning one-half acre to five-acre pieces of property with houses that are being torn down and then reworked at well above the AMI housing, so they are coming out of that category.

Mr. Keller said he thought that Dr. Pethia's way of measuring was an excellent one for that set of especially the rentals, and that is the way to get at it, but there are these other categories. He noted as they were talking about the people who have not been privileged to be able to pass ownership of property from generation to generation, this was a case of where they did have that, and he thinks they need to be looking at that and seeing whether they can improve that continuity of ownership.

Mr. Clayborne said he believed it was Objective 8 that he was trying to find that talks about removing regulatory barriers. He asked if there was anything in the State Code that is a barrier that may need to be removed; in other words, are there advocacy efforts that need to be looked at as state law to help facilitate the affordable housing program that can be done through VACo or whatever the advocacy arm is.

Dr. Pethia said she could not identify anything off the top of her head, but she could go through her notes where she has had conversations with other groups and get back to him on that.

Mr. Randolph told Dr. Pethia he wanted to go through a couple of things where he had a question or felt there was an omission. He said Strategy 1a talks about allowing, encouraging, and incentivizing a variety of housing types, but omitted there is any mention of apartment buildings. He said the editorial on March 22, 2021 in the *Daily Progress* by a representative of CAAR talked about a need for the County to expand the growth area, and one of the reasons why there is this concept of the growth area needing to be expanded is engaging in what he calls the “thinking of the Houston mindset” by continuing to expand in a linear outward way and not thinking of the opportunities to expand vertically and moving up.

Mr. Randolph said he was bringing this up also because he knows this is the third rail in Crozet, but it is something that needs to be talked about throughout the County—the role of growing upward rather than continuing to expand outward in a linear direction—and apartment buildings do have opportunities for allowing, encouraging, and incentivizing a variety of housing levels of buyers and owners and renters within them, he would submit much more so than bungalow courts

and even triplexes and fourplexes too, so he would ask to consider in Strategy 1a including apartment buildings.

Mr. Randolph mentioned that over the weekend, he was down at Virginia Beach and had an opportunity there to take a look at 3D construction and noted that Mr. Keller had brought up 3D construction in the past. Mr. Randolph said he would ask as an action step under 2b to consider the County putting in there that they would encourage and be open to new housing construction technologies such as 3D construction that can reduce overall construction and housing costs, and it could also perhaps be put in there “and other new emerging technologies,” as the rest of the advanced industrial world is now moving rather rapidly in experimenting with new ways of developing housing, and this country is basically five years, if not an entire decade, behind on that. He said he would submit that should be put in as a strategy to indicate that the County is open to change and wants to embrace that going forward.

Mr. Randolph said on Strategy 8b, he would like it to boldly say they would assess the appropriateness and viability of apartment complexes in residentially dense neighborhoods based on traffic, height, size, and character of the community but that they would be open to apartment complexes as a way of trying to provide a greater range of affordable units for a variety of people within communities. He said again that Dr. Pethia had spelled out very well a much clearer roadmap for how to move forward on affordable housing.

Mr. Bivins said it struck him through this that there would be a need for Dr. Pethia’s department to become more than a department of one, and he wondered what the path was to get there. He noted a lot of this requires data crunching, but he questioned how the community would be engaged with; for instance, with the rental condition, he questioned who would deal with that and whether it would be proactive or a violation piece and how they would get to a place where they would actually be actively engaged in monitoring the condition of the affordable housing as opposed to sitting back and waiting for a violation to be brought to them.

Mr. Bivins said he has been told that in some of the houses which could use repair that people are nervous about saying something because they do not want to be displaced by their landlords or they do not want to go out and engage with “authorities” because they do not want that kind of attention. He asked how they would create an environment where people can feel comfortable expressing that they are living in a condition that is threatening to their health and well-being without feeling as if all these unintended consequences are going to occur, and then who would do that. He said if they are only engaging with people when violations occur, then that has moved to a point where it is a radical change. He said his question was how this would be staffed so that it is more than just a hoped-for set of results, but there are actual results that the team in community development can be actively engaged in helping to achieve with a set of deliverables, or how to build a department so this becomes a reality as opposed to a hoped-for set of nice wants or strategies and objectives.]

Dr. Pethia said there are some good examples of these types of programs across the country. She said she cannot remember the city that she spoke with off the top of her head, but they are very proactive in their dealings. She noted that they have two inspectors that are dedicated to this process; they have done community outreach, and they are to the point where, though not 100% comfortableness among the residents of the buildings, they have started to see a change in that process, so there are some good groups to reach out to. She noted the recommendation is always worded as “researching the feasibility behind this” because it will take some additional staff, and so there needs to be some work behind that to figure out exactly how that would look.

Mr. Bivins asked if the Board of Supervisors would expect to see at some point a list of resources that needed to be put in place in order to enliven this effort.

Mr. Bivins said it made him uncomfortable that the average salary (Page 20) is around \$94,000, but the five categories of roles listed have a \$47,000 average salary, which prompted the thing that he has always felt here that there are a number of people in Albemarle County who derive their income not from employment. He said he assumed Dr. Pethia had chosen those roles because those roles are heavily populated in the community, and so if the heavily populated roles in the community have an average salary of \$47,000, there is a gap there that housing is not going to close. He said though this will be an excellent chapter in the comp plan, the gap of 47,000 to 97,000 would not be closed by having more affordable housing.

Mr. Bivins said the other piece that unnerved him was when he read that 60% of the housing is more than \$300,000 with 40% being over \$500,000. He said that again is not going to be closed by affordable housing. He said those are salaries, assets, people coming to the area with the ability to plop down a down payment of 20% to come up with a mortgage of \$240,000. He noted that is not about affordability but is about economics, and the question is how to have this conversation in the community and what can be done to increase and attract and bring roles to the community that people can think about climbing up and having ladders that they can ascend for better compensation.

Mr. Bivins said he was thankful that Dr. Pethia put all these charts here because he was able to look at the charts and then look at the policy, and he hopes when the new census data comes out, she will have an opportunity to update this, but it was disturbing that 52% of the people live in single family detached homes. He said while he is with Mr. Randolph, he does not know what the psychology is that a person would move from a single family detached home into an apartment, even a 2,000 square foot apartment or a 1,300 square foot apartment, and the American dream has been sold as one's own plot of land with some daisies and a barbecue in the backyard with 52% of the rentals being single family detached housing.

Mr. Bivins said he did not know how to start this shift, that idea that it is okay to be in a different kind of house, and it is not when Ms. Firehock's librarian friend, for instance, decides to age into a different place that she has to struggle with it being the first time she has had to consider this. He thinks they will tweak and Dr. Pethia will hopefully get the right resources to do this, but at the end of the day, this is about the economy and what the drivers are in the economy, so not only are they closing the gap but are also giving people the opportunity to climb up the ladder so that they might be able to, if they so desire, afford a \$300,000 plus house if they want that.

Mr. Bivins said he was glad Dr. Pethia went to 20%; that feels much better to him. He noted his colleague, Mr. Keller, is always talking about Holland, and he has some friends over there that sent him something knowing what he is doing. He said in Amsterdam right now (and he is not supposing that they would do this regardless of what the press may say) when new developments happen, 40% are affordable, 40% workforce, and 20% market rate, which is a bold statement about what they are doing in Amsterdam. Mr. Bivins said he was not supposing they would do that here, but sometimes big things have to be done to get big results. He said the whole idea of a land trust and figuring out whether or not land that is owned by the County can be used to create these kinds of communities there, the kinds of things have been happening all around the world, he thinks is something that Dr. Pethia is suggesting and hopefully something that they will be able to do.

Mr. Bivins said the one thing he would ask is why rentals and for-sale housing are different years and not the same years, why they both are not 40 or why they both are not 30, and why they are treated differently.

Dr. Pethia said this has been done recently with other projects, so the 30 years for affordability is in line with the low-income housing tax credit program compliance. She said the 40-year affordability for home ownership units is based on the affordability period for the Southwood Performance Agreement.

Mr. Bivins said that was cool and confusing. He said the narrative that they were saying to the community is that one kind of home resident gets one kind of protection, and the other kind gets another kind of protection. He said he would hope as this is moved through that they say they believe in affordability, and that looks like this in this particular community with a universe of projects around it to sort of help Dr. Pethia to do that and not be driven perhaps by the decision that was done there with Southwood.

Mr. Keller referred to the bigger economic structure that Mr. Bivins had alluded to. Mr. Keller said he did not know whether everyone had had a chance to see it or read it, but he encouraged all Commissioners to look at the just-out critique of the proposed City land use plan by CLIHC entitled "Why Building More Market-Rate Housing Will Not Solve Charlottesville's Housing Crisis." He said this is something that many of them had been saying, that that particular part of build/build/build is not going to create enough housing that it is going to solve the affordable housing crisis, and speaking for himself, he knows it is much more complicated than that. Mr. Keller said this is a very good piece in discussing that, so he would encourage everyone to look at that.

Mr. Keller noted Mr. Bivins had referenced Southwood. He wondered if as a body they were going to talk about the Charlottesville-Albemarle affordable housing coalition letter that they just received and whether Mr. Bivins was going to go through any of the points in that.

Mr. Bivins said he was going to do that when they came back to the Commission because he did not know if some of them were going to be on the line that evening, same with the piece that they received from Scottsville too.

Mr. Bailey said he appreciated all the work Dr. Pethia had put into this. He said this was a huge step forward, and he appreciated the greater treatment to accessibility and universal design standards that was placed in #11. He said he was a data nerd, and it jumped out to him and woke him up on Page 24 that she listed nearly half of these assisted multifamily properties' affordability period would be expiring in affordability in the next eight years. He said the question he had is how that is offset with what is in the pipeline and where the gap is, whether they were already at risk of not meeting that 1% loss per year and behind the eight-ball based on what is coming online versus what is aging off in eight years.

Mr. Bailey said he agreed with Mr. Randolph that a lot of these affordable units are in the high rise multifamily build finds, and being able to make allowances and provide more land for that is a way to allow for more affordable units with more mass. He wanted her comments so he could understand how far behind they are, and that comes in concert with some of the timelines about what they need to be thinking about, how long it is going to take zoning, and if it takes a 4 to 6-year process with half of the stock going away in eight years, how far behind they would be.

Dr. Pethia said the properties listed in that table are the ones that have received some sort of federal assistance, whether that is low-income housing tax credits or funding through the federal HOME Investment Partnership program, and those tend to be owned by nonprofits. She said she fully expects many of those will apply for additional funding to substantially rehab the units and does not actually expect them to go away, but there is always that risk, so she thought it necessary to highlight that.

Dr. Pethia said it is difficult to say how far in the hole that will be because they do not have a good handle on affordable units that are not on that list, so there are units that are affordable simply because they happen to be smaller or older units, and that is why it is important to do a survey. She said it is easier to do surveys of rental units to get a good handle on what is affordable now and get that inventory counted to know where things stand and so it can be watched over time.

Mr. Bailey mentioned as far as having a sense of what is affordable, there are tax records and a purchase price listed to a house being sold, and one can even buy the data from Zillow that would have the prices, and he wanted Dr. Pethia's opinion as to the issue, whether staffing or time, with presenting the data gap to understand the affordability from purchase.

Mr. Pethia said they just had not had time to do it yet; it is a good project for an intern or a student. She said once they have a housing policy and know what can be done to move forward, that would really be working with the university to see about getting a student who would be willing to work on that as their project for the year. She said it is very time-consuming to be able to sift through and make sure that the data is clean and not being double counted through the tax records, that kind of thing, so it is time consuming, and she needs an intern.

At 8:00, Mr. Bivins called for a 5-minute break before going to the public comments.

Mr. Matt Lawless said he represents the town of Scottsville as town administrator. He said their town council appreciates the service of this commission in partnership with their local work. He said Mr. Randolph and Ms. Firehock are very familiar with the town and have advised him many times. He said he also enjoys working with County staff. He said they are now distributing the Monacan history books with the equity office and jointly supporting start-up businesses with the economic development office. He said for those not familiar with progress in town from the new restaurants to the fully booked farmer's market to come on down, and he would be happy to give a tour.

Mr. Lawless commended the Commission for the good planning and strong action obvious in the housing policy. He said as a very junior partner in this work, Scottsville is with them. He said his comment is that the proposed housing policy and comprehensive plan amendment do not adequately represent the Town of Scottsville as an active partner. He said he respectfully submits two very minor edits to describe their current partnership and better position them for growth together. He said town council adopted an updated comprehensive plan in 2018, then followed up with two planning grants and a west downtown small area plan in 2020. He said he expected to see about 10% population growth over the past decade when census results come out, and their comp plan calls for roughly doubling the town's population by 2040. He said to meet this goal, their action items are zoning text amendments and map amendments. He said town council has a public hearing on the first batch of these in June.

Mr. Lawless said they have proposed to legalize quadplexes in most of town and incentivize cluster development. He said upstairs apartments are legal in the historic district and that he lived

above the coffee shop and pays \$950 a month. He said to maintain housing supply, they are taking a housing-first economic development strategy and talking to good-quality builders now. He said they are building parks and walkable infrastructure. He said recent grants from VDOT for sidewalks and Virginia Outdoors Foundation for conservation easements have serious match commitments in their local budget. He said considering such energetic work, town council is disappointed that Scottsville does not appear very often in Albemarle housing policy documents, and this includes the housing policy. He said they want to be part of the regional solution. He therefore requested the edit of adding the town of Scottsville to the partner list in Strategy 3e; on document Page 21 of the housing policy, the partner list is Strategy 3f, same edit.

Mr. Lawless said one small factual detail would help to show the town's context and connect their plans to the County's. He said the County's objective for and narrative on older housing stock is very true for Scottsville, and he would offer this detail for the policy document (Page 22) that in Scottsville, 85% of housing stock is of pre-1970 vintage, and that would help to prove their point. He said stepping back, Scottsville suffers somewhat in County planning being neither fish nor fowl, neither rural area nor development area.

Mr. Lawless said town council believes that development area designation fits them better, and they said as much in a joint meeting with the Board of Supervisors in 2019. He said when one considers what a development area is and means—mixed use and density, a library, sidewalks, utilities, vibrant growth—that is what Scottsville is and wants to be. He said he knows the housing policy is not the place to make this policy change, but he wants to be heard that this is their goal, and they hope the future work on the County comprehensive plan will help them to achieve this stronger partnership together. He thanked the Commissioners for their time and consideration of his two suggested edits.

Ms. Carrie Klosko, attorney at the Legal Aid Justice Center, said she was there for CLIHC, which is the Charlottesville Low-Income Housing Coalition. She thanked Dr. Pethia and the County for their work on this plan. She said CLIHC thinks it is a really good start. She said they do have some recommendations to make it more robust. She said they detailed those recommendations in a letter they had sent to the Commission back in February but wanted to say out loud the CliffsNotes version of those recommendations.

Ms. Klosko said first and perhaps most importantly, they want to comment on the definition of affordable housing in this document. She said affordable housing in this plan is defined to be affordable to people earning 60% of the area median income, which is a good start; often affordable housing in these kinds of discussions means 80%, but in this area, 60% of the median income for a family of four is a little bit over \$56,000 a year. She noted that while that may not sound like a lot to people in the area, for perspective, somebody earning that level of income would not qualify for her services at legal aid—such a person would be earning too much money for her to represent them. She said what that means is defining affordable housing this high allows a lot of the neighbors who are most vulnerable and need the most help to be overlooked. She said for that reason, they at CLIHC are recommending that affordable housing be defined in this plan to mean people earning at or below 50% of the area median income and that priority be given to families at or below 30% AMI because these are the people who are most affected.

Ms. Klosko said CLIHC also had a recommendation about land use. She said they recommend that the County evaluate areas where infill development can occur in order to undo a history of racial segregation and exclusion. She said they recommend that resource-rich neighborhoods be identified preferably near public transportation to invest County funds and other support to begin

making amends. She said they have recommendations related to zoning and recommend that the County enact the strongest inclusionary zoning code permitted by law, shape the code with the goal of incentivizing and favoring affordable housing production utilizing tools such as but not limited to density bonuses and extra allowances.

Mr. Neil Williamson said he was president of the Free Enterprise Forum, a privately funded public policy organization focused on Central Virginia's local government. He thanked staff for being so engaged over these last 18-24 months, and they had been a part of these conversations. He said the Free Enterprise Forum supports housing affordability. He said they support more housing everywhere for everyone. He said they continue to have significant concerns with many of the strategies put forth in Housing Albemarle. He said that many years ago, Albemarle's affordable housing policy included a 15% inclusionary zoning mandate for affordable units. He said this policy created less than 50 units in 15 years, a failure. He said now the plan is to expand that percentage to 20%. He compared that to the watermelon salesman who lost money on every melon and decided he needed a bigger trunk.

Mr. Williamson said the answer to exclusionary zoning is not inclusionary zoning; it is the relaxation of overly restrictive zoning regulations that exist as a legacy of the nation's segregationist past. He said the reality is that inclusionary housing policies that require construction of 20% of new units to be subsidized units increase the price on 80% of the product produced if it gets produced at all. Mr. Williamson said considering Albemarle's recent propensity often on a 3:3 vote to deny or defer development with increased density, it is much more likely a 20% inclusionary zoning policy will economically force development into larger-lot by-right development with no affordable units. Mr. Williamson said in the Planning Commission work session on this proposal previously, he remembered several members suggesting this policy was not bold enough.

Mr. Williamson said they have three specific concepts they ask to be considered, and the first is cost sharing. He said the new homebuyer should not be solely responsible for paying for this community's affordable housing goals; if the entire community wants affordable housing, Albemarle should dedicate significant broad-based revenue to support that goal. He said these funds could be used to pay down tap fees for affordable units, purchase land in community land trusts, provide down payment assistance, and much more.

Mr. Williamson said the second is to increase by-right density; rather than upping the percentage of misguided inclusionary zoning, Albemarle should examine proactively up-zoning the development area, including Mr. Randolph's growing up concept and perhaps Mr. Lawless's comments about bringing the town of Scottsville into the development area to achieve the density goals suggested in this document.

Mr. Williamson said the third is to increase land inventory, expand the less than 5% of Albemarle's land mass dedicated to development to increase the land supply, and perhaps that of Scottsville as well.

Mr. Williamson said absent the political will to allocate community funds to implement real affordable housing solutions, this document like the one before it is destined to fail. He thanked the Commission for the opportunity to speak.

Ms. Lori Schweller with Williams Mullen said private developers are relied on to provide most of the housing. She said for more affordable housing, there need to be incentives for more

economical development. She said generally when one wants more of something, one takes steps to make it less costly to produce. She cautioned inadvertently preventing affordable housing development by making it more expensive to produce. She said they have seen how exorbitant cash proffers can make approved projects too expensive to build. She said legal mechanisms need to be developed to enable private developers to provide desired affordable housing.

Ms. Schweller said the proposed plan would require a much greater commitment from developers from 15% of units to 20% of units, from 10 years' rental affordability to 30 years, and from 80% AMI to 60% AMI. She said they do not want these expectations to deter developers from attempting to obtain land use approvals and all the good that proffers and SUP conditions can provide to the County. She said not having offsets or incentives in place for years after the policy is adopted would steer developers toward by-right developments, which means more low-density, unaffordable housing; therefore, it is critical that there are developer incentives in place as soon as a new policy is put into action.

Ms. Schweller said a few of the incentives that may help to steer developers toward the housing needed included meaningful bonus density, perhaps coupled with height exceptions that can work out not only in traditional zoning districts but also in planned residential and neighborhood model districts. She suggested real estate tax abatements during the term of affordability, tap fee reductions and waivers through agreements with the Service Authority, County contributions to infrastructure costs, and a fast-track project review for projects meeting affordability goals.

Ms. Schweller said another idea proposed by a local developer is to consider various combinations of the AMI unit percentage and term of affordability variables to allow developers to gauge the market and determine what combination of factors will provide the most needed housing for each project, whether it is 30% of units at 80% AMI for one project or 20% of units at 60% AMI for another. She said the development community wants to provide the housing the County needs, but the County cannot put all of the burden on them, or they simply will not be able to do it. She said they need to make sure that the housing policy, zoning ordinance, and comprehensive plan include mechanisms that enable private developers to produce the affordable housing that is asked of them.

Ms. Valerie Long, also with the law firm of Williams Mullen, echoed the comments from her colleague Ms. Schweller and others that have been made that are similar. She noted that the development community that they work with every day very much wants to support this policy and very much wants to be part of the solution in providing affordable housing in the community. She said in the last 15 or 16 years since the policy was updated to require 15% units with re-zonings, the developers have proffered those units and have done their part in complying with the proffer requirements; unfortunately, the system has not worked, and she thinks everyone agrees with that, and so she shares the comments that it is absolutely critical concerning the regulatory burdens that are in place (and that the draft plan recognizes and even lists in one section that are all barriers to affordable housing) that the action items that are recommended to address those barriers be implemented prior to or at the same time that the new regulatory burdens are put in place.

Ms. Long said if the opposite happens, where the burden of the requirement for 20% of units with new projects at lower affordability levels and longer periods of term goes into effect before any of these regulatory barriers are removed, then she does not think that they will get affordable housing from the development community. She thinks that will tip the scales in favor of having projects be developed by-right in density levels that are completely inconsistent with the designations in

the comprehensive plan, that not only will not provide the very needed affordable housing units in the community, but those units because there are fewer of them would have to be larger, would be more expensive, and the problem just becomes exacerbated. She said they hope the Commission will work with them to help ensure that those regulatory barriers are reduced. She said the plan identifies them very well so it is something that could be done fairly easily as part of a rezoning amendment.

Mr. Bivins closed the public hearing.

Mr. Bivins told Dr. Pethia that she would get to play the role of the applicant and respond to those things, but in addition to that, he asked her to speak to the Charlottesville-Albemarle Affordable Housing Coalition letter. He noted that she had made a big piece of this in the policy about looking at the affordable dwelling unit ordinance—and it seemed like Albemarle was called out specifically in that preamble as being one of the places that can do this—and he asked if she would speak to what she sees there, speak to what she thinks that might mean for the County and how they might go about putting something like that in place, before speaking to the other things from the public.

Dr. Pethia said there are not many localities in Virginia that have the same enabling legislation. She said Loudoun County is one of those; they have a fairly robust ordinance for their affordable dwelling unit program. She noted that she has not read the ordinance in a while and will have to go back and look at it, but she thinks that will provide a good starting point. She said there is fairly wide latitude as to how to design the program, so it is really working with the planning department, obviously with the County attorney's office, and getting feedback from the development community on how to create this program to make it easier for them to comply. She said those will be the next steps. She said because Loudoun County has a fairly robust ordinance themselves that the County did not have to start from scratch, so she does not see it taking an extremely long amount of time.

Mr. Bivins referenced the letter from the Charlottesville-Albemarle Affordable Housing Coalition and asked whether there were any particular items there that she felt would be helpful for the Commission to reflect upon.

Dr. Pethia said she had not had a chance to look at the letter.

Mr. Bivins recommended she spend some time wrestling with it before moving on to the Board of Supervisors. He said there were a couple of things there that were a balancing piece between, for example, getting rid of loopholes and incentivizing the greater affordability, which is similar to one of the issues they heard about with lowering it from 60 further down to 50 to 30, being able to speak to that, and then the whole idea of what homeownership looked like, the various ways. He said Dr. Pethia had spoken to that a number of times, that there is not simply one path to ownership, and being able to speak to that would be helpful, not only for that evening but then also to be prepared to speak to that when this goes before the Supervisors.

Mr. Bivins said they talk about the whole idea of how to keep the inventory. He said that is something that a number of the Commissioners had shared with her, and Mr. Carrazana talked about the 1%, but there is the whole thing of how to keep an inventory that is not only static but also grows and grows in a way that future residents of Albemarle County will have access to, and not necessarily always looking towards the solution being in a new development but using existing units that have already been built. He said those are the kind of things which would be helpful for the Supervisors, and if she had a comment from what he had said to her, to share that.

Dr. Pethia said there are a number of different mechanisms that can be used to preserve housing; much of it depends on whether or not the County provides some sort of investment into those programs. She mentioned setting up a homeowners' rehab program that would provide grants or loans to low- and moderate-income homeowners. She said they could set an affordability term behind this which would keep them affordable longer, so that could be set in many different ways. For example, the City uses the amount of funding provided to the homeowner to set that term or a blanket term could be done. She said an affordable dwelling ordinance could provide the County or a designee with an opportunity to purchase a percentage of the affordable units that are built, and they could set the affordability term for those units as long as they wanted to. She said that is what Loudoun County does with theirs. She said those are two of the options; there are a lot of good examples across the country of ways to do this. She said it is really researching those and finding the most appropriate ones for Albemarle.

Dr. Pethia said looking at the affordability levels, absolutely 50% AMI and below struggles the most, and that is perfectly understood. She said it is difficult to provide affordable housing without significant financial support into that construction, and that would be difficult for the County to support in large numbers, and that is why they went for the 60% AMI and below. She said in that category anyone who has a housing choice voucher is able to access those units as well, which brings the affordability down to a lower AMI.

Dr. Pethia said those were the ones she could remember off the top of her head from the list, but she can respond to those through an email later.

Mr. Randolph said he wanted to speak to the issue of a small project in the Samuel Miller District and the Scottsville District that is referenced by CHAAHC, which is Southwood. He said what they are asking for on Page 3 is something the Board cannot do, and that is a current Board cannot make a commitment for the Board of Supervisors of a future Board where that future Board needs to follow through on actions undertaken by the current Board. Mr. Randolph said he read in that paragraph that they were expecting Dr. Pethia and the County to make a long-term commitment. Mr. Randolph noted it is in the record of the Board of Supervisors where he was very explicit that whatever was agreed to in phase I in no way preconditioned the Board for phase II; it would be determined by the Board of Supervisors as to how it wanted to proceed if phase II was presented, so the hands are not tied of the housing administrator and the hands are not tied of the Board of Supervisors.

Mr. Randolph said with the Town of Scottsville, he thinks both of the suggestions are fine; there was no intention to omit anything about the Town of Scottsville. He said unfortunately, they got this communication 20 minutes before the start of the meeting, and had he received it several days before, he could have had some discussions with the town administrator about them. He said he has some perspective with having worked with the town and some familiarity. He said both of those suggestions are fine; there was no intent to ignore Scottsville, and they were not treating Scottsville as the "red-headed stepchild of Albemarle County" as one town councilor had referred to the Board of Supervisors' actions in the past. Mr. Randolph said it was fine to be included in there, and their addition makes the report more robust.

Mr. Keller asked Mr. Randolph and Mr. Rapp and Mr. Herrick for a response on the point that was made about the possibility of Scottsville being considered a growth area in the County. He said he has lived there much of his life and knows the history of the desire for independence that used to be expressed, especially by long-term Mayor Thacker, but his question is whether there is

some jurisdictional agreement that could occur—or some planning services, or whatever—that might actually allow a lot of things, but certainly as they are seeing the potential for more growth in Scottsville, thinking about that and how those numbers within the total Albemarle County count for lots of things. He said it is just a 5-minute discussion whether this is something that should be completely put away and does not work or whether there could be possibilities for future considerations.

Mr. Randolph said there is precedent for MOUs between the County and the Town as exist right now for the operation and maintenance of the pump facility and of maintenance of both the dam as well as the dike system in Scottsville, so that MOU was very carefully worked out. He said anything between the Town and the County has to be at a Board level, and he really does not want to say anything that in any way conditions the Board as to what they could do, should do, may want to do, but he would say all of the growth areas that are designated within the comprehensive plan exist within the County, none of which exist within a town.

Mr. Randolph said a town is an entity authorized and created under state law by the General Assembly, and therefore it has different responsibilities; he would worry about a slippery slope in providing services for a town which is not actually a growth area as currently defined in the comprehensive plan with the possibility that other growth areas could therefore urge the County to provide a similar level of staffing support in their growth area—not thinking of any particular growth area, but one or two would come to mind on that basis—so he would urge the Commissioners probably not to have this discussion that is really something that operates at the level for the Board to work out, and that would need to be a negotiated discussion between town council and the town administrator and the Board of Supervisors and the County administrator.

Mr. Herrick agreed with Mr. Randolph that was a pretty big topic. He said towns in Virginia have primary responsibility for their own planning and zoning. He said Mr. Rapp may be more familiar with that based on his history with Culpeper, but to change to something other than the default option of the town having primary responsibility for planning and zoning would be a big discussion probably not just limited to this particular meeting.

Mr. Keller said that has been his inclination as well, but because it was brought up, he thought it warranted a brief discussion here. He said in the future as data is being collected, it might actually be useful as an appendix—whether it is growth management, affordable housing, whatever—to think about how that data is reported because besides being the Town of Scottsville, those citizens are also Albemarle County citizens, and it is part of the full picture of these other topic areas.

Mr. Randolph made one correction that not all of the town of Scottsville is within Albemarle County, so what Mr. Keller just said is not necessarily accurate because there are residents of Fluvanna County that actually are within the territorial limits.

Mr. Bivins asked Mr. Randolph, given what he had just said, if those two amendments from the town manager would still stand.

Mr. Randolph said he was happy to go ahead and make a motion that they be incorporated.

Mr. Herrick said before a motion is made, he would point out that Dr. Pethia had prepared a proposed resolution as Attachment 6 to the agenda, and if there is concurrence of the Commission, staff would recommend approval of this policy as a comprehensive plan amendment. He said procedurally what they did was just have a public hearing on a proposed

comprehensive plan amendment, and again, Dr. Pethia had prepared a resolution with lots of good findings in it as Attachment 6. He did note that one thing missing from Attachment 6 was the date of that day's hearing: May 4, 2021.

Mr. Bivins asked whether that would be the last "whereas."

Mr. Herrick said that was correct and that if there was a consensus to approve the proposed amendment to the comprehensive plan, his suggestion would be that it be in the form of approving the resolution with the date of today's public hearing noted; to the extent that there were any amendments, those could be made as part of the motion as well.

Mr. Bivins asked if the entire thing needed to be read.

Mr. Herrick said it could simply be a motion to approve the resolution that was attached to the staff report with any amendments that any Commissioner would like to make.

Ms. Firehock asked if they would also include that additional emphasis on assisted living affordability be placed in the document. She said she was not clear if they had to relist all the things that they had said that evening or could just say that they are recommending this move forward taking into consideration the comments from the Commissioners that evening.

Mr. Bivins asked if they were freezing the document tonight or whether Dr. Pethia had the ability to tweak the document given their conversation that evening.

Mr. Herrick said he thought that could be part of the motion. He said they could move approval of the resolution and then to add on additional considerations or to request that staff do additional work prior to consideration by the Board of Supervisors.

Ms. Firehock said it would be taking into consideration the comments that were made by the Commission that evening but without having to enumerate them.

Mr. Bivins said he did want the piece about Scottsville to be explicitly in there.

Ms. Firehock replied just as she wanted assisted living and wanted to talk about workforce housing.

Mr. Bivins said that was a fair comment and observation.

Mr. Randolph said he wanted to make sure that everyone was in agreement that he would move CPA202000001 with inclusion of the comments made by the Commission that evening.

Mr. Herrick asked Mr. Randolph if he was moving approval of the resolution.

Mr. Randolph said that he was moving approval of the resolution with inclusion of the comments by the Commission this evening and the recommendation of the two items mentioning the Town of Scottsville.

Mr. Bivins reminded Mr. Randolph about the date of May 4th.

Mr. Herrick said the motion was in order as far as he was concerned.

Mr. Randolph moved CPA202000001 Housing Albemarle with consideration of the comments by the Commission that evening and the inclusion of the two remarks regarding the Town of Scottsville and the resolution to recommend approval of CPA202000001 for housing policy update.

Ms. Firehock seconded the motion, which carried unanimously (7:0).

Mr. Bivins thanked Dr. Pethia and told her she had gotten additional information and comments to chew on before it goes to the Supervisors.

Committee Reports

Mr. Randolph said the Breezy Hill application has been submitted and is by-right now, and Ms. Megan Nedostup sent out yesterday in comments by the division the various apartments and entities within the County that need to weigh in on that application prior to the May 10th community meeting that will be held with the Village of Rivanna CAC.

Mr. Bivins confirmed that the update is that the Breezy Hill project is now moving forward as a by-right project.

Mr. Randolph replied they are moving forward as by-right with a little higher density, so while it looks by-right, it is higher density; he thought 69 units (80 actually) are now proposed at this point.

Mr. Keller said the Urban Rivanna River Corridor group has met, and there is a draft report, and he is sure it will be brought to this body, but anyone interested in reviewing it beforehand can find it on the Thomas Jefferson Planning District Commission website.

Mr. Rapp clarified that Breezy Hill is still a zoning map amendment application to go from a rural designation to R1.

Review of Board of Supervisors Meeting – April 21, 2021

Mr. Rapp said the Board did meet on April 21, 2021, with three public hearings, one for the Rappahannock Electric project of 29 North; that was approved. He said there was an approval of some zoning text amendments to the Water Protection Ordinance (WPO) regarding stream health. He said there was one item that was taken back for further consideration based on some comments about agricultural roads, so that will be revisited. He said the fee adjustments to the CDD, application fees and other items, were also approved that came before this Commission. He said that next week, they will get together to revisit the Crozet Master Plan focusing on the last couple of chapters on transportation and conservation.

Old/New Business

Mr. Bivins said he knew everyone has been vaccinated and will be itching to go on vacation and do all the things they have not been able to do for a year and a half. He asked if they would be away, they please let him and Mr. Rapp know so that could be scheduled. He said two people had given them some of their travel plans for the summer, and as travel plans are being formed to please let them know.

Items for Follow-Up

There were no items.

Before adjourning, Mr. Bivins encouraged everyone to continue wearing masks and to enjoy themselves outside.

Adjournment

At 8:50 p.m., the Commission adjourned to May 11, 2021, Albemarle County Planning Commission meeting, 6:00 p.m. via electronic meeting.



Charles Rapp, Director of Planning

(Recorded and transcribed by Carolyn S. Shaffer, Clerk to Planning Commission & Planning Boards and transcribed by Golden Transcription Services)

Approved by Planning Commission
Date: 06/07/2021
Initials: CSS