Albemarle County Planning Commission
Work Session and Regular Meeting
DRAFT Minutes November 19, 2024

The Albemarle County Planning Commission held a public hearing on Tuesday, November 19, 2024, at 6:00 p.m.

Members attending were Fred Missel, Chair; Luis Carrazana, Vice-Chair; Corey Clayborne; Karen Firehock; and Lonnie Murray.

Members absent Julian Bivins and Nathan Moore.

Other officials present were Michael Barnes, Director of Planning; Andy Herrick, County Attorney's Office; Tonya Swartzendruber, Ben Holt, and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

Ms. Shaffer called the roll.

Mr. Missel established a quorum.

Work Session

CPA202100002 AC44 RA Land Use Policies

Mr. Missel said that he would provide an overview of the memo provided by staff. He said that he was reading from the memo sent by staff, which reviewed their previous discussions. He said that as he read through it, he wished to highlight the key points. He said that the Commission and Board had noted the need for a rural area land use plan with multiple land use categories for the rural area.

Mr. Missel said that given the variety of existing and encouraged land uses, as well as land conservation efforts, there was consensus during Commission work sessions on August 8, 2023, and March 12, 2024, that further study of individual rural communities, known as crossroads communities, should be conducted in the 2015 comprehensive plan prior to any land use designations or zoning district changes.

Mr. Missel said that the Commission also emphasized the importance of the special use permit process in identifying and mitigating potential impacts of non-residential land uses in the rural area. He said that concerns were raised about several land uses mentioned through community input, including impacts to groundwater, waterways, and transportation. He said that during Board work sessions on September 6, 2023, and March 20, 2024, the Board agreed with the Commission's recommendations, including the need to study individual communities and continue using the special use permit process.

Mr. Missel said that the Board also supported allowing small-scale doctors and professional

offices in rural communities through special use permits. He said that the Board expressed concerns about the feasibility of businesses in the rural area, particularly in less-traveled locations. He said that, regarding rural interstate interchanges, on August 8, 2023, during a work session, the Commission reached a consensus to develop an action plan for future small area plans, specifically for the Shadwell and Yancey Mills rural I-64 interstate interchanges, with a priority on Shadwell.

Mr. Missel said that the Commission did not want to specify which land uses should be recommended, as those should be identified during the small area plan process and could include no change from current uses or potentially supportive of agriculture. He said that during the Board work session on September 6, 2023, the Board agreed with the Commission's decision to prioritize Shadwell and noted that there were other small area plans that also needed to be completed.

Tonya Swartzendruber, Planning Manager, said that as a reminder, the discussion would focus solely on policy and tools, excluding goals, actions, and objectives. She said that they will focus on community input themes and provide some context on rural areas. She said that they will review the updates from the 2015 comprehensive plan to the current plan, and discuss preferred and non-residential uses, as well as the upcoming schedule. She said that the focus will be on the land use approach, rural communities, and rural interstate interchanges.

Ms. Swartzendruber said that as they did with the previous chapter, this chapter was developed with significant community input, direction from the Planning Commission and Board, collaboration between staff and partner agencies, and a review of the current comprehensive plan, best practices, and the guiding principles developed in phase one.

Ms. Swartzendruber said that the community input themes for the rural area specifically fell under three categories: protecting and restoring the natural environment, focusing on existing rural communities, and protecting historic and cultural scenic resources. She said that they had received community input that there should be a planning process to consider allowing services that support the surrounding community, including resilience hubs. She said that protecting historic resources could be done through adaptive reuse, historic markers, and programs like the UVA Finding Free Towns initiative.

Ms. Swartzendruber said that to provide some context in the rural area, it was essential to note its importance to Albemarle County, as 46% of the land fell within their water supply watershed, and over 65% of the rural area had suitable soil for agriculture. She said that 13% of the rural area had already been converted to non-rural uses, and the rural area was home to a significant agricultural industry, generating $43 million in revenue in 2022.

Ms. Swartzendruber said that a significant portion of the County was already protected by land conservation easements held by various conservation organizations, including the County itself. She said that these easements were a crucial tool for protecting the rural area, and while progress had been made, there were still areas that required protection that had not yet been addressed.

Ms. Swartzendruber said that to summarize the policy changes from the 2015 plan, they had primarily focused on implementing necessary changes rather than continuing existing practices. She said that they have recommended a rural area land use plan, which will be a future effort. She said that as part of this effort, they also suggested examining rural communities more closely.

She said that previously, these were referred to as crossroads communities, and they also recommended area planning for rural interstate interchanges.

Ms. Swartzendruber said that several topics will likely be addressed in future chapters, so they may not cover them in detail at this meeting. She said that community resilience hubs will be discussed in the resilient community chapter, protecting waterways and water quality will be covered in the environmental stewardship chapter, and partnerships and grant opportunities for sustainable industries will be explored in the thriving economy chapter.

Ms. Firehock asked when they were scheduled to review the stewardship chapter.

Ms. Swartzendruber said that it was scheduled for December 17.

Mr. Barnes said that on December 10, they would complete the second half of this chapter. He said that on December 17, they would begin a new chapter. He said that they had been working to address land use policies. He said that there was a significant amount of policy to understand, so they had separated the goal statement, objectives, and actions from the policy for development and rural land use areas. He said that the remaining chapters would address policy, goals, and actions at the same meeting. He said that the environmental stewardship chapter would be covered in its entirety.

Mr. Clayborne joined the meeting at [4:10 p.m.]

Ms. Swartzendruber said that they would be addressing transportation issues, including improved transit service to rural destinations, in the transportation chapter. She said that agriculture, forestry, and conservation played a vital and long-standing role in the environment, heritage, and economy of the County, and these were the preferred land uses in the rural area. She said that these land use priorities were consistent with those in the 2015 comprehensive plan and were the same land uses they encouraged with this plan.

Ms. Swartzendruber said that in addition to agriculture, forestry, and land conservation, other land uses may be suitable in certain locations in the rural area. She said that approximately 43% of their population resided in the rural area, and while they did not aim to encourage new non-residential uses, they did want to support their existing residents. She said that these supportive land uses aligned with recommendations in the 2015 comprehensive plan for crossroads communities, which they were now referring to as rural communities.

Ms. Swartzendruber said that any new non-residential land uses should align with either a rural area goal or a broader County priority, such as supporting agriculture and forestry, or supporting surrounding communities without generating additional development, like country stores, small offices, post offices, or adaptive reuse projects. She said that these uses could also include low-impact outdoor recreation or potentially utility-scale solar, which she would discuss further in the resilient community chapter.

Ms. Swartzendruber said that they had heard that recommendations for rural communities should be included in AC44, including encouraging adaptive reuse, historic preservation, and land uses that supported small-scale businesses and services for surrounding community members. She said that any land use or zoning changes should be tailored to an individual rural community and involve community engagement. She said that as was the case today, the majority of non-

residential uses in the rural area would still be subject to special use permits, which required review by the Planning Commission and Board, and they could include conditions to mitigate impacts.

Ms. Swartzendruber said that in the County, they currently had four interchanges with I-64 in the rural area, and through this process, they had heard that two needed further study: Shadwell and Yancey Mills. She said that these two areas had existing commercial or industrial zoning and development. She said that there was potential for food processing or distribution uses that supported agricultural activities already occurring in the rural area or other target industries. She said that the intent was to use the land efficiently, where there was already existing development and infrastructure. She said that nothing will change with this comprehensive plan, but they acknowledged that these areas have existing development and zoning in place and should be studied further.

Ms. Swartzendruber said that the rural area had a variety of land cover and land uses. She said that currently, they show this as a single color on the FLUM, but there was much more detail that could be included. She said that this was furthering the recommendation that they needed a rural area land use plan.

Ms. Swartzendruber said that they previously discussed development area land use last week, and they will be discussing the same topic with the Board tomorrow. She said that they were now discussing rural area land use, focusing on the tools and policy. She said that they will discuss actions on December 10, and then they will be presenting the entire chapter to the Board after the first of the year. She said that they will cover environmental stewardship on December 17, and they will present the entire chapter to the Board on January 22.

Mr. Barnes said that they were trying to provide enough time between the Commission's discussions and when the information was presented to the Board.

Mr. Missel said that they would start the discussion with whether the chapter provided sufficient recommendations and context for updating the County's zoning ordinance related to rural area land uses.

Mr. Murray said that in many ways, he felt like they were going full circle. He said that in 1971, they had specific areas designated for agriculture and conservation. He said that he thought this was a valuable exercise in looking at how they could go back to a good idea that they had in the past. He said that unfortunately, in revisions, this concept had gotten lost. He said that one of the main concerns he heard from the public was that when discussing country stores, everyone was on board with that. He said that when it came to other types of offices, there was often ambiguous language about their intended uses, which made people very uncomfortable. He said that he believed there needed to be a lot of clarity around this and clear guidelines.

Mr. Murray said that it was mentioned earlier that there would be specific uses that supported the rural area and aligned with its goals, such as sustainability, historic resources, and cultural resources. He said that if they could enumerate these criteria and establish guardrails, so that they were specific about the types of office space that met the standards, he believed the public would feel a lot more secure.

Mr. Missel asked if that was related to zoning.

Mr. Murray said that he believed the first step was to develop a future land use map, which they had discussed previously. He said that he agreed that this was the direction they needed to take. He said that he hoped they could revisit the list of future land use categories that they had established for the growth area. He said that he would like to see the same categories applied to the rural area, including the conservation district and agricultural district. He said that by having these categories in place, they would have a clear understanding of what was reasonable and what was not in these spaces.

Mr. Missel asked if that level of detail was envisioned as part of the Rural Area Land Use Plan.

Mr. Barnes said that he believed that at some point, they would be discussing this further, but he was not prepared to go into that level of detail. He said that he thought there was a recognition that the current land use map was essentially blank. He said that he was not sure where they would end up regarding the different groupings.

Mr. Murray said that he anticipated that this would be a process, and he was comfortable with that. He said that he thought it would be a common-sense approach for them to consider adopting C1 conservation districts and A1 agricultural zoning, similar to what Greene County had already implemented.

Ms. Firehock said that would be a useful tool because it would enumerate why the area was a more sensitive area resulting in more restrictive zoning practices.

Mr. Carrazana said that it was worth noting that 95% of the County was agriculture. He said that when they considered critical slopes, parks, watershed areas, and prime agricultural lands, it became clear that the 95% figure started to shrink rapidly. He said that it was misleading to simply state that 95% of the County was agricultural, as this could give the impression that they had a vast amount of unused land available for development. He said that in reality, much of this land was not suitable for development and would not be used in good conscience. He said that he was fully supportive of this initiative and believed it was an important step forward.

Ms. Firehock said that while reviewing the map, she noticed that the agricultural soils layer was being shown without the forest layer, which might give the impression that there was a lot of available land for agriculture. She said that she thought it was unlikely that they would clear a forest and remove the stumps to start laying out farm fields. She said that showing the forest layer on top of the agricultural soils map would provide a clearer picture of what was actually available.

Ms. Firehock said that in the past, she had suggested to the County that they include this information in their GIS maps, which would show the high-value forest cover, the agricultural soils, and the remaining open space. She said that this would allow them to be more specific about what was available if they were to pursue future plans, such as planting crops. She said that there were different classes of agricultural soils, and she thought it would be beneficial to only show the prime, highest-value ones. She said that the maps could provide more information if they were to use them in developing future plans.

Mr. Clayborne said that he was curious to know if staff had had discussions regarding tourism in the rural area. He said that given that they were winning awards, and he did not believe that would slow down, he would like to know more about staff's discussions on tourism-related activities such

as wineries and other attractions. He said that he wondered how these discussions might impact planning for the rural area.

Ben Holt, Long Range Planning, said that they have had conversations about different uses in the rural area. He said that agri-tourism, as an agricultural use, was supported and encouraged within the rural area. He said that they were also having ongoing conversations regarding their zoning ordinance update, which may lead to some changes in the future. He said that he did not have specific information to share at this time. He said that he could answer any specific questions about agri-tourism.

Mr. Clayborne asked how it impacted their thinking about transportation and the networks in rural areas.

Mr. Holt said that he did not feel qualified to speak to that topic in depth, which was better left to their transportation team. He said that they would address this when they discussed the transportation chapter, which would be divided into sections for the rural area and the development area.

Mr. Murray said that he would like to request a bookmark or a "see also" section on transportation, particularly for this section. He said that one map that would be particularly useful was a map of rural area greenways, which fell under transportation and would be relevant to this discussion. He said that understanding where recreation already occurred on County roads was helpful when examining the rural area map, as it provided context for existing recreational opportunities. He said that having these cross-references in different sections would be beneficial.
Mr. Missel said that there was consensus to create maps that provided more clarity and specificity regarding land uses and available resources. He said that identifying natural resources and infrastructure could aid in potential development in those areas.

Mr. Missel said that, regarding the question on whether the chapter provided sufficient recommendations and context for updating the County zoning ordinance related to rural area land uses, from his review, it appeared that this was primarily addressed on page three of the rural area land use document. He said that specifically, on the right-hand side of that page, it discussed future updates to the Zoning Ordinance, the Rural Area Zoning District, and potential new permitted uses in the Rural Area Zoning District. He asked if anyone had specific questions on this information.

Mr. Clayborne said that he had a question regarding the bullet point on discouraged residential growth and development, along with the related demand for increased public services. He said that the issue felt overly simplistic, and he was curious about the intersectionality of affordable housing in this conversation. He said that some individuals were forced to live in these areas because they were the only affordable options available to them. He said that he wondered how they could balance discouraging excessive growth in these areas without simply eliminating the possibility of residents living there.

Mr. Murray said that he believed there was a really good point in this discussion that spoke to the issue at hand. He said that although they were not yet in the action items, he would like to highlight an item that addressed this well. He said that specifically, it mentioned limiting the parcel size. He said that currently, in rural areas, they defaulted to 21-acre lots.

Mr. Murray said that he believed that another important aspect was lacking in this discussion - acknowledging the diversity of the rural area. He said that for instance, the historic Black communities in their County were a vital part of their heritage. He said that his neighborhood in Sugar Hollow, for example, was more diverse economically and racially than Old Trail. He said that he thought it was essential to preserve and keep this in mind.

Mr. Murray said that if one had 21-acre lots, they would never be affordable. He said that if one maintained the same number of possible lot divisions but capped the size of those lots, one would likely have more smaller lots, such as five-acre and two-acre parcels. He said that these smaller lots were more likely to be affordable for someone. He said that by doing so, one accomplished two goals simultaneously: preserving more of the rural area and increasing the likelihood of development resulting in affordable housing.

Mr. Missel asked how that differed from cluster developments.

Mr. Murray said that if the state were to change its enabling legislation to allow for clustering development, then it was the same. He said that in a cluster, everything was concentrated in one area, which could be beneficial in sensitive areas. He said that for example, if one had a site with 100 acres featuring numerous slopes and streams, clustering the development in the corner might not be the most sensitive use of the site. He said that if the ordinance had been restructured to include five-acre caps, it could allow for smaller, more affordable lots.

Ms. Firehock said that she would like to bring up a concern that related to one of the goals and objectives. She said that she was concerned that the current code may be too broad, allowing individuals to convert their properties, such as barns, into event spaces without a clear connection to agricultural production. She said that she recalled an application from her district that proposed converting a barn into a wedding venue.

Ms. Firehock said that this could be seen as a loophole in their code, allowing anyone to have an event venue. She said that to address this, staff proposed limiting the use of event venues to historic buildings. She said that she thought this may not be sufficient, as it could lead to the conversion of every old barn into a wedding venue, potentially disrupting the peaceful existence of neighboring residents. She said that she wondered if they needed to revisit their language in the rural area chapter to establish clearer guidelines on appropriate uses, ensuring that their rural areas remained suitable for their intended agricultural purposes.

Mr. Carranza said that the encouragement of adaptive reuse was an important aspect, particularly for historic properties or older buildings that they wished to preserve. He said that this could open the door for a variety of different uses that were not inline with the rural areas. He said that they should balance adaptive reuse with the need to be inline with rural area uses.

Ms. Firehock said that every time something is reused, it must be deemed appropriate. She said that people had a certain expectation of quiet enjoyment of their property, and when an event venue was suddenly added, it disrupted that expectation.

Mr. Missel said that in the bullet list, there was an item that mentioned supporting low impact uses to encourage the economic vitality of rural properties, preserve and enhance rural landscapes, and support historic resources. He said that he assumed, based on staff's goal, that this was intended to guide future discussions on venues and areas. He said that he was unclear if there

was sufficient language in the existing bullet to support this goal. He said that he wondered if there were any additional bullet points or language that they should consider ensuring a clear direction for future discussions.

Ms. Firehock said that she was uncertain if there was. She said that she did not have the answer, but she thought it might be possible to frame the issue in terms of traditional uses or find a way to maintain the current character of the area without altering it.

Mr. Carrazana said that they had the language that specified agricultural uses or uses in support of agricultural activities.

Mr. Murray said that he believed they had the goals of the comprehensive plan in mind. He said that they were encouraging conservation, protecting historic resources, natural resources, and agriculture. He said that the question was, could they effectively use these goals as a checklist to evaluate applications. He said that by checking multiple boxes, they could determine whether a use was appropriate.

Ms. Firehock said that the Board might consider a different approach if someone were to apply to convert a mansion into a five-bedroom hotel, if the property was not currently used for agricultural purposes, and it may provide an alternative to selling the farm.

Mr. Barnes said that they were discussing how this approach preserved agricultural and forestal uses, as well as large blocks of land that could not be further subdivided into residential areas.

Mr. Missel said that he wanted to clarify what he thought they were trying to achieve. He said that there was a specific point made regarding wedding venues, and they were attempting to bring it back into the comprehensive plan language to determine if there was enough guidance. He said that when they addressed specific items like that, they could reflect back on and utilize the language from the comprehensive plan.

Mr. Barnes said that what he was trying to say was that, in general, they had various types of uses, such as event spaces, wedding spaces, and possibly even agricultural or equestrian activities. He said that the Commission seemed to be suggesting that the uses would be acceptable if they met certain criteria. He said that maintaining farms in the working state would be one criteria, and another could be to maintain large estates.

Mr. Barnes said that a new owner may want to divide and sell an estate, but if they could provide an economic use for the property, they might be willing to keep it intact. He said that he was curious to hear their thoughts on this matter. He said that in his opinion, it was easier to say that they needed to solve this issue rather than carefully considering all the various aspects involved.

Mr. Murray said that he was a bit less concerned about subdivision as an option, given that it was always available. He said that anyone could claim that they needed to subdivide their property, as long as they had the necessary rights, but that was not a strong claim. He said that they needed something more substantial that supported their goals of sustainability, agriculture, and the other objectives outlined in the comprehensive plan. He said that for instance, he had always been surprised by the presence of historic taverns in the County. He said that it seemed to him that if there was a historic tavern, it should be allowed to remain a tavern.

Mr. Missel said that he believed that supporting low-impact uses was a priority for him. He said that low impact was broad, and it should be further defined. He said that he wanted to clarify the concept of a working farm. He said that he was thinking of a farm that actually operated and produced goods, rather than one that was primarily used for events like weddings. He said that he thought that there may be more detail that could be explored on this topic.

Mr. Barnes asked if the Commission was directing staff to address this in the planning process. He asked if the goals were still too vague.

Mr. Missel said that he believed they were still vague, but he was not sure if the comprehensive plan was the right place to make it more specific.

Mr. Murray said that the challenge was that if they were to obtain a special use permit and had to deal with the current draft, they would be hard-pressed to use that language to decide whether it was appropriate or not.

Mr. Missel said that they would not only use the comprehensive plan to make the determination. He said that they could also use the Rural Area Land Use Plan once it was drafted.

Mr. Carrazana said that he believed the nuance of this issue lay in the language used, which focused on agricultural use or supporting agricultural use. He said that this raised questions about other potential uses, such as a bed and breakfast. He said that they should consider whether they wanted to limit those kinds of uses. He said that he thought there was a tension that needed to be addressed, whether it was in this context or in another form. He said that it seemed that some uses may not be suitable for the "agriculture" designation.

Ms. Firehock said that they needed more guidance.

Mr. Murray said that he believed this was connected to the question previously asked about affordable housing. He said that they needed to be careful. He said that one reason they had affordable housing in rural areas was that there were limited uses allowed. He said that when they allowed more uses, whether it be additional residential or commercial uses, the value of that property increased. He said that as the property became more versatile, its value increased. He said that this was why rural land was generally less expensive than land in growth areas. He said that it was essential to consider the balance between allowing new uses in rural areas and ensuring that they did not make these areas unaffordable.

Mr. Missel said that there was a statement in one of the slides that discouraged new residential development in the rural area. He said that he was not sure if this statement was intended to be taken holistically, or if there was a specific benefit to discouraging it in the rural area while encouraging it more in urban development areas. He said that he was unclear about the intended goal and whether this statement was accurate or too specific.

Mr. Carrazana asked what tools they would use to discourage development.

Ms. Firehock said that they could use lot division restrictions.

Mr. Barnes said that they could restrict the number of lots and housing types. He said that in his opinion, the basic premise was that single-family homes were typically allowed on 21-acre lots or

the development rights they possessed. He said that this was not necessarily intended to encourage more than that. He said that as a guidepost, he thought the language may be too strong, but he believed the intent was to acknowledge that certain types of land uses, such as farming or forestry, were recognized as legitimate uses.

Mr. Carrazana said that the term "residential" was quite broad, and he thought it was worth considering that they may actually want to encourage specific types of residential development in the rural area. He said that that was what they had been discussing earlier with smaller lots.

Mr. Holt said that, regarding limitations on residential development in the rural areas, the first was the number of development rights, which dated back to the 1980 zoning ordinance allocations. He said that when someone subdivided a property, they had to determine how many development rights were available to split it up. He said that there was a two-acre lot minimum in the rural area, which was for practical reasons, as most of these properties would require septic systems, wells, and sufficient land for drain fields and a reserve.

Mr. Holt said that this minimum also helped to discourage the installation of public water and sewer systems in the rural area, both to keep infrastructure costs down and to prevent sprawl. He said that carving out a parcel for residential use also required driveway access, which was another requirement. He said that VDOT had to approve this as well.

Mr. Missel said that it was interesting to note that the number of development rights on parcels, which dated back to 1980, was still relevant today. He asked if the number of development rights would ever be revisited, either increasing them or decreasing them.

Mr. Holt said that he was not aware of those discussions.

Mr. Murray said that he would not be in favor of increasing or decreasing the development rights. He said that he thought the current system was arcane. He said that the fact that some residents had to submit a letter to the County to initiate a research study to determine their development rights and divisions was arcane. He said that he believed they could look at revising the system to make it more straightforward, potentially resulting in a more balanced outcome.

Mr. Murray said that by analyzing the data from the past 10 years, they could determine the average number of development rights per acre of parcels and correlate it with the new districts they were forming. He said that for instance, parcels within the new districts would have a certain number of development rights, similar to the rural areas they had before. He said that this would eliminate the need for the current system. He said that they would also need to honor existing applications, but he thought it was worth exploring alternative solutions.

Mr. Murray said that they should consider establishing an equivalency system, such as one division right for a single-family home equating to two division rights for a trailer park or considering the footprint of the trailer park in relation to the overall footprint of single-family homes. He said that this could potentially preserve the rural area while providing affordable housing options.

Ms. Firehock asked if that would not just be a cluster subdivision.

Mr. Murray said that it was, but he questioned if they had an ordinance that would allow a cluster

subdivision for trailer parks.

Ms. Firehock said that in a cluster, the lot sizes can be modified to vary in size, rather than being uniform. She said that one could creatively arrange the lots and make them smaller, allowing for a more efficient use of space. She said that this would enable them to consolidate the lots into one area of the property, freeing up more land for conservation and agricultural purposes.

Mr. Murray said that the point he was trying to make was on a general scale, that there were win-win opportunities where they could have affordable housing and also prioritize conservation.

Mr. Missel said that there needed to be more clarity on discouraging residential development.

Ms. Firehock said that it should discourage residential subdivisions, since it seemed, they were trying to avoid multi-lot developments.

Mr. Missel said that one of the key points was finding a balance between using land for residential development with smaller lots to increase affordability, while also considering the need for water, septic systems, and sufficient space for secondary septic fields or backup systems. He said that there were many constraints to consider, so he thought it was essential to narrow their focus. He said that broad statements may not be applicable, and they had already discussed the importance of precision when it came to mapping and specific areas of residential development.

Mr. Missel said that at the comprehensive plan level, their goal was to ensure that the language was sufficient to support their decisions when they did focus on the details. He said that he was not sure if he would agree with discouraging subdivisions entirely. He said that they could rather emphasize the need for careful planning of residential areas to ensure compatibility with natural resources.

Ms. Firehock said that the County had made significant efforts to enact policies for land subdivision that had hindered development in rural areas, primarily due to the rapid growth occurring in those areas. She said that most of this growth had taken place in the rural areas. She said that a chart from the biodiversity action plan illustrated this trend.

Ms. Firehock said that when the County adopted these new policies, the trend line shifted towards the urban ring, where development was encouraged, and the trend line flattened for rural areas. She said that this suggested that the policy had been successful. She said that she wanted to emphasize that they must be mindful of this, as they acknowledged that their anti-sprawl policies had been effective in the County, particularly when compared to others.

Mr. Murray said that they wanted to encourage those to be in the development area, rather than in the rural area.

Ms. Firehock said that they were actually discouraging them in the rural area, not just encouraging them elsewhere.

Mr. Murray said that they were encouraging other things, such as conservation easements and other measures, that effectively removed development rights and limited residential potential. He said that he supported this approach, and he believed that they needed to find the right language to convey this idea.

Mr. Missel said that he thought it was good that they had mentioned the trends and the reversal of trends, which was summarized at the bottom of page two on the left. He said that upon reading that, he felt that discouraging new residential development might be enough, or at least acceptable. He said that he was going back and forth because he agreed that they could not reverse the trend. He said that the question was whether there was anything they would change in the current policy regarding discouraging residential development in rural areas.

Ms. Firehock said that they wanted to consider affordable housing. She said that for example, in her district, there were homes in a certain area that had become dilapidated. She said that the question was whether they could collaborate with AHIP to rehabilitate those homes, allowing low-income residents to continue living there while making them energy efficient. She said that this approach would address existing dilapidated homes and vacant properties in rural areas, rather than solely relying on new residential development. She said that by rehabilitating existing homes, they could prevent them from decaying beyond repair and make them more affordable. She said that this strategy could be implemented by requiring that rehabilitated homes be sold to low-income individuals, thereby fostering more affordable living options in rural areas without the need for new construction.

Mr. Murray said that policy would be important in terms of equity. He said that it addressed not only housing but also ensuring that residents had access to essential services, such as septic system maintenance, which could be a disaster if it failed. He said that preserving the existing housing stock was essential for rural communities.

Mr. Missel said that on page three, where they had discussed discouraging new residential development, he thought they could borrow an idea from page two. He said that it stated that they should continually monitor the rate of development in rural areas, comparing the rate of residential development in rural areas to development areas, and leverage land use and conservation tools to support their growth management policy. He said that this preserved the status quo and included monitoring.

Ms. Firehock said that she agreed with that language.

Mr. Clayborne said that he was curious to know if they felt that they had sufficient guidance when evaluating solar proposals. He said that when they discussed scale, he noticed a bullet point mentioning reversible uses that allowed land to return to agricultural, forestry, or conservation purposes.

Mr. Barnes said that staff would be presenting something in the resilient communities chapter related to solar power. He said that they would also be introducing the solar ordinance, and they had set a date for its consideration by the Planning Commission, tentatively scheduled for January 14. He said that this would provide an opportunity for a more in-depth conversation about the ordinance and its implications for the resilient communities chapter, which was expected to be addressed in April.

Mr. Missel said that it appeared that there were topics that overlapped between discussions of rural areas and this chapter. He said that there were many other factors that would be explored in subsequent chapters, and he was curious how staff would reconcile this.

Mr. Barnes said that one of the things they were discussing was creating a parking lot of issues that would inevitably bleed into each other. He said that they may have to deal with these issues at the end and revisit them later. He said that he understood that this was not a perfect solution, as the world was complex and nuanced. He said that they had tried to create artificial distinctions between some of these issues, but it was clear that they would overlap. He said that they needed to ensure that they worked together and that they were addressing all the necessary aspects. He said that as they moved forward, they would revisit and adjust these chapters as needed to ensure they were not missing anything.

Mr. Murray said that he strongly supported hyperlinks. He said that in his opinion, the days of printing physical documents were largely behind them. He said that he believed they should establish hyperlinks between different sections to enable clean cross-references from one section to another.

Mr. Barnes said that they intended to do that.

Mr. Murray said that he believed they needed the rural future land use map as well, because he thought it would be crucial in determining where solar was suitable and where it was not. He said that this map would help guide the placement of solar installations.

Mr. Carrazana said that in section 1.3, the discussion about Area B was relevant, particularly for the tripartite planning map, which divided the County, City, and University into three zones, A, B, and C. He said that each zone had distinct conditions for approval. He said that this called for coordination with the University of Virginia on recommended land use for Area B in the rural area. He said that he had noticed that the University of Virginia's land holdings within Area B were limited, with only a few properties, such as the Davis Farm, Milton Air Force Base, and Fan Mountain. He said that he was curious to know the County's intentions regarding this and whether they were considering UVA Foundation properties separately, or if the County was referring to the University and Foundation together. He said that Area B did not apply to any of the Foundation's properties.

Jodie Filardo, Community Development Director, said that the County, the City, and UVA had expressed interest in discussing areas A, B, and C at various meetings. She said that considering broadening this particular action item to include additional conversations between the three entities might be advisable. She said that she believed they had opportunities to discuss land holding swaps between the Foundation and the University, and she thought they could expand on that discussion. She said that the point about Area B was well taken, and she thought they could broaden that discussion as well.

Mr. Carrazana said that if the Foundation sold the properties to the University, then they would conform to Area B.

Ms. Filardo said that was correct.

Mr. Missel said that they should return to the first bullet point and see how they were progressing. He said that the one other point he had been considering was the suggestion to use distributed power sources to increase the reliability of power. He said that it seemed a bit out of place or specific, and he was not sure if it meant that current substations could be expanded in this way. He said that he was curious about that point and would appreciate a clarification on it.

Mr. Barnes said that he had previously inquired about this bullet point, as well. He said that at the staff level, they were grappling with the solar issue, which was a major concern in their community right now. He said that he believed they had a good ordinance in the works, which would provide clarity and definition regarding solar issues.

Mr. Missel said that he was thinking more along the lines of substations or Dominion Energy, not solar.

Ms. Filardo said that distributed power could take many forms, including solar and small nuclear power. She said that part of what was informing some of the discussion on this topic related to the January 3 event a couple of years ago, when they had experienced a week-long power outage, particularly affecting rural areas. She said that as a result, some of the resilience centers they were considering were intended to provide a safe haven for rural residents to charge their phones and other essential devices.

Ms. Filardo said that they would need to ensure that these resilience centers had an independent power source, separate from traditional grids. She said that it did not intend to encourage more substations in the rural area. She said that the resilience hubs were intended to create gathering spaces in the rural area where people could come together.

Mr. Carrazana said that he thought the wording could be improved.

Mr. Missel said that he would encourage broadening the concept to encompass not just power, but also other aspects, such as resilience.

Mr. Missel said that the next question was if they should consider whether the recommended non-residential land uses, which included agriculture, forest, and land conservation, were suitable as secondary land uses for the primary rural area.

Ms. Firehock said that she had a minor issue with the term "low impact outdoor recreation". She said that nature-based would be a more appropriate term than "outdoor". She said that putt-putt courses were technically outdoors and low-impact, but the outdoor environment was not necessary for the use.

Mr. Murray said that in Southwest Virginia, there were areas along the New River Trail where bicycle rentals were available. He said that he thought he would have no issue with someone having a small bike or kayak rental business adjacent to a recreational area.

Ms. Firehock said that it could be uses that were dependent on the natural resource, such as a mountain biking trail or a river.

Mr. Murray said that he often thought about Panorama Farm, which hosted numerous outdoor recreation events and had ample space. He said that there were other sites in the area where trail runners and others had held numerous events. He said that given this, he believed that there were ways they could improve their services to better support and acknowledge these recreational uses.

Ms. Firehock said that she would suggest it state, "low-impact, nature-based based recreation".

She said that she was thinking of something that distinguished outdoor recreation from other types of activities that could occur outside.

Mr. Missel said that this concept blended with the idea of community resilience hubs, as outlined on page five. He said that the list included essential public safety services and daily needs that could utilize existing buildings, such as healthcare facilities, including small-scale doctors' offices and mobile clinics, as well as fire, rescue, and police services. He said that it also mentioned job training programs, community gathering spaces, and access to affordable and healthy food.

Mr. Missel said that he lived near a crossroads store at the intersection of Plank Road and Route 29, and it had been beneficial. He said that he saved wear on his car since the store had doctor's offices, restaurants, and a fire station. He said that during the power outage, bottled water was distributed at the fire station. He asked how this concept would blend with non-residential land uses in the rural area. He said that it depended on where the uses were located. He asked if there were other uses that should be enumerated.

Mr. Murray said that many of the concerns that people had mentioned to him stemmed from the fact that they had existing industrial uses in the rural area. He said that it was a problem because they were applying the growth area designation for industrial to the rural area. He asked for clarification if an existing industrial use could be changed into a different industrial use in the rural area.

Mr. Barnes said that was correct.

Mr. Murray said that was a concern because not all industrial uses were the same. He said that they should recategorize the industrial uses to be narrower. He said that he was in favor of agriculturally supportive industrial uses, and they should have a category for those uses. He said that he thought they needed to establish categories that supported those uses moving forward. He said that by being specific with the designations, they could stand a much better chance of achieving their goals.

Mr. Missel said that they should look at these developments through the lens of what was acceptable in a rural area. He said that they had two lumber companies near Laird, and he could hear the background noise of the lumber mill most of the day from his house. He said that he recognized it as a use that was suitable for the rural area, but they should consider the consequences of those uses on the surrounding uses.

Mr. Murray said that he was concerned about a lumber mill turning into a Dow Chemical plant, and they should avoid this happening.

Mr. Missel said that he wanted to add one more point regarding the community's concerns. He said that they had received comments about concerns related to Shadwell and Yancey Mills. He said that these concerns would be addressed through small area plans, which would facilitate discussion about current uses in those areas that were zoned for industrial purposes, as well as future discussions about potential changes.

Mr. Murray said that they should have had some guardrails in place for those conversations ahead of time, as they had discussed today. He said that having some guardrails would be helpful and would reassure the public.

Mr. Carrazana said that he believed they should avoid going into a completely open-ended approach. He said that instead, they should build upon the guardrails that were already being established in this overlay, and then use that to inform the small area plan.

Ms. Firehock said that she had one concern that they would not be able to move forward with a rural area plan. She said that they had a backlog of small area plans for the development area. She said that the County felt that it could not accommodate a rural area plan within the existing comprehensive planning process. She said that she would like to see a more detailed strategy for its implementation, including a proposed timeline and budget. She said that she was concerned that if they did a good job on it, which she assumed they would want to, it would take time and resources, and the Board would need to budget for it.

Mr. Missel said that the third bullet in their discussion addressed the rural area land use plan. He said that they should consider the resources to ensure a set timeframe to implement the plan.

Mr. Murray said that one thing that was missing from their discussion was the inclusion of parks and greenway designations in the planning maps. He said that he believed it was essential to reinstate those designations for parks and greenways in rural areas, and he would like to see this included in a rural area plan.

Mr. Missel said that the rural area land use plan, which provided more specificity, aimed to protect the rural area by maintaining and protecting land, and it also addressed commercial forestry operations, native ecosystems, wildlife habitat, and healthy water supplies. He asked if they should include guidelines on existing industrial uses and the future use of those sites in the plan, as well.

Mr. Murray said that the short answer was yes. He said that he believed they should address those issues and approach them through the lens of supporting existing agriculture and sustainability. He said that they did not have many industrial uses in the rural area, and those that did exist were related to rural production. He said that he thought it was more about maintaining and keeping those existing uses viable.

Mr. Missel asked if the current list did an adequate job of addressing those points.

Mr. Barnes said that there had been a fair amount of discussion about commercial uses, and if they were doing a land use plan, they likely wanted to identify properties that possessed that quality. He said that he agreed that it was a point worth considering, and it might be a good idea to add it.

Ms. Filardo said that staff and the supervisors had been grappling with a matter that involved the reuse of existing or dilapidated structures for businesses that were not necessarily tied to agriculture or forestry but would result in the rehabilitation of an existing building and bring arts and crafts uses to the rural area. She said that they may be able to be more expansive than limiting themselves to agriculture or forestry, and instead consider arts and crafts, or other local uses that could benefit the rural area.

Ms. Filardo said that specifically, the use they had been approached about, which currently could not be supported due to existing code, could bring advantageous economic traffic. She said that

this would also support the rehabilitation of an old building, which was falling down, and potentially benefit an adjacent building, such as a small store, by increasing foot traffic.

Mr. Murray said that the chapter encompassed not only historic resources, but also historic cultural, scenic, and cultural resources, including the arts. He said that as they discussed the rural area, they had a section that covered historic, cultural, and scenic resources, which also included supporting elements such as the arts. He said that he was in support of that approach.

Mr. Missel asked what in the ordinance prevented the use.

Ms. Filardo said that the specific use these individuals were attempting was not permitted under the zoning ordinance. She said that as a result, they attempted to persuade it to fit within the existing ordinance, but unfortunately, it did not align with the current zoning regulations. She said that they would have another opportunity to revisit the zoning ordinance in the future. She said that allowing only agricultural and forestry uses in rural areas may be too restrictive for accommodating cultural uses.

Ms. Filardo said that typically, cultural and historic uses were combined in rural areas. She said it seemed that each board member had supported the use, but it did not have a historical connection to the location. She said that to make it acceptable, they may want to consider adding additional items to the checklist.

Mr. Murray said that Batesville had a thriving art and music scene, which was a significant part of the town's culture. He said that the area was home to many well-known musicians and artists, and this aspect of rural area culture was also an important part of the region's identity. He said that if they were discussing ways to support rural areas, it was also essential to consider supporting rural arts and culture.

Ms. Firehock said that that situation made her think of a similar issue in Howardsville, where there was a historic Methodist church. She said that it was a registered historic property, but it was currently empty and lacked parking. She said that the churchgoers had stopped attending about 25 years ago due to the lack of accessible parking, which was particularly challenging for older individuals. She said that the church had been offered to the community for a dollar, but they were unable to acquire it due to the significant renovation required. She said that under the current zoning code, they were unsure of potential uses for the building, and despite some interest in repurposing it for a cultural or yoga studio, without adaptive reuse, the building would continue to deteriorate.

Mr. Carrazana said that he believed that adequate mapping of the rural area was still missing here. He said that instead of the current representation, he thought they needed to consider the context of the area, including the presence of premium soils, parks, flood plains, and mountains. He said that even the 1971 map provided some context, and he thought they could build upon that.

Ms. Firehock said that there was a map that required updating, and she believed it was part of the future plans. She said that they had already gone through the process of categorizing high-value wildlife habitats, which was documented on a map and included in the biodiversity plan. She said that since they already had this information, it would be more effective to reference the specific habitats rather than simply stating "wildlife" in general.

Mr. Barnes said that the map would be included in the next chapter.

Mr. Carrazana said that there existed a misconception about the 95% of the rural area. He said that it was not all equal.

Ms. Firehock said that they had also prioritized the rural area lands based on value.

Mr. Barnes said that by examining the environmental aspects of protecting rural areas, he believed they could develop a map that highlighted areas worthy of conservation. He said that this map would identify locations that needed to be preserved, while also potentially revealing areas that could be better suited for development.

Ms. Firehock said that they already had that information available, but it was sometimes forgotten when staff turnover and changes occurred.

Mr. Murray said that they had received emails expressing concerns about some of the action items. He said that one of the points discussed was setting a target for conservation, which he found to be particularly vague. He said that it was unclear whether the goal was to establish an upper limit on the amount of land conserved or to determine how much land would be conserved from their current state.

Mr. Murray said that he was disappointed with the conservation easement map, as it was misleading. He said that there were different types of conservation easements, and they did not all conserve the same things. He said that for example, some conservation easements protected historic resources, while others simply preserved open space. He said that additionally, some conservation easements protected specific natural resources. He said that they could not assume that because a particular area had a conservation easement, it was preserving the specific resource they wished to be protected.

Ms. Firehock said that not all easements were located in high-priority areas. She said that in fact, many easements were not. She said that when they overlaid the priority map from the Biodiversity Action Plan onto the easement map, they could identify the gaps in conservation efforts. She said that easements were just one tool among many. She said that they were not the only solution, and many landowners were hesitant to put their land under easement. She said that they needed to utilize other conservation tools to achieve their goals.

Mr. Murray said that he wanted to clarify that an open space easement may not be as effective as it seemed. He said that if the natural resource they wanted to protect was forests, an open space easement would allow for the possibility of clear-cutting the entire area and replacing it with hay, which would not actually protect the resource they were trying to conserve. He said that he wanted to ensure that they were not being misleading when considering conservation targets.

Ms. Firehock said that the front of the Trump Hotel in the rural area was within a conservation easement, but it was a manicured landscape. She said that the easement aimed to preserve historic character and scenic views.

Mr. Missel asked if staff needed anything more from the Commission.

Ms. Swartzendruber said that they had effectively addressed their questions and covered the necessary topics.

Mr. Missel asked if the Board would discuss this at the next meeting.

Ms. Swartzendruber said that they would discuss the development areas land use actions. She said that the current topic would be presented to the Board in January.

Adjournment

At 7:40 p.m., the Commission adjourned to November 26, 2024, Albemarle County Planning Commission meeting, 4:00 p.m.

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Michael Barnes, Director of Planning

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

Approved by Planning Commission
Date:
Initials: