Albemarle County Planning Commission
August 28, 2012

The Albemarle County Planning Commission held a regular meeting on Tuesday, August 28, 2012, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Richard Randolph, Bruce Dotson, Ed Smith, Thomas Loach, Don Franco, Calvin Morris, Chair; and Russell (Mac) Lafferty, Vice Chair. Mr. Randolph arrived at 6:03 p.m. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was present.

Other officials present were Ron White, Director of Housing; Summer Frederick, Thomas Jefferson Planning District Commission; Elaine Echols, Principal Planner; Andy Sorrell, Senior Planner; Phil Custer, Engineer, David Benish, Chief of Planning; Susan Stimart, Business Developer Facilitator; J.T. Newberry, Senior Planner; and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish

Mr. Morris, Chair, called the regular meeting to order at 6:00 p.m. and established a quorum.

Other Matters Not Listed on the Agenda from the Public:

Mr. Morris invited comment from the public on other matters not listed on the agenda.

Neil Williamson, Free Enterprise Forum, spoke on the Sinclair decision and urged the Commission to consider removing the requirement and waiver process for critical slopes in the Development Areas.

There being no further comments, the meeting moved to the next item.

Consent Agenda:

Approval of Minutes: July 24, 2012

Mr. Morris asked if any Commissioner wanted to pull an item from the consent agenda.

Motion: Mr. Franco moved and Mr. Smith seconded for acceptance of the consent agenda.

The motion carried by a vote of 6:0. (Randolph absent)

Mr. Morris noted the consent agenda item was approved,

Mr. Randolph arrived at 6:03 p.m.

Work Session

<u>Comprehensive Plan Work Sessions</u> –
a. Affordable Housing (Ron White)
b. Rural Commercial Uses (Elaine Echols)
c. Livability Project Goals (Summer Frederick)

a. **Affordable Housing Policy Work Session** - (Ron White)

Affordable Housing Discussion

Ron White reviewed the affordable housing staff report in the packet and provided an overview of the proposed changes to the Affordable Housing Policy. The proposed revisions were the result of a work group that provided input for revisions to the Affordable Housing Policy for consideration. Staff presented the revised Affordable Housing Policy to the Planning Commission for discussion and further guidance from the Commission.

Planning Commission Discussion:

The Planning Commission held a discussion with staff about the proposed revisions.

Mr. Loach said that it did not seem equitable for someone to pay off in terms of proffers for affordable housing in lieu of providing 15 percent cash. If there was a 15% mark then it should be for everybody. He found providing proffer in lieu of cash problematic.

Mr. Morris thanked Mr. White for adding and taking note of the rental market. That is something they really have to look at. On page 2, it says rental rates may be increased at a rate not to exceed 3 percent annually during the affordability term. What is the affordability term?

Mr. White replied that currently the affordability term is ten years. It was originally five years and is now ten years, which usually shows up in the proffer language. That is a good point that they probably want to define in this document so people know what talking about it

Mr. Dotson pointed out the monies that have come in so far that a significant portion of it has gone to AHIP for repair and fixing up existing affordable housing. He asked if that is correct.

Mr. White replied the significant portion of it went to Piedmont Housing Alliance to do repairs and energy improvements to the Meadowlands Apartments in Crozet. A little bit of it may have gone to AHIP.

Mr. Dotson said it seems that the policy is lacking a section that it needs, which is on retention of existing affordable housing. Not to address that and to focus just on new housing stock seems to risk letting some of that go and some of that be lost. That is why he was interested in how much cash had gone into renovation repairs. He suggested a new section with just a paragraph.

Mr. White replied that they touch on it in the recommendations.

Mr. Franco suggested that in the Comp Plan it does not need to focus strictly on proffers. They ought to talk and strengthen the County's commitment to funding both the staffing and programs and not just on proffer money. He noted the following concerns.

- On page 1 when it talks about the kinds of neighborhoods they are trying to create mixed income is another description that he would add to that line.
- On page 2 he questioned whether the increase should be related to the three percent or to the Marshall Swift index. It seems like everything else on the proffer side is being tied to the Marshall Swift. He suggested they use the same increase for increasing rents.
- Other Commissioners have raised questions about the donation of the land. He felt it was a good idea as well as cash for a couple different reasons. If they look at projects that have come through at least with this Commission, one being Arden Place which was off Rio Road near 29, it already had a large group of affordable units in that area. One of things staff looked at was not adding to that area any more affordable units. In that case it makes

sense to go ahead and have that cash buy out. There was already a large group of affordable units there and that mixed income is very important so not to create a pocket of poverty. If a property is far from public services, bus, transportation, and things like that, it may again make sense in that particular instance not to have the affordable units located, but instead try to find a way to have that development contribute to affordability in the community.

- In the table on page 2 it would be helpful to add the number of units and the interest rate. He was confused how they calculate the amount. It would be helpful to put those references in.
- On the third page first bullet about developing tract – it is past and not just existing. They need to understand what has happened. They need to answer questions that have come up, which is why are they doing this. The process has changed over the years. It seems that the most underserved market right now is the deeply affordable units. So it is not the 80 percent range, but more in the 30 to 50 percent range. Again, it not just for sale purchased housing, but it is also just housing opportunities in general. It is important to begin to understand what they are really trying to achieve here in collecting that data and these metrics are part of it.
- In the sixth bullet down it says work with other County departments to promote streamlining. The other would be are there ordinance changes that should take place that affect affordable housing. He read that in Portland they allow parking to be eliminated for affordable units. Again, in the right location that would make sense. He was not sure they have those locations in the county so much as in the city. If it was a very urbanized area with the opportunities for public transportation and other things, then why promote the car if they don't have to.
- On page 5 he would also put in the bullet under recommendations at the bottom of the page that he thinks it would be helpful if they took the more active approach and start to identify opportunities for development of new projects and not just try to be part of the discussion but actually going out and looking to figure out where those opportunities might exist. That is important as it relates to the CDB monies because a lot of those are monies that they could get and provide for infrastructure and in that fashion provide for the affordable housing. So getting out in front and actually being the entity that figures out the project would be helpful.

Mr. Randolph said the challenge in implementing and operating the affordable housing program is to balance any donation of land with also the statement that is in here, which is on page 4 under the first strategy – working with developers to phase in affordable units. The first bullet essentially outlines the necessity to avoid concentration. Implementing this program if there is a donation of land has to be the responsibility of Mr. White to ensure that they don't see a concentration. That is something clearly in the report that there was a consensus that people wanted to try to avoid. His other comments come from having served on the committee, as follows:

- Relates to page 5, bullet 3 to continue to support nonprofit housing organization, it would be helpful to clarify the roles for each. They need to put in a statement on how this is to be done and what is the level of support that is needed here. The more specific the better.
- Emphasis for better coordination with City of Charlottesville on affordability of housing and bold face City.
- Last bullet on page 5, they should develop strategies for effectively leveraging public and private funds. Realistically the idea of trying to capitalize a housing trust fund is going to be a challenge. What is missing in the document is where the County will step up and provide a financial commitment to affordable housing. It is a program that should be funded beyond just proffers of land and proffers of an additional housing unit since it really requires money in the budget on an annual basis to meet these needs.

Ms. Julia asked to follow up with some comments since she served on the committee. They did talk about comparing the policy of the City and County. She realized they were not exactly equivalent from a socially economic point of view or an amount of land or otherwise, but never felt that they clearly addressed what the parallels were between the two. She thinks that coordination needs to be clearer. On the last bullet in regard to capitalizing a housing trust fund she felt if they were going to address that they should be more definitive and actually state that is a clear goal they want to achieve and make the language stronger.

Planning Commission Comments:

Commissioners made the following comments or asked the following questions:

- Mr. Lafferty asked is the policy geared more towards having dwelling units available or is the policy intended to help people get in the affordable units? If the County is receiving cash in lieu of units through affordable housing proffers, then the policy is focusing on the dwelling units and not helping individuals. Mr. White responded that the County's policy has been making sure there was a mix of housing types available for all income levels. He said the policy has been focused on provision of dwelling units, not focused on helping individuals.
- The recommendations provided by staff suggested that land donation for affordable housing might be appropriate. Concerns were raised that a land donation for affordable units would result in a concentration of units in the same area which is not what the policy desires. Mr. Loach said the Neighborhood Model desires a mixed level of housing types.
- Mr. Loach said the need for affordable housing is a countywide problem with a development area solution only. What about affordable housing in the rural areas?
- Mr. Morris asked what the affordability term was. Mr. White responded that had been 5 years but is now 10 years.
- Mr. Dotson suggested the policy should also include a new section on retention of existing affordable housing such as is in the rural areas. The County shouldn't just focus on proffers; the County should also be improving its commitment to funding the affordable housing program.
- Mr. Franco noted the cash proffer calculations for the County's cash proffer policy use the Marshall-Swift Index, and so should the housing policy.
- In areas where affordable housing already exists, it may be appropriate for developers to proffer cash instead of providing units.
- Mr. Franco said the truly underserved market is the deeply affordable dwelling units where households are in the 30% to 50% of median household income range.
- Ordinance changes should make it easier to build affordable units. The county needs to take a more active role in proactively identifying new opportunities for affordable housing.
- Mr. Randolph said increased coordination with the City is needed. Mr. Randolph said the policy is missing the County's financial commitment to affordable housing.
- Ms. Monteith said the parallels between the City and County affordable housing programs need to be better addressed.
- Staff should look at providing for multi-family housing in the density bonus provisions.
- Accessory dwelling units for elderly parents should not be considered affordable housing.
  - Mr. Kamptner noted that the staff recommendations to permit accessory dwelling units outside of the house in the Rural Areas for elderly parents would have the effect of doubling the density permitted.
  - Mr. White said that this issue needed further discussion.
  - Mr. Kamptner stated that the current Comprehensive Plan policy was to direct

residential units to the Development Areas and not encourage additional units in the Rural Area as the draft policy could suggest. He suggested that the draft policy be reviewed against the goals and policies of the Comprehensive Plan to avoid other conflicts.

The following comments came from the public:

Frazier Bell, Chairman of the Thomas Jefferson Land Trust, explained his organization which is a group that leases the land that certain affordable housing units are upon thereby removing the land price from the equation. A homeowner owns the home and a homeowner can get up to 25% of the appreciated value of the improvements when a home is sold helping to keep the home affordable.

The following are the final Commission comments/suggestions to be done as follow up:

- Suggested the policy draft be amended to read "explore" changes to the zoning ordinance.
- Asked that the acronyms be defined.
- Suggested that working with an editor unfamiliar with affordable housing may be good to get an easy to read and understandable document. Also suggested that an example book be prepared that showed examples of what communities with a mixture of housing types (including affordable units) looked like.

No formal action taken. Staff was asked to take the Commission's comments into consideration in the Comp Plan Update

Mr. Morris noted the work session would move to the Rural Commercial Uses Session.

b. <u>Rural Commercial Uses Session</u> - (Elaine Echols)

The Commission received the staff presentation and public comment. Elaine Echols provided a PowerPoint presentation on the topic.

The following comments came from the public:

Tom Olivier, representing the Piedmont Group of the Sierra Club stated that Rural Area uses should support resource protection and new uses should support existing uses. He suggested that if larger tourist lodging was desired, then perhaps the property's development rights could be retired. He desired to ensure the educational event remain as a permitted use in the rural areas.

Art Beltrone, Keswick resident, stated that the proposed changes to the uses are monumental. He stated that the police do not respond to noise complaints regarding vineyards on the weekends. Zoning enforcement staff doesn't work on weekend, so enforcement of noise regulations is often non-existent. He asked who was keeping count on the number of complaints a property has received and stated that whatever is put in place, it needs to be enforceable.

Greg Smith, Executive Director of the Virginia Center for Creative Arts currently located in Amherst County, said they are considering relocating to the rural Albemarle County. He stressed the need for inclusion of arts and cultural activities in the rural areas.

Biff Rosenberg, founder of the Crozet Music Festival, stated that it is challenging to get through the county permitting process for special events. He stated that there appears to be a fear by

county officials to permit special events in the rural areas. He stated that the application cost for a special use permit was prohibitive.

Jeff Werner, with Piedmont Environmental Council, liked the idea of adaptive reuse at Crossroads communities. He suggested doing small area plans for the crossroad communities. He asked the Commission to think about the size of the water and sewer systems when considering expanding lodging opportunities. He suggested that special use permits for special events have a renewal schedule so that public comment and the actual activities that occur at the event can be vetted during the renewal process. He asked the Commission to think of the Faulkner site by Agnor Hurt when thinking of contractor's storage yards and the run-off issues.

Sarah Henley, owner of Henley's Orchard in Crozet, said rural business owners are trying to do everything to stay in business and events help them make ends meet. Losing income from storms means orchard owners and others need to make up lost income elsewhere. She implored the Commission to be flexible in permitting and liked the idea of local restaurants to complement wineries. She suggested that special event regulations be based upon a track record of what happens at events.

Neil Williamson, with Free Enterprise Forum, asked what the County is measuring against. He did not like the seven rural area questions to determine if a use is appropriate. He liked the adaptive reuse of historic buildings at crossroad communities.

Morgan Butler, with Southern Environmental Law Center, asked to keep the Rural Area guiding principles in mind that relate to natural resources. These highlight the need to take measured steps – as big steps have already been made. Results of the previous RA allowance need time to observe if they are working first. They need to be careful with special permits. What happen when a threshold is reached that undercuts uses that have already been permitted?

The Planning Commission took a break at 8:05 p.m. and the meeting reconvened at 8:13 p.m. in the middle of the Rural Commercial Session.

Commission Comments on Rural Uses:

Commissioners made the following comments or asked the following questions:

- What does "rural character" mean? This term needs to be defined.
- Everything that could be classified as historic is not necessarily historical significant.
- The use, "cyclo-cross" should be added to the listing of commercial recreational uses.
- The police department should be referenced in the supplemental regulations for uses.
- Contractor's storage yards and mini-warehouses are not appropriate rural area uses.
- There is a difference between a contractor's storage yard and a lay down yard.
- This work should provide emphasis on having more opportunities for existing rural area residents and not new residents to the rural areas.
- Using a residential equivalent and the ITE traffic manual can begin to define scale for uses. Lodging like Keswick on 5 acres may not be appropriate, but 500 acres may be fine if development rights are retired.
- The seven questions to consider seem subjective and controversial.
- Is a new nomenclature needed for the RA?
- Do we need a limitation of the density of commercial activities on rural roads? Should the larger special events be permitted adjacent to DA where roads are better?
- More should be heard from rural area residents.
- A residential equivalent is not a good measure to use. The build out analysis done several years back by the Planning District Commission (PDC) is not a reality. The seven RA criteria to consider require some qualitative judgments.

- The title of this report should be: Rural Protection through Rural Enterprise. In knowing whether a use is appropriate, the question should be asked: Does the success of this use depend on it being in the rural area?

Recommendations on Rural Uses
Most Commissioners agreed that the title of the report should have been "Rural Protection through Rural Enterprise". Discussions relating to uses in the Rural Areas should always take place with this in mind. In addition, the following question about new uses in the Rural Areas should be added to the criteria for review: Does the success of the use require a rural location?

Recommendations on Lodging
Commissioners agreed that more opportunities should be provided for lodging in the Rural Areas but could not agree on how this should take place. Discussions on size and scale of facilities, by-right use with performance measures, opportunities for public comment, road quality, and cumulative impacts were discussed. Staff recommended and the Commission concurred that more detailed recommendations would require more work and discussion. The Commission agreed that the Comprehensive Plan should contain language to this effect: Consider ways to allow lodging by-right in the Rural Areas.

Recommendations on Restaurants and Food Preparation
The Comprehensive Plan should contain language which is supportive of restaurants at crossroads communities; however, the Commission would like to learn more about which crossroads communities might be designated. Consideration should be given to allowing restaurants at crossroads communities by-right.

Recommendations on Orchards and Farms
Unanimous support was given to placing orchards, farms, and other true agricultural uses on par with farm wineries in terms of allowing events of up to 200 by-right. The Commission said the Comprehensive Plan should contain language which expands the event opportunities provided to farm wineries to farms, orchards, and other true agricultural uses.

Recommendations on Commercial Recreation:
Discussion took place about why the term "commercial" was included with "recreational uses" and the need to include arts and educational activities in the list of new uses in the Rural Areas. It was noted that arts and educational activities don't fall cleanly into private schools or commercial activities and may need a separate category in the zoning ordinance. The Commission recommended that the list of commercial recreational uses allowed in the Rural Areas should be updated and expanded. The Plan should speak to support for the arts and clear provision should be made for arts and education centers in the zoning regulations. Consideration should be given to by-right uses for arts and education.

Agricultural Business and Industry:
The Commission reiterated its support from prior meetings for expansion of opportunities for uses in the Rural Areas which support agriculture and forestry. The Commission said the Comprehensive Plan should recommend that the list of uses allowed by-right should include uses such as wholesale nurseries and landscape services. Uses such as small storage and distribution facilities that relate to local agricultural or forestry production or facilities that enhance the ability of agriculturalists to get their goods to market should be available in the Rural Areas. Consideration should be given to whether any of these uses should be allowed by-right. The line between a "use" and a "home occupation" should be clarified in the zoning regulations.

Recommendations for Events:

The Commission noted the difficulty of having a discussion on events without making specific zoning text changes. However, support was given for uses of a civic nature to have by-right opportunities for gathering, at a level of no more than 200 occupants. These uses of a civic nature would include churches and religious institutions, fraternal organizations, and community centers.

Discussion on other events was not conclusive. Staff had recommended a cut-off of 100 occupants in a by-right situation and more than 100 would require special permission. The Commission asked questions about whether 100 persons meant "100 persons at any given time" or "no more than 100 persons in total at an event"

The Commission concluded that the Comprehensive Plan should support changes to the zoning ordinance to allow civic uses to have occupancy of up to 200 persons without special permission. Consideration should be given to allowing up to 100 participants at events by-right.

Recommendations on Mini-warehouses:
The Planning Commission agreed with staff that mini-warehouses are not appropriate for the rural areas and should be in development areas.

Contractor Storage Yards:
The Planning Commission disagreed with staff and said that contractor's storage yards were not appropriate for the rural areas and should be in development areas

c. Livability Project Goals Work Session - (Summer Frederick)

Thomas Jefferson Planning District Commission staff Summer Frederick reviewed the staff report on areas the City and County could collaborate.

The Planning Commission reviewed, discussed, and answered the questions as requested by staff for advance preparation for a fall City-County workshop to develop joint Liveabililty Project Goals. The Commission agreed with the staff report bullets and added comments as outlined below.

Future ways in which the City and County could work together:
- County designation of technology corridors which lead into City technology corridors
- Taking a collaborative strategic approach towards shared assets/resources like the Rivanna River
- Continue to encourage multi-modal connections between the jurisdictions that link attractive amenities with residential and employment areas

Future ways in which the City and County could work together:
- Focus on maintaining affordable housing information (i.e. funding sources, available stock type, etc) in a consistent manner to facilitate ease of information sharing.

Future ways in which the City and County could work together:
- Taking a collaborative strategic approach towards shared assets/resources like the Rivanna River
- Continue to encourage multi-modal connections between the jurisdictions that link attractive amenities with residential and employment areas
- Increase the number of co-sponsoring of programs and joint building of facilities to expand recreational opportunities

- Regular meetings among staff of both localities to collaborate in more joint program opportunities.
- Create more linkages between City and County facilities.

The Planning Commission added the following comments:
Economic Development:

- The Planning Commission commented that City professional services provide jobs to county residents.
- The Commission asked what a Technology Corridor was.

Housing:

- The Planning Commission commented that most affordable units are from multiunit rentals not ones that are part of proffers.
- One Commissioner said that the City and County should work together to lobby the General Assembly in Richmond as well as work with UVA on joint activities and functions. Couldn't the City and County share a Housing office?

Recreation and Parks:

- The Planning Commission stated that the Rivanna River is a destination and that additional pedestrian crossing needs to be a priority goal of both the City and County.
- The plan should acknowledge that the County's protection of rural resources and natural areas is a benefit for the City.
- Commissioners said that Parks and Recreational green systems provide to water quality for the community – Efforts should be acknowledged that are underway with a lot of coordination between UVA, County and City to preserve water quality.
- Scottsville should be mentioned as part of county jurisdiction and be included in part of the conversations.
- The plan should acknowledge the Rivanna Trail as a resource and encourage all entities to continue to benefit the entire beltway system that Rivanna Trail provides.
  The bullet about who uses and how access is achieved to park amenities should be expanded.
- The value of both blue and green infrastructure should be mentioned.

Staff was asked to take the Commission's comments into consideration in the Comp Plan Update. No formal action taken.

Distribution of Sections of Updated Comprehensive Plan – First Draft
(Elaine Echols)

Staff distributed the first draft of the Comp Plan Updated Sections for review.

Old Business

Mr. Morris asked if there was any old business. There being none, the meeting proceeded.

New Business

Mr. Morris asked if there was any new business.

- No meeting September 4, 2012
- Next regularly scheduled meeting will be on Tuesday, September 11, 2012

Adjournment

With no further items, the meeting adjourned at 9:22 p.m. to Tuesday, September 11, 2012 at 6:00 p.m. at the County Office Building, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

V. Wayne Cilimberg, Secretary

(Recorded and transcribed by Sharon C. Taylor, Clerk to Planning Commission & Planning Boards)