Albemarle County Planning Commission
April 16, 2013

The Albemarle County Planning Commission held a public hearing on Tuesday, April 16, 2013, at 6:00 p.m., at the County Office Building, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Ed Smith, Bruce Dotson, Don Franco, Richard Randolph, Thomas Loach, Russell (Mac) Lafferty, Vice Chairman, and Calvin Morris, Chairman. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was present.

Other officials present were Andrew Sorrell, Senior Planner, Margaret Maliszewski, Principal Planner; Summer Frederick, Intern Planner; Wayne Cilimberg, Director of Planning; Sharon Taylor, Clerk to Planning Commission; and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

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. There being none, the meeting moved to the next agenda item.

From the Public: Matters Not Listed for Public Hearing on the Agenda.

The following individuals spoke:

- Charles Battig read a letter in opposition to the Monticello Viewshed proposals for the Comprehensive Plan update. (Attachment A – Attachments on file with the printed minutes in the office of the clerk)

- Roger Schickedantz, 1850 Scottsville Road, spoke in opposition to the land use recommendations for the Parham property in the Comprehensive Plan update and questioned how the Comprehensive Plan recommendations become codified and enforced when they conflict with the existing zoning. (Attachment B – includes Petition - Attachments on file with the printed minutes in the office of the clerk)

- Joe Draego, Carrsbrook resident, spoke in opposition to the process and recommendations in the Comprehensive Plan update.

- Shelly Pellish, resident at 1644 Hathaway Street in Avon Park and board member of Avon Park Homeowners, expressed concerns regarding the Comprehensive Plan update, particularly as regards recommendations for the Parham property, and about the lack of notice to her neighborhood about the Avon Park II proposal. The view from their properties and the sensitive way that area has been developed is very important. She asked that be continued with the Comprehensive Plan.

- Jeff Werner, PEC, spoke in support of Monticello Viewshed protection efforts and provided a copy of general comments regarding the Comprehensive Plan update. (Attachment C - Attachments on file with the printed minutes in the office of the clerk)

- Bill Jones, resident of Redfields, expressed concerns about a potential connector road from Mosby Mountain to Redfields shown in the Comprehensive Plan update and support for re-opening Sunset Avenue Moore's Creek bridge into the City.

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

Review of Board of Supervisors Meeting – April 10, 2013

Mr. Cilimberg reviewed the actions taken by the Board of Supervisors on April 10, 2013.

Work Session

CPA-2013-00001 Comprehensive Plan Update

- Review of Monticello Viewshed Recommendations
- Review of Updated Capacity Analysis
- Review of Explanation of Recommended Change to Cash Proffer Policy for Affordable Housing

(Elaine Echols/Andy Sorrell)

Mr. Morris pointed out the work session would be to review three different areas within the Comprehensive Plan as noted above. Staff will cover each topic separately. The Commission will then discuss it and receive public comment. The Commission will discuss each topic and provide guidance and recommendations.

CPA-2013-00001 Comp Plan Update, Monticello Viewshew

Mr. Cilimberg noted the Commission received a report last week that was a follow to the recommendations that they received as part of the draft document of the Comprehensive Plan for their April 2, 2013 public hearing. That report was addressing the recommendations made in that draft document and subject to the April 2 public hearing. He believed that most Commissioners, excluding Mr. Smith who does not receive email, have received the new recommendation language from the Thomas Jefferson Foundation regarding the View Vista. There are some changes staff wants to discuss with the Foundation to understand exactly their intent as well as to what staff can recommend to the Commission. There are some aspects of what has been recommended in this latest version that could mean more staff involvement, which creates an increase in resource needs to do that. He explained that the Thomas Jefferson Foundation had submitted revised guidelines too late to be reviewed thoroughly by staff. Therefore, he recommended that the Commission and the public provide their comments and staff would bring the issue back at a future work session.

The Planning Commission held a discussion and made the following comments.

Mr. Morris suggested anywhere they say we "strongly encourage" he would like the word "strongly" removed. He expressed concern where they said having the County staff advise the Foundation as to anything coming up on the radar screen as far as new development, housing improvements, etc. He was sorry that they just don't have the staff that can do that. He asked staff to take a look at what that will do as far as staff time when they consider it.

Mr. Franco echoed Mr. Morris' comments about the staff positions and some of the strategies. He thinks that needs a bigger discussion before that would move forward. Also, as he looks at it he had to go back and look at the whole historic resources a little bit. It seemed strange that the entire section 4A was a part of the promotion of heritage tourism. It really seemed to be more about education and potentially protection of the viewshed. If it is going to remain voluntary and educational advising people about what can be done to minimize their impacts it needs to be removed and put into either objective 2 or 3 of the Cultural and Heritage Resources. (Mr. Randolph disagreed and felt it was in the right location.)

Mr. Loach asked what constitutes staff involvement and if it is just a matter of saying you are in the viewshed, please call the Foundation. He asked if the fact that a development or project was in the viewshed has ever been used as a reason for denial of a project.

Ms. Maliszewski, Design Planner, replied to the best of her knowledge there has not been any example of that. The first question is pretty much as he described. What staff does, either in pre-application conferences or when special use permits or rezonings are under review, is tell the applicant if they are in the Monticello Viewshed and encourage them to contact Monticello to discuss the project. Throughout the project staff tries to keep track if the applicant has contacted Monticello. If staff finds it has not happened, then that encouragement continues until the end of the project.

Mr. Cilimberg said staff also on occasion reflects any comments received from the Foundation regarding a project in reports that are provided to the Commission and Board. From time to time there might be a need to call attention to something from the standpoint of approving a project the Foundation would like to see.

Mr. Dotson suggested either as an alternative or in addition to putting the map on the GIS system that they put a link to the Foundation's site where people could find. Since the County did not create the map or attest to the accuracy of the analysis he would just have a link rather than including the map or do both.

Mr. Franco suggested taking the focus off the accuracy and make the goal of the Comp Plan Amendment to better define that area.

Mr. Lafferty asked if it is an unnecessary burden to determine what is in one map and not in other. He questioned why the map has been expanded. He objected the expansion to all the Foundation's properties since they said the observation points were taken on the little mountain. He asked why it suddenly expanded to where it has. He felt a land owner has the right to know if their property is in the area of the new vistas.

Mr. Morris opened the work session and invited public comment.

The following individuals spoke:

Leslie Green Bowman, President, Thomas Jefferson Foundation, made the following comments.

- The Foundation has owned and operated Monticello since 1923. They are grateful for the opportunity to speak to the Commission tonight about the proposed updates to the County's Comprehensive Plan as it relates to the Monticello Viewshed or its Vistas. They are grateful for the communication and collaboration it has gone through with this process including communication with private citizens, the Albemarle County staff, Planning Commissioners and Supervisors as well as the Charlottesville Regional Chamber of Commerce and preservation organizations. They think all of that dialogue has resulted in an improved proposal that was received yesterday. They understand the need to have a little more time.
- Their mission since 1923 is preservation and education. They strive to be good stewards of Monticello. It is a unique asset and a globally recognized world heritage site. They must, therefore, take the long view to preserve Monticello for future generations. Because the community has really worked with us to support our stewardship our visitors continue to enjoy Monticello and its panorama location. It is at the very heart of our regional tourism industry, which generates $490,000 in revenue annually, supports 5,000 jobs and produces more than 35 million in state and local taxes. Visitors to Monticello alone contribute more than 47 million to the local economy each year. Therefore, maintaining and enhancing Monticello and its views is an economic issue as well as a preservation concern. As the top tourist attraction they draw more than 440,000 visitors to the county each year. Therefore, this site with its stunning vistas is vitally important to the future of tourism in our community.
- Albemarle County has already acknowledged the importance of protecting Monticello, its landscape and vistas as part of the Comprehensive Plan's emphasis on its historic resource importance. This proposal just seeks to accurately define the views from Monticello, provide the best available information to applicants, and encourage early dialogue with land owners for contemplating changes or new projects. The inclusion of guidelines in the Comprehensive Plan will provide a mechanism for getting the best available information to applicants early in the process. The guidelines are meant to be voluntary and informational which are open to conversations with our community. (Attachment D – available with written minutes in office of clerk)

Natasha Sienitsky, Director of Planning and Events, Thomas Jefferson Foundation, was present.

Mr. Morris closed the public comment to bring the matter back to the Commission for discussion. He invited further discussion.

Mr. Randolph pointed out in response to negative comments he did not see any deliberate efforts by the Foundation to interfere with property rights. He agreed with the letter received from the Chamber of Commerce indicating there was a need for voluntary design tools and voluntary involvement is absolutely the right step to go. He agreed to the president's reference to the fact that Monticello seeks to be a good steward and its only power here is to seek coordination. He seeks to be a loyal supporter of Monticello and full compliance requires him to divulge that his deceased first wife worked for a family foundation that was a major contributor to Monticello. After moving here he was also a major contributor to Monticello. He clarified that the guidelines, which were clearly codified in the past Comprehensive Plan, have been part of the community since 1990. Those guidelines would, in fact, be nothing more than voluntary. That concern along with an expansive definition of the viewshed has created some negative public comments.

Ms. Monteith reiterated it would be helpful to see a map that shows the outline of the existing viewshed and the outline of the proposed viewshed. They would need a clarification whether the proposed viewshed from the last meeting gets revised in some way if it only pertains to Monticello and not to, for instance, Mount Alto.

Mr. Franco asked if it was important to have the map in the document today or should that simply be part of the strategies that are employed. The map could be put on GIS. He suggested it be wrapped up into the objectives and strategies to say here is where we are going with this. There is some debate about what is included and the accuracy of the map. In lieu of resolving that so it is included in the document itself he asked can they simply move forward without that piece of paper in here. He personally thinks it is nice to include the map in the GIS and other places and maybe reference that it is Monticello's map. Again, there needs to be that partnership. He asked can they take the focus off so much the mapping and its accuracy and make that a goal over the next six months or year so in this Comprehensive Plan amendment to say better define that area.

Mr. Lafferty noted his objections before was expanding it to all of Monticello Foundation's property. That is the reserve that most Commissioners had. He could see where the observation points were taken, but just wondered why it suddenly has expanded to where it has. He thinks a land owner has the right to know whether they are in the viewshed or vista.

Mr. Morris asked for clarification.

Natasha Sienitsky, Director of Planning and Events, Thomas Jefferson Foundation, said the extent of the 1990 viewshed map was 3½ square miles. The Foundation was limited by the technology at the time as well as the funding to complete the viewshed analysis. The technology has evolved quite significantly over the past 20 years to make a computerized analysis an accurate analysis both feasible and fundable.

Mr. Smith said just because someone was in the overall viewshed did not mean their property was visible from Monticello since the topography had a lot to do with whether a property is visible or not.

In summary, the Planning Commission discussed and provided the conclusions and directions to staff, as follows:

- Concern was raised that new recommended language submitted by the Thomas Jefferson Foundation had not been reviewed by staff. The changes should be reviewed by staff to make sure of its intent and meaning prior to providing recommendation to the Commission. It could mean more staff involvement and resources needed. It is important that consideration be given to what is manageable for staff.
- The mapping should be made clearer. What has changed from the previous viewshed? The maps in the handout should be the same scale. The maps should show the original viewshed and the current proposed viewshed.
- The level of expectation needs clarification. The guidelines should be voluntary – not mandatory.
- Staff needs to work with the Thomas Jefferson Foundation staff on the new submitted guidelines and the map to address the concerns expressed by the Planning Commission about the staffing consequences and clarifying the map.

No formal action taken.

Mr. Morris said the work session would move to the next topic.

CPA-2013-00001 Comp Plan Update - Updated Capacity Analysis

Andy Sorrell provided a PowerPoint presentation on the updated residential capacity analysis.

In 2011 the Planning Commission saw the chart when they last looked at this. However, what they are trying to do here is basically see what the need is with the supply and capacity of residential units that are available in the County's development areas. Once they match those up they can see if they are going to be able to meet our future housing needs based upon what the population projections are and the amount of units they have already approved in rezoning pipeline product and the land that is vacant that is not part of a rezoning yet within our development areas. One of the updates staff has done is take a look at the population projects. In 2011, they had a range of population that was based on the Virginia Employment Commission numbers. On an upper end it was the Water Supply Plan numbers that were prepared by a consultant back in September, 2011.

When they looked at these population projections for the 2020 and 2030 years they found that the Weldon Cooper Center has now teamed up with the Virginia Employment Commission (VEC). Staff decided to use just that one population number. Staff found the numbers that have been put out just this year have shown they were towards the high end of the population projections they had originally done back in 2011. Staff was very close to what is in the slide being the 115,000 for 2020 in terms of population and a little over 134,000 by 2030. For 2012 Weldon Cooper estimates that the population for the County is 101,575. In our capacity analysis staff just took a look at Albemarle's Development Areas when it came to development capacity. That is the same thing staff did in 2011 as well.

The changes to the Land Use Plan that have been developed as part of this Comprehensive Plan update have been included in this analysis. Building over the last two years has also reduced pipeline capacity while some rezonings have added to capacity. They were in the 8,000 to 9,000 unit range back in 2011 in terms of how many units remained to be built that have not been built yet. What they found in 2011 was that most of our future residential need in our Development Area was going to be accommodated by land that was already rezoned in the last 12 years or so. That stays the same in the updated analysis. Most future residential needs will be accommodated on land already rezoned.

In 2011 staff took a look and the projected residential need was about 15,500 units. However, in 2013 that need was just under 15,000 units. Basically, what that took into account was the revised analysis of the vacant land that is not part of a rezoning within the Development Areas and the revised pipeline figures, which are units that are part of a rezoning that has not been developed yet. The table includes the projected populations and how they got to the numbers that they saw in terms of need. In 2020 the need was for a potential of 6,400 units and by 2030 it is getting close to the 15,000 range. Working with the GIS Department staff was able to determine what a people per unit multiplier might be or how many people per unit. That used the same number they did in 2011, which was 2.19. It shows that between now and 2012 and 2020 they expect to have about 14,000 more people within our County, and within 2030 they will have a little over 32,000. As they add up the possible units on the buildable land in 2011 they were looking at a range of about 14,000 to 30,000. They are very similar to that here in our updated analysis. They are again looking at a range of about 14,000 to 30,000 capacity for additional dwelling units.

Capacity Analysis Summary

- Sufficient land capacity exists on zoned and designated land for new residential need in 2020
- By 2030:
  - If developed at low end of density – will need more land to accommodate need
  - If developed at high end of density - will have excess land to meet need
- Greater density in DAs = less future land need.

2020: 6,423 dwelling units needed
2030: 14,895 dwelling units needed
Zoning can provide: **13,405 to 19,874** Comp. Plan can provide: **13,870 to 29,075**
This conclusion is essentially the same as it was in the October 2011 staff report.

Mr. Cilimberg added as in 2011 in this most current analysis they are trying to accommodate the entire projected growth in the Development Areas. So they are not allocating a single unit to the Rural Areas. In reality they know that will not be the case. But, that is to at least make sure they have Development Areas that can theoretically accommodate the growth that they would foresee. An important point Mr. Sorrell mentioned is that essentially the findings are exactly the same now as they were in 2011 even though slightly different numbers. That lead to their decisions that guided the work they did on the Comprehensive Plan land use part, particularly for the new Southern and Western Areas plan.

After the presentation, Mr. Morris opened the topic for public comments.

Public Comments

Linda O'Connor, single-family resident of Avon Park, spoke against rezoning the Parham property LI. With regards to the capacity analysis she asked if it considers the rezoning of an area across from Avon Park I, the Parham lot, from Residential to Light Industrial. Are they considering that now?

Mr. Morris replied they will talk about that once the Commission goes into their discussion.

Ms. O'Connor pointed out she was before the Commission last June about the Avon Park II rezoning. There is another rezoning request across the street for Light Industrial. All of a sudden she has been hit two ways. Originally, this was a very nice community that was already zoned and already planned in Avon Park II with residential across the street. So all of a sudden she wondered if she would have bought that house. She wonders what the effects on the sales will be in general. In general, she would like to ask the Planning Commission to just drive down Avon Extended. It has quite a bit of institutional as well as commercial properties. It has a jail and a lot of commercial buildings. She thinks they have had their fair share of that kind of industrial. She also wanted to say it can affect traffic, noise levels, and property values in that particular areas and Avon Park II. They should consider looking at what that street currently looks like, which already has a terrible reputation. She did not want to repeat what other people have said about Avon Street Extended as it is today. They were even making it perhaps worse if they are rezoning it to Light Industrial.

Morgan Butler, Southern Environmental Law Center, commented on the residential capacity noting that the conclusion remains the same that more land should not be put in the Development Area.

- He appreciates staff updating it with the new Weldon Cooper Center numbers and a lot of the discussion that has unfolded tonight. Most importantly he appreciates the fact that it has been emphasized that the grant conclusion of their prior discussion of this has not changed. He cautioned that the way this is presented for the spectrum if they develop at the low end of density they will need more land and if they develop at the high end they won't need more land. He thinks that obscures the fact that really it is only if they develop at that very low end is there any need for capacity. It is not somewhere in the middle. It is at that very low end.
- He pointed out Mr. Cilimberg made a very important point. He thinks it is important to consider the assumptions that would have to play in to get to that point where it is all developed at the lowest end. First they would have to assume that everyone who lives here over the next 20 years only lives in the development areas. That would be a great outcome, but is unlikely unfortunately. It also assumes that they take the development areas as they exist today and all remaining undeveloped vacant land within those development areas. Not only it does not get rezoned, but it gets developed at the by right densities allowed today. However, that is also very unlikely. Finally, this does not take into account the possibility of redevelopment. He certainly hopes there will be significant redevelopment in various areas in the county. So all of those things have to occur and yet they would still almost have enough capacity within the existing development areas to satisfy the projected residential needs through the year 2030.

- He also looked at the high end and went and looked at the Weldon Cooper population projections for 2040 since it is ten years out beyond the Comprehensive Plan. The population figures there if they develop at the high end of the Comp Plan designations they would have more capacity and be able to satisfy 2040 capacity and then 10,000 more people. So in effect, if they develop at the high end here they are not only satisfying this Comprehensive Plan they are getting a long way towards satisfying the next one. All of these points undermine the grand conclusion, which apparently remains the same. He is just concerned that the way it is presented here undermines that conclusion.
- One last point. They talked about the 7,800 units that are assumed to be developed at that high end of the rezoning that is obviously a very important goal. These projects went through the rezoning process and the proffers were designed around those densities. It is what the county is expecting and is what they need to be able to achieve the Neighborhood Model in our growth policy. What is the biggest way to undermine that? It would be to rezone or to designate more land for growth in the development areas. It would be providing a glut of supply. If they want those units to build out at that level, the worse thing they could do is throw a lot more land into the development area.

There being no further public comment, the matter was before the Planning Commission for discussion.

In summary, the Planning Commission made the following comments or asked the following questions:

The basis that guided them to this point still exists and is sound, which is the basis for how the plan has been recommended. Staff does not need to make any adjustment based on that. However, within the supporting information for the plan it would be good to include an illustration on how it led to the conclusion and put the numbers in the boxes. The evidence says that they can accommodate the expected growth. They want to be look at the trends on a pretty regular basis in upcoming years to see if those trends are beginning to indicate some of what they discussed through an annual report to talk about building and development trends so that by the time they are in master plan updates and the next comprehensive plan they could adjust as might be necessary.

No formal action taken.

Mr. Morris noted the Planning Commission would take a ten minute break.

The Planning Commission took a break at 7:43 p.m. The meeting reconvened at 7:50 p.m. to discuss the Cash Proffer Policy for Affordable Housing.

Mr. Morris called the meeting back to order at 7:50 p.m. to discuss the next topic.

CPA-2013-00001 Comp Plan Update – Explanation of Recommended Change to Cash Proffer Policy for Affordable Housing

Andy Sorrell provided a PowerPoint presentation on the recommended change to cash proffer policy for affordable housing. He provided the following background.

- In October 2007, the Board of Supervisors adopted the current cash proffer policy for public facilities. Cash proffers are expected on a new residential unit to help pay for new public facilities which will be needed as a result of new residents living in those units. Last year in 2012 in the review of Estes Park the Commission suggested that cash in lieu of affordable units was something that should be looked at or cash proffers should apply to units that were cash-in-lieu of affordable units as well. When the Board looked at that they approved the rezoning with only cash-in-lieu of affordable units rather than both a cash proffer for public facilities and a cash proffer in lieu of affordable units. At that time the discussion was that there should be policy in the comprehensive plan as it is updated to figure out how to address that. So that is what they are discussing. In the highlighted portion staff has added one sentence, "This exclusion does not apply to cash provided in lieu of affordable units." That is in keeping with the discussion the Commission had with Estes Park. That is the changes made. The staff report mentioned they

don't have the 2013 proffer amounts yet. However, staff updated the proffer amounts through 2012 in the staff report.

After the presentation, Mr. Morris opened the topic for public comments.

Mr. Morris noted that an email had been received from Neil Williamson, Free Enterprise Forum.

Mr. Morris invited questions and comments from the Commissioners.

Mr. Lafferty asked if the cash proffers offset the cost of building.

Mr. Cilimberg replied that is not what this is about.

Mr. Lafferty asked if they are trying to recover facility cost and also are trying to do affordable housing, which are two different things, why are they separating those out.

Mr. Cilimberg replied that the policy as it exists now excludes from the cash proffer per unit expectation to cover facility demands for those units that are affordable. It does not precisely distinguish between units that get built and units where they don't get built but cash is provided in lieu of the units for affordable housing purposes. So this is to clarify that. This is really specifically addressing the exclusion provided when someone is building a unit that is an affordable unit from the expectation for the cash per unit amount. In those cases where there is not a unit getting built and cash is being given in lieu of that unit for affordable housing proposes the cash proffer for facility demands is still being applied in that case. In terms of the question of whether the cash proffer policy is meeting the needs he can say it is an attempt to address the needs that have been identified. It is not fully meeting the entire cost of the capital program that they have, the capital needs assessment, and ultimately other comprehensive plan projects. It never really was set up in that way. It was set up to provide a fair share towards those units that are ultimately resulting towards those demands that are ultimately resulting from new units and additional facility needs. If they look at the original development of the cash proffer for the dollar amounts, they were based on a combination of the CIP at the time and the capital needs assessment, which identified all projects and estimated costs, and then determined the new unit development that would be impacting and creating the need for these capital projects.

Mr. Lafferty asked if he was saying for every unit that they built that the county is ultimately losing money.

Mr. Cilimberg replied no. He thinks there has been analysis done of single-family detached and other residential development that say that except for extremely high end residential it does not pay for the demands it creates in facilities. This was not a way they were going to be able to make up all of that. Very honestly it is contributing towards those costs. Keep in mind there is a lot of residential development that also is occurring by right that does not have proffer amounts attached to it.

Mr. Franco pointed out at the Fiscal Impact Advisory Committee the discussions surrounded some of the same questions he was asking. Basically, what he understood from the members is that currently the break-even point is something like $6,500 for a residential house, which is up for debate. A house of that value generates enough taxes, which includes a number of taxes he does not understand, for an amount of about $5,000, which is the break-even amount for the impact. So the other thing that is happening with an average means house priced at $270,000 or $268,000 is a shortage of about $2,500 per unit. The majority of the units in this community are not paying their fair share for the services they are getting. The idea behind the proffers, as explained by staff, was to try to get some of that money to help create a funding source for part of the CIP from these new houses being built.

Mr. Cilimberg said the policy was as a result of a number of years in which they had development proposals, rezoning, for new units where in each case they were individually analyzing and determining dollar per unit amounts as part of the legislative process. There was some real concern about whether that, in fact, was an equitable way to approach the provision of cash proffers. So the policy if nothing else is providing a standard that they can say reflects new development impacts. As the policy notes there are

ways that new development through a rezoning might meet the obligations of its impact through things other than cash. They might contribute land towards a new school or build a particular part of a road or proffer to build part of a road that otherwise would have been a public responsibility. They actually in a few rezonings had to determine how much value there was in the facility or land contribution and have calculated the deduction of the per unit amount to make sure that the overall project was contributing its fair share and not more than.

Mr. Lafferty pointed out he was not disputing the policy, but just trying to understand it. He still did not see why affordable housing is tied in so tightly with this. He believed offsetting the cost of facilities is a lot different than their goal for having a certain percentage of affordable housing.

Mr. Cilimberg noted our approach in the past when the policy was developed was to not expect to receive a cash proffer on those affordable units. This is only to say that if the unit is not being built, but money is being donated for affordable housing purposes, that there will still be a cash proffer.

Mr. Lafferty said that clears it up a little bit. If the money is given for affordable housing how is that handled, treated and distributed.

Mr. Cilimberg replied it has actually been funneled through our Housing Office because they are aware of the programs and the potential beneficiaries. It is not handled by Community Development, but through the Housing Office. Ron White, Housing Director, has spoken to the Commission on a few occasions. He becomes that person who is determining how that money could be distributed. It has been used for down payment assistance predominantly in the past. He believed there is an accumulation of funds at this point. It is also a reflection of need and demand.

Mr. Lafferty noted there was some talk recently of consolidating the affordable housing efforts with the city and the county. He asked if they are pursuing that in any way.

Mr. Cilimberg replied that in the comp plan there was a separate identification of that as something that could be pursued in the coming years. He did not think it was planned that was going to be decided in this comp plan itself.

Mr. Randolph noted the Commission received a communication from Neil Williamson who cannot be here because of family reasons. He asserted in a letter that there were other communities out there, such as Chesterfield seriously considered dropping them. He brought up Hanover County dropped their cash proffer late last year. They did that with the goal of then imposing a $10 per vehicle fee. So the existing residents were going to be asked to pay $10 more per vehicle to make up for the cash proffer policy. He did not know if anyone followed this in the Daily Progress, which did cover it with some consistency. But, that set off a fire storm politically in Hanover County. The goal was to raise 1.3 million for roads. They are not going to raise that. The fact is they then put into effect a modified cash proffer policy simply because existing residents felt that the new folks moving into Hanover County should pay something to the infrastructure cost within the county.

Mr. Randolph said he looked up within the Commonwealth of Virginia and found out for the last figures available, fiscal year 2011, the cities and counties collected 36 million dollars in cash proffers. Neal's letter where he communicated to us on the 12th through Cal Morris said cash proffers should basically be eliminated. They hinder rezoning. They promote a suburban style of development. The question he would have is if the Commonwealth tomorrow with a statute eliminated cash proffers where would the 36 million come from. He takes Neil's points very seriously.

Mr. Randolph continued that the point he thought was worth some merit in discussion was his point that currently if there are 100 units in a suburban form of development they don't have to pay a cash proffer. However, if they go to 200 then they have to pay a cash proffer not on the additional 100 units but now on 200 units. He agrees with him that seems to be unfair. They are penalizing somebody seeking to take advantage of an opportunity as a developer to provide housing within the county and then they are going to turn around and say if they do 100 units they are not going to require a cash proffer. If the figures are accurate, he thinks that bears looking into. He agrees with his assertion that this is an unfair policy.

Some of the other insertions are a little bit more questionable. However, he did want to comment about Hanover County because he does include it in there. Then he says they reinstated a significantly small amount, which was not with a great amount of political controversy. The opposition was primarily based on the elimination of the cash proffer policy. So he thought he would bring that up for what it is worth.

Mr. Dotson said to pick up on the last point made by Mr. Randolph and Neil Williamson the situation of if they did 100 by right did not need a rezoning, then they escape the fee. They don't have an impact fee that would be associated with building permits in which case it would be equitable. So that is the dilemma we face. So they have an imperfect situation. Using the number 100 he was still trying to understand how it operates. So if he was doing a 100 unit development with a rezoning and under our affordable housing policy he would build 85 market rate and 15 affordable units. They are saying on the 85 units he would have the proffer figure he would proffer and then on the 15 he would be exempt because they are trying to encourage affordable housing. Then the question comes up here if instead of building the 15 affordable units he wanted to buy out to make the cash contribution would he be able to build 100 market rate units and on top of that he was making the payment for the 15.

Mr. Cilimberg replied that was the reasoning behind them having the facilities related cash proffer apply to all 100 units because the affordable units will end up being provided someplace else.

Mr. Kamptner noted the cash in lieu amount would simply be added to each market rate unit so in his equation it would add $1,500 to $2,000 per unit for a market rate unit by spreading it around.

Mr. Cilimberg pointed out that the current amount was maybe $1,900 in lieu of. Those 15 units that would have otherwise been built would be 15 times whatever that figure is, which he thought was around $1,900, and then it would be allocated.

Mr. Dotson said he did not know if this number was ever or was currently accurate. But, it seemed like a few years ago he was hearing that Habitat needed like $50,000 or $55,000 in cash in order to be able to produce an affordable unit. As an observation, if they are getting $19,000 that says for every 3 contributions they have enough to build one house he wondered if those numbers have any validity at all. What they are doing essentially is the sentence highlighted in yellow that they are simply confirming the policy that the Board most recently stated.

Mr. Franco said his understanding was something different. At Estes they paid the cash in lieu and did not pay the cash proffer on those units. So they are not really affirming what the Board did and are they telling them to do it different way.

Mr. Cilimberg noted that the proposed change was confirming what the practice had been. That became an issue in the Estes Park rezoning because there was no clarity to what they had practiced over a number of years. So the Board's point was the language in the policy should reflect what they intend to expect in new development that they thought was not clear when they were considering Estes Park. Prior Boards had actually used what is written here basically as their expectation.

Mr. Franco asked to respond to a couple things that have been said. The Fiscal Impact Advisory Committee has also had some discussion about the proffers. In his last update, he noted the focus of that discussion has been are the cash proffers provided a hurdle or a disincentive for developers to develop in the form that they are looking for. He thinks there have been recent plans that have come before the Commission that has chosen not to rezone. Dunlora Forest was one that they talked about. It went forward by right as opposed to rezoning because of the cash proffer. So are we not getting the form that they are looking for because of that? The other thing that is going to be looked at somehow by that committee was going to be is there a different number that makes sense. If the goal is to create this pool of money if they are losing things like Dunlora Forest should the proffer amount be lower in order to not be a hindrance and still build that pot. In other words, they may get more money by having a lower proffer amount.

Mr. Loach said it was an interesting paradox. They have a CIP of unfunded projects reaching near 200 million dollars right now. They get to the point if what he said before is correct that the amount is

$600,000 to break even. One would start to think that they should just develop by right so they get closer to the $600,000 and our infrastructure costs will be less.

Mr. Franco noted one of the things important to understand that he still does not quite have a grip on is the exact numbers. But, out of those 300 million dollars this funding pool is just a small portion of it. It is not intended to pay that whole amount. So when they talk about the 200 million of unfunded projects that are out there, it was never intended to cover that whole $200,000.

Mr. Loach noted that those costs are directly related to the growth.

Mr. Franco replied the costs were directly related to a bunch of different things. The CIP includes maintenance items of current things, structures and facilities that they have. It also reflects the increase in the number of buses or facilities that they need to have which is a result of growth. But growth for places like Places29 the widening of 29 or 29 itself is not completely associated with growth in this county. Part of that is because traffic is coming from outside. That is sort of the dilemma of what is going on. If they have growth in Green County, then it is going to increase the demand on Route 29 and that is not a result of the people of going in Place29 or moving into that area. So it is a combination of a lot of different things that is included in there. But, it is not all associated with growth.

Mr. Loach said he bet the majority are. If they broke that down and looked at fire, police, and rescue – all of those are directly related to growth and schools. Schools are 70 percent of the budget directly related to growth.

Mr. Franco noted it was also services, which was confusing. When they look at schools it is the level of service and he was not sure if they have increased their level of service in some things. In schools they have programs that are not mandated by the state. Part of that discussion has been that a lot of that state and federal funding has started to dry up and disappear. So that is what is increasing the need and some of the CIP. Again, the extra pool of money they need is because some of those other sources have dried up.

Mr. Randolph said certainly in Hanover County one of the things that clearly was the trigger for a review of the cash policy proffer is the cash proffer average was $19,000. He thinks that is so disproportionate. The cost of living is greater in the Richmond area. If they put in a cash proffer policy here of $19,000 yes it would address more of the CIP projects, but it would distort clearly some of the development projects that would be occurring, such as Dunlora and others down the pike simply because there would be avoidance by cash proffer as much as possible.

Mr. Franco pointed out the single-family detached is at $19,700 in our county. But, again Ken Boyd is on that committee and he sort of embraced the idea of looking at that and trying to understand how the proffers are affecting development in this community. He thought that would be very valuable to the Board to understand this.

Mr. Morris opened and invited public comment. There being none, the matter was brought back to the Planning Commission.

Mr. Lafferty asked on the assumptions made in the cash amount have any of those assumptions been tested to see if valid. He asked Mr. Franco if in looking at the proffers if the impact of the TMDL is going to be factored in. He thinks it will be a lot more expensive than they realize at this point.

Mr. Franco replied that he thinks it is factored in the CIP/CAN side of things.

Mr. Cilimberg pointed out there is a small amount of money that has been initially identified in the CIP for addressing TMDL. It is really a placeholder at this point because the expectation is that the cost will be significantly higher. Now there is also discussion on the storm water front as with the city of whether the county may need to go to a fee. So there is the possibility of recovering in other ways.

Mr. Franco said it has been an interesting discussion at the city level, too. They have adopted a tax. There was a lot of discussion about new development being built to a different standard than older development. So a lot of the new development strategies really are to capture almost all of the runoff from the site and to deal with it there. Yet they are still basing that fee on the same impervious area at the same rate that an older development that does not have those fixtures being taxed. It is at the same fee. So they pay for it up front with the new development and they are being feed on it later.

Mr. Cilimberg asked if the Commission was okay with the additional sentence. That is what they will be moving forward. He pointed out they were not finally approving this until they approve the comprehensive plan.

Mr. Franco pointed out the Commission would recommend approval of the plan, and Mr. Cilimberg agreed.

In summary, the Planning Commission discussed the proposed Cash Proffer Policy for Affordable Housing. The Commissioners generally supported the recommendation regarding cash in lieu of for cash proffers that has been practiced.

No formal action taken.

Old Business:

Mr. Morris asked if there was any old business.

There being none, the meeting moved to the next item.

New Business:

Mr. Morris asked if there was any new business.

Mr. Loach said there are two public comments tonight that were important that he wanted to follow up on.

- One was the lady from the southern district who talked about her neighborhood not being notified. He suggested that they go back to having the area planners like they use to have. The area planners would work through the neighborhoods and make sure the neighborhoods get updated through their advisory councils under their master plans.
- Secondly, he would like to follow up on was the change in the zoning in the Avon Neighborhood on Avon Extended. His point, which was valid, was on the performance parameters. If they are going to look at these infill areas they should be very specific under the performance parameters. They may have to look at the size of these infill areas so that their performance factors are more specific to be tailored to their size. He thinks one of the reasons they see concerns from this about going into mixed units is because they don't have the uses so defined. There is always a connotation that kind of growth is going to be negative. If they had valid performance parameters that could be reviewed by the public that would help.

Mr. Franco asked what he meant by performance standards. They do have performance standards from the sense of engineering reports that say you won't have vibration, noise, odor, etc.

Mr. Loach suggested that when they look at these he wondered if they want to take into account more precise factors. Especially with the targeted industries he would like to see the performance factors again in the future.

Mr. Franco pointed out the note he took was they work to continue to recommend because it is currently recommended to be included in there. Part of what he heard from the residents there has been the form of development. Should there be some kind of standards or some kind of discussion on what is acceptable there as opposed to flattening the site and having one big building. They could put in something about the maximum size of the building or mass, which might address their concerns. It may be that they even talk about what uses are appropriate or inappropriate. That is probably a discussion he

would assume they could have with the residents now and find that common ground as part of the comp plan process.

Mr. Loach said the form would actually be as important as the performance factors. It is a good point.

Mr. Cilimberg noted a couple of points. One, in particular areas identifying what the kind of form attributes should be for that area becomes important. There is concern obviously in this case that there would just be a flattening with industrial buildings on that particular property. The Neighborhood Model certainly has also given us in new development the concepts for form and the kinds of things they should be achieving. He believed one of the things they had mentioned previously is a way to measure how projects are doing that. There are some measuring tools out there. One that comes quickly to mind is LEED ND, which is actually a neighborhood based analysis of how particular development of land meets essentially what they call for in the Neighborhood Model to a great extent.

Mr. Loach noted that essentially these would become centers.

Mr. Cilimberg said that it depends on how it is identified in the plan to begin with because not every place is a center; but, in terms of where they locate the centers, where they locate their areas within a quarter or a half mile in terms of land use, and how they provide for a mix of uses and transportation alternatives and such become part of that analysis.

- THE NEXT PLANNING COMMISSION MEETING WILL BE ON TUESDAY, APRIL 23, 2013 AT 4:00 p.m. Commissioners should bring their notebooks. A dinner break will be held at 5:30 p.m. The regular meeting will begin at 6:00 p.m.

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

Adjournment:

Motion: Mr. Franco moved and Mr. Dotson seconded to adjourn to Tuesday, April 23, 2013 in the auditorium at 4:00 p.m.

The motion passed by a vote of 7:0.

With no further items, the meeting adjourned at 8:25 p.m. to the Tuesday, April 23, 2013 meeting at 4:00 p.m. at the County Office Building, Second Floor, Room #241, 401 McIntire Road, Charlottesville, Virginia.

V. Wayne Cilimberg, Secretary

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