

ATTACHMENT B.2

**Extracted Minutes from BOS and PC Meetings
July 9, 2014 – February 10, 2015**

Board of Supervisors Work Session, July 9, 2014
Pages 5 – 17

Board of Supervisors Work Session, August 6, 2014
Pages 61 - 68

Board of Supervisors Work Session, August 13, 2014
Pages 8-9

Board of Supervisors Work Session, September 9, 2015
Pages 8, 13 – 15

Planning Commission Work Session, September 16, 2015
Pages 15 - 27

Planning Commission Work Session, December 2, 2014
Pages 1 – 11

Planning Commission Work Session, January 27, 2015
Pages 8 – 19

Board of Supervisors Work Session, February 10, 2015
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promises, terms, conditions, or obligations made or entered into by either Employer or Employee other than those contained in this Agreement.

IN WITNESS THEREOF, the Albemarle County Board of Supervisors has caused this Agreement to be signed and executed in its behalf by its Chairman and the Employee has signed and executed this Agreement, both in duplicate, the day and year first above written.

Non-Agenda. Appointments to Boards and Commissions.

Ms. McKeel **moved** to make the following appointments/reappointments:

- **appoint** Mr. Richard Wagaman to the Citizens Transportation Advisory Committee (CTAC) with said term to expire April 3, 2017.
- **reappoint** Mr. Frank Stoner and Mr. John Gobble to the Fiscal Impact Advisory Committee with said terms to expire July 8, 2016.
- **appoint** Mr. Dennis Dutterer to the Historic Preservation Committee with said term to expire June 4, 2017.
- **appoint** Ms. Anne Bedarf, Ms. Teri Kent and Ms. Margaret "Peggy" Gilges to the Long Range Solid Waste Solutions Advisory Committee with said terms to expire
- **reappoint** Mr. Albert LaFave to the Region Ten Community Services Board with said term to expire June 30, 2017.
- **reappoint** Ms. Amanda Moxham to the Workforce Investment Board with said term to expire June 30, 2017.
- **reappoint** Ms. Janet Turner-Giles to the Workforce Investment Board with said term to expire June 30, 2015.
- **appoint** Supervisor Ann Mallek to the Piedmont Workforce Network Council with said term to expire December 31, 2014.
- **appoint** Supervisor Jane Dittmar to the Piedmont Workforce Network Council (designee in absence) with said term to expire December 31, 2014

Ms. Mallek **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

AYES: Mr. Boyd, Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer and Mr. Sheffield.

NAYS: None.

Agenda Item No. 5. Work Session: CPA-2013-01. Comprehensive Plan Update/Amendment, to begin with public comments and possible Board direction.

The executive summary forwarded to Board members states that the Planning Commission's recommended Comprehensive Plan has been provided in the draft dated January 23, 2014 and previously provided to the Board of Supervisors. The Comprehensive Plan may be found online here:

http://www.albemarle.org/upload/images/Forms_Center/Departments/Community_Development/Forms/Comp_Plan_2013/Comp_Plan_Round_3/Table_of_Contents_Final_1-23-14.pdf.

Recommendations regarding focused topics and information since the Commission's actions have also been identified for the Board's consideration. This work session is the fifth in the series of detailed Comprehensive Plan chapter reviews based on the Board's agreed upon review schedule which can be found here:

<http://www.albemarle.org/department.asp?department=cdd&relpage=17151>

The Board's direction to date has been recorded in Action Memos from Board meetings at which the topic was discussed.

The strategic plan mission is to enhance the well-being and quality of life for all citizens through the provision of the highest level of public service consistent with the prudent use of public funds.

At this work session, the Board will review **Chapter 7: The Rural Area**. This Chapter may be found here:

http://www.albemarle.org/upload/images/Forms_Center/Departments/Community_Development/Forms/Comp_Plan_2013/Comp_Plan_Round_3/07_Chapter_Rural_Area_Final_201-23-14.pdf

The Rural Area (RA) Chapter

- describes expected features of the RA (pages 7.3 – 7.4)
- explains the County's need for a proactive role to help property owners keep their land intact as an alternative to residential development (page 7.4)
- lists criteria for allowing new uses in the RA (pages 7.4 – 7.5)
- notes the importance for proceeding slowly when providing opportunities for new uses (page 7.9)

In addition, the chapter identifies the importance of and strategies for:

- retaining continuous and unfragmented land (pages 7.11 – 7.21)
- supporting a strong ag and forestal economy (pages 7.21 – 7.28)
- recognizing and supporting crossroads communities (pages 7.29 – 7.31)
- promoting a significant tourist economy (pages 7.31 – 7.34)
- providing distinctive boundaries between the DA and RA (pages 7.34 – 7.35)
- educating citizens on the cultural, economic, and ecological aspects of the RA (page 7.36)
- retaining the rural character of Area B in the RA

The Goals, Objectives, Strategies, Implementation Priorities, Measures of Success, and list of Reference Documents for the Rural Area are found in Attachment A. There are no appendices, but the Reference Documents include maps of important agricultural and forestry soils.

A table comparing the existing and recommended Comprehensive Plan recommendations for the Rural Area is provided as Attachment B.

Of all of the topics the Chapters the Planning Commission discussed, they spent the most time on the Rural Area Chapter. Links to staff reports and relevant portions of the Commission's minutes are provided in Attachment C. Public comment to date has included support for and opposition to changes in the Rural Area Chapter draft. Most of the comments relate to the Commission's recommendations for additional uses for properties zoned RA.

Seven topics have been identified for particular focus. One topic provided in the schedule for review, "Implementation Tables" actually belongs in the Parks Chapter and will be discussed with that Chapter. A seventh topic relates to a recommendation for events in the Rural Area from the Commission. This topic was not identified earlier on the schedule for discussion but should be included in the Board's review.

Because the proposed Comprehensive Plan recommends consideration of several new uses, the Commission developed a set of criteria to be considered when allowing new uses. They asked that their proposed, "Criteria for Review of New Uses" be placed towards the beginning of the document. The recommended language is provided below:

Criteria for Review of New Uses

As new uses are proposed in the Rural Area, it is essential that they be able to meet the following standards. They must:

- require a Rural Area location in order to be successful, (e.g., a farm winery has to be located in the Rural Area and would be unlikely to succeed in the Development Areas);
- be compatible with and have a negligible impact on natural, cultural, and historic resources;
- not conflict with nearby agricultural and forestal uses;
- complement the character of the area in which they will be located;
- result in little discernible difference in traffic patterns;
- generate little or no new demand for Fire/Rescue and Police service;
- be able to operate long-term without the need for public water and sewer;
- be sustained with available groundwater; and
- be consistent with other Rural Area policies.

The Board is asked to concur or modify these criteria, as appropriate.

The seven topics for review are explained below:

- **Changes in policy statements for residential development in RA** (pages 7.11 – 7.13)

This topic is brought to the Board's attention because of the Commission's recommended changes to language for residential development in the Rural Area.

Staff comment: Language in the current Comprehensive Plan strongly discourages residential development in the Rural Area. The Planning Commission considered the outcome of past implementation activities to achieve these objectives and the input from the public on the need to preserve property rights. As a result, the Commission recommended a change in tone and slight change in direction in the recommended Comprehensive Plan. Attachment D discusses the issues and outcomes of the Commission's deliberations.

- **Recommendations for crossroads community services** (pages 7.29 – 7.30)

Staff has brought this topic to the Board's attention because of the Commission's support for increased attention to crossroads communities and the amount of study that took place on areas of assembly.

Staff comment: Language in the current Comprehensive Plan recommends enhancing seven crossroad communities' ability to provide basic services for rural residents. These crossroad communities are: Advance Mills, Batesville, Covesville, Free Union, Proffit, Greenwood, and White Hall. Some members of the Commission felt it important to create small area plans for each of these communities, but, the majority believed that this recommendation should wait for the next

Comprehensive Plan update. Instead, emphasis was placed on the importance of meeting with the communities to help identify geographic boundaries and desired community services.

The draft Plan retains the current Plan's recommendations as well as adding a strategy to consider changing the zoning ordinance to allow community centers and religious institutions in these locations and at an appropriate scale by-right. (Recommendations for restaurants in crossroads communities are discussed later in this report.) At present, community centers and religious institutions are only allowed by special use permit. In 2009, the Board of Supervisors asked staff to look into parameters for by-right approval of appropriately scaled religious institutions in the RA. Staff used the Comprehensive Plan update process for the Planning Commission's policy direction regarding this initiative. The Commission determined that the only place where by-right approval of churches might be appropriate was at crossroads communities. Attachment E provides additional background and discusses the Commission's deliberation and recommendations.

- **Recommendations for lodging and restaurants** (pages 7.31 and 7.33). These topics generated the most discussion at Commission meetings and are brought to the Board because of the Commission's recommended change in policy.

Staff comment: In light of the strong emphasis on tourism in the Economic Vitality Action Plan, the Planning Commission explored whether additional provision should be made for lodging and restaurants in the Rural Area. The Commission was keen to find ways to preserve existing historic resources and help prevent large farms and estates from being subdivided for residential development. Although they tried to find appropriate parameters to recommend in the Comprehensive Plan for such facilities, they were unable to agree on any thresholds. As a result, they recommended that lodging, possibly by-right, be considered in the Rural Area zoning district, provided that necessary parameters, such as minimum acreage, maximum number of rooms, etc., could be identified. They also recommended consideration of zoning text amendments to allow for restaurants, by-right, in crossroad communities only. Attachment F provides additional background and discusses the Commission's deliberation and recommendations.

- **Regular Commercial Events at Individual Residences in the Rural Area** (pages 7.32 -7.33) Staff has brought this topic to the Board's attention because of the Commission's recommendation for a potential change in policy.

Staff comment: The preserved scenic beauty of the rural area has provided an economic boon for farm wineries that host events. Farm wineries can host events for up to 200 persons per event as often as they like. The Commission and staff called these, "regular events." As part of its consideration for increasing the availability of the Rural Area for tourism uses events, the Commission discussed whether or not homes at large estates should also be available for regular events. Attachment G provides additional information on the Commission's deliberation and recommendations.

- **Commercial Recreational facilities** (pages 7.33 and 7.34) This topic is brought to the Board because of the Commission's recommended consideration for a change in policy.

Staff comment: Commercial recreational activities desiring rural settings have changed in character over the years. While golf courses and swim/tennis clubs are allowable by special use permit in the RA zoning district commercial recreation such as zip lines and mountain biking may be more in keeping with rural character than golf courses and swim/tennis clubs. The Planning Commission discussed the relationship of commercial recreational activities to tourism and concluded that the list of recreational uses allowed by special use permit should be updated. Attachment H provides additional background and discusses the Commission's deliberation and recommendations.

- **Rural Interstate Interchanges** (pages 7.35 – 7-36) Members of the Board of Supervisors have asked that the full board discuss recommendations for rural interstate interchanges because of their potential for economic development.

Staff comment: The Board of Supervisors has been discussing the benefits of interstate interchanges for economic growth since 2008. They asked the Planning Commission to consider changes to the County's policies for rural interchanges when the Commission began its work in 2011. Attachment I provides background on this topic and discusses the Commission's deliberation and recommendations.

- **Area B Recommendations** (pages 7.37 – 7.42) Information on Area B land use is brought to the Board's attention so they are aware of the Area A and B boundaries and recommendations.

Staff comment: Area B land use recommendations are contained in several different documents. As part of this Comprehensive Plan update, the Commission supported the recommendation of the Planning and Coordination Council (PACC) to include Area B information within the respective Comprehensive Plans of the City and County. Area B includes both Rural Area and Development Area land and specific recommendations for Area B land in the Rural Area are included in this section of the Plan. No changes to current land use are recommended. One

area for which updating is needed, however, is the future use of the Milton Airport. Decisions by the Board of Supervisors for an indoor firing range in conjunction with the City and the University of Virginia were made after the Commission made its recommendations. These decisions should be reflected in the next draft of the Comprehensive Plan.

Recommendations in the Comprehensive Plan Draft include recommendations for future capital improvements and operations.

The Board is asked to identify any substantive changes to the recommendations herein presented and concur on those changes, focusing on content rather than wordsmithing. Staff will then make any necessary changes and bring those back to the Board for its approval prior to its public hearing.

Ms. Elaine Echols, Principal Planner, reported that Chapter 7, The Rural Area, is one of those with the most significant changes and has a lot of substance, so it may take a while to get through it. She explained that the process underway is to get public comment first, and then for the Board to provide direction. Ms. Echols referenced topics on the screen which are before the Board, and public comment would take place first.

The Chair opened the work session for public comments.

Mr. Bob Satterfield, President of the Board of Directors for the Virginia Center for the Creative Arts (VCCA), addressed the Board. Mr. Satterfield said, in the 1970s, the VCCA operated in Albemarle County but, for the last 35 years, has operated on property owned by Sweetbriar College in Amherst County because of its remoteness and beautiful landscape which is inspirational and offers artists the opportunity to create beautiful work but be very productive in how they function. He stated that they serve 25 artists at a time. He said over 400 artists per year spend between two and eight weeks writing books, plays, movies and music. He said the center provides lodging, three meals a day, and a private studio, in order to give artists ample opportunity to create. Mr. Satterfield said the center operates through a peer review process, and receive about 1,000 applications per year, with artists from all over the United States and more than 60 foreign countries. He stated that the VCCA has been exploring new long-range location opportunities, including those in Albemarle, but currently there is no provision in the zoning ordinance for their type of center so they have applied for a zoning text amendment. Mr. Satterfield said the VCCA would fit nicely into the parameters of the Comp Plan: maintaining farm and forest property, protecting viable habitat for wildlife, protecting historic structures through adaptive reuse, and adding to the tourist economy.

Ms. Mallek asked if the term for this enterprise was “artists’ retreat.” Mr. Satterfield said it has been called “artists’ retreat” and also “artists’ colony,” although the latter is a misnomer because they are not living there, but are staying just two to eight weeks.

Mr. Boyd asked if the VCCA was requesting that this center be established in the rural area. Mr. Satterfield said the two properties they were considering in Albemarle involve a very large farm, and another property which comprises a 60+ acre private estate. He said they would need space to accommodate 25 people at a time.

Mr. Boyd asked if these would be residences. Mr. Satterfield confirmed that they would be, along with staff offices, and would be dormitory style; however, private baths would be desirable.

Ms. Marcia Joseph addressed the Board, stating that she lives in the Rivanna District and was before them to address page 7.34 of the Comprehensive Plan, which includes a discussion of golf courses. Ms. Joseph said the text says that a golf course “typically involves significant land clearing, planting of non-native turf grass, large amounts of water and use of fertilizers.” She said her fear was that by putting a list like this in the Comp Plan and an applicant comes in and says he can comply with it; there are so many other issues beyond a golf course which may be misleading to an applicant. Ms. Joseph suggested that the wording not be so specific because each site is different, each area of the County is different, and will require different things from an applicant. She also said there is a lot of encouragement to create conservation easements and to create more commercial activities in the rural area, but there is no discussion of how these will impact existing conservation easements, or people’s desire to create them if these other new commercial uses are available to them. Ms. Joseph said, since the first Comp Plan, the County has tried to protect and preserve its rural areas because that is what makes it Albemarle County, that is what makes people want to come here, and that is what tourism depends on. She asked the Board to keep that in mind when it considers the proposed uses.

Ms. Geri McCormick-Ray of White Hall addressed the Board, stating that she agrees with the general ideas and the wording in the planning document, but is a little concerned about the activity to be accommodated with the wording allowing “increased activity,” as this will bring on noise and more pollution, will require more roads and bring congestion, along with higher costs for residents and the community. She said it is a slippery slope and, while it would be great to have rural areas valued as they are, the County needs to be more innovative about how to value them as a demonstration on how people live and not invite music, loud noises and increased activity which will undermine all that should be protected in this area.

Mr. John Lowry addressed the Board, stating that he is a resident of the Samuel Miller District and noting that keeping Albemarle looking rural has been a popular theme in the County's Comprehensive Plan, especially beginning in the 1980s and continuing into the 1990s. Mr. Lowry said zoning law, introduced in the early 1980s, forever changed the development landscape in Albemarle. He stated that he was fine with that and understands the rationale of "looking rural" while channeling growth into a defined area, and his point today was to address what may be too much of a good thing. Mr. Lowry said Albemarle County has 474,000 acres of land, with more than 2/3s of the land in land use which reduces taxes to almost nothing on the theory that fire, police, schools and other services are not needed for that land. He stated that, within the land use segment, are conservation easements and this segment of the total acreage is rapidly growing with 60,000 acres in 2006, and now more than 86,000 acres. Mr. Lowry cited an example of what one landowner gets for perpetual easement: federal, state and local taxes for a parcel of less than 100 acres put into easement in 2013 equates to \$225,000 in state tax credits, good for 10 years and federal tax credits worth \$600,000 with a 15-year life. He said, while this person was a relatively high earner, in retirement, he would not be paying taxes for 15 years, and his estate will fall under the estate tax threshold so, for his conservation easement, he will get more than \$1 million in his pocket. He stated that businesses should be a good partner, paying license tax and a share of sales tax beyond real estate tax. Mr. Lowry said conservation easements are growing at a 4% compounded rate, with population growing at a little over 1%, and asked the Board to consider having the growth area expand a little on average too as it was 24,000 acres 16 years ago and is the same size now, 5% of the land. He emphasized the need to build a Comp Plan that balances interests of competing segments generating income as well as expending it.

Mr. Morgan Butler addressed the Board, stating that he was speaking on behalf of the Southern Environmental Law Center (SELC). He said there is a note in the Comprehensive Plan Rural Areas draft which addresses the balance between potential additional uses and the qualities of the rural area and says, "It is important that changes take place slowly, with enough time to evaluate potential impacts of recent and proposed changes. Analysis of the impacts of recent zoning ordinance changes should be conducted before adopting new zoning text amendments." Mr. Butler said that is an important note of caution, but he also pointed out that, on page 7.4, there are two paragraphs in the middle of the page that strike a different tone: under the section "Land Use Plan for the rural areas," it states "other changes are still needed" and "recommendations are made for changes in the zoning ordinance," and "until now, many of these changes have been prohibited." He stated that the language in that paragraph gives the impression that this Comprehensive Plan is endorsing some of the different ideas that are suggested, but the plan is clear in stating these are just recommendations for the Board to consider so he would propose adding the words "may" and "possible" so those paragraphs remain consistent with the rest of the chapter. He also said the language on page 7.14, Strategy 1D, says they should "consider modifying the zoning regulations to help achieve rural area objectives without reducing residential development rights," and the SELC would ask the Board to be careful with the text there because there may be instances where the Board wants to consider changes to the Zoning Ordinance which may indirectly reduce development potential. Mr. Butler stated that the language there has the risk of cutting off those options, and simply adding the word "directly" before "residential development rights" will give the Board the option of protecting land in the debris hazard zones.

Mr. Neil Williamson addressed the Board, stating that the Free Enterprise Forum applauds much of what is in the revised Rural Area chapters, adding that the community has been engaged in this process, including staff, for a long time. Mr. Williamson said the chapter considers allowing some enterprises in the rural areas that will keep the land economically and environmentally sustainable, but there are some real challenges to rural enterprises in the plan. He stated that they have had positive discussions with several Supervisors related to the topic Ms. Joseph brought up, but they found the language inserted on page 7.34 and included in Attachment H to be philosophically offensive and likely illegal: "While golf courses should not be prohibited, they should only be allowed when a significant unmet need can be established for more of this type of use." Mr. Williamson emphasized that this is not the role of government, and the concept that the County will only allow businesses to exist that serve a government-identified unmet need is beyond the pale, even for Albemarle County. He said the Free Enterprise Forum hopes Supervisors will direct staff to strike this paragraph from the document. Mr. Williamson said the Planning Commission had also proposed new criteria for potential new uses in the rural area, and this criterion virtually guarantees that no new uses will be approved in the rural area. He stated that these criteria are required to be compatible and have a negligible impact on natural, cultural and historic resources, not conflict with nearby agricultural and forestal uses, compliment the character of the area in which they are located, and result in little discernible difference in traffic patterns. Depending upon the interpretation, he said the art center just described could possibly not fit the criteria. He added that the criteria would prevent many of the identified rural enterprises in the plan from occurring, which is in opposition to much of what the Board has directed in other areas of the Comprehensive Plan. Mr. Williamson said this reminds him of a former Supervisor who said, "We love all the wineries; we just do not like their customers." He stated that the rural area makes up 95% of the County, and rural enterprises are bigger than just weddings and wineries, and the criteria – and to a lesser extent the chapter – need to be revised to recognize the rural realities, and the need for additional economic opportunity in the rural areas.

Mr. Peter Hallock of the Rivanna District addressed the Board and encouraged Supervisors to be very careful in what it does in the rural areas, as it is very important to drawing people here. Mr. Hallock said the University has the mountains on its brochure for the North Fork Research Park, and he

emphasized that there should be a limit on special use permits specifically as they pertain to noise and crowd size because there has not been a clear way to enforce these.

Mr. Jim Balheim of the Rivanna District addressed the Board, stating that, while the Board is required to review the Comprehensive Plan, it does not mean the Board needs to change it in many of the ways which have been suggested. He said the list of proposed uses presented in February and March would change the rural areas instead of protecting them. He said things like concerts, lodging, food, warehouses, distilleries, events, restaurants, etc. have not been traditional rural activities. Mr. Balheim said there has been a very successful record of conservation easements in the County, and most of them were done with the intent of protecting the land and way of life that existed at the time they were done. He stated that it is wrong for County government to do an about-face now and make an irreversible commitment and, going forward, the County will end up with fewer easements if it tries to change the rural areas into commercial areas. Mr. Balheim said, if people have more opportunities to profit from their land, they are going to be much more reluctant to obtain easements that would protect their land – especially if they know their neighbors might turn the property next door into a non-agricultural, commercial enterprise. Mr. Balheim said he would like to see the Board expend its efforts in tightening up the rural areas rather than trying to find ways to loosen things up.

Mr. Ben Brewster addressed the Board, stating that he would like to speak to the issue of the golf courses, as there is some question as to whether these fit in with agricultural uses and he believed that is what the Board should be looking at. Mr. Brewster said there is water usage, there are parking lots, there is a clubhouse, all making it a single-purpose use which will be difficult to sell if it goes defunct and, in rural areas, they may not do very well.

There being no further public comment, the Chair closed the public comment section and Ms. Echols resumed her presentation.

Ms. Echols stated that, regarding the last slide with the eight topics identified by staff, those items are not necessarily things the Board is intending to change but staff wanted to highlight them because of changes being proposed in the plan which are very different than what is in the existing plan. She asked the Board to provide any additional items it felt were important to the discussion so staff could help prepare for that. Ms. Echols reported that she would talk about the criteria for review of new uses and said that, as the Planning Commission was going through the topics, they kept coming back to the idea of performance standards, and they felt there needed to be standardization of review criteria. She presented the goal statement to the Board and said staff would want to know whether there was something about it that the Board would want to change, or if it states clearly the expectations for the rural area.

Ms. Echols said the rural areas section had a lot of attention paid to it several years earlier, with a lot of people from the community involved in the consideration of the chapter and a lot of discussion about what the expectations are for features of the rural area. She stated that the first element is “continuous and unfragmented tracks of land,” which is really important for biodiversity and a strong agricultural and forestal economy. Ms. Echols said that particular aspect is changing, and they are seeing different kinds of farms in the rural area as well as some emphasis on locally grown products. She said the second element – “protected natural resources” has been discussed in the Natural Resources Chapter as well as the Historical and Cultural Resources section. She stated that “significant tourist economy” is stated as such in the current Comp Plan but, with this particular plan, the tourism aspects especially related to farm wineries have caught a lot of people’s attention, but there is a desire to find ways to reduce the pressure landowners may feel to subdivide their property for residential uses. Ms. Echols said “crossroads communities” were an introduction to the rural areas section during the last review, as were “distinct boundaries with development areas.”

Mr. Boyd asked when the Board would have an opportunity to take a philosophical look at what it wants to do with expanding the growth area and reducing the rural area. Ms. Echols said that would take place in the next chapter during discussion of the development area.

Ms. Palmer asked Ms. Echols if she wanted the Board to comment on the rural area elements now. Ms. Echols stated that she did, if the Board had comments on them, and noted that these were all from the existing Comp Plan.

Ms. Palmer asked if there would be some kind of reference back to natural resources on the definition of un-fragmented tracks, and said that surface water should be mentioned as well as groundwater. She also asked if there would be a definition of “significant tourist economy,” specifically what the word “significant” means.

Ms. Echols said a lot of the recommendations for tourism relate to the rural area, and there may be a place as the Board goes through it but, if not, it can be added to the list of items that should need further discussion.

Ms. Mallek recommended changes to the language related to “un-fragmented tracks for agricultural and forestry” section to help differentiate between production and sale, and the biodiversity issue with un-fragmented tracks is something entirely different. She also suggested that the language be

limited to “additional uses that support agriculture and tourism,” and expressed concern that, in order to solve budget crises, it indicates the County will do whatever comes along in the rural area. She then clarified that the section she was referring to related to tax revenue.

Mr. Boyd said he was concerned that this Comp Plan would set the stage for the County to establish just wealthy landowners, and it is really going to come down to how it is interpreted when there is an application for a special use permit or zoning text amendment. He stated that he did not want to establish a situation where only wealthy people who did not need income from their land could afford to live on it, and he felt they should create an environment in which people can live off the earnings they create from their land.

Ms. Mallek said she was not referring to ownership parcels, but use parcels and does not want to neglect people who have smaller pieces of land.

Ms. Palmer stated that someone had mentioned to her that only approximately 650 landowners in the County owned 100 acres or more and, at some point, the Board should be finding out how fragmented the rural areas really are.

Ms. Echols asked Scott Clark, Rural Areas and Natural Resource Planner, to speak on the expectations for that particular topic.

Mr. Scott Clark addressed the Board and said the County uses the term “fragmentation” in two different contexts in the plan. He said ownership fragmentation refers to the pattern of parcels getting broken down to the point where it is difficult for people who do want to produce crops to have enough farmland. He said, several years ago for example, the Department of Forestry said that parcels of less than 40 acres were “inefficient” to try to use for timbering operations. Mr. Clark said the idea of avoiding ownership fragmentation was not just to expect a smaller number of owners with bigger acreages, but keeping together pieces that were large enough for effective agriculture and timbering operations. He stated that the other use of the term fragmentation is more biological, and talks about the patch sizes of forests and what habitats are needed to maintain certain populations.

Ms. Mallek said the other element is connecting them from one to another so there are travelways, and what is happening with 21-acre parcels is that people are using them as front yards instead of contiguous parcels for farming as was intended in the 1980s when those were created.

Mr. Boyd said he just wants to make sure there is some viable way for people to maintain their properties without having to sell them, enabling them to keep their property within their families.

Ms. Palmer stated that just before the “criteria for uses” section, she would suggest removing the paragraph which refers to changes in the zoning ordinance.

Ms. Echols asked if she felt it was a policy issue. Ms. Palmer said, for her, it was and, as they go through the review, it could be fleshed out.

Ms. Echols said the Planning Commission did not like the term “commercial uses in the rural area” under the criteria for review of new uses, and the current Comp Plan calls them “alternative uses” which are truly intended to provide a property owner with an alternative to subdividing land. She stated that the first thing the Commission said is that it needs to have a rural area location in order to be successful, meaning that, if it has a strong relationship to what goes on in the development area, it should be in the development area such as large distilleries which require a lot of water usage and have many more industrial characteristics than something like a farm winery. Ms. Echols said the main concern the Commission had was it did not want the rural areas to be looked at as the places with the cheaper land, so someone could just go out into the rural area and put a use there so it needs to have a strong relationship to the rural area. She stated that the second criterion has to do with the compatibility issue, and all special use permits are looked at this way, so this is not really new or different. Ms. Echols said the considerations are the impact on the setting, on the resources within the setting, and the relationship to any historic resources, agricultural/forestral districts, etc. She said the third criterion – “little difference in traffic patterns” – was something the Commission grappled with because there are numerous agricultural uses which utilize big trucks, and there is traffic in the rural areas which relates to the rural area by itself, not necessarily tourism. Ms. Echols said the Commission wanted to make sure the amount of traffic on rural roads was not starting to change the character of that road or that particular area, which is why it used the term “little discernible difference.”

Ms. Echols stated that fire, rescue and police are services provided in the development areas, and the rural area expectation is that they will not get the same level of service and, if there is a use that is going to have that kind of demand, it may be more appropriately located in the development area. She said, if one is going to be a big user of water, or have a big wastewater disposal need, that is a more appropriate use in the development areas than in the rural area. Ms. Echols said there have been issues with wells drying up in years past, and so the Commission used the term “sustained with available groundwater” as a criterion to consider in thinking about lodging as a possible large consumer of water for individual rooms, laundry, and other activities. She stated that the final criterion was “consistency with other rural area policies” as a rationale for review of new uses.

Ms. Palmer said she would like the phrase “long-term” to be removed from the reference of “the need of public water and sewer” because of the issues with wells on some developments, as there is no anticipation of bringing those services out to the rural area. She stated that the criteria are good, but they are striking because, elsewhere in the plan, they talk about doing certain things, yet these parameters will make it hard to get these things done.

Ms. Mallek stated that there are lots of things possible in the rural area, because things based on actual farm activity are not going to be causing this but, in her mind, these provisions address someone who is importing their product into a farm location to set up a use that is really industrial, and then use another set of trucks to take the product away and consume a lot of water in the meantime. She said, for a big dairy, the milk truck comes every day; for a medium sized one, the milk truck comes every two days, and those happen with 40-foot tanks for the three dairies still existing in the County. Ms. Mallek stated that she anticipates concern when there are a lot of visitors to the rural area who are coming for a particular event from the urban area, and are in a hurry to get there but run up on a hay machine. She emphasized that the County would need to be ready for things to happen when it tries to expand these uses.

Ms. Dittmar said she did not want the term “little or no” demand for fire, rescue and police service in the rural area, because any activity in the rural area would necessitate some demand.

Mr. Boyd said that “lesser” would be a better word.

Ms. Echols suggested that “little” demand would work.

Ms. Mallek said this would provide for a five-room bed and breakfast as opposed to a 50-room hotel, which would increase the risk for a fire/rescue situation.

Mr. Boyd stated that the Comp Plan was just identifying things to be considered in the rural areas, and all of this would have to come in for a special use permit.

Ms. Mallek pointed out that there are many proposed changes for by-right uses, which would mean the Board would never be able to evaluate them for those impacts.

Mr. Boyd noted that he did not mind going through the list of uses to talk about which were appropriate, but mentioned that the County is losing some revenue to neighboring counties that provide for uses like distilleries.

Ms. Echols said that was a health department and ABC thing, but staff has some recommendations for the very small distilleries, not the large ones where there would be a lot of water use. She stated that this was indicative of some of the Commission’s concerns, as it could not determine what was small, medium or large and finally ended up saying it would need to include some parameters for the zoning text amendment.

Mr. Boyd said this is similar to what the Board dealt with regarding crossroads stores with restaurants, but not allowing McDonald’s, and somehow that needs to be defined. He stated that he was not sure if the Board was considering uses such as breweries in Nelson County that have restaurants, because Albemarle is losing a lot of money that could be gained through its meals tax.

Ms. Mallek said the solution many wineries have come up with on their own is the food truck, because there are still food taxes collected but the wineries themselves do not have to have an inspected kitchen, etc. and some of the trucks have followings so people will go to the wineries to get their favorites.

Mr. Sheffield asked Ms. Echols to refresh his memory as to how new uses were considered now, absent of this criteria, and whether it would be fixing a problem or adding another layer of criteria. Ms. Echols said most of the requests the County receives for special use permits look at these items, and the Commission wanted it front and center because it realized the direct impacts on traffic, water usage, etc. She stated that it is not a new concept, but it is newly articulated very firmly in this particular plan.

Ms. Mallek said this is just out of respect for the emphasis citizens have had on these features for a very long time.

Mr. Sheffield said his only concern is that they evolve and change depending on the demand and the environment the County is working within, as well as the economy and this seems to cement a lot of the unwritten guiding principles considered in the past. He stated that this seems to lock the Board down a bit, and he wants to make sure the Board will be able to deviate from the list as things change.

Ms. Palmer stated that this list becomes particularly important with the changes the Planning Commission suggested and, if the Board were to scale back some of the changes as suggested, the Board may want to look at the criteria again, however, given the degree of changes suggested in the rest of the document, she would feel safer with the criteria. She added that it seems the Commission was trying to strike a balance during its review.

Ms. McKeel asked if the Commission might have wanted the Board to make some connections to the road availability and, if one buys on a gravel road, the expectation is that it would not be paved because the County hears a lot of those comments. Ms. Echols said there is a place for that conversation in the transportation section, explaining that this was more about existing roads; how they deal with those is in the County's unpaved road policy.

Ms. Palmer said one of the things the Board could expect to see on its list of elements in the rural areas could be rustic, safe and scenic roads.

Ms. McKeel said other expectations should be included in that as well.

Ms. Palmer stated that she would like Board members to take a step back and look at what it wants the rural areas to look like.

Ms. McKeel said, in looking at the changes which were really dramatic, she realized Supervisors would need to have more than one work session.

Ms. Dittmar agreed, stating that she did not understand how the County could require someone to be successful, which is included as a bullet point.

Ms. Echols said what that means is it requires a rural area location in order to be successful. She stated that the Board would probably want to come back to the conversations about criteria when it gets to the uses, because that is where the Planning Commission intended the criteria to be applied.

Ms. McKeel commented that there is a disconnect between how it is stated and how it actually plays out.

Ms. Palmer agreed, stating that the Board talks about what it needs for the rural economy but she was not sure Supervisors had ever assessed what that really looks like.

Ms. Mallek said that information is in the agricultural census which is sent to the USDA every February.

Ms. Palmer said there are a lot of businesses that do not necessarily need a rural landscape to be successful.

Ms. Mallek said they should not be directed there then. She said the criteria for having a business in the rural area should include the fact that it needs to be there and it should not be one that can do just as well in the growth area.

Mr. Sheffield stated that this is why the Board appoints educated individuals to the Planning Commission, so they can use their knowledge and experience, along with the information provided, to assess whether a use is appropriate or not for the rural area. He said that is why he has a problem with the criteria, because some of this should be relied on through those appointments.

Ms. Mallek disagreed, stating that it leads to making it up as they go along and she likes the criteria for that reason. She said she would also like to add the phrase "impact current rural residents" in the paragraph related to changing the land use pattern and inviting residential development, because they need to take existing residents into account.

Ms. McKeel said she agreed with Ms. Palmer to take that paragraph out completely.

Ms. Echols said she had skipped over it with the idea of coming back to that discussion.

Ms. Dittmar agreed that Board members should just come back to it.

Ms. Echols reported that the first big change in this section of the plan is the way residential development is described and addressed from the existing plan. She said implementation of the policies to address rural density should be the highest priority with the County aggressively pursuing mechanisms to reduce the amount of residential development potential in the rural area. She said there is a lot of history on this topic because, over the last 10 years, a lot of work has been done to try to implement the existing plan recommendations for residential development. Ms. Echols stated that the Planning Commission heard from a number of people who were concerned about property rights in the rural area and respecting those, and these particular admonitions were too strong; and did not agree that the plans should be as discouraging of residential development. She said the Planning Commission's recommendation was to talk about the balance between what exists now and the desire to prevent suburbanization, and recommended placing more emphasis on positive actions which would encourage people to find alternatives to subdividing their land. Ms. Echols said that was the Commission's proposed plan language and, because it is such a dramatic change, she needed to highlight it and get direction from the Board.

Ms. Palmer said she applauds the Commission for pointing out the portion which focuses on making the development area an attractive place to be, as that was a very helpful and important change. She stated that most of the complaints she gets as a supervisor are related to traffic problems, and a lot of them are in the rural areas. She said the Board needs to strike a balance between the property rights of all people in the rural area, including those that do not plan to operate a business on their property. Ms. Palmer said she preferred the plan the way it was, and is of the understanding that the reason the County has the growth management plan is to keep taxes lower. She stated that the reason why Loudoun County's proffers and property taxes are so high is because they have allowed development all through its rural areas which did have an impact on the cost of the taxes and the proffer system and people do want low taxes.

Ms. Mallek said development rights are legislative, provided by the zoning enforced at the time, which are decisions based on the governing body at the time so those things do change. She said she agreed with the rights of neighbors for their own quality of life, which is often forgotten when people talk about maximizing their own freedom to do something. She asked if there was an explanation in Attachment D so Board members could understand the background philosophy of the strategies which are included.

Ms. Echols said those are under the objectives, with the very first being, "Retain continuous and unfragmented land for agricultural, forestry and natural resources." She stated that each strategy intends to create that, and the objective is not to discourage or prevent residential development but to try to keep the land unfragmented and engaged in agricultural production, adding that the way to do that is to keep it from being subdivided for residential development. Ms. Echols emphasized that all of the strategies under that objective are trying to address how people keep their land whole, and that is an example of the change in tone as recommended by the Commission.

Ms. Mallek stated that, during the 2005 rural area work sessions, there was huge debate that ended quickly because of the unanimity of people not wanting to have multiple priorities in the rural area and wanting agriculture, forestry and conservation to be the top priority. She said this proposed language backs into it but does not really affirm it, and it would be nice to be more intentional about supporting agricultural uses.

Ms. Echols said the second objective is, "Support a strong agricultural and forestal economy," so one way to resolve Ms. Mallek's concerns is to put that one first and put the unfragmented land objective second.

Ms. Mallek said she liked that proposal, as many farmers feel that agriculture is being put on par with housing as a priority for the rural area.

Ms. McKeel noted that the document indicates 52% of new homes have been built in the rural area.

Ms. Mallek said that has turned around over the last five years, so it is infilling in the right direction.

Ms. Dittmar asked if other Board members were in agreement with this proposed language.

Mr. Sheffield said he agreed.

Mr. Boyd said he was somewhat ambivalent about it.

Ms. Dittmar and Ms. McKeel said they liked this balance, and Ms. Dittmar said she would hate to see the Board jeopardizing the rights of rural landowners that already have development rights.

Mr. Boyd said the key to all of this wordsmithing is how staff will interpret it, and that is why it is important to continue getting feedback on what they think it means.

Ms. Mallek added that the concern was how it would show up in a staff report about a particular special use permit.

Mr. Boyd said that is what it is all about, i.e., how the staff report will explain someone's intention when applying for a special use permit.

Ms. Palmer stated that the problem she sees with the new language is how it might yield a different outcome than what Supervisors are expecting, which would mean continued fragmentation of the rural areas.

Ms. Mallek said that is why the criteria are so important.

Ms. Dittmar suggested another look at the criteria and the uses, and then go back to these objectives to see how they are working.

Mr. Foley said, while there is a lot of wordsmithing going on, those words really are important, and there is a fairly significant difference in terms of how staff would start out looking at a proposal based on these two alternatives.

Mr. Boyd agreed, but it would be helpful for staff to indicate in their presentations how they have interpreted the language.

Ms. Palmer said she appreciated that, but still goes back to what the document language and the criteria say, which are contradictory.

Ms. Echols said, having heard the Board's comments, when staff brings back the next draft they can be more careful as to how they articulate things so the strong agricultural and forestal economy comes first and is the most important thing; but, in order to support this as well as other goals in the rural area, they need to have continuous, unfragmented land and the way to have that is to encourage people who have the development rights to do something different.

Ms. Palmer said protection of the natural resources is an extremely important part of the rural areas, along with the agricultural/forestal economy.

Mr. Mallek said the natural resources protection is eminently important to the agricultural economy and, without clean water, there is no agriculture.

Ms. Palmer said that it needs to be mentioned as a "trio."

Ms. Echols stated that they would address "rural crossroads," which were highlighted in the existing Comp Plan in relation to the rural area. She said the Planning Commission felt that the crossroads should get the same kind of attention that the development areas get and perhaps also having master plans for those different crossroads communities. She said other Commissioners felt they should hold off on that, realizing that it would require a significant amount of staffing, and agreed to first work closely with the residents to identify boundaries and see what things are needed in those communities. Ms. Echols said the final consideration was to look at the crossroads as potential areas for assembly as a by-right use instead of a special use. She said restaurants were looked at as being possibly appropriate in crossroads communities and restaurants, as a topic, and would be considered later in the review. She said "areas of assembly" started out with the recognition that almost all churches were approved by special use permit and the Board, in 2009, felt that some criteria could be established so that churches would not have to go through the SP process in the rural area. Ms. Echols stated that staff had established some performance standards for churches in the rural area, but the Commission felt that step was too extreme and felt perhaps they would be comfortable with rural community centers such as the Ruritan Meeting Hall, or the Elks Lodges as well as churches being approved for crossroads communities. She said that was the main difference in that section with the exception of restaurants.

Ms. Palmer said if there is going to be any kind of by-right activity in crossroads areas, it would be a good idea to put the boundaries of those communities on a map.

Mr. Sheffield said strategy 3A addressed that point.

Ms. Echols said it states, "Identify the geographic limits first," and the plan was to develop an actual map which would include meeting with residents.

Ms. Mallek said the Ruritan Hall has been in constant use for 100 years, and asked what special use permit they would need that the County would not be doing anymore.

Ms. Echols said, if someone wanted to build a new one, it would currently qualify as a "club and fraternal group," and would require a special use permit in the rural area.

Ms. Palmer said she would like to have an SP process for new structures, but use of existing buildings for a meeting hall should be by-right as long as it meets the criteria.

Ms. Mallek said country stores had a differentiation between existing structures which were going to be renovated and new structures.

Ms. Echols stated that the Board and/or the Commission would most likely want to address that in the zoning text amendment process and would include parameters around those by-right uses. She said the Planning Commission had a difficult time coming to consensus on this and felt it needed to know some more facts. She said, when the Commission got to a ZTA, they would use the term "consider" as a non-commitment by the County for making a change, but a commitment to think about whether they wanted to make a change.

Ms. Dittmar asked if churches and fraternal organizations had indicated having problems with getting new locations. Ms. Echols said what staff has heard is that the special use permit process is onerous and, in the past, when a church wanted to make an addition of a social hall or restrooms, they would have to come through the SP process. She stated that there have been two levels of SP activity

which many congregations have felt were onerous; one was a brand new church, and one was making a change to an existing church and there are a number of reasons why those things should be reviewed, including new entrances.

Ms. Echols pointed out that the Board would be considering a church application later in its regular meeting.

Ms. Mallek said that is a good example of why the County needs the special use permit process, adding that citizens are very interested in reinvigorating crossroads communities so they are active for more than just annual special occasions.

Ms. Echols asked if Board members wanted to make the clarification now about existing structures or hold off until it gets to the zoning text amendment process. Ms. Mallek said she could wait for the ZTA process, and asked if strategy 3B would have to conform to the criteria with very little water, as some of those uses require lots of water.

Ms. Palmer said the Board could consider adopting more flexible regulations for reuse and renovation of existing historic structures, rather than allowing by-right new structures. She said she would rather have it in the Comp Plan instead of relying on the ZTA process.

Ms. Dittmar asked if the Board was comfortable making that dichotomy between new and existing structures.

Mr. Boyd said he was fine with it.

Mr. Sheffield said he was OK with it, but it would add more work to staff's process.

Ms. Palmer asked if the churches and places of assembly were only referring to the crossroads communities.

Ms. Echols said that was the only place where the Commission felt it was appropriate to consider it.

Ms. McKeel stated that the specific crossroads communities were listed in the document: Advance Mills, Batesville, Covesville, Free Union, Proffit, Greenwood and Whitehall.

Ms. Echols clarified that the Board's desire was to emphasize consideration of by-right uses in those crossroads communities.

Mr. Boyd asked if Stony Point was not considered a crossroads community, as there is a Ruritan Club there too. Ms. Echols said staff was relying on the crossroads communities study which was done a few years earlier that identified historic crossroads communities and, in many ways, used to be development areas with a lot of village residential zoning. She stated that these were village settlements where there is a lot more going on.

Ms. McKeel asked if there were other communities which should also be recognized. Ms. Echols said it could say, "or other crossroads communities that are identified."

Board members agreed.

Ms. Dittmar thanked Ms. Echols for her work, and stated that the Board seemed to need another work session on the Rural Area section of the plan.

Ms. Palmer said, since the Board would be discussing the Ivy Materials Utilization Center (MUC), and because the solid waste committee has been formed, she felt it would be helpful for the Board to do the Comp Plan portion of the solid waste after rural areas but before moving on to the next chapter.

Ms. Dittmar suggested inserting the solid waste discussion in between the Rural Area and Development Area discussions.

Ms. Echols said she was not sure what the Board wanted to discuss, and was not sure how this fits into the committee's work and the specificity of a particular area. She said there is a plan for the Board to talk generally about that issue in the Community Facilities section, and did not know if Supervisors wanted to address something related to solid waste which was not Comp Plan-related but could discuss that separately from the plan discussions.

Ms. Palmer stated that the committee was going to make some recommendations on the Comp Plan, and she felt it would be a good idea to have some consensus on what the Board wants to do and also about approaches. She said it might allow the Board to get both things done more quickly. She said the Board has asked the advisory committee to do work on long-term thinking, however, the committee does not know where the Board is on it.

Ms. Echols clarified that, at its first meeting in August, the Board will try to finish up Rural Areas. She said, at the second meeting in August, the Board would use at least half of that time for the solid waste discussion in order to provide direction to the committee. She added that, if the Board is not able to finish with Rural Areas by the end of the next meeting, Supervisors may want to discuss both Rural Areas and solid waste in August.

NonAgenda. The Board recessed at 6:46 p.m.

Agenda Item No. 6. Call to Order Regular Night Meeting.

Ms. Dittmar called the meeting to order at 7:01 p.m.

Agenda Item No. 7. Pledge of Allegiance.

Agenda Item No. 8. Moment of Silence.

Agenda Item No. 9. Adoption of Final Agenda.

Mr. Palmer **moved** to adopt the final agenda as presented. Ms. McKeel **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

AYES: Mr. Boyd, Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer and Mr. Sheffield.

NAYS: None.

Agenda Item No. 10. Brief Announcements by Board Members.

Mr. Sheffield reported that the US 29 Solutions Advisory Panel would meet the following day, however, he was unable to attend and the panel does not permit alternates. He said Ms. Mallek had planned to attend, so there would be a County official present. He reported that Mark Graham would also attend.

Ms. McKeel said she also planned to attend.

Ms. Palmer reported that she went on a ride-along with a County animal control officer, and was struck by the volume of work that they have, the animal abuse cases they deal with, the dangerous situations they enter into, and the social issues they encounter at some households. Ms. Palmer said it was an interesting experience, and encouraged other Board members and the public to do a ride-along with animal control or a police officer.

Agenda Item No. 11. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Ms. Nancy Carpenter of the Scottsville Magisterial District addressed the Board, stating that she had attended the highway trust fund meeting with Senators Hurt and Kaine the previous evening and was struck by the lack of funding for public transit which will impact local bus service. Ms. Carpenter suggested the Board contact Mr. Jones at Charlottesville Area Transit with a letter expressing concern.

Mr. Sheffield stated that the Board had already sent a letter in that regard.

Ms. Carpenter said she was also concerned about the new shopping center construction in the 5th Street area, and wanted to ensure that there were some strategies in place by the County to help the businesses which will be impacted in that area. She also reported that, on July 14 from 1:00-2:00 p.m. at the downtown Free Speech Wall, there would be a rally in support of the protest against the effort by companies to transport natural resources through pipelines constructed through some of the most beautiful country in Virginia to the Cove Point, Maryland deep water port and send those overseas.

Ms. Cyndra Van Clief addressed the Board, stating that she is Albemarle County's citizen representative on the Albemarle/Charlottesville Regional Jail Authority. She said she was appointed to the jail board about a year ago to fulfill an unexpired term, and has attended every meeting as well as Colonel Matthews' retirement party, and served as a member of the hiring committee. Ms. Van Clief stated that she has confidence in Martin Kumer's abilities and his commitment to being the new jail superintendent. She said there are improved medical, dental, mental health, education and library facilities at the jail, and there are relevant programs, i.e., GED and education, Alcoholics Anonymous and Narcotics Anonymous, and a culinary arts program among others. Ms. Van Clief said these programs are sound investments which can pay solid dividends in the community and, as a criminal defense attorney, jail board member and taxpayer, she is pleased to see individuals take advantage of these programs.

Agenda Item No. 23. CPA-2013-01. Comprehensive Plan Update/Amendment, to begin with public comments and possible Board direction.

The executive summary forwarded to Board members states that at the July 9, 2014 Comprehensive Plan work session, the Board of Supervisors discussed the goal and introductory statements to the Rural Area Chapter and associated criteria for review of new uses, statements related to residential development, and expectations for crossroads communities. The Action Memo for that meeting, found here, http://www.albemarle.org/upload/images/Forms_Center/Departments/Board_of_Supervisors/Forms/Action_Letters/2014_Actions/07092014actions.pdf provide direction to staff.

The staff report for the Rural Area work session that began on July 9, 2014 may be found here: http://www.albemarle.org/upload/images/Forms_Center/Departments/Board_of_Supervisors/Forms/Agenda/2014Files/0709/05.0_CompPlanES.pdf

Staff has updated the July 9, 2014 Executive Summary for the August 6, 2014 meeting. Changes in this Executive Summary are underlined.

At this work session, the Board will continue its review of **Chapter 7: The Rural Area**. This Chapter may be found here: http://www.albemarle.org/upload/images/Forms_Center/Departments/Community_Development/Forms/Comp_Plan_2013/Comp_Plan_Round_3/07_Chapter_Rural_Area_Final_%201-23-14.pdf

The Goals, Objectives, Strategies, Implementation Priorities, Measures of Success, and list of Reference Documents for the Rural Area are found in Attachment A. There are no appendices, but the Reference Documents include maps of important agricultural and forestry soils.

A table comparing the existing and recommended Comprehensive Plan recommendations for the Rural Area is provided as Attachment B. Links to staff reports and relevant portions of the Planning Commission's minutes are provided in Attachment C.

On August 6, the Board will review the following topics:

- **Recommendations for lodging and restaurants** (pages 7.31 and 7.33)
These topics generated the most discussion at Commission meetings and are brought to the Board because of the Commission's recommended change in policy.

Staff comment: In light of the strong emphasis on tourism in the Economic Vitality Action Plan, the Planning Commission explored whether additional provision should be made for lodging and restaurants in the Rural Area. The Commission was keen to find ways to preserve existing historic resources and help prevent large farms and estates from being subdivided for residential development. Although they tried to find appropriate parameters to recommend in the Comprehensive Plan for such facilities, they were unable to agree on any thresholds. As a result, they recommended that lodging, possibly by-right, be considered in the Rural Area zoning district, provided that necessary parameters, such as minimum acreage, maximum number of rooms, etc., could be identified. They also recommended consideration of zoning text amendments to allow for restaurants, by-right, in crossroad communities only. Attachment D provides additional background and discusses the Commission's deliberation and recommendations.
- **Events in the Rural Area** (pages 7.31 – 7.32)
This topic is brought to the Board's attention because of state code changes. It is also highlighted because of the Commission's recommendations for a potential change in policy. (Please note changes in Attachment E.)

Staff comment: The preserved scenic beauty of the rural area has provided an economic boon for farm wineries that host events. The General Assembly of Virginia approved legislation earlier this year to extend those benefits to farm breweries. The Planning Commission made four recommendations related to events; however, one of those recommendations is not consistent with the recent legislation. Attachment E explains the Commission's recommendations and changes needed for consistency with the State Code.
- **Commercial Recreational facilities** (pages 7.33 and 7.34)
This topic is brought to the Board because of the Commission's recommended consideration for a change in policy.

Staff comment: Commercial recreational activities desiring rural settings have changed in character over the years. While golf courses and swim/tennis clubs are allowable by special use permit in the RA zoning district, commercial recreation such as zip lines and mountain biking may be more in keeping with rural character than golf courses and swim/tennis clubs. This topic was discussed briefly by the Board at their July 9, 2014 meeting with an understanding that it would be considered in more detail at this work session. Attachment F provides additional background and discusses the Commission's deliberation and recommendations.

- **Rural Interstate Interchanges** (pages 7.35 – 7-36)
Members of the Board of Supervisors have asked that the full board discuss recommendations for rural interstate interchanges because of their potential for economic development.

Staff comment: The Board of Supervisors has been discussing the benefits of interstate interchanges for economic growth since 2008. They asked the Planning Commission to consider changes to the County's policies for rural interchanges when the Commission began its work in 2011. Attachment G provides background on this topic and discusses the Commission's deliberation and recommendations.

- **Area B Recommendations** (pages 7.37 – 7.42)
Information on Area B land use is brought to the Board's attention so they are aware of the Area A and B boundaries and recommendations.

Staff comment: Area B land use recommendations are contained in several different documents. As part of this Comprehensive Plan update, the Commission supported the recommendation of the Planning and Coordination Council (PACC) to include Area B information within the respective Comprehensive Plans of the City and County. No changes to current land use are recommended. One area for which updating is needed, however, is the future use of the Milton Airport. Decisions by the Board of Supervisors regarding an indoor firing range in conjunction with the City and the University of Virginia were made after the Commission made its recommendations.

Recommendations in the Comprehensive Plan Draft include recommendations for future capital improvements and operations.

The Board is asked to identify any substantive changes to the recommendations herein presented and concur on those changes, focusing on content rather than wordsmithing. Staff will then make any necessary changes and bring them back to the Board for its approval prior to its public hearing.

Ms. Elaine Echols, Principal Planner, said the Board would accept public comment first, and then staff would get direction from the Board with special attention to the five items previously identified, and include a review of the other item which might not have been covered or that needed to be revisited.

The Chair opened the public comment portion of the work session.

Ms. Gerry Lee Chafin addressed the Board, stating that she lives in the Cismont area near the corner of Route 231 and Route 600, and presented a map of the area. Ms. Chafin pointed out the properties that face on Route 231 down to Grace Episcopal Church, and asked the Board to consider very carefully the effect of rural area uses on neighbors who have been there for many years, as well as properties which are very small. She stated that her property is 2.04 acres, and pointed out her property along with two other small properties. Ms. Chafin said they have lived there for 25 years in perfect happiness and, this year, a young couple moved into a house nearby bringing chickens, ducks, sheep, and a Mare Emma Sheepdog. She stated that those sheepdogs are recommended for ranches and large herds of sheep, and the dog barks at anything that moves or makes sounds. Ms. Chafin said another neighbor has a successful mushroom farm, and built his barn right by her back property line. She emphasized the impacts of these uses on smaller property owners.

Ms. Marcia Joseph addressed the Board, stating that she is a resident of the Rivanna District and was in attendance to discuss conservation easements. Ms. Joseph said a lot of wealthy people use conservation easement property, but she is aware of at least two family farms that were saved by the Acquisition of Conservation Easements (ACE) program years ago. She said she would like to see more of a commitment in the Comprehensive Plan to fund the program. She stated that large events, lodging and restaurants occurring in the rural area are not the types of activity that people expect when they buy land in the rural area, under conservation easement or not. Ms. Joseph said she lives on 11 acres in an ag/forest district and, if she had wanted all kinds of parties and music, she would have moved next to a fraternity house. She stated that there is an expectation when people move to the rural area, however, when these other activities are allowed, it changes the character of the area. Ms. Joseph said some of the comments made by the Planning Commission, which is the former body, not the current one about some of the uses indicate that there is an expectation that some of these uses could be done very well by supplemental regulations and just be by-right. She stated that this bothers her, because most people are not going to know what is happening until they receive a letter that some activity is going to happen next door to them. Ms. Joseph said it is really important that any of these uses contemplated are uses allowed by special use permit and allow public input so, when the neighbors provide input, Supervisors have a better idea. She stated that the restaurant and lodging uses are referenced in this chapter and, if the Board decides these uses are important to have, then those should be allowed by special use permit. Ms. Joseph said the other concern is that, once a large restaurant or lodge is built on a property and it does not make it, there is nothing that stops the owner from selling off any of the lots on the property.

Mr. Jeff Werner addressed the Board, stating that Albemarle County's policies have long reflected rural preservation as a priority, and one reason is that dispersed rural development is not fiscally

sustainable, especially in a county as large as Albemarle. He said it is critical that this remain a cornerstone of County policy, and emphasized that the revised plan represents a significant shift in the County's rural policy. He said the current policy stresses maintaining the rural character, protecting natural resources, encouraging appropriate land uses, limiting development, and limiting the fiscal impacts from that development. Mr. Werner stated that the revised policy suggests a weakened position on new development under the premise of mitigating pressure to subdivide, and suggests that the County should support and encourage non-ag commercial activities to include some that are currently discouraged. He said there are over 6,000 vacant rural lots, with almost 4,000 under 10 acres and, allowing by-right commercial activity will not curb rural home construction or reduce development potential but will merely allow more commercial activities. He stated that allowing such uses by-right takes away the special use permit, which allows neighbors to be heard and allows the County to impose conditions. Mr. Werner said rural development has resulted in increased traffic on rural roads, and encouraging non-ag commercial activities will further stress aging roads, bridges and culverts. He stated that, as new rural event facilities are developed and weddings become the new cash crop, he wondered how the County would respond to increased traffic on narrow, unimproved roads and on structurally deficient bridges. Mr. Werner asked if there was a plan to increase coverage by police and emergency services, and also at what point an aging bridge would need repair regardless of transportation priorities and what road projects would get bumped to fix the bridge. He stated that increased traffic from non-ag commercial activity, residential development, or both would impact the community. He said, in revising the rural policy, the County must account for the public cost and impacts on infrastructure which will result from those revisions. Mr. Werner emphasized that mitigating the pressure to subdivide land is one reason given for this policy shift, but there has been no data provided on the scope and scale of this pressure, and asked how many lots had been created in the last decade or so, what the range of sizes was, and how many were developed versus vacant. He asked if the pressure to subdivide was so great that rural residents must accept more and more non-ag activities with late-night music and increased traffic. He said the Board's discussion on this matter must include some solid information on the rate of subdivision, on the scale, pace and location of development, and on the fiscal impacts resulting from the increased traffic on rural roads. Mr. Werner said the Comprehensive Plan currently cites a 2007 ag census, but there is a 2012 version available. He stated that lacking current data, and moving forward under the dubious assumption that the increased non-ag activities would curb residential development, it is extremely premature for the County to significantly alter its long-held rural policies.

Mr. Wendell Wood addressed the Board, stating that he is a resident of the Ivy District but owns land in every district. Mr. Wood said he does not usually agree with Mr. Werner, but said that the rural areas need to be better defined as to their specific location. He stated that there are rural properties that meet every criteria for development, i.e. public water, public sewer, elementary schools, high schools, fire department, rescue squad, not in the watershed, and adjoins urban density land and, if that is the case, he is not sure that piece of property should not be considered rural. Mr. Wood said that forces the property to be developed as a large-lot rural subdivision. Mr. Wood said, as growth occurs, the County will have lost a piece of property which meets the criteria for development but would be situated somewhere in the rural area. He stated that he has been told numerous times that one of his properties is in the rural area, but it meets all the same criteria as development area land, and stated that the land would be developed, most likely in a less dense fashion. Mr. Wood asked the County to reassess the designation of some of the rural property, since some of it meets the development area criteria by the County's own rules.

The Chair closed the public comment period.

Ms. Echols presented the actions resulting from the Board's last meeting. She stated that the Board re-looked at new uses and criteria for new uses after it completed the rest of the chapter. She reported that the Board reversed objectives one and two in order to make "strong agricultural and forest economy" the first item; retained the recommendations from the Planning Commission for residential uses; and requested that community centers in crossroads communities should only be in existing buildings. She said, since that time, staff has heard that the Board wanted to revisit what the rural areas are for, what the main purposes are for preserving the rural areas, and what kinds of uses are appropriate in the rural area. Ms. Echols said the Board wanted to address those big picture items before getting into the discussion of lodging and restaurants, events, commercial recreation, interstate interchanges, and Area B. She stated that it would be up to the Board on how to proceed.

Ms. Palmer said she felt that some of the changes in the draft of the Comp Plan emphasized new uses rather than the traditional preferred uses of ag/forest and conservation of natural resources. She said she took the draft and made some suggestions on it and also wrote a letter to Ms. Echols with copies sent to each of the Supervisors. Ms. Palmer read her letter and said her suggestions were more about emphasizing that the County have three preferred rural land uses identified in the Comprehensive Plan: agriculture, forestry, and conservation of natural resources including biodiversity. Reading from her letter, she said that "many of the references to natural resource protection have been moved into the Natural Resources chapter," which is "quite reasonable for specific strategies," but because conservation of natural resources is one of the preferred rural land uses, it was important to emphasize it up front in the rural areas chapter of the Comp Plan. Ms. Palmer stated that she had done three things to help refocus the document on the three preferred land uses: adding conservation of natural resources to some of the places where ag/forest are mentioned, and moving some of the narrative focusing on the benefits of preserving rural areas for natural resource protection in front of the discussion of the potential new commercial uses and criteria for them; and adding a few sentences from the existing plan that help

emphasize the importance of natural resources protection in the rural areas. She said these changes take some of the emphasis off the new potential commercial uses and puts it back on preferred uses. Ms. Palmer said she thinks Supervisors need to all agree on what the rural areas ought to look like and what the emphasis should be, and that might inform the discussions on restaurants, lodging and those sorts of things.

Ms. Mallek asked if it would be a simple matter to describe the paragraphs that were moved.

Ms. Palmer said she had sent it to Ms. Echols, and agreed to summarize the three items she had identified. She stated that, for the relationship to the vision, she added that the rural areas provide places for agriculture/forestry and protection/preservation of natural resources and tourism, with the natural resources reference being added to the first block. Under the introduction, she said she added where it speaks of the County encouraging residential development in the development areas, not to conflict with "agriculture, forestry and conservation of natural resources." Ms. Palmer said, in the section on "land use plan for the rural areas," she took a section from the current Comp Plan – page 1 and page 18 – which emphasizes that agriculture, forestry and conservation are preferred uses, which helps highlight them as the focus and not new uses. She stated that, further in the document which shows a map of the location of designated rural areas, she has added a statement that the three preferred land uses have a "mutually supportive relationship, and all three provide great value to the community at large, including the City of Charlottesville and the County's development areas. Ms. Palmer said some of the benefits include, "the proximity of rural land, local agricultural enterprise, and the solitary contributions of the conservation lands to a clean and abundant water supply, clean air, scenic landscapes, and preservation of wildlife habitat, all of which are fundamental to a healthy and diverse biological community and a strong local economy."

Ms. Dittmar asked Board members for comments.

Mr. Boyd stated that, in reading the changes Ms. Palmer provided to the Board, he felt it was wordsmithing instead of looking at it from a higher level. He said one of his concerns with the suggestions was the lack of balance in the discussion of individual property rights, even though the sustainable living group identified that as one of its top priority items. Mr. Boyd stated that he did not know how the County would settle the neighbor-on-neighbor disputes, but what he felt the Board should keep coming back to is what the Planning Department's interpretation of what that means. He said he did not see any real problems with what Ms. Palmer had sent around, but he would like to understand staff's interpretation as that is the real significance of the Comp Plan document because staff will be the ones interacting with applicants.

Ms. Mallek said this is the Board's chance to find that out, to hash it out and make sure Supervisors are being specific enough, rather than at the special use permit phase. She said she found a lot of comfort in the paragraphs in the existing Comp Plan which need to be pushed to the front, because all of the smaller elements cascade from that instead of trying to play catch-up.

Ms. McKeel said she liked Ms. Palmer's emphasis on the three main uses and the changes she made. She stated that conservation emphasis is really good so, philosophically, she agrees with Ms. Palmer and Ms. Mallek.

Ms. Palmer said one of the reasons she moved those items up was not to wordsmith, but to, hopefully, give staff direction as to what was important to the Board, so that its interpretation would continue to emphasize conservation.

Mr. Boyd said his concern is what that would mean to Planning staff.

Ms. Echols said the Planning Commission worked hard to strike that balance and, on the first page of objective one – 7.11 – it talks about the need to strike that balance. She said the growth management section speaks to the importance of property rights, and the Commission made note of that, however, the Commission wanted to treat the property rights question by doing other things such as encouraging conservation easements and agriculture and forestry, encouraging people to join ag/forest districts, rather than saying "we discourage residential development in the rural areas." Ms. Echols said that was the Commission's way of dealing with personal property rights, but she was not sure the Board's perspective aligned with that.

Ms. Palmer said some of her other changes would address that. She stated that she had a lengthy conversation with Ms. Echols regarding items which needed to be raised because there was a different philosophical bend than what staff would ordinarily determine.

Mr. Boyd said he agreed with what Ms. Echols had just said. He said it appears the Planning Commission's intent was to encourage certain property uses in the rural areas rather than discouraging everything.

Ms. Palmer said it would depend on how far the Board goes with the specific wording. She said there are specific places in the document which might lessen that, would focus more on conservation, and also provide a more traditional view of what the rural areas mean.

Mr. Cilimberg stated that he has been doing this since 1986, and the consistency over the years in overall philosophy has been that the rural areas are first and foremost as it relates to ag/forestry activity, resource protection, and conservation. He said the devil is in the details of some of the things the Board might consider as the Planning Commission has proposed particular uses in the rural area, and how those get compared to the overall philosophy. Mr. Cilimberg said, when staff is interpreting special use permit requests or zoning changes, they are going to rely on the plan and staff is not seeing any fundamental changes regarding the rural areas. He added that staff sees this plan more as creating the potential for considerations of things in the rural area which might support what has traditionally happened, however, the Board might feel that would be going too far.

Ms. Palmer said she has not been doing this since 1986, but has read the current Comprehensive Plan and the new draft and finds them quite different, adding that the emphasis on commercialization is significant to at least the layperson who reads these two versions.

Mr. Cilimberg said, philosophically, the plan still emphasizes ag/forestry, natural resources and conservation, but the particular uses become the devil in the details. He stated that what the Board may be finding is that the philosophy is not being maintained by the uses being proposed for consideration. He stated that it becomes important to Mr. Boyd's concern about staff's interpretation of the plan.

Ms. Mallek said the reason people may have shared these concerns about a shift in philosophy is the presence of the development and commercial uses high on the list of strategies. She suggested moving the conservation strategies higher up and push the subdivision references, etc. farther down on the list.

Mr. Foley stated that it sounds as though staff feels the same as the Board, but the question is whether Supervisors want to go through all of the specific language at this meeting or have staff take that direction and restructure this chapter so the emphasis to the public is different.

Ms. Mallek said changing it would be more consistent with the old plan, because the shift is what is troubling to people.

Ms. Palmer said how that is done is fine with her, but there are some changes in philosophy which need to be discussed at this point with the Board.

Ms. Echols said if the Board agrees that agriculture, forestry and natural resource conservation are the primary uses, then the potential uses can be looked at within that particular philosophy and, when the discussion comes around to residential development, the Board could discuss that issue at the end.

Ms. Palmer said those priorities should be made clear in this particular chapter.

Mr. Foley suggested that staff take a shot at that, rather than going through it item by item now.

Ms. Mallek noted that a lot of that work had already been done in the objectives section based on the suggestions made.

Ms. Echols reported that, prior to 2005, the Board discussed the importance of historic preservation but did not emphasize the importance of reuse of historic structures. She said, in 2005, it was mentioned that in the Plan; and, in 2014, the Plan talked about the importance of reusing existing structures. She stated that lodging in new structures has never been an expected use in the rural area, but there is a suggestion for consideration of it in 2014. She said the same is true for use of historic structures for food service for restaurants, as well as the 2005 rural areas section of the plan talked about that as a possible use in crossroads communities, and trying to reuse those historic resources so that is carried through in the 2014 plan. Ms. Echols stated that the plan has always said historic tourism was important and tourism, as a form of economic development, came through for the first time with any emphasis in 2005 and, now in the 2014 plan, the County recognizes it as part of its Economic Vitality Action Plan as well as what is in the proposed Comp Plan. She said special events in the rural area were mentioned in the 2005 Plan as an alternative to residential development, and the Plan also speaks about special events in 2014. Ms. Echols stated that the Plan speaks a little bit about commercial recreation in 2005 and addresses it a bit more in 2014. She said rural interstate interchanges have not had a lot of information on them in prior Comprehensive Plans because the emphasis has been on urban interstate interchanges and, in this particular plan, the Plan calls out some uses which are important at rural interstate interchanges. Finally, Ms. Echols stated that no rural area plans have addressed Area B, but it is addressed in this Comp Plan.

Ms. Echols stated that tourism plays into a lot of this and there is a bit of a shift taken with the economic development work. She said, in 2005, the Plan emphasized the importance of "authentic rural Albemarle" for tourists: you can come and look, but do not expect there to be facilities for you there. She said, in 2014, the Plan moved a little further into recognizing the economic importance of tourism and how the County can better support the visitor experience. Through that lens, she said the Planning Commission started talking about the other uses which might be available in the rural area.

Ms. Echols said, currently, transient lodging is allowed in the rural area under the Zoning Ordinance; there is by-right tourist lodging, which is not the definition of a bed and breakfast but is allowed in all residential districts by having a guest house as part of your home with up to five guest rooms. She stated that the County recently changed the ordinance to allow bed and breakfasts with up to two houses for transient/tourist lodging, five guestrooms each, provided there is adequate acreage. By special use permit, she said, if there are historic buildings that have been used as inns, those can be approved for lodging; and there are some nonconforming uses that might exist such as campgrounds that predate zoning regulations, as well as a boarding facility which is associated with a training program for developmentally disabled people. Ms. Echols said there is a lot more lodging going on in the rural area and, using just staff online research, in 2011, staff found at least 125 facilities that were advertising guest rooms – ranging from Clifton Inn to cabins at campgrounds, to one guest house at wineries, Air-BNBs, which are operating without a resident present. She stated that, in checking online today, she found 245 in Albemarle and Charlottesville with a lot of those in the rural area. Ms. Echols said Mount Ida Farm has almost 4,000 acres, 55 properties, and the owner informed the Planning Commission that it was important for them to be able to do this. She stated that what got the Commission's attention was the 4,000 acres, because a very large parcel with just one or two houses on it might provide some different opportunities.

Ms. Echols reported that concerns about lodging in the rural area, as mentioned in the Comp Plan, are issues with reversibility. She said tourist lodging in a house with an owner/occupant can always revert back to a house, but that was less important to the Planning Commission this time around. She stated that another issue with large facilities is well water and wastewater disposal, because those cannot be on public water and sewer; traffic and noise have also been identified as concerns. Ms. Echols said when the Planning Commission discussed this, it wanted to find ways to keep large properties intact, especially ones with multiple dependencies. She stated that the Commission felt that something bigger than tourist lodging and bed and breakfast should be available, but Commissioners could not come together as a group and make a recommendation as to what specific things should happen. Ms. Echols said the best Commissioners could do was to suggest that the Board consider amending the Zoning Ordinance to allow these types of uses and, as Board members go through the lodging uses in the rural areas, those issues should be worked out during the zoning text amendment process. She noted that, in strategy 6E on page 7.33, the Commission said the Board should “consider amending the Zoning Ordinance to allow for lodging in the rural area, with the parameters that ensure the scale is appropriate to its setting.” Ms. Echols said, to get to that answer, the Commission felt the Board would need to consider the size of the property, the scale of the proposed use, and the context, as well as the water situation, roads and traffic, and how this keeps large estates intact. She said Commissioners also wondered if there might be a way to develop performance standards to make it possible by-right, and were also open to allowing new construction.

Ms. Echols emphasized that this is very different from where the County has been, and asked the Board if it wanted to consider more options than what currently exists for lodging in the rural area.

Ms. Palmer said she personally does not think that is necessary, however, if the rest of the Board decides that it does, she has made some suggested changes.

Ms. Mallek stated that she would not be in favor of new construction, and would support only small size uses only. She said the statement about “providing extra income to forestall subdivision” should be stricken completely and her first response would be not to make these changes, especially not by right. She stated that people in the rural areas have rights too, and felt they have been left out. She said they are always more angry than if they had been engaged to begin with, which is why the process is so important. Ms. Mallek said having resident managers is a requirement and, if the County is aware of people not doing that, the County needs to address it because, if an emergency strikes and someone is there who does not know the site, it could be a deadly situation.

Mr. Sheffield said he was fine with the way it is now in the current plan and, if anything, it should be a relaxing of the options for people trying to maximize the use of their property.

Mr. Boyd said he is open to considering options.

Ms. McKeel said she is concerned with the opportunity for “new construction,” and Ms. Palmer's changes seem to open things up without changing them completely. She stated that she is concerned about not knowing what is currently going on with rural lodging.

Ms. Palmer stated that allowing people to have ten rooms, which is what they can do now, is reasonable to her.

Ms. Dittmar said, in working with volunteer fire and rescue and trying to get more police attention in rural areas, the County does not have the resources for those who live there now so she did not want to expand something before the County is able to serve it.

Ms. Palmer said she would rather go with the current plan. She said allowing more rooms on a property will necessitate the need for more safety measures which the County does not have the resources for right now. She emphasized that allowing ten rooms is enough, with one septic field and

well, and is reluctant to do anything until the General Assembly acts on this. She asked about the 4,000 acre property with all of the houses as mentioned before.

Ms. Mallek clarified that it is a bunch of small parcels which were put together.

Ms. Dittmar said the property is in the Scottsville District, and her thought on that lodging request is no.

Mr. Cilimberg said this direction is very helpful for staff because, if the Board is not going to go with the Commission's recommendation, that changes the Plan's substance and eliminates an action item for staff when the Plan is done.

Ms. Echols reported that restaurants are allowed in the rural area in historic restaurants, taverns and inns by special use permit, or in conjunction with a nonconforming restaurant or inn such as Clifton Inn or Keswick Hall. She said food services were allowed at wineries, cideries and farms as accessory use to those by-right uses; at country stores, considered an accessory use that is typical of a by-right use; and where there is tourist lodging at a bed & breakfast. Ms. Echols stated that she was surprised there is only one independent restaurant operating in the rural area which is Duner's and is a property that is commercially zoned. She said concerns in the prior plans were reversibility, water, wastewater, parking, traffic and noise and the Planning Commission was more directive about restaurants in the rural areas and did not want those to be destinations, but instead wanted them to be accessory. Ms. Echols stated that the only place where Commissioners felt those might be appropriate were in crossroads communities in existing buildings with preference but new buildings appropriate, perhaps even by right. She asked if the Board wanted to consider more options for food services or restaurants than what currently exists in the Comp Plan for the rural area. She noted that this is in the crossroads section under Strategy 3B, page 7.29, which states "consider allowing restaurants in crossroads communities, in historic buildings or new structures, with appropriate size limits and performance standards."

Ms. Palmer said there is basically no change from the current plan. Ms. Echols said there would be because this would allow for new structures and, currently, zoning provides for use of a historic building which has been used historically as a tavern or restaurant, with a special use permit.

Ms. Palmer asked, if the Batesville Store had wanted to build onto the existing building, how that would work. Mr. Cilimberg said it would be prohibited because it would expand a nonconforming use, but that could happen under this change if it were put into the Zoning Ordinance, and he emphasized that the Comp Plan is just guidance for taking up changes.

Ms. Dittmar asked if a building like Duner's, which used to be a gas station, could be turned into a restaurant. Ms. Echols and Mr. Cilimberg confirmed that it could not be under current zoning, unless it was historically used as a restaurant.

Mr. Cilimberg said there were changes made several years ago to introduce country stores by-right and those could have eating areas as well as offices.

Mr. Ron Higgins, Deputy Zoning Administrator, addressed the Board and stated that the words to consider are "historically used," with a building having been used as a country store any time before 1964. He said a country store can have up to 20% of its gross indoor area for some kind of food service, but it is an accessory to the store. He said the Batesville Store was still a country store and was able to have some of it devoted to food service, adding that a country store can also have 20% outside space, i.e., an outdoor seating area.

Ms. Palmer stated that a store like Batesville Store was a destination, and that is what the Planning Commission said it did not want. Mr. Cilimberg said the Commission wanted to consider limitations in size and other parameters, which would not automatically create it as a destination. He explained that people touring through the area or living in another part of the County would go to restaurants out in the County.

Ms. Mallek said the Inn at Little Washington is a good example.

Ms. Palmer stated that the Board should be careful about the details, but it seems to her that it does make sense to be able to use these crossroads communities with its charming buildings.

Ms. Dittmar said it is a service where people do not have to come all the way into town for, like Duner's.

Mr. Sheffield said Duner's is definitely a destination, but that is what sometimes happens when a person runs a successful restaurant.

Ms. Mallek stated that the Board might be able to change the wording so that an occasional or bi-weekly event could be held in a building at the crossroads, adding that it would be appealing to her to include provisions for improving existing structures rather than building all new structures.

Ms. Palmer commented that those would not be by-right. Mr. Cilimberg said those considerations would be made within the zoning text, and this does not change any ordinance provisions; it only sets guidance for the Board to consider as part of its follow-up work after the Comp Plan is adopted.

Ms. Mallek said “by-right” to her means no public process. Mr. Cilimberg said that would be part of the Board’s future considerations.

Ms. Mallek stated that the essence of the country store debate was the expectation of brand new septic and large parking lots, versus them utilizing what is already available.

Ms. Echols said there would be some self-limiting based on the size of the lots, and it sounds as though the Board’s direction is consideration of more options but preference should be given to existing structures.

Ms. Mallek said she would say “exclusively existing structures with modifications possible.” Ms. Echols clarified that it is more than what the Zoning Ordinance allows now.

Mr. Sheffield said, without well water or septic, the size of the lot would automatically determine whether a business could be put in, and those are market demand aspects.

Ms. Palmer said there is also the number of tables to make it economically viable in addition to Health Department considerations of being able to have a stove and cook in the kitchen, etc., as well as the issue of fire department safety.

Mr. Sheffield emphasized that he would want to take a step back and identify the areas which have the highest potential for these types of developments so the County is putting its money in those areas for infrastructure improvements to help prepare for that.

Ms. Mallek said with housing, restaurants and any other uses, the consideration is the degradation of current roads and no money to fix them now. She said it is the service delivery and the bare minimum of transportation safety which should also be considered.

Ms. Echols said the idea here is not to be making improvements to serve these uses in the rural area, but using an existing structure to provide some support for the people who live in that area, and to ensure it is of a very small scale. She reiterated that the County does not want to make the rural areas into development areas. Mr. Cilimberg added that it has not been the Board’s philosophy here.

Ms. Palmer asked about the comments in the Comprehensive Plan regarding master plans for these areas. Ms. Echols stated that before the Board can do anything about permissible uses in the crossroads communities, those crossroads communities need to be identified. She said there is a study available, but it needs to be put on the work program as a very first step. She said staff would also need to meet with residents as to where the boundaries of the community are, so staff would know what would be allowed and where by special use permit.

Mr. Cilimberg said that is Strategy 3A.

Mr. Sheffield noted that it is the job of Supervisors to listen to the community and find out where those opportunities exist and, for him, it is easy because there are not any in his district.

Ms. Mallek stated that White Hall residents are already requesting to be the first small area plan.

Ms. Echols reported that current zoning regulations for events allow up to 200 persons at farm wineries and cideries with a special use permit and, if those venues want to have a larger number of people, they have to get a special exception in order to increase the number. She said, in order to have an event anywhere else, up to 150 people are allowed and a special use permit is required. Ms. Echols said the state law which took effect in July 2014 stipulated that farm breweries must be treated the same as farm wineries, and a special use permit for activities cannot be required at agricultural operations except where there is substantial impact to public health, safety and welfare. She stated that, after the Planning Commission did its work on the Comprehensive Plan, Commissioners learned that it was tasked with responding to the General Assembly, so Commissioners have put together a zoning text amendment which has been to public hearing. She said the Planning Commission is prepared to make some recommendations to the Board in response to this new state law.

Ms. Echols said the work session would be held in September, and the Commission’s recommendation regarding events should be delayed until that time. She noted that the Commission heard a lot of concern from a few wineries about the threshold of 200 people and, since that time, the noise regulations have changed, and it boiled down to just a couple farm wineries which had issues. Ms. Echols said the Board may or may not want to retain the recommendation to reevaluate the threshold, as reflected in 6A. She said, in 6B, the Commission had a long discussion about the definition of “special event,” and felt that a special event was an infrequent occurrence for a large number of people so what is currently in the zoning regulations is fine. She stated that the Commission heard from some people that some of these farm winery events might be OK in a by-right setting, and the Commission did not want

Ms. Mallek said she liked the idea of considering the update to zoning regulations, as it was more proactive than just looking at things.

Ms. Palmer agreed.

Ms. McKeel also agreed.

Mr. Cilimberg said it seemed four Board members wanted the first sentence to focus on updating zoning regulations – not to identify specific uses to add – and the second sentence would be essentially as it was recommended by the Commission with golf courses added.

Board members confirmed that was the intent.

Mr. Boyd asked when the Board had jumped from Comprehensive Plan changes to zoning requests.

Ms. Dittmar said she did not know the relationship with the Comprehensive Plan to that, but Mr. Cilimberg brought it up so she felt it was part of the discussion.

Mr. Cilimberg emphasized that it is only the guidance, and the Board was not making a decision to remove anything, but was calling attention to those as being potential uses of impact which may need to be considered for removal; however, Supervisors may decide against that. He added that the first sentence is just a general update of recreational regulations as those pertain to rural area uses.

Ms. Dittmar said zoning text amendment studies would first go through the Planning Commission, so the Board will have another shot at this.

Mr. Cilimberg said the Board would first identify whether it is a priority strategy for staff to undertake, and this would occur at the end of the Comprehensive Plan review. He said the Board would not see it until there is a resolution of intent and a Planning Commission recommendation made to the Board. .

Ms. Echols said the Commission would study it, have public participation and comment before ever making a recommendation to the Board.

Ms. Mallek said this will at least highlight the fact that the Board thinks it is something important. Ms. Echols said the Board had agreed to revisit the criteria for review of new uses which would go into the rural area, and those new uses include restaurants, lodging and events. She said it was suggested at a previous meeting to start out by talking about things Board members wanted to see in the rural area and then talk about other things which might be appropriate. Ms. Echols asked if the Board wanted to add to the criteria for review anything else as a use in the rural area. She said she had already made a few changes to the list of criteria based on Board input. She said the first criteria change was that a new use must have a rural area location in order to be successful, which was a huge matter for the Planning Commission. Ms. Echols clarified that her request was for the Board to decide whether it wanted to put in some criteria for review of new uses, either for special use permits or by-right uses in the rural area in order to guide zoning text amendments as well as consideration of special use permits, and are those things against which the Board weighs its requests.

Ms. McKeel noted that this is where Board members had brought in the criteria of “reversibility.”

Ms. Palmer agreed, stating that she had included that in her red line version for the criteria. She suggested the following wording, “compliment the character of the area in which they will be located, and be reversible so that land can easily be returned to farming, forestry, conservation or other preferred uses.” She said her other suggestion would include the wording, “to be suitable for existing rural roads and result in little discernible difference in traffic patterns.”

Ms. Echols said that was the only one Supervisor Palmer had requested to come back. She asked that, other than the action memo, the Board confirm that was correct.

Ms. Mallek said she had also sent some suggestions.

Ms. Palmer said one of the things discussed last time was an addition to the statements above the criteria, such as the general statement about agriculture which comes from the current Comprehensive Plan and emphasizes ag/forestry and conservation as preferred uses. She said she could not recall if the Board had reached consensus on that or not.

Ms. Echols said her recollection was that the Board was going to look at the big uses first, and then the new uses and what she has suggested would accomplish that.

Ms. Palmer suggested the language referencing additional uses in the rural area be removed, because Board members are not all in agreement that there needs to have a lot more there. She said the strategies in the chapter all share the goal of helping keep the rural areas rural, and the changes reflect

the preferred uses and the ultimate goal of keeping the rural areas rural. Ms. Palmer stated that she had lifted two paragraphs from later in the draft – in strategy 7C – and moved those before the criteria, in order to focus, once again, on the preferred uses.

Ms. Echols asked if there was agreement to those changes. Mr. Sheffield said a lot of it is word-smithing and moving text around.

Ms. Palmer said her goal was to emphasize the preferred uses rather than the new uses.

Several Board members agreed that the strategies pertaining to preservation and easements be ahead of the strategies which reference subdividing.

Ms. Palmer said she had requested that staff include language that rural landowners should not expect all rural roads to be paved.

Ms. Echols said that related to expectations for service delivery, which is featured in the transportation section, so the Board could add a sentence here which cross-references it.

Ms. Mallek said she would like to include a list of roads that would not be continually brought up for paving.

Ms. Echols asked if the Board would like to defer that conversation to the transportation discussion.

The Board discussed how to reference rural preservation developments, and Ms. Echols suggested defining what those are but also consider in the zoning regulations for regular subdivisions a reference to “help achieve rural area goals” without reducing development rights, because there may be other things the Board would want to think about with regard to regular by-right development.

Ms. Palmer asked about strategy 7.21, objective 2. Ms. Echols said that had to do with the question of whether to emphasize agricultural/forestal economy or land use because, the way it is currently written, it implies that the rural area is enabled to stay rural because there are agricultural/forestal moneymaking activities. She said Ms. Palmer preferred an emphasis on supporting “strong agricultural and forestal land uses,” rather than saying “economy.”

Ms. Palmer said that was not her suggestion, but it did follow her intention.

Mr. Cilimberg said that had been a long-standing objective and is in the current plan, as a recognition that agricultural and forestal economy has some tradition but also needs to be successful in order for the land uses to be successful.

Ms. Palmer stated that she would like to change the wording in strategy 2-i in 7.28 to include the word “consider” before “changing zoning regulations to make appropriate scaled collection and distribution facilities.”

Ms. Echols said this was a deliberate word choice by the Planning Commission, as it felt strongly it needed to happen. She explained that there was a desire to provide better support to the rural area, and a target distribution facility is different than a small agricultural distribution facility. She said the Commission was trying to provide the ability for the small-scale facilities which do not exist currently, by special use permit or by-right in the RA zoning district.

Ms. Mallek asked if that meant packing sheds for orchards were now nonconforming. Ms. Echols said this would pertain to a stand-alone facility on a lot, such as a Relay Foods type station, as opposed to one that was operating in conjunction with an orchard and would be an accessory use.

Mr. Sheffield said he would propose leaving the language as the Planning Commission had it, as it seems to address a concern which it identified.

Ms. Mallek said if that language is going to be left in, the Board should strike out the sentence that says “by-right” because, in Advance Mills, there was a situation in which a stand-alone facility was started up with no farm. She said food was being imported, packaged, and transported by tractor-trailers to Northern Virginia; adding that there were 50 employees on site.

Ms. Palmer said this is why she had changed some of the action items to “consider” because Supervisors have had so many changes and problems in the past and now there is a new Board.

Ms. Dittmar said Mr. Boyd’s ongoing concern is relevant: how will staff use one versus the other.

Ms. Echols said when a ZTA is being studied, the question would be whether there are performance standards or conditions under which the Board may want to make these available by-right, and then it would come to the Board and the Commission to consider. She stated that “change” is pretty directive to staff and would be considered a priority.

Ms. Palmer said she would like the Board to ask the Commission to take a look at it, adding that the Commission liaison participated in the sub-group that wrote this. She emphasized that this was going to save the Commission some time.

Mr. Foley said Mr. Graham's point was important in helping to guide this, and asked the Board if it wanted the Commission to use the Committee's work as part of its ultimate work to bring back.

Board members indicated its agreement.

Mr. Sheffield said about three-quarters of this was reflective of what is already in the document, but it sets the stage for a different direction for solid waste management and that is where the focus needs to be.

Mr. Foley clarified that the Board's preference is to have the Commission do its work on it even if it takes longer than December. He said it is important that this be clarified.

Ms. Palmer **moved** to direct the Planning Commission to review the draft from the Long Range Solid Waste Solutions Advisory Committee by December 9, 2014 given that the Board generally approves the rephrased objective. Ms. Mallek **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield and Ms. Dittmar.

NAYS: Mr. Boyd.

NonAgenda. The Board recessed their meeting at 6:08 p.m., and reconvened at 6:25 p.m.

Continuation of Work Session.

- Chapter 9: Housing

Ms. Echols recognized Ron White, Chief of Housing, in the audience.

The Chair invited public comment.

Mr. Greg Smith, Scottsville District resident, addressed the Board and stated that he is Executive Director of the Virginia Center for Creative Arts (VCCA). Mr. Smith explained that the organization was established in Albemarle County in 1971 and, seven years later, moved to Amherst County, where they have been leasing acreage owned by Sweet Briar College. He stated that the function of the VCCA is an artists' residency program in a rural setting which provides writers, visual artists, composers of music and others with the remoteness and quiet to produce their best art. Mr. Smith said they serve 25 artists at a time, drawing a total of 400 artists per year from 40 states and 15 foreign countries, brought to Virginia for this experience. He stated that they also operate a much smaller facility in southwest France. Mr. Smith said, as the Board is discussing the Comp Plan for rural areas, the VCCA has submitted a zoning text amendment for an artists' community as an allowable property use in Albemarle because this particular function is currently not allowed. He stated that their function is compatible with land uses defined as farms, forests and other natural areas, as in the previous Comp Plan edit. He said, as their artists are inspired by the picturesque landscape of Central Virginia, they have been and would like to be again stewards of a large unfragmented parcel of land which would offer the surrounding quiet and remoteness necessary for these residencies. For the past 35 years, he said they have used a historic barn for the artists' studios, and the structure is the symbol for the VCCA as reflected in the many artworks the residents produce. Mr. Smith said the VCCA provides about six opportunities per year for cultural tourism and would like to participate in the Artisans Trail, as long as their involvement may be tempered by their need for quiet, productive creative time. He stated that he hoped the Board would view the VCCA's land use as compatible with the rural areas and allow them to pursue a rural location in Albemarle County in the future.

There being no further input from the public, the Chair closed the comment portion of the work session.

Ms. Echols stated that the Board would be discussing the Housing Chapter, which is a new chapter in the Comprehensive Plan that has taken many of the recommendations for housing from different parts of the plan and placed them in a single location. She said staff has mostly used the Neighborhood Model recommendations and also affordable housing policy to put together the goals and objectives for housing in Albemarle County. Ms. Echols said the goal does not start with Albemarle, but starts with something different, and staff would work on making it consistent with other goals. She stated that they are trying to locate new housing in the development areas as opposed to the rural areas, and the recommended housing goal from the Planning Commission is: housing will be safe, decent and sanitary, available to all incomes and age levels, and available equally to all current and future County residents, all of which is included in the current affordable housing policy. She said these goals are similar to the types of goals that would be elsewhere in the Comprehensive Plan with the exception of the Development Areas piece of it.

Mr. Sheffield stated that he agreed with Mr. Boyd about not including staffing recommendations here, but suggested taking inventory for this Board so it can consider it as a philosophy of the Comprehensive Plan, not just this particular section. He said the strategic plan is the more appropriate place to talk about staffing needs, and the question becomes whether the Comprehensive Plan drives the strategic plan or vice versa.

Ms. McKeel agreed.

Ms. Mallek said the Comprehensive Plan is where the basis is, then the Board prioritizes out of it into the strategic plan.

Mr. Sheffield suggested that the Board not make a decision about which way to go until it has an inventory of all the things related to staffing resources.

Ms. Echols said she would provide that when the Board discussed priorities at the end of this discussion, and after it has gone through all the chapters.

The Chair invited public comment.

Ms. Nancy Carpenter addressed the Board, stating that she is a resident of the Scottsville District. Ms. Carpenter said there would be a lot of older residents, and it was important for the Board to consider how to provide affordable, useful housing for them. She said she has been thinking about how the Tiny House movement might be incorporated in Albemarle County. Regarding the cash proffer policy, she said there are a lot of people who are doubled up in the County, i.e., families with and without children and individuals. Ms. Carpenter said the federal government has cut the housing choice voucher program, and there is no indication that those will come back again and, while the City has 500 vouchers, it only has funding for 300. She said, in addition to down payment assistance, the County needs to consider rental assistance as a diversion of the proffer money. Ms. Carpenter stated that there is also a need to address personal sustainability with living expenses, adding that millennials were looking for homes that are 1,000 square feet or less with efficiency of design that creates a space which has triple the use it used to have.

The Chair closed the public comment section.

Agenda Item No. 3. Continuation of Work Session to include public comments and possible Board direction.

Ms. Mallek asked where the discussion had been left about unique housing types in the rural areas, such as the creative arts center or a healing center. Ms. Echols said this type of use is a hybrid, and the County's zoning ordinance does not currently allow for it. She said it has characteristics of a number of different types of uses, such as a boarding camp, but camp definition talks about "outdoor recreational activities" so it does not qualify as that. Ms. Echols said it might have some characteristics of a private school, except there is no teaching that is happening. She stated that it has some characteristics of a retreat or a resort, but there is not a lot of in and out activity as people would have with lodging. Ms. Echols said, given the Board's concerns about new buildings in the rural area and the desire for reversibility, staff has some hesitation in saying this is a use supported by the Comprehensive Plan for the rural area.

Mr. Cilimberg stated that it is not supported under the current plan and would not be supported under what the Board has discussed to date with rural area uses, so what the Board is left with is consideration of a zoning text amendment which relies on policies from the Comprehensive Plan not being able to recommend the zoning text amendment. He said this would at least provide some guidance to staff from the Board and the Commission to consider whether a ZTA is appropriate.

Ms. Mallek asked if use of an older building on a large piece of property might be put in a different category rather than something that is built from scratch, because it would not be rented out just for the weekends.

Ms. Echols said it is possible if someone were renting rooms such as tourist lodging but it is not permissible to rent out entire houses unless the owner is home.

Ms. Palmer asked if there was an example of other groups similar to the artists' retreat that might come forward.

Ms. Echols said a weight loss camp or health retreat would be one example.

Mr. Cilimberg stated that the County had a proposal for that type of camp several years ago, and said there was no resort allowance in the rural area.

Mr. Boyd asked if there were rules related to migrant housing. Mr. Davis said there were.

Mr. Cilimberg said there was farm worker housing, but this was not considered under that definition, as that ordinance limits the number of farm workers. He also stated that the County had an inquiry from a religious organization that wanted to do environmental and health-related programs.

Ms. Mallek said those were in conjunction with the University, and asked if other Board members were interested in working on this type of use.

Mr. Cilimberg said staff would want to address this in the Board's discussions of the Rural Areas chapter of the Comprehensive Plan. He added that it would also help inform the Planning Commission in its considerations of a possible ZTA if the Board is holding open those possibilities in the Comp Plan.

Ms. Mallek said organizations such as The Miller School and Blue Ridge School have been there for many years, and there are never complaints about them. She said those neighbors actually embrace those uses because those schools provide opportunities for events and activities in the same way that artists might hold a poetry reading or some similar activity.

Ms. Palmer said Innisfree was a good example of that type of use, and it has been there for quite a while.

Ms. Mallek said there are about 100 people living at Innisfree.

Ms. Echols said some of the items that have been grandfathered would not be permitted under existing zoning, but it would be important for the Board to distinguish between this and something it has already said it does not want and clearly articulate the desired characteristics of this type of use.

Ms. Mallek said someone at a meeting had suggested to her that a good way to evaluate these would be to take the size of the parcel and the potential by-right development use, and compare the impact of the proposed idea to that of the by-right development.

Mr. Cilimberg said the County has had special use permits which allow for particular uses and, as part of the conditions, the applicants have agreed to remove their by-right uses for development of houses, as long as they are exercising the special use permit.

Mr. Boyd asked if the applicant had already filed a ZTA.

Ms. Echols confirmed that they had.

Mr. Boyd suggested that the applicant simply let the process work through.

Ms. Mallek said it cannot be granted until Supervisors ask the Planning Commission to reconsider what is in the Comprehensive Plan right now.

Mr. Boyd said the Board has gone against Planning Commission and staff recommendations before.

Ms. Mallek said it is pretty dicey to do so.

Mr. Cilimberg stated that staff must make a recommendation as to whether the Zoning Text Amendment should be processed through a resolution of intent. He said, without any kind of basis or expectation for the possibility, staff would have to recommend that there not be a resolution of intent. He said the Board could decide to pass one itself, but staff would feel more comfortable as to the Board's willingness to approve it so, when staff is advising the Commission and it is acting on a resolution, the County is not sending the applicant down a path without a positive outcome. Mr. Cilimberg said one of the things that would be helpful to understand is whether the Board felt that new construction would be acceptable or not, or at least constructing for reversibility.

Ms. Palmer said she was very concerned about setting precedent, and noted that the examples given have been far out and fairly isolated from neighbors.

Ms. Mallek said perhaps that criteria would need to be written in.

Ms. Dittmar said it seems as though the Board is considering something for the rural area that had not been considered yet by the Planning Commission.

Ms. Mallek said it needs to be a category.

Ms. Echols said the Planning Commission has the ZTA, and the staff report goes out the following day, because it is next week that the Commission needs to look at this. She stated that what she has heard from the Board is consideration of something that fulfills cultural goals, adding that this particular item would not have an economic development goal because it is a nonprofit.

Ms. Mallek asked if there was a phrase about "recreational opportunities" in the discussion of the Rural Areas chapter and, if not, there needs to be something which covers cultural, educational and/or medical type uses.

Mr. Boyd said it sounds as though this is something staff should develop and bring back to the Board.

Ms. Echols said staff would, and noted that the next Comprehensive Plan meeting was scheduled for October 7.

Ms. Dittmar asked if the Board would get to master plans at that time.

Ms. Echols said that was the goal and, in the Development Areas chapter discussion, staff would want to talk about the capacity analysis that the Planning Commission reviewed and its recommendations that there be no expansions, with the exception of the Whittington development, the development area master plans including a new one and minor changes to two others, and Neighborhood Model design guidance.

Agenda Item No. 4. From the Board: Matters Not Listed on the Agenda.

Mr. Boyd said he had distributed a report to the Board on the Piedmont Virginia Community College (PVCC) program, "Concierge Charlottesville," which would be extended beyond the hotel industry and tailored for individual industries. He stated that this is something staff should be informed about, and there is a minimal fee for attending.

Ms. Mallek asked if there was some process underway with the City to look at the City/County boundaries in an effort to address the small areas which are land locked. Mr. Foley said he was not aware of any specific initiative.

Ms. Palmer said she was hoping transportation representatives from the City and County were addressing it as an issue.

Mr. Sheffield stated that he did not think the Board would be addressing the "remnants" issue and he did not think there was anything set up to address it.

Mr. Cilimberg said the two Planning Commissions have identified boundary issues between the City and County as a priority initiative to undertake in the next several years, but it is not anything being addressed now. He said it would be part of a larger discussion on the Rivanna River corridor. He said both Commissions were also interested in looking at infrastructure and land use considerations, some of which were addressed through the Area B studies.

Ms. Echols noted that the two Commissions have considered a "one map" to look at land use where the boundaries adjoin, and there seems to be agreement for the most part but they wanted to spend additional time on the river corridor on Pantops near Darden Towe Park in order to find ways to make it more compatible.

Ms. Dittmar stated that most of the Board had attended the jobs report meeting with the Chamber of Commerce, and reported that she found the report to be very informative. She asked Board members if it wanted to discuss that at the end of the meeting the next day.

Agenda Item No. 5. From the County Executive: Report on Matters Not Listed on the Agenda.

There was no report.

Agenda Item No. 6. Adjourn to September 10, 2014, 5:00 p.m., Lane Auditorium.

Mr. Sheffield **moved** to adjourn the meeting to September 10, 2014, at 5:00 p.m., in Lane Auditorium, County Office Building. Ms. Mallek **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield, Mr. Boyd and Ms. Dittmar.

NAYS: None.

Chairman

Approved by Board
Date: 04/01/2015
Initials: EWJ

from 1939 to 1971; that it currently has an 80' X 100' metal hangar 25' high adjacent to the proposed site; there is a functioning open firing range on the property now; and the need for a regional training facility is essential now and of increasing importance as evidenced by the recent problems in Ferguson, Missouri; he can think of no cogent argument to oppose this facility plan or its proposed use. In fact, he heartily supports the proposed training facility.

There being no further public comment, Mr. Morris closed the public hearing to bring it back to the Commission for discussion and a possible recommendation.

Mr. Firehock commented that she was pleased to see there will be clean up of the site from the impacts of the outdoor range. She would assume it would actually be less impactful on the community now that it will be completely contained indoors, which would address both the noise and environmental concerns.

Mr. Lafferty noted he thinks it is a much better solution than what they had at the Keene Landfill. He applauds the police departments for cooperating and getting this under way.

Motion: Mr. Randolph moved and Ms. Firehock seconded that CCP-2014-00002 Regional Firearms Training Center to be situated at 2300 Milton Road in the Scottsville District be approved.

Mr. Kamptner noted just to clarify the Planning Commission is finding that the approximate location, character and extent of the proposed Regional Firearms Training Facility are in substantial accord with the County's Comprehensive Plan.

Mr. Randolph agreed to amend his motion to add that wording.

Amended Motion: Mr. Randolph moved and Ms. Firehock seconded to amend the motion that Planning Commission is finding that the approximate location, character and extent of the proposed Regional Firearms Training Facility is in substantial accord with the County's Comprehensive Plan.

The motion passed by a vote of (7:0).

Mr. Morris noted the Commission has found the proposed Regional Firearms Training Facility to be in substantial accord with the County's Comprehensive Plan. This action will be forwarded to the Board of Supervisors.

Mr. Kamptner clarified this is really the Commission's action and it is just reported to the Board of Supervisors. If the Board wishes to take a separate action they can; but, otherwise this is the decision.

Ms. Monteith returned to the dais at 7:04 p.m.

Work Session:

a. Artist Community in RA – Resolution of Intent

J.T. Newberry presented a PowerPoint presentation to summarize a proposal for a resolution of intent for ZTA-2014-00005 Artist Communities.

The applicant first approached staff in 2012 about relocating the Virginia Center for the Creative Arts to a location in Albemarle County in the rural areas. Staff struggled with whether or not the proposal could fit under any of the existing permitted uses in the rural areas. In the proposal the applicant notes the similarities to boarding camp, private school and bread and breakfast. Staff took some time in evaluating that. While staff was trying to look into that further the applicant attended and commented at several comprehensive plan meetings and initially found positive feedback as to the Planning Commission making statements that lodging would be something that could be potentially supported in the rural areas under the updates of the plan. The applicant in June made the text amendment application. Initially the Board of Supervisors was not supportive of new construction for lodging uses in the rural area. However, at their meeting last week the Board reconsidered and specifically addressed this use. The Board acknowledged there is no support in the current or proposed comp plan update right now; however, this use is unique and they would like the Planning Commission's input.

Mr. Newberry reviewed the specifics of the proposal.

Definition – "Artist Communities"

- A use composed of temporary lodging and working spaces for 20-30 adults selected through a competitive peer-review process for residencies on the property lasting from a few days to ninety (90) days.
- These individuals shall be professional artists of various creative genres, whether literary, visual, musical, theatrical, cinematic, architectural, cross-disciplinary or otherwise.

Some of the other specifics of the proposal give you a better sense of what this might look like in the rural areas. The proposal includes:

- 1 studio space, bedroom, bathroom for each artist
- Existing structures and /or new construction
- Maximum of 40,000 square feet in 1 or 2 buildings for bedrooms, bathrooms, studio, kitchen, dining, meetings
- Plus area for offices, storage, maintenance, and residential space for employees or volunteers
- 1 artist community/ parcel
- No > than 30 artists at a time
- Minimum parcel size/acreage -- 20 acres
 - parking space/2 artists + 1 space/employee
- Resident manager required
- Managed by Non-profit board
- Special events: performances, exhibitions, and fundraising

The first question for staff with this proposal is does it conform to the comprehensive plan. Staff has already stated there is nothing specifically that supports this use. However, the Board has weighed in and feels this use is unique and would like the Planning Commission to provide additional input. Looking at the current comprehensive plan there are eight (8) guiding principles for policy considerations. With the exception of one staff feels that at a certain size and scale there could be support under the comp plan, the one exception being for agriculture. Would the proposed use preserve or protect agriculture in our rural areas? At this time staff does not see that is true.

Another area under the current comp plan would be under alternative uses. This is alternative uses to land fragmentation. What are some of the criteria that those uses should be judged? Alternative uses should be:

- reversible (so that the land can easily return to farming, forestry, conservation, or other preferred rural uses);
- scaled and sited to cause minimal impacts on their rural surroundings;
- minimal in their public health and environmental impacts; and
- the use would be viable with no increase in public infrastructure or services, either at time of approval or later.

Looking to the proposed comp plan update there are criteria for the review of new proposed uses. There is one that staff feels like the proposed use does not meet, but for the others they do think at a certain size and scale it is possible. The one that staff does not feel like it supports would be does the use require a rural area location to be successful.

Staff Recommendation

Staff recommends the Planning Commission adopt a Resolution of Intent to study this further. This would not commit the Commission to a recommendation to support adoption of this as a special use permit in the RA. Staff would like the Planning Commission's feedback if they do agree to adopt a resolution on what are some of the issues that should be studied further.

Currently staff has identified the following features that would require further study.

- Definition of Artist Community
- Minimum parcel size needed for establishing this use
- Extent to which natural and historic resources are preserved
- Potential of extinguishing other development rights
- Impact of new construction on historic resources
- Impact of the use on nearby and adjoining property owners, transportation networks, agricultural/forestral districts, especially as it may relate to traffic patterns and groundwater resources
- Special events impact

Staff presented possible motions for the Planning Commission to consider.

Mr. Morris invited questions for staff.

Mr. Dotson said he had a procedural question. He asked does the State Code require a resolution of intent for making a zoning text amendment.

Mr. Kamptner replied for planning commissions the State statute allows the text amendment to be started by merely a motion. However, the practice in the county for both the Board of Supervisors and the Planning Commission has been to consider resolutions of intent.

Mr. Dotson noted at the end of the staff report it says if the Planning Commission agrees to proceed with the zoning text amendment. However, it strikes him that they don't have a choice. Since an application and a fee have been filed they have an obligation to review that, hold a public hearing and make a recommendation to the Board.

Mr. Kamptner replied the Commission can elect not to adopt the resolution to citizen initiated zoning text amendments. If the Commission does not find that it has merit to proceed, they can elect not to adopt the resolution.

Mr. Dotson said that is sort of based on the face value assessment without getting into the details. He asked what would happen to the applicant's fee. He asked would that cover the

cost of getting the request this far or would the application be considered withdrawn and refunded.

Mr. Kamptner replied in order for the request to be considered withdrawn it would have had to be withdrawn before now.

Ms. Echols noted that it would be something they would be looking to the zoning division to advise on.

Mr. Dotson commented it strikes him as unusual that they need a resolution of intent when there has been an application. It seemed they have an obligation to act one way or the other. It seems that when the Commission adopts a resolution of intent it is because they are initiating the zoning text amendment. The resolution of intent is essentially the application.

Ms. Echols pointed out it has been our practice when someone asks for a zoning text amendment. There are zoning text amendments that have been requested that the Planning Commission has declined to adopt a resolution of intent to continue with. So there is some history on this and it is our standard procedure. However, it has been a while since they have had someone make a formal zoning text amendment request like this.

Mr. Morris noted that it was a good point. He invited further questions.

Mr. Lafferty said depending on the location there is a potential of having 70 cars since they have 30 artists and 10 staff members. If each artist had one person visit for the event they would have 70 cars, which might be an impact on a very small road.

Ms. Firehock asked to go back to staff's chart since it is hard to evaluate at this point. When it is talking about generate with little or no new demand she did not know for fire and rescue on #6 how they can have that possible category for the number of people that are going to need some kind of ambulance or fire service. She noted that a lot of those staff marked as possible she probably would have put yes. She did not know what the metric is for where it gets in the possible box versus the special use permit. For a lot of those she probably would lean towards yes because of what Mr. Lafferty was just talking about with the events they may have.

Ms. Echols clarified what staff looked at are some of the things the Planning Commission came up with in their recommended comprehensive plan amendment. The Board has played with this a little bit. However, these are the kinds of things the Planning Commission looked at in developing the comprehensive plan and looking at other kinds of uses that might be appropriate. So this is not in the comprehensive plan right now. Many of those are things we look at in evaluating the issues.

Ms. Firehock noted she was not questioning whether those things should be evaluated or whether they are the right things to be evaluated. She was questioning all of the X's in the possible category and saying that she believes that many of them would be in the yes box.

Ms. Echols pointed out what this is about right now is looking at whether or not they want to explore this use any further. If the Commission finds they do want to move forward on it, they might want to put parameters around it that make those X's look a little bit different instead of if possible they might be in a different place. They have that ability. However, right now the main issue is whether there is merit in moving to the next step, which is basically to study this. Staff would be bringing back to the Commission more information in a work session.

Mr. Loach asked if someone came to staff tomorrow and asked to build a 30-room hotel in the rural area what would be their position.

Mr. Newberry replied the zoning ordinance would prohibit a 30-room hotel in the rural areas.

Mr. Morris suggested they say it is not a hotel and so on. However, if it was an artist community and so on and they move out does that right to have that 30-bedroom unit stay with the land.

Ms. Echols replied the building and the use for which it is approved gets to stay with the land. However, to use it for a different kind of use if something is approved by a special use permit there is no automatic ability to do that. This issue of reversibility or the issue of what the future use might be would be one of those things that would be studied before they are going to develop any text amendment.

Ms. Monteith asked what the list in the table was formulated from since there were some things in this list they may not consider for all applications.

Mr. Newberry replied the majority of this list came from speaking with other members of the site review committee, zoning, fire and rescue, the building division, the health department, the design planner, and the rural areas planner. Staff collected feedback from all these different perspectives. Looking at the scale of what is currently proposed staff at this point in the analysis could determine that these are the elements that would require further study to determine if it is potentially appropriate in the rural areas. These are the ones that stood out right now. He thinks staff would like to look at it further. One thing that comes to mind is a conversation he had with the applicant where he said across the United States there are about 200 artist communities that exist and every single one of them is different. So this is a difficult use to try to generalize about. Therefore, he thinks a part of putting so many of the criteria in the possible category was the consideration this is a zoning text amendment application and they are looking at this more generally than just where the applicant is coming from with the Virginia Center for the Creative Arts. They are trying to figure out what would be the loose parameters that could make it appropriate.

Mr. Loach noted going the other way under all the work they have done on the rural economic development where does this use fit into that category.

Ms. Echols replied it has been an interesting journey having taken it with the Commission and now going through the journey with the Board of Supervisors on the comp plan recommended by the Commission. When the Commission last left off for the rural areas they left open the possibility that lodging uses might be appropriate in the Rural Area. The Board of Supervisors has said no they are not. When staff brought to their attention the potential mismatch between what they have said about lodging and this use as something different that the use had many characteristics of lodging they said yes, but there is something different about it. The Board had a really difficult time putting their finger on what was different about it. So the Board has challenged the Commission to look at that and see if there is something different. They have also challenged the staff to do the same thing to see if there is more than just lodging that this represents. The Board was open to whatever the Commission might come up with to take back to them. They do want to have some statements about this kind of use in the Comprehensive Plan Rural Area chapter when they finish that up. They are not sure what those statements should be yet.

Mr. Keller asked staff to go back to the slide that said tourism. It seemed that tourism does not have anything to do with this when they are talking about 30 individuals. So he would,

depending upon what they decide, be supportive of continuing this investigation. He would challenge that.

Ms. Firehock asked if he thinks the tourism example was based on the fact that it was going to have open houses twice a month and people would be able to visit it. Was that perhaps why they decided it was potential tourism. Since it said that in the report she was just wondering if that was the justification that visitors would come and perhaps a tourist would wander through and want to visit the art colony.

Mr. Keller said he thinks about the artist communities that he knows and it is really about the experience of the artists actually being able to get away from their everyday experience.

Ms. Firehock noted she understands what he was saying because she had visited such places herself. However, she was just reflecting what it said in the report.

Mr. Keller commented when they go to visit an artist friend there are other artists that don't even want you to be there.

Ms. Firehock noted that it was in their proposal. She questioned whether that was a good idea.

Mr. Keller pointed out it was always a good sales pitch in Virginia is for lovers.

Mr. Morris said his point was well taken.

Mr. Keller said the other comment referred to the list in the table that Ms. Monteith asked about. It was the one that said the considerations that needed to happen and the historic and cultural resources list. It seems when looking at the application where there was up to 40,000 square feet in one or two structures they started today talking about the Castle Hill Cidery and that barn is 11,000 square feet. So they are talking about the possibility of a structure that is four times the size of that barn. That is a massive element in any landscape, but especially the rural landscape. While they know the size of structures that have been built in some of these mega houses that have happened, and that even the horse barns on Barracks Road he does not think are 40,000 square feet. They were the largest sort of architectural or rural structure that he can think of historically in the area. It seems that in that list there needs to be the impact of the individual or the cluster of individual structures that would be residential and ancillary to those residential homes as well.

Mr. Lafferty asked if he was saying they need to study this further.

Mr. Keller agreed he was in support of studying it further.

Mr. Dodson pointed out right now the Commission was asking questions of staff.

Ms. Firehock agreed that some of the questions can be studied as well as whether there is merit to that. Therefore, she thinks those questions are valid.

Mr. Randolph said he thinks all the questions are valid. What he worries about is the nose of the camel. He thinks that one of the requirements for an artist community in the definition is that it be a bonafide established nonprofit organization. However, he also looks at staff's wording, "a use composed of temporary." He is using temporary in two ways. He thinks what they are trying to do is get at the use being temporary. However, he would be much more inclined to be in support of this if in fact the lodging structure itself was temporary, i.e. movable. Within this

colony there might be a single bathing facility with one for men and one for women instead of individual bathrooms. But, within each one of these units they would be movable structures so they can be moved on or off the site. Then the site is not imprinted permanently by permanent structures that would be associated with the colony.

Mr. Randolph said he understands the educational function having worked in a boarding school. He sees an artist community somewhat as an educational operation; and, therefore more inclined to support it. However, he thought Ms. Joseph's note to the Commission was very good where she quotes the Commission would want to look into long term use of new buildings should an artist community be vested and then moved to a different location. What he would worry about is the nose of the camel that they could see different artist colonies come along, and then two to three years they close up shop, move out of Albemarle County, and along comes somebody else who buys them and now has a building there and wants to establish a commercial venture such as a hotel. Indirectly this opens an opportunity for expansion in the rural area that they do not desire. The trouble for the applicant is they are judging the applicant not just from the standpoint potentially of this single application, but the ramifications and implications down the line. One of our responsibilities of the Planning Commission is to look down the line and be thinking 20 years out and what will happen as a result of this. He would think it would be really important for him to be more interested that it would a bonafide established nonprofit organization alone that is involved in the artist colony. Secondly, that the structures in which the 30 resident artists live are not permanent structures, and that they are in fact removable structures that can be taken off the site if necessary in the future. Therefore, the only thing that would be permanent would be perhaps a much smaller structure for meetings because after all this is a retreat. The smaller structure could be to get together and have meals with conversation. However, when looking at 40,000 square feet that is large enough to put an airplane in as Mr. Lafferty referred to earlier in the airport.

Mr. Loach questioned if there is any other exception for an educational institution in the rural area.

Ms. Echols replied there is currently a special use permit for private schools in the rural area. However, an artist community does not have a bonafide educational component to it and is not intended as a school. It is intended as a place for creativity and not for other people to come and learn about it. Therefore, it did not meet any of our definitions. This might be a good time to say that tonight's conversation is not about creating a zoning text amendment, but identifying those things they would want to study further if they decide to adopt a resolution of intent to take this to the next level. So there are no decisions about how it should function tonight that they need to make unless they just want to say these are our concerns about it, which they would want to bring back information on to the Commission at the next work session. If they keep that in mind it might help to know they have time to decide what they might be able to support if they don't feel after they have done all the research they don't want to support it.

Mr. Morris opened the hearing and invited public comment.

Mr. Gregory Allgire Smith asked to address this item since he was the Executive Director of VCCA, the applicant of the zoning text amendment. He understands this is a process. He hoped the Commission had received the one page outline he prepared. It is intended to help this process by providing a definition that is the national standard definition taken from the publication by the Alliance of Artists Communities, which is the national organization of the 200 or so artist communities that exist around the United States. He has put on paper some of the key characteristics he is suggesting for consideration that might help identify what this zoning classification might allow in and keep out if they are concerned about the nose under the tent

edge. He also has included some of the things that relate to Mr. Newberry's X's in the columns regarding to how it fits into the county priorities for the rural areas. He wants to mention several of these just to provide some clarification in the hope that they will see enough merit in this to continue the discussion and work by the county staff. He believes that the function as it exists now is compatible with agriculture and forestry. By saying that he looks to the 35 years of experience that the VCCA has had on 12 acres owned by Sweet Briar College surrounded by another 400 acres of the same parcel that they have leased out over that period of time to a local farmer, who has mowed hay as well as had cattle and horses. There have been agricultural functions around the site. They have not prohibited that whatsoever. Secondly, they have protected the historic structure of a 1930's dairy barn and kept that in an adaptive reuse that has been viewed as beneficial. Third, is the question of tourism. In that function the VCCA has participated in the cultural plan for Charlottesville and Albemarle County, which was specifically mentioned as a worthwhile function. He would like to mention that is something they think is an important aspect to the function, too. He would be happy to answer any questions and discuss this further.

Mr. Morris invited questions.

Mr. Loach asked for clarification. In the staff presentation there is a bullet point that says small performances, exhibits, and fundraising events related to the artist community. He questioned what the definition of small is.

Mr. Smith replied on Sunday they had approximately 50 members of the VCCA board, staff and guests at the VCCA for a thank you for the sponsors of an event that was held at Morven Farm some months ago. He would view that as small. They are not looking to have hundreds or thousands of people. He was rather amazed at the kind of numbers they deal with in terms of the zoning code. To provide some provision for an opportunity to be able to show what they do to the public whether that is with 50, 100, or 200 the Planning Commission and Board will determine what goes into the code.

Mr. Loach pointed out it noted there would be music performances on site. He asked if there were any on-site sales.

Mr. Smith replied they don't do any on-site sales currently. What they basically are trying to do is provide the artist an opportunity to expose their work to a broader segment of the community. He thinks they have done that respectfully to the neighbors and all the rest in the past decades

Mr. Dotson said he recalled reading it, but asked him to refresh his mind where he was located before Sweet Briar since he has already been in the county.

Mr. Smith pointed out they were located at two locations in Albemarle County. They were established at Wavertree Hall in the Batesville/Greenwood area and existed there on private property for a couple of years. Then the property owner wanted to do something different. They relocated to the east side of Albemarle County and then a few years later made the move to the Sweet Briar property. They have been operating there for 35 years.

Mr. Dotson asked if they were looking for a property what kind of property would they look for.

Mr. Smith replied that he had been looking for a property for two years on behalf of the organization. Contrary to one of the points on the screen they are not considering whatsoever any urban locations. There are artist communities that are urban. However, the model they follow goes back to the establishment of the very first artist community in the turn of the century

about 100 years ago. Those have all been rural. They have sort of followed the rural model that the McDowell colony established so long ago.

Mr. Keller pointed out that Morven consistently comes up as a discussion point in the press. He asked do they have anything to say about the residential uses that occur. He assumes that they don't because it is a state facility.

Ms. Monteith noted the residential uses at Morven are long term. They are cottages that are for the most part lived in by people who are working on the property. There are a few people that don't work on the property who work at UVA or have some other affiliation. But, they are not regularly rotating properties and that type of use has existed for a long time. It is not as if there is anything new that is being built there. It is just use of the existing buildings on the site. She asked if that addressed his question because she thought he was asking about residential uses.

Mr. Keller replied yes, although it is incorrect antidotal information that seems to imply that there are people who come in on a temporary basis fairly regularly to Morven.

Ms. Monteith replied that she did not think so. She is actually working on the project and has a little bit of knowledge about what is going on there. There are some visits, but it is not something that is happening on a usual basis.

Ms. Firehock pointed out there are workshops and retreats there she has attended for various groups. So they do use it as a retreat center, but usually something that is affiliated with the University of Virginia.

Ms. Monteith noted they have a transportation plan with the county, and all of that is accounted for in terms of day use of the site.

Mr. Morris invited further public comment.

Marcia Joseph, resident of Albemarle County, asked to remind everyone that for years and years they have been looking at the rural areas and people have contemplated corporate retreats or whatever. They have really tried to make sure those sort of things are not the norm in the rural areas. She liked Mr. Randolph's creativity, but she hoped that something like that would work. It is this permanent nature of 30 rooms, 30 bathrooms, 30 studio spaces and eating spaces. One of the things she is hoping the Commission will consider is how long could this operate without public water and sewer. They have already had Monticello come and ask for public water and sewer. If this is very successful and there are people there all the time how is this going to affect the groundwater. So it is all those planning issues that they always look at such as traffic, groundwater, noise, and all sorts of things that happen. When she was looking through the ordinance she found it interesting that one of the things they allow by special use permit in the rural areas is a monastery. It is the first time, and Mr. Kamptner can comment, that they actually identify the users of something. It is specifically nuns, monks or friars that can use the space. She did not know how they can identify that only artists can use the space. She questioned if they would be discriminating against other people to say it is okay for artists to have a retreat like this, but it is not okay for GE or for someone else that wanted to have a retreat. She questioned what makes this different as a land use issue. She thinks artists are great; but, how does this as a land use issue separate itself from the users. She also wanted to note they have a private school such as Miller School. To get an idea of the size that school is on over 1,000 acres. So she thinks they really should consider the scale of these operations if they are looking at 20 acres. They already have a building proposed that is an acre, which they need parking facilities for. She asked how is this really going to be a retreat on 20 acres. She is

hoping the Commission will take some time so they can all as a community think about this. She really hopes the Commission will have a work session before this ever goes to a public hearing.

Jeff Werner, with Piedmont Environmental Council, said PEC has been extremely concerned when something comes up about changing the rural area regulations. He wants to be very clear that they mean no disrespect or ill will towards the applicant or their mission since it sounds very interesting. His job is to ask the hard questions about what happens if. Something Wayne Cilimberg has said often is it is never a good idea to tweak the zoning ordinance just for a single use on a single parcel. He knows Ms. Echols has mentioned this is not about a zoning text amendment, but the resolution still refers to a zoning text amendment. He thinks what he is most concerned about is that this sort of discussion right now is in the abstract. They are not talking about somewhere and this use if allowed will end up somewhere. It will abut someone's property and will be on someone's road. He thinks before they start tweaking things that maybe they are going the right way to really burrow into this. He thinks the question before a whole lot of time consuming research is would this use even fit into the county. Maybe most importantly is there somewhere that it could go and that the neighbors would accept it. He refers back to when the Howardsville Canoe Livery wanted 48 tent sites and there was tremendous vocal opposition to that. Therefore, people do become concerned about these things. He did want to offer that relative to any consideration moving forward that there has to be some correlation here between the number of units and the number of development rights. It has to be that relationship.

Mr. Werner noted one thing he noticed was this could be done by right by going out to purchase enough land to do a rural subdivision that allows 30 residences on it and be done with it. However, a couple of thoughts he wrote down was rooms, bathroom and dining, which sounds like a hotel. He understands the nonprofit nature, but UVA and PEC are a nonprofit. Being a nonprofit does not mitigate the impacts of a potential land use and Mr. Kamptner could probably better address that. However, it is the impacts and whether or not it is a nonprofit causing them. What are other communities that could be out there? It could be a scholar community or other use. Art takes on a lot of different forms. Some are noisy and some not. Some are smelly. Some involve heavy materials and metal. One last thing is could this use be later coupled with a winery or an agric operation so that it becomes a venue. There is really an interesting possibility here and he hopes the applicant does not mind our hard questions.

There being no further public comment, Mr. Morris closed the public comment to bring the matter back before the Planning Commission for further discussion.

Ms. Firehock said she understands this is complicated and probably warrants further study. However, then she tries to think about what they would be doing when they would be studying it. There are a couple of things that come to mind that are complicated. One is this notion of the fact that it is implied they need this rural area location because they want it to be motivated, and they want a quiet place. Nature inspires creativity. There is actual documentation and research that show that. However, she finds it difficult to define art. She knows that was something they listed as needing to be studied. She was not going to evaluate this on the merit of this particular applicant wanting to do this. She was just thinking about that kind of a use. Someone could in the future say yes I am going to buy this property and it is going to be my art group and maybe they will have some art classes. That is how she is going to define it. She thinks it would be very difficult to define doing art and asked how do they write these rules. The other thing she would mention is the fact the Board of Supervisors has not been amendable to lodging in the rural areas. She did not know how to differentiate this as lodging in the rural area. She has visited artist communities in other states and also visited religious retreats. She did not know

how they would address design. She personally is not really interested in studying this further because it has too many difficulties given our current position on lodging in the rural areas and the difficulty of defining the use so that they know that future users would indeed be the same.

Mr. Morris invited further comments.

Mr. Dotson commented that one of the bullet points talked about extinguishing development rights. If he can conceive of the Sweet Briar situation there is kind of a compound of 12 acres and 700 or 800 acres around that. If that was in conservation easements and eliminated even more than 30 development rights in the rural areas that would certainly make him pause and think about it more than he would if this was just on a 12 acre freestanding site without any extinguishment of development rights. So that is just one thought if they study it further to think about. A second thought is he would think crossroad locations might be a place where they are going to have kind of a cluster of activities in the rural area where there is an expectation of somewhat more intense activity as opposed to kind of a remote rural location. That might be worth exploring as it is studied further. Not all rural locations are the same and perhaps there are some others like a crossroads community that have a different set of expectations. Those are two thoughts of things that they might look into if they study it further.

Ms. Firehock pointed out she thinks one of the problems they have as a Commission is the fact that they have the rural area that have different characteristics, uses, and scales of uses. Therefore, because they have not defined it further is why she feels uncomfortable with just saying this can go in the rural area.

Mr. Morris asked Mr. Smith if he would like to address any of the comments he had heard before they continue.

Mr. Smith replied no.

Mr. Kamptner asked staff about the discussion of the Board of Supervisors on the 9th. The report says that the Board of Supervisors intends to add support for this type of use in the Rural Area Chapter in the Comp Plan. He realized the resolution of intent was added to the Commission's agenda and asked was the Board's expectation that this should precede the Comp Plan.

Ms. Echols replied no, and suggested that might be an earlier version of the staff report because staff did a revision.

Mr. Kamptner asked about the last sentence in the discussion section above the conclusions.

Ms. Echols read the Board requested further input from the Commission as it reviews the request. The Board of Supervisors was struggling over this in terms of their discussions because on the one hand they had already said no lodging, but on the other hand they were persuaded that there might be something unique about this. There were a lot of comments that night. She was not sure they presupposed they are going to support this, but they seemed to be leaning in a direction to want to see if it might be possible. However, they did not say we are going to do this. They also said they have got to use our Planning Commission to give them guidance on the appropriateness and whether or not there is value in moving to the next step.

Mr. Loach agreed with Mr. Dodson's comment if it is a size and scale that can be used and depending on where it is that it may be a plausible item. In addition, Mr. Werner made the point that if they did it by right and had the size and scale they could do it by right as a rural

subdivision. He thinks they are going to have to look at the technical aspects. Ms. Joseph brought up water and sewer, which is a fairly substantial impact that he was seeing. They would need to look at the feasibility to run the 40,000 square foot artist community with 30 artists and staff, etc. visits. He thinks in terms of education, even though there is no teaching or classes, that the fact that an artist is doing their own self exploration that to him is in fact a form of education. He can see that as an educational activity.

Mr. Keller said he was inclined for further study because they have raised a lot of interesting issues. For instance, he thinks there is a counter point to Ms. Firehock on the lodging. One could conceive of this as long term. There might be different bodies, but in effect they are residents as opposed to people who are coming and staying in a hotel for a short period of time. The idea is a continuity of residency apart. However, he still thinks it warrants exploration because as they are talking about Albemarle County as a really special place he thinks that having the location for artists who would come from all over the country and world to be a resident that they should be able to have a place for them. Then how do we define that in such a way that it continues to be that and nothing else

Mr. Morris said in listening to all of the comments by the Commissioners and the multiple questions that have come up his question was this the best use of staff's time.

Ms. Echols replied that they have been obligated to process the application and the Commission needs to decide whether it is a priority for the county.

Mr. Morris said if it was an application they could act upon the application. However, for further study he did not think this was the best use of staff's time. That is his opinion.

Mr. Loach agreed with Mr. Keller in support of further study.

Mr. Lafferty said he thinks staff is between a rock and a hearth place. He thinks with all the questions that have come up in trying to figure out how to do this he would be inclined to further study it.

Ms. Firehock said as an academic she liked to study things. So if the Commission wants to study it she would study it. However, she is still perplexed as to how to resolve some of the major things.

Mr. Randolph said he felt they should continue to examine the situation.

Mr. Dotson said as he listened to the members of the Commission there are sort of two ways they can go. The first he would call the yes if approach. That would be sort of an encouraging approach where they still have some things to look into, but they are quite intrigued with the possibilities. They might well go forward. But, that is not what he is hearing. The other characterization would be no unless, unless they can be really creative and kind of think outside the box, which they are not able to do. So he thinks they are at no unless, but maybe. However, when they have an application his personal position is they have an obligation to process it and he is for further study of it.

Mr. Morris noted that Mr. Keller was for further study.

Ms. Echols pointed out she did not believe the resolution of intent as provided is in keeping with Mr. Dotson's recommendation because the very last statement says be it further resolved the Planning Commission shall hold a public hearing on the zoning text amendment proposed by

this resolution and make its recommendation to the Board of Supervisors at the earliest possible date.

Mr. Kamptner pointed out that was standard language.

Ms. Echols said she did not know if there was anything that could be done differently with the resolution of intent that better reflects what Mr. Dotson's desire is, which would be a resolution of intent to study it.

Mr. Kamptner noted what the resolution of intent really does is direct staff to study the issue and move forward with its recommendation.

Ms. Firehock pointed out the Commission's concerns have already been noted in the minutes. Therefore, she thinks they have to precede with a caution flag.

Motion: Mr. Dotson moved and Mr. Lafferty seconded to adopt a resolution of intent for further study of ZTA-2014-00005 and to schedule a work session to determine the next steps.

Mr. Morris invited further discussion.

Ms. Firehock noted it would be helpful when they do get to this further stage to actually have some information from other localities as to how they actually zone these. Part of the difficulty in having this discussion is they have no current model in Albemarle nor does she know of one in the surrounding counties and they are trying to decide whether it is a viable thing that they can create. Therefore, that would be a key thing as to the research. She does not want to know so much what the other communities are like, but she wants to know how they zone for them.

There being no further discussion, Mr. Morris asked for a roll call vote.

The motion passed by a vote of (7:0)

Mr. Morris noted the Planning Commission adopted the resolution of intent for further study and to schedule a work session to determine the next steps.

The Planning Commission recessed at 8:03 p.m. and reconvened the meeting at 8:15 p.m.

Old Business

- a. **ZMA-2013-00004 Hollymead Town Center (Blocks IV and VI)** - Referred from Board of Supervisors on September 10, 2014 for PC recommendation. (Claudette Grant)

Ms. Grant presented a PowerPoint presentation to bring the Planning Commission up-to-day.

On September 10, 2014, the Board of Supervisor's held a public hearing on ZMA-2013-00004 Hollymead Town Center (Blocks IV and VI). After the public hearing, the Board of Supervisors, by a vote of 4:2, referred this ZMA-2013-00004 back to the Planning Commission for a determination as to whether the applicant's amended application plan addresses the expectations expressed in their action regarding this ZMA on July 29, 2014.

Albemarle County Planning Commission
December 2, 2014

The Albemarle County Planning Commission held a public hearing on Tuesday, December 2, 2014, at 6:00 p.m., at the County Office Building, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Cal Morris, Chair; Karen Firehock, Richard Randolph, Thomas Loach, Bruce Dotson, Tim Keller, and Mac Lafferty, Vice Chair. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was present.

Other officials present were Bill Fritz, Chief of Special Projects; Amanda Burbage, Senior Planner; Claudette Grant, Senior Planner; Elaine Echols, Principal Planner; Sarah Baldwin, Senior Planner; Wayne Cilimberg, Director of Planning; Sharon Taylor, Clerk to Planning Commission and Greg Kampner, 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.

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

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.

Committee Reports

Mr. Morris invited committee reports.

Mr. Keller reported the Fiscal Impact Committee met.

Mr. Randolph reported the following:

- CIP Oversight Committee met on Monday and included in their discussion ways to potentially fund key planning studies for such things as the Rivanna River Corridor, Crozet Master Plan and recreational projects.
- The Solid Waste Task Force urges everyone to fill out the questionnaire about solid waste on the county website that will be operational within two weeks. The results will be used in determining how to move forward with solid waste.
- The Historic Preservation Committee continues to move forward on preparation of on-line information to be available for people who are interested in ensuring that their historic home will be preserved.

Ms. Firehock reported the National Heritage Committee and Water Resources met.

Mr. Lafferty reported the MPO Policy Board will meet on December 17th.

Mr. Morris reported the Free Bridge Congestion Relief Project Committee met and finalized four possible solutions to address congestion in that area.

Mr. Randolph also reported he attended the first town hall meeting of both Supervisors Dittmar and Palmer last night.

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

Consent Agenda:

Approval of Minutes: November 18, 2014

Mr. Morris asked if any Commissioner would like to pull an item from the consent agenda for further review.

Motion: Mr. Randolph moved and Mr. Lafferty seconded for approval of the consent agenda.

The motion carried by a vote of (7:0).

Mr. Morris noted the consent agenda was approved.

Review of Board of Supervisors Meeting – November 11, 2014 and November 12, 2014.

Mr. Cilimberg reviewed the actions taken on November 11, 2014 and November 12, 2014.

Ms. Firehock asked when the schedule for 2015 will be available.

Mr. Cilimberg replied that a draft schedule has been completed that he would email to the Commission and provide at the next meeting.

Work Sessions:

ZTA-2014-00005 Artists Communities/Residencies

Add a section on Artists Communities/Residencies to the Comprehensive Plan to allow for a Zoning Text Amendment providing Artists Communities/Residencies by special use permit.
(Mandy Burbage/Elaine Echols)

Purpose of Work Session: The purpose of this work session is to establish whether or not the Planning Commission considers an artists residency as a use aligned with the County's Comprehensive Plan goals and, if not, whether there are circumstances under which the use could be supportive of the goals for the Rural Area.

Staff Presentation:

Elaine Echols and Amanda Burbage presented information on the Comprehensive Plan aspects of the proposed zoning text amendment request from the Virginia Center for Creative Arts for an artist community in the Rural Area.

Ms. Echols noted the Board of Supervisors had asked for a recommendation for the Comprehensive Plan update in relation to this use. Therefore, she was working at a little higher level on the Comprehensive Plan aspects of this. Staff will get more into the ZTA aspects of the proposal if the Planning Commission decides they need to be pursuing that. Ms. Burbage is here to answer questions since they worked on this together.

Content and Background

- ⊙ Early 2012: Staff worked with the applicant who made the application for the zoning text amendment on whether or not what he was proposing was allowed by the zoning ordinance. Basically, it was an artist community or artist residency. She would explain later why they wanted to use that term as was noted in the staff report. Staff determined the use was not allowed. However, because of the nuances of the different activities that this particular use would involve the application made the ZTA application.
- ⊙ June 2014: ZTA application
- ⊙ Sept. 9, 2014: BOS Review since the use is not addressed in the current or proposed Comprehensive Plan, but is unique. Staff wanted to see how the Board wanted to deal with that in relation to the Comprehensive Plan. The BOS sent it to the Planning Commission (PC) to study.
- ⊙ Sept. 16, 2014: Planning Commission (PC) asked to study the proposal since they could not guarantee a recommendation for approval. The PC was not convinced this is the right use for the rural area, but they want to study it and see if there is something to it that warrants allowing for this in the rural area.

Staff started looking way back at a higher level of some the issues that relate to who and what is an artist so they could get down to the details of the essence of what is being proposed. Looking at different sites and dictionary descriptions, they came up with descriptors of who is an artist. Part of this is to distinguish it from anybody who wanted to go out and do anything collectively in the rural area.

Who is an Artist?

- ⊙ A person who, by virtue of imagination and talent or skill, creates objects or works of aesthetic value, especially in the fine arts and whose work requires a studio.

- ⊙ Examples include but are not limited to painting, sculpting, writing, and composing.
- ⊙ Professional or hobby
- ⊙ Peer review or juried works, which is the level at which this particular use is being reviewed.

Artist Community/Residency

- ⊙ Use that allows artists to create art in a place that offers room, board, and a workspace for individual endeavors
- ⊙ Professionally run organizations, often non-profits. They have a Board of Directors and a lot of standards that are placed upon them. Mr. Kamptner provided information to staff just before the meeting showing that just because something is a non-profit does not mean it is tax exempt. Therefore, staff would want to look into that a little bit more.
- ⊙ Usually involves financial support for the artist. Staff finds that most of these organizations have sponsors and receive gifts in order to support the artists who are creating works.

The website for the Alliance of Artist Communities describes a lot of what these places are and what they do. It talks about the creativity that takes place. It may be called a community, colony, retreat or a studio collective or residency. The use can take place in urban or rural areas since there is not one size that fits all. Staff wanted to look at this at a high level to see how this fit into the County's vision for the Rural Area.

In keeping with the Vision these are the uses or activities expected for the Rural Area:

- ⊙ Farms, forests and an agricultural and forestall economy
- ⊙ Interconnected areas of viable habitat for native wildlife
- ⊙ Healthy streams
- ⊙ Protected historic structures
- ⊙ Traditional crossroads communities
- ⊙ Lively rural industries
- ⊙ Tourist economy

Those are pretty much the same in the existing and proposed Comprehensive Plan. In looking at all of those the main thing that jumped out was this kind of use could have an aspect of historic preservation that helped keep the vision of the Rural Area active.

Staff went through the goals of economic development and looked to see whether or not this use was in keeping with these particular goals. As stated in the staff report, they don't at every level because they really are not about tourism or sales of art.

In Keeping with Goals for Economic Development:

- ⊙ Promote agriculture, forestry, and agribusiness enterprises in the Rural Area
- ⊙ Promote tourism that helps preserve scenic, historic, and natural resources.
- ⊙ Promote vibrancy of heritage tourism, entertainment, Agritourism, local food, and art.
- ⊙ Provide support for jobs in the arts, design, sports and media (Arts and entertainment are complimentary target industries that they want to support in this community.)

As stated in the report, staff thinks there could be some value in helping to preserve historical resources. There are a lot of historic resources in the County's Rural Areas and the goals are to protect and reuse them. There is also the cultural plan that was prepared last year. Albemarle County contributed money towards the development of this plan and then endorsed the plan when it was presented to the Board of Supervisors. It talks about the importance of supporting artists in a community. One of the strategies in there for business development was to help create a place for artists to thrive. Staff thinks that in terms of the goals that are in the Comprehensive Plan the historic resources is the primary one. There is support in the cultural plan, which is not a plan that has been adopted by the County and not one the Commission has seen. However, it is a community based plan.

In Keeping with Goals for Historic, Cultural, and Scenic Resources

- ⊙ Pursue additional protection of historic resources
- ⊙ Promote re-use of historic buildings and sites
- ⊙ Charlottesville-Albemarle Cultural Plan - strategy for business development: create a place for artists to thrive (artist residency)

In terms of where they are with this, staff found the use might be viewed as being in Conformity with the Comprehensive Plan (current and draft plan), if it could result in the following:

- Adaptive reuse of a historic building
- Reflect a complementary size and scale that is appropriate to its setting
- Be compatible with nearby agricultural/forestry uses
- No adverse impact on roads/traffic
- Generate little demand for emergency services
- Operate without need for public water/sewer
- Allow conversion back to its former use OR to a by-right use in the district

These were the aspects, other than the adaptive reuse of a historic building, that were important to the Commission when they were talking about alternative uses in the Rural Area. These were the standards the Commission had set and that exist in the existing and proposed Comprehensive Plan, and to date the Board of Supervisors has been in support of.

Staff was trying to parse this down into something that helped to retain the integrity of the plan. So staff has added for the criteria that talks about reversion that the use could be converted and that a new use could revert back to the buildings for which an original use was proposed. Staff's concern with reversibility on this is that if someone built something that is new in the Rural Area that is not in an historic structure and it has characteristics of a use that they would not want to have as either a by-right use or even as a special use, then that could be problematic in the future. Something the Commission raised in their last discussion was how do they retain the integrity of the Rural Area and not allow new uses and buildings that could result in something they don't want such as a resort, retreat center, or lodging.

Recommendations on how this use could be in conformity with the Comprehensive Plan:

- Use may be appropriate for a historic structure
- Building additions should allow the building to revert to its former use
- Construction of new buildings should be allowed if the future use of the building could be a by-right use

Next Steps:

- Planning Commission Discussion and Conclusions
- If Planning Commission agrees with staff – staff will develop parameters for development of a Comprehensive Plan Amendment (CPA) recommendation to provide a few statements in the Comprehensive Plan that would then provide the guidance for a ZTA
- Planning Commission can forward those parameters to the Board of Supervisors for recommendation for the Comprehensive Plan
- Planning Commission can continue with development of ZTA

Ms. Echols pointed out the applicant is present. She encouraged the Planning Commission to ask questions of the applicant.

Mr. Morris invited questions for staff.

Mr. Keller complimented staff on the report. He said bringing in the historic issue in the rural area was an interesting way to open discussion in a positive perspective.

Ms. Firehock noted last time the Commission talked about the notion that the artist community use does not have to be in rural area. She did not totally agree with the conclusion because part of the reason they want to be in the rural area was they were inspired by nature. She wants to follow what the comprehensive plan says, but had some sympathy of having a retreat in the rural area. They could address the traffic and noise later.

Mr. Loach asked if there was any economic data available since the staff report says several jobs would be created. Ms. Echols replied that she was not sure this is really an economic development endeavor. It is not a library or school, but the cultural aspects are similar to what a school or library would provide in the sense that it is creating

something that is good for society. Small numbers of people would have jobs. There would certainly be the sourcing of the food or any other supplies that the artists might use.

Mr. Loach asked about the availability of historic structures. Ms. Echols replied that she did not know that they have any information on historic structures that are for sale or available for these kinds of things. She knows the applicant has a particular historic structure in mind that is not in a crossroads community. There are a number of historic structures that have the potential to not be maintained because they don't have viable use.

Mr. Lafferty said he was glad that staff defined what an artist was because it could be a dance studio. That was not an object that they are producing. In the report it is mentioned the applicant wanted around 20 acres and he questioned how likely they are to find that in a crossroads community. Since they are probably a non-profit what is the tax implication they would be losing for the county. He realized it depends on location, but some rough idea. Ms. Echols replied that it depends on a lot of things. Property taxes are what somebody would be paying if they were not tax exempt. However, they might have a large piece of land that then gives them some land use taxation benefits. So she does not really know the answer and it is kind of hard to say.

Mr. Randolph said as a follow up in terms of procedure he was assuming that staff would contact Ms. Maliszewski and this will go through the Historic Preservation Committee as well so they can provide input on it. Ms. Echols replied staff was just waiting for the Planning Commission comments and part of what staff would plan to do.

Ms. Monteith pointed out that they need to consider that historic resources are going to be very randomly location.

Mr. Morris opened for applicant and public comment. He invited the applicant to address the Planning Commission.

Mr. Greg Smith, County resident and homeowner, said he was present in the capacity of Executive Director of the Virginia Center for Creative Arts (VCCA) which is currently located in Amherst County on property owned by Sweet Briar. He thinks they do not pay property taxes on that. They have been operating at that location since the late 1970's after being established in Albemarle County in two locations just for 2 to 3 years at a time. He thanked staff and the Commission for their previous work. Obviously, this is a very complicated question not just in terms of this particular use in the comprehensive plan, but in the essence of what is an artist community and how does it fit in. They have already made some comments about what it is not. It is a little bit like a school, restaurant, hotel, B&B and a lot of things. Like the blind man and the elephant he does not think that it sums it up. He is here to represent the elephant and hope that it fits into the picture in the landscape here.

Mr. Smith commented on the question about the use being in the rural area as opposed to the crossroads or development areas. He pointed out the organization has in all of its history been located in the rural area. They are on property that is zoned agriculture. It was a dairy farm and looks like a dairy farm. Until the cows and the horses recently moved so that Sweet Briar could do a deal for growing bio mass switch grass it felt like a dairy farm, except for the core area where their buildings are located. They lease 12 acres of a 422 acre historic farm. What is compelling is what our artists tell us. The opportunity to get away, which Ms. Firehock was saying, is really at the essence of it. When they did a survey in the last calendar year of their artists they said it was overwhelming the sense of isolation, remoteness, contemplation and to get away from noise. They have a sign leaving the property that says returning to the real world that was done by one of the artists many years ago. The artists want to get away to be able to concentrate very strongly on the work. Why that is important is that the artists tell us they get 5 or 6 times the amount of work done when they are in residence at our place than when they are at home when they have jobs, families and the necessity to buy food, cook food and clean up afterwards. All they have to do with us over the issue of food is to eat it and have a conversation with like-minded people at the same time. So that is of critical importance to way they function.

Mr. Smith said he understands and agrees with the county staff that not all artist communities are in rural areas. However, our artist community follows the traditional model that goes back to MacDowell and Yaddo in the early part of the 20th century, which were very much in rural areas to provide that kind of retreat. In the last 25 years artist communities around the country have been established that are much more urban or tied in to a neighborhood community, a city community, or a college or university community. They don't follow that model so the ZTA that they have prepared, which is in our own best interests, reflects our history and desires.

Mr. Smith noted secondarily related to the comprehensive plan because he understands that is the broader context they are working within. Actually one of the things that make the protection of the rural area important to us is over the issue of historic preservation. Right now they are in a kind of a half and half situation. They have adapted a 1930 barn to be the studio barn. All of the studios except for two are located there and the other is in a former garage that also dates back to that time. However, the mansion that was on the property that was historic unfortunately burned down when renovations were being done. It was replaced by a contemporary structure that is basically a very utilitarian structure for bedrooms, bathrooms, dining facilities, and other communal spaces. To limit it to buildings or properties that have the potential for the adaptive use of historic properties would essentially eliminate a great number of possibilities for our relocation to Albemarle County. Although the location they are primarily entertaining right now does have an historic house, it would need to be complimented with new construction for studios. They don't find studio type spaces in 19th or early 20th century structures. People did not build houses like that. However, barns are very good for adaptive reuse and that is reflected in our history. They are very much interested in the aspect of the VCCA relocation to the county that would fall into place along with historic structure conservation and protection. They are looking to protect the larger tract parcel rather than seeing it developed into by right residential. Therefore, that factor could have been a stronger argument in their documentation to the Planning Commission. He is mostly here to answer any questions and provide information.

Mr. Morris invited questions for Mr. Smith.

Mr. Dotson asked what he meant when he said he was interested in protecting and preserving farmland.

Mr. Smith replied that a good example is for the past 35 years they have only leased 12 acres. However, those 12 acres have essentially been preserved as a one tract large parcel of 422 acres with cattle and horses around it. He alluded to the fact that Sweet Briar has changed its deal with the farmer and the cows and horses are gone. Our artists are dismayed by that. Some of the artists are New Yorkers who have never seen a horse or cow up close. They are in a rural environment they find incredibly valuable to their creative juices and effort in time. They are not interested in moving to a location that is going to be chopped up. They have been talking about the opportunity to give up developmental rights because our goal is to protect the whole of the property as a buffer from the outside world for these artists.

Mr. Dotson said what he is not quite clear because on the one hand they could protect rural land indirectly by providing an income to a farmer who then is able to keep his farm, but there is no conservation easement or any other type of formal protection on it. But, it sounded like they were envisioning that there would be a formal protection mechanism for a conservation easement.

Mr. Smith replied that in discussions with staff they have not talked about conservation easements specifically. However, they have talked about the question of a large tract which owners have by right opportunity to build on it. They are interested in doing other than building for the purposes that he has explained and the kind of numbers that he has included in the ZTA. What they have talked about more has been an agreement to give up developmental rights. However, a conservation easement might be another way to do it, too. He pointed out no one has raised that before tonight.

Mr. Randolph noted in the document submitted on June 12, 2014 on the ZTA he had put down a required density limitation that this use shall require a parcel of a minimum of 20 acres. He asked if Mr. Smith would have difficulty if they recommended a minimum of 21 acres. They have discussed economic development in the rural area and agric business and tried to set a standard of 21 acres. He asked if one acre would make a difference.

Mr. Smith replied that one acre would not make a difference. In fact, it was just a starting point in the discussion since he knew that one of the issues would be what the minimum size is for this kind of use. He thinks actually he had seen a reference to 21 acres and when he wrote it up he miswrote it.

Mr. Lafferty asked if he any problem with the reversion that the county has mentioned several times that if they vacate the land it going back to the previous use or a use that does not disturb the rural nature.

Mr. Smith replied obviously if the VCCA gave up its property it would be because it has gone out of business. He

would think probably they would not be caring too much about the future that way. However, he understands the issue of reversibility. It has come up both in the terms of what happens to the property as a whole and also what happens to any buildings that are constructed or adapted. He thinks that is a valid question. Frankly, he thinks that the kinds of values that the staff has indicated to us in this discussion are very much parallel to the values that they have. He has tried to describe that a little bit. They are preservationists. This is all very much in sync. The question is what the particulars are beyond the bigger picture discussions they are having right now. He did not see any problem with the reversibility issue. He has often thought if they were constructing a building now unlike what was done in the late 70's with our residences hall it would fit into the landscape better if it were designed to look like a barn. There is now wonderful timber structure architecture that really goes well with that.

Mr. Lafferty noted he brought up the concept of a central place where people feed and then 20 or 30 little studios around it, which would not lend itself to future use.

Mr. Smith pointed out there were different models that way. MacDowell Colony in New Hampshire has studios that are spread around throughout its acreage. In our situation because there was a barn and mansion they went to the kind of 2 structure approach. One of the things in surveying artists is the walk between their bedroom and the food service to their studio is an important mental transition. It is like making the commute to work. They kind of clear their head and figure out what they are going to do with the next 8 to 12 hours he is going to put in at the studio. They spend more time in the studio than in the residence. They have gone to this model of 2 buildings and yet different properties that might be potentially for us in the future might have different characteristics that drive things towards different solutions.

Ms. Monteith said she was trying to piece together the 12 acres that he has now; the fact that he was in a 1930 studio barn in a garage, and then what was submitted in June which was essentially a range of 20,000 to 40,000 square feet. She said it seems that there are some gaps there because most barns are not that large. She was trying to understand the difference between that. She knows the Commission reacted to that 20,000 to 40,000 square foot number at the June meeting because 40,000 square feet is not far off from an acre under roof. She was trying to understand what he has now and the fact that it is in a barn(s) and what has been proposed for an assemblage of square footage that seems quite large.

Mr. Smith explained they currently have 4 structures. The barn and resident's hall are each close to about 15,000 square feet. The residents' hall is on 2 stories and the barn is a 1 story structure. The other 2 buildings are the former garage now called the cottage and it has 2 live/work spaces for the artist. The other is a maintenance shed. Currently they have about 33,000 or 34,000 square feet in 4 buildings. In the request he put something towards the upper side not knowing about where this discussion was going to go. If a building came up that had 20,000 of barn space, then that might change it and not make possible if he just put 33,000 square feet. Some of that just as the acreage question he thinks at least with his discussion with staff is still one of the sets of particulars that are open to continued discussion and negotiation. He hopes that clarified the question.

Mr. Morris invited public comment. There being none, the public hearing was closed and the matter before the Planning Commission for discussion and recommendation. He asked if there was any discussion.

Mr. Keller agreed they should follow the steps outlined by the staff. He believed strongly that the issue of new construction is really at the core of this. He thinks staff's recommendation to think about adaptive reuse and the issues of reversibility fit very well with the rural areas. He thinks that the amount of square footage is extreme. He also thinks there is an issue here in terms of this reversibility about the fiscal health of an institution such as this. He would like a little background piece on the history of artist communities like this and whether they are continuing to be ongoing or whether there are a number that fail. From his experience as a consultant in working with a number of artist communities around the country, not one like this particular one, but this is just allowing us to have the possibility of having more. He knows they can't really explore that, just like they can't explore who is going to purchase a property. However, it would be good for us to understand what that track record is up there. Again, that goes back to the issue of if it is going to stop being the use then how is this parcel going to be used and what kinds of changes are going to be called for after that.

Mr. Dotson said he is very torn by this. He thinks it would be a very positive addition to the community. He thinks there would be indirect economic benefits even if not direct ones. It would help bolster the local arts community.

He thinks it would be a very positive thing and he would like to see it in our greater community. However, on the other hand he did not see it in the rural area. He felt it was not sufficient to say that some piece of the structure would be historic. Perhaps it would be a barn. The new construction he worried about. It brought to mind that as you drive into Fredericksburg through Spotsylvania County on Route 3 that runs east/west and you look off to the left there is a national chain hotel that took and did a very nice adaptive reuse on a barn. It gets your attention sitting right in the middle of the suburban strip malls and so forth. If they had these structures and this artist community was to leave he thinks they would be under great pressure to convert them and render them useable for other uses, possibly a chain motel. His question really is if not here meaning the rural area, then where? He understands the applicant is principally interested in the rural area. However, the staff pointed out tonight that 60% of these are in rural areas or small towns. Forty percent are in urban areas. He is guessing that greater Charlottesville would fall into urban area. But, to somebody from New York it might seem like a small town.

Mr. Dotson said he was puzzled by this and so he went to the same site that Ms. Echols had shown some slides from. He found a couple of things. From the Alliance of Artists Communities in advising artists about choosing the right residency for you, isolated bucolic retreats in the middle of a city or vibrant activity in a rural area. The community within the residency is as important as the external community. So if they want it here he is not convinced that it has to be in the rural area. Going on a little further it says geography alone does not dictate how much connection there is to the community. Instead consider how many other artists will be in residence in this community and what other programs and organizations the community has for workshops, exhibits, performances, etc. This got his attention in how much access there is to transportation and other means for interacting with others outside the residency. Yes, this is a place of retreat, but it sounds like it is also a place of action, and in fact the benefits to the community would come from that interaction. A rural area location does not have the transportation to get people about. The proposal the applicant made as a conversation starter, he thinks, he was talking about one-half a car for each artist. That strikes him as low, particularly when he read that some of these allow families to join the artists. What it makes him say is that he wants to be supportive of this use in our community; couldn't our economic development staff work with the applicant and seek other perhaps more appropriate locations? Unlike Mr. Keller he is not convinced that involving an historic building is sufficient to go forward. He thinks it is kind of intriguing to think about cross roads communities because that might be a small town kind of setting. But, he sees that as a longer term thing. If the applicant is looking for something shorter term if he has to get out of his existing facility perhaps, he would say look for a different location that is not in the rural area. That is where he stands on this.

Ms. Firehock noted she was trying to think about places that might look kind of like an artist community. She was thinking about some of the camps that are down along the James River Road that are setback off the road that have dormitories. She was also thinking about other sort of retreats like religious retreats she has seen where the buildings are very ugly that she can see from the road. She asked if there was any guidance they could provide in terms of setback or screening so if an artist community would come into a rural area it would not disturb the rural character too much. She was thinking whether it was possible to specify not just the rural area, which is 95 percent of the county, but to say something like within close proximity to some of our smaller more developed areas like outside of Crozet or Scottsville. Then the artist could add to the local economy. She suggested breaking the rural area up into distinct districts and really think about the character and the unique conditions of each. She was sure there were places in Albemarle County where this use would be really inappropriate and in other places where it might not be a problem at all. She was wondering if there was additional guidance they can provide and if they were to put this in the comprehensive plan as an appropriate use some additional guidance such as close to infrastructure development. She would like to see it close to some existing infrastructure, and hoped staff could reflect on that.

Mr. Randolph said there were many areas in the county, such as Earlysville, that would really lend themselves to this kind of community being contiguous to services that artists would enjoy and will be become part of their experience in being in Albemarle County. He thinks proximity to the corner community is something worth thinking about and also minimizing the 21 acres and above the size of the lot they are going to have.

Mr. Loach said he would give more latitude. In some respects he sees the precedent already been set in what they did with Monticello at Mt. Alto for the scholars to live there. He thinks the latitude he would get is the reuse of the historic building, but with additional structures as needed to complete the compound. Hopefully, they would be in some sort of conformity architecturally, etc. with the historic structure. He thinks it is important for the community

to have a strong art space. They have an excellent track record and this is not a fly by night operation. Therefore, he was not concerned about the operation.

Mr. Lafferty agreed with Mr. Loach. The Charlottesville/Albemarle region is very supportive of the arts. The community would certainly be very supportive as he would, too.

Ms. Monteith added if it was going to be a reuse of an historic structure with some kind of addition that there is an appropriate proportion. In other words, there not be one quarter historic structure and three-quarters new construction.

Ms. Firehock asked to follow up on what Mr. Loach was just saying. She really likes the idea of reuse of historic structures as a way to help preserve some of these buildings. There is a large estate for sale near her property that has not sold because no one wants to live in a mansion like that. But, it would be appropriate for something like this. However, she wants to be careful that they not over design the studio space for the artists in terms of saying that the additional buildings would need to somehow reflect the architectural of whatever this historic structure was. She was thinking more like Frank Lloyd Wright and if they want to use native materials and build something in keeping with the landscape and blend it in better so that they are less noticeable. She was more concerned with the screening and blending rather than if they make an attempt to mimic something historic that is already there. However, she really loves that adaptive reuse focus.

Mr. Morris said the first time he saw this he was not happy with it at all because the comprehensive plan discourages the building of residential structures in the rural area. He thinks with the historic structures they have really hit on an excellent way of combining the two. In listening to Mr. Smith he has heard him comment on new buildings are in the form of barns. With the materials available now it can really tie in with what Ms. Firehock was saying. He was in favor of this at this particular time, but to be tied in with the historic structure whenever possible.

Ms. Echols said she was with him until he got to the whenever possible. From listening to the Commission they are not in agreement. There are some pieces of this that she felt were very important to either get a consensus or vote on so they know how to proceed. She heard from Mr. Keller, Mr. Randolph and Ms. Firehock that there needs to be historic preservation involved and that is necessary.

Mr. Morris noted she could add him and Mr. Lafferty.

Ms. Echols said that there were at least five Commissioners that believe that this needs to be an aspect of historic preservation, kind of like the restaurants were in historic structures. The aspect of new construction and how that relates to any future use of the property should something change she thinks is where it starts to become a little unclear. They may be able to start with for most Commissioners they are okay with this use if it is in an historic structure. The next step needs to be okay. If there is new construction what are the perimeters that they would want to set around new construction. Does it need to be, as they said here, the new construction should allow either reversion back to the former use if it is like a building addition or if it is a new building it ought to be for a by-right use. Whether or not the Commission is on board with those last two bullets she thinks will give staff some better direction on what to bring next.

Ms. Firehock said she was trying to think quickly of what type of use it could revert to. The two things that come to mind are youth camps, religious retreats or those types of places which are already allowed by special use permit in the rural area. That is a cabin that a camper or an artist might stay in or someone on a retreat would be very different from somebody who wants to stay in a motel in the rural area.

Mr. Loach agreed with Ms. Firehock.

Ms. Monteith said she thought they all thought it was important to have the reversibility. However, staff may be speaking to things that are not clear to her.

Ms. Echols replied yes, but the reversibility may be part of a building addition. For example, if they have an historic structure and they want to put on a major addition that has a dorm aspect to it. If it is more like a dorm space that really restricts future use to it. If it is more like additional bedrooms that then allows the future use to be used

potentially residentially. So it is a nuance, but it is an aspect of reversibility.

Ms. Firehock noted as a follow up she was thinking more along the lines of a dorm use that then lends itself more to uses that are allowed like camps and religious retreats versus something that would turn into studio apartments. She thinks staff could write that.

Ms. Echols suggested staff could take what they have given or at least the very definitive things and then bring back possibly some options about the things where it is a little bit gray and get the Commission to put some lines down there and then they will know where to go next on it. She thinks what she has gotten from the Commission is historic structure, reversibility or another use that is allowed in the district and the question is by right or by special use permit. That is another aspect of it. She asked if she missed anything.

Mr. Morris suggested staff not forget the reversal into agric-forest since that is a barn.

Ms. Monteith added the other thing is whether or not it needs to be rural area, which was something that there was quite a bit of discussion about. In other words, it was as Mr. Dotson pointed out that what may feel urban here may feel rural in New York City. Therefore, does it need to be specifically rural area or could it be in kind of an in between zone. Also, Ms. Firehock talked about the fact that if you looked at different areas that are considered to be rural area some might be appropriate and some may not. So she did not know how to get at that. But, she heard most of the Commissioners comment on that to a certain degree.

Mr. Loach noted it seemed that to a large extent that would be up to the applicant where he chooses to place his residence. He thinks in some respects it might be even easier since they have given the applicant as much information as they think they have available now to see his reflection on what kind of concepts he comes back with that they can react to with more specificity. In other words, does it meet that threshold of reversibility and does it meet a threshold of reuse in looking at it.

Ms. Echols noted that almost gets to the site specific pieces of his particular proposal. She thinks they are not quite there yet and have a couple more steps. However, the point of access location in relation to the places people might want to go trying to reduce the amount of traffic that would be on the rural roads. She thinks that is sort of what the Commission was getting at potentially. However, staff has enough to bring it to the Commission next and let them parse those lines. Then staff will have enough to help the Commission put together what they need to send to the Board of Supervisors before they go onto the next step with the zoning text amendment. She asked if that sounds good to the Commission.

Mr. Dotson asked the Commissioners if the minimum property size of 21 acres, which was thrown out for discussion, is the right size. The applicant indicated a desire, though the mechanism was not clear, to use this as a vehicle to protect a larger acreage. Is that something they would like the staff to be thinking about or discuss it with the applicant as well.

Mr. Loach asked if that would be in proportion with the number of artists he has in residence. That is to say he might find a historic residence that fit all of his artist needs within the concept of the mansion that he purchased versus what he wants as far as their ability to roam around to look for creativity or whatever the reason would be. They can't answer that unless they know how many people they are talking about. That size would be proportional to the number of artists and residents in his mind. Maybe to say if it exceeds a certain number for a certain size and scale of residents, then it would have to have "N" number of acres associated with it. He did not know that.

Ms. Echols noted that was getting a little bit more towards the zoning text amendment. However, she thinks the idea is that they are looking towards things that can accomplish other goals of the rural area, which is preservation of natural resources and larger tracts of land. Staff will develop parameters for development of a CPA recommendation and draft ordinance language to bring back to Planning Commission to review prior to forwarding recommendation to BOS.

Mr. Morris thanked staff for the presentation.

In summary, the Planning Commission held a discussion to provide guidance and recommendations on how the proposed use is in conformance with the Comprehensive Plan and how to move to the next steps to process the zoning text amendment regarding the following issues.

- Historic issue in the rural areas
- Generally thought it could be considered in context of cross road communities – use is similar
- Location in cross road communities could provide economic benefit
- Want to follow what Comprehensive Plan says, but have some sympathy of having retreat in rural areas. Address traffic and noise later.
- Economic impact of residences on communities where it presides. See giving more latitude if economic impact so there is a pay back to the county as far as what they bring in. Latitude versus establishing new residences versus using historic structure
- Any economic data available?
- Concern about number of structures available that could use.
- Non profit – tax implications
- Request to Design Planner that this will go through Historic Committee for consideration of future impact
- Consider historic resources are randomly located.
- Brining in historic issue in rural area interesting way to open discussion in positive perspective
- Value of allowing use
- Is applicant interested in protecting and preserving farm land? Is there a formal protection easement?
- Is there a minimum size/acreage for the use? Would applicant consider 21 acres?
- Is there any problem with reversion back to previous use or a use that does not disturb rural nature?
- New construction at core of this. Think about adaptive reuse and reversibility and if fits well in rural area. Amount of square footage proposed in barn is extreme (20,000 to 40,000 square feet). Also issue in terms of reversibly.

The Planning Commission recessed at 7:19 p.m. and the meeting reconvened at 7:26 p.m.

CPA-2014-00004 Lofts at Moore's Creek

MAGISTERIAL DISTRICT: Scottsville

TAX MAP/PARCEL: 076M2-00-00-06800

LOCATION: Approximately 750 feet southeast of the intersection of Harris Road and 5th Street SW. City/County boundary east of 5th Street and portion of Willoughby Apartments in City.

PROPOSAL: To amend the Comprehensive Plan designation for approximately 5.67 acres, from Neighborhood Density and Parks and Greenways designation to a higher density (24 units per acre) designation.

ZONING DISTRICT: PUD Planned Unit Development – residential (3 – 34 units per acre), mixed with commercial, service and industrial uses.

AIRPORT IMPACT AREA: Yes

FLOOD HAZARD OVERLAY: Yes

STEEP SLOPES MANAGED: Yes

STEEP SLOPES PRESERVED: Yes

COMPREHENSIVE PLAN: Neighborhood Density Residential – residential (3-6 units/acre); supporting uses such as religious institutions, schools, and other small-scale non-residential uses and Parks and Greenways which allows parks, greenways, playgrounds, pedestrian and bicycle paths in Neighborhood 5. (Claudette Grant)

Ms. Grant presented a PowerPoint presentation to summarize the request. A revised resolution of intent and a letter emailed from Joan Albiston were distributed. (**Attachment A** - Revised Resolution of Intent for the Lofts At Moore's Creek) (**Attachment B** – Letter from Joan Albiston dated November 26, 2014 to Department of Community Development Attn: Wayne Cilimberg in reference to Planning Commission review of Comprehensive Plan Amendment for parcel 076M2-00-00-06800 - Available in the office of the clerk with written minutes.)

Purpose of Work Session: To amend the Comprehensive Plan designation for approximately 5.67 acres, from Neighborhood Density and Parks and Greenways designation to a higher density designation for 24 units per acre (Urban Density Residential).

Motion: Mr. Loach moved and Mr. Lafferty seconded to recommend approval of SP-2014-00017 Ntelos CV108 Piney Mountain with the conditions outlined in the staff report.

1. The development of the site, and any modifications to the uppermost array at elevation 146', shall be in general accord with the plan titled "Piney Mountain CV108" prepared by Christopher D. Morin, and dated 12/31/14 (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Conceptual Plan, development and use shall reflect the following major elements within the development essential to the design of the development, as shown on the Conceptual Plan:
 - a. Mounting type and distance
 - b. Antenna type and size
 - c. Number of antennae
 - d. Color
 - e. Location of ground equipment

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. The tower shall not be increased in height.
3. The lowest array of panel antennas may be attached only as follows:
 - a. All equipment attached to the tower shall be painted to match the color of the tower. The cables extending from the ground equipment may remain black;
 - b. The antennas shall not exceed seven (7) feet in height and two (2) feet in width;
 - c. No antenna shall project from the facility, structure or building beyond the minimum required by the mounting equipment, and in no case shall any point on the face of an antenna project more than twelve (12) inches from the facility, structure or building.
 - d. The antennas and dishes attached to this tower may be replaced without amending this special use permit, provided that the sizing, mounting distances and heights of the replacement equipment are in compliance with these conditions of approval and in accordance with all applicable regulations set forth in Section 5.1.40 of the Zoning Ordinance.
4. The tower shall be limited to a total of four (4) vertical arrays of panel antennas. No additional relay, satellite or microwave dish antennas shall be permitted on the tower.
5. This special use permit must be amended to allow the three uppermost arrays of panel antennas to be: (a) relocated on the structure; (b) modified to increase the number of size of panel antennas; or (c) modified to increase the distance of the panel antennas from the structure.

Note: The Planning Commission directed the applicant to hold a Community Meeting for the project before the item goes to the Board of Supervisors for Public Hearing.

There being no further discussion Mr. Morris asked for a roll call.

The motion passed unanimously by a vote of (7:0).

Mr. Morris noted that SP-2014-000017 and special exceptions would be forwarded to the Board of Supervisors with the recommendation for approval to be heard on a date to be determined.

Mr. Lafferty asked does this mean that every other application that comes up for these conditions would be administratively approved. Otherwise, they might be charged with discriminating against a certain company.

Mr. Kamptner replied they can make case by case decisions based upon land use related issues. But, to simply adopt a regulation that prohibits a particular service from being provided or a particular provider from entering the market that would be problematic for the county.

Work Sessions:

ZTA-2014-00005 Artists Communities/Residencies

Add a section on Artists Communities/Residencies to the Comprehensive Plan to allow for a Zoning Text Amendment providing Artists Communities/Residencies by special use permit.

(Mandy Burbage/Elaine Echols)

Elaine Echols presented a PowerPoint presentation regarding the Comprehensive Plan aspects of the proposed zoning text amendment request from the Virginia Center for Creative Arts for an artist community in the Rural Area.

The Planning Commission has discussed this issue three times. Hopefully, they can find a conclusion tonight so that the Comprehensive Plan recommendations can go to the Board of Supervisors at their meeting next week or in March.

Context and Background

- June, 2014: Zoning Text Amendment (ZTA) application
- September 16, 2014 – Planning Commission studied the Concept for Comprehensive Plan recommendation
- December 2, 2014 – The Planning Commission looked at whether or how the use might be appropriate. The Planning Commission said the use may be appropriate in historic structures to achieve other goals of the rural area
- January 27, 2015 – Tonight staff are hoping the Planning Commission will have language to recommend to the Board of Supervisors. Depending on what the Board does a zoning text amendment (ZTA) may come out of that.

Planning Commission Conclusions from December 2, 2014

- Artist residency could provide adaptive reuse of historic building.
- Alterations and additions are okay. However, the important part is if the historic and architectural integrity of both the site and the existing buildings can be maintained.
- The Planning Commission spent a lot of time talking about the importance of proportionality of complementary size and scale.
- Location: The Planning Commission suggested that this use might be most appropriate near a crossroads community or a specific development area or town. But, a place where the people who are in the artist residency might be able to seek goods and services conveniently.
- They also talked about the need for it to be convertible to the former use of the property OR to a by-right use in the district. However, the Planning Commission did not really settle that.
- Staff's last question is or does it need to be convertible to a by-right use.

Staff provided a staff report that had a series of questions and answers that she would review quickly. The first question was how you define an artist residency.

Artist Residency:

- It is a place where individuals are provided time and space to create art within a unique geographic and cultural context.
- It is a place where people get meals and lodging and private studio space are provided on-site to support uninterrupted creative work lasting from a few weeks to a few months.

Staff thought it would be helpful to see how the current VCCA Facility in Amherst, Virginia lays out on the land because something like this could be what might occur here under a special use permit application. However, it would depend on a particular site. There are several different kinds of buildings that are being used in Amherst. The applicant for the zoning text amendment, Greg Smith, is present and can answer a lot more questions about how an artist residency works. In this particular case there are several different buildings with several different uses including the living space, studio space, offices and communal space.

Current VCCA Facility in Amherst, VA

Living space for 25 artists - 8,000 sf
Resident artist apartment - 750 sf
Private studio space - 9,000 sf
Communal space (kitchen, dining, meeting, etc.) - 7,000 sf
VCCA offices - 2,740 sf
Maintenance & storage - 1,200 sf
TOTAL 28,690 sf

Staff has analyzed this request for the development of a CPA that would then provide guidance for a future ZTA, and eventually would allow for someone to request a special use permit for this kind of use.

Staff Analysis

- Comprehensive Plan Amendment (CPA) development
- Guidance for future Zoning Text Amendment (ZTA)
- Eventually allow for special use permit (SP)

One of the questions the Commission was struggling with is how much additional construction should be allowed? There is going to need to be building space for several different uses.

How much additional construction should be allowed?

- Residence Hall - New building for 25 – 30 residents – potentially
- New building for studio space for 25 – 30 artists
- Dining hall
- Offices
- The ZTA application indicates a need for up to 40,000 square feet in several buildings.
- To answer the question how much additional construction would be needed is really a site specific question. They would need to know what is on a particular site; how many outbuildings there are; and how big the historic structure was in order to know what additional work would need to be done.

Should reversibility/convertibility of any of the buildings be limited to by-right uses?

- This could limit the size of an artist residency. The applicant for the ZTA is asking for 25 to 30 rooms. If there are no historic buildings with that many rooms a residence hall would be needed. So it might be that our historic buildings could support fewer people in artist residency, which may not suit the particular applicant.
- If reversion is needed for a by-right use it really could preclude the building of a residence hall or studio space.

There are a number of different uses to be considered here.

Potential RA Reversion Uses

By right

- **Single family residential**
- Agriculture
- **Bed & breakfast**
- Farm winery
- Farm brewery
- **Class A farm worker housing**
(up to 10 occupants & 2 sleeping structures)

Special use permit

- Community center
- Club or lodge
- **Private school**
- Day care center
- **Group home**
- **Day camp/ boarding camp**
- **Convent or monastery**
- Agricultural museum
- **Class B farm worker housing (more than 10 occupants or more than 2 sleeping structures)**

The other uses shown in bold could use a similar kind of facility because of the individual bedrooms and bathrooms. The private school would be a boarding school. The other uses shown in bold under special use permit are for more than ten occupants.

Should construction of a residence hall for 25 – 30 artists be allowable?

- The applicant believes this is essential to his particular proposal.
- If that is the case and something the Commission is in support of staff thinks they would have to say that this particular use would have to be convertible to a by-right use or a special use permit. The convertibility would have to be extended to special uses.
- Would the County ever expect more than one entity? It is important to note that there really are not very many of these out there. The county probably would not get but one request for this.
- The other question would be how much pressure it will put on the county to approve lodging and retreat centers. Those are things staff gets asked about regularly. Those are also things that potential applicants talk to Board members about. To date the Board of Supervisors has been very clear about what their expectations is for retreat centers and lodging. They have said it is not appropriate at a size that is larger than a Bed and Breakfast.

Should construction of a studio space for 25 – 30 artists be allowable?

- It may be a different issue for convertibility, depending on the configuration of studio space.
- Single floor? Multiple floors?

The applicant has provided some images that show how a building could be constructed that has a rural look and appearance. A building like this might be able to be created as a residential building, a studio space or maybe even just a barn.

How can the County ensure that new construction is appropriate?

- Everything is going to be site specific.
- The County has a Design Planner and Historic Preservation Committee. There are professionals with expertise who can provide guidance to applicants as well as to the Planning Commission and Board of Supervisors on what kind of changes might be appropriate.
- Those kinds of things would come through a special use permit review with recommendations to the Planning Commission and Board of Supervisors.
- Going back to the original comment everything is going to be site specific. What level of change? Is the size and scale appropriate? Is there going to be any kind of a change to the architectural or historical integrity? The county has the professionals that can provide that kind of guidance.

Should additional resource conservation and/or diminished development rights be an expectation?

- The county cannot require extinguishing of development rights.
- There could be a condition of a special use permit approval if offered by an applicant.
- Staff looks at the things that are important to the Rural Areas such as resource conservation and not having additional residential development. It is an expectation for special use permits in the Rural Areas. When someone makes a request for any kind of use one of the things staff looks for is input from the Agricultural/Forestral Committee. If it is adjacent or could affect any Agri/Forest Districts they want to know from the Agricultural/Forestral Committee what their thoughts are on it. They always look for development to:
 - avoid impacts to natural resources, and
 - avoid impacts to scenic and cultural resources

Conservation Easements

- Holder of the easement sets expectations
- Effects on conservation easement generally assessed by holders
- Staff would provide comments from easement holder

There were some questions going through email today about conservation easements and whether or not they should say if there is a conservation easement on a property this kind of use would not be appropriate. Conservation easements are held by different entities. Different entities have different expectations for what will happen on the property. Some easement holders are stricter than others. What exactly can occur on a property with a conservation easement is decided upon when that easement is given. There may be an easement that has language that says only agricultural and natural resource conservation can take place on this property. There may be another conservation easement that says they can have 13 houses on this property. Depending on the size and easement it just depends. Staff could provide comments from easement holders through a process. However, staff did not believe they should be involved in that particular aspect because it is really about whatever that easement exists for.

Staff Recommendation:

- Add new strategy to Rural Area (RA) Chapter related to historic preservation:
Consider amending the Zoning Ordinance to allow for artist residencies in historic buildings.
* (As defined in Historic Resources Chapter of the Comprehensive Plan

Again, this may only occur once or it may not occur at all. However, it is not going to be utilized by a lot of people. It will be out there for different groups to say well if you can let an artist residency use a facility why can't I have a retreat center. She highlighted the important pieces of this.

- Artist residencies are important for society and culture.
- Participation is one of those things not like a commercial activity where someone can sign up or pay a fee and be accepted. One has to be accepted into the program.
- There have to be goals that can be met for preservation of historic resources, but other types of things that would be involved with resource preservation.
- The additions and alterations are really about the architectural historic integrity of the site and of the buildings.
- It is important that there be compatibility and in terms of who can make those recommendations. The Design Planner and Historic Preservation Committee can give us that guidance.
- The key sentence here is new construction for residence halls is not appropriate as it would prevent reversion to a by-right use in the Rural Area. That is something staff has added that the Commission will probably want to discuss at length.
- The comments the Commission gave about locations near cross roads communities or Development Areas.
- The language for the CPA would provide the direction to the Board of Supervisors. However, it would also provide direction for the development of a ZTA should the County want to move forward with that. However, as staff has recommended it would not work for the applicant who has prepared the ZTA application. Staff is worried about the long term impacts. They have had very good, frank and sincere discussions with the applicant. However, they have agreed to disagree, but not to be disagreeable about it. Mr. Smith has met with staff a number of times and has also

expressed his appreciation for the high level of scrutiny that Albemarle County puts on its projects. So Mr. Smith understands where our recommendation comes from, but he has a different perspective. The Planning Commission is here to hear those different perspectives and to make their decision and provide recommendations to the Board of Supervisors.

Staff recommends that the following language be added to the Comprehensive Plan for artist residencies:

Strategy 5c: Consider amending the Zoning Ordinance to allow for artist residencies in historic buildings (as defined in the Historic Resources section of the Plan).

An artist residency is a facility where individuals are provided time and space to create art within a unique geographic and cultural context. Meals, lodging, and private studio space are provided on-site to support uninterrupted creative work lasting from a few weeks to a few months. The purpose of artist residencies is to promote art as a critical cultural and societal resource. Participation in an artist residency is by invitation only. Artist residencies are neither commercial endeavors nor tourist destinations. They may be appropriate in the Rural Area if they can meet goals for preservation of historic structures and other Rural Area goals such as, but not limited to, natural resource conservation.

Additions, alterations, and construction of additional buildings may be approved for artist residencies, provided that the architectural and historic integrity of buildings and the site is retained. New construction should be compatible in appearance with the historic buildings and the site and should not overwhelm them in terms of size, scale, and massing. New construction for residence halls is not appropriate as it would prevent reversion to a by-right use in the Rural Area. Artist residencies should only be available by special permit and consideration should be given to locations in or near crossroads communities or Development Areas.

Mr. Morris invited questions for staff.

Mr. Lafferty asked if the applicant has approached Miller School or Innisfree since he thought they would fit into either one of those.

Ms. Echols replied she did not know.

Mr. Lafferty said it seems like they are beating around the bush changing everything to accommodate this. Albemarle County and the City of Charlottesville are certainly an active artist community. He is not against art. However, he was wondering what the county would be getting out of this since the future of what they are doing may be very cloudy. He questioned whether the county should do it.

Mr. Randolph noted in the first paragraph it states an artist residency is a facility. He would be more comfortable since this was going in the comp plan if they added the wording "existing facility" because they are talking about a building that is not new or an existing building. A recommendation of the Planning Commission was that it be an existing building rather than a new building. He did not think it was harmful at all that in the comp plan they remind anyone looking at it that they are talking about an existing facility rather than a newly built facility. Secondly, he thinks the reversibility convertibility clause is an essential simply because otherwise they are caught with a massive new construction area in a rural area. It is really important that new construction for resident halls is not appropriate as it would certainly make it much more difficult for reversibility or convertibility. His recommendation today was that they include a sentence at the end of the second paragraph which states properties under conservation easement are not considered appropriate for additions, alterations, and construction of additional buildings. He thinks it is a good way of reminding people looking at this section that if the property is under conservation easement it probably is not appropriate for the kind of facility that is going to be operable here and the demands that might occur on the facility.

Mr. Randolph noted his last observation is a procedural one. Assuming they reach some degree of closure this evening on this recommended language for the comp plan he thinks the next step is this needs to go to the Historic Preservation Committee. The Historic Preservation Committee has not yet looked at this. Mr. Randolph wrote the Chair of the committee this morning and apologized since Mr. Randolph was out of town last week and had not opened tonight's packet until after he came back from the Historic Preservation Committee meeting. Therefore, the committee was not able to talk about this on Monday afternoon and won't meet for another month. However, he thinks it is important that they have a chance to also look at this and give additional input before it goes to the Board of Supervisors. Therefore, he would add that recommendation. One final caveat with no prejudice towards the Virginia Center for the Creative Arts and their board is he feels it is important that they be mindful that what they are working on here is a policy that is not really applicant specific. They are going to have language in the comp plan that applies to any future organization. He strongly suspects that through the Virginia Center for Creative Arts may be the first now, it probably won't be the last. So we want to be sure that they have language in the comp plan that will be equally applicable and fair to all in the future.

Mr. Keller complimented staff because they have worked very hard on this from the beginning, and actually the applicant, too, for bringing this to us in a thoughtful way. They have gone through this process collectively. He would like to respond to Mr. Randolph and say there are also easements on historic structures as well as the land. They have a number of those in the state. He did not agree with Mr. Randolph about getting into another level of regulation. They do what is best for Albemarle County and if they want to limit it some way he could see how something like this could fit into a property that has conservation easements depending upon how they have been written. He can also see how these uses could conceivably go into a historic building that has easements on the exterior and certain historic finishes on the inside. So he did not agree with that. He also has concerns about limiting this regarding its proximity to crossroad areas. They have had this discussion before. However, he has been to one to two dozen of these sorts of communities in his lifetime. Some are very remote and there is not a need by the folks who are there to leave it. They are really there in this almost kind of monastic manner. So he was comfortable with the staff's language and would not be concerned with that as long as they are not requiring that as an option. However, he agreed with Mr. Lafferty's concern about when they do this there is the potential of opening that door, and yet they are the kind of area that warrants this sort of place. Staff has done a very good job in trying to put limits on that. He thinks the reversibility clause is really important and has been very well thought through by staff. Therefore, he was inclined to support it.

Mr. Dotson noted he would save discussion for later. However, he had one very specific question. If there was a gorgeous old farm that had been divided up and a particular parcel had an historic barn on it but no residence would that qualify under this proposal as being an historic structure.

Ms. Echols replied that was a good question because she had not thought of it in that form. She thinks it probably would because it is an historic structure on an historic site. However, the residence hall becomes then the question.

Mr. Morris opened for public comment and invited anyone who would like to speak to come forward.

Ms. Echols pointed out the applicant is present.

Mr. Morris noted because there is no applicant he would open the discussion and invite public comment.

Jeff Werner, with Piedmont Environmental Council, suggested the applicant respond to it. Regarding the easement issue, he would encourage the Commission to talk to the experts in the community, including ones at PEC, about how an easement might work. He has been trained not to comment on easements. He was torn because people have asked him about this one. On one hand if they keep Albemarle beautiful and rural it is certainly a place that they would want artists to come to. There are the benefits of that and they want this to be a place that artists come to. Honestly on the other hand he has talked to a lot of folks in the rural area and not a single rural landowner has got excited about a 30 room motel, boarding house or retreat next to their property. In all seriousness this is a difficult thing to explain to people. It really is a metaphoric issue right now because they are talking about generalities and very positive aspects of this. However, when this gets proposed next to someone's property his phone is going to ring off the hook and people will say how did this happen.

Mr. Werner said he has several process questions and would ask who else gets to do this. He asked if it would be UVA at Morven or Monticello properties, which are non profits and have lots of land. The question he would ask tonight is what the process is so he can tell folks how to be involved in this. He asked if the Commission makes a recommendation that goes to the Board, and then he could tell folks if they have an opinion to come address this at the Board of Supervisors public hearing. That is going to be hard to do, again, because it is so vague. Should he tell people to wait for the zoning text amendment? Again, they don't quite see that in their next door neighbors' yard. Or, he could tell them to simply wait for the special use permit request at which point they know what is going to happen. He was a little nervous that this seems positive on the surface, but when it gets proposed on someone's adjacent property there will be a lot of rancor. He questioned if this should be going with the comp plan right now. He did not know. However, he thinks that a lot of people will be caught off guard by this and he would like to take the time to do it right if the intent is really to do it.

Mr. Morris said with concurrence of fellow Commissioners he would like to offer Mr. Smith five minutes to address the Commission. He asked Mr. Smith if he would like to take advantage of that.

Mr. Greg Smith, County resident and homeowner, said he was present in the capacity of Executive Director of the Virginia Center for Creative Arts (VCCA) which is currently located in Amherst, Virginia on property owned by Sweet Briar College. He had prepared remarks but the conversation has been fairly wide ranging and he would like to be able to address the kinds of questions that they have brought up. Obviously, the key question he thinks where the staff report and the VCCA have a difference of opinion is specifically on the issue of the residence hall. He can't tell them whether in a future special use permit application whether it might all be in an historic building or that all needs to be in new construction since it depends on the available square footage on the property they are looking to possibly move to and the characteristics there. He believes staff has a different position about the whole issue of reversibility or convertibility. His view is as they saw from the photograph of an historic barn with sort of a typical historic wooden structure that in this particular case that is what he is referring to. The other one was actually a new structure or new construction that was undertaken at Pleasant Hill, which is a Shaker Village in central

Kentucky. This building was designed to look that way, but it is in fact an office building for people that work at Pleasant Hill. So the thrust of what he was trying to indicate or to recommend was that how a building functions and how it looks can be different things. They see that in the case of the Pleasant Hills structure. However, they agree with the vast majority of the staff report.

Mr. Smith pointed out one of the things he wants to stress, which he does not think has been fully understood, is the issue of the importance of the rural location from the function of an organization like the VCCA. In all of its history it has served artists by providing them with rural space and time. Notably it is quiet and isolated from people. It is bucolic and with nature providing inspiration to the creative process. In a survey done in 2013 of our artists, which was 1,800 responses, 69% said that such a location was extremely important; and another 23% said it was very important for a total of 93% of the respondents. He can provide with a commentary by our artists why this kind of rural setting is essential. He would be happy to provide that link, but he thinks it goes into more detail than they want at this point.

Mr. Smith said they would hope the Commission would consider this favorably for the advantages of having an organization like the VCCA in the community. Over the last 44 years of existence, 35 of which have been in Amherst County, they have had over 5,000 artists from all 50 U.S. States and 42 countries in residence through the VCCA. This would bring a great asset to Albemarle County in addition to the arts portfolio of the county and an international program which sends 400 ambassadors, if you will, each year back out into the world after they have had short term stays understanding the charms and characteristics of Charlottesville and Albemarle County. They hope the county would recognize this opportunity to create the Charlottesville/Albemarle County cultural plan as recognized its specifically mentioning the VCCA. He would be happy to answer questions.

Mr. Morris invited questions for Mr. Smith.

Mr. Keller noted he has an uncomfortable position about the reversibility because from his experience the track record of a lot of these communities shows they are always on the financial verge of having lots of difficulties. He asked if Mr. Smith agreed with that.

Mr. Smith replied certainly artist communities and probably most art organizations are less well capitalized than lots of other things in this world. So he would tend to agree somewhat in general terms with him. However, then the question is down to the specifics of this particular organization and whether it has a big donor behind it or not.

Mr. Keller pointed out this is really about future planning since they are talking about amending the comprehensive plan. The next stage is to do a zoning text amendment. Because they are so concerned about what the ramifications are of anything new that is placed in an historic compound there is the reversibility issue. He appreciates Mr. Smith's candor since everyone needs to be aware of this. He understands that even Pleasant Hill is having financial difficulties at the moment, and yet he would consider it a great example of adaptive reuse of an historic area. They all need to be aware of the challenges to historic preservation and protection if the artist communities are not well endowed as they are thinking about the bigger picture.

Mr. Smith said he would not want to characterize the VCCA as being on easy street over the last 44 years. He recognizes that is the case. On the other hand the VCCA has been able to appropriately preserve an historic barn on the property that they are on now even in light of that. So this is very full of dilemma and he appreciates the position that they are in that regard. Obviously, his purpose is to see if it is possible for the VCCA to relocate back to Albemarle County. He guessed when they were first in the county it was before such rules and regulations were created. Now it is a new day and you have to do what you have to do.

Mr. Morris closed the public hearing and the matter was before the Planning Commission for a discussion and recommendation.

Mr. Randolph said he would just observe as someone who has raised money for arts organizations in the past that one of the things that is valuable for an arts organization is to have a sense of the surrounding communities' involvement with the organization and the organization with the surrounding community. Although Mr. Keller and he would choose to differ on this one of the additional benefits of having these artists residencies in a location in or near a crossroads is to bring the community closer to the artist residency so it is not divorced and seen as separate and apart from the intermediate Albemarle communities. That is another reason why that proposed language was in there, which he thinks to be beneficial for both sides.

Mr. Lafferty said he appreciates that Albemarle County would get international and national exposure. However, he thinks about the times that Charlottesville was elected number 1 in the nation and what it does to make people want to explore the area.

Mr. Loach questioned what makes this different from when they approved the one for Montalto at Monticello where it was a residence of scholars versus a residence of artists. They built all new buildings there in the rural area on top of a pristine mountain. He was not seeing much difference in the terms of the focus on it. Instead of the academic study of Jefferson he was seeing this as the arts. He thought this was a very good idea whether the buildings were reusable, which would be nice, or even if they built to meet the specifications. He thinks about the great schools where the masters came out of those schools in Europe.

and America. He looked at the applicant's good track record of 40 some odd years now with financial stability that they have maintained. The other thing they have talked about is rural development and when not to build in the rural development. They don't want to do this because maybe there will be other retreats that come down the road. He suggested that may not be such a good thing. However, on the whole he agreed with Mr. Keller that it does not have to be next to a development area or crossroads to get close to the community. He thinks the community will migrate to it at the appropriate time. He was in support of this project.

Mr. Lafferty said his second example was his thought because they have been lead to believe that these artists are going to isolate themselves. So it does not matter if they are at a crossroads or not.

Mr. Dotson asked staff to put up the slide that gave the by right and special use permit uses. He thinks as they talk it is good to have that in front of us. With the reversion issue and also in terms of precedence he thinks it is good to have that. However, that is actually not what he wants to talk about at this time. He has been trying to picture a good example of this. It was nice seeing the current facility and how it was laid out. The image that keeps coming back is surrounded by a green area, open fields, trees, fences, and so forth, which then lead him to say if this were on some minimum acreage and sort of clustered as a compound, as he thinks it would, then its impacts might be diluted by the surrounding green acreage. Then he questioned how to calibrate that. The thought he had, which is not valid, is if they thought of each artist residence as a residence. So what they are looking for is how much acreage they need to have 30 dwelling units. If they can have 5 units on 2 acres, then they would need 10 acres. Then the other 25 would have to be on 21 acres, assuming they had a single large parcel, and they end up with over 500 acres needed by his calculations to support and sort of dilute without changing from our existing notions of what is acceptable in the rural area. He thinks that would be going too far if they said the minimum acreage of 500. However, the concept of some minimum acreage still kind of intrigues him that this is not something they do on 10 acres, but something they would do on a farm. He asked if that means 100 acres. He did not have an idea for how they would set a minimum acreage, nor does he know if they could do that. If they said our policy and the zoning text amendment says they need at least a 100 acre property.

Mr. Kamptner noted in the comprehensive plan that would be reasonable. They have zoning districts where they require minimum acreage. Those are solely being pulled out of some of those districts. But, it could be a guide as to the acreage that these facilities should be located on.

Mr. Dotson said that would also have a way of limiting the other development that was on that land. It would not be putting it under conservation easement. But, they would be using up the development potential for a use like this by having that use. It is just a way of thinking about it that he thinks is a little different than he was thinking about it before. The way the proposed language is written it seems like it creates impossibility if they are saying that the residence hall could not be new construction unless barns were considered as historic structures. They are never going to find an historic residence that they could subdivide into 30 room and bathroom combinations. It seems far-fetched. So what they are almost saying is yes, but no. However, those are some thoughts.

Mr. Morris said going back to Mr. Lafferty's comment he had the opportunity with the original construction at Innisfree and watching what that turned out to be for the residents of Innisfree. It was truly exciting because of the rural area, the isolation, and the ability of those young and needful residents to have the quiet and the solitude. It did a wonderful job for that. They are not artists, but just to get to his point. That was over 40 years ago. They started construction on that in 1972 and it is still in operation. He personally likes what staff has done and commends them for it. He would definitely keep in the portion that states that no addition to the historic structure. He thinks that is critical. The way it is written that consideration should be given to locations in or near crossroad communities or development areas is fine. They are just considering it and not saying this is where it should be. He agreed with Mr. Keller that he thinks the requirements on historic structures would prevent any additions to that structure.

Mr. Keller pointed out only if there is an easement to that effect.

Mr. Morris agreed as has been stated that it depends upon the location. Everything is going to be different. He also agreed with Mr. Dotson that any site should have a minimum acreage, which he did not have. However, he would think it should be close to 100 acres. It should be relative based upon what is being requested.

Ms. Echols asked to speak a little about the historic buildings. Actually someone can put additions and make alternations to historic buildings and not damage the integrity of those. There are guidelines that exist. It is often times the case for preserving the building that people will put an addition on it so that they have another use of it or the ability to increase the amount of usage of space to make that maintenance viable. Staff was not intending to write this in a way that would prevent an addition to an historic building, but only that the quality of that addition or the alteration should be relative. She thinks the gold standard is the Secretary of the Interior Guidelines for historic preservation or rehabilitation and renovation. Those are the kinds of things she would be expecting that our Design Planner and the Historic Preservation Committee would be looking towards. If the Commission was looking to not allow for the additions on those buildings it probably would be good to be explicit about that because that was not what was intended in what she wrote down.

Ms. Firehock commented that she could see the relationship between creating art and being out in nature. There is actually scientific literature that talks about the importance of that. Where she has difficulty is she tries to image a different person coming to us in the future and saying they would like to have a comprehensive plan amendment for a meditative retreat. They could make a very similar argument about the importance of being close to nature and meditation and communing with whatever their religion is. It is not monastery or a convent, but some kind of meditative retreat. There are many of them around this area and in this region. She did not know how to say that getting back to nature for art was permitted, but getting back to nature for your religious practice or meditative practice was not. So that is the problem. The Board of Supervisors clearly does not want to permit new lodging in the rural areas. Yet, she could think of this like an art camp for adults. However, she thinks they are opening a can of worms here. She has not decided which way to go. But, she thinks what staff has done in terms of the write up is good and does address a lot of our concerns. Again, she did not see how they can start to draw the hard line at art and then be able to say no to other things down the line. She thinks they are setting up a slippery slope.

Mr. Dotson said as a follow up on his earlier question regarding the historic resources section of the plan, it says that historic buildings are defined there. He asked does that include barns or is that residences or commercial structures also included.

Ms. Echols replied yes, that it was not just houses. It is historic buildings that have been recognized. She did not have a full definition in front of her. However, the Historic Preservation Committee has a definition for a historic structure, which is about two paragraphs long. She thinks it would include barns because if there is a barn that is on the National Register it is considered an historic property. It includes a whole host of buildings that have been recognized as being historic structures through the National Register or the State Register and other ways of recognition.

Mr. Dotson noted that it is conceivable that there could be a property with a barn that could be converted to house 30 residences.

Ms. Echols replied yes for artist residencies.

Mr. Dotson noted they would have to be a very careful reader to read artist residencies and not artist residence. He was wondering if they could tweak the vocabulary a little to make that distinction clearer, and Ms. Echols agreed.

Mr. Dotson noted somehow the word compound keeps coming back. When he visualizes this he is thinking of an artist compound where all of the buildings are within walking distance of each other, but it is probably multiple buildings. He did not know if something like that belongs in here or not. But, this is not scattered over 100 acres. It is a compound as sold within a green frame.

Mr. Keller said there are two things that are underlying the concerns that they are expressing. One wants to keep the rural areas rural. That is underlying so much of what they have discussed. The other one is, as Mr. Loach brought up, Montalto and places like that. He did not know if Ms. Monteith wants to go into this, but there is an RFP out right now for exploring concepts for additional residences at Morven for residential support. The University has been trying to grapple with a different set of issues, but in some ways related in how to deal with that grouping of historic resources and then make them adaptive for the uses of the Academy of the University of Virginia. They need to decide whether they jump forward with this and at least go as far as the comp plan changes so that this can have further exploration. The comp plan is pointing in the direction, but it is not saying that it is going to happen. However, the zoning text amendment is really going to say that they are going to do it or whether they are going to hold the line right here.

Ms. Monteith pointed out as Mr. Keller said our RFP is out on the market and they can feel free to read it. It is a very small component. It is really not what they are talking about here.

Mr. Morris agreed. He said one of the things he would like to get a handle on as they move forward in providing Ms. Echols with some guidance. He asked what the general feeling would be as to being in favor of having an artist community or a community in these other areas in the rural areas. He agreed with Ms. Firehock completely that this could be problematic and where do they go. Based on Innisfree he thought it was worth the experiment to move forward in his opinion.

Mr. Lafferty said he thought the write up was excellent. However, one of his concerns is putting so many conditions on it in moving forward that there is no place in Albemarle County that you could do that. His second concern is the can of worms they are opening up.

Mr. Loach said he understands the concern is the impact in the rural areas. If he looks at this he did not think the impact is large. There are not going to be 35 commuters in and out of that property. He did not see the impact, but he did see the benefit to the community and county as large. The examples given tonight are two good examples that show that it can be done successfully and to the benefit of the community.

Ms. Firehock pointed out she had said all she has to say in the last three work sessions.

Mr. Randolph said he thinks it is important here to distinguish language that is determinative. He did not see any determinative language in here that basically constrains an applicant and makes it difficult for them to create artist residencies in the county. He thinks the language here is really suggestive. The comp plan language says a future applicant according to the comp plan should give consideration. What they are saying as a Planning Commission is that they are trying to provide some language in there that they have some restrictions if they think that they may be appropriate. In that situation they weigh heavily on them in terms of the balance that they always have here and where they see this as a development that would be completely appropriate. Then they would probably pull back on the consideration basis. This is not determinative language. This is merely suggested guidance language and he is comfortable with that. He thinks there is a potential down the road that they could be opening through the development of this within the comp plan other applicants to come along. But, they remind us that this will be under a special use permit process that they approach case by case. They would have a community meeting for people to weigh in on it. He understands Mr. Dotson's comment about minimum acreage, but felt due to land cost it may only be suitable for 5 or 10 artists. He thinks having it in the Comp Plan is a first step to see what kinds of applications and interest it attracts. They are not constrained in any way and will move prudently, carefully and with good thought and discussion and deliberation into the zoning text amendment. He did not feel that they are in any way setting ourselves up here in doing something is going to come back to haunt us in the future.

Mr. Dotson said he can imagine this being a very positive beneficial kind of facility in the county. He can also imagine people trying to game the system if they do this. However, they do have the protections of the special use permit, which is why he thinks it is important to keep it in front of us. He has a suggestion not to specify acreage since that would not be appropriate in the comp plan. What he was wondering is they said consideration should be given to locations at crossroads communities or development areas. He was wondering about where large properties of significant acreage located elsewhere. In other words, this kind of alerts people that if they could put this in the midst of a large green space that would certainly be noticed, just like if they were going to put it in a crossroads community or the development area. It simply says that is a consideration. He would feel more comfortable if they said something about large properties of significant acreage period.

Mr. Keller noted the only thing he has not said here, which he mentioned to staff individually, is that they have a county that does not have any locally administered historic districts. He thinks that for a county that has many of the other things that we do that it is a pretty obvious omission that we don't. So one way to put a significant restraint on this would be to enact historic district legislation at the county level and make it a requirement if one of these entities happened that it has to be in an historic district. Then that would allow for all the controls beyond just having the Design Planner that they have talked about. However, it would mean that most likely one way to deal with it was just have that responsibility go to the ARB for administration of that resource. So he just put it out there. It is sort of a last minute wild card, but is the one piece that would really up the ante on this and really nail down the historic resource component. Then it could be a model and experiment for moving further with historic districts at a future date. This would be an opportunity to introduce it in a very small and limited manner.

Mr. Morris asked in moving this to the Board of Supervisors does he favor this as it is with that as a long range goal in establishment of historic districts and so on.

Mr. Keller said he thinks they have to be careful where they go with this. Since this has been a thoughtful discussion he was just throwing that last piece out. He was comfortable with the way it is. However, if one was looking for a hook for moving forward with historic districts at the local level this might be a way that would not be controvertible because it would be so minimal.

Ms. Firehock said in light of what Mr. Dotson was talking about that spurs her to want to add something along the lines that the facility would minimize disturbance of intact natural resources. She was not going to mention which development, but there is a certain development in southern Albemarle where large holes have been cut in the forest so people can have the nice views and that causes a great amount of habitat destruction. However, they had access to other spots in that development where they could have put the houses without chopping holes in the forest and adding unnecessary roads on steep slopes. She would like to see something such as they would want to consider the natural resources and the sensitivity of the proposed development plan to the site's natural features. She was sure staff could come up with some language to that effect. She was thinking about a complex if they had an option to put it on a part of the property that would avoid plowing through the forest and putting something in the middle of the woods. That is the concern that she would have because it is more like a development.

Mr. Dotson pointed out there is some wording in the first big paragraph that says natural resource conservation. He did not know whether that wraps up what she is saying.

Ms. Firehock replied that she feels like it needs to be strengthen to talk about avoid unnecessary disturbance and to limit the development footprint. There is another federal facility that is located in West Virginia or a federal national resource agency which has cafeterias, dormitories, teaching classrooms, but it is all spread all over the place. One can walk to it and you get quite fit doing it because the buildings are really spread apart. When one thinks about the amount of site disturbance that this federal national research agency did, which she did not find out about until she went to that site, it just gives her hives. She does not feel like she has retreated, but feels like she has witnessed a destructive area. They just throw that word natural resource conservation

out a lot, but she would like to add a sentence strengthening it. She offered to work with staff on that wording separately, but did not have any profound statement of wording at this moment.

Mr. Morris said as they were going through this the majority is definitely in favor of sending this forward. However, he asked do they send it forward in the form that it is with the additions that they have heard from Ms. Firehock and Mr. Dotson or are there others.

Mr. Keller asked to add his comment.

Mr. Morris noted that it would also include Mr. Keller's comment. He asked if staff got all of the comments.

Ms. Echols replied she was not sure she got Mr. Keller's unless it was the historic protection and preservation aspect.

Mr. Keller agreed that it was the historic protection and preservation aspect.

Ms. Echols noted a comment to that is she is fearful that these are two different issues. The Historic Preservation Committee she thinks is very much in support of asking the Board of Supervisors, and Mr. Randolph can probably speak better to this. However, from what she has heard they would like to see the county adopt an historic district ordinance and establish local historic districts. That has been a hotly debated topic. She was not sure that tying these two together would be beneficial to this particular item here. She is seeing it as potentially being problematic to this particular item and not being beneficial towards the historic district aspect of it. If the Commission wants to put it in there, staff would be glad to put it in there. However, she thinks it may create some challenges.

Mr. Keller pointed out that so much of our discussions have been about the need for design review of this compound and that would go from site and natural resources through historic structures. That is something that architectural review boards deal with and in some ways our entrance corridor reviews and that entity is dealing with those. So he would like to see some mechanism that allowed for design review there. If staff can think of a better way to accomplish that he did not have a problem with that.

Ms. Echols said she thinks what he is saying is the Historic Preservation Committee may be looking mostly at the resources, but from a design standpoint it may be beneficial to have a design group who can look at how they make those particular changes to provide input to ensure that what is being done along with historic preservation is good rural design.

Mr. Keller agreed.

Ms. Echols said that staff can work something like that into this particular recommendation. However, the thing she needs clarity on is whether the statement about new construction of residence halls should remain in this particular recommendation.

Mr. Morris noted that he thinks that it should.

Mr. Dotson agreed that it should stay. He commented if this is approved by the Board as part of the comp plan the ZTA that would follow would not be a priority issue for him in terms of the busy work load of the county staff unless there were a private application that they would be obligated to do. However, as a county initiative it would not be a top priority for him.

Ms. Echols said she has the Commission's recommendation. She pointed out the Commission does not typically vote on these, but just provides the direction as a whole and staff will put that together.

Mr. Kamptner asked Ms. Echols to run down the additional adjustments to the language so they can be certain that the Commission has consensus on these issues.

Ms. Echols said she thinks that Mr. Dotson was talking about the importance of adding to maybe the end about the considerations about locations by adding or large properties of significant acreage located elsewhere away from these. Ms. Firehock was talking about minimizing the disturbance of swaths of natural resources or making sure that the siting of the facility and any additions to it are done in a sensitive way that does not break up any natural corridors and important natural resources that are clustered together. What Mr. Keller was talking about is making sure they have a statement in there about the importance of not only review by the Historic Preservation Committee, but also design review so that in addition to the idea about the natural resource preservation that they have a good rural design of a facility in the rural areas. The other thing she did hear that she wondered about was Mr. Dotson's comment about sort of clustering a compound. She questioned whether compound is the right word. However, she thinks that a lot of the things the Commission is talking about really are getting at clustering the improvements together, but doing them in a way that is sensitive to the context as well as to the historic property and the other improvements on the property. She asked if that captured it all.

Mr. Morris agreed.

Mr. Dotson asked if this would be reported back to the Board of Supervisors by February 10th.

Ms. Echols replied yes, staff would report to the Board two weeks from now.

In summary, CPA-2013-00001 Comprehensive Plan Update/Amendment - Artist's Community Planning Commission Recommendation

Strategy 5c: Consider amending the Zoning Ordinance to allow for artist residencies in historic buildings (as defined in the Historic Resources section of the Plan [hyperlink]).

An artist residency is a facility where individuals are provided time and space to create art within a unique geographic and cultural context. Meals, lodging, and private studio space are provided on-site to support uninterrupted creative work lasting from a few weeks to a few months. The purpose of artist residencies is to promote art as a critical cultural and societal resource. Participation in an artist residency is by invitation only. Artist residencies are neither commercial endeavors nor tourist destinations. They may be appropriate in the Rural Area if they can meet goals for preservation of historic structures and other Rural Area goals such as, but not limited to, natural resource conservation.

Additions, alterations, and construction of additional buildings may be approved for artist residencies, provided that the architectural and historic integrity of buildings and the site is retained. New construction should be compatible in appearance with the historic buildings and the site and should not overwhelm them in terms of size, scale, and massing. New construction for residence halls is not appropriate as it would prevent reversion to a by-right use in the Rural Area. Artist residencies should only be available by special permit and consideration should be given to locations in or near crossroads communities or Development Areas.

The Planning Commission recommended the following changes be added to staff's recommended language as shown above to the Comprehensive Plan for artist residencies:

1. Add a consideration for large properties of significant acreage that may be located outside of a crossroads community or Development Area for artist residencies.
2. Add information on the need to cluster development in order to minimize disturbance of open space and natural resources.
3. Recommend design review to ensure that historic resources are preserved as well as appropriate rural design can be achieved.

In addition, the Commission asked that the Historic Preservation Committee be asked to comment on the proposed Comprehensive Plan language prior to adoption.

The Planning Commission took a break at 8:01 p.m. and the meeting reconvened at 8:10 p.m.

Work Session

CPA-2013-00001 Development Area infill & Redevelopment

New Objective for Neighborhood Improvement as part of Development Areas Chapter. Request from the Board of Supervisors to review, comment on, and recommend a new objective and strategies for neighborhood improvement. (Elaine Echols)

Staff Presentation:

Elaine Echols presented a PowerPoint presentation on CPA-2013-00001 Comprehensive Plan for Development Area Infill and Redevelopment.

- At their November 11, 2014 meeting, the Board of Supervisors reviewed the Commission's recommendations for the Development Areas Chapter of the Comprehensive Plan. The Board had a lot more to say about the Development Area Chapter than staff was expecting. One of the most wonderful things was how important it was to them that they drop some of the old language that talks about development areas being the place they want to put all development so they can preserve the rural areas. Staff probably should have made that change when they worked on the Neighborhood Model update with the Planning Commission. The Development Areas in their own right are worthy of being a great place. Our Comp Plan did not say that, and the Board of Supervisors very rightly said it should. So that was part of the direction the Board gave us.
- The Board was okay with the recommendations in the Neighborhood Model and what our new neighborhoods are looking like. As noted in the Board's action memo they had concerns with recommendations for infill, redevelopment, and neighborhood preservation and improvement, hoping to prevent future blight in some of our older neighborhoods. Staff was

Ms. McKeel asked if they were saying that they had some financial parameters in order to make this work. She said she was trying to get an idea of what the residential percentage would need to be.

Mr. Roy said there absolutely is a tipping point and, by putting too much residential and business in the same building, it creates significant problems for banks and financing, particularly when there are historical tax credits, which can almost be a deal breaker. He stated that the more layers that are put on top of it, the more difficult it is, and a primary LI-flex use encroaches more into the residential portion which makes the project harder to work. Mr. Roy noted that, in the four-story mill building on the first floor, he has designated about 10,000 square feet for a non-residential use in addition to the saw tooth building use and the outdoor use.

Ms. Echols said this is where they were before they went to the Planning Commission, making it look close enough to fit in the designation but, in getting down to the rezoning and the list of uses that would be allowed and how much, that is where the rubber hits the road. She stated that there were several options, including using the existing category of Office R&D/Flex/Light Industrial and then, when the applicant comes in for their rezoning, the Board looks for conformity as close as possible to that, with any flexibility it feels it may have. She said the other option would give more flexibility and describes the site in more detail which is a bit different from the usual Comp Plan approach with a maximum number of units, minimum amount of square footage in non-residential, etc. Ms. Echols said the question for the Board was which way it wanted to go, adding that staff could work a bit more to get what the categories might be.

Mr. Boyd asked if it would be possible for the Comp Plan to have a plus or a minus included, because he was sympathetic to the applicants as they would not know what kind of tenants they would have until they got into their project. He noted that the applicants are simply trying to limit their risk as much as possible.

Ms. Mallek stated that one of the problems all along has been the rigidity that is perceived.

Mr. Boyd asked if it would be possible to have a type of LI or residential zoning that would allow for plus or minus 10%, depending on the build-out. Ms. Echols said staff would have to look at what that unique district would say.

Ms. Mallek stated that the first category described appealed to her much more than the second one which sounded like a code of development for a Neighborhood Model that would cause lots of headaches. She said, regarding the first one, if staff could figure out a sentence that described the challenges because of the historic building and bringing together all of the different players, it would help her accept the lack of adherence to 50%, as there might be some way to address flexibility within the building. Ms. Mallek said it occurred to her, in visiting the building, what an appealing site it was and she would like to have enough information to feel that the Board was not giving away the ranch and helping the applicants get to where they want to be.

Ms. Dittmar suggested keeping options open for one more month, and asked Ms. Echols what she might be able to do as far as creativity for this specific area.

Mr. Caraminis asked if the Board wanted him to meet with Ms. Echols and come up with a more specific percentage of residential use. He added that he would love to share the details of the plan with Supervisors which obviously would happen at the rezoning phase. He offered to bring that forward now, as the Planning Commission was able to see that level of detail.

Mr. Boyd said, quite often, developers contact the Board and meet with Supervisors in groups of two, in a format that did not constitute an official meeting, and he offered to do that with the applicant.

Mr. Caraminis said he would try to do that between now and when they come before the Board in March.

Ms. Echols said staff would also be working with Ms. Catlin and Ms. Stimart on those categories, as this was a comprehensive process with all the involved parties.

Ms. Echols reported that another recommendation the Board had asked of the Planning Commission was to further explore the "artists' community" designation and what that might entail, so staff tried to provide a bit more description in "residents artists' community," because that makes it more like an artist-in-residence situation. She said, in June 2014, an applicant – Mr. Smith – made a zoning text change request to allow for this use by special use permit in the Rural Area district. Ms. Echols stated that the Board had talked about it at the end of the summer, and directed the Planning Commission to study it as a concept for Comp Plan recommendation for the rural area use. She said the Commission met three times on that issue, including in December when it tried to sort through the parameters if it could be allowed in the rural area and, in January, the Commission provided specific language as a recommendation, which the Board had in its staff report. Ms. Echols said the applicant had asked to add the SP to the zoning ordinance, and put out some ideas for discussion: up to 30 resident artists, construction of a new facility or use of existing buildings in the rural area, and up to 40,000 square feet in one building or more. She stated that those were the pieces staff was considering, and looking at in terms of how this would play out on a property in the rural area.

Ms. Echols said the Planning Commission looked at this in detail and determined that it was not really a rural area use but could be used to help preserve historic resources, and said that it would be

possible to make additions to historic buildings or even construct new buildings. She said the Commission established that it was really important that any new buildings preserve the integrity of the historic site and not be problematic in terms of damaging the architecture or the value of the site and its historic resources; they needed to be complementary. She stated that convertibility was essential, and did not want that to ultimately turn out to be a facility that was no longer used for the resident artists' community, as that might put pressure on the County to approve commercial lodging, therefore, it could not realistically convert to by-right use. Ms. Echols said Mr. Smith took exception to that point, as expressed in his earlier conversation with the Board. She stated that the Planning Commission said the Board should consider amending the zoning ordinance to allow for these resident artist communities, and that rural historic compatibility would be essential. Ms. Echols said the Commission talked about the importance of a rural design, and recommended that any new buildings should be clustered together, so there would be more of a resource preservation advantage. She stated that Commissioners initially thought about location in or near crossroads communities was important so there could be some interaction between those communities and the artists, however, in the last recommendation, it indicated that a large property of significant acreage could also be considered.

Ms. Echols said the sticking point was that new construction of residence halls would not allow for the reversion, so the Commission did not feel new construction should be allowed by zoning and has made those recommendations. She noted that the applicant was requesting the Board re-look at whether that issue was important, possibly removing that sentence from the Commission's recommendations. She stated that the residence hall was essential for this particular applicant and, if they were not able to construct it, they may not be able to find a facility which would allow them to do what they were looking for in Albemarle County. Ms. Echols said that was an important piece of it but, if the applicants were the only ones that would ever do that here and could not do it here, staff wonders whether the Board wanted to keep the recommendation in the Plan. She stated that there are some tricky aspects to this, but trusts that the Board can figure out the right solution to the problem and make a decision.

Ms. Palmer said she really liked what staff provided as recommendations and asked Ms. Echols to reiterate her last point.

Ms. Echols said, in the recommended language, the very last paragraph indicates that new construction for residence halls was not appropriate as it would prevent reversion to a by-right use in the rural area. She stated that this was the sticking point for the applicant and, if the applicant does not believe they could use this particular provision with that statement in the Comp Plan, perhaps the whole section could be eliminated from the Plan. Ms. Echols explained that, if this applicant was the only one who could make use of this provision and needed to have a residence hall but the Board was saying it could not have it, the Board may not want to add this particular strategy to the Comp Plan.

Ms. Mallek said the reverse could also be applied and, if the Board felt there should be a way to work with this, it could remove the one sentence that says the restriction is not appropriate.

Ms. McKeel stated that she tried to envision different proposals like this that might come before the Board, adding that she did not think the County would be overwhelmed with this type of proposal. She stated that the Board ought to be able to work with this group without changing the Comp Plan. She said the Planning Commission was trying to figure out all of the possible scenarios, and she would like to see the County work with the applicant as this seemed like a great idea however, she did not see the need to change the entire Comp Plan for it.

Ms. Mallek said, in spirit, she agreed entirely, adding that she had visited Casa Maria site and realized what a beautiful site it would be for them but, on the other hand, she was very opposed to the Board making things up as it went along, and to put staff in a position where they were being expected to make policy. She added that she hoped the Board would keep its attention focused long enough to figure out a way to make this work. She noted five other uses that could potentially move in if VCCA stopped being there: farm worker housing, a private school, a group home such as Innisfree, boarding camp, and a Monastery, adding that there has never been a problem for the one in White Hall. Ms. Mallek said the restrictions are in the Comp Plan now so that, when a special permit came forward, the applicant would have to be in compliance, so whatever they built had to be convertible to an agricultural/rural use.

Ms. Palmer said one of her problems with this was where to draw the line between a hotel in the rural area and a residence hall, and it seemed to her that it was also the Planning Commission's idea. She noted that this was the reason she had a very hard time with the residence hall concept in the rural areas, and asked staff to comment on what they found out about hotels.

Ms. Echols responded that, when staff did their research on these kinds of facilities in other localities, they were called "retreats" and/or "retreat centers," which was something in discussions on the Rural Areas chapter of the Comp Plan of which the Board was not in favor. Further, she said, in the context of commercial lodging, the Board felt that bed and breakfast regulations were sufficient. Ms. Echols said, going on those recommendations, staff felt this could set up a situation in which other people would be saying "it's just like that," and asking why they could not have it. She stated that, if the Board wanted to do that in the future, that was a different direction. Ms. Echols said, in this particular application, they want individual bedrooms and bathrooms for each artist and, if they should not be able to continue with their program, it would open the property up for other uses. She stated that this was why staff had leaned toward an arrangement whereby there were other structures on the property that could be used, and perhaps there was a way to make it work without the residence hall being built.

Ms. Mallek said one delineating factor for her was the length of time people would spend there and, if they were there for 21 days or more, for example, it was not the same kind of thing as traffic coming in and out every day or for the weekend. She said this was how they currently addressed rentals of rural properties, as they were not supposed to have short-term rentals happening.

Ms. Palmer asked if they would want to have an art show or something to raise money, because they would need to raise money at some point.

Ms. Echols responded that the applicant was asking for the ability to have a quarterly open house so, depending on how many people they expect, there would need to be a determination of whether or not they needed a special use permit for events.

Ms. Dittmar stated that she was very interested in preventing the same things that has happened in Fluvanna County, which was crumbling historic buildings because the people who owned them could not find financial viability in them. She added that she did not have any big answers as to how to help people with those types of buildings while still protecting the rural area. She stated that her goal was always to keep consistency, and the guidelines being looked at concern uses rather than users, so the attractiveness of this particular user should be abandoned in the Board's final decision about whether the guidelines need provision for studying or allowance, since it is not at a crossroads location.

Ms. Palmer said she would like to stick with what staff brought forward, and felt that Ms. Dittmar had made an excellent point about it being a use, and not a user.

Ms. Mallek noted that this pertained to historic properties only, as crafted by the Planning Commission, so that was already a limitation.

Ms. Palmer said the applicant could build a new residence hall.

Ms. Mallek clarified that the first threshold that had to be crossed would need to be the historic designation.

Ms. Echols explained that the definition currently in the Comp Plan was, "A historic resource was a place where architectural and other remains present are in districts or buildings and structures, have integrity of location, design, setting, materials, workmanship and feeling an association, and they are associated with one of these historical or cultural things: the significant contribution, lives of someone there, embodiment of the distinct characteristics or information which is important to prehistory or has the potential to yield this information." She stated that there are National Register properties, State Landmark Register properties, and other properties that have been surveyed but not yet designated. She noted that there is no local historic district ordinance.

Mr. Sheffield commented that he liked the work staff had done.

Ms. Mallek said she was trying to clarify whether the Board wanted no new construction or whether that construction had to be convertible.

Ms. Palmer stated that her preference was no new construction.

Mr. Davis said this was guidance for what would be proposed as a zoning text amendment, so those details of the ZTA could be worked on further, but staff's recommendation was to follow the guidance provided in the Comp Plan. He said, if there was wiggle room here, there would be wiggle room in the ZTA which might be even more difficult to define.

Ms. Dittmar asked if Supervisors were in favor of 5.C. in staff's strategies.

Mr. Cilimberg said 5.C. was summarized as presented on the screen before the Board, and stated that staff was trying to ascertain whether the Board concurred or wanted to make changes.

Mr. Sheffield said he felt it would be difficult to regulate new construction under the idea that it would be able to revert back to some other kind of use, as that was getting into a level that Community Development might not be able to handle because the County then gets into the particulars about the intent of the construction and what the future intent might be.

Ms. Palmer agreed with what staff had brought forth.

Mr. Boyd said he was also OK with that approach.

Ms. Echols confirmed that Supervisors were in favor of what the Planning Commission had recommended.

Ms. Echols stated that she had planned to report to the Board on the new objective for existing neighborhoods. She said the Commission had tried to work on that, had all of the action memo information from that meeting and was looking for the Board's changes but she only gave Commissions the new objective, which made it very difficult for it to follow. Ms. Echols said she had been working on the new Development Area chapter to get it ready for Commissioners, and that should be online tomorrow, which would reflect the Board's requested changes and the new objective. She noted that staff

would report back to the Board in March as to what the Commission said, and confirmed that the Commission would meet the following week.

Recess. The Board recessed their meeting at 6:28 p.m. and reconvened at 7:06 p.m.

Agenda Item No. 3. Continuation of Work Session.

Ms. Echols stated that, at this juncture in the meeting, the Board is ready to look at the redlines and priorities for the first seven chapters of the Plan. She noted that the meeting would once again begin with public comment.

The Chair opened the public comment period.

There were no speakers, and the Chair closed the public comment period.

Ms. Echols reported that she had received some comments from the Board, and that Ms. Mallek had also provided a good review with some typos discovered which will be corrected before the public hearing. She said she provided the Background chapter to the Board, but did not hear back as to whether it was suitable, so she would assume everything was acceptable. Ms. Echols stated that, in 2013 when the Comp Plan review began, the Board talked about the Livability Project in the chapter. She said staff provided the Board with a two-page foldout that described the recommendations from the joint Planning Commissions for the Livability Project, which was the recommendations for the City and the County. She said those recommendations were considered a historic record of the work that was done on the Livability Project, but the Planning Commission wanted to make sure this was reflected in the goals, strategies and activities for the future. Ms. Echols said, in every chapter in the very first objective, on the right-hand side, those recommendations from the Livability Project are noted, and all of those recommendations are part of the strategy statements in the Plan. She emphasized that these statements make it a commitment, rather than just a record in the Background chapter so, if Board members are not comfortable with it being a recommendation in terms of a commitment in conjunction with the City, it was important for staff to hear that. Ms. Echols said Supervisors have seen all of the recommendations in the Plan and have gone over them so, unless there were changes to the strategies, everyone could agree to all of the noted items, however, if Supervisors did not want to do that, staff should know that now, as it would affect what is put in the final Plan.

Ms. Dittmar asked if Board members wanted to have more discussion on this section and chapter.

Mr. Boyd said he was objecting to references to the Livability Project even being in there, and recalled that, at the time the grant came forward, the Board was not interested in participating in the project. He said staff assured the Board that they were going to be part of it, but it would only be applied to what the Board was working on and what pertained directly to the County. He stated that he had an objection to including it even as a historical reference, and definitely did not want it included as a commitment.

Ms. Palmer said, as she read through it, she did not see anything that was not in the Comp Plan in some form or fashion.

Ms. Mallek said it has historically been in the County's Comp Plan for decades in terms of the individual items. She said she really likes having it organized that way as a record of the fact that the greater community talked about these things.

Mr. Boyd stated that there were a lot of people who participated who felt they were never heard or listened to, adding that there was a predetermined outcome with that process. He said the group surveyed residents in non-statistically sound instances on what was important and what was not important.

Ms. McKeel asked if Mr. Boyd objected to clean water and clean air, because all of that is what was being suggested in the Livability Project.

Mr. Boyd said, in reading the 1998 Livability Project, it talks about controlling population, controlling the economics of the community, including a lot of things that people objected to and was carried over into that document.

Ms. Mallek said a few did object. She noted that all of the living members of the original sustainability group, which reflected a wide political spectrum and various points of view, came to talk about how they had found the middle and felt that the middle of the road recommendations would provide a place where their grandchildren would be able to live. She emphasized that it was a historical document.

Mr. Boyd said Ms. Echols' slide talked about making a commitment.

Ms. Echols explained that there was a place in the Plan where the Board had asked that the Sustainability Accords be added, and noted that those were still aspirational principles. She said, after the Planning Commission finished its work, this became a historical document, with consideration of goals