

Att D – Related Background Information

Development Areas Boundaries

Overview

The current Comprehensive Plan and Growth Management Policy encourage a variety of land uses with a more urban form in the Development Areas in part to avoid expanding the Development Areas earlier than necessary. Since Albemarle County's first Comprehensive Plan in 1971, the Development Areas boundaries have been significantly reduced to better protect natural resources and encourage more connected, dense, and mixed-use development.

As part of long-range planning in the context of uncertain changing economic and environmental conditions, the possibility that the current Development Areas may at some point no longer have sufficient capacity to accommodate future housing and employment needs is clearly considered in the current Comprehensive Plan and is being considered with this Comprehensive Plan update.

AC44 Recommendations

Attachment D includes draft considerations and factors for the location and timing of potential future Development Areas boundary changes. These draft factors were first presented during Phase 2 of AC44. During Phase 3, the Board recommended that staff evaluate the possibility of converting some land that is currently in the Development Areas to Rural Area in locations that are more suburban or rural based on their development patterns and where very limited future development is anticipated. Additional land could then be added to the Development Areas, essentially 'swapping' land while keeping the total Development Areas acreage relatively consistent.

Prior to any official boundary changes, there would be significant coordination with service providers (such as RWSA, ACSA, Schools, Fire/Rescue, Police, VDOT). There would also be evaluation of future land uses, transportation networks, and parks in any areas designated Development Areas.

Staff Recommendation

During the January 8, 2025, Board work session, the Board asked staff to return with draft criteria for potential changes to Development Areas boundaries. Staff recommends that the Board provide feedback on the attached draft factors and give staff guidance on whether these factors should then be used to analyze potential locations that could be appropriate for changes to Development Areas boundaries based on the DA/RA land swap. Identifying locations could be helpful for future infrastructure planning needs, so that agencies such as ACSA and RWSA are aware of where future growth is more likely to occur. The level of detail in mapping could be very general in location or could show specific parcels, depending on the level of detail needed for long-term infrastructure planning.

Current (2015) Comprehensive Plan Recommendations

Relevant current Comprehensive Plan recommendations include:

- Development Areas Objective 4: *Use Development Area land efficiently to prevent premature expansion of the Development Areas.*

- Supporting text: *Although there is no policy that the boundaries should remain unchanged, the County has acknowledged that premature expansion of the Development Areas will frustrate the goals of the County's Growth Management Policy, the Rural Areas Plan, and the Neighborhood Model in achieving compact urban places.*
- Development Areas Strategy 4a: *Continue to monitor building activity in both the Development Areas and the Rural Area to gain information on the rate of residential and non-residential development in the County.*
 - Supporting text: *Monitoring growth will help planners know when and how to advise future decision-makers on the timing for changes to the Comprehensive Plan.*
- Development Areas Strategy 4b: *Update the capacity analysis every two years to ensure adequate residential land exists to meet new housing needs.*
 - Supporting text: *Until it is established that the Development Areas cannot accommodate expected future residential and non-residential growth, the boundaries should remain intact, with the exception of minor adjustments that result in no substantial gain in acreage. In order to know when or if the boundaries should be expanded, it is important to monitor building activity and regularly update the capacity analysis.*
- Development Areas Strategy 7a: *Continue to ensure that sufficient developable land is available for future commercial and industrial development needs.*

The current Comprehensive Plan has recommendations for the timing of potential Development Areas expansion (i.e. "when"); however, it does not include recommendations for how to determine where future expansion should occur. During the 2015 Plan update, only minor changes to the boundaries were made.

Transfer of Development Rights

Overview

Transfer of development rights or TDRs are a tool that can be used to reduce development potential in one location and allow for higher intensity of development in another location. Typically, the right to develop land in one area would be extinguished in exchange for a right to develop land more intensively in another area. Areas in which development rights are extinguished are called "sending zones." Sending zones are places where residential development is not the desired use of a locality. Places where development is desired are called "receiving zones". With TDRs, there are buyers and sellers of rights to develop land. Owners of property in receiving zones who wish to develop land more intensively than otherwise allowed purchase those rights from the owners in sending zones.

In Albemarle County, sending zones would be locations within the Rural Area, while receiving zones could either be other Rural Area locations (e.g. rural villages/communities, places outside of high value conservation areas, etc.) or Development Areas locations (e.g. Activity Centers).

AC44 Recommendations

The AC44 Comp Plan update does not currently have a recommendation for TDRs. Like the current Comprehensive Plan, a recommendation could be added to further study TDRs and evaluate their potential feasibility and effectiveness in achieving both Rural Area and Development Areas Land Use

objectives. The current Comp Plan only identified the Development Areas as receiving areas, but Rural Area locations could be considered as well.

Staff Recommendation

During the January 8, 2025, Board work session, the Board asked staff to consider the use of TDR's to promote land conservation in the Rural Area and to direct development to locations with less impact on priority conservation areas. Staff recommends that the Board provide direction to staff on whether an Action should be added to the AC44 Rural Area chapter related to TDR's. Staff suggests the following draft Action for Objective 2: *Assess the creation of a transfer of development rights program for the Rural Area. Sending areas would be Rural Area locations with high-value forest blocks and habitats (as identified in the Biodiversity Action Plan) and/or areas where conservation would support climate action and resilience (e.g. significant flood plain, stream buffers, mountain resources, carbon sinks). Receiving areas would be Rural Area locations where additional residential development would not impact priority conservation areas and where there are existing infrastructure and services (e.g. rural communities, places near the Development Areas). Assess the option for housing types other than single-family detached in receiving areas, such as duplexes, accessory units, and fourplexes.*

Current (2015) Comprehensive Plan Recommendations

Relevant current Comprehensive Plan recommendations include:

- Rural Area Strategy 2g: *Assess how a program for the transfer of development rights might be designed to redirect development potential from sections of the Rural Area with high-value natural and cultural resources to locations outside of the Rural Area.*
 - Supporting text: *To be a successful part of the County's growth management strategy, receiving zones for density need to be identified. The sending zones should have high value environmental resources that would be permanently protected. The County reviewed this option several years ago. Difficulties in reconciling goals for receiving areas with goals for the Development Areas caused the Board problems, so a TDR program was not pursued. It is possible that TDR program could be developed that is complementary to the Development Areas rather than conflicting. More study is needed, however.*

Small/Rural-Scale Uses

Overview

Currently, the Rural Area Zoning District allows some small-scale commercial/retail uses by special use permit, such as non-historic country stores (up to 4,000 sq ft), day care, veterinary services, restaurants in historic structures that were previously used as restaurants/taverns/inns, gift/craft/antique shops, and public garages.

Community input during the AC44 process (including at multiple events hosted in the Rural Area) has indicated support for small-scale commercial/retail/office uses in some rural communities to support surrounding community members, such as health care (including small-scale doctors/ dentist offices and mobile clinics), fire/rescue and police services, job training programs, community gathering spaces, country stores/ small-scale markets, local artisans/crafters, daycare, post offices, emergency shelters,

and access to affordable and healthy food. Several of these uses are not allowed even by special use permit in the Rural Area Zoning District, such as professional offices, doctors' offices, and restaurants in buildings that were not previously used as restaurants/inns/taverns.

Per County Code 18-5.1.25 (6), 'providing finger foods, soups, and appetizers for visitors' is allowed by-right with a permitted farm winery use. The same foods are also allowed with farm breweries per 18-5.1.57 (6) and farm distilleries per 18-5.1.59 (6). Restaurants are not currently allowed as part of farm wineries, breweries, or distilleries. Restaurants are only allowed by special use permit in the Rural Area in existing historic structures that were historically used as either a restaurant, inn, or tavern.

AC44 Recommendations

The AC44 draft Rural Area chapter has several Actions related to non-residential uses in rural communities. Action 5.1 has been updated to more clearly list the recommended uses in rural communities and to define 'small-scale'. The recommended building height and building footprint are based on a review of over 30 existing buildings throughout the Rural Area (e.g. country stores, professional offices, post offices, veterinary services, and community centers). Actions 5.1 and 5.2 were combined. It should be noted that the recommended small/rural-scale land uses in the draft Rural Area chapter (e.g. community centers, country stores) are based on both community input during the AC44 process and the current Comp Plan. Action 7.2 includes the community planning process for rural communities.

Staff Recommendation

During the January 8, 2025, Board work session, the Board asked staff to clarify small-scale uses in rural communities, provide more flexibility in recommended land uses, and consider adding restaurants to the list of recommended uses. Staff recommends that the Board provide feedback on updated Action 5.1 and provide staff with direction on how restaurants should be regulated in the Rural Area. Restaurants could remain only allowed by special use permit in existing historic structures that were historically used as a restaurant/tavern/inn, or they could be allowed by special use permit in existing structures (no restriction on previous use). They could also be included as an accessory use to farm wineries/breweries/distilleries.

Current (2015) Comprehensive Plan Recommendations

Relevant current Comprehensive Plan recommendations include:

- Rural Area Action 3b: *Consider amending the Zoning Ordinance to allow for restaurants in historic buildings, as defined in the Historic, Cultural and Scenic Resources Chapter of the Plan, in crossroads communities.*
 - Supporting text: *Restaurants, as a rule, are most appropriate in the Development Areas where public water and sewer are available, and streets and parking lots can handle traffic generated by a successful business. However, in the Rural Area, a small restaurant in an existing historic building may be appropriate in a crossroads community to serve the nearby community. Expansion of a historic building for such a use may be acceptable if the size and scale of the addition retains the integrity of the historic resource and will not generate demand for public water and sewer. Building new structures for restaurants is not considered appropriate in the Rural Area.*

- Rural Area Objective 5: Recognize and support crossroads communities, which serve as rural-scale community meeting places and provide opportunities for residents to take part in community life.
- Rural Area Strategy 5a: Identify the geographic limits of a crossroads community by meeting with Rural Area residents.
- Rural Area Strategy 5b: Consider amending the Zoning Ordinance to allow for small-scale, supportive uses in designated crossroads communities. Examples of such uses are country stores, offices, day care facilities, doctor/dentist offices, and public institutional uses, such as post offices.
 - Supporting text: Reusing existing buildings, especially historic buildings, is preferable to building new structures. Such existing buildings would need to be renovated and reused at a scale that is appropriate for the area and that does not require additional infrastructure. Expansions of infrastructure, such as roads, water, or sewer, should not be provided to these crossroads centers. Consideration should be given to allowing some of these uses by-right in existing buildings with performance standards such as square footage and architectural features that are reflective of historic and rural area uses to be established in the Zoning Ordinance. Residents of crossroads communities need to be involved in determining appropriate uses for those communities. It should be noted that this goal emphasizes providing greater support for existing Rural Area residents rather than encouraging or supporting new residential development in the Rural Area.