

## **Albemarle County Planning Commission December 5, 2017**

The Albemarle County Planning Commission held a public hearing on Tuesday, December 5, 2017, at 6:00 p.m., at the County Office Building, Room #241, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Tim Keller, Chair; Daphne Spain; Pam Riley; Jennie More; and Karen Firehock. Absent were Mac Lafferty, Bruce Dotson and Bill Palmer, UVA representative.

Other officials present were Andrew Knuppel, Senior Planner; Cameron Langille, Senior Planner; Bill Fritz; Manager of Special Projects; Leah Brumfield, Senior Planner; Andrew Gast-Bray, Assistant Director of Community Development/Director of Planning; Amelia McCulley, Director of Zoning/Zoning Administrator; David Benish, Chief of Community Development; Sharon Taylor, Clerk to Planning Commission; and John Blair, Deputy County Attorney.

### **Call to Order and Establish Quorum**

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

### **Public Hearing**

#### **ZTA-2017-00008 Manufactured Homes**

The Planning Commission will hold a public hearing on December 5, 2017 to receive comments on its intent to recommend adoption of the following ordinance changes to the Albemarle County Code: Amend Sections 18-3.1, 18-5.3, 18-5.3.2, 18-5.3.2, 18-5.3.3, 18-5.3.4, 18-5.3.5, 18-5.3.6, 18-5.3.7, 18-5.3.7.1, 18-5.3.7.2, 18-5.3.7.3, 18-5.3.7.4, 18-5.3.7.5, 18-5.3.8, 18-5.3.8.1, 18-5.3.8.2, 18-5.3.8.3, 18-5.3.8.4, 18-5.3.8.5, 18-5.3.8.6, 18-5.3.8.7, 18-5.5, 18-5.5.1, 18-5.5.2, 18-5.5.3, 18-5.5.4, 18-5.5.5, 18-5.5.6, 18-5.6, 18-5.7, 18-5.7.1, 18-10.2.1, 18-10.2.2, 18-11.3.1, 18-12.2.1, 18-12.2.2, 18-12.4.3, 18-13.2.2, 18-14.2.2, 18-15.2.2, 18-16.2.2, 18-17.2.2, 18-18.2.2, and 18-24.2.1 to replace the term “mobile home” with manufactured home; Amend Sections 18-5.3, 18-5.5, and 18-5.7 to replace a numeric ordering system with an alphabetical and numeric ordering system; Amend Section 18-5.8 to establish new regulations for temporary industrialized buildings

including a written statement provided by the site owner to the Zoning Administrator detailing the purpose and activities to be conducted in the temporary industrialized building, new diligent pursuit or good cause requirements for an extension of the temporary industrialized building's location on the site, and permitting the Zoning Administrator to impose reasonable conditions on temporary industrialized buildings; Amend Sections 18-5.3, 18-5.7, and 18-5.8 to capitalize the term Zoning Administrator; Amend Sections 18-5.3, 18-5.5, to capitalize the term Board of Supervisors; Amend Section 18-5.3 to remove the Planning Commission's authority to issue a special use permit for a manufactured home park, capitalize the terms Building Official and Fire Marshal, establish new design guidelines for streets located in manufactured home parks, replace the term Virginia Department of Highways and Transportation with Virginia Department of Transportation, and require all exterior lighting in a mobile home park to be approved by the Zoning Administrator; Amend Sections 18-5.3 and 18-5.8 to update manufactured home and temporary industrialized building skirting requirements; Amend Section 18-5.5 to replace the term conventional homes with single-family dwellings, remove the Planning Commission's authority to issue a special use permit for a manufactured home subdivision, and replace the term Code of Albemarle with County Code; Amend Section 18-5.6 to replace the term zoning districts with districts, and to restate that manufactured homes may only be used as primary residences on individual lots; Amend Section 18-5.7 to capitalize the term Building Official, delete the requirement that water and sewerage facilities must be approved by the Zoning Administrator and to restate that the property owner must certify the intended use of the manufactured home; and Amend Sections 18-22.2.1, 18-24.2.1, 18-26.2, and 18-30.6.5 to replace the term temporary mobile homes with temporary industrialized buildings. A copy of the full text of the proposed ordinance amendments is on file in the office of the Clerk of the Board of Supervisors and in the Department of Community Development, County Office Building, 401 McIntire Road, Charlottesville, Virginia. (Leah Brumfield)

Leah Brumfield presented a PowerPoint presentation to summarize the staff report. She said good evening everyone and thank you for your attention at the end of this very full meeting and that she will make this brief. My name is Leah Brumfield and work with the Zoning Division of Community Development and we are bringing to the Commission a zoning text amendment (ZTA) to update the Zoning Ordinance in regards to mobile homes, which are more accurately and hopefully worth known as

“manufactured homes”. This ZTA has changes very minor in nature that pertain to the US Department of Housing Urban Development’s (HUD’s) regulation of factory built homes, which are now known as “manufactured homes” built under a federal safety and building standards. She said the regulations on “manufactured homes” went into effect in 1976 and the distinction between mobile homes built before regulation standards and “manufactured homes” built after regulation standards now separates the term. Please note the term “manufactured home” does not apply to modular homes in our ordinance; modular homes are regulated the same as a stick built home single-family conventional dwelling. These term changes are in keeping with changes enacted with the Code of Virginia and follows the Code’s language and terminology.

**Background:** The background of the ZTA is that the Board initiated this amendment with adoption of a resolution of intent on April 5, 2017. We do not interact with this section of the ordinance very often in the county; but we do want to clean up the entire ordinance as we prepare for recodification and this is just one part of that step.

**Public Purposes:** This change updates language, formatting, corrects some missing or inaccurate standards and references; it improves general stewardship of the ordinance and county resources by improving consistency and ensuring compliance through both standardization and accuracy overall. Ms. Brumfield said there are a couple of changes that she would like to bring to everyone’s attention.

## **Changes:**

The first and primary change of this text amendment is to replace the term “mobile home” with the term “manufactured home.” As mentioned earlier, HUD regulates the construction and standards of all factory-built houses manufactured after 1976 that means that anything that has been sold since 1976 is accurately known as a “manufactured home.” However, we realize that some older models are still in use, and that common term usage still applies the term “mobile home” to this use and this type of structure, so we have included both manufactured home and mobile homes under our definition of “manufactured homes” under these regulations. This is in keeping with the Code of Virginia.

The second type of changes are formatting, including capitalizing “Building Official” and “Zoning Administrator”, etc. and reformatting our lists, as indicated by the style guide for the ordinance. It was all numbers and now it is alphanumerical, which is something we are doing for the entire ordinance.

The third type of change was to the manufactured home park street standards where we clarified a few elements in the ordinance. The first was to incorporate current street design standards for on-street parking widths, which previously was omitted and the second clarification was to provide an illustration of the street standard. Ms. Brumfield pointed out one of the two figures inserted into the ordinance just as an example as shown in the 1969 ordinance was just a photo copied version that we used to create the newer version. She pointed out it was omitted from the ordinance at some unknown point in time and we have reinserted the figure for clarity, and redrew them to bring them up to modern design standards as shown in a 2017 ordinance and not a 1969 ordinance. There is no actual changes to the figures.

Finally, the last type of change is correcting a few inaccuracies in the text. The first is a reference stating either the Planning Commission or the Board of Supervisors may approve a special use permit for manufactured home parks or subdivisions. However, under Virginia Code 15.2-2286(A) (3), only the Board may approve special use permits and so we have corrected that inaccuracy. Additionally, we have removed a reference to the ordinance that referenced the Zoning Administrator’s approval of water and sewerage standards for manufactured home parks, but these standards are purely the purview of the Health Department, and the Zoning Administrator has no role in those approvals. Just as a note, the resolution of intent (ROI) for this ZTA only addresses clarification of the ordinance, and does not address any larger policy shifts so that would need a new ROI in the future if that was something that was going to happen.

Ms. Brumfield asked if there were any questions from the Commission or public.

Mr. Keller invited questions for staff from the Commission.

Ms. Spain said as stated this was beyond the purview of the purpose tonight, but she noticed in the Rural Areas District a property owner in a permanent home can locate a manufactured home on the property to maintain a full-

time agricultural employee and it does not say family member so where would we address that.

Ms. Brumfield replied that “manufactured homes” are a by right use in the rural area anywhere that a regular conventional single-family dwelling can go they can go since they are treated the same in the ordinance. She pointed out that again is from the Virginia Code.

Ms. Spain noted she was confused about why it just says full-time agricultural employee if it is by right.

Mr. Keller pointed out it was a category in the agricultural rural area that under agriculture you can have up to X number of units of farmer housing, however he can't remember the specifics. Mr. Keller said he had several questions since you are talking about updating it. He said we are hearing so much about tiny homes these days so he looked at the HUD definition, the smallest size would be 320 square feet, and yet he knows that there are proposals to start building tiny homes in the city. Therefore, Mr. Keller said he would imagine there most likely are some in the county that would be less than 320 square feet. He suggested they would want to think about how we would address that especially in terms of transient lodging because there are many places around the country where tiny homes are brought in air stream. He said so that brings up the next one air stream trailers or travel trailers that become more than travel trailers. Mr. Keller said he knows there is the health issue by using the septic and water systems that already exist in a rural area and he would think in some suburban areas that could occur, and so he thinks they need to think about that as well.

Mr. Keller said a third category he was wondering about was not using the term modular in this because a big industry today is modular housing both architect designed of which there are many packages on the market. He said another one is that many of us have seen shipping containers turned into everything from housing to commercial all over; and, therefore it seems that is another component that fits under this greater topic that seems to me to be more than manufactured housing but it is something that is not stick built. He said if we go back to your original part about the non-stick built home and the interesting creative ways in America that we are starting to repurpose things in the mid-west where he has spent a lot of time, it is amazing how many silos and grain bins that have been put together in interesting combinations. He said another one of those given the rural nature

and the creative things that are going on in our rural areas through agri-tourism as Ms. Spain was referring to for the rural worker housing. He said he did not know how you would do it and he was not trying to put a fly in the ointment of these changes, but there are things that he was just thinking about that he thinks relate. Mr. Keller asked Ms. McCulley if these are things that sort of relate under this or how would she handle them.

Ms. McCulley replied that these are things that we need to consider going forward from so many perspectives including both the transient lodging and to some degree even affordable housing and therefore thinks that is something to earmark for a future kind of broader discussion.

Mr. Keller asked if you would go ahead and update this but with the proviso that there would be a need to come in and expand that.

Ms. McCulley replied yes, there is definitely a lot of interest in tiny houses.

Ms. Brumfield pointed out we had an inquiry just two weeks ago about them in the county and currently we have a very restricted way that they can possibly have it as a trailer in a travel trailer recreational vehicle type park. She said that is what we have right now, but that is definitely something we are thinking about and discussing.

Mr. Keller thanked staff.

Ms. Firehock said that Mr. Keller had just took my thunder since she spends all her spare time watching weird shows about making houses out of a lot of things. She pointed out that one of her neighbors wants to maybe build a tiny house on one of their lots in the rural area and she did not know how that would fit.

Ms. Riley said she did not have anything else to add, but thinks it is a really important topic and hopes we won't delay it too long because we are not including it in this set of revisions.

Mr. Keller said he was glad Ms. Riley had brought up the affordable housing component because there are many different ways that this fits in with the transient lodging and the affordable housing that are timely issues.

Ms. More agreed and pointed out most of her comments were already mentioned.

Ms. Spain asked as a point of information how many of the manufactured home parks are in the county.

Mr. Brumfield replied that most of them have been there for a while.

Ms. McCulley replied that she was sorry since she did not know the answer to that, but could try to come up with the number.

Ms. Spain asked if it was less or more than a dozen.

Ms. McCulley replied that it was less than a dozen.

Ms. Spain asked if that would be the same for the rental housing in manufactured homes. She noted there was reference to the difference between owners and renters and she wondered do we actually have those and does the county have an example of each of these types that are discussed in the ZTA.

Ms. McCulley replied we have several manufactured home parks and there were two that actually have come through the process, one was an amendment to Townwood off Rio Road West, and then another one up near Willow Glen called Forest Springs. She said in the rural areas manufactured homes are allowed under State Code just like stick built homes and they are common for people who have that for their only means for housing.

Ms. Spain asked if that was on an independent lot, and Ms. McCulley replied yes.

Mr. Keller asked staff to put up the updated pad graphic and would like to channel Ms. Firehock here for a moment and talk about the sites. He pointed out this was for the future and he was not trying to mess with this one. He said that many of the modular houses that we see on the west coast in the upper northeast in mountainous areas are actually brought in by helicopter in pieces. He noted this was done all over the world where piers are built to lower it on as opposed to a platform. He said if we are going to talk about percolating, impervious surfaces and all of that sort of thing that many of these units the way they are constructed because they are structurally sound

as an entity could be on piers. He said that means we could actually have architectural forms that would have less impact on steep slopes that calls in all sorts of things. Mr. Keller said personally he had always questioned the steep slope ordinance and not having a mountain ordinance because it seemed that perching on the side on the steep slope with piers not cutting the slope for roads and whatever for having alternative ways. Mr. Keller said he thought we were most likely only a decade or two away from when somebody could helicopter into our mountainous areas a unit, use cistern water, and have toilets that brings up the whole other thing about where we are on the toilets and the non-water based toilets. He said they could then fly something to that site without having a road into it. He said someone could say he was weird and futuristic, but he did not think he was far off from things that are going to impact zoning and suggested that you might want to think creatively about site and site development.

Ms. Firehock said that she thought about that when thinking about septic systems, field requirements and all that with composting toilets that use no water that are common and work quite well.

Mr. Keller noted that in Europe there are full apartment buildings that have it with no water in toilets.

Ms. Firehock said she has seen tiny houses designed where all the water is caught on the roof and when we require minimum lot sizes and other assumptions that it seems everything in this ordinance is kind of like from 25 years ago and would like to see a lot more creativity in Albemarle County. She said even though staff are overloaded she would really like to bring these issues to the forefront. She asked to go back to the other topic brought up on affordability and being able to have the somewhat mobile work force where you come here and work as a nurse for X amount of months and then you are gone and want to bring your tiny house on your trailer, set it down and then take it back to the next assignment.

Mr. Keller said they understand staff's purview and think they are doing a great job of trying to set the rules and standards and updating that. He said this is in no way criticism; it is just Ms. McCulley and he have had an opportunity to brainstorm on some other things and he just thought it was worth putting some of these out there because they can maybe answer some of our other environmental issues.



Mr. Keller opened the public hearing and invited public comment on this topic. Hearing none, Mr. Keller closed the public hearing to bring it back for discussion and action.

**Motion:** Ms. Firehock moved and Ms. Spain seconded to update the ordinance for the changes as proposed by staff in Attachment C of the staff report for ZTA-2017-00008 Manufactured Homes.

Mr. Keller invited further discussion. Hearing none, he asked for a roll call vote.

The motion passed by a vote of 5:0:2 (Lafferty, Dotson absent).

Mr. Keller said a recommendation for approval of ZTA-2017-00008 Manufactured Homes to update the ordinance for the changes proposed would be forwarded to the Board of Supervisors to be heard on a date to be determined. He asked Ms. McCulley if the Commission would start seeing more of the 42 zoning text amendments (ZTA's) after the first of the year.

Ms. McCulley replied yes, she thinks that Mr. Kamptner is bringing some other sections of the County Code ahead of some of these ordinance amendments and then we will get caught up on some further ordinance amendments to come through.

Mr. Keller thanked staff.