

Analysis of Comprehensive Plan Draft March 2013 Version

Prepared by Charles Battig March 23, 2013

(Sections of the original Comprehensive Plan Document (CPD) are copied together with my associated comments following my introductory **General Comments**)

Disclaimer: I have received no payment for preparing this analysis. However, my taxes have funded the salaries of those County and Federal employees who have prepared the CPD and who presume to speak for the “we” and for “Albemarle.”

General Comments

Enabling VA State Code VA Code 15.2-2223 specifies that comprehensive plans are to be “**general in nature.**” On this basis alone the proposed plan deserves to be rejected out-of-hand as it proposes to micromanage every aspect of the life of County citizens.

Chapter 5 of the CPD lists nine areas subject to analysis, evaluation, regulation, and monitoring. They include Natural Resources, Historic, Cultural, and Scenic Resources, Economic Development, Land Use for the Rural Areas, Land Use for the Development Areas, Housing, Transportation, Parks and Recreation, Greenways, Blueways, and Green Systems, and Community Services and Facilities. Why do these goals sound familiar? They mirror the U.N Treaty on Biodiversity of 1992 (**UN Agenda 21**Chapter 15: Conservation Of Biological Diversity: <http://habitat.igc.org/agenda21/a21-15.htm> and <http://www.unep.org/Documents/Multilingual/Default.asp?DocumentID=52&ArticleID=63>), and land management proposals by the International Union for the Conservation of Nature (IUCN) in 1981. The land use policies required by the UN treaty were also expressed in dozens of other UN documents and at other UN conferences, and incorporated into the agendas of NGOs for implementation through programs and legislation at the local, state, and federal levels. The U.S. Senate rejected ratification of the UN Biodiversity Treaty in 1994, but the TJPDC and Albemarle County planning staff have seemingly done an end-run and have coordinated efforts to place their “son-of-UN-biodiversity treaty” into the revised CPD. Also represented in the CPD are the 1991 *Wildness Project* and *The Rewilding Institute*, originated by convicted eco-terrorist Dave Foreman, are

similar objectives of legislating “diverse, interconnected areas of viable habitat for native wildlife” (page 5.4.9. CPD).

What aspect of a nominally free citizen’s life would be untouched by these imposed regulations? Who has decided that such regulations are needed? What happened to our Founding Fathers’ guiding principle of limited government? Have Thomas Jefferson, James Madison, and John Adams just become local money-making tourist attractions, rather than the philosophical founders of our Country and County? The U.S. Constitution is based on the premise of enumerating the limited powers of the Federal government to those granted by the citizens.

This CPD envisions an expanded role for County government via a mindboggling bureaucracy to measure, document, implement, monitor, regulate, and enforce new regulations on most every aspect of private property usage based on vague “biodiversity” mandates. The CPD has taken the legitimate need to lay out the accepted aspects of County government, and has bloated them into the proposed bureaucracy of a super “nanny state.” Albemarle County would be the grantor of citizens’ rights, thus turning our Constitution on its head, with the County telling its citizens what they might be permitted to do...literally.

Any allusions to community input and approval of this plan ring hollow. Actual attendance at public comment meetings has been extremely sparse. Data from the Livability Project documented that less than 0.25% of County residents participated. By my personal observation most of those who attended these meetings were generally the same small group of people. That same survey included the finding that the number one and number two desires of County residents were “decrease regulations” and “protect private property rights.” These desires are trampled over by this CPD.

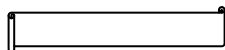
As one of a number of those who participated as a “community group” in the Livability Partnership (referenced in the CPD), I was required to sign an agreement authored by Mr. S. Williams, Executive Director, which included the statements: *“Livability Partnership is not a decision making group. The group will not take votes or make recommendations...Livability Partnership is also not a consensus building group...we do not expect members of the Livability Partnership to agree with or express their support for the final recommendations*

in the Livability Implementation Plan.” In other words, participants could not expect their views to alter the pre-determined mindset of the TJPDC group.

The public has a right to understand how unelected bodies such as the TJPDC and County Staff, funded by taxpayers, can propose to impose their views of what the public may and may not do. An examination of the language in the CPD documents the view of a socialistic Utopia. An all-encompassing, fuzzily-defined ‘biodiversity’ is the new greater-good, and benchmark for all human activities.

Lastly, the CPD is also illustrative of the rule by technocracy. This assumes that if only the “experts” are put in charge, they will craft the “optimal” plan for the running of government. However, if all experts have been trained to analyze and resolve proposed problems in the same manner, then group-think and in-bred stagnation of imagination is the result. The American Planning Association (APA) is the parent organization for most planning “professionals” and their group-think. The APA produced *PAS Report 556, Smart Codes: Model Land-Development Regulations*, which includes 21 model codes on a variety of topics promoting Smart Growth Principles. *APA Smart Codes* provides an overview of the structure of land-development regulations and is a guide to the development of model smart growth ordinances, including models that may be adapted by local governments. Rather than save some room for ad hoc solving of unanticipated problems by traditional hearings, petitions, negotiations, and legal process, the County planners have delivered their pre-packaged protocols for all the problems of which they can conceive in the CPD. The running of Amtrak has not escaped their prevue.

Fredrick Hayak succinctly demonstrated the inherent reasons for the historical failure of such social planning in his book *“The Fatal Conceit”* in which he labels as the “fatal conceit” to “act on the belief that we possess the knowledge and the power which enable us to shape the processes of society entirely to our liking, knowledge which in fact we do not possess, is likely to make us do much harm.”



Analysis of Selected Portions of the CPD

CPD Chapter 2 (page 2.1.1):

2.1 Values and Vision:

#1. *“Designated Development Areas”...*

The desirable qualities of the County are early-on restricted to the designated development areas; the rural areas are not included.

#2 *“Albemarle County values its:*

- *Mountains, valleys, streams, forests, farms, and meadows*
- *Excellent educational opportunities from our public and private schools, college, and university*
- *Economic drivers which are business, industry, and the University of Virginia*
- *Neighborhoods, places to shop, and places to worship*
- *Parks, greenway trails, and recreational areas*
- *Historic and cultural resources*
- *Community partner, the City of Charlottesville, as the area is considered One Community”*

There is no mention of the people who actually live here in this list of “values,” only physical attributes.

Growth Management Policy:

Page 2.2.1

#3. *“While the County does not endeavor to attract new residents...”*

But the County encourages new businesses to locate here; someone forgot to tell the planners.

#4. *“Resource protection is the basic theme behind the County’s policy.”*

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Why not “resource utilization” since resources are of little value if they are walled-off as untouchable. Protection from what? Why not prudent utilization in place of protection?

#5. *“This preferred design, described as the Neighborhood Model in the Land Use.”*

This is another name for “Smart Growth” with high population-density neighborhoods. A paper in the APA Journal (Journal of the American Planning Association, Spring 2012, Vol. 78, No. 2) has examined the premise of lower emissions and other presumed benefits of the Smart Growth model. The conclusions of the authors of this first scientific study of such claims: Smart Growth Policies: An Evaluation of Programs and Outcomes Conclusions:

“The current planning policy strategies for land use and transport have virtually no impact on the major long-term increases in resource and energy consumption. They generally tend to increase costs and reduce economic competitiveness... Smart growth principles should not unquestioningly promote increasing levels of compaction on the basis of reducing energy consumption without also considering its potential negative consequences. In many cases, the potential socioeconomic consequences of less housing choice, crowding, and congestion may outweigh its very modest CO2 reduction benefits.”

I have presented this finding to the Albemarle County Planning Commission, but no change in their devotion to Smart Growth has resulted from this new research.

#6. *“The private sector also has not yet provided some of the services expected and desired by the community, and in the form desired in convenient and more accessible locations to residential neighborhoods in the Development Areas.”*

The County Planners seem thwarted by the realities of the competitive market place which bases its decisions on cost-effective economic analysis of any potential market area.

Page 2.2:

#7. *Encouraging residential development in the Rural Areas is not consistent with protecting the Rural Areas...In addition to directing growth to the*

Development Areas, planning efforts focus on ways to discourage new residential development in the Rural Areas (except where it directly supports agricultural

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uses...Encouraging residential development in the Rural Areas is not consistent with protecting the Rural Areas...giving road improvement preference in the Development Areas - is key in limiting rural residential development

The negative mindset of the planners regarding development in the Rural Area (95%) of the County flows from their devotion to Smart Growth. They will not accept the possibility that residential growth in the Rural Area can take place in an environmentally sound manner; they present an either/or false choice between “sprawl” and Smart Growth. People who freely choose to live in the Rural Area do so without the expectation of the same level of County services as in the Developed areas, but they do not deserve to be short-changed either in County benefits deserving from the property taxes they pay.

(February 15, 2012, Charlottesville-Tomorrow reports the TJPDC Livability findings: “Most of the 508 respondents ‘said they would prefer to live in the rural areas of Albemarle County if there were no barriers in choice of housing.’ Sixty-one percent said they commuted from outside the Charlottesville-Albemarle area because they found housing elsewhere more affordable or a better value.”)

Page 3.1

2013 COMPREHENSIVE PLAN INTRODUCTION AND BACKGROUND

Comprehensive Planning in Albemarle County:

#8. *“...establishes the County’s policy to help guide public and private activities...”*

“Guide,” not micromanage.

#9. *“...ensure that it is consistent with community views...”*

Community views, not Planning Staff views.

Page 3.2

#10. *Regional Planning PACC - Albemarle County - City of Charlottesville - UVA*

Of all the organizations listed, how many are run by elected officials responsible to their constituents?

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#11. *Sustainability Council...* *The Thomas Jefferson Sustainability Council was created in 1994 by the TJPDC...was given the charge to “describe a future where our economic, human, social, and environmental health are assured.”*

“Assured” is a synonym for “guaranteed.” This vision of the TJPDC is that of Rousseau and the socialists. Where in our Constitution, or in the writings of our local heroes (Jefferson, Adams, and Madison) is there a premise of a guarantee of other than of opportunity. This Marxist doctrine of guaranteed results adopted by the TJPDC and the County Planners must be repudiated and deleted. The 15 listed accords omit the companion “objectives” and “evaluations” present in the original document: <http://www.tjpd.org/pdf/sustainability%20accords.pdf> These accords lay the foundation for an authoritative over-ride of personal liberty; China and Russia are examples of authoritarian rule resulting from socialism mandates. They are also examples of the misery inflicted on the poor by such policies.

Page 3.5

#12. *“Albemarle County continues to want to meet the needs of the present without compromising future generations’ ability to meet their needs.”*

The TJPDC and County Planners seem to be shy about their tie to United Nations dogma. Here I have copied the official United Nations definition of “Sustainability.” Our Common Future, also known as the Brundtland Report, from the United Nations World Commission on Environment and Development (WCED) was published in 1987. It defined sustainability as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs.” Do you see a striking resemblance? At least the CPD should give the U.N. the credit.

Page 3.6

#13. Livability Project:

In 2011, the TJPDC began work with the City of Charlottesville, Albemarle County, and UVA on the Livability Implementation Plan for the Charlottesville-Albemarle Metropolitan Planning Organization (MPO) area. The process to

develop this plan, referred to as the Livable Communities Planning Project, built upon the region's 1998 Sustainability Accords...

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This project was/is funded by a \$999,000 Federal HUD grant to the TJPDC. The grant application was titled as a "Sustainability" grant, but the name was quickly changed soon after. Executive Director Mr. Stephen Williams was most reassuring regarding the concerns of citizens as to the objectives of the grant process. Charlottesville-Tomorrow quoted him: *"We have no intention to dictate to people what they can do with their land, or to place any new requirements on them,"* he added. *"We are not in the business of telling people what to do. We are asking what can be done on a voluntary basis to increase sustainability in the region."* As I read through the CPD, the numerous headings beginning with "The County Shall" do not sound "voluntary" to me.

Continuing:

#14. The Livability Partnership Group was made up of more than 60 representatives of community organizations. The organizations ranged from neighborhood associations, political parties, environmental interest groups, housing advocacy organizations, hobby guilds, and more. All three of the project groups participated in the Livability Project.

Indeed. However, participation required members to sign an application in which Mr. Williams noted that it was not to be a consensus building effort, nor should members expect TJPDC policy to be influenced. Listing such "participation" does not mean approval of the final product by Community members, nor does it mean that their suggestions were adopted.

Continuing:

#15. The goal of the project was to develop:

1. A Performance Measurement System to analyze where the region stands with respect to transportation, the environment, housing, economic development, and energy use;

2. One map reflecting future land use designations and transportation projects for the City of Charlottesville and the County of Albemarle;

3. A list of recommended Livability policies to inform the Charlottesville and Albemarle Comprehensive Plans, and the MPO Long Range Transportation Plan;

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4. Recommendations for code and ordinance changes to help implement recommended Livability policies; and,

5. Recommendations for voluntary individual and community-wide actions that will support livability within the community.

At the writing of this Plan, items 1 - 3 were completed and can be found in a report in the reference materials.

When I scroll down to see the referenced completed “Items 1-3,” I see the following message:

“Livability Report

This report is still under development by the Thomas Jefferson Planning District Commission.”

I consider County citizens fortunate that the TJPDC group did not make it to Item 4. Creating ordinance changes would seem to have been the goal all along.

#16. Pages 3.7 to Page 3.11

Note that each of these multitudes of wish lists of potential County control begins with “The County Shall.” Note that no considerations of taxpayer cost or of cost-effectiveness are listed for these regulatory and bureaucratic expansions.

Chapter 4 The People of Albemarle County

#17. Page 4.5

“With increased population, planning will continue to be important to ensure that natural resources continue in abundance and sufficient housing and jobs are available for future populations.”

Planners know how to ensure abundant natural resources; based on what?
Which natural resources will be chosen?

Chapter 5: The Plan for Albemarle County

#18. Page 5.1.1

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“Ecological functions are ways in which nature meets and fulfills human needs.”

Some planner is heavy into Gaia Earth Mother mysticism/teleological thinking.

#19. Page 5.1.2

Ecosystems

“These three levels (species diversity, genetic diversity, ecosystem diversity) interact in an extremely complex manner, and these interactions provide the life support of all species.”

Do the planners claim to understand these interactions? Is today's snapshot of “biodiversity” the “best-of-all-worlds” version? The implication of all these measurements is an incomplete and static view of biodiversity. The chief scientist of the Nature Conservancy Peter Kareiva, who co-authored “Conservation in the Anthropocene,” *notes that conservation's task is no longer to “preserve the wild, but to domesticate nature more wisely...conservation must not fall back into the ideological and impractical fortress mentality, a mentality that is insensitive to humans with needs that might supersede biodiversity...”* “Conservationists will have to jettison their idealized notions of nature, parks, and wilderness... and forge a more optimistic, human-friendly vision...”

Maybe not here in Albemarle County...

#18. Pages 5.1.2-5.1.12

“Biodiversity” is short for biological diversity - the variety of living organisms of all kinds - animals, plants, fungi and microorganisms - that inhabit a particular area or ecosystem.” “...In some cases, the species need large areas that may not correspond to any single recognized parcel of land or that connect via corridors that cross many parcels. A general pattern of large tracts of land and unbroken corridors is as important as the size of any individual parcel...Land development causes fragmentation of habitats and reductions in connectivity which has a major impact on biodiversity in a landscape. Fragmentation is the carving-up of habitats into ever-smaller areas, with the accompanying lack of connections, called “corridors.”

The planners seem unwilling to accept the views of the Nature Conservancy paper, and treat biological systems as extremely fragile, in need of their

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micromanaging and curtailment of private property rights of land owners. The U.N. influence in the County planning mind-set is illustrated by the “The Wildlands Project and UN Convention on Biological Diversity Plan to Restore Biodiversity in the United States.” The Wildlands Project would set up to one-half of America into core wilderness reserves and interconnecting corridors, all surrounded by interconnecting buffer zones.

<http://www.proliberty.com/observer/20091223.htm>

It was defeated as a U.N. treaty by the U.S. Senate in 1994 when it was withdrawn from a vote. However, the TJPDC and County Planners have resurrected it here, and use “biodiversity” to justify their claim on all activities in the County.

PLAN FOR NATURAL RESOURCES:

#19. Page 5.1.13

*The County, with the guidance of the Natural Heritage Committee, **needs to** develop systematic knowledge of the type and distribution of biological resources in the area.*

At what cost; to what level of detail?

#20. Page 5.1.13

“The County should establish concrete goals for the Albemarle landscape, including targets for overall forest cover, the preservation of existing forest blocks, and the restoration or establishment of additional forest blocks. The County should also use the StreamWatch analysis of the relationship between land use (particularly forest cover and impervious surfaces) and water quality to classify stream health in the County’s watersheds, and to develop appropriate management approaches for them.”

This begins the ground work for a huge new governmental bureaucracy; who sets targets? Based on what valid scientific assumptions? At what cost? At what loss of private property rights or even human rights?

#21. Page 5.1.14

“The action plan should be based on a landscape-level analysis that incorporates data on the County’s landforms and on the location and quality of habitats

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(including fragmentation and connectivity, as well as their current level of biodiversity). Aquatic biodiversity should also be addressed through a sub-watershed analysis. The goal of these analyses would be to identify priority areas for conservation and restoration so that the County’s policies and resources could be used to protect biodiversity in the most effective manner.

Building on this analysis, the County should develop the action plan to focus on conserving ecological integrity at the scale of the landscape. The landscape approach focuses on a wide scale (square miles rather than square feet) and on the management of major land features (e.g., forest blocks, watersheds, urbanized areas) to both conserve ecological diversity and support sustainable economic uses of the land. Important landscape features can be prioritized for conservation measures (such as conservation easements) or for restoration efforts. This plan should also establish conservation approaches for aquatic conservation through land-management techniques designed for specific watershed.”

This is the UN Biodiversity Plan being introduced into Albemarle County. Biodiversity mandates trump private property rights and ignore financial and human costs. The “Objectives” and “Strategies” described in detail in the following pages of the CPD illustrate the level of micromanagement proposed.

#22. Page 5.1.14-15

“...existing list of important sites developed by the Biodiversity Work Group (link) can serve to identify sites in need of protection in the near term.”

This continues the planners’ obsession with “protection” as their excuse for intrusive regulations and role as environmental policemen.

#23. Page 5.1.5

“Other than the Shenandoah National Park and other publicly owned parks and school sites, almost all of the land in Albemarle County is privately owned.”

Not for long, if the ACE and similar Conservation Easement programs are expanded as is promoted in the CPD. Approximately 19% of the County is under such easements. When is enough, enough?

24. Page 5.1.14

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“Strategy 4b.2: Hire staff to work in the Community Development Department on stream buffers and mitigation plans, restoration, credit programs and efforts and work with banks.”

Hire staff! Who pays?

#25. Page 5.1.18

Strategy 4c. 1: Implement State requirements for new programs like total maximum daily loads (TMDLs) and continue to go beyond State requirements as currently done.

Who has authorized this overachievement policy? At what additional cost? Why?

#26. Page 5.1.19

“Strategy 4e. 1: Provide information to decision-makers, residents and future residents on the limitations of the igneous and metamorphic stone formations to provide for a reliable well water supply to support residents of the Rural Areas”

The folks in the Rural areas already know this. That is why they drill test wells before purchase.

#27. Page 5.1.20

“Strategy 4e.2: Continue to follow growth management strategies to keep demand from Rural Area residential development from exceeding the available groundwater supply.”

Who has determined the “available” supply?

#28. Pages 5.23-30

Implementation of Natural Resource Strategies

What level of protection/control/monitoring has been determined to be sufficient, and at what cost? Is the endpoint when no one is allowed to live in the Rural

Area? These proposed regulations and zoning changes might just accomplish that.

#29. Page 5.2.1

“Historic, Cultural, and Scenic Resources

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Albemarle is rich with historic resources that represent the County’s cultural heritage and establish a strong community identity. The resources include archeological sites from various time periods, such as 12,000-year-old hunting camps and former villages of the Monacan, to buildings and farms established early in this Country’s history, to post-World War II structures and sites.”

This entire section of 34 pages is focused on these and related physical attributes together with a multitude of ways devised to control everything in sight. I see little reference to the philosophical constructs which the people who lived there entrusted to us. Thomas Jefferson would likely be horrified by the private property controlling statues envisioned by the TJPDC herein. These designations are so worded that the whole County could be designated as a “Historic, Cultural, and Scenic Resource” and thereby reduced to museum status for the Tourist Trade enjoyment.

#30. Page 5.2.12

“Strategy 4a: The County should help to protect Monticello’s Viewshed using these measures:”

Protect it from whom or what? Who has decided that there is a problem? The listed strategies that follow all layer on more micromanagement impediments to private property use. The US Capitol seems to function in the middle of a built-out city without a problem to its “viewshed.”

#31. Page 5.2.22

“Strategy 2c: Update EC Design Guidelines to better reflect expectations of the Neighborhood Model for the Development Areas”

Is the Stonepoint project an example of “better” or not? So far, the project seems designed according to the APA’s “new Urbanism” and “Form-Based Codes” which appear intended to make automobile usage inconvenient. The current

layout gives the automobile driver the feel that he is driving through a “Roach-Motel” of Lego Cubes. Roach-Motel...you check in but you cannot check out, at least conveniently. The new-urbanists riding their bicycles, stuffed with a French baguette and bottle of wine, from the nearby clustered housing is the target audience.

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#32. Page 5.3.1

Economic Development:

“The purpose of the County’s economic development policy is, first and foremost, to provide the local citizenry an improved standard of living and enhanced quality of life.”

Thomas Jefferson thought it was to provide equality of opportunity. It was the Socialists who wanted to provide for the citizenry equality-for-all in results.

#33. Page 5.4.9

Land Use for the Rural Area Objective 1: Maintain a pattern of land uses defined by farms, forests and other natural elements, and traditional crossroads communities, rather than by large lot suburban development.

The single largest way to maintain the land use patterns in the Rural Area is to have the land used for rural uses and not for residential development. As mentioned earlier, the Rural Area is an attractive place for some new residents to build and live. The ability to build on an additional 45,000 lots without a subdivision review, or to subdivide by-right without a rezoning or legislative review and utilities, makes the Rural Area an easy alternative to building in the Development Areas. However, rural development often creates conflicts between residential uses and rural economic activities. For example, neighboring farm activities such as spreading manure or hunting, may seem a nuisance to new residents unfamiliar with rural landscapes.

The TJPDC and County Planners solution is to promote a variety of impediments to private property use and attempt to foresee all possible problems. The traditional ways of resolving disputes by interparty bargaining, compromise, mutual agreements, and legal recourse are ignored in favor of their intrusive planning protocols.

#34. Page 5.4.10

“Strategy 1b.1: Continue the viability of conservation easements in rural resource protection by:

- Assisting, promoting, and funding conservation easement programs;*

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- Promoting voluntary donations of conservation easements that prevent development and protect valued resources;*

- Creating a stable, dedicated funding source for the ACE program;*

- Increasing the County’s capacity to monitor the use of land under easement; and ensure adherence to the terms of easements.”*

The concept of County funding of the ACE Program is unfair to the non-participating County taxpayers. County property taxes are used to provide a benefit to a “privileged” landowner who will reap a lower County property tax bill, and receive a State and Federal income tax deduction/benefit for voluntarily selling some development rights or otherwise limiting use of his property. The other property owners face higher property tax bills as the ACE beneficiary has reduced the tax-base of his property. Let the person wishing to benefit from a conservation easement find funding for his own tax haven; not at the additional tax burden expense of other County private property owners.

The purchasers and administrators of conservation easements have been known to sell the desirable properties to other insiders at an artificially cheap price. In addition, they often act as de facto middle men for the Federal government, managing the property according to Federal mandates.

What is the target percentage of County private property desired to be placed under conservation easements? Who has decided and by what authority the maximum amount? 50%,100%? How much is enough? It is about 19% already.

#35 Page 5.4.11 through 5.4.29

“Strategy 1c.1: Set a maximum lot size/acreage for development-right lots in subdivisions and RPDs.”

This and the following pages illustrate many examples of micromanagement by the planners which is designed to limit personal property rights and choice, all at

the altar of UN Biodiversity. These pages convey the planners' stated ambivalence of actually using our natural resources and incurring some sort of "eco-guilt."

#36. Land Use for the Development Areas:

Page 5.5.1:

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*"The Land Use Plan provides direction for physical development in the County. It reflects the **community's vision** as well as the County's projections for economic, population, and housing demands. It balances these projections against growth management goals and emphasizes the preservation and responsible utilization of **limited resources**."*

Who has defined this "community's vision"? What are these "limited resources" and who has defined them as such?

"Although the Rural Area comprise 95% of the County, residential, commercial, industrial, and mixed use development is not expected there."

What is the validity of the arbitrary 5%/95% allocation between Development Areas and Rural Areas? The "back to the past" picture is one of a medieval walled city.

#37. Pages 5.5.2 and 5.5.3

*"One of the key features for helping residents and visitors know when they are in the Rural Area is a visual boundary. A **clear boundary helps to visually define** where land development is expected and where it is not expected."*

*It should be noted that, although the proportionality of Development Area land to Rural Area land has been around 5% to 95% for many years, the proportional relationship was **never established by the Board of Supervisors as a goal or policy**.*

Are citizens in a quandary over not knowing where they are? The BOS never voted to establish the 5%/95% rule!

#38. Page 5.5.9

"Development Area Land Area Density and Design: the Neighborhood Model"

Much of this is Smart Growth by another name; the benefits of which have been disputed in the APA paper mentioned earlier.

#39. Page 5.5.21

“It is natural for residents to fear the effects of change as the County makes efforts to create more dense and urban neighborhoods in the Development

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Areas. Specific fears often expressed are more traffic, crime, overcrowding of schools, and a loss of privacy.”

These are the very faults of Smart Growth documented in the APA paper mentioned earlier. The residents are right to fear! They are being forced into a living mode which they do not want, just because the planners and “new urbanists” have decided what is best for them...rule by the elite class and a trademark of the socialists.

#40. Page 5.5.23

“Strategy 3a: Plan and provide for necessary infrastructure improvements that are currently impediments to developing vacant sites.

Albemarle County can help to support development of infill lots as well as redevelopment by identifying needed improvements to infrastructure such as streets and utilities, funding, and constructing those improvements. It is also important that when public projects are proposed, planned infrastructure improvements are done in a timely fashion so that they may be incorporated into new developments as necessary.”

Are taxpayer funds to used to make a private development workable because of planning/zoning impediments?

#41. Pages 5.5.26-27-33

“This Comprehensive Plan recommends that the County begin studying ways in which the Zoning Ordinance might be amended in support of urban agriculture. It will be important to designate appropriate locations for urban agriculture. For example, keeping of farm animals within an apartment complex may not be suitable, but it might be acceptable on a single-family lot. Consideration will be needed on whether the County should align its regulations with the City’s. If not, then minimum standards will be needed for poultry, livestock, and bees, along

with enforcement of those standards. At present, urban agriculture opportunities should not be extended to the keeping of pigs and cattle since these animals pose concerns for the safety, welfare, and protection of neighborhoods and residents.”

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This gives birth to another massive new bureaucratic infrastructure, this one to regulate would-be City farmers, and brings visions of Third World living-in-poverty housing.

Housing:

#42. Page 5.6.2

“This change is due, in part, to the County’s Growth Management Policy and the high cost of raw land in the Charlottesville-Albemarle area. Recent surveys conducted for the Livability Project indicate a strong demand for single-family detached homes. Some of this demand is being met in surrounding counties, such as Augusta, Greene, Fluvanna, Louisa, and Nelson.”

Because of an active County policy of discouraging development in the 95% of the County, and pushing development into the other 5%, this is what one would expect. This Smart Growth policy makes housing more expensive, and encourages more vehicle use to escape the increased housing costs and property tax burden. The APA paper quoted earlier documents these negative outcomes.

#43. Page 5.6.4

“Affordability...Historically, housing in Albemarle County has been more expensive relative to the rest of the State”

See #42 above. This is just the law of supply and demand. Planning decisions have financial consequences.

#44. Page 5.6.6

“At present, however, there are no mechanisms to ensure that affordable units remain affordable.”

Will the planners next be advocating “rent control”?

#45. Page 5.6.6-7

“In Albemarle County, the majority of affordable housing should be provided in the Development Areas and should be well integrated within neighborhoods

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rather than in enclaves. Construction of affordable housing is expected from the development community.”

What will be the expected reaction of existing neighborhood residents to the imposition of the new “Affordable Housing” mix?

#46. Page 5.6.11

*“One of the casualties of a loss in staff in the Housing Office has been loss of the ability to develop and maintain an inventory of sales or rentals of proffered units and whether or not those units remain affordable when they are sold. Research is needed on finding ways to have these units remain affordable. **Staff time for this activity requires funding.**”*

Is using existing staff more efficiently not an option? Why not have Relators provide the data?

#47. Page 5.6.12

“Architectural design would need to be considered in a zoning amendment of this type as well as density. Exploration of ways to creatively add affordable units should be done and the zoning regulations changed as needed.”

The planners’ solution to all problems always seems to be more governmental control via regulations.

More property would be “affordable” if more attention were directed to encourage a more welcoming business environment, which would generate jobs and elevate incomes out of the “affordable housing” criteria.

#48. Page 5.6.15

“No less than 25% of units in the Development Areas are multi-family units and are townhouse/attached units”

Who has decided that 25% is the correct minimum? Is there a maximum?

Transportation:

#49. Page 5.7.1 *Transportation is one of the most important services provided by government. Not only does the transportation system provide for the mobility of*

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people and goods, it also influences growth patterns by providing access to land. Transportation links people to their jobs, schools, shopping, community activities, and entertainment...Moving people and goods by way of the County’s road and highway network will continue to be the dominant method of travel in the near future

A frank admission of the obvious...

#50. Page 5.7.2

“A connected, mixed used community can improve health by reducing vehicle emissions which, in turn, reduce the number of vehicle miles traveled (VMT) by people. A reduction in VMT improves air quality by reducing the amount of greenhouse gases emitted by vehicles. Interconnected streets, as well as promoting alternatives to vehicular travel, like mass transit, walking or biking, has the potential to improve or mitigate air quality problems by also reducing VMT.”

The planners continue to refuse to consider the scientific study reported which found that the Smart Growth/Compact Development model does not deliver on this assumption. See earlier reference to APA paper.

#51. Page 5.7.2

“Cost-Efficient Use of Public Dollars...Benefits more travelers with the same amount of money (move more people, not vehicles)”¹

The vast amount of data on public mass transit documents it as a “money loser” requiring large amounts of taxpayer subsidies.

#52. Page 5.7.2

“More Transportation Choices. Not constrained to using auto to get around. Mode, time, location, and route choices”

At what taxpayer cost? Is it cost-effective?

#53. Page 5.7.2

Economic Vitality...“Less time lost; time = money”

Absolutely true, and that is why people love their cars. They can go where and when they wish, rather than being a slave to the bus schedule with its intermittent

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service. How many bicyclists do you see shopping in summer heat or winter cold? We do not have the population density to make public transit cost-effective ,except in a few limited areas.

#54. Page 5.7.3

“Concentrating growth in the Development Areas will continue to increase the efficiency and affordability of public infrastructure, including the transportation system. Focused growth will decrease the need for new and improved transportation facilities and infrastructure outside of growth areas, thereby providing more funding to invest in maintaining the existing system.”

All true, except the planners neglect the human factor, and that people have a variety of reasons to want to live where they chose to do so; not because some planner thinks that the cook-book solution to behavioral control is his area of expertise.

#55. Page 5.7.9

The major transportation goals for Albemarle County’s rural areas are to preserve rural character while improving safety and multimodal transportation choices. Residents suggested leaving the rural roads as they are, whenever possible, focusing on road safety improvements such as shoulders and guardrails, straightening curves, and increased regular maintenance, rather than paving and widening rural roads. Road improvements should support intended growth, and not encourage growth outside of the Development Areas, as well as provide access from farms to markets along strategic routes.

So roads should be left as they are except where they are not...so widening and paving are not safety improvements...a bit of muddled thinking here. However, the planners' aim is to make the Rural areas less desirable for citizens, and to make automobile usage inconvenient.

#56. Pages 5.7.15-16

"Bicycling provides an alternative mode of transportation to vehicular travel. Bicycle travel is accommodated through use of on-road bicycle lanes that share lanes with vehicular traffic..."

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Bicycle transportation is alternate, but it is not equivalent to car transportation. The local bicycle activists seem to have had a heavy hand throughout this Transportation section. Is the County preparing to require bicycle and bicycle operator licenses to ensure that this projected wave of bicyclists is qualified to operate in a safe and responsible manner, and observe all vehicular traffic laws?

Does sharing lanes with vehicular traffic mean that the number of vehicular lanes will be narrowed or eliminated? What about two-lane rural County roads?

#57. Page 5.7.24

"Strategy 4f: Except for agricultural and forestal purposes, limit construction of new roads in the Rural Area, especially where road building would impact or fragment natural habitats.

Strategy 4g: Require that new road projects and road improvement projects include measures that avoid degrading habitats or actively improve them (for example, wildlife tunnels where roads cross migration corridors, stream crossing designs that consider habitat connectivity as well as flood level impacts, etc.)."

This is part of the Biodiversity mindset being advocated by the planners. This gives an open-ended invitation to planners to restrict private property rights since "impact or fragment" can be construed as potential universal results of any construction project.

#58. Page 5.7.26

"The Albemarle-Charlottesville region has demonstrated that it is a profitable and growing marketplace for passenger rail. The 2013 General Assembly passed

a transportation funding bill (HB2313) that includes more than \$500 million over the next decade for intercity passenger rail."

Do not make any plans based on HB2313 as the Virginia Attorney General has determined parts of it to be unconstitutional.

Parks and Recreation:

#59. Page 5.8.1 *"Greenways-blueways and green systems can add economic*

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value by potentially increasing property values and increasing tourism and recreation-related revenues."

Possibly true, except when such systems are carved out of private property by planning edicts and zoning, without monetary compensation to the property owner.

#60. Page 5.8.1

"The National Park Service maintains Shenandoah National Park, which is owned by the federal government and is located in the Rural..."

Are you at all familiar with how the NPS came to acquire this property? It is not a pretty tale.

#61. Page 5.8.3

"4. Provide an economic benefit - Greenways can promote the area's economy while maintaining environmental assets directly in terms of eco-tourism and, indirectly, in terms of increased property values."

Except when they are carved out of private property without just monetary compensation...

#62. Page 5.8.9

"The Greenway Map currently calls for building 52 miles of trails. The trail locations proposed on the Greenway Map are conceptual in nature."

Do any of these trails cross private property? Will the permission of the owners be required and honored?

#63. Page 5.8.13

“The County’s Transportation Plan recognizes that a system of pedestrian and bicycle improvements is needed to provide for multimodal access throughout the County and, especially, throughout the Development Areas. Making connections to important centers in the Development Areas, as well as making connections to City parks and other County-owned parks, means that sidewalks and paths along streets will...”

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Not all transportation modalities are appropriate or practical throughout the County.

#64. Page 5.8.13

“Propose recommendations to the County, such as amendments to current zoning and subdivision regulations to facilitate implementation.

Refer landowners to appropriate land trusts; be pro-active in acquiring right-of-way or donation of land for greenways”

Zoning and regulations to coerce the uncooperative land owner...? Donate or else...?

#65. Page 5.8.24

“Creating greenways and blueways, and constructing greenway trails and blueway improvements requires both money and volunteers.”

It may also require access to or across private property.

Community Facilities and Services:

#66. Page 5.9.16

Keep buildings and spaces at a human scale so that street views are attractive and pedestrian friendly.

“Building size and orientation on the site (and to the street and neighborhood) should be in keeping with the character of the neighborhood to the extent possible and appropriate. As a general rule, buildings should have their front

entrance oriented to the street, with parking relegated internal to the site and away from the street.”

This represents Form-based design building codes:

<http://www.a2gov.org/a2d2/designguidelines/Documents/Seminar2FormBasedCodes.pdf>

By building to a formula, the architects tend to produce cookie-cutter designs with facades reminiscent of Disneyland or Potemkin-like facades seen in the “City Walk of Universal Studios,” or Stonepoint locally.

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#67. Page 5.9.16

*“Housing density is not directly related to facility development; however, when locating and building facilities, the expectation for residential density nearby should be taken into consideration to avoid **sprawling site development**, which under-utilizes sites and does not create or contribute to compact, walkable neighborhood development.*

This presents the planner’s false choice between two “extremes. “Sprawl” is the emotionally charged word for planners who seem not to be able to consider a true mix of land use.

#68. Page 5.9.18

*“Strategy 3a.4: Achieve U.S. Green Building Council Leadership in Energy and Environmental Design (LEED) basic level certification on all new public buildings so long as planning and energy modeling determine that the upfront expense does not **unreasonably exceed the long-term savings.**”*

Why do it at all if costs exceed long-term savings?

FACILITY STANDARDS FOR SCHOOLS:

#69. Page 5.9.23

“Provide physical facilities that enable the School Division to provide a high quality educational system for students in Albemarle County.”

There is no mention of consideration of unnecessary exposure of school children environmental harms. As the community has oft invoked the “precautionary

principle,” it is surprising that there was no consideration by the County School Board of possible health risks associated with introducing Wi-Fi into the K-12 schools about a decade ago.. This health concern is readily resolved by using a wired connection for each computer and turning off the Wi-Fi microwave radio transmitters in the classrooms. <http://electromagnetichealth.org/electromagnetic-health-blog/herbert-laUSD/> I brought this health concern to the attention of the Albemarle School Board, and to the Albemarle BOS last year.

There are more points to critique in the CPD, but by now the pattern should be evident.