

## Excerpts and Comments: Comp Plan Draft July 2013

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### Preface:

At least once every five years the comprehensive plan shall be reviewed by the local planning commission to determine whether it is advisable to amend the plan.

Chapter 22 - Planning, Subdivision of Land and Zoning (15.2-2200 thru 15.2-2329) - Virginia Statutes

<http://statutes.laws.com/virginia/title-15-2/chapter-22>

**Where, when, and by what vote did the Planning Commission determine that it was advisable to amend the plan?**

### Background:

The County's Comprehensive Plan over time has established one overriding policy - growth management - with an emphasis on channeling growth to the Development Areas and protecting the Rural Areas. An important part of this effort has been recognizing and incorporating the rights of individual property owners into initiatives on behalf of the larger community.

**Everything in this Comp Plan Draft ignores this claim. The Livability Project results included the survey response that fewer regulations and protection of private property rights were top priorities of the county residents. This draft is regulatory over-reach on American Planning Association steroids. Protecting the Rural areas from what and for whom?**

## 2.1 Values and Vision

### 2.2 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; and
- ☐ Community partner, the City of Charlottesville, as the area is considered One Community.

These values are translated into the County's vision for the future.

**Who is this "Albemarle County"? This is the vision of the County Planning Staff, who neglected to include the County residents as "something" of value.**

### 3.1 Growth and Management

**3.5 Strategy 1a:** Continue to approve development proposals in the Development Areas and do not approve residential, commercial, or industrial rezonings that are requested in the Rural Area if those requests are not supported by Rural Area goals, objectives, and strategies.

The County has a long history of making land use decisions that support growth in the Development Areas and not in the Rural Area. Although a property owner may request that land be rezoned in the Rural Area for development purposes, it is rarely, if ever approved because to do so would undermine the Growth Management Policy. This practice of approving development proposals in the Development Areas and not the Rural Area should be continued to protect the County's Rural Area.

**Strategy 1b:** Continue to fund capital improvements and provide infrastructure and services in the Development Areas.

The provision of fire, rescue, and police protection, roads, utilities, school bus service, and other governmental activities and functions are most efficiently and prudently made to smaller, more concentrated areas than a large, dispersed rural population. To provide these services at the same level in the Rural Area is viewed as inefficient and contrary to the overall public interest in preserving the Rural Area for agricultural and forestal uses and wise use of limited budget resources.

**“Viewed” by whom? The County budget contains much “fat” in the form of giveaways to favored social engineering and feel good enterprises. However the rural county taxpayer is given second-class status and serves as a captive money tree to fund these elitist projects.**

### 5.1 Historic, Scenic

**5.4 Strategy 1a:** Maintain a permanent Historic Preservation Committee and re-establish the full-time Historic Preservation Planner position to assist in implementation of the Preservation Plan.

**Another tax increase; see “fat” comment above.**

**5.5 Strategy 2b:** The surest method of protecting the County's outstanding collection of historic and cultural resources is through the adoption of a historic overlay district Zoning Ordinance, as recommended in the 2000 Historic Preservation Plan

**Killing private property rights with overlay district upon yet-another overlay district. What is the essential difference between a “district” and an “overlay district”? It is the difference between property owners' having a vote in the issue or none.**

**5.7, Strategy 4a:** For example, the Historic Preservation Committee could look into creating a Heritage Area such as the Jefferson, Monroe, and Madison corridor (in cooperation with Orange County), or the Rivanna River corridor (in cooperation with the City of Charlottesville and Fluvanna County).

**Another massive land grab which would make private property use and enjoyment subject to another un-elected board.**

Strategy 4.b In 2012, the Piedmont Environmental Council assisted the Foundation by creating a “Monticello Vistas map” that delineates the areas where development might be visible from the Monticello mountaintop, based on visual measurements. The inclusion of the Vistas map in the County’s mapping system (available at the County’s website) would facilitate property owners, developers, and the Foundation in making preliminary determinations regarding a property’s visibility from Monticello.

Strategy 4.c Adding a statement regarding the property’s location on the Monticello Vistas map to the list of descriptors would notify owners and developers that their property might be visible from the Monticello mountaintop. The Foundation has requested notification of new projects under review, so the Foundation will be able to contact the owners and developers directly to clarify the extent of visibility and to discuss the Foundation’s guidelines for reducing visual impacts, as necessary.

**Back from the dead...Lazarus lives on. The County Planning staff seems not to understand the meaning of NO. The County Planning Commission ruled, after formal consideration of this proposal, that the County would, as in the past, do no more than provide the Monticello Foundation with building permit notifications of permits issued in the “view area” PERIOD. Now an ominous “as necessary” is tacked on.**

## 5.8 Scenic Resources

Albemarle’s scenic resources include such natural landscape features as mountains, rolling topography, water features, forests and wildlife; and cultural landscape features like fenced fields with grazing livestock, farm buildings, historic architecture, crossroads villages, and gardens.

The County’s scenic resources are highly valued and contribute to both quality of life and the tourism economy. Existing regulations only go so far in protecting these resources. Greater ability to regulate aesthetics is desired to help preserve these qualities. Strategies for protecting the various types of County scenic resources are addressed in this section.

**The vision of the County Planning Staff is one of an idyllic Disneyland, everything just so. The tourist is the money prize and must be accommodated by a uniform story-book landscape. The real world rural county residents must not sully this pristine vision, which their tax dollars are tax taken to maintain.**

## 5.9

### Objective 5: Tourism

Strategy 5a: Conservation easements and historic easements, which are intended to preserve open space and historic resources;

**If conservation easements are funded by County taxpayer dollars, this is effectively an unjust “taking.” Such tax transfers to the benefit of one person to provide him a tax reduction and Federal tax write-offs at the financial cost of others constitute an unjust taking. The remaining pool of property owners is then billed higher property taxes to make**

**up the short-fall in over-all County tax revenues. CE now total about 19% of the County. What is the goal?**

Strategy 5b: Because of the importance of scenic protection and tourism enhancement, Albemarle County supports enabling legislation for the County to provide for a scenic protection and tourist enhancement overlay district.

**Another “overlay” district; soon the overlay-upon-overlay will obliterate the County geographic map.**

Strategy 5c: consistent and coordinated signage, landscaping, and pedestrian amenities can enhance the visual quality and multi-modal experiences along the corridors.

**A Disneyland façade seen at highway speeds. What is a “multi-modal” experience? How would one know if one were experiencing it?**

#### 5.10 Roads

Strategy 6a: Pursue additional scenic road designations to promote tourism and to maintain the visual quality of the County’s scenic roads.

**What about the basic functional quality of the road...safety and traffic handling capacity?**

Objective 6: Maintain or improve the visual quality of all of Albemarle’s roadways

**Whose “vision”? How is it measured, and by whom?**

#### 5.14

Strategy 8b: Using revised County Scenic Streams criteria (See Reference Documents), pursue local designation of qualifying streams, including designated Virginia Scenic Rivers. The stretch of the Moormans River which is designated as a Virginia Scenic River is also designated as a County scenic stream. All streams provide some level of scenic value. It is likely that other streams will qualify as County Scenic Streams.

**Therefore the County Planners will have some form of control over all streams as their vision.**

Strategy 9a: Study ways to protect scenic views of and from the Blue Ridge Mountains (Appalachian Trail and Skyline Drive), US Route 250, and Shenandoah National Park.

**Therefore anything in sight from anywhere must be regulated, no?**

7.1 Albemarle’s Rural Area will have thriving farms and forests, traditional crossroads communities, and protected scenic areas, historic sites, and natural resources.

**This “will have” is offensive language in the historic home of our constitutional forefathers. It smacks of Soviet Union mandated central planning (it did fail, which the planning staff may have not noticed).**

7.2 These features are all part of the Rural Area, which makes up 95% of the County’s land

area.

**Please provide the County documentation as to where, when, and by what vote that this fractional division was officially established.**

### 7.3 New Uses

complement the character of the area in which they will be located;  
be compatible with nearby cultural or historic resources;

**By whose judgment and by what criteria?**

### 7.6

Strategy 1a: Because “living in the country” seems desirable to many people, it is important that the Development Areas become more desirable places where new residents want to live. If the Development Areas become attractive and affordable enough, some, and hopefully most, of the persons considering living in the Rural Area may choose the Development Areas instead.

**The Livability survey showed that a majority of County residents preferred to live in the rural areas. How does something become “more desirable”? Lipstick-on-a-pig problem? The compounding of County land and building regulations make housing less affordable.**

### 7.14

Strategy 2a: By retaining its Rural Area zoning on Rural Area land, the County can ensure that sufficient land area is available for farming and timbering activities now and in the future.

**Modern farming and forestry practices have a record of producing more on less land. Who knows the future and the definition of “sufficient”?**

### 7.16

Strategy 2e: The County has partnered with several organizations and contributed money to organizations that promote diversity in agricultural activities. This work should be continued but by an Rural Support Program Specialist who can take this important activity to another level to promote local food growth and consumption.

**Another layer of “fat” in the County budget...if the folks like what is offered in the market-place they can make their own choice without a “food nanny” paid for with their taxes.**

### 7.25

Strategy 7a: The Neighborhood Model, which provides principles for the Development Area, gives a fuller explanation of why these distinctions are important and are found in the Neighborhood Model Guidance in the Appendix to this Plan.

**Smart Growth model...the dream child of the American Planning Association, which published a paper (already provided to you) that demonstrates that it fails to provide the claimed environmental benefits, but leads to the well-known problems of crowding, increased crime, congestion, more expensive housing, and less choice in housing.**

7.26

Objective 8: Provide for well-informed citizens who understand the cultural, economic, and ecological aspects of the Rural Area

**The folks living on the land already know more about this than a computer-based planner.**

Rural Area residents enjoy a unique location, setting, and responsibility. As owners of land that is so greatly valued by the community, collectively their activities can affect the entire community.

**The owners own the land, not the “community.” The “commons” is straight Marxism thinking.**

8.2 Urban Development

Good urban design and a strong economy make the Development Areas attractive and vibrant. Infrastructure, such as schools, libraries, sidewalks, and streets promote economic activity and create the places for old and new residents to live in close proximity to work.

**The County Planning Staff have yet to come to grips with the fact that Albemarle County is not a neo-urban center large enough to fulfill this dreamscape. Re-read or read Jane Jacobs.**

8.6

Strategy 1c: To the extent possible, create uniformity in format and land use categories in Master Plans.

**Disneyland is the model; uniformity, not personal choice.**

8.8

Strategy 2a: Provide ongoing education to the public on the relationship of density in the Development Areas and efforts to prevent sprawl. 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 Areas. However, when residents understand the relationship between density and preservation of rural areas and the goals of the Neighborhood Model, they seem to find more acceptance of density. Conveying the benefits of density, such as neighborhood schools, parks, sidewalks, and bicycle paths is also important. Understanding that the Development Areas can be great places to live can help residents embrace density in the Development Areas.

**A little brain washing is in order as the poor, simple folk just do not know what is best for them.**

Strategy 2c: Review the cash proffer policy to assess its effects on density.

**Duh, it makes housing MORE expensive.**

### 8.13

#### Safe Sidewalks

Pedestrian safety is essential if sidewalks are to truly provide an alternative to driving. In the Development Areas, street lights are needed to allow walking at night.

**Remember your “dark skies” mandate. Your safety or your dark skies?**

Albemarle County’s topography represents challenges to creating a true grid-system. The County should provide design guidance on how to create street layout that mimics a block pattern. Existing guidance on blocks can be found in the Neighborhood Model Design Guidance in the Appendix.

**Everything looks so appealing in APA workbooks; Albemarle County to emulate Manhattan? Why this particular goal-model?**

### 8.17

Affordable units should be dispersed throughout the Development Areas and in neighborhoods so that housing is available for all stages of life and all income levels. Rezoning and special use permit approvals in the Development Areas can ensure that this dispersal takes place.

**A police state would make this process so much simpler.**

### 8.18 Multimodal Transportation

Strategy 4k: Bike lanes, bikeways, transit, and transit stops should also be considered with new developments. Where warranted, on-street bike lanes should be provided on “collector” type streets, described in the Transportation Chapter. Off-road bikeways can be provided and are often paired with walkways as part of the greenway plan.

**Will bicyclists be licensed and charged for such special purpose uses? Safety rules-of-the- road enforced for cyclists? Where is the cost-benefit analysis for this?**

### 8.19

#### Buildings and Spaces of Human Scale



In mixed-use areas store fronts also help the pedestrian to assess their relationship to the nearby building and the street. In Figure 17, the building's windows and porches help create proportionality for the pedestrian

**They obviously did not read the (APA) book in NYC; the pedestrian usually is not standing around trying to “assess his relationship” with a building; he is going inside to do something practical, such as buying something. This language comes from planners spending too much time playing “SimCity” video games, and not enough time reading and understanding Jane Jacobs. Relationships are normally established amongst fellow humans, not buildings, but maybe it is different for planners.**

## 9.1 Housing

9.3 The Federal Department of Housing and Urban Development's mission is to create *strong, sustainable, inclusive communities and quality, affordable homes for all.*

### **Just as in Soviet Russia?**

9.9 Strategy 6a: Strategy 6a: Provide guidance, resources, and incentives to the non-profit and for-profit development and financing communities to increase the supply of affordable housing (both rental and homeownership) for households with incomes between 0% and 80% of area median income.

**Most all County regulations and proposals in the Draft increase the cost of housing. Thus the cure is this pay-nothing? Spreading the taxpayer wealth around? “Zero per cent” means paying nothing for housing. Why bother to work?**

*"if we can but prevent the government from wasting the labours of the people, under the pretence of taking care of them, they must become happy." - Thomas Jefferson to Thomas Cooper, November 29, 1802[1]*

**Etc, etc, etc**