

Appendix I

A Comprehensive Approach to Planning: Key Policies in the Comprehensive Plan That Guide Development

1. Introduction

A comprehensive plan is adopted or amended only after *careful and comprehensive surveys and studies* of the existing conditions, trends of growth, and the probable future requirements of the area. *Virginia Code § 15.2-2223* (italics added). The subject of these surveys and studies may include the use of land, the preservation of agricultural and forestal land, characteristics and conditions of existing development, natural resources, dam break inundation zones, and other matters. *Virginia Code § 15.2-2224(A)(1)*; see *Huber v. Loudoun County Board of Supervisors*, 55 Va. Cir. 318 (2001) (planning commission not required to survey and study all of the matters set forth in Virginia Code § 15.2-2224; only required to study “such matters as” those listed in the statute).

This appendix examines the key policies in the Comprehensive Plan that guide decisions regarding development, including the decision as to whether to expand the Development Areas to accommodate new development.

2. The County’s Growth Management Policy

The County’s Growth Management Policy has been part of the Comprehensive Plan since 1971. *Comprehensive Plan, page 3.4*. The Policy states:

Promote the efficient use of County resources through a combination of:

A. Protecting the elements that define the Rural Area:

- Agricultural resources
- Forestry resources
- Land preservation
- Land conservation
- Water supply resources
- Natural resources
- Scenic resources
- Historical, archaeological, and cultural resources

and

- B. Promoting the Development Areas as the place where a variety of land uses, facilities, and services exist and are planned to support the County’s future growth, with emphasis placed on density and high quality design in new and infill development.

Comprehensive Plan, page 3.3.

2-1 The Growth Management Policy Directs Development into the Development Areas and Preserves the Rural Area for Rural Uses

The Growth Management Policy “directs development into specific, identified areas while conserving the remainder of the County for rural uses, such as agriculture, forestry, resource protection, and others that rely on these uses.” *Comprehensive Plan, page 3.3*. The Policy “is the basis for most of the recommendations in [the Comprehensive]

Plan and is the primary means to achieve the County’s vision for the future.” *Comprehensive Plan, page 3.4*. The stated goal of the Policy is as follows:

Albemarle County’s Development Areas will be attractive, vibrant areas for residents and businesses, supported by services, facilities, and infrastructure. Growth will be directed to the Development Areas and the County’s Rural Area, with its agricultural, forestal, historic, scenic, and natural resources will be preserved for future generations.

Comprehensive Plan, page 3.1.

2-2 The Growth Management Policy Has Been Consistently Applied

The first objective of the Growth Management Policy is to consistently use the Policy as the basis on which to guide decisions on land use, capital expenditures, and providing services. *Comprehensive Plan, page 3.7*. Strategy 1a states:

Continue to encourage approval of new development proposals in the Development Areas as the designated location for new residential, commercial, industrial, and mixed-use development. Only approve new development proposals in the Rural Area that are supported by Rural Area goals, objectives, and strategies.

Comprehensive Plan, page 3.7. This strategy has been consistently applied. “The County has a long history of making land use decisions that support growth in the Development Areas but not in the Rural Area. Existing zoning provides for by-right use of private property; however, occasionally requests are made to rezone Rural Area property for more intensive development. Such requests are rarely, if ever, approved because to do so would undermine the Growth Management Policy.” *Comprehensive Plan, page 3.7*.

The Growth Management Policy “has been strengthened over time by consistent application and has given Albemarle County a distinctive character when compared to the surrounding counties and most other non-urban counties in Virginia.” *Comprehensive Plan, page 3.4*. This distinctive character is, in part, managed growth and the constraint of sprawl. The County’s *distinctive character* is a valuable asset that distinguishes it from the competition for business and tourism, as further discussed in Section 6.

2-3 If a Development Areas Boundary is Expanded into the Rural Area, is the Growth Management Policy Still Being Consistently Applied?

The correct answer is “it depends,” based on analysis and consideration of all Comprehensive Plan policies relevant to a particular boundary change. When the boundaries of the Development Areas are discussed in the context of the Growth Management Policy, the boundaries being referred to are the *current* boundaries. Although the Growth Management Policy does not expressly address the appropriate triggers for expanding the Development Areas, the Growth Management Policy becomes insignificant if the Development Areas’ boundaries are easily changed. Therefore, any changes to the Development Areas boundaries are inconsistent with the Growth Management Policy unless other policies discussed in the following sections are considered and satisfied.

3. The County’s Economic Development Policy

The goal for economic development in the County is: “Albemarle’s economy will be diverse, strong, and sustainable, and retain and benefit County citizens, existing businesses, and new local ventures.” *Comprehensive Plan, page 6.1*.

3-1 Economic Development is to be Pursued in Harmony with Other Policies in the Comprehensive Plan

The Comprehensive Plan is clear that the County's goal for economic development is to be pursued in a manner that is in harmony with other key policies in the Comprehensive Plan, in particular the Growth Management Policy:

New business, residential, and industrial growth is directed to the Development Areas where investment in infrastructure has been made, and mixed-use communities help promote healthy lifestyles. *Comprehensive Plan, page 6.3 ("Relationship to the Vision" text box).*

and:

Albemarle's commitment to economic development is accomplished *along with and within the framework* of the rest of the goals and objectives of the Comprehensive Plan. *Comprehensive Plan, page 6.3.*

The Comprehensive Plan also states that the County is able to improve its economy by, among other things, "retaining the distinctive character of both the Rural Area and the Development Areas." *Comprehensive Plan, page 6.3 ("Relationship to the Vision" text box).*

3-2 Economic Activity in the Development Areas is Different from Economic Activity in the Rural Areas

Objective 1 of the Economic Development Policy is to "[p]romote economic development activities that help build on the County's assets while recognizing distinctions between expectations for the Development Areas and the Rural Area." *Comprehensive Plan, page 6.5.*

The strategies for implementing this objective include promoting "new employment activities in the Development Areas and encourag[ing] developers of commercial and industrial projects to incorporate the Neighborhood Model principles" (*Comprehensive Plan, page 6.5*) and promoting "agriculture, forestry, and agribusiness enterprises in the Rural Area that help support the Rural Area goals for a strong agricultural and forestal economy." *Comprehensive Plan, page 6.6.*

Neither of these strategies, nor the others for this objective, address the issue of expanding the Development Areas to accommodate economic development.

3-3 Strategies to Accommodate Future Business and Industrial Development in the Development Areas

Objective 4 of the Economic Development Policy recommends that the County "[e]nsure that there is sufficient land to accommodate future business and industrial growth, and plan for infrastructure to serve employment areas where these businesses are located." *Comprehensive Plan, page 6.10.*

One strategy to implement Objective 4 is to "[p]rovide a *strategic assessment* of properties available for existing business expansion, start-up industries, and desirable locations for target industries. Continue to assess the quality of the areas designated for business and industry to ensure that there is land for business and industrial growth with parcels of suitable size, topography, location, and infrastructure." *Comprehensive Plan, page 6.11 (italics added).*

A second strategy is to "[e]ncourage development of business and industrial uses in the Development Areas on appropriately zoned land and consider proactively rezoning land to allow for light industrial uses that have been identified on master plans." *Comprehensive Plan, page 6.11.*

A third strategy is to "[e]xplore opportunities to assist with redevelopment of underutilized commercial and industrial zoned properties." *Comprehensive Plan, page 6.11.* Although neither of these strategies address the issue of expanding the Development Areas to accommodate economic development, they do recognize the need and value of

a comprehensive study that looks at the availability of land for economic development from a strategic, rather than reactive, position. A land area analysis conducted prior to the Comprehensive Plan's June 10, 2015 adoption concluded:

. . . that overall acreage is sufficient for future needs, but much of the available land is in small parcels and lacks the needed roads and utilities to be marketable to new and expanding target industries. Additional work is needed to develop a list of available properties and to ensure that parcels are large enough for targeted businesses and are in advantageous locations.

Comprehensive Plan, page 6.11. The Director of Economic Development is currently studying the availability of land suitable for economic development in the Development Areas.

4. The County's Development Areas Policy

The goal for the County's Development Areas is for them to be "vibrant active places with attractive neighborhoods, high quality, mixed-use areas, thriving business and industry, all supported by services, infrastructure, and multimodal transportation networks." *Comprehensive Plan, page 8.1.* The Development Areas are "the place for residential and business growth," and they serve as a complement to the Rural Area. *Comprehensive Plan, page 8.3.*

4-1 The Development Areas Can Accommodate Projected Growth if Planned Density is Achieved and Quality Development Occurs

The expectations for the Development Areas include "[p]reventing premature expansion of the Development Areas," "[p]romoting density to help create new compact urban neighborhoods" and "[c]ompatible infill development." *Comprehensive Plan, page 8.3.*

Objective 4 states that Development Area land should be used "efficiently to prevent premature expansion of the Development Areas." *Comprehensive Plan, page 8.27.* The discussion that follows Objective 4 states:

Albemarle County's Development Area boundaries have generally been the same for the last sixteen years. 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 [sic] Plan, and the Neighborhood Model in achieving compact urban places.* The ability of the Development Areas to accommodate projected growth depends on the density and quality of new development.

Comprehensive Plan, page 8.27 (italics added). This excerpt may leave one with the impression that the greater perceived threat to expanding the boundaries of the Development Areas will come from residential development if the density and form of development sought in the Comprehensive Plan is not achieved. Accommodating future business development in the Development Areas is addressed below.

4-2 Expanding the Development Areas Should be Considered Only if it is Determined They Cannot Accommodate Development After Conducting a Capacity Analysis

The strategies to avoid premature expansion of the Development Areas under Objective 4 focus primarily on residential development. However, a study conducted during the Comprehensive Plan review process is summarized in the Economic Development chapter of the Comprehensive Plan as follows:

As part of the background work for this Comprehensive Plan update, an analysis of land area available for industrial and office/R&D/flex/light industrial uses was completed . . . The analysis showed that overall acreage is sufficient for future needs, but much of the available land is in small parcels and lacks the needed roads and utilities to be marketable to new and expanding target industries. Additional work is needed to

develop a list of available properties and to ensure that parcels are large enough for targeted businesses and are in advantageous locations.

Comprehensive Plan, page 6.11.

Strategy 4b calls for the County to update the capacity analysis every two years to ensure adequate *residential land* exists to meet new *housing* needs. *Comprehensive Plan, page 8.28.* However, the discussion that follows this strategy is broader in scope:

. . . [S]ufficient land exists for residential growth and commercially zoned but unbuilt land can accommodate future commercial needs through 2030. *Until it is established that the Development Areas cannot accommodate expected future residential and nonresidential 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.

Comprehensive Plan, page 8.28 (italics added). Thus, the results of a capacity analysis, which is comprehensive in nature, is the essential study that guides the decision as to whether to expand the Development Areas.

With respect to the land needed for employment or industrial uses, the Comprehensive Plan states that, at present, capacity analysis “showed that overall acreage exists for future needs, but much of the available land is in small parcels and lacks the needed roads and utilities to be marketable to new and expanding target industries.” *Comprehensive Plan, page 8.33.* Objective 7 states: “Create thriving, active employment and commercial areas.” *Comprehensive Plan, page 8.32.* The discussion that immediately follows continues this theme: “This Objective speaks to two important land use aspects needed for thriving commerce and industry – ensuring that sufficient land is available for future non-residential uses and helping to protect that land for future business and employment needs.” *Comprehensive Plan, page 8.32.* Strategy 7a states: “Continue to ensure that sufficient developable land is available for future commercial and industrial development needs.” *Comprehensive Plan, page 8.33.*

4-3 Extending Development to the Development Areas Boundary is a Strategy to Avoid Premature Expansion of the Development Areas:

In the context of a discussion about protecting the visual boundary between the Rural Area and the Development Areas, the Comprehensive Plan states: “In most circumstances, development in the Development Areas should extend to the Rural Area boundary in order to use the full potential of the Development Areas and not have to expand into the Rural Area.” *Comprehensive Plan, page 8.25.*

4-4 Redevelopment in the Development Areas is a Strategy to Avoid Premature Expansion of the Development Areas

Redevelopment is a strategy that can: (1) “improve and take advantage of existing investment in the Development Areas” (*Comprehensive Plan, page 8.23, Strategy 2o*); and (2) promote “the re-use of buildings or areas to improve the functionality and appearance of underutilized sites.” (*Comprehensive Plan, page 8.23*) These strategies “avoid the need to expand into the Rural Area.” *Comprehensive Plan, page 8.23.*

In acknowledging the existing capacity in the Development Areas for commercial and industrial development, the Comprehensive Plan states that “[t]here is even more capacity if opportunities for redevelopment of land with existing buildings are factored in. The larger issue lies with land needed for employment uses.” *Comprehensive Plan, page 8.32.*

5. Jurisdictional Areas

The areas that are eligible to receive public water or sewer service, or both, are known as the *jurisdictional areas*. Jurisdictional areas are established and expanded by the Board of Supervisors. These are policy decisions to allow

public water and sewer services to be provided in a manner that can be supported by the utility's physical and financial capabilities. *Comprehensive Plan, page 12.29*. The extent of the jurisdictional areas generally follow the Development Areas boundaries. *Comprehensive Plan, page 12.29*.

The single largest growth management tool for the County is the provision of utilities. *Comprehensive Plan, page 13.5*. The Comprehensive Plan observes:

[The County] has a longstanding commitment to provide public water and sewer service in the Development Areas while not expanding service outside of those areas. Delineation and application of jurisdictional area boundaries is significant in the encouragement, discouragement, and direction of growth to Development Areas. Strict adherence to the County's utility extension policy is a very strong Comprehensive Plan implementation measure.

Comprehensive Plan, page 13.5. "The boundaries of the Development Areas are to be followed in delineating jurisdictional areas. Change to these boundaries outside of the Development Areas should only be allowed when: (1) the area to be included is adjacent to existing lines; and (2) public health and/or safety is in danger." *Comprehensive Plan, page 12.30*.

6. The Comprehensive Plan is a Tool to Promote Economic Development and Tourism

Creating and maintaining a healthy, attractive, and livable community not only benefits the County's residents. It also promotes economic development and tourism.

6-1 The Link Between Good Land Use Planning and Economic Development

The link between good land use planning and a community's economic strength and success is evident in recurring themes from both the economic development and the land use planning perspectives. From the economic development perspective, these three themes arise:

- Communities must have a vision for the future.
- Communities must develop a sense of place.
- Businesses want a place, not just a site.

Christopher Lloyd, McGuireWoods Consulting, January 30, 2014.

From the land use planning perspective, the three themes identified above are discussed in Edward T. McMahon's article *The Secrets of Successful Communities (PlannersWeb.com, July 29, 2013)*, which summarizes the key elements of successful communities, including:

- Successful communities capitalize on their distinctive assets – their architecture, history, natural surroundings, and home-grown businesses, rather than adopting a new or a generic identity.
- Successful communities pick and choose among development projects because some projects will make a community a better place to live, work, and visit; other projects will not. They reject generic designs from developers and insist on designs that are sensitive to local character. McMahon cites a development consultant who stated that "when a chain store developer comes to town they generally have three designs ranging from Anywhere USA to Unique." The unique design is sensitive to local character.
- Successful communities pay attention to aesthetics by controlling signs, planting street trees, protecting scenic views and historic buildings, and encouraging new construction that fits in with the existing community.

McMahon explains why aesthetics are important: “The image of a community is fundamentally important to its economic well-being. Every single day in America people make decisions about where to live, where to invest, where to vacation and where to retire based on what communities look like.”

The following excerpts from various commentaries and studies sum up a range of reasons why good land use planning should matter to a locality interested in economic development:

- In a study on the effect of zoning on economic development in rural areas, the authors concluded that planning and zoning facilitated economic development rather than impeded it. The authors summarized the benefits of zoning to include: “(1) business and citizen preference for land use predictability; (2) assurance for business prospects and residents that their investment will be protected; (3) the ability to guide future development and prevent haphazard (e.g., patchwork), harmful, or unwanted development; and (4) the minimization of potential conflict between industry and residents.” *Does Rural Land-use Planning and Zoning Enhance Local Economic Development? Economic Development Journal, Fall 2006, Joy Wilkins, B. William Riall, Ph.D., Arthur C. Nelson, Ph.D., with Paul Counts and Benjamin Sussman.*
- “Having a distinctive identity will help communities create a quality of life that is attractive for business retention and future residents and private investment. Community economic development efforts should help to create and preserve each community’s sense of uniqueness, attractiveness, history, and cultural and social diversity, and include public gathering places and a strong local sense of place.” *Local Government Commission (California), Principle 14.*
- “Quality urban development . . . wants no part of an unstable, unplanned, uncontrolled environment as they know this is not a place to make a long-term investment.” *Planning America’s Communities: Paradise Found? Paradise Lost? Herbert Smith (1991)*
- “The states that do the most to protect their natural resources also wind up with the strongest economies and the best jobs.” *Institute for Southern States Study (1994).*

6-2 The Link Between Good Land Use Planning and Tourism

Tourism is also a beneficiary of good land use planning. The Virginia Tourism Corporation reports that in 2014, domestic tourism in Virginia generated \$22.4 billion in visitor spending, supported 216,900 jobs, and provided approximately \$1.504 billion in state and local taxes to Virginia’s communities. In Albemarle County and the City of Charlottesville, the Virginia Tourism Corporation reports that tourism generated almost \$553 million in direct visitor spending, supported over 5,400 jobs and generated \$18 million in local tax revenue for the city and the county in 2014. Needless to say, tourism is a significant part of economic development.

In discussing the role that a community’s image plays in tourism, Edward T. McMahon, in his article *The Secrets of Successful Communities* (*PlannersWeb.com, July 29, 2013*), writes: “The more any community in America comes to look just like every other community the less reason there is to visit. On the other hand, the more a community does to protect and enhance its uniqueness whether natural or architectural, the more people will want to visit. Tourism is about visiting places that are different, unusual, and unique. If everyplace was just like everyplace else, there would be no reason to go anyplace.” “This is the reason why local land use planning and urban design standards are so important.” Edward T. McMahon, *Responsible Tourism: How to Preserve the Goose that Lays the Golden Egg, Virginia Town & City, May 2015.*

Other writers have expressed a similar sentiment, which all go back to why good land use planning should matter to a community:

- “Tourism simply doesn’t go to a city that has lost its soul.” *Arthur Frommer, Travel Writer.*

- “The most central feature that needs protection is the natural beauty and setting of a place. Once lost, it can seldom be restored.” *Leisure Travel: Making it a Growth Market . . . Again, Stanley Plog.*

In summary, these excerpts advocate managed development and growth. They also caution localities to avoid losing their unique identity. Creating and maintaining a healthy, attractive, and livable community not only benefits a locality’s residents. It also promotes economic development and tourism.

7. Conclusion

Good land use planning promotes economic development and tourism, and the Board of Supervisors’ consistent application of the policies pertaining to Growth Management, Economic Development, and the Development Areas, and the Board’s establishment of jurisdictional areas are the long-term drivers of good land use planning in Albemarle County. The result of the consistent application of these policies is that Albemarle County has a distinctive character that sets it apart from its peer counties.

The decision to vary from these policies to, for example, expand the Development Areas, should be approached cautiously. The Comprehensive Plan provides strategies to avoid prematurely expanding the Development Areas by, for example, pursuing redevelopment. The Plan carves out an exception for “minor adjustments that result in no substantial gain in acreage.” The Plan also recognizes that, at some point, expansion may be required. Before that step is taken, the Plan calls for “monitoring building activity” and engaging in a strategic and comprehensive assessment of the adequacy and capacity of land, structures, or both, to accommodate the uses proposed for further development.