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Citizens for Albemarle, Inc.
PO Box 3751
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Charlottesville, VA 22903

TO:

Citizens for Albemarle
Special Publication

**"AND WHAT A
CITIZEN
CAN DO
ABOUT IT"**

***A Guide For Citizens Concerned About
Land Use Changes***

1996

Citizens for Albemarle was founded in 1971

"to protect, enhance, and wisely use the unique natural and historic resources of Albemarle's environment."

Our organization is committed to sound planning and public participation in local government. We seek to work with other groups toward common goals.

If you would like to join us, a membership form is printed on the inside back cover of this booklet.

Dedication

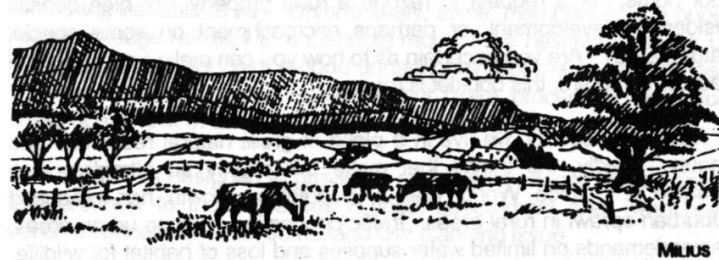
This booklet is dedicated to **Roy Patterson**. More than anyone else, Roy has shown us the power of citizen participation in local government. He has done this by advice and example. For showing us these things, and for his long service to Citizens for Albemarle, we will always be grateful.

Acknowledgment

This document is the product of many hours of labor by different people. We thank all of those who contributed time and expertise to this publication. Their generosity and tenacity are admired and greatly appreciated.

CITIZENS FOR ALBEMARLE, INC.

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And What a Citizen Can Do About It

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Notice. This booklet is intended to be a guide to development procedures and review in Albemarle County. For detailed technical and legal advice, we suggest you consult an attorney or planner.

INTRODUCTION

Are you concerned about a proposed commercial development near your home, or a request to rezone a rural property for high density residential development, or perhaps encroachment on some special natural area? Are you uncertain as to how you can make your concerns heard? If you are, this booklet is for *you*.

In Albemarle County, we live in a place of great natural resources and beauty. Sadly, the things that make our county so attractive also threaten it. Since World War II, population growth has produced suburban sprawl in rural areas, traffic congestion in some urban areas, heavy demands on limited water supplies and loss of habitat for wildlife. The growth of our population continues and clearly will continue in the near future. If we are not informed and vigilant, our natural resources, the beauty of our landscape and the quality of life in our community will be greatly reduced.

Often we see a conflict between rights and desires of individuals and the needs of a community. Short term economic gains of individuals can come at long term costs to communities. This tension is widely recognized and has led to the establishment of many planning mechanisms in local governments aimed at soundly and equitably resolving the many competing demands.

However, if these safeguards are to succeed, citizens must participate in planning decisions. We must continually remind those in government of the importance of environmental protection. You can be certain that residents whose economic interests are involved are making their voices heard.

Fortunately, we live in an area in which residents can influence decisions taken by our county government. By law, public hearings must be held before many decisions are made and there is a tradition here of holding public comment periods on many issues, even when they are not required. Most importantly, genuine consideration is routinely given to public comments. Many decisions in local governments are made better as a result of participation by concerned citizens.

For many years, citizens groups such as Citizens for Albemarle, the League of Women Voters and the Piedmont Environmental Council have attended government meetings and have regularly spoken out. However, residents unfamiliar with planning processes often have something valuable to say. Unfortunately, some members of the public with knowledge relevant to a planning request are hesitant to speak up because they do not have a good understanding of the review process. In other cases, residents speak up but make procedural or tactical errors due to lack of awareness of some aspects of the proceedings.

This booklet is designed to provide a rapid basic orientation to citizens who are new to the processes of local government and who have become concerned about some land use planning issue.

Quick Start: How to Use This Booklet

We assume you're concerned about a request for a change in land use which has been submitted to the Planning Department. We suggest you first read pages 4-12 of this booklet, which will give you an overview of how *submissions* are evaluated. Then, phone Planning. Briefly express your concerns to the staff. Find out if a Public Hearing is scheduled. Get the *staff report* as soon as possible, and read it thoroughly. The "Key Definitions" starting on page 13 will help. Then, follow the guide to participation that begins on page 9. For "contacts", use page 16. If you have questions, please phone C.f. A.

In many respects, the review of land use is a contest with players, rules, facts, tactics and values all affecting the process and outcome. We have used this notion to organize this booklet.

We have focused on the case where someone submits a request for a change in permitted use of some piece of land to the Albemarle County government. We deal with the typical case where this request (or "submission") is reviewed first by Planning Department staff, then reviewed by the Planning Commission and then sent on to the Board of Supervisors for a final decision.

We hope that this booklet helps you deal with some particular issue of special concern to you. Equally important, we would like to see you and others participate regularly in local government processes. Remember, you are a voter and your concerns count!

REGULAR PLAYERS

In this section we identify some organizations that are involved routinely in land use planning actions.

The Board of Supervisors (BoS)

The Board of Supervisors sets county government policy and oversees many aspects of county government operations. It can make or change Albemarle County laws. One supervisor is elected from each of the County's six voting (magisterial) districts. The Supervisors meet approximately once a week at the County Office Building. The agenda for each meeting is set in advance and available to the public a few days before each meeting. Usually, there is a brief opportunity for general comments from the public at the beginning of each meeting. Some agenda items include public hearings. These hearings provide opportunities for members of the public to comment on particular agenda items, before decisions are made.

The Planning Commission (PC)

The Planning Commission, as its name suggests, is concerned with many aspects of county planning. It deals with a range of issues including land use and utilities planning, open space protection, economic development, affordable housing and updating the county's Comprehensive Plan. The Planning Commission is appointed by the Board of Supervisors. There is one member from each voting district, plus an at large member. Much of the work of the Planning Commission is advisory. For example, a request for a zoning change in a particular parcel of land is considered first by the Planning Commission. The Commission votes on a recommended action. The recommendation then is passed to the Board of Supervisors, which makes a final decision at one of its meetings. The Planning Commission meets approximately once a week at the County Office Building. The agenda for each meeting is set in advance and is available to the public the Wednesday before each Tuesday meeting. Public hearings or informal comment periods are held in conjunction with many Planning Commission agenda items.

Architectural Review Board (ARB)

The Architectural Review Board reviews designs for new construction along roads designated "Entrance Corridors." Its review is independent of the Planning Commission. The role of the ARB is to insure that new development is compatible with historic buildings and districts. The ARB grants a "certificate of appropriateness" once a site plan or building permit conforms to its architectural guidelines. The ARB also may offer advisory opinion on special use permits and rezonings.

Board of Zoning Appeals (BZA)

The Board of Zoning Appeals hears appeals of the Zoning Administrator's decisions (see Zoning Department), and requests for variances to the County's Zoning Ordinance.

The Office of the County Executive

The County Executive is the principal manager of Albemarle County. The Planning and Zoning Departments, office of the County Attorney and other administrative elements of the county government are responsible to this office. The County Executive generally attends Board of Supervisors meetings and has influence in the development of Albemarle County policies.

The Planning Department

This department is made up of employees in professional, civil service positions. It coordinates processing of requests for changes in permitted land uses for particular properties. Decisions on some requests (commonly called "submissions") can be made by staff. For major or controversial items, submissions are sent to the Planning Commission (and often then onto the Board of Supervisors). Items passed up to the Planning Commission are accompanied by a Planning staff report summarizing background for the request and a staff recommendation on action. Staff also play a strong support role to the Planning Commission in reviewing policy issues and developing policy documents. Staff reports are available to the public. Staff also can provide information to you on the state of processing of submissions.

The Zoning Department

This department also is made up of employees in professional, civil service positions. The Zoning Department receives certain types of applications considered by the Planning Commission and interprets and enforces zoning regulations. It also enforces conditions attached to special use permits and some rezonings. The Zoning Administrator is the head of the Zoning Department. Zoning regulations are a means of implementing planning policies.

The Office of the County Attorney

The County Attorney provides advice on legal issues to the Planning Commission and Board of Supervisors and may represent the County in court.

Site Review Committee

Representatives from Engineering, Planning and Zoning departments, the ACSA, VDOT, Health Department and the Water Resources Manager review submittals for compliance with County laws and regulations. These people would be contacts for expressing and discussing your concerns.

Albemarle County Service Authority (ACSA)

This authority distributes water, collects sewerage, and bills individuals (residents, businesses and industries) within a specific jurisdictional area in the County. ACSA can request expansion of its service area. Expansions must conform to the Comprehensive Plan.

Rivanna Water and Sewer Authority (RWSA)

This authority is directed by a Board of City, County and citizen representatives. It provides and sells water to the City and ACSA and receives and treats their sewerage. The RWSA influences the extension of utilities.

THE RULES

The "rules" consist mainly of ordinances and policy documents. Some of the major ones are described here.

The County **ordinances**, which are chapters of the **County Code**, are the laws for land development.

The **Zoning Ordinance** and **Subdivision Ordinance** together have been the references for land use and land development for the County for years. Other ordinances, such as the **Water Resource Protection Areas Ordinance**, deal with water quality or quantity issues and further flesh out land development regulations. The Zoning Ordinance establishes districts for specific land uses. Zoning regulations include allowable density and yard setbacks as well as parking and landscape requirements. Criteria for submittal and review of site plans, special permits, and rezonings are spelled out in the Zoning Ordinance. The Subdivision Ordinance deals with the requirements and review criteria for changing property lines, according to division or development rights. The regulations in the Subdivision Ordinance affect the physical appearance of our landscape. It also includes regulations on private and public roads. All land development proposals must meet the pertinent requirements of all the County ordinances.

The **Comprehensive Plan (Comp Plan)** is the general guide for policy for the County. As required by state law, each County and City's Comp Plan is reviewed and updated every five years. The Comp Plan addresses social, economic, environmental issues and community facilities and utilities. Other topics include location of public and private development, transportation, community services, historic areas, land use, and probable future economic and population forecasts. All land development requests are evaluated for their compliance with the Comp Plan Land Use Map and policies. It is an important reference for PC and BoS decisions.

The **Open Space Plan** is an amendment to the Comprehensive Plan that deals with protection of natural, scenic and historic resources. It includes a map of important open space resources in our county.

The **Virginia Freedom of Information Act** provides the public access to development submittals and meeting minutes.

THE CONTEST FOR APPROVAL: THE APPLICANT'S SUBMISSION

This section describes aspects of the initial submission process.

The approval process usually is initiated by an applicant who wants to develop a parcel of land. Development requires approval from the County as to compliance with local laws, and sorts into one of the following submittal types. The abbreviations in parentheses are used by the staff for project identification and for meeting agendas.

Subdivision (SUB) This process revises property lines. Subdivision usually creates more parcels and converts vacant land into building site, but could combine or transfer land.

Site Plan or Site Development Plan (SDP) Commercial or multifamily development requires a plan showing the details of the proposed construction (parking, building size, utilities, etc.).

Special Use Permit (SP) The Zoning Ordinance allows specific more intense uses in certain districts if approved by the Board of Supervisors through the SP process (i.e. churches in residential areas).

Zoning Text Amendment (ZTA) A change in the written portion of the Zoning Ordinance requires Board of Supervisors approval.

Zoning Map Amendment (ZMA) A change in the official County zoning map requires Board of Supervisors approval. This process is also called a rezoning. It usually is to allow more intense use of land.

Comprehensive Plan Amendment (CPA) A change to the Comprehensive Plan Land Use Map, the adoption of a plan or report into the Comprehensive Plan or any change to the Plan that is done between five year reviews requires Board of Supervisors approval.

Variance (VAR) The Board of Zoning Adjustments can grant specific relief of the Zoning Ordinance if a hardship is proven.

Waiver Request The Planning Commission can waive certain regulations in the Zoning Ordinance if specific conditions are met.

The office to which a submission is made varies with the submittal type. Once the submittal is accepted for review, the County staff and other regulatory agency representatives begin their review.

THE CONTEST FOR APPROVAL: A CONCERNED CITIZEN'S VIEW

This section provides more information on the flow of processing of a submission and how a citizen can affect the outcome.

Whether in support or in opposition to a development proposal or policy change, you must understand your options for participation.

Agenda Advertisement: First, all public meeting agendas must be advertised in a local paper two weeks prior to the meeting. Although the application has been on file at the County for several weeks this is most people's first notification.

Reading an Agenda: The agendas can be cryptic and difficult to understand. For instance an item might be listed as:

"SP-94-20 Happy Days Day Care. Request to provide day care facility, in basement of existing bldg. Prop consists of 1.12 ac loc E of Rt 404 approx 1/2 mi S Murray."

This Special Use Permit (SP) was the twentieth submitted in 1994 (94-20 is the County's project number). The Applicant's name is listed next. Then an abbreviated explanation of their request.

Another example might be "CPA 94-02 Keystone Corp Field Mill. Amend Land Use map to incl 100 ac in Azaleatree commun. Loc E George Crk, N Rt 43, W Norfolk & Southern Railrd". This request for a Comprehensive Plan Amendment was made by the Keystone Corporation for Field Mill (residential subdivision). If approved the Comprehensive Plan Land Use map will be amended to add 100 acres for residential development in the Azaleatree area, at the location described. This is a first step in a rezoning request.

A call to the Planning or Zoning office will clarify details and tell you if a sign has been posted on the property which makes it easier to spot from a car. The staff also can make the applicant's submittal available to you for review, as well as the staff report.

Staff Reports

The planning staff prepares a staff report with project information, project or site history, staff evaluation, and staff recommendation. The criteria for evaluation (from the Zoning Ordinance) or any precedent setting actions (from the history files) are listed in the report, along with letters from the public.

Planning Department (site) Planners write staff reports so they can be distributed to the Planning Commission one week before the item is heard. Staff reports are available to the public at the Planning Department on the Wednesday prior to the Tuesday meeting at which the item is scheduled to be heard. (Reports are received by Commissions prior to public distribution.)

Discussion with the Planners

The Planners are usually available to discuss submittals with the public. Consider making a date for a brief discussion and review of the submittal file. Remember the Planner reviews submittals for compliance with County laws. Planners try to maintain a non-biased attitude, so expect a relatively formal description of the proposed project, but don't hesitate to discuss your concerns and ask how it affects neighboring property.

Support or Protest Prior to the Public Meeting

The decision makers usually appreciate seeing documented positions prior to the public hearing. It is helpful for your position to be documented in writing by a letter to the appropriate Planning Commissioner and Supervisor, with copies sent to the Planner handling the project, and the other Commissioners. Phone calls are more personal and also are effective.

It is a good strategy to start by using the same criteria for evaluation that the Planning Commission will use, i.e., agree or disagree with the points in the staff report. Then, add your new information. Any desire to personalize the effects of a project should be balanced with concerns for the County as a whole. Avoid personal attacks.

A clear, direct letter is most effective. One letter with multiple signatures can be better than multiple letters from individuals.

Attending the Planning Commission Public Hearing

Your position and comments stated at a public hearing will be a matter of public record. The decision makers often address comments made by persons at the hearing. So even if you've written a letter, try to also attend the public hearing, if only to briefly reiterate your position.

If you plan to attend a public hearing remember the published agendas are usually tentative, it is wise to confirm the date and time prior to the meeting: The Agenda hotline for the Planning Commission is 296-5824 and for the Board of Supervisors 972-4082.

The Public Meeting (Etiquette)

You will be more successful at the public hearing if you understand the meeting decorum.

The Chairman of the Planning Commission runs the meeting.

Each item is individually addressed. First, the Chair requests staff to report and Commissioners discuss the information. The applicant usually has first option to speak to the Commission.

When the meeting is opened to the public it is appropriate to move to the side aisle and wait to be acknowledged as a speaker.

Speak from the podium and into the microphone. After greeting the Commissioners be sure to announce your name, (and area of residence, or group you represent if so desired) for the record. Remember you are speaking to the Chair and the Commissioners. Even if you are questioning something the applicant or staff has said be sure to address the Commission.

Keep your comment brief. If others agree with you, consider having a single speaker and asking those who support your statement to stand and be acknowledged by the Commission. There is strength in numbers, but respect the time and attention spans of the Commissioners. Have a printed copy of your statement for the clerk, usually seated on the left, and for the Commissioners, hand them to the clerk as you approach the podium.

Be sure to maintain your credibility through respect for those with whom you disagree. Citizen input is a matter of public record. The public comments made at the Planning Commission are conveyed to the Board of Supervisors.

After the public hearing, Planning Commission members vote on a recommendation for the Board of Supervisors.

Attending the Board of Supervisors Public Hearing

Final decisions on many submissions are made by the Board of Supervisors. Be prepared to speak also at the Supervisors' public hearing. These often occur about two weeks after the Planning Commission hearing. Usually you repeat the points you made to the Planning Commission. You may wish to include responses in your Supervisors' presentation to points opponents made before the Planning Commission. Be brief. The Supervisors often limit speakers to about three minutes. Board of Supervisors meetings follow a format similar to that of the Planning Commission. Rules for decorum are printed on the agendas. Good luck!

How to Have the Most Influence

The earlier you can become involved in the review of a proposed land use change, the more influence you are likely to have. Once action on a particular submission is completed, stay informed. More submissions may be in the works.

Land use activities are monitored by several civic and environmental groups in Albemarle County. These include Citizens for Albemarle, the League of Women Voters and the Piedmont Environmental Council. These groups have developed working relationships with the County staff and are aware of new submittals prior to their advertisement in the newspaper. It is important to join such a group to support their efforts and to protect your interests in Albemarle County.

Community associations now exist in Crozet, Proffit and Earlysville. Many homeowners associations also exist in Albemarle County. These groups deal with varied issues of interest to residents in different areas within the county.

DEFINITIONS OF KEY TERMS

This is a reference section. It identifies terms and groups that will be encountered in processing some submissions.

Zoning Districts

The County is divided into **zoning districts** for separation of uses, and densities. They include:

Rural Areas District (RA) purposes of RA district include: 1) preservation of agricultural and forest lands and activities; 2) water supply protection; 3) limited service delivery to RA, (save on infrastructure costs); conservation of natural scenic and historic resources. Provides single family and agricultural uses.

Residential Districts: (by right development in specific districts):

R-1 Low density, approximately 1 dwelling unit (d.u.) per acre

R-2 Allows, by-right, two dwelling units per acre, usually detached

R-4 Allows, by-right, four dwelling units per acre

R-6 Allows, by-right, six dwelling units per acre

R-10 Allows, by-right, ten dwelling units per acre

R-15 Allows, by-right, fifteen dwelling units per acre

PRD (Planned Residential Development) by ZMA only, promotes efficient land use and environmental protection by offering flexibility and variety of development for residential and ancillary purposes.

PUD (Planned Unit Development) by ZMA only, allows services for neighborhood level orientation.

VR (Village Residential) allows concentrated residential development, a variety of housing types and related non-residential development, encourages infill.

Commercial Districts

C-1 (Commercial) uses in urban areas or villages, retail sales, service and public use establishments.

C-O (Commercial Office) administrative, business and professional office and support accessory uses, transition between residential and more intensive commercial uses.

HC (Highway Commercial) commercial establishments other than Shopping Centers, primarily oriented to highway location rather than central business concentrations; located along highways, within urban areas; aimed at limiting sprawl by providing depth in the district thus needing fewer entrances and less frontage.

PDSC (Planned Development Shopping Center) to provide neighborhood, community and regional shopping centers.

PDMC (Planned Development Mixed Commercial) large scale commercial areas with broad range of uses under a unified plan.

INDUSTRIAL DISTRICTS

LI (Light Industry) industries, offices, and limited commercial uses which are compatible.

HI (Heavy Industrial) industries and commercial uses which have public nuisance potential.

PDIP (Planned Development Industrial Park) variety of office and industrial uses.

Overlay Districts impose special regulations for example, Natural Resource Extraction District, Scenic Areas, Airport, among others.

Land Use Categories

Land Use Categories are used for general policy and designation on the Comprehensive Plan Land Use Map.

Rural Areas are less densely developed areas of the County, in fact the majority of the County, falls under a general category of Rural Areas; the intent is to focus on agricultural uses and preservation of rural atmosphere. While single family residential uses are allowed, development is encouraged to occur in designated Growth Areas.

Urban Area is the county urban area surrounding Charlottesville.

Growth Areas urban areas, villages and communities that are designated to be the location of future development.

Villages rural service and residential centers.

Communities clusters of development with between 3,000 and 10,000 population.

Neighborhoods designated components of the urban area and several freestanding communities along major arteries. Studies of concerns in neighborhoods have been or are being done by committees of neighborhoods representatives.

Organizations

Task Forces and Committees

The Planning Commission or Board of Supervisors sponsors committees to work on specific issues, including:

Water Resources Committee This committee deals with water quality and quantity issues.

Housing Strategies Albemarle County participated in a task force which made recommendation on regional housing. The task force's report of recommended housing strategies has been partially adopted. An Albemarle Housing Committee will study strategies, and make specific recommendations.

Agricultural and Forestal Districts Advisory Committee. In addition to reviewing agricultural and forestal districts, representatives from agricultural and forestal industries make recommendations on issues bearing on agricultural industries.

Terms

Division or Development Rights The number of homes that may be built on a particular parcel in the rural areas.

Proffer An offer by a developer, during rezoning, to carry out some action not required by law. The purpose of a proffer usually is to mitigate concerns related to rezoning.

CONTACTS

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Citizens for Albemarle 1996 Membership Form

Name(s) : _____

Street: _____

City: _____ Zip: _____

Telephone Home: _____ Work: _____

FAX Home: _____ Work: _____

Please circle your level of support:

Student	\$5.00	Supporting	\$25.00
Family	\$10.00	Sustaining	\$50.00
Contributing	\$15.00	Voluntary contribution	_____

I/We vote in (please indicate):

<input type="checkbox"/> The City of Charlottesville	<input type="checkbox"/> Charlottesville District
<input type="checkbox"/> Outside Charlottesville/Albemarle	<input type="checkbox"/> Samuel Miller District
<input type="checkbox"/> Rivanna District	<input type="checkbox"/> Jack Jouett District
<input type="checkbox"/> White Hall District	<input type="checkbox"/> Scottsville District

Would you be willing to volunteer your time to help C.f.A. ???

Yes _____ No _____

If you are willing to help C.f.A., please indicate in what manner (letter writing, attending local government meetings, making phone calls, researching issues)??? Yes _____ No _____

Do you object to your name being included in a membership directory? Yes _____ No _____

Please return this completed form with your payment to:
Citizens for Albemarle, Inc.
P.O. Box 3751, University Station, Charlottesville, VA 22903