



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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February 7, 2023

TO THE MEMBERS OF CITY COUNCIL CITY OF HARRISONBURG, VIRGINIA

SUBJECT: *Consider a request from Barber Martha Clark Others ATTN Charles Clark, GSW Investors, Cook Creek Church of Brethren Cemetery, and Willow Lane Partners C/O Sarah Rees to rezone a site addressed as 1010 Garbers Church Road, 1645 and 1815 Erickson Avenue, 1781 South High Street, and South Dogwood Drive*

EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: January 17, 2023

Chair Finnegan read the request and asked staff to review.

Ms. Dang said that several City staff members will be presenting this evening. The Assistant City Attorney Wesley Russ will discuss proffer number four. The Director of Public Works, Tom Hartman, will discuss proffer five, and traffic and transportation. Housing Coordinator, Liz Webb, will discuss the housing analysis.

Comprehensive Plan Land Use Guide Designation

The Comprehensive Plan designates the majority of this area as Low Density Mixed Residential. These areas have been developed or are planned for residential development containing a mix of large and small-lot single-family detached dwellings, where commercial and service uses might be finely mixed within residential uses or located nearby along collector and arterial streets. Duplexes may be appropriate in certain circumstances. Mixed use buildings containing residential and non-residential uses might be appropriate with residential dwelling units limited to one or two dwelling units per building. Attractive green and open spaces are important for these areas and should be incorporated. Open space development (also known as cluster development) is encouraged, which provides for grouping of residential properties on a development site to use the extra land for open space or recreation. The intent is to have innovative residential building types and allow creative subdivision designs that promote neighborhood cohesiveness, walkability, connected street grids, community green spaces, and the protection of environmental resources or sensitive areas (i.e. trees and floodplains). Residential building types such as zero lot-line development should be considered as well as other new single-family residential forms. The gross density of development in these areas should be around 7 dwelling units per acre and commercial

uses would be expected to have an intensity equivalent to a Floor Area Ratio of at least 0.4, although the City does not measure commercial intensity in that way.

The Comprehensive Plan also designates a smaller area along the property's Erickson Avenue public street frontage as Commercial. Commercial uses include retail, office, professional service functions, restaurants, and lodging uses. Commercial areas should offer connecting streets, biking and walking facilities, and public transit services. Interparcel access and connections are essential to maintaining traffic safety and flow along arterials. Parking should be located to the sides or rear of buildings.

- Site: Undeveloped land, containing a small historic cemetery; zoned R-1, R-3, and B-2
- North: Single-family detached dwellings, Heritage Oaks Golf Course, and vacant properties, zoned R-1
- East: Single-family detached dwellings, zoned R-1 and R-3; and multi-family dwellings, zoned R-3
- South: Professional offices and retail uses, zoned B-2; agricultural use, zoned R-1
- West: Agricultural use and across Garbers Church Road, Harrisonburg High School, zoned R-1

The R-7 zoning district is intended to provide opportunities for the development of planned residential communities offering a mix of single-family detached units, single-family attached units, and in certain circumstances, multi-family units. R-7 communities are developed under an approved master plan that incorporates regulatory text for the communities. Aside from particular provisions of the Zoning Ordinance (ZO) that must be met, the approved master plan is the "zoning" by which the development must abide. The R-7 zoning district requires a minimum of two contiguous acres at the time of application, a minimum of 15 percent open/green space, and at least two types of residential housing types, where no one type can exceed 70 percent of all residential units. Maximum density is limited to 15 units per acre.

To date, the City has approved five R-7 master planned communities:

- Brookside Park located at Roberts Court, Drake Lane, and Suter Street, rezoned to R-7 in 2006, and then amended in 2007 and in 2011;
- The Quarry located along Linda Lane and Smithland Road, rezoned to R-7 in 2007;
- Collicello North located along Collicello Street north of 5th Street, rezoned to R-7 in 2013;
- The Village at Chicago Park located along Saturday Drive, which is off of Chicago Avenue, rezoned to R-7 in 2014; and
- Juniper Hill Commons located off of Keezletown Road, rezoned to R-7 in 2020.

While considering the rezoning request, any needed Subdivision Ordinance variances or other subdivision related matters should be considered when making a recommendation for master planned projects as approving the plan of development could be perceived as also providing an endorsement for the subdivision matters during the platting phase.

The applicant proposes to construct no more than 900 units and, at this time, is planning a variety of housing types totaling 897 units including:

- 133 for-sale manufactured homes (attached to a permanent foundation, titled as real estate, and limited to one home per lot),
- 324 for-sale and rental townhomes, and
- 440 multi-family dwellings (included in large and small buildings, garden style buildings, and as townhome-style over retail).

Master Plan Text and Layout

As required, the applicant has submitted a master plan, titled “Master Plan Zoning Requirements for Bluestone Town Center” and an associated master plan layout (sheets titled “Master Plan” and “Master Plan – Public Road Layout”), which together with the submitted proffers, if the request is approved, would be the “zoning” by which the development must abide. (Note that the applicant has also provided conceptual layouts of the development that are not part of the master plan or proffered.) The R-7 district allows the applicant to propose their own area and dimensional regulations for the development except for maximum building height which the R-7 district regulations limits to a maximum of 40-feet and three stories for all buildings, except for multi-family dwellings, which may have a maximum height of 50-feet and four stories. Additionally, the R-7 district allows the applicant to propose alternative regulations to address off-street vehicle and bicycle parking and for provisions found in Article T. Modifications and Adjustments of the Zoning Ordinance (ZO), which the applicants have taken advantage of those opportunities and proposed regulations specific for their plan of development.

The text portion of the master plan, has sections which describe:

- A. Uses permitted by right,
- B. Uses permitted by special use permit,
- C. Area, density, and dimensional regulations,
- D. Off-street vehicle and bicycle parking regulations,
- E. Modifications and adjustments, and
- F. Other regulations.

Staff has worked with the applicant to help ensure the master plan text portion of the project is enforceable. While the majority of the text is acceptable, at this time we still have one concern with the regulatory text. Section E. Modifications and Adjustments, specifically within General Modifications subsection (4), it describes that front, side, and rear lots are established based upon the proposed orientation of a building. Staff believes this is problematic. This would allow, for example, a manufactured home to be proposed on a lot along the public street identified as Road A with its front orientation facing away from the public street. Then, on an adjacent lot, another manufactured home could be proposed with its front orientation facing the public street. This creates inconsistency as different setback distances would be applied along the public street. Staff believes that regulation is not good practice and that it should be amended in a way that creates consistency in setback enforcement.

A unique component of the master plan in Section E. Modifications and Adjustments, specifically within General Modifications subsection (6), it states the following:

All manufactured housing in the development will, at the time of construction, meet or exceed the then-current requirements of the Fannie Mae MH Advantage or Freddie Mac CHOICEhome lending programs, or any replacement program with requirements that are substantially similar.

Along with the above detail of the master plan text and Proffer 3.b., if the request is approved, then manufactured homes within the development must comply with the requirements of Fannie Mae MH Advantage or Freddie Mac CHOICEHome lending programs. The two lending programs have minimum architectural and site installation programs that are more stringent than the HUD Code. For example, the Fannie Mae MH Advantage Program requires, among other things, homes be designed as a multi-section property (i.e., no single-wide homes), eaves that are 6 inches or greater, roof pitch at a ratio of 4/12 or greater, minimum architectural features, and one of three energy standards on the Data Plate. The Freddie Mac CHOICEHome program has similarly structured requirements, which among other things, includes: multi-section home with a minimum of 1,000 square feet of living area; pitched roof minimum of 4/12; minimum architectural features; and eaves that are 4 inches or greater. (Additional information on the Fannie Mae MH Advantage program was provided by the applicant and is included in the application and supporting documents.)

With regard to the master plan layout, as previously stated, these layouts are part of the “zoning” for the development and will govern the general layout of the site and would be used as a basis for subdivision and engineered comprehensive site plan approval and zoning enforcement. Section 10-3-57.6 (g) of the R-7 district regulations states that:

Applicants for the R-7 zoning district shall submit at rezoning a master development plan, showing and describing in map and text form:

- (1) General layout of roads, housing areas, open space, parks, pedestrian and bicycle trails.
- (2) General location and number of community building, school, day care, church and public use sites proposed.
- (3) Description of housing types/lot configurations to be used with lot areas, minimum widths and depths, minimum yards defined.
- (4) Indication on the master development plan of the general location of housing types/lot configurations proposed.
- (5) Environmentally sensitive areas: slopes exceeding fifteen (15) percent, streams and 100-year floodplains.
- (6) Proposed active recreation areas and recreation facilities.
- (7) Proposed general landscape plan (landscape areas, plant materials and general specifications).
- (8) Description of how design principles of the district are to be met and proffers, if any, to implement the principles.

Note that conceptual layouts are provided separately on other sheets titled “Conceptual Site Layout.”

Within their submitted documents, the applicant has addressed items (1) through (5) in Section 10-3-57.6. However, staff does not believe that items (6), (7), and (8) have been adequately addressed. First, our concerns with subsection (6) are described later with Proffer #3 in the *Proffers* section below. With regard to subsection (7), staff advised that to meet the requirements of this subsection, that the applicant should describe what general types of plants would be planted (for example, deciduous and/or ever green trees at 6-feet in height at the time of planting and maintained) in different types or areas within the development or illustrated areas within the master plan layout. This information does not exist within the master plan or proffers.

With regard to subsection (8), which refers to the design principals and objectives listed in Section 10-3-57.2 of the R-7 district regulations, staff believes that the applicant could more directly address how each of the design principles of the district have been met by the master plan and proffers. The eight principles are:

- (1) A mix of housing types and residential lot sizes and configurations is provided so as to offer a variety of housing opportunities, yet create a cohesive neighborhood that enhances social interaction.
- (2) Housing is clustered to preserve valuable environmental resources and provide usable recreational open space.
- (3) The open space system is as carefully designed as the housing area so as to offer usable parks, connected green spaces, and village greens and civic spaces visible from roadways and spatially defined by abutting building facades and/or landscape elements.
- (4) Vehicular, pedestrian and bicycle transportation is facilitated through a connected system of roads, sidewalks and/or trails so as to provide many choices with regard to mode and route.
- (5) Traffic claiming techniques may be used to reduce vehicle speed and increase pedestrian and bicycle safety.
- (6) Principal buildings address the street, presenting front facades on the publicly visible side of the building.
- (7) The visual impact of vehicular off-street parking and garages on public streetscape views is minimized through innovative site planning and building design including parking areas located to the rear of buildings, using architectural design elements such as massing, form, materials and fenestration to make garages visually compatible with inhabited buildings, and parking areas screened with landscape elements.
- (8) Neighborhood support uses, such as neighborhood commercial areas, daycare facilities, community centers, churches and schools, are designed so as to be visually compatible with the residential character of the neighborhood and accessible by all transportation modes.

Staff does not believe that design principles (3), (6), and (8) have been addressed by the master plan or proffers.

Sheet 1 of the Master Plan layout identifies where different types of uses can be located within the development. Sheet 2, titled “Master Plan – Public Road Layout” shows the general layout of roads within the development, and also illustrates the traffic and transportation improvements described in Proffer #5. If the request is approved, then the notes on the “Master plan – Public Road Layout” describing traffic calming measures and the street notes would be regulatory. However, the typical road section schedule is not regulatory as the notes below the table indicate that “final typical

sections to be determined at the preliminary platting phase for lane widths and location of sidewalk and shared-use-path.”

Finally, the ZO’s Article G, which includes the regulations for most off-street parking requirements does not address the minimum required parking for a manufactured home use. The outcome of the ZO amendment and this rezoning request will determine how quickly an amendment regarding the minimum parking requirements for manufactured homes should be addressed for general guidance of R-7 developments. This matter, however, does not impact the review of the proposed project.

Proffers

Staff has the following concerns with the submitted proffers:

1. Provision of Affordable Dwelling Units. Provision of Affordable Housing

The attached Memorandum from Liz Webb, Housing Coordinator, dated January 12, 2023 includes an analysis of the proffers, as well as, the development proposal as a whole from a housing perspective. (Note that after evaluating both favorable and unfavorable factors from a housing perspective, the Housing Coordinator concluded that the development is anticipated to have a positive impact on affordable and workforce housing needs and recommended approval of the rezoning request.)

2. Residential Units

Proffer 2.b. should not be a proffer enforced by the ZO, and therefore staff recommends that this proffer not be accepted by City Council. The proffer is vague in terms of details of how it would be enforced by City staff. If the applicant desires to establish this as a policy, they could do so on their own and it should not be enforced by the City through the ZO.

3. Environmental Sustainability

Staff has no concerns with Proffers 3.a., 3.b. 3.d. and 3.e.. However, staff has concerns with 3.c., and 3.f.

Regarding Proffer 3.c., staff recommends rejecting this proffer as it is too vague to be enforced. Staff recommended to the applicant that if they wanted to offer this proffer that they should include a minimum square footage of solar panel systems or some other measurable feature.

With regard to Proffer 3.f., staff does not believe this proffer adequately addresses design objective (3) in Section 10-3-57.2 of the ZO (as mentioned above), which states that, among other things, the master development plan shall achieve the following:

The open space system is as carefully designed as the housing area so as to offer usable parks, connected green spaces, and village greens and civic spaces visible from roadways and spatially defined by abutting building facades and/or landscape elements.

Proffer 3.f describes that all residential units shall be within 1,000 feet of a green space and/or common area and staff believes that this distance criteria is too great and is a long

distance for community members to travel to get to green spaces and common areas. For perspective, 1,000 feet is the approximate distance between the two proposed development entrances (Road A and Road E) along Erickson Avenue. The R-7 district requires that 15 percent of the development be dedicated to common open space and as previously noted Section 10-3-57.6 (6) requires that the master plan describes proposed active areas and recreation facilities; staff does not believe that these requirements have been met. Staff suggested that the applicant consider including within the master plan text, master plan layout, or the proffer more specificity to ensure that the development would ensure that amenities are publicly accessible to both homeowners and renters, particularly to ensure that households living in denser multifamily units can easily walk to useable common open spaces. Additionally, the proffer describes examples of amenities, such as pocket parks, playgrounds, playing fields, and recreation areas, but does not commit the applicant to provide any specific type or number of amenities.

4. Impact Fee

I will turn the floor over to Assistant City Attorney Russ to discuss proffer number four.

Mr. Russ said the City Attorney's Office has reviewed Proffer 4 of the Bluestone Town Center Rezoning Request Proffer statement submitted by the Harrisonburg Redevelopment & Housing Authority (HRHA) and the owners of the property subject to the rezoning request. We believe that Proffer 4 is not legally viable and should not be accepted by City Council.

Proffer 4 seeks to mitigate the impact the proposed rezoning and subsequent development of the Bluestone Town Center (the Project) would have on the City's school system and surrounding communities. In essence, HRHA has proffered that the Project Developer (presumably an entity controlled by HRHA) will pay to the City \$50,000 per Rental Unit (as defined in the proffer statement) in the Project. The cash payment will be made upon a Rental Unit building receiving a certificate of occupancy for all the Rental Units contained therein. The payment is conditioned upon the City loaning back to the Developer \$40,000 of each such cash proffer payment to be used for further construction of the Project. The Developer will then make annual loan payments to the City for each such \$40,000 loan. Proffer 4 states that the City will have a subordinate security interest in the Rental Units, presumably behind other commercial lenders. Other loan payment terms are not set forth in Proffer 4. Previous versions of Proffer 4 and discussions with HRHA indicate that the repayment schedule would be 40 years at 1% interest.

While acknowledging that Proffer 4 could potentially generate a large sum of money for the City, for the reasons set forth below we believe the proffer is not permitted by law.

1. Cash proffers are not permitted by the Harrisonburg City Code. See Harrisonburg City Code Section 10-3-123. While Virginia Code Section 15.2-2298 authorizes the City to enact an ordinance permitting cash proffers, it has not done so. Cash proffers may only be accepted pursuant to the terms of a properly enacted ordinance. A cash proffer accepted without the authority of a duly enacted City ordinance would be void and could invalidate the rezoning. This defect cannot be corrected retroactively through a subsequent amendment to City Code.
2. Even if the City had an ordinance permitting cash proffers, we believe Proffer 4 would not be acceptable. Virginia Code Section 15.2-2298 authorizes the City to adopt an ordinance permitting

reasonable conditions, including cash proffers, if the rezoning itself gives rise to the need for the conditions, the conditions have a reasonable relation to the rezoning, and the conditions are in conformity with the comprehensive plan. Case law in Virginia prohibits cash proffers from being used as a *quid pro quo* for a rezoning. Therefore, Virginia law requires that impacts from a proposed rezoning be substantiated and documented before the planning commission and governing body in order to determine if the cash proffers have a reasonable relation to the impact of the rezoning. Proffer 4 states that its purpose is to mitigate the impact of the Project “on the school system and surrounding communities”. While obviously the Project would result in more students in Harrisonburg City Schools, HRHA has presented no analysis of how this affects existing school capacity and the cost the Project should reasonably bear for the impact on schools and surrounding communities. The cash proffer offered in Proffer 4 far surpasses the school related proffers routinely offered in other Virginia localities, even in Northern Virginia. While this appears attractive at first glance, it is could be evidence that the proffer is not reasonable.

3. If Council decided to enact an ordinance accepting cash proffers, it could elect to use the standards set out in Virginia Code Section 15.2-2303, which arguably reduce the reasonableness standards set out in Section 15.2-2298 as described above. However, Virginia Code Section 15.2-2303.4 would still apply. That section increases the standard by which proffers must relate to impacts of a proposed residential rezoning. Under this state code section, a proffer is *unreasonable unless* it addresses an impact that is specifically attributable to the proposed rezoning, the rezoning creates a need, or an identifiable portion of a need, for a public facility improvement in excess of existing capacity, and is a direct and material benefit to the proposed development. For the reasons set forth in Number 2 above, Proffer 4 may not be reasonable under Section 15.2-2303.4.
4. Proffer 4 only applies to rental units. The maximum number of units in the Project will be 900, with approximately half being rental units. Some of the rental units will be for senior living apartments, which are unlikely to generate school children. That Proffer 4 applies equally to all rental units, even those unlikely to have any impact, while excluding for-sale units that are likely to generate an impact to the schools further calls into question the reasonableness of that proffer.
5. Proffer 4 requires City Council to agree to multiple loan agreements that will last many years. The rezoning application for the Project limits buildout to 100 units per year. Council may be entering into loan agreements for the next 9 years and the City receiving repayment on those loans for decades. There are numerous issues with the loan aspect of Proffer 4:
 - a. Under Virginia law, the current City Council can't bind future councils except in limited circumstances. Approval of Proffer 4 would obligate future Councils to continue the loan system it sets up for at least 9 more years.
 - b. Proffer 4 requires the City to enter into loan agreements in order to receive the cash payments. Proffers may not require the City to assume any obligations or to undertake any affirmative actions it is not otherwise required to do. Such a requirement may constitute impermissible contract zoning and/or the impermissible contracts between the City and the Developer.
 - c. Proffer 4 would not only bind the City as described above, but also the Harrisonburg Economic Development Authority. Under Virginia law the City may not make loans directly to the Developer and would have to use the EDA for such loans. While members of the EDA are appointed by City Council, the EDA is an independent body that cannot be bound by Proffer 4.
 - d. Representatives of HRHA indicated that Proffer 4's impact fees were limited to rental units and structured to include a loan obligation at below-market rates in order to increase the competitiveness of the Project's Low-Income Housing Tax Credit (LIHTC) applications. LIHTC

- credits can only be secured for rental properties and applications receive more favorable review when a local government provides financial support, including through loans at subsidized rates. The loan process set out in Proffer 4 makes it appear that the City is an active participant in the financing of the Project. A proffer legally must address impacts created by a rezoning and should be limited to land use related matters, not project financing.
- e. There are numerous administrative difficulties related to the loan system set out in Proffer 4. The City's Department of Finance would have to keep track of at least 400 loans which may stretch out for 40 years or more.
 6. Cash proffers for residential construction on a per-dwelling basis must be collected by the locality only after completion of the final inspection and before the issuance of the certificate of occupancy for the unit. See Virginia Code Section 15.2-2303.1:1. Failure to collect the cash proffer payment prior to the issuance of the certificate of occupancy of a unit may make the payment uncollectable. This requirement will make the administration of Proffer 4 difficult since there are more than 400 rental units. Also, the loan system set up by Proffer 4 may violate Section 15.2-2303.1:1 if the loans are challenged and found to be unlawful long term payments of cash proffers instead of loan payments.

For these reasons, we believe Proffer 4 is not legally permissible and should be rejected by Council.

Chair Finnegan asked how common are cash proffers similar to this elsewhere in the Commonwealth of Virginia?

Mr. Russ said, I do not know if it has been formally adopted, but Fairfax County intended to break up the county into 17 development areas with different amounts based on cost of construction. It might vary based on proximity to a Metro station versus the outskirts of the county. Loudon County accepts cash proffers. They have done an analysis of different types of units and how many students they anticipate they will generate. They have been talking about making exceptions for certain types of housing like affordable housing to decrease the cost of construction of new units. Stafford County, Goochland County, and a number of localities, have gone through the process of determining what they think is the most they can justify and started accepting cash proffers.

Commissioner Armstrong asked what about the loan back?

Mr. Russ said I could not find a similar arrangement.

Chair Finnegan said, if I am understanding you correctly, it is not the cash proffer that is the issue, it is that we are not currently set up for that and also the loan back issue.

Mr. Russ said both of those and we are not sure of how they arrived at the amount. Some units are being included. The age restricted units, for example, are being included even though they are unlikely to create students. Other units that are not age restricted are excluded from the proffer. It creates some confusion as to how it is being justified.

5. Traffic and Transportation

Ms. Dang said next Tom Hartman, Director of Public Works, will present about transportation.

Mr. Harman said the developer prepared the TIA for us to review. This TIA was reviewed by multiple agencies, not only Public Works, including the Virginia Department of Transportation because of the close proximity to county roadways. Community Development and HDPT reviewed the TIA. When we do this, we do some initial analysis of the TIA and how that blends into the proffers that they are proposing with the rezoning. This TIA, from concept scoping meeting through acceptance of the TIA took roughly seven to eight months. There were four submittals, a lot of back and forth between our review side and the development team's consultants. It took that long because Public Works is entrusted with ensuring that proposed condition is no worse than what the roadways would have been without the development. That is how the TIA works. We start with the development looking at current condition. We grow it out to a time when they say that the development will be completed. We look at background growth. Generally, in the City, we see anywhere between one to three percent background growth in traffic, which means our traffic grows at that rate annually depending on the roadway segment. We grow the transportation and the trips out to that design year, and we look at what the roadways would have been without the development. Then we lay in the development on top of that proposed outyear condition and we see where it breaks. We determine if we need turn lanes, signalization, a new intersection. The developers, through their engineers propose mitigations to bring our roadway network back to what that design year would be without that development. It takes seven months for staff time to get back and forth to make sure they meet our standard. We take that very seriously because, if they get it wrong, you are calling Public Works to fix these problems. We do not want to take on that responsibility. We make sure we put in our diligence and the time to do the TIA review.

With the proposed development as you see on the screen, I broke out some of the trip generations. We use a standard manual, Institute of Transportation Engineers (ITE) Trip Generation Manual. We take the different land uses, and it predicts based on models throughout the country how many trips a single-family home, multi-family home, townhome, will generate in a day or a peak hour. We assign those trips to the number in the development. That tells us how impactful, or how many trips that development will bring.

This development is broken into two phases, so we looked at it in two different phases. Phase 1 is the northern side of the development. It has connections to Garbers Church Road and Hidden Creek Lane, extension out to Route 42. Based on the units planned for phase 1, they have an a.m. peak generation of 224 and p.m. peak of 310 vehicles per hour, with a total averaging of daily trips (AADT) at 3,260 vehicles per day. To determine the a.m. and p.m. peak hours, the consultants go out prior to starting the study and do existing traffic counts along the affected roadways and the intersections. We determined for the a.m. peak a peak hour between 7:15 a.m. and 8:15 a.m. The p.m. peak is between 4:30 p.m. and 5:30 p.m. We look at the peak because that is going to be when the busiest times are on the roadways, and we want to see how the development affects those busiest times. If we can accommodate the impact at the busiest time, we will be able to accommodate it on those other 22 hours of the day. We use the AADT to do a check to make sure that we are not looking at an elongated peak that we should be looking at some different times.

Councilmember Dent asked do the a.m. and p.m. peaks take into account the 60 units for seniors and the disabled that will not be doing a daily commute?

Mr. Hartman said yes. It depends on the type of use that the trip generator will tell us. We knew that the multi-family had different characteristics, so when we plug that into the ITE Trip Generation Manual, it knows statistically throughout the country that type of use sees this type of trip. When you look at single-family homes, they are going to have more trips than a townhome because generally you could have more cars per single-family home than you would townhomes. Another distinction would be student housing versus non-student housing. We see a few less trips with student housing because they are more likely to take a bus, ride a bike or take a walk, versus regular non-student housing. The Trip Generation Manual takes that into account. These are very large statistical models based on 50 states and it is the best we have to try to estimate. It is the industry standard, not something that Harrisonburg does specifically just for Harrisonburg. It is a nationwide industry standard that we use this manual.

Mr. Hartman continued saying Phase 1 will be built out in 2026. That would be the growth period that we took the existing roadway network to. For Phase 2, the total build-out, they predicted it would be built out in 2029. When both phases are constructed, there will be about 450 a.m. trips and 538 p.m. trips for a total additional trips through the network of 6130 vehicles per day.

Once we know how many trips the development will bring to the network, then we have to figure out where are they going and where are they coming from. That is step two in our process. We look at the peak hour trips. We do a lengthy discussion in our scoping meeting about distributions of these trips. We have to figure out, based on the massing of the site, where the units are going to be placed, how people go to work, go to school, go home, go to the grocery store, where those development patterns and those trip patterns will be. We distributed the trips to the four different points of connection. We assumed 11.5 percent would use Garbers Church Road intersection. Five percent would use the proposed right in-right out on Erickson Avenue closest to Garbers Church Road. Thirty-three and a half percent of the trips would use their new entrance on Erickson Avenue across from the Wal-Mart. Fifty percent would exit Hidden Creek heading towards Route 42. From there we looked at the ancillary roadways. We had Dogwood Drive and Route 42. We assumed 10 percent of those trips would turn and use Dogwood Drive. Twenty-five percent would come out to South High Street. Thirty-five percent that would make it from South High Street to Erickson Avenue or through the Erickson Avenue entrance at Wal-Mart. Thirty-five percent of those would head towards Erickson Avenue towards Stone Spring Road going to an activity center, jobs, JMU, the eastern part of the county where there are jobs. We have 15 percent heading towards Bridgewater and Dayton. Five percent heading west to West Market Street, and 10 percent heading back down Garbers Church Road to and from the schools and the connection point on West Market Street. Also included on this site are the traffic counts. Not only did we look at the vehicles per day on the main roadways, we also did turning movement counts at key intersections. All that data is collected and shown in the TIA. We have just over 6,000 vehicles per day on Garbers Church Road, 12,000 on Erickson Road, and 16,000 on South High Street. These are existing counts in the roadway. These are background conditions as of 2022. We did grow these for 2026 and we did grow them again for 2029 for that baseline condition. These are trips that we are already seeing in the network and that we are already accommodate and handle.

The developer and their engineer will take all that data, those existing traffic counts, lay in their impacts from the first slide and distribute it based on that model of the distribution that I showed you. They determined that these proffers would mitigate those impacts. Public Works has accepted

their TIA which show these proffers that would mitigate those impacts. Starting on the entrance at Garbers Church Road, they will restripe and provide a left turn lane on southbound Garbers Church Road into the development. There is currently a two-way left turn lane and turn lane into the high school. The two-way left turn lane will be restriped into a dedicated left turn into the development with the appropriate storage and taper for that movement. No signalization is required at that intersection. They will provide a connection from the development to Hidden Creek Lane, across the floodplain and tie into Hidden Creek Lane with a roadway connection. They have proffered to provide a sidewalk from their development on Hidden Creek Lane to tie into the neighborhood, sidewalks and shared use paths up to the western side of the Food Lion shopping center. They have proffered to install a small diameter roundabout at the intersection of Hidden Creek Lane and Dogwood Drive. The small diameter roundabout would be similar to the ones that are currently on Dogwood Drive at Maryland Avenue and on Chestnut, Willow and Grace Streets. They have proffered to be fully responsible for the costs and installation of a signal at the intersection of South High Street and Hidden Creek Lane. That intersection met the warrants for a traffic signal. There are eight specific warrants that are lined out that we used to make sure that a signal is warranted. We do not want to build signals where they are not warranted. That intersection met more than one. I think it met three or four of the warrants at that intersection to require a signal. In addition to the proffer, there is a street improvement agreement that they included and referenced. We did that because these are different types of improvement for the City. The City has a little bit of skin in the game in the improvements. I will explain our contribution and the reason for it as we talk through this.

With Phase 1, the street improvement agreement outlined that the City would be partially responsible to help install the sidewalk from the western termini on Hidden Creek Lane at Food Lion to the existing sidewalk on the other side of the Food Lion shopping center, at the dentist's office. There is a gap there along the Food Line shopping center. The City would contribute 50 percent of this construction cost. The developer would contribute the other 50 percent. We felt this was an equitable partnership to get that last closed gap to make sure that we have dedicated sidewalks from the activity center, the shopping center, the dentist's office all the way to the development. We think that would be a very useful path for the residents of the community to get to and from the development as well anyone walking to get ice cream or Mr. J's on Hidden Creek Lane. That is a positive attribute for us.

For Phase 2 they have proffered to install a right in-right out only at the westernmost intersection with Erickson Avenue, highlighted on the slide with the circle, based on the modeling. In order to make this full access, it required too much of the roadway. The proximity was too close to Garbers Church Road. The turn lanes got confusing and storage lengths got problematic to make that full access. Making it right in-right out alleviated the left turns. Left turns are always problems for traffic engineers. By alleviating that, it allowed that access to work without impact. At the main intersection with the Erickson Avenue, Wal-Mart, Road E, they have proffered to widen Erickson Avenue to include two left-turn lanes, one in each direction westbound and eastbound both into the development and into the Wal-Mart shopping center; a dedicated right turn lane from westbound Erickson Avenue into the development; connecting the sidewalk on the north side of Erickson Avenue from the development to the Stoneburner wall, the existing sidewalk adjacent to Route 42; and to install bike lanes on both sides of Erickson Avenue from that segment at the Wal-Mart Road E intersection up to the existing bike lanes just before Route 42. We would have bicycle

facilities and sidewalk facilities from Route 42 to one of the main entrances into this development. In addition to those improvements, the new intersection that goes along Road E from Erickson Avenue, we will install an entrance through the doctor's office, Rockingham Family Physicians, along Road E which would help us make the existing entrance into their development an in-only because of the proximity of the proposed signal that needs to be installed at that intersection. That intersection also met numerous warrants, when we looked at it through a traffic signal warrant analysis.

Also outlined in this street improvement agreement is the cost contributions. The City would contribute 80 percent of the signal construction cost, 10 percent of the widening costs of Erickson Avenue because of the bike lanes. The developer was willing to do the turn lanes and the sidewalks, but not the bike lanes. We felt it was important while we were there widening the roadway to include the bike lanes, so the City will contribute 10 percent to get the bike lanes from Road E up to the existing bike lanes on Route 42. The City will contribute 100 percent of the entrance into the doctor's office off of Road E. That is tied to prior agreements with the doctor's office when we were obtaining right-of-way for the Erickson Avenue widening project, Phase 4 of Erickson Avenue. Those were contractual agreements we made then, that we will get to honor with this development.

This slide shows a typical section of Erickson Avenue looking west. We would have sidewalk, bike lane, the buffer, turn lane, driving lane, left-turn lane into Wal-Mart, receiving lane, buffer, bike lane. It is a very nice section that we were able to get through there that makes sure we are adding that multi-modal aspect to the project and the TIA showed that this would be needed.

Finally, with this type of development, we are trying to grow a multi-modal transportation system in the City. We are not only looking at vehicles. We are looking at bikes, pedestrians, scooters, transit. We want to make sure that we can provide multiple ways for our citizens to move around within our City boundary. With this development, the area highlighted in red shows the new shared use path connections that the development would bring. Where it connects to the edge of the property on the north side it is connecting to our Friendly City Trail which is a two-mile shared use path that connects Harrisonburg High School, Bluestone Elementary, Hillandale Park, Westover Park, Thomas Harrison Middle School and the Cecil Gilkerson Activity Center. It provides that connection from this community to those amenities, so they can walk, bike, ride their scooters and not have to drive their cars to these amenities. It shows the bike lanes on Erickson Avenue that we talked about. Every street in the development will have sidewalks. I highlighted the main sidewalk that goes from the connection of Hidden Creek Lane out to Route 42. They have proffered up to three bus stops for public transit to include pull offs, concrete pads and shelters within the development at locations determined by HDPT to make sure that we have adequate bus route and bus service through the development. All of these components were talked about, vetted and reviewed in the TIA.

Based on all this, Public Works has accepted the TIA and is willing to accept these proffers as mitigation to those impacts.

Councilmember Dent asked in the 2022 numbers, the current usage is about 6,100 trips per day?

Mr. Hartman said that was not the roadway. That was their proposed full buildout AADT after all phases. The existing traffic counts were 6,000 on Garbers Church Road, 12,000 on Erickson Avenue, and 16,000 on South High Street.

Councilmember Dent asked do the future projections take into account that the high school population will be approximately halved?

Chair Finnegan said I think she is talking about when the new high school opens. How many of these would ...?

Mr. Hartman said we do not know exactly how the districts will be split with the new high school coming on board. We left our projections the same. We do not think that there will be a huge shift in that trip number. We did talk about it a little bit, but we decided to leave our numbers and the growth as planned because we did not know how the boundaries would line up with the new high school. A little consideration, but nothing that substantially changed the TIA.

Ms. Dang said next, our Housing Coordinator, Liz Webb, will discuss the housing analysis.

Ms. Webb said I will talk about some of the affordability details in the proffer and make sure that I am available to answer any questions. When people talk about affordable housing, they might mean different things. I want to make sure that everyone is working from the same information.

The rental units, assuming that they are financed with tax credits, are proposed to have an income cap of 80 percent AMI (area median income). For a family of four that is \$61,200. That is the cap, mostly it will also be everything lower than that. The rents will also be set based on affordability at certain income levels. No household will be paying more than what is affordable at whatever they set up in their terms. It might be what is affordable to a family earning 60 percent AMI. It is not based on the individual, but all the rents are affordable and tied to those income limits. That includes the entirety of the 440 rental units. The for-sale units are targeting initial buyers with income that come between 80 and 120 percent AMI, although they have not proffered a set sale price. They must be income qualified, but there is no corresponding affordable sale price in the proffer, which does not mean that it will not be affordable to those families, it is just not part of the details that have been described.

Not in the proffers, but detailed elsewhere, some of the rental units will have [project-based] voucher assistance tied to them; I have heard the number 75 on that. Those are household that are on the Housing Authority's waiting list for those units in particular, that will pay an income-based portion of the rent to live in those units. All tax credit properties are eligible to accept vouchers there so that they will pay an income-based portion on a rent that is already lower than market. From that perspective, having those affordable rental units is a need the City has. We want to ensure that there are vouchers available to future developers to do similar projects. We hope that the Housing Authority will work with the City to make sure that there is a process for that, so that they do not project base all of their units here, limiting the availability for that process for any future development. The need for the rentals that they are building does exist.

The need exists for the for-sale units as well. The concern is that with the income restriction, that price will limit access. It is a tricky dance with mortgage rates and down-payments to find people who are income qualified who have enough to put down for a down-payment, so that their monthly housing costs will be affordable. We want to make sure that it is affordable. The other concern with the for-sale is that it is a one-time deal. It is not a long-term affordability like the rentals, which will be 30 years based on the tax credit program. With sales, it is a one-time deal. We would like to see a commitment to deed restrictions or right-of-first refusal programs. Overall, from the housing standpoint, there is a need for this level and volume of housing in the City.

Chair Finnegan asked how many voucher holders, currently, cannot find a place?

Ms. Webb said I cannot speak to that. I can say that based on previously working there that there are always a number of people who cannot find places to live. That is one of the challenges with serving more families. One of the concerns that people have is that they have been waiting to get a voucher for a long time. People with vouchers cannot use their vouchers somewhere, then there are not going to be more subsidy opportunities to serve the area without using the ones that they have. They cannot use them if they cannot find places to use them.

Chair Finnegan asked do you know of any other affordable housing developments like this, or smaller, in the works? Last year about this time we saw the Lucy Drive proposal. Are there others in the works that you are aware of.

Ms. Webb said there are ongoing conversations with developers that are interested in bringing affordable housing to the area. We are having those conversations right now.

Commissioner Byrd said you said 80 percent AMI for a family of four. Do you know what the number is for a smaller family.

Ms. Webb said 80 percent AMI for one person is \$42,880. The programs are all slightly different here and there. They round differently, but that is approximate for a single person at 80 percent AMI. HUD will say this is “low income” or “extremely low income.” They mean it in the technical way that they do their projections and their numbers that might have a different meaning conversationally.

Councilmember Dent said in City Council we have had discussions about the number of housing proposals we have approved that have yet to have shovels hit the ground. Only a very few of those have a very few units that are technically affordable, even if it is five percent of the development at 80 percent AMI. The developments at Suter Street or Foley Road got the CSPDC housing grants. The housing that we know of that is in the pipeline has very minimal affordability. I will take Ms. Webb’s comment at face value that there are ongoing discussions about future affordable housing. I wanted to point out how unusual, and the scope and scale of this development is what is needed.

Ms. Dang continued with staff’s presentation. Following up on Ms. Webb’s housing analysis, she included a memorandum that was in the staff report. I would like to highlight within the Comprehensive Plan, Goal number six and Chapter seven. Goal number 6 states “[t]o meet the current and future needs of residents for affordable housing” and provides some objectives listed

in Objectives 6.1 and 6.2. The strategies also describe partnerships with the HRHA to meet these objectives. The strategies are examples and ideas of things that can be done to work towards these objectives and goals. Our Comprehensive Plan does speak to the need that has been discussed and identified here.

Staff does not believe that the proposed rezoning is conforming with the Comprehensive Plans Land Use Guide (LUG), primarily because of the ratio of multi-family dwellings and townhomes that would be built. As previously stated, the LUG designates the majority of this area as Low Density Mixed Residential. These areas are described as having “been developed or are planned for residential development containing a mix of large and small-lot single-family detached dwellings, where commercial and service uses might be finely mixed within residential uses or located nearby along collector and arterial streets. Duplexes may be appropriate in certain circumstances. Mixed use buildings containing residential and non-residential uses might be appropriate with residential dwelling units limited to one or two dwelling units per building.” The development would allow up to 50% of the dwelling units to be multifamily. The LUG states that Low Density Mixed Residential areas should have a gross density of around 7 dwelling units per acre, while the development proposes 10 dwelling units per acre. From a planned land use perspective, the development appears to be more in line with the Medium Density Mixed Residential designation which suggests that “[m]ixed-use buildings containing residential and non-residential uses and multi-family dwellings could be appropriate under special circumstances...” That designation, however, goes on to suggest that gross density of a development could be around 20 dwelling units per acre.” When comparing the planned density of the Low Density Mixed Residential designation to the proposed development, while it is subjective, the proposed density of 10 units per acre for the project could be considered “around 7 dwelling units per acre.”

The LUG also encourages both Low Density Mixed Residential and Medium Density Mixed Residential areas “to have innovative residential building types and allow creative subdivision designs that promote neighborhood cohesiveness, walkability, connected street grids, community green spaces, and the protection of environmental resources or sensitive areas (i.e., trees and floodplains).” Staff is appreciative of the developer’s efforts to promote neighborhood cohesiveness, walkability, and connected street grids. However, as staff has explained earlier, the applicant has not adequately addressed community green spaces.

Generally, the Comprehensive Plan encourages Traditional Neighborhood Development (TND) throughout the City (pages 6-9 and 6-10 of the Comprehensive Plan). Some of the TND principles are included in the master plan.

The staff report describes comments from the Harrisonburg Fire Department and Department of Public Utilities. Generally, speaking, Code and engineering requirements for both will be addressed at the ECSP and/or subdivision stage.

Staff also worked with HCPS staff on information to include in the staff report. Student generation attributed to the additional residential units are listed below in Tables 1 and 2 and are based on the applicant’s planned number of units and unit types. Note that the total number of units planned for Bluestone Town Center is 897 (with an allowable maximum of 900), however, the total unit count used in the Tables is 837 because the planned 60 Senior Housing Units were not included.

Based on the School Board’s current adopted attendance boundaries, Bluestone Elementary School, Thomas Harrison Middle School, and Harrisonburg High School would serve the students residing in this development.

Table 1: Student Generation Numbers Based on Specific School Boundary Factor

Student Generated				
Schools	Multifamily	Single-family attached	Single-family detached	Total
Bluestone Elementary	67.8	56.2	26.8	151
Thomas Harrison Middle	25.0	27.9	12.7	66
Harrisonburg High	24.8	40.3	17.4	83
Grand Total	118	124	57	299

Source of Calculator: Harrisonburg City Public Schools¹

Table 2: Student Generation Numbers Based on City-Wide Factor

Student Generated				
Schools	Multifamily	Single-family attached	Single-family detached	Total
Elementary	75.4	74	28	178
Middle	21.3	31	12	65
High	24.8	40	17	83
Grand Total	121	146	58	325

Source of Calculator: Harrisonburg City Public Schools

Harrisonburg City Public Schools (HCPS) staff noted in their review comments that schools are over capacity in many of the schools. The new Rocktown High School is under construction and purchasing land for a new 7th elementary school is planned in the City’s Capital Improvement Program (CIP).

Staff is recommending a denial in part and an approval in part. From a land use perspective, staff does not believe that the development is in conformance with the Comprehensive Plan’s LUG. We have also mentioned throughout the staff report and presentation selected points where the master plan and proffers do not adequately address all the requirements of the R-7 district regulations. Staff has concerns with the clarity and enforceability of the master plan and proffers. As noted by staff’s evaluation of the project and as noted in the Housing Coordinator’s memorandum and presentation, we have a recommendation for approval, preferably with the questions address and recommended modifications incorporated. There are also alternatives. Alternative A, you could recommend approval of the rezoning request as presented. Alternative B is to recommend approval of the rezoning request, but to recommend not accepting certain proffers. Those are proffers 2.b, 3.c and/or proffer 4. Alternative C would be to recommend denial of the presentation.

¹ Data for Tables 1 and 2 was presented to the Harrisonburg City Public Schools Board in June 2022, are based on 2021-2022 student data, and only contains the initial projections. Harrisonburg City Public Schools staff are currently working to further analyze available data and expect to have new data available at the end of January 2023.

I want to acknowledge that written public comments that were received after the agenda was published have all been shared with the Planning Commissioners with the exception of one that came in after 5:30 p.m. today. It was received from Shawn Tysinger in opposition to the project. All other comments have been shared with the Planning Commission prior to the meeting, and they have hardcopies provided to them, as well. Those written public comments will be part of the City Council agenda for the February 14th meeting. They will continue on to City Council.

I also want to share, for context and comparison, other areas in the City that have similar sized housing developments. Mr. Fletcher and our GIS team have put this together. There are eight areas of the City, with similar acreage, showing the number of dwelling units and what their density of dwelling units per acre is. This first slide shows the northernmost part of the City, above Parkview. It has 108 acres, 661 units, with a density of 6.1 units per acre. This slide shows North Main Street across the top of the screen. On the bottom is East Washington Street and Vine Street to the right. It has 121 acres, 800 units, with a density of 6.6 units per acre. This is the Northeast Neighborhood. It shows East Washington Street at the top, East Market Street at the bottom and Broad Street on the west side. It has 144 acres, 671 units, with a density of 4.7 units per acre.

Mr. Fletcher said these are not identified, actual neighborhoods. The blue lines could have been drawn anywhere. We were trying to capture some boundaries to give context for people who do not do what we do to understand scale.

Ms. Dang continued this slide shows the northern part of Reherd Acres. There is Old Furnace Road on the north and the interstate on the southeast. It has 98 acres, 1,008 units, and a density of 10.3 units per acre. This area is the southeast of the City. Reservoir Street is on the left side of the screen, Chestnut Ridge Drive through the middle, and East Market Street to the right of the screen. It has 112 acres, 1,177 units, with a density of 10.5 units per acre. This area is up the street from the subject site, the Park Lawn neighborhood and the area across the street from Garbers Church Road. It has 92 acres, 202 units, with a density of 2.2 units per acre. This area is around the Pleasant Hill Acres neighborhood, with South High Street to the north of the screen and Central Avenue running diagonally. It has 87 acres, 487 units, with a density of 5.6 units per acre. In this slide, what is cutting through the middle is West Market Street. Downtown is to the right of the page. The plastic processing facility is shown. There are 94 acres, 477 units, with a density of 5.1 units per acre.

That concludes the presentation.

Ms. Dang said I am happy to answer any questions you may have.

Mr. Fletcher said there were few other things that I heard and read, with people talking about this being the largest complex that has been proposed in the City. It is, by far, one of the largest that we have seen in a number of years. It depends on how you want to categorize proposals and the way that developments occur throughout the City. In my short period of time with the City, coming up on 19 years, I recalled three similar. Similar is a subjective term, but at least in size they were similar. Going back as far as 2006, there was a project known as Southbury Station. That project was a little over 60 acres, 466 units. That site is now Rocktown High School. It went through

different phases of rezoning from B-2 to R-7, R-5, and some amendments. Another one was in September of 2007, known as the Quarry, with 118 acres. It had a range of density that was proposed at that time, with 549 units to 744 total units. Another one that often times gets overlooked in the way we talk about developments is known as the Harman Tract. It has 72.6 acres. This was back in February of 2008 when there was a project rezoning where there were 1,054 units approved. This is an addition to what Ms. Dang was saying about context and understanding and recognizing that these projects come up from time to time, but do not happen a lot. I would like to thank all the staff that came today. I like it when people show up for projects because it gets to highlight what we do. This is not unique. This happens all the time on projects. It is that we pulled out a lot of folks because it is such a large complex. I appreciate that. And thank you Ms. Dang for doing all the heavy lifting.

Chair Finnegan said thank you staff for all your work on this. Can you off hand list a few other R-7 areas in the City that people might recognize?

Mr. Fletcher said there are very few R-7 developments. R-6 and R-7 are very similar types of developments. The difference is that R-6 is only single-family detached dwellings. R-7 is the gamut of residential unit types from single-family detached up to multi-family development. As far as existing R-7 developments today, there is a project known as Brookside Park off of Jefferson Street, along Suter Street. That is an R-7 development. There is the Quarry, was one of our first but never came to fruition. It still exists today as an approved master plan. Nobody has taken the option to develop it. There is a project known as Colicello North. It started down the process of developing but never got off the ground. The public street is out there, and you can see that connecting to Virginia Avenue. There is a smaller R-7 project known as the Village at Chicago Park which is off of Chicago Avenue, the units that front along Saturday Drive. It is a private street. An R-6 example would be Chatham Square which is across from the Steven Nissan on East Market Street. R-6 and R-7 are developments designed in a way, an old zoning classification that came out of the early 2000 known as “clustered zoning districts,” where you are trying to maximize the opportunity to cluster developments with also the opportunity to conserve some open space for folks to be able to recreate on site. Juniper Hill Commons was one of our most recent ones off of Keezletown Road. I heard someone mention Pointe Drive. That is not an R-7 development. Pointe Drive is duplex housing project. It does have a senior living, 55 year and older, component. It is to the southwest off of Pointe Drive. There are very few R-7. Somebody mentioned about having early communication with staff. There is a lot of back and forth because that developer is creating its own zoning district, so there is a lot of back and forth and a lot of risk on the front end on the developer’s side.

Chair Finnegan said I think that was sometimes gets lost in the conversation is that we all know that R-1 is the least dense residential district, and the numbers go up. It would be easy to infer from that the higher the number, the more dense. That is not the case.

Mr. Fletcher said not in this particular case. It is a little bit awkward because we have the R-1s to the R-8s. We have a mixed-use zoning district which no one has taken advantage of. B-1, the downtown district, is the most dense because you can live and work here. You can build on any B-1 property only residential units if you want to and there is no maximum density. You take, for example, Urban Exchange which is somewhere around 90-some odd units an acre. It is all a matter

of perspective as to where those spaces are. We even make note in our Comprehensive Plan that your property or your neighborhood might be zoned R-1, but your density might not actually be an R-1 density because that zoning classification was placed on your neighborhood years ago and it may actually be higher than the R-1 allows today.

Chair Finnegan said like the R-2 in the northern part of the City that was annexed. There are basement apartments there that are non-conforming. They are not illegal, but they are non-conforming.

Mr. Fletcher said I think you might be referring to the Park View – Harmony Heights area. In 1983, the city annexed in over 11 square miles. A lot of those units were already in existence. It is a complex matter to talk about non-conforming uses in the City, so I do not want to get into that this evening. Yes, you are correct, there are some areas. Non-conformities exist all across the City with regard to density and occupancy.

Commissioner Armstrong asked when is the Comprehensive Plan revised?

Ms. Dang said it is your decision to revise. We will revisit that with you later. State Code requires that Planning Commissions review the local Comprehensive Plans once every five years. It does not mean that we will start the process immediately to revise the Comprehensive Plan. The Comprehensive Plan was adopted in November 2018. Later this year, when we revisit that with you, if you direct staff to update the Comprehensive Plan we can begin making provisions to do whatever we need to do to plan, schedule and budget for those things to happen. I also want to acknowledge that we have a pretty significant project that we have had to put on hold due to staffing shortages. That is the Zoning and Subdivision Ordinance rewrite. It would be my preference and hope that we could get that done first before engaging on a significant project such as the Comprehensive Plan update.

Commissioner Byrd said staff was talking about green spaces. I was looking at the reference images and trying to remember what those areas look like. When we are talking about green spaces, are we talking about dedicated park areas, or it is that people have trees or grass in their yard?

Ms. Dang said there are a couple of things that blended together. There is the provision of a general landscape plan, and then there is the provision of providing open space, park-like amenities for people to have within the development. It can be approached in different ways. This is unique because it is such a large-scale development. We have had other smaller R-7 master planned communities that because of their smaller scale they were able to identify and say “we are going to plant this number of trees of this size” or to show exactly where they propose the green spaces to be. Juniper Hills had dedicated half of their five-acre site. They dedicated the back side of the creek completely as their open space because they were not going to develop in that area. For this development, a different approach might be had. Maybe it is a proffer statement that they could have considered doing that described some minimum... You have seen in some other proffers where a conventional rezoning might proffer a minimum number of square feet of park with a tot area and a slide and a swing set. They end up starting to describe some of the amenities that might be included within a particular area. In those cases, they usually start planning for one space. This

type of development, I would like to have seen multiple spaces designated as smaller park or open areas.

Mr. Fletcher said they are communal spaces. You are not looking at people's back yards. These are communal spaces that are intended for recreational spaces for people to congregate. These spaces are not owned by the City. They are owned by the private homeowners' association. The City does not maintain them. They are part of that association, that neighborhood.

Commissioner Byrd asked if this moves forward, we would see a preliminary plat?

Mr. Fletcher said if this gets approved, you will probably see this multiple times because they would probably preliminarily plat it in phases.

Commissioner Armstrong asked how can we not accept certain proffers but approve the plan with recommended changes? Is it because they will come back to us so that we can see if there has been an incorporation? How do we meet both of those recommendations?

Mr. Fletcher said you are bringing to light the complexity of it. We were bringing up technical problems that we had with the proposal, which is why we gave you the recommendation that we did. We find it difficult for us to accept it the way that it is proposed, while recognizing the Comprehensive Plan's objectives to work towards affordable housing. We would have to figure it out together.

Ms. Dang asked Mr. Fletcher and Mr. Russ, procedurally, could Planning Commission hypothetically recommend in favor and state concerns that they have? Would the applicant have the opportunity to make amendments to their proposal between now and City Council, if they wanted to? City Council could consider whether they want to take up the revision or kick it back to Planning Commission for further review and consideration.

Mr. Russ said it would depend on the extent of the changes that they were making. The whole point of coming before the advisory body to get comments is that from time to time you will see tweaks before it gets to the governing body. That would be fine.

Mr. Fletcher said, what we would look for, when you are making whatever motion you make, that you are specific to what you are accepting and what you are not accepting. If that is what you are getting at. With some of our highly encouraged recommendations about not accepting particular types of proffers that we find to be difficult, make that clear for us.

Commissioner Armstrong asked if it is tabled, with recommendation to make some revisions before bringing it back, is that another alternative?

Ms. Dang said that is correct.

Mr. Fletcher said if you table it, we would be in communication with the applicants and try to work as diligently as possible to get it back here in a form that you might find acceptable.

Councilmember Dent said I would like to emphasize that there is urgency here for the LIHTC application that is due in March. We need to be cautious about delaying. I would sooner opt for a modified recommendation not to include certain proffers or to request certain amendments or such, rather than table it, drag it out and make unviable.

Commissioner Byrd asked the issue with 3.c is that it is too broad and vague? This is the solar panels system proffer.

Ms. Dang said yes. If it was accepted, I want it to be known that there is nothing that we would have to measure it by. Any amount of solar would be acceptable.

Chair Finnegan asked if there were any more questions for staff. Hearing none, he opened the public hearing and invited the applicant or applicant's representative to speak to their request. Michael Wong, Executive Director of the Harrisonburg Redevelopment Housing Authority, and Avram Fechter, Equity Plus, came forward regarding the request.

Mr. Wong said thank you for the opportunity to talk with you regarding the Bluestone Town Center. I want to emphasize that this is public-private partnership between Equity Plus and the HRHA. We recognize that the issues in regard to housing are significant. For us to be able to address them, it is not going to take one agency or one person but is going to take a partnership. Each of us has different skills and abilities that we bring to this project that we think will help make it be successful and beneficial to our community. The HRHA has been in existence since 1955. We are a public entity established through section 36 of the Code of Virginia. Our emphasis is on housing, rental housing, homeownership, low income, at 80 percent or 50 percent or less of AMI. For a family of four, that would be \$40,000. We deal with individuals who earn incomes of \$10,000 or less. We are talking about individuals who are extremely challenged at times in regards to access. The HRHA has a history of doing housing development activities and community development activities. From our past experience, we received the Governor's Award for Best Affordable Housing Development for the development of Commerce Village and Franklin Heights. We also have experience in regards to service centers. We run probably the only service center in the City of Harrisonburg, the Bridgeport Center, where the Health Department, Social Services, Workforce Investment Board, Refugee Resettlement, all working under the same building to provide a one-stop shop. I bring that up because many of those components that the HRHA has done in the past are incorporated into this proposal, Bluestone Town Center. Likewise, Equity Plus has done multiple projects within Virginia, Maryland, South Carolina. I will let Mr. Fechter talk about the work they have done.

Mr. Fechter said this is what Equity Plus does. We work on workforce housing, affordable and community development projects across the country. Oftentimes partnering with non-profit or governmental agencies to do that work. In this case, we are the junior partner here. The HRHA owns 51 percent of the deal, and we own 49 percent. We cannot make a move without his permission and the HRHA board's permission.

Mr. Wong said we are in this process together. I have heard comments that the developers are going to take this money and run with it or that they are not going to take care of the property. That is not the case. The HRHA is going to be here. We may not be directly managing this at different

stages, but we will be the principals involved. We will have the direction and control of this development as we move forward.

This vision was not given to the HRHA. It was generated from the Board of Commissioners. When the Commissioners were discussing this partnership, they saw this as an opportunity to build this type of community center which incorporates a town center, mixed use, and mixed income. It was directly related to the needs within our community as evidenced by the Housing Study. The housing issues have been here since early 2019 or 2018. Some of the unique aspects of this vision is the incorporation of retail services and commercial space within the property, the amount of green space, walkability. Two principles that the Commissioners wanted us to incorporate into this development was resilience and sustainability. That is evidence through the environmental aspects of it, the walkability and the focus on green activities. All the rental units will be built to EarthCraft, Enterprise Green Community, LEED Certification. The HRHA was the first public agency to develop EarthCraft rental units in Virginia. All the for-sale homes will be built to Energy Star, exceeding the Virginia energy efficiency standards. We understand the City's concerns about solar panels. We will be building solar panels on the multi-family buildings. The difficulty that we had with the City's request is that we could not size those solar panel units because we had not determined the number of units within the building to properly size it. Anything we proposed would be unable to correctly state. We also know that as solar panels and technology improves, the size of the panel will change accordingly. We did not feel like we were able to incorporate those specific requests from the City within our proffer. The HRHA was the first public agency to install solar panels on a multi-family affordable housing apartment complex at the Lineweaver Annex. We are looking at constructing at least six EV charging stations within the development. Green spaces such as pocket parks, playgrounds, playing fields, or recreational areas will be within 1,000 feet of all residential units. That is 0.18 of a mile, less than a fifth of a mile. It is accessible for people within the development. We could not, at this time, define what these pocket parks would be other than they will be playgrounds, playing field, or specifically for recreational use. It is the complexity of the site and the project and the difficulty in expending additional design costs without knowing if we would have approval. We believe that at the site plan stage we will incorporate these pocket parks and have that detail within those plans. At the site plan stage, we would also have the solar panels figured out.

One of the unique components of this project is the town center. It is a destination, a place, and this town center helps build that. It will not only assist the residents have services on-site, but also be able to provide a location for individuals to be able to work and play. Walkability is a critical component, being pedestrian and bike friendly.

I will not go into the development plan too much. Mr. Hartman did a good job in outlining the plan. We worked very closely with the City in working through the concerns of our plan and the roadway and site process. We went through an extensive process of analyzing the site when we were looking into acquiring it. We recognize that there are certain features of it such as rock which is normal in the City. We did a Phase 1 environmental analysis of the property that identified no issue with the site. We also did a market study which showed the feasibility of doing this type of project. We have done all due diligence and gone through a process of making sure that the feasibility of the site would work for the proposed activities that we are looking at.

We broke down the project into two phases. We are restricting ourselves to the number of units that we will build per year. We are proposing only building 100 home per year. That would allow us to work with the City, schools and other services to be able to make sure that the impact of this development is measured and controlled.

Mr. Fetcher clarified that is 100 non-senior units because the senior units do not create more school demand. If you look at 100 non-senior units per year, stretching from 2024 when we think the first units will be delivered, all the way. We are talking about two or three students per grade level as an annual increase because we will not be building 800 in a year. Similarly, we have controls in our proffer tying to traffic mitigation. We cannot have a certain number of units before we put certain traffic improvements in. We are not going to have all of the traffic proffers done on day one because we also would not have delivered 900 units on day one. There is a staggered schedule in our proffer that ties building additional units past a certain trigger point to the additional traffic improvements because we are recognizing that this is a multi-year, decade long, build-out, not a two-year build-out. We designed the TIA working hand-in-glove with City staff for months to make sure that we paid our own way. That we paid for the traffic improvements necessary to mitigate a traffic impact. The intent behind proffer 4 is to also help mitigate non-traffic impacts such as schools and other things. We know that we need to do that, and we want to do that. We have offered the money. We also identified in the Housing Study a recommendation that the City create a housing reduction trust fund to enable projects like this one to forward in the future. The intent of the proffer is to get there. We are fully open to working with Mr. Russ over the coming weeks to figure out a way to get roughly to the same place but using a different mechanism or legal path to get there. We have already budgeted the money. The intent is that they have an initial capital payment. Not all the money is lent back. There is \$10,000 per unit that we do pay and do not ask for a loan back. The remaining \$40,000 per unit is structured as a long-term loan similar to trust fund loans that other jurisdictions in Virginia and across the country do make. It is pretty standard in workforce housing projects across the country because you need this kind of additional financing to afford it. What ends up happening is that it comes in as a second mortgage. We pay that second mortgage over time back to the City. The City can then use that money to finance future affordable housing projects beyond the \$10,000 that we paid up front in our capital.

Mr. Wong said who does this target and who are we focused on? All single-family homes we plan to sell between the mid-\$200,000 and mid-\$300,000 depending on the model size and outfit. The townhomes will run between 900 and 1,400 square feet, with rent between \$900 and \$1,400. For sale homes or townhomes will be \$200,000 to \$300,000. Garden, multi-family and senior housing will rent between \$775 and \$1,350. As previously stated, the HRHA is planning to provide 75 housing vouchers evenly across the project development to allow for extremely low income individuals to be able to live there. We are talking about annual incomes between \$40,000 and \$100,000. Those are workforce housing, having income to be able to afford the rent, and meeting the needs of individuals that provide key essential services. This includes City employees, HRHA employees. You will see in our support letters, letters of support from the Chamber of Commerce, the poultry industry, different businesses that have identified and are challenged by the need and the lack of availability of housing to be able to support the businesses. We recognize the impact of schools with this proposal. We also recognize that, for a community to grow, it requires an economic engine. For the economics of the City to work, the workers have to have a place to live.

It is tied together and is a critical component to ensure that the whole community is a viable and thriving community.

Mr. Wong described various pictures on the slides as follows. This is what the multi-family, garden and senior apartments will look like. We will have one-, two- and three-bedroom units available. This is a vision of the single-family homes will look like. They will be factory built. These are not your previously manufactured homes. There are new stricter requirements and certification with different standards and eligible for conventional financing, with traditional down-payment and closing cost activities. This is a perspective of the townhomes, rental and for-sale. There will be one-, two-, three- and four-bedroom mixed throughout the development. Again, there is a variety of different housing types to meet the needs within our City.

This is a list of all the different agencies and community organizations that have submitted letters of support. There is a breakdown from health and human services to business. There is a broad variety of individuals and organization submitting letters of support. We feel strongly that this is a need that this development can address. It is a need that requires a public-private partnership to successfully meet the challenges that have been discussed. Affordability is very difficult to achieve and to be able to allow for people as you run into additional pricing, inflationary costs, interest rates. If it not affordable you can raise the cost of rent or the cost of the sale price to be able to cover that. For us to make it affordable, we have to get other types of funding sources to be able to make it work. It is a difficult project to move forward, but with the skills and expertise of Equity Plus and the HRHA, we feel strongly that we can be successful with this.

Mr. Fetcher said going back to the three proffers in question, it is not that we do not want to do solar. We want to do solar. It is a matter of defining, in the proffer language now, enough specificity that makes you comfortable knowing that you have a second bite of the apple at the site plan phase, but giving us the flexibility to not have to rezone the property to meet solar specifications. Right now, we do not know with certainty the building footprints because we do not have the site plan phase. It is the same issue with landscaping, and the same issue, different topic with the proffer, with working out how to get the financing to the City that we want to offer in a manner that is legally permissible. I ask that given the timing constraints that we are under both for the purchase and sale agreement with the buyers from a third party, and we have been working at this for a year already, as with was also noted with the nine percent LIHTC application that we do need to get in to finance this, that we do not delay this over those three things. We are standing here, committing to you to work in good faith as we move forward. In this case, you do not just need to take a private developer's word for it, but the HRHA is giving the same word and their Board of Commissioners is appointed by the City. We are not going anywhere. These are things we want to do. These are things that we have said publicly multiple times that will be incorporated. We need to keep working together on those technical issues that are resolvable, especially because you have a site plan approval stage as we move through this process to address those technical issues.

Chair Finnegan asked if there were any questions for the applicant.

Councilmember Dent said I want to ask about proffer 2.b about residents preference. I believe City staff was saying that it should not be under City staff's purview to have to enforce, which is the

nature of the proffer. I understand the motive behind that, and it is an important factor that this development is primarily for housing people who are already in the City but cannot afford housing and are living in substandard housing. Can you give us some assurance that, even if we do not accept that proffer, that it will be part of your management philosophy?

Mr. Wong said it is now part of our application process with the HRHA at this time. We give a preference to those who live and work within the City or County. We can provide that if the City Council decides to reject that proffer. We wanted to make sure that Planning Commission and City Council were aware of our desire to address that need.

Chair Finnegan asked if there were any more questions for the applicant. Hearing none, he invited the representatives from Friendly City for Smart Growth (FCSG) to speak to the request.

Wendy Rodes, 540 Garbers Church Road, came forward in opposition to the request. I am a mother of two. One graduated high school and one is still in high school at Blue Ridge Christian School. One of the reasons she left is because Harrisonburg High School is crowded. I want to talk about two things. One is the schools. When I heard about this, it was very concerning. One thing that hit me was teachers. I am a stay-at-home mom. I was always in the classroom. All I hear from teachers is we are tired. We are overworked. We do not have help. We are building another high school and I have heard that they are talking about another elementary school and another middle school, and that is not even considering this. It is concerning. When I looked at the numbers, it looks like the City of Elkton is going into our City of Harrisonburg, in that little area. The City of Elkton has two elementary schools, one middle school, two high schools. I just want you to think about that. Think about the amount of kids that we are going to add to the City of Harrisonburg. I am all for affordable housing. I am the daughter of a teacher and a preacher. We did not have money. They had second jobs. I am all for affordable housing, but I want you to consider that. I also want to talk about the WSVA discussion that happened. When I listened to it, it was concerning to me. I looked at this, in The Harrisonburg Citizen on January 12 and it was by our Chair. He has made up his mind and his opinion of what he wants to do. It is concerning because we have not spoken about it, the people who live here. It seems unethical, in my opinion. You can decide for yourselves. You can look it up. You can look up the ethics. The people on the board, you can look at what was written, but it is very unethical. The other thing that concerned me was proffer 4. I am so glad the attorney said no because it seemed like a bribe, and that scares me. That is all I am going to say.

Elizabeth Jerlinski, FCSG, came forward in opposition to the request. Thank you for your time this evening and your commitment to our City. Our organization believes growth is normal and inevitable. We also agree that Harrisonburg needs more housing. Harrisonburg is a wonderful diverse, dynamic and caring community, but its growth must be thoughtful. We believe that this is the wrong scale project at the wrong time for Harrisonburg. There have been multiple questions asked about this project which have not been clearly answered. We feel that all facets need to be examined and need to be transparent before we dive headfirst into this big project. We appreciate the opportunity to present some of these ideas to you tonight. We realize that you have many responsibilities and plenty of challenges. We believe that manipulating the zoning on this huge unsolicited project is just not right. Tonight, some of our speakers will address the lack of transparency on this project, that the prior councils have already taken intelligent steps to address affordable housing in Harrisonburg. This unsolicited proposal involves distorted funding, which

is more about developer profits than addressing affordability. This site fails on major geological issues that will cost the City money in the future. This site, as it stands, will endanger the health of the proposed new inhabitants. Traffic problems and future costs to the City should be cause alone to deny this project. We are not Northern Virginia, and we do not want to be. We think the zoning for this land parcel should not be changed but should conform to the City's comprehensive plan. Rezoning in Harrisonburg will determine our future. Your perspectives and judgment tonight are critical. You have a big responsibility, and we believe that endorsing a really big project which was not solicited is not your obligation. About transparency, these meetings were not really advertised to the people who would be impacted the most. I am one of them, I know. There were four signs for 89 acres. This is sign at Hidden Creek (referring to a picture on a powerpoint slide) and it is indeed hidden. I also want to note on the 89 acres were all found face down on December 30th and thanks to my husband, a sledgehammer and myself, we put them up for you. You are welcome. The FCSG believes growth is normal, necessary and inevitable; however, we are concerned that the magnitude of this project far exceeds in size any population density of what is considered reasonable. This next slide is very important. Pay attention. This slide is very important, and Mr. Chip McIntyre is going to discuss it.

Chip McIntyre, FCSG, came forward in opposition to the request. I would like to thank everybody in the room for being here. I would like to thank the Commission for allowing the time to come speak with you and to show our slides. The upshot of this slide that you are looking at is concerning people per acre and population density. Pick any City that you want that is not in red and look at the population density and then look at what the Bluestone Town Center population density is going to be. That puts us in some pretty crowded company. I do not think that anybody wants that. As was mentioned earlier, a town the size of Elkton or a town the size of Broadway on 90 acres of land in the southwest corner of the City of Harrisonburg. Not a lot of space, a whole lot of people. The traffic that is out there is of concern. Those additional 6,187 cars per day are going to go by an elementary school, are going to go by a high school and in close proximity to a middle school. We all know that traffic is not going to decrease over the next 10, 20 or 30 years. It is going to continue to grow putting further strain on an existing road system that is barely adequate to handle what is there and some could make the argument that it is not adequate to handle the existing traffic. If you have been out there the times of day when you have to sit through three or four cycles of lights because traffic is backed up, and you sit there and you sit there and you sit there. Again, that is 6,187 cars. How many cars is that? Now that is additional cars, or additional vehicles, not cars that are currently there. If you use the dimensions of a compact car, which is 15 feet and you put them line to line to line, that turns out to be 17 and a half miles of cars that will be additionally at those corners, those intersections, Erickson Avenue and South High Street, Erickson Avenue and Garbers Church Road, Erickson Avenue and Route 33. Seventeen and a half miles. That is the distance from the project to the town of Verona. I do not think it is a good idea on so many levels. I would urge the consideration of these facts when the decision is made. Thank you.

Jerry Scripture, FCSG, came forward in opposition to the request. Thank you for your service to the City. I know you were here last week. It is a lot. I am worried for our City. I am here because of that. However well intended the folks are at HRHA, I believe the project would do the City and the folks it purports to serve more harm than good. The very recent, very large, Housing Study, commissioned by City Council did not say build a humongous new facility. (Mr. Scripture

provided some documents to the Commissioners.) At the time of the City Council approval of the Planning Commission thing, they had a vision statement. The vision statement has very intelligent observations. I think the City Council nailed it about our community and who we are and why we should love each other. The Housing Study did not say put a huge facility in this market type B. Market type B was the bottom. It did say put housing in here (referring to the slide). As Ms. Webb said, maybe this housing gets crowded out if it is low-income financed. She mentioned that there are people in those areas looking for the same kind of financing which they only have so much to give us. So, why are we here? We are here because the census says that we are poor folks. The poverty in Harrisonburg is 28 percent. Look at the poverty rate in Staunton is 10 percent. The point is it is an artifice. Students are counted in the census. That prompts HUD to label us as poor and it prompts folks that do LIHTC things or other tax credit things to call Mr. Wong and say, "We have a low-income..." This is featured on their website. It is a renovation project. It is not new construction. It is not a whole new community. It is not a community within a community that they have the credentials to create this, the expertise, the market studies that say a teacher is going to move in here or a policeman is going to move in here. I do not see that. This I have left in the packet for you. And I have this. These two things say that the housing market is basically balanced right now. The prices they are talking about offering product, this is a convoluted program that we are talking about. Price does not matter. Cost does not matter. They can have costs of \$500 per square foot and still sell it. This program has been investigated and there have been scandals all over the country. NPR got into it and the attorney that was looking at it said this program has been described as a subterranean ATM and only the developers know the PIN. I am suggesting to you that before we had the keys to the City to the only people that know the PIN to the financing, we double-check our steps.

Dr. Eric Pyle, FCSG, came forward in opposition to the request. I live off of South Dogwood Drive, next to Hillandale Park. I am also a professor in the Department of Geology and Environmental Science at JMU. I would like to bring up a couple of issues. No one in our group is opposed to affordable housing being made available in Harrisonburg, nor are we in general opposed to development on the plot in question. There are serious issues that should be considered and resolved before a zoning change of this magnitude and density is considered. Many of these issues are spelled out in the Comprehensive Plan Chapter 10 and in other regional documents. Harrisonburg rightly deserves its nickname of Rocktown as many areas are underlaid by limestone. In the Bluestone Town Center area, that rock is folded and fractured in many places and also produces flat shelves of varying height in other places. What does that mean? Where the rock is folded, it fractures and water infiltrates along those fractures. It also provides pathways for radon gas to come up from the subsurface. Where that rock is dissolved, it leaves behind clay that has a moderate to high risk of shrink-swell. It expands when wet and contracts when dry and can cause foundation fractures. It also produces these pinnacles of rock that you can see here (referring to powerpoint slide) that have to be removed by blasting or hammering to get water lines in below the frost line. The southwestern side of Harrisonburg is well known for these pinnacles, and they are costly to excavate. The other thing to consider is water and how water flows across this area. The dissolving of that limestone can produce sinkholes, depressions, and a lack of surface streams. In some places, runoff sinks into the ground and flows slowly through fractures before reaching the creek on the southeast side of the property. One could follow the tree line from the south end to the Heritage Oaks Golf Course and see other possible sinkholes along this area. This area where that surface flow and these possible fracture areas exist is also the area where the highest density

housing has been proposed. The other thing to think about is the hardscape that is going to be produced. By hardscape, we mean all the roofs, the roads, the sidewalks, all the impermeable surfaces covering these areas with all that where water cannot sink in, it is going to runoff, and it is going to roll downhill quickly towards Erickson Avenue and towards South Dogwood Drive. You should note that two of the four proposed entrances here are within the 100-year floodplain and would be underwater and are currently under water in heavy rain events. Water flows downhill, but floods flow uphill. The houses along South Dogwood Drive already have backyards that are flooded in moderate events and this water will back up well into Hillandale Park. You have to show that a stormwater management plan is actually going to address this. The other thing to think about is what is actually under the ground in terms of soil. We have a lot of solid rock there. The U.S. Department of Agriculture maps, state geologic survey maps limit the engineering qualities of this area. To dig a foundation or shallow excavations or even a retention system for stormwater would be severely limited. Thank you for your time and consideration.

Bill Strang, FCSG, came forward in opposition to the request. I live on South Dogwood Drive, and I have lived there since 1985. I want to talk about two points. One is what Dr. Pyle said about flooding. My house is at the bottom of West Avenue. I bought my house knowing that my backyard was in a floodplain. I am not here to complain about the flooding. We get a flood on an average of twice a year. We get runoff that comes down through Cedar Street, coming off of Route 42, comes underneath Dogwood Drive, circles behind two houses that consistently have water in the crawlspace and below grade basement. I have not had water in my home. In addition, behind our home also the runoff that comes from the golf course. Prior to the golf course being put in we did not have a huge amount of water. There was no planning for the water to come downstream. The City does not maintain the culvert under what we call the Lane or for some of my neighbors an extension of South Dogwood Drive. The only people who clean that culvert out are the residents. We have been there numerous times. It lifts the road surface, rolls it over onto my property. I have had to clean that out. I want you to consider what you are saying because the two houses south of me, the water backs up and comes up into their yard every time we have rain. When you want to come down sometime when it is raining and look behind the two houses south of mine. I bought the house when there was no Kings Crossing. There was no Hidden Creek Lane. There was no Food Lion. I did not mind any of that. The other thing I want you to think about is, we are now, after moving in in 1985, I would say that we are into the fourth generation of children moving into our neighborhood. Many of my neighbors are in their 70's or 80's and are looking at moving on. New families are buying these houses and we are getting kids again. It is great. This is about the fourth time. South Dogwood Drive is a racetrack. Northern South Dogwood Drive, you put speedbumps in. Numerous times the police have their automated speed check indicator up there. From Hillandale Park down nobody cares about it. I purposely back into my driveway because I cannot back out onto Dogwood Drive. People go around me when I back out. You need to consider the amount of traffic that Hidden Creek Lane is going dump out onto Dogwood Drive. It is going to be a problem and you need to plan for it now before you have an issue. With that I will close. Thank you.

Curtis Hall, FCSG, came forward in opposition to the request. I live at 690 Bald Eagle Circle, Heritage Estates. My topic today is greenwashing, and there has been a ton of greenwashing that has been going on. What is greenwashing? You have the term. Look at the screen, if you will. It is "[m]aking false, misleading, unsubstantiated, or otherwise incomplete claims about the

sustainability of a product, service, or business.” Going a little further, “[g]reenwashing is when the management team within an organization makes false, unsubstantiated, or outright misleading statements or claims about the sustainability of a product or service... [S]ometimes greenwashing is also carried out intentionally through marketing efforts” as Ms. Rodes was alluding to earlier in *The Citizen* from a couple of weeks ago. Greenwashing, has the author or publisher verified the accuracy of the statement or are you being intentionally misled? You mentioned LEED certification. What level LEED certification? Is it going to be on four-plexes or the senior homes? There are terms... Is the “certification” nationally recognized as in LEED? Here are a couple right here. There is SEER, Energy Star, LEED Certified, HERS. Walkability is what I am really going to be chatting about here. Examples from Home Depot. Look at these products here. Look at the use of green on them. A little bit misleading. Everybody thinks it is a green product. Maybe not. Here is a logo, Design for the Environment, U.S. EPA. That is a nationally certification. Check this one out, Nature’s Source. Look at the leaf, the water, “new!” Look at the use of green. Misleading. This green logo that you see right here, “Greenlist promise.” That is a homegrown designation that it is green. This product right here, look at the use of green. It is a number 2 *unintelligible*, 99 percent natural, Sierra Club endorsed. Not really. The Climate Action Alliance of the Valley says “[w]e support this project because it provides needed affordable housing with walkable, bikeable, transit-oriented development consistent with the City’s Environmental...” I tried to find a place that I consider would be a really high walkable area. I go downtown to 41-F Court Square. Look at the walk score, 91. The transit score, 35. Sixty-four for the bikeable. Very high walkability scores. So I take the gentleman’s home right back here, and he is right down from the Food Lion. This you can see is Hidden Creek Lane. There is going to be a bridge there and the Bluestone Town Center. I look at his home’s walkability score and what do we have, 44, 16, 37, not exactly a high walkable score. I look over at the doctor’s office on Erickson Avenue. The Bluestone Town Center will be right behind that. So surely, that is across from Wal-Mart, that will be pretty green. No, a dismal walkability score. So, greenwashing, again. We have people saying that this is a walkable, sustainable, bikeable complex, but it is not. As you can see from the two places closest to the shopping center in this environment, they require a car, not high walkability scores. We have three bus stops that are going to be in the complex, but I do not know where they are going to go. So, greenwashing, saying things that are just not verifiable. Well, they are verifiable, but we are not verifying. It is misleading to the general public when we use those statements. Thank you for the extra time.

Dr. Jeremy Akers, FCSG, came forward in opposition to the request. Before I get started, my presentation is based on the premise that the operational poultry farm on Garbers Church Road has not been sold. It is not going to be forced to close. I am a professor in Health Professions at JMU. I wanted to bring forth two concerns that we have about this project before it goes forward. For others who do not know about modern industrialized poultry farming, what they do is cram a lot of birds in a small, confined space. Harrisonburg and Rockingham County are very good at this. This is great for modern, manufactured poultry farming; however, CAFO, concentrated animal feeding operation, is great for manufacturing, but it is not very good for the environment. There are a lot of health concerns when we look at the proximity of residential areas to a CAFO. There are a lot of environmental toxins that come out. There are high levels of ammonia, hydrogen sulfide, foul odors, volatile organic matter. One of the things that we want to focus on is particulate matter, which includes dust and feathers and, unfortunately, feces, that comes out in the air. There are hundreds of articles that state how close a residential area is to a CAFO and all the health

implications. Most of them are based on respiratory disorders, things like bronchitis and asthma; however, there is a systemic effect as well. The systemic effect goes into lung disorders and cardiac arrest. One of the more troubling things that we see in the new articles is the impact it has on mothers and infants. When we look at the mothers there is a decreased gestation. When we look at the infants it is a lower birth rate and adverse birth effects as well. This is evident in a new study that was produced by Virginia Tech Eastern Shore poultry farms as well. One of the other things that is alarming is expanding the health disparities. We know that health disparity is a major issue in the United States. These residential individuals that these properties are being built toward a CAFO are really focused on minority and lower socio-economic status. We do have a CAFO. It was annexed in 1983. It is on Garbers Church Road. We do not have a setback ordinance to state how far a residential area can be built from a CAFO. Rockingham County has a 600 foot setback. Page County and Shenandoah County have a 1,000 foot setback. If you look at the red and the blue, that is the setback. Virtually everybody has one except Harrisonburg. If you look at this area on the slide, this is where the animal feeding operation is. Our estimation is about 35 to 100 feet from the residents. We have two questions we would like to ask. We have asked these questions. Have you thought about a setback ordinance to protect the individuals that we are trying to make these places safe for, the ones that most susceptible to respiratory disease, which is young children and elderly adults? The response was “we are going to put up a fence and we are going to plant some trees.” To my knowledge, we do not have a fence or tree that can filter out this particulate matter. Our two questions for the Commission are, that we need to think about before approving this, is to think about a setback ordinance for the Bluestone Town Center. Also, who is going to be liable? Is it going to be a proffer for Equity Plus? Who is going to be liable when we have some disorders?

Mike Rodes, FCSG, came forward in opposition to the request. Gross negligence. Willfully putting people in harm’s way. You are putting people next to poultry houses. Attorneys can respond to this, and I recommend you look into this issue. I also do insurance. If you knowingly put people into harm’s way, are you assuming liability for these people. I struggle with asthma from a poultry house. I was stuck working in that. I was stuck dealing with it, and I still suffer with it today. This slide is my morning medications. This is part of them, but every day. That one in the blue costs \$400 a month, and we do not have insurance. You are going to put low income families there with \$400 a month in medical bills. That is awesome. I want to talk to affordability. I am all for affordable housing. We did not grow up with a lot of money, so this is not anything against doing this project. I am for affordable housing. This project has financial issues that we need to be looking at. Part of having affordable housing is having affordable taxes. The thing with the City and the County is that there is a disparity. You have an \$80 per month median house income tax differential. That is almost \$1,000 per year for a family. One thousand a year is a lot of money, a lot of groceries. We need to start looking at this. The way that I see it, our tax rates seem to be going up. The County seems to be getting it under control. Right now, we are looking at adding 10 percent more people in one area with more students, which is going to cost about 1.8 million in school costs. According to the report, this housing development is only going to generate 1.8 million in property taxes. I am trying to know where the extra money is going to come from to fund the 10 percent increase in police, roadways, 10 percent fire-fighters. Incidentally, you are talking about raising the height on buildings, so have fire trucks to reach up there? Do we have enough fire trucks to reach up there? Are we going to have to look at buying more fire trucks? I would like that to be brought up as well because I think that you completely overlooked it. We

need to discuss this height issue as well because you are driving costs up for, not only, the firefighters, the police, the community. I think you are pushing this thing through so quickly by the endorsement by your Chair, publicly. We just covered the tip of the iceberg. No one has looked at the impact on Hillandale Park with that many people coming in there. You clearly do not even know what green spaces you are going to do. Every time they asked tonight, they said, "I do not know." Come on, people. You are going to approve a project when you do not know what you are doing. These developers have never done a project this size. I would like to clarify that they have not done a project of this size. Thank you.

Barbara Pyle, FCSG, came forward in opposition to the request. I live on South Dogwood Drive. Thank you for the opportunity to speak this evening on behalf of the FCSG. As you can see, there are a lot of questions. I appreciate the thought and expertise you bring to this, but we have a lot of questions and I want to review those with you. Our future is in your hands. We need you to carefully and critically consider the questions that we have presented you with this evening. Does zoning this land really support all the individuals impacted? The future residents, the adjacent neighbors, residents impacted by increased traffic, increased taxes, increased flooding. Have you considered and understood the environmental impacts unique to this location, at a minimum the ones that we can anticipate? You have the poultry farm, geologic characteristics, and no one has mentioned that all of the trees in that lot are going to go. You are taking them down. You have increased flooding, uncertain stormwater mitigations, significant increase in traffic on Erickson Avenue, South High Street. You have emissions from those cars standing at those lights. You have increased noise pollution impacting those neighborhoods. You talked about retail. It is one of the things you brought up. It sounds wonderful, you are going to take the social services that we have downtown and move them... I am not sure. Are you duplicating them at the Bluestone Town Center or are you going to move them from one place to the other? If you are duplicating, that is a whole set of staff you have to hire, so there is a cost there. If not, you are making the people that are used to going downtown now go to where the Bluestone Town Center is. We already have vacancies in other places in town. The issue of the pocket parks and the green spaces. What I worry about, because I really value those things, is that is always the last thing that gets done. Then that is when the money runs out and we do not get that. We have talked a lot about the future infrastructure and tax costs. All of those things we are going to need to add too. Does the HRHA have the resources to manage a project of this magnitude? We have not talked about the HOAs that are going to be a part of this project. They have already said that they are not maintaining the common areas. What is Equity Plus' motivation here? Make a profit and leave or build an environmentally sound and affordable housing project? These are questions we have. Is this the only way to create affordable housing? We agree that we need it. We do not feel that the community has been considered. The name is there; it is Bluestone Town Center. You are putting a town. Why are we not talking about this? Why are we not using other zoned areas? Is this really environmentally friendly? It is not centrally located. Public transportation is going to have to be added. It is not there yet. There are no savings on fuel, no savings on carbon dioxide emissions. There is massive deforestation, excavation, and significant increase in traffic. There are a lot of questions tonight. I would like for you to think about what we have brought to the table. You have brought a tremendous amount as well. I recognize that there is a time constraint here, but I hope that you do not feel rushed to have to make this decision because of their time constriction. It is a big decision. Please make it wisely. Thank you.

Jason Calhoun, 240 Garbers Church Road, came forward in opposition to the request. I am part of their group as well. We have a petition online that has gathered 755 signatures against this project. I want to mention a few things here. That loan that they were talking about, loaning it back to them to be paid back over 40 years. That is a long time. They probably will not be around then. It is named Rockingham County and Rocktown for a reason. I live on Garbers Church Road and if I want to dig for anything, about six inches down it is solid rock. You can expect this area to be solid rock. I am not sure that a townhouse that costs \$250,000 is actually affordable for a household that only makes \$40,000. I am sure it would be tight. We should also mention that the City's worse drivers are over here because we have the high school. I have an 18-year-old that is a senior at the high school. Believe me, the City's worse drivers are there. The police are routinely fining people for going over 100 miles per hour on our road. It is going to get a lot worse with this development. If we build this, people will die because there is so much traffic already that I worry about my kids walking school. I do not let them very much anymore. We are talking about 4,000 people, 900 units, and 300 kids in school. Are you kidding me? Are not most units going to have two adults and some number of children? If each of these units is going to have two adults, then that is 1,800 people. If we are estimating people, then that is 2,200 kids. Now, granted, some will be four years old or less and are not in school, yet. But we are still talking over 1,000 kids. We are not talking about 300 kids. We are talking about 1,000 to 2,000 kids. The schools are already overcrowded. Bluestone Elementary is already at capacity. Bluestone Elementary and the new high school cost \$100 million. We cannot staff our existing schools. We are building a new high school that is going to be done and we cannot staff Bluestone Elementary and the high school now. We cannot staff any of our schools. They are all understaffed. I know this because I have a child at Bluestone Elementary, Thomas Harrison Middle School and Harrisonburg High School. One of the third grade teachers left this year. They took that class and they put into the other classes. When the teachers are leaving, that is what they are having to do. We are not hiring teachers fast enough. They are already overcrowded, already understaffed. We are building a new high school and now we are talking about building another elementary and middle school. Are we crazy? Let us take care of what we have before we go and buy more.

Scott Stevens, 1221 Garbers Church Road, came forward in opposition to the request. I live almost across from the poultry plant. Not quite, I am not 75 feet or 100 feet. I am probably a quarter of a mile from it. I can tell you that even at that range, when the wind is blowing in my direction... I have lots trees in front of my property, but it does not make any difference at all. We are from Garbers Church Road, a number of us are, or from other streets. You can talk about the issue of "not in my back yard." I appreciate that. Like a lot of the other people who have spoken tonight, I very much think that we need more affordable housing in the City. I think this is the wrong way to do it, particularly to concentrate it in one place and in the place that we are talking about. I am talking, literally, about my back yard. I have a house that has two stories. My father, who is a 96 year old World War II veteran, lives downstairs. In light of that, I can tell that a number of things that we have heard, for example considering the geology, are absolutely true. We have radon in our house, and if we did not have it pumped out, we would have an issue with lung cancer and things like that. I assume that the cost of building these is included in the price of the house because such systems are not cheap, and they cannot be ignored if we care about the safety of the people who are going to be living here. In addition, there is literally the matter of my backyard. My dad enjoys his sunroom, more than anything else, because he can sit and look out at our backyard. Unfortunately, I live about two houses down from where the high school. The runoff water from

there goes down in our direction, quickly fills up the retention pond and all of that water goes overground through my backyard. When I bought the property, the high school was there. I was aware of this problem. A little bit after that, when they built the Bluestone Elementary School further up the hill, and as we know water runs downhill, I was told that water was not going to use that same draining system, but it does. The result is that the water that is half a mile, three quarters of a mile away, takes about 10 minutes to get from there to my backyard. It ran with such force in one storm that we had that it created a river big enough to take my chain link fence, rip it out of the ground, while taking 300 pound pieces of concrete and scatter them down my yard. When I contacted the City, they said that they would be nice enough to come pick up the 50 pound boulders which were strewn like gravel from that water. I do not know where the water is going to go from phase one, but the upper part is closer to me than the high school is and the elementary school is, and if it goes in that direction that goes this way rather than down that steep hill, then it is going to go through my back yard again. I have dug down to that stone that we have talked about. I have paid thousands of dollars so that my father's sunroom will not be flooded. I do not want that to happen to a 96 year old when I have done everything that I can. I am asking you to keep that in mind too. Please, help us do better than this. Thank you.

Bill Ingram, 1331 South Dogwood Drive, came forward in opposition to the request. I have lived there since 1989. Before that I lived in a small town where I was on the Planning Commission and then on the Town Council. I want to thank all of you for your interest and your time and wanting to keep Harrisonburg as the Friendly City. I do have concerns. I am trying to clean up all the concerns because when I talk to some of my neighbors the vocabulary is not at all like Wadsworth, it is a little bit more like Bonnie and Clyde. I am going to try to put this in perspective. When they did the golf course, in one of the floodings that Bill Strang who lives about 80 to 90 yards from me, I thought that he was donating his shed because it flooded down, right next to mine. I do appreciate you listening to our concerns. I always thought that I had good ideas. I had this mom that would say, "have you ever thought of this?" Well, yes, but like you here, we look at one side that is really good. I complement you for looking at solutions. You have to look at the other side too. As my mom reminded me, maybe 1500 to 2000 times, the road to hell is paved with good intentions. Solutions proposed like, we are doing something now that is probably going to prove this statement. My doctor told me one time that you have to remember that this cure may be worse than the disease. I think we are about ready to prove this. I know a lot of you already made up your mind, but I will tell you this. After serving on the Planning Commission, the first thing we often did was find out things from the neighbors because we did all of the reports in the world. What you guys cannot go with me and tell me where those deer are that sleep every night behind that is in that area. I do want to start there. Major concern. First concern is safety. Dogwood Drive has been a concern for safety for years. It is not just cars and trucks. We have skateboards. There are kids. We have bicycles. It is encouraged to be a bicycle path. It has hills. It has walkers. It has joggers. Right now, it is not safe. My wife walks every day, but to get up to Hillandale Park, if the volume of traffic increases, she is not going to be safe there. Nor are lots of the other people. What they do, all you people that are interested in the environment, they get in a car, and they go somewhere else, or they drive to Hillandale Park. We need to think through some of the things that we automatically seem to do. In addition, the excess cars produce carbon dioxide. I know you have that concern, but the loss of trees with this is going to be somewhat devastating. You have already heard about the soil. I can tell you, I have up there. It is rock. When it is not rock, it is clay. When we have trees cut down, that clay is going to turn into channels that will increase the water in that

creek. I can guarantee you that and I am not the scientist. Presently, we have really good oxygen. The schools have already been talked about. We are destroying the habitat of lots of animals that make Hillandale Park a little bit better. I want to say, we purchased land in 1989 with expectations. That expectation did not encourage ... *unintelligible*. We purchased it with land and with nature. We have been taxpayers all this time. It is unfair to not consider the taxpayers and the people that are making things available in the Friendly City. I hope that in our next generation it will not be the Unfriendly City.

KC Kettler, East Water Street, came forward in support of the request. I am here on behalf of Climate Action Alliance of the Valley (CAAV) and Livable Harrisonburg. Our City is growing. The Housing Study indicates that there is a severe shortage of housing in our City, and in particular there is a shortage of housing for individuals in need because of the housing mismatch. Those individuals, many of which have been here a long time, have housing that is more affordable. People who are coming here or people who are already here trying to find decent housing cannot find it because it does not exist. While the houses that are going up, and there are more houses going up as this body is well aware. This body is well aware of the support for that, and it being needed. A lot of what is developed are single-family homes and townhouses in the middle of nowhere where no one can drive anywhere. That suburban sprawl is the reason why CAAV is in favor of Bluestone Town Center. The question is not whether our City should grow. It is growing. The question is not when our City will grow. It is growing now. The question is what will we grow into? What strikes me most about comments that we have heard so far is not our differences but the common goals that we share. We want to get cars off the road. We want to preserve the land that we have. We want to make sure that the City is financially stable, especially considering the infrastructure development costs. Let me suggest to you that there is no organization in this State that would like to have cars off the road more than CAAV. There is one way to get cars off the road and that is to make walkable, bikeable, transit-oriented development. The way that you do that is by having dense, walkable housing, where people can go from where they live to a store, like with the mixed-use development at Bluestone, where you can go to the grocery store that they have offered to build sidewalks to. The way that you reduce a lot of the infrastructure costs is by having more people on fewer roads. You still have to pave the road. You still have to clean the road, whether there are five people living on it or five hundred. You still have to maintain all of those costs. We appreciate the efforts of staff in looking at the solar aspects and green spaces. Those are areas which we are confident that we will be able to work with Bluestone Town Center, HRHA, to mutual satisfaction. Those are very important to us and very important for the residents of Bluestone Town Center for people to be able to walk to parks near their home. For those reasons we ask that you support Bluestone Town Center.

Randy Cline, 480 Hartman Drive, came forward regarding the request. I have no dog in the fight. I am just a regular citizen. It is not in my backyard. There are some serious issues here that you are going to have to address. I am going to be very succinct and quick here because my background is poultry. These houses are on the east site of Garbers Church Road. Here, in the Valley, we have a prevailing west wind. That wind is going to come across the chicken houses and there it is. I am telling you I would not want to live there, quite frankly. I do not think that a policeman, or a teacher, or a professional or non-professional, wants to live there with those things in mind. The solution is for you to buy the poultry house and tear it down. More taxes. What is actually happening here? Even with the poultry houses, what has happened? You are going to have 400

rentals and the rest, whatever it is. Somebody is going to be owning something. What happens when it comes time to sell? If you assess the house at \$220,000. You have smell coming in the front. That person is not going to get \$220,000 for that house unless they love poultry. Thank you very much. You have a thankless job. Thank you for letting me talk.

Shannon Davis, 1461 Springside Drive, came forward in opposition to the request. I live in Springfield Village. It is a diverse, working-class neighborhood of modest single-family homes located between Harrisonburg High School and Garbers Church of the Brethren. There has been a lot of discussion tonight about how people think and feel and believe about Bluestone Town Center. Each person in this room has a different set of circumstances and life experiences that mold their opinions about this issue, and I respect that. Now let me tell you what I believe. I believe that there is a shortage of affordable housing in Harrisonburg. I believe that the housing shortage is partly due to growing population and the current economic climate, but also due in large part to poor decision making by those in authority in Harrisonburg for the last several decades. I believe that it is more affordable to live in the County than to live in the City. I do not see that changing any time soon. I believe the mass exodus of taxpaying citizens, fleeing Harrisonburg for the greener pastures of the County, will continue. I believe that Equity Plus is a for-profit business with no previous ties to the Shenandoah Valley and I question the underlying motives of this proposal. I believe that Equity Plus has no genuine interest in the housing needs, health and welfare, and overall quality of life of the citizens of Harrisonburg. I believe that Dr. Pyle provided a great deal of insight into the geology of the land for this proposed site and the subsequent challenges that could be encountered if construction should occur here. I believe that this land is not a suitable site for a housing development of the scale and complexity of the Bluestone Town Center. I believe that Dr. Akers provided a great deal of insight about the health hazards associated with homes near a poultry operation. I believe that it would be, not only irresponsible, but a danger to the health and welfare of citizens if they are to be housed in such close proximity to a poultry operation. I believe that Harrisonburg does not have the infrastructure to support a housing development of this magnitude in any area of the City. I believe that the future sustainability of Harrisonburg is dependent on safe, affordable housing located throughout the City with thoughtful research and planning as not to overburden any specific area of our Friendly City. I believe that climate change is real, and we should each do our part to prevent additional stress on the environment, but as someone who has walked from my residence to Wal-Mart and then back home again, I can emphatically say that this area of town is not easily walkable. I am sure that thousands of additional vehicles and pedestrians will not help with that. I believe that smart consumers do their research before making large purchases and costly investments. I believe that the information presented this evening has raised many significant questions that have not been sufficiently addressed. I believe that rezoning this land and moving forward would be irresponsible, and an impulsive and a reckless decision. Thank you for your time.

Pete Bsumek, New York Avenue, came forward in support of the request. I live on New York Avenue, not far from the proposed rezoning. I want to start with the last person's comment. Climate change is real. On behalf of the Sierra Club as the Chair of the Executive Committee. We have supported this project. We support this project because, on balance, we believe that it is the right thing to do. There are two arguments that are presented tonight that create pause. The first, presented by Dr. Pyle regarding the geology. The second by Dr. Akers, a colleague of mine from JMU, about the poultry houses and the potential illnesses. Both of those issues can be addressed.

We can find ways to deal with them. Smart planning can figure out how the geology works. After all, we built schools over there and everybody on this side is saying it would be okay to build single-family houses, but not this kind of thing. Setbacks could be addressed for the poultry houses. Other than that, Mr. Kettler is right. The question here is what are we going to grow into? If you do not want to be Northern Virginia, then we need to start growing into something different. If we let the status quo run its course, we are going to end up like Northern Virginia. We need planning. We need smart growth. Smart growth, as defined by the Virginia Conservation Network, includes development in and near cities to protect suburban and rural areas, walkable, mixed-use, transit accessible communities. The more dense the community, the easier it is to move people in public transit. Housing close to jobs and retail services. Retail on the bottom, housing on the top. Houses near that retail. Streets designed for safe walking and biking, at the presentation here was rather impressive in that regard. The diversification of the types and sizes of housing stock including affordable rents and potential for ownership that creates a ladder for people to move up and to own houses. Each of those things is more or less addressed here. The one thing that is missing here is, ideally, these things should be placed in previously developed land, such as old strip malls and so on. We see this as a test case for smart growth in the City of Harrisonburg. If we cannot figure out how to do this project, we are not going to be able to figure out how to do any of these projects. Let us do this. Let us get it right. Let us make the recommendations that Councilmember Dent was suggesting that we put the right proffers in place and work with them to get them done. Thank you.

Hadley Jenner, 525 Hickory Grove Circle, came forward in support of the request. I believe you have written comments that I have sent. I am drawn to this project, largely because it addresses a critical need that many studies have pointed to, that we all agree. Apparently, even for those opposed to the project, that we need more affordable housing in this City. I think this project deserves to be tried because it affords opportunities to our lower income community members that are otherwise hard-pressed to find adequate housing. If we are ever to make progress on addressing our shortage, particularly for our lower income folks, we need the kind of public partnerships that I am glad to see represented here. If we can agree on fine-tuning some of these proffers, let us do that. We need to make an effort to address this and, unfortunately, that housing did not adequately address in the past. There was a very appropriate opinion piece in the Daily News Record today from Brent Loope, the President of the Realtors Association. I offer you that. Thank you.

Shawn Thompson, 1181 South Dogwood Drive, came forward regarding the request. I agree with the supporters of this that this needs to be done. We need to address this. I also think that there are too many questions that obviously have come up. I do not see how we can responsibly just approve this and hope and wish that the proffers will be addressed, and everything will work out fine. I think we need more time. If it is an artificial deadline, let us try to figure out a way around that, or be more patient. Let us do it right and not force something down that we are going to be questioning years down the road.

Jayne Docherty, 2237 Deyerle Avenue, came forward in support of the request. I live on the other side of town. I moved here in 2001 to take up a teaching position at EMU, just in time for the great golf course fight. In the spring of 2002, I taught an action research class that did an attitude assessment about smart growth and how people felt about smart growth in Harrisonburg. I am happy to share that with you at another time. Overwhelmingly, the consensus was that we definitely need smart growth to prevent sprawl because sprawl is going to destroy the appeal of

the Valley as a whole. We have not done it, and we have sprawl, all of the building in the County. I want to thank you for the comparative densities in the City. My neighborhood was not included in it. It illustrates that the current residential density on the west side is an anomaly, 2.2 per acre versus the five and up into 10 and 11. What we are looking at on the west side is a suburban lifestyle inside the City boundaries. I do not think we can afford that if we are going to house everybody who needs housing. We need to change our attitudes towards that. I am in favor of promoting the zoning change at this time. That makes it clear that this side of town to development that is needed to solve a problem that we all agree exists. The problem is not going to be solved only in other parts of town which already have high density. I empathize with everyone sitting here who feels horrified by that prospect. I lived in City Exchange, over the Chop House for 10 years, waiting and hoping that someone, as was getting into my retirement years which I did this last July, would have some kind of walkable, senior-oriented housing development downtown. That is what I wanted. During that that time, I grumbled every day as Urban Exchange was built because it was an eyesore, and it was in my window. I grumbled almost every day about the development on the hill of Deyerle Avenue off of Lucy Drive as that wooded area was stripped and houses were built there. When I finally moved out in 2019, guess where I live? On Deyerle, in the houses that being built that I grumbled about because it is affordable for me. I am a retired professor. It is not affordable for the people we are talking about. Thanks to Jerry Scripture for building it.

Isaac Witmer, 1004 Rockingham Drive, came forward in support of the request. It is appropriate that I am speaking after Ms. Docherty because I resonated with a lot of what she said. First, I want to thank the Planning Commission for approving the rezoning for the apartment building down the street from where I live. Our City desperately needs more high-density housing and not just on the south end of town. We need it everywhere. We need high-density housing to reduce our dependency on cars, to make it easier to walk and bike. If we believe that climate change is a threat, then we need to build our town in a way that is more resilient. Apartment buildings are more energy efficient. I could go on. I also want to make the finance case that I have not heard very often. Graphs that plot the income per square mile show that the higher density areas generate significantly more income than the suburbs do. Intuitively, it makes sense. Lower density areas cost more to maintain the public infrastructure and generate less in taxes due to there being fewer people. The issues that concern me the most are affordable housing and climate change. All projects that address both of these are critical. The Bluestone Town Center will change our City. Change is scary. Harrisonburg will start to feel like a different place. I think that it will change for the better. I hope that this project and many more like this are approved. Then we can move forward making our City an even more Friendly City. Friendly for people who want alternative transportation, and friendly for people who need a place to live. Thank you.

Austin Bell, 471 Queen Anne Court, came forward in opposition to the request. I grew up on Queen Anne Court, which is close to this development, right off of Dogwood Drive. I came in here wanting to say “yes, in my backyard” to all these types of projects. I have been thinking a lot, recently, about this site being not the best use for a large project. A lot of what the first group of folks here talked about on the soil, the forest that I grew up running around in and exploring some of the lesser-known areas, the cemetery back there... Growing up, I witnessed tens of thousands of starlings flying above this forest every spring. It has been less and less every year. It is devastating to think about that forest being gone and these birds not having a habitat as well as the animals living on the ground. Although I want this area to be rezoned for housing, for mixed-use

areas, I am not sure that this project is on the right path for that. I think it is a bit... Obviously, most of the people who have talked today are saying it is a bit too big. I would like to see connected. I would have wished to have a path from my house to the high school growing up, having more kids in the neighborhood. My Dogwood Drive neighborhood has an older population, and I am excited to see what comes in these next couple decades. I wish that a project is developed here, but maybe not this one, maybe not right now. Thank you.

Bill Jones, 94 Laurel Street, came forward in opposition to the request. I live on Laurel Street, the poorer side of Central Avenue. All the issues that I was going to address have been addressed quite eloquently. The only thing that I wanted to add is that a project of this size is going to have a lot of impervious property. I am wondering what that is going to do to our TMDL (Total Maximum Daily Load) limits with the runoff and our stormwater management system. I had not heard anybody mention that and just came to me. I guess that is something I remembered from when I sat up there many years ago. Thank you for the opportunity to speak. It is nice to see of you again and meet some that I have not met previously.

Everett Brubaker, 523 Virginia Avenue, came forward in support of the request. I am a Harrisonburg resident, father of two, and a graduate of both EMU and JMU. I have worked and lived in Harrisonburg for most of my life, and I hold a deep love and gratitude for this City and the people who live here. I have worked in housing and sustainability for over a decade and understand the deep need for affordable housing. I also write with blessing from my family who plan to build homes of our own on land directly adjacent to Bluestone Town Center's proposed boundary line. We know the problems. Whether firsthand account from families or the Comprehensive Housing Study, we know two critical challenges quite clearly. One, we do not have enough housing. Two, what we have is too expensive to buy or rent for a huge portion of our community. Trying to decipher what got us here involves looking at everything from decades of Federal fiscal policy, all the way down to local decision-making. Regardless, the reality is that Harrisonburg increasingly does not feel so friendly when it comes to housing. How fortunate are we to have a proposed development come across this City's desk that actually takes the depth of this problem seriously. Where my support emerges is not just that such development is answering the two challenges I just mentioned, lack of housing and rising housing costs. It is that it does both of those with a recognition that our affordable housing needs are not isolated. The challenges families face in affordable housing and affording housing are deeply connected to other affordability challenges around transportation, health care, childcare, energy bills, and more. Supporting households across these challenges whether through bus lines or energy efficiency buildings or services that residents can actually walk to remain the central pillars in the Bluestone Town Center proposal. For these reasons I support it. My family purchased this small piece of property in 2021 adjacent to Bluestone Town Center's proposed boundary with dreams of intergenerational living in Harrisonburg. I will admit, I had visions of my boys running through those woods behind our property, in an urban forest with a host of plant and animal life. While I am sad for the loss of wooded urban land, I have begun to welcome a different vision. One that does not just include my boys or my family, but hundreds of other families like us, housing that firmly for all. You have heard here a variety of concerns regarding the Bluestone Town Center development. Many of these concerns I carry myself, but I hold such concerns with the desire to see Bluestone Town Center through. Concerns around stormwater, traffic, long-term affordability for example, are not challenges that justify pulling the plug on the development, but opportunities

to continue refining the Bluestone Town Center plan to address them. Let us be clear, standards need to be set. Unmet questions still need answered. Accountability must be held. The voices, importantly of those who will actually live in Bluestone Town Center need to be heard and honored. To create a development that will serve as a model for Harrisonburg grows in the future, the Bluestone Town Center is proposing community as it should be, connected, intergenerational, sustainable, with services central, a mix of household incomes, safe paths for people for to walk, a commitment to affordability beyond a housing payment. I see the alternative developments that have happened in or around of our City going in a different direction. Housing that is isolated, cheaply built, yet somehow expensive, inefficient. You need a car to go anywhere and a high enough income to get in. The urgent need for Bluestone is not the result of some set of challenges unique to Harrisonburg. Our entire country faces a housing crisis. We have a desperate need to reprioritize who our economy is actually for. We do not have to wait for Federal change. We cannot afford to wait for perfection. We have families right now who need housing, who have kids sleeping on couches, families in and out of hotels or shelters, grandparents paying more than half their income on rent. And so, with concerns in hand, I say yes to Bluestone. I say yes to Bluestone in my backyard. Thank you.

Pamela Snell, 1744 Heritage Estates Circle, came forward in opposition to the request. I have lived on both sides of this property. I have lived on Dogwood Drive, right where you are going to cut it through. My husband got sick, and I built over in Heritage Estates. I did not choose to live there, but he died so I am stuck there. The first thing that really bothered me about this project was it was named before we ever heard anything about it as a City. Maybe it is just me that does not get involved with the media, but you named before you even told us anything about it, like done deal again like the golf course. Maybe. There are powerlines that I do not see anywhere on any of your maps. The powerlines are probably the size of this room with huge powerlines right by the cemetery. You cannot build under powerlines. There is a whole chunk of property gone. I would really like you as a group to do a study about how much low income, no income, subsidized, free, whatever, housing is actually in this City. I have lived here 36 years and I have done a lot of stuff with the high school, and I am amazed that you think we are so short-handed. Michael Wong said the people who are going to live in these places are already here. The reason they are here is because in the last two years you have brought 1,000 people to the City. I think that is so nice, but you know what? I am one of the 40 percent that pay taxes in this town. As a widow, I cannot afford all of your big ideas. They just do not work for me. The police is trying to hire. They are almost 50 percent short. The police department, okay? Fire department, EMTs, how stretched do they have to be if you build all this? I can promise you those are the groups that are going to be in the housing projects, mostly. When I lived on Dogwood Drive and it flooded, we had two 500 year floods that came all the way into the backyards. It washed out people's bridges that they had. It washed out all the fences that were built beyond me. They were all in our yard. You have no idea, when you talk about water, what it is that flows through there. It is waist deep on an adult. That is the floods. We were told by the City, we needed FEMA. You are in the floodplain, you need FEMA. We went to the City, and they said it is all changed. They moved all the lines, the 500 year flood line, etc. We did not get FEMA. We did not really need it. That is what you are dealing with on this property. It is a horrible piece right there where the water flows. Did anybody address the power lines? Are they on any map that you are handing out? That is a big portion of that land, and you did not even realize it, I guess. We have no restaurants, no entertainment, no stores. We have

nothing on that side of town. What are we going to get? McDonald's next? Carwashes? Come on people. This City is out of control. Thank you.

Jeff Moorefield, 655 Garbers Church Road, came forward in opposition to the request. I was not going to speak this evening, but something that the gentleman over here said really bothered me. He made the comment to the extent of time is short, doing a good faith effort. You do not enter any agreement, with anybody, on a good faith effort. Whether it is the solar panels that you do not know the size of, if you approve this project, you need to know that. The green space that you are not sure of. You need to know that. No good faith effort. If it is not in writing, in a contract, you all agreed to it, they agreed to it, it can change. That has been brought up. That needs to be considered. Also, the impact fee. If I am not mistaken, we are going to loan them back \$40,000 of the \$50,000 at one percent interest, is that correct? Go get a house loan. You mentioned a couple times, affordability and interest rates. Someone else mentioned interest rates. Go get a loan for a car, for a house, for anything for one percent interest. If you want to go down this path, and you make the exception to take the money, do so, but do it at a fair interest rate. What is the interest on a house today? My son just closed at just over six percent with good credit and with a down payment. They charged six percent. They did not give him one percent. Why would they rob the City of five percent interest on \$40,000 times the number of units. Ridiculous. That is putting more money in their pocket. The last piece I will share is that I have the utmost respect for our police officers, our EMTs, our service members. I can tell you that speaking to some of the officers and some of my neighbors whose children are officers, we know that they are significantly understaffed, and I feel badly for them. My best friend was a state trooper in Virginia for almost 30 years, recently retired. This was brought up and I welcome you to come to my house. You can sit outside and listen. Garbers Church Road has become a racetrack. Between 5:30 and 6:00 a.m. every morning, a car leaves down Route 42, leaving from the stoplight. They top the hill across from Heritage Estates normally around 100 miles an hour, and they let off at the top of the hill. When school lets out, there was a motor bike cop that would sit there a couple of years ago, who did a fantastic job of slowing it down. If this is approved, it is up to this council here to make sure they keep all of us safe, including the new residents and everyone else. I ask that you think about those things before you make your decision.

Aliese Gingerich, 1235 Upland Drive, came forward in support of the request. I have an ask for the Commission and also an ask for the audience. My ask for the audience, is that you consider who is here right now and the voices of the people that have spoken this evening. My guess is that every single person, or at least the majority of us, have stable housing that might not feel affordable, but is at least manageable. I might be in the minority of the people here that does not own a house or have a mortgage on a house. This development, while it is intended for some people to be buying houses, it is not really intended for us. That might be part of the reason that it feels so uncomfortable to a lot of us because it is not for us. I worked for six years as a teacher with the City public schools, and I am no longer in that position in part because of burn-out from facing the many problems that my kids faced. A lot of it had to do with housing. I could not take it anymore, having to look in their faces every day and not be able to do more about it. That is why I am here in support of the Bluestone Town Center project. I ask that you think about the people who are not here tonight. The people who do not have affordable housing. This development is not intended to add people, but to house the people who are already here. I can tell you from my work as a teacher that people do struggle. I struggle. It is hard to find a place that is under \$1,000. My ask for you is

to use compassion and to use your imagination, to imagine that this City can include the Bluestone Town Center and still be a place where you want to live and also a place that other people want to live and a place that is affordable. My ask for the Planning Commission is that you address the concerns. I think some of them are valid, particularly the environmental, the geology and the health concerns, so that you do not let the people down who are willing to use our imaginations and compassion to support those who are not here tonight and who will be benefiting from this project.

Bill Call, 1042 Wyndham Drive, came forward in opposition to the request. To start out, I am not for the project, but I am a simple guy. If the math does not work, then why are you going to do it, or fix it until the math does work. Something I had not heard addressed tonight was the water usage. The EPA says 300 gallons per day per household. With 900 residences that comes out to 98 million gallons a year. I know that we are building an eastern pipeline, but I have not heard that issue addressed. One inch of rain on an acre of land is 27,000 gallons. To make the math easy, if half of the 84 acres is non-permeable, that would be leave 40 acres and that is over a million gallons for one inch of rain. It is all going to run off somewhere. My last comment is the proffer of six charging stations. When electric vehicles cost an average of \$60,000, I am not sure that there are going to be very many electric vehicles running around there. Thank you.

Carey Petit, Belmont Estates, came forward in opposition to the request. I provided some written comments to you, so I appreciate you considering those. There are a few additional items I wanted to bring up tonight. In the 244 years since Harrisonburg's founding, the City has not pursued the use of this lot of land for housing or any other business purpose. Why now? Why this location? Why in this density? There is already another 728 home, 133 acre mixed-use housing project called Bluestone Development that was approved in 2020 to be built next to the Harrisonburg's main post office. Why is this Bluestone Town Center now needed or even warranted? The 2021 Harrisonburg Housing Assessment executive summary says "Harrisonburg has a significant stock of units that are affordable to renters and owners for households up to 80% AMI and with no public subsidy attached to them. In other words, the City's housing is relatively affordable." The HRHA did not birth the idea for this project to fulfill a perceived housing need for the City's growing population. On the contrary, a local real estate agent brought the land to the attention of Equity Plus. Equity Plus is an out of state company that does not specialize in or have the experience with city planning or building low-income housing. Their specialty is in finding ways to utilize tax breaks and grants for building projects. Only then did Equity Plus approach the HRHA about the idea of Bluestone Town Center. The reality is that a developer would likely not be pursuing such a large, costly and lucrative project unless they already had some assurances from either this body or the City Council that their project would be approved. I hope not. It seems that it may all be more about the projected \$20 million the City stands to gain from this developer, plus future tax revenues. Moreso that than it is about the responsibility and forward thinking City planning or environmental stewardship or listening to the voices of current residents who are affected by this build and addressing the legitimate issues, especially the legal ones that have been raised here tonight. The Bluestone Town Center project, as proposed, is simply too dense, poorly located, and too rushed in pre-planning, in addition to not answering the litany of growing questions for the rezoning for it to be approved tonight. Affordable housing is needed, but that is not really the issue at hand. The issue is how Bluestone Town Center will be implemented. I urge you to get answers to the growing questions and concerns like the ones raised here tonight before you consider this rezoning request and not approve it in part only to be addressed at a future date. You deserve to

have all of the information ahead of you before you make those decisions so that you can make the best and most informed ones possible. I hope this auspicious body will holistically and thoughtfully consider City planning in this process and take the needs and desires of the current residents of the surrounding neighborhoods into account. We should have some say in what happens to our own community. Thank you for your time and consideration and for the hard work that you do to support this City.

Janice Fitzgerald, 1800 Glanzer Court, came forward in opposition to the request. For 23 years until June, we lived on Garbers Church Road. Now we live off of Garbers Church Road on Glanzer Court. One of the comments in the presentation provoked me to come to the podium. The reference was to this town center that is part of this project and what a great thing that is. Were you to confine the residents of Bluestone Town Center to those acreages and have that town center, that might be constructive. You cannot walk anywhere from there. We live there. We have a town center. You are a Planning Commission. We have a town center and you have walked, as I have, up and down Main Street and seen the numbers of vacant retail spaces on the ground floors. I do not know what is upstairs. I would love to see some development of affordable housing in conjunction with retail space at the street level. I think it is as important as the development that you have under consideration with these gentlemen. I want to be able to trust you. You are our Planning Commission. I am a business developer. I have worked with the staff that made the very concise and exceptional report this evening. I want to continue to trust you because you are the professionals that I know you to be. This Planning Commission, I have stood before and you have looked at my projections and you have said “do this, do not do that” and I have trusted you. I want to continue to do that. I am going to ask you, please, do not rush to make a decision or a referral. Please do not rush into that. Serious objections have been raised. You may not believe them. You may not have reason to believe them. As our Planning Commission of the citizens of Harrisonburg your serious consider before you vote on this project.

Panayotis Giannakouros, 915 Circle Drive, called in regarding the request. I urge those of you here on all sides to include buildingbettercommunities.org in your organizing. Connect and continue to organize. This is huge. I advocated for the Lucy Drive development and regularly fight for many other projects reflected the espoused values, density, infill, affordability. This is not Lucy Drive. A compelling case has not yet been made. Much testimony and the Citizen article draw on disjointed general talking points better suited to political posturing than actual planning, which Code rightfully says requires specific, locally applied expertise. Please table or deny. Some issues from staff. I have heard about esthetics, but not about if this is how we want our City to develop. What can we see in terms of relieving pressure instead in our zoning rewrite? Why this before potentially, politically, less expedient low hanging fruit? Another point, replacing eco-systems with planted trees is not the same. Community Development and City Council have yet to make peace with nature over esthetics. Another, what are we growing into? Is this making life better for people who are struggling today? Or are we providing more cheap labor, so employers do not have to, and here I quote from the Local Workforce Development Act, Area 4, local plan, “increase wages and benefits to remain competitive or seek ways to diversify their workforce by tapping into populations challenged to enter certain sectors of the workforce due to language, disability, and cultural barriers.” It sounds like what our employers should be doing. We do not want to take pressure off of that. Mr. Wong mentioned the poultry industry’s labor concerns. To what jobs would workforce in that housing walk or bike? Mr. Wong also mentioned City jobs. They are great

jobs, but from their social media, a lot of City staff do not live in the City because they do not like living with some of the City residents. We are rushing into a public-private partnership. We just saw massive ARPA funds spent into existence. Can we wait? A second Biden administration and democratic majority could see repeals of the fair clause amendment proper public housing with funds to support without straining our resources, as well as radically different public employment options that could change how we think about affordability in housing without the well-documented financial predation *unintelligible* are vulnerable to. Finally, I am concerned about the process here. I urge us to table, pause this or deny, and let us do better. Thank you for the time.

Leia Hedrick, 1721 Evergreen Drive, came forward in opposition to the request. It is late, so I thank you all for listing to us. I stand with the hundreds that I understand signed a petition and that I strongly oppose this project for all the reasons you have already heard.

Karen Miller, 1218 West Dogwood Drive, came forward regarding the request. I am interest in how many of you have visited a similar or an identical development like this. I think that it is important that if you are going to approve something like this, it would be interesting for you to go visit and see what was involved what was involved with the other Planning Commissions that approved it and built it and see how you perceive that. Thank you.

Ben Kurtz, 451 Hillandale Avenue, came forward regarding the request. I teach at Harrisonburg High School. This would be in my backyard, but I think that I would appreciate most of what is being proposed. My problem is as a teacher, having been at the high school for the last 15 years, and not feeling the support of the community to build a new high school. I do not feel that there is support to have all the infrastructure that is needed to have all the people. I understand that there is a housing shortage, an affordable housing shortage, but at the same time, I know that every year I come to school, the school population is going to go up by at least 50 students, with the exception of during the pandemic. Why is that? I think it is probably due to other planning shortfalls in the past because our student housing is turning into low-income housing which does not have the green spaces, does not have the playgrounds, does not have things for kids. It is not suited for that. We do not have the housing on paper, or we are not building the housing, but we have more students coming in. That is what I witnessed as a person in the school. It is hard to keep adding trailers. You cannot add bathrooms and you cannot add cafeterias. You do a lot of running around. That is why I would be against the project, mostly on the magnitude or the scale of the project. Other than that, I would be for it.

Chair Finnegan asked if there was anyone in the room or on the phone wishing to speak to the request. Hearing none, he invited the applicant to respond to the comments.

Mr. Wong said thank you for the opportunity to respond. Clearly, we have done our due diligence regarding the review of the property. We have an engineer right here. We can talk about the mitigation issues in regard to the geological features of the property. The history of the City of Harrisonburg is a City of rocky ground. Every project that I have done within the City has had to deal with rock and be able to address it. It is nothing new regarding those types of issues. I personally grew up on a poultry farm. I was born and raised in the County. We had poultry farm probably 100 yards, 300 feet from our house. No one ever got long-term illness from it. I have friends, neighbors that grew up on poultry farms in the County. None of them had any significant

health concerns. There is an issue associated with the poultry plant in regard to the overall smells and things of that sort. We also know that things are changing. This is a ten-year project. In five years, the poultry plant may not be there. I believe that anything that has been discussed, we can mitigate in regard to our work and activity. We have a project here that can address the needs within our community.

Mr. Fetcher said we agree that issues with stormwater management have to be fully and properly addressed before we start construction. That is what the site plan process is for. We know that we have get you satisfied, as part of the site plan process, that we have addressed stormwater management, that we have accounted for the geology correctly. We are not at that stage in the process to be able to get to that level of detail. It is also why things like where the solar panels would be and how many, we are not done with that conversation with you. We have to get you comfortable enough with the site plan, or we will not get site plan approval. We recognize that going forward today does not mean that we are done. It means that we are starting. That is all we are asking for in this process, to start the next phase of the process, the really detailed planning that goes into site plan so that we can address the very legitimate issues that have been raised along those lines.

Chair Finnegan asked if there were any questions for the applicant. Hearing none, he closed the public hearing and opened the matter for discussion.

Vice Mayor Dent said if we fine tune the proffers in keeping with staff's objections such as proffer number 4. The City Attorney was clear about that. Likewise, although I might be in spirit of it, proffer 2.b preference for current residents, I agree with staff that should not be a City prerogative. That is why I asked Mr. Wong if that philosophy would carry through with HRHA. I got that assurance. I would be inclined to recommend approval with the exception of proffers 2.b and 4. To be clear, keep the environmental proffers, the 3.c for solar and 3.f for landscaping, with the understanding that those would be worked out in detail as the time comes for them to be addressed. I will go ahead and make that motion.

Chair Finnegan said a point of clarification, the staff report was missing 3.c. So you are saying proffers 2.b, 3.c and proffer 4?

Vice Mayor Dent moved to recommend approval of the proposed development with the exception of proffers 2.b and 4.

Chair Finnegan said we look for a second, but we need time for discussion.

Commissioner Byrd said there has not been enough discussion from any of the commissioners. I do not think there is any energy in the room for a second that at this time.

Chair Finnegan said what I heard, conversation, concerns. I think legitimate concerns as is often the case with the large development, whether it is a Wal-Mart or it is a mixed-use affordable housing development, about flooding and flood abatement issues. A lot of concern about traffic which I share. I believe one commenter, Mr. Kettler, made statement earlier that it feels like we are on opposite poles, people who support and people who oppose. I feel that if there is one piece

of overlap, it is that we do not want more cars on the street. We want to get away from having a car dependent lifestyle if at all possible. I think that is possible within the City. I think that there are legitimate concerns about this request. I am open discussion from other members.

Commissioner Byrd said the floodplain issues would be covered in the site plans if this to move forward. Those types of issues would be covered on the current zoning if someone wanted to build something there because of the many reasons that everyone mentioned. Some of the things that people mentioned concerning those things and how the City responded is a separate issue that is not covered under this Commission. There is no reason to comment on that. I did have a question for staff concerning poultry. Are there other poultry locations within the City?

Ms. Dang said I do not know poultry specifically. We have non-conforming agricultural uses, like fields, cattle, other things. Those were areas that existed prior to annexation.

Commissioner Byrd asked this one location is an anomaly?

Mr. Fletcher said I cannot recall any other facility. I am not sure if this is turkeys or chickens. There could be small ones, but not of this size.

Ms. Dang said in terms of anomaly, it is non-conforming. There is no agricultural zoning district in the City, so a use like the poultry houses that you see next to this property could not be established within the City limits.

Mr. Fletcher said they cannot expand. They cannot enlarge, just like any of the other open areas in the City where you might see cattle. They are all non-conforming. There are fewer of them than there used to be.

Chair Finnegan said, in other words, all the agricultural land in the City is non-conforming. It is left over from annexations.

Mr. Fletcher said yes.

Chair Finnegan said a piece of information that I think is important when we are talking about students, I would request that, in the future, we request this information from the schools any time we have reports where it shows how many new students this might generate. I emailed the schools, Chloe Jerlinski, about how many homeless students we have in Harrisonburg City Schools. Under the McKinney-Vento Act schools have to track that. According to the most recent information I got from Harrisonburg City Public Schools (HCPS) we have about 100 homeless students in Harrisonburg and 54% of those homeless students are in what is considered doubled-up housing. That means that they are living in substandard circumstances, sleeping on someone's couch, sleeping doubled-up in someone's house because they lost their housing. I wanted to enter that into the record as we are having this discussion about how many students this generates. There are students currently in Harrisonburg City school in need of housing.

Commissioner Byrd said proffer #4, when I saw it, I remembered in my training they discussed the offering of funds. We have to be very careful with that. The loan part made it a no-go for me

at that point. It is too complicated and if the City does not have a mechanism to be operating doing that type of thing. To throw it in on something like this, I do not think the City population would take kindly to that type of endeavor. With proffer #2, if the City cannot enforce it, then there is no point in having it as a proffer anyway. I support that being removed. Which brings us to the other proffers that staff mentioned. With the issue of the solar panels, that statement is vague. The more that I look at it, the more I think about it, I think we cannot enforce that part of the document because it is not clear. I would not be in favor of that. The landscaping sounds like a generic promise, but as we have discussed many times, anytime someone is talking about cutting down trees, everyone goes they are only planning six foot tall, thin, baby trees. That is not replacing these old trees. I take that as people trying to make their application look nicer, but it is not something that we can enforce because it is vague. So that would be gone.

Chair Finnegan asked you are talking about the proffers?

Commissioner Byrd said I am talking about the ones that are in contention outside of the general idea of whether we would change the zoning or not. If I was to consider something, that is why would not be in favor of Vice Mayor Dent's motion because it did not include those other two. I feel that including any proffers that the City cannot enforce is a waste of time. The other two are 3.c and 3.f.

Commissioner Armstrong said 3.c is enforceable. It just may not be meaningful, which is not reason to include it. As it says, they are going to put solar panels up, we just do not know how many or what sizes they are. If they put any up, they are conforming to the proffer. It is meaningful to put it in there to begin to recognize that this can go into the proffers. It is not that it is not enforceable, it just may not be meaningful and that is okay with me. I would support that just to get it on the table. I would feel the same way about the 3.f. It is not that it is not enforceable. It is that they are not there yet. It is the same as the engineering. I would agree with keeping those to proffers there, in the motion that Vice Mayor Dent made.

Commissioner Byrd said I see that. My issue with that is that I have seen people come before us and they say they are going to have affordable housing, but it is five percent or three percent, very small amounts. In those cases I think, why are you trying to present this to me as affordable housing when we are talking about three to five units? Things that are vague like this makes it sound like they are trying to sell us something. If it is not definitive and clear, I view it as a promise and there are a lot of things that we see that are promises. The show us renderings of what it could be. When we ask staff if this is part of the application, they say "no, that does not count." Those are just promises and not anything we can enforce. If we encourage people to add proffers that we cannot enforce, it makes citizens who are not here every month have more questions than it gives answers for. People will say they are trying to do this, but we cannot enforce that, and we have no idea how many they will actually make. If the developer is going to be a person who wants to build a lot of solar panels, then they will build a lot of solar panels. That is my issue about that. It is not a hill I will die on.

Chair Finnegan asked are you saying that 3.c and 3.f are not make or break for you? You do not like them because they are vague? It sounds like 2.b and 4 are non-starters. That is what I am

hearing, particularly proffer 4, because we can get in big trouble with that. But 3.c and 3.f, you do not like because they are vague?

Commissioner Byrd said yes, because they are vague. This gets presented to the public and then, as you heard, people are responding to things and speaking in ways as if there has been no discussion, when this whole event is for having the discussion. When those types of things are offered, but are not enforceable, then we come, and everyone gets upset about those and we remove them anyway or we keep it hanging on.

Chair Finnegan said there was a comment about greenwashing, and this could fall into the category of greenwashing.

Commissioner Washington said I think that when we talk about this in that proffer and it being vague, how can you plan for affordable housing with that little bit out? What cost margin does that add or subtract from the housing project if we do not know of the specifics of what it looks like, things of that nature?

Chair Finnegan asked what are your thoughts on this request as a whole versus these proffers?

Commissioner Washington said I was talking to the vagueness. I do agree with some of the concerns with how close it is to the poultry plant, as we talk about environmental injustice and environmental racism, as we talk about putting affordable housing near these spaces. I appreciate Mr. Wong being raised on a poultry farm. In reality, black and brown communities, low-income communities, have these adverse issues due to being near CAFOs. That is the reality of it, asthma, cancer, heart disease. I would like to see some development in order to protect the residents from whatever health issues that may cost. Also knowing that there are people around there, I do not know the issues or statistics on those health concerns with the current residents in that space.

Chair Finnegan asked do you support or oppose this request due to the proximity to the poultry house?

Commissioner Washington said I also have to think about the affordability aspect. We talked about 75 vouchers. How many people are on that voucher list? What does it look like? You said 100 homeless students? How many people are cost burdened when it comes to housing? What does that look like to alleviate the doubling-up of residents or are we also opening it up to new residents of the City? Are we actually adding more students here or are we just allowing folks to have stable housing for the first time?

Chair Finnegan said this has come up on City Council before. Mr. Russ, can you speak to this? It sounds like there was an appetite to put something in about limiting this to current residents and that was taken out.

Commissioner Armstrong said that was 2.b.

Chair Finnegan said 2.b is that proffer that you are talking about. I do not know the legality of that if you are accepting Federal dollars.

Mr. Russ said at least for the LIHTC, you do get some points on your application is you give preference to the local public housing authority waiting list. We have a local public housing authority that I presume a significant portion of people on their waiting list are going to be from the City and County. Mr. Wong could speak to that.

Commissioner Armstrong asked they use this preference now?

Chair Finnegan noted that Mr. Wong nodded.

Commissioner Washington asked what about the selling of the homes? Is there any truth to saying that it is affordable the first time, but if they sell it, it does not have to be?

Chair Finnegan said it is not on a land trust.

Mr. Wong said for individuals between \$64,000 and the lower \$100,000, they might be able to access these homeownership options, whether it is for townhomes or the single-family manufactured homes that we propose. There was a lot of discussion among the Board of Commissioners in regard to purpose and value of what we are trying to do. There are differences of opinion. One opinion supports maintaining long-term affordability, which is good and something that we work on too. There is also an opinion on the value of allowing individuals in the community to build wealth and accumulate wealth. There are very limited opportunities for people in our local community to be able to accumulate wealth. In balancing that, we felt that at this time for this project, it made more sense to be able to help individuals be able to accumulate wealth. There is a cost associated with the site development, with the land. If you were going to a land trust or some other activity, you would have to get additional subsidy funds to be able to offset those costs. None of those funds are available. It is going to ask for affordability, but unless the resources are there to help it makes it very difficult to do. This is a unique product that helps a population within our community be able to access homeownership which in some generations were not able to do.

Chair Finnegan said it is easy to look at the direct costs of this, such as needing another school or more teachers. There are also indirect costs and indirect value that comes back to this. A friend of mine opened a business in downtown Harrisonburg. He borrowed against his house. He wanted to be able to do that and was not able to do that until he had a house. It was a struggle to do that. I sit on the board of local Habitat for Humanity. While I do not speak on behalf of that organization, we just had a board meeting last night. I do not intend to downplay any of the issues brought up tonight, but I think there is a disconnect between the people who have stable housing and the way we think about development and the people who do not have stable housing and the way they have very few options. I would be in favor of either recommending approval without proffers 2.b and 4. I am indifferent about 3.c and 3.f. They are not deal breakers for me.

Commissioner Armstrong said I am a scientist. I am very involved in the science of climate change. The issues of stormwater are almost overwhelming in this country and all over the world with the onset of climate change. What has been happening in California is unbelievable. It has been unbelievable the rainfall that we have been seeing the last two years. This is the beginning of

climate change. The issue of stormwater is a huge issue. It does not start and stop with this project. It is all over the City. We approved a project earlier this month that looks like a stormwater disaster in the making. We are not there. We are not dealing with the issues of climate change yet. It needs to be done. The other issue that is huge for me and has run a theme through all of this is the lack of close connection between population growth and development of our infrastructure that will match that population growth. That is happening all over the City also. Earlier this month we saw huge traffic issues and a proposal to put hundreds more cars on the road. Someone mentioned our fresh water sources. We are not working on that enough. The schools are an obvious mismatch in our population growth and the development of our infrastructure. I do not know the answers to those. I know they are problems. I like that this project is intergenerational. There is not very much of that. We have segregated generations, seniors isolated in their homes. Mixed generation is great. I like that they are selling these houses, and the idea of wealth accumulation for lower income is very important. We do not have very much of that. Most of the projects that come through here are high end rentals. They are expensive rentals. I like that they are working on affordable housing to buy. As far as the engineering goes, somebody brought up *unintelligible*. They are not there yet. They are going to do that. I have confidence that they will manage the engineering, or it will not get through. They have to do that work. I realize this is a lot more people and it is in your backyard. I understand that is threatening. I support this project because we cannot go forward without addressing our lowest income people. It is not good enough to say, "I support affordable housing, but somewhere else." Where? Nobody said where. We look all over the City. We see every month project proposals. We are looking all over the City. It is true that in the southwest, in this area, it is lower density. This is infill that is not going to look directly over somebody else's adjacent property, which we see. We see infill proposals that are three or four story that are right next to a single-family house. That I think is horrible. This is not going to do that. I walk a lot and I am a senior citizen. It is more proximate than a lot of places. I think that it is more proximate than the Lucy Drive project that we looked at. It is more central than that. I do support it. I second Vice Mayor Dent's motion.

Chair Finnegan said we have a motion by Vice Mayor Dent and a second from Commissioner Armstrong. That motion includes proffers 3.c and 3.f. Is there any more discussion?

Vice Mayor Dent said I would like to speak again on behalf of 3.c and 3.f. We may not recognize it, but the offer of solar panels on multi-family is a huge deal because anyone who owns their property can put their own solar panels on. They are not otherwise readily available accessibility for the lower income population who would be living in rental housing. That is why I support it, with the understanding that details will be determined as part of the engineering. The same with the landscaping. That is why I support accepting those proffers with the understanding that they will put a priority to it and provide more specifics as they go.

Commissioner Byrd said the reason I was not too concerned about 3.c and 3.f is because when we get this back, if this is approved, for the site plan, if we did not have those proffers to hold them to and press them on, is a way to think about it. Regarding the rezoning, it would increase the density, but this is City. I often look around and it feels like the suburbs. It feels like the County. I have to remind myself that certain areas are in the City because they are so drastically different from other parts of the City. It feels big and it feels large because a collection of entities are thinking about doing a project on this much acreage. Growing up I saw a large undeveloped acreage of around 60

acres of trees and forests that they had to pay taxes on. They wanted to develop it. The moment they decided to do that, every farm around them got upset, saying they are in a rural area. Another 150 acres, across the highway, bought worse land because there were farms near their land built up everything and made it harder for the other developer to build anything. People in that property felt that they were being trick to hold up their development for some other development. Everyone has their ideas of what is actually happening. A developer is in the business of making money. I do not know why there are people thinking they are running charities out here doing property development. My concern about it changing density is small. The power lines are going to be an issue in the site plan. The rock, the water will come up and will affect what areas do actually become real, actual, operable residential parts. The layout gives the most, but from what everyone was saying and my knowledge of how water works and how you can be close to power lines, I doubt they will get all of what they are planning on. I have seen developments where people get the zoning and two or three years later, people wonder where that building they were so upset about is? They may not have gotten the funds. Sometimes we hear all the promises and get upset about all the possibilities, then nothing happens because of all the issues people brought up that weigh the developer down or are too expensive or they could not get the funding. I hear a lot of people's concerns. I will have to remember those concerns when portions of this come back before us. As it stands, I see no reason to stop it despite my concerns about 3.c. and 3.f. I will not make a big issue about that.

Commissioner Washington said while I hear a lot of public comment that has been in opposition, it is nice to see an affordable housing project being suggested. This is nice. We have approved a lot of market rate housing throughout the City. As market rate housing has gone up, I do not know how people expect families, specifically those with low income or extreme low income, to afford those. This is nice, talking about building wealth, and being able to house our most vulnerable. I cannot say no to that.

Commissioner Byrd said, about affordability, that range when I asked about the 80% AMI, the actual number \$42,000 for a single person. I know people who barely make that, and they have to pay rent that is much higher than what I pay. Every time I hear about affordability, and I hear those numbers, and I hear how close it is to what a number of people I know who have college degrees and have jobs that require college degrees make and how close that is to those numbers, I get very concerned about a lot of things that unfortunately zoning does not have a big enough thumb to have an effect on those. The affordable housing part may move other commissioners. It does not move me. It is a nice thing.

Commissioner Orndoff said having sat here for a couple of years and listened to a number of affordable housing projects where a project has two or three properties, one percent, two percent, three percent, it is refreshing to hear a proposal where there is actually affordable housing being proffered, being suggested, that hopefully will make a difference. For that reason, I am willing to support the project.

Commissioner Armstrong said I want to address the chicken houses and the CAFOs. As an epidemiologist, because that was my science, in a lot of the literature there are much larger agriculture sites that generate those kinds of scientific studies than this one is. I do not want to play this too far because I have not been in that literature for a while and I have not been to this site,

but I suspect, out of my background, that this is going to be more than anything obnoxious. It will smell. Given the price of eggs, I am not sure that is entirely bad. People need to remember where their eggs come from. [The audience noted that the reference poultry houses were for turkeys.] Oh, these are turkeys. I did not want to play this too far, but I want to put a word in that I do not think this is a big enough operation to be comparable to the kind of epidemiology studies around environmental racism.

Commissioner Orndoff said it is also a non-conforming use in the City.

Commissioner Washington said I do not know the last time people have looked at the rental market. I am sure that based on a lot of the testimony tonight, there have been a lot of homeowners. That is great and beautiful that you own your homes and have been there a long time. I love that for you, but it is hard out here for a lot of young folks, millennials, trying to find housing, trying to raise their family and to say no to something where they can thrive and live and love, you cannot say no to that. That is something that people have to keep in mind as people have spoken from a place of privilege tonight. I hope that when other people who might need this housing think about where they may live, I hope they think that “yes, there is going to be a place for me.”

Chair Finnegan called for a roll call vote.

Commissioner Armstrong	Aye
Commissioner Byrd	Aye
Councilmember Dent	Aye
Commissioner Orndoff	Aye
Commissioner Washington	Aye
Chair Finnegan	Aye

The motion to recommend approval of the rezoning request passed (6-0). The recommendation will move forward to City Council on February 14, 2023.