

**Albemarle County Planning Commission
FINAL Minutes November 10, 2020**

The Albemarle County Planning Commission held a public hearing on Tuesday, November 10, 2020 at 6:00 p.m.

Members attending were Julian Bivins, Chair; Karen Firehock, Vice-Chair; Tim Keller; Rick Randolph; Daniel Bailey; Corey Clayborne; and Luis Carrazana, UVA representative.

Members absent Jennie More.

Other officials present were Scott Clark; Rebecca Ragsdale; Bart Svoboda; Jodie Filardo; Margaret Maliszewski; Charles Rapp, Director of Planning; Andy Herrick, County Attorney's Office; and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

Mr. Bivins said the meeting was being held pursuant to and in compliance with Ordinance No. 20-A(14), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster." He said opportunities for the public to access and participate in the electronic meeting will be posted on the Community County Calendar at www.albemarle.org when available.

Mr. Rapp called the roll. All Commissioners noted their presence except for Ms. More, who was absent.

Mr. Bivins established a quorum.

Consent Agenda

Mr. Randolph moved to approve the consent agenda.

Mr. Keller seconded the motion, which carried unanimously (6:0). (Ms. More was absent.)

Work Session

AFD202000001 Batesville District Review

Mr. Scott Clark presented the staff report. He said he would be presenting two district reviews that evening: one for the Batesville District and the other for the High Mowing District, which are next to each other in the Batesville area, in the southwestern part of the County.

Mr. Clark presented language on the screen that was taken from the County Code, which states the purpose of these districts. He said this includes protecting agriculture, forestry, biodiversity, and natural resources in the Rural Areas.

Mr. Clark said this is a state-enabled program that many localities have. He said in terms of how the districts work, they are voluntary conservation districts that are formed by the landowners that are within them. He said the districts run in cycles of usually 10 years at a time before they are reviewed. He said the review periods are the one time at which people who are members of the districts can withdraw by right.

Mr. Clark said the districts affect land conservation mainly by limiting what is termed as “development to a more intensive use.” He said for most people, this means it prohibits some forms of subdivision, though not every kind. He said family divisions and divisions over 21 acres are still permitted but otherwise, subdivision is not permitted.

Mr. Clark said the districts also set a higher review standard for land use decisions that are on items in or adjacent to the districts. He said they also limit or prohibit state takings for major road improvements because the land is meant to be dedicated to agriculture and resource conservation.

Mr. Clark said as some may recall, there is what he is still referring to as a “new policy,” meaning it is a somewhat new policy for the district reviews as they come through. He said in short, this policy states that when the County reviews a district, if there are parcels in the district that are enrolled in the open-space use valuation (i.e. the open-space tax category) but that have no development rights, those parcels may be removed at the end of a five-year review period, and the County must notify the owners as to what their options are – to either move back into regular taxation or otherwise adapt to the changes coming.

Mr. Clark said this is a tax-related policy and for those Commissioners who had not experienced this in the past, the issue the County had for many years was they had parcels joining the Agricultural and Forestal Districts (AFDs) that had no real development potential that were technically giving up the right to subdivide, but they could not be subdivided anyway. He said further, this membership in the district was being used to qualify for a lower tax rate that is meant to be for land conservation.

Mr. Clark said he thought it would be worthwhile to take some time to explain how the two programs are separate and how they are connected. He said there is a very common perception in the community that AFDs are a taxation program, or that one would join an AFD in order to lower their taxes. He said AFDs are voluntary conservation programs that restrict land use. He said Use-Value Taxation is a completely separate program from a separate part of the County Code that sets lower tax rates for rural land uses that are supportive of Comprehensive Plan goals and help prevent the process of taxing farmers and other rural land users at a rate so high that they basically get taxed off the land. He said it reduces the pressure to develop in the Rural Areas.

Mr. Clark said in almost every way, these are two entirely separate matters, but there is one thing that connects them. He said in the State Code, one of the qualifying factors for one of the categories of Use-Value Taxation is whether or not one is in an AFD. He said this does not help one with agricultural, forestry, or horticulture tax categories, but it can (if that and other criteria are met) allow one to join in the Open Space category. He said this is where the tax loophole was and that it was not an issue with the districts themselves, but a tax issue where people would join the AFD, write on the tax form that they are in an AFD, and say they therefore qualify for the open-space tax rate.

Mr. Clark said while this was true, the problem was that if they were not giving up any development potential, the County was giving a tax benefit for conservation that was not happening. He said this is why the County is going through this process of checking the development potential of the open-space tax parcels in a program that is not meant to be a tax program.

Mr. Clark presented maps on the screen to help clarify this difference. He indicated to the area of the R2 Districts, explaining that the Batesville District was shown in reddish-brown and the High Mowing District was shown in green. He said the purple areas on the map showed land that was in use-value taxation both in and outside the district, adding that not everything in the district is taxed that way. He said the perception that everything that is in an AFD is there purely for use-value taxation is not quite accurate. He added that there is also a lot of land outside the district that qualifies in other ways.

Mr. Clark said all one could see from the map on the screen is whether or not the land is in use-value taxation. He said the reason he put conservation easements on the map is that being in a conservation easement is a route to a different reduced tax rate, and that some of this also overlaps with the districts while much of it does not.

Mr. Clark said within the two districts being discussed that evening, there is a perception that everyone who is in the AFD is there to get the open-space tax rate, but that it is much more complicated than that. He presented another map on the screen, explaining that to the left was the Batesville District and to the lower right was the High Mowing District.

Mr. Clark said one could see there are many different tax categories that people in the districts are in. He said some of them are taxes at the easement rate, and some are taxed at the AFD rate due to the activities being carried out. He said some are not even in the value taxation program and are paying full-rate residential taxes (shown in the purple-pink parcels on the map). He said there is a lot of variety in how taxation works in these districts, reminding the Commission that they are not meant to be a tax program but rather, a land conservation program.

Mr. Clark presented a map of the R2 Districts around the Batesville area and said he would first present the Batesville review. He said this district was created in 1990 and has just over 1,100 acres. He said it is up for its ten-year review, noting that there were some corrections that he needed to explain. He said corrections are very common when ten years pass of not modifying the code that defines what is in a district.

Mr. Clark said when staff goes to the Board of Supervisors with a revised ordinance that says who is in the district, they will have to add Parcel 85-3A1, which was legally created by subdivision within the district during its term. He said staff will have to remove from the County Code Parcel 70-40, which is no longer in the district, but code is needed to reflect this. He said the code allows the owner's heirs to a property in a district to remove it as long as they ask within two years and in this case, they did so.

Mr. Clark said the district itself contains many important resources. He said 950 of its 1,100 acres have soils listed as important for agriculture. He said it is a mix of open land and forest, with five parcels under conservation easement. He said on the slide, he listed 953 acres in use-value taxation, and the reason this is always listed does not have to do with the taxation itself, but an indication of the fact that these parcels of land are in some sort of rurally appropriate land use.

Mr. Clark said in the Batesville District, there was one request for withdrawal. He said it is a by-right matter and that anyone in these districts who wish to withdraw during the ten-year review can write the County a letter stating their choice to withdraw. He said it is much more complicated during the run of the district, although this was not relevant at that time.

Mr. Clark said the single withdrawal for the Batesville District was for Parcel 85-17B, which was recently purchased by the Central Virginia Electric Cooperative (CVEC), who plans to do a special use permit application for a solar facility there. He said this facility would not legally work within the district, and so CVEC is asking to remove the parcel. He said that to CVEC's credit, they did not particularly like the idea of removing it, given the facility (if it is even approved) can eventually be pulled out and removed, with the land returning to agriculture. He said there is a legal reason why only certain uses can be found to be compliant within AFDs, however, and so they are removing this so they can proceed with their special use permit.

Mr. Clark said also pertaining to the Batesville District, there is the new policy he mentioned about alerting landowners who are in the open-space tax category and who have no development rights that they may be removed at the end of the next review, and that this applies to four parcels. He said there are nine parcels in the district overall that are in the open-space tax category, and only four of those have no small-lot development rights (indicated on the map he presented by the orange, red, pink, and blue parcels). He said assuming the Board continues this district, they will most likely continue for a five-year period rather than ten, and then staff would notify those landowners of what they need to do to address their tax situation by the end of that period.

Mr. Clark said on their meeting on September 23, the Agricultural and Forestal Districts Advisory Committee, which is the body that advises staff and the Board on matters in and applications to the districts, they recommended renewal of the Batesville District for five years, with the requested withdrawal and with taking care of the four parcels that need to be notified.

AFD202000002 High Mowing District Review

Mr. Clark said the High Mowing District was a simpler district to review. He said the district was created in 1991 and is 445 acres, 403 of which are listed as particularly important for agriculture. He said there are only three dwellings, with approximately 236 acres under conservation easements and the remaining 209 acres being in a use-value taxation category. He said it is a small district, but one that protects many important resources.

Mr. Clark said there are no parcels in this district that are in the open-space category and that have no development rights. He said there is only one parcel that is in this category at all, which is Parcel 84-69A and has five development rights, so there is no issue there.

Mr. Clark said the AFD Advisory Committee recommended renewal of this district for a ten-year period.

Mr. Clark said he had motions for the Commission and offered to answer questions.

Mr. Randolph asked Mr. Clark to clarify that CVEC has the right to take their property out of the AFD. He asked if at the end of thirty years (which is the life expectancy of solar farms) CVEC removes all the fixtures in the ground and therefore reestablish the potential of that land to be used solely for agricultural purposes, they can resubmit to come back into the AFD.

Mr. Clark replied this was correct. He said they would expect that requirement for complete removal would be in place. He said the single solar facility the County has approved thus far had a very strong and clear decommissioning plan for complete removal of the facilities once it went out of the use, and if the Board were to approve this application (which has not yet been received),

he would expect they would be recommending the same decommission plan here as well. He said CVEC could remove all the facilities and return it to AFD or open-space use.

Mr. Randolph said he had thought this was the case and wanted to make sure that anyone else listening knew the property could, in fact, be returned, provided they meet the conditions of the removal of all the infrastructure.

Mr. Bivins asked if there was a reason why these were not just one district and had to be two districts. He asked if staff does this, or if the landowners come forward with the High Mowing District, for instance.

Mr. Clark replied that the districts are defined and set up by the landowners who group together and apply for them. He said they are not imposed by staff. He noted that these districts were formed a year or two apart. He said generally, there are groups of people who know each other to do this and that the boundaries are not defined by the County.

Mr. Bivins noted that the maps Mr. Clark presented were extremely helpful and answered his questions.

Mr. Bivins asked Mr. Clark how people who have zero division rights will be informed that they will be removed from the district.

Mr. Clark replied that the Assessor's Office will send them a letter after the Board acts on the district to inform them of what their taxation options are. He said they cannot tell people that they will definitely be removed because they cannot bind the future Board of Supervisors five years from then. He said they have already done this a few times and have a letter well-set that informs the landowners this is likely or possible to happen and that they can pursue options to either go back into full-rate taxation now so they do not experience rollback at the end of the five years, or that they find a different way to qualify through actually doing agriculture or forestry activities on the land as anyone else could. He said staff lays out all the options to the landowners so that they can make informed decisions.

Mr. Bivins opened the public hearing.

Mr. Rory Carpenter (1081 Kingsway Road, Afton) said he appreciated the opportunity to speak in favor of the AFD Advisory Committee's decision to recommend renewal for the Batesville District. He said his land abuts this district, and he built his house in 1991 (one year after the district was created).

Mr. Carpenter said he had wanted to join the district, but his property did not meet the acreage requirement. He said he has certainly benefited from having land that is adjacent to the district and therefore, although it may be self-serving for him to speak in favor of the renewal, he truly believes that it benefits all County citizens to have Rural Areas such as this to preserve the air, water, and ground quality of the County. He added that it benefits the beauty of the County, which was evident to anyone who ventured out to the western part of Albemarle that day.

Mr. Carpenter said he would applaud the landowners who have put their properties into the district and whole-heartedly support the recommendation.

Mr. Bivins closed the public hearing.

Mr. Keller said he serves on the AFD Advisory Committee, and that although the Commission has talked about this with Mr. Clark before, this is something that may be an interesting joint meeting in the future. He said one of the members is the County Assessor, and so the committee had the benefit of Mr. Clark and the County Assessor going back and forth about the graphic that was shown about the agriculture value versus the tax without that. He said he believes the way this and the conservation easements all come together would be a useful thing to review in a joint meeting every two or four years to talk about those things and how they fit together in the Rural Area land use.

Ms. Firehock said before making a motion, she wanted to state that while it is not the Planning Commission's job to make policy (as this is the job of the Board of Supervisors), she still believes that parcels should be able to remain in the district, even if they have no development rights, because the district's purpose is to prevent existing development rights from being realized. She said she has made this soapbox speech in the past at much greater length and would spare the Commission that.

Ms. Firehock moved to recommend renewal of the Batesville District for a five-year period.

Mr. Keller seconded the motion, which carried unanimously (6:0). (Ms. More was absent.)

Ms. Firehock moved to recommend renewal of the High Mowing District for a ten-year period.

Mr. Keller seconded the motion, which carried unanimously (6:0). (Ms. More was absent.)

Mr. Bivins suggested to Mr. Clark that when AFDs are brought to the Planning Commission in the future, he should again use the maps and illustrations, as they were helpful.

Mr. Clark said he would keep these as part of the standard presentation package from now on.

ZTA202000003 Outdoor Activities/Outdoor Storage at Recycling Uses in Industrial Zoning Districts

Ms. Rebecca Ragsdale said the Commission had seen this item in a work session in October, and that she would review some of the background covered in October. She said the changes before the Commission were consistent with what was presented and the feedback the Commission had provided at the October work session.

Ms. Ragsdale said she had mentioned that the Industrial Districts were comprehensively reviewed in 2013 and that since then, there were some special exceptions that came forward in 2019 and the Climate Action Plan was adopted, which led to this Zoning Text Amendment (ZTA) being added to the Community Development work program in March. She said a resolution of intent was adopted, which was officially initiated by the Board in June. She said there was then the Planning Commission work session in October, which led to the present public hearing.

Ms. Ragsdale said some of the lenses with which staff analyzed the ZTA included input from stakeholders along with relevant policy including the Climate Action Plan, which has a recommendation to increase the amount of materials that are recycled and diverted from landfills. She said staff also consulted with Economic Development staff, considered resource protection, and reviewed goals in the Comprehensive Plan. She said they also considered neighbor impacts

and the characteristics of where the districts are located, as well as what is adjacent to them in terms of what might be appropriate.

Ms. Ragsdale said at the October work session, there was discussion about how there are many different sections of the ordinance that work together and provide regulations for industrial uses, starting with what uses are permitted where in the Industrial Districts. She said this is where they have height regulations and the minimum buffer requirements for any industrial use.

Ms. Ragsdale said there are performance standards in the ordinance that get at those other impacts such as vibration, heat, and glare. She said this is where they find the requirements for any industrial use to submit a Certified Engineer's Report, where they get a detailed description of the applicant's processes, materials, any hazards, and mitigation related to mosquito control. She said staff would consult with any outside agencies or the Fire Marshall's office during that process, which is when they would find out what materials are stored and where.

Ms. Ragsdale said at the work session, she had mentioned that this does not affect the lighting or noise regulations that would apply to these uses, and that this text amendment is very focused on Section 5 regulations, which are above and beyond all these other regulations for certain uses, where staff thought they needed this additional regulation.

Ms. Ragsdale presented a map to remind the Commission of how much Heavy Industrial land is in the County and where. She said it is limited to 105 acres and that most of the industrial land is on an Entrance Corridor. She said a percentage of it is either located in the Rural Area or is adjacent to Rural Areas or residential uses.

Ms. Ragsdale said stepping back to the applicable zoning regulations, when talking about recycling uses, she wanted to clarify that recycling collection and storage is by right in any of these districts, but would also be subject to the performance standards. She said recycling processing is allowed by right in Heavy Industrial, but by special use permit in the Light Industrial Districts.

Ms. Ragsdale presented definitions of terms on the screen. She said recycling collection is like what is seen at McIntire, where people put things in containers to be transported to a recycling processing facility. She said they may find as they move forward that they have both located in the same place. She said at the work session, she mentioned that things in containers are not considered outdoor storage.

Ms. Ragsdale said the ZTA is very specific to Section 5.1.51 ("Outdoor activities in industrial districts") and to Section 5.1.52 ("Outdoor storage in industrial districts"). She said she would explain the changes, which are minimal for outdoor activities, that include the recommendation in the draft ordinance that staff provides abutting neighbor notice prior to acting on a special exception. She said special exceptions are only granted by the Board of Supervisors and if staff recommends approval, they go on the Board's Consent Agenda. She said staff also has the option to schedule the special exception as an action item and hold a discussion, if they feel it is necessary, based on the staff analysis, the individual request, and any concerns that may be raised by abutting property owners.

Ms. Ragsdale said in Section 5.1.52, there are more changes to the section to provide flexibility in the types of screening that would be provided to outdoor storage areas. She said the changes will also allow the outdoor storage of inert materials at recycling facilities or collection centers

provided there is an increased setback and buffer, which as recommended are in keeping with the supplemental regulations that exist for other types of uses that are allowed in the industrial districts. She said they also added the requirement that abutting neighbors receive notice of any special exception that is reviewed or acted on.

Ms. Ragsdale said staff has recommended approval of the attached ordinance and suggested the Commission to move to recommend approval of Attachment B, following discussion and questions.

Mr. Clayborne asked Ms. Ragsdale to explain the difference between “shall” and “must.” He said he believed “shall” was stricken, and that the word “must” was added. He asked if there is a policy difference there.

Ms. Ragsdale replied that Mr. Andy Herrick (Deputy County Attorney) has brought this up at many meetings and that based on legal advice, the standard language is now “must” rather than “shall.”

Mr. Herrick said there is a movement in legal drafting away from “shall” because the term can be ambiguous. He said the suggestion is to use more specific words such as “must,” “will,” “may,” or “should” rather than “shall” (which could mean any of those).

Ms. Firehock asked if in Section 5.1.52(a), there was an extra word (“screened”) remaining in the language.

Ms. Ragsdale replied yes, and that this was likely a typo on the slide.

Ms. Firehock said it was in the staff report as well and that Ms. Ragsdale had meant to strike the word “screened” so that the sentence would end with the word “agent.”

Ms. Ragsdale said she would strike it.

Mr. Herrick said it seemed to him that there were differences between the draft ordinance found in the body of the report and what had been provided as Attachment B. He said what he believed was in the body of the report (on page 3) was the more current version, and so if there was a consensus in moving forward, he would suggest the Commission adopt the suggested language in the body of the staff report rather than in Attachment B.

Mr. Randolph said what Mr. Herrick was proposing had merit, especially because “shall” appears in Attachment B.

Mr. Bivins said they would then focus on the content on page 3 rather than Attachment B.

Mr. Bailey said it seemed that both in the slides and in the body, in Section 5.1.52(c), it still says “shall” (i.e. “No outdoor storage shall be located within...”). He asked if this was the proper usage.

Mr. Herrick said this was a good question, and that he had to strike a balance between fixing all the “shalls” and just cleaning up the “shalls” where they were going to be changing the ordinance anyway. He said in an act of restraint, he limited himself to only changing the “shalls” where they were changing the ordinance anyway and leaving them in where they were not changing the ordinance.

Mr. Keller said there was reference to adjoining or close-by property owners. He said he recently became aware of issues with the proposed dump in Cumberland County. He said the issue there is one of environmental justice and the voice given to minority populations. He said this was more likely a question for Mr. Rapp, and perhaps it was something they need to consider for the overall wording beyond this specific set of regulations. He asked how they can let people who have not necessarily been given a voice in the past have a voice if their cultural area is potentially impacted by something like this, where it seems like they are moving towards a situation where if A, B, and C is met, it will be approved.

Ms. Ragsdale said she could respond and perhaps Mr. Rapp and Mr. Bart Svoboda could answer as well. She said they mentioned before that industrial uses are the heaviest, most intensive potential uses, and so they wanted to add that there would be abutting neighbor notices. She said these would be the properties on all sides and across the street that touch the subject property that may have a special exception under review.

Ms. Ragsdale said that while each special exception analysis or report may appear simple when it ends up on the Board's Consent Agenda, but staff actually does think things through in terms of how neighbors and any nearby resources may be impacted. She said just because someone applies, there are no guarantees that staff would support all special exceptions. She said this is why they are still keeping these on a case-by-case for some of the regulations, such as setbacks.

Ms. Ragsdale said she thinks they are trying to move in a direction that allows for more participation. She said she thinks they have some discretion in terms of what they think they need to review for a special exception, and if they thought they needed to notify a broader range of people, this is something she thinks they may be able to do.

Mr. Bart Svoboda said A, B, and C, as Mr. Keller was trying to point out, govern the by-right use. He said unless one is asking for the special exception to modify those, if those are met, it is approved. He said technically, then, this is correct. He said how they get farther than that, or if they decide to make the use by special permit rather than by right, it is a different discussion. He said Mr. Keller's point was taken in terms of how to equalize the opportunities for people to speak.

Mr. Bivins asked along those lines, when staff brings a special exception forward, if it comes to the Commission.

Mr. Svoboda said this was correct. There is also the option to seek Commission input as well but not all special exceptions are reviewed by the Commission.

Mr. Bivins said he would suggest if staff brings something to the Board, they include a note in a paragraph about what the outreach has been and how they engaged with the community, since there is scrutiny about how the County is engaging with the community. He said this will show the Board how staff engaged with the community and how it was surveyed.

Mr. Keller said he would like to hear from Mr. Rapp and mentioned a list that Mr. Rapp was keeping of things to do (adding that these things were likely a year out). He said it seemed to him that environmental justice is something that should be on a checklist that staff looks at much in the same way they are looking at affordable housing, economic development, and land use compliance. He said he was not concerned with it for this particular piece, but he would like to see it as something that is going to be on the checklist for every project that has a change involved in any sense.

Mr. Rapp said that as far as the public participation component, in many of these instances, community meetings and public notices are required. He said it is also written that as the director, he can require additional community meetings as needed to ensure that the intent was met.

Mr. Rapp said on a larger scale, Community Development is working with the Office of Equity and Inclusion, with Ms. Siri Russell, who is piloting a program to ensure that projects are equitable. He said the Rio Road Corridor is one project where they will start to do this. He said there is a type of checklist where projects and components are analyzed. He said this is still in the pilot stage, and they have not yet figured out how to fully apply it to development applications, but there is potential to keep growing this.

Mr. Rapp said there is also the work plan, and one of the first major items on the plan is the Comprehensive Plan update. He said there is also a major Zoning Ordinance update planned. He said he believes there are opportunities to address the bigger-picture items that can then feed into the ordinances and how they conduct business. He said there will be plenty of opportunities to revisit this and ensure they are looking at this through the correct lens.

Mr. Keller thanked Mr. Rapp, adding that he wanted the public to hear this.

Mr. Bivins asked why Section 5.1.52(b) states that the activity cannot be less than 100 feet from a Residential or Agricultural-Forestal District, but in (c), storage can be within 50 feet. He said below that, it then says that inert materials must be stored 100 feet away.

Ms. Ragsdale replied that (d) only applies to those inert materials at a recycling center, and that (c) would apply to any other outdoor storage that is allowed for other types of industrial uses. She said landscaping materials was an example.

Mr. Bivins asked if they are giving property owners the opportunity or option to decide what the buffer will be. He asked if he were next to a resided-in dwelling, for instance, he could put up a tree as opposed to putting up fences.

Ms. Ragsdale replied that a combination is allowed. She said this could be vegetation, a fence, or a combination. She said this language is being made consistent to the site plan section ordinance that talks about screening, and so it is to the satisfaction of the agent, which is typically Mr. Rapp and the review staff in terms of what they think is providing the screening. She said it is up to the applicant to propose and then staff decides whether or not it is sufficient.

Mr. Bivins said his touchstone is Yancey Mills, where there were trees but there is now a fence. He said trees provide some buffer, as a colleague had mentioned, but they do not provide the type of sound buffer one may get if there is a wooden fence there. He said he wanted to be aware that this was something staff was being sensitive to as they review these applications.

Ms. Firehock said in Section 5.1.52(b), it says, "The parts, materials, and equipment stored in the storage area shall not be stacked higher than the provided screening." She asked if this "shall" did not need to be a "must" because it is only a guidance for review, or if it should be "must."

Ms. Ragsdale replied that this may be one that they want to change to "must," and that she and Mr. Herrick could take another look at the "musts" and "shalls."

Mr. Herrick suggested that “may,” would be more appropriate in that context.

Mr. Bivins said this would be “may not be.”

Mr. Bivins asked Ms. Schaffer if there was anyone from the public who wished to speak.

Ms. Schaffer replied no.

Mr. Bivins asked Mr. Carrazana if he had anything to add.

Mr. Carrazana replied no.

Mr. Bivins asked Ms. Ragsdale and Mr. Svoboda if they had anything else to discuss.

Mr. Svoboda replied no.

Ms. Ragsdale said they would need to amend the suggested motion.

Mr. Bailey moved to recommend approval of the ordinance changes to Sections 5.1.51 and 5.1.52 as shown on page 3 of the staff report.

Mr. Clayborne seconded the motion, which carried unanimously (6:0). (Ms. More was absent.)

Committee Reports

Mr. Clayborne said the Pantops CAC met on October 27. He said the main focus of this meeting was a presentation from VDOT on the diverging diamond interchange at Exit 124. He said he wanted to congratulate Mr. Rapp and Mr. Bivins for setting up the presentation by Mr. McDermott, as the timing was perfect. He said the more of these presentations they have strategically sprinkled throughout their schedule, the better they are equipped to be more effective with their CACs.

Mr. Bivins said when people are driving down Route 29 towards Ms. Firehock’s district, they will see that VDOT has created a completely different set of roads there. He said this was going down the Route 250 Bypass when passing by Dr. Ho’s Pizza.

Review of the Board of Supervisors: October 21, 2020 and November 4, 2020

Mr. Rapp said that at the Board of Supervisors’ October 21 meeting, the Board approved the Airport Animal Clinic Special Use Permit and Special Exception. He said this item had come before the Commission a month or two earlier.

Mr. Rapp said on November 4, the Board held a work session on the Rio-29 Form-Based Code, which was a focus on the maintenance and ownership of public spaces. He said the full draft will be presented to the Commission next Tuesday, November 17 at their work session. He said he looked forward to this, as much work has been put into this exciting new code that holds a lot of potential for the County.

Old/New Business

Mr. Bivins asked if there were any nominations for the CIP Advisory Committee.

Mr. Keller said he wanted to nominate Ms. Firehock for the position.

Mr. Clayborne seconded the nomination.

Mr. Bivins asked Mr. Herrick if a vote was needed.

Mr. Herrick said he would suggest erring on the side of formality and taking a roll call.

The nomination vote carried unanimously (6:0). (Ms. More was absent.)

Adjournment

At 6:59 p.m., the Commission adjourned to November 17, 2020, Albemarle County Planning Commission meeting, 6:00 p.m. via electronic meeting.



Charles Rapp, Director of Planning

(Recorded by Carolyn S. Shaffer, Clerk to Planning Commission & Planning Boards and transcribed by Golden Transcription Services)

Approved by Planning Commission
Date: 12/15/2020
Initials: CSS