Albemarle County Planning Commission
June 26, 2001

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, June 26, 2001 at 6:00 p.m. at the County Office Building, 401 McIntire Road, Charlottesville, Virginia. Members attending were: Dennis Rooker, Chairman; William Rieley, Vice Chair; Rodney Thomas, William Finley, Tracey Hopper and Pete Craddock. Other officials present were: Stephen Waller, Joan McDowell, Margaret Doherty, David Benish, Scott Clark, Greg Kamptner and Wayne Cilimberg.

Call to order and establish quorum.

Mr. Rooker called the meeting to order and established a quorum.

Other Matters Not Listed on the Agenda from the Public

Mr. Rooker asked for additional matters, there being none, the meeting proceeded.

Review of Board of Supervisors Meeting – June 20, 2001.

Mr. Cilimberg said the board would adopt a resolution of intent to amend the comprehensive plan to reference and acknowledge its support for the alignment recommended in the Meadowcreek Parkway study. That will come before the commission in the near future. The Board approved the Jensen tower, including conditions that did not specify diameter, but specified it would be a wood pole. Crossroads Waldorf was approved with conditions, Avemore was approved with proffers and conditions, the Young America rezoning and Special Use Permit have been referred back to the Planning Commission to address issues and questions raised at the Board meeting. All three Agricultural/Forestal districts were approved.

Consent Agenda

Mr. Rooker asked if anyone wished to remove any item from the consent agenda.

Mr. Finley moved for approval of the consent agenda as presented.

Ms. Hopper seconded the motion, which passed unanimously.

Deferred Item:

SP-2001-008 Elizabeth M. Peyton Bright (Triton PCS-CVR 350E) (Sign #26) – Request for a special use permit to allow the construction of a personal wireless communications facility with a 114.5-foot tall steel monopole (approximately 10 feet above the height of the tallest tree within 25 feet), in accordance with Section 10.2.2.6 of the Zoning Ordinance which allows for microwave and radio-wave transmission and relay towers in the Rural Areas. The property, described as Tax Map 58-Parcel 61A, contains approximately 5.144 acres, and is located in the Samuel Miller Magisterial District on the east side of Tillman Road (Route 676), approximately ½ mile north of the intersection with Route 250 West. The property is zoned RA, Rural Areas, and the Comprehensive Plan designates this property as Rural Area 3. (Stephen Waller) ***DEFERRED FROM THE JUNE 5, 2001 PLANNING COMMISSION MEETING.***

Mr. Waller presented the staff report.

Mr. Craddock asked about page 4, the second paragraph from the bottom, site visits for both facilities combined, is this a typo?

Mr. Waller replied that it was.

Ms. Valerie Long, representing the applicant, pointed out that the property owner is also here. We appreciate the feedback of the adjacent property owners. This application is fully compliant with the wireless plan. We are

agreeable to the staff's conditions without changes. Is only one foot taller than the tallest tree in the area. The visibility is quite minimal; it is very difficult to find when traveling Rt. 250. It is visible from certain locations, but always with a backdrop. We lowered the height and moved the facility when one neighbor objected to the view. We have offered to plant some landscaping along the lease area to further screen the facilities. We will request a waiver of the site plan and the setback requirement.

Ms. Hopper asked to see the pictures she distributed, as she could not access them on e-mail.

Mr. Harvey Wilcox, one of the 130 neighbors who objected to the original site, spoke. The applicant has come up with a much better site and has worked with the neighbors to find a more suitable site. We are concerned about proliferation. He asked for assurance that this would not be the case in this area.

Mr. Rooker replied that each application for a tower would go through separate application. Several commissioners in the past have expressed concern that towers that are not visible individually become more visible in-groups. We cannot provide a guarantee that there would be no additional tower, but we can say it would be given the same kind of attention that this tower has been given. The Commission would consider the cumulative impact on visibility.

There being no further comment, Mr. Rooker closed the public hearing.

Ms. Hopper asked about the visibility issues of the neighbor. Do we want to add a condition that would bring the special use permit back to us if the tall tree fell?

Mr. Waller replied that he is not even sure which tree that is, there is some backdrop, it could be one tree or it could be several.

Mr. Rooker stated that this is substantially different visibility situation. The trees in front rather than any behind it determine the height of the tower.

Ms. Hopper asked if Mr. Waller agreed.

Mr. Waller replied that the new site takes advantage of the backdrop.

Mr. Rooker pointed out that in the conditions, they would have to do something about the height of the tower if the tree fell. If the tallest tree went down, the tower height would have to be adjusted down.

Ms. Hopper said she wanted to make sure it was not dependent on one tree.

Mr. Rooker commended the applicant for finding a less visible location, adjusting the site, and working closely with the neighbors.

Mr. Finley moved for approval with conditions.

1. The top of the pole, as measured Above Sea Level (ASL), shall never exceed one (1) foot above the top of the tallest tree within twenty-five (25) feet of the facility as measured Above Sea Level (ASL). No antennas or equipment, with the exception of a grounding rod, shall be located above the top of the pole.

2. The facility shall be designed, constructed and maintained as follows:
   a. The metal monopole shall be painted a natural brown color;
   b. The diameter of the pole shall not exceed thirty (30) inches at its base, and eighteen (18) inches at the top.
   c. Guy wires shall not be permitted;
   d. No lighting shall be permitted on the site or on the pole, except as provided by condition number nine (9) herein;

e. The ground equipment cabinets, antennas, concrete pad and all equipment attached to the pole shall be dark brown in color and shall be no larger than the specifications set forth in the attached plan entitled “Bright (Triton PCS)”, sealed and dated June 4, 2001;
f. A grounding rod, whose height shall not exceed two feet and whose width shall not exceed one-inch diameter at the base and tapering to a point, may be installed at the top of the pole;
g. Prior to the issuance of a building permit, the permittee shall provide a statement to the Planning Department by a registered surveyor certifying the height of the tree that has been used to justify the height the monopole;
h. Within one month after the completion of the pole installation, the permittee shall provide a statement to the Planning Department certifying the height of the pole, measured both in feet above ground level and in elevation above sea-level (ASL);
i. The pole shall be no taller than the height described in condition number 1 of this special use permit without prior approval of an amendment to this special use permit;

3. The facility shall be located as shown on the attached plan entitled “Bright (Triton PCS)”, sealed and dated June 4, 2001.

4. Equipment shall be attached to the pole only as follows:
   a. The number of antennas shall be limited to three, at the sizes shown on the attached plan entitled “Bright (Triton PCS)”, sealed and dated June 4, 2001;
   b. No satellite or microwave dishes shall be permitted on the monopole;
   c. Only flush mounted antennas shall be permitted. No antennas that project out from the pole beyond the minimum required by the support structure shall be permitted. However, in no case shall the antennas project out from the pole more than 12 inches.

5. Prior to beginning construction or installation of the pole or the equipment cabinets, or installation of access for vehicles or utilities, a tree conservation plan, developed by a certified arborist, specifying tree protection methods and procedures, and identifying any existing trees to be removed on the site both inside and outside the access easement and lease area shall be submitted to the Director of Planning and Community Development for approval. All construction or installations associated with the pole and equipment pad, including necessary access for construction or installation, shall be in accordance with this tree conservation plan. Except for the tree removal expressly authorized by the Director of Planning and Community Development, the permittee shall not remove existing trees within two hundred (200) feet of the lease area, or the vehicular or utility access. A special use permit amendment shall be required for any future tree removal within the two hundred-foot buffer, after the installation of the subject facility.

6. The pole shall be disassembled and removed from the site within ninety (90) days of the date its use for wireless telecommunications purposes is discontinued.

7. The permittee shall submit a report to the Zoning Administrator one time per year, no later than July 1 of that year. The report shall identify each user of the pole and shall identify each user of the pole and identify each user that is a wireless telecommunication service provider.

8. No slopes associated with construction of the pole and accessory uses shall be created that are steeper than 2:1 unless retaining walls, revetments, or other stabilization measures acceptable to the County Engineer are employed.

9. Outdoor lighting shall be limited to periods of maintenance only. Each outdoor luminaire shall be fully shielded such that all light emitted is projected below a horizontal plane running though the lowest part of the shield or shielding part of the luminaire. For the purposes of this condition, a luminaire is a complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.

10. The permittee shall comply with section 5.1.12 of the Zoning Ordinance. Fencing of the lease area shall not be permitted.

11. The facility shall be screened from the property line located to the east with a species of shade tolerant screening trees to be approved by the Planning Department's Landscape Planner. Vegetation provided for such screening shall consist of a double staggered row of trees, planted fifteen (15) feet on center.

12. The permittee shall submit a revised set of site drawings to the Department of Planning and Community Development. Prior to the issuance of a building permit for construction of the facility, Planning staff shall review the revised plans to ensure that all appropriate conditions of the special use permit have been addressed in the final revisions of the construction plans.

Mr. Thomas seconded the motion, which passed unanimously.

Ms. Hopper moved for approval of the waiver requests with conditions.

Site Plan Waiver:

1. Approval of an erosion and sediment control plan prior to the issuance of a building permit;
2. The permittee shall provide adequate area for one parking space;
3. The permittee shall submit a revised set of site plans to the Department of Planning and Community Development. Prior to the issuance of a building permit for construction of the facility, Planning staff shall review the revised plans to ensure that all appropriate conditions of the special use permit have been addressed in the final revisions of the construction plans.

Mr. Craddock seconded the motion, which passed unanimously.

Public Hearing Items:

SP-01-13 Tanager Woods Special Use Permit (Sign #77, 78) – Request for special use permit to allow a Rural Preservation Development in accordance with Section 10.3.3.3 b and 10.5.2 of the Zoning Ordinance which allow for a rural preservation development with more than 20 development lots. The property, described as Tax Map 19 Parcels 18, 19, 31, and 31C is located in the White Hall Magisterial District on the south side of Buffalo River Road [Route #664] approximately .15 miles west of the intersection of Route 664 and Route 604. The Comprehensive Plan designates this property as Rural Area. (Margaret Doherty)

AND

SUB-01-78 Tanager Woods Preliminary Plat – Request for preliminary plat approval to create 26 lots on 193.63 acres, as part of a Rural Preservation Development. The property is zoned RA, Rural Area. The property, described as Tax Map 19 Parcels 18, 19, 31, and 31C is located in the White Hall Magisterial District on the south side of Buffalo River Road [Route #664] approximately .15 miles west of the intersection of Route 664 and Route 604. The Comprehensive Plan designates this property as Rural Area. (Margaret Doherty)

Ms. Doherty presented the staff report.

Mr. Finley asked if it was coming before the commission because it was over 20 lots.

Ms. Doherty replied that was correct.

Mr. Cilimberg stated that a subdivision of less than 20 would still need commission and board approval, but would not require a special use permit.

Mr. Roell pointed out that they have spent a lot of time with staff, the neighbors and the neighborhood association. We have extended buffer area to adjoin the stream buffer. There is no area disturbed within 100' of the stream. Out of the 193 acres it disturbs less than ½ of 1% of the total site. 58% of the property is in buffer and easement. He is thankful for the opportunity to do a rural preservation development, but he asks that it be a little easier to do, the process is quite difficult.

Mr. Rieley asked Mr. Roell to point out the limits of the pond.

Mr. Roell stated that there is about 3 ¼ acres of lake, which also provides stormwater control for downstream neighbors.

Ms. Carolyn Killey a neighbor, expressed her concern about the extra traffic. She would like to see the area retained as it is.

Ms. Donna Whitford received a letter, she is concerned, her family moved because of the quiet area. They are still clearing the land on Dr. Hertz's property. This proposal would add extra traffic in both directions, there are a lot of children in the area. My house in on the highest elevation, it requires two wells, both over 350' deep, and she is concerned about the water table. She asked how far construction could proceed without a permit.

Mr. Rooker replied that you couldn't start road construction without a permit, unless it is on agricultural property for agricultural purposes.

Mr. Cilimberg said that you could begin building a road at preliminary plat approval. The County requires that the roads be built or bonded before final plat approval. Homes cannot be started without a building permit.

Ms. Jacquelyn Huckle owns 187 acres adjoining this property. What is designated residential on the staff report, is actually one house on a working cattle farm. She supports the applicant's request for a rural preservation development, but she cannot understand how 25 lots can be approved, when the limit is set at 20. Section 10.5.2.1 states that "no such permit shall be issued for property within the watershed of any public drinking water impoundment". The two streams on the property feed Chris Green lake. (Full comments attached)

Ms. Ann Mallek lives on the farm at the Southeast. She thinks it is a great idea, but is a little confused about a couple of things in the staff report. If you decide to reduce the number of lots, she would like to nominate lots 6, 7, and 8 as they have very little protection from runoff. The siltation basin has completely filled in over the last 13 years. (Full comments attached)

Mr. Roell responded to the concerns. They have attempted to preserve the areas of the streams, in addition to providing stormwater control to aid in downstream runoff. Given the choices of doing a preservation development or doing a by-right development in phases, he thinks this is the better of the two.

Ms. Hopper asked Mr. Roell if he had undertaken any water table studies, have you studied how the groundwater would be affected.

Mr. Roell replied that wells built nearby draw anywhere from 5 to 70 gallons per minute. We bring a dowser in and let him walk over the land, we hit 5-10 gallons per minute consistently. There are extremes in the cleavage of the rock. Springs, rivers and streams are plentiful.

Ms. Hopper said that right now the County is looking at groundwater studies.

Mr. Kamptner stated that the groundwater committee has a draft report that they are putting the final touches on, it should be coming to the commission shortly.

Mr. Cilimberg said that he has not heard from Mr. Hirschman, but the report would be brought before the commission when it was ready.

Mr. Rooker stated that it looks like 10.5.2.1 (a) does not apply to RPDs.

Mr. Kamptner said that we can have the zoning administrator examine that, but he thinks that it correct.

Mr. Cilimberg said that the ordinance in its construction allowed for up to 20 lots by-right and over 20 by special use permit. 10.5.2.1 is the section on special use permits in subdivisions in the rural area. Section 10.5.2.1 (b) is the applicable section here. The zoning administrator has already reviewed this and it is perfectly allowable.

Mr. Rooker stated that it would be counterproductive if that restriction applied to RPDs. The choice here is really between an RPD and a conventional subdivision. Under the PRD he has the same number of lots, but the preservation tract is 77.69 acres and its required to meet the terms of the ordinance in protecting the sensitive areas on the property.

Mr. Rieley stated that he does think there are some aspects of the RPD that should be scrutinized as a part of the rural area study. He asked Ms. Doherty about the negotiation between staff and the applicant on configuration and the size of some of the lots.

Ms. Doherty pointed out the changes on the display. Staff negotiated an undisturbed buffer and increased the size of the proposed buffer.

Mr. Rieley said that there were some proposals that were made beyond this.

Mr. Rooker asked if there was something staff recommended that the applicant did not ultimately go along with.

Ms. Doherty replied that staff preferred that clustering would occur on one side of the stream and avoid the stream crossing. There was also some concern that the lots adjacent to the Agricultural/Forestal district were not in the greatest location.

Mr. Rooker asked how many lots were being served by the stream crossing?

Ms. Doherty replied that there were two.

Mr. Thomas asked if the 100' buffer was an undisturbed buffer.

Ms. Doherty said it was.

Mr. Finley asked about the house that would be demolished. He asked why the house had not been surveyed and why it was described in the report. He asked why it was described in the report if it is not an historical site.

Ms. Doherty replied that it is an old house, staff would still consider it to be surveyed and documented.

Mr. Finley verified that staff has made the decision that it shall be done.

Ms. Doherty replied that was correct and in the conditions of approval. According to regulation, we are required to take into account the cultural resources on a property.

Mr. Finley asked who would make the decision about the erection of an historical marker.

Ms. Doherty replied that would be determined after the historical survey of the house, although the commission might want to consider making that a condition of approval.

Mr. Rieley asked if that information would be forthcoming before the Board meeting.

Ms. Doherty said she was not sure.

Mr. Finley asked who would provide the full description of the architecture.

Ms. Doherty replied that the County was suggesting a UVA intern.

Mr. Rooker asked if the applicant had objected to this requirement.

Ms. Doherty said no.

Mr. Cilimberg replied that the documentation of historic significance was particular to each case. Any need for markings of the historic significance would be accomplished after the survey.

Mr. Rooker said that several speakers had indicated their dismay over the development of this property at all. One of the primary goals of the CP is preservation of rural areas. The property still has development rights, though not as intense as those in the growth areas. The applicant is exercising his rights. As a by-right subdivision we would not be able to impose conditions and we would not have the 78-acre preservation area. As much as everyone wants to see the rural areas preserved, we cannot take away the development rights.

Mr. Finley asked if anyone who was doing cluster housing might apply for extra lots.

Mr. Cilimberg clarified that there are no extra lots being realized by this RPD. They are exercising the same rights they now have in development right lots and 21-acre lots, they are clustering those, rather than dividing conventionally. If you go beyond 20 in the size of the RPD cluster, a special use permit is required.

Mr. Finley asked if anyone could do that.

Mr. Cilimberg replied that anyone could apply, in fact we encourage him or her to go the preservation route.

Mr. Finley asked if the extra lots were dependent on the number of division rights.

Mr. Cilimberg replied that there are no extra lots. Every lot in a cluster is dependent upon the number of by-right lots.

Mr. Rooker pointed out that the limit is the total of by-right lots. He asked if the commissioners were satisfied with the conditions.

Mr. Rieley pointed out that in the by-right development, most of the building sites are further away from the streams. He would suggest that we consider changing the parameters from the normal 2-year, 10-year plan to 1-year, 50-year. That would offer the downstream residents a reasonable protection from the consequences of this development. We should add a condition that relates to the designation of the historical marker.

Ms. Hopper asked how that would go beyond the last sentence.

Mr. Rieley replied that what is missing is the requirement of an historical marker. He suggested the following language as condition #4 “appropriate designation of historic sites by marker shall be executed on the recommendation of the staff”.

Mr. Rooker said he thought that was a good idea, and is sure the applicant would agree to that.

Mr. Roell said he has no problem with a marker for the house, but he does not own the cemetery. The families and their heirs own it.

Mr. Rooker pointed out the provision for maintenance of the cemetery and the headstone.

Mr. Roell said that was up to the owners, he has no grounds or basis for that, it is up to the heirs.

Mr. Rooker asked if he would like the last sentence of paragraph three eliminated.

Mr. Roell agreed.

Ms. Hopper asked if he had any objection to Mr. Rieley’s suggestion on the 1 and 50 year storms.

Mr. Roell said he did not, it would likely not create much difference.

Mr. Finley moved for approval with conditions as amended.

1. Subdivision and subsequent development of the subject property shall be as shown on plans entitled Preliminary Subdivision Plans for Tanager Woods Rural Preservation Development, dated May 8, 2001. This shall include, but is not limited to, stream and lake buffering, undisturbed buffers, and building sites and road locations.

2. The location of structures, other than accessory structures, shall be restricted to within the building sites shown on the plan entitled Preliminary Subdivision Plans for Tanager Woods Rural Preservation Development, dated May 8, 2001.

3. Prior to demolition, the existing houses on Lot 7 and the preservation tract and their associated outbuildings should be fully documented in photographs (black and white, and color). A full written description of the architecture and the history of the house and property should be prepared. The description should be accompanied by a sketch of the property showing the location of the house in relation to its outbuildings and original property lines. The historical information should detail the connections between the house/property and the nearby cemetery.

4. Upon analysis of the historic information gathered in condition number three, staff shall designate which sites shall have an historical marker to be placed on site, with staff's advice as to location and design.

Mr. Thomas seconded the motion, which passed unanimously.

Ms. Hopper moved for approval of the preliminary plat with conditions as amended.

1. Engineering Department review and approval of the following:

a. A stream buffer mitigation plan for the driveways to lots 23 and 24.
b. An erosion control plan, narrative and computations.
c. A completed application and fee for erosion control and stormwater management.
d. A stormwater management/BMP plan and computations. Computations must include water quality, and detention routings for the 1yr and 50yr storms.
e. A completed stormwater management facilities maintenance agreement and fee.
f. Road plans, pavement design sheets, and drainage computations. [14-512, 14-304, Policy]

2. Health Department approval of the suitability of soils for septic systems. Documented work shall be submitted in AOSE format through the county planning department for our review.

3. Board of Supervisors approval of the Special Use Permit (SP-01-13).

Mr. Rieley seconded the motion, which passed unanimously.

Regular Item:

2232 Review Cooper Industries – Review for compliance with the County Comprehensive Plan a request to expand the central septic system serving the Earlysville Business Park (formerly the Cooper Industries plant). No building expansion is proposed. The 27.6 acre property, described as Tax Map 31, Parcel 21A, is located on the east side of Rae's Ford Road (Route 660), approximately one mile south of the intersection of Rae's Ford Road and Earlysville Road (Route 743) in the Rio Magisterial District. The site is zoned LI, Light Industrial and is recommended as Rural Area in the Comprehensive Plan. (David Benish)

Mr. Benish presented the staff report.

Mr. Rooker said that looking back at the minutes of the prior meeting, he had asked about improving the screening between the property and neighboring subdivision. Has anything been done about that.

Mr. Benish replied that he could not recall.

Mr. Jim Morris, the applicant, pointed out that when the size was reduced from 2500 to 1200 gallons a day, we did not take into account the office space on the property. We currently have about 50,000 square feet of office space. We have not added any additional screening, but there is a tree buffer all the way around the property. The required monitoring is currently going on, but we have approval from the entities involved for this project.

Mr. Rooker asked for additional comment, there being none, the public hearing was closed.

Mr. Rooker pointed out that under current regulations this would never get zoned light industrial. But the issue before us is if this expansion is appropriate and consistent with the comprehensive plan.

Mr. Finley stated that he is glad to see the building occupied, and they need the additional capacity.

Mr. Thomas said that at least the runoff is not going into the Rivanna River anymore.

Mr. Rieley pointed out that this comes under DEQ standards of review and monitoring.

Mr. Cilimberg said that the DEQ is involved in the water monitoring, not with the septic system.

Mr. Rooker said that the question is if this expansion creates a health problem, which is really up to the health department.

Mr. Benish stated that the health department feels that there is an adequate design for this capacity.

Mr. Finley asked if it discharged into a drainfield.

Mr. Benish replied that there are three drainfields.

Mr. Rooker said this is somewhat of a dilemma between the comprehensive plan designation and the existing zoning, it would be manifestly unfair to the applicant to deny the application as it is already zoned LI. This is a very reasonable use of buildings that are zoned LI for a much less intense use of the property than previously existed.

Mr. Rieley stated that the overall capacity is less than 1/5th of what the original plan proposed.

Mr. Finley moved to recommend for compliance.

Mr. Thomas seconded the motion, which passed unanimously.

Work Session:

CPA-01-03 Rivanna Village at Glenmore, CPA-01-04 Albemarle Place, ZMA-01-07 Albemarle Place, ZMA-01-08 Rivanna Village at Glenmore & ZTA-01-08 Amendment to the PUD Regulations - Process for Review (Wayne Cilimberg)

Mr. Thomas read into the record a statement saying that his business provides goods and services to Glenmore in an amount that exceeds $10,000 per year. While his company is contracting with Glenmore, his is able to participate in this transaction fairly, objectively, and in the public interest.

Mr. Craddock is president of the East Rivanna Fire Company and is therefore removed from the discussion.

Mr. Cilimberg presented the staff report.

Mr. Rooker asked why the ZTA should not occur first, since it is not project specific.

Mr. Cilimberg replied that keeping the ZTA and the CPA together might keep it in context.

Mr. Rooker expressed his concern of viewing the ZTA in light of a specific project, rather than in general as it relates to the neighborhood model.

Mr. Cilimberg said that the staff work on the ZTA will take a little time, but what he is hearing is that staff can bring that before the commission before the CPA work is finished.

Mr. Rooker stated that process would make more sense. You may get a tainted view of the ZTA if you start looking at it within the context of a specific project.

Mr. Cilimberg said that in the past, staff had done ZTAs that were attached to a proposal and we end up having most of the discussion about the proposal.

Mr. Rieley stated that sometimes they are so specific it doesn't matter, but these will not be that way.

Mr. Cilimberg said that staff has no argument in handling this the way you suggest.

Mr. Rooker requested a work session on the ZTA separate from the CPAs.

Mr. Rooker stated that it would be valuable to have a work session on the ZTA in regards to the neighborhood model.

Mr. Thomas agreed with Mr. Rooker.

Mr. Rieley stated that he was impressed with the staff work on this item. He agreed with Mr. Rooker's point.

Mr. Rooker said that his only recommendation is to have a separate work session on the ZTAs.

The commission agreed that the analysis provided for the CPA's was very helpful.

Mr. Rieley said his concerns might come within one of those, such as geographic features.

Mr. Rooker asked if anyone had recommendations on the analysis of the ZTA, the commission agreed that it was well done. Mr. Rooker asked for a motion on the resolution of intent.

Mr. Thomas moved for approval of the resolution of intent.

Ms. Hopper seconded the motion, which passed unanimously.

Rural Areas (Scott Clark)

Ms. McDowell read the additional guiding principle which read "Protect and enhance rural quality of life for present and future rural area residents". There is no change from the previous document.

Mr. Rooker said that it seemed that in 1A the underlined portion, "in conservation" with agricultural/forestry issues should be added. Add an item F that was a quality of rural life in communities. At the end of item A add "or effective conservation". In item 4 eliminate the word "existing" in front of rural residents. It was suggested to include an item about biodiversity, perhaps specifying reduction of habitat fragmentation.

Ms. Hopper asked if sustainability was included in the items.

Mr. Rooker pointed out item 10 and the attached goals of the sustainability council.

Mr. Finley asked if Ms. McDowell had an additional copy.

Mr. Rooker said that the goal tonight is to finalize the draft of the guiding principles.

Mr. Finley asked what was meant by habitat fragmentation.

Mr. Rooker said that protecting plant and animal species, trying to avoid fragmenting the habitat for endangered species, which can be very detrimental to their existence and should be a goal.

Mr. Finley pointed out that he disturbed habitat yesterday by cutting about 16 acres of hay.

Mr. Rooker replied that is not the kind of habitat he is talking about, he is not talking about micro managing. We are simply suggesting a biodiversity section should be considered as the general goal. He pointed out that development activity can cause habitat fragmentation.

Mr. Finley asked if that development activity was defined as development in the rural areas.

Mr. Rooker said that he is simply saying that in land use decisions where it might be applicable to consider that goal, we should.

Ms. Hopper suggested saying biodiversity resources, which includes preserving habitat from fragmentation.

Mr. Rooker said that was a good suggestion.

Ms. Hopper commented that #5 addresses the issues presented tonight regarding the RPD.

Mr. Rooker said that was a good point, we certainly want to make it easier rather than harder. To the extent that we can develop procedures that accomplish that, we ought to try to do it.

Mr. Rieley stated that he was impressed tonight with staff's diligence in working with that particular application. Rural preservation developments have the possibility to be beneficial to both developers and the County. We should not encourage additional red tape, but it does need to be a rigorous review and we need to ensure that the community benefits.

Mr. Finley asked staff to define "tools".

Ms. McDowell suggested the DISC plan was a tool.

Mr. Rooker stated that the Neighborhood Model and its various components are an example of tools used to direct residential development.

Mr. Finley asked if in the course of the development of the DISC model, there was some discussion of changing codes in the rural areas to make it more difficult?

Mr. Rooker said this talks about tools to direct residential development into the growth areas.

Mr. Cilimberg pointed out that if you remember from the volumes of the neighborhood model, there was a 2nd volume on implementation. We are trying to make the process for development in development areas more predictable. We may provide infrastructure to support the development areas. Those are tools.

Mr. Rieley said that something that is alluded to in this document is changing the ordinance language to allow activities in the rural areas that generate income that can help in maintaining them in a rural condition. These are activities outside of the traditional agriculture or forestry, such as saddlery or an antique shop.

Mr. Rooker stated that coupled with the furtherance of the rural goals, that would be appropriate. We would like to see some additional flexibility in land uses in the rural areas to enable conservation, to further those goals.

Mr. Clark said that is something we have already talked about quite a bit and will likely be part of a later discussion.

Mr. Thomas asked if #3 covered that issue.

Ms. McDowell said they could add a #12.

Mr. Finley asked what they thought would happen when this came to a public hearing.

Mr. Rooker replied it does not appear that the changes to these guidelines are significant. It seems that the rural community would welcome most of the changes.

Mr. Finley stated that with the nuts and bolts at least the residents could understand what they were talking about, but we don't see the details.

Ms. McDowell replied not yet.

Mr. Rooker said that these are just the guiding principles, there have not been huge changes.

Ms. McDowell stated that the changes she has added include acknowledging the preservation of conservation and habitat, and the rural way of life. There is development of residential in the rural areas that is not related to agricultural uses.

Mr. Finley said a lot of people have come to this area because they like it, they like the scenery and the way of life. What they have come to over the past few decades is leave us alone.

Mr. Rooker stated that as we become a more urban community, things like noise and lighting ordinances become necessary to preserve the quality of life. We have to have some kind of plan in the community for preserving rural areas.

Mr. Thomas asked if this implementation would be like a designation of what may go into a specific area.

Mr. Rooker said these guiding principles are really just general statements.

Ms. McDowell stated that we have given a foundation, this is what we believe. Everything will build on that foundation and should be consistent with our beliefs.

Mr. Rieley said that the BOS passed the comprehensive plan component of the mountain protection plan, because of that it would be best to mention protection in the mountain areas, including the County's mountain area.

Ms. Hopper agreed.

Mr. Finley asked if we are saying preserve the rural land, environment, beauty. The only way to do that is if the people can make a living. Each year it becomes more and more expensive and the land gets sold to a developer. He is afraid that the rural communities will become manicured estates rather than the rural culture that currently exists. Somehow he would like to see the quality of life protected.

Mr. Rieley said that he couldn't agree more.

Mr. Rooker said that upon examination of the charts, the total is about 2.4% now employed in agricultural/forestal industries. The family farm is disappearing. He does not know that it is County regulation that is causing that, it may be the costs of farming and inflation, economics.

Mr. Finley pointed out that rural communities are made up of more than farmers. Many people who live in the rural areas work in the city.

Mr. Rooker asked if the population was about 50/50 in the rural areas and the development areas.

Mr. Finley asked if we would direct it so that many less live in the rural communities.

Mr. Rieley said that nobody has any notion that we will actually reduce the numbers of people living in the rural areas. The best we hope to do is to direct significant portion of the new development into the growth areas.

Mr. Finley expressed his hope that rural communities will be preserved. He hopes that we won't tamper with family rights. There should not be any type of effort to say that they cannot exercise those rights.

Ms. Hopper mentioned family rights, she would like at a later date to talk about whether or not it would be helpful to have a requirement that the land is held longer after the division.

Mr. Clark said that right now they are held for two years. Given the small number of family divisions and the length of time they are currently held, it does not seem to be a factor, though he is open to discussing it.

Ms. Hopper expressed her interest in discussing it.

Ms. McDowell replied that it is certainly worth discussing.

Ms. Hopper said there are various goals are on our list right now. It is important not to assume that the achievement of another goal would negatively impact another goal.

Mr. Finley said he is interested in the nuts and bolts of the goals.

Ms. Hopper said that Mr. Finley is concerned about negative incentives that might impact the other goals.

Mr. Finley stated that he is also looking for the positive, looking for incentives. What is the incentive to preserve land for tourism and water for developments?

Mr. Rieley said that is a fair question.

Ms. Hopper asked if there were tools we could develop to build incentive.

Mr. Rieley added a sharing of the burden for preservation with all the people who benefit.

Mr. Rooker pointed out that is one of the ways to preserve the rural areas. It would be nice to have a larger sum of money to work with to accomplish that goal.

Mr. Rieley stated that the transfer of development rights would allow people to generate some income.

Mr. Finley said that cluster housing is an incentive to preserve land. It would be nice to preserve the land in its rural state and still be able to put your children through college.

Mr. Rooker asked for additional specific suggestions regarding these guiding principles.

Mr. Finley said he would like to feel they are not set in concrete.

Mr. Rooker stated that he thinks they are not only not set in concrete, they can often be conflicting.

Mr. Thomas asked if #1C, which states "preserve and manage" was Mr. Finley's concern.

Mr. Finley replied that control would be a concern for rural residents.

Mr. Rooker stated the word could be changed to “encourage”. We are not suggesting that government is going to do all these things. We are suggesting that these are general principles for rural development.

Ms. McDowell said staff is trying to take it in bite-sized pieces. We will next discuss the uses. We are looking at formulating an ad-hoc advisory committee to discuss some of the bigger issues.

Mr. Thomas asked how staff would go about doing that.

Ms. McDowell said that most of the organizations are already in place.

Mr. Cilimberg replied that it has already been decided that there will be no formal committee, it would be useful to have some individuals who could provide input to the process. We don’t need the input on a weekly or monthly basis, periodically would be sufficient. There will be many other ways that the public can get involved.

Mr. Rooker asked if there was a timetable.

Ms. McDowell replied that staff is developing a timetable currently.

Mr. Cilimberg stated that this is among our highest priority projects now. We have the staff resources to put some dedicated time on this now.

Mr. Rooker said it would be helpful to get some kind of a flowchart or outline. He asked for any other specific suggestions for the guidelines. There were none.

Old Business

There being none, the meeting proceeded.

New Business

Mr. Rooker pointed out that according to the newspaper, the UVA baseball program has received an anonymous gift with the addition of lighting at the stadium. He suggested having the planning department send a letter to the appropriate individuals at UVA requesting that they comply with our lighting ordinance. One of the motivating factors for the ordinance was the protection of the UVA observatory.

Mr. Climberg said he would bring this matter to the attention of the Board of Supervisors immediately, obtain a resolution and send it to UVA.

Mr. Thomas said that he would bring that up to the PACT committee when they met.

Mr. Rooker asked if everyone agreed with his request.

The commissioners expressed their agreement.

Mr. Craddock suggested using lighting like St. Anne’s, rather than Klockner Stadium. Those type of lights are not needed for baseball.

Mr. Rooker said the use of lighting for baseball is not unique. When he was working with St. Anne's on the lighting for their stadium, they had an expert who said that the field is better illuminated by the shielded lighting fixtures.

There being no further comment, the meeting adjourned at 8:50 p.m.

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V. Wayne Cilimberg, Secretary

Recorded and transcribed by Lynda Myers, Recording Secretary.