Albemarle County Planning Commission
August 21, 2001

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, August 21, 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-Chairman; William Finley, Jared Loewenstein, Tracey Hopper and Pete Craddock. Other officials present were Joan McDowell, Scott Clark, Greg Kamptner and David Benish.

A quorum was established and the meeting called to order.

Other Matters Not Listed on the Agenda from the Public

Mr. Rooker asked for additional matters from the public. There being none, the meeting proceeded.

Consent Agenda

Mr. Rooker asked if any commissioner wished to pull an item from the consent agenda.

Ms. Hopper moved for approval of the consent agenda.

a. **Approval of Minutes** – July 10, 2001 and July 17, 2001.

Mr. Loewenstein seconded the motion, which passed unanimously.

Public Hearing

a. **CPA-01-06 Meadow Creek Parkway, Final Report** – Proposal to amend the text of the Albemarle County Comprehensive Plan, Land Use Plan, to incorporate the recommendations of the Meadow Creek Parkway Final Report (May, 2001). (David Benish)

Mr. Rieley withdrew from the discussion because he is consulting with the City on their portion of the parkway.

Mr. Benish presented the staff report.

Mr. Rooker said it appeared to him that something was missing on page two of the report in the first sentence.

Mr. Benish suggested removing the “is”.

Mr. Rooker pointed out that on page 3, the word “to” needs to be inserted.

Mr. Benish said that staff did not update the other pieces of this page, rather we focused on the amendments. There is some dated information on these pages.

Mr. Loewenstein asked what the timeframe was after this. He heard this afternoon that the court had upheld SELC’s suit against the Western Bypass. The fourth amendment deals with the relationship between the two. This is something that CHART will be examining also.

Mr. Craddock asked for the timeline for Phase II.

Mr. Benish replied that there was not a specific timeline, depending on the availability of funds.

Mr. Rooker pointed out that Phase I has been funded in the Six Year Road Plan.

Mr. Benish said he does not know what the timeframe is for wrapping up that aspect of design. From the County's perspective, it is a high priority project.

Mr. Rooker asked if any comments were received from the City on the report.

Mr. Benish stated that the consultant kept the City involved and worked with their design. He has not heard any comments related to this public hearing.

Mr. Finley asked for the total length in the County.

Mr. Benish stated that it is just over a mile in the County.

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

Mr. Rooker stated that the commission is pretty well advised of the report and is pleased with it and it's recommendations and have voted to accept itWhat is before us tonight are the comprehensive plan changes.

Mr. Loewenstein commended the staff for the work they have done on this issue. It is evident that a lot of thought and care have gone into it.

Mr. Loewenstein moved for approval.

Ms. Hopper seconded the motion, which passed unanimously.

Mr. Benish at September 12 meeting the Board will have a slightly more detailed presentation and will hold public comment on specifics of the location.

Mr. Rooker asked that we make certain that the intersection with Rio Road will work from an engineering standpoint.

Mr. Benish said he would make sure that comment got to the County engineer.

Work Session

a. Rural Areas – The third Rural Area work session will include a summary review of the first two work sessions; a discussion concerning land uses; and an update on the Rural Area focus group. A schedule for future topics also will be presented. (Joan McDowell)

Ms. McDowell presented the staff report.

Mr. Rooker asked if CALAC represented both the Blue Ridge Builders Association and the Chamber.

Mr. Watson replied that CALAC incorporated the Chamber. The Agri-business committee is a separate entity.

Mr. Loewenstein asked about the possible participation of the Chamber's historic tourism group.

Mr. Watson replied that the tourism council is an entirely separate entity, though it does receive funding from the Chamber.

Mr. Rooker said he thought Mr. Loewenstein's question was whether the council should be included.

Mr. Loewenstein said that's one side of the coin. We need to be careful of the degree of connection. It is important to make sure representation is equally weighted.

Mr. Finley said he thought CALAC was directly under the umbrella of the Chamber.

Mr. Watson responded that CALAC is the umbrella.

Mr. Finley verified that agri-business was not connected to the Chamber.

Mr. Watson said it uses the Chamber's facilities, but is a standalone.

Mr. Finley asked if it was a committee of the Chamber.

Mr. Watson replied that it was not.

Mr. Loewenstein asked if there was any connection between the agri-business committee and the Farm Bureau.

Mr. Watson replied that they have had joint meetings, but again, are entirely separate.

Mr. Loewenstein said he thought the tourism council is something to look at for inclusion.

Ms. McDowell said she was happy for the suggestion, staff was trying to be as balanced as possible.

Mr. Rooker said it looks pretty balanced as is. He asked if this was something we need to act on.

Ms. McDowell replied that staff wanted the commission's feedback before finalizing the advisory committee. This will be Adhoc advisory group, rather than a formal committee.

Mr. Loewenstein said that some of the discussion has come about because number five says Chamber of Commerce / Agri-business committee, which caused the commission to assume the committee was a part of the Chamber.

Ms. McDowell replied that Mr. Watson explained the connection, but the Chamber should probably not be listed there.

Mr. Loewenstein stated that staff should try to make that precise.

Mr. Finley asked if there were any groups affiliated with agricultural education.

Ms. McDowell asked if he was referring to the 4-H or FFA.

Mr. Finley said he was referring to actual teachers of agriculture, if they still exist. It would be good to involve them in this committee.

Ms. Hopper asked if Farm Bureau had a relationship with those teachers.

Mr. Finley said as far as he knows they did not.

Ms. McDowell said a representative from the Farm Bureau should give that perspective. She will check with the schools.

Mr. Craddock asked about a plain citizen from the Rural Area.

Ms. McDowell stated that she likes that idea. The other one that she likes is someone who represents the small farmer. She would like to know if the Farm Bureau does that.

Mr. Rooker stated that they do that.

Ms. McDowell asked if Citizens for Albemarle would suffice for a citizen representative.

Mr. Rooker stated that we need to keep in mind that this is not a committee appointed with a specific task. This is a committee of people who might be interested that can make recommendations and report back to their various groups.

Mr. Benish pointed out that the other value is the networking back to their organization, which provides a conduit for information back to us. One option would be to invite a planning commissioner to add a non-affiliated voice to the council.

Mr. Finley asked if Southern States was related to the agri-business committee.

Ms. McDowell replied that she did not know.

Mr. Benish said he would not be surprised if they are part of the Chamber, as a local business.

Mr. Finley stated that they should be linked to it if they are not.

Ms. McDowell said that she would check the suggestions and get back to the commission.

Mr. Rooker suggested the commission look at the guiding principles.

Mr. Finley asked if this would be another look, or would we come back to these again.

Mr. Rooker pointed out that the commission was not voting to adopt the guidelines tonight, but it would be a good idea to review for changes.

Mr. Loewenstein asked if under 1E, historical and cultural included archaeological.

Ms. McDowell replied that archaeological was included.

Mr. Loewenstein stated that he would like to have archaeology identified and some consideration of that potential should be given.

Mr. Rooker stated that he thought the concept of land conservation and preservation should be a separate category, rather than be incorporated into agricultural and forestry resources.

Mr. Loewenstein said he was assuming the breakdown follows the land use plan language. There are a number of such places in the land use plan that could use tweaking.

Mr. Rooker stated that these are supposed to serve as the guiding principles for the draft of the rural area section.

Ms. McDowell asked if Mr. Rooker was suggesting adding f and changing f to g, to add conservation as a separate component.

Mr. Loewenstein stated that the defining elements are as they are defined in the existing land use plan.

Ms. Hopper said that b through e seem to be about conservation. How would we distinguish the definition of conservation so it would not be repetitive?

Mr. Rieley stated that one of his concerns was that the term agriculture and forestry is used repeatedly, he would like to see conservation elevated as a concern to the same level as agriculture and forestry. The document makes it sound like this is an economy that is driven by agriculture and forestry. That is not accurate and it is becoming less accurate all the time. There are times when agriculture and forestry are in direct conflict with conservation.

Mr. Loewenstein said that knowing that 1 begins by saying "protect the defining elements of the Rural Areas", let's go back and see if agriculture and forestry are listed first in the land use plan.

Ms. McDowell replied that it was.

Mr. Rieley said he liked the way it was phrased in the first sentence in 1a. The message we should be sending is that we want to provide a place for agriculture and forestry, but conservation deserves a place up there with those other two.

Mr. Finley said you develop guidelines for protecting the environment. What does conservation include?

Mr. Rooker stated that the goal in the County to try to get as much property put into conservation as possible. The ACE program is based upon that.

Mr. Finley pointed out that that does not prohibit the farmer from doing what he is going to do. It does not mean the farmer would stop farming or cutting his timber.

Mr. Rooker stated that conservation can mean things different from farming. Property that is put into open space or set aside as a wildlife preserve is conserved.

Mr. Finley asked if that would be a higher priority than agriculture and forestry.

Mr. Rieley stated that he did not suggest it be a higher priority, it should be on equal footing.

Ms. Hopper pointed out that that's what item f says, that all these different elements are equal.

Mr. Benish said that in the construction of the comprehensive plan, over a number of years, there has been a distinction between conservation and preservation. Typically, preservation is the protection of land in its natural state. Conservation allows for its utilization. When we talk about conservation in the rural areas, we talk about the use of the land and its resources, but in a manner that's consistent with the land.

Mr. Finley stated that the easements involved in the ACE program do not inhibit the economical use of its resources.

Mr. Benish said it does prohibit it from being used for different purposes, other than agriculture or timber.

Mr. Finley stated that it does inhibit building or making parcels.

Mr. Rooker asked if the commission wanted to include anything here about preservation. He said it seemed to him that land preservation should be a principle. Perhaps that is the proper distinction.

Mr. Rieley stated that if that distinction has a tradition, we should honor that.

Ms. McDowell asked if Mr. Rieley wanted to develop a hierarchy among these components.

Mr. Rieley said that we probably need a general statement that talks about agriculture, forestry, conservation and preservation equally. We need to make it clear that there are a balance of values that are all on equal footing. The framework is a little more balanced than it is now. Underneath that we can talk about the separate issues. Agriculture should be broken apart from forestry.

Mr. Loewenstein said he thought that was a good way to proceed. He suggested moving the second sentence in 1a.

Ms. McDowell suggested adding it as 13.

Mr. Loewenstein said that something like that would make more sense.

Ms. McDowell said that was included in 1a because fragmentation prevents the ability to properly utilize the land for agriculture and forestry uses.

Mr. Loewenstein said he thought it was the same sort of text as those items further down.

Mr. Finley said that was kind of related to d. Somewhere there should be equitable means of preserving scenic resources.

Mr. Rieley pointed out that a statement that we value scenic resources doesn't deny anybody anything.

Mr. Rooker said this is just another statement of what is important in the County.

Mr. Finley said the real discussion would come later when we get to property rights issues.

Mr. Rieley stated that if we move 1f up into this introductory paragraph that may be satisfactory.

Ms. Hopper suggested moving 1c, the second sentence, down to the bottom. She asked Ms. McDowell if changes to the existing comp plan would happen to make it consistent with what we do in the rural area studies.

Ms. McDowell replied that after the review, staff might look at redoing the zoning ordinance and perhaps the subdivision ordinance so that those would be consistent with the comprehensive plan.

Mr. Finley asked what size property was referred to in the second paragraph of 1a.

Ms. McDowell replied that currently a 2-acre parcel would be too small to earn a living.

Mr. Finely asked about cluster developments.

Ms. McDowell replied that that was another tool. There will be a separate section on the tools for achieving the best use of the land.

Mr. Rooker pointed out that this follows almost exclusively what the Farm Bureau recommended in their letter. This is just a general statement of principle.

Mr. Finley said he thought the Farm Bureau was encouraging cluster development in order to realize the economic potential of the land and still preserve farmland.

Ms. McDowell replied that the County would favor that, and that issue would be examined later on.

Mr. Finley asked what was the meaning of this, did you have in mind not breaking down the smaller parcels.

Ms. McDowell said let's hope that we'll take a look at that clustering as well as other alternatives for the best use of the land.

Mr. Rieley suggested in item 4, replacing agriculture and forestry with rural, in the second sentence. He said he is not sure that the first sentence is particularly necessary as a guiding principle.

Ms. McDowell said that was something she hoped we would discover in our discussion about tools. She is thinking about businesses such as the Afton Mountain Coop, which should be easier to come by.

Mr. Rieley suggested separating the two sentences; they seem like two different things.

Mr. Rooker said he thought part of the question about 4 was what the phrase "provide support" means. Encouraging has one definition, but providing support can mean an entirely different thing.

Mr. Rieley said that he likes encourage.

Mr. Rooker stated that word might be better. If we are breaking it out into a separate paragraph, then the redundancy is not an issue.

Mr. Rieley said that if we can get agriculture and forestry out of the first sentence, he would not object to its use in the second sentence.

Mr. Loewenstein asked if he wanted the word secondary out.

Mr. Rieley said strike the second rural.

Mr. Rooker read the revised sentence: Encourage creative and diverse forms of rural production, and support land uses that provide rural landowners with economic viability.

Mr. Rieley said that was correct.

Mr. Clark presented a refresher of rural area development trends.

Mr. Finley what that ended up being in density.

Mr. Clark replied that he had not calculated that.

Mr. Loewenstein said that an average density Countywide would not be too meaningful. The density patterns on the ground are what really count.

Mr. Finley stated that rural density is really not that great?

Mr. Rieley stated that it comes out to 1 person per 11 acres.

Mr. Loewenstein said that the places in the County where that actually exists are not that many.

Mr. Rooker stated that the total capacity is more than 4 times that. That is the total build-out potential if trends continue.

Mr. Loewenstein stated that takes into account the buildability factor. There is a lot of unbuildable land, including a lot of federal land in the County, which further skews the picture.

Ms. McDowell gave a reminder that these are broad issues and are very general. The is planned to give us a foundation. We will get into the nitty-gritty later. If you want to get into specific land uses, perhaps we could have a 4:00 p.m. meeting to discuss exact land uses. Let's stick to the broader topics at this time. Perhaps we could go over them 1 by 1 so that staff can make notes.

Mr. Loewenstein stated that he has some questions, which are somewhat specific.

Ms. McDowell said it is hard to discuss some of these without bringing forward a specific example. Right now, we want to talk about general issues.

Mr. Rooker pointed out that this is not intended to become a part of the comprehensive plan. This is simply a feedback session for the potential uses and categories.

Agriculture/Forestry

Mr. Rieley stated that by lumping these together, we are putting them into a protective umbrella without the scrutiny that the other uses are getting. We are not making those kinds of caveats with either agriculture or forestry. Agriculture and forestry should be separated. The basis of the rural area section of the comprehensive plan should not be those two uses to the exclusion of all others, particularly in exclusion of conservation and preservation.

Mr. Loewenstein said that the way that whole area was intellectually divided in the comprehensive plan has informed what we have before us tonight. There will be ways to deal with that at a later time.

Ms. Hopper stated that she thinks that the phrase "with appropriate supplemental regulations", is not as specific as some listed in other areas. What she imagines is some sort of regulation about foresting on certain grades. It is not something we want to forget about because it is not mentioned in as much detail.

Mr. Finley asked Mr. Rieley if he thought that agriculture and forestry uses should not be priorities.

Mr. Rieley said it does keep agriculture and forestry as preferential uses in the rural areas, but not without qualification or acknowledgement of the fact that there are often conflicts. Sometimes agriculture is the biggest polluter. Those uses should be scrutinized. We should state it as a complex issue, not in a simplistic way in that all agriculture and forestry uses are blessed.

Mr. Finley asked how many constraints on the use of the land would we put in.

Mr. Rieley said that we are not talking about constraints, we are talking about the guiding principles for the rural area section.

Mr. Finley said the he presumed they would become an ordinance.

Mr. Rooker stated the Mr. Rieley is suggesting that agriculture and forestry be separated as categories because they are not the same things. Preservation and conservation should be included as guiding principles, not to the exclusion of agriculture. They should be mentioned in the use categories.

Mr. Loewenstein agreed.

Ms. McDowell said that staff can easily separate agriculture and forestry. Do you agree that some of the lesser impact uses should be by-right and the ones that would have greater impact go through a special use permit process?

Mr. Rieley said he did not think we were there yet.

Ms. Hopper said she would want to know the definition of lower impact vs. higher impact. What types of supplemental regulations do we have to choose from?

Mr. Clark stated that something that might help would be to separate primary activities from secondary uses, for example, farm sales.

Mr. Rooker said he was having a little difficulty differentiating between 2 and 3.

Mr. Clark stated that agriculture support is Southern States, businesses that provide support to rural uses. Secondary uses are uses on farms that provide more income to the landowner.

Mr. Rooker said that in some of these use categories with talk about by-right and by special use permit. In some of the categories, we don't talk about it at all. He verified that a Southern States in the rural areas would not be permitted.

Mr. Loewenstein said that qualifies as commercial. He said that he is not comfortable with the second sentence in the agricultural support industry section.

Mr. Rooker agreed.

Ms. Hopper said there is a question of whether it should even be a permitted use.

Mr. Craddock said so what you are saying is that you wouldn't want Piedmont Tractor to locate in the middle of the rural area.

Mr. Loewenstein said that was correct.

Mr. Finley asked why a grocery store or other commercial use could not be permitted in a crossroads community. There are already groceries in some of those areas.

Mr. Rooker said that there are areas where property has been zoned to permit it, and there are areas where it is a non-conforming use.

Mr. Loewenstein said that Mr. Finley is right, there are existing communities where there is some commercial activity. In some cases, that use has been grandfathered in. The second sentence in other commercial uses brings up the question of? If there is an existing activity of that kind, it is probably worthy of encouragement. We might feel otherwise if commercial activity were reestablished in longstanding neighborhoods.

Ms. McDowell said we should go back to one of the topics on the schedule, which is the idea of a small village and other concepts. We will go into that a little further in December. Is that what you want to see in the rural areas? Do you want to see tractor sales? We are talking about the broader idea of land uses. She suggested returning to secondary uses.

Mr. Rooker agreed.

Secondary Agricultural/Forestal Uses

Mr. Rieley said he thought it was fine to think about support uses for agriculture and forestry, but he does not want us to lose sight of the category of other ways to generate income in the rural areas.

Mr. Rooker said that some of those are dealt with as separate categories.

Ms. McDowell stated that staff would be happy to add a category if one was missed.

Mr. Rieley said we almost need a work session on these uses.

Ms. Hopper pointed out that the village discussion might adjust our view on some of the uses.

Mr. Finley asked why we should be so concerned about small businesses in the rural areas. How does it being there negatively affect our rural resources?

Ms. McDowell said we are talking about the uses that the County has determined are appropriate for the rural areas. We want to open the discussion, we are not telling you what to think about it.

Mr. Finley said that is what he is hearing from the commission.

Mr. Loewenstein stated that it's the cumulative impact of those kinds of uses. They have to be weighed against the preservation of the rural area itself. Eventually you reach the point where there is no rural area left. We need to strike a balance.

Mr. Finley agreed that balance is the right idea.

Mr. Rooker stated that these recommended uses are expansive in their expressions.

Ms. Hopper said that taking the first three categories, they should be condensed into one or two categories so as to avoid overemphasis. The other idea would be to incorporate secondary uses under primary goals.

Agricultural Support Industries

Mr. Rooker asked what do we mean by the term long-standing rural communities. We need to better define the term.

Ms. McDowell said she thought he was right. We will give you a better definition.

Mr. Rooker said that we need to clarify what we are talking about.

Ms. McDowell stated that we would go into that in greater depth in December.

Mr. Rieley said that it is an important and thorny issue.

Mr. Craddock stated that Milton was a major town years ago, but people would hate to see commercial uses return.

Mr. Rooker said he thought that the general questions is whether or not we want to limit commercial activity by virtue of its relation to agriculture and forestry industries or in terms of scale and scope. It seems to be in line that limitation in terms of scale and scope would be appropriate. A small-engine repair shop might be reasonable, whether the engines are usable on farms or lawns. It might be helpful to look at these things in terms of scale and scope and then in terms of placement.

Mr. Finley stated that scale and scope would be regulated by feasibility.

Mr. Rooker said if you don't have regulations in terms of scale and scope, you are talking about no zoning.

Mr. Finley said that when there is a Southern States in the back of a small store, that should be an appropriate use.

Mr. Rooker agreed that should be permitted because the scale and scope is reasonable in the rural area.

Mr. Loewenstein agreed that it would serve a community need.

Mr. Rooker said he hopes the things we have said thus far have been helpful on the first four items.

Mr. Craddock stated that he liked the last sentence under Other Commercial Uses.

Ms. McDowell said that would be adaptive reuse of properties.

Residential

Mr. Finley made reference to cluster housing. Isn't the primary objective of clustering the preservation of farmland?

Ms. McDowell said that it is. In our opinion, it is not easy to do, incentives are not offered to do a cluster, and there are some regulations that inhibit it. We need to try to devise ways that we can support clustering. We make it more difficult than we should.

Mr. Rooker suggested we include general statement that clustering should be encouraged in rural residential development.

Mr. Finley pointed out that there are areas in the rural area that are not suitable for agriculture or forestry, but would be suitable for building.

Mr. Rooker pointed out that one concept of the rural preservation design is to try to find land that is the most desirable to leave as open space.

Mr. Rieley said he thought some kind of statement of that kind is appropriate at the plan level.

Mr. Rooker said he thought it would be appropriate to discuss that.

Mr. Loewenstein said there will be at some place, discussion of what would happen with single-family residences.

Mr. Rooker said he was not suggesting eliminating the topic, but the language does not really take us anywhere. Perhaps we should include a statement that establishes cluster development as something to be encouraged. We should go into a little bit of detail about what we are looking for, in general.

Commercial Recreation

Mr. Rieley pointed out that the definition includes race-car driving.

Mr. Rooker suggested that the second sentence, which requires such uses to be reversible, would eliminate that.

Ms. Hopper stated that she thought they all need to be by special use permit.

Religious/Organization Uses

Mr. Rooker pointed out that those are allowed by special use permit currently.

Mr. Loewenstein said we were back to scale and scope again.

Mr. Rooker said that today we do that in the special use permit process. Should places of worship be by-right or by special use permit? Do you impose specific standards in the case of by-right use to control scale and scope?

Ms. Hopper said she thought that would be helpful.

Mr. Rooker stated that this does not include the special use permit language.

Ms. McDowell asked what kinds of things would trigger a special use permit, square footage, paved parking, permanent seating, auxiliary uses, and expansion of use?

Mr. Rooker asked if we are saying that in addition to the special use permit, there should be specific standards?

Mr. Loewenstein replied that was what he was saying.

Mr. Finley asked if this was just for churches.

Ms. Hopper responded that it refers to organizations as well.

Ms. McDowell said she was talking about all the uses. Cumulative impacts might be what triggers the commission to halt further development on a parcel.

Ms. McDowell stated that she is trying to get from you some of the things that might trigger too many uses.

Mr. Loewenstein said he thought it was the impact of the use rather than the origin.

Mr. Rooker asked if we were talking about the size of structure or some other criteria.

Mr. Loewenstein replied that we should include traffic generation, square footage of structure, seating, parking lot size, accessory uses, etc.

Mr. Finley responded that that is all governed by whether the parcel will support it. We as a commission should not be limiting the size of a congregation unless the parcel will not support it.

Mr. Loewenstein said he is talking about the cumulative impact on the rural neighborhood.

Mr. Finley asked how it would impact the rural area.

Mr. Loewenstein said he thought a certain scale and scope of use could potentially have a negative impact.

Mr. Finley said he thought the use would be to serve the rural community.

Mr. Rooker said that is not always the case. An Elks club built to handle 1,000 people, does not necessarily serve only the rural area. We handle this entirely by the special use permit process currently.

Ms. McDowell suggested rather than keep going into this, why don't we do some research into this issue. Churches are gravitating to the rural area because of land costs.

Mr. Rooker said he thought everyone was saying that religious and organizational uses are appropriate in the rural areas. We are also saying we would like to retain the special use permit process. It would be helpful to examine the standards that other County's have imposed in terms of scale and scope.

Mr. Finley suggested looking at court cases.

Transportation Uses

Mr. Finley stated that rural areas should get their share to transportation funds.

Mr. Rooker said this appears to be reasonable.

Utility Uses

Mr. Finley said we should not completely close the door or utility uses, such as hydroelectric, wind or solar.

Mr. Clark said he thought the plan was too general currently.

Mr. Rooker stated that we are saying that they should be limited to the extent that they have potential for significant noise, nuisance, or environmental impact.

Mr. Loewenstein said we might want to state it as a positive. We should state what is permitted and what may be permitted with a special use permit.

Resource-extraction Uses

Mr. Finley said in the second sentence, shouldn't it be the same as other places. They must meet engineering requirements for environmental control, etc.

Ms. McDowell said maybe they do, but engineering standards may not go to the extent to the extent the commission would.

Mr. Loewenstein stated that necessarily doesn't deal with noise or nuisance either.

Ms. McDowell said that would deal with structural issues.

Mr. Craddock said doesn't the state get involved and preclude the County if it's in a mine overlay district.

Mr. Loewenstein said that also includes timber extraction, which is an entirely different activity. We may need to identify some of the most likely uses.

Mr. Clark said staff could clarify this by giving a bit more detail.

Mr. Rooker asked where are we today if someone discovers a seam of coal in the middle of the White Hall district.

Mr. Kamptner said it would have to go into the natural resources overlay district.

Mr. Finley stated that sand and gravel was what he was thinking about.

Ms. McDowell said they are permitted by special use permit and there are copious standards.

Mr. Loewenstein asked if they were they taken from some other larger overview statute or industry standards.

Ms. McDowell stated that these are standards decided years ago based on experience with the use and its impacts.

Mr. Rooker suggested adding the resource overlay requirement.

Mr. Loewenstein said he would like to get some idea of what's involved and if they should be considered separately.

Ms. Hopper verified that this was by special use permit.

Mr. Rooker said that we need some articulation of what would be within and how to deal with something that is not covered by the resource overlay district.

Cultural Uses

Mr. Loewenstein stated that the language is too negative.

Mr. Rooker asked if the commission wanted to talk about scale and scope.

Mr. Rieley suggested considering permanence as well. He would like to explore a range of activities that may be appropriate under certain circumstances.

Mr. Finley agreed.

Mr. Loewenstein said he thought that plays into some of the goals of the historic preservation plan.

Mr. Rieley stated that the same thing is true of the tourism. If a case can be made that a place in the rural area can easily support that and the preservation of place requires that, it is something we should talk about.

Mr. Loewenstein said he thought that has been explored in other areas.

Mr. Rooker pointed out that Loudoun County has a significant section dealing with this issue.

Mr. Rieley stated that Charleston has made a lot of changes in their ordinances to maintain economic viability.

Mr. Finley asked what the rural area gain from tourism.

Mr. Loewenstein stated that among other things, increased tourism brings additional revenues to the County and keeps taxes down.

Mr. Rieley said he thought this was a good discussion.

Ms. McDowell asked if we needed to have another meeting to follow up.

Mr. Rooker said he thought it would be ideal if staff could come back with changes based upon the discussion. We can look at it and determine the best course to take.

Mr. Finley verified that there would public hearings on this item.

Ms. McDowell said we have not done the schedule for the whole thing.

Mr. Finley said he was thinking specifically about goals.

Ms. McDowell said that was up to the commission.

Mr. Rooker stated that the advisory committee is going to give us feedback on a lot of this. Why don't we see the kind of feedback we are getting from them, which should tell us when we need a public hearing for further input.

Ms. McDowell said staff would provide a packet of information.

Ms. Hopper stated that she thought it would be helpful to have a copy of by-right and permitted uses attached.

Ms. McDowell said she was reluctant to hand them out because it would be defeating the purpose of the session.

New Business

Ms. McDowell introduced the new rural area planner, Steven Biel from Kentucky.

With no further business, the meeting adjourned at 8:25 p.m.

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V. Wayne Cilimberg, Secretary

Recorded and transcribed by Lynda Myers, Recording Secretary