August 20, 2002

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, August 20, 2002 at 6:00 p.m. at the County Office Building, 401 McIntire Road, Charlottesville, Virginia. Members attending were Jared Loewenstein, Chairman; Rodney Thomas; William Finley and William Rieley, Vice-Chairman, Tracey Hopper and Pete Craddock. Absent from the meeting was Bill Edgerton.

Other officials present were Wayne Cilimberg, Director of Planning & Community Development, David Benish, Chief of Planning & Community Development; Steven Biel, Planner, Scott Clark, Planner, Joan McDowell, Principal Planner, and Greg Kamptner, Assistant County Attorney.

Other Matters Not Listed on the Agenda from the Public:

Mr. Loewenstein invited public comment on other matters not listed on the agenda. There being none, the meeting proceeded.

Review of the Board of Supervisors Meeting - August 7, 2002 and August 14, 2002 -- Mr. Cilimberg noted the Board's actions for these two meetings.

Consent Agenda:

Approval of Planning Commission Minutes – July 23, 2002.

SUB-2002-164 Brightlands Private Road Request - Request for authorization to construct one private road in a subdivision. (Francis MacCall)

Mrs. Hopper moved for approval of the consent agenda as presented.

Mr. Rieley seconded the motion, which carried unanimously

Public Hearing Items:

SP-2002-025 Time Disposal Services (Sign # 51) - Request for a special use permit to allow for the outdoor storage of portable toilets in accordance with Section 10.2.2(31) and Section 5.2 of the Zoning Ordinance which allows for a Home Occupation, Class B. The property described as Tax Map 33, Parcel 47A2, contains 4.051 acres, and is located in the Rivanna Magisterial District on the west side of Route 640 (Gilbert Station Road), approximately 1.5 miles northwest from the intersection of Route 640 and Route 784 (Doctors Crossing). The property is zoned RA-Rural Area. The Comprehensive Plan designates this property as Rural Area. (Steven Biel) ***DEFERRED FROM THE JULY 9, 2002 PLANNING COMMISSION MEETING.***

Mr. Loewenstein noted that the public hearing for this item will not be opened, however, he will permit one person to act as a spokesman for the group.

Mr. Biel presented the staff report, noting the following:

- This application was deferred from the July 9, 2002 Planning Commission meeting. It was suggested the applicant submit a screening/landscaping plan that would provide screening from adjacent property owners and Route 640. Staff discussed several options with the applicant, including a three-sided barn-type building where the portable toilets could be stored.
- The applicant submitted a sketch plan showing a proposed 100' x 150' fenced area with a proposed 40' x 60' building within the fenced area for a total of 17,400 square feet The square footage of both areas would greatly exceed the total maximum square footage of 1,500 square feet as permitted

under Section 5.2.2.1(a). The applicant would have to submit in writing a request for waiver to allow for more than the permitted 1,500 square feet.

- The applicant has submitted waiver requests for the following: (1) waiver for square footage of the building, and 2) waiver for square footage of fencing. The fence will be an 8-foot tall chain link fence with green slates. The back area of the fence, towards the woods, will be 6 feet with no slats.
- Staff has included for Planning Commission review, a petition in opposition to this application from numerous residents in the general area of the applicant's property

Mr. Loewenstein ascertained that the waiver requests, submitted to Commission at this meeting, came from the applicant.

John Jones, Zoning Inspector, stated he visited the site earlier today and the zoning violations have not been corrected. There are numerous portable latrines on-site; there is a garbage truck that has been there since the start of the violation, which was some months ago. He asked permission from an adjacent property owner to take pictures from her property, noting that he wanted to get a clear delineation as to where the property lines was from her property to the applicant's property. The portable latrines are visible from the adjacent property. The property is basically the same as reported to the Commission several months ago.

Mr. Thomas noted that he would like to hear from John Shepherd.

John Shepherd noted that the Zoning Department supports Planning staff's request for more information regarding the storage yard and shed shown on this plan. The yard is 15,000 square feet, which is significantly larger than the 1,500 square feet provided for in the Zoning Ordinance. He would like more time and information to assure that any facilities that are added to the site to support the portable toilet business be targeted simply to that business only. He would like to know what is needed for that business and that the yard be no larger than needed to support that business. He would prefer that this all be done within a building. He does not feel there is enough information at this time to render a recommendation to the Planning Department.

Mr. Thomas asked if the building were large enough to store all the portable toilets in? Is the building necessary for storage? Could this be done with screening and fencing?

Mr. Shepherd stated that it was his understanding that the proposed building is large enough to contain the portable toilets.

Boyd McCauley, applicant, stated that he had attempted to do everything that had been requested of him by the Planning Commission and staff. He needs to stay in business, as this is how he makes a living. He has done everything that the neighbors asked of him as well as supporting various types of sports, etc.

Mr. Thomas ascertained that the applicant could operate with one business, one use on the property.

Mr. McCauley presented pictures of the fencing that will be installed on the property.

Mr. Craddock asked if the applicant had any pictures of the building.

Mr. McCauley stated that he did not have any pictures, but noted that this is a three-sided pole barn.
Mr. Rieley noted the requests for waivers of the square footage of the building and fencing. He noted that this was not in the Commission's staff report and asked when this was made available to staff.

Mr. McCauley replied that this was provided to Mr. Biel approximately one week ago. He also pointed out that he does not run a trash service although he does have one truck on his property.

Dorothy Carney, adjacent owner, stated that they are very concerned about property value. The portable toilets are visible from the road. They would like to keep the agricultural, forestal and rural aspect of the neighborhood. They are concerned about appearances. Frankly, to put up a large three-pole barn, which

has an industrial nature, would detract from the property values and anticipation of those moving into the area. She expressed concern with truck traffic, pointing out that transportation of portable toilets is more suited to an industrial location that is meant for this type of traffic. There is a one-lane railroad bridge on this road and large trucks are a safety issue. They do not want to see increased traffic on this road. They would like to preserve the rural nature of the area.

Mrs. Hopper stated that she did not feel there was enough information to approve this.

Mr. Rieley stated that in the Commission's last discussion of this project, the Commission expressed sympathy with the applicant's situation and gave him an opportunity to address the concerns that were raised. The applicant has submitted several requests for waivers that he feels are necessary to address issues raised by the Commission. There is also a petition of opposition from neighbors as well as on-going zoning violations. He stated that it was difficult for him to support this application in spite of the fact that he was one of the first to voice sympathy for Mr. McCauley.

Mr. Thomas stated that he also did not feel there was enough information to approve this application. He asked if there are any conditions that could be placed on this application that would allow the Commission to approve it?

Mr. Loewenstein stated that he agrees with the opinions expressed by staff and the Commissioners that there is not enough information provided which would allow the Commission to approve this request. He also noted the continuing zoning violations. He noted his concern as to whether or not additional information would be provided that would allow the Commission to make an informed decision. He felt it was fair to ask the applicant whether or not additional information requested by the Commission would be provided.

Mr. Finley stated that information on the building needs to be provided.

Mr. Kamptner noted that the application was filed on April 27, 2002.

Mr. Biel pointed out that information previously requested by the Commission was requested of the applicant the day after the Planning Commission meeting, noting that this was not received in a timely fashion.

Mr. Craddock expressed sympathy for the applicant, but noted that the building is too large. He would vote against this request as it stands at this time. He would support deferral of this application until information requested by the Commission has been provided.

Mr. Thomas ascertained that the items requested by the Commission at their last meeting is enforceable.

Mr. Finley asked what would be acceptable in terms of size of the building?

Mr. Loewenstein pointed out that the applicant has requested a waiver for the square footage of the building. He assumed that the 1,500 square feet is a limitation so significant that a waiver was requested.

Mr. Thomas pointed out to the applicant that the maximum square footage is 1,500 square feet without a waiver. He noted that the applicant is requesting 15,000 square feet.

Mr. McCauley pointed out that the building is 60' x 40'.

Mr. Cilimberg pointed out that the whole area would have to be addressed by the waiver request

Mr. Thomas asked the applicant "what is the maximum square footage needed?"

Mr. McCauley stated that one reason he needs a large lot is in order to load and turn the truck around. He stated that he will scale this down, if necessary. He pointed out that he thought he had complied with

everything requested of him being the survey of land, type of building to be built and what would be stored in the building.

Mrs. Hopper asked what had been done to address the existing zoning violations.

Mr. McCauley stated that the portable toilets are not near the road and are not visible from the road, they are “at least a football field and a half away from the road in a wooded area”. He would move these further back into the woods and screen, if necessary.

Mr. Loewenstein asked what are the smallest building size and the smallest fence lot size that the applicant would be able to work with.

Mr. McCauley stated that he has approximately 20 portable toilets, 4 of which are handicapped toilets (8’ x 6’) and requires a 9’ x 7’ area for storage. The standard units are 4’ x 4’ and take a 5’ x 5’ area for storage. He also stated that he does not see the need for the building as the units will be screened by the 8’ tall fence.

Mr. Finley noted that in addition to the building, the applicant needs additional room for trucks.

Mr. McCauley stated that he does not have large trucks except for one dump truck. He intends to put the trucks, tractors and other equipment in the same yard.

Mr. Thomas ascertained that the dump truck is not used in the applicant’s business. He asked if the discarded material, trash and other debris had been cleaned up.

Mr. McCauley stated that Mr. Jones had stated previously that everything had been cleaned up.

Mr. Rieley ascertained that the applicant does not own Tax Map 43, Parcel 37A5.

Mr. Thomas stated that he did not feel adequate information has been provided and suggested that the Planning staff work with the applicant to address concerns noted by the Commission. The applicant needs to be committed to following through on what he is supposed to do to keep the business going.

Mr. Rieley noted his concern regarding the scale of the operation noting that the chain link fence is 20’ from the property line. He also noted that the Commission needs to be cognizant of the fact that they do not make a final determination, but are part of the process. The Board of Supervisors makes the final determination and there is time between the Commission’s action and the Board’s action for the applicant to address the concerns noted by the Commission.

Mr. Kamptner pointed out that if the Board of Supervisors deems the additional information that is submitted between the Commission’s review and the Board meeting significant, they may send it back to the Planning Commission for review and action.

Mr. Finley suggested adding a condition that the size of the building and fence meet planning and zoning requirements.

Mr. Thomas stated that a condition speaking to square footage could be added.

Mrs. Hopper stated that she did not feel that square footage was the only issue, pointing out concerns with the fence, existing zoning violations, scale of operation, and mulch traffic. She would like to know if the applicant is willing to defer action until some of these concerns could be addressed.

Mr. Cilimberg pointed out that the applicant would have to agree to the deferral.

Mr. Craddock asked if there are any houses on the adjacent parcels owned by the applicant.

Mrs. Hopper asked the applicant if he was willing to defer this request until the additional information requested by the Commission was submitted.

Mr. McCauley stated that he would do whatever necessary to obtain approval of this request.

Mr. Thomas noted that staff needs more information is needed, noting the following:
– height of fence;
– type of building;
– type of materials to be used;
– specific list of items that will be stored in the storage area;
– address existing zoning violations;
– identify the size of the operation,
– provide a proposal as to what the minimum size of the building and the minimum size of the fence area would be in order to operate the business.

Mr. McCauley stated that he owns three lots and is trying to build a nice home. He will do his best to address the concerns of the Commission and asked if an itemized list of these concerns could be provided to him.

Mr. Loewenstein asked Mr. Biel to provide a list of the Commission's concerns to the applicant. He noted that the applicant would have to agree with the deferral of this application to October 8th.

Mr. Kamptner pointed out that the waiver request identifies two tractors and four trucks located in the fenced area. He asked if the applicant could identify how these items relate to the home occupation request.

Mr. Cilimberg pointed out that the petition would have to be re-advertised if deferred indefinitely noting that staff would prefer this be deferred to a date specific.

Mr. Rieley stated that he felt a case could be made for indefinite deferral of this applicant and requires that it be re-advertised.

Mrs. Hopper noted that she would like to hear from the neighbors.

Mr. Loewenstein pointed out that the Commission has requested information on this request twice, noting that he felt it was fair to say that the Commission will work with what is provided at the next meeting.

Mr. Craddock pointed out that deferral to a date specific provides for a clear-cut timeframe for information to be provided and zoning violations would not continue for an indefinite deferral.

Mr. Loewenstein asked if the Commission in past actions had conditioned approvals on abatement of zoning violations.

Mr. Cilimberg explained that special use permits usually correct a violation

Mr. Kamptner stated that he does not recall any approvals conditioned on the abatement of zoning violations.

Mr. Shepherd pointed out that there is a zoning violation on a site, which includes operation of the business without a special use permit, he would be concerned that an indefinite deferral would let this continue.

Mr. Cilimberg stated that adjacent owners would be notified of the deferral of this application to October 8th.

Mr. Thomas moved for deferral, with the applicant's consent, to the October 8th meeting noting the following concerns/issues, which should be addressed prior to this meeting.

- work with staff and neighbors to satisfy their concerns;
- building and fence area;
- type of materials to be used in shed and fence;
- objects to be stored in the storage area;
- take care of the current zoning violations;
- size of the operation;
- provide proposal as to what the minimum size of the building and fence area would be and still operate the business; and
- waiver request identifies 2 tractors and 4 trucks in the fenced area-- identify how they relate to the home occupation.

Mr. Finley seconded the motion, which carried unanimously.

SP-2002-031 Puopolo Cottage (Sign # 72 & 73) - Request for special use permit to allow for an office/cottage in accordance with Section 10.2.2(31) and Section 5.2 of the Zoning Ordinance which allows for a Home Occupation-Class B. The property, described as Tax Map 103, Parcel 50, containing 3.806 acres, Parcel 34M, containing 38.584 acres, and Parcel 34G, containing 30.069 acres, and is located in the Scottsville Magisterial District on the south side of Route 620 (Rolling Road), approximately 600 feet south of the Route 620 and Route 795 (Presidents Road) intersection. The property is zoned RA, Rural Areas. The Comprehensive Plan designates this property as Rural Areas in Rural Area 4. (Steven Biel)

Mr. Biel presented the staff report, noting the following:
? the applicant currently operates Liberty Corporation from the primary residence located on Tax Map 103, Parcel 34M with the outdoor storage located on Parcel 50;
? the normal hours for the business are dawn to dusk;
? the business sells, builds and maintains a variety of recreational amenities, such as tennis courts, basketball courts, and putting greens.
? no construction or assembly occurs at the site. However, materials are shipped to the applicant's site and then the materials are shipped to the customer site;
? there are two part-time office workers on-site and a production manager, several salesperson, and labor workers that work off-site and occasionally attends meeting at the applicant's office;
? the surrounding area is wooded with residential development;
? the applicant was cited for a violation in September of 2001 for the operation of a business on property on which the owner does not reside;
? the applicant has worked with staff to resolve the outdoor storage issue and has proposed to construct a 12' x 22' shed that would be sufficient for the storage of materials related to the business;
? staff is concerned that this use is more consistent with commercial or industrial uses found in the development areas; however, the applicant has the support of property owners in the general vicinity;

Mr. Finley noted that on the previous request for a home occupation permit it was noted by staff as being unfavorable as the use did not support agricultural services. He asked staff if any Home Occupation Class B in the rural area is unfavorable if it does not support agricultural/forestal activities.

Mr. Biel stated that there are many home occupations in the County that do not support agricultural and forestal activities.

Mr. Craddock noted that condition #4 reads "Parcels 34M, 50, and 34G shall be combined prior to the issuance of a Zoning clearance for this use…" Is this the only thing that can be done to the land, it can't be developed after this.

Mr. Rieley asked if it retains all its development rights?

Mr. Shepherd stated that the purpose of combining the parcels is to put the home occupation on the same parcel as the residence. This in no way does away with development rights, and does not mean that a boundary adjustment can't be done later in such a way that the home occupation and main dwelling stay on the same parcel.

Mr. Craddock pointed out that it could be subdivided as a larger parcel of land with by right of two acres.

Mr. Shepherd stated that the development rights will not change.

Mr. Loewenstein questioned the outdoor storage issue, noting that this is a separate issue from the zoning violation about two different parcels.

Mr. Shepherd pointed out that there are two violations: (1) operation of the business without a special use permit; and (2) the home occupation located on a separate parcel.

Mr. Rieley stated that VDOT concerns are normally in the form of specific requests for improvements that are then conditioned in the special use permit. This seems to be all encompassing—you will do whatever VDOT requires.

Mr. Biel stated that VDOT requested the commercial entrance requirements, the sight distance (550' in each direction) and also noted the possibility that a sight distance easement would be needed.

Mr. Rieley ascertained that the applicant will continue to use the existing driveway, therefore, they do not need an entrance permit. He asked if sight distance was a problem.

Mr. Biel stated that representatives of VDOT were not positive, but noted that a sight distance easement may be needed. As far as the actual sight distance, there may be some need for clearance of shrub and brush along the road.

Mr. Puopolo stated that he was unaware that any problems existed. He has met with VDOT representatives and noted that clearing property along the road can provide the 550' sight distance easement. He works at home and the business is too much for the house. They did not want to combine the properties, but will do so. The commercial entrance will be built to VDOT standards, mainly because it is more work to fight it than it is to do it.

With no further public comment, the public hearing was closed.

Mr. Rieley stated that that a case can be made for safe sight distance and the special use permit is a logical time to do that, but there is little daily traffic generated from this property. It seems that a commercial entrance in a rural area does more harm than good if it is not necessary. He felt the sight distance requirement was appropriate, but suggested removing the commercial entrance requirement.

Mr. Hopper stated that she does not have a problem with removing the commercial entrance requirement, noting that it would have to be done if required by VDOT.

Mr. Cilimberg pointed out that this is an existing entrance noting that any kind of work within the right-of-way to create the entrance has to be approved by VDOT.

Mr. Rieley moved for approval subject to the following conditions:

1. There shall be no outdoor storage of materials.
2. To limit the amount of business-related vehicular traffic, there shall be no more than four (4) on-site business meetings per month with sales representatives, labor workers, production manager, and other personnel related to the operation of this home occupation.
3. There shall be no on-site sales of materials.

4. Parcels 34M, 50, and 34G shall be combined prior to the issuance of a Zoning clearance for this use. Parcels shall be combined within *sixty (60)* days after Board of Supervisor approval.
5. Requirements of VODT for sight distance and sight distance easement (if necessary) shall be completed within sixty (60) days after Board of Supervisor approval.
6. The construction of the storage shed, as shown on the sketch plan (Attachment A), shall be completed and all outdoor storage associated with this use shall be contained inside the storage shed within sixty (60) days after Board of Supervisor approval.
7. If all conditions are not met within sixty (60) days after Board of Supervisor approval, the use shall be discontinued.

Mr. Finley seconded the motion, which carried unanimously.

SP-2002-033 Bentivar Subdivision – Reconfiguration (Sign#77) - Request for special use permit to allow resubdivision of 6 parcels in the Bentivar subdivision in accordance with Section 10.5.2.1.a of the Zoning Ordinance which allows for more lots than the total number permitted under section 10.3.1 and section 10.3.2. The property, described as Tax Map 46 Parcels 135, 136, 136A, 137, 137A, and 138A, contains 14.318 acres, and is located in the Rivanna Magisterial District on Route 1033 (Bentivar Drive) approximately 800 feet from the intersection of Route 1033 and Route 643 (Polo Grounds Road). The property is zoned RA, Rural Areas. The Comprehensive Plan designates this property as Rural Area. (Scott Clark)

Mr. Clark presented the staff report, noting the following:
? proposal to reconfigure 6 lots in the Bentivar subdivision;
? this reconfiguration is not possible by right, as the development rights of the lots being reconfigured would need to be transferred outside their original parent parcels;
? this will not cause any significant impact on the neighboring parcels because there will not be any more houses permitted than there already are.

Mr. Loewenstein suggested adding "which will be abandoned" to condition #1, which would read as follows: "The development rights granted by this special use permit shall be used in lieu of the six (6) remaining theoretical development rights on the property which will be abandoned."

Mr. Kampter stated that Mr. Loewenstein is suggesting that they be abandoned if the six development rights granted by the special use permit were actually used. He pointed out that if they never file the plat, they would not lose the six development rights by the granting of the special use permit.

Mr. Loewenstein asked if there was any public comment.

Mr. Baldwin stated that he would answer any questions the Commission may have.

With no further public comment, the public hearing was closed.

Mr. Rieley stated that he assumes that staff investigated the theoretical development rights that were being traded off and determined that they were executable.

Mr. Clark stated that he reviewed the critical slope maps as well as the floodplain maps, noting that there were no significant limitations on any of the parcels.

Mr. Loewenstein stated that he was familiar with this parcel, noting that he felt it would be possible to execute the development rights.

Mr. Finley ascertained that each lot would be over two acres.

Mrs. Hopper moved for approval subject to the following conditions:

1. The development rights granted by this special use permit shall be used in lieu of the six (6) remaining theoretical development rights on the property.
2. Driveways in the proposed reconfiguration shall be separated by a minimum of 75 feet.
3. The applicant shall secure a signed final plat for the proposed division within two years of the approval date of this permit, or this permit shall expire.

Mr. Thomas seconded the motion, which carried unanimously.

THE COMMISSION TOOK A TEN MINUTE BREAK

Rural Area Comprehensive Plan Public Input Process Plan Schedule - To review and discuss the basic outline and schedule for the public input process related to the review of the Rural Areas Section of the Comprehensive Plan. (Joan McDowell)

Ms. McDowell presented the staff report, noting the following:

- The Commission had previously discussed the proposed Rural Area Comprehensive Plan Review schedule for next year. The Commission had some concerns about the length of time for some of these projects and the overall length of time. She was asked to go back and think of alternative ways to work with the schedule that might shorten up the review time. She offered the following suggestions:

  -- look at the outreach sessions. Use the 4 rural areas that are already established, which would save 2 weeks or meetings.

  --eliminate outreach on location meetings and replace with the open public work sessions in the County Office Building. She noted that there were several choices such as to consolidate information and provide less information than they would have intended with the original schedule or just explain what we have done in the past and show the existing maps and just take general questions from the public. She noted that there were 2 savings of time on those 2 options.

  --combine phase 1 and phase 2 that are listed in the rural area vision and the 2 components.

  --recommending with less public input sessions that we have a Comprehensive Committee consisting of two Planning Commissioners. The committee would provide the valuable input necessary to complete the rural area chapter. No time saving, but it is an alternative that could be combined with one of the other alternatives.

  --Rural Area Focus Group- Staff would like to start meeting with this group monthly or on an every other month basis to review things that the Commission is looking at as well.

Mr. Cilimberg stated that the original intent of phase 1 and phase 2 was to break the high level of activity into more workable phases and allow for the process of approval to occur with each one. Staff's work would not change in terms of the time frame, but the Commission would be consolidating more of what they do with the public in terms of the time frame.

Mr. Benish noted that when the two phases are combined together it makes for a longer time before staff gets back to the Commission with a draft or proposal. He stated that the sub-committee of the Planning Commission would provide someone available to work with staff to give advice along the way.

Mr. Loewenstein asked what type of schedule would they have if they were to form a sub-committee.

Mr. Cilimberg noted that the schedule would have to be integrated into staff's work. He noted that there were four activities under each phase.

Mr. Loewenstein stated that the sub-committee of the Planning Commission would essentially be working with staff throughout that process from the beginning to the end.

Mr. Thomas asked what the reason was for outreach? He asked if it would accommodate the public and give them an opportunity to come forward in their area?

Mr. Cilimberg stated that staff has had some requests from the public that they get out and have some input meetings. He noted that the initial design of this was to have six meetings for each magisterial district. He pointed out that they wanted to make sure in doing that to bring enough information so that they could not only get input, but that they were also educating. This was seen as an opportunity to outreach to the public and educate them about what the rural areas are about, what the rural area circumstances are today and the options that might exist in bringing the vision about, etc. for the ultimate approaches to the rural areas strategies. He noted that they built in a fair amount of time for staff to compare all of that and then have these meetings one-week after another.

Mr. Loewenstein stated that because such a large percentage of the County is in the rural area, and because of so much of what they were doing on other fronts in one way or another relates to the preservation of the existing rural area, it seems that these are big enough topics that the public needs to be brought up to speed on. He noted that was pretty much where they were coming from in their last discussion so that they need some formal way to get that done. He noted that that one question that the Commission could consider is whether or not they should hold six meetings with one in each district. He stated that if they agreed that these meetings were a way to do that, then they needed to decide if they actually needed six meetings.

Mr. Thomas stated that actually four meetings would be sufficient.

Mr. Loewenstein stated that if they agreed to these meetings, then would four be sufficient. He stated that the districts would be where the rural area forms much of the district in question.

Mr. Rieley stated that they want to make sure to solicit opinions from those who may not make their way to the County Office Building. He asked if they felt that the meetings out in the rural areas were valuable enough to add a few months to the process.

Mr. Finley noted that there were a lot of people in attendance at the meeting on the Mountain Protection Ordinance because they knew what was happening. He noted that if information goes out that directly affects rural people, he believed that they would come out. He asked if under rural area comp plan items 48, 49, 50, and 51, if these subjects would be discussed in these public meetings? He noted that one hot subject would be division rights. He asked if the content or the agenda for the meeting would be advertised?

Ms. McDowell stated that one of the things that they were going to do with the individual meetings as they go into the outreach would occur before this is developed. She stated that they wanted to get a more general vision from those who live in the rural area and use that to formulate the content of those topics.

Mr. Finley asked what she meant by general vision.

Ms. McDowell stated that would be what is important to you in the rural area.

Mr. Cilimberg stated that the first thing the Commission should understand is that staff is also educating the public. He noted that there would be people who walk through the door who may not know specifically how the rural area has been treated. He stated that some people are very aware, but there are others who don't. He stated that all of these subjects the staff would have to be prepared to talk to them about and make them aware of to make sure they are knowledgeable about it. He noted that the idea was to get their feedback on how all of that interplays towards what the rural vision of the rural area

is. He noted that it would not be focused on any one topic when they were out, but the general approach was more to trying to get input on a variety of things on rural area issues.

Mr. Loewenstein stated that they were talking about a pretty broad perspective. He thought they wanted to give them information about the way that rural areas are being treated presently and what the issues are surrounding rural areas today. He stated that they wanted to hear from people who are living out there as to what they consider important. He pointed out that we would be informing them about where things are now and maybe how they have gotten to be there. He stated that they could talk about a variety of possibilities, but he thought one of the purposes of this was that before they take a particular path they wanted feedback from the people whose lives will be affected by the path that we take.

Mr. Cilimberg stated that it would include break out sessions. The idea was to try to have with these meetings smaller groups facilitated sessions.

Mr. Rieley thanked staff for the quick turnaround on addressing their concerns. In thinking about this over the last couple of weeks, and it relates directly to the points that have just been made, it seems that one of the things that could be most useful as a vehicle for the public meetings and for the Commission, is to get a preliminary draft quickly so that there is something to talk about. He pointed out that his concern is if we are giving population numbers and vision statements and accepting information on this very general, vague level, then the information that they get is going to be equally unspecific and open to all kinds of interpretation. If on the other hand, they have a preliminary document that has preliminary stamped all over it, but it has specific information on it that people can react to. He stated that one of the reasons why they had a room full of people for the Mountain Protection Area was because they were reacting to a specific proposal that some people did not like a bit. He stated that the way to get specific feedback was to give a specific proposal. He stated that it was not like they were just starting because they were two years into this process. He suggested that they do a preliminary draft section for the rural areas and get the information out before the November 1st public meeting so they can get some meaningful feedback from it. He asked that they commit these ideas to writing in a form so that they can get some meaningful feedback on it.

Mr. Cilimberg stated that he was basically discussing completing phases one and two at the staff level. He noted that there were 8 basis components that they have identified for the rural area review and he thought what they were saying was to draft those components.

Mr. Rieley suggested that they get it into a form so that it was there and people could agree or disagree with it so that they all know what they are talking about.

Mr. Cilimberg stated that they would need to restructure this to do that if that is the wish of the Planning Commission. He stated that they would be creating the target so to speak.

Mr. Loewenstein stated that might be a good approach, but he felt that for people to react intelligently they will need to have some context and some background history. He noted that he did not want them to lose sight of that. He noted that could not be presented in a vacuum because there would be an awful lot of need for preamble. He questioned whether they were far enough along to do this.

Mr. Rieley stated that they were two years into this.

Mr. Thomas stated that he agreed that they ought to have some text for the public and the Commissioner's to look at. He noted that he would rather see the public respond on their own. He agreed that they needed something to start out with.

Mr. Rieley stated that they needed something to start with other than a blank piece of paper in order to have something to react to.

Mr. Loewenstein noted that they have the existing Comprehensive Plan language to start out with.

Mr. Finley stated that the public meeting should not be to pomote an agenda, the agenda should come after the public meeting.

Mr. Rieley agreed. He stated that they needed to say that this is what they had come up with, here is where we are coming from and here is what we have come up with so far. He asked what the other Commissioners thought.

Mr. Cilimberg stated that there was a lot over the past two years in these scattered meetings that has not come up for you or you have kicked it back and asked to work some more on it. He noted that they would be shooting a bit in the dark. He asked the Commissioners to tell the staff if they had the rural areas to do in their own way, how would you do it.

Mr. Rieley stated that they have had some feedback. He noted that one of the things that has come from this committee is that we want conservation and preservations elevated to the level of forestry and agriculture. He suggested that those kinds of things need to be incorporated in this. He stated that they have talked a lot about diversifying the uses that are allowable in the rural areas in part to help preserve some of these areas.

Mr. Loewenstein stated that you would be talking about specific suggestions on those topics.

Mr. Rieley felt that they ought to move it as far ahead as they can based on the information available.

Mr. Thomas stated that it should generate more interest from the public to talk about these issues.

Mr. Cilimberg stated that once developed and reviewed by the Commission, it will be reviewed as a certain agenda for whatever it is. He stated that there is no doubt that if you are going in with something that is structured that you say we are aiming, this is what we are looking to have and we want your feedback. He noted that would be viewed one way. The way they have it structured is totally opposite of that by building up to it. He noted that Mountain Protection was viewed that way. He stated that he was not saying that one way was right or wrong, since it was just different ways of approaching it.

Mr. Loewenstein stated that personally he felt that was one of the reasons why the Mountain Protection Ordinance failed. He noted that it was something very highly specific that people reacted to.

Mr. Thomas stated that if they do it this way, it will take double the time. If they do it with an agenda, it will probably cut some time, but is that what the public wants us to do.

Ms. McDowell stated that one of the things that staff listens to from the Commission and members of the public was a concern that Mr. Rieley talked about a couple of times, is the land use sections of this chapter. That was why they did it first. They gave the Commission, based on what they told them and what they heard from the public and the applications that have been deferred; they gave them the vision draft and included the guiding principles and the land use draft that would be part of the chapter. That was the night that you decided that we needed to stop and think about this and stated that we need public hearings. They pointed out that was on May 21st. She noted that they have not done anything with that land use chapter and it is just sitting there. It is ready for consideration. If you want this as an alternative, then you can discuss what you want to do with it. She stated that they could write it up and send it through to the Board and have it done first, and then they could go if necessary to revise the ordinance. She pointed out that at least the land use would be done if that were something that you want to talk about.

Ms. Hopper stated that the Commission has identified all of the topics and discussed them at least once. She asked if the Commission could temerariously with the meetings that are held out in the rural areas just start seeing drafts. She suggested that they get the minutes back from the public meetings so that they can think about them in relation to the drafts so they can start thinking about the comments in relation to the public comments. She noted that the Planning Commission could get the draft and the

comments back from the public at the same time. She preferred seeing the comments from the various rural areas and then make a decision of what they wanted to incorporate for consistency.

Ms. McDowell asked if she meant that they should have all four meetings and then do the draft or start doing the draft during all four meetings.

Ms. Hopper stated that she would prefer to have the draft before the meeting starts, but she did not want to hold up the schedule of the meetings.

Ms. McDowell stated that they were trying to guard against going to the public and saying this is what we are going to do.

Mr. Loewenstein stated that they have given this back to staff because they were not fully ready to articulate what we have so far. He noted that unless something has changed, that is where they still are. He stated that they have an existing Comprehensive Plan and they have an existing vision for what the changes to land use and the rural area components of that plan are. He asked if it was possible to work from that without having more specific text. He felt that they would get different kinds of concerns from different rural areas and get different responses to the same issue from different parts of the County. He stated that this was something of a dilemna for staff to try to come up with a useful way of doing this. He felt that they needed to strike a delicate balance here without appearing to have provided too much specificity in the suggested text while at the same time not leaving it as a blank sheet of paper that we are really only spinning our wheels.

Mr. Cilimberg stated that the Commission needs to decide to go one way or the other. They need to develop things to say what that they believe they should be doing and take it out to start getting feedback. Or they need to go out and get the input first and then internally start working on it.

Mr. Loewenstein suggested that there was a way to compromise by the use of a committee.

Mr. Finley stated that they need to get the information out so that people can start talking about it so as to get charged up over the issues.

Mr. Loewenstein disagreed because the information that they have sent out about hot issues in the past has been turned into misinformation that is then used to defeat the very purpose that they were trying to achieve.

Mr. Finley noted that it suited the purpose of the majority of the people who were concerned.

Mr. Loewenstein stated that they were misinformed.

Mr. Finley stated that it was the people who live in the mountains who were losing their division rights.

Mr. Rieley stated that the larger question of getting the information out was to have a vigorous public debate on the issue. He felt that was the right way to go when you are making public policy.

Mr. Loewenstein asked what they wanted to suggest to staff?

Mr. Cilimberg noted that what they had heard tonight was that there were a number of you who would like to take the approach of developing something to get some feedback.

Mr. Loewenstein stated that would be parallel with the process to proceed with the public input session.

Mr. Cilimberg stated that would not work since they would have to either do it one way or the other. He stated that where their resource focus would go in trying to come up with a rural area text. He noted that it would be done absent of any public input.

Mr. Thomas stated that he would rather see the public respond on their own to the blank sheet of paper and see what they get back.

Mr. Cilimberg stated that what he was saying was that he did not want to already have a drafted rural areas section.

Mr. Loewenstein stated that given the lack of public participation, he felt that anything that they put up there would be shot down.

Mr. Thomas suggested that the public use the existing comp plan rural areas section.

Mr. Rieley stated that he did not think they would get much back if they go out with a vague agenda or you go out and say what do you think the rural areas should be.

Some of the issues and concerns raised included the following:

--developing something for feedback in absence of any public input
--given the lack of public participation to date anything you put out there will be shot down
--need specific responses. People need something to react to, current thinking, where we stand, and give opportunity to raise concerns/support it.

Ms. Hopper stated that she did not want the public to talk only about the hot issues, but to include the all other issues.

Mr. Finley asked what an example was of the other issues?

Ms. Hopper stated that some of the other issues were the land use in the rural areas, what the priorities are and the things that they have been discussing in these work sessions that have not been 21 acres, 42 acres or 5 acres. She noted that they were broader types of themes related to the rural areas.

Mr. Loewenstein stated that since they could not get an agreement concerning this tonight, he suggested that they look at it again next week under old business. He hoped that they could reach a consensus by then.

Ms. Hopper stated that Mr. Edgerton would not be back next week.

Mr. Loewenstein asked that they put it back on the schedule in two weeks.

Mr. Rieley stated that at the end of some of the keyed deadlines such as Friday the 30th of August is the end of the period in which they are designing the public presentation program and break out group's program. He noted that he would be very interested in it. He noted that he would like for staff to take five minutes to update the Commission on the design of the public presentation program and the breakout group questions.

Mr. Loewenstein stated that the Commission needed to decide if they wanted to set up the sub-committee.

Ms. Hopper asked that the Commission receive whatever prepared written material was used for the public hearing.

Ms. McDowell asked that if the Commission had any specific questions, that she would like to have them.

Mr. Loewenstein asked that each Commissioner bring back key points or specific questions at the next meeting.

OLD BUSINESS:

Mr. Loewenstein asked if there was any one else present to speak concerning old business. There being none, the meeting proceeded.

NEW BUSINESS:

Mr. Loewenstein asked if there was any one else present to speak concerning new business. There being none, the meeting proceeded.

Mr. Loewenstein asked that each Commissioner read the email from Don Franco concerning the Adhoc committee on the Development Committee Parking regulations.

With no further business, the meeting adjourned at 7:05 p.m.

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V. Wayne Cilimberg, Secretary

(Recorded by Janice C. Farrar, Department of Planning & Community Development Assistant and transcribed by Sharon C. Taylor, Recording Secretary.)