Albemarle County Planning Commission
June 15, 2004

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, June 15, 2004 at 6:00 p.m., at the County Office Building, Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia. Members attending were Rodney Thomas, Chairman; Bill Edgerton; Calvin Morris; William Rieley; Marcia Joseph and Pete Craddock, Vice-Chairman. Absent was Jo Higgins. William Rieley arrived at 6:20 p.m. .

Other officials present were Yadira Amarante, Senior Planner; David Hirschman, Water Resource Manager; Wayne Cilimberg, Director of Planning & Community Development; David Benish, Chief of Planning & Community Development and Greg Kamptner, Assistant County Attorney.

Call to Order and Establish Quorum:

Mr. Thomas called the regular meeting to order at 6:05 p.m. and established a quorum.

Other Matters Not Listed on the Agenda from the Public:

Mr. Thomas invited comment from the public on other matters not listed on the agenda. There being none, the meeting proceeded to the consent agenda.

Review of Board of Supervisors Meeting – June 9, 2004

Mr. Benish reviewed the actions taken on June 9 by the Board of Supervisors.

Consent Agenda:

Approval of Planning Commission Minutes – April 6, 2004

Mr. Thomas asked if any Commissioner would like to pull any item from the consent agenda. There being none, he asked for a motion.

Ms. Joseph moved to approve the consent agenda as submitted.

Mr. Morris seconded the motion.

The motion carried by a vote of (5:0). (Rieley, Higgins - Absent)

Items to Be Deferred:

SP 2004-004 Lewis & Clark Exploratory Center of VA (Sign #45, 47, 54) - Request for a special use permit to allow establishment of the Lewis and Clark Exploratory Center of Virginia, in accordance with Zoning Ordinance Sections 10.2.2.1 and 13.2.2.1, which allow for a community center. In addition to a 25,000 square foot building, trails, constructed exhibits and a boat dock are also proposed. The center will also be available as rental space for private activities. The park property, described as Tax Map 62, Parcel 23, contains a total of 101.47 acres, and is zoned RA, Rural Areas, R-1, Residential and EC, Entrance Corridor. The proposed site is located on approximately 18 acres at the northern end of Darden Towe Park, on the west side of Rt. 20N (Stony Point Road), approximately one-half mile north of the intersection with Rt. 250E (Richmond Road), in the Rivanna Magisterial District. The Comprehensive Plan, Land Use Plan designates this area as Parks and Greenways, and Neighborhood Density Residential (3 - 6 dwelling units per acre) in Neighborhood 3. (Susan Thomas) ***DEFERRED FROM THE JUNE 1, 2004 PLANNING COMMISSION MEETING. DEFER PENDING BZA APPEAL.***
AND

SP 2004-006 Lewis & Clark Exploratory Center of VA (Sign #45, 47, 54) - Request for a special use permit to allow fill in the flood hazard overlay district, for activities associated with the proposed Lewis and Clark Exploratory Center of Virginia, in accordance with Sections 30.3.05.2.1(2) of the Zoning Ordinance, which allows for uses or activities in the floodway. (Susan Thomas) ***DEFERRED FROM THE JUNE 1, 2004 PLANNING COMMISSION MEETING. DEFER PENDING BZA APPEAL.***

Mr. Thomas stated that the first item on the agenda was two special use permits for Lewis & Clark Exploratory Center of VA, which was actually being deferred indefinitely due to an appeal.

Mr. Edgerton moved to accept the deferral request for SP-2004-004 and SP-2004-006, Lewis & Clark Exploratory Center of VA, as outlined.

Mr. Morris seconded the motion.

The motion carried by a vote of (5:0). (Rieley, Higgins - Absent)

Mr. Thomas stated that the motion carries for indefinite deferral of the special use permits.

Regular Item:

SUB-2004-00098 Digiacomo Subdivision - Request for preliminary plat approval to create 2 lots on 31.73 acres on a private road which will access a third, existing parcel. The property is zoned RA, Rural Area. The property, described as Tax Map 81, Parcels 8 & 8B is located in the Rivanna Magisterial District on Rt. 648 (Clarks Tract), approximately 1.14 miles to its intersection with Rt. 22 (Louisa Road). The Comprehensive Plan designates this property as Rural Areas in Rural Area 2. (Yadira Amarante)

Ms. Joseph removed herself from the discussion of this item. She pointed out that she was going to sit and listen, but would like to be able to address the Commission as an adjacent property owner.

Mr. Kamptner stated that he was unaware of this disclosure and asked the Commission to proceed with the hearing while he went to get the Code.

Mr. Rieley arrived at 6:20 p.m.

Ms. Amarante summarized the staff report. This is a subdivision of tax map 81, parcel 8 into two parcels. The original parcel contained 31.73 acres and the applicant wants to subdivide a 5 acre parcel (Parcel X, 5.00 acres and a Residue, 26.73 acres). This type of subdivision is usually administratively approved, but it was called up. In this particular case, they need the approval of a private road to be able to provide parcel X with the required frontage. The 26-acre residue with the required frontage and the private road could always be approved by the Planning Commission because of a third lot. The parcels will gain their frontage and access from a proposed private road, which will also provide access to an existing parcel, Tax Map 81, Parcel 8B. The property is zoned RA - Rural Areas and is located in the Rivanna Magisterial District on Clarks Tract [Route # 648] approximately 1.14 miles from its intersection with Louisa Road [Route #22]. The Comprehensive Plan designates this property as Rural Areas in Rural Area 2. The applicant has made the request for the private road under Section 14.2.32.a, which requires that they meet certain criteria to the satisfaction of the Engineering Department. The Engineering Department has reviewed that information from the applicant and has recommended approval of the private road to the Commission. VDOT has also looked at the entrance location and has approved that location for a commercial entrance as is required for all private roads. The subdivision plat in general meets all of the requirements for the Subdivision and the Zoning Ordinance minus the requirement for frontage, which is why they are asking for the private road. Staff recommends approval of the subdivision with the private road with the conditions as listed.

Mr. Thomas asked if there were any questions for Ms. Amarante. There being none, he opened the public hearing and invited the applicant to address the Commission.

Kurt Gloeckner, of Gloeckner Engineering, stated that this was fairly straight forward. The private road that they were asking for is only 175 feet long and that provides access to the existing 5 acre tract that is on the lower portion of the plat. A commercial entrance will be constructed off of the state road and then from there on it generally meets the criteria of a private road being 14 feet wide. The ditches will have to be moved out a little bit, but all of the trees can be maintained. If they were required to do a state road, they would have to put in a cul-de-sac, which would wipe out roughly 25 trees. The current driveway that goes back to the farm house to the rear on the residue is lined with mature White Pines and provides a nice scenic assess to the property. Immediately where you go into the property there is an existing old farm road that goes in to the 5 acre tract, which is where they intend to break the driveway off for the house on the 5 acres. The new 5 acre tract will break off roughly where there is a little jog and then the rest of the driveway will remain as is. He stated that he would be happy to answer any questions. The impact of a state road would be fairly significant in terms of quantity of yardage and loss of trees.

Mr. Thomas asked if the Commissioners have any questions for Mr. Gloeckner.

Mr. Morris asked if it would be an unpaved road.

Mr. Gloeckner stated that once they get past the commercial entrance part that it will be a graveled driveway.

Mr. Thomas asked if there were any other questions for Mr. Gloeckner. There being none, he pointed out that they have three people signed up to speak. He stated that the first person signed up was Richard Norvelle.

Richard Norvelle stated that his property was located right on the edge of the applicant's driveway. He stated that the applicant would be looking at the back of his house and he would be looking at the front of the applicant's proposed houses. He pointed out that his first concern was water. The water in that area is awful hard to come by. The applicant had to drill in excess of three wells to get any kind of decent water for his existing house. If the applicant did not use a filter for the water that he was using now, the water would not be palpable. He pointed out that his well was shallow and he was afraid that future wells drilled in that area would affect his water. Also, he was not sure where the houses would be set and what he would have to see. Currently, they are looking at the back of his old shop. He stated that he did not want to tell the applicant how to use his land, nor be told how to use his land. The major concern that he had was that the applicant did not knock on any of his neighbor's doors. They had to find out all of their information through the letters sent by the County. He stated that a lot of their concerns, fears and aggravation would have been erased if the applicant had shared his plans with his neighbors. The applicant also has further rights to divide other land, which will be in the line of sight of his front yard. He pointed out that right now he did not know what his plans were. There will be traffic, sound, and noise. He stated that he wanted to live in the country and did not want to live in a subdivision. He pointed out that his major concern was future development and what he would have to look at in the future.

Jim Ballheim stated that he was also an adjacent property owner of tax map 81, parcel 1. Unfortunately, the map on the board does not really show the main part of this, which is the residue. He stated that he had lived here for 20 years and was in an agricultural/forestal district. He pointed out that he put the land under conservation easement about 18 years ago. Also, they were in the Southwest Mountain Historic District. Basically, they have done everything they could do to keep this area relatively like it has been. He pointed out that everybody in this room knows what the real issue is. It is a developer speculating in the Rural Areas. He stated that it was sad that it was easy and relatively inexpensive to do this. It is going to be the rest of us that suffer the

consequences of this. He noted that he had little doubt that if he does this the way that he says that their taxes will go up and it will be their water that will possibly be affected. He stated that he has a well that has always done 6 gallons per minute until two years ago and the year before that. Then they were lucky to get a gallon a minute. He stated that he did not know if the applicant drills two or three wells if it was going to hurt him, but it was a really bad area for water. This is a very big concern. He noted that they would bear the brunt of the noise and the traffic. He stated that this was just further erosion of the Rural Areas. This is a very viable small horse farm. The previous owner brought the front 5 acres several years ago because she needed more pasture. Now they were taking that and another 5 acres and all of a sudden the viable agricultural use will be gone. The applicant will have something that is good only for further development. There is no doubt in his mind that these folks will be back sooner or later wanting to do more. They have retained four development rights on the residue 25 acre piece. As Mr. Norvelle said, they never knocked on his door and they never knocked on his door. He pointed out that he called Mr. Digiacomo and sat down and talked to him. In our conversation, he said that he had no interest in doing anything with the remaining 25 acres other than building a house for his family and spending the rest of his life there. It does not quite fit in with retaining the four development rights. As to the request for the private road, frankly, he would prefer that the Commission not grant this. He asked that they get the request out on the table to see what the plans are. If they are going to have more development here, he asked that they get out and get ready for it instead of having it piece milled. If you have the ability to choose where you are going to live, then you ought to pick a place that you like. The way that he sees this is that they moved in not liking this place, decided that they did not like it and want to change it, or it was just total speculation in the first place. It does not make for good neighbors. He pointed out that was not in the Commission's prerogative to rule on, but he could at least tell them how he felt about it. Frankly, he wished if they moved into the site and don't like it that they would move on. He stated that he would like to see someway that they would not allow this. He felt that it was going to be hard to do. If the Commission could not find a way to deny this, then he would throw some responsibility back on the Commission for continuing to let this situation exist. The Rural Areas is being chipped away. He thanked the Commission for listening.

Ms. Joseph stated that she would make a transactional disclosure statement. She stated that her name was Marcia Joseph and she was on the Planning Commission. The transaction that she would like to speak on is SUB-2004-0098, Digiacomo Subdivision, at the request for a preliminary plat approval to create 2 lots on 31.73 acres on a private road which will access a third existing parcel. The property is zoned RA, Rural Areas. The property is described as tax map 82, parcels 8 and 8B located in the Rivanna Magisterial District on Route 648 Clark Tract, approximately 1.4 miles to its intersection with Route 22. The Comprehensive Plan designates this property as Rural Areas in Rural Area 2. The nature of the personal interest affected by this transaction is the ownership in an adjacent parcel exceeding $10,000 in value. She declared that she was a member of the following business, professional, occupational or group, and it is a group of three or more persons who own property in the neighborhood. She also declared that she was able to participant in this transaction fairly objectively and in the public interest. She passed out some information to the Board. There is one thing that the Commission has not seen that is the private road versus the public road. There are pictures of the site in there also along with her statement, which she was going to read because it was her next door neighbors. (See ATTACHMENT A, Statement provided by Marcia Joseph dated June 15, 2004.) She also distributed two photographs of the proposal. (SEE ATTACHMENT B AND ATTACHMENT C.)

Mr. Ballheim stated that he did not believe that they had VDOT approval because he did not see it in the file.

Mr. Thomas asked if there was anyone else in the audience who would like to speak regarding this request.

Neal Williamson, representative for the Free Enterprise Forum, stated that the Free Enterprise Forum does not take positions on particular projects. But, they do believe in sunshine in

government affairs so unless there is a County regulation they request that the Commissioner who requested that this come forward be identified.

Ms Joseph stated that she was the Commissioner who made that request.

Mr. Thomas asked if there was anyone else in the audience who would like to speak on this application.

Dennis Krohn, resident of 455 Clarks Tract, stated that he was very concern about the water. There has been a lot of development in this area over the past 18 to 20 years. He noted that their aquifer was not able to handle any more development. He suggested that the County investigate this issue by conducting a study on the aquifer to make sure that it can handle this development.

Lindsay Orebaugh, resident of 432 Clarks Track, stated that again the water problem in the area was her greatest concern. She pointed out that her neighbor, who lived two doors down, in the summer before the drought power washed his house and left a trickle on all night and it took 24 hours for her water pressure to build back up. Therefore, she suggested that the water concern be addressed.

Mr. Thomas asked if there was any one else present to speak on this application. There being none, he closed the public hearing to bring the matter back to the Commission for discussion and possible action.

Mr. Edgerton requested that Mr. Gloeckner come back and enlighten the Commission on the public road design that they have not seen before, which looks just like a cul-de-sac off the road. He asked if he would give them a little background on that.

Mr. Gloeckner stated that the State requires the cul-de-sac in order to maneuver. If they make this a public road there has to be a place to turn around. If a school bus wants to turn around in there this is the minimum size cul-de-sac required. There is a tremendous amount of yardage needed to construct that cul-de-sac. It also takes down the trees that are shaded in on the bottom side and the smaller trees that are up towards Marcia's house, which are the bigger White Pines. He pointed out that those White Pines keep on going down the driveway. If they do the private road that whole cul-de-sac configuration goes away. The other sheet that he turned in would be like what the private entrance would look like and none of the trees will be destroyed. The front part will become asphalt and be raised so that this intersection runs to the State road, which would be safer. This private driveway actually gives access to the existing 5 acre tract. The only division that they would be making is the 5 acres off of the 30 acre tract for a rectangular parcel behind this. That stays a private driveway until it breaks off, which is enough room to turn a car around in. (SEE ATTACHMENT D & E)

Mr. Edgerton stated that the way that the speakers spoke to the concern about the four additional development rights that are being reserved on the residue parcel, unless he was mistaken, was that if at a later date the applicant came back and wanted to develop those four development rights that it would require a public road all the way to the back.

Mr. Gloeckner stated that was correct.

Mr. Thomas asked if there were any other questions.

Ms. Joseph asked staff if there was a 25 foot dedication from the center line.

Ms. Amarante stated that they could not require the dedication unless this road, Route 648, is shown in the Comprehensive Plan. She asked Mr. Kamptner if that was correct.

Mr. Kamptner stated that they probably could if the need for that dedication was substantially generated by this development, even if it is not shown on the Comprehensive Plan, as part of the subdivision process.

Ms. Joseph pointed out that Mr. Ballheim mentioned when he was looking through the file that there was a confusing memo from the Highway Department that talked about the fact that there was a guardrail at the entrance to this. It was kind of obvious that it was not the correct response. She pointed out that they never saw anything in the file that said that the applicant has gotten the site distance approval.

Ms. Amarante stated that the original comment that everybody was confused about at the beginning had to do with the fact that their display ad had gone out incorrectly. They were talking about another property on the western side of the County. VDOT did email an approval for the entrance, but she had not had time to print the email and put it in the file. She noted that the County does have that approval.

Mr. Craddock asked if the existing house was included in the four additional development rights.

Ms. Amarante stated that house would either have to be on a 21 acre tract or one of the four development lots.

Mr. Craddock stated that the house would be one lot and then there would be 3 or 4 other lots.

Ms. Amarante stated that there would be 4 development right lots and one 21-acre lot. She pointed out that there would be 6 lots altogether for the whole 31 acres.

Mr. Craddock stated that would create one 21-acre lot with four lots of an acre a piece.

Ms. Amrante stated that if you look at the conditions of the subdivision plat, they are going to have to state how they are going to meet the 31-acre rule. They may be losing a development right just because they are creating a 5 acre parcel if they don't assign a development right to the 5 acre parcel that they are creating. She pointed out that they would have to meet the density requirements in the Rural Areas.

Mr. Edgerton asked if that would preclude the four development lots that are noted on the plat.

Ms. Amarante stated that the development right note was not correct. One of the conditions on the subdivision was that they correct that note.

Mr. Edgerton asked if they were being asked to vote on this without knowing how many lots may or may not be there.

Ms. Amarante stated that the development rights would be what they are regardless of what happens tonight. The Commission was not approving the number of development rights. She noted that they know that this parcel has the right to divide into 5 lots that are less than 21 acres and because it was greater than 31 acres they have to create a 21 acre lot.

Mr. Morris stated that one of the concerns that has been repeated time and time again is that of water. He asked if there had been any investigation done on the water capacity in that particular area and what projected results would occur with two, three or six additional wells.

Ms. Amarante stated that she has not done that review and was not sure if the owner had. She suggested that they ask the owner.

David Digiacomo, property owner, apologized to any of the neighbors that he did not inform. He noted that there were other neighbors that he did inform about that. On the first lot there is

already a well that has been there for a very long time. It is a live well and is currently working, but presently does not use it for anything. He pointed out that there would only be one new well.

Ms. Amarante noted that there was a well at the existing house on the 26 acres.

Mr. Thomas asked if anyone had any questions for the applicant.

Mr. Edgerton asked if he could tell them what his plans were for the residue parcel.

Mr. Digiacomo stated that he had no intentions of doing anything else with the rest of the four lots or property rights. He pointed out that he would give them up except it was not legally possible to do. He stated that he would sign something saying that he had no use for any of those future four lots.

Mr. Edgerton asked Mr. Kamptner if the owner was not allowed to give that up. He pointed out that the owner had just said that he would give up those four development rights. He noted that he would be a lot more comfortable.

Mr. Cilimberg pointed out that it was the same question that the Commission had before.

Mr. Kamptner stated that an easement could be put on the property that would restrict development. He that would need some thought. He stated that they have been through this a couple of times over the years. He asked if the property was eligible for some kind of conservation or open space easement, which was a possibility. Certainly covenants could be recorded, but who would be the beneficiary of those? Typically private covenants only affect the owner and other parties in the neighborhood having reciprocal rights. He said he did not know of any mechanism. The Subdivision Ordinance process does not open itself up to restricting development rights. Perhaps the owner could assign them in a way so that he essentially uses them or wastes them under the current configuration.

Ms. Amarante stated that was effectively what is happening now because the numbers just don't work out.

Mr. Thomas asked where the development rights were that were on the adjoining property. He asked if the adjoining parcels still had development rights on them.

Ms. Amarante stated that if the parcels existed as parcels of record on December 10, 1980 and they have not used them, then those development rights do exist. Some of these properties are located in an agricultural/forestal district. If any of those lots were to come out of the agricultural/forestal district they would be able to utilize those development rights. Those that are under a conservation easement by deed or covenant gave up those development rights or the rights to develop their property, but the County has not control over that. That deed could be done away with in the future. The only deeds that the County holds are those through the rural preservation developments and now through the ACE Program.

Mr. Kamptner stated that the Public Recreational Facilities Authority holds some open space easements. They have accepted some recent ones on a fairly small parcel around 14 acres in size. It had some unique qualities and some old growth trees, but that could be looked at.

Mr. Edgerton stated that the applicant has made a very real offer. They have neighbors who have made life time commitments or forever commitments as far as open space easements, but he felt that was probably not allowed to be considered when they are looking at a subdivision plan. The majority of the surrounding property around this is in an agricultural forestal district as they speak. He is asking for a private road and he thought that Mr. Gloeckner has indicated the impact to serve the two lots and the residue as a single parcel is less of an impact than the public road would be. He pointed out that he was concerned with the applicant coming back later and

having to undo all of the minimized impact to put a public road in to serve the four additional development rights. If they could figure out a way to assign those or at least determine that they are not available.

Ms. Joseph pointed out that if they maintain the 21 acre parcel, then the applicant has three development rights.

Mr. Cilimberg asked to note something that Mr. Morris asked about regarding the study of ground water. It is not something that the County currently does in our review of subdivisions. But, they could recall that recently they dealt with an amendment to the Zoning Ordinance that is going to establish what level of testing verification can be required in the future, but that has not gotten to the Board yet. Therefore, it is not a mechanism in place.

Mr. Rieley stated that the subdivision comes first and then the evaluation comes next.

Mr. Cilimberg stated that was correct.

Mr. Thomas closed the public hearing unless someone else wants to speak.

Richard Norvelle stated that Mr. Digiacomo just mentioned an existing well on the Davis place, which was one of the parcels that he plans to develop. He pointed out that he use to water the horses for the lady that owned the land previously. She use to take a generator up there on her easy go and on occasion that well would go dry. He pointed out that Mr. Digiacomo never asked any of the neighbors how good the water was in that well. That well has not been used for quite some time. Someone needs to test that before they base any kind of development on an existing well. He pointed out that he was not sure that the water was even palpable or what kind of quantity that they were going to get out of it. He noted that she did have problems with it because he used to work for her.

Mr. Thomas pointed out that the mechanism for testing that well is within the property owner's hands and it was his responsibility to test that well.

Mr. Kamptner stated that would be a condition of the building permit approval.

Mr. Thomas asked if there would be a requirement for an approved productive well before a building permit would be issued for another house on this property.

Mr. Kamptner stated not necessarily because an individual well can serve two houses. If a new well is required it would have to comply with the well drilling requirements for a building permit.

Mr. Thomas stated that he could use the old well for two houses if it was approved. He asked if there were any other comments.

Jim Ballheim stated that Mr. Edgerton was on to something. They have an applicant here that has said that he is willing to give up what is a major concern for the neighbors and that is these additional development rights. Nothing is going to make him like the fact that there is going to be two big houses on this property, which is besides the point. If he is willing to do this, he urged the Commission to find a way. He noted that he spoke to David six weeks ago and suggested a way that he could do this and to the best of his knowledge he did not pursue it. He asked since the Commission had the offer that they not let this go down without doing their very best to take him up on it.

Mr. Thomas closed the public hearing to bring the request back to the Commission for discussion and a possible action.

Mr. Edgerton stated that he was sincerely concerned about the future of that 26 acre parcel because if further development occurs there it will trigger the requirement for a public road and a cul-de-sac all the way back. All of the arguments before the Commission were for approving a private road this evening and they really will have accomplished nothing. They would just make it less expensive for him to develop these two lots and perhaps they would deal with it later. He stated that he was very uncomfortable with that and the fact that they cannot deal with the history of the water issues in the area. He noted that they have heard a number of people this evening talk about that. He stated that he had received several emails from various individuals about water problems that continue several years after the drought. He hoped that they might find a way to limit the future development if they are in fact going to give the applicant an exception to the public road requirement. He hopes that they could say that it would be less of an impact to the community and to the future development or that there will be no future development. He pointed out that when he asked Ms. Amarante in email whether there was any way to limit the future development and her official response was no there is not at this time. As Mr. Kamptner said the development rights are there and were established in 1980, but he hoped that there was some sort of a covenant or some sort of an agreement by the applicant, which he heard a few minutes ago, was being offered, then there ought to be a way to make this a win-win situation for everybody.

Mr. Morris echoed Mr. Edgerton's comments.

Mr. Kamptner suggested the idea of delaying action for a week or two and let staff and he explore some options. It was possible that they may be able to come up with some very cleverly worded condition of the private road approval that might do the trick. There might be something more complex than that, but it would give them a little time to come up with a solution.

Mr. Thomas asked the Commission if they agreed with Mr. Kamptner's comment about putting it off so the options could be further explored.

Mr. Rieley asked the status of the time limitation.

Ms. Amarante stated that the application was submitted on April 12 and the request has already been deferred once.

Mr. Edgerton stated that was 60 days and they have 90 day.

Mr. Kamptner stated that two weeks would be plenty of time.

Mr. Cilimberg stated that two weeks from today would be June 29.

Mr. Morris stated that would give the applicant plenty of time.

Mr. Rieley moved to defer SUB-2004-00098, Digiacomo Subdivision for two weeks to allow Mr. Kamptner to explore a couple of options for ways in which the development on the remainder of this parcel could be restricted.

Mr. Morris seconded the motion.

Mr. Cilimberg noted that the Rural Area public hearing would be on that night, in which the Commission asked to have first. Also there was a work session that staff was going to ask whether the Commission wanted to do it earlier or during the regular meeting. In addition, there is a request for deferral to that date for a public hearing on a rezoning for that night. Therefore, this hearing would at least be following the Rural Areas public hearing that night. He pointed out that if they can figure out a good mechanism, then it might be something the Commission could do on the consent agenda.

Mr. Thomas asked if it was sufficient for the Commission to make the motion or does the applicant have to request the deferral.

Mr. Kamptner stated that they were within the allowable time frame and so it was fine for the Commission to make the motion for deferral without a request from the applicant.

Mr. Rieley stated that the request should come back before the Planning Commission since the issue of the public road versus the private road is still hanging out there.

Ms. Joseph stated that she also felt that it should not be on the consent agenda because they have had a lot of people come tonight and they should be able to speak to it again if they wanted.

It was the consensus of the Commission that the request would come back before the Commission.

Mr. Edgerton stated that if it means that they have to have a work session at 4:00 p.m. on June 29 that he felt it was worth doing, and the other Commissioners agreed.

The motion carried by a vote of (5:0).
(Joseph – abstained) (Higgins – Absent)

Mr. Thomas stated that the motion carried for deferment until June 29 at which time the Commission would hear it again.

Work Sessions:

CPA-04-03 Community Facilities Plan - Proposal to amend the Community Facilities Plan, a component of the Comprehensive Plan as regards section pertaining to Schools. (David Benish)

Mr. Benish stated that this work session was scheduled to obtain the Commission's final recommendation and blessing on the School section of the Community Facilities Plan. The Commission reviewed this section previously in late April and on May 11. The item was originally scheduled for the May 27 School Board meeting, but was bumped from the meeting due to a lengthy agenda to June 10. Therefore, he was not able to complete his revisions to this section until earlier today. He stated that there is a copy in the Commission's packet with a cover memo, which outlines the recommendations from the School Board for changes. In summary, the School Board and the Education staff pretty much accepted the recommendations of the report. They did suggest a few changes. Staff took an excerpt from the Education's staff report. The suggested areas of changes are located at the bottom of the summary. Most of the changes are not substantive, but he would go through them very quickly. In the section attached, staff has highlighted the areas of changes with asterisks. The first suggested change is on page 22, which was the statement that the school facilities be available after school hours. The School Board changed the language somewhat in that they felt more comfortable that it reflected after the hours where the school may be used for educational purposes. Therefore, if there was a school assembly they did not want the language to appear that they could use the school for a school assembly after hours. Planning staff is in agreement with all these changes. The rest of the changes are more or less style changes, which basically made more consistent the weighted capacities for the schools in the language. The actual numbers have not changed. Therefore, the rated capacity for elementary is 600, as staff initially recommended. The rated capacity for middle school is 900 and high school is 1,500. The language was cleaned up a little bit for high schools. The other two changes involved taking out the classroom sizes, building sizes and indoor facilities. They felt that type of specificity was not that necessary because those sort of things change from time to time. Staff's recollection is that one of the Commissioners raised that same question on why they needed the building sizes. Staff is agreeable to all of these changes. Therefore, staff has made all of those changes and feels that this section is ready to go. He stated that when the Commission recommended approval of the other sections on May 11 they

did request that there be some sustainability objectives. The first two pages distributed were the overall facility objectives and you will see that the last two on page 6 are what Mr. Edgerton crafted and staff has included them in this section. You will also see in the school section that staff has rephrased those in the schools and added these to each of the individual facility sections, which was what the Commission wanted to do. If the Commission is satisfied with that language then staff would provide the Board of Supervisors with two versions to include the unedited and edited version. He noted that he thought that everything had been covered that the Commission had asked for. Therefore, all that was needed was an action to recommend this document.

Mr. Morris moved for approval of CPA-04-03, Community Facilities Plan.

Mr. Edgerton seconded the motion.

The motion carried by a vote of (6:0). (Higgins – Absent)

Mr. Thomas stated that the motion carries to recommend approval of CPA-04-03 to the Board of Supervisors.

Mr. Benish pointed out that the Board will hear this request in August or September.

Ms. Joseph stated that Mr. Benish has done a remarkable job.

Storm Water Master Plan Stream Assessment Summary (David Hirschman)

In summary, the Planning Commission held a work session on the Storm Water Master Plan Stream Assessment Summary. Mr. Hirschman made a power point presentation just for informational purposes to apprise the Commission of the information that is available from this study and to let them know what is in it. He presented a comprehensive picture of what they did, why they did it, and what it means for what they will see in the future in terms of the data that they would have available to review particular projects. At some point in the near future, staff is hopeful that this will come back as something that can be incorporated into the Comprehensive Plan after the Board finishes discussing the money aspects.

Mr. Thomas complimented Mr. Hirschman for a job well done.

Old Business:

Mr. Thomas asked if there was any other old business. There being none, the meeting proceeded.

New Business:

ZTA-2004-00006 Historical Center and Community Center – Resolution of Intent.

In summary, staff presented a proposed resolution of intent for ZTA-04-06, Historical Center and Community Center – Resolution of Intent to Amend the County Zoning Ordinance. The ZTA proposal is in response to concerns raised by the Commission regarding the current definition of community center and its applicability to the proposed Lewis and Clark historic center type use. Staff is recommending that the County pursue an amendment of the Zoning Ordinance to address these issues at this time. The Planning Commission reviewed the proposed resolution of intent and was not comfortable with the wording. The Commission asked Mr. Kamptner to take their comments and suggestions and rewrite the resolution of intent. The revised resolution of intent will be emailed to the Commission for consideration at their meeting next week. (SEE ATTACHMENTS H, I AND J)

Mr. Cilimberg asked if the Commission wanted to hold a 4:00 p.m. work session on June 29. He pointed out that the Belvedere rezoning work session was scheduled for June 29.

It was the consensus of the Commission to hold a 4:00 p.m. work session for the Belvedere rezoning on June 29.

Ms. Joseph passed out information regarding the status of the County's water supply, which is available on the County's web site.

Mr. Thomas asked if there was any more new business. There being none, the meeting proceeded.

Adjournment:

With no further items, the meeting adjourned at 8:20 p.m. to the next meeting on June 22, 2004.

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V. Wayne Cilimberg, Secretary

(Recorded and transcribed by Sharon Claytor Taylor, Recording Secretary.)