Albemarle County Planning Commission
April 26, 2005

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, April 26, 2005 at 6:00 p.m., at the County Office Building, Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia. Members attending were William Rieley, Rodney Thomas, Marcia Joseph, Vice-Chair, Jo Higgins, Pete Craddock; Calvin Morris and Bill Edgerton, Chairman. Mary Hughes was present for David J. Neuman, FAIA, Architect for University of Virginia.

Other officials present were Wayne Cilimberg, Director of Planning & Community Development; Francis MacCall, Senior Planner; Bill Fritz, Chief of Current Development; Mark Graham, Director of Community Development; Judy Wiegand, Planner; Kamptner, Assistant County Attorney.

Call to Order and Establish Quorum:

Mr. Edgerton 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. Edgerton invited comment from the public on other matters not listed on the agenda. There being none, the meeting moved on to the review of the Board of Supervisors Meeting.

Review of Board of Supervisors Meeting – April 20, 2005.

Mr. Cilimberg summarized the actions taken by the Board of Supervisors on April 20, 2005.

Consent Agenda:

Approval of Planning Commission Minutes – December 14, 2004; March 1, 2005; and March 15, 2005.

Mr. Edgerton asked if any Commissioner would like to pull an item off of the consent agenda for discussion or if there was a motion.

Mr. Morris moved to accept the consent agenda as presented.

Mr. Craddock seconded the motion.

The motion carried with a vote of (7:0).

Items Requesting Deferral:

ZMA 2004-023 River's Edge Commercial Park Office (Signs #48&55)- Request to rezone 1.818 acres to amend the proffers of ZMA 2001-09 to waive the requirement of a sidewalk on the south side of the access way. The existing zoning is CO, Commercial Office and is proposed to remain CO, Commercial Office. The property, described as Tax Map 78, Parcel 58H is located in the Rivanna Magisterial District on Stony Point Road (Route 20 North) approximately 1/4 mile north of the Route 250/Route 20 intersection. The Comprehensive Plan designates this property as Regional Service in the Pantops Neighborhood. (Elaine Echols) ***APPLICANT REQUESTS INDEFINITE DEFERRAL.***

Mr. Edgerton stated that the applicant had requested indefinite deferral for ZMA-2004-023, River's Edge Commercial Park Office.

Mr. Rieley moved to accept the applicant's request for indefinite deferral of ZMA-2004-023, River's Edge Commercial Park Office.

Mr. Morris seconded the motion.

The motion carried by a vote of (7:0).

Mr. Edgerton stated that ZMA-2004-023, River's Edge Commercial Park Office was indefinitely deferred.

Regular Items:

SUB 2005-061 Haffner Farm - Request for preliminary plat approval to create 11 lots with a public road on 156.81 acres. The property is zoned RA, Rural Area. The property, described as Tax Map 60, Parcel 2A is located in the Jack Jouett Magisterial District on Barracks Road (Route 654) approximately .10 miles from the intersection of Barracks Road and Colthurst Drive (Route 1001). The Comprehensive Plan designates this property as Rural Area. (Francis MacCall)

Mr. Fritz summarized the staff report. This is a proposal to divide a 156 acre parcel, which is located on Barracks Road essentially across from Colthurst Subdivision. The property essentially runs from Barracks Road to Ivy Creek. The proposal is to divide this property into 11 lots to be served by a new proposed internal public road. All of the lots would access that public road. This parcel is a residue piece of a division from 1991, which was left with the development rights. The site has currently been cited for violation of a provision of the Zoning Ordinance and the Erosion and Sediment Control provisions. The subdivision application has been reviewed by the members of the Site Review Committee for compliance with the provisions of the Subdivision and Zoning Ordinance and found to be in compliance with those provisions as they relate to a subdivision. Staff is recommending approval subject to the conditions listed in the staff report. If there are any questions, he would be happy to try to answer them. There are various staff persons available to answer any questions about the erosion control issues or the zoning violations on the property.

Mr. Edgerton asked if there were any questions for staff.

Mr. Rieley stated that before they get into any detail about the zoning violations or the erosion control measures he would ask Mr. Kamptner to tell the Commission whether they have any pertinence.

Mr. Kamptner stated that this question comes up periodically, but it is usually not with subdivision plats. But, the question is always whether or not the Commission has any authority to deny a subdivision plat if there is an existing violation of the Zoning Ordinance. He reviewed the Subdivision Ordinance once again this afternoon, along with the case law and the Attorney General's opinions, and found there is no authority under the Subdivision Ordinance or under State law for a locality to deny a subdivision plat on the basis of an existing zoning violation. The Subdivision Ordinance repeatedly refers to determining compliance with the requirements of the Subdivision Ordinance, which includes a cross reference to compliance with all requirements of the Zoning Ordinance, except those related to lot size and things like that.

Ms. Joseph asked if the approval needs certain things to happen, such as the erosion and sedimentation plan approval, in order for the road to be approved. If she had a subdivision to be approved and it has a road shown in a certain location, but went ahead and put the road in without an erosion and sediment plan being approved, would there be any connection between that and the subdivision proposed.

Mr. Kamptner stated that the violation stands on its own. He pointed out that the proposed road seemed to satisfy all of the requirements of the Subdivision Ordinance. In addition, it triggers compliance with the Water Protection Ordinance, and they have to satisfy that as well.

Mr. Edgerton stated that he had one question for Mr. MacCall. In the site review comments the existing driveway is shown on lot 1. There was a very specific suggestion that the property line for lot 1 be adjusted so that there would not be any confusion about whether that would be used for access to any of the lots. He pointed out that there is a note on the plat that says that all lots must access off of the new road.

Mr. MacCall stated that staff suggested that note so that the existing driveway would be on the lot that it

would serve, which would be tax map 60, parcel 2. He pointed out that the applicant did not come forward with that on their revisions.

Mr. Edgerton stated that would involve an easement across lot 1.

Mr. MacCall stated yes, that they would need to plat an easement since it was shared and the property line goes down the middle of the existing gravel driveway. It would probably need to go up to the driveway that veers off to the house. The final plat would then reference all of the lots accessing the new road that are within the subdivision. Some measures could probably be taken to ensure that it was not continued to be used, whether it was by removal of the road that goes beyond that existing driveway into parcel 2 or blocking it off in some way.

Mr. Higgins asked if it would need to show that there is an access to another property when this lot is created to show an access easement even on the one-half of the road that is there.

Mr. MacCall stated that was correct.

Ms. Higgins stated that when a property owner buys the property that they would need to make sure that it is not impacted.

Mr. MacCall stated that his suggestion to alleviate that would be to do a boundary line adjustment to put that whole road on parcel 2.

Mr. Edgerton stated that suggestion was made to the applicant. He pointed out that what Mr. MacCall is saying is that they chose not to take that suggestion.

Mr. Rieley stated that there is no ordinance requirement.

Mr. Edgerton opened the public hearing and invited the applicant to come forward and address the Commission.

Michael Barnes, of C.W. Hurt Contractors, stated that he did not have anything else to say. He stated that he would be happy to answer any questions that the Commission might have.

Mr. Edgerton asked Mr. Barnes to tell the Commission a little bit about the violation because it seems rather extreme.

Mr. Barnes stated that he would have to plead a little bit of ignorance on that. Some of this stuff just cropped up and came to his attention during the past couple of weeks. He stated that he had been working on the subdivision aspects of it. Steve Melton has been working with some of the zoning violations. To his understanding the violations fall within three categories. There is some trash and debris that was put on the property and part of that was a shed or a building. He pointed out that he just found out what building they were talking about tonight from the zoning staff. From the aerial photo the building appeared to be small enough to be like a small shed, which was on the back side of the property. He stated that he could not begin to guess the reasons for the actions that were taken out there.

Mr. Edgerton stated that there was also a violation on the entrance road.

Mr. Barnes stated that the other zoning violation includes the location of 46 trailers on the property. As you all may or may not know, Dr. Hurt buys a lot of stuff at auction and he has been storing them in tractor trailers. This was previously stored in town until they were told that it had to be moved. He pointed out that he thought this site was where most of them ended up. As far as the erosion and sediment control, the first thing he did was contact Mark Graham to tell him that they were going to cut an entrance off of Barracks Road, which they did. He pointed out that they tried to keep it under the 10,000 square feet for that first bit there. He thought that they got up to 1,500 square feet for the entrance road aspect of it, which was where Dr. Hurt would like to have the entrance to his farm. In many respects this thing is being driven for him because it is a place that he wants to have for his personal home and it is his desire just to keep things moving. That is why they did the initial cut onto Barracks Road. They talked with

VDOT and worked with some site distance issues and got the necessary VDOT permits. Again, they were trying to keep it under the 10,000 square feet. Obviously, in that first initial one they got up to about 1,500 square feet. As far as the dirt that has been placed back, which has created the violation, he actually did not have anything to do with that. That sort of cropped up on its own. The fill that is there is for a stream crossing that will eventually go in. There is an intermittent stream where this road goes back that he has worked with the Corps of Engineers to get a permit for. They have that permit in hand. That fill is to help create that crossing. As soon as they found out about the violation for that they immediately got an erosion and sediment control plan to the County. That has been at least three or four weeks back now, but they have still not heard what they need to do to abate that violation. With the initial road cut into there they put in silt fences and other measures. He stated that maybe the engineering department can speak to that. With regards to the drainage area that was coming to that point, they have tried to keep it out of the stream by putting in some silt fence. There was a silt fence installed around the stock pile. Again, they were working with the County to do whatever mitigation measures that there need to be done to bring that into an erosion and control plan for that stock pile. They have also submitted another plan for the road crossing or the stream crossing to continue the road up the hill.

Mr. Edgerton opened up the public hearing, which he had failed to do earlier.

Ms. Higgins stated that she had a question about the point where it shows the pipe as you come in that shows the new 100 foot stream buffer on the right. There is no extension of the 100 foot stream buffer on lot 1 to the left of the drive. It is numbered page 9 on attachment C, but it is actually sheet 3 of 7.

Mr. Barnes asked if her question is should that 100 foot buffer continue on the upper side of that road.

Ms. Higgins stated that based on the topo there is a defined stream and a 20 foot drainage easement on the right hand side, which she assumed was the outflow side even if there was a 100 foot box out on the other side. If the stream magically starts at the outlet of that pipe, it would go 100 foot back from the outlet of that pipe.

Mr. Barnes stated that was a point well taken and that they will correct that on the plan.

Mr. Fritz stated that it may not be correct on here because he did not know if there was a determination made about where the stream starts. But, he sees the channel on there and thinks that it probably does go further.

Ms. Higgins stated that if it just happened to intersect what you are calling the head stream, it would still be a 100 foot box out on the upstream side.

Mr. Barns stated that obviously what they need to do is bring it back to almost where you see the deed book reference underneath the power line, which is about where that stream is coming out. Therefore, that buffer should be extended up through there.

Ms. Higgins stated that someone who purchases lot 1 might not recognize that and fill in that area to build something for horses. If the buffer was not there, it may be confusing.

Mr. Barnes stated that they would be happy to add that.

Mr. Rieley stated that it was a good catch.

Ms. Higgins stated that the lot 1 is really close to the existing road as it diverges from the driveway next door serving Tax Map 60, Parcel 2. That existing driveway is running really close to the defined building lot and it would probably make sense that some note be put on the plat that they must use the public road. Just so that, again, someone that gets it does not decide that they can get a back entrance and a front entrance.

Mr. Barnes stated that he felt that note was already on the plan.

Mr. Edgerton stated that note was already on the plan as note 13. He pointed out that lots were

misspelled since it says “all lost.” He felt that item needed to be addressed.

Mr. Barnes stated that where that building site ends up probably would be more down by the new road anyhow judging by the topography that you actually have on the site.

Mr. Edgerton asked if there were any other questions for Mr. Barnes. There being none, he asked if there were anybody from the public that would like to address the Commission regarding this application. There being none, he closed the public hearing to bring the matter back before the Commission for consideration and action.

Mr. Craddock pointed out that he would like to ask a question about why there were no County signs posted on the subject property advertising that there was something going on. He stated that he visited the site last Thursday and did not see any signs.

Mr. Fritz stated that the signs are not posted for subdivisions or site plans. The signs are only posted for special use permits and rezonings. He pointed out that notice is given to the adjoining property owners by mail regarding subdivisions and site plans.

Mr. Kamptner stated that the posted signs are a requirement of the County Ordinance, but are not required by State law. It is something additional that is provided.

Mr. Craddock stated that somebody could go by there everyday and not know that a subdivision is going in until it actually happens.

Mr. Kamptner stated that was correct, except for the adjoining owners who would get some written notification at some point in the process.

Mr. Craddock stated that the thing about the violations with the subdivision is that it applies to the by right division as well as for other subdivisions.

Mr. Kamptner stated yes. Just to give the Commission a broader view, the State law was changed a few years ago giving us the authority to not issue any approvals where the owner has failed to pay property taxes. The Zoning Ordinance was amended to include that authority. But, the General Assembly has not given us the authority to stop processing plats where there are existing violations on the property.

Mr. Edgerton stated that no matter how Albemarle County might feel about it that there was nothing that they could do to remedy this situation.

Mr. Kamptner stated that it was one of the limitations that they had to deal with under the Dillon Rule.

Ms. Higgins stated that zoning still has the enforcement based on the emails that she received that was proceeding.

Ms. Joseph stated that maybe so, but here is a method to actually deny something because they have all of these violations on the property and there is no way that the Commission can do anything. It just keeps on.

Mr. Edgerton pointed out that Mr. Barnes had stated that they had wanted to keep this going by putting in the entrance, but that was last August.

Mr. Morris asked if the issue of affordable housing has been raised in this particular instance as it has in others.

Mr. Fritz stated that it was not an issue that they bring up in by right subdivision site plan reviews except where they are requesting a density bonus, which they are not eligible for in the rural areas.

Ms. Joseph asked for Mr. Graham to come up to answer a question. She asked if he knew what was happening here in terms of the erosion and sediment control.

Mark Graham stated that he did. There are two applications that have been made to the County under the Water Protection Ordinance for erosion and sediment control. One has to deal with the waste area to permit a waste area, which is clearly an allowed activity in this zoning district. Staff is proceeding with the review of that plan. The second plan submitted was the second erosion and control plan, which has to deal with putting the road in. It was called a driveway, but it was essentially the road as shown on the preliminary plan. Staff is not reviewing that plan, but has returned that to the applicant as not being accepted for two reasons. One, as Ms. Higgins clearly pointed out and staff has noted to the applicant, there is a stream buffer issue. A stream buffer mitigation plan would have to be reviewed and approved by the County prior to a crossing there. The other is under the erosion and sediment control provisions of the Water Protection Ordinance, Section 204.e, if the owner is required to obtain approval of a site plan or plat, which for the road to serve the subdivision you are, the Program Authority shall not approve a erosion and sediment control plan until that site plan or plat is approved as provided by law. Therefore, staff feels that we cannot approve that plan as it was clearly part of what is being proposed with the subdivision plat.

Mr. Rieley stated that he certainly hopes that these violations are aggressively pursued, but clearly the venue for that pursuit is not the subdivision process. Because of that, he moved for approval of SUB-2005-061, Haffner Farm, with the staff's recommended conditions in addition to the extension of the stream buffer along the lines that Ms. Higgins pointed out.

1. The final plat will be subject to the subdivision requirements of Section 14-206 of the Subdivision Ordinance.
2. Health Department approval is needed for soil evaluations for all lots within the subdivision.
3. Approval of a final Tier 3 groundwater plan.
4. Approval of an erosion control plan, narrative and computations.
5. Approval of road plans, pavement design sheets, and drainage computations.
6. Approval of a storm water management plan and computations (a detention waiver is not inferred with this approval and will be considered during review of the storm water management plan).
7. VDOT approval will be required for final subdivision plans and computations.
8. VDOT requires that it be determined if the existing guardrail in the proximity of the entrance and taper will need to be adjusted.
9. An extension of the 100 foot stream buffer on lot 1 to the left of the street shall be noted on the plan.

Ms. Higgins seconded the motion.

The motion carried by a vote of (6:1). (Ms. Joseph – No)

Mr. Edgerton stated that SUB-2005-061, Haffner Farm, was approved with condition.

Worksessions:

Thomas Jefferson Planning District Commission Hazard Mitigation Plan – Worksession to discuss the Albemarle County portion of the region's Hazard Mitigation Plan, developed by the Thomas Jefferson Planning District Commission. The Hazard Mitigation Plan identifies actions to be taken to reduce or eliminate the risk to human life and property from natural disasters. The Plan was prepared with input from the Charlottesville U.Va. Albemarle Emergency Services Center and Albemarle County staff. Possible mitigation options are cataloged under: Education and Outreach; Policy, Planning and Funding; Information and Data Development; and Structural Improvements.

Mr. Cilimberg introduced Bill Wanner, Senior Regional Planner from the Thomas Jefferson Planning District Commission, who can talk to the Commission about the study so that the Commissioners are aware of the process that they were envisioning here. Mr. Wanner can provide a few of the details. There has been an effort ongoing for a while to develop a Regional Hazard Mitigation Plan. A committee has been working with that. He pointed out that he has been working some with that group, but it is most importantly the emergency providers who have in particular have worked on the details. Tonight they would hear an overview of the results of that work and most particularly how they have applied it to

Albemarle County. A public hearing has been scheduled for the Planning Commission. One of the requirements is that this plan be adopted in a similar fashion to a Comprehensive Plan by each of the counties in the Planning District. Therefore, the Commission and Board of Supervisors will hold a public hearing on the Regional Hazard Mitigation Plan in May and June. He asked Mr. Wanner to explain what it is all about.

Bill Wanner stated that he worked with the Thomas Jefferson Planning District. He recognized Nicole Gilkeson, who is a second year graduate student in Planning at the University and also a FEMA Community member, for her work with them for an entire year on the mitigation strategy plan. The summary that is included in their agenda is an excellent starting point and he would not belabor some of the things that are there already. But, he just wanted to recognize that not only do they value the importance of identifying, assessing and seeking to reduce the loss of life or property from natural disasters, but they have somewhat of a self serving purpose of doing this as well. The plan is not required to be adopted by localities, but FEMA requirements now necessitate this plan being adopted before any grant applications are made to them. Therefore, both pre- and post- funding through FEMA is contingent upon an adopted plan. So that is our pecuniary reason for preparing and adopting the plan.

As Mr. Cilimberg as said, the involvement has been primarily through the Emergency Services Coordinator, Kay Harden. His committee, which is the Emergency Planning Committee, is a large group of citizens and staff that comes together monthly. They have met with them several times with their working committee. Therefore, they have a very close working relationship with Mr. Harden and his group. As Mr. Cilimberg said, he has been involved with their working committee, as has Paul Muhlberger from Public Works, and, of course, Kay Harden. Therefore, they are really just trying to introduce the topic to the Commission tonight and let them recognize that the key part of this plan is really under the mitigation strategies that begin on page 37.

The other three major parts of the plan, the Hazard Identification and Analysis, the Vulnerability Assessment and the Capability Assessment are really analytic mechanical measurements of the likelihood of different disasters occurring in this area based on previous history and the estimates of the total losses to life and property based on those. Not surprisingly that ranking list gives floods the top need in our community followed by winter storms, hurricanes, tornados, high wind and drought. With those in mind and recognizing that is really what the thrust of the first part of the plan does, what really is the more subjective or flexible part of the plan is indeed the mitigation actions that are summarized beginning on page 37. Those are broken in to four basic categories being: structural, which is physical projects that they expect will reduce the likelihood of impacts from natural hazards; education and outreach, which speaks pretty much to itself; policy planning and funding, which is how they would put some of these strategies into existing and future plans; and information and data development, which was a matter of developing additional information and data to refine the hazard assessment and mitigation.

The project list is really the key to this. The mitigation action projects are really the only thing that Albemarle County will adopt of its own versus by State mandate to be a regional project. They are only asking each locality to adopt the mitigation strategies that are specific to their community. Again, he reinforced that with the Albemarle staff's participation and the Emergency Services Coordinating Committee, he felt that they have understood quite a bit of what is important to the community in general. He stated that he would like to also just mention the implications of what the adoption of this plan are. The intent is not to recognize or intend to do all of them, but one to identify the things that are ongoing so that they have a measure of success when they are completed; and two, to again posture ourselves for the possibility that we may be able to fund some of these projects that are not able to now be funded. FEMA requires that they do an annual report that is basically an evaluation of their progress in meeting these mitigation actions. For those that they are falling short or finding delays that they look at a way to overcome those obstacles. But, the reality is that if funding is not sufficient to do a project that is a clear reason for that obstacle being in the way. Therefore, that is the quick take, but they will be back on May 10 for a public hearing and a consideration of adopting a plan and recommending it to go forward to the Board of Supervisors.

Mr. Edgerton stated that he had a question on these mitigation actions there is a line item on most of them with an estimated cost and the cost were rather nominal until you get to the back of the packet. There are some substantial numbers of 120 million dollars for implementations and recommendations to

the water supply study and another 10 million dollars for phase 2 to upgrade Raggy Mountain and so on. At the same time there is an ongoing public discussion and the Supervisors are trying to sort out the appropriate direction to go as far as dealing with our water issues as a community. He stated that he was wondering what impact, if any, that the adoption of this document on the implementation or whether that would be best on them to address things in this manner.

Mr. Wanner stated that certainly he felt that the possible negative would be that if in fact the Board of Supervisors decided not to pursue it in the specific way that it was addressed here, then they recognize that the policy changes have occurred and then they would move this in the direction that is more consistent with the policy recommendations. He pointed out that they would then do that.

Mr. Edgerton stated that they would then adjust this to fit with what they are doing.

Mr. Wanner stated that was exactly correct. He stated that they would do an annual evaluation where they might recognize this. Then every five years the plan is updated. Therefore, that would be the time to be more comprehensive about that. The up side is that if it is consistent with the policies that the Board adopts, then they have the opportunity to fund this through some of the funding streams that are available for mitigation actions. From that perspective it could be very helpful.

Ms. Higgins stated that she looked at this a little bit differently than he did because she thought that it was going to be more of a work session for input. She has always looks at it as fire and flood and all of the other things in between seem to be planned issues. Then there are issues such as water supplies that apply to growth, and there is a process for that with a lot of projections. What really came home to her in the mitigation action lists, which is the first and second ones on page 48, was that the wild fire and the use of recreational trails as fire breaks where it has the estimated cost of none. She questioned that because doing that does cost something, but she was not sure how to measure it. Also, there is one above it that says estimated cost as unknown. Actually, she did not know that clearing a lot of dead wood from forests is actually something from a governmental perspective because it is almost something that property owners need to do. It has been brought home to her by several people. During the last five years there has been the three year drought and then almost two years now of obsessive rainfall. There have actually been twisters out on the west side. She pointed out that her property had been hit with one that twisted a lot of trees. She felt that there is a gap in the education for the people who are putting their property in conservation easement to maintain forestal property in that they have forgotten that it takes maintenance. While riding horses through these areas she has been impressed with the excessive amount of trees that are not piled on them and the forest bottom is gathering debris. It is almost impassable in places where it did not use to be. So she did not know how in these mitigation acts since that particular one seems to be mixed up with a lot of governmental type of analysis. Really that is a function of education to tell each and every property owner that your forest is not self-maintaining. If the wood gathers on the floor of the forest and there is any idea or possible wild fire that the fire would be more dramatic. She asked if this was an instrument that they were going to use. But, that under education or some list they have it lumped together so that you have to read through all of them and she always looked at it as something that you would have to implement. She suggested that there could be a summary of breaking this down. She asked if as part of this report they could make it more applicable by having the mitigation actions in some sort of table and then next to it lists the Virginia Department of Forest. She felt the individual property owners need to be mentioned.

Mr. Wanner stated that he agreed with her suggestion.

Ms. Higgins stated that was her fire concern. She stated that next was her flood concern. On page 29 under the dam failure section, it is obvious that someone counted the dams that could fail. There are nine and that only five have emergency action plans. One dam does not have a plan and the other three do not require a plan. She felt that it would be extremely helpful, although it would add length to their report because there is a big gap there, to list the dams. Since they have the data she felt that it would be very useful. She asked if there was an upper Ragged Mountain and a Ragged Mountain.

Mr. Wanner stated that there is an upper and lower dam.

Ms. Higgins stated that the upper Ragged Mountain dam does not have a plan, but she did not see it

mentioned in the mitigation. She asked if it was something that she missed.

Mr. Wanner stated that it does not seem that she did because it does not appear that as though they need to be specific on those areas that have a plan where they have the possibility of failure.

Ms. Higgins stated that what brought this home to her was that a few years ago Sugar Hollow had a flood. At that time the whole idea of getting people out and how many properties were accessed during the flood was brought up. It has been a number of years ago now and the properties are starting to change over. When dams are affected and with the extreme wet weather that they are having that is possibly one of the most important parts of this report. That one seems to be a lower priority in the report.

Ms. Gilkeson pointed out that what the Commission has is a summary of the plan, but the entire plan is on the website and it does have a list of all of the dams. She stated that she would double check that to make sure, but that the first draft did have a list of all of the dams. It is just a summary in relation to Albemarle, but they have a map with all of the dams in the region and their hazard of high, medium and low as they pose a threat.

Ms Higgins pointed out that a lot of people are just going to read the summary. When you start mentioning numbers like 9, 5 and 3 you immediately want to know which one whether you would be affected. She pointed out that was what she was looking for.

Mr. Wanner stated that it might be helpful and valuable to cross reference that in the summary.

Ms. Higgins stated that if the upper Ragged Mountain dam does not and it does not fall in the category here it does not require it, then it probably should show up under a mitigation action and whose responsibility it is to have a plan. The plan is usually pretty simple and straight forward and has to do with who is affected downstream and that sort of thing. She pointed out that the rest of the plan was very good, but that she had just dwelled on fire and flood. She felt that it boils down to the fact that the emergency responders were predominantly going to respond to fire and flood. She pointed out that they don't run out there is the water supply gets low.

Ms. Gilkeson stated that there is an action item that is education and outreach for fire wise workshops on page 40.

Ms. Higgins stated that particular item on the clearing of the forest was almost important enough to consider in Albemarle County when they send out the tax bills to put one paragraph on the one sheet of information that goes out. The paragraph could say that if you own forested land and if you are accumulating a lot of debris, be aware that this kind of thing has happens. There are a lot of forested areas on the west side that are becoming prime candidates for something like that to happen.

Ms. Joseph stated that there is another way that people look at trees falling in the forest. It also provides food for the woodpeckers, bugs, and bunnies. It also provides shelter and protects the habitat of the forest.

Mr. Wanner felt that was why it was important to do an education piece on it. He felt that it was going to have to be a voluntary.

Mr. Thomas asked where the funding was going to come from.

Ms. Gilkeson stated that there were a series of different grants available from FEMA. They have also looked at other sources such as any other federal programs that offer any type of funding. One fund is the Pre-Disaster Mitigation Grant is relatively new. It comes around once a year and is a competitive grant. The Hazard Mitigation Grant Program opens up as soon as a disaster hits in the state of Virginia a percentage of that money, which is between 7 and 15 percent. That money opens up and is available specifically for mitigation money. Then the Virginia Department of Emergency Management will delegate that funding. Because they have projects listed as being appropriate for that they would be eligible for that.

Mr. Wanner stated that they would be back before the Planning Commission on May 10. They have already begun the advertising for that public hearing. He suggested that the Commissioners visit their website at wwanner@TJPC.org to get the full unfiltered version of the plan. He asked that they look at number 2 on page 48 at the top mitigation action, which strikes him as more educational than structural. He agreed with Ms. Higgins that it was out of context and that they would provide a summary for the mitigation actions in a more readable form. This is basically a FEMA outline and that they are required to follow this template. They will fill in the dam failures with some specifics and cross the reference the data that they have. They will talk with staff about the possibility of doing some of the public education things through the County newsletter.

Ms. Joseph stated that at one point David Hirschman was working on a report that talked about debris flow. She pointed out that she did not see anything about debris flow in this and wondered if it was something that they looked at. She questioned if they should look at that.

Mr. Rieley stated that there was a section on landslides and land stability.

Mr. Cilimberg stated that would be the same. He asked Mr. Wanner to check to see whether he has a copy of that report that David Hirschman had done a few years ago. It was presented to the Planning Commission during a work session at one point.

Ms. Joseph stated that the report was wonderful because it showed certain areas and designated those on a map of Albemarle. She felt it they had already spent that money that it ought to be used.

Mr. Cilimberg stated that it would be a document to reference from something like this. He stated that he would provide a copy to Mr. Wanner if he did not have a copy.

Ms. Joseph stated that she had a couple of comments that she would email to Mr. Wanner.

In summary, the Planning Commission held a work session on the Thomas Jefferson Planning District Commission Hazard Mitigation Plan. Bill Wanner discussed the Albemarle County portion of the region's Hazard Mitigation Plan, which was developed by the Thomas Jefferson Planning District Commission. He explained that the Hazard Mitigation Plan identifies actions to be taken to reduce or eliminate the risk to human life and property from natural disasters. The Planning Commission made the following suggestions:

- Discussion should be held with staff about the possibility of public education regarding this plan.
- Mr. Wanner to check through materials and make sure that he has a copy of the debris flow report done by David Hirschman several years ago.
- The Commissioners were requested to review the entire plan that was located on the web site under TJPC.org. Any further questions or comments should be emailed to wwanner@TJPC.org.

The Commission and Board of Supervisors will hold a public hearing on the Regional Hazard Mitigation Plan in May and June.

Northern Development Areas Master Plan - This work session is to provide a status report on the Master Plan process and discuss representation on a Master Plan Advisory Committee. (Attachment – Executive Summary dated April 26, 2005 for Northern Development Areas Master Plan Project Status Report)

Mr. Cilimberg introduced Judy Wiegand who is the project manager for this extensive look at a large area.

Ms. Wiegand stated that she would provide an update on two companion projects being the Northern Development Areas Master Plan and also the US 29 North Corridor Transportation Study. The project has a new name: Places 29 Creating and Connecting Communities in Northern Albemarle, which hopefully will help catch the public's attention. That will be the overall title for the Master Plan and a good portion of the transportation study. It is a combined planning process for the two reports. The advantage of that combined process, of course, is that it will enable us to coordinate the land uses along Route 29 with what is being done for the improvement of the traffic in the corridor. The goal of the Master Plan portion of this is to encourage development and redevelopment in the four development areas while we protect the County's rural areas. They are looking to find out how to provide a quality of community that

will make the corridor an attractive place for people to work, live and shop.

The participants in this process are County staff, The Thomas Jefferson Planning District Commission, a team of consultants, the Virginia Department of Transportation, and the City of Charlottesville. The Master Plan will cover 4 of the development areas, Numbered 1 and 2, Hollymead and Piney Mountain. The plan covers 4 of the magisterial districts. In Rio it will include development areas 1 and 2 and part of Hollymead. In Rivanna it will include part of Hollymead and Piney Mountain. It will include a small area in Jack Jouett. In White Hall it will include the airport.

The transportation study is going to look at Route 29 North from the City of Charlottesville line all the way North to the Green County boundary, which is about 11 miles. This continues the work that has been touched on in 2 previous studies. They were known as the 29H250 Study Phases 1 and 2. Although this study is being called the 29 North Corridor Study, it is not really being considered a phase 3 because it is looking at the whole corridor. The transportation study is going to include transportation model component that will enable us to learn how many vehicle trips go through this corridor every day and when the congestion is at its worst. It will be doing more of a destination study of how many trips are regional, that is when both ends of the trip are outside of that corridor. Also it would include how many are sub-regional, which either begin or end in the corridor but the other end of the trip is somewhere else. Lastly it would include the truly local trips where both ends of the trip are within the corridor. Each of these types of trips is going to want different things. The regional people obviously just want to get through the corridor. The local people are looking for access. They expect that the results of the Master Planning process might be different for the 4 development areas. They might see that the more urban ones 1 and 2 might have one set of recommendations and there may be some differences for the recommendations made for the Hollymead and Piney Mountain area.

One of the most important features of the planning process is that they are going to have a very lengthy public participation and information program. This will under the direction of Lee Catlin who is the County's Community Relations Manager. She was going to be here this evening, but was unfortunately ill today. The second major feature would the Citizen's Planning Academy just like they had before the Crozet Master Plan started. It will be held on Thursday evening May 12. The time and place will be announced on the County's website. The first public event in the process will be a Community Visioning Charrette that is going to be held on Wednesday, May 25 at the Sutherland Middle School. The time will be announced on the website. They are also very aware of the regional nature of this project because, of course, Route 29 serves all of central Virginia. Route 29 actually goes from somewhere in Alabama all the way up to Baltimore. Therefore, some of the traffic on Route 29 is regional and it is very important that what they do to help the local traffic will also help the regional traffic. If they try not to do that or if they forget that they are suppose to be doing that, then VDOT has promised to remind us. They are considering, for example, the bypass that has been proposed in the past. It will be included in some of the modeling runs that the transportation consultants do. She asked if there were any questions before she asked the Commission help set up an advisory committee.

Ms. Higgins stated that the bypass that she was referring to Alternative 10. She pointed out that her understanding is that it is not in the transportation plan for the area any longer. She asked if that was correct.

Ms. Joseph asked if they were revising it.

Ms. Wiegand stated that it was actually not in the UNJAM plan.

Mr. Cilimberg stated that the only thing that was in the TIP any more is paying for the right-of-way acquisition.

Ms. Higgins asked why if it was not in the plan then why would they spend time, effort or money modeling for it. Basically they would be taking an action in a staff master planning that recognizes something that potentially maybe should not be recognized.

Mr. Cilimberg stated that he should probably answer this one because it is not an element of the master plan work that they are doing and that we are funding. It is an element of the transportation work

associated with Route 29 that the Planning District has funding from VDOT to do. VDOT has insisted that the modeling of the potential traffic be included so that all scenarios are analyzed.

Ms. Higgins asked what if they insist that it not be included.

Mr. Cilimberg stated that he could not answer that question.

Ms. Higgins stated that she was just being consistent with the history behind how it came about today that they are probably based on this information that they are getting may be forward something through to the Board.

Mr. Cilimberg stated that the Commission was more than welcome to do that. The MPO Policy Board has actually reviewed this and the scope of study has been before them numerous times for the 29 Corridor Study. They have signed off on that scope. That includes two Board of Supervisors members in the voting represented at the MPO, which includes Sally Thomas and Dennis Rooker. He felt that there was some understanding at least on their part of what the study is all about. He stated that this is not about establishing a bypass route. But, the modeling of what that traffic might be has been an element that has to be included as part of the overall work.

Ms. Higgins stated that it was her opinion that if you model it and show its effect you have acknowledged it again. She stated that she was not saying this to argue with staff. But maybe the members of the Board of Supervisors that signed off on the scope possibly have a different perspective. She felt that it was still something that if they go down that road in a 29 Study then that analysis could actually go back and support the bypass again. She asked to stress that concern by allowing it to go to the Board and maybe the two supervisors are thinking about it differently. She felt that if they model it that they may end up with a reaction to it.

Ms. Joseph agreed that the full Board should know that this is happening because she was shocked.

Mr. Cilimberg stated that the Board would have this before them next week as well as an update on the process.

Mr. Edgerton stated that he would like to go a little further than that to see if there is enough sentiment in the group to pass a resolution asking them to reconsider this. He questioned using the taxpayer's money to study a plan that the community has said they don't want.

Mr. Thomas asked if the reason they were using it was because of the money that was provided from the TIP end of it.

Mr. Cilimberg stated that he could only say that he was not sure of the answer of that. The TIP has been very strategically addressed by the MPO for several years to specifically to say they are not putting money into building a bypass and they will agree to the monies that are necessary for the commitment of acquisition of right-of-way and that is it. That is the extent of what the TIP calls for. This study very honestly has to recognize not only the local issues but the regional issues as Ms. Wiegand explained. VDOT is a primary funding source here. As with all VDOT studies in transportation they are going to want to look at all possible scenarios. He thought that there is a feeling with the MPO, based on sitting in their meetings and listening to them talk, that this is a study that has the opportunity to show how there can solutions in the corridor that will not necessitate any longer considering a bypass. He thought that they believe that there is the possibility of closing the door altogether on the bypass issue.

Mr. Edgerton stated that he thought that they have already done that.

Mr. Cilimberg stated that if you listen to the General Assembly of Virginia it is not closed at all. He stated that we cannot sit with our heads in the sand because there are delegates and senators around Virginia that will force it on us.

Ms. Higgins pointed out that was because it was regional.

Mr. Cilimberg stated that this is an attempt to make sure that they are also addressing the issues that are outside the area that very honestly could be more powerful than what they have here locally. Therefore, he felt that there was a real feeling that this is an attempt to find solutions that close the door on the discussion of the bypass and the consideration of the bypass not just here, which we feel like we have done, but Statewide. Let's remember that VDOT is a State Agency funding a large part of this.

Ms. Higgins stated he was right because the analysis of that could go either way. But by always talking about the Bypass that it becomes short sighted that they are not looking for the other alternatives to that. In other words, does the bypass have to be that one in particular?

Mr. Cilimberg stated that it was not about Alternative 10. But, this was about what would be necessary if there was going to be an attempt to bypass the study area.

Ms. Higgins stated that then being clear about that if you have money in the TIP that you can buy land for a specific alignment and then over here you are studying a way to get around the local area in a regional mode then everybody draws that conclusion. Maybe it would take a lot of reinforcement that it talks about taking regional traffic out of the local corridor, but maybe not on a particular route. It is a shame that they are not looking for other alternatives.

Ms. Wiegand stated that she thought that they are. The full scope of work is very clear in the report that they are looking for alternative roads for local traffic so that it will take some of the local traffic off of Route 29.

Ms. Higgins stated that she understands all of those levels, but she was just saying when the word bypass comes up it is kind of a hot topic. There are more traffic signals driving to 66 on 29. There are more traffic signals in almost every local community now. The corridor of 29 is slowing down and slowing down. It just is not here. She pointed out that she acknowledged that fact.

Mr. Cilimberg stated that one of the problems that they face in the discussions about 29 when they get beyond this area, very honestly because he has been in many of these meetings, is that those folks don't look at it the same way that we do. The County has a road that is trying to serve many masters and it can't be everything that it is trying to be and be good at any of it. If we feel that we have ideas here in this region that are solutions to a regional concern, then we need to identify them and show that they can work or else we will constantly be in this discussion about whether or not Charlottesville should have a bypass. Route 29 has to be complemented by other transportation solutions that can be potentially identified within this study area that don't have to be about a bypass. But when 29 is only getting more and more lanes because you don't have any other way to go north-south through this area they are inviting that criticism from the region beyond us. That is why it is so important that they look at this. He stated that he did not think that there was any interest on our part to be looking at why or why not we should have a bypass. He felt that from our position here in the County that has been conveyed very well. He felt that our interest is as a community is looking at what are the alternatives that we can provide within this community. It is kind of like trying to find the alternative to water supply that we have control over and not the water alternatives that are out of our control, which has been a big topic of discussion here in the last several months regarding our water supply plan. He felt that for us this study is all about looking at solutions that are in our area.

Ms. Wiegand stated that they need solutions that they can pay for that and can be implemented in a fairly short length of time that have a lot of local support. Once you get them on paper you can show them to those other communities out there after, of course, they have gone through the adoption process here. They will then have a very convincing argument that there is another way to do this.

Mr. Edgerton stated that he hoped that she was right. He stated that he hoped that rather than relying on the Board reading the minutes and hoping that they get the message that he would like personally to see some statement made by the Commission about their concern about this being the part of the taxpayer's study for Albemarle County. There are two different studies. As he understood it they have the Thomas Jefferson Planning District Commission and the Master Plan Study. From a planning perspective he was delighted that there was going to be coordination. That is good and he did not want to see that abandoned. But at the same time when we start getting into the State perspective it takes on a whole

different dimension. From a planning perspective he was concerned that could take all of the energy of this effort and they would not have a solution to what he had lobbied hard to be the next Master Plan. He stated that he did not want to get lost in this because there is many other issues other than the 29 Corridor that need to be addressed. With that in mind he pointed out that he had two questions. He invited other Commissioners to speak to the 29 Study if they so desired. At the bottom of the first page staff mentions that letters will be sent to all property owners in the northern development area. It is mentioned that there are a whole lot more affected parties. This study area is truly our main stream. There are a lot of other people that don't live in this specific outline that are going to be tremendously affected by this. Therefore, he was hoping that there will be a vehicle to get community wide participation by possibly going a little further. The Crozet model is maybe not a fair one because that only affected the folks in the western part of the County on the 250 Corridor. He hoped that they might be able to get creative in trying to figure out a way for some outreach for the greater community of Albemarle County and the City.

Ms. Wiegand stated that the City was already involved.

Mr. Edgerton stated that he was glad that Mary Hughes was here representing the University. When the study refers to drawing the line at the City/County line he gets concerned when they talk about the University. All three of these entities have to be a part of this study. He asked how that was going to be addressed in this study. He acknowledged that the Commission only represents the County, but asked how they could make this a community plan because it really needs to be that.

Ms. Wiegand acknowledged that was very important. Staff has coordinated this with the City and VDOT by attending the meetings and being part of the management team. They are using the information from them in their GIS mapping. They are looking beyond the edge of the study area to see what impacts will be outside of it. As far as the land use map that they prepare, it will only cover the County because it is the only area that they have the authority over. But, it will be done with the support and coordination with the City. As to his earlier question about the other people in the County, yes they do recognize that in those development areas they have a lot of people who are affected who don't necessarily live there or who don't own businesses there. There will be advertisements in the newspapers for all of the public meetings and there will be a website for the plan, which is actually being set up now. There will be a way for people to find out about the meetings and other information. They are identifying stakeholders throughout the area, which could be owners of shopping malls even if they don't have an address in the area, and they will be contacting them as well.

Mr. Edgerton asked what participation staff envisions the University playing in this.

Ms. Wiegand stated that they have been invited to all of the early meetings to set up the scopes. They have met with the consultants with everyone else and they will continue to work with them to get their advice, input and review of documents. They will be receiving the same internal memorandum that everyone gets from the transportation modeling, for example. They are on the list of stakeholders.

Mr. Cilimberg stated that he had an opportunity to talk with Mr. Neuman about actually doing a presentation. He pointed out that he was going to talk with Ms. Wiegand about helping out with a presentation for the PACTECH for their upcoming meeting.

Mr. Thomas asked Ms. Wiegand if on the regional part if the Thomas Jefferson District Commission and Green County be included in this. He pointed out that whatever they do in the 29 Study that it was going to affect Green and Madison County.

Ms. Wiegand stated that she had spoken with Harrison Rue the Executive Director who is the project manager for the 29 Corridor Study. They both have agreed that they need to talk to the other counties along the line and the communities like Lynchburg, Culpeper and Danville. At this time she has gone through and started analyzing what is out there and who they might contact. They are waiting until they have a little more information such as the early results back, for example, from the modeling before they actually go out and talk with them. She stated that Green County was on the list.

Mr. Thomas stated that if they are going to Master Plan Neighborhoods 1 and 2 that they need to

acknowledge that US 29 is the catch all for the 29 Corridor. He stated that he lives out that way and that it is a busy highway. Route 29 is going to continually be a US highway going right through the middle of their commercial district. He suggested that parallel roads could possibly be made off the side to complete that business district. He stated that he was not sure if they need to take the bypass part of it off. He felt that it was going to create a lot of problems, but that is an alternative. That alternative will probably evolve into a better alternative or at least he hoped so.

Mr. Cilimberg acknowledged that this really strikes kind of sensitive spot for the County, but he did not want the Commission to feel like this is revisiting the whole process that they went through on the bypass. It is not. Harrison Rue is not here tonight. He is actually involved in another presentation locally. He felt that Mr. Rue could possibly best speak to this. The element that was a part of that study on the Corridor is for the modeling of traffic to include what would occur with and without a bypass in place. That is a part of the long term modeling. If the Commission feels that is opening a door that should not be opened he felt that it is their place and they should be making a recommendation or a statement to the Board of your concern. That is not a problem whatsoever. But, he did not want to over blow this bypass aspect in terms of how it is being incorporated into the overall study process.

Ms. Higgins stated that for clarification that she did not have issue with somehow handing regional traffic from the north and to the south end. She just has a problem with the actual location of how that traffic is routed on the west side. It frustrated her to no end that other alternatives that were downed because of environmental issues of a different type and were not drinking water or land sensitivity. She felt that development in transportation corridors need to be planned. It is just that particular alternative due to the drinking water, the reservoir and the sensitivity of the land that it passed through just always had problems. But, she felt that regional traffic is an issue and getting from point A up at the north to point B down south needs to happen, but it just seems that it is being pushed always back to that same route. She stated that maybe it needs to be to the east or that it is not far enough to the north any longer. But, it is too limited.

Mr. Rieley stated that he agreed with all of the reservations expressed. Like Ms. Higgins, he did not have a concern about numbers related to through traffic on Route 29 being a part of the transportation analysis, particularly if they are paid for exclusively by VDOT. But, he did have a problem with County resources being utilized to once again revisit the Western Bypass, a matter that they thought that they had put to bed several times in several different venues including CHART and the long term plan. The MPO has never designated any money for construction of the Western Bypass. He felt that it is an issue in which this community has reached closure. He made the following motion:

> The Planning Commission encourages the Board to not let an analysis of the general through traffic requirements once again open up the issue of the Western Bypass as a feasible alternative.

Mr. Craddock seconded the motion.

Ms. Higgins stated that there might be some other alternative, but not the Western Bypass version.

The motion carried by a vote of (6:1). (Mr. Thomas – No)

Mr. Edgerton stated that the resolution passed by a vote of (6:1) and asked that staff forward it on to the Board of Supervisors.

Mr. Cilimberg stated that staff would like to now discuss the advisory committee.

Ms. Wiegand stated that committee's role is to give input and feedback during this process and they are not to be decision makers. For example, they want them to be the first group that represents the County to review material that is going to be used at the charrettes and the public meetings. That will give the County staff and the consultants the opportunity to know if they have missed anything, if there is anything else that they need to consider or if there is a viewpoint that they have not thought of. They would like representatives from both the business community and the neighborhoods in the area. They hope that they can have people who have a positive attitude, who recognize that there are a variety of viewpoints

and opinions throughout the four different development areas. They need people who are going to think out of the box with staff and the consultants to help brainstorm ways that they can deal with the various opinions. They need people who are ready to participate in a constructive process. The time commitment is going to be uneven. They are estimating one or two meetings a month, except during the week or so before each of the three public events. One of those meetings is going to be in May, another in October and the other in January. At that time there could be two or three meetings during the week that the committee members would need to attend. They were looking at eleven members on the committee unless the Commission is comfortable with fewer members. They did want two members of the Planning Commission, one member from the Architectural Review Board, four business representatives and four neighborhood representatives. Staff's idea was that each of the four Commissioners who represent a magisterial district that is directly affected by this could appoint one neighborhood and one business representative. But, staff would be happy to do it whichever way the Commission would like.

Mr. Cilimberg asked Mr. Thomas, Mr. Edgerton, Ms. Higgins and Mr. Morris to recommend one business representative and one neighborhood representative to serve on this committee from their districts. He asked that these names be submitted to staff prior to next week's meeting so that final action can be taken. That item will be placed under old business on next week's agenda so that the Commission can take appropriate action.

Mr. Thomas volunteered to serve on the Advisory Committee.

Mr. Morris volunteered to serve on the Advisory Committee, but pointed out that May was virtually out for him due to previous commitments. If that is acceptable, then he would be willing to serve.

Ms. Wiegand stated that she would be happy to provide the upcoming meeting schedule to the Commissioners along with the basic information about the committee.

In summary, staff requested assistance in setting up the Advisory Committee. Staff suggests two commissioners, one member of the architectural review board, and two representatives from each of the four magisterial districts included in these four development areas (one business representative and one neighborhood representative). The advisory committee would provide feedback to the consultants and County staff during the master planning process.

- Two Planning Commissioners, Calvin Morris and Rodney Thomas, volunteered to serve on the Advisory Committee.
- Mr. Thomas, Mr. Edgerton, Ms. Higgins and Mr. Morris were asked to recommend one business representative and one neighborhood representative to serve on this committee from their districts. These names shall be submitted to staff prior to next week's meeting so that final action can be taken.
- The Commission asked that their resolution be forwarded to the Board of Supervisors by next week.
- The Commission asked that staff email the upcoming study schedule along with the basic information about the committee to them.

Old Business:

Mr. Edgerton asked if there was any old business.

Planning Commission Retreat Priorities

Ms. Higgins made a motion that the list of priorities accurately represents their intent, with the addition of #6 that the rural preservation development needs to be a higher priority, and that the Chairman and staff will work together for implementation.

Mr. Rieley seconded the motion.

The motion carried by a vote of (7:0).

There being no further old business, the meeting proceeded.

New Business:

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

Adjournment:

With no further items, the meeting adjourned at 7:46 p.m. to the May 3, 2005 meeting.

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V. Wayne Cilimberg, Secretary

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