Albemarle County Planning Commission
June 26, 2007

The Albemarle County Planning Commission held a meeting and public hearing on Tuesday, June 26, 2007, at 6:00 p.m., at the County Office Building, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia. Members attending were Bill Edgerton, Jon Cannon, Eric Strucko, Pete Craddock, Calvin Morris, Vice-Chairman; Duane Zobrist and Marcia Joseph, Chairman. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was present.

Other officials present were Wayne Cilimberg, Chief of Planning; Amy Arnold, Planner; Joan McDowell, Principal Planner and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

Ms. Joseph called the meeting order at 6:00 p.m. and established a quorum.

Other Matters Not Listed on the Agenda from the Public:

Ms. Joseph invited comment from the public on other matters not listed on the agenda. There being none, the meeting moved on to the next item.

Review of the June 13, 2007 and June 20, 2007, Board of Supervisors Meeting

Mr. Cilimberg summarized the actions taken by the Board of Supervisors on June 13, 2007 and June 20, 2007.

- Among items summarized, he noted that on June 20 the Board had a special work session primarily to discuss the cash proffer policy. The conclusion was that the Board passed a resolution of intent to amend the Comprehensive Plan to establish their expectation that new residential development will pay for its impacts and to establish policies which are intended to accomplish that. The Board has simplified their approach such that their only intention at this point is to expect the full cash proffer and the only offsets would be those things that are directly identified in the Capital Improvements Program, Master Plans or Comp Plans, such as the donation of land or the provision of a public facility. They are not going to consider other qualitative elements of projects, such as Neighborhood Model Form, LEED, etc., as offsets to cash proffer expectations, but will consider such quality elements outside of cash proffers.
- An example as a result of this approach would be that the consideration for the 400 acre park at Biscuit Run would be separate from the cash proffer expectation. It would not be considered an offset of cash proffer expectation because it is not a project that is called for in the CIP and it is not called for in any plan. Staff will be bringing this matter to the Commission as soon as possible for a public hearing. Due to the agenda being full for July, it appears that it will be August. The Board has requested that the Commission's recommendation be forwarded as soon as possible. A copy of the report prepared for the Board will be forwarded to the Commission.

Presentation:

Rural Area Conservation Easements Update – Presentation
Staff will provide an update on the status of conservation easements in the Rural Areas. (Joan McDowell)

- Staff presented a power point presentation and explained the County's newest adopted Strategic Plan goal to protect natural resources. (Attachment: Power point presentation) In order to accomplish that goal they have an objective by June 30, 2010 to increase the total combined acreage in permanent conservation easements and qualifying public park land by 30,000 additional acres or 50 percent using public and private means.

- Staff explained that an easement is a legal agreement between a land owner and a government agency or non-profit conservation organization. Each easement is unique and each land owner continues to own, use and control the land to use the land for agriculture, forestry or whatever

they happen to be doing on that land that come under the confines of the conservation easement. It is intended to protect natural, scenic and historic features on the property.

- At this time the grand total of acreage under permanent conservation easement is 68,423 acres, which does not include parkland. The County owns 2,343 acres of parkland. The City and County together owns 328 acres of parkland. The City owned property within the County that has limited park use is 2,454 acres. Lake Albemarle has 88 acres. Staff anticipates 452 acres at Preddy Creek towards the end of this year.

- An initiative easement promotion program is underway. It is intended to build the client pool and build public support in order to build the dollars that go towards conservation easements.

- In the past staff has not identified all of the resources on each conservation easement that has been protected. So staff is going to start doing that. Staff has always done that with ACE and is going to start doing that with the other conservation easements.

- A video is being produced about the ACE Program as a promotion. Educational programs and outreach programs are being established.

- An open house reception is being held at the County Office Building with a photo exhibit regarding the ACE Program on the evening of July 27. That is a way to outreach to the public and to also thank the easement donors. The Commission will be receiving an invitation.

- Staff continues to apply for grants each year for additional monies for the ACE Program. Due to the rise in property values additional funds are needed for the ACE Program.

- A County computer program has been established that gives weekly updates of building and site applications for every easement in the County. Every week notification is given to staff and every easement holder of activity on easement properties. That is an excellent way to monitor ongoing activity on easement property.

- Some of the obstacles include:

    - There are unstable tax incentives, both federal and state. There is not a surety from year to year what the government is going to do with easement tax incentives. There are new movements abreast to eliminate tax incentives because of the cost. There is always the questionable future of agricultural viability. Then, again the escalating land values is an obstacle. Easements are voluntary. The mathematical number needed is 7,500 acres a year in order to meet the 30,000 acre goal.

- There is a lot of hard work ahead to meet our goal and the clock is ticking. Therefore, staff is trying to promote easements, tell people about them and thank people who have donated easements so that they will tell their neighbors and friends.

In summary, the Planning Commission received an update from staff through a power point presentation on the status of the conservation easements in the Rural Areas. The Commission reviewed and discussed the issues, asked questions and provided comments and suggestions.

- One area that is most difficult for people to understand is the complexity of the economic value to the easement and what is in it for them. Therefore, the land owners need to get good advice as they go through the application process and not afterwards with a tax advisor. It is important that the message be conveyed to all people, particularly farmers and agricultural persons, as to how they can benefit economically from the ACE Program and other types of conservation easements.
- It is important that the County step up and take the smaller easements not accepted by other agencies because the acreage will accumulate over time and make a huge difference. It is very important that the word gets out to the public that this is available.
- The Planning Commission supports easements in all shapes, sizes and forms in order to meet the County's goal and to protect the rural areas. Public education is crucial.

Public Hearing Items:

AFD-2007-00001 NOTICE OF AN APPLICATION FOR ADDITION TO THE HATTON AGRICULTURAL/ FORESTAL DISTRICT

Notice is hereby given, pursuant to Title 15.2 Chapter 43, Section 15.2-4307 of the Agricultural and Forestal Districts Act of the Code of Virginia, 1950, as amended, that:

1. An application for Agricultural and Forestal District (known hereafter as Addition to the Hatton Agricultural/Forestal District) has been filed with the Albemarle County Board of Supervisors and the application has been referred to the Albemarle County Planning Commission pursuant to Title 15.2, Chapter 43, Agricultural and Forestal Districts Act of the Code of Virginia, 1950, as amended;
2. The application for Addition to the Hatton Agricultural/Forestal District; together with descriptive maps, is available for public inspection in the office of the Clerk of the Board of Albemarle County, Fourth Floor, Albemarle County Office Building, 401 McIntire Road, Charlottesville, Virginia;
3. Where applicable, any political subdivision whose territory encompasses or is part of the Hatton Agricultural/Forestal District may propose a modification. Such proposed modification must be filed in the Albemarle County Department of Community Development within 30 days of the date that this notice is first published, (no later than 5:00 p.m., April 25, 2007)
4. Any owner of additional qualifying land may join the application for Addition to the Hatton Agricultural/Forestal District within thirty days from the date this notice is first published (no later than 5:00 p.m., April 25, 2007) or, with the consent of the Albemarle County Board of Supervisors, at any time before the public hearing the Albemarle County Board of Supervisors must hold on the application;
5. Any owner who joined in the application for Addition to the Hatton Agricultural/Forestal District may withdraw his land, in whole or in part, by written notice filed with the Albemarle County Board of Supervisors, at any time before the Albemarle County Board of Supervisors acts pursuant to Section 15.2-4309 of the Code of Virginia, 1950, as amended;
6. Additional qualifying lands may be added to an already created district upon separate application pursuant to Title 15.2, Chapter 43 of the Code of Virginia, 1950, as amended at any time following such creation;
7. The application for Addition to the Hatton Agricultural/Forestal District and proposed modifications will be submitted to the Albemarle County Agricultural and Forestal Advisory Committee.
8. Upon receipt of the report of the Advisory Committee, a public hearing will be held by the Albemarle County Planning Commission on the application for Addition to the Hatton Agricultural/Forestal District; and any proposed modifications. (Amy Arnold)

Ms. Arnold presented a power point presentation and summarized the staff report.

- The applicants are requesting to add two parcels, Tax Map 136, Parcel 2A and Tax Map 135, Parcel 14B to the Hatton Agricultural and Forestal District. Their proposed district comprises of about 901 acres, which would bring the total of the Hatton District to 621 acres.
- The Agricultural and Forestal Advisory Committee at their meeting on June 4, 2007 recommended approval of the addition of Tax Map 136, Parcel 2A and Tax Map 135, Parcel 14B, located at 1200 James River Road (Route 726) to the Hatton Agricultural and Forestal District.

Ms. Joseph asked if there were any questions for Ms. Arnold.

Mr. Craddock asked if this property was near Camp Watermarks, and Ms. Arnold replied that this property was located right across the street.

Ms. Joseph asked the length of the term, and Ms. Arnold replied that it was for 10 years.

Mr. Kamptner noted that the district was last reviewed June 20, 2001. Therefore, there was another 4 years to go in the 10 year term.

Ms. Joseph opened the public hearing and invited public comment. There being none, the public hearing was closed and the matter before the Commission.

Motion: Mr. Zobrist moved, Mr. Strucko seconded, to recommend approval of AFD-2007-00001, Addition to the Hatton Agricultural/Forestal District in accordance with the staff's recommendation.

The motion passed by a vote of 7:0.

Ms. Joseph stated that AFD-2007-00001, Addition to the Hatton Agricultural/Forestal District would go to the Board of Supervisors on July 11 with a recommendation for approval.

Regarding easements, Ms. Joseph asked if staff contacts people about donating an easement when their agricultural/forestal term expires.

Ms. McDowell replied that staff does not do that at present, but would consider it in the future. She suggested including it in the newsletter Ms. Arnold just started for the Agricultural/Forestal land owners.

Mr. Cannon suggested that it might be helpful for staff to let the people who are planning to donate an easement know when they are renewing their continuation in an agricultural district that continuing in the district may have an impact on their ability to donate an easement.

Mr. Edgerton noted that an easement can be donated in an Agricultural/Forestal District, but when he did it he lost 9 development rights because he was in an agricultural/forestal district. He felt that he was being punished for doing the right thing.

Mr. Cannon suggested that the Commission discuss this further. There might be some flexibility. They might be able to allow someone in an agricultural/forestal district to opt out if the sole purpose was to donate an easement.

Mr. Cilimberg noted that an application can be submitted to withdraw from an agricultural/forestal district at any time, but it was also noted that withdrawing does not necessarily help re-establish the development right for purposes of easement donation tax credit.

Work Sessions:

ZTA-2006-00001 Country Stores
Currently a large number of country stores throughout the County are threatened or have been lost; Advance Mill Supply was demolished in the spring of this year. The proposed amendment to the Zoning Ordinance would help reverse this trend and allow existing country stores to continue their essential role in the culture and economy of rural Albemarle County. In addition, staff hopes to encourage the creation of new country stores and broaden the re-use options for the owners of existing country store buildings. (Amy Arnold)

Ms. Arnold presented a power point presentation and summarized the staff report.

In summary, the Planning Commission held a work session on ZTA-2006-0001 Country Stores. Staff gave a power point presentation and explained the proposed amendment to the Zoning Ordinance. The Commission reviewed, discussed, asked questions and made comments and suggestions. There was no public comment. The Commission made the following comments:

- The Commission requested staff to provide a list of criteria or guidelines for how a country store use will be determined before the public hearing.
- Does restaurant use imply that food is made on site?
- The Commission requested a list of criteria that the Design Planner would use in their review and whether it will be administratively approved or forwarded to the Planning Commission.
- What impact will the new regulations have on development patterns?
- Would there be a time limit on how many years ago the country store operated?

- Signage needs to be considered in discussions about the use of the site or building.
- Lighting needs to be addressed.
- Staff was requested to provide the full language in the staff report for the ordinance regarding the exemptions.
- Staff was asked to add the date that the resolution of intent was adopted to the staff report.
- Some concern was expressed regarding the staffing cost since the report indicates that staff is currently overloaded.
- It was suggested that staff look at similar ordinances as models. It might be helpful particularly to know what some of the potential pitfalls might be.
- The Commission asked staff to set a public hearing date as soon as possible after completing the proposed text and properly advertising it.

The Planning Commission took a ten minute break at 7:34 p.m.

The meeting reconvened at 7:42 p.m.

Old Business

Ms. Joseph asked if there was any old business.

- Regarding the Commission's request last week for ARB review for Oak Leigh, staff noted that ARB review will only be for those particular features that the Commission wanted reviewed. All initial reviews will be undertaken by ARB staff and provided as part of the report that comes to the Planning Commission. This will cut down on the work load for the Design Planners.

- The Commission discussed the Operating Guidelines adopted by the City of Charlottesville Planning Commission. The consensus of the Commission was to not adopt the Operating Guidelines.

There being no further old business, the meeting proceeded.

New Business

Ms Joseph asked if there was any new business.

- The Commission asked staff to invite Mr. McGowan, representative for the Charlottesville Business Council, to do a 10 minute presentation on what they have come up with at the 4:00 p.m. work session on July 10 on Places 29.

- Mr. Strucko will be absent at the 4:00 p.m. work session on July 10.

- Mr. Craddock will be the only Commissioner attending the Planning Academy on the Village of Rivanna Master Plan tomorrow evening.

There being no further new business, the meeting proceeded.

Adjournment:

With no further items, the meeting adjourned at 8:16 p.m. to Tuesday, July 10, 2007 Planning Commission meeting at 4:00 p.m. at the County Office Building, Second Floor, Auditorium, 401 McIntire Road, Charlottesville, Virginia.

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V. Wayne Cilimberg, Secretary

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